

**AD HOC WORKING GROUP ON LONG-TERM COOPERATIVE ACTION  
UNDER THE CONVENTION  
Resumed seventh session  
Barcelona, 2–6 November 2009**

**Non-paper No. 50\***

06/11/09 @ 15:00

**CONTACT GROUP ON ENHANCED ACTION ON MITIGATION AND  
ITS ASSOCIATED MEANS OF IMPLEMENTATION**

**Subgroup on paragraph 1 b (i) of the Bali Action Plan  
(Mitigation [commitments] by [developed country Parties])**

**Non-paper by the facilitator**

[ 1. Nationally appropriate mitigation commitments or actions by developed countries

1. To enhance the implementation of mitigation commitments under Article 4.2(a) and (b) of the Convention, [[all] developed country Parties included in Annex I to the Convention] [Annex I Parties that are not Parties to the Kyoto Protocol], [with the exception of those Annex I countries which have special circumstances recognized] [while recognizing special circumstances for some Annex I Parties as provided for] by COP decisions,<sup>1</sup> shall

- (a) Adopt [internationally] [legally binding] nationally appropriate mitigation commitments or actions, [including][expressed as] economy-wide quantified emission reduction [or limitation] [commitments] [objectives], such commitments or actions [shall] [should] be measurable, reportable and verifiable;
- (b) In establishing such commitments or actions,
  - (i) use commitments under the Kyoto Protocol as [a] [the] reference;
  - (ii) reflect historical [, current and future] responsibility for climate change[, national circumstances and respective capabilities];
  - (iii) ensure [consistency] [comparability] with an ambitious long-term emission reduction target;
  - (iv) adopt policies and measures in pursuit of economy-wide quantified emission reduction commitments; and
- (c) Recognizing that the concept of comparability is established under the Bali Action Plan and not in a process under the Kyoto Protocol, ensure that comparability among all

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\* This non-paper supersedes non-papers No. 15 and 25.

<sup>1</sup> Such decisions, including decision 26/CP.7, should be taken into account when the terms “Annex I countries ” or “developed country Parties” are used in this non-paper.

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Annex I Parties shall express itself in magnitude and form, and in compliance requirements.

*Mitigation commitments or actions*

2. The enhanced mitigation commitments or actions by developed country Parties[, whether or not they are Parties to the Kyoto Protocol,] [Annex I Parties that are not Parties to the Kyoto Protocol] [shall] [should] lead to a collective reduction of their GHG emissions by [at least [40][45]] [in the order of 30] [at least XX] [XX-YY] per cent in the year 2020 compared to the [1990] [base year] [XXXX] level, and by [at least [90][95][XX]] [XX-YY] [more than 95] [more than XX per cent] below their [base year] [XXXX] levels by 2050.

3. The quantified emission limitation and reduction objectives of [developed country Parties] [Annex I Parties that are not Parties to the Kyoto Protocol] [shall] [should] be formulated as a percentage of reduction [or limitation] compared to [1990], [XXXX] or another base year adopted under the Convention. [Developed countries, including all Annex I Parties [and countries that voluntarily want to take on binding economy-wide quantified emission [limitation] or reduction commitments]] [Annex I Parties to the Convention that are not Parties to the Kyoto Protocol] shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases [listed in Annex Y] do not exceed their assigned amounts for the period from [2013] [XXXX] until [2017][2020][YYYY], calculated pursuant to their quantified emission reduction commitments and in accordance with relevant provisions of [this instrument]. The agreed quantified emission [limitation and] reduction objectives[, including their implementation schedules,] are inscribed in [the Annex] [Annex B].

4. Annex I Parties that are not Parties to the Kyoto Protocol shall ensure that aggregate anthropogenic carbon dioxide equivalent emissions do not exceed their assigned amounts, calculated to reflect the full extent of their emissions debt, taking into account:

- (a) The responsibility of Annex I Parties, individually and jointly, for current atmospheric concentrations of greenhouse gases;
- (b) The historical and current per-capita emissions originating in developed countries;
- (c) Technological, financial and institutional capacities;
- (d) The share of global emissions required by developing countries in order to meet their social and economic development needs.

5. [Developed country Parties which have not taken commitments prescribed in Article 3 of the Kyoto Protocol] [Annex I Parties to the Convention that are not Parties to the Kyoto Protocol] [, and other Parties who voluntarily elect to do so,] shall, individually or jointly, undertake verifiable, nationally appropriate mitigation commitments or actions in the form of quantified emission [limitation and] reduction commitments. Quantified emission [limitation and] reduction [objectives] [commitments] for [developed country] [Annex I] Parties shall be those inscribed in Annex B to the Kyoto Protocol as amended, and quantified emission [limitation and] reduction [objectives] [commitments] for those [developed country] [Annex I] Parties that are not Parties to the Kyoto Protocol shall be as contained in the annex[ to the current instrument]. Parties that undertake such actions or commitments shall ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of greenhouse gases do not exceed their agreed targets inscribed in the Annex for the assessment period 2013–2017.

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6.<sup>2</sup> Recalling Article 4.1(b) of the Convention and recognizing that the levels of ambition expected of Parties will necessarily evolve over time as their respective national circumstances and respective capabilities change:

With respect to developed country Parties:

- (a) For each such Party, Appendix 1 (found in Addition 2 under proposals for additional sections/subsections at the beginning of chapter III of FCCC/AWGLCA/2009/INF.1) includes quantitative emissions reductions/removals in the 2020/[Annex] timeframe, in conformity with domestic law;
- (b) Each such Party shall formulate and submit a low-carbon strategy for long-term net emissions reductions of at least [Annex] by 2050.

7. Each developed country Party shall establish, maintain and implement the contents of a national schedule, which shall include a long-term national emissions pathway and, as a minimum, an economy-wide quantified emission limitation or reduction commitment. Each national schedule may also include details of the policies and measures that underpin a Party's economy-wide quantified emission limitation or reduction commitment.<sup>3</sup>

8. In quantifying absolute emission reduction [or limitation] objectives, [developed country] [Annex I] Parties shall focus on those sectors, sources and gases that contribute most to total GHG emissions and facilitate the transition towards low-carbon economies in order to achieve sustainable development. Nationally appropriate mitigation actions or commitments of Annex I Parties should include formulation, adoption and implementation of comparable sustainability norms as listed in Appendix 2. Such norms should include legal restraints and deterrent penalties for violation of adopted norms.

*[National circumstances and] comparability of efforts*

9. The efforts of [developed country] [Annex I] Parties to reduce [or limit] their GHG emissions [shall] [should] be comparable and take into account their [historical responsibility] [their national circumstances] [and respective capabilities] as well as relevant COP decisions, including decision 14/CP.7. The comparability of efforts [shall] [should] be ensured through

- (a) adoption of commitments of the [same] [similar] [comparable] nature and scope;
- (b) comparable magnitude of emission [limitation or] reduction objectives[, using tonnes of CO<sub>2</sub> eq as a unit of comparability];
- (c) use of the same provisions for third party review of annual emissions inventories and any supplemental information required;
- (d) the extent to which [developed country] [Annex I] Parties address their emissions debt;
- (e) use of the [same] [similar] [comparable] MRV and compliance provisions[, including base year definition, consistent with Article 4.6 of the Convention and decision 9/CP.2, and implementation timeframe].

10. Ensuring comparability of efforts in a transparent manner among mitigation efforts of [developed country] [Annex I] Parties will require the establishment of specific indicators in order to compare

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<sup>2</sup> This paragraph should be read in conjunction with Annex III of the document FCCC/AWGLCA/2009/INF.2, in particular paragraphs 25-28.

<sup>3</sup> This paragraph should be read in conjunction with Annex III of the document FCCC/AWGLCA/2009/INF.2.

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compliance with commitments and define which national circumstances are taken into consideration. To that end, the factors listed in Appendix 3 [shall] [should] be taken into account.

11. An objective, consistent, transparent, thorough and comprehensive technical assessment of the comparability of efforts among [developed country] [Annex I] Parties shall be [facilitated][made] by a technical panel on comparability [established under the COP] [including members from Annex I and non-Annex I Parties as well as representative of the secretariat]. The panel shall assess the information provided by [developed country] [Annex I] Parties in their annual national communications [and other data available from international organizations] and report its findings to the COP [and the CMP] for further action. If the report indicates questions relating to comparability, the COP shall refer the matter to a compliance committee for attention.

12. Suitable criteria [, agreeable to every Party,] should be used in defining “developed country Parties”. There should be a dynamic continuum with different commitments, actions and support for different countries based on common, objective criteria.

*Achieving quantified emission [limitation or] reduction objectives*

13. In achieving their quantified emission [limitation or] reduction objectives, [developed country Parties] [Annex I Parties that are not Parties to the Kyoto Protocol] [shall][should]:

- (a) Adopt national policies and take corresponding measures for the urgent mitigation of climate change, by limiting their anthropogenic emissions of greenhouse gases and protecting and enhancing their greenhouse gas sinks and reservoirs;
- (b) Ensure that these policies and measures will demonstrate that [developed countries] [Annex I Parties] are taking the lead in modifying longer term trends in anthropogenic emissions consistent with the objective of the Convention;
- (c) Ensure that this [enhanced] mitigation does not affect the legal status and continued effectiveness of the quantified emission reduction commitments of Annex I Parties that are also Parties to the Kyoto Protocol.

*LULUCF:*

14. The greenhouse gas emissions by sources and removals by sinks resulting from additional human-induced land use, land-use change and forestry activities may be used to meet the commitments under subparagraph (a) above of each Party included in Annex I, provided that these activities have taken place since 1990.

15. The [COP] [Supreme body of this Agreement] shall decide prior to the commencement of the commitment period from [XXX] [2013] to [20XX] upon modalities, rules and guidelines for accounting the LULUCF category of Annex B, taking into account relevant rules and procedures developed under the Kyoto Protocol.

*Alternative to para 15:* The modalities and procedures for enabling Parties to account for anthropogenic greenhouse gas emissions and removals from the land sector for the commitment period 2013 to [20XX] shall be as agreed in Decision X/CMP.X

*Alternative to paras. 14, 15:* The rules of the Kyoto Protocol regarding land use, land-use change and forestry will apply to Annex I Parties that are not Parties to the Kyoto Protocol.

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*Mechanisms:*

16. [Developed country] [Annex I] Parties that are also Party to the Amendment to the Kyoto Protocol may in order to achieve their quantified emission [limitation and] reduction objectives, utilize the flexible mechanisms established in terms of the Kyoto Protocol.

17. [Developed country] [Annex I] Parties shall achieve their quantified emission reduction [or limitation] objectives

*Option 1:* exclusively through domestic action [and not through flexible market mechanisms];

*Option 2:* [primarily through domestic emission reductions efforts;] [through a combination of domestic emission reductions efforts and [flexible] [carbon market] mechanisms, with the use of mechanisms being supplemental to domestic action;] [a maximum of [X] [10] per cent of commitments may be achieved through the use of [flexible] [carbon market] mechanisms, including offsets;]

*Option 3:* through domestic action and the use of market-based mechanisms.

*Joint fulfillment:*

18. Any Parties included in Annex I to the Convention that have reached an agreement to fulfill their respective commitments jointly shall be deemed to have met those commitments provided that their total combined aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A (of the Draft Protocol) do not exceed their assigned amounts inscribed in Annex B (of the Draft Protocol).<sup>4</sup>

*Other issues relating to “mitigation commitments or actions”*

19. Consideration of commitments or actions by [developed country Parties] [Annex I Parties that are not Parties to the Kyoto Protocol] [requires close coordination with the discussions under] [shall be consistent with the outcome of] the AWG-KP.

2. [Measurement, reporting and verification of commitments or actions]

20. The current system for reporting and review of national communications and national GHG inventories under the Convention, with its independent review structure, provides [a] [the] basis for the measurement, reporting and verification of mitigation commitments or actions by developed country Parties. In the implementation of measurement, reporting and verification, [relevant] provisions of Articles 5, 7 and 8 of the Kyoto Protocol and related decisions [shall] [should] be applied [to be applied to all Annex I Parties]. These provisions [shall] [should] be further strengthened. Measurement, reporting and verification shall apply to the progress and results of implementation actions as well as to the quantified emission reduction commitments. The COP shall review and define the principles, modalities, rules and guidelines for measurement, reporting and verification, including those relating to quantified emission [limitation and] reduction commitments.

21. Measurement, reporting and verification shall include an assessment of costs and adverse impacts of the mitigation actions, policies and measures, in particular impacts on the developing countries specified in Article 4.8 (h), as well as an assessment of efforts to eliminate such adverse impacts.

3. [[Compliance with] [Review of] quantified emission [limitation and] reduction [objectives]]  
[commitments or obligations]]

22. [A compliance system] [an international compliance mechanism] [shall] [should] be built on the existing mechanisms and address issues of non-compliance flowing from the measurement, reporting and

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<sup>4</sup> For the entire paragraphs, see the Draft Protocol to the Convention proposed by Japan (FCCC/CP/2009/3, Article 3, paragraph 1 (b)).

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verification process. Such a [system] [mechanism] should be established under the Convention and enable comparing efforts among developed countries mitigation actions and ensure effective compliance.

23. To ensure compliance under the Convention, Article 13 of the Convention should be operationalized through the adoption of decision 10/CP.4 on the multilateral consultative process, and the annex to that decision which contains the terms of reference for the process.

24. [Compliance with] [Review of] quantified emission [limitation and] reduction [objectives][commitments] [and financial commitments for adaptation and technology transfer] undertaken by [developed country Parties] [Annex I Parties] [shall][should] be monitored and assessed in a robust and credible manner based on agreed procedures for measurement, reporting and verification. The monitoring and assessment of compliance [shall][should]

[*Option 1:* utilize the relevant procedures [implemented under the Kyoto Protocol]. These provisions may be enhanced as appropriate, [taking into account experiences gained from relevant international agreements].]

[*Option 2:* use the compliance procedures applied to Parties to the Kyoto Protocol under section XV of the annex to decision 24/CP.7 which are relevant to quantified emission [limitation or] reduction commitments; these procedures shall be applied equally to all Annex I Parties, whether or not they are Parties to the Kyoto Protocol. Such compliance procedures may be enhanced.]

[*Option 3:* be undertaken within a [new compliance system [under the COP] [under the new agreement]] [review process]. ]

25. The monitoring and assessment of compliance [shall][should]

[*Option 1:* utilize procedures and mechanisms to address cases of non-compliance determined by the principle that they should be designed to facilitate compliance in the future.]

[*Option 2:* lead to the application of penalties for non-compliance, including [increased future reduction commitments by an amount calculated as a multiple of the shortfall in implementation [and] [as well as ] financial contributions as penalties [10 times the market price of one tonne of carbon and ] [or] fines [and] paid into [an enhanced] [the Convention] financial mechanism][monetary penalties to be paid to the Adaptation Fund][a mechanism that establishes clear and direct consequences for non-compliance] [taking into account experiences gained from relevant international agreements].]]

26. Commitments or actions undertaken by Parties identified in paragraph 5 above shall be subject to compliance provisions and shall be guided by the compliance procedures developed pursuant to Article 18 of the Kyoto Protocol. Parties undertaking commitments or actions under paragraph 5 above shall not use these commitments to fulfill obligations established under the Kyoto Protocol.

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**Annex** *(placeholder in relation to paragraphs 3)*

**Annex Y** *(placeholder in relation to paragraphs 3)*

**Annex B** *(in relation to paragraph 3)*

Party	Quantified emission limitation or reduction commitment in the commitment period 2013–20xx				
	Assigned amount (Gg-CO <sub>2</sub> e)	reduction rates from 1990 (per cent)	reduction rates from 2000 (per cent)	reduction rates from 2005 (per cent)	reduction rates from 2007 (per cent)
A	xxx	xxx	xxx	xxx	xxx
B	xxx	xxx	xxx	xxx	xxx
...	...	...	...	...	...

**Annex** *(in relation to paragraph 5)*

Annex I	
Party	Quantified emission limitation or reduction commitment for assessment period 2013–2017 compared with 1990 base year

**Appendix 1** *(placeholder in relation to paragraph 6)*

**Appendix 2** *(in relation to paragraph 8)*

**Sustainability Norms**

These norms comprising where appropriate, of legal restraints and deterrent penalties should include the following norms, at minimum including legal restraints and deterrent penalties:-

- Food production and processing methods;
- Packaging of goods;
- Personal road transportation;

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- Buildings, including materials of construction, and energy and water consumption;
- Recycling and reuse of materials, appliances and components, including industrial, commercial, and household wastes and discards;
- Energy consumption of household appliances.
- Violation of norms relating to:
  - Hyper-emissions intensive lifestyles involving use of low fuel efficiency road vehicles;
  - Personal aircraft and watercraft;
  - Use of emissions intensive building materials; and
  - High levels of energy and water consumption in living spaces.”

**Appendix 3** (*in relation to paragraph 10*)

- (a) [Historical responsibility for [both] [emissions] [as well as] [and] [global temperature increase]] [Share of absolute greenhouse gas emissions];
- (b) National [and regional] development priorities;
- (c) Natural and geographical characteristics[;][and] resource endowment;
- (d) Extent of transition to a market economy;
- (e) Position on the human development index;
- (f) Degree of access to flexibility mechanisms;
- (g) Technological, financial and institutional capacities;
- (h) The historical and current per-capita emissions originating in developed countries;
- (i) Domestic mitigation potential [and mitigation costs, aggregate [and marginal] economic costs, domestic achievement of emission reduction and per capita effort;]
- (j) [[Trends in] [GHG] emissions [per capita][,][and carbon intensity] [[per unit of gross domestic product (GDP)], [per energy unit][and population trends]]] [Population trends];
- (k) [Relative][Absolute] size of the economy, [and relative] ability to pay [, and economic and technological capacity];
- (l) Availability of low-emission<sup>5</sup> energy supply options and opportunities for fuel switching;
- (m) [Sector-specific circumstances and sectoral energy efficiency and [GHG][carbon ] intensity] [covering all sectors and all GHG emissions];

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<sup>5</sup> Parties in their submissions refer either to “low-emission” or “low-carbon” in their proposals of strategies or plans. For the purpose of this document, “low-emission” is used as a more inclusive term pending the outcome of negotiations on this issue.

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- (n) Responsibility of Annex I Parties, individually and jointly, for current atmospheric concentrations of greenhouse gases;
- (o) The share of global emissions required by developing countries in order to meet their social and economic development needs;
- (p) Definitions, modalities, rules and guidelines for the treatment of land use, land-use change and forestry;
- (q) Methodologies used to calculate reduction potentials and to set quantified national GHG emission reduction targets should allow the setting of equitable burden sharing which is measurable, reportable and verifiable;
- (r) The extent of international assistance provided by the World Bank or the IBRD;
- (s) QELRCs and mitigation actions [shall][should] be comprehensive in addressing all greenhouse gases, sources and sinks for which technical information is available and where its inclusion is appropriate from a viewpoint of effective implementation;
- (t) [A metric based on global warming potential [shall][should] be used.] [For the purposes of this Agreement, the global warming potentials used to calculate the carbon dioxide equivalence of anthropogenic emissions by sources and removals by sinks of greenhouse gases listed in Annex [X] shall be those provided by the Intergovernmental Panel on Climate Change (IPCC) in its Fourth Assessment Report and based on the effects of the greenhouse gases over a 100-year time horizon. Any revision to a global warming potential by the IPCC subsequent to the Fourth Assessment Report, or revisions of the approach to calculate carbon dioxide equivalence, shall apply only to commitments relating to any commitment period adopted subsequent to that revision.]

*Alternative to t:* The global warming potentials used to calculate the carbon dioxide equivalence of anthropogenic emissions by sources and removals by sinks of greenhouse gases will be those defined in the second assessment report of the IPCC, until the SBSTA concludes its consideration of this matter and, if appropriate, recommends a draft decision adopting global temperature potentials as a common metric.

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