

# LINKAGES BETWEEN ARTS. 6 AND 15

Christina Voigt

## **A. ABOUT THE COMMITTEE**

## I. SCOPE AND FUNCTION OF THE ART. 15 COMMITTEE

Facilitate implementation of and promote compliance with the provisions of the Paris Agreement (Art. 15.1)

Facilitative in nature, transparent, non-adversarial, **non-punitive** (Art. 15.2)

Avoid duplication of effort, shall not function as enforcement or dispute settlement mechanism, **not impose sanctions or penalties**, shall respect national sovereignty ( Art. 15 Decision, Annex para 4)

## 2. MEMBERSHIP

Size and composition of the Article 15 Committee		
Grouping		
African Group		2
Asia Pacific Group		2
Eastern European Group	2	
Group of Latin American and Caribbean Countries (GRULAC)		2
Western European and Other Group (WEOG)	2	
Small Island Developing States (SIDS)		1
Least Developed Countries		1
Subtotal	4	8
Total	12 (+12 alternates)	

- Recognized competence in relevant scientific, technical, socioeconomic or legal fields
- Serving for a term of 3 years, with possibility of re-election for one more term

### 3. HOW DOES A “CASE” GET BEFORE IT?

Three modes of initiation:

1. Self-referral by a party on all provisions of the PA  
(20/CMA. I, para 20)

2. “Automatic” initiation of the committee by a violation of obligations and based on the information listed in para 22(a)

3. Discretionary initiation, with consent of Party, in cases of *significant and persistent inconsistencies* of the information submitted under art. 13.7 and 13.9 with MPGs, based on recommendations in TERR (para 22(b))

## 22. The Committee:

(a) Will initiate the consideration of issues in cases where a Party has not:

(i) Communicated or maintained a nationally determined contribution under Article 4 of the Paris Agreement, based on the most up-to-date status of communication in the public registry referred to in Article 4, paragraph 12, of the Paris Agreement;

(ii) Submitted a mandatory report or communication of information under Article 13, paragraphs 7 and 9, or Article 9, paragraph 7, of the Paris Agreement;

(iii) Participated in the facilitative, multilateral consideration of progress, based on information provided by the secretariat;

(iv) Submitted a mandatory communication of information under Article 9, paragraph 5, of the Paris Agreement;

## 4. WHAT CAN THE COMMITTEE DO?

Shall take appropriate measures, which may include:

1. Engaging in a dialogue with the Party to share info, identify challenges and recommend solutions (para 30 a)
2. Assist the Party in engaging with support arrangements and make recommendations to the Party (and communicate those to the support arrangements) (para 30 b and c)
3. Recommend development of an action plan (30 d)
4. Issue findings of fact in relation to matters listed in para 22 a (para 30 e)

## 5. SYSTEMIC FUNCTION

Identify issues of systemic nature faced by a number of Parties (not individually!) and bring such issues, and as appropriate, recommendations to the attention of the CMA



## **B. LINKS TO ARTICLE 6**

## I. MANDATORY INFORMATION UNDER ART. 6.2

Art. 6.2 contains a legally binding obligation: “Parties shall, where engaging..., and shall apply robust accounting to ensure, i.a., the avoidance of double counting, *consistent* with guidance adopted by the CMA”

Captured by para 77(d) in ETF decision; “structured summary” is part of BTR under art. 13

Two implications for art. 15:

# ART. 6.2

Structured summary  
Art. 13 Decision, para 77(d)

**No**

**Yes**

- 20/CMA.1, para **22(a)(ii)**: “not submitted a mandatory report or communication of information under art. 13.7”
- Art. 15 Committee initiation
- Does not address the content! (para 23)
- **Measures: Para 30 a-e**

- Reviewed by Art. 13 TERT
- If “significant and persistent inconsistencies” pointed out in TERR recommendations
- Art. 15 Committee initiation 20/CMA.1, para **22(b)**
- But discretion of committee and consent of party
- **Measures: Para 30 a-d (4-6 years after...)**

## 2. MEASURES

Para 30: The Committee shall take appropriate measures, which *may* include...

List is not exhaustive, can be expanded by RoP or working arrangements

What is non-punitive, nor a sanction, a penalty or enforcement?

Question:

- If a Party does not submit the information under para 77(d), what would be an appropriate measure?

**3. NOT YET LINKS...**

## SOME QUESTIONS

1. Would a closer link to 6.2 be feasible/desirable? (see para 35 SBSTA 6.2 Draft)
2. Could the committee play a role in the structure of the 6.4 mechanism?
3. Could/should the list of measures be extended to include measures that are appropriate to art. 6 circumstances?
4. Which other backstop, if any, exists, for a party that does not implement the art. 6 guidance?