

Dear Mr. Chair.

The Republic Belarus, and on behalf of Russian Federation and Ukraine, would like to note that some principals of the Convention, in particular its Article 4.6, concerning particularities of the Parties with economy in transition are being missed in some of the new negotiation texts. The provisions of a number of COP decisions with regard to technical assistance to these countries in technology transfer and capacity building issues (*decisions 3/CP.7, 4/CP.7 and 3/CP.13*) also have not been reflected.

There are two major distinctive features of the countries with economy in transition, which will be present yet during at least 8-10 years:

1. we are not capable, being Annex I Parties though, either financially or technically to help other countries in the field of capacity building and technology transfer;
2. we have a number of barriers in implementation of our mitigation actions and adaptation strategies that implies our crucial need of corresponding technical assistance from other Annex I Parties.

Acknowledging the aforementioned issues and taking into account the outcomes of the meeting with you held on Wednesday, Oct 7, 2009, we prepared some minor corrections to the text of document FCCC/AWGLCA/2009/INF.2 and corresponding non-papers of the Bangkok session.

Please, communicate the text below to Chairs and Co-Chairs of the relevant Contact Groups. We hope that this submission will be taken into account during the current session and will be further incorporated into the texts of the Barcelona resumed session.

Thank you very much for your help.

Annex I. A shared vision for long-term cooperative actions

pg. 6:

PP.10 [Emphasizing that] it is fundamental that Annex I countries comply fully with the provisions as set out in Articles 4.3, 4.4, and 4.5 as well as additional commitments on technology transfer and capacity-building [with due account of Article 4.6].

PP.10bis [Acknowledging that according to Article 4.6 of the Convention and relevant decisions of Conferences of the Parties the technical assistance in capacity-building and technology transfer for the Parties included in Annex I undergoing the process of transition to a market economy are essential to participate fully in and to implement effectively their commitments under the Convention.]

(Corresponding text of Contact Group on Shared Vision, non-paper No.5 by the Chair, version of 01/10/09 @ 15:00

pg. 7:

29. [Emphasizing that] it is fundamental that Annex I countries comply fully with the provisions as set out in Articles 4.3, 4.4, and 4.5 as well as additional commitments on technology transfer and capacity-building [with due account of Article 4.6] ...

[29bis. Acknowledging that according to Article 4.6 of the Convention and relevant decisions of Conferences of the Parties the technical assistance in capacity-building and technology transfer for the Annex I Parties undergoing the process of transition to a market economy are essential to participate fully in and to implement effectively their commitments under the Convention.]

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[41bis. The new institutional arrangement will provide also technical support for the Annex I Parties undergoing the process of transition to a market economy in the following areas: (a) technology needs assessment for mitigation and adaptation actions, (b) enabling better environments for technology transfer and (c) capacity building and experience share for mitigation and adaptation.]

pg. 16:

32. The difference between the assigned amounts of Annex I Parties and their actual GHG emissions shall be quantified [as an increase in their emissions debt/accumulated per capita emissions/use beyond their equitable allocation of the global atmospheric resources] [and shall provide the basis of] [as an input for the consideration of] fulfillment by [Annex II Parties] Annex I Parties [, **except for Parties with economies in transition,**] of their commitments to provide financing, technology and compensation to developing countries for mitigating and adapting to climate change.

33. In the light of a shared vision based on historic responsibility/emissions, debt/per-capita emissions convergence/an equitable allocation of a shared atmospheric resource, [and in accordance with the provisions of the Convention,] [Annex II Parties] Annex I Parties [**except for Parties with economies in transition**] shall provide new and additional financial resources to meet the full costs incurred by developing country Parties [in complying with their obligations under Article 12, paragraph 1, and the full incremental costs of implementing measures that are covered by Article 4, paragraph 1] [, particularly the most vulnerable

countries including LDCs and SIDs, of meeting their commitments, towards the full, effective and sustained implementation of the Convention]. They shall also provide new and additional funding to cover the full incremental costs incurred by developing countries in implementing nationally appropriate mitigation actions undertaken in the context of sustainable development. **[Annex II Parties]** Annex I Parties **[except for Parties with economies in transition]** commit the amount of [] billion [Euros/dollars] in order to enable mitigation and adaptation actions in developing countries for the period now up to 2012. The [Conference of the] Parties shall periodically review the adequacy of levels of financing required to support mitigation and adaptation actions in developing countries, including a comprehensive review not later than 2011.

Annex II. Enhanced action on adaptation and its means of implementation

pg. 22:

PP.4 Being guided by Articles 3.2, 3.3, 4.3 and 4.4 [**and with due regard of Article 4.6**],

[**PP.5bis Taking into account also decisions 3/CP.7, 4/CP.7 and 3/CP.13 by the Conference of Parties (COP) to the Convention at its seventh and thirteenth sessions,**]

pg. 40:

35. [A Convention Adaptation Fund shall be established based on assessed contributions from [**Annex II Parties**] Annex I countries [**except for Parties with economies in transition**] and other possible sources of finance. The Convention Adaptation Fund must ensure sufficient financial resources for all developing country Parties to:]

pg. 43:

41 (c). [Levies on CO₂ emissions [from [**Annex II Parties**] Annex I Parties [**except for Parties with economies in transition**] [in a position to do so]]];]

41 (d) [Taxes on carbon-intensive products and services from [**Annex II Parties**] Annex I Parties [**except for Parties with economies in transition**];

41 (g) [Levies on international transactions [among Annex I Parties [**except for Parties with economies in transition**]]];]

pg. 50:

56 (x) [Ensuring the full, effective, and sustained implementation of the Convention, in relation to the implementation of commitments for the provision of financial resources. This is mandated under Articles 4.1, 4.3, 4.4, 4.5, 4.8 and 4.9 [**with due account of Article 4.6**] of the Convention in accordance with Article 11 defining the financial mechanism under the Convention.]

pg. 54:

63. [Progress [in the compliance of financial commitments of [**Annex II Parties**] Annex I Parties [**except for Parties with economies in transition**] and][in the delivery of means of implementation to developing country Parties][in the implementation of][under] the adaptation [framework][programme] [is necessarily linked to the finance, transfer of technology and capacity building. All of these aspects should be monitored and reviewed.] [, including [in] the delivery of means of implementation to [all] developing country Parties, particularly 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 that are particularly vulnerable to the adverse effects of climate change and progress in building resilience and reducing vulnerability], [should][must] be [monitored][reviewed][and evaluated] to ensure the [agreed] full implementation of adaptation actions [and commitments of developed country Parties under Article 4.3, 4.4 and 4.5 [**with due account of Article 4.6**] of the Convention] [supported by finance and technology and commitments relating to financial and technology support [in a measurable, reportable and verifiable manner,] utilizing scientific as well as sex-

disaggregated socioeconomic data and in the context of transparency, mutual accountability and robust governance].

(Corresponding text of Contact Group on Adaptation, non-paper No.8 by the Co-Chairs, version of 03/10/09 @ 13:00

pg. 1:

*PP.1 Being guided by Articles 2, 3.2, 3.3, 4.1, 4.3, 4.4 and 4.7 **[and with due regard of Article 4.6]** of the Convention, and the Bali Action Plan adopted as decision 1/CP.13 **[and taking into account also decisions 3/CP.7, 4/CP.7, 5/CP.7 and 3/CP.13]** by the Conference of Parties (COP),*

pg. 8:

*19. The provision of means of implementation, including financial resources, technology transfer, and capacity building, is a commitment under Convention that must be urgently fulfilled in accordance with Articles 4.3, 4.4 and 4.5 **[and with due regard of Article 4.6]** of the Convention.*

pg. 9:

*23 (c). Levies on CO2 emissions from Annex I Parties **[except for Parties with economies in transition]** in a position to do so;*

pg. 10:

*23 (d) Taxes on carbon-intensive products and services from Annex I Parties **[except for Parties with economies in transition]**;*

*23 (g) Levies on international transactions among Annex I Parties **[except for Parties with economies in transition]**;*

pg. 19:

*(v) Ensuring the full, effective, and sustained implementation of the Convention, related to the implementation of commitments for the provision of financial resources. This is mandated under Articles 4.1, 4.3, 4.4, 4.5, 4.8 and 4.9 **[with due account of Article 4.6]** of the Convention in accordance with Article 11 defining the financial mechanism under the Convention.*

Annex III. Enhanced action on mitigation

pg. 58:

8. Enhanced national/international action on mitigation of climate change [should/shall] be pursued with the aim of achieving the ultimate objective of the Convention to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. All Parties [should/shall] contribute towards this objective, in accordance with their common but differentiated responsibilities and respective capabilities, taking into account their historical responsibility and mitigation potential as determined by their respective national circumstances, social and economic conditions and other relevant factors highlighted in Articles [4.6,] 4.8, 4.9 and 4.10 of the Convention, including their access to alternative energy.

(Corresponding text of Contact Group on Mitigation, non-paper No.10 by the Chair, version of 06/10/09 @ 14:30

pg. 3:

10 All Parties [should/shall] contribute towards the ultimate objective, in accordance with their common but differentiated responsibilities and respective capabilities, taking into account their historical responsibility and mitigation potential as determined by their respective national circumstances, social and economic conditions and other relevant factors highlighted in Articles [4.6,] 4.8, 4.9 and 4.10 of the Convention, including their access to alternative energy.)

Annex IIIB. Enhanced action on mitigation. Nationally appropriate mitigation actions by developing countries

pg. 84:

51. [NAMAs by developing country Parties shall be supported and enabled by technology, financing and capacity-building in accordance with Articles 4.3, 4.5 and 4.7 **[with due account of Article 4.6]** of the Convention. **[Annex II Parties]** Annex I Parties **[except for Parties with economies in transition]** shall provide new and additional financial resources and technology, over and above that provided to enable developing countries to implement their commitments under Article 4.1 of the Convention.]

pg. 101:

181. [The support shall be verified within the existing in-depth review of national communications from **[Annex II Parties]** Annex I country Parties **[except for Parties with economies in transition].**]

184. [Financial resources from **[Annex II Parties]** Annex I Parties **[except for Parties with economies in transition]** shall be measured, reported and verified when provided to the Financial Mechanism. Technology transfer and capacity-building shall be measured, reported and verified during the course, and following completion, of the associated NAMA.]

(Corresponding text of Contact Group on Mitigation, Subgroup on paragraph 1(b)(ii) of the Bali Action Plan, non-paper No.12, Draft consolidated text on NAMA, version of 03/10/09 @ 15:45

pg. 4:

*25 **[[Annex II Parties]** Annex I Parties **[except for Parties with economies in transition]]** [The developed country Parties including those included in Annex II to the Convention] shall provide new and additional financial resources and technology and institutional capacity-building support for NAMAs...*

pg. 11:

*Alternative to paragraph 51. Measurement, reporting and verification of NAMAs and their desired outcomes shall apply only to actions that have been enabled and supported be measurable, reportable and verifiable finance and technology by **[Annex II Parties]** Annex I Parties **[except for Parties with economies in transition]** through the proposed financial mechanism.*

pg. 14:

*67. Financial resources provided by **[Annex II Parties]** Annex I Parties **[except for Parties with economies in transition]** shall be measured, reported and verified when provided to the Financial Mechanism...)*

Annex IV. Enhanced action on the provision of financial resources and investment

pg. 132:

14. Alternative 1: In order to meet both the scale of financial resources required and the commitments under Article 4.1, 4.3, 4.4, 4.5, 4.8 and 4.9 **[and with due regard of Article 4.6]** to support enhanced action on adaptation and mitigation by developing country Parties, including for technology cooperation and capacity-building, developed country Parties and other Parties included in [Annex II][Annex I **[except for Parties with economies in transition]**] to the Convention shall provide scaled-up, new and additional, over and above ODA, sustained, adequate, predictable and stable financial resources in a measurable, reportable and verifiable manner, without diverting ODA.

pg. 133:

16. [Chapeau]

Option 1

Alternative 1:

An assessed contribution from developed country Parties **[except for Parties with economies in transition]** based on the principles of equity, common but differentiated responsibilities, respective capabilities, GDP, GDP per capita, the polluter pays principle historical responsibility of Annex I Parties, historical climate debt, including adaptation debt, amounting to [[0.5–1][0.8][2] per cent of gross national product] at least [0.5–1 per cent of GDP]].

Option 2

Alternative 1:

The auctioning of [X] per cent of assigned amount units of Annex I Parties **[except for Parties with economies in transition]** at international level

pg. 134:

Option 3

Alternative 2:

Taxes on carbon-intensive products and services from Annex I Parties **[except for Parties with economies in transition]**.

pg. 145:

75. All Annex I **[except for Parties with economies in transition]**, [Annex II] [and Annex B Parties **[except for Parties with economies in transition]**] shall report on an annual basis, all contributions made. Annual reports of contributions by Parties shall be maintained by the secretariat in a contribution ledger. This ledger shall be maintained on a publicly available link on the secretariat website;

76. A compliance mechanism shall be established to ensure the full implementation of the commitments of Annex I [Annex II] [and Annex B Parties] **[except for Parties with economies in transition]** for commitments on Articles 4.3, 4.4, 4.5, 4.8 and 4.9 of the Convention with reference to their agreed assessed contributions for the provision of financial resources, This body shall:

(a) Review compliance of [developed country] [Annex I and Annex [B][II]Parties **[except for Parties with economies in transition]** with their commitments on the provision of financial resources in a timely and predictable manner and in consonance with the needs identified by the developing country Party ;

(b) [The Board of the Multilateral Fund shall undertake] Annually review compliance of [developed country] Annex I [and Annex B][Annex II] Parties **[except for Parties with economies in transition]** with their commitments on the provision of financial resources in a timely and predictable manner[to the Multilateral Fund for Climate Change] and in consonance with the needs identified by the developing country Party and shall make a report to the COP (or the Conference of Parties serving as the assembly of Parties) at its annual meeting;

(Corresponding text of Contact Group on Financing, non-paper No.13 by the Chair, version of 05/10/09 @ 16:00

pg. 5:

15.

Option 1

*Alternative: An assessed contribution from developed country Parties **[except for Parties with economies in transition]** amounting to at least [[0.5–1][0.8][1.5][2] per cent of gross national product] at least [0.5–1 per cent of GDP]].*

*Alternative 2: An assessed contribution from developed country Parties **[except for Parties with economies in transition]** based on historical climate debt, including historical emission debt and adaptation debt, amounting to [[0.5–1][0.8][2] per cent of gross national product] at least [0.5–1 per cent of GDP]].*

Option 2

*The auctioning of [X] per cent of assigned amount units of Annex I Parties **[except for Parties with economies in transition]** at international level*

pg. 6:

Option 7

*A levy of 2 per cent on capital transfers between entities in Annex I Parties **[except for Parties with economies in transition]** collected by Annex I Party governments and remitted in full to the Convention Adaptation Fund.*

pg. 11:

*20. All Annex I [Annex II] [and Annex B Parties] **[except for Parties with economies in transition]** shall report on an annual basis, all contributions made. Annual reports of contributions by Parties shall be maintained by the secretariat in a contribution ledger. This ledger shall be maintained on a publicly available link on the secretariat website;*

*21. A compliance mechanism shall be established to ensure the full implementation of the commitments of Annex I [Annex II] [and Annex B Parties] **[except for Parties with economies in transition]** for commitments on Articles 4.3, 4.4, 4.5, 4.8 and 4.9 of the Convention with reference to their agreed assessed contributions for the provision of financial resources, This body shall:*

*(a) Review compliance of [developed country] [Annex I and Annex [B][II]]Parties **[except for Parties with economies in transition]** with their commitments on the provision of financial resources in a timely and predictable manner and in consonance with the needs identified by the developing country Party ;*

*(b) [The Board of the Multilateral Fund shall undertake] Annually review compliance of [developed country] Annex I [and Annex B][Annex II] Parties **[except for Parties with economies in transition]** with their commitments on the provision of financial resources in a timely and predictable manner[to the Multilateral Fund for Climate Change] and in consonance with the needs identified by the developing country Party and shall make a report to the COP (or the Conference of Parties serving as the assembly of Parties) at its annual meeting;*

pg. 19:

Annex 4

*3. All Parties should contribute to the Fund, with the exception of the least developed Parties. Contribution from Annex I Parties **[except for Parties with economies in transition]** will be mandatory...)*

Annex V. Enhanced action on development and transfer of technology

pg. 147:

12. [Developed country Parties shall take all practicable steps to promote, facilitate and finance, the transfer of, or access to, environmentally sound technologies and know-how to other Parties, particularly Developing country Parties **[and Parties with economies in transition]**, to enable them to implement the provisions of the Convention **[and with due account of decision 4/CP.7]**]

pg. 156:

29. A programme for capacity-building for accelerated technology development, deployment and diffusion in developing countries **[and Parties with economies in transition]** shall be developed. This programme for capacity-building should include the following elements, [taking into account the various activities completed or under way on a bilateral or multilateral basis and mainstreamed within an enhanced framework for capacity-building for mitigation and adaptation (decision 2/CP.7 **[and decision 3/CP.7]**)]:

pg. 157:

30. Parties shall promote the accelerated penetration of cost-effective technologies in non Annex I countries **[and Parties with economies in transition]** through pilot projects which strengthen their capacity to develop specifications for these applications which are appropriate to national circumstances, and create human resources necessary for the design, implementation, and operation and maintenance of these applications.

(Corresponding text of Contact Group on Technology Transfer, non-paper No.4 by the Co-Chairs, version of 02/10/09 @ 14:00

pg. 2:

*(d) Aim to removal of barriers and ensure accessibility, affordability, appropriateness and adaptability of the technologies required by developing countries **[and Parties with economies in transition]**;*

pg. 5:

*17. Developing country Parties **[and Parties with economies in transition]** shall be assisted in completing technology needs assessment, technology road maps and technology action plan, which may be integrated into national low-emission development strategies.*

pg. 6:

*21. A programme for capacity-building for accelerated technology development, deployment and diffusion in developing countries **[and Parties with economies in transition]** shall be developed **[with due account of decision 4/CP.7]**. This programme for capacity-building should include the following elements:*

*22. Parties shall promote the accelerated penetration of cost-effective technologies in non Annex I countries **[and Parties with economies in transition]** through pilot projects that strengthen their capacity, and create human resources necessary for the design, implementation, and operation and maintenance of these applications, appropriate to national circumstances.)*

Annex VI. Capacity-building

pg. 176:

1. Parties should cooperate to address the capacity needs of developing countries [**and Parties with economies in transition**] taking into account the following guiding principles:

pg. 177:

2. [International cooperation [shall][should] be enhanced to support the capacities of developing country Parties [**and Parties with economies in transition**] to implement mitigation and adaptation [capacity-building] actions, including, inter alia:

pg. 178:

3. [Developed countries shall support developing countries [**and Parties with economies in transition**] to formulate and implement strategies and action plans to implement learning-by-doing stand alone capacity-building projects/programmes and activities within the agreed framework under the Convention.]

pg. 179:

7. ...

Option 2. Provision of capacity-building support to developing country Parties, along with delivery of financial support and technology transfer, shall be a legally binding obligation of [**Annex II Parties**] developed country Parties [**except for Parties with economies in transition**], with consequences for non-compliance.]

(Corresponding text of Contact Group on Capacity-Building, non-paper No.21 by the Co-Chairs, version of 08/10/09 @ 9:00

pg. 1:

PP5 Also recalling the specific relevance of decision 2/CP.7, containing in its annex the framework for capacity building in developing countries[, as well as decision 3/CP.7, containing the framework for capacity building in Parties with economies in transition].)

pg. 2:

*1 The objective of the enhanced action on capacity-building is to build, develop, strengthen, improve and enhance the capacities and capabilities of developing country Parties [**and Parties with economies in transition**] to contribute to the achievements of the full, effective and sustained implementation of the Convention.*

*3 (a) To fully implement the framework for capacity-building in developing countries as contained in the annex to decision 2/CP.7 [**and in Parties with economies in transition as contained in decision 3/CP.7**];)*

pg. 4:

*6. Option 2. [Provision of capacity-building support to developing country Parties, along with delivery of financial support and technology transfer, shall be a legally binding obligation of [**Annex II Parties**] developed country Parties [**except for Parties with economies in transition**], with consequences for non-compliance.]*

7. Option 1. [Support for capacity-building activities shall be measured through the use of agreed and affective performance indicators [and in units to be established as part of

the review of the implementation of the capacity-building framework adopted under decision 2/CP.7 [and 3/CP.7] in order to ensure that the resources provided by developed country Parties are benefiting developing countries [and Parties with economies in transition] within the context of the agreed activities identified and undertaken through a bottom-up, country-driven process.])