



**Ad Hoc Working Group on the Paris Agreement**

**Report of the Ad Hoc Working Group on the Paris Agreement on the second part of its first session, held in Marrakech from 7 to 14 November 2016**

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## **I. Opening of the session**

(Agenda item 1)

1. The second part of the first session of the Ad Hoc Working Group on the Paris Agreement (APA) was held in Bab Ighli, Marrakech, Morocco, from 7 to 14 November 2016.

2. The Co-Chairs of the APA, Ms. Sarah Baashan (non-Annex I Parties) and Ms. Jo Tyndall (Annex I Parties), opened the 6<sup>th</sup> plenary meeting of the APA at its first session on Monday, 7 November 2016, and welcomed all Parties and observers.

3. Statements were made by 12 Parties, speaking on behalf of the African Group, the Alliance of Small Island States (AOSIS), the Arab Group, the Bolivarian Alliance for the Peoples of Our America (ALBA), the Coalition for Rainforest Nations, the Environmental Integrity Group (EIG), the European Union and its member States, the Group of 77 and China, the Independent Association for Latin America and the Caribbean (AILAC), the least developed countries (LDCs), the Like-minded Developing Countries (LMDCs) and the Umbrella Group. Statements were also made on behalf of business and industry non-governmental organizations (NGOs), environmental NGOs, farmers NGOs, indigenous peoples organizations, trade union NGOs, women and gender NGOs, and youth NGOs.

## **II. Organizational matters**

(Agenda item 2)

### **A. Election of officers**

(Agenda sub-item 2(a))

4. The APA considered this sub-item at its 6<sup>th</sup> meeting, held on 7 November, and noted that no action was required at this meeting.

### **B. Adoption of the agenda**

(Agenda sub-item 2(b))

5. The APA adopted the agenda for its first session at its 2<sup>nd</sup> meeting, on 20 May 2016.<sup>1</sup> In response to the invitation by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its eleventh session,<sup>2</sup> the Conference of the Parties (COP) at its twenty-second session referred matters relating to the Adaptation Fund to the APA.<sup>3</sup> At its 6<sup>th</sup> plenary meeting, on 8 November, the APA agreed to consider these matters under its agenda item 8(b), "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".

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<sup>1</sup> FCCC/APA/2016/2, paragraph 9.

<sup>2</sup> See decision 1/CMP.11, paragraph 9.

<sup>3</sup> FCCC/CP/2016/10, paragraph 18.

## C. Organization of the work of the session

(Agenda sub-item 2(c))

6. The APA considered this sub-item at its 6<sup>th</sup> meeting and noted that at the first part of its first session it agreed on the modalities for the organization of its work at this session.<sup>4</sup> Consequently, a contact group was set up to consider agenda items 3–8 in a single setting, and it launched informal consultations on the individual agenda items. Informal consultations on item 8 were co-facilitated by the APA Co-Chairs, while those on agenda items 3–7 were facilitated by the following co-facilitators:

(a) Agenda item 3: Mr. Sin Liang Cheah (Singapore) and Ms. Gertraud Wollansky (Austria);

(b) Agenda item 4: Mr. Richard Muyungi (Tanzania) and Ms. Beth Lavender (Canada);

(c) Agenda item 5: Mr. Xiang Gao (China) and Mr. Andrew Rakestraw (United States of America);

(d) Agenda item 6: Mr. Nagmeldin G. Elhassan (Sudan) and Ms. Ilze Prūse (Latvia);

(e) Agenda item 7: Ms. Janine Felson (Belize) and Mr. Peter Horne (Australia).

7. At its closing meeting, on 14 November, the contact group forwarded draft conclusions to the APA for consideration and adoption.

## III. Report on agenda items 3 to 8

(Agenda sub-item 3 to 8)<sup>5</sup>

### 1. Proceedings

8. The APA considered these items jointly at its 7<sup>th</sup> meeting, on 14 November, and adopted the conclusions below.

### 2. Conclusions

9. The APA welcomed the entry into force of the Paris Agreement on 4 November 2016, noting that this demonstrates the commitment of Parties to strengthening the global response to climate change, and encouraged those Parties that have not yet ratified, accepted or approved the Paris Agreement to do so as soon as possible. The APA agreed that, following the early entry into force of the Paris Agreement, no further work is required under its agenda sub-item 8(a), “Preparing for the entry into force of the Paris Agreement”.

10. The APA noted that, in accordance with Article 16, paragraph 6, of the Paris Agreement, the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA) is scheduled to open on Tuesday, 15 November 2016. The APA emphasized that it stands ready to implement any further guidance on its future work that may be received from the COP.

11. Under its agenda sub-item 8(b), “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”,

<sup>4</sup> FCCC/APA/2016/2, paragraph 21.

<sup>5</sup> See document FCCC/APA/2016/3 for the titles of the agenda items.

the APA considered the rules of procedure of the CMA and recommended to the CMA, through the COP, a draft decision on this matter for its consideration and adoption.<sup>6</sup>

12. The APA noted that, at this session, it has been possible to progress work on all substantive agenda items. But much remains to be done and, in the light of the early entry into force of the Paris Agreement, the APA affirms its commitment to working diligently and expeditiously to fulfil its mandate as soon as possible. The APA emphasized the need to progress on all items in a coherent and balanced manner, and to ensure a coordinated approach with regard to related matters considered under the Subsidiary Body for Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA).

13. The APA invited Parties to submit, by 30 April 2017, their views on how to progress work in the period after the third part of the resumed first session of the APA (May 2017) in a coherent, balanced and coordinated manner, bearing in mind the related matters being considered by the SBI and the SBSTA.<sup>7</sup>

14. The APA reiterated its commitment to continuing to work in an inclusive, transparent, Party-driven and efficient manner. To that end, it agreed to apply at the third part of its resumed first session (May 2017) the modalities for the organization of its work that were adopted by the APA at the first part of its first session<sup>8</sup> (May 2016).

15. The APA welcomed the submissions made by Parties<sup>9</sup> and non-Party stakeholders<sup>10</sup> for this session and took note of the information documents prepared for the session.<sup>11</sup>

16. The APA noted the progress made on all substantive items on the APA agenda as reflected in the informal notes prepared, under their own responsibility, by the co-facilitators of the informal consultations on those items.<sup>12</sup> It agreed that the notes will be helpful for the future work of the APA.<sup>13</sup>

*Further work required on individual items*

17. With respect to agenda item 3, “Further guidance in relation to the mitigation section of decision 1/CP.21 on: (a) features of nationally determined contributions, as specified in paragraph 26; (b) information to facilitate clarity, transparency and understanding of nationally determined contributions, as specified in paragraph 28; and (c) accounting for Parties’ nationally determined contributions, as specified in paragraph 31”, the APA invited Parties to submit, by 1 April 2017, their views on issues discussed under this agenda item, taking into consideration the questions identified by Parties as relevant for this item and listed in the annex to the informal note by the co-facilitators.<sup>14, 15</sup> The APA requested the

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<sup>6</sup> See decision 2/CMA.1.

<sup>7</sup> Parties should submit their views via the submission portal at <<http://www.unfccc.int/5900>>.

<sup>8</sup> FCCC/APA/2016/2, paragraph 21.

<sup>9</sup> Available at <<http://unfccc.int/5900>>.

<sup>10</sup> Available at <<http://unfccc.int/7478>>.

<sup>11</sup> FCCC/APA/2016/INF.1 and Add.1 and 2, FCCC/APA/2016/INF.2 and Add.1 and 2,

FCCC/APA/2016/INF.3 and Add.1 and 2, and FCCC/APA/2016/INF.4 and Add.1 and 2.

<sup>12</sup> The notes prepared by the co-facilitators attempt to informally capture the views expressed by some Parties to date on the respective agenda items and they do not necessarily reflect the views of all Parties. The notes are not intended to prejudge further work that Parties may wish to undertake or to prevent Parties from expressing other views they may have in the future. The views presented in the notes are not in any order of importance and they do not signify any consensus among Parties or imply the basis for any future negotiations.

<sup>13</sup> Available at <[http://unfccc.int/meetings/marrakech\\_nov\\_2016/items/9974.php](http://unfccc.int/meetings/marrakech_nov_2016/items/9974.php)>.

<sup>14</sup> As footnote 7 above.

<sup>15</sup> As footnote 13 above.

secretariat to compile these submissions and make that compilation available on the UNFCCC website before the third part of its resumed first session.

18. Also for agenda item 3, the APA requested the secretariat to organize, under the guidance of the APA Co-Chairs, a round table to take place on 6 May 2017 in conjunction with the third part of its resumed first session. The round table should be open for Parties and observer States only and should be facilitated by the persons who will be designated to facilitate discussions on these issues during the third part of the resumed first session of the APA in May 2017. The round table should also provide an open and constructive environment to further advance the work under this agenda item. The discussions at the round table should be based on Parties' submissions and also guided by, but not restricted to, the set of questions prepared by the co-facilitators contained in the annex to their note.<sup>16</sup> The round table should be organized by the secretariat in consultation with the APA Co-Chairs and should enhance the mutual understanding of Parties' views on this agenda item with no outcome paper to be prepared.

19. With respect to agenda item 4, "Further guidance in relation to the adaptation communication, including, *inter alia*, as a component of nationally determined contributions, referred to in Article 7, paragraphs 10 and 11, of the Paris Agreement", the APA requested the secretariat to prepare, by 15 February 2017, an information note identifying information on each possible element identified by Parties, while considering the guidelines, where existent, for different vehicles mentioned in Article 7, paragraph 11, of the Paris Agreement. The information note should further consider the non-exhaustive list of elements captured in the submissions and the annex to the informal summary note prepared by the co-facilitators.<sup>17</sup>

20. Also for agenda item 4, the APA invited Parties to submit, by 30 March 2017, further views in relation to the adaptation communication, including, *inter alia*, as a component of nationally determined contributions, referred to in Article 7, paragraphs 10 and 11, of the Paris Agreement, taking into account the discussions on this item at this session as well as the annex to the informal note prepared by the co-facilitators.<sup>18, 19</sup>

21. Further for agenda item 4, the APA requested the secretariat to prepare, by 30 April 2017, a synthesis of all submissions by Parties on this agenda item.

22. The APA also requested the secretariat to organize, under the guidance of the APA Co-Chairs, a workshop on agenda item 4 to take place on 6 May 2017 in conjunction with the third part of its resumed first session.

23. With respect to agenda item 5, "Modalities, procedures and guidelines for the transparency framework for action and support referred to in Article 13 of the Paris Agreement", the APA invited Parties to submit, by 15 February 2017, their views on the following questions:<sup>20</sup>

(a) What should be the specific components of the modalities, procedures and guidelines (MPGs) for the transparency of action and support under Article 13, paragraphs 7, 8, 9, 10, 11, and 12?

(b) How should the transparency framework build on and enhance the transparency arrangements under the Convention, recognizing that the transparency arrangements under the Convention shall form part of the experience drawn upon for the development of the MPGs?

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<sup>16</sup> As footnote 13 above.

<sup>17</sup> As footnote 13 above.

<sup>18</sup> As footnote 7 above.

<sup>19</sup> As footnote 13 above.

<sup>20</sup> As footnote 7 above.

(c) With respect to the MPGs, how should flexibility for those developing countries that need it in the light of their capacities be operationalized?

(d) What other elements should be considered in the development of the MPGs, including, inter alia, those identified in paragraph 92 of decision 1/CP.21?

24. Also for agenda item 5, the APA requested the secretariat to organize, under the guidance of the APA Co-Chairs, an intersessional workshop before the third part of its resumed first session (May 2017) that will focus on themes covered in Parties' submissions, starting with discussions on reporting and recognizing that it is closely linked with technical expert review and facilitative, multilateral consideration of progress. Therefore, when necessary, at the workshop discussions about technical expert review, and facilitative, multilateral consideration of progress should take place in conjunction with and/or complementary to reporting. The APA requested its Co-Chairs to prepare, with the support of the secretariat, a workshop report for consideration at the third part of the resumed first session, and noted that in the organization of the workshop the APA Co-Chairs and secretariat should recognize the linkages with other agenda items to avoid duplication of work.

25. With respect to agenda item 6, "Matters relating to the global stocktake referred to in Article 14 of the Paris Agreement: (a) identification of the sources of input for the global stocktake; and (b) development of the modalities of the global stocktake", the APA welcomed the advice of the SBSTA on how the assessments of the Intergovernmental Panel on Climate Change can inform the global stocktake (GST)<sup>21</sup> and invited Parties to submit, by 30 April 2017, their views on issues discussed under this agenda item, taking into consideration the questions identified by Parties as relevant for this item and listed below:<sup>22</sup>

#### *Linkages and context*

(a) How to understand and assess collective progress towards achieving the purpose of the Paris Agreement and its long-term goals? How will this be done in a comprehensive and facilitative manner considering mitigation, adaptation and means of implementation and support, and in the light of equity and the best available science?

(b) How to increase understanding of the linkages between Article 14 and other articles of the Paris Agreement, which are directly or indirectly linked to the GST?

#### *Sources of input*

(c) How to capture information relevant for assessing collective progress towards achieving the purpose of the Paris Agreement and its long-term goals from different sources of input in a comprehensive, manageable and balanced manner among all elements, including but not limited to, adaptation, mitigation, and means of implementation and support?

#### *Modalities*

(d) What modalities will ensure that the GST will be facilitative, open and inclusive but also efficient and effective? How will the information that is reported and communicated be processed?

(e) How will the CMA be assisted in conducting the GST? What bodies and processes are linked to the GST and in what way?

(f) What could be the most appropriate timeline for the GST? What could be its phases and streams, if any?

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<sup>21</sup> See document FCCC/SBSTA/2016/4, paragraphs 47–56.

<sup>22</sup> As footnote 7 above.

*Outcome/outputs*

(g) How to ensure that the outcome of the GST would inform Parties in enhancing, in a nationally determined manner, their actions and support in accordance with the relevant provisions of the Paris Agreement, as well as in enhancing international cooperation for climate action?

(h) What information will support this outcome?

26. With respect to agenda item 7, “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”, the APA invited Parties to submit, by 30 March 2017, their views and proposals, including but not limited to, with the following focus.<sup>23</sup> In the light of Article 15 of the Paris Agreement and paragraphs 102 and 103 of decision 1/CP.21, Parties are invited to:

(a) Specify the modalities and procedures required for the effective operation of the committee referred to in Article 15, paragraph 2, of the Paris Agreement;

(b) Elaborate elements that could be addressed through such modalities and procedures;

(c) Share their views on how to take the work further under this agenda item in order to ensure that the APA can fulfil its mandate in accordance with decision 1/CP.21, paragraph 103.

27. With respect to agenda item 8, “Further matters related to implementation of the Paris Agreement: (a) preparing for the entry into force of the Paris Agreement; (b) 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; and (c) 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”, the APA noted that during the session it had constructive and rich discussions on all issues under this agenda item, including substantive discussions on the Adaptation Fund that were launched at this session. One group of Parties presented a draft decision, with a view to the Adaptation Fund serving the Paris Agreement, for adoption by CMA 1. However, other Parties were of the view that such a decision would be premature. The APA took note of possible additional matters concerning implementation of the Paris Agreement and the convening of CMA 1, which have been identified by some Parties and which some Parties were of the view may not yet have been addressed, as reflected in the annex to the informal note prepared, under their own responsibility, by the APA Co-Chairs of the informal consultations on agenda item 8(b),<sup>24</sup> and agreed to provide this information to COP 22 for its consideration and appropriate action.

28. For all items on the APA agenda where there is a call for the submission of views from Parties taking into consideration guiding questions, the APA emphasized that the questions in no way restrict Parties from making submissions on any aspect of the issues on the APA agenda.

<sup>23</sup> As footnote 7 above.

<sup>24</sup> As footnote 13 above.

29. The APA reiterated its earlier invitation<sup>25</sup> to Parties and admitted observer organizations to provide information, views and proposals on any work of the APA before each of its sessions.

30. The APA noted that the APA Co-Chairs intend to release their informal reflections note with an overview of the outcomes of this resumed session, based on the views and ideas that Parties put forward at, and expressed through their submissions for, this session. The note will aim to advance understanding of the scope of issues to be resolved under each agenda item, and, where possible, identify broad options for fulfilling the mandated work of the APA, without prejudice to any options that Parties may identify in the future.

31. The APA took note of the estimated budgetary implications of the activities to be undertaken by the secretariat pursuant to the provisions contained in paragraphs 18, 22 and 24 above.

32. The APA requested that the actions of the secretariat called for in these conclusions be undertaken subject to the availability of financial resources.

#### **IV. Other matters**

(Agenda item 9)

33. No other matters were raised or considered.

#### **V. Closure of and report on the session**

(Agenda item 10)

##### **1. Administrative and budgetary implications**

34. At the 7<sup>th</sup> meeting, the APA Co-Chair informed Parties, in accordance with the provisions of rule 15 of the draft rules of procedure being applied, that there are administrative and budgetary implications of the conclusions adopted during the session. In this regard, the secretariat informed the APA that additional resources in the amount EUR 557,000 will be required to cover the cost of the mandated activities in the coming year over and above the approved core budget for the biennium 2016–2017.

##### **2. Closure of and report on the session**

35. At its 7<sup>th</sup> meeting, the APA considered the draft report on the second part of its first session and authorized the Rapporteur to complete the report on the session with the assistance of the secretariat and under the guidance of the Co-Chairs.

36. At the same meeting statements were made by 12 Parties, including on behalf of the African Group, AOSIS, the Arab Group, the EIG, the European Union and its member States, the Group of 77 and China, AILAC, LDCs, LMDCs and the Umbrella Group.

37. At the same meeting the APA decided to suspend the session on an exceptional basis and resume it in Bonn in May 2017 in conjunction with SBSTA 46 and SBI 46.

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<sup>25</sup> FCCC/APA/2016/2, paragraph 23.