

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

I. Introduction

1. The Conference of the Parties (COP) adopted the Paris Agreement in December 2015 by decision 1/CP.21. The same decision mandated specific follow-up work, referred to as the Paris Agreement work programme (PAWP), to the subsidiary bodies – the Ad Hoc Working Group on the Paris Agreement (APA), the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI) – as well as to the constituted bodies and the COP itself. In accordance with their mandates from decision 1/CP.21 and subsequent mandates from the COP and the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA),¹ the APA, the SBSTA, the SBI and the constituted bodies have been advancing work on the PAWP in 2016, 2017 and 2018.

2. COP 23 provided an overview of the work of the COP and the subsidiary and constituted bodies on the PAWP,² and reiterated the request to the subsidiary and constituted bodies made at COP 22³ to accelerate their work on the PAWP and to forward the outcomes to COP 24 (December 2018) at the latest.⁴ Responding to those requests, the subsidiary bodies – the APA, the SBSTA and the SBI – continued advancing the PAWP-related items on their agendas at their sessions held in Bonn from 30 April to 10 May 2018 and in Bangkok from 4 to 9 September 2018. The status of progress on the PAWP is reflected in the PAWP progress tracker⁵ and on the PAWP online platform.⁶

3. In their conclusions adopted at the Bangkok session,⁷ the SBSTA, the SBI and the APA agreed that the progress achieved at that session, reflected in the “Bangkok outcome”,⁸ provided a useful basis for further negotiations by Parties on the PAWP matters and for their successful completion at COP 24. The subsidiary bodies also agreed that their presiding officers should prepare a joint reflections note addressing progress made to date and identifying ways forward, including textual proposals that would be helpful for advancing Parties’ deliberations. They further agreed that the purpose of the note would be to address all PAWP matters so as to ensure their balanced and coordinated consideration by the APA, the SBSTA and the SBI, and to facilitate completion of the PAWP at COP 24. This note responds to this mandate and has been prepared jointly by the presiding officers of the APA, the SBSTA and the SBI under our own responsibility.

4. The overall approach to identifying ways forward, including textual proposals, is presented in section III below. In view of the large volume of material, our suggestions on the ways forward, including textual proposals, are presented in addenda to this note and organized in accordance with annex I to decision 1/CP.23 and the Bangkok outcome:⁹

(a) Addendum 1: Matters relating to Article 4 of the Paris Agreement and paragraphs 22–35 of decision 1/CP.21:

- Further guidance in relation to the mitigation section of decision 1/CP.21
- Development of modalities and procedures for the operation and use of a public registry referred to in Article 4, paragraph 12, of the Paris Agreement

¹ FCCC/CP/2016/10, paragraph 18; FCCC/PA/CMA/2016/3, paragraph 24(a); FCCC/PA/CMA/2016/3, paragraph 24(b); and decision 1/CMA.1, paragraph 7.

² Decision 1/CP.23, annex I.

³ Decision 1/CP.22, paragraph 10.

⁴ Decision 1/CP.23, paragraph 4.

⁵ Available at <http://unfccc.int/documents/180322>.

⁶ <https://unfccc.int/node/28798/>.

⁷ FCCC/APA/2018/4, paragraphs 16–18; FCCC/SBSTA/2018/6, paragraphs 12–14; and FCCC/SBI/2018/11, paragraphs 10–12.

⁸ See the annex to documents FCCC/APA/2018/4, FCCC/SBSTA/2018/6 and FCCC/SBI/2018/11.

⁹ As footnote 8 above.

- Common time frames for nationally determined contributions referred to in Article 4, paragraph 10, of the Paris Agreement
 - Modalities, work programme and functions under the Paris Agreement of the forum on the impact of the implementation of response measures
- (b) Addendum 2: Matters relating to Article 6 of the Paris Agreement and paragraphs 36–40 of decision 1/CP.21:
- Guidance on cooperative approaches referred to in Article 6, paragraph 2, of the Paris Agreement
 - Rules, modalities and procedures for the mechanism established by Article 6, paragraph 4, of the Paris Agreement
 - Work programme under the framework for non-market approaches referred to in Article 6, paragraph 8, of the Paris Agreement
- (c) Addendum 3: Matters relating to Article 7 of the Paris Agreement and paragraphs 41, 42 and 45 of decision 1/CP.21:
- 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
 - Development of modalities and procedures for the operation and use of a public registry referred to in Article 7, paragraph 12, of the Paris Agreement
 - Matters referred to in paragraphs 41, 42 and 45 of decision 1/CP.21
- (d) Addendum 4: Matters relating to Article 9 of the Paris Agreement and paragraphs 52–64 of decision 1/CP.21:
- Identification of the information to be provided by Parties in accordance with Article 9, paragraph 5, of the Paris Agreement
 - Modalities for the accounting of financial resources provided and mobilized through public interventions in accordance with Article 9, paragraph 7, of the Paris Agreement
 - 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 / matters relating to the Adaptation Fund
- (e) Addendum 5: Matters relating to Article 10 of the Paris Agreement and paragraphs 66–70 of decision 1/CP.21:
- Scope of and modalities for the periodic assessment of the Technology Mechanism in relation to supporting the implementation of the Paris Agreement
 - Technology framework under Article 10, paragraph 4, of the Paris Agreement
- (f) Addendum 6: Matters relating to Article 13 of the Paris Agreement and paragraphs 84–98 of decision 1/CP.21:
- Modalities, procedures and guidelines for the transparency framework for action and support referred to in Article 13 of the Paris Agreement
- (g) Addendum 7: Matters relating to Article 14 of the Paris Agreement and paragraphs 99–101 of decision 1/CP.21;
- Matters relating to the global stocktake referred to in Article 14 of the Paris Agreement
- (h) 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
- (i) Addendum 9: Possible additional matters relating to the implementation of the Paris Agreement:
- Further matters related to implementation of the Paris Agreement: 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 / possible additional matters¹⁰

¹⁰ Different views have been expressed by Parties on whether the possible additional matters should be added to the Paris Agreement work programme for the first session of the CMA. The possible additional matters are: (1) modalities for biennially communicating finance information on the

5. Each addendum contains:
 - (a) A brief assessment of progress to date and suggestions for ways forward;
 - (b) An explanation of the approach to the formulation of textual proposals, including, where relevant, how the linkages were addressed;
 - (c) Textual proposals.
6. The organization of material in the addenda does not prejudice Parties' decisions regarding the final format of the PAWP outcome.

II. Organization of the session

7. We will organize work in Katowice building on the coordinated approach we have developed and strengthened over the course of 2018. We are working collaboratively to follow up on the outcomes from the Bangkok session. We have prepared this note and the related proposals on ways forward, including textual proposals, with the common objective of bringing all PAWP items to a comparable level of maturity and of readiness for the final phase of Parties' negotiations. This should ensure their balanced and coordinated consideration by the APA, the SBSTA and the SBI, and facilitate successful completion of the PAWP at COP 24.
8. During the session, we intend to continue applying organizational approaches that help to increase coherence and consistency in the work of the subsidiary bodies. These include:
 - (a) Joint pre-session consultations with groups (if requested by Parties), as appropriate (noting that Parties will also need to be consulted on a number of issues outside the scope of the PAWP);
 - (b) Joint plenary of the SBSTA, the SBI and the APA to hear statements from groups, individual Parties and, if time allows, observers;
 - (c) Negotiations to be facilitated or chaired by a pair of co-facilitators/co-chairs, one from a Party not included in Annex I to the Convention (non-Annex I Party) and one from a Party included in Annex I to the Convention (Annex I Party). We will aim for continuity in the co-facilitator/co-chair teams as far as possible; the list of co-facilitators/co-chairs will be made available to Parties on the UNFCCC website as soon as possible;
 - (d) The same minimum number of hours of negotiating time to be allocated to each PAWP agenda item, including, when necessary, two-hour slots – and we urge Parties to be punctual and efficient in using the allotted time;
 - (e) Presiding officers to meet regularly during the session to align PAWP work as needed, in particular on linked issues;
 - (f) Joint stocktaking meetings, if necessary, at head of delegation level;
 - (g) Joint closing plenary of the SBSTA, the SBI and the APA to hear statements from groups, individual Parties and, if time allows, observers.
9. Within our respective subsidiary bodies, we will continue working closely with the co-facilitators and co-chairs of all negotiation groups to guide their work, monitor progress and determine any action that may be required to speed things up or to help clarify issues, including those relating to linkages.
10. As we did during the Bangkok session, we will, as necessary, hold bilateral meetings with groups or interested Parties – including at the head of delegation level – and where appropriate joint meetings of all subsidiary bodies, especially to manage cross-cutting issues or linkages. In particular, we will, as necessary, consult with Parties on how to ensure that coherent and comparable conclusions can be adopted at the closing

provision of public financial resources to developing countries in accordance with Article 9, paragraph 5, of the Paris Agreement; (2) initial guidance by the CMA to the operating entities of the Financial Mechanism (the Green Climate Fund and the Global Environment Facility) under Article 9, paragraph 8, of the Paris Agreement and decision 1/CP.21, paragraphs 58 and 61–63; (3) initial guidance by the CMA to the Least Developed Countries Fund and the Special Climate Change Fund in accordance with decision 1/CP.21, paragraph 58; (4) guidance by the CMA on the adjustment of existing NDCs under Article 4, paragraph 11, of the Paris Agreement; and (5) setting a new collective quantified goal on finance in accordance with decision 1/CP.21, paragraph 53.

plenary meetings of the SBI, the SBSTA and the APA for all PAWP agenda items so as to contribute to the overall outcome in Katowice.

11. Most importantly, we remind Parties to be conscious of time limitations and of the need to be punctual and efficient in using the allotted time. This is the session at which we have to complete the PAWP negotiations: time is scarce and needs to be used with maximum efficiency and to best effect. As usual, we have asked the secretariat to allocate meeting slots in such a way as to maximize the amount of available time, minimize clashes between meetings on related items, and keep the workload and number of running meetings manageable for delegates. Regardless of the effort put into managing the schedule, time will not be on our side. Nonetheless, we remain convinced a successful, comprehensive and ambitious PAWP outcome in Katowice is within reach – and we will do our best to help Parties deliver it.

12. Finally, the APA, the SBSTA and the SBI need to complete all remaining work under the PAWP mandates. We therefore urge Parties to be extremely focused on this task in Katowice so that we can deliver the comprehensive, ambitious and well-balanced outcome we all seek.

1. APA 1.7¹¹

13. In organizing this last session of the APA, we, the APA Co-Chairs, intend to follow the approach used at APA 1.6, that is:

(a) The APA will start by continuing to work in a single contact group on agenda items 3–8. The contact group will meet at least twice during the session: at an opening meeting to set the direction of work, and at a closing meeting to assess the results of the session and adopt conclusions. We will also consider holding additional meetings to assess progress, adjust guidance and consider any changes to the organization of the session that might be needed;

(b) We have been listening to Parties' input on how to ensure that all items have the necessary negotiating time within a manageable meeting timetable that allows Parties to participate effectively. Clashes between meetings on agenda items with known substantive linkages will be avoided as much as possible, and we will monitor closely the dynamic scheduling of all meetings, aiming to give each item on the APA agenda the time it needs, within the limits of manageability.

2. SBSTA 49¹² and SBI 49¹³

14. As emphasized in the introduction, we are committed to supporting Parties to achieve a successful outcome in Katowice, and we will consult extensively with Parties before and during the session on how to achieve that outcome. As SBI 49 and SBSTA 49 have on their agendas both PAWP-related matters and other implementation matters under the Convention and the Kyoto Protocol, this joint reflections note, which focuses on the PAWP-related matters, should be read in conjunction with the SBI and SBSTA provisional agendas and annotations for this session. The annotations include background information and proposed approach for all items on the SBI and SBSTA agenda. Our initial reflection is that we intend to organize work at SBI 49 and SBSTA 49 as follows:

(a) The SBI and SBSTA will adopt their agendas and set the direction of their work at their first plenary meetings. They will adopt their conclusions on all the items on their agendas at their closing plenary meetings;

(b) After their first plenary meetings, the SBI and the SBSTA will move swiftly to continue their work in the negotiation groups established under each of their agenda items;

(c) With six bodies meeting in parallel, time for negotiation groups will be limited in Katowice. The SBI and the SBSTA will try to ensure a balanced and fair consideration of all items on their agendas. Our aim is to ensure that there are substantive results wherever possible (for example in the SBSTA work on the Local Communities and Indigenous Peoples Platform). However, it may be necessary to consider whether some non-PAWP-related items might not need to be completed in Katowice or might not need an in-depth consideration at this session. We will consult Parties on how we can best advance on the non-PAWP-related issues.

¹¹ See also the annotated agenda for the session contained in document FCCC/APA/2018/5.

¹² See also the annotated agenda for the session contained in document FCCC/SBSTA/2018/7.

¹³ See also the annotated agenda for the session contained in document FCCC/SBI/2018/12.

III. Completing the Paris Agreement work programme¹⁴

15. According to the COP and CMA mandates, the work on the PAWP needs to be completed in Katowice, with the subsidiary bodies forwarding the outcomes of their work through the COP to the CMA. Parties have often emphasized the importance of completing the PAWP by delivering a package of substantive outcomes on all relevant items being considered by all the bodies. They have also made clear their expectation that the degree of detail in the outcome should enable all mechanisms, institutions and processes under the Paris Agreement to operate effectively and efficiently, in accordance with the purpose of the Agreement. This is the overarching objective of our sessions in Katowice and as presiding officers we will do all we can to assist Parties in achieving it.

16. While aiming to deliver the PAWP outcome as a package, we are conscious that the format of the outcome, in particular whether it will be presented as one or several decisions, will be decided by Parties in Katowice. We had initial consultations with Parties on this issue and would be open to providing further assistance, recognizing the role of the COP 24 Presidency, in helping Parties to find an acceptable solution to answering this question. What is important, however, is for all parts of the package to be ready for adoption in good time, and this will be our priority in Katowice.

17. All subsidiary bodies – the APA, the SBSTA and the SBI – made very good progress in Bangkok, with concepts becoming better defined and options becoming clearer. The objective of reaching an agreed basis for negotiations, including where possible draft decision texts, was met for a number of items under the PAWP. In many areas, the deliberations among Parties in Bangkok helped to further deepen the shared understanding of technical issues and the implications of the various options for implementation. Parties now have more clarity on the key choices they will need to make in Katowice, the key areas of divergence and emerging possible solutions. For some agenda items, Parties also began to engage in determining which issues would need technical follow-up work in 2019.

18. While the negotiations in Bangkok were generally encouraging, we noted with concern that progress remained uneven and was insufficient on certain issues. Overall, there are still far too many options on the table and quite a few texts are not in good enough shape to help Parties make their final choices in the negotiations in an efficient and transparent manner.

19. Insufficient attention has so far been given to determining which issues would need to be covered in decision text and which in annexed technical guidance. Parties will need to have answers to this question as they prepare for Katowice.

20. Our textual proposals for this session (presented as addenda to this note) have sought to bring all PAWP items to a comparable state of maturity and readiness by moving towards draft legal text wherever possible, streamlining the text, collapsing closely related and similar options, looking for possible convergence and suggesting possible solutions while ensuring that the broad options put forward by Parties are clearly delineated so as to assist with the choices that need to be made.

21. The main principles that guided us in presenting the ways forward and preparing the textual proposals are as follows:

- (a) The substantive content of the textual proposals reflects what is in the Bangkok outcome, remains Party-owned, and is part of our advance towards an agreed outcome at Katowice;
- (b) All key options identified in the Bangkok outcome remain on the table and no substantive concepts have been inserted or deleted;
- (c) In some cases, we included our suggestions, which Parties may wish to consider alongside the existing options;
- (d) The textual proposals do not prejudge the outcome of Parties' deliberations but, rather, offer a sense of direction towards such outcome.

22. At the same time, we had to even out the level of maturity across the PAWP agenda and, consequently, tailor the approaches to the specific needs of each item so that Parties could feel assured all items have reached a comparable level of readiness and preparedness. The approach applied to an item is outlined in the relevant addendum.

23. In the APA, some groups and Parties have expressed the view that the PAWP outcome does not require text in certain areas. Informal notes by the co-facilitators have, until this point, identified these issues by including

¹⁴ See also the annotated agendas for the session contained in documents FCCC/APA/2018/5, FCCC/SBSTA/2018/7 and FCCC/SBI/2018/12.

a “no text” option. In the textual proposals attached to this joint reflections note, 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 that an alternative is “no text” in the PAWP outcome for that issue/area. This approach does not imply any judgement on our part as to the inclusion (or not) of substantive text on such issues as part of the final PAWP outcome.

24. Finding effective and practical means to address linkages was another key factor in the preparation of textual proposals. The pre-session round table in Bangkok was helpful in highlighting both the linkages and the approaches to addressing them, and we drew on that feedback in the formulation of our proposals. There is no silver bullet for all linkages, but solutions can be discerned within the specific context of each item by thinking about practical solutions that will make the relevant provisions of the Paris Agreement work. We have already used certain tools to address linkages (such as the use of placeholders, identifying where the outcomes of one item might need to be included under another item, or joint discussions between negotiating groups), and we urge Parties to use such tools to manage the remaining interconnections. As presiding officers we will do all we can to assist.

25. Parties also need to identify any follow-up work of a technical nature that may be needed after 2018 and find effective and practical avenues for such work to be conducted. In doing so, Parties may wish to note that, for some issues or new processes, such as the global stocktake, practical experience is likely to be valuable in identifying possible improvements. Decisions at COP 24 should identify where such opportunities for learning by doing exist and how they could be utilized.

26. As we work on bringing the PAWP to closure, it is important to recognize that progress by the SBSTA and the SBI in addressing other, non-PAWP-related items under the Convention and the Kyoto Protocol is also relevant. The SBSTA and SBI Chairs will guide the work of their bodies accordingly with a view to contributing to a balanced and comprehensive overall outcome of COP 24.

27. Finally, we note that the textual proposals were prepared with the understanding that the Bangkok outcome, in its entirety and in relation to each individual item, remains on the table. It is therefore up to Parties to decide in Katowice how to make the best use of the textual proposals in conjunction with the Bangkok outcome.

IV. Concluding remarks

28. The Bangkok session helped to advance the negotiations under the PAWP, and we were greatly encouraged by the readiness Parties showed to make the fullest use of the week to engage actively and constructively in all rooms. At the same time, Parties have a very long way to go before the PAWP can be successfully completed in Katowice.

29. Our reflections on the way forward and the attached textual proposals have been prepared with the aim of putting the PAWP process in the best possible shape for success in Katowice. We can only do so much, however, and what we cannot do is make choices about the structure and content of the outcome on behalf of Parties. That will be over to you, and the COP will only succeed if you look, as a matter of urgency, for landing zones that are workable, feasible and fully aligned with both the letter and the spirit of the Paris outcome, focusing on those solutions that can overcome divisions and build consensus in the final stretch. The options for these final choices have come into focus. An ambitious, comprehensive outcome at COP 24 leading to a fully operational Paris Agreement is within grasp, but seizing it will require an unstinting collective effort. As presiding officers, we will make every effort to help Parties achieve the best possible outcome in Katowice through a focused, balanced and Party-driven process across all subsidiary bodies.
