

# Flexibility in the Enhanced Transparency Framework

What was adopted in Paris?

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# AGENDA




- **1/CP.21 and Paris Agreement – what has been agreed**
- **Highlighting the key elements of what has been agreed**
- **Topics for discussion**

# Decision 1/CP.21 – framing Overall Flexibility

§ 90. *Decides* that, in accordance with Article 13, paragraph 2, of the Agreement, developing countries shall **be provided flexibility in the implementation of the provisions of that Article**, including in the

- ❖ scope,
- ❖ frequency and
- ❖ level of detail of reporting,
- ❖ and in the scope of review, and that the scope of review could provide for in-country reviews to be optional,



What impact can flexibility on the scope of reporting have on transparency and comparability?

while such flexibilities shall be reflected in the development of modalities, procedures and guidelines referred to in paragraph 92 below;

# Decision 1/CP.21 – Special Circumstances of LDCs and SIDS


§ 91. *Also decides* that all Parties, except for the least developed country Parties and small island developing States, shall submit the information referred to in Article 13, paragraphs 7, 8, 9 and 10, as appropriate, no less frequently than on a biennial basis, and that the **least developed country Parties and small island developing States may submit this information at their discretion;**

# DECISION 1/CP.21

§ 93. *Also requests* the Ad Hoc Working Group on the Paris Agreement in developing the recommendations for the modalities, procedures and guidelines referred to in paragraph 92 above to take into account, inter alia:

[...]

(b) The need to provide flexibility **to those developing country Parties that need it in the light of their capacities;**

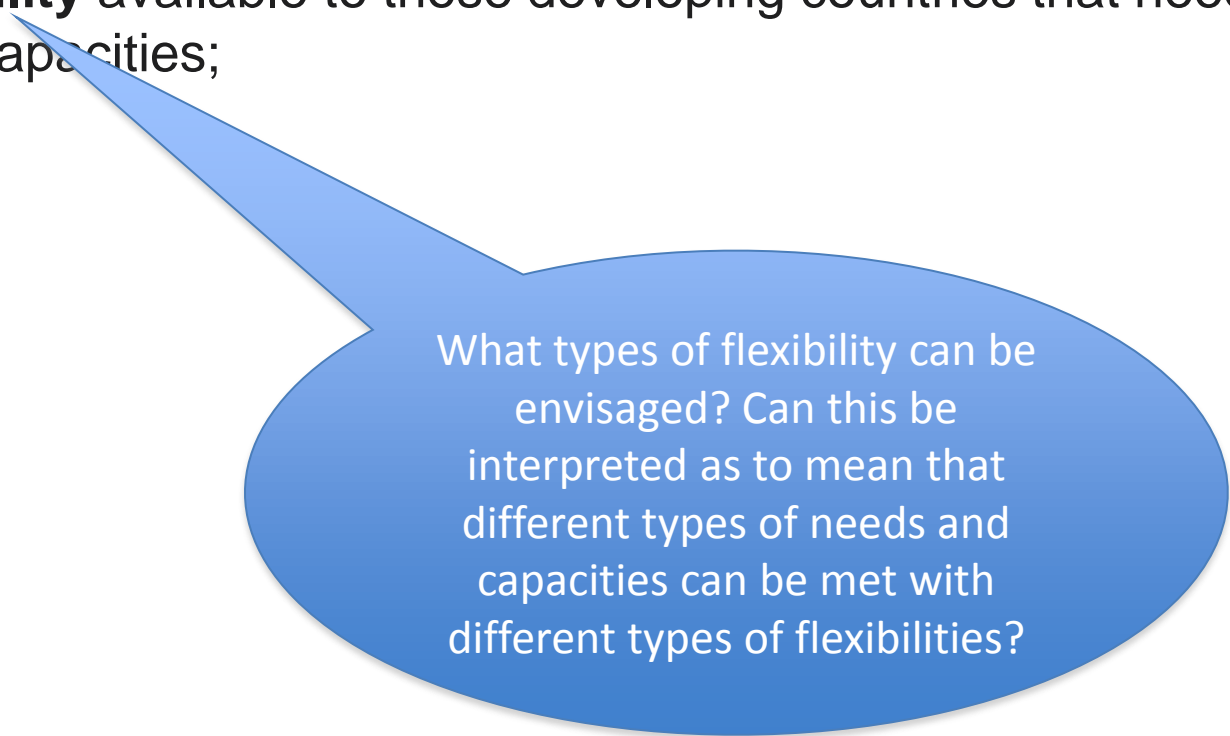


How to determine the country's need? How to assess the country's capacity?  
Self determination? Can the technical review have a role in this?

## DECISION 1/CP.21

§ 95. *Requests* the Ad Hoc Working Group on the Paris Agreement, when developing modalities, procedures and guidelines referred to in paragraph 92 above, to consider, inter alia:

(a) The **types of flexibility** available to those developing countries that need it on the basis of their capacities;



What types of flexibility can be envisaged? Can this be interpreted as to mean that different types of needs and capacities can be met with different types of flexibilities?

# PARIS AGREEMENT

## Article 13

1. In order to build mutual trust and confidence and to promote effective implementation, an enhanced transparency framework for action and support, **with built-in flexibility which takes into account Parties' different capacities** and builds upon collective experience is hereby established.

2. The transparency framework **shall provide flexibility in the implementation of the provisions of this Article** to those developing country Parties that need it in the light of their capacities. The modalities, procedures and guidance referred to in paragraph 13 of this Article shall reflect such flexibility.

3. The transparency framework arrangements under this Article **of the least developed countries** shall be implemented in a manner respectful of national sovereignty and capabilities, and shall be based on Parties' common but differentiated responsibilities and respective capabilities, in the light of different national circumstances, and

Could this mean that the guidance provided to Parties is the same but that there is flexibility in implementing such guidance? Or does that mean that in order to provide flexibility in the implementation of article 13, different guidance should be provided?

## Article 13

12. The technical expert review under this paragraph shall consist of a consideration of the Party's support provided, as relevant, and its implementation and achievement of its nationally determined contribution. The review shall also identify areas of improvement for the Party, and include **a review of the consistency of the information with the modalities, procedures and guidelines referred to in paragraph 13 of this Article, taking into account the flexibility accorded to the Party under paragraph 2 of this Article. The review shall pay particular attention to the respective national capabilities and circumstances of developing country Parties.**

Can the flexibility be simply provided by differing approaches to the technical review, taking into account the country's capacity?

Can the level of need and capacity be assessed in the scope of the last sentence?



# QUESTIONS FOR CONSIDERATION

- What impact can flexibility on the scope of reporting have on transparency and comparability?
- Paragraph 93 says that flexibility is to be provided for countries that need it in light of their capacities. How to determine the country's need? How to assess the country's capacity? Self determination? Can the technical review have a role in this?
- Paragraph 95 talks about types of flexibility. What types of flexibility can be envisaged? Can this be interpreted as to mean that different types of needs and capacities can be met with different types of flexibilities?
- Article 13.2 of the PA mentions that flexibility shall be provided in the implementation of its provisions. Could this mean that the guidance provided to Parties is the same but that there is flexibility in implementing such guidance? Or does that mean that in order to provide flexibility in the implementation of article 13, different guidance should be provided?
- Can the flexibility be simply provided by differing approaches to the technical review, taking into account the country's capacity?