

Ad-hoc Working Group on the Paris Agreement (APA)

Second part of the first session, Marrakech, 7-14 November 2016

Agenda item 3 – Further guidance in relation to the mitigation section of decision 1/CP.21 on:

Features of nationally determined contributions, as specified in paragraph 26;

Information to facilitate clarity, transparency and understanding of nationally determined contributions, as specified in paragraph 28;

Accounting for Parties' nationally determined contributions, as specified in paragraph 31.

Informal Note by the Co-Facilitators

14 November 2016@1500h

Note: This informal note is our attempt to informally capture the views expressed by Parties on this agenda item to date. The note has been prepared under our own responsibility and thus has no formal status. The content of the note is not intended to prejudge further work that Parties may want to undertake nor does it in any way prevent Parties from expressing other views they may have in future.

Overview of the informal consultations on this item

Technical work under this agenda item took place through 6 informal consultations. At the first meeting, Parties shared views on the general understanding and expectations of the work under this agenda item, including in relation to the outcomes of this session. The subsequent meetings were used to discuss in detail further guidance in relation to the mitigation section of decision 1/CP.21 on:

- Features of nationally determined contributions, as specified in paragraph 26;
- Information to facilitate clarity, transparency and understanding of nationally determined contributions, as specified in paragraph 28;
- Accounting for Parties' nationally determined contributions, as specified in paragraph 31.

Reflections of the Co-Facilitators on the discussion in the informal consultations:

During our discussions under this agenda item, many Parties highlighted that the work should respect the provisions and spirit of the Paris Agreement and should not lead to renegotiating the Paris Agreement and its agreed provisions.

Many Parties stressed that the guidance to be developed under this agenda item should respect the nationally determined character of NDCs and take into consideration the diversity of NDCs as well as different national circumstances and capacities. Many Parties suggested that an important aim of the guidance would be to operationalize the provisions of the Paris Agreement and decision 1/CP.21 that are relevant to APA agenda item 3. Finally, some Parties stressed the need for the guidance to be flexible and not to represent any additional burden, in particular to developing countries.

On **features**, Parties noted that these could be understood as characteristics of NDCs, or, in other words, what NDCs "*look like*". Many Parties indicated that the Paris Agreement already specifies the features of NDCs. In this context, some Parties indicated that further guidance may not be required beyond a structured compilation of features, while others see the need for further elaboration.

On **information**, Parties referred to decision 1/CP.21, paragraph 27, as a starting point to developing further guidance. Some Parties stressed the difference between accompanying information for the clarity, transparency and understanding of NDCs (ex-ante), and information relevant to the transparency framework (ex-post). A number of Parties noted that further guidance could identify common information elements as well as elements specific to different aspects of NDCs. Some Parties noted that common information elements are contrary to the discretionary, optional and voluntary nature of the NDCs.

On **accounting**, Parties recognized the principles referred to in Article 4, paragraph 13, of the Paris Agreement, and noted that the elements specified in paragraph 31 of decision 1/CP.21, could be a starting point for discussions to elaborate guidance for accounting. Several Parties stated that flexibility in the guidance is needed to accommodate different national circumstances and the diversity of NDCs. Finally, Parties would require understanding of the meaning and purpose of accounting for NDCs as they advance the elaboration of the guidance.

A wide of range of strongly-held views on how to discuss the issues of scope of NDCs and differentiation were shared. While a number of Parties expressed the view that these issues should be discussed under this agenda item, a number of other Parties expressed the view that these issues should be discussed elsewhere under the process, and another number of Parties expressed the view that these issues were already treated within the overall architecture of the Paris Agreement.

Based on the discussions during this session, the co-facilitators have identified a set of questions for further discussions, contained in the annex. These questions do not represent any agreement on issues to be resolved under this agenda item nor prejudge the positions of Parties.

Further work under this agenda item will advance through a call for submissions by Parties, guided by, but not restricted to, the guiding questions contained in the annex to this note, as well as through a roundtable under the informal consultation on item 3 of the APA agenda.

The roundtable should be open for Parties and observer states only and should be facilitated by the persons who will be designated to facilitate discussions on these issues during the APA session in May. The roundtable should also provide an open and constructive environment to further advance the work under this agenda item. The discussions at the roundtable should be based on Parties' submissions and also guided by, but not restricted to, the set of questions prepared by the co-facilitators contained in the annex to this note. The roundtable should be organized by the secretariat in consultation with the APA co-chairs and should enhance the mutual understanding of Parties views on this agenda item with no outcome paper to be prepared. The roundtable should take place in conjunction with the third part of the APA's resumed first session in May.

Annex – Questions that Parties may consider for further work under APA agenda item 3 – Further guidance in relation to the mitigation section of decision 1/CP.21.

3(a) - Features of nationally determined contributions, as specified in paragraph 26

- What is the understanding of features of NDCs under this agenda item?
- What should be the purpose of further guidance on features under this agenda item?
- What is the relationship, if any, between further guidance on features of NDCs under this sub-item, and further guidance on sub-items 3(b) and 3(c)?
- How could this work be usefully structured and progressed?

3(b) - Information to facilitate clarity, transparency and understanding of nationally determined contributions, as specified in paragraph 28

- What is the understanding of information to facilitate the clarity transparency and understanding of NDCs under this agenda item?
- What should be the purpose of further guidance on information to facilitate the clarity transparency and understanding of NDCs under this agenda item?
- What is the relationship, if any, between further guidance on information to facilitate the clarity, transparency and understanding of NDCs under this sub-item, and further guidance on sub-items 3(a) and 3(b)?
- How could this work be usefully structured and progressed?
- What issues should be discussed and resolved under this sub-item?

3(c) - Accounting for Parties' nationally determined contributions, as specified in paragraph 31

- What is the understanding of accounting for Parties NDCs under this agenda item?
- What should be the purpose of the guidance on accounting for NDCs under this agenda item?
- What is the relationship, if any, between guidance for accounting for NDCs under this sub-item, and further guidance on sub-items 3(a) and 3(b)?
- How can Parties draw from existing approaches under the Convention and its related legal instruments?
- How could the work under this sub-item be usefully structured and progressed?
- What issues should be discussed and resolved under this sub-item?