

Flexibility Provisions of the Enhanced Transparency Framework under the Paris Agreement

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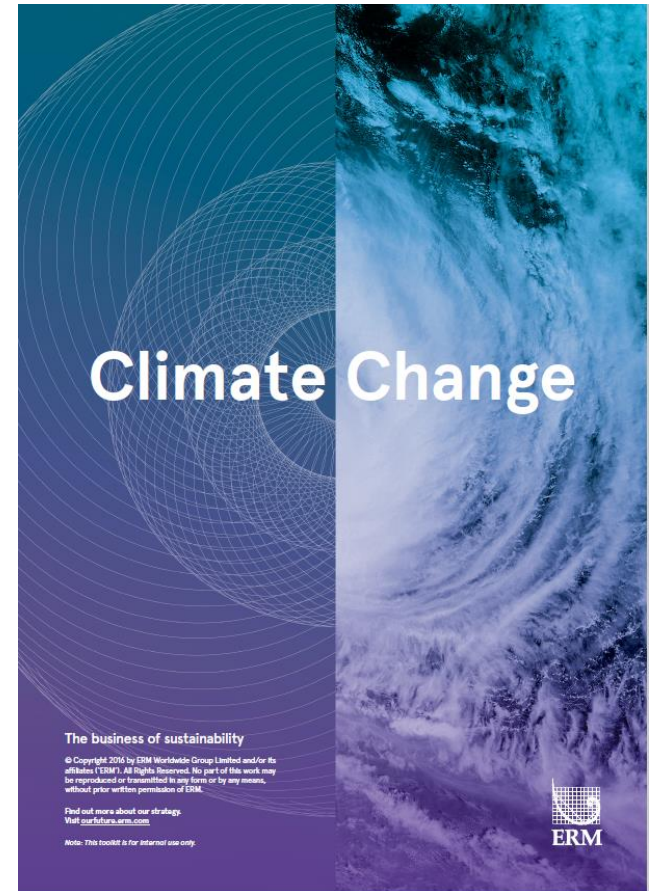
The business of sustainability

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Outline

1. Flexibility wording in 1/CP.21
2. Flexibility zone
3. Putting flexibility into practice
4. Flexibility to what end?



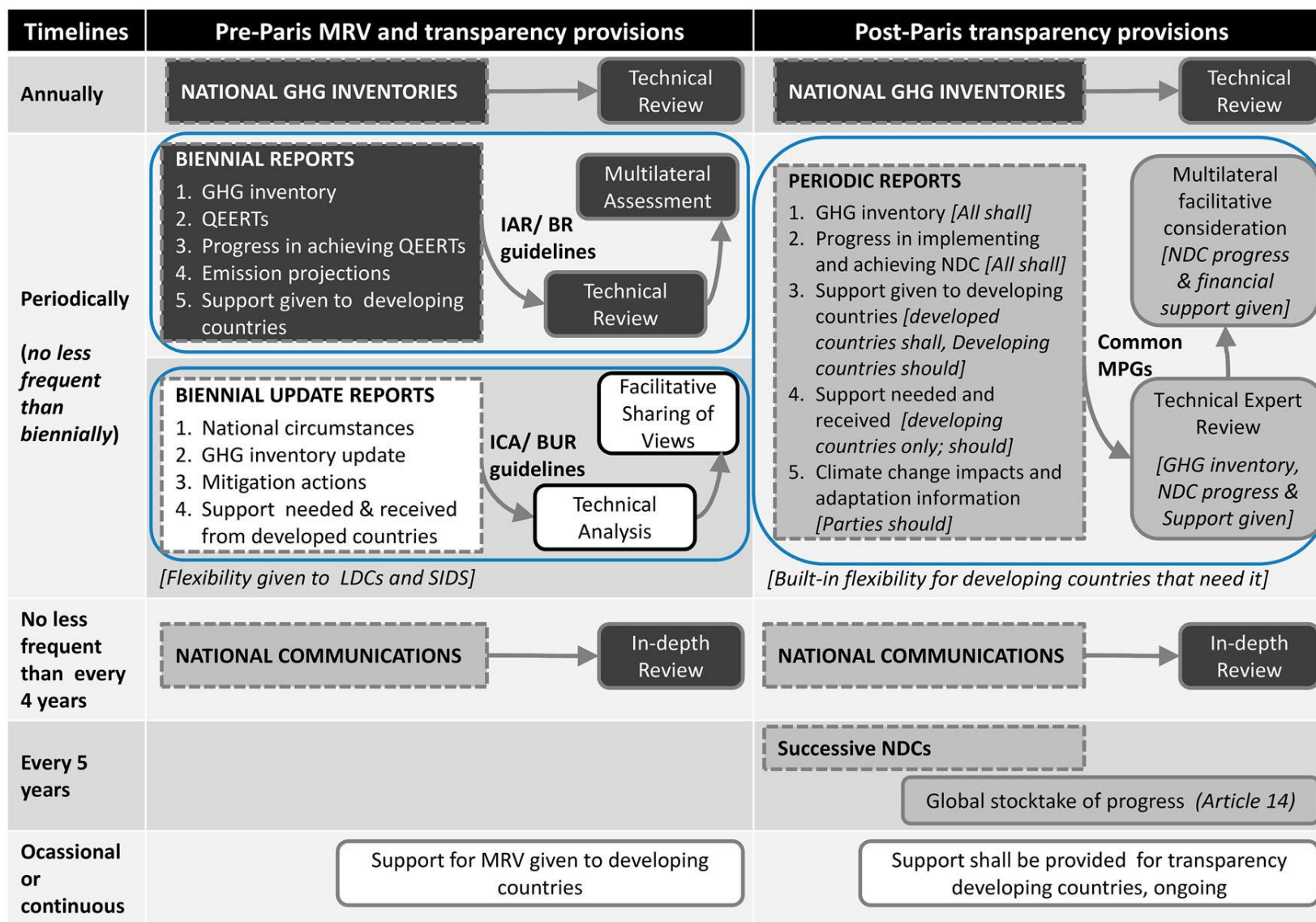
Overall Flexibility Provisions in 1/CP.21:

89. *Decides* that, in accordance with **Article 13, paragraph 2**, of the Agreement, **developing country Parties shall be provided flexibility** in the implementation of the provisions of that Article, including in the:

1. scope,
2. frequency and
3. level of detail of reporting,
4. and in the scope of review, and that the scope of review could provide for in-country reviews to be optional,

while such flexibilities shall be reflected in the development of modalities, procedures and guidelines (MPGs)

Pre-Paris vs Post-Paris Transparency provisions



Overall Flexibility Provisions in 1/CP.21:

92. 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 91 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**;

94. Requests the Ad Hoc Working Group on the Paris Agreement, in developing the modalities, procedures and guidelines referred to in paragraph 91 above, to consider, inter alia:

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

PARIS AGREEMENT Flexibility Provisions

- **13.2.** 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 guidelines referred to in paragraph 13 of this Article shall reflect such flexibility
- **13.12** The review shall pay particular attention to the respective **national capabilities** and **circumstances of developing country Parties**
- **2.2** This Agreement will be implemented to reflect equity and the principle of **common but differentiated responsibilities** and **respective capabilities**, in the light of different **national circumstances**.

PARIS AGREEMENT Flexibility Provisions...

- **14.** Support shall be provided to developing countries for the implementation of this Article.
- **15.** Support shall also be provided for the building of transparency-related capacity of developing country Parties on a continuous basis.

SIDS & LDCs Flexibility Provisions:

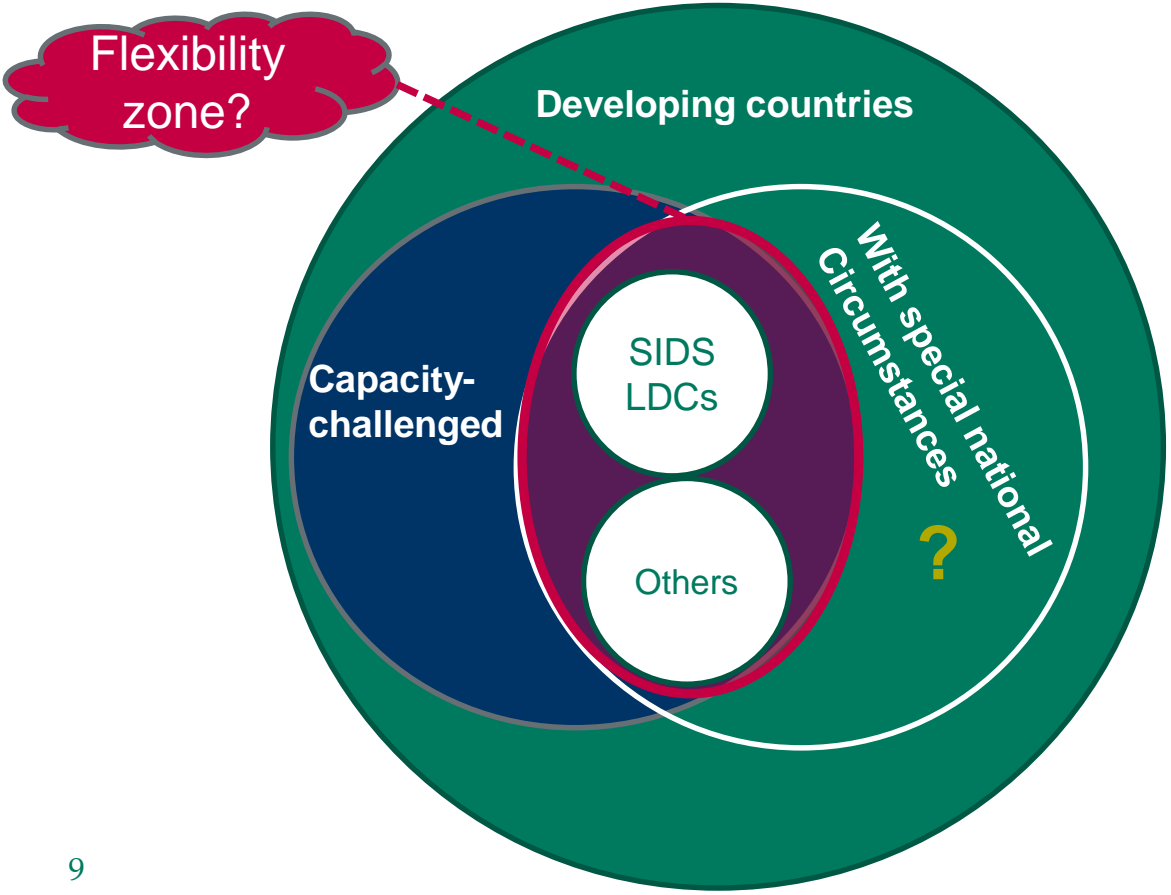
90. Also decides that all Parties, except for the **least developed country Parties and small island developing States**, shall submit the information referred to in Article 13, paragraphs 7, 8, 9 and 10, of the Agreement, as appropriate, **no less frequently than on a biennial basis**, and that the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

Art 13.2: The transparency framework shall build on and enhance the transparency arrangements under the Convention, **recognizing the special circumstances of the least developed countries and small island developing States**, and be implemented in a facilitative, non-intrusive, non-punitive manner, respectful of national sovereignty, and avoid placing undue burden on Parties.

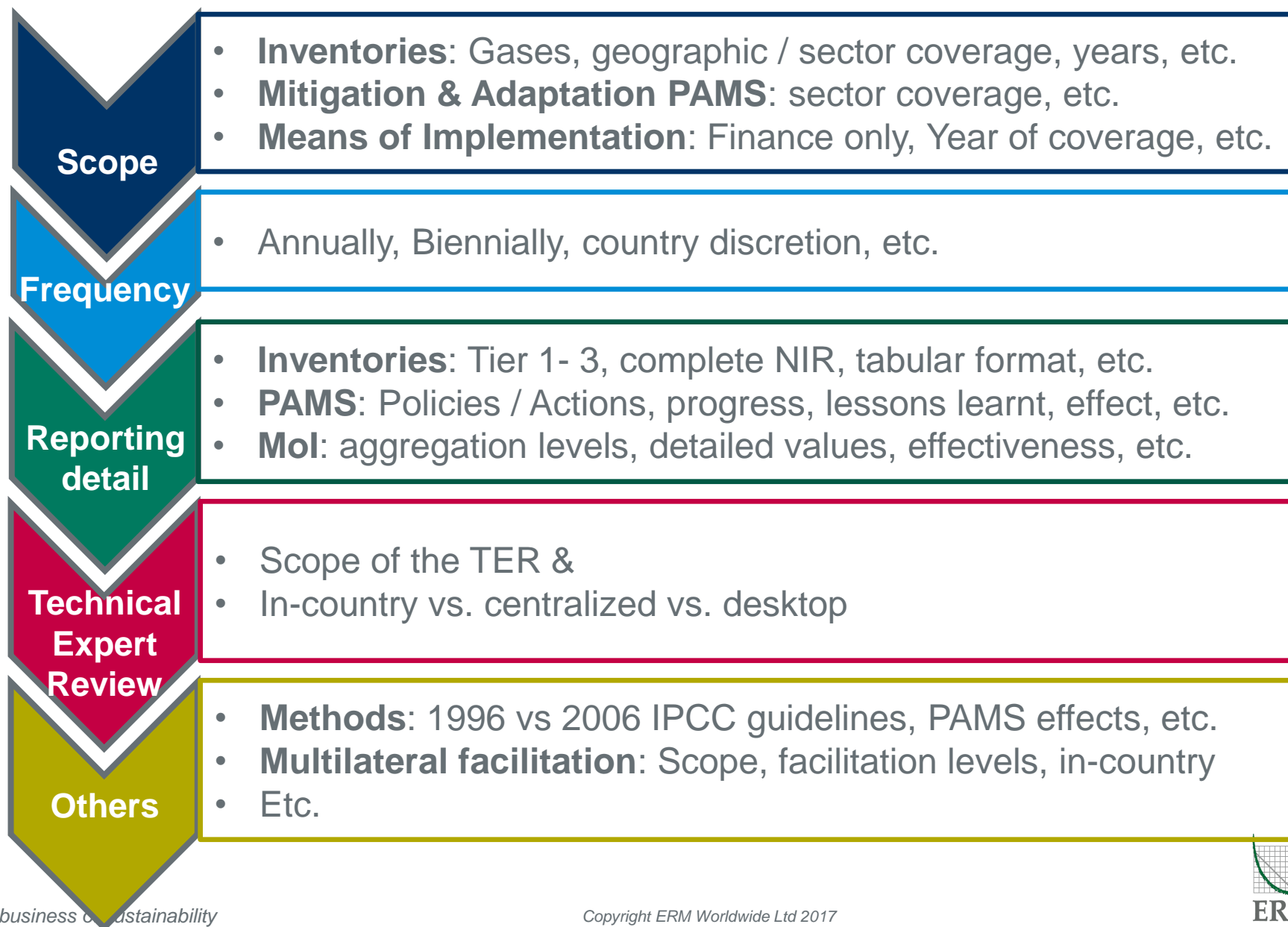
Flexibility Zone for MPGs?

National Circumstances?

Already “*built in*” the wording of Article 13 or extrinsic?



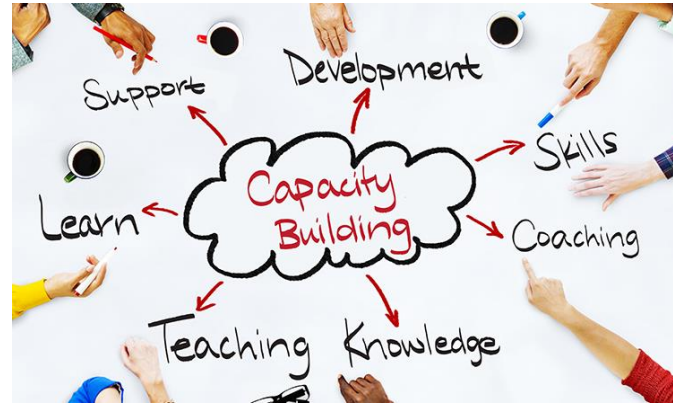
Putting flexibility into practice - 1



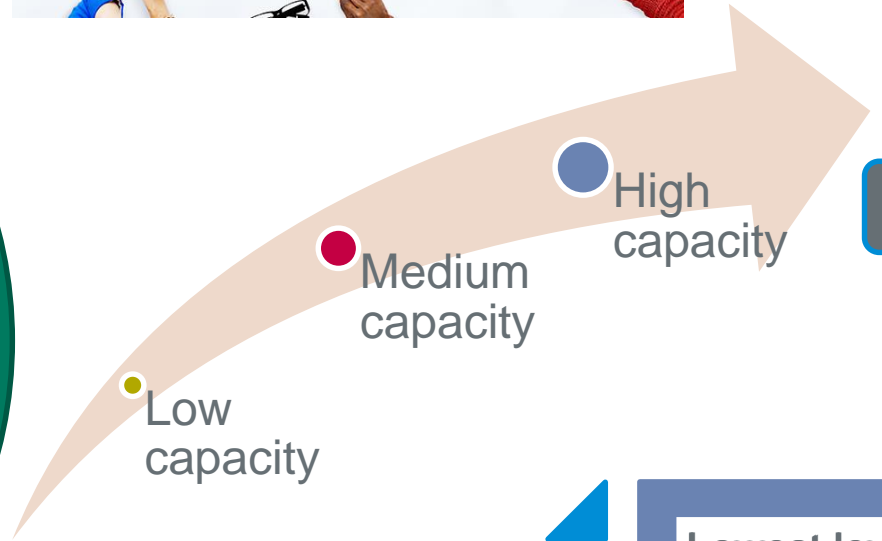
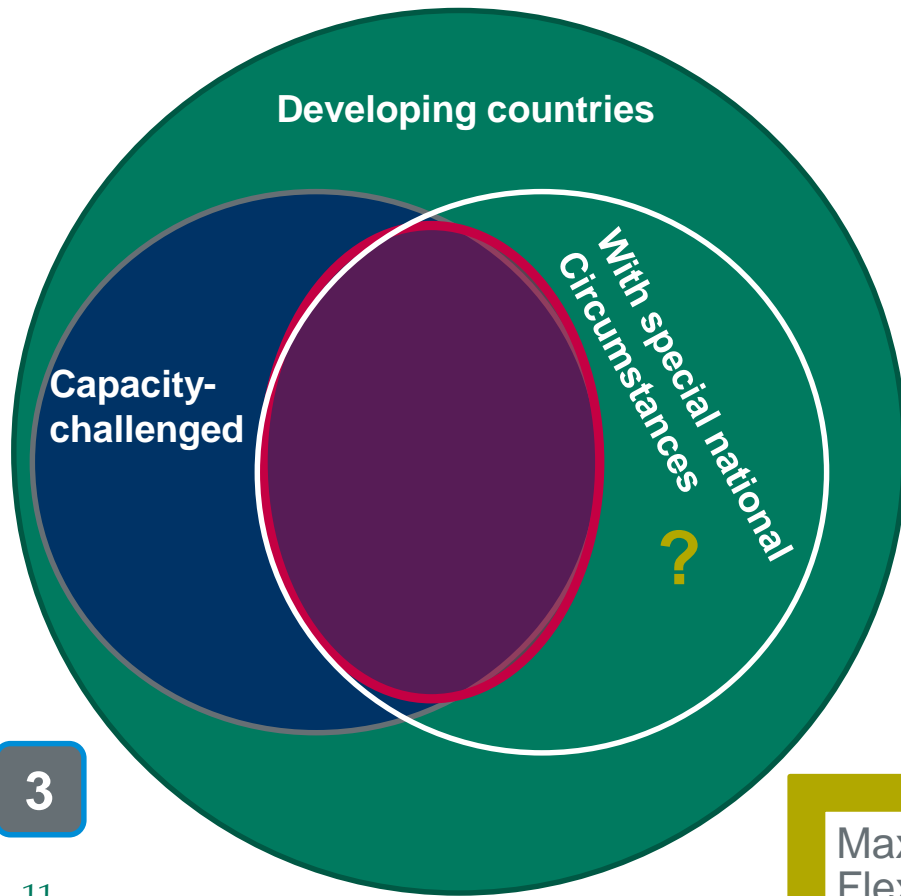
Putting flexibility into practice - 2

4 Step process:

1. Provision of support to build transparency-related capacity
2. Improved capacity
3. Reduction in need for flexibility
4. Moving up the tiered transparency scale



1



2

3



4

Flexibility to what end?

- “Collective experience on the development of LULUCF rules for the second commitment period of the Kyoto Protocol has illustrated problems that might arise from unconstrained flexibility.
- **The KP LULUCF rules granted largely unconstrained flexibility**, allowing countries to choose their accounting method, according to their national circumstances.
- The only constraint was that adequate information was to be provided to facilitate clarity of the accounting method. In practice, **the process made it technically impossible to compare the information from one country to another.**
- **Implementing the flexibility provided for in Article 13 should enable improved transparency over time, and not be used to undermine comparability”**

THANK YOU!

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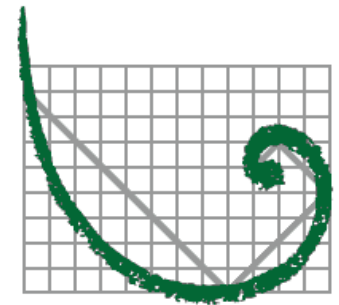
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