

Ukraine's submission
to the Subsidiary Body for Scientific and Technological Advice (SBSTA)
on addressing the implications of the implementation of decisions 2/CMP.7 to
4/CMP.7 and 1/CMP.8 on the previous decisions on methodological issues related
to the Kyoto Protocol, including those relating to Articles 5, 7 and 8 of the Kyoto
Protocol

This submission responds to the SBSTA invitation to Parties to submit their information and views on the implications of the implementation of decisions 2/CMP.7 to 4/CMP.7 and 1/CMP.8 on the previous decisions on methodological issues related to the Kyoto Protocol, including those relating to Articles 5, 7 and 8 of the Kyoto Protocol.

The critical importance for making changes to the previous decisions of the Parties gained special significance after the adoption of decision 1/CMP.8. Among others Ukraine is especially concerned with the lack of rule for AAUs issuance in the second commitment period, as well as the apparent discrepancy between current rule for the second commitment period reserve definition and provision of paragraph 7ter of Article 3 (Section G) of the Doha amendment to the Kyoto protocol, etc.

To address ambiguities and discrepancies Ukraine suggests to amend the corresponding paragraphs of the previous decisions of the Parties by the supplements listed in the table below.

Also Ukraine draws the Parties' attention to the necessity of giving a clear definition to the term "average annual emissions for the first three years of the preceding commitment period" contained in paragraph 7ter of Article 3 (Section G) of the Doha amendment to the Kyoto protocol.

No.	Paragraph and decision	Original reference	Proposal
1.	Paragraph 6 of the annex to decision 11/CMP.1	Each Party included in Annex I shall maintain, in its national registry, a commitment period reserve which should not drop below 90 per cent of the Party's assigned amount calculated pursuant to Article 3, paragraphs 7 bis, 8 and 8 bis, of the Kyoto Protocol, or 100 per cent of eight times its most recently reviewed inventory, whichever is lowest.	Proposal to add the following text to paragraph 6: In case of any positive difference between the Party's assigned amount and average annual emissions for the first three years of the preceding commitment period multiplied by eight a commitment period reserve should not drop below 90 per cent of eight times its average annual emissions for the first three years of the preceding commitment period, or 100 per cent of eight times its most recently reviewed inventory, whichever is lowest.
2.	Paragraph 23 of the annex to decision 13/CMP.1	Each Party included in Annex I shall, prior to any transactions taking place for that commitment period, issue a quantity of AAUs equivalent to its assigned amount pursuant to Article 3, paragraphs 7 and 8,	Proposal to insert the following paragraph after paragraph 23: 23 bis. For the purposes of the second commitment period, each Party included in Annex I shall, prior to any transactions taking place for the second commitment period, issue a quantity of AAUs equivalent

		<p>calculated and recorded in accordance with paragraphs 5 to 10 above, in its national registry.</p> <p><i>Note: this paragraph shall not apply for the purposes of the second commitment period according to paragraph 19 of decision 1/CMP.8</i></p>	<p>to its assigned amount pursuant to Article 3, paragraphs 7 bis, 8 and 8 bis, calculated and recorded in accordance with paragraphs 5 to 10 above, in its national registry. In case of any positive difference between the Party's assigned amount and average annual emissions for the first three years of the preceding commitment period multiplied by eight, the corresponding amount of AAUs equivalent to this difference shall be transferred to the Article 3.7ter cancellation account of that Party.</p>
3.	Paragraph 35 of the annex to decision 13/CMP.1	<p>ERUs, CERs, AAUs and RMUs transferred to cancellation accounts or the retirement account for a commitment period may not be further transferred or carried over to the subsequent commitment period. ERUs, CERs, AAUs and RMUs transferred to cancellation accounts may not be used for the purpose of demonstrating the compliance of a Party with its commitment under Article 3, paragraph 1.</p>	<p>Proposal to insert the following paragraph after paragraph 35:</p> <p>35 bis. AAUs in a Party's Article 3.7ter cancellation account may be used for retirement during the additional period for fulfilling commitments of the second commitment period up to the extent by which emissions during the second commitment period exceed the commitment period reserve for that commitment period, as defined in paragraph 6 of the annex to decision 11/CMP.1, only in case of any positive difference between the Party's assigned amount and emissions during the second commitment period.</p>