

CONFERENCE OF THE PARTIES
Seventh session
Marrakesh, 29 October – 9 November 2001
Agenda item 3

**IMPLEMENTATION OF THE BUENOS AIRES PLAN OF ACTION:
ADOPTION OF DECISIONS GIVING EFFECT TO THE BONN
AGREEMENTS (DECISION 5/CP.6)**

Technical and legal review

Note by the secretariat

1. At the second part of the sixth session of the Conference of the Parties (COP 6, part two), the Conference noted that negotiations had been completed and consensus reached on a number of decisions. The Conference decided to forward these decisions to its seventh session for adoption. These decisions are contained in the report of the Conference of the Parties at the second part of its sixth session (see FCCC/CP/2001/5/Add.1).

2. The secretariat has undertaken a technical and legal review of these decisions. The main conclusion of the review is that in a number of the decisions originally prepared for adoption in November 2000, the scheduling of some follow-up activities or the deadlines set for their completion have been overtaken by the delay in the intergovernmental process. These schedules and deadlines should be modified in consequence, to account for the fact that these decisions are now due to be adopted in November 2001. The review also identified other possible adjustments that could be made to these decisions to establish the link between all the decisions of the Bonn Agreements, to clarify the mandates given to the subsidiary bodies, and to clarify other technical points.

3. The results of the technical and legal review are listed below. The President of the Conference has invited Mr. John Ashe and Mr. Harald Dovland to undertake consultations on the possible adjustments listed below and to report back to the Conference prior to the adoption of the decisions, with recommendations on appropriate action.

1. Adjustments to the schedules and deadlines of follow-up activities

4. The review has identified changes to the schedules and deadlines of some follow-up activities specified in the following decisions¹ due to the delay in adoption by the COP:

¹ The full texts of these decisions are contained in document FCCC/CP/2001/5/Add.1.

- (a) **Decision -/CP.7. Development and transfer of technologies (decisions 4/CP.4 and 9/CP.5):**
- Paragraph 5 (a): The report by the secretariat on its consultations with relevant international organizations should be submitted to the of the Subsidiary Body for Scientific and Technological Advice at its seventeenth session instead of the sixteenth session.
- (b) **Decision -/CP.7. Additional guidance to an operating entity of the financial mechanism:**
- Paragraph 4: The report by the GEF the Conference of the Parties at its seventh session has already been submitted. It is recommended that the report by the GEF on steps taken to implement the decision be submitted to the Conference of the Parties at its the eighth session instead of at its seventh session.
- (c) **Decision -/CP.7. Implementation of Article 4, paragraphs 8 and 9, of the Convention (decision 3/CP.3 and Article 2, paragraph 3, and Article 3, paragraph 14, of the Kyoto Protocol):**
- Paragraph 14: This paragraph should be deleted as the submissions have been received and compiled by the secretariat and submitted to the Subsidiary Body for Implementation at its fifteenth session.
 - Paragraph 42: This paragraph should be deleted as the workshop was held from 2 to 4 October 2001.
- (d) **Decision -/CP.7. Activities implemented jointly under the pilot phase:**
- Paragraph 2: The timing for the workshop should be changed from “before the fifteenth session” to “before the sixteenth session” of the subsidiary bodies as the workshop has not yet been held.
- (e) **Decision -/CP.7. Impact of single projects on emissions in the commitment period:**
- Paragraph 4: The timing of the notification from any Party to the Conference should be changed from “prior to its seventh session” to “prior to its eighth session”.

2. Link between all the decisions of the Bonn Agreements

5. A preambular reference to “recalling decision 5/CP.6” should be included in all decisions to ensure the link between each decision in the package of decisions incorporating and giving full effect to the Bonn Agreements on the implementation of the Buenos Aires Plan of Action (decision 5/CP.6).

3. Mandates for the subsidiary bodies

6. The Subsidiary Body for Scientific and Technical Advice (SBSTA) and the Subsidiary Body for Implementation (SBI) have been requested to undertake a number of joint activities in:

- Decision -/CP.7 “Implementation of Article 4, paragraphs 8 and 9, of the Convention (decision 3/CP.3 and Article 2, paragraph 3, and Article 3, paragraph 14, of the Kyoto Protocol)”; and
- Decision -/CP.7 “Matters relating to Article 3, paragraph 14, of the Kyoto Protocol”.

7. In the interest of streamlining the work of the subsidiary bodies, it is recommended that one or the other subsidiary body take the lead in each of these activities, seeking input and advice from the other, as necessary. The chairmen of the subsidiary bodies could be invited to agree upon arrangements without changing the texts.

4. Other points of clarification

8. The review has identified other issues in the decisions that would benefit from clarification prior to adoption of the decisions:

(a) Decision -/CP.7. Development and transfer of technologies (decisions 4/CP.4 and 9/CP.5):

- Annex, paragraph 26: The group of countries of Central Asia, Caucasus and Moldova (CAC&M) have raised the issue of the formula for the composition of the expert group on technology transfer, which inadvertently excludes the possibility of membership of non-Annex I Parties in the Eastern Europe group of countries. In this context, the CAC&M group of countries have submitted a letter to the Executive Secretary, dated 27 July 2001. The letter and additional information on this issue are contained in document FCCC/CP/2001/12.
- Annex, paragraph 23: The paragraph title “Implementation” should be deleted as there is no text for this paragraph.

(b) Decision -/CP.7. Funding under the Kyoto Protocol:

- Paragraph 5: The request to make the necessary arrangements for the operation and management of the adaptation fund should also include a request to report to the Conference of the Parties. The following phrase could be appended to the paragraph: “... and report thereon to the Conference of the Parties at its eighth session for appropriate action”.

(c) Decision -/CP.7. Implementation of Article 4, paragraphs 8 and 9, of the Convention (decision 3/CP.3 and Article 2, paragraph 3, and Article 3, paragraph 14, of the Kyoto Protocol):

- Reference in the title to “[...] Article 2, paragraph 3, and Article 3, paragraph 14, of the Kyoto Protocol)” should be deleted as it has been agreed to prepare separate decisions for the issues concerning Article 3.14 of the Kyoto Protocol.
