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Development and transfer of technologies

Draft terms of reference for the review and assessment of the effectiveness of the implementation of Article 4, paragraphs 1(c) and 5, of the Convention

Note by the Chair*

Summary

This note presents draft terms of reference for the review and assessment of the effectiveness of the implementation of Article 4, paragraphs 1(c) and 5, of the Convention, prepared by the Chair of the Subsidiary Body for Implementation (SBI) as requested by the SBI at its twenty-eighth session.

The SBI may wish to consider and endorse the draft terms of reference, and agree on a process to conduct the review.

* This document was submitted after the due date owing to the need for further consultations.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. INTRODUCTION	1–5	3
A. Mandate	1–3	3
B. Scope of the note	4	3
C. Possible action by the Subsidiary Body for Implementation .	5	3
II. PREPARATION OF THE TERMS OF REFERENCE BY THE CHAIR	6	3

Annex

Draft terms of reference for the review and assessment by the Subsidiary Body for Implementation of the effectiveness of the implementation of Article 4, paragraphs 1(c) and 5, of the Convention	4
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I. Introduction

A. Mandate

1. The Conference of Parties (COP), by its decision 13/CP.1, paragraph 4 (a), decided to review, at its second session, and at each session of the COP thereafter, the implementation of Article 4, paragraphs 1(c) and 5, of the Convention as a separate agenda item under “Matters relating to commitments”.
2. The COP, by its decision 4/CP.13, paragraph 7, requested Parties to submit to the secretariat, by 15 February 2008, their views on elements for the terms of reference for the review and assessment of the effectiveness of the implementation of Article 4, paragraphs 1(c) and 5, in accordance with decision 13/CP.3.
3. The Subsidiary Body for Implementation (SBI), at its twenty-eighth session, noted¹ the submissions from Parties on their views on elements for the terms of reference for the review and assessment of the effectiveness of the implementation of Article 4, paragraphs 1(c) and 5, referred to in decision 4/CP.13, paragraph 7,² and the synthesis report of those views prepared by the secretariat.³ The SBI requested its Chair to prepare draft terms of reference for this review for consideration by the SBI at its twenty-ninth session, taking into account the submissions from Parties, the deliberation among Parties at SBI 28 and the relevant work of the Expert Group on Technology Transfer (EGTT).

B. Scope of the note

4. This note presents the draft terms of reference developed by the Chair of the SBI, referred to in paragraph 3 above, including objectives, scope of the work, activities, and approach and timing.

C. Possible action by the Subsidiary Body for Implementation

5. The SBI may wish to consider and endorse the draft terms of reference, and agree on a process to conduct the review.

II. Preparation of the terms of reference by the Chair

6. In responding to the request by the SBI, the Chair of the SBI consulted both Parties included in Annex I to the Convention and Parties not included in Annex I to the Convention at the margins of the third session of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention on timeline and major activities of the review. Based on these consultations and taking into account the submissions from Parties, the deliberations among Parties at SBI 28 and the relevant work of the EGTT, the Chair of the SBI prepared the draft terms of reference for the review and assessment by the SBI of the effectiveness of the implementation of Article 4, paragraphs 1(c) and 5, of the Convention, which are presented in the annex.

¹ FCCC/SBI/2008/8, paragraph 61.

² FCCC/SBI/2008/MISC.1 and Add.1.

³ FCCC/SBI/2008/7.

Annex

Draft terms of reference for the review and assessment by the Subsidiary Body for Implementation of the effectiveness of the implementation of Article 4, paragraphs 1(c) and 5, of the Convention

I. Mandate

1. The Conference of Parties (COP), by its decision 13/CP.1, paragraph 4 (a), decided to review, at its second session, and at each session of the COP thereafter, the implementation of Article 4, paragraphs 1(c) and 5, of the Convention as a separate agenda item under “Matters relating to commitments”.
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3. The Subsidiary Body for Implementation (SBI), at its twenty-eighth session, noted¹ the submissions from Parties on their views on elements for the terms of reference for the review and assessment of the effectiveness of the implementation of Article 4, paragraphs 1(c) and 5, referred to in decision 4/CP.13, paragraph 7,² and the synthesis report of those views prepared by the secretariat.³ The SBI requested its Chair to prepare draft terms of reference for this review for consideration by the SBI at its twenty-ninth session, taking into account the submissions from Parties, the deliberation among Parties at SBI 28 and the relevant work of the Expert Group on Technology Transfer (EGTT).

II. Objectives

4. The objectives of the review and assessment are:
 - (a) To review and assess the effectiveness of the implementation of Article 4, paragraphs 1(c) and 5, of the Convention;
 - (b) To provide inputs to the work related to development and transfer of technologies undertaken by the SBI, the Subsidiary Body for Scientific and Technological Advice and the EGTT.

III. Scope of the work

5. The review and assessment should address the following topics:
 - (a) The extent to which the actions and activities described in Article 4, paragraphs 1(c) and 5, and the framework for meaningful and effective actions to enhance the implementation of Article 4, paragraph 5, of the Convention (hereafter referred to as the technology transfer framework) adopted under decision 4/CP.7 and complemented with the set of actions set out in annex I to decision 3/CP.13 have been implemented;

¹ FCCC/SBI/2008/8, paragraph 61.

² FCCC/SBI/2008/MISC.1 and Add.1.

³ FCCC/SBI/2008/7.

- (b) Lessons learned from, and good practices in, the implementation of Article 4, paragraphs 1(c) and 5, and of decisions 4/CP.7, 3/CP.13 and 4/CP.13;
 - (c) The challenges faced and the remaining gaps identified in the implementation of Article 4, paragraphs 1(c) and 5, and of decisions 4/CP.7, 3/CP.13 and 4/CP.13.
6. The review and assessment should be conducted within a broader context and should draw upon related ongoing processes under and outside the Convention and its Kyoto Protocol, as appropriate.

IV. Activities

7. The review should cover the practical steps taken by Parties, in particular Parties included in Annex I to the Convention (Annex I Parties), and should comprise the following tasks:
- (a) Collect and review information on the status of transfer of environmentally sound technologies and on international technology cooperation undertaken by Parties;
 - (b) Review the implementation of all relevant COP decisions on the development and transfer of technologies and its related aspects by considering the extent to which Parties have implemented these decisions;
 - (c) Review the progress made in, and effectiveness of, the implementation of activities identified under each key theme of the technology transfer framework, drawing on the results of the assessment of the framework by the EGTT contained in document FCCC/SBSTA/2006/INF.4;
 - (d) Identify barriers to and gaps in the implementation of Article 4, paragraphs 1(c) and 5, and suggest ways and means to advance implementation;
 - (e) Review the extent to which Parties have promoted and supported institutional systems and regulatory and legislative frameworks needed to scale up development and transfer of technologies;
 - (f) Review the adequacy and timeliness of the financial support provided, within the context of Article 4, paragraph 5, of the Convention, for the purposes of development and transfer of technologies;
 - (g) Review the range of practical actions taken and identify possible actions to promote innovative public and/or private partnerships and cooperation with the private sector, and consider steps that governments, the business sector and academia can take to facilitate effective participation by the private sector;
 - (h) Review the mechanisms and processes developed to enhance cooperation with relevant intergovernmental processes and convention secretariats;
 - (i) Review efforts to promote collaborative research and development on technologies for mitigation and adaptation.

V. Approach and Timing

8. The performance indicators to be developed by the EGTT should be used as one of the possible tools to carry out the review and assessment, which should be undertaken after the performance indicators have been made available to the subsidiary bodies.

9. The secretariat is requested:
 - (a) To constitute a team of experts drawn from the roster of experts to undertake the tasks set out in chapter IV above;
 - (b) To organize a meeting before SBI 30 to facilitate the work of this team of experts;
 - (c) To prepare a report on the findings of the review and make it available to the Parties by SBI 30.
10. All Parties, in particular Annex I Parties, are requested to make submissions, based on the implementation of the tasks set out in chapter IV above and taking into consideration the report by the team of experts, by 15 August 2009 for compilation by the secretariat into a miscellaneous document and consideration by the SBI at its thirty-first session.
11. The review should take into account relevant information, including the submissions from Parties referred to in paragraph 12 above; compilation and synthesis reports prepared by the secretariat; reports and submissions by relevant organizations; and other relevant documents prepared by the secretariat.
12. The first review and assessment should be completed by the SBI at its thirty-first session with a view to making recommendations for consideration by the COP at its fifteenth session; the second review shall be conducted at COP 17.
