

BRAZIL – ELEMENTS FOR THE DRAFT AGREEMENT

- Art. 2.1: Inadequate treatment of CBDR-RC.
PROPOSAL: include brackets around last sentence.
- Art. 2.2: Language relegates temperature goal to a mere recognition, inadequate to an agreement.
PROPOSAL: include placeholder to strengthen Parties' actions and focus on temperature goal
- Article 3 – overall, this article has not benefitted from the discussions on differentiation during ADP 2.10 and do not reflect the current state of negotiations among parties.
- Art. 3.1:
PROPOSAL: Include “bearing in mind that social and economic development and poverty eradication are the first and overriding priorities of developing countries and that a low-carbon development strategy is indispensable to sustainable development.”
- Art. 3.2:
PROPOSAL: Insert as option: “nationally determined contribution with a mitigation component.”
- Art. 3.3: contradicts CBDR-RC, subordinating it to national circumstances. Pursuant to discussion on differentiation during ADP 2.10, it would be appropriate to “break down” this paragraph into several “modulators”, preferably in different paragraphs, including the following missing elements:
 - **Insert “developed countries shall take the lead”.**
 - **Insert differentiation with regards to modalities of contributions, in particular reference to “absolute” targets;**
 - **As an alternative to “in light of its national circumstances”, after “possible ambition”, to include: [in accordance with][taking into account] its common but differentiated responsibilities and respective capabilities.**
- Art. 3.5bis: Missing a provision regarding the timing of the first contribution.
PROPOSAL: “Parties shall communicate its first mitigation contribution no later than upon ratification or acceptance of this agreement”.
- Art. 3.6: **PROPOSAL: to include a placeholder for an option regarding an “indicative” or “intended” subsequent contribution for [5] years after the year of the submitted contribution.**
- Art. 3.6bis: **PROPOSAL: to include a placeholder for a provision regarding the linkage between the contributions and the global stocktacking process.**
- Art. 3.5bis, 3.6 and 3.6bis: **PROPOSAL: to include a placeholder for a merge of these 3 provisions as “Parties shall communicate its first contribution no later than upon ratification or**

acceptance of this agreement and regularly communicate successive contributions every five years, unless otherwise decided by the CMA, taking into account the outcomes of the global stocktacking referred to in Article [global stocktacking]”

- Art. 3.10. **PROPOSAL:** *to include a placeholder for a missing provision related to Parties following guidance of the COP for that matter.*

- New article on Markets: to move para. 34 of the draft decision to the Agreement draft, to read as follows:

PROPOSAL: *New Art. X: Establishes a mechanism to support sustainable development to be available to assist Parties in fulfilling their nationally determined mitigation [contributions][commitments] [other]. This mechanism shall 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.

The CMA shall adopt modalities and procedures for the mechanism referred above on its first session.

- Art. 3.13 contradicts the principle of CBDR-RC, subordinating it to national circumstances.

PROPOSAL: *delete Art. 3.13 or include, as an alternative: “The implementation of the provisions of this Article should reflect CBDR-RC, in light of different national circumstances, different development stages.”*

- Article 9:

PROPOSAL: *include placeholder for option of enhancing current modalities and procedures under the COP (ICA and IAR).*

PROPOSAL: *include a placeholder for further discussion on the need to strike a parallelism between transparency of support and transparency of action.*

- Article 10:

PROPOSAL: *Insert a placeholder for an explicit reference to the scope of the global assessment, to include mitigation, adaptation and the scale of means of implementation.*

DRAFT DECISION

- Paragraph 7: It is not clear the relationship of the IPC with the COP, nor its added value in relation to the continuation of the ADP.

PROPOSAL: *“establish a subsidiary body under the Convention to prepare for the entry into force of the Agreement and the convening of the first session of the CMA” and insert placeholder requesting the ADP to conduct this work.*