

15 October 2018

**Joint reflections note by the presiding officers of the Ad Hoc Working Group on the Paris Agreement, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation**

**Addendum 8**

**Matters relating to Article 15 of the Paris Agreement and paragraphs 102 and 103 of decision 1/CP.21**

**Modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement**

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**A. Progress to date and ways forward**

1. Through their deliberations at the sixth part of the first session of the Ad Hoc Working Group on the Paris Agreement (APA), Parties improved their understanding of the modalities and procedures for the committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement (hereinafter referred to as the Committee), and further clarified some of the options under consideration. The addition of text on systemic issues and the overall move of the text to a decision-type language are notable, making the Bangkok outcome for this item<sup>1</sup> a good milestone on the road to Katowice.

2. Still, the large number of options currently staying on the table (such as those for the initiation process) and the remaining overlaps/duplications make it difficult to advance further and complete the work. Parties need to address a number of key issues in order to deliver effective modalities for the Committee to commence its work. In doing so, the Parties may wish to reflect on the following:

- (a) Whether and how the Committee can assist Parties in the implementation of and compliance with their legally binding obligations, in particular those under Articles 4, 7, 9 or 13 of the Paris Agreement, especially where failure to do so is not addressed elsewhere in the process under the Paris Agreement;
- (b) Whether describing obligations rather than listing the provisions in the scope for any Committee initiation (i.e. a similar approach to the language set out in para. 24, option 1, of the textual proposals below) could help to reach common understanding with regard to this option;

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<sup>1</sup> The Bangkok outcome for this item is available at <https://unfccc.int/documents/182082>.

(c) There are currently two overall approaches proposed by Parties regarding how the procedures of the Committee might be set out in the decision: approach I provides general guidance and parameters for such procedures and approach II details various steps and their timelines (see section C of the textual proposals<sup>2</sup>). Could the two approaches be combined to set out the overall guidance and request the Committee to develop over time more detailed elements to be presented to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA) for consideration (e.g. the elements currently in the textual proposals below under section C, approach II, paras. 23–26 and 30–40)?

(d) Whether it is necessary to include a detailed, specific section on the Committee’s relationship with the CMA given that Article 15 explicitly requires the Committee to report to the CMA. Could a general provision in the section on institutional arrangements recalling Article 15, paragraph 3, of the Paris Agreement be sufficient to address the matter?

(e) Whether some of the elements, such as those listed in paragraphs 17–19 of the textual proposals below, might be best addressed in the rules of procedure (see para. 21 in the textual proposals below).

3. Noting that there are numerous views on many elements of the text, chapter B below contains further streamlining and editorial proposals to help Parties to further focus their deliberations on the essential elements. Parties are invited to consider them, as they deem appropriate, at APA 1.7.

4. Some groups and Parties have expressed the view that the Paris Agreement work programme (PAWP) outcome for this item does not require text in certain areas. Informal notes by the co-facilitators have, up to this point, identified these issues by including a ‘no text’ option. With the textual proposals, however, the APA Co-Chairs have elected to dispense with ‘no text’ references. Instead, differences in Party views are reflected by the use of square brackets around paragraphs or sections. Readers should interpret such square bracketed text as implying that Parties will need to reach consensus on any text to be included and an alternative is ‘no text’ in the PAWP outcome for that issue/area. This approach does not imply any judgment on our part as to the inclusion (or not) of substantive text on such issues as part of the final PAWP outcome.

5. The textual proposals in chapter B below have been prepared by the APA Co-Chairs under their own responsibility.

## B. Textual proposals<sup>3</sup>

### Contents of the textual proposals

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## A. Purpose, principles, nature, functions and scope

### [Option A :

1. The mechanism to facilitate implementation of and promote compliance with the provisions of the Paris Agreement established under Article 15 of the Agreement consists of a committee.

<sup>2</sup> For the purposes of this document, references to sections should be read as references to sections A to I in chapter B (textual proposals).

<sup>3</sup> 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.

2. The Committee under Article 15 of the Agreement (hereinafter ‘the Committee’) shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive. The Committee shall pay particular attention to the respective national capabilities and circumstances of Parties.
3. The Committee shall operate under the modalities and procedures adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement (CMA) at its first session as well as any additional guidance that may be provided by the CMA and report annually to the CMA.
4. [The Committee’s work shall also reflect equity and the principles of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.
5. In carrying out its work, the Committee shall strive to avoid duplication of effort, shall neither function as an enforcement or dispute settlement mechanism, nor impose penalties or sanctions, and shall respect national sovereignty.]

**Option B**

**Purpose**

1. The Committee shall facilitate the implementation of and promote compliance with the provisions of the Paris Agreement in line with the provisions of the Paris Agreement [and taking into consideration Articles 4, 7 and 9 of the Agreement].

**Principles**

2. The Committee being guided, in particular, by the Articles 2 and 3 of the Paris Agreement should aim to facilitate the implementation of and promote compliance with the provisions of the Agreement in line with the respective obligations of Parties.

**Scope**

3. The Committee shall facilitate implementation of and promote compliance with the provisions of the Paris Agreement and decisions by the CMA.]

**B. Institutional arrangements**

6. The Committee shall consist of twelve members with recognized competence in relevant scientific, technical, socioeconomic or legal fields to be elected by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (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.
7. The CMA shall elect members of the Committee [as well as an alternate for each member], taking into account the expert based-nature of the Committee and striving to reflect the diversity of expertise referred to in paragraph 6 above.
8. Members [and alternate members] shall be elected to serve for a period of three years and be eligible to serve a maximum of two consecutive terms.
9. Six members [and six alternate members] shall be elected at CMA [1 (2018)][2 (2019)] initially for a term of two years and six members and alternate members for a term of three years. Thereafter, the CMA shall elect at its regular sessions six members [and alternate members] for a period of three years. The members [and alternate members] shall remain in office until their successors are elected.
10. If a member of the Committee resigns or is otherwise unable to complete the assigned term in the Committee or to perform the functions in the Committee, an expert from the same Party shall be named by that Party to replace the said member for the remainder of the unexpired term.
11. Members [and alternate members] of the Committee shall serve in their individual expert capacity.
12. The Committee shall elect from amongst its members [the Chair and Vice-Chair][two Co-Chairs] for a period of three years [taking into account the need to ensure equitable geographical representation][one from a developed and one from a developing country Party]. The [Chair and Vice-Chair][Co-Chairs] shall perform the functions of the bureau of the Committee to be elaborated in the Committee’s rules of procedure.
13. Unless otherwise decided, and taking into account the desirability of holding such meetings in conjunction with the meetings of the SBI and SBSTA, the Committee shall meet at least [once][twice] a year beginning in [2019][2020].

14. [Meetings of the Committee shall be [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][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 or at the request of the Party 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 shall be present during the elaboration and adoption of a decision of the Committee. [A report of the meeting shall be made publicly available.]
15. Adoption of decisions by the Committee shall require a quorum of at least [three fourths of the][ten] members to be present.
16. The Committee shall [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 shall be adopted by at least three-fourth of the members present and voting.]
17. The Committee may 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 shall be deemed taken at the headquarters of the secretariat.
18. Any decisions of the Committee concerning facilitation of implementation and promotion of compliance by Parties shall be made in writing and supported by reasoning.
19. Members [and alternate members] shall 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 and shall recuse themselves from participating in the work of the Committee in relation to such matter.
20. **Option A:** The Committee shall develop its rules of procedure for consideration and adoption by CMA [2][3], informed by the principles of transparency, facilitation, the non-adversarial and non-punitive function, and taking into account national capabilities and circumstances of Parties.<sup>4</sup>  
**Option B:** The CMA shall develop and adopt the rules of procedure of the Committee.
21. [The rules of procedure referred to in paragraph 20 above should address, inter alia, the role of the Committee's [Chair and Vice-Chair][Co-Chairs], oath of service, conflict of interest, any additional timelines related to the Committee's work, procedures for electronic decision making, reasoning in decisions of the Committee, confidentiality, in particular of information received in confidence, sources of information to inform the Committee's work, and working language.]

### C. Initiation and process

#### **Approach I** *{Exercise of functions through bound discretion}*:

22. In the exercise of its functions under paragraph[s] 23 [and 24] below, and subject to these modalities and procedures, the Committee shall apply the relevant rules of procedure to be developed pursuant to paragraph 20 above and shall be guided by the following:
  - (a) The Committee shall operate in manner that is transparent, facilitative, non-adversarial and non-punitive.
  - (b) Nothing in the work of the Committee can change the legal character of the provisions of the Paris Agreement.
  - (c) In its consideration of how to facilitate implementation and promote compliance, the Committee shall endeavor to constructively engage with and consult the Parties concerned at all stages of the process, including by inviting written submissions and providing opportunity to comment.
  - (d) The Committee shall take national capabilities and circumstances of the Parties concerned, particularly those of the small island developing states and the least developed countries, into account at all stages of the process, in accordance with the provisions of the Paris Agreement, including in determining how to consult with the Party concerned, what assistance can be provided to the Party concerned to support

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<sup>4</sup> Note: 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).

- its engagement with the Committee, and what measures would be appropriate to facilitate implementation and promote compliance in each situation.
- (e) The Committee should take into account the work being undertaken by other bodies, arrangements, and forums serving or established under the Paris Agreement with a view to avoid duplicating mandated work.
  - (f) [The Committee may consider a wide range of publicly available information, including official documents developed under the Convention and the Paris Agreement.]
  - (g) [The Committee should take into account, in accordance with the relevant provisions of the Paris Agreement, the flexibility to be provided to developing country Parties in the implementation of the Paris Agreement [and considerations related to the impacts of response measures].]
23. *{Self-referral}* The Committee may consider issues related to, as appropriate, a Party's implementation of and compliance with the provisions of the Paris Agreement on the basis of written submissions from any Party with respect to its own implementation of [and][or] compliance with [the][all] provisions of the Paris Agreement.
24. *{Initiation by the Committee}* In addition, the Committee, on the basis of factual information from the publicly available sources under the processes and arrangements under the Paris Agreement, including registries and information [on the status of communication of information under Articles 4 and 13 of the Paris Agreement to be] compiled by the secretariat, may initiate the consideration of issues related to, as appropriate, a Party's [or a group of Parties'] implementation of and compliance with
- Option 1:** [the legally binding[, individual, objectively assessable] obligations set out in] the provisions of the Paris Agreement
- Option 2:** the obligations contained in Articles 4, 6, 7, 9, 10, 11[, and] 13 [and 14] of the Paris Agreement and applicable to a Party [or a group of Parties] [on the communication of the most updated reports]
- Option 3:** obligations related to objectively identifiable binary issues contained in Article 4[, paragraphs 2, 8 and 9], Article 7[, paragraph 11], Article 9[, paragraphs 5 and 7], [Article 10, Article 11] and Article 13[, paragraphs 7 and 9].
- Option 4:** individual[, objectively assessable procedural] obligations contained in Article 4, paragraphs 2 and 9, Article 9, paragraph 5, and Article 13, paragraphs 7 and 9.
- Option 5** *{additional to options 1-4 above}*: as well as provisions expressed through language of mandatory nature in the decisions of the CMA pertaining to these [provisions of the Agreement][obligations]
- and/or a situation where
- Option 6:** a Party has failed to communicate its nationally determined contribution (NDC) [under Article 4], to provide the mandatory information or submit a mandatory report [under Article[s 4, 7, 9 and] 13][by a deadline established by the CMA][, or to participate in the facilitative, multilateral consideration of progress].
- Option 7:** the significance or recurring nature of inconsistencies with the modalities, procedures and guidelines referred to in Article 13 give rise to questions of compliance with Article 13 [provided that the Party concerned consents to such a consideration by the Committee].]

**Approach II:** *{Instead of paragraph 22 in Approach I above, the process-elements would be specified under each respective mode of initiation below as well as in paragraphs 30 to 40 below (participation of the Party concerned).}*

*{Self-referral (paragraphs 22 to I.1(a)26 below)}*

22. The Committee may consider issues related to, as appropriate, a Party's implementation of and compliance with the provisions of the Paris Agreement on the basis of written submissions from any Party with respect to its own implementation of [and][or] compliance with [the][all] provisions of the Paris Agreement.
23. Any submission made by a Party under paragraph 22 above shall be addressed in writing to the Committee and transmitted through the secretariat. [Such submission shall set out the matter of concern, the relevant provisions of the Paris Agreement, the specific circumstances that the Party concerned considers to be the cause of the challenges with implementation [and][or] compliance, any need for assistance, as well as any information on the Party's efforts to make use of the existing arrangements and mechanisms under the Paris

Agreement in order to facilitate its implementation [and][or] promote compliance with the provisions in question.]

24. The secretariat shall transmit such submission within [two] weeks to the Committee, which shall commence its consideration of the matter at the latest at its next meeting.
25. The Committee shall undertake a preliminary examination of the submission with a view to verifying whether it contains sufficient information, including information as to whether the matter relates to the implementation of [and][or] compliance with the Paris Agreement
- [Option 1:** and information on the efforts by the Party concerned to make use of the existing arrangements and mechanisms under the Paris Agreement to facilitate its implementation and promote compliance with the provisions in question.
- Option 2:** and whether the submission is not de-minimis or ill-founded].
26. The Party concerned shall provide responses to any questions the Committee may pose to it in the course of the preliminary examination within [three] months from the date of receipt of such questions unless [the circumstances of the particular case or the national capabilities and circumstances of the Party concerned] [the national capabilities and circumstances of the developing country Party concerned] require an extended period of time.

[{Initiation by the Committee (paragraphs 27 to 29 below)}]:

27. In addition, the Committee, on the basis of factual information from the publicly available sources under the processes and arrangements under the Paris Agreement, including registries and information [on the status of communication of information under Articles 4 and 13 of the Paris Agreement to be] compiled by the secretariat, may initiate the consideration of issues related to, as appropriate, a Party's [or a group of Parties'] implementation of and compliance with
- Option 1:** [the legally binding[, individual, objectively assessable] obligations set out in] the provisions of the Paris Agreement
- Option 2:** the obligations contained in Articles 4, 6, 7, 9, 10, 11[, and] 13 [and 14] of the Paris Agreement and applicable to a Party [or a group of Parties] [on the communication of the most updated reports]
- Option 3:** obligations related to objectively identifiable binary issues contained in Article 4[, paragraphs 2, 8 and 9], Article 7[, paragraph 11], Article 9[, paragraphs 5 and 7], [Article 10, Article 11] and Article 13[, paragraphs 7 and 9].
- Option 4:** individual[, objectively assessable procedural] obligations contained in Article 4, paragraphs 2 and 9, Article 9, paragraph 5, and Article 13, paragraphs 7 and 9.
- Option 5** {additional to options 1-4 above}: as well as provisions expressed through language of mandatory nature in the decisions of the CMA pertaining to these [provisions of the Agreement][obligations] and/or a situation where
- Option 6:** a Party has failed to communicate its nationally determined contribution (NDC) [under Article 4], to provide the mandatory information or submit a mandatory report [under Article[s 4, 7, 9 and] 13][by a deadline established by the CMA][, or to participate in the facilitative, multilateral consideration of progress].
- Option 7:** the significance or recurring nature of inconsistencies with the modalities, procedures and guidelines referred to in Article 13 give rise to questions of compliance with Article 13 [provided that the Party concerned consents to such a consideration by the Committee].
28. Where the Committee becomes aware of issues of implementation of and compliance with the provisions of the Paris Agreement, brought to its attention through the consideration of the information referred to in paragraph 27 above, the Committee shall request the Party concerned to provide necessary information about the matter.
29. **[Option A:** The Committee shall seek the consent of the Party concerned to proceeding with the consideration of the matter.
- Option B:** Except for issues of compliance with legally binding provisions, the Committee shall seek the consent of the Party concerned to proceeding with the consideration of the matter.]]

30. Further to the provisions of paragraphs 25 and 26 and taking into account the relevant timelines set out therein or otherwise defined in the rules of procedure of the Committee, the Party concerned may present responses and comments at every step of the process described in the present modalities and procedures.
31. [At every stage of the process, developing country Parties [shall][should] be provided flexibility to be nationally determined by developing country Parties concerned based on their national circumstances and capacities.]
32. In the course of the consideration by the Committee of any matters related to implementation [and][or] compliance by Parties initiated under paragraphs 22 [and 27], the Party concerned, with recourse to the Committee for assistance, if required, may make a written submission to the Committee to provide relevant information, including with respect to causes, challenges and constraints.
33. [Where the Party concerned makes such written submission following the notification of the procedure being initiated by the Committee under paragraph 27, the submission shall be made within [four] months from the date of receipt of the notification.]
34. [Where [the circumstances of the particular case or] the national capabilities and circumstances of the [developing country] Party concerned necessitate additional time for the written submission, the Party concerned shall notify the Committee and indicate the additional time required [and the relevant reasons for any delay].]
35. The Party concerned may participate in the discussions of the Committee with respect to its own implementation [and][or] compliance [but may not take part in the elaboration and adoption by the Committee of any findings or recommendations in accordance with paragraph 14].
36. If so requested in writing by the Party concerned, the Committee shall hold a consultation during a meeting at which the matter with respect to that Party is to be considered.
37. [Subject to availability of financial resources,] [A][a]ssistance [may][should] be provided, on request, for [developing country] Parties that cannot access the financial resources to attend the meetings or consultations.
38. In considering how to facilitate implementation [and][or] promote compliance by the Party concerned, the Committee may obtain additional information referred to in section F or, as appropriate and in consultation with the Party concerned, invite representatives of the relevant bodies and arrangements under or serving the Paris Agreement to participate in the meetings[, with the consent of the Party concerned].
39. The Committee shall send a copy of its draft findings, draft measures and any draft recommendations to the Party concerned, and shall [take into account any comments made by it in the finalization of those findings, measures and recommendations][adopt any findings, measures and recommendations subject to approval by the Party concerned].
40. The Committee shall invite the Party concerned to provide in its written submission and during the relevant meetings any information on causes, challenges and constraints that may inform the Committee's consideration.

#### **D. Measures and outputs**

41. In identifying the appropriate measures, findings or recommendations, the Committee, in addition to the comments received from the Party concerned, shall take into account the national capabilities and circumstances of the Party concerned [and the provisions of the Paris Agreement].
42. [The Committee [shall][should] also take into account the following:
  - (a) The legal nature of the provision or provisions concerned;
  - (b) Whether the Party concerned is a developed or a developing country;
  - (c) The special circumstances of least developed countries and small island developing states;
  - (d) Other relevant national circumstances, including force majeure;
  - (e) To what extent the lack of capacities contributed to the implementation [and][or] compliance challenges;
  - (f) With respect to a developing country Party, the specific financial, capacity-building and technology needs and challenges that the Party concerned may have;
  - (g) With respect to developed country Parties, the obligations related to the provision support in accordance with the provisions of the Paris Agreement;

- (h) With respect to developing country Parties, whether they received appropriate support for the implementation of the provision under consideration;
- (i) Type degree and frequency of the failure to implement [and][or] comply with the provisions of the Paris Agreement;
- (j) The impact of response measures.]

*{The measures listed are not mutually exclusive or consecutive}:*

43. With a view to facilitating implementation and promoting compliance the Committee may:

- (a) Facilitate the sharing of information, experience and lessons learned with the Party concerned;
- (b) [Establish a dialogue with the Party concerned, with the participation of other bodies or arrangements under or serving the Paris Agreement];
- (c) Assist in the identification of challenges faced by the Party concerned;
- (d) Make recommendations to the Party concerned;
- (e) Provide information to the Party concerned;
- (f) Facilitate dialogue and exchange of information and views between the Party concerned and the appropriate support arrangements, in order to identify possible challenges;
- (g) Initiate the development of an implementation [and][or] compliance action plan [[upon request][with the consent] of the Party concerned], which shall:
  - i. Serve as a roadmap to assist the Party with implementation [and][or] compliance, as appropriate, with the Paris Agreement, to be facilitative and advisory in nature and respectful of the nationally determined nature of the NDCs;
  - ii. Contain [a description of the implementation challenges or causes of non-compliance], [a description of measures that the Party intends to take with respect to its implementation [and][or] compliance], [timelines for the measures intended to be taken], [follow-up arrangements, including regular information to be provided by the Party concerned to the Committee about the progress made in implementing the measures];
  - iii. Be developed by the Party concerned [in consultation with the Committee][with the assistance of the Committee if so requested by the Party concerned].

44. [Furthermore, the Committee may:

- (a) **Option 1:** Provide information on accessing support, for example, on the types of support available  
**Option 2:** Facilitate access to finance, technology and capacity-building support

*{to be read with either Option 1 or 2 above}:*

**Option (a):** in a manner that does not create an incentive for Parties not to implement [and][or] comply with the provisions of the Paris Agreement.

**Option (b):** subject to efforts made by the Party concerned to make use of the existing arrangements and mechanisms under the Paris Agreement to facilitate its implementation and promote compliance with the provisions in question.]

- (b) Refer the [Party concerned][matter] to appropriate bodies or arrangements for finance, technology and capacity-building support [for developing country Parties];
- (c) Subject to the availability of resources, [provide access to][refer to][send] technical experts to assist the Party concerned;
- (d) Make recommendations to relevant bodies or arrangements [related to support][to provide finance, technology and capacity-building support to developing country Parties].]

45. [The Committee may also issue a [statement][declaration][finding] of non-compliance.]

46. [**Option 1:** Where consideration of the matter is initiated by means other than by a submission by the Party concerned[, if, having made use of measures referred to in paragraphs 43–44 above the Committee considers it necessary to propose further measures],

**Option 2:** Where the issue relates to a legally binding provision of the Agreement,

the Committee may choose to apply any of the following measures, taking into account the causes, degree, nature and frequency of non-compliance *{subparagraphs (a) to (h) below can be read together with any of the above options}:*



- (a) [Notify the Party concerned where it identifies the potential to provide assistance;]
  - (b) [Issue [statements of concern][cautionary statements] addressed to the Party concerned;]
  - (c) [Report to the CMA on individual cases of non-compliance for situations where the Party concerned fails to implement the action plan referred to in paragraph 43(g) above;]
  - (d) [Report to the CMA on individual cases of non-compliance;]
  - (e) [Send a confidential letter to the Party concerned;]
  - (f) [Issue a [declaration][finding][communication] in relation to compliance;]
  - (g) Issue findings of fact in relation to compliance with provisions of the Paris Agreement;
  - (h) [Take measures related with Article 6 of the Paris Agreement].]
47. [The Committee shall follow up on the progress made by the Party concerned in its implementation [and][or] compliance in a manner that is facilitative in nature [and subject to the consent of the Party concerned.] [To this end, the Committee shall develop working arrangements for follow-up on the progress made by the Parties concerned.]

## E. Consideration of systemic issues

### [Option 1:

- 48. The Committee may examine [systemic][general] issues of implementation and compliance including recurrent issues and common sources of difficulties for implementation and compliance [in regard to the provisions of the Agreement] faced by a number of Parties [that it may identify in the course of its work] [on the basis of information referred to in section F] [and][or] [upon the request of the CMA].
- 49. The Committee, upon the consideration of the issue, shall report back to the CMA [and where appropriate make recommendations][, including that this report may serve as an input into the global stocktake].
- 50. In considering such issues, the Committee should aim to avoid duplication of effort and take into account mandates of other constituted bodies and arrangements under or serving the Paris Agreement.

### Option 2:

- 48. The Committee may examine systemic issues of implementation and compliance including with obligations set out in Articles 4, 7, 9 and 13 of the Paris Agreement by a number of Parties identified by the secretariat or upon the request of the CMA. The Committee upon the consideration of the issue shall report back to the CMA and, where appropriate, make recommendations.

### Option 3:

- 48. At the request of the CMA, the Committee may consider systemic issues of implementation and compliance.]

## F. Information

- 51. In the course of its work, the Committee may seek expert advice and receive information from processes, bodies, arrangements and forums under or serving the Paris Agreement.
- 52. The Committee, any Party or others involved in the process of the consideration by the Committee shall protect the confidentiality of information received in confidence.

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

- 53. Pursuant to Article 15 of the Paris Agreement, the Committee shall [operate under the overall guidance of and] report annually to the CMA on its activities and any decisions taken in the reported period [with respect to implementation [and][or] compliance]. The CMA can refer to the Committee any matter related to the implementation of and compliance with the Paris Agreement.
- 54. [Option 1: The annual report of the Committee to the CMA shall include information on any decisions adopted by the Committee with respect to implementation [and][or] compliance by Parties.

[Option 1.1: The Committee shall include in its annual report to the CMA information on any decisions with respect to implementation [and][or] compliance by a Party provided that the Party concerned so requests.

**Option 1.2:** The annual report of the Committee to the CMA shall include information on any decisions adopted by the Committee, with the exception of any decisions with respect to review initiated by the Party concerned in accordance with section C. With regard to consideration of issues initiated by self-referral, the annual report to the CMA shall not identify the names on the Party or Parties concerned, but may provide the number of self-referrals made.

**Option 1.3:** The Committee shall include in its annual report to the CMA any information related to failure by Parties to implement the implementation [and][or] compliance plan referred to in section D.]

**Option 2:** The Committee shall include in its annual report to the CMA any information related to

**Option 2.1:** consideration of systemic issues under section E above.

**Option 2.2:** recurring issues with respect to implementation [and][or] compliance by a Party.

**Option 2.3:** any systemic issues identified.

**Option 3:** The report to the CMA shall be anonymous with regard to the names of the Parties concerned.]

55. [Option 1: The Committee shall include in its reports to the CMA for its consideration any recommendations with respect to

*{Options below are not necessarily mutually exclusive}:*

- (a) **Option 1.1:** Any measures that implicate important issues under the Paris Agreement or may affect the mandated work of other bodies or arrangements under or serving the Paris Agreement;
- (b) **Option 1.2:** Measures in relation to support required to address implementation [and][or] compliance by a Party, including prioritization of technical assistance and capacity-building;
- (c) [Option 1.3: Any measures to address cases of repeated non-compliance;]
- (d) **Option 1.4:** Measures to address any systemic challenges or barriers identified in accordance with section E above;
- (e) **Option 1.5:** Any measures proposed to address implementation [and][or] compliance by a Party, at the request of the Party concerned.

**Option 2:** The Committee shall include in its reports to the CMA for its consideration any recommendations with respect to implementation of and compliance with the provisions of the Agreement.]

## H. Review of the modalities and procedures

56. **Option 1:** The CMA shall undertake, at the latest by CMA [7 (2024)], a review of these modalities and procedures based on the experience gained with their implementation.

**Option 2:** The CMA shall regularly review the implementation and effectiveness of these modalities and procedures.

**Option 3:** The Committee shall regularly review the implementation of these modalities and procedures with a view to making recommendations for consideration by the CMA on any revisions to improve their effectiveness.

**Option 4:** The CMA shall undertake, every five years from [the adoption of the rules of procedure][2024][2025] a review of these modalities and procedures based on the experience gained with the implementation with a view to improving their effectiveness.

## I. Secretariat

57. The secretariat referred to in Article 17 of the Paris Agreement shall serve as the secretariat of the Committee.
-