

Session on Links between art. 15 and Art. 6 – discussion paper

6 March, 2:00 p.m.

The Katowice outcome related to art. 15:

The Katowice COP successfully adopted the modalities and procedures for the effective operation of the Committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement (“Art. 15 Committee”).

Short summary of the modalities and procedures:

Scope and procedure: the Art. 15 Committee can be approached by any Party with regard to its own implementation and compliance with the provision of the Agreement.

The Art. 15 Committee can also initiate proceedings on its own on specific issues.

Para 22 (a) of the M&Ps - Key issues, in which the Art. 15 Committee initiates a procedure, include when a Party has not communicated or maintained its NDC or has not submitted its mandatory reports (under Art. 13.7, 13.9 and 9.7 PA) or its mandatory communication of information (under Art. 9.5) or has not participated in the facilitative, multilateral consideration of progress.

Para 22 b) of the M&Ps - Only with the consent of a Party the Art. 15 Committee may consider significant and persistent inconsistencies of the information provided by a Party under Art. 13.7 and 13.9, based on the recommendations of the technical expert review reports.

Measures/outputs available: Generally, the Art. 15 Committee can engage the Party in a dialogue procedure, assist the Party in the engagement with finance, technology or capacity-building bodies or arrangements under or serving the PA, or recommend the development of an action plan. In the cases under para 22 (a), the Art. 15 Committee can also issue a finding of fact in relation to matters of a Party’s implementation and compliance.

The Art. 15 Committee – tasked by the CMA or by itself – may also identify „systemic issues“ of implementation of or compliance with the PA which a number of Parties faces. It can bring such issues, including its recommendations, to the attention of the CMA.

Formation of the Committee: 12 members and 12 alternates should be elected at CMA2. Other procedural aspects are left to the Committee to be specified.

Link with art. 6:

During the negotiations up to COP24 in the art. 15 draft M&Ps there has been a placeholder for the link with art. 6, kept until the very last rounds. This explicit reference was in the end deleted because of lack of clarity on this link- the negotiations on the implementation of art. 6 did not come to an end.

Nonetheless, it is argued that the link still exists in an indirect way, as follow. Under art. 13.7 b) PA, Parties are required to provide information necessary to track progress made in implementing and achieving its NDCs. According to the MPGs implementing art. 13, Parties participating in cooperative approaches shall provide, annually, in a structured summary, the information referred in para 77 d) i.e. (i) the level of anthropogenic emissions by sources and removals by sinks; (ii) the emission balance; (iii) and (iv) other information on sustainable development, environmental integrity and transparency, robust accounting rules...

If this mandatory information is not provided, the art. 15 Committee will start its procedure under para 22 (a) (ii) of the M&Ps, non submission of mandatory reports or communication of information under art.13, para 7 and 9. Also, under 22 (b) of the M&Ps, with the consent of the Party concerned, the Committee could look into significant and persistent inconsistencies of the information provided. The consideration under 22 (b) will be based on the recommendations made in the final tech expert review report.

In both case measures described above are available to the art. 15 Committee.

Few questions to spark the discussion:

Seeing the presented (potential) links between Art. 6, 13 and 15 PA,

- How do you see the value added of Article 15 Committee to the implementation of Article 6?

- Is the current framework fitted to avoid double counting and to hold a Party accountable? Do you see any role for the art 15 Committee in relation to art. 6.2?

- Is there a relation between a future art. 6.4 "supervisory body" and the "Art. 15 Committee"? Which kind of relationship could be useful? Should the supervisory body complement the Art. 15 Committee's competences? Should it rely on the Art. 15 Committee, e.g. on its possibility to issue findings of fact regarding the (non-) submission of reports?

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