

APA 1.5
30 April – 10 May 2018
Bonn, Germany

Draft elements of APA agenda item 7
Modalities and procedures for the effective operation of the committee
to facilitate implementation and promote compliance referred to in Article 15.2 of the
Paris Agreement

Informal note by the co-facilitators – **second iteration**

7 May 2018 at 19:30

This Informal note has been prepared by the co-facilitators of the negotiations on this agenda item under their own responsibility and on the basis of the [Informal Note by the co-facilitators issued at APA 1.4 \(Final version of 13 November 2017\)](#),¹ deliberations by Parties at this session and the views they have submitted.

The draft elements contained in this note are preliminary and should not be considered as final in any way; they are offered as a basis for work and do not prejudice further work or prevent Parties from expressing their views in the future. It is recognized that the outcome of deliberations on this item will form part of the overall outcome under the Paris Agreement work programme.

The flow of section III of the Informal Note and most of its parts has been revised with a view to developing a textual narrative, while sections I and II remain unchanged from the Informal Note of APA 1.4. The use of tables in section III (E) and (F) is to assist with representing possible options in a more user-friendly manner. It does not imply any difference in status of those parts vis-à-vis other parts of section III.

I. INTRODUCTION / MANDATE / PURPOSE

Article 15, paragraph 1, of the Paris Agreement established a mechanism to facilitate implementation and promote compliance with the provisions of the Agreement. In accordance with Article 15, paragraph 2, of the Agreement, this mechanism will consist of a committee (hereinafter ‘the Committee’) that shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive, paying particular attention to the respective national capabilities and circumstances of Parties.

Article 15, paragraph 3, of the Agreement specifies that the Committee operate under the modalities and procedures to be adopted at CMA1 and is to report annually to the CMA.

Paragraph 102 of decision 1/CP.21 specifies that the Committee is to have 12 members to be elected on the basis of equitable geographical representation.

The COP, through paragraph 103 of the same decision, requested the APA to develop modalities and procedures for the effective operation of the Committee, with a view to the APA completing its work on such modalities and procedures for consideration and adoption at CMA1.

During the fourth part of the first session of the Ad-hoc Working Group on the Paris Agreement (APA 1.4), held in November 2017, Parties continued to discuss possible modalities and procedures for the effective operation of the Committee to facilitate implementation and promote compliance referred to in Article 15.2 of the Paris Agreement.

¹ https://unfccc.int/files/na/application/pdf/apa_7_informalnote_final_version.pdf.

II. CROSS-CUTTING AND OVERARCHING CONSIDERATIONS / RELEVANT CONTEXT / GENERAL ELEMENTS

National capabilities and circumstances

Parties were of the view that national capabilities and circumstances (NCCs) will apply to the modalities and procedures of the Committee, in accordance with the provisions of the Paris Agreement. Parties have different views on how NCCs can be operationalized by the modalities and procedures of the Committee. Some were of the view that NCCs will apply through guidance to the Committee in its modalities and procedures, while others consider that the Committee will apply NCCs on a case-by-case basis. Some Parties consider that the modalities and procedures will differentiate between developed and developing country Parties, while others were of the view that this is not appropriate as the distinction is not made in the text of Article 15.

Interlinkages with other arrangements

Parties recognize that the Committee may have direct and indirect linkages with other arrangements under the Paris Agreement, and established under the Convention. Parties also recognize the relationship between the Committee and support arrangements. How this relation can be operationalized needs to be explored. Some Parties consider there to be strong linkages to arrangements under other Articles of the Paris Agreement – including, but not limited to, the enhanced transparency framework (Article 13), the global stocktake (Article 14) and under Article 6. Some Parties also consider there to be strong linkages to bodies that serve the Paris Agreement as provided by decision 1/CP.21, including but not limited to the Forum for Response Measures, the Standing Committee on Finance, the Technology Executive Committee, and the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts. Parties recognize that further work is required to understand how these potential linkages can be operationalized through the modalities and procedures of the Committee, but some note that it was too early to consider this in detail.

Discretion

Parties also consider what degree of discretion the Committee will have, and how this may be bounded through the modalities and procedures. Some Parties feel that the Committee should be given the mandate to keep its modalities and procedures under review, while others consider this to be a matter for the CMA alone. Some Parties consider that the modalities and procedures should prescribe the actions and processes of the Committee, for example that all stages of the process should flow from how action by the Committee was initiated. While other Parties consider that much of this work on the rules of procedure can be left for the Committee to determine – within boundaries.

Level of detail for CMA1

Parties consider whether the modalities and procedures to be considered and adopted by CMA1 will address all possible elements in a comprehensive way, or whether some questions would be best resolved after CMA1 and/or when the Committee begins to meet. Some Parties consider that full and comprehensive modalities and procedures must be adopted by CMA1, while others consider that these will continue to be developed as appropriate over time.

Principles

Some Parties are of the view that the modalities and procedures require a section on principles that should guide the Committee. Some consider that this should include equity and common but differentiated responsibilities and respective capabilities, in the light of different national

circumstances. Others consider that this section would not be required as differentiation is embedded in the provisions of the Paris Agreement, and that the principles that should guide the Committee are included in Article 15. Some Parties also raised other principles, such as transparency, complementarity, independence, and the need to add value and avoid duplication of other arrangements, should also form part of any principles.

III. ELEMENTS OF RELEVANT GUIDANCE²

A. Purpose, principles and nature

A.1 Purpose

- Facilitate implementation and promote compliance (Art 15.1)³
- *Encourage, assist and enable Parties to implement provisions and comply with their obligations*
- *Prevent situations of non-implementation or non-compliance*
 - *Preventive role is inconsistent with the facilitative and non-adversarial nature of the Committee*
- *Thereby:*
 - *Enhance effectiveness and durability of the Agreement*
 - *Enhance credibility, confidence, consistency and effectiveness of actions, and trust among Parties*
 - *Complement other processes and mechanisms under the PA and the Convention*
 - *Avoid politicization*

A.2 Principles

1. Established under the Paris Agreement (PA)
 - *Nothing in the design or operations of the Art 15 Mechanism can change the content or legal character of the PA's provisions.*

2. Paris Agreement and Convention principles:

Views:

- (1) Art 15 Mechanism must reflect equity and the principle of common but differentiated responsibilities and respective capabilities (CBDR-RC) in line with the Convention
 - *The modalities need to respect and be informed by the principles, including with regard to nature, scope, functions, commencement, measures/outputs, and procedures*
 - *This includes differentiation between developed and developing countries*
- (2) The PA already reflects CBDR-RC in the light of different national circumstances: no further reflection in the modalities
 - *Differentiation is already embedded in the PA provisions, and is embedded in Article 15 in a particular way.*
 - *Art 15 mechanism is applicable to all Parties*
- (3) Reference to Articles 2 and 15

² Headings, subheadings and formatting are without prejudice to the eventual modalities and procedures and are intended as a tool to collect and organize issues for the purposes of this document.

³ References to articles (Art) are to those of the Paris Agreement (PA).

3. Other relevant principles:

Views:

- *transparency*
- *non-duplication of effort/complementarity*
- *effectiveness*
- *independence*
- *inclusiveness*

A.3 Nature

- Functioning in a facilitative, transparent, non-adversarial, non-punitive manner (Art 15.2)
- Expert-based and facilitative (Art 15.2)
- Paying particular attention to the respective national capabilities and circumstances of Parties (Art 15.2)
- *Transparent (see below: Procedural matters) (Art 15.2)*
- *Non-punitive (Art 15.2), i.e.:*
 - *No enforcement*
 - *No penalties or sanctions*
- *Non-adversarial, (Art 15.2), i.e.:*
 - *Not a mechanism to settle disputes*
 - *Respecting national sovereignty*
- *Consultative*
- *Advisory*

B. Functions

Facilitate implementation and promote compliance (Art 15.1):

Views

- (1) Two distinct functions:
 - With differences based on scope, triggers, and/or measures;*
 - (1.1) As a dual function; distinct but complementary; may not be mutually exclusive;
 - (1.2) Two distinct roles, reflecting differentiated approach throughout PA and national circumstances;
- (2) Continuum within the spectrum of functions:
 - *With the difference being determined by the legal nature of the provision in question:*
 - *Facilitation and compliance for legally binding provisions; only facilitation for non-legally binding*
 - *With the difference being determined by what is the appropriate measure/output in each case*
- (3) One function: with no difference in measures/outputs as its outcomes are advisory and non-binding

NCC: to be taken into account in the exercise of its functions / Whether and how to operationalize this element under this section to be explored

C. Institutional arrangements

Composition (1/CP.21, para 102)

The Committee to be comprised of twelve members with recognized competence in relevant scientific, technical, socioeconomic or legal fields to be elected by the CMA on the basis of equitable geographical representation, with two members each from the five regional groups of the United Nations and one member each from the small island developing States and the least developed countries, while taking into account the goal of gender balance.

Members / alternates and expert based nature

Option A: Members of the Committee

Option B: Members and an alternate for each member of the Committee

- to be elected by the CMA
- taking into account the expert-based nature of the Committee in accordance with Article 15 of the Parties Agreement
- giving consideration to diversity of the relevant fields of expertise

Term of office, staggered election for continuity

- Members / and alternate members / to be elected to serve for a period of three years and be eligible to serve a maximum of two consecutive terms
- Six members / and six alternate members / to be elected at CMA x initially for a term of two years and six members and alternate members for a term of three years
- Thereafter, the CMA to elect at each of its regular sessions six members / and alternate members / for a period of three years
- The members / and alternate members / to remain in office until their successors are elected

Resignation / replacement

- If a member / or an alternate member / resigns or is otherwise unable to complete the term of office or to perform the functions of that office, the Committee may decide, bearing in mind the proximity of the next session of the CMA, to appoint a member / or an alternate member / from the same group or constituency to replace said member for the remainder of that member's / alternate member's / mandate
- Such term of office to count as one term

Individual vs expert capacity

Members of the Committee / and their alternate members / to serve in their

Option A: individual capacity

Option B: expert capacity

Option C: individual, expert capacity

Bureau

Election, term of office and geographical representation

Option A:

- The Committee to elect from amongst its members for a period of two/three years the Chair and Vice-Chair as well as three other members to serve as the Bureau of the Committee

- In electing the Bureau, the Committee to ensure equitable representation of the five regional groups of the United Nations
- The positions of the Chair and Vice Chair, taking into account the need to ensure equitable geographical representation.

Option B: No bureau provisions in the modalities

Option C:

The Committee to elect

- from amongst its members

Option 1: the Chair and Vice-Chair

Option 2: two Co-Chairs

- for a period of two/three years,
- taking into account the need to ensure equitable geographical representation

Role of the Bureau

- Role of the Bureau with regards to admissibility, question of implementation and systemic issues

Frequency of meetings

- Unless otherwise decided, the Committee to meet:

Option A: at least once a year

Option B: at least twice a year

Option C: X times a year

- Beginning in:

Option A: 2019

Option B: 2020

Open or closed meetings

Meetings of the Committee to be

Option A: {open as default}

- held in public
- unless the Committee, of its own accord or at the request of the Party concerned, decides for part or all of the meeting to be held in private
- only members / and alternate members / of the Committee and secretariat officials to be present during the elaboration and adoption of a decision of the Committee

Option B: {closed as default}

- held in a closed session, subject to the provisions of the present modalities and procedures on the participation of the Party concerned
- the Committee of its own accord, at the request of the Party or otherwise concerned, may invite the Party concerned to participate in a part of its meeting
- only members / and alternate members / of the Committee and secretariat officials to be present during the elaboration and adoption of a decision of the Committee

Quorum

Adoption of decisions by the Committee requires a quorum of at least

Option A: three fourths of the members to be present

Option B: ten members to be present

Decision-making

The Committee to

Option A: {consensus}

- reach agreement on any decision by consensus

Option B: {consensus, with voting as last resort}

- make every effort to reach agreement on any decision by consensus
- if all efforts at reaching consensus have been exhausted, as a last resort, the decisions to be adopted by a majority of
 - **Option 1:** the members present and voting
 - **Option 2:** at least two-third of the members present and voting
 - **Option 3:** at least three-fourth of the members present and voting
 - **Option 4:** at least nine of the members present and voting

Conduct of work and decision-making through electronic means of communication

Option A:

- Possibility to conduct its work, including with regard to elaboration and adoption of decisions, using electronic means of communication, subject to provisions of these modalities and procedures with respect to participation of the Party concerned
- Such decisions to be deemed taken at the headquarters of the secretariat

Option B:

- The Committee may elaborate and adopt its decisions using electronic means
- Such decisions to be deemed taken at the headquarters of the secretariat

Reasoning

Any decisions of the Committee concerning facilitation of implementation and promotion of compliance by Parties to be made in writing and supported by reasoning

Conflict of interest

Members / and alternate members / to

- disclose any interest in any matter under discussion before the Committee which may constitute a conflict of interest or which might be incompatible with the requirements of independence and impartiality expected of a member / or alternate member / of the Committee
- refrain from participating in the work of the Committee in relation to such matter

Option A: Members / and alternate members / are considered to have a conflict of interest when their country is the Party concerned.

Option B: Members / and alternate members / are not automatically considered to have a conflict of interest when their country is the Party concerned

Rules of procedure of the Committee

Option A: {Committee to develop proposal for CMA}

The Committee to develop its rules of procedure for consideration and adoption by the CMA 2/ CMA in 2020

- informed by the principles of transparency, facilitation, the non-adversarial and non-punitive function, and taking into account national capabilities and circumstances

Such rules of procedure may also include some of the elements included above in this section (e.g. replacement of members, electronic modes of work, conflict of interest procedures)

Option B: {Rules of procedure to be elaborated in this text}

The elements may need to include the following issues (indicative, non-exhaustive list):

- *Dates for start and end of terms of office of members*
- *Details on the role of alternate members, if alternate members are included*
- *Oath of service provisions*
- *Further details on how conflict of interest issues could be addressed*
- *Elaboration on the replacement of Bureau officers*
- *Elaboration on the tasks of the Bureau, including with regard to admissibility, question of implementation, including systemic issues*
- *Details on the timing of document circulation*
- *Process of elaboration of meeting agenda*
- *Timelines for circulation for reports, information on question of implementation and information on systemic issues*
- *Sets of procedures for timelines for circulation of specific documents and other notifications to Parties,*
 - **Option 1.** *including guidelines for differentiated timelines to afford necessary flexibility to Parties and to account for the nature of provisions of the Paris Agreement concerned*
 - **Option 2.** *No text on differentiated timelines*
- *Details on how timeframes are to be calculated, e.g. taking into account working days and holidays and the nature of provisions of the Paris Agreement concerned*
- *Detailed procedures for the use of electronic means of decision-making: what types of decision, what procedures, etc.*
- *Place of meetings*
- *Attendance requirements*
- *Working language*

D. Scope

Options:

- A.** *Comprehensive*
- B.** *Scope in light of function*
- C.** *In relation to specific obligations*

C.1. Specific obligations under Articles 4, 6, 7, 9, 10, 11 and 13

C.2 All “shall” provisions

C.3 Legally-binding provisions on individual obligations of Parties

D. In line with the differentiation in the Paris Agreement provisions

E. One of the above as well as relevant provisions of CMA decisions

F. Scope in the context of initiation (see section E)

E. Initiation of consideration

Option A: Self-referral only	Option B: Other means of initiation in addition to self-referral
<p>Self-referral only: Committee activity may be initiated by the Party concerned with respect to</p> <p>Option 1: its own implementation of or its own compliance with</p> <ul style="list-style-type: none">▪ Option 1.1: any of the provisions of the Paris Agreement▪ Option 1.2: the provisions of the Paris Agreement <p>Option 2: {Scope to be further elaborated}</p>	<p>(Options below are not necessarily mutually exclusive):</p> <p>Option 1: Initiation by another Party/by a group of Parties: {SCOPE to be further elaborated}</p> <p>Option 2: Initiation by the Committee:</p> <ul style="list-style-type: none">○ On the basis of:<ul style="list-style-type: none">▪ Information from the NDC registry ↔▪ Information from any other relevant registries established under the Paris Agreement ↔▪ Status reports prepared by the Secretariat on submissions under transparency arrangements of Art 13 ↔⁴▪ Technical expert review reports under the transparency arrangements of Art 13 ↔▪ Information provided by other bodies, mechanisms and arrangements under the PA ↔○ With respect to: {SCOPE as follows:}<ul style="list-style-type: none">▪ Option 2.1: All provisions of the PA applicable to a Party or a group of Parties▪ Option 2.2: All ‘shall’ provisions / obligations under Articles 4, 6, 7, 9, 10, 11 and 13 applicable to a Party or a group of Parties▪ Option 2.3: Obligations to make submissions under Article 4, 7, 9 and to report under Article 13

⁴ ↔ Possible elements reflecting any linkages (could be further explored).

	<ul style="list-style-type: none"> ▪ Option 2.4: Article X, paragraph Y of the PA (list of specific provisions) / legally-binding, objectively identifiable binary issues (yes/no) ▪ Option 2.5: Article X, paragraph Y of the PA (list of specific provisions) / individually legally-binding, objectively assessable procedural obligations (yes/no) ▪ Option 2.6: also relevant provisions of <ul style="list-style-type: none"> ○ <u>Option 2.6(a)</u>: decisions by the CMA ○ <u>Option 2.6(b)</u>: the guidelines developed under Art 13 ○ For Option 2.1-2.6: <ul style="list-style-type: none"> ▪ <u>Option (a)</u>: Party consent is required ▪ <u>Option (b)</u>: Party consent is not required <p>Option 3: Request by the CMA for an activity by the Committee: {SCOPE to be further elaborated}</p> <p>Option 4: Initiation by other bodies and arrangements established under or serving the Paris Agreement: {SCOPE to be further elaborated}</p> <p>Option 5: Differentiated approach: <i>For developed countries also other referrals possible; for developing countries self-referral only, recognizing special circumstances of LDCs and SIDS. {SCOPE to be further elaborated}</i></p>
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F. Process

Option A: The Committee may be given bounded discretion to decide on the details of the process subject to guidelines to be included in this section.

Option B:

Steps/phases (not necessarily consecutive)

For Option A of initiation (Self-referral only)	For Option B of initiation (Other means of initiation in addition to self-referral)
Preliminary assessment, including verification of sufficient information: To the best of its capacity, Party concerned to provide information on efforts made to use other arrangements and mechanism and on	Preliminary assessment (including whether the matter that is before is based on the provisions of the Paris Agreement, is supported by sufficient information, is not <i>de minimis</i> or ill-founded)

how the matter is based on the provisions of the Paris Agreement	
	Notification to the Party concerned
Any additional questions to Party concerned - Flexibility regarding timelines for response	Invite Party concerned to provide written inputs/comments - Flexibility regarding timelines for response
Consent of the Party concerned at every stage of the process: Option 1: required Option 2: not required Option 3: required in certain situations (especially where the Party has to engage)	
The Committee to take into account the national capabilities and circumstances of the Party concerned at all stages of the process	
Obtaining information from the relevant sources (<i>see subsection on sources of information</i>)	
Assistance provided to a Party during the process before the Committee, including possibility of support to enable participation	
Dialogue with Party concerned (of facilitative nature)	
<ul style="list-style-type: none"> ○ Consultation at different stages ○ Possibility to make written inputs ○ Representation at meetings, including right to make representations and opportunity to respond (including via video) ○ Possibility/right to request a hearing/an additional meeting ○ Possibility to invite other bodies when needed ○ Possibility to invite other Parties when appropriate 	
Identification of causes, challenges and constraints (in consultation with the Party concerned)	
<u>Identification of measures/outputs</u>	
Committee, when identifying appropriate measures/outputs, to take into account:	
<ul style="list-style-type: none"> ○ National capabilities and circumstances (NCC) ○ Lack of capacity versus lack of will ○ Financial, capacity-building and technology needs of developing countries ○ Capacities and technology challenges ○ Developed country obligations to provide support ○ Legal nature of the provision concerned ○ Type, degree and frequency of the failure to facilitate implementation of and promote compliance with the provisions of the Agreement ○ Based on whether developed country, developing country ○ Special circumstances of LDCs and SIDS ○ Impact of response measures ○ Other relevant national circumstances, e.g. force majeure, to be taken into account 	
Preliminary outputs to be sent to Party concerned for	
Option 1: comments	
Option 2: approval	

Option C: Modalities and procedures to be elaborated, including with respect to developed and developing countries, having regard to differentiated obligations under Articles 4, 7, and 9 and taking into account Article 15, paragraph 2, including with respect to participation and treatment of the Party concerned and the need to take into account national capabilities and circumstances

G. Measures and outputs

For Options A and B of initiation (see section E above)

Range of measures (not necessarily mutually exclusive or consecutive):

Sharing of information, experience and lessons learned

Identification of challenges faced by the Party concerned

Action plan/Implementation plan/Compliance plan:

- Initiation/request for elaboration of implementation/compliance plan – *Views:*
 - (1) Whether only upon request by the Party concerned
 - (2) Whether also by the Committee
 - ❖ (2.1) With consent of the Party concerned
 - ❖ (2.1) Without need for consent in case of non-compliance
- Overall purpose of the plan
 - Facilitative
 - A roadmap developed in collaboration with the Party concerned to assist the Party with implementation or compliance with the PA
 - Advisory
- Possible elements of the plan:
 - Description of implementation challenges/causes of non-compliance
 - Description of measures the Party intends to take to improve implementation/achieve compliance
 - Timelines
 - Follow-up arrangements (including information to Committee about progress)
- Development of the plan
 - By the Party concerned in consultation with the Committee
 - With Committee's assistance, if requested by the Party concerned
 - In a way that is respectful of the nationally determined nature of the NDCs

Recommendations and suggestions (to the Party concerned)

Information and advice

Support:

- **Option A:** Information on accessing support, e.g. types of support available, subject to:
↔
- **Option B:** Facilitating access to finance, technology and capacity-building support, subject to:
↔
 - Safeguards to avoid creating perverse incentive to be considered
 - Possible requirements to exhaust efforts under other arrangements

- No requirement to exhaust efforts or placing the burden on the Party. Party shall be able to initiate the facilitation by the Committee without prejudice to any other efforts
- Referring to appropriate bodies for finance, technology and capacity-building support ↔
- Access to/refer to/send technical experts to assist Party concerned
- Recommendations to relevant bodies related to support

Statement/Declaration/Finding on non-compliance

For Option B of initiation (Means of initiation other than self-referral)

In selecting any of the following measures, taking into account:

- Causes, degree, nature and frequency of non-compliance

Early warning / Notification to the Party concerned:

Statements of concern / Cautionary statements

Report to CMA on individual cases of non-compliance for situations where the Party concerned fails to implement the action/compliance/implementation plan

Confidential letter

Declarations/Findings/Communications in relation to compliance:

- Would not be consistent with facilitative and non-punitive nature

Factual findings related to compliance without an affirmative statement of non-compliance

Any measures related with Art 6 PA:

Views:

- Possible elements reflecting any linkages to Article 6 (could be further explored)
- No linkages to Article 6

Follow-up by the Committee

Option A:

- *Should be facilitative in nature*
- *Discretion would be needed to allow Committee to decide on its working methods*
 - *Additional guidelines would be necessary with some further steps and measures for the Committee*
- *May depend on measures taken*
- *Initiation of a follow-up may/shall require consent by the Party concerned*

Option B: No follow-up provisions required

H. Identification of systemic issues

Systemic issues include:

Option A: General problems / common source of difficulty for implementation and compliance, faced by a number of Parties in relation to any provisions of the Paris Agreement

Option B: Also recurrent, repetitive and systemic issues of implementation by a Party or group of Parties in relation to any provisions of the Paris Agreement

Consideration of a systemic issue may be initiated:

Option A: By the CMA

Option B: By the CMA

- Based on the information received from the Secretariat
- In relation to communications under Articles 4, 7 and 9 or reporting under Article 13

Option C: By the Committee

Option 1: based on systemic challenges identified in the course of its work

Option 2: for certain areas for which it has mandate from the CMA

Option 3: upon decision of its bureau

Option D: At a request of a group of Parties

Process and outputs:

- Gather information from relevant sources (*see list of sources in Section H below*)
- With respect to consideration initiated by the CMA or the Committee, the Committee prepares conclusions and recommendations to be included in a report to the CMA
- With respect to consideration initiated at the request by a group of Parties, the Committee makes recommendation to groups of Parties concerned
- The Committee may be given bounded discretion to decide on the details of the process for consideration of systemic issue subject to guidelines to be included in these modalities

- *Could serve as background information for Global Stocktake* ↔
- *Could inform other subsidiary bodies and constituted bodies, support arrangements and other arrangements under the Paris Agreement* ↔
- *Could take into account the impact of response measures and other relevant factors*

I. Sources of information

Drawing on additional expertise

Safeguards for confidential information

- In particular, for how to engage with Party concerned, and specific facilitative measures

Possible sources of information

- Information provided by the Party/Parties concerned
- Registries under the Paris Agreement ↔
- NDCs; Parties' communications ↔
- Information from the transparency framework, e.g. reports, outputs from the technical expert teams, information on the status of submission of reports under Article 13 ↔
- Information on the status of submissions under Articles 4, 7 and 9
- Information subsidiary and constituted bodies and other bodies and institutional arrangements under and/or serving the Paris Agreement ↔
- Information made available by the Secretariat in accordance with the relevant mandates

Modalities and procedures could identify information required at the initiation stage. For other information, certain degree of discretion could be given to the Committee.

J. Relationship with the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement

- Committee under the guidance of CMA

- Reports annually to CMA (Art 15.3)
- Content of reporting (*views not necessarily mutually exclusive*):
 - Views:*
 - (1) Reports on its work
 - *Not individualizing*
 - (2) Reporting on findings/measures in individual cases:
 - (2.1) Reports on all to CMA
 - (2.2) Informs CMA only if requested by the Party concerned
 - (2.3) No identification of any cases of self-referral
 - (2.4) On individual cases of non-compliance for situations where the Party concerned fails to implement the action/compliance/implementation plan
 - (3) A summary of its activities and actions taken
 - (4) Reports to flag systemic issues
 - (4.1) Systemic issues involving a number of Parties
 - (4.2) Recurring implementation/compliance issues of a Party
- Recommendations to the CMA (*views not necessarily mutually exclusive*):
 - (1) If Committee considers the measures implicate important issues under the PA or the authority of other PA bodies
 - (2) In case of non-compliance of Party concerned: to provide technical assistance; capacity-building
 - (3) In cases of repeated non-compliance
 - (4) In cases of systemic issues regarding implementation and compliance
 - (5) On overcoming systemic barriers to implementation and compliance
 - (6) Only at the request of the Party concerned; and the CMA is not required to take any decision
- CMA to take note of (*views*):
 - Committee's findings in individual cases
 - Taking note of Committee's findings in individual cases is inconsistent with the nature of the Article 15 Committee

K. Review of the modalities and procedures

Views

- Built-in review based on the experience with the Article 15 Committee and other relevant arrangements
- Periodic review of the modalities and procedures by CMA
- Review by the Committee itself, with recommendations subject to approval by the CMA

L. Secretariat

- Secretariat support