

APA agenda item 8

Further matters related to implementation of the Paris Agreement:

- (a) Preparing for the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement
- (b) Taking stock of progress made by the subsidiary and constituted bodies in relation to their mandated work under the Paris Agreement and section III of decision 1/CP.21, in order to promote and facilitate coordination and coherence in the implementation of the work programme, and, if appropriate, take action, which may include recommendations

Informal Note by the Co-Chairs

Final Iteration (8 May 2018@20:45 hrs)

This Informal Note has been prepared by the Co-Chairs of the negotiations on this agenda item under their own responsibility, on the basis of the deliberations by Parties at this session and the views they have submitted. This Informal Note should not be considered as final in any way; it is offered as a basis for work and does not prejudice further work or prevent Parties from expressing their views at any time. It is recognized that the outcome of deliberations on this item will form part of the overall outcome under the Paris Agreement Work Programme.

I. Introduction / mandate / purpose

At the second part of the first session of the Ad-hoc Working Group on the Paris Agreement (APA 1.2), Parties identified nine possible additional matters relating to the implementation of the Paris Agreement, which some Parties were of the view are not yet being addressed under the Paris Agreement Work Programme (possible additional matters). Parties noted the list of possible additional matters contained in the annex to the Informal Note¹ issued by the Co-Chairs during the Marrakech Conference and the subsequent amendments to it has no particular status. There was a common understanding among Parties that some of these are mandated issues for the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA) to address.

Parties recalled that at the first part of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1.1), the CMA referred to the Subsidiary Body for Implementation (SBI), at its forty-seventh session (SBI 47), two of the possible additional matters² that were identified by Parties at APA 1.2.

At the third part of the first session of the Ad-hoc Working Group on the Paris Agreement (APA 1.3), Parties continued consideration of the seven remaining possible additional matters and

¹ The possible additional matters identified by Parties are contained in the annex II to the Informal Note issued by the Co-Chairs during the Marrakech Conference, and available at:

http://unfccc.int/files/meetings/marrakech_nov_2016/in-session/application/pdf/apa_item_8_informal_note_by_co-chairs_v02.pdf.

² See paragraph 9 of the report of CMA 1.1 available at:

<http://unfccc.int/resource/docs/2016/cma1/eng/03a01.pdf>.

recommended a way forward on two more possible additional matters as contained in the report on APA 1.3.³

At the fourth part of the first session of the Ad-hoc Working Group on the Paris Agreement (APA 1.4), Parties continued consideration of the five remaining possible additional matters. The discussions helped in clarifying Parties' views and identifying ways forward for these five remaining possible additional matters, as reflected in our informal note from the session.⁴ APA 1.4 agreed to continue its consideration of the five remaining possible additional matters at its resumed session.

At the Informal Consultations held at the fifth part of the first session of the Ad-hoc Working Group on the Paris Agreement (APA 1.5), Parties discussed the following possible additional matters:

- Initial guidance by the CMA to the operating entities of the Financial Mechanism (GCF & GEF) under Article 9, paragraph 8, and decision 1/CP.21, paragraphs 58 and 61 to 63;
- Initial guidance by the CMA to the Least Developed Countries Fund (LDCF) and the Special Climate Change Fund (SCCF) in accordance with decision 1/CP.21, paragraph 58;
- Guidance by the CMA on adjustment of existing Nationally Determined Contributions (NDCs) under Article 4, paragraph 11;
- Modalities for biennially communicating finance information on the provision of public financial resources to developing countries in accordance with Article 9, paragraph 5; and
- Setting a new collective quantified goal on finance in accordance with decision 1/CP.21, paragraph 53.

A Note⁵ containing the order for the remaining five possible additional matters to be taken up was posted on the UNFCCC website.

Parties considered probing questions proposed by the Co-Chairs specific to the possible additional matters at the informal consultations on this sub-item convened at this session. These questions are contained in a Note⁶ published on the UNFCCC website and are outlined in the subsequent section.

Parties were invited to provide additional views and suggestions on ways forward for possible additional matters.

At the Informal Consultations held at APA 1.5, Parties also considered sub-item 8(b) Taking stock of progress made by the subsidiary and constituted bodies in relation to their mandated work under the Paris Agreement and section III of decision 1/CP.21, in order to promote and facilitate coordination and coherence in the implementation of the work programme, and, if appropriate, take action, which may include recommendations.

³ See FCCC/APA/2017/2, paragraphs 29 and 30, available at:

<http://unfccc.int/resource/docs/2017/apa/eng/02.pdf> and the Informal Note by the APA Co-Chairs issued during APA 1.3, available at: http://unfccc.int/files/meetings/bonn_may_2017/in-session/application/pdf/apa_informal_note_by_the_co-chairs_item_8ab_final_version_2017.05.17.pdf.

⁴ https://unfccc.int/files/meetings/bonn_nov_2017/in-session/application/pdf/apa_8_informal_note.pdf

⁵

<https://unfccc.int/sites/default/files/resource/Note%20on%20order%20of%20Possible%20Additional%20Matters.pdf>

⁶ https://unfccc.int/sites/default/files/resource/Additional%20note%20on%20probing%20questions_0.pdf

II. General elements

Sub-item 8(a)

- Initial guidance by the CMA to the operating entities of the Financial Mechanism – Green Climate Fund and Global Environment Facility, under Article 9, paragraph 8, of the Paris Agreement, and decision 1/CP.21, paragraphs 58, 61–63.

On the possible additional matter “Initial guidance by the CMA to the operating entities of the Financial Mechanism (GCF & GEF) under Article 9, paragraph 8, and decision 1/CP.21, paragraphs 58 and 61 to 63”, Parties considered the following probing question posed by the Co-Chairs:

- Should the APA recommend that the CMA mandate the SCF to prepare draft guidance to the GEF and GCF for transmittal to the CMA in 2019, or at another time, for its consideration and decision?

Parties identified the following options for the way forward:

- ❖ Option 1: the APA recommends to the CMA to request the SCF to start developing draft guidance in 2019;*
* Some Parties noted this option covers only the initial part of the process for delivering guidance to the operating entities.
- ❖ Option 2: the SCF to confirm through an appropriate mechanism that it will prepare the draft guidance;
- ❖ Option 3: no mandate is required from the CMA to the SCF, as the SCF already has the mandate (decision 1/CP.21, paragraph 63).
- Initial guidance by the CMA to the Least Developed Countries Fund (LDCF) and the Special Climate Change Fund (SCCF) in accordance with decision 1/CP.21, paragraph 58.

On the possible additional matter “Initial guidance by the CMA to the Least Developed Countries Fund (LDCF) and the Special Climate Change Fund (SCCF) in accordance with decision 1/CP.21, paragraph 58,” Parties considered the following probing question posed by the Co-Chairs:

- Should the APA recommend that the CMA mandate the SBI or the SCF to prepare draft guidance to the LDCF and SCCF for transmittal to the CMA in 2019, or at another time, for its consideration and decision?

Parties identified the following options for the way forward:

- ❖ Option 1: the APA to recommend to the CMA to request the SCF to develop draft guidance to the GEF on the LDCF and SCCF in 2019;**
** There was a request to expedite work on developing the draft guidance.
- ❖ Option 2: no mandate is required from the CMA to the SCF, because the SCF already has the mandate to develop draft guidance to the GEF on the LDCF and SCCF.
- Guidance by the CMA on adjustment of existing Nationally Determined Contributions (NDCs) under Article 4, paragraph 11, of the Paris Agreement

On the possible additional matter “Guidance by the CMA on adjustment of existing Nationally Determined Contributions (NDCs) under Article 4, paragraph 11, of the Paris Agreement”, Parties considered the probing questions posed by the Co-Chairs:

- Should the APA recommend that the CMA mandate the subsidiary body(ies) to prepare draft guidance on adjustment of NDCs for transmittal to the CMA at a future session, for its consideration and decision?
- If so, when should this mandate be issued?

Parties identified the following options for the way forward:

- ❖ Option 1: Article 4, paragraph 11, of the Paris Agreement does not establish a mandate for Parties to develop guidance on adjustment of existing NDCs, as this is a feature or principle guiding Parties in adjustments to their existing NDCs. So, no recommendation from the APA to the CMA is required;
- ❖ Option 2: Some Parties expressed the view that, while there is a need for further guidance on adjustment of existing NDCs, the CMA should address this matter in the future, such as at CMA 2 or 3. So, no recommendation from the APA to the CMA is required.
- Modalities for biennially communicating finance information on the provision of public financial resources to developing countries in accordance with Article 9, paragraph 5, of the Paris Agreement

With respect to the possible additional matter “Modalities for biennially communicating finance information on the provision of public financial resources to developing countries in accordance with Article 9, paragraph 5,” Parties considered the following probing questions posed by the Co-Chairs:

- What, if any, are those specific additional matters concerning Article 9, paragraph 5, that are not being addressed by SBI 48 under agenda item 15, that may require consideration by the CMA?
- If there are such specific additional matters, what is the appropriate forum for considering them?

The Co-Chairs provided distilled bullet points of their reflections on Parties interventions in the previous informal consultation session. While some Parties found them useful to engage on for providing clarity, other Parties felt that there was a risk of straying beyond the mandate by engaging in them.

Some Parties reconfirmed their view that modalities for communicating finance information under Article 9, paragraph 5 is a critical issue for developing country Parties and fundamental to the Paris Agreement Work Programme outcomes.

Other Parties retained the view that this possible additional matter is not part of the Paris Agreement and finance information would be communicated as required by Article 9, paragraph 5, using established UNFCCC procedures.

A suggestion was made that the secretariat could prepare a technical paper on established processes for communicating ex-ante information on finance.

Some Parties indicated that this round of discussion helped increase the understanding of the concerns. It is the Co-Chairs’ understanding that while there was an acknowledgement of the importance of ex-ante information on finance to support implementation of the Paris Agreement, there remained different views among Parties as to whether this possible additional matter is included in the Paris Agreement Work Programme outcomes.

A conference room paper was submitted by two groups of Parties on this possible additional matter,⁷ as contained in the attachment I to this note. Subsequently, a group of Parties made an in-session submission on this possible additional matter,⁸ as contained in attachment II to this note.

Parties identified the following options for the way forward:

- ❖ Option 1: The APA to recommend to CMA 1 to initiate a process for the modalities for biennially communicating information on finance based on the following: a registry; synthesis report; timeframe for when to start the process of communication, with a link to Article 4, paragraph 10; and a trigger for technical review and multilateral assessment;
- ❖ Option 2: No specific additional matter needs to be considered by CMA 1, because this matter is not part of the Paris Agreement.
- Setting a new collective quantified goal on finance in accordance with decision 1/CP.21, paragraph 53

With respect to the possible additional matter “Setting a new collective quantified goal on finance in accordance with decision 1/CP.21, paragraph 53,” Parties considered the following probing questions posed by the Co-Chairs:

- Should the APA recommend to the CMA when it could initiate consideration of setting a new collective quantified goal on finance in accordance with decision 1/CP.21, paragraph 53, for decision prior to 2025?
- At such time as the work to set a new collective goal is initiated, which body should be mandated to take this work forward?

It is the Co-Chairs’ understanding that while Parties acknowledged the importance of this matter that has been mandated to the CMA, there remained different views among Parties as to when the CMA should initiate work on this mandate.

On timing, some Parties were of the view that the CMA should launch work on this possible additional matter as early as possible in light of its relevance to the preparation of NDCs, and so that the outcome is completed in 2024 at the latest. Other Parties noted it is premature for work to be launched on this matter before the adoption of the Paris Agreement Work Programme outcomes.

There were also different views on what ‘a process’ means. Some Parties were of the view setting a new collective quantified goal on finance implies a process with different stages (such as, learning, preparation, consultation, stocktaking) and that considers developing country Parties’ needs and priorities in order to avoid setting an arbitrary goal. Other Parties understood the term ‘process’ only in the sense of chronological steps, without the need for formal initiation of a technical process.

Some Parties noted that the process of setting the goal could benefit from lessons learned and experiences under the UNFCCC process.

⁷ <http://www4.unfccc.int/sites/SubmissionPortal/Documents/201805041538---04052018%20Arab%20Republic%20of%20Egypt%20on%20behalf%20of%20the%20AGN%20and%20the%20LMDC.pdf>

⁸ [http://www4.unfccc.int/sites/SubmissionPortal/Documents/201805051245---Draft%20EU%20submission%20under%209.5%20Final%20\(1\).pdf](http://www4.unfccc.int/sites/SubmissionPortal/Documents/201805051245---Draft%20EU%20submission%20under%209.5%20Final%20(1).pdf)

Parties identified the following options for the way forward:

- ❖ Option 1: the APA to recommend to the CMA to initiate technical work on the process for setting the goal as soon as possible or at CMA 2;
- ❖ Option 2: the process [should][could] be initiated at a future time to be determined by the CMA. So, no recommendation from the APA to the CMA is required;
- ❖ Option 3: The CMA's only role is to set the goal. Therefore, the CMA does not need to initiate a process;
- ❖ Option 4: No recommendation is needed from the APA to the CMA on when it [should][could] initiate the work to set the goal.

Sub-item 8(b)

Parties expressed appreciation for the coordination efforts of the Chairs of the APA, SBI and SBSTA on the implementation of the Paris Agreement Work Programme.

Some Parties made recommendations on how to ensure coordination and coherence in the implementation of the Paris Agreement Work Programme, such as: a joint reflections note from the Chairs; a joint daily stocktaking with all co-facilitators; establishment of a Paris Agreement Work Programme committee comprising all presiding officers; one document containing conclusions for all the Paris Agreement Work Programme items, or a joint conclusion of all Paris Agreement Work Programme items; and a timetable of all Paris Agreement Work Programme items.

Noting there is a need for further improvements on coordination and coherence, other Parties nevertheless wished to reflect on the ideas. No specific proposals were agreed.

III. Discussion on loss and damage

An in-session submission⁹ was made by a Party, which called for a space to consider modalities, procedures and guidelines for enhancing understanding, action and support for loss and damage in accordance with Article 8, paragraphs 3 and 4, of the Paris Agreement.

⁹ <http://www4.unfccc.int/sites/SubmissionPortal/Documents/201805041544---Subission%20by%20Timor-Leste%20on%20loss%20and%20damage%20under%20the%20APA%20agenda%20item%208.pdf>

Attachment I

Arab Republic of Egypt on behalf of the African Group of Negotiators (AGN) and the Like-Minded Group of Developing Countries (LMDC)

Conference Room Paper

Modality for the Communication of Indicative Support and Reporting:

The African Group and Like-Minded Group presents this CRP to the APA Agenda Item 8 with the purpose of clarifying the following related to the implementation of Article 9.5 of the Paris Agreement. The African Group and Like-Minded Group is of the view that developed country Parties need clear guidance on how to communicate including decision to continue existing communication existing arrangement - strategic and approaches beyond 2020.

The modality proposed by the African Group and Like-Minded Group cover the following procedures:

1. Clarifying the timeframes to be covered;
2. Establishing the vehicle to be used;
3. What to do with the communications; and
4. Consideration of the information contained in the context of the progression in Article 3 and needs in Article 9.3.

For the way forward, the African Group and Like-Minded Group proposes a procedural decision, APA recommending draft procedural decision to continue its deliberations on this matter with a view to presenting a recommendation and adoption to the CMA for its consideration at its first session. The draft recommendation could be initiating the discussion under the CMA.

Draft Decision

The Ad Hoc working group on the Paris Agreement, at its resumed session, recommended the following draft decision for consideration and adoption by the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement

The Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement

Recalling Articles 4 and 11 of the Convention

Based on the mandate contained in Decision 1/CP.21, paragraph 55

Also recalling Decision 5/CP.20, paragraph 10 and Decision 3/CP.19, paragraph 10

Further recalling Articles 3, 4, 9, 10, 11, 13 of the Paris Agreement

Also recalling decisions 1/CP.21 paragraphs 57 and 95

1. Decides to establish a registry of information to be communicated by developed country Parties in accordance with Article 9.5 of the Paris Agreement and requests the Secretariat to prepare a synthesis report for consideration by the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement;

2. Decides that developed country Parties shall biennially communicate information in accordance with Article 9.5 covering the implementation period consistent with timeframes in decision X/CP.24 pursuant to Article 4.10 of the Paris Agreement;
3. Requests developed country Parties to submit their first biennial communication of indicative support for consideration by the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement at its second session; and
4. Decides to initiate the facilitative multilateral consideration of progress and technical expert review of information provided and reported by developed country Parties and constituted bodies of the Agreement in accordance with Article 13.9,13.11, and 13.12 with a view to capture progress in meeting the financial obligations under the Paris Agreement in accordance with Articles 3 and 9.

Attachment II

European Union submission under 9.5

What, if any, are those specific additional matters that are not being addressed by SBI 48 under its agenda item 15 and may require consideration by the CMA?

APA 8 (Possible Additional Matters exc. Adaptation Fund)

The European Union and its Member States are pleased to communicate our response to the above question of the co-facilitators regarding Article 9, Paragraph 5 of the Paris Agreement.

The EU recognises the importance of Article 9, Paragraph 5 of the Paris Agreement and is engaging positively in discussions on information to be provided under SBI agenda item 15. We hope to advance substantive discussions under this item in order to ensure that the SBI is able to forward its outcomes to the Conference of the Parties at its twenty-fourth session, with a view to the Conference of the Parties providing a recommendation for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at the third part of its first session.

Submissions by Parties are an accepted form of communication, consistent with current practice, under which Parties present information and views. Submissions represent a sufficient means by which to communicate information under Article 9, Paragraph 5 of the Paris Agreement. The EU therefore understands the completion of the SBI agenda item 15 under its existing mandate to identify information to be provided under Article 9, Paragraph 5 of the Paris Agreement as sufficient to operationalise this article and conclude the necessary work under the Paris Agreement Work Programme regarding it. For that reason, no specific additional matters need to be considered by the CMA.
