

Manual of European Environmental Policy

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International conventions and cooperation: Climate change

The purpose of this section is to provide a brief summary of the international conventions relevant to the European Union (EU) with regard to climate change and which may relate to EU legislation. It does not provide detailed implementation information, for which the reader is referred to The Convention websites. International conventions addressing climate change began with the United Nations Framework Convention on Climate Change (UNFCCC). There has been significant interaction between action at Community level¹.

United Nations Framework Convention on Climate Change

Place of adoption	New York
Date of adoption	09.05.1992
Place of opening for signature	Rio de Janeiro
Date of opening for signature	04.06.1992
Date of entry into force	21.03.1994
Secretariat	UN Climate Change Secretariat
Website	http://www.unfccc.int
Date of Council Decision on conclusion	15.12.1993
Date of entry into force for EC	21.03.1994
Reference of Council Decision	94/69/EC

Protocol to the United Nations Framework Convention on Climate Change (Kyoto Protocol)

Place of adoption	Kyoto
Date of adoption	11.12.1997
Place of opening for signature	New York
Date of opening for signature	16.03.1998
Date of entry into force	16.02.2005
Date of Council Decision on conclusion	25.04.2002
Date of entry into force for EC	16.02.2005
Reference of Council Decision	2002/358/EC

The Convention was opened for signature at the UN Conference on Environment and Development held in Rio de Janeiro in June 1992 and came into force on 21 March 1994. The EC ratified it in December 1993.

The objective is to stabilize greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous man-made changes in the world's climate. Parties to The Convention are to publish national inventories of emissions and national (or regional) programmes of

action on emissions and sinks. There is no firm obligation to stabilize emissions at 1990 levels by the year 2000 but this is stated as a desirable aim.

When they signed The Convention at Rio, the EC and its Member States made a formal declaration to the effect ‘that the inclusion of the European Community as well as its Member States in the lists in the Annexes to The Convention is without prejudice to the division of competence and responsibilities between the Community and its Member States’. Further declarations were deposited with the UN Secretary-General together with the EC's instrument of approval in 1993. A ‘declaration of competence’ lists various legal instruments adopted by the EC including the Decision [280/2004/EC](#) on the ‘monitoring mechanism’. Another declaration states that the commitment to limit CO₂ emissions set out in Article 4(2) of The Convention ‘will be fulfilled in the Community as a whole through actions by the Community and its Member States, within the respective competence of each’. No attempt is made to draw a line between the competence of the EC and of the Member States.

A Protocol to The Convention was adopted in Kyoto in December 1997. While the Framework Convention aims to stabilize emissions by the year 2000 for developed countries, the Protocol is intended to reduce emissions of carbon dioxide equivalents by 5 per cent below 1990 levels, over the period 2008–2012. Different targets are laid down for individual parties, including the EC and each of its Member States, in Annex B of the Protocol. Collectively, the EC is committed to a target of 8 per cent.

The EC signed the Protocol in 1998. To bring EC legislation in line with the Protocol, the monitoring mechanism was amended by Decision [1999/296/EC](#) and further elaborated following the ratification of the protocol by Decision [280/2004/EC](#). Political agreement on how the 8 per cent target is to be shared among the individual Member States (the so-called ‘Burden Sharing Agreement’) was reached in June 1998. This agreement was formalized and made legally binding in April 2002 in the Council Decision authorizing ratification of the Protocol ([Decision 2002/358/EC](#)). The EC and all its Member States jointly deposited their instruments of ratification with the UN Secretary-General on 31 May 2002. However, the Protocol only entered into force on 16 February 2005, following its ratification by the Russian Federation. The respective emission levels allocated to each Member State were set out in Decision [2006/944/EC](#), amended by Decision [2010/778/EU](#).

The United Nations Climate Change Conference in Copenhagen took place from 7–19 December 2009. It marked the culmination of a two-year negotiating process under the Bali roadmap, launched by the 13th Conference of the Parties to the UNFCCC in December 2007. The negotiating process agreed at Bali included two ‘tracks’, one under the UNFCCC (The Convention track) and one under the Kyoto Protocol (the Protocol track). The tracks were based around the work of the Ad-hoc Working Group on Long-term Cooperative Action (AWG-LCA) and the Ad-hoc Working Group on Further Commitments for the Annex I Parties to The Convention (AWG-KP). The AWG-LCA was established at Bali to focus on key elements of long-term cooperation identified under The Convention Dialogue (launched during COP 11 in Montreal), namely enhanced action on: mitigation; adaptation; technology development and transfer; and the provision of financial resources and investment. In addition to these four areas, the Bali Action Plan also called for a shared vision for long-term cooperative action, and for this to include a long-term global goal for emission reductions². The AWG-KP was established in 2005 during COP 11 which also served as the first Meeting of the Parties to the Kyoto Protocol (COP/MOP 1). COP/MOP 1 established the AWG-KP to consider further commitments for Annex 1 Parties when the first commitment period of the

Kyoto Protocol ends in 2012³. The AWG-LCA was to complete its work in 2009 and present it to COP 15. The AWGKP was mandated to consider further commitments at least seven years before the end of the first commitment period (2005). Both working groups held a series of negotiating sessions between COP 13 and COP 15 (AWG-LCA 1–7; AWG-KP 1–9) during which progress became increasingly difficult in many areas.

The main purpose of the working group sessions in the run-up to Copenhagen was to develop negotiating texts which could then be finalized and adopted at COP 15. However, by the end of 2010 there was still insufficient agreement on many key areas. This related both to the content and to the form of an agreement. On the Protocol track, there was a stalemate, with developing countries urging Annex I parties to commit to ambitious reduction targets in line with the science and developed countries stressing the need for the involvement of the United States and major developing countries. On The Convention track, the negotiating text had become very long and complex, reflecting the various proposals by UNFCCC parties and an unwieldy number of brackets indicating areas of disagreement⁴. Instead, an alternative text, the ‘Copenhagen Accord’, was negotiated by 25–30 countries during the last two days of COP 15 and submitted to the COP for formal adoption. At the closing plenary of COP 15, there was disagreement both on the content of the Accord and the way it had been developed. As a consequence, Parties to The Convention could not agree to formally adopt it. They did however agree to adopt a Decision which would ‘take note’ of the Accord, and to establish a procedure which would allow those countries willing to do so to register their support for the Accord and their emission reduction targets by 31 January 2010⁵. It was also agreed to extend the mandates of the AWG-LCA and the AWG-KP for another year to COP 16 and COP/MOP 6 (in Cancún 29 November–10 December 2010).

The sixteenth Conference of the Parties (COP 16) and the sixth Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP/MOP 6) concluded their proceedings in Cancún, Mexico on 11 December with the adoption of the Cancún Agreements. These agreements represented a ‘balanced package of decisions’ reflecting the first ‘agreed outcome’ of the work of the Ad Hoc Working Group on Long Term Co-operative Action (AWG-LCA 12)⁶ and the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP 14)⁷ under the 2007 Bali Road Map. Though developing countries expressed their strong dissatisfaction that the meeting did not adopt the long-awaited amendment to the Kyoto Protocol that was needed to lay down binding emission reduction targets for industrialised countries beyond 31 December 2012, the Cancún Agreements left open the option of doing so at the subsequent COP/MOP hosted by South Africa in Durban from 28 November to 9 December 2011 (See section on overview of EU climate change policy).

References

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2 The Bali Action Plan, <http://unfccc.int/resource/docs/2007/cop13/eng/06a01.pdf#page=3>

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