

Informal Consultation on APA Agenda Item 7 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

Friday, 4 May 2018, 12-1pm, Santiago De Chile, SB48

Note taker: Melissa Low, Research Fellow, Energy Studies Institute, National University of Singapore (esimlyx@nus.edu.sg)

The meeting began at 12pm.

St. Kitts and Nevis

... (Sorry arrived slightly late and didn't capture inputs)

China

- On behalf of G77 & China
- Haven't had time for internal coordination but initial comments on national capacity
- In discussions, clear guidelines for content of this committee
- No specified provision for scope
- We have common position at G77 & China on the scope – ask to retain the section in the informal note
- Remove boxes
- P.5 on decision making clarification
- P.9 measures and outputs – last bullet point on recommendations and referrals... version in last informal note, I've made some elaboration on it that is an option. To provide assistance to parties concerned based on needs, capacities and gaps. Broader scope for this option on measures.
- On the next paragraph, follow-up by committee – don't know how the structure works. Haven't heard much discussion on that. Maybe can have another option to have no need to have follow-up.
- On systemic issues, at current stage, ask not to delete options but want to express view that repetition of issues for implementation of one party will not constitute a systemic issue. Formal measures might not constitute systemic issue. But will not ask to delete this.
- After further study maybe will come back to this.

Mali

- Recognize work of the Co-Facilitators
- Support statement by G77 & China, don't understand the additional document
- Elements we have in the tool is not elements we discussed in previous session
- Neither sure of the procedural way of capturing the elements
- Working on guidance by APA Co-Chairs
- To some extent we feel like we are complicating the work with two documents present
- Fear we may be opening up a discussion on which document to start from

- If the tool is to illustrate the capturing of option 3 (?) better
- As no agreement on how we take this tool, we will not be going in details for the tool but providing comments on the informal note
- If you are going to have a reiteration of the informal note, that will be the document we will be engaging on

Co-Facilitator reiterated that they were working with the guidance from the COP. Some Parties not comfortable with presenting a re-iteration without having discussion. In Co-Facilitators effort, they have taken bits of third section and put in separate place, looked at it for ways to help Parties streamline and understand it and make it more navigable as a document. Question is are we now more comfortable for this document to replace Section 3 of the informal note, as a re-iteration of the informal note to COP or if there is still resistance to doing anything to the note what are the options for maintaining the tool/document to take us forward?

Australia

- Prefers to work off this tool
- Haven't had chance to consider this in much detail hope to provide more comments later
- Few overarching comments
- Agree with AOSIS that simple is good
- Broader guidelines around process is good, don't want to be micromanaging the committee too much
- Add option c to Bureau section to have it reflected there that rather than having Bureau, Chair and Vice-Chair can be elected
- Option a and b on individual and expert can be together
- Quorum can be 4/5 majority
- Electronic decision making – not sure if this is what China was referring to – could be electronic modes of work to be broader doesn't have to be decision making
- Rules of procedure (p.6) may be useful to have there that those should be adopted by CMA2
- Recommendation on p.8 on measures and outputs – long list there, quite a lot are covered under national capabilities and circumstances
- Heading – “in addition to self-referral” should we removed? Not sure if mistake or if an error.
- Already an excellent piece of work could well streamline and inform the informal note, support replacing that section

Costa Rica

- On behalf of AILAC
- Comfortable with this work, can replace section 3 of informal note
- Have to take into consideration all the comments we are making
- On scope, for us important that options that are in scope of informal note remain clear regardless if it is a separate section
- Regarding institutional arrangements, we feel some parts can be taken for rules of procedure e.g. resignation and replacement of members, opening and closing of meetings, electronic decision making, conflict of interest; we don't know why individual capacity and expert capacity were put as separate options we don't feel they need to be

- Don't think necessary to have a Bureau – there should be a section called Chair and Vice-Chair, a provision could be included “from amongst its members for a period of 3 years there should be a Chair and Vice-Chair”
- Frequency of meeting – at least once a year to the discretion of committee if necessary to have additional meetings
- Option 2.1, 2.2, options 4,6,7,8,9,10 applicable to a party of group of parties
- In E process, we think we should include an overarching provision for consideration of national capabilities and circumstances should be at every stage of process
- For Option a and b there should be a common ... committee would have to do a preliminary assessment to see if there is sufficient information , then committee will exercise its discretion to exercise rules of procedure
- On consent of party concerned for every stage of the process – there should be a line to create a new role

European Union

- Can support mode of work offered by Co-Facilitator that the tool is a good way forward and in some way can replace informal note section from November 2017
- Thank you for good work
- Basis for continuing work for here and later on, clarifies options that were already in the informal note
- Possible to have 3rd option for bureau comprising just Chair and Co-Chair, elected by consensus or by ¾ majority and should in some way election should consider geographical balance now provided for composition of the committee
- Understand that option b 2.4 contains different options 1) CMA all provisions and 2) provision only related to Art.13 – just to confirm if interpretation is correct
- Section F measures and outputs – just to confirm
- Clarify understanding regarding development of action plan if the party concern need to develop action plan in cooperation with the committee
- Section G would like some clarification on options

Saudi Arabia

- Glad to see principles section is captured and would like it to remain, reiterating China
- Maintain self-referral in all matters
- Output to be in consultation with Parties
- Sources of information – quick tweak “...and institutional arrangements under, and/or serving under the bodies..” will send email to Co-Facilitators/Secretariat

New Zealand

- Reordering section in this tool – useful step
- Respectfully disagree with colleagues on the scope and... initiation referral mechanisms would operate
- But this discussion allows us to keep all options on the table
- Keep headings in mind as not all can be operationalized as they stand

- Support the way tool has been done and respect it will replace the section in the informal note, appreciate that we are using this document and not having the entire informal note on the table
- Wrt colleague from AOSIS, don't want too many cross-references at this stage. Don't see need for principles may prejudice discussion on operational guidance
- Support way you put scope and clear way we see relationship between the two
- Support EU suggestion on parties in question in relation to themselves

Canada

- Made progress on textual narrative
- Captures progress we've made in this session
- Productive and good basis going forward
- On page 4, small things but individual vs. expert capacity – not sure if I understand that those are different options. We may be talking about the same thing
- On different options re-iterated e.g. 2/3, ¾ ... 9 as a quorum, with voting rules it reduces the number of participation. Can have "at least 10 members or 4/5"

Norway

- Happy to see tool as basis for discussions going forward
- Part b functions – see work you've done now on initiation and scope and process in a way starts making part b redundant because its captured somewhere else in sections d and e
- On section c institutional arrangement, support individual vs expert just made by Canada to combine the two "individual, expert capacity" can support
- Bureau – good to have Chair and Co-Chair. Support option c
- Pragmatic – can't foresee amount of work. ALLAC's proposal to meet at least once a year.
- Quorum – 4/5 is 9.6 people. Be explicit to have 10 people may be better.
- Voting majority measure – would like to see specific numbers in options 2 and 3 – 8 or 9 respectively
- Rules of procedures – good to have an end date or specific date for CMA to adopt the rules of procedure by the committee – we think CMA 2 would be good
- Option a not our preference but it is built into option b as well
 - Needs to be specific
 - With respect to its own performance – the way its phrased, it sounds like any party can make any ...
- Legally binding needs to be explicit
- On f measures and output, we heard from others including Argentina, Uruguay and Brazil and we also made proposal that access to finance should not be a measure. "Access to finance would not be an outcome the committee is expected to take" – like to see this option in there
- Statement of non-compliance. Nothing limited to option b – didn't quite understand difference between two options.

The Gambia

- Have to look at tool more carefully with LDC group
- Agree with St Kitts and Nevis for AOSIS

- Option b on systemic issues – need committee to consider
- Notion of exhaustion of efforts – unnecessarily burdensome for LDCs

Turkey

- P.4 additions:
 - Frequency of meetings – add place of meetings, Secretariat or host country
- P.6 attendance and consequences of specific numbers of...

Co-Facilitator thanked everybody for their inputs and asked Parties to send their comments by 3pm to the email APA-item-7@unfccc.int. Plans to do in advance of tomorrow's session.

The informal consultation ended at 1.12pm.