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**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: Doha amendment to the Kyoto Protocol

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DOHA AMENDMENT TO THE KYOTO PROTOCOL

## ARTICLE 1

## Amendment

## A. Annex B to the Kyoto Protocol

The following table shall replace the table in Annex B to the Protocol:

1	2	3	4	5	6
Party	Quantified emission limitation or reduction commitment (2008–2012) (percentage of base year or period)	Quantified emission limitation or reduction commitment (2013–2020) (percentage of base year or period)	Reference year <sup>1</sup>	Quantified emission limitation or reduction commitment (2013–2020) (expressed as percentage of reference year) <sup>1</sup>	Pledges for the reduction of greenhouse gas emissions by 2020 (percentage of reference year) <sup>2</sup>
Australia	108	99.5	2000	98	–5 to –15% or –25% <sup>3</sup>
Austria	92	80 <sup>4</sup>	NA	NA	
Belarus <sup>5*</sup>		88	1990	NA	–8%
Belgium	92	80 <sup>4</sup>	NA	NA	
Bulgaria*	92	80 <sup>4</sup>	NA	NA	
Croatia*	95	80 <sup>6</sup>	NA	NA	–20%/–30% <sup>7</sup>
Cyprus		80 <sup>4</sup>	NA	NA	
Czech Republic*	92	80 <sup>4</sup>	NA	NA	
Denmark	92	80 <sup>4</sup>	NA	NA	
Estonia*	92	80 <sup>4</sup>	NA	NA	
European Union	92	80 <sup>4</sup>	1990	NA	–20%/–30% <sup>7</sup>
Finland	92	80 <sup>4</sup>	NA	NA	
France	92	80 <sup>4</sup>	NA	NA	
Germany	92	80 <sup>4</sup>	NA	NA	
Greece	92	80 <sup>4</sup>	NA	NA	
Hungary*	94	80 <sup>4</sup>	NA	NA	
Iceland	110	80 <sup>8</sup>	NA	NA	
Ireland	92	80 <sup>4</sup>	NA	NA	
Italy	92	80 <sup>4</sup>	NA	NA	
Kazakhstan*		95	1990	95	–7%
Latvia*	92	80 <sup>4</sup>	NA	NA	
Liechtenstein	92	84	1990	84	–20%/–30% <sup>9</sup>
Lithuania*	92	80 <sup>4</sup>	NA	NA	
Luxembourg	92	80 <sup>4</sup>	NA	NA	
Malta		80 <sup>4</sup>	NA	NA	
Monaco	92	78	1990	78	–30%
Netherlands	92	80 <sup>4</sup>	NA	NA	

1	2	3	4	5	6
Party	Quantified emission limitation or reduction commitment (2008–2012) (percentage of base year or period)	Quantified emission limitation or reduction commitment (2013–2020) (percentage of base year or period)	Reference year <sup>1</sup>	Quantified emission limitation or reduction commitment (2013–2020) (expressed as percentage of reference year) <sup>1</sup>	Pledges for the reduction of greenhouse gas emissions by 2020 (percentage of reference year) <sup>2</sup>
Norway	101	84	1990	84	–30% to –40% <sup>10</sup>
Poland*	94	80 <sup>4</sup>	NA	NA	
Portugal	92	80 <sup>4</sup>	NA	NA	
Romania*	92	80 <sup>4</sup>	NA	NA	
Slovakia*	92	80 <sup>4</sup>	NA	NA	
Slovenia*	92	80 <sup>4</sup>	NA	NA	
Spain	92	80 <sup>4</sup>	NA	NA	
Sweden	92	80 <sup>4</sup>	NA	NA	
Switzerland	92	84.2	1990	NA	–20% to –30% <sup>11</sup>
Ukraine*	100	76 <sup>12</sup>	1990	NA	–20%
United Kingdom of Great Britain and Northern Ireland	92	80 <sup>4</sup>	NA	NA	
Party	Quantified emission limitation or reduction commitment (2008–2012) (percentage of base year or period)				
Canada <sup>13</sup>	94				
Japan <sup>14</sup>	94				
New Zealand <sup>15</sup>	100				
Russian Federation <sup>16*</sup>	100				

Abbreviation: NA = not applicable.

\* Countries that are undergoing the process of transition to a market economy.

All footnotes below, except for footnotes 1, 2 and 5, have been provided through communications from the respective Parties.

<sup>1</sup> A reference year may be used by a Party on an optional basis for its own purposes to express its quantified emission limitation or reduction commitment (QELRC) as a percentage of emissions of that year, that is not internationally binding under the Kyoto Protocol, in addition to the listing of its QELRC(s) in relation to the base year in the second and third columns of this table, which are internationally legally binding.

<sup>2</sup> Further information on these pledges can be found in documents FCCC/SB/2011/INF.1/Rev.1 and FCCC/KP/AWG/2012/MISC.1, Add.1 and Add.2.

<sup>3</sup> Australia's QELRC under the second commitment period of the Kyoto Protocol is consistent with the achievement of Australia's unconditional 2020 target of 5 per cent below 2000 levels. Australia retains the option later to move up within its 2020 target of 5 to 15, or 25 per cent below 2000 levels, subject to certain conditions being met. This reference retains the status of these pledges as made under the Cancun Agreements and does not amount to a new legally binding commitment under this Protocol or its associated rules and modalities.

<sup>4</sup> The QELRCs for the European Union and its member States for a second commitment period under the Kyoto Protocol are based on the understanding that these will be fulfilled jointly with the European Union and its member States, in accordance with Article 4 of the Kyoto Protocol. The QELRCs are without prejudice to the subsequent notification by the European Union and its member States of an agreement to fulfil their commitments jointly in accordance with the provisions of the Kyoto Protocol.

<sup>5</sup> Added to Annex B by an amendment adopted pursuant to decision 10/CMP.2. This amendment has not yet entered into force.

<sup>6</sup> Croatia's QELRC for a second commitment period under the Kyoto Protocol is based on the understanding that it will fulfil this QELRC jointly with the European Union and its member States, in accordance with Article 4 of the Kyoto Protocol. As a consequence, Croatia's accession to the European Union shall not affect its participation in such joint fulfilment agreement pursuant to Article 4 or its QELRC.

<sup>7</sup> As part of a global and comprehensive agreement for the period beyond 2012, the European Union reiterates its conditional offer to move to a 30 per cent reduction by 2020 compared to 1990 levels, provided that other developed countries commit themselves to comparable emission reductions and developing countries contribute adequately according to their responsibilities and respective capabilities.

<sup>8</sup> The QELRC for Iceland for a second commitment period under the Kyoto Protocol is based on the understanding that it will be fulfilled jointly with the European Union and its member States, in accordance with Article 4 of the Kyoto Protocol.

<sup>9</sup> The QELRC presented in column three refers to a reduction target of 20 per cent by 2020 compared to 1990 levels. Liechtenstein would consider a higher reduction target of up to 30 per cent by 2020 compared to 1990 levels under the condition that other developed countries commit themselves to comparable emission reductions and that economically more advanced developing countries contribute adequately according to their responsibilities and respective capabilities.

- <sup>10</sup> Norway's QELRC of 84 is consistent with its target of 30 per cent reduction of emissions by 2020, compared to 1990. If it can contribute to a global and comprehensive agreement where major emitting Parties agree on emission reductions in line with the 2° C target, Norway will move to a level of 40 per cent reduction for 2020 based on 1990 levels. This reference retains the status of the pledge made under the Cancun Agreements and does not amount to a new legally binding commitment under this Protocol.
- <sup>11</sup> The QELRC presented in the third column of this table refers to a reduction target of 20 per cent by 2020 compared to 1990 levels. Switzerland would consider a higher reduction target up to 30 per cent by 2020 compared to 1990 levels subject to comparable emission reduction commitments from other developed countries and adequate contribution from developing countries according to their responsibilities and capabilities in line with the 2° C target. This reference retains the status of the pledge made under the Cancun Agreements and does not amount to a new legally binding commitment under this Protocol or its associated rules and modalities.
- <sup>12</sup> Should be full carry-over and there is no acceptance of any cancellation or any limitation on use of this legitimately acquired sovereign property.
- <sup>13</sup> On 15 December 2011, the Depositary received written notification of Canada's withdrawal from the Kyoto Protocol. This action will become effective for Canada on 15 December 2012.
- <sup>14</sup> In a communication dated 10 December 2010, Japan indicated that it does not have any intention to be under obligation of the second commitment period of the Kyoto Protocol after 2012.
- <sup>15</sup> New Zealand remains a Party to the Kyoto Protocol. It will be taking a quantified economy-wide emission reduction target under the United Nations Framework Convention on Climate Change in the period 2013 to 2020.
- <sup>16</sup> In a communication dated 8 December 2010 that was received by the secretariat on 9 December 2010, the Russian Federation indicated that it does not intend to assume a quantitative emission limitation or reduction commitment for the second commitment period.

B. Annex A to the Kyoto Protocol

The following list shall replace the list under the heading “Greenhouse gases” in Annex A to the Protocol:

Greenhouse gases

Carbon dioxide (CO<sub>2</sub>)

Methane (CH<sub>4</sub>)

Nitrous oxide (N<sub>2</sub>O)

Hydrofluorocarbons (HFCs)

Perfluorocarbons (PFCs)

Sulphur hexafluoride (SF<sub>6</sub>)

Nitrogen trifluoride (NF<sub>3</sub>)<sup>1</sup>

C. Article 3, paragraph 1 bis

The following paragraph shall be inserted after paragraph 1 of Article 3 of the Protocol:

1 bis. The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments inscribed in the third column of the table contained in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 18 per cent below 1990 levels in the commitment period 2013 to 2020.

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<sup>1</sup> Applies only from the beginning of the second commitment period.

D. Article 3, paragraph 1 ter

The following paragraph shall be inserted after paragraph 1 bis of Article 3 of the Protocol:

1 ter. A Party included in Annex B may propose an adjustment to decrease the percentage inscribed in the third column of Annex B of its quantified emission limitation and reduction commitment inscribed in the third column of the table contained in Annex B. A proposal for such an adjustment shall be communicated to the Parties by the secretariat at least three months before the meeting of the Conference of the Parties serving as the meeting of the Parties to this Protocol at which it is proposed for adoption.

E. Article 3, paragraph 1 quater

The following paragraph shall be inserted after paragraph 1 ter of Article 3 of the Protocol:

1 quater. An adjustment proposed by a Party included in Annex I to increase the ambition of its quantified emission limitation and reduction commitment in accordance with Article 3, paragraph 1 ter, above shall be considered adopted by the Conference of the Parties serving as the meeting of the Parties to this Protocol unless more than three-fourths of the Parties present and voting object to its adoption. The adopted adjustment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties, and shall enter into force on 1 January of the year following the communication by the Depositary. Such adjustments shall be binding upon Parties.

F. Article 3, paragraph 7 bis

The following paragraphs shall be inserted after paragraph 7 of Article 3 of the Protocol:

7 bis. In the second quantified emission limitation and reduction commitment period, from 2013 to 2020, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in the third column of the table contained in Annex B of its aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by eight. Those Parties included in Annex I for whom land-use change and forestry constituted a net source of greenhouse gas emissions in 1990 shall include in their 1990 emissions base year or period the aggregate anthropogenic carbon dioxide equivalent emissions by sources minus removals by sinks in 1990 from land-use change for the purposes of calculating their assigned amount.

G. Article 3, paragraph 7 ter

The following paragraph shall be inserted after paragraph 7 bis of Article 3 of the Protocol:

7 ter. Any positive difference between the assigned amount of the second commitment period for a Party included in the Annex I and average annual emissions for the first three years of the preceding commitment period multiplied by eight shall be transferred to the cancellation account of that Party.

H. Article 3, paragraph 8

In paragraph 8 of Article 3 of the Protocol, the words:  
calculation referred to in paragraph 7 above

shall be substituted by:  
calculations referred to in paragraphs 7 and 7 bis above

I. Article 3, paragraph 8 bis

The following paragraph shall be inserted after paragraph 8 of Article 3 of the Protocol:

8 bis. Any Party included in Annex I may use 1995 or 2000 as its base year for nitrogen trifluoride for the purposes of the calculation referred to in paragraph 7 bis above.

J. Article 3, paragraphs 12 bis and ter

The following paragraphs shall be inserted after paragraph 12 of Article 3 of the Protocol:

12 bis. Any units generated from market-based mechanisms to be established under the Convention or its instruments may be used by Parties included in Annex I to assist them in achieving compliance with their quantified emission limitation and reduction commitments under Article 3. Any such units which a Party acquires from another Party to the Convention shall be added to the assigned amount for the acquiring Party and subtracted from the quantity of units held by the transferring Party.

12 ter. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall ensure that, where units from approved activities under market-based mechanisms referred to in paragraph 12 bis above are used by Parties included in Annex I to assist them in achieving compliance with their quantified emission limitation and reduction commitments under Article 3, a share of these units is used to cover administrative expenses, as well as to assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the costs of adaptation if these units are acquired under Article 17.

K. Article 4, paragraph 2

The following words shall be added to the end of the first sentence of paragraph 2 of Article 4 of the Protocol:

, or on the date of deposit of their instruments of acceptance of any amendment to Annex B pursuant to Article 3, paragraph 9

L. Article 4, paragraph 3

In paragraph 3 of Article 4 of the Protocol, the words:  
, paragraph 7

shall be substituted by:

to which it relates

## ARTICLE 2

### Entry into force

This amendment shall enter into force in accordance with Articles 20 and 21 of the Kyoto Protocol.

Notification of the terms of the agreement to fulfil jointly the commitments of the European Union, its Member States and Iceland under Article 3 of the Kyoto Protocol for the second commitment period of the Kyoto Protocol, as adopted by the Conference of the Parties to the United Nations Framework Convention on Climate Change serving as the meeting of the Parties to the Kyoto Protocol in Doha, by Decision 1/CMP.8, in accordance with Article 4 of the Kyoto Protocol

1. Members of the agreement

The European Union, its Member States and the Republic of Iceland, each being parties to the Kyoto Protocol, are the members of this agreement ('the members'). The following are at present Member States of the European Union:

the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, and the United Kingdom of Great Britain and Northern Ireland.

Iceland is a member of this agreement pursuant to the Agreement between the European Union and its Member States, of the one part, and Iceland, of the other part, concerning Iceland's participation in the joint fulfilment of the commitments of the European Union, its Member States and Iceland for the second commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

2. Joint fulfilment of the commitments under Article 3 of the Kyoto Protocol for the second commitment period of the Kyoto Protocol

In accordance with Article 4(1) of the Kyoto Protocol, the members will fulfil their commitments under Article 3 thereof as follows:

- the members will ensure that, in accordance with Article 4(5) and (6) of the Kyoto Protocol, in the Member States and Iceland the combined sum of the aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A to the Kyoto Protocol does not exceed their joint assigned amount;
- the application of Article 3(1) of the Kyoto Protocol to greenhouse gas emissions from aviation and shipping for the Member States and Iceland is based on the Convention's approach of only including emissions from domestic flights and domestic shipping in parties' targets. The European Union approach under the second commitment of the Kyoto Protocol will remain the same as that of the first commitment period, given the lack of progress since Decision 2/CP.3 in attributing those emissions to parties' targets. This is without prejudice to the stringency of the European Union's commitments under the climate and energy package, which remain unchanged. It is also without prejudice to the need to take measures concerning emissions of such gases from aviation and marine bunker fuels;

- each member may increase its ambition level by transferring assigned amount units, emission reduction units or certified emission reduction units to a cancellation account established in its national registry. The members will jointly submit the information required by paragraph 9 of Decision 1/CMP.8, and will jointly make any proposals for the purpose of Article 3(1ter) and (1quater) of the Kyoto Protocol;
- the members will continue to apply Article 3(3) and (4) of the Kyoto Protocol and decisions agreed thereunder individually;
- the combined base year emissions of the members will equal the sum of emissions in the respective base years applicable to each Member State and Iceland;
- if land use, land-use change and forestry constituted a net source of greenhouse gas emissions in 1990 for any Member State or Iceland, the relevant member shall, pursuant to Article 3(7bis) of the Kyoto Protocol, include in its emissions base year or period the aggregate anthropogenic carbon dioxide equivalent emissions by sources minus removals by sinks in the base year or period from land use, land-use change and forestry for the purpose of calculating the joint assigned amount of the members determined in accordance with Article 3 (7bis), (8) and (8bis) of the Kyoto Protocol;
- the calculation pursuant to Article 3(7ter) of the Kyoto Protocol shall apply to the joint assigned amount of the second commitment period for the members determined in accordance with Article 3 (7bis), (8) and (8bis) of the Kyoto Protocol and the sum of the average annual emissions of the members for the first three years of the first commitment period multiplied by eight;

- in accordance with Decision 1/CMP.8, units in a member's Previous Period Surplus Reserve account may be used for retirement during the additional period for fulfilling commitments of the second commitment period, up to the extent by which that member's emissions during the second commitment period exceed its respective assigned amount for that commitment period, as defined in this notification.

3. Respective emission levels allocated to the members to the agreement

The quantified emission limitation and reduction commitments for the members listed in the third column of Annex B to the Kyoto Protocol are 80 %. The joint assigned amount of the members for the second commitment period will be determined pursuant to Article 3(7 bis), (8) and (8 bis) of the Kyoto Protocol, and its calculation will be facilitated by the report submitted by the European Union pursuant to paragraph 2 of Decision 2/CMP.8.

The respective emission levels of the members are as follows:

- The emission level for the European Union is the difference between the joint assigned amount of the members, and the sum of the emission levels of the Member States and Iceland. Its calculation will be facilitated by the report submitted pursuant to paragraph 2 of Decision 2/CMP.8.
- The respective emission levels of the Member States and Iceland in accordance with Article 4(1) and (5) of the Kyoto Protocol are the sum of their respective amounts listed in Table 1 below and any results of the application of the second sentence of Article 3(7bis) of the Kyoto Protocol for that Member State or Iceland.

The assigned amounts of the members shall be equal to their respective emission levels.

The assigned amount of the European Union will be counted against the emissions of greenhouse gases from sources under the European Union Emissions Trading Scheme, in which its Member States and Iceland participate, to the extent that those emissions are covered under the Kyoto Protocol. The respective assigned amounts of the Member States and Iceland cover the greenhouse gas emissions by sources and removals by sinks in each Member State or Iceland from sources and sinks not covered by Directive 2009/29/EC of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community. This includes all emissions by sources and removals by sinks covered by Article 3(3) and (4) of the Kyoto Protocol as well as all emissions of nitrogen trifluoride (NF<sub>3</sub>) under the Kyoto Protocol.

Members of this agreement shall report separately on the emissions by sources and removals by sinks covered by their respective assigned amounts.

Table 1: Emission levels of the Member States and Iceland (before application of Article 3(7bis))  
in terms of tonnes of carbon dioxide equivalent for the second commitment period  
of the Kyoto Protocol

Belgium	584 228 513
Bulgaria	222 945 983
Czech Republic	520 515 203
Denmark	269 321 526
Germany	3 592 699 888
Estonia	51 056 976
Ireland	343 467 221
Greece	480 791 166
Spain	1 766 877 232
France	3 014 714 832
Croatia	162 271 086
Italy	2 410 291 421
Cyprus	47 450 128
Latvia	76 633 439
Lithuania	113 600 821
Luxembourg	70 736 832
Hungary	434 486 280
Malta	9 299 769
Netherlands	919 963 374
Austria	405 712 317
Poland	1 583 938 824
Portugal	402 210 711
Romania	656 059 490
Slovenia	99 425 782
Slovakia	202 268 939
Finland	240 544 599
Sweden	315 554 578
United Kingdom	2 743 362 625
Iceland	15 327 217

DECLARATION BY THE EUROPEAN UNION  
MADE IN ACCORDANCE WITH ARTICLE 24(3) OF THE KYOTO PROTOCOL

The following are at present Member States of the European Union: the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, and the United Kingdom of Great Britain and Northern Ireland.

The European Union declares that, in accordance with the Treaty on the Functioning of the European Union, and in particular Article 192 (1) and Article 191 thereof, it is competent to enter into international agreements, and to implement the obligations resulting therefrom, which contribute to the pursuit of the following objectives:

- preserving, protecting and improving the quality of the environment;
- protecting human health;
- prudent and rational utilisation of natural resources;
- promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.

The European Union declares that its quantified emission reduction commitment for the second commitment period of the Kyoto Protocol (2013-2020) will be fulfilled by means of action by the European Union and its Member States within the respective competence of each. The legally binding instruments to implement its commitment, covering matters governed by the Kyoto Protocol as amended by the Doha Amendment, are already in force.

The European Union will continue to provide information, on a regular basis, on relevant European Union legal instruments within the framework of the supplementary information incorporated in its National Communication submitted under Article 12 of the Convention for the purpose of demonstrating compliance with its commitments under the Kyoto Protocol in accordance with Article 7(2) thereof and the guidelines thereunder.

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