

**APA Agenda Item 7: Informal consultations on modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance referred to in Art. 15, p. 2, of the PA**

Date: Nov. 8, 2017 -- 12:00 - 13:00

Notes by Moira Corcoran, undergraduate researcher at Indiana University

**Co-facilitator:** Transparency co-facilitators are here. Proposed to start with discussion of links between Art. 15 and transparency. Also wants to discuss systematic role of the committee. Questions from slide shown on screens (the follow are direct quotes -- bolding comes directly from the slide): Possible linkages between the committee and transparency -- **What is the relationship** between the Committee and the transparency framework under Article 13 of the Paris Agreement? How would this **relationship be operationalized**? How would such a relationship be consistent with the **facilitative, non-adversarial and non-punitive** nature. Would the work of the Committee **be informed** by the transparency framework under Article 13 and if so, how? Could the Committee **seek information** from the transparency framework and if so how? Could any work by the Committee **be initiated** by the transparency **and if so, how**? Could the transparency framework make use of information from the Committee and if so, how? What **other considerations** are important for the elaborations of the Committee modalities and procedures in this regard?

**Co-facilitator from Transparency:** Created options for headings and subheadings for Item 5 (of transparency) -- 8 possible headings, 15 submissions from groups, 4-5 Nov. -- meetings with parties. Posted APA item five on website. Parties suggested link between Article 15 and transparency. Outputs of expert technical review (from transparency framework) are important.

**Facilitator:** Thank you for update. Key question: what info will committee (established by Art. 15) receive? How will the committee process information? What will the committee do?. Opened floor for discussion.

**China (representing G77+China):** Wanted clarification on whether they would go through issues one-by-one. Felt it most effective to do all proposed questions at once. "Premature" to discuss linkages because these are dependent on the outputs, which do not exist yet -- need more time. However, it's important to build linkages. Committee role should be to address systemic issues with implementation. Proposed 2 parts: Reporting and linkage with TER -- depends on output -- at initial stage, might be a role for parties to play in improving their requirement.

**New Zealand:** Potential for linkage to be made. Few actual obligations in PA. Parties need to achieve "obligations of behavior." Allow review teams to report to bring committee to action -- they forward all reports of all parties. INDC communication wouldn't be under this committee -- Art. 15 mechanisms could see if people had completed. Facilitative nature of committee -- doesn't need formal linkage -- dialogue must happen between institutions, but committee cannot overstep; need safeguards/parameters. Believes committee has a privileged position in resolving issues. Committee should not identify individual parties -- should call out systemic issues.

**St. Kitts and Nevis:** Shares views about key roll being a systemic function. Committee shouldn't be duplicative, shouldn't be in a place above other institutions, or have overly prescriptive guidelines. Need initiation mechanisms -- committee could initiate itself using

documents from other groups or it could be given priorities by other groups. With transparency, need progress and definite scope for establishing a close linkage between the two (art. 15 and transparency framework) -- there's a potential in overlap of function. TERs will have facilitative function, too. Must outline where TERs end and committee begins. Linkages should be necessary because each institution has a different mandate. Cannot be one-size-fits all rules. Committee would play a nexus role, linking individuals parties. Not just systemic.

**Australia:** Should focus on linkages. Cornerstone obligations that are not transparency exist. If no reports are submitted, transparency committee cannot do anything. Committee needs parameters. Asks how the mechanism can add value without duplicating work of transparency experts. Asks if this is the right time to discuss this because it could impact transparency discussion. Asks what impact on the budget will be. Parties shouldn't be prioritized for coming before committee -- no perverse incentives.

**Argentina on behalf of Argentina, Brazil and Uruguay:** Systematic role exists. Committee could gather info and report annually to CMA (report on problems). Should be facilitative exercise, not finger-pointing exercise (not punitive). Committee could identify issues at a global level, not second tech review -- should focus on obligations of reporting. Sees link to transparency -- see as "trigger." Parties could self-trigger committee's intervention. Differentiation issues because developing countries need money to cover cost of reporting. Committee could be a nexus between party and support arrangement.

**Costa Rica on behalf of AILAC:** Systematic issues should be under scope of Art. 15. Example: committee can conclude that many parties haven't submitted NDCs and can tell CMA. Functional linkages exist -- can be operationalized by submission of info to committee. Implementation and compliance are not transparency and must be differentiated. Does not see linkages with transparency as being within direct view of committee

**European Union:** Important link between Art. 15 and 13. Transparency and facilitation are complementary goals in implementing the PA. Important to describe the linkage and that Art. 15 is not duplicated. Committee acts as a "backstop in respect of transparency framework" -- encourages improvement and maintains involvement. Interested in exploring role of Art. 15 committee in identifying challenges and systematic issues (which are patterns of difficulties in implementation), but acknowledges other bodies could do this. Committee needs to respect mandate of mechanism because there are existing arrangements.

**Mali on behalf of the African Group:** Need more clarity. Discussion could be on note with subheading: "relationship to other bodies." Transparency framework could inform role of the committee. Need for additional procedure. Difference of parties on how committee would differentiate its work. Information is needed for the global stock take -- parties have failed to give info for this. Role is facilitative in helping parties meet their requirements. Link has technical team as the basis. Should all be based on consideration of the parties capabilities.

**The Gambia on behalf of LDC:** Linkage to transparency framework and obligations as a whole exists, as well as to technical review process. Committee might need information from transparency framework -- highlighting systemic issues is important for implementation of PA. Parties could be invited to provide for annual report for CMA.

**Saudi Arabia on behalf of Arab Group:** Transparency is in initial stages. May be premature to discuss this issue. Article 13 cannot be linked to Article 15 because 13 deals with technical expert review and doing transparency with Article 15 would be duplicative. Linkages could have

negative effects on independence and impartiality of committee. Nature of Art. 15 is facilitative -- needs to be linked to issues of support, not transparency.

**United States:** Key question is how can this committee of 12 people add value to other mechanisms? Article 13 is a key part of PA because it provides for expert review and assesses consistency of info provided. No need to have another function doing this. May be a role for committee for parties who repeatedly have issues or who have decided themselves to come. 'Linkage' is not the right word. Open to explore ways to have means for the party to come before committee if they haven't submitted information. Obligations to report are common for all parties and it is not appropriate to have any differentiations here.

**South Africa:** Review would suggest a party needs improvement (with Article 13). Article 15 committee could offer support to change these processes for improvement. Information would pass from transparency framework to Article 15, but Article 15 would not see all reports.