

Elements for a draft negotiating text¹

Version 2 of 10 December 2014 at 06:30

1 **A. Preamble**²

2 **Option 1:** {Placeholder for preamble}

3 **Option 2:**

4 *The Parties to this agreement,*

5 *In pursuit* of the ultimate objective of the Convention as stated in its Article 2,

6 *Being guided* by the principles of the Convention as set out in its Article 3, including that Parties should
7 protect the climate system for the benefit of present and future generations of humankind, on the basis of
8 equity and in accordance with historical responsibility, common but differentiated responsibilities and the
9 provisions of Article 4 of the Convention / evolving common but differentiated responsibilities and respective
10 capabilities/ evolving economic and emission trends which will continue post-2020, in order to progressively
11 enhance the levels of ambition,

12 *Recalling* the provisions of the Convention and determined to further enhance its full, effective and sustained
13 implementation from 2020 through a strengthened multilateral rules-based regime established by this
14 agreement,

15 *Also recalling* the commitments undertaken by Parties under the Convention in accordance with its Article 4,

16 *Further recalling* all the existing decisions adopted by the Conference of the Parties to the Convention and the
17 Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, including, in particular,
18 the agreed outcome pursuant to the Bali Action Plan and the Doha Amendment,

19 *Recalling* the outcomes of the Rio+20 Conference: the Future we want,

20 ***Option (a):*** *Acknowledging* that the global nature and urgency of climate change calls for the participation /
21 widest possible participation, cooperation and ambitious action by all Parties,

22 ***Option (b):*** *Acknowledging* that the global nature and urgency of climate change calls for the widest possible
23 cooperation of all Parties, as well as their participation and enhanced action in an effective and appropriate
24 international response in accordance with their common but differentiated responsibilities and respective
25 capabilities, and their specific national and regional development priorities, objectives and circumstances /
26 social and economic conditions with developed country Parties taking the lead,

27 *Being guided* by the best available scientific knowledge, including, inter alia, the assessment reports / the
28 Fifth Assessment Report of the Intergovernmental Panel on Climate Change, and inputs and resources from
29 Parties,

30 *Recognizing* that deep cuts in global greenhouse gas emissions will be required to achieve the ultimate
31 objective of the Convention and the long-term temperature limit / holding the increase in global average
32 temperature, and that such cuts must be achieved within a time frame sufficient to allow ecosystems to adapt
33 naturally to climate change, to ensure that food production is not threatened and to enable economic
34 development to proceed in a sustainable manner,

35 *Also recognizing* that scenarios consistent with a likely chance of holding the global average temperature
36 increase to below 2 °C relative to pre-industrial levels include substantial cuts in anthropogenic greenhouse
37 gas emissions by mid-century and net emission levels near zero gigatonnes of carbon dioxide equivalent or
38 below in 2100,

39 *Further recognizing* that economy-wide emission reduction budgets provide the highest level of clarity,
40 predictability and environmental integrity,

¹ These elements for a draft negotiating text reflect work in progress. They neither indicate convergence on the proposals presented nor do they preclude new proposals from emerging in the course of the negotiations in 2015.

² Headings and subheadings used throughout these elements for a draft negotiating text are provisional and only intended to orientate the reader.

41 *Acknowledging* that carbon pricing is a key approach for cost-effectiveness of the cuts in global greenhouse
42 gas emissions,

43 *Option (a): Emphasizing* that adaptation is a global challenge and a common responsibility that requires
44 global solidarity that must be addressed with the same urgency as, and in political/legal parity with,
45 mitigation,

46 *Option (b): Emphasizing* that adaptation is a global challenge that must be addressed with the same urgency
47 as, and in balance with, mitigation, and that enhanced action and international cooperation on adaptation is
48 urgently required in order to enable and support the implementation of adaptation actions,

49 *Option (c): Emphasizing* that enhanced action and international cooperation on adaptation is urgently required
50 to enable and support the implementation of adaptation actions aimed at reducing vulnerability and building
51 resilience in developing country Parties, taking into account the urgent and immediate needs of those
52 developing countries that are particularly vulnerable,

53 *Option (d): Notes* that adaptation is a global challenge that must be addressed with the same urgency as
54 mitigation,

55 *Reaffirming* the importance of education, training, public awareness, public participation, public access to
56 information and international cooperation on these matters for promoting changes in lifestyles, attitudes and
57 behaviour needed to foster low-emission and climate-resilient development and to mobilize public support for
58 climate policies and action,

59 *Also reaffirming* the need for developed country Parties to provide new, additional, adequate and predictable
60 financial resources, including financial resources for the transfer of technology to and capacity-building in
61 developing countries for addressing mitigation and adaptation needs and complying with their obligations
62 under this agreement, while ensuring a balanced financial resources allocation between adaptation and
63 mitigation,

64 *Stressing* that all actions to address climate change and all the processes established under this agreement
65 should ensure a gender-responsive approach, take into account environmental integrity / the protection of the
66 integrity of Mother Earth, and respect human rights, the right to development and the rights of indigenous
67 peoples,

68 *Reaffirming* that responses to climate change should be coordinated with social and economic development in
69 an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the
70 legitimate priority needs of developing countries and their right to equitable access to sustainable
71 development and for achieving economic growth and the eradication of poverty,

72 *Also reaffirming* that all developing countries need access to the resources required to achieve sustainable
73 social and economic development and that, in order for developing countries to progress towards that goal,
74 their energy consumption will need to grow, taking into account the opportunities for achieving greater energy
75 efficiency and for reducing greenhouse gas emissions, including through the application of new technologies
76 on terms which make such an application economically and socially beneficial,

77 *Recognizing* that action / cooperative action by and among subnational authorities, intergovernmental
78 organizations, civil society, indigenous peoples, local communities, the private sector, financial institutions
79 and Parties can catalyse and significantly enhance the impact of policy implementation by Parties in reducing
80 emissions, reducing vulnerability and building resilience to the adverse effects of climate change,

81 *Recalling* the Vienna Convention on the Law of Treaties,

82 Have agreed to further enhance the full, effective and sustained implementation of the Convention as follows /
83 Have agreed as follows / Have agreed to this protocol, another legal instrument, or an agreed outcome with
84 legal force with the aim of furthering the implementation of the Convention and its objective:

85 **B. Definitions**

86 For the purposes of this agreement the following terms are defined:

- 87 • The “governing body” means the governing body of this agreement;
- 88 • Party;
- 89 • “Emission reductions” means the sum of all reduced emissions and increased carbon stocks;
- 90 • (Other definitions as needed.)

91 **C. General / Objective**

- 92 1. This agreement aims to achieve universal participation and is to further enhance the full, effective and
 93 sustained implementation of the principles and provisions of the Convention, commitments under the
 94 Convention and existing decisions, and to strengthen the multilateral rules-based regime under the Convention
 95 in order to achieve the objective of the Convention as set out in its Article 2.
- 96 2. All Parties to strive to achieve low greenhouse gas climate-resilient economies and societies, on the basis of
 97 equity and in accordance with their historical responsibilities, common but differentiated responsibilities /
 98 evolving common but differentiated responsibilities and respective capabilities, in order to achieve sustainable
 99 development, poverty eradication and prosperity for the benefit of present and future generations of
 100 humankind, taking fully into account the historical responsibility of developed country Parties and their
 101 leadership in combating climate change and the adverse effects thereof, and bearing in mind that economic
 102 and social development and poverty eradication are the first and overriding priorities of developing country
 103 Parties.
- 104 3. **Option 1:**
- 105 All Parties to take action and cooperate to further implement the Convention in order to reach its ultimate
 106 objective as stated in its Article 2, on the basis of equity and in accordance with their historical
 107 responsibilities and common but differentiated responsibilities/evolving common but differentiated
 108 responsibilities and respective capabilities, by achieving an emission pathway consistent with limiting the
 109 global average temperature increase to below 2 °C or 1.5 °C above pre-industrial levels, which entails:
- 110 3.1 ***Option (a):*** Ensuring significant global greenhouse gas emission reductions over the next few decades
 111 or a 40–70 per cent reduction in global greenhouse gas emissions below 2010 levels by 2050 and near-
 112 zero emissions of CO₂ and other long-lived greenhouse gases by the end of the century;
- 113 ***Option (b):*** Ensuring that global greenhouse gas emissions peak by 2020 at the latest, are reduced by at
 114 least 50 per cent by 2050 and continue to decline thereafter;
- 115 ***Option (c):*** Ensuring significant global greenhouse gas emission reductions over the next few decades
 116 in order to achieve a global goal for substantially reducing global emissions by 2050 / consistent with
 117 the agreed global goal for substantially reducing global emissions by 2050 / consistent with the agreed
 118 global goal, and based on the best available scientific knowledge and equitable access to sustainable
 119 development;
- 120 3.2 Ensuring resilience and adaptive capacity to the adverse effects of climate change, while recognizing
 121 the local, national and global dimensions of adaptation;
- 122 3.3 Ensuring that all investments are resilient to climate change/consistent with sustainable development
 123 and facilitate the transition to low-emission development paths and ensuring the adequacy of financial,
 124 technology and capacity-building support for developing countries towards achieving the
 125 implementation of this agreement/objective of the Convention.
- 126 **Option 2:**
- 127 All Parties to enhance action and cooperate to further implement the Convention in order to reach its ultimate
 128 objective as stated in its Article 2, in order to stabilize greenhouse gas concentrations in the atmosphere at a
 129 level that would prevent dangerous anthropogenic interference with the climate system and to allow
 130 ecosystems to adapt naturally to climate change, in order to ensure that food production is not threatened and
 131 to enable economic development to proceed in a sustainable manner, which entails:
- 132 3.4 Parties to urgently work towards the deep reduction in global greenhouse gas emissions required to
 133 hold the increase in global average temperature below 2 °C/1.5 °C above pre-industrial levels and to
 134 attain a global peaking of global greenhouse gas emissions as soon as possible, reaffirming that the time
 135 frame for peaking will be longer for developing countries;
- 136 3.5 Parties' efforts should be undertaken on the basis of equity and common but differentiated
 137 responsibilities and respective capabilities, and the provision of finance, technology transfer and
 138 capacity-building to developing countries in order to support their mitigation and adaptation actions
 139 under the Convention, and take into account the imperatives of equitable access to sustainable
 140 development, the survival of countries and protecting the integrity of Mother Earth.
- 141 **Option 3:**
- 142 All Parties to take action and cooperate to further implement the Convention in order to reach its ultimate
 143 objective as stated in its Article 2, on the basis of equity and in accordance with their common but
 144 differentiated responsibilities/evolving common but differentiated responsibilities and respective capabilities,
 145 by achieving an emission pathway consistent with limiting the global average temperature increase to below
 146 2 °C or 1.5 °C above pre-industrial levels and with achieving climate resilience.

- 147 4. Parties recognize that the level and pace of mitigation ambition/efforts will determine the extent to which
 148 Parties will need to adapt and address loss and damage, and associated costs thereof, as well as the need to
 149 explore holistic and mutually reinforcing approaches to enhancing mitigation and adaptation efforts and to
 150 increase the overall level of ambition, which will depend on the extent of financial, technology and capacity-
 151 building support provided by developed country Parties to developing country Parties.
- 152 5. **Option 1:** Each Party to take action at the highest level of ambition/mitigation ambition, reflecting its national
 153 circumstances, and to progressively increase that level of ambition;
- 154 **Option 2:** All Parties to take action at the highest level of ambition and to progressively increase that level of
 155 ambition, taking into account their common but differentiated responsibilities and their specific national and
 156 regional development priorities, objectives and circumstances, with developed countries taking the lead;
- 157 **Option 3:** Parties to enhance their actions and contributions in accordance with Article 4 of the Convention;
- 158 **Option 4:** A global emission budget to be divided among all Parties, in accordance with the principles and
 159 provisions of the Convention, in order to limit global warming this century to below 1.5 °C according to the
 160 IPCC assessment. The distribution of the global emission budget should be undertaken in accordance with
 161 historical responsibilities, ecological footprint, capabilities and state of development.
- 162 6. **Option 1:** Parties with the greatest responsibility and highest capability to demonstrate leadership:
- 163 6.1 Developed country Parties to take the lead in fully implementing existing obligations under the
 164 Convention in relation to mitigation and support, in line with their historical responsibility;
- 165 6.2 Leadership demonstrated by any Party to be recognized, as well as the need to incentivize and enable
 166 such leadership through cooperation and support.
- 167 **Option 2:** Parties with the greatest responsibility and highest capability to demonstrate leadership.
- 168 **Option 3:** In accordance with Article 4 of the Convention, developed country Parties to take the lead in fully
 169 implementing existing obligations and commitments under the Convention in relation to emission reduction
 170 and the provision of financial, technology and capacity-building support to developing country Parties, in line
 171 with their historical responsibility.
- 172 7. **Option 1:** Commitments/contributions of Parties particularly vulnerable to the adverse effects of climate
 173 change, especially the least developed countries (LDCs) and small island developing States (SIDS), to reflect
 174 their efforts in the context of their specific needs and special situations;
- 175 **Option 2:** Commitments/contributions/actions of developing country Parties, especially those referred to in
 176 Article 4, paragraphs 8, 9 and 10, of the Convention, including the least developed countries (LDCs) and
 177 small island developing States (SIDS), to reflect their efforts in the context of sustainable development and
 178 their specific needs and special circumstances, bearing in mind that the extent to which developing country
 179 Parties will effectively implement their commitments under the Convention will depend on the effective
 180 implementation by developed country Parties of their commitments under the Convention related to financial
 181 resources and the transfer of technology.
- 182 8. **Option 1:** All Parties to prepare, maintain, communicate and implement commitments/contributions/
 183 mitigation commitments/contributions in accordance with the provisions of this agreement and to be
 184 considered, formalized/finalized and reviewed in accordance with section K below;
- 185 **Option 2:** In accordance with the principles and provisions of the Convention, all Parties to prepare, maintain,
 186 communicate and implement commitments/contributions in accordance with the provisions of this agreement,
 187 and to be considered, formalized/finalized and reviewed in accordance with section K below.
- 188 9. **Option 1:** Unilateral measures not to constitute a means of arbitrary or unjustifiable discrimination or a
 189 disguised restriction on international trade;
- 190 **Option 2:** No reference to unilateral measures in the agreement.
- 191 10. This agreement to build on the subsidiary bodies/institutional arrangements established by or under the
 192 Convention:
- 193 **Option 1:** All subsidiary bodies/institutional arrangements established by or under the Convention shall serve
 194 this agreement, unless otherwise decided by the governing body. The governing body may provide further
 195 guidance as appropriate;
- 196 **Option 2:** The subsidiary bodies/institutional arrangements established by or under the Convention shall serve
 197 this agreement as specified in the relevant sections.³

³ See paragraphs 31, 33, 38, 57.1, 62.1, 92.

198 11. **Option 1:** All actors, including civil society, the private sector, financial institutions, cities and other
 199 subnational authorities, local communities and indigenous peoples, are encouraged to scale up their actions
 200 and provide further opportunities for Parties to reduce emissions and/or to decrease vulnerability and build
 201 resilience to the adverse effects of climate change, without prejudice to the provisions of the Convention;

202 **Option 2:** No provision on non-state actors.

203 12. **Option 1:** Parties to cooperate, including through regional approaches, bilateral, multilateral, triangular/
 204 South–South and triangular cooperation, and to take appropriate measures to develop, adopt and implement
 205 policies, strategies, regulations and/or action plans on climate change education, training, public awareness,
 206 public participation and public access to information at all levels to enable transformative change towards
 207 low-emission and climate-resilient societies;

208 **Option 2:** In addition to the existing commitments under and provisions of the Convention, Parties to
 209 cooperate and take appropriate measures to develop, adopt and implement policies, strategies, regulations
 210 and/or action plans on climate change education, training, public awareness, public participation and public
 211 access to information so as to enhance action addressing climate change;

212 **Option 3:** Parties to cooperate, including through regional, bilateral and multilateral approaches.

213 *Structural suggestions on section C:*

214 *No need for a general section*

215 *Move paragraphs 5 and 8 to the mitigation section*

216 *Paragraphs 3, 5, 6, 7, 8, 10, 11 and 12 are or should be addressed elsewhere*

217 *Address content of paragraph 11 in a COP decision or a preambular recital*

218 **D. Mitigation**

219 *Long-term and global aspects of mitigation*

220 13.

221 13.1 **Option 1:** All Parties, in accordance with Article 4 and their common but differentiated responsibilities
 222 and respective capabilities and on the basis of equity, to enhance mitigation ambition and cooperate
 223 with a view to achieving the long-term emission reductions, in the context of Article 2 of the
 224 Convention, consistent with limiting the global average temperature increase to below 2 °C or 1.5 °C
 225 above pre-industrial levels and in the context of equitable access to sustainable development;

226 **Option 2:** All Parties to make efforts and cooperate on enhancing mitigation ambition to ensure that the
 227 aggregate level of mitigation commitments/contributions increases over time, so as to achieve the long-
 228 term emission reductions, in the context of Article 2 of the Convention, consistent with limiting the
 229 global average temperature increase to below 2 °C or 1.5 °C above pre-industrial levels;

230 **Option 3:** Parties to make efforts and cooperate to stabilize greenhouse gas concentrations in the
 231 atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system,
 232 in accordance with the shared vision resulting from the Bali Action Plan, including holding the increase
 233 in global average temperature below 2 °C or 1.5 °C above pre-industrial levels in the context of
 234 sustainable development, with developed country Parties taking the lead by undertaking ambitious
 235 emission reductions and providing finance, technology and capacity-building support to developing
 236 country Parties.

237 13.2 Parties' efforts to take the form of:

238 a. A long-term zero emissions sustainable development pathway:

- 239 • Consistent with carbon neutrality/net zero emissions by 2050, or full decarbonization by 2050 and/or
 240 negative emissions by 2100;
- 241 • Consistent with science and the findings of the /Intergovernmental Panel on Climate Change (IPCC) (e.g.
 242 40–70 per cent below 2010 levels by 2050) in accordance with historical responsibilities, capabilities, and
 243 the state of development, while addressing vulnerabilities and in a cooperative manner;
- 244 • Consistent with a global reduction of greenhouse gas emissions of at least 50 per cent by 2050 compared
 245 with the levels in 1990 and a continued decline in emissions thereafter, in the context of equitable access to
 246 sustainable development and a global carbon budget;
- 247 • Consistent with emissions peaking for developed countries in 2015, with an aim of zero net emissions by
 248 2050; in the context of equitable access to sustainable development;

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- Consistent with a peaking of global greenhouse gas emissions as soon as possible, noting that the time frame for peaking may be longer in developing countries, in the context of equitable access to sustainable development.
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- b. A global emission budget to be divided among all Parties according to the principles and provisions of the Convention, so as to limit global warming in this century to below 1.5 °C according to the IPCC assessment. The distribution of the global emission budget should be undertaken in accordance with historical responsibilities, ecological footprint, capabilities, and state of development;
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- c. Stabilization of the concentration of greenhouse gases in the atmosphere at or below 350 ppm of CO₂ equivalent in the context of equitable access to sustainable development;
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- d. A deviation from business as usual;
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- e. Low emission development strategies.

260 14. Any agreed long-term objective shall be in the context of a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in sustainable manner, and shall also take into account vulnerabilities and managing transition in a sustainable manner.

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264 *Commitments/contributions/actions on mitigation*

265 15. **Option 1:** In accordance with Article 4 of the Convention, all Parties to progressively enhance the level of ambition of their mitigation commitments/contributions/actions such that each commitment/contribution/action is of a type, scope, scale and coverage more/ no less ambitious than those previously undertaken under this agreement or the Convention or its Kyoto Protocol (KP);

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269 **Option 2:** Developed country Parties to progressively enhance the level of ambition of their mitigation commitments/contributions such that each commitment/contribution is of a type, scope, scale and coverage more / no less ambitious than those previously undertaken under this agreement or the Convention or its Kyoto Protocol (KP);

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273 **Option 3:** All Parties to progressively enhance the level of ambition of their mitigation commitments/contributions such that the scale and coverage is more / no less ambitious than those previously undertaken under this agreement or the Convention or its Kyoto Protocol (KP);

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276 **Option 4:** All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, to formulate, implement, publish and regularly update programmes containing measures to mitigate climate change in order to enhance their level of ambition after 2020.

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280 16. **Option 1:** In accordance with the principles of the Convention and its Article 4, each Party to prepare, communicate and implement successive nationally determined mitigation commitments/contributions/actions, which are to:

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283 **Option 2:** Each Party to communicate and implement successive mitigation commitments/contributions/, which are to:

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285 **Option 3:** Parties to prepare differentiated mitigation commitments for developed and developing country Parties, with developed country Parties to take the lead and developing country Parties to be provided flexibility, which are to:

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288 16.1 **Option 1:** Be quantified or quantifiable, which can be aggregated, and which are transparent, comparable and/or verifiable;

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290 **Option 2:** Be quantified or quantifiable and which shall consider a fair and equitable distribution of the global emission budget according to a compound index of countries' participation in such a budget, and which are transparent, comparable and/or verifiable;

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293 **Option 3:** Be quantified, which can be aggregated, and which are comparable, measurable, reportable and verifiable for developed country Parties, with the type, scope, scale and coverage more ambitious than those undertaken under the Convention and its Kyoto Protocol during the pre-2020 period.

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296 Be quantified, quantifiable or qualified in a measurable, reportable and verifiable manner for developing country Parties, based on their nationally appropriate mitigation actions (NAMAs) under the Bali Action Plan.

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299 16.2 Be accompanied by information aimed at enhancing the clarity, transparency and understanding of these commitments/contributions/actions;

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301 16.3 **Option 1:** Include an indicative long-term trajectory consistent with paragraph 13 above.

302 With developed country Parties to take the lead and make an adequate and equitable contribution to
 303 achieve the ultimate objective of the Convention as set out in its Article 2. Developing country Parties
 304 may need flexibility in indicating such long-term trajectories;

305 **Option 2:** For developed country Parties to include an indicative long-term trajectory.

306 For developing country Parties to be encouraged to develop a long-term green and low-carbon
 307 development strategy, plan or programme as appropriate.

308 16.4 **Option 1:** Be based on national circumstances and capacities;

309 **Option 2:** Be based on the following:

310 a. Common but differentiated responsibilities and respective capabilities, equity and national circumstances
 311 and capacities;

312 b. Parties to include one of the following options, in accordance with their common but differentiated
 313 responsibilities, national circumstances, development levels and capabilities, while recognizing that the
 314 emissions of developing countries will grow to meet their social and development needs: (a) a quantified,
 315 economy-wide, absolute emission limitation or reduction target in relation to a baseline year; (b) a
 316 quantified, economy-wide, emission limitation or reduction target relative to a projection of its emissions
 317 (c) a quantified, economy-wide, emission limitation or reduction target relative to unit of GDP in relation
 318 to a previous year; (d) a quantified, economy-wide, emission limitation and reduction target per capita;
 319 (e) non-economy-wide actions:

320 • Developed country Parties to take the lead in accordance with Article 3, paragraph 1, and Article 4,
 321 paragraph 2, of the Convention through quantified economy-wide, absolute emission reduction
 322 targets/commitments;

323 • Developing country Parties, which have been provided with means of implementation, to prepare,
 324 communicate and implement a diversity of enhanced net mitigation commitments/contributions/actions in
 325 accordance with Article 3, paragraph 1, of the Convention and in the context of sustainable development,
 326 ranging from economy-wide absolute limits on emissions, relative emission reductions, intensity targets,
 327 nationally appropriate mitigation actions, low-emission development plans and strategies, sectoral
 328 mitigation plans and strategies /taking into consideration paragraph X above;

329 • Developing country Parties to take a diversity of nationally determined actions in accordance with their
 330 specific needs and special circumstances as stated in Article 3, paragraph 2, of the Convention, including
 331 net avoided emissions, or also manifested as adaptation co-benefits, where appropriate;

332 • Developing country Parties to prepare their actions in accordance with Article 3, paragraph 1, of the
 333 Convention and their circumstances and capacities, through nationally appropriate mitigation actions,
 334 subject to the provision of means of implementation and in accordance with Article 4, paragraph 7, of the
 335 Convention;

336 • Major economies to take on quantified economy-wide emission reduction targets/commitments;

337 • Parties not included in Annex I to the Convention (non-Annex I Parties) that are in a position to do so to
 338 take on quantified economy-wide emission reduction targets/commitments;

339 • All Parties to take on quantified economy-wide emission reduction targets/commitments at some point in
 340 the future in accordance with their national circumstances, development levels and capabilities;

341 • LDCs to implement non-economy wide actions and are encouraged to develop and implement low-
 342 emission development strategies;

343 • For all Parties on the basis of categories that are updated over time based on evolving emissions and
 344 economic trends.

345 16.5 **Option 1:** Mitigation commitments/contributions/actions of all Parties to be communicated and
 346 implemented without conditions;

347 **Option 2:** Mitigation commitments/contributions/actions of developed country Parties to be
 348 communicated and implemented without conditions;

349 **Option 3:** Each Party to communicate commitments/contributions/actions specifying an unconditional
 350 portion and may also include a conditional one;

351 **Option 4:** Mitigation commitments/contributions/actions of developing country Parties to be prepared,
 352 communicated and implemented subject to the provision of finance, technology development and
 353 transfer, and capacity-building Developing country Parties may specify additional enhanced levels of
 354 mitigation commitments/contributions according to different levels of enhanced support by developed
 355 country Parties.

356 17. All Parties to maintain commitments/contributions/actions at all times.

- 357 18. **Option 1:** Parties' proposed mitigation commitments/contributions/actions to be communicated and
 358 considered as well as formalized/finalized and reviewed in accordance with section K below;
- 359 **Option 2:** Parties' mitigation commitments/contributions/actions should be communicated and implemented
 360 in accordance with Article 12 of the Convention and through relevant arrangements based on the agreed
 361 outcome pursuant to the Bali Action Plan.
- 362 Parties' mitigation commitments/contributions reflected in two attachments to the agreement, one for
 363 developed and one for developing country Parties. One is a common tabular format for developed country
 364 Parties and the other a compilation of communications for developing country Parties;
- 365 **Option 3:** Upon joining the agreement, all Parties to submit a schedule reflecting the nationally determined
 366 contribution they intend to implement.
- 367 Parties to maintain schedule thereafter.
- 368 19. Parties may prepare, communicate and implement mitigation commitments/contributions/action jointly in
 369 accordance with decisions to be adopted by the governing body and taking into account any arrangements
 370 developed under paragraph 92.
- 371 20. **Option 1:** The secretariat to keep and update accordingly an online registry of national mitigation targets, and
 372 actions; registry to be integral part of the agreement;
- 373 **Option 2:** The secretariat to maintain a list of the schedules of Parties in an information document that is
 374 made available online.
- 375 21. All Parties to develop low emission strategies.
- 376 22. All Parties to take into account joint mitigation and adaptation approaches for the integral and sustainable
 377 management of forests.
- 378 23. In meeting their commitments/contributions/actions, Parties may make use of market mechanisms and actions
 379 in the land-use sector in accordance with X.
- 380 23.1 The use of market mechanisms is to:
- 381 a. Mobilize the widest range of potential investments for adaptation and mitigation;
- 382 b. Create incentives for early action;
- 383 c. Incentivize and coordinate effective mitigation and adaptation action from the broadest range of actors,
 384 including the private sector, to support the implementation of this agreement;
- 385 d. Ensure consistency with individual commitments/contributions;
- 386 e. Be in accordance with the provisions on transparent accounting as contained in section J (*Transparency*
 387 *of action and support*), in particular to avoid double counting.
- 388 23.2 The use of market mechanisms shall be supplementary to domestic action.
- 389 *Institutional arrangements*
- 390 24. **Option 1:** Parties to analyse and give full consideration to what actions are necessary to meet the needs arising
 391 from the impacts of the implementation of response measures related to the mitigation commitments taken on,
 392 particularly the specific needs and concerns of developing country Parties;
- 393 **Option 2:** Strengthen existing arrangements by establishing a cooperative mechanism (platform) under the
 394 Convention to manage the transition to low greenhouse gas pathways, which would identify and then measure
 395 the impacts, and which would use existing tools as much as possible and further develop tools to address
 396 identified gaps and ensure their operationalization:
- 397 **Option (a):** The governing body shall develop and adopt modalities for:
- 398 a. An international/cooperative mechanism under the Convention to manage the transition to low GHG
 399 pathways that would identify and then measure the impacts, and which would use existing tools as much
 400 as possible and develop further tools to address identified gaps and ensure their operationalization:
- 401 • A no-incident arrangement to be included to safeguard economic development in developing countries;
- 402 • In accordance with Article 4, paragraphs 8–10, of the Convention.
- 403 b. An international institution;
- 404 c. A permanent forum under the Subsidiary Body for Scientific and Technological Advice (SBSTA).
- 405 **Option (b):** No new arrangements for response measures within this agreement.
- 406 *Structural suggestions on section D:*
- 407 *Accounting rules:*
- 408 *Option 1: Move provisions on accounting rules from section J (transparency) into this section;*

409 *Option 2: Retain provisions on accounting rules in section J.*

410 *Time frame and steps:*

411 *Option 1: Move provisions from section K into this section;*

412 *Option 2: Retain provisions in section K.*

413 ***E. Adaptation and loss and damage***

414 ***Adaptation***

415 *Long-term and global aspects of adaptation*

416 25. ***Option 1:*** All Parties in accordance with the principles and provisions of the Convention, its Article 4 and
417 their common but differentiated responsibilities, and previous COP decisions to commit to cooperate to adapt
418 to the adverse effects of climate change, ensure resilience and protect citizens and ecosystems in the context
419 of the long-term temperature limit and to achieve sustainable development, while recognizing the local,
420 national and transboundary dimensions of adaptation:

421 25.1 All / Developed country Parties to undertake the steps necessary to ensure that the level of support
422 meets the needs for adaptation in developing countries in the context of the long-term temperature limit:
423 Request to the SBSTA to develop methodologies for this purpose;

424 25.2 All Parties commit to increase efforts to adapt to climate change impacts, reduce vulnerability and
425 increase resilience in the context of the actual increase in global mean temperature, taking into account
426 the relationship between mitigation ambition, associated climate change impacts, and consequent
427 adaptation needs, costs, and co-benefits.

428 ***Option 2:*** Developed county Parties commit to enhance support to developing country Parties in terms of
429 finance, technology, and capacity-building, and to enable developing countries to enhance their adaptation
430 actions so as to ensure their resilience;

431 ***Option 3:*** Establish a global goal for adaptation;

432 ***Option 4:*** No global goal for adaptation;

433 ***Option 5:*** Establish universal individual commitments/actions.

434 *Commitments/contributions/actions /Commitments under Article 4 of the Convention on adaptation*

435 26. ***Option 1:*** Each Party /Developing country Parties to prepare and implement adaptation commitments
436 /contributions /actions under Article 4 of the Convention by integrating / integrate adaptation within national
437 development planning, mainstream adaptation into national policies, undertake a national adaptation plan
438 (NAP) process, and strengthen governance and enabling environments subject to modalities and procedures to
439 be developed and adopted by the governing body:

440 26.1 Commitments /contributions /actions /commitments under Article 4 of the Convention should be
441 country-driven, gender-sensitive, participatory, and fully transparent, take into account vulnerable
442 groups and ecosystems, be based on science and traditional and indigenous knowledge, and promote the
443 engagement of subnational and local authorities and other stakeholders;

444 26.2 Developed country Parties' commitments / contributions /actions under Article 4 of the Convention to
445 be in accordance with the relevant provisions of the Convention, reflecting /and reflect their obligation
446 to support adaptation in developing countries in accordance with realizable temperature scenarios, in
447 particular in SIDS and the LDCs Developed countries to ensure the provision of new and additional,
448 adequate and predictable financial resources and the transfer of technology and capacity-building to
449 meet the costs in developing countries of addressing the adverse effects of climate change and to enable
450 developing countries to enhance their actions to adapt to climate change so that developing countries
451 may achieve sustainable development;

452 26.3 Developed countries commit to provide at least USD 50 billion per year during the period from 2020 to
453 2025, at least USD 100 billion per year by 2020 for adaptation activities of developing countries, in
454 order to fulfil the obligations under Article 4, paragraphs 4, 5, 8, and 9, of the Convention;

455 26.4 Developed countries should formulate adaptation support plans, including overall objectives,
456 milestones, and sources of finance for supporting adaptation actions in developing countries in terms of
457 finance, technology, and capacity-building in order to the urgent needs of developing countries and
458 ensure long-term support;

459 26.5 Developing country Parties' adaptation commitments/contributions/ actions to:

460 a. Be in accordance with the relevant provisions of the Convention;

- 461 b. Include economic diversification;
- 462 c. Encourage developing country Parties to showcase their efforts and needs and to help to recognize
463 national efforts consistent with the long-term temperature limit;
- 464 d. Be supported by predictable, grant-based, long-term, additional and measurable finance, technology, and
465 capacity-building support from developed country Parties, Parties included in Annex II to the Convention
466 (Annex II Parties), and/or all Parties in a position to do so;
- 467 e. Not impose additional burdens or reporting requirements on developing country Parties, in particular on
468 SIDS and the LDCs;
- 469 f. Build on adaptation mechanisms and processes under the Convention, including NAPs and national
470 adaptation programmes of action, and existing arrangements for finance. All developing countries are not
471 in the position to make financial commitments or contributions to any institutional or international
472 mechanisms. Adaptation investments by developing countries should be recognized as their contributions
473 to the global effort to respond to climate change.
- 474 **26.6 Option (a):** Commitments/contributions /actions to be consistent with /informed by the NAP process
475 subject to modalities and procedures to be developed and adopted by the governing body:
- 476 a. NAPs provide the basis for all countries to assess vulnerabilities and identify and implement adaptation
477 measures;
- 478 b. NAPs to go beyond planning and mainstreaming/ into concrete actions on the ground/ implementation /
479 integrating by defining modalities for support and implementation;
- 480 c. Ensure that the NAP process is undertaken in all interested developing countries, in particular in SIDS
481 and the LDCs, and in Africa;
- 482 d. The provision of support for NAPs to build on progress made by the Least Developed Countries Fund
483 (LDCF), the Special Climate Change Fund (SCCF), the Green Climate Fund (GCF), the Adaptation
484 Fund, the Least Developed Countries Expert Group, the Adaptation Committee and multilateral and
485 bilateral organizations and agencies.
- 486 **Option (b):** Parties, through the NAP process, to strive in the medium and long term to reduce
487 vulnerability to the impacts of climate change and facilitate the integration of climate change
488 adaptation, in a coherent manner, into relevant new and existing policies, programs and activities, in
489 particular national development planning processes and strategies. National adaptation planning
490 processes should not be mandatory or prescriptive nor result in the duplication of efforts undertaken,
491 but should rather facilitate country-owned, country-driven action.
- 492 **Option 2:** Parties undertake national adaptation planning processes, with a view to integrating climate
493 resilience into national level planning and action in order to reduce vulnerability, and to strengthen
494 governance and enabling environments. All Parties should take adaptation actions. Those Parties with limited
495 capacities require support from those countries in a position to provide such support.
- 496 **27.** Parties to communicate their commitments/contributions /actions /commitments under Article 4 of the
497 Convention /adaptation priorities /support/ level of support needs through the INDC process, in accordance
498 with the modalities and procedures to be developed and adopted by the governing body /progress in
499 enhancing adaptation action or integrating adaptation into planning, policies or action through biennial
500 communications:
- 501 **27.1** National communications and biennial update reports and biennial reports to be the main vehicle for
502 reporting actions, and support and to be strengthened;
- 503 **27.2** The governing body shall adopt further guidance on reporting on adaptation and further facilitating/
504 may facilitate the sharing of information on progress and experiences in preparing and implementing
505 adaptation actions;
- 506 **27.3** The governing body shall/may develop a structured dialogue to enhance communication of information
507 on adaptation, in accordance with common but differentiated responsibilities and respective
508 capabilities. Developed countries to enhance reporting on support.
- 509 **28.** Parties to take into account joint mitigation and adaptation approaches referred to in section D, paragraph 22.
- 510 *Monitoring and evaluation/ Monitoring and evaluation for Annex II Parties*
- 511 **29. Option 1:** Monitoring and evaluation of, reporting on, and learning from plans, policies and programmes shall
512 be strengthened and/or institutionalized:
- 513 a. Strengthen and improve climate-related research and systematic observation and provide enhanced
514 support;
- 515 b. Consider indicators for governance and planning;

- 516 c. Monitor gaps in adaptation and needs under different scenarios;
 517 d. Monitoring and evaluation to focus on the provision and adequacy of support.

518 **Option 2:** Monitoring and reporting should be on progress and experiences, lessons learned, good
 519 practices, and on gaps and opportunities more broadly;

520 **Option 3:** Monitoring and evaluation, including reporting and learning from plans, policies and
 521 programmes should be a country-driven and country-specific process that would not impose any
 522 additional burden on developing country Parties; developed country Parties should support developing
 523 country Parties to strengthen and implement climate-related research and systematic observation, and
 524 should provide enhanced support and monitor gaps in adaptation and needs under different scenarios.

525 *Sharing information, knowledge and lessons learned*

526 30. All Parties to enhance learning on adaptation through sharing of information, knowledge and lessons learned
 527 on adaptation practices, subject to modalities and procedures to be adopted/developed:

528 30.1 The governing body shall request the SBSTA /Adaptation Committee to develop guidelines for
 529 strengthening the sharing of information, knowledge and lessons learned under the Nairobi work
 530 programme on impacts, vulnerability and adaptation to climate change:

- 531 a. Address the knowledge gap in the area of implementation of adaptation;
 532 b. Strengthen local and institutional capacity;
 533 c. Enhance regional and transboundary aspects;
 534 d. Encourage all Parties to implement education and public awareness programmes in accordance with
 535 paragraph 12.

536 *Institutional arrangements*

537 31. **Option 1:** Developed country Parties and Annex II Parties and/or all Parties in a position to do so to ensure
 538 the effective implementation of arrangements for adaptation through the provision of sufficient adequate,
 539 predictable, transparent and additional support to developing country Parties in the context of Article 4,
 540 paragraphs 3, 4, 5 and 7 of the Convention;

541 **Option 2:** Institutional arrangements on adaptation /relevant to adaptation, including the Adaptation
 542 Committee and the Least Developed Countries Expert Group, and to loss and damage under the Convention
 543 shall serve this agreement and support Parties in the implementation of their adaptation
 544 commitments/contributions /actions under this agreement:

545 31.1 The governing body shall request the Adaptation Committee to:

- 546 a. Review the work of the institutional arrangements under the Convention in 2017 to ensure and enhance
 547 the coherence of their work, and prepare recommendations for consideration by the Conference of the
 548 Parties (COP) at its twenty-third session and/or the governing body;
 549 b. Establish and maintain stronger linkages with the GCF and other funds;
 550 c. Evaluate information on support for adaptation;
 551 d. Provide recommendations on existing methodologies for adaptation.

552 31.2 The governing body shall strengthen institutional arrangements for adaptation by:

- 553 a. Providing further guidance on how to assist developing country Parties to move to full-scale
 554 implementation on the basis of their NAPs;
 555 b. Articulating linkages between, and enhancing the integrated operation of, institutions and/or optimizing
 556 assistance for commitments/contributions on adaptation to ensure that the existing institutions such as the
 557 AC, the TEC, the SCF, and the GCF are enhanced and to support adaptation actions of developed
 558 countries;
 559 c. Encouraging the establishment of regional adaptation centres in major regions to help to localize support,
 560 conduct research, exchange knowledge and provide training for governments.

561 31.3 The governing body shall further strengthen institutional arrangements for adaptation by:

562 **Option 1:** Establishing new institutional arrangements:

- 563 a. A subsidiary body for adaptation to enhance the implementation of adaptation action;
 564 b. An adaptation registry that:
 565 • Records and showcases and/or recognizes national adaptation actions, contributions, and programmes;
 566 • Enhances cooperation on finance, technology and capacity-building support;

- 567 • Pools information on the work of institutional arrangements under the Convention and makes that
568 information accessible to Parties;
- 569 • Monitors and identifies progress and gaps in adaptation from a global perspective.
- 570 c. An international clearing house and registry that:
- 571 • Acts as the repository for NAPs, adaptation methods, a roster of adaptation experts, biennial adaptation
572 support reports, and for information on technology and capacity-building for adaptation; An adaptation
573 technical and knowledge platform that works on, inter alia;
- 574 • Methodologies, metrics and indicators;
- 575 • Modelling of climate change scenarios and impacts;
- 576 • Enhancing understanding of global implications of adaptation.
- 577 d. A global knowledge platform that works on, inter alia:
- 578 • Data, information, and lessons learned on adaptation.
- 579 **Option 2:** No new institutional arrangements on adaptation are required for the purposes of this
580 agreement.

581 ***Loss and damage***

- 582 32. **Option 1:** Provision for loss and damage for cases where mitigation and adaptation will not be sufficient:
- 583 32.1 All Parties are encouraged to develop early warning systems and risk management plans, and
584 communicate them to the secretariat by [X] as part of their national communications, in accordance
585 with the modalities and procedures to be developed and adopted by the governing body;
- 586 32.2 The governing body shall commence a process no later than at its first meeting to establish a
587 compensation regime for support for developing country Parties, particularly the LDCs, SIDS and
588 countries in Africa affected by slow onset events.
- 589 **Option 2:** Reference to the Warsaw International Mechanism for Loss and Damage associated with Climate
590 Change Impacts;
- 591 **Option 3:** No reference to loss and damage.
- 592 33. **Option 1:** The Warsaw International Mechanism shall serve this agreement and be fully operationalized, with
593 modalities and procedures to be developed and adopted by the governing body:
- 594 33.1 Developed country Parties and/or Annex II Parties and/or all Parties in a position to do so to support the
595 implementation of the Warsaw International Mechanism through provision of finance;
- 596 33.2 Guidelines for a comprehensive approach to climate risk management to be developed;
- 597 33.3 Institutional arrangements under the Convention shall be strengthened to support the implementation of
598 the commitments related to loss and damage under this agreement:
- 599 a. Provisions for establishing a climate change displacement coordination facility that:
- 600 • Provides support for emergency relief;
- 601 • Assists in providing organized migration and planned relocation;
- 602 • Undertakes compensation measures.
- 603 b. Provisions for establishing a clearing house for risk transfer that:
- 604 • Provides a repository for information on insurance and risk transfer;
- 605 • Assists Parties in developing risk management strategies and finding best insurance schemes;
- 606 • Facilitates financial support for rehabilitation.
- 607 **Option 2:** No new institutional arrangements on loss and damage are required for the purposes of this
608 agreement. The Warsaw International Mechanism to be strengthened separately from the agreement / is
609 sufficient.

610 ***Structural suggestions on section E:***

- 611 *Move paragraph 25 into a common chapter relating to institutions.*
- 612 *Include paragraph 25 in a decision.*
- 613 *Move paragraph 25.1 into the finance chapter*
- 614 *Move paragraphs 26 and 27 into a common chapter relating to commitments.*
- 615 *Coordinate paragraphs 26 and 27 with section K.*
- 616 *Include paragraphs 29 (a–d) in a decision.*
- 617 *Reflect paragraphs 25 to 27 in the agreement text and paragraphs 29 to 31 in a decision.*

618 *Merge paragraph 30 with paragraph 31 on institutions.*

619 *Include paragraph 30 into a decision.*

620 *Loss and damage should be a separate element.*

621 ***F.—Cooperation and support for implementation***

622 *Note:*

623 *Paragraphs in this section relevant to mitigation have been integrated in the mitigation section.*

624 *Paragraphs in this section relevant to finance have been integrated in the finance section.*

625 *Paragraphs in this section relevant to institutional arrangements have been integrated in section M (subsection on*
626 *institutional arrangements).*

627 ***G. Finance***

628 *Guiding principles*

629 34. ***Option 1:*** All developed country Parties and other Parties included in Annex II to provide climate finance as a
630 means to meet the goal of staying below the 2 degrees temperature increase and to achieve the transformation
631 required to that end and in line with the needs of developing countries, in accordance with their obligations
632 and commitments under Articles 4, paragraphs 3, 4, 5, 7, 8, and 9, of the Convention, the principles under the
633 Convention, in particular the principles of common but differentiated responsibilities and respective
634 capabilities and equity, noting that the extent to which developing country Parties will effectively implement
635 their commitments will depend on the effective implementation by developed country Parties of their
636 commitments related to financial resources, transfer of technology and capacity-building, acknowledging that
637 the need for support by developing country Parties may change over time and be accommodated under Article
638 4, paragraph 7, of the Convention, and acknowledging the need for financing for forestry in line with the
639 Warsaw Framework for REDD-plus;

640 ***Option 2:*** Each Party /All Parties individually or collectively to mobilize climate finance through a diversity
641 of actions from a variety of sources as a means to stay below the long-term temperature limit and to achieve
642 the transformation required to that end, according to and in line with their respective and evolving
643 responsibilities and capabilities /the principles and objectives of the Convention, acknowledging the
644 importance of leadership to be taken by developed country Parties, acknowledging that some Parties need
645 support in order to take action, and acknowledging that the need for support by Parties may change over time
646 or be met with different means of support / all Parties in a position to do so should provide financial support
647 to Parties in need of support; acknowledging the need for climate-resilient economies and societies.

648 35. The mobilization and provision of finance shall:

- 649 a. Deliver adequate and predictable funding for the full and enhanced implementation of the agreement,
650 enhance addressing climate change as part of promoting sustainable development, in particular in
651 developing countries, including through enabling enhanced mitigation and adaptation actions;
- 652 b. Encourage low-emission growth, reductions in high-carbon investment, and adaptation needs of
653 developing countries, and climate-resilient development;
- 654 c. Support the integration of climate objectives into other policy-relevant areas and activities such as
655 energy, agriculture, planning and transport, national fiscal accounts, development policy and plans in line
656 with country circumstances and according to countries' priorities;
- 657 d. Promote continuous efforts to 'climate-proof' investments, including relevant international public finance
658 flows;
- 659 e. Enhance addressing climate change in addition to the coordination of development aid, acknowledging
660 that climate finance is to be separate from official development aid;
- 661 f. Encourage policy signals by governments / catalyse policy actions by governments and adjustment or
662 improvement of policies;
- 663 g. Deliver additional adequate and predictable funding for adaptation, in particular for the implementation
664 of the Cancun Adaptation Framework, for building institutional capacity and appropriate legal
665 frameworks, integrating adaptation into national development policies, and for monitoring and evaluation
666 processes;
- 667 h. Advance the implementation / fulfilment of commitments by developed country Parties in terms of
668 finance, technology transfer and capacity-building to enable developing country Parties to implement
669 policies, strategies, regulations and action plans on climate change education, training, public awareness,

- 670 public participation and public access to information and thus enable effective adaptation and mitigation
671 action by all Parties.
- 672 35.1 Facilitate assistance to developing country Parties for readiness support / Support readiness for
673 implementation / implementing climate actions Parties / Developed country Parties and other Parties
674 included in Annex II to mobilize and provide financial resources for the enhanced implementation of
675 the Convention under this agreement, in order to / in a manner that:
- 676 a. Advances the implementation / fulfilment of commitments by developed country Parties in terms of
677 finance, technology transfer and capacity-building, in order to enable developing country Parties to
678 implement policies, strategies, regulations and action plans on climate change education, training, public
679 awareness, public participation and public access to information to enable effective adaptation and
680 mitigation action to be undertaken by all Parties;
- 681 b. Facilitates the provision of assistance to developing country Parties for readiness support / Supports
682 readiness for implementation / implementing climate actions.
- 683 35.2 Parties / Developed country Parties and other Parties included in Annex II to mobilize and provide
684 financial resources for the enhanced implementation of the Convention under this agreement, in order
685 to / in a manner that:
- 686 a. **Option 1:** Ensures an equal allocation of financing between adaptation and mitigation, ensures an
687 equitable distribution between different regions of developing countries and enhances country ownership
688 in the disbursement of financial resources;
- 689 **Option 2:** Aims at a balanced approach of a 50:50 allocation of financing for adaptation and mitigation
690 while recognizing the importance of financing for adaptation;
- 691 **Option 3:** Prioritizes adaptation, with all financing for adaptation to be grant based /Encourages Parties to
692 prioritize grant-based assistance for adaptation, while recognizing the importance of financing for
693 mitigation;
- 694 b. Prioritizes developing country needs and identified country-driven plans, strategies and priorities of all
695 countries, recognizing the importance of enhancing national needs assessments;
- 696 c. **Option 1:** Takes into consideration the need for adequacy and predictability in the flows of funds and the
697 need for clarity of appropriate burden-sharing among developed countries;
- 698 **Option 2:** Is new, additional, adequate, predictable and sustainable, within budgetary constraints, and
699 acknowledges the need for adequate financial flows mobilized from a variety of sources, public and
700 private, bilateral and multilateral, including alternative sources, in the context of meaningful mitigation
701 action and transparency of implementation;
- 702 d. Is flexible and systematically and regularly scaled up / updated;
- 703 e. Is results-based / needs-based delivers the greatest impact possible and targets the effectiveness of
704 mitigation and adaptation action / mitigation and adaptation results that can be measured, reported and
705 verified;
- 706 f. Avoids duplication, allows for flexibility, ensures efficiency and transparency and builds a partnership
707 among governments, development partners and the private sector to invest in a low-emission and climate-
708 resilient future;
- 709 g. Encourages South–South cooperation which is voluntary, free of monitoring and can be supplementary /
710 complementary, but not substitute commitments of Parties included in Annex I to the Convention while
711 acknowledging that South–South cooperation is not a commitment of Parties under the Convention;
- 712 h. Recognizes developing countries’ / all Parties’ investments in supporting transformational change as part
713 of their contributions;
- 714 i. Applies lower thresholds for receiving support for actions, with clear, transparent and quantifiable targets
715 that go beyond ‘business as usual’;
- 716 j. Is capable of adapting dynamically to changing realities and future developments and needs, including in
717 respect to climate finance, in line with the provisions and principles of the Convention, in particular the
718 principle of common but differentiated responsibilities / reflecting evolving capabilities and
719 responsibilities;
- 720 k. Takes into account the urgent and immediate needs of developing countries that are particularly
721 vulnerable to the adverse effects of climate change / Prioritizes the specific needs and special
722 circumstances of the most particularly vulnerable countries, including landlocked countries, recognizing
723 the special circumstances of LDCs and SIDS, giving priority to countries with least capabilities and/or
724 ensuring a fair geographical allocation of resources, while ensuring that the importance of providing
725 support to other developing countries is in no way diminished;

- 726 l. Uses the diversity of available channels and instruments under the Convention so as to limit the
727 proliferation of finance in order to increase its efficiency and effectiveness and encourage the
728 accountability and transparency of the UNFCCC in the provision of financial support, the mobilization of
729 climate finance and the shift towards climate-friendly investments;
- 730 m. Pursues a gender-sensitive and country-driven approach;
- 731 n. Targets the drivers of climate change;
- 732 o. Encourages Parties to build effective enabling environments and provides recognition of the importance
733 of implementing low-carbon, climate-resilient development strategies and NAPs;
- 734 p. Encourages Parties to take steps to eliminate public incentives for high-carbon investments;
- 735 q. Recognizes that climate finance flows are not limited to flows from developed to developing country
736 Parties;
- 737 r. Collectively exceeds the aggregate ambition of individual commitments/contributions;
- 738 s. Develops and improves enabling environments for the enhanced mobilization of support;
- 739 t. Is quantifiable, comparable and transparent;
- 740 u. Establishes links and builds synergies between mitigation and adaptation actions;
- 741 v. Enhances/catalyses international cooperative initiatives and recognizes their contribution to assisting
742 Parties' implementation of this agreement.
- 743 36. All Parties to cooperate in the implementation of this agreement in order to:
- 744 a. Support the enhanced ambition of all Parties, through the provision of support from Annex II Parties to
745 developing country Parties;
- 746 b. Enable Parties' best efforts based on their respective capabilities, foster country ownership and achieve
747 sustainable development.
- 748 37. Efforts of subnational and local governments, subregional entities and the private sector to be recognized.

749 *Anchoring institutions under the legal agreement*

- 750 38. The Financial Mechanism shall serve as the financial mechanism of the 2015 agreement:
- 751 a. The GCF shall be the main financial entity under the new agreement and/or anchored in the new
752 agreement and/or strengthened;
- 753 b. The SCF shall assist the governing body of the agreement;
- 754 c. Coordination to be further enhanced among contributors and between institutions.
- 755 **Option 1:** This will also apply to the operating entities of the Financial Mechanism and funds established
756 under the Convention and its Kyoto Protocol. All the rules and guidelines developed by the COP and the
757 CMP in relation to the operation of the Financial Mechanism, its operating entities and associated funds shall
758 apply mutatis mutandis to the financial mechanism of this agreement:
- 759 a. The GCF shall be strengthened, including regarding funding, as follows:
- 760 • Annex I Parties / Developed country Parties to provide 1 per cent of gross domestic product per year from
761 2020 and additional funds during the pre-2020 period to the GCF;
 - 762 • Annex II Parties to provide a list of specific amounts / percentages reflecting the required share of climate
763 finance to be provided to the GCF, subject to review;
 - 764 • All countries in a position to do so to provide funding to the GCF;
 - 765 • Funding for the GCF to be drawn mainly from public sources.
- 766 b. Other funding mechanisms serving the agreement shall include:
- 767 • The Adaptation Fund:
 - 768 ○ To be part of the post-2015 climate finance architecture and/or to operate under the new agreement
769 under the guidance of the governing body in relation to activities developed under the agreement;
 - 770 ○ To be enhanced and included under the GCF as an adaptation window, be inscribed in the new climate
771 regime and defined in the financing sphere of the agreement;
 - 772 • Institutional arrangements for REDD-plus finance;
 - 773 • The LDCF, to provide support to the LDCs for adaptation action;
 - 774 • The SCCF, to be anchored in the agreement.

775 **Option 2:** No further provisions.

776 *Proposals for decisions related to anchoring institutions under the agreement*

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- Clear roles should be agreed on the two existing operating entities of the Financial Mechanism of the Convention and coherence should be achieved in climate finance channelled through other financing institutions;
 - The COP to be given the authority to adjust institutional settings, to take decisions on consolidating and coordinating institutions and processes, and/or to give guidance to the operational entities as needed, at a later stage;
 - Need for the simplification, improvement and rationalization of access, including direct access, especially for the LDCs and SIDS; and/or the harmonization of approval and accreditation processes between various channels and institutions leveraging potential non-climate-specific financing mechanisms and institutions; and/or the operation of all funds under the Convention to be transparent, competitive and based on rules, with operating criteria underpinning those rules that are compatible with the requirements of private investors, in order to effectively stimulate co-investment; and/or information on how all disbursements include provisions for ‘climate proofing’ measures;
 - The Financial Mechanism must continue to be main source of financing;
 - The replenishment of the Financial Mechanism and its operating entities to be linked to IPCC scientific assessments;
 - Need to establish how the operating entities of the Financial Mechanism will work to implement the finance provisions of the new agreement and how the financial provisions will work with respect to other bodies or mechanisms under the Convention;
 - The SCF shall assist the governing body of this agreement and be further strengthened:
 - By enhancing its work on coherence and coordination and on rationalizing the Financial Mechanism.
 - Regarding the GCF:
 - The establishment of: a window for REDD-plus; and/or for loss and damage;
 - Need for: improved and prioritized access for the LDCs and SIDS and/or arrangements between thematic bodies of the Convention and the GCF to be strengthened;
 - The GCF to operate under the guidance of the governing body in relation to activities developed under this agreement, and/or to support mitigation readiness activities in developing countries, and/or to capitalize on its knowledge of existing funds and increase its role by helping to finance some of the pipeline projects of those funds;
 - The governing body of this agreement to: explore further options for simplifying the procedures for accessing funds from the GCF; and/or develop, jointly with the COP, specific additional modalities for the operation of the GCF with respect to activities developed under this agreement.
 - Decision to address additional rules of the Financial Mechanism and institutions in supporting the implementation of the legal agreement, where appropriate.

811 *Addressing the scale of resources*

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39. Climate finance to be scaled up to provide the financing, access to technology and capacity-building necessary to meet the goal of limiting the temperature increase to below 2 °C, in line with the needs of developing countries.
 40. The importance of providing clarity on the level of support, in particular financial support, that will be provided to developing countries to allow for the enhanced implementation of the Convention, in particular with regard to adaptation, to be recognized as a crucial element in creating the necessary conditions for the enhanced participation of developing countries in the global effort to combat climate change and adapt to its adverse effects.
 41. **Option I:** The provision of finance to be based on a floor of USD 100 billion per year:
 - a. Based on an ex-ante process to commit quantified support commensurate with the required effort reflected in the adaptation and mitigation goals / relative to the required effort and in line with developing countries’ needs;
 - b. Based on clear burden-sharing arrangements among Annex II Parties to identify the flows of financial support from developed countries, including through the application of an assessed scale of contributions from developed countries;
 - c. Including aggregate and enhanced specific/individual commitments/contributions by Annex II Parties, complemented by other Parties in a position to do so;
 - d. Based on a road map with annual targets for public funding in the post-2020 period or pathways with annual expected levels of climate finance towards achieving short-term quantified goals;
 - e. Based on an agreed percentage formula for the calculation of the contributions of Annex I Parties and differentiated developing country contributions based on GDP or other indicators.

833 **Option 2:** Agreement not to specify individual/quantified commitments, quantified targets or specific
834 indicators for the post-2020 period.

835 42. A short-term collective quantified goal that defines the expected, scaled-up climate finance level for the post-
836 2020 period should be determined in order to enhance the predictability of the provision of climate finance,
837 indicating specific levels of public sources to be provided.

838 *Contributions under the legal agreement*

839 43. In the context of common but differentiated responsibilities and respective capabilities, Annex II Parties have
840 the principle and main responsibility for providing support, including financial resources, for the enhanced
841 implementation of low-emission and climate-resilient development in developing countries, while ensuring
842 the sustainability, predictability and additionality of finances.

843 44. The contribution of resources under this agreement to consider predictable financial contributions by
844 developed country governments; increasing options for leveraging a greater share of the carbon market-related
845 proceeds including option for carbon pricing and raising contribution via alternative and innovative sources of
846 finance.

847 45. A collective goal for support to be achieved by all Parties in order to transition to a world in which all
848 investments are directed at resilient and low-emission actions, and where finance, technology transfer and
849 capacity-building that promote low-emission and resilient actions prevail.

850 46. **Option 1:** The enhancement of enabling environments, with respect for countries' national prerogative to
851 choose their domestic climate policies, to be a commitment of all Parties, through:

- 852 a. Enhanced national regulatory frameworks, including policies and measures;
- 853 b. The dedication of sufficient domestic resources by countries seeking support;
- 854 c. Putting in place conditions to mobilize, attract and absorb climate-related investments;
- 855 d. The provision of a price signal for emission reductions, including through payments for verified emission
856 reductions.

857 **Option 2:** Agreement not to specify the enhancement of enabling environments as a commitment or
858 obligation of Parties.

859 47. Financing for adaptation to be provided in the form of multilateral and/or bilateral financing, including via:

860 47.1 A balanced allocation between adaptation and mitigation, or a 50:50 balance between the support
861 provided for adaptation and mitigation, or at least 50 per cent of support to be provided for adaptation
862 activities;

863 47.2 The use of levies for adaptation funding from any market-based mechanisms;

864 47.3 Financial risk management instruments;

865 47.4 The Adaptation Fund, the LDCF and the SCCF, and including through support to enable the
866 mobilization of private-sector financial flows for adaptation investments, with the GCF providing
867 assurance of support for countries' adaptation efforts;

868 47.5 **Option 1:** Diverse sources, including private sources, engaged in the provision of financing for
869 adaptation, with public finance to constitute the key instrument in increasing support for adaptation:

- 870 a. Identification of sources and prioritization of public funding, as well as increase of private sector
871 financial contributions for adaptation;
- 872 b. Encourage the International Civil Aviation Organization and the International Maritime Organization to
873 develop a levy scheme to provide financial support for the Adaptation Fund.

874 **Option 2:** Public sources primarily, with supplementary funding to be drawn from private / alternative
875 sources.

876 48. Support / New and additional finance, independent of adaptation budgets, to be provided for the financing and
877 operationalization of the Warsaw International Mechanism.

878 49. Support provided to developing country Parties for technology development and transfer and support
879 provided to the Technology Mechanism to ensure the effective implementation of technology to be channelled
880 primarily through the GCF/the operating entities of the Financial Mechanism, taking into account the roles of
881 the public and private sectors in mobilizing finance for technology / primarily from public sources, with
882 supplementary funding to be drawn from private sources.

883 50. Funding for capacity-building as well as measures to develop, adopt and implement policies, strategies,
884 regulations and/or action plans on climate change education, training, public awareness, public participation
885 and public access to information in developing country Parties:

- 886 50.1 To be provided by developed country Parties and other Parties and organizations in a position to do so,
887 in an adequate and predictable manner;
- 888 50.2 To be primarily channelled through the Financial Mechanism, taking into account the potential role of
889 the private sector in supporting capacity-building and the need for enhanced coordination among donors
890 and institutions.
- 891 51. Funding for REDD-plus to be adequate, predictable and sustainable, with financing continuing to be provided,
892 including via Annex II Parties and Parties in a position to do so, private and non-market-based sources and
893 results-based finance.
- 894 52. Parties in a position to do so / Annex II Parties and other Parties in a position to do so to provide Parties in
895 need of assistance / developing country Parties with financial and technical and capacity-building support in
896 order for them to efficiently and effectively fulfil the reporting requirements of this agreement.

897 *Sources of finance*

- 898 53. Financial resources to be mobilized and provided from:

899 ***Option 1:*** Primarily public sources, with supplementary funding to be drawn from private / alternative
900 sources:

- 901 a. Stressing that public sources are the main source of finance, the scale of resources needed and the type of
902 investments required, governments to work more closely together with the private sector;
- 903 b. Developed country Parties shall incentivize the private sector to provide funding to developing countries;
- 904 c. Different sources to be considered on the basis of clear criteria in order to avoid incidence on developing
905 countries, and the sustainability, predictability and additionally of sources to be clarified.

906 ***Option 2:*** A wide variety of sources, including public, private and alternative sources, recognizing the
907 need for a diversity of sources and instruments to suit recipients' changing economic circumstances /
908 with different types of financing for different activities and public sources for specific areas, given the
909 limited potential for private investment, in particular in the most vulnerable countries and LDCs.

- 910 51.1 With regard to private and alternative finance:

- 911 a. All Parties to commit to cooperate in leveraging private finance and/or to mobilize / utilize public funds
912 and means to facilitate and encourage private investment consistent with their capabilities, recognizing
913 that private-sector financing is complementary to, but not a substitute for, public-sector financing where
914 public finance is needed:
- 915 • A mechanism to attract the private sector to invest in projects, with clear definitions, respective roles and
916 guidance on the mechanism, to achieve a useful balance of public and private sources, ensuring reasonable
917 returns and full transparency;
 - 918 • Efforts undertaken by export credit agencies to help investors manage risk;
 - 919 • A clear signal to the private sector at all levels for it to contribute to the mobilization of climate finance and
920 to reorient financial flows and trigger the required investments and involvement, including of local private
921 sectors;
 - 922 • Public-sector finance to catalyse and avoid crowding out private-sector investments, ensuring that private-
923 sector investment is not displaced, with the efficient use of public resources and effective public policies to
924 be the key focus of post-2020 cooperative efforts among middle- and higher-income countries;
 - 925 • Need for strong public–private partnerships, which should be subsidized and incentivized;
 - 926 • Be strategic and in line with national priorities and laws and be profitable for the private sector;
 - 927 • Enhanced enabling environments for private-sector investment in adaptation;
 - 928 • The governing body shall develop modalities for leveraging and freeing up private finance to support the
929 implementation of this agreement.
- 930 b. A tax on oil exports from developing to developed countries to be established;
- 931 c. An international renewable energy and energy efficiency bond facility to be established;
- 932 d. The phasing down of high-carbon investments and fossil fuel subsidies.

933 *Structural suggestions on section G:*934 *Include paragraphs 48 to 52 as part of a decision*935 *Include paragraphs 35 and 35.1 as part of a decision*936 *Proposals to move provisions on MRV of support to the finance section.*

937

938 **H. Technology development and transfer**939 *General*

940 54. **Option 1:** All Parties to strengthen cooperative action to promote and enhance technology development and
 941 transfer, including through the Technology Mechanism / institutional arrangements for technology established
 942 under the Convention and through the Financial Mechanism, in order to support the implementation of
 943 mitigation and adaptation commitments under this agreement;

944 **Option 2:** Parties, consistent with the principles and provisions of the Convention, including Article 4,
 945 paragraphs 1, 3 and 5, / in accordance with their common but differentiated responsibilities, to strengthen
 946 cooperative action to promote and enhance technology development and transfer and better facilitate the
 947 implementation of the Convention, including through the Technology Mechanism / institutional arrangements
 948 for technology established under the Convention and through the Financial Mechanism / by enhancing the
 949 provision of support by developed country Parties, in order to support the implementation of mitigation and
 950 adaptation commitments under this agreement;

951 **Option 3:** Parties, consistent with the principles and provisions of the Convention, including Article 4,
 952 paragraph 5, reflecting the evolving economic realities, to strengthen cooperative action to promote and
 953 enhance technology development and transfer, including through the Technology Mechanism / institutional
 954 arrangements for technology established under the Convention and through the Financial Mechanism.

955 55. *Placeholder:* Global goal on enhanced action on technology development and transfer.

956 *Commitments*

957 56. **Option 1:** Commitments in relation to technology development and transfer to include the following:

958 56.1 Developed country Parties to undertake steps to address barriers to accessing technology and to
 959 establish and strengthen their necessary policy frameworks to facilitate the removal of barriers and
 960 enable and accelerate technology development and transfer to developing country Parties; and to
 961 leverage enhanced support from the private sector for technology development and transfer to
 962 developing country Parties; and to provide financial, human resources, institutional and technical
 963 support for technology development and transfer to developing country Parties;

964 56.2 Developing country Parties, with the support of developed country Parties, to undertake steps to address
 965 barriers to accessing technology and to establish and strengthen their national structures, policy
 966 frameworks, institutions and capacity, in order to enable and accelerate the endogenous capacity for the
 967 absorption, development and transfer of technologies in developing countries / endogenous technology
 968 development and transfer, attract investments and enhance country ownership and innovation;

969 56.3 All Parties, in accordance with the principles of and obligations under the Convention, to establish
 970 means to facilitate access to and the deployment of technology, while promoting and rewarding
 971 innovation in adaptation and mitigation technologies / environmentally sound technologies:

972 **Option (a):**

973 a. In accordance with Article 4 of Convention, developed country Parties to provide financial resources to
 974 address barriers caused by intellectual property rights (IPRs) and facilitate access to and the deployment
 975 of technology, including inter alia, by utilizing the Financial Mechanism and/or the establishment of a
 976 funding window under the GCF /the operating entities of the Financial Mechanism;

977 b. An international mechanism on IPRs to be established to facilitate access to and the deployment of
 978 technology to developing country Parties;

979 c. Other arrangements to be established to address IPRs, such as collaborative research and development,
 980 shareware, commitments related to humanitarian or preferential licensing, fully paid-up or joint licensing
 981 schemes, preferential rates and patent pools.

982 **Option (b):** Parties recognize that IPRs create an enabling environment for the promotion of technology
 983 innovation in environmentally sound technologies;

984 **Option (c):** IPRs are not to be addressed in this agreement.

985 56.4 Developing country Parties, with the support of developed country Parties, to conduct an assessment of
 986 their technology needs, on the basis of national circumstances and priorities, with a view to ensuring
 987 nationally determined and environmentally, economically and socially sound resulting project proposals
 988 and to effectively implementing the outcomes of such an assessment supported by developed country
 989 Parties, order to support the implementation of this agreement:

990 • Parties to strengthen the process of technology needs assessment (TNAs) and enhance the implementation
 991 of the outcomes of the TNA process;

- 992 • Align TNAs more closely with bankable finance projects / Improve TNAs to result in implementable
993 projects;
- 994 • TNAs could be linked to other processes under the Convention, such as NAMAs and NAPs; TNA process
995 should be elaborated to address developments arising from the operationalization of this agreement.
- 996 56.5 All Parties, enabled by Annex II Parties / led by developed country Parties, to accelerate global
997 collaboration on the research, development and demonstration of technologies:
- 998 a. Support, including financial and intellectual support, to accelerate the research, development and
999 demonstration of technologies, including endogenous technologies, to be provided by developed country
1000 Parties to developing country Parties;
- 1001 b. Modalities for a global collaborative programme on the research, development and demonstration of
1002 technologies to be established, attracting and integrating relevant stakeholders.

1003 **Option 2:** No commitments on technology in the agreement.

1004 *Institutional arrangements*

1005 57. Institutional arrangements for technology development and transfer under the Convention shall support
1006 Parties in implementing their commitments/contributions under this agreement:

1007 57.1 Anchoring:

1008 **Option 1:** The Technology Mechanism established under the Convention, including the Technology
1009 Executive Committee (TEC) and the Climate Technology Centre and Network (CTCN), shall serve this
1010 agreement by facilitating enhanced action on technology development and transfer in order to achieve
1011 the objectives of this agreement;

1012 **Option 2:** The institutional arrangements for technology established under the Convention shall serve
1013 this agreement by facilitating enhanced action on technology development and transfer in order to
1014 achieve the objectives of this agreement.

1015 57.2 Guidance to and strengthening of the Technology Mechanism/institutional arrangements:

1016 The governing body may provide further guidance to and/or strengthen the Technology
1017 Mechanism/institutional arrangements for technology established under the Convention serving this
1018 agreement, and the guidance provided by the governing body shall not conflict with the guidance
1019 provided by the COP.

1020 **Option 1:** Specific provisions on strengthening:

1021 a. The TEC and the CTCN / Technology Mechanism of the Convention shall support the operationalization
1022 and delivery of the commitments related to technology development and transfer in this agreement, under
1023 the Convention:

1024 • Include provisions on accounting;

1025 • Take into account the specific needs of developing countries and countries with special circumstances of
1026 Africa, LDCs and SIDS.

1027 b. The Technology Mechanism shall enhance cooperation and synergy with other institutional arrangements
1028 under and outside the Convention and stakeholders, as well as the coherence and effectiveness of
1029 technology action and initiatives under the Convention:

1030 • Establish linkages between the Technology Mechanism, the Financial Mechanism and capacity-building
1031 institutions;

1032 • The Poznan strategic programme on technology transfer to be linked to and/or guided by the Technology
1033 Mechanism;

1034 • Provisions or measures related to other technology initiatives or regional centres;

1035 • Enhance the role of the private sector to support the implementation of the Technology Mechanism;

1036 • Facilitate the role of public research and development, incentives for commercial research and
1037 development, the development of technologies and the reaching of economies of scale.

1038 c. The governing body shall conduct a periodic assessment of the effectiveness and adequacy of the
1039 Technology Mechanism/institutional arrangements for technology development and transfer.

1040 **Option 2:** No specific provisions on guidance to and/or strengthening of the Technology Mechanism in
1041 the agreement.

1042 *Structural suggestions on section H:*

1043 *Include paragraphs 57.2 (option 1) in a decision.*

1044 **I. Capacity-building**

1045 *General*

1046 **Option 1:**

1047 58. The objective of capacity-building should be to enable developing country Parties / all Parties to identify,
1048 design and implement adaptation and mitigation actions and to enable domestic development and absorption
1049 of technologies / to enhance the capacities of national governments to be able to absorb technology and
1050 finance for the implementation of the Convention.

1051 59. Capacity-building to be guided by the following:

- 1052 a. The framework for capacity-building in developing countries established under decision 2/CP.7;
- 1053 b. A formal, structured, clear, predictable, effective, coordinated, demand-driven / country-driven,
1054 sustainable and long-term and gender-responsive way;
- 1055 c. Clear and predictable targets and outcomes;
- 1056 d. Responding to national needs and fostering country ownership:
- 1057 • Building on existing provisions and lessons learned on capacity-building under the Convention;
 - 1058 • Using the INDC preparation and measurement, reporting and verification (MRV) processes;
 - 1059 • Supporting preparatory and readiness programmes, including on climate finance;
 - 1060 • Until developing country Parties have acquired the capacity to fully implement climate change actions
1061 under the Convention / Developing countries will enhance their climate change actions according to the
1062 means of implementation provided by Annex I and Annex II Parties under the Convention;
- 1063 e. Responding to needs at the national, subnational and local levels:

1064 **Option (a):** Taking into account the potential role of the private sector in supporting capacity-building
1065 and the need for enhanced coordination among donors and institutions;

1066 **Option (b):** Public sector bears the main responsibility, and private funding should only be
1067 complementary;

1068 **Option (c):** No provision necessary.

1069 f. Ensuring that capacity-building is effective, demand-driven / country-driven and sustainable over the
1070 long term.

1071 60. Capacity-building to be enhanced through:

- 1072 a. The development of climate policies;
- 1073 b. The mobilization of private sector capital and public engagement;
- 1074 c. The promotion of public awareness and education;
- 1075 d. The strengthening of domestic institutions and the creation of enabling environments;
- 1076 e. Integrating capacity-building activities into mitigation and adaptation programmes / into all other
1077 elements.

1078 **Option 2:** No general provisions on capacity-building.

1079 *Commitments*

1080 61. **Option 1:** The developed / Annex I Parties and other Parties in a position to do so should cooperate to
1081 enhance the capacity of developing countries to support the implementation of their contributions under the
1082 agreement based on the principles and provisions of the Convention and other Parties in a position to do so to
1083 cooperate to enhance the capacity of developing country Parties in all areas of climate change action, to
1084 support the implementation of their commitments/contributions under this agreement and to foster South–
1085 South and triangular cooperation schemes;

1086 **Option 2:** No commitments on capacity-building in the agreement.

1087 *Institutional arrangements*

1088 62. The institutional arrangements established under the Convention shall enhance and intensify their work on
1089 capacity-building:

1090 62.1 The Durban Forum on capacity-building established by decision 2/CP.17 / the institutional
1091 arrangements on capacity-building established under the Convention shall serve this agreement by:

- 1092 a. Enhancing the monitoring and review of the effectiveness of capacity-building;

- 1093 b. Identifying and addressing capacity gaps in developing countries;
- 1094 c. Enhancing the coordination between institutions established under the Convention and this agreement as
- 1095 it relates to their work and mandates on capacity-building:
- 1096 • The governing body may provide further guidance to the Durban Forum and assign specific functions, as
- 1097 appropriate;
- 1098 • The governing body shall periodically review the commitments of developed country Parties to provide
- 1099 capacity-building support to developing country Parties and take appropriate action, which may include the
- 1100 adjustment of such commitments in accordance with the identified national needs and priorities of the
- 1101 developing country Parties;
- 1102 • The governing body shall regularly review the outcomes of the Durban Forum and take appropriate action.

1103 **63. Option 1:** An international capacity-building mechanism is hereby established:

1104 63.1 The purpose of the international capacity-building mechanism under this agreement, funded through the

1105 Financial Mechanism of the Convention and linked to technology- and adaptation-related institutions

1106 established under the Convention, shall be to enhance the capacity of developing country Parties to plan

1107 and implement mitigation and adaptation actions, including human skills development for the

1108 strengthening of domestic institutions, technology innovation and the development of endogenous

1109 technologies, and to make a structured assessment of the capacity needs of developing countries and

1110 match them with support.

1111 63.2 The international capacity-building mechanism shall comprise:

- 1112 a. A capacity-building committee with the following functions:
- 1113 • MRV of support received for capacity-building against needs identified by developing country Parties;
- 1114 • Facilitation of the effective implementation of capacity-building interventions at the national and regional
- 1115 levels;
- 1116 • Provision of normative guidance on capacity-building related issues concerning this agreement to inform
- 1117 other institutions and mechanisms established under the Convention serving this agreement;
- 1118 • Promotion of coherence between relevant institutions and mechanisms established under the Convention
- 1119 and this agreement.
- 1120 b. An evaluation mechanism with the function:
- 1121 • To assess the effectiveness of the delivery of capacity-building.
- 1122 c. Regional capacity-building centres:
- 1123 • To facilitate building capacity at the national and regional levels.
- 1124 d. An institute for capacity-building to operate as a consortium of tertiary institutions in all major regions of
- 1125 the world:
- 1126 • To build capacity in developing countries as a means of strengthening the ability and effectiveness of
- 1127 mitigation and adaptation actions.

1128 63.3 The governing body shall adopt modalities and procedures for the operation of the international

1129 capacity-building mechanism. The international capacity-building mechanism should become

1130 operational as soon as possible after 2015 to prepare all countries for the implementation of this

1131 agreement by 2020.

1132 **Option 2:** No provisions on the establishment of new institutions;

1133 **Option 3:** Strengthening and improving existing institutions;

1134 **Option 4:** Enhance the role of the private sector in the delivery of capacity-building.

1135 *Structural suggestions on section I:*

1136 *Include references to capacity-building in all other sections*

1137 *Include preambular recital on capacity-building and details in decisions*

1138 *Include paragraph 62 in a decision.*

1139 **J. *Transparency of action and support***

1140 *General*

1141 64. **Option 1:** A transparency framework, applicable to all Parties and differentiated between developed and

1142 developing countries, under the Convention and in accordance with previous decisions of the COP, shall

- 1143 promote transparency of action and support by providing information on the implementation of each Party's
 1144 commitments/contributions in an efficient and flexible manner, in order to:
- 1145 a. Enhance clarity, comparability between developed countries, accountability and mutual trust and to
 1146 promote ambition/progressive enhancement;
 - 1147 b. Facilitate the tracking of progress in the implementation of commitments/contributions;
 - 1148 c. Ensure that commitments /actions and provision of support by Annex II Parties are implemented and
 1149 complied with and verified through a robust verification system, and facilitate the comparison of MRV of
 1150 all types of support received with the needs expressed and identified by developing country Parties;
 - 1151 d. Facilitate / Ensure the use of mitigation outcomes resulting from international/ national / market-based
 1152 mechanisms in the accounting of each Party's commitments/contributions;
 - 1153 e. Avoid double counting;
 - 1154 f. Ensure the environmental integrity of this agreement.

1155 **Option 2:** A single /common / transparency framework, applicable to all Parties, shall promote transparency
 1156 of action and support by providing information on the implementation of each Party's
 1157 commitments/contributions in an efficient and flexible manner, in order to:

- 1158 a. Enhance clarity, comparability, accountability and mutual trust, and promote ambition;
- 1159 b. Facilitate the tracking of progress in the implementation of commitments/contributions;
- 1160 c. Promote the implementation of action and support, and ensure that efforts are verified through a robust
 1161 verification system;
- 1162 d. Facilitate the use of mitigation outcomes resulting from international market-based mechanisms in the
 1163 accounting of each Party's commitments/contributions;
- 1164 e. Avoid double counting;
- 1165 f. Ensure the environmental integrity of this agreement;
- 1166 g. Provide the necessary flexibility to Parties through the use of tiers or 'opt-out' provisions.

1167 **Option 3:** All Parties shall promote transparency of action and support by providing information on the
 1168 implementation of each Parties' commitments under the Convention, taking into account their common but
 1169 differentiated responsibilities and their specific national and regional development priorities, objectives and
 1170 circumstances, in order to:

- 1171 a. Ensure the comparability and accountability of the quantified economy-wide emission reduction targets
 1172 of developed country Parties in a measurable, reportable and verifiable manner;
- 1173 b. Ensure that developing country Parties' support-related commitments are implemented, compiled with
 1174 and verified through a robust accounting, reporting and verification system;
- 1175 c. Facilitate the clarity of progress made by developing country Parties on their implementation of actions
 1176 for addressing climate change and on the support received from developed country Parties.

1177 65. **Option 1:** The transparency framework shall encompass MRV of emissions and removals and the accounting
 1178 of commitments/contributions, including those related to support, and shall be based on agreed rules /be based
 1179 on existing MRV arrangements under the Convention and / be guided by:

1180 **Option (a):**

- 1181 a. Article 12 of the Convention;
- 1182 b. Taking into account /the differing national circumstances/ common but differentiated responsibilities/ the
 1183 unique circumstances/ and respective capabilities of Parties;
- 1184 c. Accommodating different contributions and countries' differing capacities; and/or providing for
 1185 differentiation in reporting and the common international review of reports;
- 1186 d. Avoiding imposing onerous burdens on poor and vulnerable countries or developing countries and, in
 1187 particular, the LDCs and SIDS, with respect to support received for adaptation, capacity-building and
 1188 access to and adoption of appropriate technologies;
- 1189 e. Recognizing that the transparency framework will evolve, building on existing decisions /experience with
 1190 existing MRV arrangements;
- 1191 f. Tracking post-2020 commitments;
- 1192 g. Ensuring transparency, accuracy, completeness, comparability and consistency;
- 1193 h. Maintaining or improving levels of transparency over time;
- 1194 i. Building countries' capacities over time and institutionalizing reporting capacity.

- 1195 **Option (b):**
- 1196 a. The principles and provisions of the Convention;
- 1197 b. Taking into account Parties' common but differentiated responsibilities and their specific national and
- 1198 regional development priorities, objectives and circumstances;
- 1199 c. Consistent with the level of support provided for developing countries;
- 1200 d. Recognizing that the transparency framework will evolve, building on existing decisions.
- 1201 **Option 2:** The transparency framework shall encompass reporting through biennial communications, a
- 1202 technical expert review of the submitted biennial communications and a facilitative examination of the
- 1203 implementation of efforts, and shall be based on agreed rules.
- 1204 66. The transparency framework shall be:
- 1205 **Option 1:** Built on the existing MRV arrangements under the Convention:
- 1206 a. Developed country Parties / Developed country Parties and other Parties undertaking quantified emission
- 1207 reduction commitments should report information related to their actions and provision of support to
- 1208 developing countries in accordance with the provisions of the Convention and relevant decisions of the
- 1209 COP in their national communications, biennial reports and annual inventory reports. All of that
- 1210 information will be subject to the international assessment and review (IAR) and international expert
- 1211 team review), as well as to a compliance assessment for Annex I Parties that are also Parties to the Kyoto
- 1212 Protocol;
- 1213 b. Developing country Parties /Parties not undertaking quantified emission reduction commitments /
- 1214 Developing country Parties, consistent with their obligations under the Convention, their capabilities and
- 1215 the level of support received from developed country Parties, should report information on their actions
- 1216 and support received in accordance with the relevant decisions of the COP in their national
- 1217 communications and biennial update reports (BURs), and the BURs will be subject to international
- 1218 consultation and analysis (ICA).
- 1219 **Option 2:** A common framework with common MRV provisions applicable to all Parties, built on the existing
- 1220 MRV system that is fit for purpose and offers appropriate flexibility/offers flexibility for developing country
- 1221 Parties in terms of the level and depth of the application of the common MRV provisions in relation to:
- 1222 a. The frequency of reporting;
- 1223 b. The broad categories of information to be reported, namely:
- 1224 • National inventories of emissions and removals;
- 1225 • Progress made towards the achievement of mitigation commitments/contributions;
- 1226 • Monitoring and evaluation of adaptation;
- 1227 • Tracking the delivery of, and the outcomes achieved through, support.
- 1228 c. The consideration of reporting:
- 1229 • Expert review;
- 1230 • A facilitative, multilateral process.
- 1231 **Option 3:** A single system with common MRV provisions applicable to all Parties from 2020;
- 1232 **Option 4:** Based on Articles 10, paragraph 2(a) and (b), and 12, paragraphs 1, 2 and 3, of the Convention:
- 1233 a. Enhanced procedures for comparability for Annex I Parties;
- 1234 • More frequent reporting, standardized format, common accounting framework with common base year and
- 1235 expressed in terms of CO₂ eq, projections of emission trajectories/pathways.
- 1236 b. Current procedures set up under decisions 1/CP.16 and 2/CP.17 for non-Annex I Parties.
- 1237 **Option 5:** All Parties shall, on the basis of self-differentiation and national capacity, report information
- 1238 through existing institutions, with no backsliding, and follow the procedural guidelines and provisions
- 1239 provided in the following review methods based on the following tiers:
- 1240 a. Monitoring, review and verification under the Convention;
- 1241 b. Monitoring, review and verification under the Cancun Agreements;
- 1242 c. Monitoring, review and verification under the Kyoto Protocol.

1243 *Commitments*

- 1244 67. **Option 1:** Each Party to provide, through their biennial communications, verifiable, transparent, consistent
- 1245 and complete, accurate and comparable information, in accordance with previous decisions of the COP, on the
- 1246 implementation of its commitments/contributions/ actions, including in relation to mitigation, adaptation,
- 1247 finance, technology development and transfer and capacity-building;

- 1248 **Option 2:** All Parties commit to participating in an agreed, unified transparency system and to continuously
 1249 improve transparency;
- 1250 **Option 3:** Each developed country Party shall provide information on: its quantified economy-wide emission
 1251 reduction target, its policies and actions for implementing that target, adaptation actions, RD&D actions
 1252 related to climate-friendly technologies and capacity-building actions, as well as other relevant information, in
 1253 order to ensure the provision of consistent, transparent, comparable, accurate and complete information by
 1254 developed country Parties.
- 1255 68. All Parties/ Annex II Parties/Parties in accordance with their common but differentiated responsibilities, to
 1256 ensure transparency of support:
- 1257 a. MRV of support provided to be enhanced on the basis of national communications, biennial reports, IAR
 1258 and KP rules using common but differentiated templates and drawing on the work of the SBSTA on
 1259 methodologies for the reporting of financial information by Annex I Parties;
- 1260 b. Developing countries to provide information on support received and its use, recognizing the special
 1261 circumstances of countries, ensuring that no additional reporting burdens are imposed on developing
 1262 countries;
- 1263 c. Annex II Parties and Parties in a position to do so to provide biennial reports on adaptation support,
 1264 indicating the level of support that they are providing to developing country Parties, in particular the
 1265 LDCs, SIDS and countries in Africa, to inform a regular review by the governing body in line with
 1266 science;
- 1267 d. International financial institutions are invited to provide information on how their development assistance
 1268 finance incorporates ‘climate proofing’ measures in all forms of support;
- 1269 e. Each Party to provide information on support provided and received, in line with its national
 1270 circumstances. Rules and modalities.
- 1271 69. **Option 1:** The governing body/ shall elaborate the rules related to transparency of action and support,
 1272 including MRV, as well as related to accounting, in particular rules on the use of market mechanisms and to
 1273 the land sector in relation to mitigation commitments/contributions, which:
- 1274 a. After gathering experience with the agreed transparency system and assessing whether improvement is
 1275 needed, adjust / enhance / ensure the development of the existing MRV arrangements and accounting
 1276 rules, building on the experience of existing MRV arrangements, to fit the objectives and purposes of the
 1277 agreement;
- 1278 b. Ensure harmonization and coordination of existing data systems as well as methodological consistency
 1279 and commonality in defining and tracking the commitments/contributions;
- 1280 c. **Option 1:** Apply IPCC greenhouse gas inventory guidelines and common metrics agreed under the
 1281 Convention;
- 1282 **Option 2:** Use common metrics and methodologies adopted by the IPCC and agreed by the COP for the
 1283 estimation of GHG emissions and removals;
- 1284 d. Recognize the importance of greenhouse gas emissions by sources and removals by sinks resulting from
 1285 land-use change and forestry activities for understanding mitigation contributions and progress in
 1286 achieving targets, commitments and implementing actions;
- 1287 e. **Option 1:** Recognize the use of market mechanisms in relation to mitigation commitments/contributions;
 1288 **Option 2:** Recognize the use of the mechanisms defined in Articles 6 and 12 of the KP and
 1289 mechanisms defined in the Convention in relation to mitigation commitments.
 1290 Recognize the use of market activities in relation to mitigation commitments if they meet standards,
 1291 to be defined, that deliver real, permanent, additional and verified mitigation outcomes, avoid
 1292 double accounting of effort, achieve a net decrease and/or avoidance of greenhouse gas emissions
 1293 and are in conformity with these standards.
- 1294 f. Recognize the importance of accounting of support for adaptation and means of implementation;
- 1295 g. Use comparable accounting mechanisms for support based on common /templates /methodologies/ and
 1296 common methodology for MRV for developed countries / Annex II Parties;
- 1297 h. Place greater emphasis on effectiveness of support and include better provisions for reporting on the use
 1298 of international support and results achieved with support;
- 1299 i. With respect to the provision and receipt of finance:
- 1300 • Include /enhance/ information, consistent with previous decisions of the COP, on support provided and
 1301 received, including on: delivery, use and impact, sources, scale, channels, instruments, and on South–South
 1302 cooperation;

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- Provide transparency on the levels of financing, what financing is used for, which countries are benefiting, and whether funds are new and additional and outcomes achieved through:
 - *Option 1:* Accounting rules for: /mitigation and adaptation actions and for financial support, as well as public and private resources invested;
 - *Option 2:* Accounting rules for Annex II Parties with regard to support.
 - Be enhanced based on annual reporting on delivery of climate finance by developed country Parties;
 - Address the need for a common agreed definition of climate finance and inconsistencies on climate finance data:
 - Providing clarity on what type is most appropriate for what action;
 - Building on the work done by the Organisation for Economic Co-operation and Development Research Collaborative and the SCF on methods for measuring and tracking private climate finance / Building on the work of the SBSTA;
 - As outlined in the MRV proposal from Ecuador.⁴
- j. With respect to the monitoring and reporting of support from developed country Parties / Annex II Parties to developing country Parties on enhanced action on technology development and transfer:
- Overseen by the TEC./Facilitated by the TEC/Technology Mechanism;
 - Develop common format and methodologies for technology support reporting.
- k. With respect to the effectiveness of capacity-building support:
- Based on the impact and knowledge created in developing country Parties against performance indicators at the national level and/or by a committee on capacity-building;
 - Be conducted against needs identified by developing country Parties;
 - Include an assessment of the effectiveness of capacity-building activities based on performance indicators at the international level;
 - Supported by the Durban Forum on capacity-building and the Consultative Group of Experts on National Communications from Parties not included in Annex I to the Convention.
- Option 2:** The governing body shall elaborate the rules related to transparency of action and support, including MRV as well as accounting, which:
- a. Develop methodologies on the accounting of support on finance, technology development and transfer and capacity-building provided by developed country Parties to developing country Parties, including common metrics on the climate finance and quantifiable progress indicators on technology transfer and capacity-building support provided by developed countries;
 - b. Revise and improve the common reporting format on financial support available and provided by developed countries to developing countries;
 - c. Develop a common reporting format on the support for technology development and transfer and capacity-building provided by developed country Parties to developing country Parties;
 - d. Revise the modalities and procedures of IAR in order to strengthen the review on the progress of provision of financial, technological and capacity-building support by developed country Parties to developing country Parties;
 - e. Establish a long-term finance channel under the GCF or GEF to build MRV capacity of developing countries on a continuous basis.
- Option 3:** The governing body shall elaborate the guidelines related to transparency of action and support, by:
- a. Tailoring the post-2020 transparency arrangements to promote its objective;
 - b. Developing guidelines for biennial communications regarding;
 - c. National circumstances:
 - The national inventory report of emissions and removals;
 - A description of nationally determined contribution;
 - Progress in achievement of the NDC, including mitigation actions and their effects, estimates of emissions from the land sector, and the use of units from international market-based mechanisms;
 - Projections;
 - Provision of support, including on the provision of finance, technology transfer and capacity-building;
 - Progress in assessing climate risks and vulnerabilities, and in enhancing adaptation action, including through national adaptation planning processes.

⁴ FCCC/AWGLCA/2012/CRP.1.

- 1355 d. Using common reporting templates wherever applicable and beneficial for enhancing transparency;
- 1356 e. Elaborating on the following:
- 1357 • Parties to include all major emission sources and sinks, pools and gases in their contribution;
- 1358 • For major sources and sinks, pools and gases that are not included, Parties to include an explanation for
- 1359 their exclusion, and to strive to include these over time;
- 1360 • Parties to use the most relevant IPCC guidance and guidelines, as determined by the COP;
- 1361 • Parties not to change their accounting approach or methodologies or baseline during the time frame, except
- 1362 in the case of technical corrections;
- 1363 • Parties to have projected baselines transparently assessed;
- 1364 • Parties that use market-based approaches to meet standards that deliver real, additional, verifiable and
- 1365 permanent emission reductions, avoid double counting of effort and result in a net mitigation benefit.
- 1366 f. Recognizing the importance of greenhouse gas emissions by sources and removals by sinks resulting
- 1367 from land-use change and forestry activities;
- 1368 g. Developing guidelines to assist Parties in assessing national climate change impacts, vulnerability and
- 1369 adaptation options;
- 1370 h. Developing guidelines for the technical expert review of Parties' biennial communications;
- 1371 i. Developing guidelines for a facilitative examination of Parties' progress towards their nationally
- 1372 determined contributions;
- 1373 j. With respect to the provision and receipt of support and international cooperation, develop guidelines
- 1374 that:
- 1375 • Elicit information on support provided and received, including on: delivery, use and impact, sources, scale,
- 1376 channels, and instruments;
- 1377 • Provide transparency on the levels of financing, what financing is used for, which countries are benefiting,
- 1378 and whether funds are new and additional;
- 1379 • Place greater emphasis on effectiveness of support and reporting on the use of international support and
- 1380 results achieved with support;
- 1381 • Recognize that a variety of types may be appropriate;
- 1382 • Consider the ongoing work under the SCF and the work of relevant bodies outside the Convention.

1383 *Structural suggestions on section J:*

- 1384 *Transparency of support to be addressed in the context of support, transparency of mitigation in the context of mitigation.*
- 1385 *Divide into three sub-sections: (1) commitment to participate in a single transparency system; (2) the mechanics, or*
- 1386 *component parts, of the system; and (3) the guiding principles for the system.*
- 1387 *Restructure paragraphs 67 and 68 into three sub-sections: transparency of actions by developed country Parties;*
- 1388 *transparency of actions by developing country Parties; and transparency of support by developed country Parties.*
- 1389 *Move the paragraphs on accounting to the mitigation section.*
- 1390 *Merge this section with section K below.*
- 1391 *Move paragraph 69 (d) and (e) (option 1) to the mitigation section and retain (a) and (c) in transparency section.*
- 1392 *Include content of paragraph 68 k (of option 1) in a decision.*
- 1393 *Restructure paragraph 69 into separate paragraphs on transparency of mitigation and transparency of support.*

1394 **K. Time frames and process related to commitments/contributions / Other matters related to implementation**

1395 **and ambition**

1396 *Commitments / contributions / actions / scope of implementation and ambition*

- 1397 70. The starting date for the implementation of this agreement to be 1 January 2020/ 31 December 2020/1 January
- 1398 2021; and the end date of this agreement to be 2030/2040/2050/2100/ durable forever.
- 1399 71. Pursuant to Article 2 of the Convention, Parties to periodically communicate or update their proposed
- 1400 commitments/contributions:
- 1401 **Option 1:** Every five years for all Parties;
- 1402 **Option 2:** Commitments shall be inscribed every five years, beginning in 2015. All Parties shall communicate
- 1403 proposed commitments in the 12 to 18 months prior to their inscription. The commitments will cover a five-
- 1404 year period, ending 10 years after the inscription year. Parties may also propose an indicative commitment
- 1405 covering a further five-year period, which can be confirmed or enhanced five years later, when formally
- 1406 inscribed (2020);

- 1407 **Option 3:** Every five years, indicating the commitment/contribution/action for the subsequent five-year period
 1408 as well as an indicative commitment/contribution/action for the following five-year period;
- 1409 **Option 4:** Every five years for developed country Parties only;
- 1410 **Option 5:** Every five years for developed country Parties and every 10 years for developing country Parties;
- 1411 **Option 6:** Every five years for the upcoming period and an indication for the following period only for
 1412 mitigation: annual or biennial time frame for means of implementation in line with national budgets; different
 1413 time frame for adaptation;
- 1414 **Option 7:** By 2030/2025 for all Parties;
- 1415 **Option 8:** By 2025 and/or 2030 for all developed country Parties only, and with the diversity of end dates for
 1416 developing country Parties;
- 1417 **Option 9:** Every 10/x years, with a mid-term review;
- 1418 **Option 10:** For a period to be determined by the governing body.
- 1419 72. Parties to communicate their proposed commitments/contributions/actions at least 12 months prior to their
 1420 formalization/finalization, but not earlier than 18 months prior to that.
- 1421 73. **Option 1:** The scope of the commitments/contributions/actions will:
- 1422 **Option (a):** Be nationally determined;
- 1423 **Option (b):** Be defined by the provisions of this agreement;
- 1424 **Option (c):** Include mitigation, adaptation, finance, technology and capacity-building, and transparency
 1425 of action and support;
- 1426 **Option (d):** Include mitigation, recognizing that commitments on adaptation, finance, technology and
 1427 capacity-building, and transparency of action and support are subject to separate provisions of this
 1428 agreement;
- 1429 **Option (e):** Include mitigation only.
- 1430 **Option 2:** Implementation and ambition are related to:
- 1431 a. Mitigation, adaptation, finance, technology and capacity-building;
- 1432 b. For developed country Parties: mitigation and finance, technology and capacity-building support to
 1433 developing country Parties for their mitigation and adaptation actions;
- 1434 c. For developing country Parties: mitigation and/or adaptation.
- 1435 74. When communicating their contributions, Parties to provide up-front information, along with their proposed
 1436 commitments/contributions/actions, that:
- 1437 **Option 1:** Facilitates the clarity, transparency and understanding of those commitments/contributions/actions,
 1438 on the basis of the relevant arrangements for reporting information resulting from the Bali Action Plan (as
 1439 detailed in decision x/CP.x);
- 1440 **Option 2:** Facilitates the clarity, transparency and understanding of those commitments/contributions/actions
 1441 (as detailed in decision x/CP.x).
- 1442 75. Upon communication, commitments/contributions/actions to be made publicly available by the secretariat.
- 1443 *Ex-ante consideration / Further facilitation of transparency and clarity / Consultative process/period*
- 1444 76. **Option 1:** No ex-ante consideration process / no arrangements for further facilitating transparency and clarity;
 1445 **Option 2:** After their communication, commitments/contributions/actions will be subject to an ex-ante
 1446 consideration process / further facilitation of transparency and clarity /a consultative period/process in order
 1447 to:
- 1448 **Option (a):**
- 1449 a. Facilitate understanding of the level of ambition and fairness / level of ambition of the
 1450 commitments/contributions and the long-term temperature goal in the context of a Party's long-term low-
 1451 emission development pathway;
- 1452 b. Assess the adequacy and fairness of the aggregated contributions / the adequacy of the aggregated
 1453 contributions / the aggregated contributions compared with science, as part of the principle-based
 1454 reference framework;
- 1455 c. Assess the extent and availability of support from Annex II Parties to non-Annex I Parties, and, in that
 1456 context, the potential additional ambition of non-Annex I Parties;
- 1457 d. Assist countries that have not communicated their commitments/contributions;

- 1458 e. Facilitate understanding of the comparability of effort of the commitments/contributions/actions; and of
1459 the global aggregate commitment;
- 1460 f. Address/understand/determine/discuss deficits in the light of the ambition required / facilitate the analysis
1461 of national mitigation potential and address deficits in the light of the ambition required.
- 1462 **Option (b):**
- 1463 a. Enhance the clarity, transparency and understanding of the aggregate effect of the communicated
1464 intended nationally determined contributions;
- 1465 b. Facilitate the efforts by Parties that have not communicated their intended nationally determined
1466 contributions up to that point.
- 1467 **Option (c):**
- 1468 a. Facilitate the clarity of the comparability of the commitments ofby developed country Parties, in
1469 accordance with their historical responsibilities, requirements of science and leadership inon addressing
1470 climate change and the requirements of science;
- 1471 b. Facilitate understanding of the diversity, barriers and needs, the enhanced actions undertaken by
1472 developing country Parties, bearing in mind their first and overriding priority of economic and social
1473 development and poverty eradication.
- 1474 76.1 Parties' commitments/contributions/actions to be considered based on:
- 1475 **Option (a):** A consultative process to ensure clarity, transparency and understanding of the commitments/
1476 contributions;
- 1477 **Option (b):** A principle-based reference framework to be established to ensure clarity, transparency and
1478 understanding of the commitments/contributions/actions;
- 1479 **Option (c):** Existing arrangements and processes under the Convention.
- 1480 76.2 The ex-ante consideration process / further facilitation of transparency and clarity / consultative
1481 period/process is to:
- 1482 **Option (a):**
- 1483 a. Be science-based and informed by the assessments of the IPCC, moving to assessment reports every five
1484 years (e.g. 2019, 2024, 2029);
- 1485 b. Be inclusive, consultative, facilitative, supportive, non-prescriptive, non-intrusive, and non-punitive.
- 1486 **Option (b):**
- 1487 a. Be science-based and informed by the assessments of the IPCC, moving to assessment reports every five
1488 years (e.g. 2019, 2024, 2029);
- 1489 b. Be inclusive, consultative, facilitative, supportive, non-prescriptive, non-intrusive, and non-punitive;
- 1490 c. Be conducted in accordance with Article 4, paragraph 2(d), of the Convention;
- 1491 d. Reflecting the differences in Annex A and Annex B;
- 1492 e. Be based on the existing experience from the clarification of the commitments of developed country
1493 Parties and the understanding of the NAMAs of developing country Parties.
- 1494 76.3 The ex-ante consideration process / further facilitation of transparency and clarity / consultative
1495 period/process to take place:
- 1496 **Option (a):** In the year in which the commitments/contributions/actions are communicated;
- 1497 **Option (b):** In the year after the commitments/contributions/actions have been communicated;
- 1498 **Option (c):** In the year prior to the inscription of the contribution in the agreement for mitigation and
1499 means of implementation / in the 12 months prior to the session at which the commitment would be
1500 inscribed;
- 1501 **Option (d):** Each Party to go through a consultative period for four to six months after the submission
1502 of its intended nationally determined contribution.
- 1503 76.4 On the basis of the ex-ante consideration process / further facilitation of transparency and clarity /
1504 consultative period/process :
- 1505 **Option (a):** Each Party to consider the recommendations resulting from the process;
- 1506 **Option (b):** Each Party to revise its commitment/contribution on a voluntary basis;
- 1507 **Option (c):** Each Party to adjust/revise on a voluntary basis its commitment/contribution upwards,
1508 through an adjustment procedure in accordance with decisions of the governing body;
- 1509 **Option (d):** Parties will undertake top-down adjustments based on a global carbon budget.

- 1510 76.5 The governing body shall develop and adopt modalities and procedures for the ex-ante consideration
 1511 process / further facilitation of transparency and clarity / consultative period/process by its [X] session:
 1512 a. A web platform where Parties and other actors are able to pose questions and Parties are encouraged to
 1513 answer the questions that they receive;
 1514 b. Consultations among Parties, including through workshops and round tables;
 1515 c. A joint Subsidiary Body for Implementation (SBI)/SBSTA programme to prepare recommendations for
 1516 the COP;
 1517 d. A technical body / panel / task force to be established that undertakes analytical work, examines the
 1518 adequacy and fairness of commitments/contributions and prepares recommendations; and/or on
 1519 mitigation and means of implementation;
 1520 e. Inputs to the process, including modalities for the analysis, synthesis and/or compilation of the
 1521 commitments/contributions.

- 1522 76.6 The governing body shall review, on a periodic basis, the modalities and procedures, with a view to
 1523 ensuring adaptability, efficiency and effectiveness, taking into account the different characteristics of
 1524 mitigation and means of implementation and the need to address them in a distinct manner over time.

1525 *Formalization / finalization / reflection of enhanced action*

- 1526 77. The commitments/contributions/actions communicated by Parties to be:

1527 **Option 1:** Inscribed in a single annex to this agreement;

1528 **Option 2:** Inscribed in annexes to this agreement:

1529 ***Option (a):*** Annex A for quantified emission reduction commitments (QERCs) and Annex B for
 1530 emission limitation commitments and strategies;

1531 ***Option (b):*** Annex A: a table of heading numbers of quantified emission reduction commitments of
 1532 developed country Parties; and Annex B: a compilation of communications of enhanced mitigation
 1533 actions by developing country Parties.

1534 **Option 3:** Inscribed in attachments to this agreement:

- 1535 • Attachment A for developed country Parties' emission reduction commitments;
- 1536 • Attachment B for developed country Parties' finance, technology and capacity-building commitments;
- 1537 • Attachment C for developing country Parties' enhanced actions.

1538 **Option 4:** Adopted by a decision of the governing body;

1539 **Option 5:** Contained in national schedules, to be communicated to the secretariat. The secretariat shall make
 1540 all national schedules publicly available;

1541 **Option 6:** Inscribed in a country contribution document, with a provision in the agreement creating an
 1542 obligation for each Party to communicate and implement their contribution;

1543 **Option 7:** Recorded in an online registry of national mitigation targets, which is to form an integral part of
 1544 this agreement.

- 1545 78. Parties may, at any time, make upward adjustments to their commitments/contributions/actions by means of a
 1546 simplified procedure:

1547 **Option 1:** By way of communication to the secretariat or the depositary;

1548 **Option 2:** By way of an amendment to the respective annex and in the context of the procedures referred to in
 1549 section M below;

1550 **Option 3:** The governing body shall adopt modalities of the simplified procedure / Any modalities to be
 1551 adopted by the governing body.

- 1552 79. **Option 1:** A Party to be allowed to exceptionally adjust its commitment/contribution, subject to certain
 1553 conditions, including: if subsequent rules differ substantially from the Party's assumptions, or force majeure,
 1554 provided that there is no backsliding;

1555 **Option 2:** A developing country Party may adjust its contribution when severely affected by an extreme
 1556 natural event;

1557 **Option 3:** No other adjustments allowed.

1558 *Strategic review of implementation / Aggregate ambition assessment / Enhanced ambition mechanism*

- 1559 80. The governing body shall regularly conduct a strategic review of implementation / aggregate ambition
 1560 assessment.

- 1561 81. The purpose of the review/assessment/mechanism is to:

1562 **Option 1:** Review the effect/ambition and the implementation of the individual commitments/contributions/
 1563 actions of Parties as well as the aggregate effect/ambition of all Parties' commitments, in order to assess
 1564 progress towards operationalizing the ultimate objective of the Convention, as set out in its Article 2 of the
 1565 Convention, pursuant to paragraph 3 above;

1566 **Option 2:**

- 1567 a. Track the performance of the implementation of the post-2020 enhanced action;
- 1568 b. Review the adequacy of the long-term aspect in the light of the objective of the Convention;
- 1569 c. Review the overall progress towards achieving the objective of the Convention;
- 1570 d. Consider the historical responsibilities of Parties in relation to the global temperature increase;
- 1571 e. Increase the level of ambition.

1572 82. The review/assessment/mechanism shall take place:

1573 **Option 1:** Starting in [X] /after the agreement has come into effect, every one/ two/ four /five years.

1574 **Option 2:** Immediately following the publication of each IPCC assessment reports.

1575 83. The review/assessment/mechanism shall be:

1576 **Option 1:** Applicable to developed country Parties.

1577 **Option 2:** Applicable to all Parties.

1578 **Option 3:** Applicable to all Parties, as follows:

- 1579 a. Implementation and ambition of emission reduction commitments of developed country Parties;
- 1580 b. Adequacy and progress of finance, technology and capacity-building support from developed country
 1581 Parties to developing country Parties;
- 1582 c. Implementation and further enhanced mitigation and/or adaptation action by developing country Parties.

1583 84. The review/assessment/mechanism should include:

- 1584 a. International revisit of the emission reduction commitments of developed country Parties;
- 1585 b. Multilateral consideration of developed country Parties' commitments on finance, technology and
 1586 capacity-building support;
- 1587 c. Domestic reflection and international understanding of enhanced action on mitigation and/or adaptation
 1588 undertaken by developing country Parties, in a manner that is non-punitive, and non-intrusive and
 1589 respecting national sovereignties;
- 1590 d. A forum on lessons learned on innovation of sustainable development pathways among all Parties.

1591 85. The review/assessment/mechanism to be consistent with science, on the basis of equity and sustainable
 1592 development, and informed by:

1593 **Option 1:**

- 1594 a. Each country's progress towards the achievement of its commitments/contributions, aggregated global
 1595 emission trends and the aggregate progress towards attaining the global goals established under this
 1596 agreement;
- 1597 b. Assessments undertaken pursuant to other provisions of this agreement of the adequacy and progress
 1598 related to adaptation and finance, technology and capacity-building support;
- 1599 c. A process to facilitate the clarity, transparency and understanding of Parties' commitments/contributions,
 1600 whereby the ambition and fairness of Parties' mitigation commitments can be considered in the light of
 1601 the long-term temperature limit;
- 1602 d. The assessment reports of the IPCC;
- 1603 e. Information reported by Parties on the implementation of their commitments/contributions, as set out in
 1604 section J below (*Transparency of action and support*);
- 1605 f. Information communicated by Parties on their future commitments/contributions, as set out in this
 1606 section;
- 1607 g. A process of technical examination of mitigation potential, opportunities, co-benefits of mitigation action
 1608 and policy options for enhancing mitigation ambition.

1609 **Option 2:**

- 1610 a. Each country's progress towards the achievement of its commitments/contributions, including
 1611 information from the NCs, BRs, inventories and NIRs of developed country Parties, as well as from the
 1612 review reports and the IAR process; and information from the NCs and BURs, as well as from the ICA
 1613 process;

- 1614 b. Assessments undertaken pursuant to other provisions of this agreement of the adequacy and progress
 1615 related to adaptation and finance, technology and capacity-building support by from developed country
 1616 Parties;
 1617 c. Arrangements to facilitate the clarity, transparency and understanding of the commitments/contributions;
 1618 d. The assessment reports of the IPCC;
 1619 e. Assessment against an equity reference framework by a technical panel of experts;
 1620 f. The report on the 2013–2015 review and subsequent reviews;
 1621 g. Reports of all of the existing subsidiary bodies under the Convention and new institutional arrangements
 1622 established by this agreement;
 1623 h. A process of technical examination of mitigation potential, opportunities and policy options to enhance
 1624 the level of ambition.

1625 86. On the basis of the review/assessment/mechanism:

1626 ***Option 1:*** The governing body shall recommend adjustments to Parties' commitments in response to the
 1627 findings of the review/action, in order to harness unrealized opportunities to mitigate and adapt to climate
 1628 change and to mobilize the necessary financial support.

1629 ***Option 2:*** Parties to take into account the recommendations arising from the review/assessment/mechanism in
 1630 preparing their successive commitments/contributions/actions / Parties to *increase their level of ambition after*
 1631 *the review, including:*

1632 ***Option (a):***

- 1633 a. Adjusting existing commitments/contributions/actions upward or communicating more ambitious
 1634 mitigation commitments/contributions related to climate change;
 1635 b. Addressing barriers to and constraints on implementation related to the provision of finance, technology
 1636 and capacity-building support.

1637 ***Option (b):***

- 1638 a. Developed country Parties adjusting their existing commitments/contributions upward or communicating
 1639 more ambitious mitigation commitments/contributions;
 1640 b. Developed country Parties adjusting their existing commitments/contributions upward or communicating
 1641 more ambitious finance, technology and capacity-building commitments/contributions/policies/measures;
 1642 c. Addressing barriers and constraints of developing country Parties to implementation related to the
 1643 provision of finance, technology and capacity-building support, and considering further action on
 1644 implementation by developing country Parties.

1645 87. ***Option 1:*** The governing body shall develop and adopt modalities for the review/assessment/mechanism by
 1646 2018, drawing on lessons learned from previous review processes under the Convention and its Kyoto
 1647 Protocol in order to ensure the effectiveness of the review/assessment/mechanism;

1648 ***Option 2:*** The modalities and organization of the work on the strategic review to be developed and adopted
 1649 based on and drawing upon lessons learned from previous review processes under the Convention and its
 1650 Kyoto Protocol, including inter alia:

- 1651 a. The review referred to in Article 4, paragraph 2(d), of the Convention;
 1652 b. The ambition mechanism under the Kyoto Protocol;
 1653 c. IAR and ICA;
 1654 d. The clarification of the QELRCs by Annex I Parties and the process of understanding the diversity of
 1655 NAMAs by non-Annex I Parties;
 1656 e. The 2013–2015 review;
 1657 f. The multilateral consultative process for the resolution of questions regarding the implementation of the
 1658 Convention, as set out in its Article 13:

1659 ***Option (a):*** Utilizing the existing IAR and ICA processes after further amending their mandates and
 1660 guidance;

1661 ***Option (b):*** Utilizing the existing 2013–2015 review after further improving the modalities and
 1662 organization of the work.

1663 *Structural suggestions on section K:*

1664 *Tailor the content of this section to specific areas*

1665 *Move the content to mitigation section*

- 1666 *Divide this section into two parts: section K for transparency for mitigation and section K bis on transparency for*
 1667 *contributions on support*
- 1668 *Merge the ex-ante consideration/consultative period and the strategic review/“aggregate consideration process”*
- 1669 *Include details contained in paragraphs 76.1, 76.2, 76.3, 76.4 and 76.5 in decisions*
- 1670 *Restructure text in paragraphs 70–73 as follows: objectives/purpose, timing, guidance on modalities*
- 1671 *Move para 74 to transparency*
- 1672 *Include specific modalities and procedures in decisions*
- 1673 *Divide the review into review of individual commitments and aggregate commitments drawing on elements from*
 1674 *paragraphs 76 and 81–87.*

1675 **L. Facilitating implementation and compliance**

- 1676 88. In order to assist Parties in implementing their commitments/contributions and/or to address compliance
 1677 issues in a manner that is expert-based, non-confrontational and non-judicial:
- 1678 **Option 1:** The governing body shall adopt procedures and/or mechanisms;
- 1679 **Option 2:** A compliance mechanism or committee/implementation committee /a standing body responsible for
 1680 promoting implementation and compliance and assessing Parties’ performance is established;
- 1681 **Option 3:** Implementation shall be strengthened through enhanced transparency, including through the
 1682 consideration of the multilateral consultative process under Article 13 of the Convention;
- 1683 **Option 4:** No specific provisions required.
- 1684 For option 1 and option 2, arrangements shall cover:
- 1685 a. Regarding commitments/contributions (substantive scope):
- 1686 **Option 1:** All commitments/contributions in the agreement, including reporting;
- 1687 **Option 2:** Specified commitments/contributions, excluding adaptation, including reporting;
- 1688 **Option 3:** Implementation of Parties’ schedules and the submission of biennial communications;
- 1689 **Option 4:** Mitigation, MRV and accounting commitments only.
- 1690 b. Regarding Parties:
- 1691 **Option 1:** All Parties;
- 1692 **Option 2:** Developed country Parties regarding their commitments/contributions on mitigation, finance,
 1693 transfer of technology and capacity-building.
- 1694 c. Structure of the mechanism/committee:
- 1695 **Option 1:** Separate branches – an enforcement branch for Parties that have a QERC in Annex A/ to
 1696 review compliance with commitments made by developed country Parties and those developing country
 1697 Parties that have made economy-wide quantified emission reduction commitments, with respect to their
 1698 commitments on mitigation, as well as commitments on adaptation, finance, technology transfer and
 1699 capacity-building, and a facilitative branch for commitments and strategies in Annex B/ to review the
 1700 implementation of contributions made by developing countries and to assist them in their efforts to meet
 1701 these contributions; the Compliance Committee may establish technical panels to assist them in their
 1702 task;
- 1703 **Option 2:** A standing, non-political, expert body of members who serve in their individual capacity,
 1704 responsible for facilitating and promoting compliance with the obligations under the agreement;
- 1705 **Option 3:** One body for facilitation;
- 1706 **Option 4:** Platforms to deal with early warning, facilitation and enforcement.
- 1707 d. Modalities such as:
- 1708 • Membership;
- 1709 • Triggers to commence a procedure:
- 1710 ○ Early warning for potential non-compliance;
- 1711 ○ Technical expert teams triggering questions of implementation.
- 1712 • Procedures;
- 1713 • Use of economic instruments:
- 1714 ○ Use of economic instruments such as market mechanisms as a way to promote compliance.
- 1715 • Measures and/or consequences:
- 1716 ○ **Option 1:** Facilitative measures only;
- 1717 ○ **Option 2:** Facilitative measures and sanctions for recurring non-compliance;

- 1718 ○ **Option 3:** Facilitative measures for non-Annex I Parties and sanctions for Annex I Parties;
 1719 ○ **Option 4:** Expert groups that support developing country Parties in the preparation and implementation
 1720 of contributions.
 1721 • The Compliance Committee shall report annually to the Conference of the Parties to this agreement.

1722 **M. Procedural and institutional provisions**

1723 *Institutional arrangements*

- 1724 89. *Provisions relating to the governing body of the agreement (based on Article 13(1) of the KP):* The
 1725 Conference of the Parties, the supreme body of the Convention, shall serve as the meeting of the Parties to
 1726 this agreement.
- 1727 90. *Provisions relating to the secretariat (based on Article 14 of the KP):* The secretariat established by Article 8
 1728 of the Convention shall serve as the secretariat of this agreement. Article 8, paragraph 2, of the Convention on
 1729 the functions of the secretariat, and Article 8, paragraph 3, of the Convention on arrangements made for the
 1730 functioning of the secretariat, shall apply mutatis mutandis to this agreement. The secretariat shall, in
 1731 addition, exercise the functions assigned to it under this agreement and the governing body.
- 1732 91. *Provisions on the SBSTA and the SBI (based on Article 15 of the KP):* The SBSTA and the SBI established by
 1733 Articles 9 and 10 of the Convention shall serve as, respectively, the SBSTA and the SBI of this agreement.
 1734 The provisions relating to the functioning of these two bodies under the Convention shall apply mutatis
 1735 mutandis to this agreement. Sessions of the meetings of the SBSTA and the SBI of this agreement shall be
 1736 held in conjunction with the meetings of, respectively, the SBSTA and the SBI of the Convention. Parties to
 1737 the Convention that are not Parties to this agreement may participate as observers in the proceedings of any
 1738 session of the subsidiary bodies. When the subsidiary bodies serve as the subsidiary bodies of this agreement,
 1739 decisions under this agreement shall be taken only by those that are Parties to this agreement. When the
 1740 subsidiary bodies established by Articles 9 and 10 of the Convention exercise their functions with regard to
 1741 matters concerning this agreement, any member of the Bureaux of those subsidiary bodies representing a
 1742 Party to the Convention but, at that time, not a Party to this agreement, shall be replaced by an additional
 1743 member to be elected by and from amongst the Parties to this agreement.
- 1744 92. The governing body shall establish, building on the work conducted under the SBSTA regarding the
 1745 framework for various approaches, means for cooperative arrangements to be defined and accounted for under
 1746 the agreement, that strengthen and create synergies between mechanisms under the Convention and its related
 1747 legal instruments and mechanisms established or to be established, jointly or individually, by Parties, and
 1748 avoid the double counting of efforts, including:
- 1749 • The Financial Mechanism;
 - 1750 • The Technology Mechanism;
 - 1751 • The flexibility mechanisms established by Articles 6 and 12 of the KP;
 - 1752 • The new market-based mechanism defined in decision 2/CP.17, paragraph 83;
 - 1753 • Alternative policy approaches, such as joint mitigation and adaptation;
 - 1754 • A REDD-plus mechanism; / The Warsaw Framework for REDD-plus;
 - 1755 • A mechanism for climate resilience and sustainable development;
 - 1756 • A joint mitigation and adaptation mechanism for the integral and sustainable management of forests;
 - 1757 • Subnational, national and regional emissions trading schemes.

1758 93. Immunities

1759 **Option 1:** Each Party to this agreement shall accord to the persons exercising their functions on any
 1760 board, panel, group or other institution established by this agreement during their journey to and from
 1761 the place of meeting immunity from legal process. The governing body shall determine the modalities
 1762 for the operation of immunities;

1763 **Option 2:** No provision on immunities.

1764 *Procedural provisions/Final clauses*

1765 94. Signature, ratification, acceptance, approval and accession (*based on Article 24(1) of the KP*):

- 1766 94.1 This agreement shall be open for signature and subject to ratification, acceptance or approval by States
 1767 and regional economic integration organizations (REIOs) which are Parties to the Convention at a
 1768 specified place and time. Thereafter, the agreement would be open for accession by such States and
 1769 REIOs;

- 1770 94.2 Provisions on REIOs (*based on Article 22(2) and (3) of the Convention*): Any REIO which becomes a
1771 Party to the agreement without any of its member States being a Party shall be bound by all the
1772 obligations under the agreement. In the case of REIOs with one or more member States that are Parties
1773 to the agreement, the organization and its member States shall decide on their respective responsibilities
1774 for the performance of their obligations under the agreement. In such cases, the organization and the
1775 member States shall not be entitled to exercise rights under the agreement concurrently. In their
1776 instruments of ratification, acceptance, approval or accession, REIOs shall declare the extent of their
1777 competence with respect to the matters governed by the agreement. These organizations shall also
1778 inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent
1779 of their competence;
- 1780 94.3 Additional requirements on deposit of instruments of ratification, acceptance, approval or accession:
1781 **Option 1:** Requirements relating to the submission of national schedules at the same time as deposit of
1782 instruments of ratification, acceptance, approval or accession;
1783 **Option 2:** No additional requirements.
- 1784 95. Entry into force:
- 1785 95.1 **Option 1:** All entry into force provisions set out in paragraph 95.2 to preclude entry into force before
1786 2020;
1787 **Option 2:** Entry into force provisions to allow for possibility of entry into force by 2020.
- 1788 95.2 **Option 1:** This agreement shall enter into force on the thirtieth/ninetieth day after the date on which not
1789 less than 10/50/[X] (a number that is not over- or under-inclusive) Parties to the Convention have
1790 deposited their instruments of ratification, acceptance, approval or accession;
1791 **Option 2:** The agreement will come into effect on and be implemented from 2020, subject to the
1792 deposit of [X] number of instruments of ratification, acceptance, approval, or accession;
1793 **Option 3:** A double threshold that includes both a number of Parties ratifying and a percentage of
1794 global emission reductions covered by the ratifying Parties / a minimum of global emissions from
1795 Parties;
1796 **Option 4:** The agreement will enter into force on [X] date (“from 2020”), provided that [X] number of
1797 Parties have deposited their instruments and that the total of emissions of such Parties constitutes [X]
1798 per cent of the global total of emissions in year [X]. If such thresholds have not been met by [X] date,
1799 the agreement will enter into force [X] days after the thresholds have been met;
1800 **Option 5:** Entry into force upon either a sufficiently high number ([X]) of Parties or a percentage ([X])
1801 of global GHG emissions covered, whichever occurs first, but not earlier than on 1 January 2020.
- 1802 95.3 For each State or REIO that ratifies, accepts or approves the agreement or accedes thereto after the
1803 entry into force according to paragraph 76.1, the agreement shall enter into force on the ninetieth/[X]
1804 day after the date of deposit by such State or REIO of its instrument of ratification, acceptance,
1805 approval or accession (*based on Article 23(2) of the Convention*);
- 1806 95.4 Provisions on REIOs (*based on Article 23 (3) of the Convention*): for the purposes of paragraph 76, any
1807 instrument deposited by a REIO shall not be counted as additional to those deposited by States
1808 members of the organization;
- 1809 95.5 Provisional application:
1810 **Option 1:** A Party to the Convention that intends to ratify, approve, accept or accede to this agreement,
1811 may at any time notify the Depositary that it will apply this agreement provisionally for a period not
1812 extending beyond the time of entry into force of the agreement;
1813 **Option 2:** No specific provision on provisional application.
- 1814 96. *Amendments to the agreement: (based on Article 15 of the Convention)*
- 1815 96.1 Any Party may propose amendments to the agreement;
- 1816 96.2 Amendments to the agreement shall be adopted at an ordinary session of the governing body. The text
1817 of any proposed amendment to the agreement shall be communicated to the Parties by the secretariat at
1818 least six months before the meeting at which it is proposed for adoption. The secretariat shall also
1819 communicate proposed amendments to the signatories to the agreement and, for information, to the
1820 Depositary;
- 1821 96.3 3. The Parties shall make every effort to reach agreement on any proposed amendment to the agreement
1822 by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the

- 1823 amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and
 1824 voting at the meeting. The adopted amendment shall be communicated by the secretariat to the
 1825 Depository, who shall circulate it to all Parties for their acceptance;
- 1826 96.4 4. Instruments of acceptance in respect of an amendment shall be deposited with the Depository. An
 1827 amendment adopted in accordance with paragraph 3 above shall enter into force for those Parties
 1828 having accepted it on the ninetieth day after the date of receipt by the Depository of an instrument of
 1829 acceptance by at least three fourths of the Parties to the agreement;
- 1830 96.5 5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which
 1831 that Party deposits with the Depository its instrument of acceptance of the said amendment;
- 1832 96.6 6. For the purposes of this Article, “Parties present and voting” means Parties present and casting an
 1833 affirmative or negative vote.
- 1834 97. *Amendments to any Annexes to the agreement:*
- 1835 **Option 1:** Amendments to the Annexes to this agreement, which are an integral part of the agreement, shall be
 1836 adopted by the governing body and shall apply forthwith, without the requirement of a ratification process;
- 1837 **Option 2:**
- 1838 97.1 Annexes to the agreement shall form an integral part thereof and, unless otherwise expressly provided
 1839 for, a reference to the agreement constitutes at the same time a reference to any annexes thereto.
 1840 Without prejudice to the provisions of Article X, paragraphs x and x such annexes shall be restricted to
 1841 lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or
 1842 administrative character;
- 1843 97.2 Annexes to the agreement shall be proposed and adopted in accordance with the procedure set forth in
 1844 Article X, paragraphs x and x;
- 1845 97.3 An annex that has been adopted in accordance with paragraph 2 above shall enter into force for all
 1846 Parties to the agreement six months after the date of the communication by the Depository to such
 1847 Parties of the adoption of the annex, except for those Parties that have notified the Depository, in
 1848 writing, within that period of their non-acceptance of the annex. The annex shall enter into force for
 1849 Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which
 1850 withdrawal of such notification has been received by the Depository;
- 1851 97.4 The proposal, adoption and entry into force of amendments to annexes to the agreement shall be subject
 1852 to the same procedure as that for the proposal, adoption and entry into force of annexes to the
 1853 agreement in accordance with paragraphs 97.2 and 97.3 above;
- 1854 97.5 If the adoption of an annex or an amendment to an annex involves an amendment to the agreement, that
 1855 annex or amendment to an annex shall not enter into force until such time as the amendment to the
 1856 agreement enters into force.
- 1857 **Option 3:** Opt-in (ratification procedure).
- 1858 **Option 4:** Simplified procedure for the mitigation commitments.
- 1859 98. *Settlement of disputes (based on Article 19 of the KP):* The provisions of Article 14 of the Convention on
 1860 settlement of disputes shall apply mutatis mutandis to this agreement.
- 1861 99. *Voting/Right to vote (based on Article 18 of the Convention):*
- 1862 99.1 Each Party shall have one vote, except as follows: REIOs, in matters within their competence, shall
 1863 exercise their right to vote with a number of votes equal to the number of their member States that are
 1864 Parties to this agreement. Such an organization shall not exercise its right to vote if any of its member
 1865 States exercises its right, and vice versa;
- 1866 99.2 *Placeholder* for provisions with respect to Parties who put forward a joint contribution.
- 1867 100. *Depository (based on Article 19 of the Convention):* The Secretary-General of the United Nations shall be the
 1868 Depository of this agreement:
- 1869 **Option 1:** In addition to the normal functions of the Depository, the Depository should also hold and manage
 1870 a repository of country contribution documents;
- 1871 **Option 2:** No additional functions for the Depository.
- 1872 101. *Reservations (based on Article 24 of the Convention):*
- 1873 **Option 1:** No reservations may be made to this agreement;
- 1874 **Option 2:** Provide for reservations.

1875 102. *Withdrawal (based on Article 25 of the Convention)*: At any time after [X] years from the date on which this
1876 agreement has entered into force for a Party, that Party may withdraw from this agreement by giving written
1877 notification to the Depositary. Any such withdrawal shall take effect upon expiry of one year from the date of
1878 receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the
1879 notification of withdrawal. Any Party that withdraws from the Convention shall be considered as also having
1880 withdrawn from this agreement.

1881 103. *Authentic text (based on Article 26 of the Convention)*: The original of this agreement, of which the Arabic,
1882 Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the
1883 Secretary-General of the United Nations.

1884 *Structural suggestions*

1885 *All institutional issues should be addressed in one place*

1886 *Include specific institutional arrangements under the respective elements of the agreement. Consider the relationship*
1887 *between the various mechanisms once there is clarity on the content of new mechanisms.*

1888 ***Annex/Annex A/Annex B/Attachments (for paragraph 77, options 1, 2 and 3)***

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