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**AD HOC WORKING GROUP ON LONG-TERM COOPERATIVE ACTION
UNDER THE CONVENTION**

Eighth session

Copenhagen, 7–15 December 2009

Agenda item 3 (a–e)

Enabling the full, effective and sustained implementation of the Convention through long-term cooperative action now, up to and beyond 2012, by addressing, inter alia:

A shared vision for long-term cooperative action

Enhanced national/international action on mitigation of climate change

Enhanced action on adaptation

Enhanced action on technology development and transfer to support action on mitigation and adaptation

Enhanced action on the provision of financial resources and investment to support action on mitigation and adaptation and technology cooperation

**Outcome of the work of the Ad Hoc Working Group on Long-term
Cooperative Action under the Convention**

Draft conclusions proposed by the Chair

Addendum

Draft decision -/CP.15

Enhanced action on technology development and transfer

The Conference of the Parties,

Recalling the commitments under the Convention, in particular Article 4, paragraphs 1, 3, 5, 7, 8 and 9,

Confirming the importance of promoting and enhancing national and international cooperative action on the development and transfer of environmentally sound technologies to developing country Parties to support action on mitigation and adaptation now, up to and beyond 2012, in order to achieve the ultimate objective of the Convention,

Recognizing that climate change represents an urgent and potentially irreversible threat to human societies and the planet, and thus requires to be urgently addressed by all Parties,

Also recognizing that early and rapid reduction in emissions, and the urgent need to adapt to the adverse impacts of climate change, requires large-scale diffusion and transfer of, or access to, environmentally sound technologies,

Stressing the need for effective mechanisms, enhanced means, appropriate enabling environments and the removal of obstacles to the scaling up of the development and transfer of technologies to developing country Parties,

Objective

1. *Decides* that the objective of enhanced action on technology development and transfer is to support action on mitigation and adaptation in order to achieve the full implementation of the Convention;
2. *Also decides* that, in pursuit of this objective, the identification of technology needs must be nationally determined, based on national circumstances and priorities;
3. *Agrees* on the need to accelerate action consistent with international obligations, at different stages of the technology cycle, including research and development, demonstration, deployment, diffusion and transfer of technology (hereinafter in this decision referred to as ‘technology development and transfer’) in support of action on mitigation and adaptation;

Cooperative action on technology

4. *Encourages* Parties, in the context of Article 4, paragraphs 5 and 1(c), of the Convention and consistent with their respective capabilities and national circumstances and priorities, to undertake domestic actions identified through country-driven approaches that:
 - (a) Promote the establishment and/or strengthening of national systems of innovation, including, as appropriate, national technology innovation centres;
 - (b) Promote public- and private-sector partnerships;
 - (c) Create the enabling environments to facilitate enhanced action on technology transfer and mobilize private-sector investment;
 - (d) Develop and strengthen relevant institutional, technical and human capacity, including the capacity to absorb, adapt, and adopt appropriate and applicable environmentally sound technologies;
 - (e) Increase private and public energy-related research, development and demonstration compared with current levels, working towards at least a doubling of global energy-related research, development and demonstration by 2012 and increasing it to four times its current level by 2020, with a significant shift in emphasis towards safe and sustainable low greenhouse gas emitting technologies, especially renewable energy;
5. *Also encourages* Parties, in the context of Article 4, paragraphs 5 and 1(c), of the Convention and consistent with their respective capabilities and national circumstances and priorities, to engage in bilateral and multilateral cooperative activities on technology development and transfer in order to, inter alia:
 - (a) Promote collaborative action through North–South, South–South and triangular technology partnerships, including through regional and international technology centres and networks;
 - (b) Promote the establishment of cooperative partnership arrangements with relevant international organizations, the public- and private-sector, academia and the research

community;

- (c) Enhance the development and dissemination of best practices;
- (d) Support national and regional capacity building;

Activities and/or outcomes of activities to be supported

6. *Decides* that, pursuant to paragraph 10 (b) below, activities and/or outcomes of activities eligible for technological, financial and capacity-building support, including relevant actions referred to in paragraphs 4 and 5 above, shall be determined by country-driven processes based on national circumstances and priorities, with a view to ensuring overall efficiency and effectiveness in meeting such outcomes, and may include, but not be limited to, those that achieve:

- (a) Development and enhancement of endogenous capacities and technologies of developing country Parties, including cooperative research, development and demonstration programmes;
- (b) Deployment and diffusion of environmentally sound technologies and know-how to developing country Parties;
- (c) Increased public and private investment in technology development, deployment, diffusion and transfer;
- (d) Deployment of soft and hard technologies for implementation of adaptation and mitigation actions;
- (e) Improved climate change observation systems and related information management;
- (f) [Purchasing of licenses and other intellectual property rights issues;]
- (g) Strengthening of national systems of innovation and technology innovation centres;
- (h) Development and implementation of national technology plans for mitigation and adaptation;

Technology Mechanism

7. *Decides* that a Technology Mechanism [is hereby defined as part of the legally binding agreement as referred to in decision -/CP.15] [is hereby established [under the authority and guidance of, and accountable to, the Conference of the Parties]], and will consist of the following components:

- (a) A Technology Executive Committee, as described in paragraph 10 below;
- (b) A Climate Technology Centre, as described in paragraph 15 below;

8. [*Also decides* that the implementation of the Technology Mechanism and other activities as determined by the Conference of the Parties shall take into account activities and/or outcomes of activities eligible for support as described in paragraph 6 above and shall be funded by the [financial arrangement] established under decision -/CP.15 (finance), including the provision of new and additional financial resources to meet the agreed full incremental costs, in accordance with Article 4, paragraph 3, of the Convention;]

9. *Further decides* that the Technology Mechanism should support, including by financing, the following actions:

- (a) Facilitate access to affordable and appropriate technologies required by developing countries for enhanced action on adaptation and mitigation;

- (b) Assessing the adequacy and predictability of funds for development and transfer of, or access to, environmentally sound technologies and know-how;
- (c) [Removal of barriers to technology development and transfer and enhancing means to promote technology transfer;]
- (d) Development and enhancement of endogenous capacities of and technologies in developing country Parties;
- (e) Capacity-building to enhance the capability of developing country Parties for the development and transfer of environmentally sound technologies and know-how;

Institutional arrangements

10. [Decides that the Technology Executive Committee is hereby defined and shall have the following functions:

- (a) Provide, upon request, analysis on policy and technical issues related to the development and transfer of technology for mitigation and adaptation, and consider and recommend, as appropriate, actions that may be necessary to promote technology development and transfer in order to enable action on mitigation and adaptation;
- (b) Prepare criteria on activities and/or outcomes of activities eligible for technological, financial and capacity-building support;
- (c) Seek cooperation with relevant international technology initiatives, relevant stakeholders and organizations, promote coherence and cooperation across technology activities including activities inside and outside of the Convention, liaise with other bodies under the Convention and facilitate networking;
- (d) Catalyse the development and use of technology road maps or action plans at international, regional and national levels through cooperation by relevant stakeholders, particularly governments and relevant organizations or bodies, including the development of best practice and guidelines, as facilitative tools for action on mitigation and adaptation;
- (e) Consider and recommend actions that may be necessary to address or remove the barriers to technology development and transfer identified by developing country Parties in order to enable action on mitigation and adaptation;
- (f) Promote collaboration on the development and transfer of technology for climate mitigation and adaptation between governments, industry and research communities;
- (g) Monitor and assess technology-related action and support for both mitigation and adaptation in line with modalities for measurement, reporting and verification in accordance with decision -/CP.15;
- (h) Provide support and assistance to conduct country-driven planning to support the development and transfer of environmentally sound technologies and to enable developing country Parties to overcome barriers at all stages of the technology cycle;
- (i) Support necessary actions to address the barriers to technology development and transfer identified by developing country Parties, in order to enable action on mitigation and adaptation;
- (j) [Address issues related to intellectual property rights as they arise;]

- (k) Develop and implement, through a country-driven process mediated through recipient governments, practical and concrete actions that address specific needs of developing country Parties relevant to the development and transfer of technologies for mitigation and adaptation;
- (l) Develop technical considerations for funding nationally identified activities;
- (m) Support the establishment, or strengthening, as appropriate, of nationally or regionally identified technology innovation centres and networks, in order to accelerate the development and transfer of environmentally sound technologies to support action on mitigation and adaptation by developing country Parties;
- (n) Support the implementation of a country-driven capacity-building programme to build and/or strengthen domestic capacity in developing countries to identify technology options, make technology choices, and operate, maintain and adapt technologies, including through twinning, fellowships, training of trainers and on-the-job technical and vocational training, and, in addition, promote coherence and cooperation between relevant international and national organizations and initiatives, including centres and networks, on capacity-building for enhanced technology development and transfer;
- (o) Promote collaboration on technology development and transfer for climate mitigation and adaptation between governments, industries and research communities of developed and developing countries, through networking between relevant international technology initiatives, organizations and national and regional centres and liaising with other bodies under the Convention, as appropriate;
- (p) Monitor and assess the financial support and performance of the development and transfer of environmentally sound technologies in terms of speed, range and size of the technological flow;
- (q) Provide policy advice and recommendations to the Conference of the Parties, in order to achieve the objective of enhanced action on technology development and transfer;
- (r) Establish technical panels, which are deemed necessary;]

11. *Further decides* that the Technology Executive Committee [established by this decision] will replace the Expert Group on Technology Transfer established by decision 4/CP.7 and which was reconstituted by decision 3/CP.13;

12. *Further decides* that the Expert Group on Technology Transfer shall have its mandate terminated at the sixteenth session of the Conference of the Parties, by which time the Expert Group on Technology Transfer shall complete its pending activities and deliver its final report to the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation for consideration at their thirty-third sessions;

13. [*Further decides* that the Technology Executive Committee shall provide annual reports on the progress of its work [through the Subsidiary Body for Scientific and Technological Advice] for consideration by the Conference of the Parties and, upon request, assist or provide recommendations to the subsidiary bodies and other relevant constituted bodies under the Convention on matters relating to enhanced actions on technology development and transfer, as appropriate;]

Linkage with finance

14. [Option 1: *Further decides* that the Technology Executive Committee shall provide information in a timely manner to the financial arrangement, as described in decision -/CP.15 (finance),

for consideration, on activities and/or outcomes of activities eligible for financial support, as referred to in paragraph 6 above;

Option 2: *Further decides* that the Technology Executive Committee shall refer with recommendations for funding to the financial arrangement, as described in decision -/CP.15 (finance), on activities and/or outcomes of activities eligible for financial support, as referred to in paragraph 6 above;]

Technology Centres and Network

15. *Decides* that a Climate Technology Centre [and Climate Technology Network] is hereby defined with the following functions to support and accelerate the diffusion of environmentally sound technologies for mitigation and adaptation to developing country Parties through the provision, upon request, of technical assistance and training:

- (a) Provide advice and support to developing country Parties and their stakeholders for the identification of technology needs and the implementation of environmentally sound technologies, practices and processes;
- (b) Improve and provide access to publicly available information on existing and emerging technologies for mitigation and adaptation, and act as a clearing house to promote the broad exchange and diffusion of such information;
- (c) Provide training, information and workforce development programmes to build and/or strengthen the regional and/or national capacity of developing country Parties to identify technology options, make technology choices and operate, maintain and adapt technologies, including through training of trainers and on-the-job technical and vocational training;
- (d) Facilitate prompt action on the deployment of existing technologies in developing country Parties based on the identified needs;
- (e) Stimulate and encourage, through collaboration with the private sector, public institutions, academia and research institutions, the development and transfer of existing and emerging environmentally sound technologies, as well as opportunities for technology cooperation;
- (f) Develop and customize analytical tools, policies and best practices for country-driven planning to support the dissemination of environmentally sound technologies;
- (g) Establish national technology innovation centres and [X] regional technology centres based within existing institutions, to support the effective implementation of the functions of the Climate Technology Centre, including to support action on mitigation and adaptation by developing country Parties;
- (h) Establish a Climate Technology Network with a view to:
 - (i) Harnessing the expertise of other national, regional and international technology centres that can be affiliated with the Network;
 - (ii) Facilitating international partnerships among public and private stakeholders to accelerate the innovation and diffusion of environmentally sound technologies to developing country Parties;
 - (iii) Providing in-country technical assistance and training to support identified technology actions in developing country Parties, upon request;

- (iv) Performing other activities as determined by the Climate Technology Centre as appropriate;
- (i) [Compile a roster of][[Identify] experts drawn from the Climate Technology Network, who will be available to provide technical advice to the Technology Executive Committee;

16. *Further decides* that the Climate Technology Centre, referred to in paragraph 15 above, shall provide periodic updates on the status and progress of its work, including that of the Climate Technology Network, to the Conference of the Parties through the [Subsidiary Body for Scientific and Technological Advice][Technology Executive Committee], with a view to determining any required action resulting from the updates;

[Intellectual Property Rights]

Option 1: *No Reference to Intellectual Property Rights in the text*

Option 2: *Decides that:*

17. Any international agreement on intellectual property shall not be interpreted or implemented in a manner that limits or prevents any Party from taking any measures to address adaptation or mitigation of climate change, in particular the development and enhancement of endogenous capacities and technologies of developing countries and transfer of, and access to, environmentally sound technologies and know-how;

17.bis Specific and urgent measures shall be taken and mechanisms developed to remove barriers to the development and transfer of technologies arising from intellectual property rights protection, in particular:

- (a) Creation of a Global Technology Intellectual Property Rights Pool for Climate Change that promotes and ensures access to intellectual property protected technologies and the associated know-how to developing countries on non-exclusive royalty-free terms;
- (b) Take steps to ensure sharing of publicly funded technologies and related know-how, including by making the technologies and know-how available in the public domain in a manner that promotes transfer of and/or access to environmentally sound technology and know-how to developing countries on royalty-free terms;

17.ter Parties shall take all necessary steps in all relevant forums to exclude from Intellectual Property Rights protection, and revoke any such existing intellectual property right protection in developing countries and least developed countries on environmentally sound technologies to adapt to and mitigate climate change, including those developed through funding by governments or international agencies and those involving use of genetic resources that are used for adaptation and mitigation of climate change;

17.quar Developing countries have the right to make use of the full flexibilities contained in the Trade Related Aspects of Intellectual Property Rights agreement, including compulsory licensing;

17.quin The Technology Executive Committee shall recommend to the Conference of the Parties international actions to support the removal of barriers to technology development and transfer, including those arising from intellectual property rights.];

Capacity-building

- 18. *[Placeholder for capacity building]*

Issues for further consideration

19. *Agrees* to continue to deliberate upon the full mandate and composition of the Technology Executive Committee and modalities for the operation of the Technology Executive Committee and the Climate Technology Centre, referred to in paragraph 7 (a) and (b) above, and conclude these deliberations with a view to the Conference of the Parties making a decision at its sixteenth session and to having the Technology Executive Committee and Climate Technology Centre commence their work [in January 2011][on adoption of the new legal agreement];

20. *Underlines* the importance of continued dialogue among Parties on the issues deliberated upon during this session [including, inter alia, ways to address specific barriers identified through country-driven processes, technologies for adaptation, modalities for technology action plans and road maps, incentives for technology development and transfer, and the research and development objective of the Technology Mechanism, with a view to concluding its consideration on these matters at its subsequent session].

[Placeholder for MRV and Compliance]
