

(UNOFFICIAL TRANSLATION)

EU STATEMENT ON THE STRUCTURE OF A PROTOCOL  
OR OTHER LEGAL INSTRUMENT

The EU believes that in order to make progress in these AGBM discussions it is important to have a clear idea of the possible end product. To that end we have tabled today a possible outline for the structure of a protocol or other legal instrument, which we would like to commend to other Parties.

What we have proposed is an outline only. It does not make specific proposals on particular policies and measures, or on objectives and timeframes. These are for separate discussion. But we hope that by defining a possible structure for the outcome of those discussions, this may help to focus and clarify thinking, and to enable us to make more rapid progress in the limited time we have available for completing our task under the Berlin Mandate. It may also provide a useful framework for further analysis and assessment work.

In drawing up the proposal we have been guided by three main principles:

first, consistency with Berlin Mandate;

second, the importance of setting in place a dynamic instrument, which has the flexibility to develop and evolve over time - recognising that there are practical limits to what can be achieved ahead of our COP3 deadline; and

third, linking the instrument as closely as possible to the principles, procedures and mechanisms of the existing Convention - so that we do not have to waste time renegotiating what is already agreed, and so as to avoid the potential for overlap and confusion between the two legal instruments.

The third principle allows us to envisage a rather short instrument. Wherever possible and appropriate the existing provisions of the Convention would be cross-applied. To give just one example, information about the implementation of any new commitment in a protocol would best be included in the communications already to be supplied under Article 12 of the Convention, not in separate, parallel communications.