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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.5.2009
COM(2009) 249 final

COMMUNICATION FROM THE COMMISSION 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**

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Negotiation for the future international climate regime are on-going in two parallel working groups under the United Nations Convention on Climate Change (UNFCCC) and the Kyoto Protocol: the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA), and the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP).

The Community and the Member States are committed to reach a global and comprehensive climate agreement in Copenhagen in December 2009. Such an agreement could take different legal forms. For instance, it could be a wide-ranging amendment of the Kyoto Protocol or a new Protocol under the UNFCCC. A combination of instruments – binding and non-legally binding - is also possible.

Procedural requirements need to be fulfilled for a legally binding agreement to be adopted in Copenhagen. The text of any proposed protocol or amendment needs to be proposed by a Party at least six months before the meeting in Copenhagen (the '6 months rule').

A raft of Parties' submissions reached the UNFCCC secretariat by the end of April. One of them, a proposal for a new Protocol under the UNFCCC by Japan, fulfils the 6 months rule under the UNFCCC. It is therefore possible to adopt a new Protocol under the Convention in Copenhagen. So far, no other formal proposal has been put forward under the Kyoto Protocol. To ensure that also the adoption of a wide-ranging amendment of that Protocol remains possible, the Commission proposes that, at the forthcoming 8th meeting of the AWGKP (1-12 June 2009), in the absence of adequate proposals from other Parties:

1. the Community and the Member States put forward a wide-ranging amendment to the Kyoto Protocol for adoption at COP15 in Copenhagen, in accordance with Article 20 of the Kyoto Protocol;
2. the content of the proposed amendment could be a combination of the latest negotiating texts presented by the chairperson of the AWGKP and the latest submissions sent by the Community and the Member States to the UNFCCC Secretariat;
3. the Community and the Member States state that this proposal is made in order to fulfil the procedural requirements for a new protocol and amendment to be adopted at COP15 and is without prejudice to their final position in the negotiations.

The Community and the Member States should cooperate closely at COP15, and in the preparatory meetings thereof, to ensure that any legal instrument to be adopted at COP15 fulfils the objectives laid out in Council conclusions adopted on 3 March 2009 and in further conclusions adopted in view of COP 15