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**AD HOC WORKING GROUP ON FURTHER COMMITMENTS
FOR ANNEX I PARTIES UNDER THE KYOTO PROTOCOL**

Ninth session

Bangkok, 28 September to 9 October 2009, and Barcelona, 2–6 November 2009

Item 3 of the provisional agenda

Consideration of further commitments for Annex I Parties under the Kyoto Protocol

**Consideration of information on potential environmental, economic and
social consequences, including spillover effects, of tools, policies, measures
and methodologies available to Annex I Parties**

Note by the Chair

Summary

The Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP), at its eighth session, requested its Chair to further revise annex I to its report on that session, to reflect input from the informal meeting that was held from 10 to 14 August 2009. This document contains the further revised annex. In accordance with its conclusions at its eighth session, the revised annex will form the basis for the consideration of information on potential environmental, economic and social consequences, including spillover effects, of tools, policies, measures and methodologies available to Annex I Parties at its ninth session. Furthermore, in accordance with its work programme, the AWG-KP will forward the results of its work on this matter at its ninth session for consideration by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) at its fifth session.

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Introduction

A. Mandate

1. At its eighth session,¹ the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) requested its Chair to further revise annex I of its report on that session, to reflect input from the informal meeting that was held from 10 to 14 August 2009.

B. Scope of the note

2. This document contains the further revised annex referred to in paragraph 1 above.

C. Possible action by the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol

3. In accordance with its conclusions at its eighth session, the AWG-KP will consider the further revised annex at its ninth session, with a view to forwarding the results of its work at its ninth session for consideration by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) at its fifth session, in accordance with its work programme.

¹ FCCC/KP/AWG/2009/9, paragraph 30.

Annex

Consideration of information on potential environmental, economic and social consequences, including spillover effects, of tools, policies, measures and methodologies available to Annex I Parties

[Text on potential consequences for further consideration by the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol at its ninth session

A. Basis¹

1. The Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) reiterated that its work on the consideration of information on potential environmental, economic and social consequences, including spillover effects, of tools, policies, measures and methodologies available to Annex I Parties (hereinafter referred to as potential consequences) should be guided and informed by Article 2, paragraph 3, and Article 3, paragraph 14, of the Kyoto Protocol, [Article 4, paragraphs 8, 9 and 10, of the Convention,] and the best available relevant scientific, social, environmental and economic information.

B. Relevant decisions and Articles of the Kyoto Protocol

2. The AWG-KP noted that according to Article 2, paragraph 3, of the Kyoto Protocol, the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) may take further action, as appropriate, to promote the implementation of

Option 1: The provisions of that paragraph.

Option 2: The commitment of Annex I Parties to minimize adverse social, environmental and economic impacts on other Parties of policies and measures implemented in accordance with Article 3 of the Kyoto Protocol.

3.

Option 1: The AWG-KP also noted that a framework for this process has already been established through decisions 15/CMP.1, 27/CMP.1 and 31/CMP.1.

Option 2: According to decision 27/CMP.1, the Compliance Committee shall address questions of implementation of Article 3, paragraph 14, of the Kyoto Protocol regarding potential consequences.

[The AWG-KP further noted that according to decision 27/CMP.1, the facilitative branch of the Compliance Committee is responsible for promoting compliance by Parties with their commitments under the Kyoto Protocol, taking into account their common but differentiated responsibilities, and respective capacities.

The AWG-KP noted that one way to facilitate compliance by Annex I Parties with their commitments under Article 2, paragraph 3, of the Kyoto Protocol is to enable affected Parties to submit

¹ Headings have been inserted by the co-chairs for information purposes only and to facilitate the structuring of the text.

questions of implementation of response measures to the facilitative branch of the Compliance Committee.]

C. Framing of the work

4. The AWG-KP reiterated that further work on this issue should build on relevant decisions of the Conference of the Parties and of the CMP, and work under way by the other bodies and in other processes under the Convention and its Kyoto Protocol, with the aim of maintaining an approach that is coherent with other work under the UNFCCC process.

5. The AWG-KP noted that [striving to minimize] [minimizing] the adverse impacts of mitigation actions is a common concern of both developing and developed countries. It reiterated that there could be both positive and negative consequences of mitigation actions and agreed that [its work on this issue should focus on minimizing negative potential consequences for Parties, especially developing country Parties] [[attention] [a core aspect of the work] should be paid to [minimizing] [how to minimize] potential negative consequences for developing countries]. The AWG-KP further noted that the work on potential consequences will need:

- (a) To support and complement efforts to mitigate climate change;
- (b) To benefit from experiences of Parties and lessons learned;
- (c) [To take into consideration the role of national [climate] policies and measures in terms of potential adverse social, environmental and economic impacts on other Parties, especially on developing country Parties;]
- (d) [To [balance the consideration of] [consider both] negative and positive potential consequences.]

D. Vulnerability and ability to respond to the impacts of potential consequences

6.

Option 1: The AWG-KP recognized that although potential negative consequences present challenges for all Parties, they will be most severe for developing country Parties, in particular those identified in Article 4, paragraph 8, and, Article 4, paragraph 9, and Article 4, paragraph 10, of the Convention.

Option 2: The AWG-KP recognized that although potential negative consequences present challenges for all Parties, they will be most severe for developing country Parties, in particular for the poorest and most vulnerable developing country Parties [that are least capable to address them].

E. Deepening understanding

7. [[The AWG-KP noted the complexity of this issue, including in the assessment of the consequences of tools, policies, measures and methodologies available to Annex I Parties.] It further noted that there [may be challenges] in anticipating, attributing and quantifying potential consequences owing to the many economic and social factors and diverse policy objectives involved. [It also noted that the [impacts of] potential consequences [depend on] [will be influenced by] the institutional capacity and regulatory framework in non-Annex I Parties.]]

{To be further elaborated}

[Any assessment of impacts experienced should be based on evidence of actual impacts and consequences] [and be based on negative consequences that developing country Parties are facing and/or will face].

8.

(Option 1 deleted)

Option 2: The AWG-KP noted that there is a need to deepen the understanding of potential consequences and to improve the availability of evidence of [actual impacts] [observed consequences]. [Giving priority to negative consequences on developing countries,] this could be achieved through various means, including:

Option 3: [The AWG-KP noted that there is a need to deepen the understanding of potential consequences. The AWG-KP noted the complexity of this issue, including in the assessment of the consequences of tools, policies, measures and methodologies available to Annex I Parties. It further noted that there are challenges in anticipating, attributing and quantifying potential consequences owing to the many economic and social factors and diverse policy objectives involved. It also noted that the impacts of potential consequences depend on the institutional capacity and regulatory framework in non-Annex I Parties. Any assessment of the impacts experienced would be based on evidence of observed impacts and consequences. This could be achieved through various means, including:]

- (a) The regular and systematic provision by all Parties of information that is as complete as possible, in particular through national communications, and the regular review of this information;
- (b) [Global and regional assessments to be carried out by relevant international organizations under agreed terms of reference;]
- (c) [Information from existing work under the Subsidiary Body for Implementation (SBI), the Subsidiary Body for Scientific and Technological Advice (SBSTA), the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) and the Expert Group on Technology Transfer (EGTT) which may have relevance in considering potential consequences.]

F. Designing policies and measures

9. The AWG-KP underlined the need for Annex I Parties [to strive] to design policies and measures carefully, in order to minimize the negative potential consequences of mitigation actions. The AWG-KP also emphasized that these policies and measures may also serve to maximize positive potential consequences. [The AWG-KP underlined the need to take into account possible interactions between different policies and measures.]

10.

Option 1: [The AWG-KP emphasized that non-Annex I Parties should strive to strengthen their institutional capacity and regulatory framework in order to minimize the negative potential consequences and maximize potential consequences of mitigation actions by Parties.]

Option 2: [The AWG-KP emphasized that Annex I Parties should support non-Annex I Parties in striving to strengthen their institutional capacity and regulatory framework in order to minimize the negative potential consequences and maximize potential consequences of mitigation actions by Parties.]

11.

Option 1: The AWG-KP agreed to [develop guidelines] [review the existing guidelines contained in decision 15/CMP.1] to assist Annex I Parties in their assessment of potential consequences [and agreed to further examine possible elements of these guidelines at its xx session].

Option 2: The AWG-KP agreed to review existing guidelines contained in decision 15/CMP.1 on the preparation of the information required under Article 7 of the Kyoto Protocol.

12. [The AWG-KP noted that one way [for Parties] to facilitate the design and selection of mitigation actions [by Annex I Parties] is to identify potential consequences [, including by the use of impact assessments,] associated with specific tools, policies and measures that are considered or implemented by Annex I Parties and then to [take them into account in finalizing these policies and measures] [develop ways and means to minimize these consequences [on non-Annex I Parties] [on all Parties]].]

G. Implementation

13. [The AWG-KP noted the need for [a channel] [an expeditious mechanism] through which non-Annex I Parties could report impacts and consequences from the policies and measures of Annex I Parties on non-Annex I Parties [and the need to establish a common space where this exchange of views can take place continuously].] [Non-Annex I Parties shall provide solid information on their specific needs and concerns relating to the adverse and beneficial social, environmental and economic impacts arising from mitigation actions taken by Parties. Non-Annex I Parties shall report on impacts of response measures in their national communications. The AWG-KP agreed that the CMP should develop guidelines for non-Annex I Parties to improve reporting on those impacts.]

14.

Option 1: The AWG-KP recognized that cooperation among Parties on the further development and application of technologies could assist in minimizing negative consequences. It noted the need for technology cooperation and transfer to developing countries for the enhancement of capacities of developing countries and for finance and risk management tools, including economic diversification, to assist developing countries in assessing and dealing with potential consequences.

{Proposal to distinguish between assessment of consequences, and ways to deal with them}

Option 2: The AWG-KP recognized that cooperation among Parties on the further development of technologies could assist with regard to potential consequences. It noted the need for enhancement of capacities of developing countries to assess and deal with potential consequences.

H. Considerations on any further work

15. [Parties noted that work on this issue should be consolidated into a single stream with a view to avoiding duplication and maintaining a coherent and consistent approach with other work being carried out under the UNFCCC process, including through the possible use of joint groups].]
