

## Work of the Spin-off group on Article 3, 3bis and 3ter on mitigation and related decision paragraphs

*Version of 20 October 2015@23:45hrs*

### Article 3 *(MITIGATION)*

1. Parties aim to reach [decarbonisation of the global economy over the course of this century] by [[X date][2050][long-term][as soon as possible ]][[a peaking of global greenhouse gas emissions [as soon as possible] [while taking into account that time frame for peaking [may vary for different countries][will be longer in [developing countries][Parties with least capabilities]]][zero net greenhouse gas emissions][a[n] X][40–70] per cent reduction in global greenhouse gas emissions][[ in accordance with best available science, equity, and common but differentiated responsibilities and respective capabilities][compared to 2010 levels and][[global low-carbon [transformation][development]][global low-emission transformation][carbon neutrality][climate neutrality]] [net zero greenhouse gas emissions by 2100 ]] distribution of a global carbon budget based on climate justice ], bearing in mind that social and economic development and poverty eradication are the first and overriding priorities of developing country Parties [including those Parties whose special circumstances are recognized by the COP<sup>1</sup>][and that a low-carbon development strategy is indispensable to sustainable development] [in the context of sustainable development and equitable access to atmospheric space]].
- 1bis. [To achieve this, policies and measures should be in accordance with the principles and provisions of the Convention as set out in its Article 3 and 4. They should also be nationally determined and comprehensive, covering relevant sources, sinks and reservoirs of GHGs and adaptation, as well as finance, technology development and transfer including of cost-effective technologies and capacity building, in accordance with historical responsibilities of developed countries and different socio-economic contexts and development stages of developed and developing country Parties.]
- 1ter. [Developed country Parties shall undertake nationally determined mitigation commitments while developing country Parties should undertake nationally determined mitigation contributions/actions].
2. **Option 1:** Each Party [recognizing the principle of common by differentiated responsibilities and respective capabilities and the need for finance, technology transfer and capacity-building, as appropriate, ][in accordance with the Principles of the Convention and enhanced implementation of Article 4 of the Convention, taking into account their specific national and development priorities ]][shall][[should][other]] regularly [prepare ] communicate [, as appropriate, ][maintain ][and] [fulfil] [and implement successive] [a] [nationally determined mitigation [contribution][commitment[s]][other]][ nationally determined [contribution] [commitment]\_with a mitigation component ] [upon ratification of this Agreement ][that it [shall][should][other] implement] [, which [[may include](#)][can be in the form of] co-benefits resulting from [its] [the Party's] adaptation contributions and economic diversification plans ] [inscribed in Annex X][after the completion of its current implementation cycle ] [ and regularly thereafter Parties shall implement policies in view of its [contribution][commitment][other]].  
**Option 2:** [During the first period (2021–2030) of this agreement, developing country Parties [shall][should][may][other]communicate twice on the status of implementation of their nationally determined mitigation [contributions][actions]. Developed country Parties shall communicate each two years on the status of implementation of their nationally determined mitigation commitments during the same period.]  
**Option 3:** [All Parties shall enhance the implementation of Article 4, paragraph 1 of the Convention, including through formulating, implementing, publishing and regularly updating programmes containing measures to mitigate climate change:

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<sup>1</sup> In all cases where it says ‘developing country Parties’, read ‘developing country Parties[, including those Parties whose special circumstances are recognized by the COP]’.

- 2.1. In accordance with Article 4, paragraph 2, of the Convention, developed country Parties and other Parties included in Annex I of the Convention shall undertake quantified economy-wide absolute emission reduction commitments/targets, which are comparable, measurable, reportable and verifiable, covering all GHGs and implemented domestically without any conditions;
- 2.2. In accordance with Article 4, paragraphs 1, 3, 4, 5 and 7, of the Convention, developing country Parties should undertake diversified enhanced mitigation actions/efforts in a measurable, reportable, and verifiable manner, in the context of sustainable development and supported and enabled by the provision of adequate finance, technology and capacity-building by developed country Parties.]
- 2bis. [All Parties shall submit proposed nationally determined commitments 12–18 months prior to communication, and shall participate in process to understand the aggregate effect of the proposed nationally determined contributions.]
- 2ter. [\[Each Party shall communicate its first nationally determined mitigation contribution upon joining this Agreement.\]](#)
3. **Option 1:** [Each [developed country] Party’s [and of those Parties in a position to do so’s successive] nationally determined [mitigation] [contribution][commitment][[other] [shall][should][other][ be inscribed in an Annex to the Agreement and ] reflect a progression beyond its [previous][most recent ] [efforts][legal commitment/contribution] [through a continuous increase in ambition, and ] noting that [those Parties that have previously communicated [quantified][absolute] economy-wide [[emission reductions] targets] [efforts][contributions] [should] [shall] continue to do so [in a manner that is progressively more ambitious] and that] all Parties should aim [[to take on][put in place] economy-wide [efforts][commitments][contributions]] [to do so] over time. [[Subject to support in accordance with the principles of equity and common but differentiated responsibilities and respective capabilities] and [in light of its national circumstances, developing country Parties will strive to do their best mitigation efforts]]. [Each [Party should ensure that its ] mitigation [[contribution]][commitment][[other] [shall]][should][[other]] reflect the Party’s highest possible ambition, [in light of its national circumstances][ and in light of recommendations by science ][in accordance with][taking into account] its common but differentiated responsibilities and respective capabilities][with developed country Parties shall take the lead; ], [and provision of support, where appropriate ]and [shall]:
- (a) [Be quantified or quantifiable;]
  - (b) [Be unconditional, at least in part;]<sup>2</sup>[ with developing countries able to specify additional levels of mitigation to be implemented with support;]
  - (c) [Maximize adaptation co-benefits;]
  - (d) [Prioritize actions that are immediately implementable, scalable and results oriented, including REDD+;].
  - (e) [[Strive to] include all key categories of emissions by sources and removals by sinks;]
  - (f) [Include any source, sink or activity that has been previously included;]
  - (g) [Continue to include any sources, sink or activity that has been previously included;]
  - (h) [Be based on reference values that are defined transparently and are consistent with environmental integrity;]
  - (i) [Use common Intergovernmental Panel on Climate Change (IPCC) metrics, guidance and guidelines for the estimation of greenhouse gas emissions and removals as agreed by the CMA;]
  - (j) [To the extent that it uses baselines, base these on real and verifiable data;]
  - (k) [Be implemented in accordance with the provisions of the Convention;]
  - (l) [Take into account the outcomes of the global stock-take and the process to facilitate implementation set out in Articles 10 and 11 respectively;]
  - (m) [\[Parties should use joint mitigation and adaptation approach for the integral and sustainable management of forests as an alternative policy approach to results-based payments;\]](#)
  - (n) [Other.]
- Option 2:** [Developed country Parties’ post-2020 economy-wide absolute emission reduction commitments/targets shall be progressively more ambitious over time. Developing country Parties’ post-2020 diversified enhanced mitigation actions/efforts will be more ambitious than compared to their pre-2020 actions under the Bali Action Plan, supported and enabled by enhanced finance, technology development and transfer and capacity-building by developed country Parties over time.]
- 3bis. [Each developing country Party, not included in the above, shall communicate their nationally determined mitigation commitments that reflects their national circumstances and may be expressed as:

<sup>2</sup> [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.]

- (a) An unconditional target and a conditional target, based on the provision of finance and/or technology transfer and/or capacity building;
  - (b) A sectoral or collection of targets;
  - (c) Where possible, in a manner that is quantified or quantifiable.]
- 3ter. [Notwithstanding 3bis and 3ter above, the least developed countries and small island developing States may communicate information on strategies, plans and actions for low GHG emission development reflecting their special circumstances in the context of intended nationally determined contributions.]
- 3quater. [The initial nationally determined mitigation contribution established under Article 3ter above and strategies, plans and actions for low GHG emission development established under Article 3quater above are inscribed in Annex B to this agreement .]
- 3quinquies. [The initial nationally determined mitigation commitments established under Art. 3, paragraph 3, is inscribed in Annex A to this agreement.]
- 3sexies. [All Parties should aim to work towards economy-wide targets over time and ensuring comparability of efforts.]
4. Each Party [, when communicating][shall communicate] [shall as part of ] [its][a [proposed][intended]] nationally determined [mitigation] [[contribution]][[commitment]][[other]] [shall][[should][other]] [at least 12 to 18 months prior to the session of the CMA at which nationally determined mitigation commitments will be updated. In communicating their [proposed] [intended] nationally determined mitigation [commitments][contributions], Parties shall] provide the information necessary for clarity, transparency and understanding, in accordance with [decision 1/CP.21 ][1/CP.20 ] [and any subsequent decisions by the CMA.] [Article 12 of the Convention and the relevant arrangement for reporting information adopted by the COP including those resulting from the Bali Action Plan and the information listed in decision 1/CP.20.]
- 4bis. [In the 12 months prior to the collective updating of nationally determined mitigation commitments, the CMA shall conduct a preparatory process to facilitate the clarity, transparency and understanding of the [proposed] [intended] nationally determined mitigation commitments and their aggregate effect in the light of the long-term temperature goal in Article 2 of this Agreement. The preparatory process shall be conducted in accordance with modalities and procedures to be adopted by the CMA at its first session. Thereafter, each Party shall submit a nationally determined mitigation commitment at least three months prior to the session of the CMA at which nationally determined mitigation commitments will be collectively updated.]
- 4ter. [A Party may, at any time, submit an update to its nationally determined mitigation commitment that represents a progression in ambition beyond its previous efforts, in accordance with the simplified adjustment procedure referred to in Article X.]
- 4quinquies. [In tracking progress towards achieving nationally determined mitigation [commitments][contributions][other], Parties shall apply the principles of transparency, accuracy, completeness, comparability, consistency, avoidance of double-counting, and environmental integrity.]
5. **Option 1:**
- (a) [Taking into consideration the principles of common but differentiated responsibilities and respective capabilities, and article 4.9 of the Convention] [The rules and guidance related to accounting [that are set forth in [relevant COP decisions and in] decision 1/CP.21], including with respect to land use [and land-use change] [and forests][ and REDD+][and internationally transferred mitigation outcomes], [shall be adopted by the CMA at its first session and maybe amended by any subsequent decisions by the CMA] [so as to improve clarity, transparency and environmental integrity of the agreement.]
  - (b) [In accounting for their mitigation commitments, each Party shall, taking into account guidance developed under paragraph (a) above]:
    - (i) [Use common metrics, guidance and guidelines accepted by the IPCC for the estimation of greenhouse gas emissions and removals and agreed by the CMA];
    - (ii) [Ensure methodological consistency between the definition of the nationally determined mitigation commitment and its implementation];
    - (iii) [Include an explanation for the exclusion from their nationally determined mitigation commitment of any key categories of emissions and removals, and strive to include these over time];
    - (iv) [[Ensure that] Once a source, sink or activity is accounted for in a nationally determined mitigation commitment, Parties shall continue to include];
    - (v) [[Ensure that] internationally transferred mitigation outcomes used by any Party to meet its nationally determined mitigation commitment shall be real, permanent, additional and verified, be subject to systems to

ensure that units are not counted more than once in tracking progress toward nationally determined mitigation commitments and shall be supplemental to domestic action].

(vi) [Avoid double counting where internationally transferred mitigation outcomes are used towards commitments]

**Option 2:** No text on accounting and land use.

6. **Option 1:**

[(a) Beginning in 2020,] Successive nationally determined mitigation [contributions][commitments][other][will][shall] be communicated [by Parties ][every five years][ after the completion of its current implementation cycle ][ for the subsequent 5 year timeframe ][, unless decided otherwise by the CMA] placeholder for an option regarding an “indicative” or “intended” subsequent contribution for [5] years after the year of the submitted contribution.] [Proposed [contributions][commitments][other] shall be communicated [12 - 18 months] before inscription.];

[(b) A common timeframe for Parties’ nationally determined mitigation commitments from 2030 onward shall be decided by the CMA at its first session.]

**[Option 2:**

(a) Each Party shall, beginning in [year x], and every five years thereafter, communicate a new, [updated] intended nationally determined mitigation commitment or resubmit an existing nationally determined mitigation commitment, unless decided otherwise by the CMA;

(b) Twelve months after this communication , Parties shall communicate new, updated or re-submitted nationally determined mitigation commitments, to the Secretariat with a view to inscription in [Annex x] at the next meeting of the CMA].

**Option 3:** [Each Party shall examine, and as appropriate, update its existing nationally determined mitigation contributions, or communicate subsequent nationally determined mitigation contributions every five years on a common basis.]

6bis. [Parties shall communicate its first mitigation 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 stocktaking referred to in Article [global stocktaking].]

6ter. [More ambitious adjustments to nationally determined mitigation commitments and subsequent amendments to the annex of this agreement may be made at any time, subject to the provision of Article X below.]

6quater. [A common timeframe for Parties nationally determined mitigation commitments from 2030 onwards shall be decided by the CMA at its first session.]

7. [Each Party shall at all times maintain successive nationally determined mitigation commitments in Annex [X]] [and] [[The secretariat shall maintain [and, following multilateral consideration, update ] in a public registry][publish on the UNFCCC website] Parties’ nationally determined mitigation [contributions][commitments][actions ][other]] [[and use such information to assess the aggregate effect of the mitigation [contributions][actions][commitments] and progress towards implementation of the Convention], including for the support provided to developing countries].

8. [Parties, including regional economic integration organizations and their member States, may jointly communicate and/or] implement their nationally determined mitigation [[contributions][commitments][undertakings][other]][ detailing in its joint communication combined level of nationally determined mitigation [contributions][commitments][other] and individual levels of nationally determined mitigation [contributions][commitments] [other] of each member State of that regional economic integration organization. If Parties acting jointly do so in the framework of, and together with, a regional economic integration organization, any alteration in the composition of the organization after adoption of this Agreement shall not affect existing [contributions][commitments][other] under this Agreement. Any alteration in the composition of the organization shall only apply for the purposes of those commitments under Article 3 that are adopted subsequent to that alteration. If Parties acting jointly to implement their nationally determined mitigation [contributions][commitments] [other] in the framework of, and together with, a regional economic integration organization which is itself a Party to this Agreement, each member State of that regional economic integration organization individually, and together with the regional economic integration organization shall, in the event of failure to achieve the total combined level of nationally determined mitigation [contributions][commitments][other], be responsible for its level of nationally determined mitigation [contributions][commitments][other] as communicated in accordance with this Article]] Parties may also cooperate in the implementation of mitigation activities.]

8bis. **Option 1:** Parties acknowledge the importance of cooperation instruments to enhance mitigation commitments at the local, regional and/or international level.]

**Option 2:**[The cooperation of Parties in the implementation of mitigation activities to implement NDCs may include cooperation through the Warsaw Framework for REDD-plus, mechanisms developed under the COP and cooperative approaches involving the international transfer of mitigation outcomes that meet standards and guidelines, to be decided upon by the CMA at its first session, that are aimed at ensuring environmental integrity and that ensure that they deliver real, permanent, additional and verified internationally transferrable mitigation outcomes that shall only be accounted once toward tracking progress toward NDCs. The CMA shall provide for a mechanism to support sustainable development, to be available to assist Parties in fulfilling their NDMCs, while respecting the NMDCs of the host Party.]

**Option 3:** [No provision on carbon markets in the Agreement.]

8ter. [Parties when using cooperative approaches shall ensure that they deliver real permanent additional and verified internationally transferrable mitigation outcomes which shall only be accounted once.]

9. **Option 1:** Parties acknowledge the importance of [economic diversification and] cooperation to [enhance the positive impacts and] reduce the adverse [effects][impacts ] of the implementation of response measures [, including through the institutional arrangements as defined in decision 1/CP.21 (delete bracket)].

**Option 2:** [In accordance with the principles and provisions of the Convention, Parties shall give full consideration to what actions are necessary under the Convention, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the impact of the implementation of response measures and taking into consideration that poverty eradication and social and economic development are the first and overriding priorities of developing country Parties [including through strengthening institutional arrangements]. [The COP shall strengthen institutional arrangements through a cooperative mechanism to address the adverse impacts of the implementation of response measures on developing country Parties, as included in Decision1/CP 21.]

9bis. Developed country Parties shall not resort to any form of unilateral measures against goods and services from developing country Parties on any grounds related to climate change, recalling the principles and provisions of the Convention, in particular its Article 3, paragraphs 1, 4 and 5, and Article 4, paragraphs 3, 5, 7, 8, 9 and 10, taking into account the principles of equity, common but differentiated responsibilities, and the obligations of developed country Parties to provide financial resources, transfer of technologies and capacity-building support to developing country Parties.

10. [[During the 12 month period referred in paragraph 6 ]The CMA shall facilitate the [continuous ]enhancement of the clarity, transparency and understanding of the [intended] nationally determined mitigation [contributions][commitments] communicated by Parties [in accordance with the review provisions in Article 9][, including information communicated with their nationally determined commitments and a process to facilitate clarity, transparency and understanding of nationally determined commitments] [, including through the production of an aggregate synthesis report ]] [including through a consultative period during which successive or revisited/recommunicated intended nationally determined mitigation contributions are communicated well before their finalization] [*Placeholder: Parties to follow relevant guidance by the COP*].

10bis. [There shall be a high-level session on mitigation, as part of the process outlined in Article 10 every 5 years, the modalities of which are to be in accordance with decision 1/CP.21 and any subsequent decisions by the CMA].

11. Parties [are invited][should strive ] 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][Developed country Parties shall formulate low emissions development strategies with time frames for zero emissions. Developing country Parties are encouraged to develop a long-term green and low-carbon development strategy, plan or programme, as appropriate].

11bis. [The secretariat shall maintain in a public registry, Parties' communicated low-emission development strategies.]

12. **[Option 1:** [Developing country] Parties [and other Parties in need of support<sup>3</sup> [including countries with economies in transition (EITs)<sup>4</sup> ]][in need ] are eligible for support in the implementation of this Article.]

**Option 2:** ~~Developing~~Developed country Parties shall provide support to developing country Parties in the implementation of this Article, including through the provision of financial resources in accordance with Article 6 of this Agreement.

**Option 3:** The developed country Parties and other developed Parties included in Annex II to Convention shall provide new and additional financial resources, technology transfer and capacity building to meet the agreed full

<sup>3</sup> In all cases in the context of support, where it says 'developing country Parties', read 'developing country Parties [and other Parties in need of support]'.

<sup>4</sup> In all cases in the context of support, where it says 'and other Parties in need of support' read 'and other Parties in need of support [, including countries with economies in transition]'.

costs incurred by developing country Parties in complying with their obligations under this Article. The extent to which developing country Parties will effectively implement their commitments will depend on the effective implementation by developed country Parties of their commitments related to financial resources, transfer of technology and capacity-building.]]

13. [The implementation of the provisions of this Article should [reflect][be subject to] [national circumstances]] [common but differentiated responsibilities and respective capabilities in light of different national circumstances and different development stages ] [differentiation between developed and developing country Parties ] [of LDCs and SIDs].
- 13bis. **Option 1:** [Parties shall pursue the reduction of emissions of greenhouse gases not controlled by the Montreal Protocol from international aviation and maritime transport by working through the International Civil Aviation Organization and the International Maritime Organization respectively, with a view to agreeing concrete measures addressing these emissions.]
- Option 2:** [The CMA shall cooperate with the International Maritime Organisation and the International Civil Aviation Organization to develop procedures for incorporating emissions from international shipping and aviation into low-emission development strategies, and where appropriate, nationally determined mitigation commitments.]
- 13quarter. [Developed country Parties, the operating entities of the Financial Mechanism and any other organizations in a position to do so shall provide support for the preparation, communication and implementation of the mitigation [contribution][actions] of developing country Parties.]

### [Article 3bis]

1. A REDD-plus mechanism is hereby defined.
2. The REDD-plus mechanism consists of relevant decisions of the Conference of the Parties, including decisions 9 to 15/CP.19 and decision XX/CP.21.
3. The purpose of the REDD-plus mechanism shall be to incentivize the reduction of emissions from deforestation and forest degradation and to promote conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries, while enhancing the non-carbon benefits derived as a result of the multiple functions of forests, including alleviating poverty and building ecosystem resilience.

*Note: decision XX/CP.21 refers to the 3 draft decisions on methodological guidance for REDD-plus (safeguards, non-carbon benefits and alternative policy approaches) forwarded by SBSTA 42 to COP21 ]*

### [Article 3ter]

#### Option I:

1. Establishes a mechanism to support [\[holistic and integrated approaches to\]](#) sustainable development [\[in harmony with nature\]](#) to be available to assist [\[developing country\]](#) Parties in fulfilling their nationally determined [\[mitigation\]](#) [\[contributions\]\[commitments\]\[other\]](#) [\[including in a balanced manner mitigation, adaptation, provision of finance, technology transfer and capacity building\]](#). 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 [\[and adaptation\]](#) ambition and the [\[provision\]](#) mobilization of [\[public\]](#) financing [\[technology transfer and capacity building in an integrated manner\]](#) for climate action;
  - (b) [\[Incentivise\]\[Enhance non-market-based approaches\]](#) and enable participation in [\[joint\]](#) [\[cost-effective\]](#) mitigation [\[and adaptation\]](#) action[s] by public and private entities acting under the responsibility of a Party.
  - (c) [\[Support the implementation of the joint mitigation and adaptation approach for the integral and sustainable management of forests as an alternative policy approach to results-based payments.\]](#)
  - (d) [\[Fully respect mitigation contributions of participating Parties to ensure that the global mitigation effort is not undermined.\]](#)
2. The CMA shall adopt modalities and procedures for the mechanism referred above on its first session.]

#### Option II:

[\[For the purpose of meeting a portion of its mitigation commitment under Article 3, any Party may elect to use certified units \(CU\) generated under the new market-based mechanism defined under decision 2/CP.17, paragraph 83, subject to the adoption by the CMA of modalities and procedures elaborating each of the elements in decision](#)

1/CP.18 paragraph 51, and the adoption of eligibility rules for participation which promote fair and equitable access for all Parties. These modalities and procedures shall ensure that the design and operation of the mechanism delivers net global emission reductions, through the cancellation of a share of units generated, transferred, used or acquired from offsetting activities.]

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