

## 7. c) Doha Amendment to the Kyoto Protocol

*Doha, 8 December 2012*

**NOT YET IN FORCE:** This amendment shall enter into force in accordance with Articles 20 and 21 of the Kyoto Protocol.

**STATUS:** Parties: 121.

**TEXT:** See the text of the Amendment in: C.N.718.2012.TREATIES-XXVII.7.c; C.N.491.2013.Reissued.25112014.TREATIES-XXVII.7.c of 7 August 2013 (Proposal of corrections to the Chinese authentic text of the Doha Amendment to the Kyoto Protocol) and C.N.966.2013.Reissued.25112014.TREATIES-XXVII.7.c of 27 November 2013 (Corrections); C.N.581.2013.Reissued.25112014.TREATIES-XXVII.7.c of 18 September 2013 (Proposal of corrections to the Chinese authentic text of the Doha Amendment to the Kyoto Protocol) and C.N.967.2013.Reissued.25112014.TREATIES-XXVII.7.c of 27 November 2013 (Corrections); C.N.556.2014.TREATIES-XXVII.7.c of 12 September 2014 (Proposal of correction to the Chinese authentic text) and C.N.811.2014.TREATIES-XXVII.7.c of 18 December 2014 (Corrections); C.N.741.2014.TREATIES-XXVII.7.c of 24 November 2014 (Proposal of corrections to the Arabic, French, Spanish and Russian authentic texts) and C.N.147.2015.TREATIES-XXVII.7.c of 27 February 2015 (Corrections); C.N.967.2013.Reissued.25112014.TREATIES-XXVII.7.c of 25 November 2014 (Corrections to the Chinese authentic text).

*Note:* On 8 December 2012, at the eighth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP), held in Doha, Qatar, the Parties adopted, in accordance with Articles 20 and 21 of the Protocol, an Amendment to the Kyoto Protocol by [Decision 1/CMP.8](#).

| <i>Participant</i>        | <i>Acceptance(A)</i> | <i>Participant</i>         | <i>Acceptance(A)</i> |
|---------------------------|----------------------|----------------------------|----------------------|
| Algeria .....             | 28 Sep 2015 A        | Cook Islands .....         | 5 Nov 2018 A         |
| Antigua and Barbuda ..... | 23 Sep 2016 A        | Costa Rica .....           | 21 Sep 2016 A        |
| Argentina .....           | 1 Dec 2015 A         | Croatia .....              | 21 Dec 2017 A        |
| Armenia .....             | 31 Mar 2017 A        | Cuba .....                 | 28 Dec 2016 A        |
| Australia .....           | 9 Nov 2016 A         | Cyprus .....               | 10 Dec 2015 A        |
| Austria .....             | 21 Dec 2017 A        | Czech Republic .....       | 21 Dec 2017 A        |
| Azerbaijan .....          | 1 Jul 2015 A         | Denmark <sup>1</sup> ..... | 21 Dec 2017 A        |
| Bahamas .....             | 4 Nov 2015 A         | Djibouti .....             | 23 Sep 2014 A        |
| Bangladesh .....          | 13 Nov 2013 A        | Dominican Republic .....   | 21 Sep 2016 A        |
| Barbados .....            | 14 Aug 2013 A        | Ecuador .....              | 20 Apr 2015 A        |
| Belgium .....             | 14 Nov 2017 A        | Eritrea .....              | 3 May 2018 A         |
| Belize .....              | 24 Jul 2018 A        | Estonia .....              | 21 Dec 2017 A        |
| Benin .....               | 29 Aug 2018 A        | Eswatini .....             | 21 Sep 2016 A        |
| Bhutan .....              | 29 Sep 2015 A        | Ethiopia .....             | 26 Jun 2015 A        |
| Botswana .....            | 7 Mar 2016 A         | European Union .....       | 21 Dec 2017 A        |
| Brazil .....              | 13 Feb 2018 A        | Fiji .....                 | 19 Sep 2017 A        |
| Brunei Darussalam .....   | 14 Nov 2014 A        | Finland .....              | 16 Nov 2017 A        |
| Bulgaria .....            | 21 Dec 2017 A        | France .....               | 30 Nov 2017 A        |
| Burkina Faso .....        | 29 Nov 2016 A        | Gabon .....                | 1 Dec 2017 A         |
| Cambodia .....            | 17 Nov 2015 A        | Gambia .....               | 7 Nov 2016 A         |
| Chile .....               | 10 Nov 2015 A        | Germany .....              | 14 Nov 2017 A        |
| China .....               | 2 Jun 2014 A         | Greece .....               | 21 Dec 2017 A        |
| Comoros .....             | 7 Sep 2014 A         | Grenada .....              | 1 Apr 2015 A         |
| Congo .....               | 14 May 2015 A        | Guinea .....               | 6 Apr 2016 A         |

| <i>Participant</i>                    | <i>Acceptance(A)</i> | <i>Participant</i>   | <i>Acceptance(A)</i> |
|---------------------------------------|----------------------|--|----------------------|
| Guinea-Bissau.....                    | 22 Oct 2018 A        | Panama.....  | 29 Sep 2015 A        |
| Guyana.....                           | 23 Dec 2014 A        | Peru.....  | 24 Sep 2014 A        |
| Honduras.....                         | 11 Apr 2014 A        | Philippines.....   | 13 Apr 2016 A        |
| Hungary.....                          | 1 Oct 2015 A         | Poland.....  | 28 Sep 2018 A        |
| Iceland.....                          | 7 Oct 2015 A         | Portugal.....  | 22 Nov 2017 A        |
| India.....                            | 8 Aug 2017 A         | Republic of Korea.....                                       | 27 May 2015 A        |
| Indonesia.....                        | 30 Sep 2014 A        | Romania.....   | 3 May 2016 A         |
| Ireland.....                          | 21 Dec 2017 A        | Rwanda.....  | 20 Nov 2015 A        |
| Italy.....                            | 18 Jul 2016 A        | Samoa.....   | 18 Sep 2015 A        |
| Kenya.....                            | 7 Apr 2014 A         | San Marino.....  | 4 Aug 2015 A         |
| Kiribati.....                         | 11 Feb 2016 A        | Serbia.....  | 30 Jun 2017 A        |
| Latvia.....                           | 21 Dec 2017 A        | Seychelles.....  | 15 Jul 2015 A        |
| Liberia.....                          | 17 Aug 2015 A        | Singapore.....   | 23 Sep 2014 A        |
| Liechtenstein.....                    | 23 Feb 2015 A        | Slovakia.....  | 16 Nov 2017 A        |
| Lithuania.....                        | 22 Nov 2017 A        | Slovenia.....  | 21 Dec 2017 A        |
| Luxembourg.....                       | 21 Sep 2017 A        | Solomon Islands.....   | 5 Sep 2014 A         |
| Madagascar.....                       | 1 Oct 2015 A         | South Africa.....  | 7 May 2015 A         |
| Malawi.....                           | 29 Jun 2017 A        | Spain.....   | 14 Nov 2017 A        |
| Malaysia.....                         | 12 Apr 2017 A        | Sri Lanka.....   | 2 Dec 2015 A         |
| Maldives.....                         | 1 Jul 2015 A         | St. Kitts and Nevis.....                                     | 25 Oct 2016 A        |
| Mali.....                             | 7 Dec 2015 A         | Sudan.....   | 3 Feb 2014 A         |
| Malta.....                            | 21 Dec 2017 A        | Sweden.....  | 14 Nov 2017 A        |
| Marshall Islands.....                 | 7 May 2015 A         | Switzerland.....   | 28 Aug 2015 A        |
| Mauritius.....                        | 5 Sep 2013 A         | Thailand.....  | 1 Sep 2015 A         |
| Mexico.....                           | 23 Sep 2014 A        | Togo.....  | 30 Oct 2018 A        |
| Micronesia (Federated States of)..... | 19 Feb 2014 A        | Tonga.....   | 22 Oct 2018 A        |
| Monaco.....                           | 27 Dec 2013 A        | Trinidad and Tobago.....                                     | 6 Aug 2015 A         |
| Morocco.....                          | 5 Sep 2014 A         | Tuvalu.....  | 4 Dec 2014 A         |
| Myanmar.....                          | 19 Sep 2017 A        | Uganda.....  | 8 Jul 2015 A         |
| Namibia.....                          | 17 Feb 2015 A        | United Arab Emirates.....                                    | 26 Apr 2013 A        |
| Nauru.....                            | 1 Dec 2014 A         | United Kingdom of Great Britain and<br>Northern Ireland..... | 17 Nov 2017 A        |
| Netherlands <sup>2</sup> .....        | 22 Nov 2017 A        | Uruguay.....   | 12 Sep 2018 A        |
| New Zealand <sup>3</sup> .....        | 30 Nov 2015 A        | Vanuatu.....   | 15 Mar 2018 A        |
| Niger.....                            | 1 Aug 2018 A         | Venezuela (Bolivarian Republic of).....                      | 1 Mar 2018 A         |
| Norway.....                           | 12 Jun 2014 A        | Viet Nam.....  | 22 Jun 2015 A        |
| Pakistan.....                         | 31 Oct 2017 A        | Zimbabwe.....  | 20 Apr 2016 A        |
| Palau.....                            | 10 Mar 2015 A        |  |                      |

### ***Declarations and Reservations***

*(Unless otherwise indicated, the declarations and reservations were made upon acceptance.)*

#### **BELIZE**

“The Government of Belize declares its understanding that acceptance of the aforesaid Doha Amendment shall in no way constitute a renunciation of any rights under international law concerning State responsibility for the adverse effects of climate change and that no provision in

the Protocol, as amended, can be interpreted as derogating from principles of general international law.

The Government of Belize declares that, in light of the best available scientific information and assessment on climate change and its impacts, it considers the emissions reduction obligations in Article 3 of the Kyoto Protocol and the aforesaid Doha Amendment to be inadequate to prevent a global temperature increase of 1.5 degrees

Celsius above pre-industrial levels and, as a consequence, will have severe implications for our national interest.”

#### CHINA

In accordance with the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China and the Basic Law of the Macao Special Administrative Region of the People’s Republic of China, the Government of the People’s Republic of China decides that the above-mentioned Amendment applies to the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People’s Republic of China.

#### EUROPEAN UNION

##### “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.”

#### FRANCE

The ratification by the French Republic of the amendment to the Kyoto Protocol, adopted in Doha on 8 December 2012, should be interpreted in the context of the commitment assumed under article 4 of the Protocol by the European Union, from which it is indissociable.

The ratification does not therefore apply to the Territories of the French Republic to which the Treaty on European Union is not applicable.

#### ITALY

“With regard to the instrument of acceptance of the Doha Amendment to the Kyoto Protocol deposited on 18 July 2016, the Government of Italy would like to point out that given the nature of the rights and obligations provided for therein and taking into account the legal system of the European Union (the EU) and its Member States, implementation will only be possible and obligations will come into effect once the EU and all its Member States will have deposited their relevant instruments of acceptance.”

#### MARSHALL ISLANDS

“... the Government of the Republic of the Marshall Islands declares its understanding that ratification of the Doha Amendment shall in no way constitute a renunciation of any rights under the international law concerning State responsibility for the adverse of climate change and that no provision in the Protocol, as amended, can be interpreted as derogating from principles of general international law.

Furthermore, the Government of the Republic of the Marshall Islands declares that, in light of best scientific information and assessment on climate change and its impacts, it considers the emission reduction obligations in Article 3 of the Kyoto Protocol and aforesaid Doha Amendment to be inadequate to prevent a global temperature increase of 1.5 degrees Celsius above pre-industrial levels and as a consequence, will have severe implications for our national interests.”

#### MICRONESIA (FEDERATED STATES OF)

“[T]he Government of the Federated States of Micronesia declares its understanding that ratification of the aforesaid Doha Amendment shall in no way constitute a renunciation of any rights under international law concerning State responsibility for the adverse effects of climate change and that no provision in the Protocol, as amended, can be interpreted as derogating from principles of general international law.

[T]he Government of the Federated States of Micronesia declares that, in light of the best available scientific information and assessment on climate change and its impacts, it considers the emissions reduction obligations in Article 3 of the Kyoto Protocol and the aforesaid Doha Amendment to be inadequate to prevent a global temperature increase of 1.5 degrees Celsius above pre-industrial levels and, as a consequence, will have severe implications for our national interests.”

#### NAURU

“[T]he Government of the Republic of Nauru declares its understanding that ratification of the aforesaid Doha Amendment shall in no way constitute a renunciation of any rights under international law concerning State responsibility for the adverse effects of climate change and that no provision in the Protocol, as amended, can be interpreted as derogating from principles of general international law.

[T]he Government of Nauru declares that, in light of the best available scientific information and assessment on climate change and its impacts, it considers the emissions reduction obligations in Article 3 of the Kyoto Protocol and the aforesaid Doha Amendment to be inadequate to prevent a global temperature increase of 1.5 degrees Celsius above pre-industrial levels and, as a consequence, will have severe implications for our national interest.”

#### POLAND

1) in the light of the content of the Doha Amendment and given the fact that the European Union

and its Member States share competences in the areas covered by the Amendment, performance of the obligations arising under it will only be possible once the European Union and all its Member States have deposited their relevant instruments of acceptance;

2) given that the areas regulated by the Doha Amendment fall within respective scope of competence of the European Union and the Member States and having in mind 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, the exercise of rights and obligations arising from the Doha Amendment by the European Union, its Member States and Iceland requires close and consistent cooperation between the European Union, its Member States and Iceland;

3) in particular the performance of the obligations arising from the Doha Amendment by the European Union and its Member States, which have significant implications for Member States in terms of their choice between different energy sources or the general structure of their energy supply, requires consistent cooperation of the European Union and all its Member States;

4) the acceptance of the Doha Amendment does not restrict rights of the Republic of Poland as a sovereign state having freedom to act on the international scene, to take necessary measures with a view to protecting its rights resulting from treaties concluded in the area of climate change, including the Kyoto Protocol to the United Nations Framework Convention on Climate Change, done on 11 December 1997, and Paris Agreement to the United Nations Framework Convention on Climate Change, done on 12 December 2015.

#### **SOLOMON ISLANDS**

“The Government of Solomon Islands declares its understanding that acceptance of the aforesaid Amendment shall in no way constitute a renunciation of any rights under international law concerning State responsibility for the adverse effects of the climate change and that no provision in the Protocol, as amended, can be

interpreted as derogating from principles of general international law.

The Government of Solomon Islands further declares that, in light of the best available scientific information and assessment on climate change and its impacts, it considers the emissions reduction obligations in Article 3 of the Kyoto Protocol and the aforesaid Amendment to be inadequate to prevent a global temperature increase of 1.5 degrees Celsius above pre-industrial levels and as a consequence, will have severe implications for our national interests.”

#### **VENEZUELA (BOLIVARIAN REPUBLIC OF)**

The Bolivarian Republic of Venezuela does not accept the implementation of carbon market mechanisms or mechanisms for the trading of emission rights or units under schemes or arrangements that transgress the rules and norms established in the Convention and environmental integrity, nor does it accept the continuation, proliferation and strengthening of the aforesaid mechanisms through future alliances with other mechanisms of a similar nature that may be established in other international instruments or treaties adopted by the Conference of the Parties to the United Nations Framework Convention on Climate Change.

For the Bolivarian Republic of Venezuela, this acceptance also involves the strict interpretation and application of the principle of common but differentiated responsibilities, in that the greenhouse gas emission limitation and reduction commitments are exclusive obligations of Annex I countries, in accordance with the principles established in the United Nations Framework Convention on Climate Change, which constitute the basis of the Kyoto Protocol, and any other future agreement regulating the subject.

For the Bolivarian Republic of Venezuela, no provision of this Amendment, nor subsequent applications thereof through decisions of the Conference of the Parties, shall constitute a renunciation of any of its rights under international law, nor shall the application thereof be interpreted as a renunciation of or derogation from the general principles of international law, it being understood that all the provisions of article 2, paragraph 3, of the Kyoto Protocol and of articles 2 and 3 as well as article 4, paragraphs 8 and 10, of the United Nations Framework Agreement on Climate Change are in the national interest.

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#### **Notes:**

<sup>1</sup> With territorial exclusion in respect of the Faroe Islands and Greenland. See C.N.773.2017.TREATIES-XXVII.7.c of 21 December 2017.

<sup>2</sup> For the European Part of the Netherlands.

<sup>3</sup> Upon its acceptance of the Amendment, the Government of New Zealand notified the Secretary-General of the following:

“... consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, [the acceptance by New Zealand of the Doha Amendment] shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory...”

