



Climate Change Response Act 2002

Public Act 2002 No 40
Date of assent 18 November 2002
Commencement see section 2

Contents

1	Title		<i>Unit register</i>
	Part 1		
	Preliminary provisions	18	Form and content of unit register
	<i>Commencement</i>	19	Offset of units
2	<i>Purpose</i>	20	Transactions must be registered
3	<i>Interpretation</i>	21	Registration procedure
4	<i>Act binds the Crown</i>	22	Transactions take effect when registered
5		23	Receiving units from overseas registries
	Part 2	24	Priority of registration
	Institutional arrangements	25	Correction of unit register
	Subpart 1—Powers of Minister of Finance	26	Unit register must be open for search
6	Minister of Finance may carry out trading activities with respect to units	27	Information accessible by search
7	Minister of Finance may give directions to Registrar regarding accounts and units	28	Registrar must issue search copies
8	Registrar must give effect to directions of Minister of Finance	29	Search copies receivable as evidence
9	Minister of Finance may obtain information from inventory agency and Registrar	30	Recovery of fees
	Subpart 2—Registry		Subpart 3—Inventory agency
	<i>Purpose of Registry</i>	31	Meaning of greenhouse gas
10	<i>Purpose of Registry</i>	32	Primary functions of inventory agency
	<i>Registrar</i>	33	Inventory agency under direction of Minister responsible for inventory agency
11	Appointment of Registrar	34	Record keeping
12	Registrar responsible for Registry	35	Publication
13	Registrar may refuse access to, or suspend operation of, Registry		Part 3
14	Registrar must give effect to directions		Compliance
15	Registrar must allocate unique numbers		<i>Inspectors</i>
16	Carry-over of units	36	Authorisation of inspectors
17	Commitment period reserve	37	Power to enter land or premises to collect information to estimate emissions or removals of greenhouse gases

38	Limitation on power of entry under section 37	48	Signing false declaration
39	Power of entry for inspection		<i>Miscellaneous provisions</i>
40	Applications for warrants	49	Reporting
41	Entry of defence areas	50	Regulations
42	Proof of authority must be produced	51	Incorporation by reference
43	Notice of entry	52	Inventory agency must report to Minister responsible for inventory agency on certain matters before certain regulations are made
44	Information obtained under section 39 or section 40 only admissible in proceedings for alleged breach of regulations made under section 50(2)	53	Consequential amendments
45	Return of items seized <i>Offences and penalties</i>		Schedule 1
46	Failing to provide required information to inventory agency		United Nations Framework Convention on Climate Change
47	Obstructing, hindering, resisting, or deceiving person exercising power under Act		Schedule 2
			Kyoto Protocol to the United Nations Framework Convention on Climate Change

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Climate Change Response Act 2002.

Part 1
Preliminary provisions

2 Commencement

This Act comes into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more orders may be made bringing different provisions into force on different dates.

3 Purpose

- (1) The purpose of this Act is to enable New Zealand to meet its international obligations under the Convention and the Protocol, including, but not limited to,—
- (a) its obligation under Article 3.1 of the Protocol to retire units equal to the number of metric tonnes of carbon dioxide equivalent of human-induced greenhouse gases emitted from the sources listed in Annex A of the Protocol in New Zealand in the commitment period; and
 - (b) its obligation to report to the Conference of the Parties via the Secretariat under Article 7 of the Protocol and Article 12 of the Convention.

- (2) A person who exercises a power or discretion, or carries out a duty, under this Act must exercise that power or discretion, or carry out that duty, in a manner that is consistent with the purpose of this Act.

4 Interpretation

- (1) In this Act, unless the context otherwise requires,—

assigned amount unit means a unit issued out of a Party's initial assigned amount and designated as an assigned amount unit (or AAU) by—

- (a) the Registry; or
- (b) an overseas registry of a Party listed in Annex B of the Protocol

cancel, in relation to a unit, means the transfer of the unit to a cancellation account, rendering it incapable of being further transferred, retired, carried over, or cancelled

carbon dioxide equivalent, in relation to a gas in Annex A of the Protocol, means the amount, in metric tonnes, of carbon dioxide that would produce the same global warming as the amount of that gas, calculated by multiplying the metric tonnes of that gas by its global warming potential (as determined under Article 5.3 of the Protocol)

carry over means the transfer of an assigned amount unit, certified emission reduction unit, or emission reduction unit from the commitment period to a subsequent commitment period so that the unit remains capable of being transferred, retired, cancelled, or carried over in that subsequent commitment period

CDM registry means the registry established and maintained as the clean development mechanism registry under Article 12 of the Protocol

certified emission reduction unit means a unit derived from a clean development mechanism project, issued by the CDM registry, and designated as a certified emission reduction unit (or CER) by the CDM registry

clean development mechanism project means a project undertaken under Article 12 of the Protocol for the benefit of a Party not listed in Annex I of the Convention that results in certified emission reductions

commitment period means the period from 1 January 2008 to 31 December 2012 (inclusive)

commitment period reserve means a number of units equal to the lesser of—

- (a) 90% of the assigned amount units issued out of New Zealand's initial assigned amount; or
- (b) 5 times the number of metric tonnes of carbon dioxide equivalent of human-induced greenhouse gases emitted from the sources listed in Annex A of the Protocol in the most recent year, as estimated by the most recent inventory of greenhouse gases that has been reported in accordance with Article 7 of the Protocol and reviewed in accordance with Article 8 of the Protocol

Conference of the Parties means the Conference of the Parties to the Convention

Convention means the United Nations Framework Convention on Climate Change done at New York on 9 May 1992, a copy of the English text of which is set out in Schedule 1

elect, in relation to a sink activity under Article 3.4 of the Protocol, means that a Party has advised the Secretariat of its intention to report to the Secretariat on that activity for the purpose of compliance with that Party's obligations under Article 3.1 of the Protocol

emission reduction unit means a unit derived from a joint implementation project, issued by converting an assigned amount unit or removal unit, and designated as an emission reduction unit (or ERU) by—

- (a) the Registry; or
- (b) an overseas registry of a Party listed in Annex B of the Protocol

general cancellation account means an account in the Registry for the purpose of holding units on behalf of the Crown that are cancelled for any reason other than sink activities being a source of emissions or a determination that New Zealand is not in compliance with Article 3.1 of the Protocol

greenhouse gas means a gas listed in Annex A of the Protocol

holding account means an account in the Registry for the purpose of holding units on behalf of the Crown that have not been retired or cancelled

independent transaction log means an independent log established and maintained by the Secretariat to confirm the validity of transactions, including the issue, transfer, and acquisition of units between registries and between accounts in the Registry

indirect greenhouse gas—

- (a) means a gas that—
 - (i) reacts with other gases to form a greenhouse gas; or
 - (ii) changes the chemistry of the atmosphere in a way that increases the lifetime of other greenhouse gases; and
- (b) includes, but is not limited to, carbon monoxide, nitrogen oxides, non-methane volatile organic compounds, and sulphur dioxide

industrial or trade premises means any premises used for any industrial or trade purposes, or any premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste-management purposes; but does not include any production land

initial assigned amount means the allowance of emissions of greenhouse gas assigned to a Party listed in Annex B of the Protocol, measured in metric tonnes of carbon dioxide equivalent, and calculated under Articles 3.7 and 3.8 of the Protocol

inventory agency means the person who is for the time being the chief executive of the Ministry for the Environment

joint implementation project means a project aimed at reducing the human-induced emissions of greenhouse gases by sources or enhancing the human-induced removals by sink activities of a Party listed in Annex I of the Convention that is undertaken under Article 6 of the Protocol

local authority has the same meaning as in section 2(1) of the Local Government Act 1974

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

Minister responsible for the inventory agency means the Minister of the Crown who, under the authority of any warrant

or with the authority of the Prime Minister, is for the time being responsible for the inventory agency

Minister responsible for the Registry means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the Registry

non-compliance cancellation account means an account in the Registry for the purpose of holding any units on behalf of the Crown that are cancelled as a result of a determination that New Zealand is not in compliance with Article 3.1 of the Protocol

ordinary hours of business means the hours of 8 am to 6 pm from Monday to Friday

overseas registry means—

- (a) a registry of a Party listed in Annex B of the Protocol (other than New Zealand);
- (b) the CDM registry

Party means a Party to the Protocol

performance, in relation to ruminants and other farmed livestock, means the production statistics with respect to those animals, including, but not limited to, weight, milk production, lambing and calving percentage, and wool weight

production land means any land used for the production of primary products (including agricultural, pastoral, horticultural, and forestry products); but does not include any buildings

Protocol means the Protocol to the United Nations Framework Convention on Climate Change done at Kyoto on 11 December 1997, a copy of the English text of which is set out in Schedule 2

Registry means the Registry established in New Zealand for the purpose set out in section 10

removal unit means a unit—

- (a) derived from a Party's sink activities that result in a net removal of greenhouse gases; and
- (b) designated as a removal unit (or RMU) by—
 - (i) the Registry; or
 - (ii) an overseas registry of a Party listed in Annex B of the Protocol

representative identifier means a unique number assigned to the representative of the account holder

retire, in relation to a unit, means the transfer of that unit to a retirement account in the Registry, rendering it incapable of being further transferred, retired, carried over, or cancelled

retirement account means an account in the Registry for the purpose of holding units that the Minister of Finance has retired on behalf of the Crown

Secretariat means the Secretariat of the Convention

sink activity, in relation to greenhouse gas removals, means—

- (a) an activity under Article 3.3 of the Protocol; or
- (b) an elected activity under Article 3.4 of the Protocol

sink cancellation account means an account in the Registry for the purpose of holding units that the Minister of Finance has cancelled on behalf of the Crown as a result of sink activities resulting in a net source of emissions

supervisory committee means the committee established to supervise the verification of emission reduction units generated by project activities under Article 6 of the Protocol

units means all of the unit types specified in the Protocol (namely, assigned amount units, certified emission reduction units, emission reduction units, and removal units).

- (2) Terms and expressions used and not defined in this Act but defined in the Convention or Protocol have, unless the context otherwise requires, the same meaning as in the Convention or Protocol.

5 Act binds the Crown

This Act binds the Crown.

Part 2

Institutional arrangements

Subpart 1—Powers of Minister of Finance

6 Minister of Finance may carry out trading activities with respect to units

The Minister of Finance may, on behalf of the Crown,—

- (a) direct the Registrar to establish or close holding accounts:
- (b) direct the Registrar to transfer units to any holding account in the Registry or to an overseas registry:
- (c) buy or sell units, or otherwise acquire or dispose of units:
- (d) enter into agreements to buy or sell units, or otherwise acquire or dispose of units, with any person (including any other Party):
- (e) buy or sell, or enter into any agreement to buy or sell, or otherwise acquire or dispose of, any financial derivatives or other financial instruments relating to units or in connection with transactions relating to units:
- (f) appoint agents to conduct the activities referred to in paragraphs (a) to (e) on the terms and conditions that the Minister of Finance thinks fit.

7 Minister of Finance may give directions to Registrar regarding accounts and units

The Minister of Finance may give directions to the Registrar to—

- (a) establish the following accounts in the Registry for the Crown:
 - (i) a sink cancellation account:
 - (ii) a non-compliance cancellation account:
 - (iii) a general cancellation account:
 - (iv) a retirement account:
- (b) record New Zealand's initial assigned amount as assigned amount units in the Registry:
- (c) issue removal units or emission reduction units:
- (d) transfer units from holding accounts to the retirement account, the general cancellation account, the sink cancellation account, or the non-compliance cancellation account:

- (e) carry over units held in holding accounts.

8 Registrar must give effect to directions of Minister of Finance

The Registrar must give effect to any directions given by the Minister of Finance under section 6 or section 7 in accordance with, and subject to, the procedures set out in subpart 2 of this Part and regulations made under section 50.

9 Minister of Finance may obtain information from inventory agency and Registrar

For the purposes of managing the Crown's holding of units, the Minister of Finance may, as and when he or she thinks fit,—

- (a) direct the inventory agency to provide information estimating New Zealand's human-induced emissions of greenhouse gases by sources and removals by sink activities:
- (b) direct the Registrar to provide information on those units, including, but not limited to, information indicating—
 - (i) how many units the Crown holds; and
 - (ii) how many units the Crown has acquired, transferred, retired, cancelled, and carried over.

Subpart 2—Registry

Purpose of Registry

10 Purpose of Registry

The purpose of the Registry is to—

- (a) ensure, for the commitment period or a subsequent commitment period, the accurate accounting of—
 - (i) the issue, holding, acquisition, transfer, retirement, and cancellation of units; and
 - (ii) the carry-over of assigned amount units, certified emission reduction units, and emission reduction units; and
- (b) ensure, in accordance with Article 7.4 of the Protocol, the accurate, transparent, and efficient exchange of information between—
 - (i) the Registry and overseas registries; and

- (ii) the Registry and the independent transaction log; and
- (c) facilitate the exchange of information between the Registrar and the Minister of Finance to enable each of them to carry out their respective functions, powers, and duties under this Act.

Registrar

11 Appointment of Registrar

The chief executive of the Ministry responsible for the Registry must appoint a Registrar in accordance with the State Sector Act 1988.

12 Registrar responsible for Registry

The Registrar is responsible for the operation of the Registry.

13 Registrar may refuse access to, or suspend operation of, Registry

The Registrar may refuse access to the Registry, or otherwise suspend the operation of the Registry (in whole or in part), if the Registrar considers that providing access, or any other service or services relating to the Registry, is impractical due to technical difficulties.

14 Registrar must give effect to directions

- (1) The Registrar must give effect to any direction relating to the operation of the Registry given by the Minister responsible for the Registry.
- (2) As soon as practicable after giving the direction, the Minister responsible for the Registry must publish a copy of the direction in the *Gazette*.

15 Registrar must allocate unique numbers

- (1) The Registrar must, in accordance with regulations made under this Act,—
 - (a) allocate a unique account number to each account when the account is created; and
 - (b) allocate a unique serial number to—
 - (i) each assigned amount unit when the Registrar records the initial assigned amount; and

- (ii) each removal unit when the Registrar issues the removal unit.
- (2) If the Minister of Finance directs the Registrar to issue emission reduction units under section 7, the Registrar must convert the assigned amount units or removal units specified by the Minister of Finance into emission reduction units by—
 - (a) giving the emission reduction units the serial numbers of the units from which the emission reduction units are being converted; and
 - (b) replacing the identifiers on the converted units with identifiers that designate that the converted units are emission reduction units.

16 Carry-over of units

If the Minister of Finance directs the carry-over of units under section 7, the Registrar, subject to regulations made under section 50(1), must, as soon as practicable, carry over the units by—

- (a) continuing to hold the units in the relevant holding accounts; and
- (b) notifying the Secretariat that those units apply to a subsequent commitment period.

17 Commitment period reserve

- (1) The Registrar may not transfer or cancel units if the transfer or cancellation would cause the total of the units in all holding accounts and the retirement account in the unit register, excluding those units subject to a notification from the independent transaction log under section 21(3), to fall below the commitment period reserve.
- (2) This section does not apply to transfers or cancellations of units that the Registrar has issued as emission reduction units that were verified by the supervisory committee.

Unit register

18 Form and content of unit register

- (1) The Registry must have a unit register that is—
 - (a) in electronic form; and
 - (b) accessible via the Internet; and

- (c) operated at all times, unless the Registrar suspends its operation (in whole or in part) under section 13 or as prescribed in regulations.
- (2) The unit register must contain—
- (a) a record of the holdings of units in holding accounts in New Zealand; and
 - (b) the particulars of transactions, including, but not limited to,—
 - (i) the acquisition, transfer, retirement, and cancellation of units; and
 - (ii) the carry-over of assigned amount units, certified emission reduction units, and emission reduction units; and
 - (c) any other matters that are required to be registered under this Act or regulations made under this Act.

19 Offset of units

A unit may be offset by the Crown against 1 metric tonne of carbon dioxide equivalent of human-induced greenhouse gas emissions, emitted from sources listed in Annex A of the Protocol, by means of retirement.

20 Transactions must be registered

- (1) A transaction to transfer, cancel, or retire units must be registered on the unit register.
- (2) However, the Registrar may not register a transaction on the unit register if the Registrar receives a notification from the independent transaction log that there is a discrepancy with the transaction.

21 Registration procedure

- (1) On receipt of a direction given by the Minister of Finance for registration of a transaction, the Registrar must, in accordance with any regulations made under this Act,—
 - (a) create an unique transaction number; and
 - (b) send a record of the proposed transaction to—
 - (i) the independent transaction log; and
 - (ii) in the case of transfers to an overseas registry, the other registry.

- (2) On receipt of notification from the independent transaction log that there are no discrepancies in the proposed transaction, the Registrar must, as soon as practicable,—
 - (a) record in the unit register—
 - (i) the particulars set out in the direction; and
 - (ii) the date and time that the particulars were recorded; and
 - (b) send notification that the transaction has been recorded in the unit register to—
 - (i) the independent transaction log; and
 - (ii) in the case of transfers to an overseas registry, the overseas registry; and
 - (c) send an electronic verification statement to the Minister of Finance.
- (3) If the Registrar receives a notification from the independent transaction log that there is a discrepancy in a transaction, the Registrar—
 - (a) may not register the transaction; and
 - (b) must terminate the transaction; and
 - (c) must give notification of the termination, as soon as practicable, to—
 - (i) the independent transaction log; and
 - (ii) in the case of transfers to an overseas registry, the other registry; and
 - (iii) the Minister of Finance.
- (4) This section does not apply to the carry-over of units.

22 Transactions take effect when registered

- (1) A transaction takes effect when it is registered.
- (2) A transaction is registered when the Registrar—
 - (a) assigns a registration number, date, and time, and other information that may be required by this Act, to the transaction; and
 - (b) enters those particulars in the unit register.

23 Receiving units from overseas registries

- (1) If the Registrar receives notification from an overseas registry of a proposal to transfer units to an account in the Registry, the Registrar must register the transaction, in accordance with the notification, when the Registrar receives the following:

- (a) notification from the independent transaction log that the proposed transaction does not contain any discrepancies; and
 - (b) notification from the overseas registry that it has registered the transfer in its registry.
- (2) If the Registrar receives notification from an overseas registry of a proposal to transfer units to an account in the Registry and receives notification from the independent transaction log that there is a discrepancy, the Registrar—
- (a) may not register the transaction; and
 - (b) must terminate the transaction; and
 - (c) must notify the independent transaction log and the overseas registry of the termination.

24 Priority of registration

- (1) Applications for the registration of transactions must, as soon as practicable, be processed in the chronological order in which they are received by the Registrar.
- (2) An application is received by the Registrar when it is recorded as being downloaded into the computer maintained to operate the unit register.

25 Correction of unit register

If the Registrar is satisfied that the unit register is inaccurate in any respect, the Registrar must—

- (a) correct the unit register accordingly; and
- (b) record on the unit register—
 - (i) the nature of the correction; and
 - (ii) the time that the correction was made; and
- (c) give notification of the correction, as soon as practicable, to—
 - (i) any person whom the Registrar considers to be affected by the correction; and
 - (ii) the independent transaction log; and
 - (iii) any overseas registry that the Registrar considers to be affected by the correction; and
 - (iv) any other persons, by posting on the Registry website.

26 Unit register must be open for search

Except as provided in section 13, the unit register must be open at all times for searches by a person via the Internet.

27 Information accessible by search

The following information must be accessible by a search of the unit register via the Internet:

- (a) up-to-date information for each account, including, but not limited to,—
 - (i) the name of the account holder; and
 - (ii) the type of account; and
 - (iii) the commitment period to which a cancellation or retirement account is associated; and
 - (iv) the representative identifier; and
 - (v) the full name, mailing address, telephone number, fax number, and email address of the representative of the account holder; and
- (b) holding and transactional information, by serial number, for each calendar year, including, but not limited to,—
 - (i) the total quantity of units in each account at the beginning of the year; and
 - (ii) the total quantity of assigned amount units issued on the basis of the initial assigned amount; and
 - (iii) the total quantity of emission reduction units issued on the basis of a joint implementation project; and
 - (iv) the total quantity of units acquired from other registries, and the identity of the transferring accounts and registries; and
 - (v) the total quantity of removal units issued in relation to sink activities; and
 - (vi) the total quantity of units transferred to other registries, and the identity of the acquiring accounts and registries; and
 - (vii) the total quantity of units transferred to the sink cancellation account; and
 - (viii) the total quantity of units transferred to the non-compliance cancellation account; and
 - (ix) the total quantity of units transferred to the general cancellation account; and
 - (x) the total quantity of units retired; and

- (xi) the total quantity of assigned amount units, certified emission reduction units, and emission reduction units carried over from a previous commitment period; and
- (xii) the current holdings of units in each account; and
- (c) a list of account holders; and
- (d) any other information prescribed in regulations made under this Act.

28 Registrar must issue search copies

- (1) This section applies if a person, using the form and paying the fees (if any) prescribed in regulations made under this Act, asks the Registrar to supply that person with a copy of a specified part of the unit register.
- (2) If this section applies, the Registrar must supply to the person a copy of the specified part of the unit register (in hardcopy or electronic form) as soon as practicable.

29 Search copies receivable as evidence

A search copy that purports to be issued by the Registrar is receivable as evidence and is, in the absence of evidence to the contrary, proof of the following:

- (a) the ownership of the units referred to in the search copy; and
- (b) the date and time of the registration of a transaction; and
- (c) any other matters referred to in the search copy that relate to information held in the Registry.

30 Recovery of fees

- (1) A fee that is not paid in accordance with regulations made under this Act may be recovered from the person liable to pay the fees by the chief executive of the Ministry responsible for the Registry in any court of competent jurisdiction.
- (2) The chief executive of the Ministry responsible for the Registry may enter into any agreement or arrangement, on any terms that the chief executive thinks fit, with any person to collect, or assist in the collection of, any fees that are payable.

Subpart 3—Inventory agency

31 Meaning of greenhouse gas

For the purposes of this subpart, despite anything in section 4, **greenhouse gas** means a gas in the earth's atmosphere that strongly absorbs and re-emits infrared radiation, and includes indirect greenhouse gases, but does not include a gas that is covered by the Montreal Protocol on Substances that Deplete the Ozone Layer.

32 Primary functions of inventory agency

- (1) The primary functions of the inventory agency are to—
 - (a) estimate annually New Zealand's human-induced emissions by sources and removals by sinks of greenhouse gases; and
 - (b) prepare the following reports for the purpose of discharging New Zealand's obligations:
 - (i) New Zealand's annual inventory report under Article 7.1 of the Protocol; and
 - (ii) New Zealand's national communication (or periodic report) under Article 7.2 of the Protocol and Article 12 of the Convention; and
 - (iii) New Zealand's report for the calculation of its initial assigned amount under Article 7.4 of the Protocol, including its method of calculation.
- (2) In carrying out its functions, the inventory agency must—
 - (a) identify source categories; and
 - (b) collect data by means of—
 - (i) voluntary collection; and
 - (ii) collection from government agencies and other agencies that hold relevant information; and
 - (iii) collection in accordance with regulations made under this Act (if any); and
 - (c) estimate the emissions and removals by sinks for each source category; and
 - (d) undertake assessments on uncertainties; and
 - (e) undertake procedures to verify the data; and
 - (f) retain information and documents to show how the estimates were determined.

33 Inventory agency under direction of Minister responsible for inventory agency

- (1) The inventory agency must comply with any direction from the Minister responsible for the inventory agency in relation to the performance of its functions under this Act.
- (2) As soon as practicable after giving the direction, the Minister responsible for the inventory agency must publish a copy of the direction in the *Gazette*.

34 Record keeping

The inventory agency must keep a record of changes that occur from year to year in—

- (a) the collection of data; and
- (b) the use of methodologies and emission factors.

35 Publication

The inventory agency must publish New Zealand's annual inventory report and its national communication (or periodic report)—

- (a) in hardcopy; and
- (b) if it has a website, in electronic form by placing the report on a publicly accessible portion of its website.

Part 3 Compliance

Inspectors

36 Authorisation of inspectors

- (1) The Minister responsible for the inventory agency may authorise the following persons, provided that they are suitably qualified and trained, to carry out all or any of the powers and duties of an inspector under this Act:
 - (a) employees of the inventory agency; or
 - (b) employees of the Ministry of Agriculture and Forestry and employees of any other department of the public service prescribed by regulation; or
 - (c) employees of New Zealand Forest Research Institute Limited, Landcare Research New Zealand Limited, New Zealand Pastoral Agriculture Research Institute Limited, and employees of any other Crown Research

Institute (within the meaning of the Crown Research Institutes Act 1992) prescribed by regulation.

- (2) An authorisation is subject to the terms and conditions that are agreed to by the Minister responsible for the inventory agency and the chief executive of the agency that employs the person authorised to be an inspector.
- (3) The Minister responsible for the inventory agency must supply an inspector with a warrant of authorisation that clearly states the powers and duties of that inspector.
- (4) An inspector who exercises, or purports to exercise, a power conferred on that inspector under this Act must carry and be able to produce, if required to do so,—
 - (a) his or her warrant of authorisation; and
 - (b) evidence of his or her identity.
- (5) An inspector who holds a warrant of authorisation issued under this section must, on the termination of that inspector's authorisation, surrender his or her warrant of authorisation to the Minister responsible for the inventory agency.

37 Power to enter land or premises to collect information to estimate emissions or removals of greenhouse gases

- (1) For the purposes of collecting information to assist with the estimation of New Zealand's human-induced emissions by sources and removals by sinks of greenhouse gases, an inspector may, if authorised in writing by the Minister responsible for the inventory agency, enter or re-enter land, or premises where any livestock are likely to be held, excluding any dwellinghouse, at any reasonable time during the ordinary hours of business, to—
 - (a) carry out surveys, investigations, tests, or measurements (including those that involve leaving measuring equipment on the land or premises);
 - (b) take samples of water, air, soil, or organic matter.
- (2) To avoid doubt, the authorisation given by the Minister responsible for the inventory agency may be for a series of surveys, investigations, tests, measurements, or samples.
- (3) Reasonable notice, in writing, must be given to the occupier (if any) of the land or premises to be entered that specifies—
 - (a) when, and by what means, entry is to be made; and
 - (b) the purpose for which entry is required; and

- (c) that the entry is authorised under this section.
- (4) Reasonable effort must be made to give notice under subsection (3) to the owner or owners of the land or premises.
- (5) If the owner or owners are not given notice, reasonable effort must be made to identify any wāhi tapu areas and archaeological sites on the land by other means.
- (6) An inspector who exercises the power of entry under this section may use any assistance that is reasonably necessary to exercise the power.
- (7) A person who provides assistance under subsection (6) may exercise the powers provided to inspectors under subsection (1).

38 Limitation on power of entry under section 37

The Minister responsible for the inventory agency may only authorise an inspector to exercise the power of entry under section 37 if satisfied that the information sought—

- (a) requires specific technical expertise to collect; and
- (b) cannot reasonably be obtained from the occupier or owner of the land or premises.

39 Power of entry for inspection

- (1) An inspector authorised in writing by the inventory agency may enter land or premises (excluding any dwellinghouse) at any reasonable time during the ordinary hours of business, for the purpose of inspection, to determine whether or not a person is complying with regulations made under section 50(2)(a), (c), (e), or (f).
- (2) During an inspection, an inspector may—
 - (a) require the production of, inspect, and copy any documents or business records (including electronic documents or records):
 - (b) take samples of water, air, soil, or organic matter:
 - (c) carry out surveys, investigations, tests, or measurements (including those that involve leaving measuring equipment on the land or premises):
 - (d) demand from the occupier any other information that the inspector may reasonably require for the purpose of determining whether or not regulations made under

section 50(2)(a), (c), (e), or (f) have been complied with.

- (3) An inspector who exercises the power of inspection under this section must give the occupier or owner reasonable notice of the inspector's intention to enter the land or premises unless doing so would defeat the purpose of the entry.
- (4) A notice given under subsection (3) must specify—
 - (a) when entry is to be made; and
 - (b) the purpose for which the entry is required; and
 - (c) that the entry is authorised under this section.
- (5) An inspector who exercises the power of inspection under this section may be accompanied by any person or persons reasonably necessary to assist him or her with the inspection.
- (6) A person who provides assistance under subsection (5) may exercise the powers provided to inspectors under subsection (2)(a) to (c).
- (7) Nothing in this section limits the privilege against self-incrimination.

40 Applications for warrants

- (1) A District Court Judge who, on written application made on oath by an inspector authorised by the inventory agency, is satisfied that there are reasonable grounds to believe that there are in or on or under or over any land, premises, or dwellinghouse any documents or other records or things (including samples) for which there are reasonable grounds to believe may be evidence of the commission of an offence under section 46 may issue a warrant authorising the entry and search of that land, premises, or dwellinghouse.
- (2) Every search warrant must authorise the inspector executing the warrant to—
 - (a) enter and search the land, premises, or dwellinghouse within 30 working days of the date of the warrant at any time that is reasonable in the circumstances during the ordinary hours of business; and
 - (b) require the production, inspection, and copying of documents or business records (including electronic documents or records); and
 - (c) demand from the occupier any other information that the inspector may reasonably require for the purpose of

- determining whether or not the regulations made under section 50(2) have been complied with; and
- (d) seize any documents or business records that the inspector has reasonable cause to suspect may be evidence of the commission of an offence under section 46; and
 - (e) take samples of water, air, soil, or organic matter; and
 - (f) use any assistance that is reasonably necessary in the circumstances; and
 - (g) use any force to enter (whether by breaking doors or otherwise) that is reasonable in the circumstances.
- (3) An inspector may not enter a dwellinghouse unless that inspector is accompanied by a member of the police.
 - (4) A person who provides assistance under subsection (2)(f) may exercise the powers provided to inspectors under subsection (2)(a), (b), (d), (e), and (g).
 - (5) Nothing in this section limits the privilege against self-incrimination.

41 Entry of defence areas

Despite anything in sections 37, 39, and 40, an inspector may not enter a defence area (within the meaning of section 2(1) of the Defence Act 1990), except in accordance with a written agreement between the inventory agency and the Chief of Defence Force on the date or dates specified in that agreement.

42 Proof of authority must be produced

If powers are exercised under section 37 or section 39 or section 40, an inspector must, on initial entry, and if asked by the occupier at any time afterward, produce for inspection that inspector's—

- (a) warrant of authorisation and evidence of his or her identity; and
- (b) written authorisation to enter required under section 37 or section 39 or a search warrant required under section 40.

43 Notice of entry

- (1) If, when powers are exercised under section 37 or section 39 or section 40, the occupier is not present at the time that the written authorisation or search warrant is executed, and notice

is not given to the owner or owners under section 37 or section 39, the inspector must, in a prominent place, attach a written notice that shows—

- (a) the date and time of the entry or search; and
 - (b) the purpose of the entry or search; and
 - (c) the name and phone number of that inspector; and
 - (d) an address at which enquiries may be made.
- (2) If the inspector removes, or has removed, any documents or business records from any land, premises, or dwellinghouse, the inspector must hand to the occupier, or attach in a prominent place, a notice that—
- (a) lists all of the items taken; and
 - (b) states where those items are being held (and, if they are being held in 2 or more places, state which items are being held in which place); and
 - (c) states the procedure that the person must follow to have those items returned.

44 Information obtained under section 39 or section 40 only admissible in proceedings for alleged breach of regulations made under section 50(2)

No document, business record, or other information obtained from a person under section 39 or section 40 is admissible against that person in any criminal or civil proceedings, other than proceedings for an alleged breach of regulations made under section 50(2).

45 Return of items seized

Section 199 of the Summary Proceedings Act 1957 applies, with the necessary modifications, to any property seized or taken by an inspector as if—

- (a) references in that section to a constable were references to an inspector; and
- (b) the reference in that section to section 198 of that Act were a reference to section 39 or section 40 of this Act.

*Offences and penalties***46 Failing to provide required information to inventory agency**

Every person who fails, without reasonable excuse, to provide the information to the inventory agency required under regulations made under section 50(2)—

- (a) commits an offence; and
- (b) is liable on conviction to a fine not exceeding,—
 - (i) in the case of an individual, \$5,000; or
 - (ii) in the case of a body corporate, \$30,000.

47 Obstructing, hindering, resisting, or deceiving person exercising power under Act

Every person—

- (a) commits an offence who—
 - (i) wilfully obstructs, hinders, resists, or deceives a person exercising a power conferred on that person under this Act or regulations made under this Act; or
 - (ii) wilfully interferes with any survey, investigation, test, or measurement carried out by an inspector under this Act; or
 - (iii) refuses to provide information that an inspector has demanded from that person under section 39(2)(d) or section 40(2)(c), except on the grounds of self-incrimination; and
- (b) is liable on conviction to a fine not exceeding,—
 - (i) in the case of an individual, \$5,000; or
 - (ii) in the case of a body corporate, \$30,000.

48 Signing false declaration

Every person who signs a declaration that is required by regulations made under section 50, knowing the declaration to be false,—

- (a) commits an offence; and
- (b) is liable on conviction to a fine not exceeding \$5,000.

*Miscellaneous provisions***49 Reporting**

For the purpose of reporting to the Secretariat under the Convention and the Protocol, the Minister may, as and when the

Minister thinks fit, direct the inventory agency or the Registrar to provide reports and information to the Minister or directly to the Secretariat.

50 Regulations

- (1) The Governor-General may, by Order in Council, make regulations for any or all of the following purposes:
 - (a) procedures and requirements relating to any powers of the Minister of Finance under subpart 1 of Part 2:
 - (b) prescribing agencies whose employees may act as inspectors under section 36, being—
 - (i) a Department of the Public Service listed in the First Schedule of the State Sector Act 1988; or
 - (ii) a Crown Research Institute within the meaning of the Crown Research Institutes Act 1992:
 - (c) prescribing matters in respect of the carry-over of units, including (but not limited to) procedures, requirements, conditions, exemptions, restrictions, thresholds, or limits:
 - (d) prescribing procedures, requirements, and other matters in respect of the unit register and its operation, including, but not limited to, matters relating to—
 - (i) access to the unit register:
 - (ii) the location of the unit register:
 - (iii) the hours of access to the unit register:
 - (iv) the format of unique numbers to be used in the unit register:
 - (v) the exchange of data between—
 - (A) the Registry and overseas registries:
 - (B) the Registry and the independent transactions log:
 - (vi) the registration of transactions:
 - (e) prescribing matters in respect of which fees are payable under section 28(1) and the amounts of those fees:
 - (f) prescribing procedures for the payment of prescribed fees:
 - (g) prescribing procedures, requirements, and other matters in respect of the form, use, and manner of obtaining electronic verification statements to confirm a registration:

- (h) prescribing procedures, requirements, and other matters in respect of searching the unit register, including, but not limited to,—
 - (i) the criteria by which a search may be conducted:
 - (ii) the method of disclosure:
 - (iii) the form of search results:
 - (iv) the abbreviations, expansions, or symbols that may be used in search results:
 - (i) prescribing forms and notices for the purposes of this Act:
 - (j) for the purposes of, and subject to, Part 2, giving effect to the terms of the Convention and the Protocol, including any decisions, rules, guidelines, principles, measures, methodologies, modalities, procedures, mechanisms, or other matters adopted, agreed on, made, or approved in accordance with the Convention or the Protocol:
 - (k) providing for the matters that are contemplated by, or necessary for, giving full effect to this Act and for its due administration.
- (2) If recommended by the Minister responsible for the inventory agency, the Governor-General may, by Order in Council, make regulations requiring persons to keep and provide information to the inventory agency for the purpose of estimating New Zealand's human-induced emissions by sources and removals by sinks of greenhouse gases on any or all of the following:
- (a) emissions of greenhouse gases into the atmosphere from industrial or trade premises:
 - (b) volumes of fuel produced, distributed, sold, or used, and the nature of the use of that fuel:
 - (c) industrial processes, including by-products from industrial processes:
 - (d) composition of vehicle fleets and use of vehicles, including, but not limited to, distances travelled:
 - (e) imports and exports of hydrofluorocarbons, perfluorocarbons, and sulphur hexafluoride:
 - (f) imports, exports, manufacture, sales, and the nature of the use of products that contain hydrofluorocarbons, perfluorocarbons, and sulphur hexafluoride:

- (g) waste composition and weight, dimensional characteristics of landfills, and volume of landfill gases extracted and combusted:
 - (h) numbers of ruminants and other farmed livestock and their performance:
 - (i) areas of crops and amounts produced:
 - (j) amount of nitrogenous and lime fertilisers used:
 - (k) native and planted trees, the amount of harvesting, the area of land in scrub, and the area of land in other land uses that are necessary to determine land use change under Article 3.3 or Article 3.4 of the Protocol.
- (3) If recommended by the Minister responsible for the inventory agency, the Governor-General may, by Order in Council, make regulations requiring persons to provide to the inventory agency information that the person holds on any matter specified in subsection (2) for any year from 1989 to the current reporting year.
- (4) Regulations made under subsection (2) may specify the manner and form in which records must be kept and provided, including specifying that those records must be declared as true, the form of that declaration, and who must sign that declaration.
- (5) Regulations made under subsection (1) or subsection (2) may be made in respect of different persons, transactions, classes of persons, or classes of transactions.
- (6) For the purposes of subsection (5), **classes of persons** includes local authorities.
- (7) Any regulations made under this section must be consistent with—
- (a) this Act; and
 - (b) the Convention; and
 - (c) the Protocol.

51 Incorporation by reference

- (1) If consistent with this Act and any other enactment, any decisions, rules, guidelines, principles, measures, methodologies, modalities, procedures, mechanisms, or other matters adopted, agreed on, made, or approved in accordance with the Convention or the Protocol may be incorporated by reference into regulations made under section 50(1).

- (2) Any material incorporated into regulations by reference forms part of the regulations for all purposes, but any amendment made to the material after the commencement of the regulations does not have effect until regulations have been made incorporating the amendment into regulations.
- (3) The Registrar must make available for inspection free of charge, at the Registry's head office and via the Internet, copies of all material incorporated into regulations by reference.
- (4) No material incorporated into a rule by reference has effect until it is made available for inspection in accordance with subsection (3).

52 Inventory agency must report to Minister responsible for inventory agency on certain matters before certain regulations are made

- (1) Before regulations are made under section 50(2) or (3), the inventory agency must provide a report to the Minister responsible for the inventory agency on—
 - (a) whether or not the information to be collected under the regulations is reasonably available to the inventory agency by other means, including, but not limited to,—
 - (i) voluntary collection; or
 - (ii) collection from a government agency that holds the information (provided that the release of the information by that government agency complies with the principles of the Privacy Act 1993 and any provisions of the enactment under which the information was collected); and
 - (b) any deficiencies with collecting the information using those other means, including, but not limited to,—
 - (i) deficiencies in obtaining the required quality of information; and
 - (ii) the lack of certainty that all the required information can be provided; and
 - (c) whether or not the regulations are likely to place a disproportionate burden on any particular group of persons.
- (2) When preparing a report under subsection (1), the inventory agency must consult any person or government agency that is likely to be affected by the proposed regulations.

- (3) With respect to a report prepared under subsection (1), the Minister responsible for the inventory agency—
- (a) must have regard to the report and to the results of consultation; and
 - (b) may make, as he or she thinks fit, recommendations to the Governor-General to make regulations under section 50(2) or (3).
- (4) The Minister who is responsible for the inventory agency may not recommend the making of regulations under section 50(2) and (3) unless he or she is satisfied, on reasonable grounds, that the regulations are necessary to assist New Zealand to meet its obligations under the Convention or the Protocol.

53 Consequential amendments

Section 31 of the Environment Act 1986 (1986 No 127) is amended by adding the following paragraph:

“(g) to carry out any other functions that may be conferred on the Ministry by any enactment.”

s 4

Schedule 1
United Nations Framework Convention on
Climate Change

Contents

(This table of contents is not part of the Convention.)

Article No		Page No
1	Definitions	1453
2	Objective	1454
3	Principles	1454
4	Commitments	1455
5	Research and systematic observation	1462
6	Education, training and public awareness	1462
7	Conference of the parties	1463
8	Secretariat	1466
9	Subsidiary body for scientific and technological advice	1466
10	Subsidiary body for implementation	1467
11	Financial mechanism	1468
12	Communication of information related to implementation	1469
13	Resolution of questions regarding implementation	1471
14	Settlement of disputes	1472
15	Amendments to the Convention	1473
16	Adoption and amendment of annexes to the Convention	1474
17	Protocols	1475
18	Right to vote	1475
19	Depositary	1476
20	Signature	1476
21	Interim arrangements	1476
22	Ratification, acceptance, approval or accession	1477
23	Entry into force	1477
24	Reservations	1478
25	Withdrawal	1478
26	Authentic texts	1478
	Annex I	1480
	Annex II	1482

The Parties to this Convention,

Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind,

Concerned that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind,

Noting that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs,

Aware of the role and importance in terrestrial and marine ecosystems of sinks and reservoirs of greenhouse gases,

Noting that there are many uncertainties in predictions of climate change, particularly with regard to the timing, magnitude and regional patterns thereof,

Acknowledging that the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions,

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972,

Recalling also that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Reaffirming the principle of sovereignty of States in international cooperation to address climate change,

Recognizing that States should enact effective environmental legislation, that environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply, and that standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries,

Recalling the provisions of General Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development, and resolutions 43/53 of 6 December 1988, 44/207 of 22 December 1989, 45/212 of 21 December 1990 and 46/169 of 19 December 1991 on protection of global climate for present and future generations of mankind,

Recalling also the provisions of General Assembly resolution 44/206 of 22 December 1989 on the possible adverse effects of sea-level rise on islands and coastal areas, particularly low-lying coastal areas and the pertinent provisions of General Assembly resolution 44/172 of 19 December 1989 on the implementation of the Plan of Action to Combat Desertification,

Recalling further the Vienna Convention for the Protection of the Ozone Layer, 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, as adjusted and amended on 29 June 1990,

Noting the Ministerial Declaration of the Second World Climate Conference adopted on 7 November 1990,

Conscious of the valuable analytical work being conducted by many States on climate change and of the important contributions of the World Meteorological Organization, the United Nations Environment Programme and other organs, organizations and bodies of the United Nations system, as well as other international and inter-governmental bodies, to the exchange of results of scientific research and the coordination of research,

Recognizing that steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas,

Recognizing that various actions to address climate change can be justified economically in their own right and can also help in solving other environmental problems,

Recognizing also the need for developed countries to take immediate action in a flexible manner on the basis of clear priorities, as a first step towards comprehensive response strategies at the global, national and, where agreed, regional levels that take into account all greenhouse gases, with due consideration of their relative contributions to the enhancement of the greenhouse effect,

Recognizing further that low-lying and other small island countries, countries with low-lying coastal, arid and semi-arid areas or areas liable to floods, drought and desertification, and developing countries with fragile mountainous ecosystems are particularly vulnerable to the adverse effects of climate change,

Recognizing the special difficulties of those countries, especially developing countries, whose economies are particularly dependent on fossil fuel production, use and exportation, as a consequence of action taken on limiting greenhouse gas emissions,

Affirming that responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Recognizing that all countries, especially developing countries, need access to resources required to achieve sustainable social and economic development and that, in order for developing countries to progress towards that goal, their energy consumption will need to grow taking into account the possibilities for achieving greater energy efficiency and for controlling greenhouse gas emissions in general, including through the application of new technologies on terms which make such an application economically and socially beneficial,

Determined to protect the climate system for present and future generations,

Have agreed as follows:

ARTICLE 1

DEFINITIONS *

For the purposes of this Convention:

1. “Adverse effects of climate change” means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.
2. “Climate change” means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.
3. “Climate system” means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions.
4. “Emissions” means the release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time.
5. “Greenhouse gases” means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.
6. “Regional economic integration organization” means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.
7. “Reservoir” means a component or components of the climate system where a greenhouse gas or a precursor of a greenhouse gas is stored.
8. “Sink” means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere.

* Titles of articles are included solely to assist the reader.

9. "Source" means any process or activity which releases a greenhouse gas, an aerosol or a precursor of a greenhouse gas into the atmosphere.

ARTICLE 2

OBJECTIVE

The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

ARTICLE 3

PRINCIPLES

In their actions to achieve the objective of the Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following:

1. The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.
2. The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and of those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration.

3. The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties.

4. The Parties have a right to, and should, promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change.

5. The Parties should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of climate change. Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

ARTICLE 4

COMMITMENTS

1. All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall:

- (a) Develop, periodically update, publish and make available to the Conference of the Parties, in accordance with Article 12, national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties;
- (b) Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change by addressing anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, and measures to facilitate adequate adaptation to climate change;
- (c) Promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors;
- (d) Promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems;
- (e) Cooperate in preparing for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, and for the protection and rehabilitation of areas, particularly in Africa, affected by drought and desertification, as well as floods;
- (f) Take climate change considerations into account, to the extent feasible, in their relevant social, economic and environmental policies and actions, and employ appropriate methods, for example impact assessments, formulated and determined nationally, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures

undertaken by them to mitigate or adapt to climate change;

- (g) Promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system and intended to further the understanding and to reduce or eliminate the remaining uncertainties regarding the causes, effects, magnitude and timing of climate change and the economic and social consequences of various response strategies;
- (h) Promote and cooperate in the full, open and prompt exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of various response strategies;
- (i) Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations; and
- (j) Communicate to the Conference of the Parties information related to implementation, in accordance with Article 12.

2. The developed country Parties and other Parties included in Annex I commit themselves specifically as provided for in the following:

- (a) Each of these Parties shall adopt national¹ policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs. These policies and measures will demonstrate that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, recognizing that the return by the end of the present decade to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol would contribute to such modification,

¹ This includes policies and measures adopted by regional economic integration organizations.

and taking into account the differences in these Parties' starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, available technologies and other individual circumstances, as well as the need for equitable and appropriate contributions by each of these Parties to the global effort regarding that objective. These Parties may implement such policies and measures jointly with other Parties and may assist other Parties in contributing to the achievement of the objective of the Convention and, in particular, that of this subparagraph;

- (b) In order to promote progress to this end, each of these Parties shall communicate, within six months of the entry into force of the Convention for it and periodically thereafter, and in accordance with Article 12, detailed information on its policies and measures referred to in subparagraph (a) above, as well as on its resulting projected anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol for the period referred to in subparagraph (a), with the aim of returning individually or jointly to their 1990 levels these anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol. This information will be reviewed by the Conference of the Parties, at its first session and periodically thereafter, in accordance with Article 7;
- (c) Calculations of emissions by sources and removals by sinks of greenhouse gases for the purposes of subparagraph (b) above should take into account the best available scientific knowledge, including of the effective capacity of sinks and the respective contributions of such gases to climate change. The Conference of the Parties shall consider and agree on methodologies for these calculations at its first session and review them regularly thereafter;
- (d) The Conference of the Parties shall, at its first session, review the adequacy of subparagraphs (a) and (b) above. Such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information. Based on this review,

the Conference of the Parties shall take appropriate action, which may include the adoption of amendments to the commitments in subparagraphs (a) and (b) above. The Conference of the Parties, at its first session, shall also take decisions regarding criteria for joint implementation as indicated in subparagraph (a) above. A second review of subparagraphs (a) and (b) shall take place not later than 31 December 1998, and thereafter at regular intervals determined by the Conference of the Parties, until the objective of the Convention is met;

- (e) Each of these Parties shall :
 - (i) Coordinate as appropriate with other such Parties, relevant economic and administrative instruments developed to achieve the objective of the Convention; and
 - (ii) Identify and periodically review its own policies and practices which encourage activities that lead to greater levels of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol than would otherwise occur;
- (f) The Conference of the Parties shall review, not later than 31 December 1998, available information with a view to taking decisions regarding such amendments to the lists in Annexes I and II as may be appropriate, with the approval of the Party concerned;
- (g) Any Party not included in Annex I may, in its instrument of ratification, acceptance, approval or accession, or at any time thereafter, notify the Depositary that it intends to be bound by subparagraphs (a) and (b) above. The Depositary shall inform the other signatories and Parties of any such notification.

3. The developed country Parties and other developed Parties included in Annex II shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations under Article 12, paragraph 1. They shall also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of implementing measures that are covered by paragraph 1 of this Article and

that are agreed between a developing country Party and the international entity or entities referred to in Article 11, in accordance with that Article. The implementation of these commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among the developed country Parties.

4. The developed country Parties and other developed Parties included in Annex II shall also assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects.

5. The developed country Parties and other developed Parties included in Annex II shall take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other Parties, particularly developing country Parties, to enable them to implement the provisions of the Convention. In this process, the developed country Parties shall support the development and enhancement of endogenous capacities and technologies of developing country Parties. Other Parties and organizations in a position to do so may also assist in facilitating the transfer of such technologies.

6. In the implementation of their commitments under paragraph 2 above, a certain degree of flexibility shall be allowed by the Conference of the Parties to the Parties included in Annex I undergoing the process of transition to a market economy, in order to enhance the ability of these Parties to address climate change, including with regard to the historical level of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol chosen as a reference.

7. The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties.

8. In the implementation of the commitments in this Article, the Parties shall give full consideration to what actions are necessary

under the Convention, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change and/or the impact of the implementation of response measures, especially on:

- (a) Small island countries;
- (b) Countries with low-lying coastal areas;
- (c) Countries with arid and semi-arid areas, forested areas and areas liable to forest decay;
- (d) Countries with areas prone to natural disasters;
- (e) Countries with areas liable to drought and desertification;
- (f) Countries with areas of high urban atmospheric pollution;
- (g) Countries with areas with fragile ecosystems, including mountainous ecosystems;
- (h) Countries whose economies are highly dependent on income generated from the production, processing and export, and/or on consumption of fossil fuels and associated energy-intensive products; and
- (i) Land-locked and transit countries.

Further, the Conference of the Parties may take actions, as appropriate, with respect to this paragraph.

9. The Parties shall take full account of the specific needs and special situations of the least developed countries in their actions with regard to funding and transfer of technology.

10. The Parties shall, in accordance with Article 10, take into consideration in the implementation of the commitments of the Convention the situation of Parties, particularly developing country Parties, with economies that are vulnerable to the adverse effects of the implementation of measures to respond to climate change. This applies notably to Parties with economies that are highly dependent on income generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which such Parties have serious difficulties in switching to alternatives.

ARTICLE 5

RESEARCH AND SYSTEMATIC OBSERVATION

In carrying out their commitments under Article 4, paragraph 1(g), the Parties shall:

- (a) Support and further develop, as appropriate, international and intergovernmental programmes and networks or organizations aimed at defining, conducting, assessing and financing research, data collection and systematic observation, taking into account the need to minimize duplication of effort;
- (b) Support international and intergovernmental efforts to strengthen systematic observation and national scientific and technical research capacities and capabilities, particularly in developing countries, and to promote access to, and the exchange of, data and analyses thereof obtained from areas beyond national jurisdiction; and
- (c) Take into account the particular concerns and needs of developing countries and cooperate in improving their endogenous capacities and capabilities to participate in the efforts referred to in subparagraphs (a) and (b) above.

ARTICLE 6

EDUCATION, TRAINING AND PUBLIC AWARENESS

In carrying out their commitments under Article 4, paragraph 1(i), the Parties shall:

- (a) Promote and facilitate at the national and, as appropriate, subregional and regional levels, and in accordance with national laws and regulations, and within their respective capacities:
 - (i) The development and implementation of educational and public awareness programmes on climate change and its effects;
 - (ii) Public access to information on climate change and its effects;

- (iii) Public participation in addressing climate change and its effects and developing adequate responses; and
 - (iv) Training of scientific, technical and managerial personnel.
- (b) Cooperate in and promote, at the international level, and, where appropriate, using existing bodies:
- (i) The development and exchange of educational and public awareness material on climate change and its effects; and
 - (ii) The development and implementation of education and training programmes, including the strengthening of national institutions and the exchange or secondment of personnel to train experts in this field, in particular for developing countries.

ARTICLE 7

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established.
2. The Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention and any related legal instruments that the Conference of the Parties may adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To this end, it shall:
 - (a) Periodically examine the obligations of the Parties and the institutional arrangements under the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge;
 - (b) Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;

- (c) Facilitate, at the request of two or more Parties, the coordination of measures adopted by them to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;
- (d) Promote and guide, in accordance with the objective and provisions of the Convention, the development and periodic refinement of comparable methodologies, to be agreed on by the Conference of the Parties, *inter alia*, for preparing inventories of greenhouse gas emissions by sources and removals by sinks, and for evaluating the effectiveness of measures to limit the emissions and enhance the removals of these gases;
- (e) Assess, on the basis of all information made available to it in accordance with the provisions of the Convention, the implementation of the Convention by the Parties, the overall effects of the measures taken pursuant to the Convention, in particular environmental, economic and social effects as well as their cumulative impacts and the extent to which progress towards the objective of the Convention is being achieved;
- (f) Consider and adopt regular reports on the implementation of the Convention and ensure their publication;
- (g) Make recommendations on any matters necessary for the implementation of the Convention;
- (h) Seek to mobilize financial resources in accordance with Article 4, paragraphs 3, 4 and 5, and Article 11;
- (i) Establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;
- (j) Review reports submitted by its subsidiary bodies and provide guidance to them;
- (k) Agree upon and adopt, by consensus, rules of procedure and financial rules for itself and for any subsidiary bodies;
- (l) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent

international organizations and intergovernmental and non-governmental bodies; and

- (m) Exercise such other functions as are required for the achievement of the objective of the Convention as well as all other functions assigned to it under the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure as well as those of the subsidiary bodies established by the Convention, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim secretariat referred to in Article 21 and shall take place not later than one year after the date of entry into force of the Convention. Thereafter, ordinary sessions of the Conference of the Parties shall be held every year unless otherwise decided by the Conference of the Parties.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.

6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

ARTICLE 8

SECRETARIAT

1. A secretariat is hereby established.
2. The functions of the secretariat shall be:
 - (a) To make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;
 - (b) To compile and transmit reports submitted to it;
 - (c) To facilitate assistance to the Parties, particularly developing country Parties, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;
 - (d) To prepare reports on its activities and present them to the Conference of the Parties;
 - (e) To ensure the necessary coordination with the secretariats of other relevant international bodies;
 - (f) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
 - (g) To perform the other secretariat functions specified in the Convention and in any of its protocols and such other functions as may be determined by the Conference of the Parties.
3. The Conference of the Parties, at its first session, shall designate a permanent secretariat and make arrangements for its functioning.

ARTICLE 9

SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNOLOGICAL ADVICE

1. A subsidiary body for scientific and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely information and

advice on scientific and technological matters relating to the Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the guidance of the Conference of the Parties, and drawing upon existing competent international bodies, this body shall:

- (a) Provide assessments of the state of scientific knowledge relating to climate change and its effects;
- (b) Prepare scientific assessments on the effects of measures taken in the implementation of the Convention;
- (c) Identify innovative, efficient and state-of-the-art technologies and know-how and advise on the ways and means of promoting development and/or transferring such technologies;
- (d) Provide advice on scientific programmes, international cooperation in research and development related to climate change, as well as on ways and means of supporting endogenous capacity-building in developing countries; and
- (e) Respond to scientific, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.

3. The functions and terms of reference of this body may be further elaborated by the Conference of the Parties.

ARTICLE 10

SUBSIDIARY BODY FOR IMPLEMENTATION

1. A subsidiary body for implementation is hereby established to assist the Conference of the Parties in the assessment and review of the effective implementation of the Convention. This body shall be open to participation by all Parties and comprise government representatives who are experts on matters related to climate change. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the guidance of the Conference of the Parties, this body shall:
 - (a) Consider the information communicated in accordance with Article 12, paragraph 1, to assess the overall aggregated effect of the steps taken by the Parties in the light of the latest scientific assessments concerning climate change;
 - (b) Consider the information communicated in accordance with Article 12, paragraph 2, in order to assist the Conference of the Parties in carrying out the reviews required by Article 4, paragraph 2(d); and
 - (c) Assist the Conference of the Parties, as appropriate, in the preparation and implementation of its decisions.

ARTICLE 11

FINANCIAL MECHANISM

1. A mechanism for the provision of financial resources on a grant or concessional basis, including for the transfer of technology, is hereby defined. It shall function under the guidance of and be accountable to the Conference of the Parties, which shall decide on its policies, programme priorities and eligibility criteria related to this Convention. Its operation shall be entrusted to one or more existing international entities.
2. The financial mechanism shall have an equitable and balanced representation of all Parties within a transparent system of governance.
3. The Conference of the Parties and the entity or entities entrusted with the operation of the financial mechanism shall agree upon arrangements to give effect to the above paragraphs, which shall include the following:
 - (a) Modalities to ensure that the funded projects to address climate change are in conformity with the policies, programme priorities and eligibility criteria established by the Conference of the Parties;
 - (b) Modalities by which a particular funding decision may be reconsidered in light of these policies, programme priorities and eligibility criteria;

- (c) Provision by the entity or entities of regular reports to the Conference of the Parties on its funding operations, which is consistent with the requirement for accountability set out in paragraph 1 above; and
 - (d) Determination in a predictable and identifiable manner of the amount of funding necessary and available for the implementation of this Convention and the conditions under which that amount shall be periodically reviewed.
4. The Conference of the Parties shall make arrangements to implement the above-mentioned provisions at its first session, reviewing and taking into account the interim arrangements referred to in Article 21, paragraph 3, and shall decide whether these interim arrangements shall be maintained. Within four years thereafter, the Conference of the Parties shall review the financial mechanism and take appropriate measures.
5. The developed country Parties may also provide and developing country Parties avail themselves of, financial resources related to the implementation of the Convention through bilateral, regional and other multilateral channels.

ARTICLE 12

COMMUNICATION OF INFORMATION RELATED TO IMPLEMENTATION

1. In accordance with Article 4, paragraph 1, each Party shall communicate to the Conference of the Parties, through the secretariat, the following elements of information:
- (a) A national inventory of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, to the extent its capacities permit, using comparable methodologies to be promoted and agreed upon by the Conference of the Parties;
 - (b) A general description of steps taken or envisaged by the Party to implement the Convention; and
 - (c) Any other information that the Party considers relevant to the achievement of the objective of the Convention and suitable for inclusion in its communication, including, if

feasible, material relevant for calculations of global emission trends.

2. Each developed country Party and each other Party included in Annex I shall incorporate in its communication the following elements of information:

- (a) A detailed description of the policies and measures that it has adopted to implement its commitment under Article 4, paragraphs 2(a) and 2(b); and
- (b) A specific estimate of the effects that the policies and measures referred to in subparagraph (a) immediately above will have on anthropogenic emissions by its sources and removals by its sinks of greenhouse gases during the period referred to in Article 4, paragraph 2(a).

3. In addition, each developed country Party and each other developed Party included in Annex II shall incorporate details of measures taken in accordance with Article 4, paragraphs 3, 4 and 5.

4. Developing country Parties may, on a voluntary basis, propose projects for financing, including specific technologies, materials, equipment, techniques or practices that would be needed to implement such projects, along with, if possible, an estimate of all incremental costs, of the reductions of emissions and increments of removals of greenhouse gases, as well as an estimate of the consequent benefits.

5. Each developed country Party and each other Party included in Annex I shall make its initial communication within six months of the entry into force of the Convention for that Party. Each Party not so listed shall make its initial communication within three years of the entry into force of the Convention for that Party, or of the availability of financial resources in accordance with Article 4, paragraph 3. Parties that are least developed countries may make their initial communication at their discretion. The frequency of subsequent communications by all Parties shall be determined by the Conference of the Parties, taking into account the differentiated timetable set by this paragraph.

6. Information communicated by Parties under this Article shall be transmitted by the secretariat as soon as possible to the Conference of the Parties and to any subsidiary bodies concerned. If necessary, the procedures for the communication of information may be further considered by the Conference of the Parties.

7. From its first session, the Conference of the Parties shall arrange for the provision to developing country Parties of technical and financial support, on request, in compiling and communicating information under this Article, as well as in identifying the technical and financial needs associated with proposed projects and response measures under Article 4. Such support may be provided by other Parties, by competent international organizations and by the secretariat, as appropriate.

8. Any group of Parties may, subject to guidelines adopted by the Conference of the Parties, and to prior notification to the Conference of the Parties, make a joint communication in fulfilment of their obligations under this Article, provided that such a communication includes information on the fulfilment by each of these Parties of its individual obligations under the Convention.

9. Information received by the secretariat that is designated by a Party as confidential, in accordance with criteria to be established by the Conference of the Parties, shall be aggregated by the secretariat to protect its confidentiality before being made available to any of the bodies involved in the communication and review of information.

10. Subject to paragraph 9 above, and without prejudice to the ability of any Party to make public its communication at any time, the secretariat shall make communications by Parties under this Article publicly available at the time they are submitted to the Conference of the Parties.

ARTICLE 13

RESOLUTION OF QUESTIONS REGARDING IMPLEMENTATION

The Conference of the Parties shall, at its first session, consider the establishment of a multilateral consultative process, available to

Parties on their request, for the resolution of questions regarding the implementation of the Convention.

ARTICLE 14 SETTLEMENT OF DISPUTES

1. In the event of a dispute between any two or more Parties concerning the interpretation or application of the Convention, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

- (a) Submission of the dispute to the International Court of Justice, and/or
- (b) Arbitration in accordance with procedures to be adopted by the Conference of the Parties as soon as practicable, in an annex on arbitration.

A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in subparagraph (b) above.

3. A declaration made under paragraph 2 above shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

4. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the arbitral tribunal, unless the parties to the dispute otherwise agree.

5. Subject to the operation of paragraph 2 above, if after twelve months following notification by one Party to another that a dispute

exists between them, the Parties concerned have not been able to settle their dispute through the means mentioned in paragraph 1 above, the dispute shall be submitted, at the request of any of the parties to the dispute, to conciliation.

6. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a recommendatory award, which the parties shall consider in good faith.

7. Additional procedures relating to conciliation shall be adopted by the Conference of the Parties, as soon as practicable, in an annex on conciliation.

8. The provisions of this Article shall apply to any related legal instrument which the Conference of the Parties may adopt, unless the instrument provides otherwise.

ARTICLE 15

AMENDMENTS TO THE CONVENTION

1. Any Party may propose amendments to the Convention.

2. Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to the Convention and, for information, to the Depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

4. Instruments of acceptance in respect of an amendment shall be deposited with the Depository. An amendment adopted in accordance with paragraph 3 above shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depository of an instrument of acceptance by at least three fourths of the Parties to the Convention.
5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depository its instrument of acceptance of the said amendment.
6. For the purposes of this Article, “Parties present and voting” means Parties present and casting an affirmative or negative vote.

ARTICLE 16

ADOPTION AND AMENDMENT OF ANNEXES TO THE CONVENTION

1. Annexes to the Convention shall form an integral part thereof and, unless otherwise expressly provided, a reference to the Convention constitutes at the same time a reference to any annexes thereto. Without prejudice to the provisions of Article 14, paragraphs 2(b) and 7, such annexes shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.
2. Annexes to the Convention shall be proposed and adopted in accordance with the procedure set forth in Article 15, paragraphs 2, 3 and 4.
3. An annex that has been adopted in accordance with paragraph 2 above shall enter into force for all Parties to the Convention six months after the date of the communication by the Depository to such Parties of the adoption of the annex, except for those Parties that have notified the Depository, in writing, within that period of their non-acceptance of the annex. The annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depository.
4. The proposal, adoption and entry into force of amendments to annexes to the Convention shall be subject to the same procedure as

that for the proposal, adoption and entry into force of annexes to the Convention in accordance with paragraphs 2 and 3 above.

5. If the adoption of an annex or an amendment to an annex involves an amendment to the Convention, that annex or amendment to an annex shall not enter into force until such time as the amendment to the Convention enters into force.

ARTICLE 17 PROTOCOLS

1. The Conference of the Parties may, at any ordinary session, adopt protocols to the Convention.
2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a session.
3. The requirements for the entry into force of any protocol shall be established by that instrument.
4. Only Parties to the Convention may be Parties to a protocol.
5. Decisions under any protocol shall be taken only by the Parties to the protocol concerned.

ARTICLE 18 RIGHT TO VOTE

1. Each Party to the Convention shall have one vote, except as provided for in paragraph 2 below.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

ARTICLE 19

DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary of the Convention and of protocols adopted in accordance with Article 17.

ARTICLE 20

SIGNATURE

This Convention shall be open for signature by States Members of the United Nations or of any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations at Rio de Janeiro, during the United Nations Conference on Environment and Development, and thereafter at United Nations Headquarters in New York from 20 June 1992 to 19 June 1993.

ARTICLE 21

INTERIM ARRANGEMENTS

1. The secretariat functions referred to in Article 8 will be carried out on an interim basis by the secretariat established by the General Assembly of the United Nations in its resolution 45/212 of 21 December 1990, until the completion of the first session of the Conference of the Parties.
2. The head of the interim secretariat referred to in paragraph 1 above will cooperate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the need for objective scientific and technical advice. Other relevant scientific bodies could also be consulted.
3. The Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development shall be the international entity entrusted with the operation of the financial mechanism referred to in Article 11 on an interim basis. In this connection, the Global Environment Facility

should be appropriately restructured and its membership made universal to enable it to fulfil the requirements of Article 11.

ARTICLE 22

RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to the Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, *regional economic integration organizations* shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

ARTICLE 23

ENTRY INTO FORCE

1. The Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization that ratifies, accepts or approves the Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance,

approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

ARTICLE 24 RESERVATIONS

No reservations may be made to the Convention.

ARTICLE 25 WITHDRAWAL

1. At any time after three years from the date on which the Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

ARTICLE 26 AUTHENTIC TEXTS

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at New York this ninth day of May one thousand nine hundred and ninety-two.

Annex I

Australia
Austria
Belarus^{a/}
Belgium
Bulgaria^{a/}
Canada
Croatia^{a/*}
Czech Republic^{a/*}
Denmark
European Economic Community
Estonia^{a/}
Finland
France
Germany
Greece
Hungary^{a/}
Iceland
Ireland
Italy
Japan
Latvia^{a/}
Liechtenstein*
Lithuania^{a/}
Luxembourg
Monaco*
Netherlands
New Zealand
Norway
Poland^{a/}
Portugal
Romania^{a/}
Russian Federation^{a/}
Slovakia^{a/*}
Slovenia^{a/*}
Spain
Sweden
Switzerland

Turkey

Ukraine^{a/}

United Kingdom of Great Britain and Northern Ireland

United States of America

^{a/} Countries that are undergoing the process of transition to a market economy.

* Countries added to Annex I by an amendment that entered into force on 13 August 1998 pursuant to decision 4/CP.3 adopted at COP 3.

Annex II

Australia
Austria
Belgium
Canada
Denmark
European Economic Community
Finland
France
Germany
Greece
Iceland
Ireland
Italy
Japan
Luxembourg
Netherlands
New Zealand
Norway
Portugal
Spain
Sweden
Switzerland
Turkey
United Kingdom of Great Britain and Northern Ireland
United States of America

Schedule 2

s 4

**Kyoto Protocol to the United Nations Framework
Convention on Climate Change**

The Parties to this Protocol,

Being Parties to the United Nations Framework Convention on Climate Change, hereinafter referred to as “the Convention”,

In pursuit of the ultimate objective of the Convention as stated in its Article 2,

Recalling the provisions of the Convention,

Being guided by Article 3 of the Convention,

Pursuant to the Berlin Mandate adopted by decision 1/CP.1 of the Conference of the Parties to the Convention at its first session,

Have agreed as follows:

Article 1

For the purposes of this Protocol, the definitions contained in Article 1 of the Convention shall apply. In addition:

1. “Conference of the Parties” means the Conference of the Parties to the Convention.
2. “Convention” means the United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992.
3. “Intergovernmental Panel on Climate Change” means the Intergovernmental Panel on Climate Change established in 1988 jointly by the World Meteorological Organization and the United Nations Environment Programme.
4. “Montreal Protocol” means the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted in Montreal on 16 September 1987 and as subsequently adjusted and amended.
5. “Parties present and voting” means Parties present and casting an affirmative or negative vote.

6. “Party” means, unless the context otherwise indicates, a Party to this Protocol.
7. “Party included in Annex I” means a Party included in Annex I to the Convention, as may be amended, or a Party which has made a notification under Article 4, paragraph 2(g), of the Convention.

Article 2

1. Each Party included in Annex I, in achieving its quantified emission limitation and reduction commitments under Article 3, in order to promote sustainable development, shall:

(a) Implement and/or further elaborate policies and measures in accordance with its national circumstances, such as:

- (i) Enhancement of energy efficiency in relevant sectors of the national economy;
- (ii) Protection and enhancement of sinks and reservoirs of greenhouse gases not controlled by the Montreal Protocol, taking into account its commitments under relevant international environmental agreements; promotion of sustainable forest management practices, afforestation and reforestation;
- (iii) Promotion of sustainable forms of agriculture in light of climate change considerations;
- (iv) Research on, and promotion, development and increased use of, new and renewable forms of energy, of carbon dioxide sequestration technologies and of advanced and innovative environmentally sound technologies;
- (v) Progressive reduction or phasing out of market imperfections, fiscal incentives, tax and duty exemptions and subsidies in all greenhouse gas emitting sectors that run counter to the objective of the Convention and application of market instruments;
- (vi) Encouragement of appropriate reforms in relevant sectors aimed at promoting policies and

measures which limit or reduce emissions of greenhouse gases not controlled by the Montreal Protocol;

- (vii) Measures to limit and/or reduce emissions of greenhouse gases not controlled by the Montreal Protocol in the transport sector;
- (viii) Limitation and/or reduction of methane emissions through recovery and use in waste management, as well as in the production, transport and distribution of energy;

(b) Cooperate with other such Parties to enhance the individual and combined effectiveness of their policies and measures adopted under this Article, pursuant to Article 4, paragraph 2(e)(i), of the Convention. To this end, these Parties shall take steps to share their experience and exchange information on such policies and measures, including developing ways of improving their comparability, transparency and effectiveness. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session or as soon as practicable thereafter, consider ways to facilitate such cooperation, taking into account all relevant information.

2. The Parties included in Annex I shall pursue limitation or reduction of emissions of greenhouse gases not controlled by the Montreal Protocol from aviation and marine bunker fuels, working through the International Civil Aviation Organization and the International Maritime Organization, respectively.

3. The Parties included in Annex I shall strive to implement policies and measures under this Article in such a way as to minimize adverse effects, including the adverse effects of climate change, effects on international trade, and social, environmental and economic impacts on other Parties, especially developing country Parties and in particular those identified in Article 4, paragraphs 8 and 9, of the Convention, taking into account Article 3 of the Convention. The Conference of the Parties serving as the meeting of the Parties to this Protocol may take further action, as appropriate, to promote the implementation of the provisions of this paragraph.

4. The Conference of the Parties serving as the meeting of the Parties to this Protocol, if it decides that it would be beneficial to coordinate any of the policies and measures in paragraph 1(a) above,

taking into account different national circumstances and potential effects, shall consider ways and means to elaborate the coordination of such policies and measures.

Article 3

1. 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 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 5 per cent below 1990 levels in the commitment period 2008 to 2012.

2. Each Party included in Annex I shall, by 2005, have made demonstrable progress in achieving its commitments under this Protocol.

3. The net changes in greenhouse gas emissions by sources and removals by sinks resulting from direct human-induced land-use change and forestry activities, limited to afforestation, reforestation and deforestation since 1990, measured as verifiable changes in carbon stocks in each commitment period, shall be used to meet the commitments under this Article of each Party included in Annex I. The greenhouse gas emissions by sources and removals by sinks associated with those activities shall be reported in a transparent and verifiable manner and reviewed in accordance with Articles 7 and 8.

4. Prior to the first session of the Conference of the Parties serving as the meeting of the Parties to this Protocol, each Party included in Annex I shall provide, for consideration by the Subsidiary Body for Scientific and Technological Advice, data to establish its level of carbon stocks in 1990 and to enable an estimate to be made of its changes in carbon stocks in subsequent years. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session or as soon as practicable thereafter, decide upon modalities, rules and guidelines as to how, and which, additional human-induced activities related to changes in greenhouse gas emissions by sources and removals by sinks in the agricultural soils and the land-use change and forestry categories shall be added to, or subtracted from, the assigned amounts for Parties included in

Annex I, taking into account uncertainties, transparency in reporting, verifiability, the methodological work of the Intergovernmental Panel on Climate Change, the advice provided by the Subsidiary Body for Scientific and Technological Advice in accordance with Article 5 and the decisions of the Conference of the Parties. Such a decision shall apply in the second and subsequent commitment periods. A Party may choose to apply such a decision on these additional human-induced activities for its first commitment period, provided that these activities have taken place since 1990.

5. The Parties included in Annex I undergoing the process of transition to a market economy whose base year or period was established pursuant to decision 9/CP.2 of the Conference of the Parties at its second session shall use that base year or period for the implementation of their commitments under this Article. Any other Party included in Annex I undergoing the process of transition to a market economy which has not yet submitted its first national communication under Article 12 of the Convention may also notify the Conference of the Parties serving as the meeting of the Parties to this Protocol that it intends to use an historical base year or period other than 1990 for the implementation of its commitments under this Article. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall decide on the acceptance of such notification.

6. Taking into account Article 4, paragraph 6, of the Convention, in the implementation of their commitments under this Protocol other than those under this Article, a certain degree of flexibility shall be allowed by the Conference of the Parties serving as the meeting of the Parties to this Protocol to the Parties included in Annex I undergoing the process of transition to a market economy.

7. In the first quantified emission limitation and reduction commitment period, from 2008 to 2012, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it 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 five. 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.

8. Any Party included in Annex I may use 1995 as its base year for hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride, for the purposes of the calculation referred to in paragraph 7 above.

9. Commitments for subsequent periods for Parties included in Annex I shall be established in amendments to Annex B to this Protocol, which shall be adopted in accordance with the provisions of Article 21, paragraph 7. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of such commitments at least seven years before the end of the first commitment period referred to in paragraph 1 above.

10. Any emission reduction units, or any part of an assigned amount, which a Party acquires from another Party in accordance with the provisions of Article 6 or of Article 17 shall be added to the assigned amount for the acquiring Party.

11. Any emission reduction units, or any part of an assigned amount, which a Party transfers to another Party in accordance with the provisions of Article 6 or of Article 17 shall be subtracted from the assigned amount for the transferring Party.

12. Any certified emission reductions which a Party acquires from another Party in accordance with the provisions of Article 12 shall be added to the assigned amount for the acquiring Party.

13. If the emissions of a Party included in Annex I in a commitment period are less than its assigned amount under this Article, this difference shall, on request of that Party, be added to the assigned amount for that Party for subsequent commitment periods.

14. Each Party included in Annex I shall strive to implement the commitments mentioned in paragraph 1 above in such a way as to minimize adverse social, environmental and economic impacts on developing country Parties, particularly those identified in Article 4, paragraphs 8 and 9, of the Convention. In line with relevant decisions of the Conference of the Parties on the implementation of those paragraphs, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, consider what actions are necessary to minimize the adverse effects of climate change and/or the impacts of response measures on Parties

referred to in those paragraphs. Among the issues to be considered shall be the establishment of funding, insurance and transfer of technology.

Article 4

1. Any Parties included in Annex I that have reached an agreement to fulfil their commitments under Article 3 jointly, shall be deemed to have met those commitments provided that their total combined 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 Annex B and in accordance with the provisions of Article 3. The respective emission level allocated to each of the Parties to the agreement shall be set out in that agreement.

2. The Parties to any such agreement shall notify the secretariat of the terms of the agreement on the date of deposit of their instruments of ratification, acceptance or approval of this Protocol, or accession thereto. The secretariat shall in turn inform the Parties and signatories to the Convention of the terms of the agreement.

3. Any such agreement shall remain in operation for the duration of the commitment period specified in Article 3, paragraph 7.

4. If Parties acting jointly do so in the framework of, and together with, a regional economic integration organization, any alteration in the composition of the organization after adoption of this Protocol shall not affect existing commitments under this Protocol. Any alteration in the composition of the organization shall only apply for the purposes of those commitments under Article 3 that are adopted subsequent to that alteration.

5. In the event of failure by the Parties to such an agreement to achieve their total combined level of emission reductions, each Party to that agreement shall be responsible for its own level of emissions set out in the agreement.

6. If Parties acting jointly do so in the framework of, and together with, a regional economic integration organization which is itself a Party to this Protocol, each member State of that regional economic

integration organization individually, and together with the regional economic integration organization acting in accordance with Article 24, shall, in the event of failure to achieve the total combined level of emission reductions, be responsible for its level of emissions as notified in accordance with this Article.

Article 5

1. Each Party included in Annex I shall have in place, no later than one year prior to the start of the first commitment period, a national system for the estimation of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol. Guidelines for such national systems, which shall incorporate the methodologies specified in paragraph 2 below, shall be decided upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first session.

2. Methodologies for estimating anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol shall be those accepted by the Intergovernmental Panel on Climate Change and agreed upon by the Conference of the Parties at its third session. Where such methodologies are not used, appropriate adjustments shall be applied according to methodologies agreed upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first session. Based on the work of, *inter alia*, the Intergovernmental Panel on Climate Change and advice provided by the Subsidiary Body for Scientific and Technological Advice, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall regularly review and, as appropriate, revise such methodologies and adjustments, taking fully into account any relevant decisions by the Conference of the Parties. Any revision to methodologies or adjustments shall be used only for the purposes of ascertaining compliance with commitments under Article 3 in respect of any commitment period adopted subsequent to that revision.

3. The global warming potentials used to calculate the carbon dioxide equivalence of anthropogenic emissions by sources and removals by sinks of greenhouse gases listed in Annex A shall be those accepted by the Intergovernmental Panel on Climate Change

and agreed upon by the Conference of the Parties at its third session. Based on the work of, *inter alia*, the Intergovernmental Panel on Climate Change and advice provided by the Subsidiary Body for Scientific and Technological Advice, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall regularly review and, as appropriate, revise the global warming potential of each such greenhouse gas, taking fully into account any relevant decisions by the Conference of the Parties. Any revision to a global warming potential shall apply only to commitments under Article 3 in respect of any commitment period adopted subsequent to that revision.

Article 6

1. For the purpose of meeting its commitments under Article 3, any Party included in Annex I may transfer to, or acquire from, any other such Party emission reduction units resulting from projects aimed at reducing anthropogenic emissions by sources or enhancing anthropogenic removals by sinks of greenhouse gases in any sector of the economy, provided that:

(a) Any such project has the approval of the Parties involved;

(b) Any such project provides a reduction in emissions by sources, or an enhancement of removals by sinks, that is additional to any that would otherwise occur;

(c) It does not acquire any emission reduction units if it is not in compliance with its obligations under Articles 5 and 7; and

(d) The acquisition of emission reduction units shall be supplemental to domestic actions for the purposes of meeting commitments under Article 3.

2. The Conference of the Parties serving as the meeting of the Parties to this Protocol may, at its first session or as soon as practicable thereafter, further elaborate guidelines for the implementation of this Article, including for verification and reporting.

3. A Party included in Annex I may authorize legal entities to participate, under its responsibility, in actions leading to the generation, transfer or acquisition under this Article of emission reduction units.

4. If a question of implementation by a Party included in Annex I of the requirements referred to in this Article is identified in accordance with the relevant provisions of Article 8, transfers and acquisitions of emission reduction units may continue to be made after the question has been identified, provided that any such units may not be used by a Party to meet its commitments under Article 3 until any issue of compliance is resolved.

Article 7

1. Each Party included in Annex I shall incorporate in its annual inventory of anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol, submitted in accordance with the relevant decisions of the Conference of the Parties, the necessary supplementary information for the purposes of ensuring compliance with Article 3, to be determined in accordance with paragraph 4 below.

2. Each Party included in Annex I shall incorporate in its national communication, submitted under Article 12 of the Convention, the supplementary information necessary to demonstrate compliance with its commitments under this Protocol, to be determined in accordance with paragraph 4 below.

3. Each Party included in Annex I shall submit the information required under paragraph 1 above annually, beginning with the first inventory due under the Convention for the first year of the commitment period after this Protocol has entered into force for that Party. Each such Party shall submit the information required under paragraph 2 above as part of the first national communication due under the Convention after this Protocol has entered into force for it and after the adoption of guidelines as provided for in paragraph 4 below. The frequency of subsequent submission of information required under this Article shall be determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol, taking into account any timetable for the submission of national communications decided upon by the Conference of the Parties.

4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall adopt at its first session, and review periodically thereafter, guidelines for the preparation of the information required under this Article, taking into account guidelines for the preparation of national communications by Parties included in Annex I adopted by the Conference of the Parties. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall also, prior to the first commitment period, decide upon modalities for the accounting of assigned amounts.

Article 8

1. The information submitted under Article 7 by each Party included in Annex I shall be reviewed by expert review teams pursuant to the relevant decisions of the Conference of the Parties and in accordance with guidelines adopted for this purpose by the Conference of the Parties serving as the meeting of the Parties to this Protocol under paragraph 4 below. The information submitted under Article 7, paragraph 1, by each Party included in Annex I shall be reviewed as part of the annual compilation and accounting of emissions inventories and assigned amounts. Additionally, the information submitted under Article 7, paragraph 2, by each Party included in Annex I shall be reviewed as part of the review of communications.

2. Expert review teams shall be coordinated by the secretariat and shall be composed of experts selected from those nominated by Parties to the Convention and, as appropriate, by intergovernmental organizations, in accordance with guidance provided for this purpose by the Conference of the Parties.

3. The review process shall provide a thorough and comprehensive technical assessment of all aspects of the implementation by a Party of this Protocol. The expert review teams shall prepare a report to the Conference of the Parties serving as the meeting of the Parties to this Protocol, assessing the implementation of the commitments of the Party and identifying any potential problems in, and factors influencing, the fulfilment of commitments. Such reports shall be circulated by the secretariat to all Parties to the Convention. The secretariat shall list those questions of implementation indicated in

such reports for further consideration by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall adopt at its first session, and review periodically thereafter, guidelines for the review of implementation of this Protocol by expert review teams taking into account the relevant decisions of the Conference of the Parties.

5. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, with the assistance of the Subsidiary Body for Implementation and, as appropriate, the Subsidiary Body for Scientific and Technological Advice, consider:

(a) The information submitted by Parties under Article 7 and the reports of the expert reviews thereon conducted under this Article; and

(b) Those questions of implementation listed by the secretariat under paragraph 3 above, as well as any questions raised by Parties.

6. Pursuant to its consideration of the information referred to in paragraph 5 above, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall take decisions on any matter required for the implementation of this Protocol.

Article 9

1. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall periodically review this Protocol in the light of the best available scientific information and assessments on climate change and its impacts, as well as relevant technical, social and economic information. Such reviews shall be coordinated with pertinent reviews under the Convention, in particular those required by Article 4, paragraph 2(d), and Article 7, paragraph 2(a), of the Convention. Based on these reviews, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall take appropriate action.

2. The first review shall take place at the second session of the Conference of the Parties serving as the meeting of the Parties to this

Protocol. Further reviews shall take place at regular intervals and in a timely manner.

Article 10

All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, without introducing any new commitments for Parties not included in Annex I, but reaffirming existing commitments under Article 4, paragraph 1, of the Convention, and continuing to advance the implementation of these commitments in order to achieve sustainable development, taking into account Article 4, paragraphs 3, 5 and 7, of the Convention, shall:

(a) Formulate, where relevant and to the extent possible, cost-effective national and, where appropriate, regional programmes to improve the quality of local emission factors, activity data and/or models which reflect the socio-economic conditions of each Party for the preparation and periodic updating of national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties, and consistent with the guidelines for the preparation of national communications adopted by the Conference of the Parties;

(b) Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change and measures to facilitate adequate adaptation to climate change:

- (i) Such programmes would, *inter alia*, concern the energy, transport and industry sectors as well as agriculture, forestry and waste management. Furthermore, adaptation technologies and methods for improving spatial planning would improve adaptation to climate change; and
- (ii) Parties included in Annex I shall submit information on action under this Protocol, including national programmes, in accordance with Article 7; and other Parties shall seek to include

in their national communications, as appropriate, information on programmes which contain measures that the Party believes contribute to addressing climate change and its adverse impacts, including the abatement of increases in greenhouse gas emissions, and enhancement of and removals by sinks, capacity building and adaptation measures;

(c) Cooperate in the promotion of effective modalities for the development, application and diffusion of, and take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies, know-how, practices and processes pertinent to climate change, in particular to developing countries, including the formulation of policies and programmes for the effective transfer of environmentally sound technologies that are publicly owned or in the public domain and the creation of an enabling environment for the private sector, to promote and enhance the transfer of, and access to, environmentally sound technologies;

(d) Cooperate in scientific and technical research and promote the maintenance and the development of systematic observation systems and development of data archives to reduce uncertainties related to the climate system, the adverse impacts of climate change and the economic and social consequences of various response strategies, and promote the development and strengthening of endogenous capacities and capabilities to participate in international and intergovernmental efforts, programmes and networks on research and systematic observation, taking into account Article 5 of the Convention;

(e) Cooperate in and promote at the international level, and, where appropriate, using existing bodies, the development and implementation of education and training programmes, including the strengthening of national capacity building, in particular human and institutional capacities and the exchange or secondment of personnel to train experts in this field, in particular for developing countries, and facilitate at the national level public awareness of, and public access to information on, climate change. Suitable modalities should be developed to implement these activities through the relevant bodies of the Convention, taking into account Article 6 of the Convention;

(f) Include in their national communications information on programmes and activities undertaken pursuant to this Article in accordance with relevant decisions of the Conference of the Parties; and

(g) Give full consideration, in implementing the commitments under this Article, to Article 4, paragraph 8, of the Convention.

Article 11

1. In the implementation of Article 10, Parties shall take into account the provisions of Article 4, paragraphs 4, 5, 7, 8 and 9, of the Convention.

2. In the context of the implementation of Article 4, paragraph 1, of the Convention, in accordance with the provisions of Article 4, paragraph 3, and Article 11 of the Convention, and through the entity or entities entrusted with the operation of the financial mechanism of the Convention, the developed country Parties and other developed Parties included in Annex II to the Convention shall:

(a) Provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in advancing the implementation of existing commitments under Article 4, paragraph 1(a), of the Convention that are covered in Article 10, subparagraph (a); and

(b) Also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of advancing the implementation of existing commitments under Article 4, paragraph 1, of the Convention that are covered by Article 10 and that are agreed between a developing country Party and the international entity or entities referred to in Article 11 of the Convention, in accordance with that Article.

The implementation of these existing commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among developed country Parties. The guidance to the entity or entities entrusted with the operation of the financial mechanism of the Convention in relevant decisions of the Conference of the Parties, including those

agreed before the adoption of this Protocol, shall apply *mutatis mutandis* to the provisions of this paragraph.

3. The developed country Parties and other developed Parties in Annex II to the Convention may also provide, and developing country Parties avail themselves of, financial resources for the implementation of Article 10, through bilateral, regional and other multilateral channels.

Article 12

1. A clean development mechanism is hereby defined.

2. The purpose of the clean development mechanism shall be to assist Parties not included in Annex I in achieving sustainable development and in contributing to the ultimate objective of the Convention, and to assist Parties included in Annex I in achieving compliance with their quantified emission limitation and reduction commitments under Article 3.

3. Under the clean development mechanism:

(a) Parties not included in Annex I will benefit from project activities resulting in certified emission reductions; and

(b) Parties included in Annex I may use the certified emission reductions accruing from such project activities to contribute to compliance with part of their quantified emission limitation and reduction commitments under Article 3, as determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

4. The clean development mechanism shall be subject to the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to this Protocol and be supervised by an executive board of the clean development mechanism.

5. Emission reductions resulting from each project activity shall be certified by operational entities to be designated by the Conference of the Parties serving as the meeting of the Parties to this Protocol, on the basis of:

(a) Voluntary participation approved by each Party involved;

(b) Real, measurable, and long-term benefits related to the mitigation of climate change; and

(c) Reductions in emissions that are additional to any that would occur in the absence of the certified project activity.

6. The clean development mechanism shall assist in arranging funding of certified project activities as necessary.

7. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, elaborate modalities and procedures with the objective of ensuring transparency, efficiency and accountability through independent auditing and verification of project activities.

8. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall ensure that a share of the proceeds from certified project activities 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.

9. Participation under the clean development mechanism, including in activities mentioned in paragraph 3(a) above and in the acquisition of certified emission reductions, may involve private and/or public entities, and is to be subject to whatever guidance may be provided by the executive board of the clean development mechanism.

10. Certified emission reductions obtained during the period from the year 2000 up to the beginning of the first commitment period can be used to assist in achieving compliance in the first commitment period.

Article 13

1. The Conference of the Parties, the supreme body of the Convention, shall serve as the meeting of the Parties to this Protocol.

2. Parties to the Convention that are not Parties to this Protocol may participate as observers in the proceedings of any session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. When the Conference of the Parties serves as the meeting

of the Parties to this Protocol, decisions under this Protocol shall be taken only by those that are Parties to this Protocol.

3. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, any member of the Bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Protocol, shall be replaced by an additional member to be elected by and from amongst the Parties to this Protocol.

4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall keep under regular review the implementation of this Protocol and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Protocol and shall:

(a) Assess, on the basis of all information made available to it in accordance with the provisions of this Protocol, the implementation of this Protocol by the Parties, the overall effects of the measures taken pursuant to this Protocol, in particular environmental, economic and social effects as well as their cumulative impacts and the extent to which progress towards the objective of the Convention is being achieved;

(b) Periodically examine the obligations of the Parties under this Protocol, giving due consideration to any reviews required by Article 4, paragraph 2(d), and Article 7, paragraph 2, of the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge, and in this respect consider and adopt regular reports on the implementation of this Protocol;

(c) Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under this Protocol;

(d) Facilitate, at the request of two or more Parties, the coordination of measures adopted by them to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under this Protocol;

(e) Promote and guide, in accordance with the objective of the Convention and the provisions of this Protocol, and taking fully into account the relevant decisions by the Conference of the Parties, the development and periodic refinement of comparable methodologies for the effective implementation of this Protocol, to be agreed on by the Conference of the Parties serving as the meeting of the Parties to this Protocol;

(f) Make recommendations on any matters necessary for the implementation of this Protocol;

(g) Seek to mobilize additional financial resources in accordance with Article 11, paragraph 2;

(h) Establish such subsidiary bodies as are deemed necessary for the implementation of this Protocol;

(i) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies; and

(j) Exercise such other functions as may be required for the implementation of this Protocol, and consider any assignment resulting from a decision by the Conference of the Parties.

5. The rules of procedure of the Conference of the Parties and financial procedures applied under the Convention shall be applied *mutatis mutandis* under this Protocol, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

6. The first session of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be convened by the secretariat in conjunction with the first session of the Conference of the Parties that is scheduled after the date of the entry into force of this Protocol. Subsequent ordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be held every year and in conjunction with ordinary sessions of the Conference of the Parties, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

7. Extraordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be held at such

other times as may be deemed necessary by the Conference of the Parties serving as the meeting of the Parties to this Protocol, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.

8. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not party to the Convention, may be represented at sessions of the Conference of the Parties serving as the meeting of the Parties to this Protocol as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by this Protocol and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties serving as the meeting of the Parties to this Protocol as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure, as referred to in paragraph 5 above.

Article 14

1. The secretariat established by Article 8 of the Convention shall serve as the secretariat of this Protocol.
2. Article 8, paragraph 2, of the Convention on the functions of the secretariat, and Article 8, paragraph 3, of the Convention on arrangements made for the functioning of the secretariat, shall apply *mutatis mutandis* to this Protocol. The secretariat shall, in addition, exercise the functions assigned to it under this Protocol.

Article 15

1. The Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation established by Articles 9 and 10 of the Convention shall serve as, respectively, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Protocol. The provisions relating to the functioning of these two bodies under the Convention shall apply *mutatis mutandis* to this Protocol. Sessions

of the meetings of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Protocol shall be held in conjunction with the meetings of, respectively, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of the Convention.

2. Parties to the Convention that are not Parties to this Protocol may participate as observers in the proceedings of any session of the subsidiary bodies. When the subsidiary bodies serve as the subsidiary bodies of this Protocol, decisions under this Protocol shall be taken only by those that are Parties to this Protocol.

3. When the subsidiary bodies established by Articles 9 and 10 of the Convention exercise their functions with regard to matters concerning this Protocol, any member of the Bureaux of those subsidiary bodies representing a Party to the Convention but, at that time, not a party to this Protocol, shall be replaced by an additional member to be elected by and from amongst the Parties to this Protocol.

Article 16

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, as soon as practicable, consider the application to this Protocol of, and modify as appropriate, the multilateral consultative process referred to in Article 13 of the Convention, in the light of any relevant decisions that may be taken by the Conference of the Parties. Any multilateral consultative process that may be applied to this Protocol shall operate without prejudice to the procedures and mechanisms established in accordance with Article 18.

Article 17

The Conference of the Parties shall define the relevant principles, modalities, rules and guidelines, in particular for verification, reporting and accountability for emissions trading. The Parties included in Annex B may participate in emissions trading for the purposes of fulfilling their commitments under Article 3. Any such trading shall be supplemental to domestic actions for the purpose of

meeting quantified emission limitation and reduction commitments under that Article.

Article 18

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, approve appropriate and effective procedures and mechanisms to determine and to address cases of non-compliance with the provisions of this Protocol, including through the development of an indicative list of consequences, taking into account the cause, type, degree and frequency of non-compliance. Any procedures and mechanisms under this Article entailing binding consequences shall be adopted by means of an amendment to this Protocol.

Article 19

The provisions of Article 14 of the Convention on settlement of disputes shall apply *mutatis mutandis* to this Protocol.

Article 20

1. Any Party may propose amendments to this Protocol.
2. Amendments to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. The text of any proposed amendment to this Protocol shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed amendments to the Parties and signatories to the Convention and, for information, to the Depositary.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The

adopted amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 above shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to this Protocol.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.

Article 21

1. Annexes to this Protocol shall form an integral part thereof and, unless otherwise expressly provided, a reference to this Protocol constitutes at the same time a reference to any annexes thereto. Any annexes adopted after the entry into force of this Protocol shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.

2. Any Party may make proposals for an annex to this Protocol and may propose amendments to annexes to this Protocol.

3. Annexes to this Protocol and amendments to annexes to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. The text of any proposed annex or amendment to an annex shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed annex or amendment to an annex to the Parties and signatories to the Convention and, for information, to the Depositary.

4. The Parties shall make every effort to reach agreement on any proposed annex or amendment to an annex by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the annex or amendment to an annex shall as a last resort be adopted by a three-fourths majority vote of the Parties present and

voting at the meeting. The adopted annex or amendment to an annex shall be communicated by the secretariat to the Depository, who shall circulate it to all Parties for their acceptance.

5. An annex, or amendment to an annex other than Annex A or B, that has been adopted in accordance with paragraphs 3 and 4 above shall enter into force for all Parties to this Protocol six months after the date of the communication by the Depository to such Parties of the adoption of the annex or adoption of the amendment to the annex, except for those Parties that have notified the Depository, in writing, within that period of their non-acceptance of the annex or amendment to the annex. The annex or amendment to an annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depository.

6. If the adoption of an annex or an amendment to an annex involves an amendment to this Protocol, that annex or amendment to an annex shall not enter into force until such time as the amendment to this Protocol enters into force.

7. Amendments to Annexes A and B to this Protocol shall be adopted and enter into force in accordance with the procedure set out in Article 20, provided that any amendment to Annex B shall be adopted only with the written consent of the Party concerned.

Article 22

1. Each Party shall have one vote, except as provided for in paragraph 2 below.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to this Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 23

The Secretary-General of the United Nations shall be the Depository of this Protocol.

Article 24

1. This Protocol shall be open for signature and subject to ratification, acceptance or approval by States and regional economic integration organizations which are Parties to the Convention. It shall be open for signature at United Nations Headquarters in New York from 16 March 1998 to 15 March 1999. This Protocol shall be open for accession from the day after the date on which it is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depository.

2. Any regional economic integration organization which becomes a Party to this Protocol without any of its member States being a Party shall be bound by all the obligations under this Protocol. In the case of such organizations, one or more of whose member States is a Party to this Protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Protocol. In such cases, the organization and the member States shall not be entitled to exercise rights under this Protocol concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by this Protocol. These organizations shall also inform the Depository, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

Article 25

1. This Protocol shall enter into force on the ninetieth day after the date on which not less than 55 Parties to the Convention, incorporating Parties included in Annex I which accounted in total for at least 55 per cent of the total carbon dioxide emissions for 1990 of the Parties included in Annex I, have deposited their instruments of ratification, acceptance, approval or accession.

2. For the purposes of this Article, “the total carbon dioxide emissions for 1990 of the Parties included in Annex I” means the amount communicated on or before the date of adoption of this Protocol by the Parties included in Annex I in their first national

communications submitted in accordance with Article 12 of the Convention.

3. For each State or regional economic integration organization that ratifies, accepts or approves this Protocol or accedes thereto after the conditions set out in paragraph 1 above for entry into force have been fulfilled, this Protocol shall enter into force on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

4. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

Article 26

No reservations may be made to this Protocol.

Article 27

1. At any time after three years from the date on which this Protocol has entered into force for a Party, that Party may withdraw from this Protocol by giving written notification to the Depository.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depository of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from this Protocol.

Article 28

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

DONE at Kyoto this eleventh day of December one thousand nine hundred and ninety-seven.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have affixed their signatures to this Protocol on the dates indicated.

Annex A

Greenhouse gases

Carbon dioxide (CO₂)
Methane (CH₄)
Nitrous oxide (N₂O)
Hydrofluorocarbons (HFCs)
Perfluorocarbons (PFCs)
Sulphur hexafluoride (SF₆)

Sectors/source categories

Energy

Fuel combustion
 Energy industries
 Manufacturing industries and construction
 Transport
 Other sectors
 Other
Fugitive emissions from fuels
 Solid fuels
 Oil and natural gas
 Other

Industrial processes

Mineral products
Chemical industry
Metal production
Other production
Production of halocarbons and sulphur hexafluoride
Consumption of halocarbons and sulphur hexafluoride
Other

Solvent and other product use

Agriculture

Enteric fermentation
Manure management
Rice cultivation
Agricultural soils
Prescribed burning of savannas
Field burning of agricultural residues
Other

Annex A—continued

Waste

Solid waste disposal on land

Wastewater handling

Waste incineration

Other

Annex B

<u>Party</u>	<u>Quantified emission limitation or reduction commitment</u> (percentage of base year or period)
Australia	108
Austria	92
Belgium	92
Bulgaria*	92
Canada	94
Croatia*	95
Czech Republic*	92
Denmark	92
Estonia*	92
European Community	92
Finland	92
France	92
Germany	92
Greece	92
Hungary*	94
Iceland	110
Ireland	92
Italy	92
Japan	94
Latvia*	92
Liechtenstein	92
Lithuania*	92
Luxembourg	92
Monaco	92
Netherlands	92
New Zealand	100
Norway	101
Poland*	94
Portugal	92
Romania*	92
Russian Federation*	100
Slovakia*	92
Slovenia*	92
Spain	92
Sweden	92
Switzerland	92
Ukraine*	100

<u>Party</u>	<u>Quantified emission limitation or reduction commitment</u> (percentage of base year or period)
United Kingdom of Great Britain and Northern Ireland	92
United States of America	93

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

Legislative history

20 May 2002	Introduction (Bill 212-1)
28 May 2002	First reading and referral to Foreign Affairs, Defence and Trade Committee
14 October 2002	Reported from Foreign Affairs, Defence and Trade Committee (Bill 212-2)
5 November 2002	Second reading
7, 12 November 2002	Committee of the whole House (Bill 212-3)
13 November 2002	Third reading
18 November 2002	Royal assent

This Act is administered in the Ministry for the Environment.
