

Non-paper

Note by the Co-Chairs

5 October 2015

A. DRAFT AGREEMENT

Article 3 (MITIGATION)

1. Parties aim to reach by [X date] [a peaking of global greenhouse gas emissions][zero net greenhouse gas emissions][a[n] X per cent reduction in global greenhouse gas emissions][global low-carbon transformation][global low-emission transformation][carbon neutrality][climate neutrality].
2. Each Party [shall][should][other] regularly communicate a nationally determined mitigation [contribution][commitment][other] that it [shall][should][other] implement.
3. Each Party's nationally determined mitigation [contribution][commitment][other] [shall][should][other] reflect a progression beyond its previous efforts, noting that those Parties that have previously communicated economy-wide should continue to do so in a manner that is progressively more ambitious and that all Parties should aim to do so over time. Each mitigation [contribution][commitment][other] [shall][should][other] reflect the Party's highest possible ambition, in light of its national circumstances, and:
 - (a) [Be quantified or quantifiable;]
 - (b) [Be unconditional, at least in part implemented in accordance with the provisions of the Convention;]
 - (b bis) Take into account the outcomes of the global stock-take and the process to facilitate implementation set out in Articles 10 and 11 respectively.
 - (c) [Other].
4. Each Party, when communicating its nationally determined mitigation [contribution][commitment][other] [shall][should][other] provide the information necessary for clarity, transparency and understanding, in accordance with decision 1/CP.21 and any subsequent decisions by the CMA.
5. The rules and guidance related to accounting that are set forth in decision 1/CP.21, including with respect to land use, will apply along with any subsequent decisions by the CMA.
6. Successive nationally determined mitigation [contributions][commitments][other] will be communicated by Parties every five years, unless decided otherwise by the CMA.
7. The secretariat shall maintain and, following multilateral consideration, update in a public registry Parties' nationally determined mitigation [contributions][commitments][other].
8. Parties, including regional economic integration organizations and their member States, may jointly communicate and/or implement their nationally determined mitigation [contributions][commitments] [other]. Parties may also cooperate in the implementation of mitigation activities.
9. Parties acknowledge the importance of economic diversification and cooperation to reduce the adverse impacts of the implementation of response measures [, including through the institutional arrangements as defined in decision 1/CP.21].
10. The CMA shall facilitate the enhancement of the clarity, transparency and understanding of the nationally determined mitigation contributions communicated by Parties, in accordance with the review provisions in Article 9.
11. Parties are invited to formulate and communicate longer-term low-emission development strategies in accordance with the modalities to be decided by the CMA at its first session.
12. Developing country Parties are eligible for support in the implementation of this Article.

Comment [A1]: South Africa wishes its reservation on the original text in brackets to be recorded; we do not accept any unconditional part of contributions that are nationally determined, particularly if this is a precondition under Art 17.

13. The implementation of the provisions of this Article should reflect national circumstances.

Article 10 *(GLOBAL STOCKTAKE)*

1. The CMA shall take stock of the implementation of this Agreement to assess aggregate progress towards achieving the objective of the Convention in a comprehensive and facilitative manner. The stocktaking shall consider the aggregate effect of the efforts by Parties on adaptation, mitigation and means of implementation, as well as assessments of the best available science and equity, with a view to enhancing the implementation of the Agreement.
2. The CMA shall undertake its first stocktaking in [2023][2024] on the basis of the modalities to be adopted by the CMA at its first session, and shall conduct stocktakings thereafter every 5 years, and take appropriate action in order to achieve the purpose of this Agreement, as set out in its Article 2.

B. DRAFT DECISION

II. INTENDED NATIONALLY DETERMINED CONTRIBUTIONS

10. *Welcomes* the intended nationally determined contributions (INDCs) that have been communicated by Parties in accordance with decision 1/CP.19, paragraph 2(b);
11. *Reiterates* its invitation to all Parties that have not done so to communicate to the secretariat their INDCs towards achieving the objective of the Convention as set out in its Article 2 as soon as possible and well in advance of the twenty-second session of the Conference of the Parties, and in a manner that facilitates the clarity, transparency and understanding of INDCs;
12. *Requests* the secretariat to continue to publish INDCs as communicated by Parties on the UNFCCC website;
13. *Reiterates* its call to developed country Parties, the operating entities of the Financial Mechanism and any other organizations in a position to do so to provide support for the preparation and communication of the INDCs of Parties that may need such support;
14. [*Requests* the SBI to clarify in a facilitative, non-intrusive and consultative manner the information provided by Parties when communicating their INDCs. The SBI shall report on progress made to the IPC at its second session;]
15. *Takes note* of the synthesis report on the aggregate effect of INDCs contained in document FCCC/CP/2015/7, as well as their adequacy in fulfilling the purpose of the Agreement and relative fair efforts made by Parties in implementing their commitments;
16. *Requests* the secretariat to update the synthesis report referred to in paragraph 15 above so as to cover INDCs communicated by Parties by [1 October 2016], and make it available by [1 November 2016] and to provide information on the fairness and ambition of INDCs and NDCs as communicated by Parties;
17. *Invites* all Parties to consider enhancing the ambition of their mitigation efforts before they submit their nationally determined mitigation [contribution][commitment][other] [in accordance with the provisions of Article [17] of the Agreement on the preconditions for joining the Agreement];
18. [**Option 1:** [*Decides*][*Invites* the President of the COP] to convene a facilitative dialogue among Parties to take stock of the collective efforts of Parties in [2018][2019];]¹

¹ This paragraph is similar to paragraph 76 in section IV (workstream 2). Parties may wish to consider whether these paragraphs overlap, and if so whether to reconcile them.

MS WORD VERSION FOR WORKING PURPOSES ONLY

FOR THE AUTHORITATIVE VERSION, PLEASE REFER TO THE PDF FILE PUBLISHED ON THE UNFCCC WEBSITE

[Option 2: No such facilitative dialogue prior to 2020;]

III. DECISIONS TO GIVE EFFECT TO THE AGREEMENT

22. *Decides* that Parties shall submit their first nationally determined mitigation [contributions][commitments][other] in accordance with Article 3 of the Agreement;
23. *Also decides* that the information to be provided by Parties when communicating their first nationally determined mitigation [contributions][commitments][other] shall include, inter alia, the information listed in decision 1/CP.20, paragraph 14;
24. *Acknowledges* that Parties may adjust the submission of their first nationally determined mitigation [contribution][commitment][other] to make them consistent with the rules and guidance for accounting for anthropogenic greenhouse gas emissions and removals pursuant to Article 3, paragraph 5, of the Agreement;
25. *Requests* the [SBI] to develop modalities and procedures for the operation and use of the registry referred to in Article 3, paragraph 7, of the Agreement, for consideration by the IPC at its [X] session, with a view to the IPC making a recommendation thereon to the CMA at its first session;
26. *Requests* the secretariat to make available an interim registry in the first half of 2016 for the recording of nationally determined mitigation [contribution][commitment][other] submitted in accordance with Article 3 of the Agreement pending the adoption by the CMA of the modalities and procedures referred to in paragraph 25 above;
27. *Recommends* that the CMA consider, at its first session, in regard to Article 3, paragraph 4 of the Agreement, whether any additional information shall be included by Parties when communicating their nationally determined mitigation [contribution][commitment][other] and what information shall be included by Parties when communicating their adaptation [contribution][commitment][other];
28. *Requests* the IPC to make a recommendation to the CMA regarding paragraph 27 above;
29. *Decides*, in relation to Parties, including regional economic integration organizations, implementing their nationally determined [contributions][commitments][other] jointly under Article 3, paragraph 8, of the Agreement that:
 - (a) Parties, including regional economic integration organizations, that have reached an agreement to implement their nationally determined mitigation [contributions][commitments][other] jointly shall notify the secretariat of the terms of such an agreement on the date of deposit of their instruments of ratification, acceptance or approval of this Agreement, or accession thereto;
 - (b) The secretariat shall inform the Parties to this Agreement [and Parties to the Convention] of the terms of the agreement to implement jointly referred to in paragraph 29(a) above;
 - (c) Any alteration to the composition of the Parties, including regional economic integration organizations, implementing jointly shall not affect any then current nationally determined mitigation [contribution(s)][commitment(s)][other] and shall become applicable for the purposes of this Agreement for the next nationally determined mitigation [contribution][commitment][other] submitted by that organization, by Parties implementing jointly with Parties that have become members of that organization, or by Parties implementing jointly;
30. *Also decides* that the rules and guidance for accounting of action and support referred to in Article 3, paragraph 5 and Article 9, paragraphs 4 of the Agreement, for consideration and adoption by the CMA at its first session, should ensure that:
 - (a) Parties ensure methodological consistency between the communication of nationally determined mitigation [contributions][commitments][other] and their implementation;
 - (b) Parties include an explanation for the exclusion from their nationally determined mitigation [contribution][commitment][other] of any key categories of emissions and removals, and strive to include these over time;

- (c) Parties, once a source, sink or activity is accounted for in a nationally determined mitigation [contribution][commitment][other], continue to include it or provide an explanation of why it has been excluded;
- (d) Parties use common metrics and methodologies adopted by the Intergovernmental Panel on Climate Change (IPCC) for the estimation of greenhouse gas emissions and removals; [Internationally transferred mitigation outcomes used by any Party to meet its nationally determined mitigation [contribution][commitment][other] are supplemental to domestic action;]
31. *Requests* the SBSTA to develop methodologies and approaches with regard to accounting in accordance with Article 3, paragraph 5, of the Agreement and paragraph 30 above, for consideration by the IPC at its [X] session;
32. *Also requests* the IPC to elaborate the methodologies and approaches for accounting referred to in paragraph 31 above, taking into account the methodologies and approaches developed by the SBSTA, with a view to the IPC making recommendations thereon to the CMA at its first session;
- 32 bis** Requests the SBSTA
- a) Pursuant to decision 1/CP.17, to review the guidelines for International Assessment and Review (IAR) in 2016, together with guidelines for biennial reports, and in 2017, to review the guidelines for International Consultation and Analysis (ICA), together with the guidelines for biennial update reports, and to report on progress and recommend any revisions to the guidelines for adoption by the COP at its 23rd session (2017);
- b) Informed by the process in sub-para a) above and any further guidance by the COP, develop a common framework for transparency of action and support, building on and further improving existing processes, including those for mitigation commitments, adaptation components of INDCs and undertakings on adaptation; and provision of support provided and received, as well as means of assessment against the long-term goal for mitigation, global goal for adaptation and the aggregate scale of finance, with a view to recommending a decision to the COP at its 25th session (2019).
- 32 ter** Requests the SBSTA
- Pursuant to decision 1/CP.18 and building on the work on methodologies for finance, to develop accounting for the provision of support over time, enhancing the common tabular format for biennial reports and the methodology for reporting by developed countries on support provided and enhancing reporting by developing countries on support received, taking into account the imperative to avoid double and multiple counting, as well as means of assessment against the aggregate goal for finance by developed countries, with a view to recommending a decision to the COP at its 25th session (2019).
33. *[Provision on response measures.]*
34. **[Option 1:**
- Recommends* that the CMA at its first session consider establishing a mechanism to support sustainable development to be available to assist Parties in fulfilling their nationally determined mitigation [contributions][commitments] [other]. This mechanism would be under the authority and guidance of the CMA and be supervised by a body designated by the CMA, and would aim to:
- (a) Enhance mitigation ambition and the mobilization of financing for climate action;
- (b) Incentivize and enable participation in cost-effective mitigation action by public and private entities acting under the responsibility of a Party;
- Requests* the SBSTA to elaborate modalities and procedures for the mechanism for sustainable development referred to in paragraph 34 above and report to the IPC at its [X] session with a view to the IPC making recommendations, for consideration and adoption by the CMA at its first session, that inter alia:
- (a) Provide, where desired by the participating Parties, for the creation and issuance of real, permanent, additional and verified mitigation outcomes that may be used to meet nationally determined [contributions] [commitments][other] in a manner that is supplementary to domestic action, is consistent with the rules and guidance for accounting, and provides for a share of proceeds for adaptation;
- (b) Deliver, where desired by participating Parties, a net decrease or avoidance of emissions;

MS WORD VERSION FOR WORKING PURPOSES ONLY

FOR THE AUTHORITATIVE VERSION, PLEASE REFER TO THE PDF FILE PUBLISHED ON THE UNFCCC WEBSITE

- (c) Build on the mechanism defined in Article 12 of the Kyoto Protocol and related decisions of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol;]

[Option 2: No text on this mechanism;

WORKING FILE