

EXPLANATORY MEMORANDUM ON THE DOHA AMENDMENT TO THE KYOTO PROTOCOL

Title of the Convention

DOHA AMENDMENT TO THE KYOTO PROTOCOL

Command Paper Number: 9077

Subject Matter

1. This Explanatory Memorandum refers to the proposed ratification by the United Kingdom of the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC).
2. The UNFCCC is an international environmental treaty which was adopted in 1992 with the objective to 'stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system'.
3. In 1997, in recognition that emission reductions provisions in the UNFCCC were inadequate, Parties adopted the Kyoto Protocol (KP). The KP was the first international climate change agreement to set legally binding emission reduction commitments for developed countries. Initial commitments made under the KP covered the period 2008-2012, also known as the first commitment period of the KP.
4. In December 2012, at the Doha Climate Change Conference, the 192 Parties to the KP adopted an amendment to the KP (the Doha Amendment)¹. The Doha Amendment established a second commitment period under the KP, starting on 1 January 2013 and ending on 31 December 2020, with new legally-binding emission reduction commitments for some of the developed countries who are Parties to the KP. Among these Parties are the Union, the Member States and Iceland. The UK gave written consent for the adoption of this amendment, as required by Article 21(7) of the KP, at the Doha Climate Change Conference.
5. Article 4 of the KP allows Parties to fulfil their commitments jointly. The Union and the fifteen Parties that were Member States when the KP was signed in 1997 chose to do so for the first commitment period (2008-12), and set out the terms of their joint fulfilment for the first commitment period when they ratified the Protocol in 2002². The Doha Amendment, and the statement made by the Union, the

¹ Decision 1/CMP.8, adopted by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, FCCC/KP/CMP/2012/13/Add.1

² Council Decision 2002/358/CE of 25 April 2002 concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder, OJ L 130, 15.5.2002, p.1.

Member States and Iceland upon its adoption,³ expressed the intention of these Parties to fulfil their reduction targets under the second commitment period jointly together with Iceland. A separate Command Paper number 9076 and accompanying Explanatory Memorandum has been laid before Parliament: 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.

6. For legal and presentational reasons, the Union and each of its Member States have agreed to ratify the KP at the same time. Under the Protocol, each Party to a joint fulfilment agreement must notify the Protocol Secretariat of the terms of that agreement at the same time as it deposits its instrument of ratification with the Depositary⁴.

Ministerial Responsibility

7. The responsibility lies with the Secretary of State for Energy and Climate Change.

Policy Considerations

(i) General

8. The Union and the UK have taken a leading role in calling for action to tackle climate change. In exchange for progress on a new global legally binding deal covering all Parties to the UNFCCC, the Union and its Member States agreed the Doha Amendment, running from 2013 until 2020, when the new agreement is due to come into effect. The timely ratification of the Doha Amendment by the Union and its Member States, well in advance of the international negotiations on a new global legally binding deal taking place in December 2015, is therefore crucial to show that we are fulfilling our part of the deal, and to successfully deliver the new global agreement.
9. The Doha Amendment imposes no new burdens on the UK; the EU's joint fulfilment agreement set out for the Doha Amendment⁵ translates efforts agreed under the EU 2020 Climate and Energy Package (the EU 2020 Package) into the second commitment period of the KP. Under the EU Climate and Energy Package that sets targets for 2020, the UK agreed to reduce emissions in the

³ The full text of this statement is reflected in paragraph 45 of the Report of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on its eighth session, held in Doha from 26 November to 8 December 2012 FCCC/KP/CMP/2012/13.

⁴ The Secretary General to the UN serves as the Depositary for the Kyoto Protocol.

⁵ The full text of the Council Decision on the conclusion, on behalf of the European Union, of the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder can be found online at:

http://euparl.net/9353000/1/j4nvgs5kjg27kof_j9vvhskmycle0vf/vjqk8wc0iizi/f=/10400_1_14_rev_1.pdf

non-traded sector⁶ by 16% below 2005 levels by 2020. The UK's allocated emissions level for the second commitment period of the KP is set in line with this target. UK emissions from the traded sector are managed centrally by the Union and are not counted towards our UK target as set out in the EU's joint fulfilment agreement for the Doha Amendment.

10. The UK's Sixth National Communication and First Biennial Report under the UNFCCC, published in December 2013, sets out how the UK plans to meet its international emissions reduction target and move towards its more challenging domestic goal of an 80% reduction in carbon dioxide emissions by 2050⁷. This report estimates that with the policies currently implemented or planned within the UK, UK greenhouse gas emissions will be reduced by 40% below 1990 levels by 2020, equivalent to 32% reduction on 2005 levels. This is in excess of the legal obligation that UK ratification of the Doha Amendment to the Kyoto Protocol will bring.
11. The terms for joint fulfilment set out in the Council Decision are in line with the UK position, as agreed via an EAC write-round process.

(ii) Financial

12. There are no financial implications. The Council Decisions and the joint fulfilment agreement do not impose any obligations beyond the existing EU Climate and Energy Package.

(iii) Reservations and Declarations

13. None

Implementation

14. The Doha Amendment to the Kyoto Protocol will enter into force 90 days after it has been ratified by at least three fourths of the Parties to the Kyoto Protocol. As agreed by Member States at the Agrifish Council on the 26th January 2015, in order to underline the commitment of the Union and its Member States to a timely entry into force of the Doha Amendment, the Union, its Member States and Iceland should endeavour to ratify it not later than the third quarter of 2015. The UK shares this view where its own ratification is concerned.

⁶ Details on those sectors that make up the non-traded sector in the 2020 Package can be found in Annex 1 to Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009, which can be found online at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009D0406&from=EN>

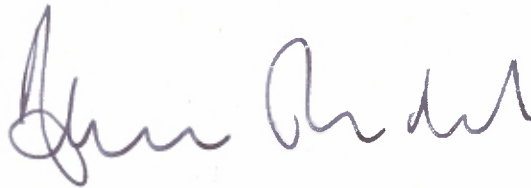
⁷ The full text of this report can be found on the UNFCCC website at:

[http://unfccc.int/files/national_reports/annex_i_natcom/submitted_natcom/application/pdf/uk_6nc_and_br1_2013_final_web-access\[1\].pdf](http://unfccc.int/files/national_reports/annex_i_natcom/submitted_natcom/application/pdf/uk_6nc_and_br1_2013_final_web-access[1].pdf)

15. The Union and each of its Member States are Parties to the UNFCCC and the Kyoto Protocol. It is therefore necessary for the Union and each Member State to separately ratify the Protocol.
16. The overall package of ratification measures is based upon existing EU legislation (the EU 2020 Climate and Energy package). It will not therefore require further UK legislation for the purposes of implementation.

Consultations

17. The Government consulted key environmental and business interests before the agreement of the Doha Amendment to the Kyoto Protocol. Representatives of interested environmental and business groups participated as observers in the meetings at which the Protocol was negotiated.
18. The devolved administrations, UK Overseas Territories and Crown Dependencies have been consulted. Overseas Territories and Crown Dependencies who took part in the first commitment period of the KP have also been invited to join the UK's ratification of the Doha Amendment for the second commitment period.



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