

3 May 2018

SB 48, APA agenda item 5 (transparency)

10:00-11:00

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Next steps: Intent to continue tomorrow with FMCP and then section C (tracking progress) but will post what issue taken up next on web page because we have to avoid clashes. Reporting back to APA co-chairs on progress and need for additional time. Will post slides used on web to make them available. Will revise CF informal note for these issues and make available this evening.

My shorthand/acronyms:

GROUP/Country intervening on behalf of group: (other group/party statements supported by group/country)
CF = co-facilitator
ID = identify
MPGs = modalities, procedures, and guidelines
PA = Paris Agreement
PAWP = Paris Agreement Work Program
§ = section
¶ = paragraph
Art = article
Re = regarding
ETF = enhanced transparency framework
ICA = international consultation and analysis
IAR = international assessment and review
PaMs = policies and measures
CBDR = common but differentiated responsibilities
MOI = means of implementation
CB = capacity building
NIR = national inventory report
TACCC = transparency, accuracy, completeness, comparability, consistency
BTR = biennial transparency report
TER = technical expert review
FMCP = facilitative multilateral consideration of progress
ABU = Argentina, Brazil, Uruguay
... = missed intervention (sorry)

CF Gao: Three documents uploaded to agenda 5 site: [org of work, issues for discussion, and six broad goals](#); [Light revision of CF informal note](#); Track changed/revised informal note (download [here](#)).

Realize we may have to shift schedule because of incredibly short period of time to discuss each issue. You can also send inputs via email by 16:00 today. Visual tool will be used to illustrate issues. Does not remove any party's proposal. We've attempted to organize ideas to facilitate discussion. "Approaches" instead of "options."

TER

Questions:

- Which approach do you support or oppose?
- Which approaches missing?
- Which approaches need further clarity?
- Which approaches are misunderstood and need to be reflected better?

Section G

- Scope
 - Approach 1: as in PA 13.11 and 13.12
 - Assistance in identification of CB needs
 - Consideration of support provided, as relevant
 - Consideration of implementation of and achievement of NDC
 - Identification of areas of improvements
 - Review of consistency of info with MPGs
 - Approach 2: Approach 1 plus
 - Assessment of consistency with the guidance as referred to Art 4.13 and Art 6.2
 - Assessment of the TACCC of reporting
 - Approach 3: Approach 1 plus
 - Consistency of the BTR with info submitted under UNFCCC
 - Approach 4: Approach 1, excluding
 - Appropriateness of NDC
 - Appropriateness of use of flexibility
 - Political judgment
- Format
 - Approach 1: Desk
 - Approach 2: Centralized
 - Approach 3: In-country
 - Approach 4: Peer review in regional groups
- Frequency
 - Approach 1: TER for every BTR
 - Approach 2: TER is linked with NDC time period
 - Approach 3: Self determined
 - Approach 4: Based on criteria:
 - Thresholds for national GHG quality of BTR
 - Use of cooperative approaches under Art 6
 - Support provided to prepare BTR
 - Approach 5: Annual for NIR
 - Approach 6: LDCs and SIDS to participate at their discretion
 - Approach 7: Adequate time to allow parties to implement recommended improvements
 - Approach 8: No less than once every five years

Singapore (G77&China): Discuss operationalizing flexibility in all aspects and under each of the sections.

Brazil (ABU):

- Starting with scope, limit scope via approach 1 but see some value in approach 4. Approach 1 what we agreed in PA. Avoid language like “assessments,” not in PA. Don’t see foresee list of improvements as a parallel track. CB needs: important but something decided together with party.

- Frequency and timing: key issue is flexibility. We're working on proposal to send to you. Also important to talk about TER reports, particularly structure, elements, outline.

EU:

- In relation to scope of TER, should be one approach that reflects scope as indicate in Art 13.12, that includes consideration of support provided and implementation and achieving NDC and review of consistency of info with MPGs. Have second approach merging together all proposals going beyond scope indicated in Art 13. Good to move those elements that indicate review functions into a separate approach with the heading "identification," because slightly different element. Use text as closely to PA as possible.
- Approach 4 is about identifying what is outside scope of review. Useful to group these together.
- Current elements use many words/verbs for task of review ("assessment," "examination," "consideration," etc.). Let's use terms already in Art 13 ("consider," "review," "identify").
- Accurately reflecting legal requirements of PA -- #11 does not accurately reflect Art 13
- Frequency: lower number of approaches? Define in relation to submission frequency
- See some approaches as a subset of another approach

Ecuador (LMDCs) (supporting G77&China):

- Overall approach – reflecting flexibility throughout because it operationalizes CBDR.
- Let's take a W.I.S.E. approach: workable, implementation-oriented, simple, effective transparency system. Start simple and then move forward over time to a more complicated transparency system.
- Existing transparency arrangements reflected in ETF. Useful if you find way to mark out/ID in each of the items which items currently exist so parties have an idea of additionality in the ETF
- Scope: differentiated approach to developed and developing countries; assessment of progress made applies to developed countries. Scope for developing countries only in respect to identification of CB needs, with more limited scope than in informal note.
- Centralized review would only applies to developing countries; in-country only for developed

KSA (Arab Group):

- Slide missing a few approaches. Need overall approach reflecting flexibility.
- Using the language consistent with PA

NZ:

- We shouldn't be trying to rewrite PA via MPGs. Use language in the PA. Scope well articulated in Art 13.2.
- Scope: Turn around Approach 4; not negative, not excluding, but language from Art 13.3 that the process is implemented in a facilitative, non-intrusive, non-punitive manner respective of national sovereignty. Approach 1 and approach 2 can be combined (desk and centralized reviews)? Reduce number of options.
- Format: Approaches not mutually exclusive. Function better as choices. Comfortable reflecting all of them that way.
- Frequency: Work on reducing number of approaches useful.

China (support G77 and LMDCs):

- Scope: Support approaches 1 and 4; comfortable with language of PA. Re approach 4, still need to elaborate further; specificity beyond scope of TER so we can better define their work and feel safe

while we do reporting. Building on existing guidelines. “Improvements” – encourage experts to ID areas of improvement but don’t want improvement plans to be linked.

- Format: Not exclusive list and don’t see approaches as mutually exclusive. Need more clarification, e.g. simplified approaches and peer review in regional groups. No backsliding.
- Frequency: Difficult to see all approaches because they’re not at same logical level. Need more information on some, e.g. linking to NDC cycle.

Egypt:

- Propose to add Approach 5, Approach 4 + “using the current arrangements”
- Approach 6, Approach 5 + “similar to the current existing arrangements under the Convention.”

US:

- Agree with others on use of PA language
- Scope: Clearly defined in PA; Approach 1 reflects well. Approach 2, consistency with TACCC principles should be reflected under Approach 1. Guidance captured under tracking progress (Approach 1). Approach 3 outside scope defined in PA. Approach 4 useful in defining limitations but points missing, e.g. consideration appropriateness of domestic PaMs and adequacy of support provided. In reviewing consistency with MPGs, experts to take into account flexibility and national circumstances of developing countries.
- Concerned re suggestions on existing arrangements. Clear ICA and IAR superseded. Important we do capture best practices from existing systems.
- Format: Approach 3 in-country review with option to choose centralized review. Need to discuss format of review report and review itself.
- Frequency: Defined. Approach 1. As parties continue to NIR they’ll be reviewed. Approach 6 reflects LDCs and SIDS have discretion and corresponding discretion in timing of review. Approach 4 on criteria; some precedent; willing to understand some proposals more, but frequency largely determined by SBSTA.

Costa Rica (AILAC) (associated w/ G77&China):

- Flexibility related to capacity; common standard and that through time all parties will be able to implement.
- TER process: combination of approaches 1 and 2.
- Format: “cocktail” of approaches there. BR analysis basis for review process. BTR subject to centralized review.
- Frequency: Related to capacity of parties; combination of approaches 1, 5 and 7. Need to better understand elements behind other approaches.

Australia:

- Scope clearly defined by Art 13.11 and 13.12. Agree to include approach making distinction between info to be reviewed and actions to be taken by TER.
- Format: List not mutually exclusive; operate together in some way. Combinations could be linked to questions of frequency. Make better use of standardized formats.
- Frequency: Clearly defined by Art 13; every report subject to TER.

Maldives (AOSIS):

- No deletions at this point.
- Flexibility and TER: common MPGs applicable to all parties with flexibility; facilitate improved reporting over time.

- Scope: Approach 1.
- Format: Useful to have in-depth in-country reviews; developing country parties can opt for desk review. Useful for SIDS to have in-country reviews.
- Frequency: Every 2 years, coinciding with BTRs. NIRs should take place annually.

Bhutan (LDCs):

- Scope: Approach 1
- Format: Multiple approaches can be used to operationalize flexibility.
- Frequency: ...

Switzerland (EIG):

- Scope: Art 13.3 expresses important principles. Having review is a positive thing; not to be afraid of.
- Format: Not mutually exclusive; can be combined. We proposed simplified review; can share more details later.
- Frequency: TER for every second inventory report; could undergo simplified review. Alternating system – missing here.

Canada:

- Ensure we reflect legal nature of PA and it's captured in MPGs; use language in PA when we talk about role of ERT. We're working on MPGs for enhancement of transparency framework, so including existing arrangements doesn't fit.
- Scope: Well defined in PA; support approaches 1, 2 and 4. Don't need to be separate approaches. Approach 3 not in mandate.
- Format: Approaches 1, 2 and 3. Would like to hear more about the other approaches.

Japan: ...

South Africa:

- Emphasize importance of role of flexibility in ETF.
- Clarity on how TER deals with issue of CB.
- TACCC principles and whether broadly applied
- Developing countries can opt for in-country reviews

Chile: Common guidance will be enhancement from existing framework

Maldives: See merit in simplified review.

KSA:

- Question – approaches here for our consideration to guide discussion and have heard reference to them as options. Clarity?
- Not appropriate to remove anything at this stage.
- Two approaches shared by Egypt extremely valuable; would like to see them reflected.
- We're here to build, enhance transparency arrangements.

Turkey:

- Scope: Common guidelines applicable to all parties, approach 2
- Format: Approaches 2 and 3. Can support inclusion of approach 4.

- Frequency: All BTRs reviewed biennially.

Ecuador (LMDCs): Must be clear about language: “build upon” and eventually supersede arrangements under convention. “Build upon” means maintaining essential characteristics of existing arrangements. Be sensitive on how we are supposed to go from existing to enhanced arrangements and arriving at something where we see a robust transparency arrangements for developed countries and flexibility for developing countries, and bridging the two with support and capacity building.

Norway:

- Scope: reflected in PA; support approach 1. Do not support approach 3. Approach 4 could be framed more positively.
- Format: Mix of approaches. Simplified review could be an example that can be used biennially for parties that submit NIRs.

India (associated w/ G77&China, LMDcs):

- Must see how we use existing provisions because we’re building upon them.

Brazil:

- Idea that you’ll receive a recommendation and identify CB needs as triggering an improvement. Important that we don’t have this expectation. Does not automatically create improvements and everyone will be “there” in a couple of years. It will help us move forward, but over time.
- How do you plan to proceed to ensure similarly robust debate for all sessions, since we took 1.5 hours for TER?

CF Gao: We’ll continue and move on to FMCP. You can always submit written views. Continue tomorrow with FMCP and then section C, tracking progress. Aware we don’t have sufficient informal time and have let the co-chairs know.

Brazil: Flexible if you want to exhaust list, but what will happen is that co-chairs have to allow for more time to allow for equal treatment for all sessions.

US: Equal treatment but we do need to get into every component.

EU: Important not to cut off speakers in each of the sections. Ask for more time. Please notify what may change on the website.

FMCP

Section H. FMCP
Section H.4 Format and Steps

- Format
 - Approach 1: In-person during the SBI session
 - Approach 2: Online conference
- Steps
 - Approach 1: Q&A phase followed by presentation by party, followed by discussion, followed by additional written responses by party. Dedicated online platform. Secretariat to make arrangements.

- Participation by party
 - Approach 1: Each party considered under FMCP
 - Approach 2: Self determined by party
 - Approach 3: As a group of parties
 - Approach 4: LDCs and SIDS undergo FMCP at discretion
- Actors
 - Approach 1: Parties
 - Approach 2: Parties, relevant stakeholders, and registered observers

Brazil (ABU):

- Limit scope to what agreed in Paris Agreement; exclude elements outside PA. Parties can present that additional information when they participate in FMCP, but keep what we decided.
- Step: will send detailed proposal on how to combine/rearrange steps.
- The remaining approaches rely on resolution of steps.

NZ:

- We need to look at way in which Art 13.11 looks at participation; clearly states that each party shall participate. Why any approaches than approach 1 for participation?

China:

- Format: Approach 1 on the basis of current experience.
- Participation: Share view that each party will undergo, but some other approaches, e.g. 3, can be valid for developing countries
- Actors: Approach 1 acceptable. Whether approach 2 is okay, we'd need to elaborate how stakeholders would participate.
- Timing: Deserves more discussion. Elaborate on how two processes interlinked.

US:

- Format: Potential to combine the approaches. Online Q&A tends to add value. Steps listed appropriate.
- Open to understanding review by groups of parties.
- Value for some input by observers in Q&A platform.
- Timing: important to have dialogue after each BTR.

Remaining speakers list: EU, KSA, Maldives, Bhutan, Costa Rica, Switzerland, Canada

CF Andrew: Will post slides on web to make them available; hoping to eventually post before informal consultations. Will revise CF informal note for these issues and make available this evening. We'll provide what issue next taken up on web page; avoiding clashes. Reporting back to APA co-chairs on progress and need for additional time.

EU: Original schedule had NIR next. Keep discussion in same order or no?

CF Andrew: Exact order and schedule; Ecuador requested keeping tomorrow's slot on support tomorrow.

KSA: Notation key for differentiation.

Canada and US: Notation key problematic before; hard to read slides as it is.

Brazil: We had a nice discussion about the substance and not what was on the screen. We come to this room in the spirit of getting to work. Flexible about what's on screen but let's not start debate about what's on the screen.

EIG: Agree with Brazil. Must be easy to read; already so many letters and numbers. Not useful to add additional notation.

CF Andrew: We discussed this and why we put specific references to paragraph numbers so reference back to paragraph indicating to whom provision applies. We had discussion about the "who" question today. Important discussion. Struggled with getting everything on 1-2 slides, hearing your concerns on readability. Slides have no status whatsoever.

KSA: Agree with colleagues. Suggestion was in spirit of facilitating discussion.

Section H.5 Timing

Frequency of FMCP

- Approach 1: At regular intervals
 - Approach 1.1: Every 2 years
 - Approach 1.2: Once in every 2 transparency reports
 - Approach 1.3: FMCP for the progress every 2 years, FMCP of NDCs every 5 years
- Approach 2: Linked with NDC cycle
 - Approach 2.1: Once for achievement of NDC, at the end of the NDC cycle
 - Approach 2.2: At least once during NDC implementation
 - Approach 2.3: Twice during each NDC implementation cycle
- Approach 3: Self-determined
 - Approach 3.1: The frequency of FMCP is nationally determined by the participating party
 - Approach 3.2: Parties activate via self-trigger

Commencement of FMCP

- Approach 1: Linked to submission of BTR
 - FMCP to start within 4/6/12 months after the submission of the transparency report
- Approach 2: Linked to completion of TER
 - FMCP to start after completion of TER
- Approach 3: Not linked with completion of TER
 - TER and FMCP conducted independently. FMCP starts before conclusion of TER

Completion of FMCP

- Approach 1: Completed within 12 months of transparency report submission
- Approach 2: Completed within 9 months of TER report