

Guiding Questions on Operationalization of Flexibility

Agenda item: 11. Methodological Issues under the Paris Agreement

Prepared in preparation for discussions at SBSTA51

A. Background

Flexibility, in the context of the enhanced transparency framework, is ingrained in the Paris Agreement through Articles 13.1 and 13.2. A guiding principle of the modalities, procedures and guidelines for the enhanced transparency framework for action and support referred to in Article 13 of the Paris Agreement (hereafter referred to as the MPGs) is providing flexibility to those developing country Parties that need it in the light of their capacities.¹

SBSTA 50, recognized the importance of the provisions in the MPGs on flexibility for those developing country Parties that need it in the light of their capacities, and that there are various options on how to take into account the flexibility provisions established by the MPGs of the enhanced transparency framework in its work under item 11 of the SBSTA agenda (Methodological issues under the Paris Agreement).

The SBSTA 50 also agreed to have a dedicated discussion on how to operationalize the flexibility provisions defined in decision 18/CMA.1 under this agenda item at SBSTA 51².

The question of flexibility will be an important one for Parties to consider during this session of SBSTA. In his Reflections Note in preparation for SBSTA 51, the SBSTA Chair noted that Parties asked for a dedicated discussion on how to operationalise the provisions in the MPGs on flexibility for those developing country Parties that need it in light of their capacities. The SBSTA Chair proposed that the co-chairs of this agenda item organise this discussion during the first contact group under item 11, based on the various options on how to take the flexibility provisions into account. To facilitate this discussion, the guiding questions have been prepared by the SBSTA Chair with input from the facilitators of the contact group at SBSTA50 and to be made available to Parties prior to the first contact group meeting

The purpose of this paper is to present guiding questions based on the discussions held at SBSTA50 and after reflecting on submissions received from Parties in 2019, for consideration by Parties in the first contact group meeting. Some contextual information is provided to frame the consideration keeping in mind that this paper is offered to assist Parties in advancing the discussions on flexibility at SBSTA51 and does not prejudge further work or prevent Parties from expressing their views at any time.

B. Context

The Contact Group on item 11 is established under the SBSTA with a mandate to develop, *pursuant to the MPGs*, common reporting tables (for information in section II of the MPGs) and common tabular formats (for information contained in sections III, V and VI of the MPGs) (together referred to as reporting tables); outlines for the biennial transparency report (BTR) national inventory document and technical expert review report (together referred to as “outlines”), and a training programme for technical expert review. The MPGs present Parties the opportunity to make various choices when gathering and reporting the information to be included in the BTR. For example, all Parties may consider the options available to them due to the use of the 2006 IPCC Guidelines (e.g. which methodological tier they will use to calculate emissions, and how they may make use of notation keys when reporting). Further, Parties will take into consideration which reporting information is mandatory (“shall” requirements) and which information is not mandatory (“should” requirements) based on the MPGs, and then make a choice based on national circumstances on the extent to which they can provide non-mandatory information.

¹ Decision 18/CMA.1, annex, para. 3(c)

² FCCC/SBSTA/2019/2, para. 122

FCCC/SBSTA/2019/2, para. 123

Since all Parties will have choices to make when reporting non-mandatory information in the BTR, any reporting tables, outlines or training materials developed in accordance with our mandate under item 11 must necessarily accommodate the possible choices Parties have. In Madrid, Parties will continue to deliberate under each sub-item 11(a) – 11(e) how best to reflect these choices in the agreed reporting tables, outlines and training programme.

In the dedicated discussion on flexibility at the contact group, we hope to focus on operationalization of the specific flexibility provisions included in the MPGs for those developing country Parties that need it in light of their capacities, consistent with our mandate³, and not on operationalization of the choices Parties have (these are expected to be discussed in the sub-items).. We see the discussion on operationalization of the flexibility provisions in the MPGs as distinct from the broader discussions on how to reflect the choices available to Parties in reporting tables, outlines and the training programme. However, we also can envision that the approach(es) Parties apply to operationalize the specific flexibility provisions may also be applied in the context of other reporting provisions that do not make specific reference to flexibility.

B. Possible Guiding Questions on Flexibility for Discussion at SBSTA 51

Question 1: How do we define the scope of the flexibility discussion under agenda item 11 given the provisions of the MPGs?

Flexibility for those developing country Parties that need it in the light of their capacities is presented in paragraphs 4–6 of the MPGs, and the specific flexibility provisions listed in sections II, III, VII and VIII. The specific flexibility provisions available in the MPGs for those developing country Parties that need it in the light of their capacities relates to the national GHG inventory document (section II, paragraphs 25, 29, 32, 34, 35, 38, 48, 57 and 58), information necessary to track progress made in implementing and achieving NDCs under Article 4 of the Paris Agreement (section III, paragraphs 85, 92, 95 and 102), technical expert review (section VII, paragraphs 159 and 162(c), 162(d) and 162(f)) and facilitative, multilateral consideration of progress (section VIII, paragraph 192(c)). Operationalization of these flexibility provisions directly impacts discussions under sub-items 11(a) and 11(b); but Parties may have views on whether further details related to operationalization of the flexibility provisions are necessary for discussion under sub-items 11(c)–11(e).

Question 2: What are the possible approaches Parties may consider when operationalizing specific flexibility provisions, taking into account relevant guiding principles contained in paragraph 3 of the MPGs?

The MPGs specify the flexibility that is available to those developing country Parties that need it in the light of their capacities pursuant to Article 13, paragraph 2, reflecting flexibility, including in the scope, frequency and level of detail of reporting, and in the scope of the review.⁴ Parties have proposed various approaches for implementing specific flexibility provisions, including, but not limited to, use of narrative text in the BTR, new and/or existing notation keys, leaving cells blank, use of footnotes, use of documentation boxes, use of dropdown menus, and modifying tables in some way.⁵ How would each of these approaches identified above address the relevant guiding principles contained in paragraph 3 of the MPGs, such as the importance of facilitating improved reporting and transparency over time; providing flexibility to those developing country Parties that need it in the light of their capacities; and promoting transparency, accuracy, completeness, consistency and comparability? Parties may also have views on how to reflect the flexibility for those developing country Parties that need it in the light of their capacities related to the level of detail of reporting.

³³ FCCC/SBSTA/2019/2, para. 123

⁴ Decision 18/CMA.1, annex, para. 5

⁵ Available at <https://unfccc.int/process-and-meetings/conferences/bonn-climate-change-conference-june-2019/sessions/sbsta-50#eq-23>.

