



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 June 2009

10644/09

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JUR 270
ONU 41**

"A" ITEM NOTE

from : General Secretariat
to : Council
Subject : Climate change
- Conclusions of the Council and the Representatives of the Governments of the Member States Meeting within the Council on the submission of an amendment to the Kyoto Protocol pursuant to its Article 20

1. On 20 May 2009, the Commission presented a communication to the Council concerning the negotiations on a Protocol to the United Nations Framework Convention on Climate Change and an amendment to the Kyoto Protocol ¹.

At the meeting of the Working Party on the Environment on 25 May 2009, the Presidency submitted draft Council conclusions and an EU proposal for an amendment to the Kyoto Protocol as a follow-up to this Communication.

2. At its meeting on 3 June, the Permanent Representatives Committee examined the draft conclusions (10474/09) and the EU proposal for an amendment to the Kyoto Protocol (10188/1/09 REV 1).

¹ 10177/09.

3. Some delegations maintained a scrutiny reservation on a number of additions to the text of the conclusions till Thursday 4 June 2009, end of the morning. At this stage, no reservations remain.

4. The Council is therefore asked to adopt the annexed draft conclusions and the EU proposal for an amendment to the Kyoto Protocol (10188/1/09 REV 1) as an "A" item at its meeting on 8 June.

DRAFT CONCLUSIONS OF THE COUNCIL AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL on the submission of an amendment to the Kyoto Protocol pursuant to its Article 20

The Council

1. REAFFIRMS that the Community and the Member States are committed to reach a global and comprehensive climate agreement in Copenhagen in December 2009 and RECALLS the European Council conclusions of March 2007 to this effect. Such an agreement could take different legal forms that could include a wide-ranging amendment of the Kyoto Protocol and/or a new protocol under the United Nations Framework Convention on Climate Change (UNFCCC). In this context, it TAKES NOTE of the proposal made by Japan for the adoption of a new protocol under the UNFCCC and NOTES that the Japanese proposal meets the six-month rule for this purpose. It FURTHER NOTES that, so far, no other formal proposal has been put forward under the Kyoto Protocol.
2. REQUESTS the Presidency and the Commission, in view of the above and for procedural purposes, to put forward on behalf of the European Community and its Member States a wide-ranging amendment to the Kyoto Protocol for adoption at the fifth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 5), in accordance with, and to the extent necessary to fulfil the six-months-rule requirement under Article 20 of the Kyoto Protocol.

3. UNDERLINES that the content of the proposed amendment consists of the relevant parts of the submissions on:

- definitions, modalities, rules and guidelines for the treatment of land use, land-use change and forestry in the second commitment period (27 April 2009),
- improvements to emissions trading and the project based mechanisms (28 April 2009),
- legal matters arising from the mandate of the AWG-KP (28 April 2009), and
- coverage of greenhouse gases, sectors and source categories, common metrics, possible approaches for targeting sectoral emissions and other issues (28 April 2009),

as sent by the Presidency on behalf of the European Community and its Member States to the UNFCCC Secretariat. The text of the proposed amendment is contained in document 10188/1/09 REV 1.

4. EMPHASISES that this proposal is made in order to ensure that a wide-ranging amendment to the Kyoto Protocol be considered for adoption at CMP 5 in accordance with the procedural requirements set out in Article 20(2) of the Kyoto Protocol.

5. UNDERLINES that, in view of the above, this proposal is without prejudice to the position of the European Community and its Member States in the negotiations to be established through appropriate Treaty-based procedures.
