

## THE PARIS AGREEMENT

**Malta Legal Forum on Adaptation to Climate Change**  
 Hof Bladelin (Brugge), 30/05/2016

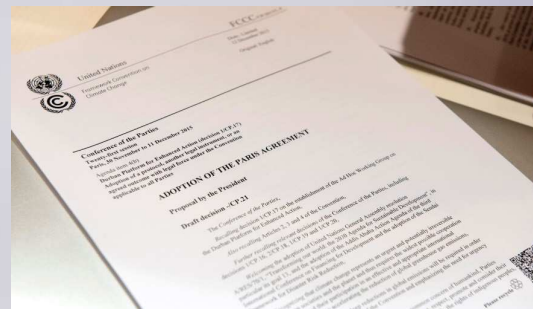
Peter Wittoeck  
 FPS Health, Food Chain Safety & Environment (Belgium)  
 Climate Change Service



# ur les Changements Climatiques 2015

COP21/CMP11

Paris, France





- **196 Parties**
- **150 Heads of State and Government**
- **36 276 participants**

## Articles

Preambula

Art. 1 – Definitions

Art. 2 – Purpose

Art. 3 – General Provisions

Art. 4 – Mitigation

Art. 5 – Sinks

Art. 6 – Carbon Market / Non-market Approaches

Art. 7 – Adaptation

Art. 8 – Loss and Damage

Art. 9 – Finance

Art. 10 – Technology Development and Transfer

Art. 11 – Capacity Building

Art. 12 – Education, training, public awareness, participation and access to information

Art. 13 – Transparency

Art. 14 – Global Stocktake

Art. 15 – Compliance

Art. 16 – Conference of the Parties

Art. 17 – Secretariat

Art. 18 – SBSTA and SBI

Art. 19 – Bodies and Institutional Arrangements

Art. 20 – Signature, ratification etc.

Art. 21 – Entry into Force

Art. 22 – Amendments

Art. 23 – Annexes

Art. 24 – Settlement of Disputes

Art. 25 – Voting

Art. 26 – Depositary

Art. 27 – Reservations

Art. 28 – Withdrawal

Art. 29 – Languages


# Decision 1/CP.21 – Adoption of the Paris Agreement

Preambula

- I. ADOPTION
- II. INTENDED NATIONALLY DETERMINED CONTRIBUTIONS
- III. DECISIONS TO GIVE EFFECT TO THE AGREEMENT
  - MITIGATION
  - ADAPTATION
  - LOSS AND DAMAGE
  - FINANCE
  - TECHNOLOGY DEVELOPMENT AND TRANSFER
  - CAPACITY-BUILDING
  - TRANSPARENCY OF ACTION AND SUPPORT
  - GLOBAL STOCKTAKE
  - FACILITATING IMPLEMENTATION AND COMPLIANCE
  - FINAL CLAUSES
- IV. ENHANCED ACTION PRIOR TO 2020
- V. NON-PARTY STAKEHOLDERS
- VI. ADMINISTRATIVE AND BUDGETARY MATTERS



## The Paris Agreement: key aspects

  
**Paris Agreement**  
*The Parties to this Agreement,*  
*Being Parties to the United Nations Framework Convention on Climate Change, hereinafter referred to as "the Convention";*  
*Pursuant to the Durban Platform for Enhanced Action established by decision 1/CP.17 of the Conference of the Parties to the Convention at its seventeenth session,*  
*In pursuit of the objective of the Convention, and being guided by its principles, including the principle of equity and common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,*  
*Recognizing the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge,*  
*Also recognizing the specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, as provided for in the Convention,*  
*Taking full account of the specific needs and special situations of the least developed countries with regard to funding and transfer of technology,*  
*Recognizing that Parties may be affected not only by climate change, but also by the impacts of the measures taken in response to it,*  
*Emphasizing the intrinsic relationship that climate change actions, responses and impacts have with equitable access to sustainable development and eradication of poverty,*  
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- Binding
- Universal
- Fair
- Ambitious
- Dynamic
- Transparent

- Differentiation
- Long Term Vision / Objectives
- Ambition Cycle
- Mitigation
- Adaptation / Loss & Damage
- Financial flows
- Transparency & Compliance





## BINDING, UNIVERSAL



### Binding

#### Durban Platform (COP.11, 2011)

“ 2. Also decides to launch a process to develop

- a **protocol**,
- another **legal instrument** or
- an agreed **outcome with legal force**

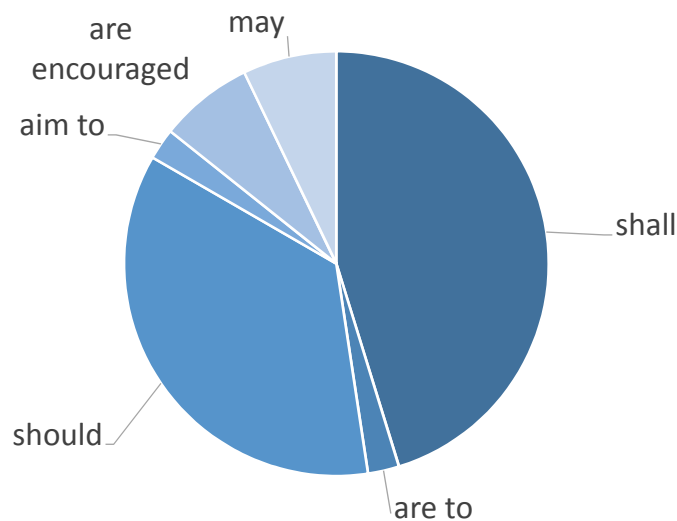
**under the Convention** applicable to all Parties, through a subsidiary body under the Convention hereby established and to be known as the Ad Hoc Working Group on the Durban Platform for Enhanced Action ”

## Binding

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### Accord de Paris

- **Treaty** under international Law
- Binding in its **legal form**
- ... also largely binding to Parties in its substantial **provisions**



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## Universal

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### Durban Platform (COP.11, 2011)

- “ 2. Also decides to launch a process to develop
- a protocol,
  - another legal instrument or
  - an agreed outcome with legal force

under the Convention **applicable to all Parties**, through a subsidiary body under the Convention hereby established and to be known as the Ad Hoc Working Group on the Durban Platform for Enhanced Action ”

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## Universal

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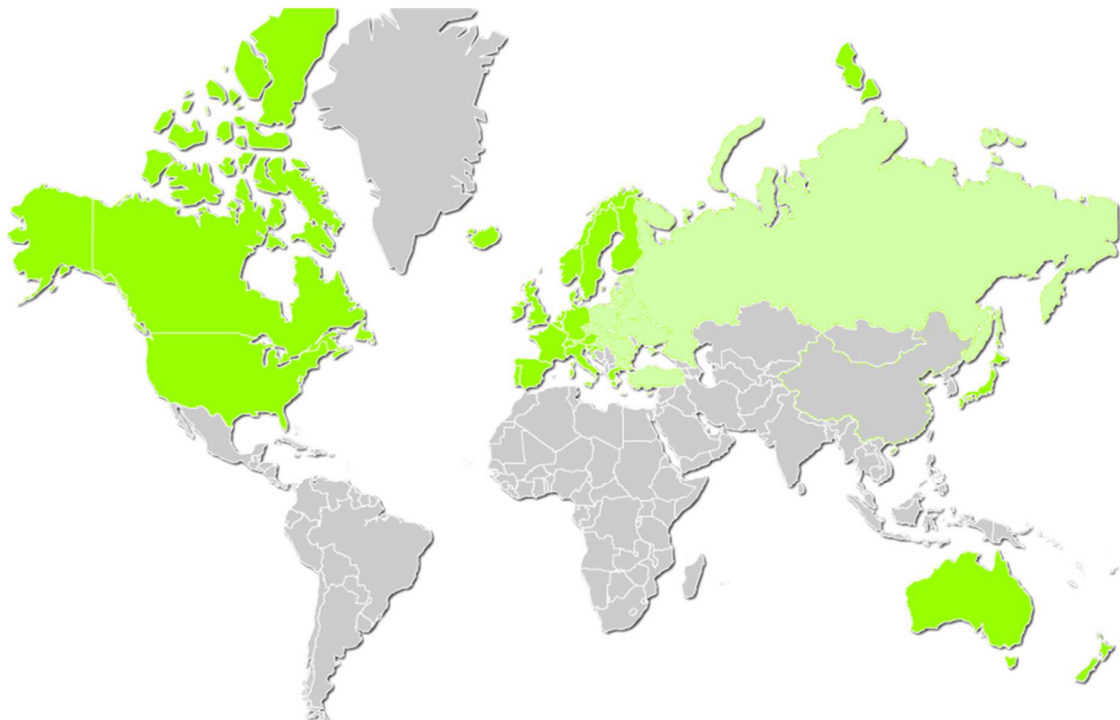
### Accord de Paris

- “**Each Party** shall prepare, communicate and maintain successive **nationally determined contributions** that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of **achieving the objectives of such contributions.**” (PA art. 4.2)
- “**Each Party** shall communicate a **nationally determined contribution** every five years” (PA art. 4.9)
- “**All Parties** should strive to formulate and communicate **long-term** low greenhouse gas emission development **strategies** (PA art. 4.19)
- “**Each Party** shall regularly provide the following **information**: ... (PA art. 13.7)
- ...

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## The 1992 Convention...

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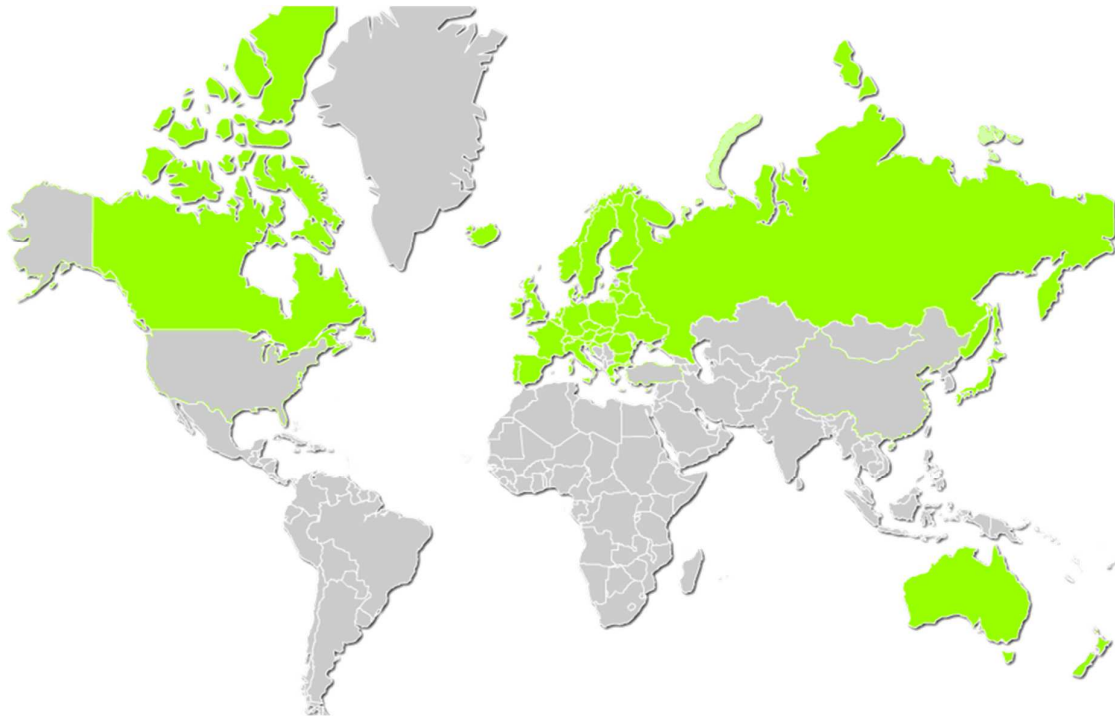


... a world divided by Annexes

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## The Kyoto Protocol (1997-2020)

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... continues the divide



## The Paris Agreement

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... 189 Parties submitted INDCs (15 December 2015)

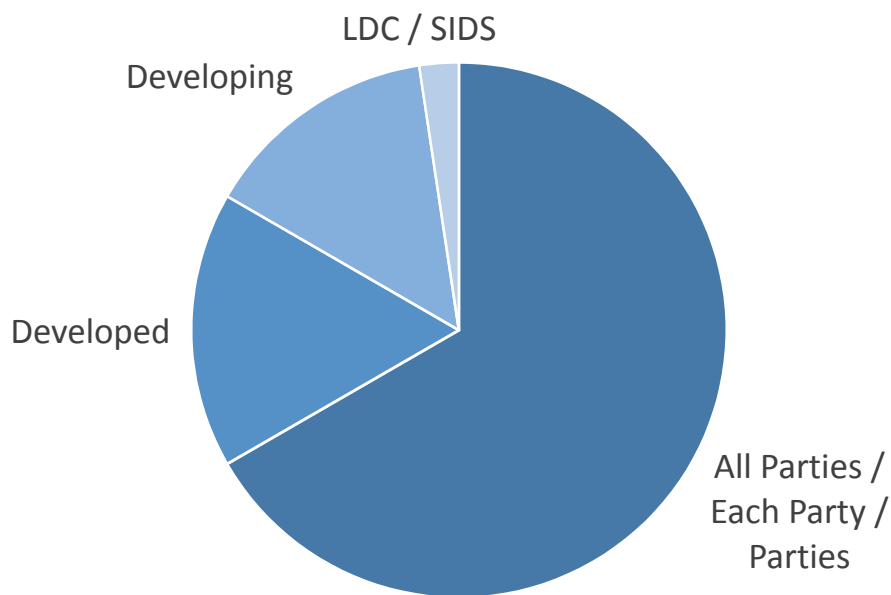
Source : World Resources Institute



## Universal but Differentiated

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Distinction between **Developed** and **Developing** countries remains, at least in part:



BUT **no** reference to the **Annexes of the Convention**

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## Universal but differentiated

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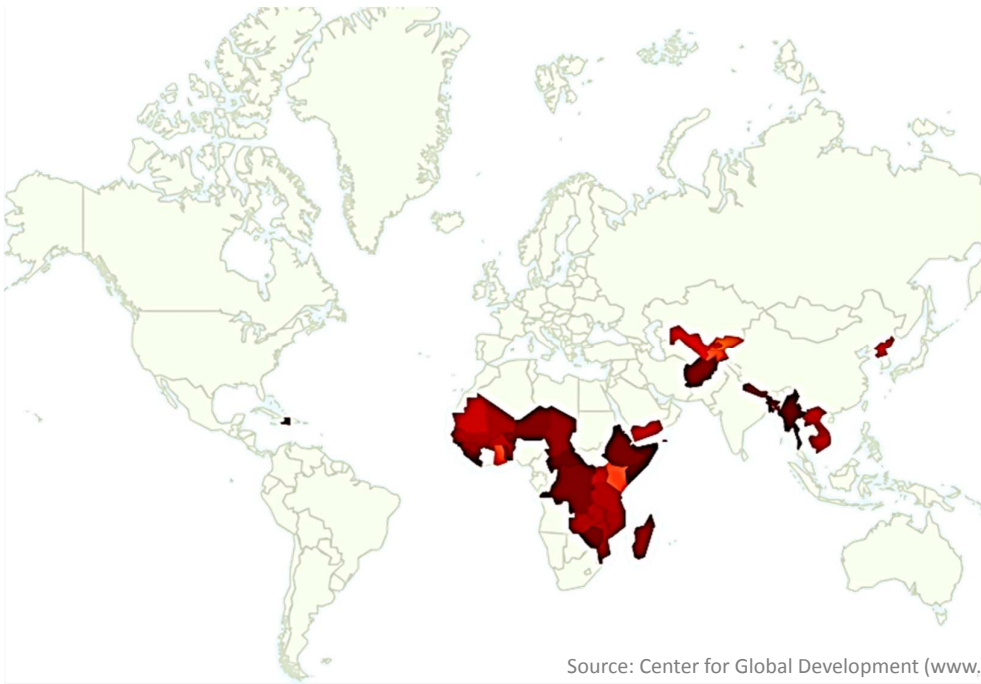
The **principles** of the Convention remain a reference (PA art. 2.2, art. 4.4):

- Equity,
- Common but Differentiated Responsibilities and Respective Capabilities (CBDR & RC)
- Developed Countries' Leadership

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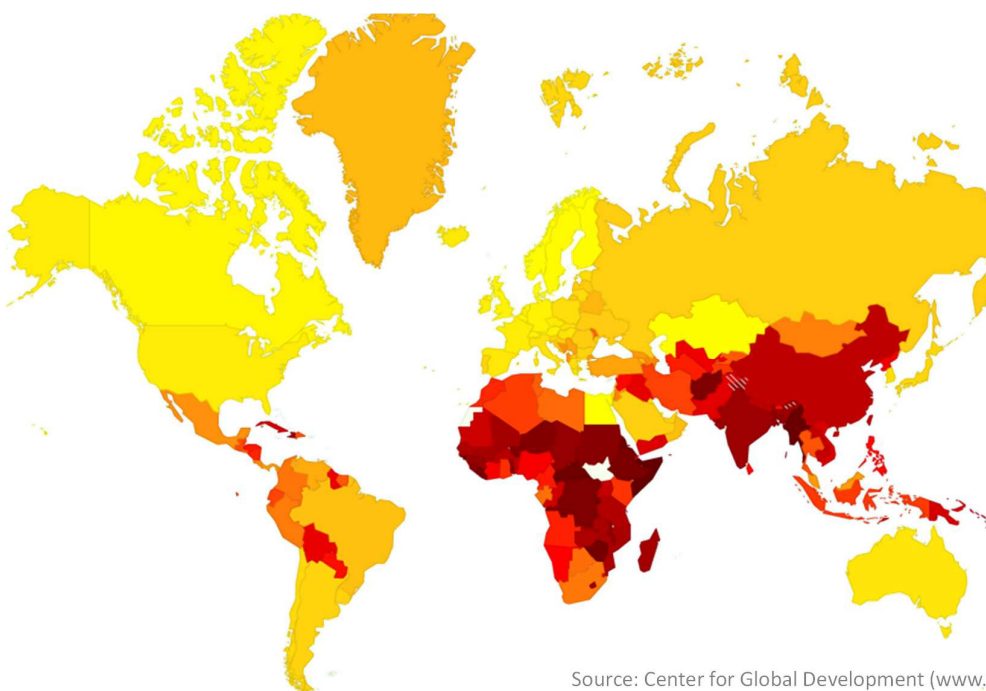


## Specific considerations for the **poorest countries**



Source: Center for Global Development ([www.cgdev.org/](http://www.cgdev.org/))

## ... and the most **vulnerable**



Source: Center for Global Development ([www.cgdev.org/](http://www.cgdev.org/))

## AMBITIOUS AND DYNAMIC



### Long-term Objectives (PA art. 2.)

#### 1. Limit temperature rise:

- *“**well below 2 °C** above pre-industrial levels”*
- *“**to pursue efforts to limit the temperature increase to 1.5 °C** above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts”*

#### 2. Adaptation and low-carbon development

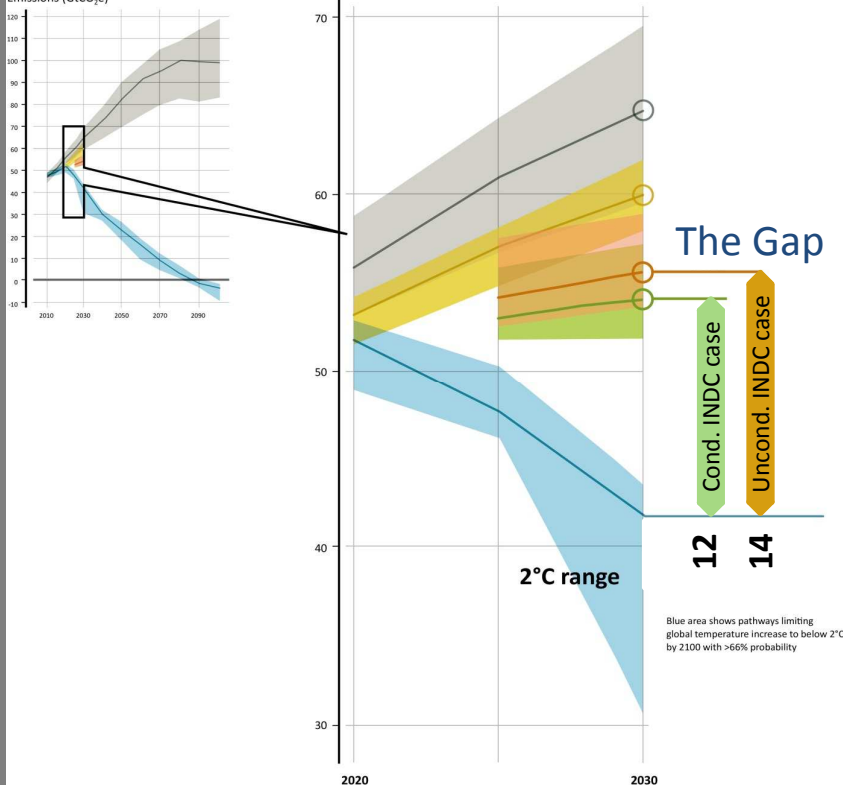
*“Increasing the **ability to adapt** and ... **foster climate resilience** and **low greenhouse gas emissions development**, in a manner that does not threaten **food production**”*

#### 3. Finance

*“Making **finance flows consistent** with a pathway towards **low greenhouse gas emissions** and **climate resilient development.**”*

# The mitigation challenge

Annual Global Total Greenhouse Gas Emissions (GtCO<sub>2</sub>e)



**Unconditional INDC case**  
 Gap= 14 GtCO<sub>2</sub>e  
 ~3.5°C

**Conditional INDC case**  
 Gap= 12 GtCO<sub>2</sub>e  
 ~3-3.5°C

The INDCs present a real increase in the ambition level compared to a projection of current policies.

The emissions gap in both 2025 and 2030 will be very significant and ambitions will need to be enhanced urgently.

UNEP emissions gap report 2015

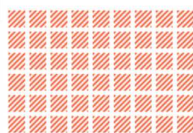


# Making finance flows consistent with low greenhouse gas emissions



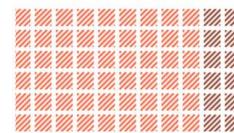
INVESTED, 2011-2014  
**\$1.095 trillion**

Renewable energy and energy efficiency investment captured in the global landscape reports over the last four years.



NEEDED TO SUPPORT NDC PLEDGES  
**\$13.5 trillion**

Investment required over the next 15 years in energy efficiency and low-carbon technologies to implement the national climate pledges (so-called "Nationally Determined Contributions") countries made before international climate negotiations held in Paris in December 2015.  
 Based on IEA, 2015.

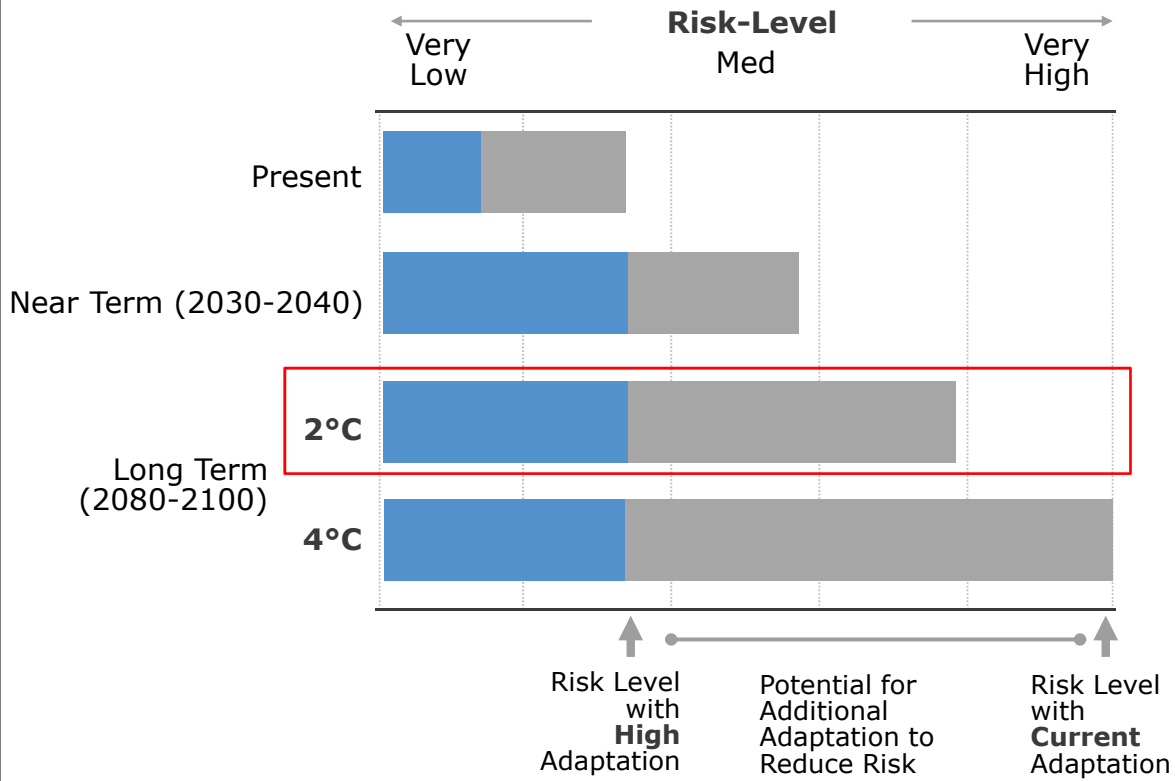


NEEDED TO LIMIT TO 2°C  
**\$16.5 trillion**

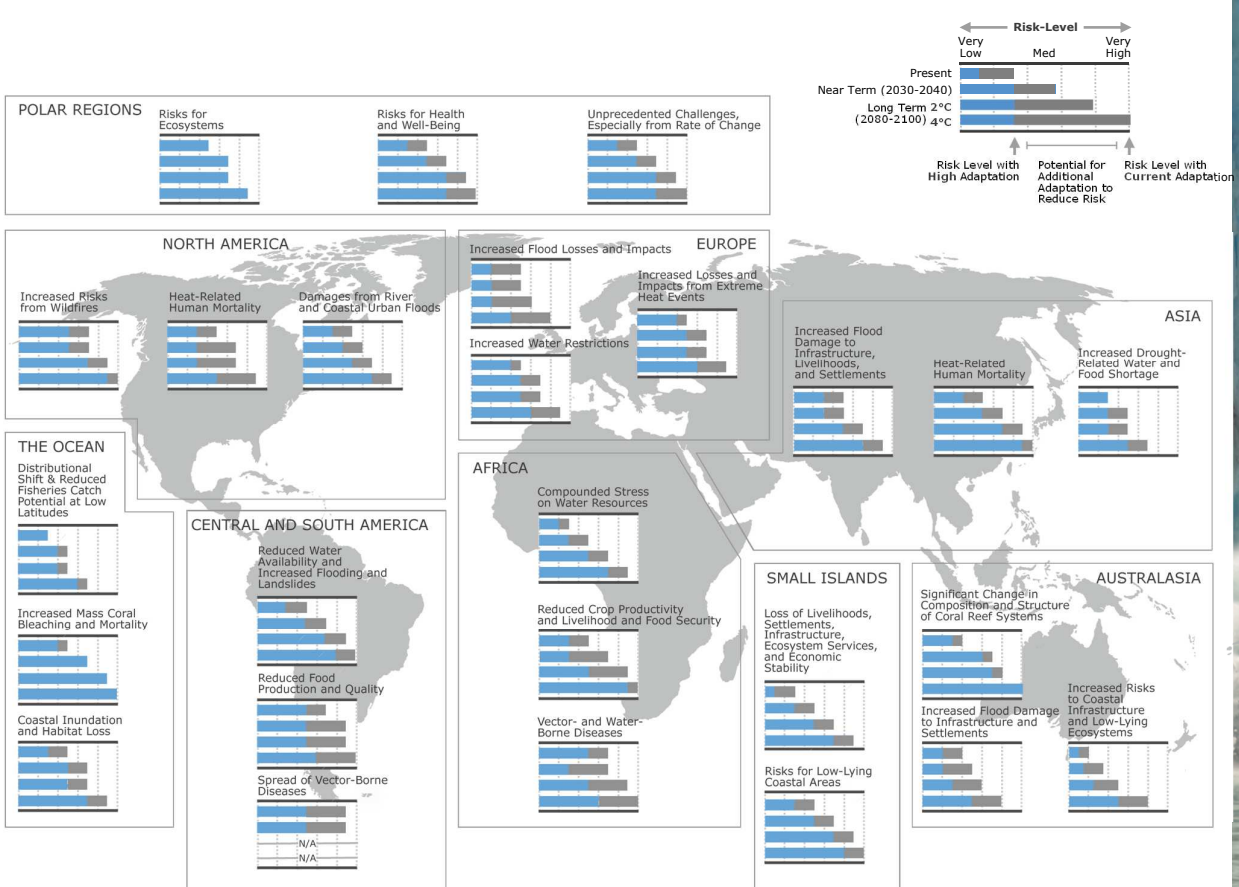
Investment required over the next 15 years in energy efficiency and low-carbon technologies to meet the NDCs plus the additional investment required over the same time to limit global temperature increase to 2°C.  
 Based on IEA, 2015.



# The adaptation challenge



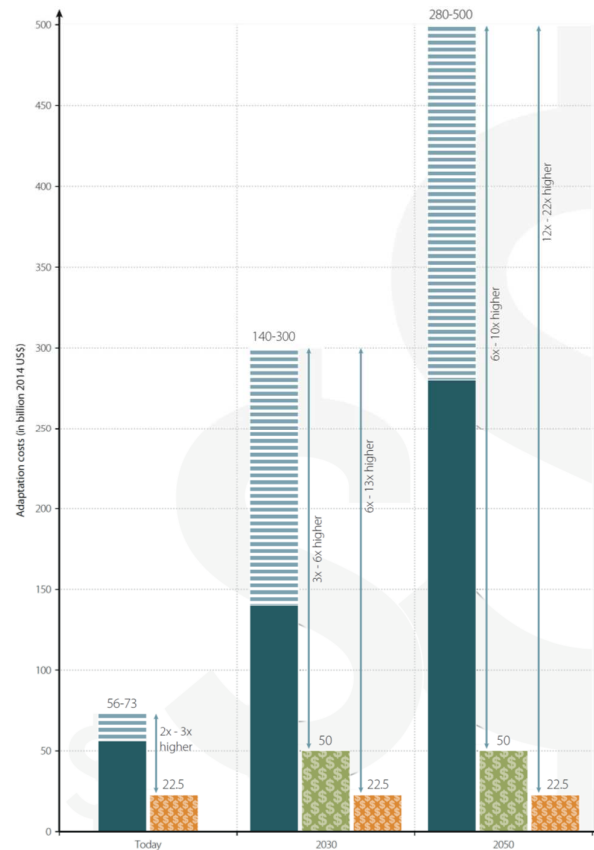
IPCC AR5 WGIII



IPCC AR5 WGIII







UNEP Adaptation Finance gap report 2016

## Ambition Cycle ... starting in 2018

### Every 5 years

- **Global stocktake:** mitigation, adaptation, support
- **Update of contributions:** Progression over time, reflecting the highest possible ambition

### Before Entry Into Force

- "a **facilitative dialogue** among Parties **in 2018** to take stock of the collective efforts of Parties in relation to progress towards the long-term goal" (decision §20)
- "Requests those Parties whose intended nationally determined contribution pursuant to decision 1/CP.20 contains a time frame up to 2030 **to communicate or update by 2020 these contributions**" (decision §24)

### Paris Agreement

- "first **global stocktake in 2023 and every five years thereafter**" (PA art. 14.1&2)
- "The outcome of the global stocktake shall inform Parties in **updating and enhancing**, in a nationally determined manner, **their actions and support**" (PA art. 14.3)
- "Each Party shall communicate a **nationally determined contribution every five years** [...] informed by the outcomes of the global stocktake" (PA art. 4.9)
- "Each Party's successive nationally determined contribution will represent a **progression** beyond the Party's then current nationally determined contribution and reflect its **highest possible ambition**" (PA art. 4.3)

## Ambition Mechanism in the Paris Agreement

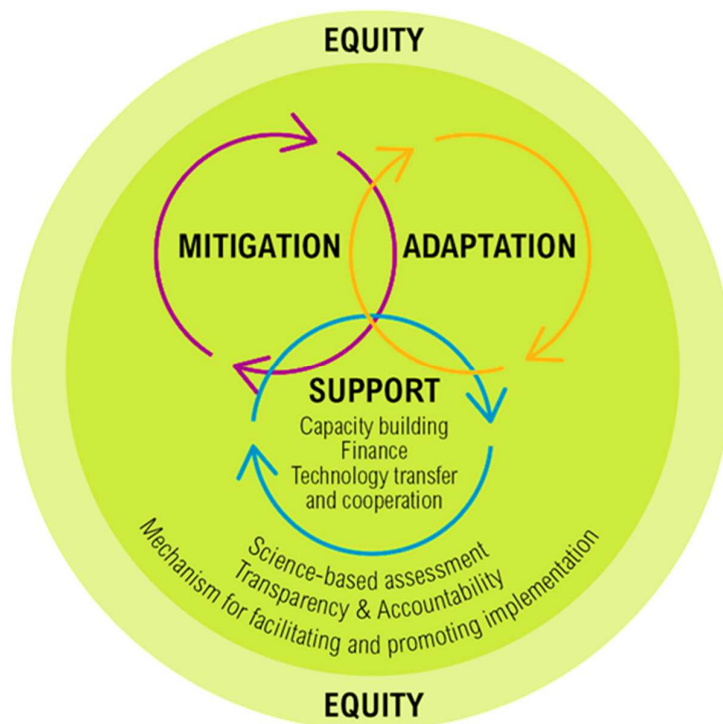


<http://ow.ly/VUFYe>

 WORLD RESOURCES INSTITUTE



# Ambition Cycle ... not limited to mitigation



Source: ACT 2015 consortium, WRI



## BUILDING BLOCKS



## MITIGATION



## Global mitigation objectives (PA art. 4.1)

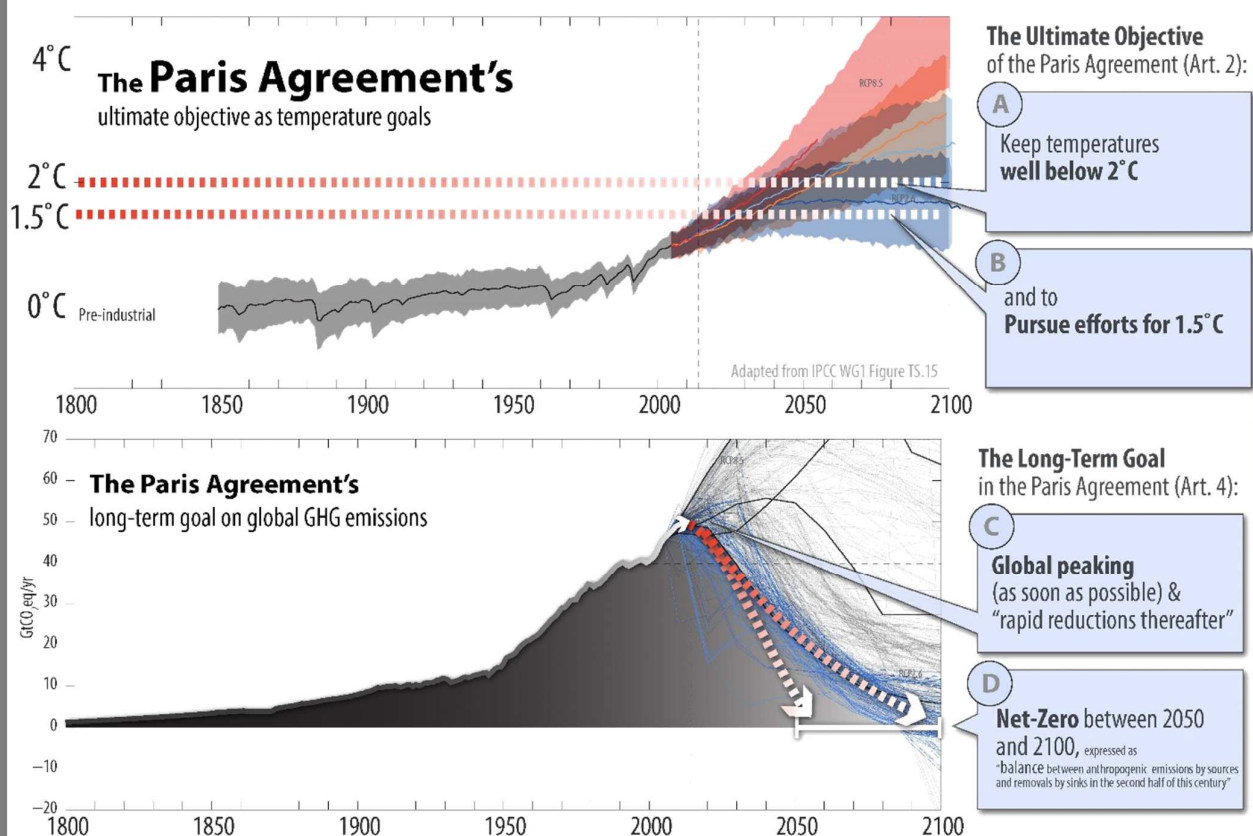
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- “global **peaking** of greenhouse gas emissions **as soon as possible**, recognizing that peaking will take longer for developing country Parties”
- “undertake **rapid reductions** thereafter in accordance with **best available science**” (=IPCC)
- “achieve a **balance between anthropogenic emissions by sources and removals by sinks** of greenhouse gases in the **second half of this century**”

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## Temperature goal ⇒ Emissions goal

32



Source: M. Meinshausen, Australian-German Climate & Energy College, The University of Melbourne, climatecollege.unimelb.edu.au

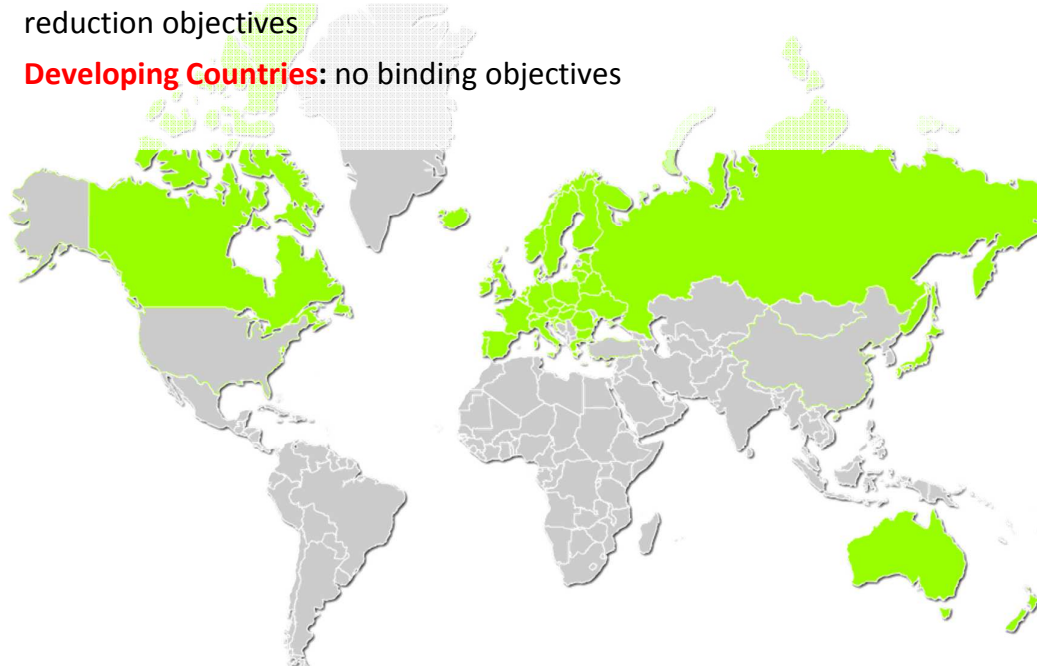
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## Kyoto Protocol mitigation obligations

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- Effort: « **top-down** » (negotiated)
- Type:
  - **Developed Countries**: Binding economy-wide absolute emission limitation or reduction objectives
  - **Developing Countries**: no binding objectives

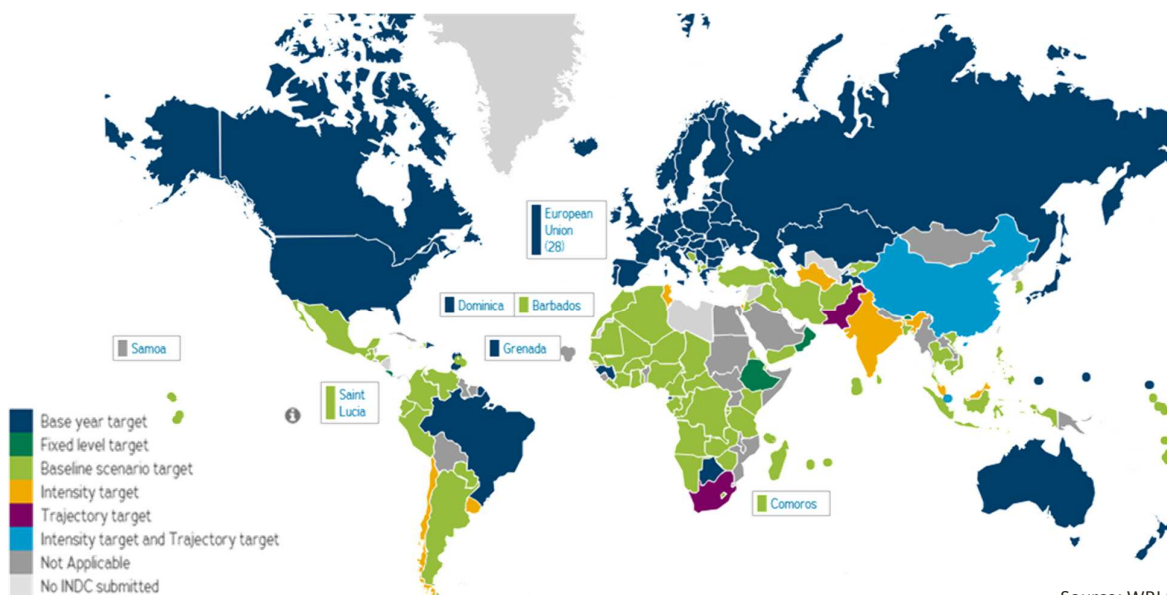


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## Paris Agreement: self-differentiation

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- Effort: decided **bottom-up** (Nationally Determined)
- Type (PA art. 4.4):
  - **Developed Countries undertake economy-wide** emission targets
  - **Developing Countries strive towards economy-wide** emission targets
  - **All Parties: Long-term** low GHG emission development **strategies** (PA art. 4.19)



Source: WRI CAIT

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## Individual mitigation obligations

- “Each Party **shall prepare, communicate and maintain** successive **nationally determined contributions** that it **intends to achieve**.

*Parties **shall pursue** domestic mitigation **measures**, with the aim of achieving the objectives of such contributions.”*

(PA art. 4.1)

- “Nationally determined contributions communicated by Parties **shall be recorded** in a public registry maintained by the secretariat.”

(PA art. 4.12)

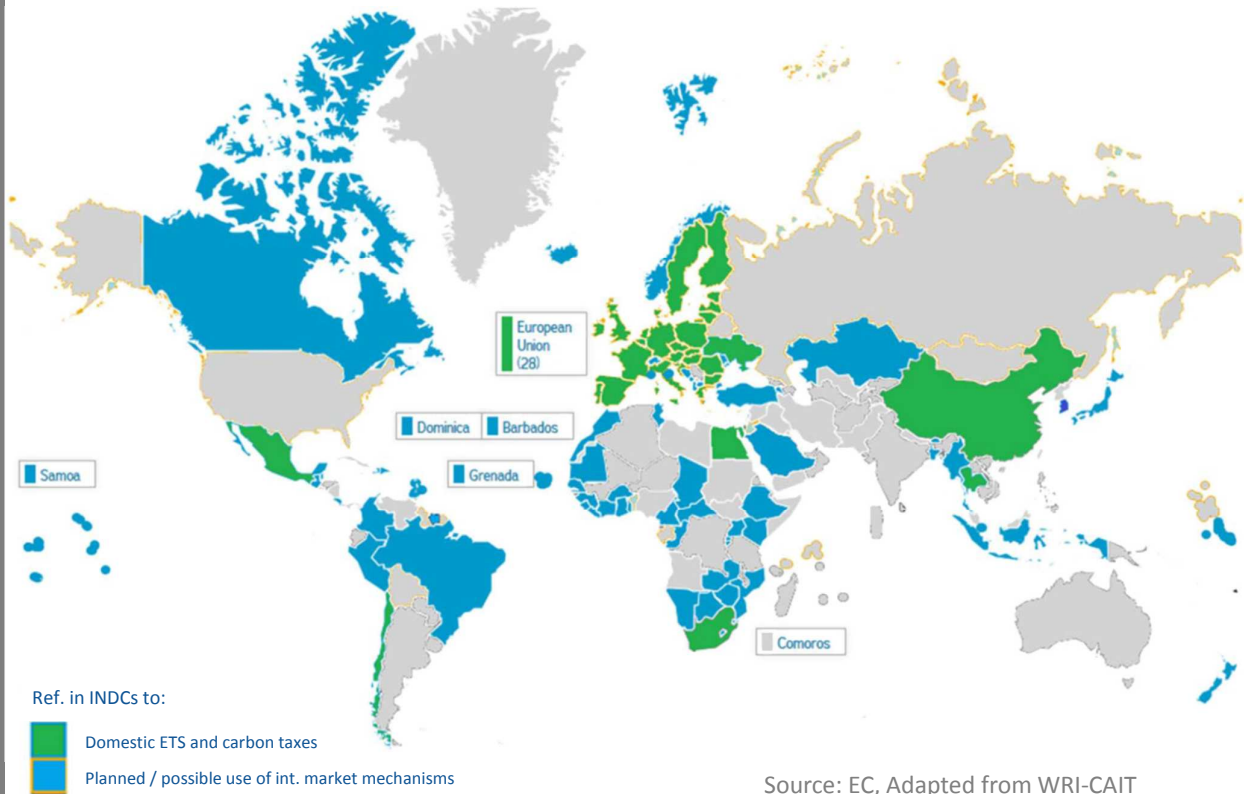
- “Parties **shall account for** their nationally determined contributions...”

(PA art. 4.13)

## Carbon Market... globally regulated (PA art. 6)

Parties can cooperate in the implementation of their (I)NDC, in particular through **2 market mechanisms**:

1. “use of **internationally transferred mitigation outcomes**” that needs to ensure “environmental integrity and transparency [...] and shall apply robust **accounting** to ensure, inter alia, the **avoidance of double counting**”
2. “**mechanism** to contribute to the mitigation of greenhouse gas emissions and support **sustainable development** [...] To facilitate participation in the mitigation of greenhouse gas emissions by public and private entities [and] To deliver an overall mitigation in global emissions.



## ADAPTATION AND 'LOSS & DAMAGE'



## Adaptation (PA art. 7)

### Objective

- “... **global goal** on adaptation of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change, with a view to contributing to sustainable development and ensuring an **adequate adaptation response** in the context of the **temperature goal** referred to in Article 2.” (PA art. 7.1)

### Universality

- “**Each party** shall engage in **adaptation planning processes**” (PA art.7.9)

### Differentiation

- “taking into account the **urgent and immediate needs of those developing country Parties that are particularly vulnerable**” (PA art.7.2)

## Adaptation (PA art. 7)

### Parity with mitigation

- “The provision of scaled-up **financial resources** should aim to achieve a **balance between adaptation and mitigation**” (PA art. 9.4)
- “The adaptation communications ... shall be recorded in a **public registry** maintained by the secretariat.” (PA art. 7.12)

### Ambition cycle

- “Each Party should, as appropriate, **submit and update periodically an adaptation communication**, which may include its priorities, implementation and support needs, plans and actions, without creating any additional burden for developing country Parties.” (PA art. 7.10)



## Loss & Damage (PA art. 8)

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Recognition and continuity of L&D:

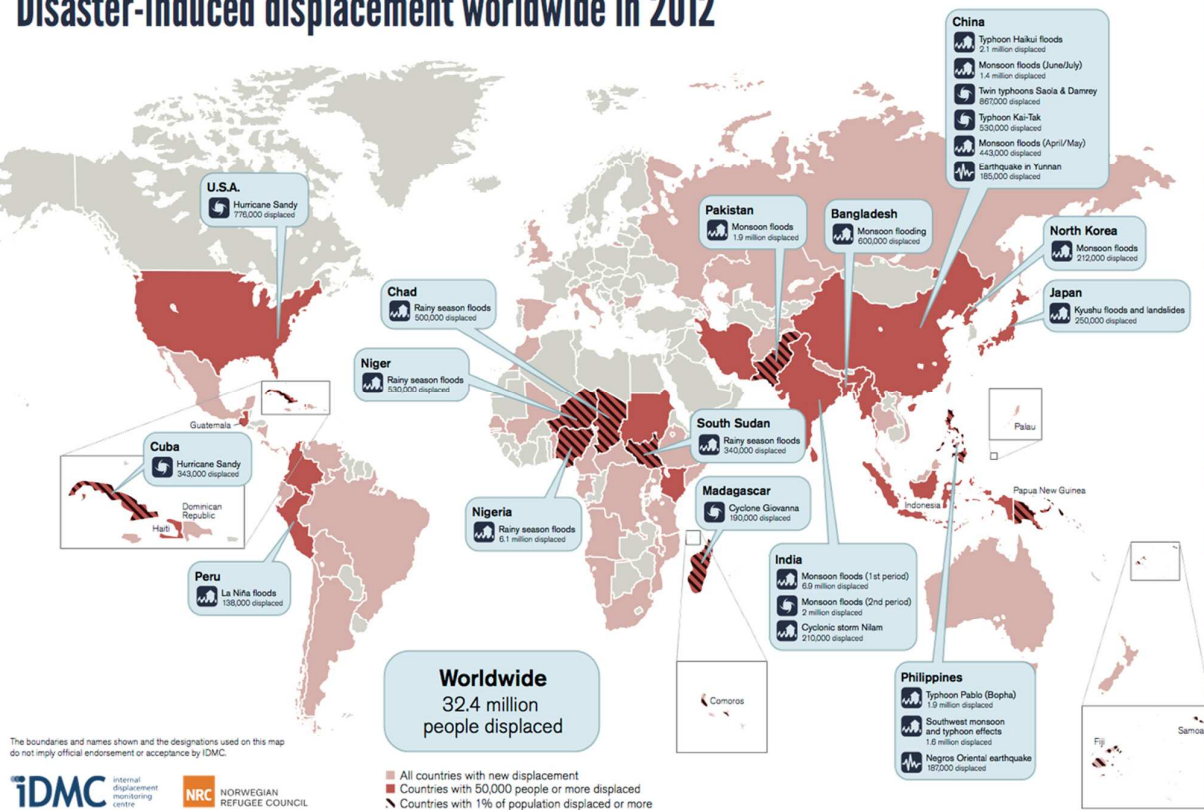
- “the importance of **averting, minimizing and addressing loss and damage** associated with the adverse effects of climate change, [...], and the role of sustainable development in **reducing the risk of loss and damage.**” (PA art. 8.1)
- Continuation of the “**Warsaw International Mechanism**” (WIM)
- establishment of a “**Clearinghouse for Risk Transfer**”
- establishment of “**Task force on displacement related to the adverse impacts of climate change**”

(decision 1/CP.21 §§ 48-50)

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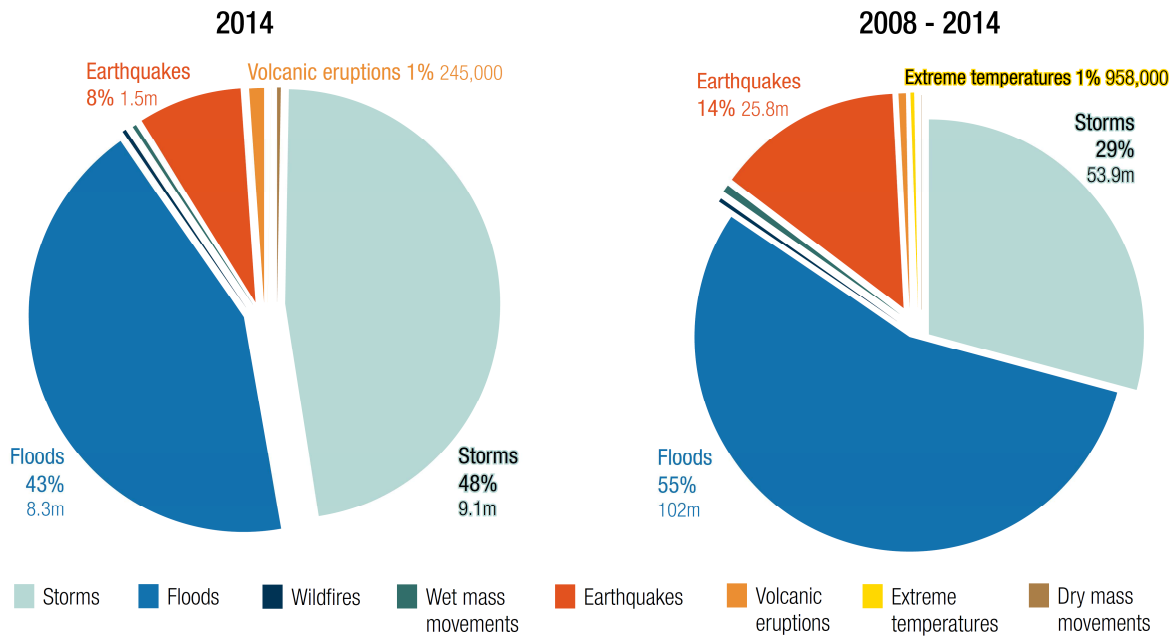
## Disaster-induced displacement worldwide in 2012

42



<http://www.internal-displacement.org/>

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Note: figures rounded to nearest 1,000 or 100,000 Source: IDMC data as of 1 June 2015

<http://www.internal-displacement.org/>



# FINANCE

## Purpose

- “Making **finance flows consistent** with a pathway towards **low** greenhouse gas **emissions** and **climate resilient development**.” (PA art. 2.1 c)
- “a **progression** beyond **previous efforts**” (PA art. 9.3)
- “a **balance** between **adaptation and mitigation**” (PA art. 9.4)

## Universal, differentiated

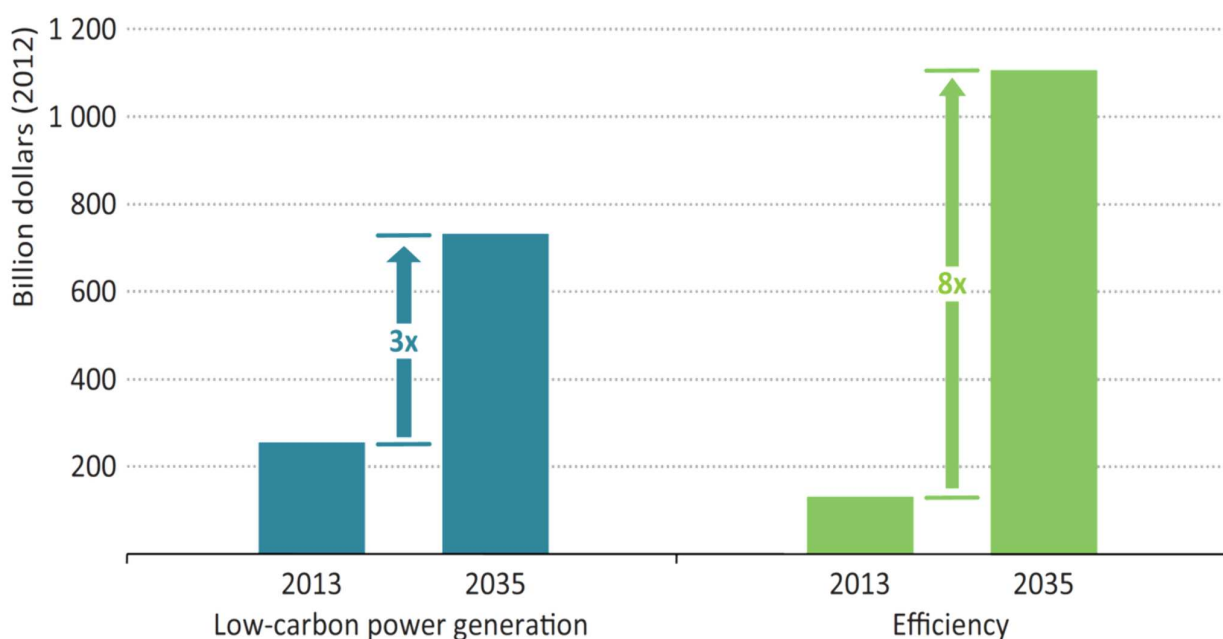
- “**Developed country Parties** shall provide [public] financial resources to assist developing country Parties [and] **take the lead**” (PA art. 9.1 & 9.3)
- “**Other Parties** are **encouraged** to provide or continue to provide such support **voluntarily**.” (PA art. 9.2)
- “taking into account [...] the **priorities and needs of developing country Parties**, especially those that are **particularly vulnerable** to the adverse effects of climate change and have **significant capacity constraints**, such as the **least developed countries** and **small island developing States**” (PA art. 9.4)

## Scale and sources

- Developed country Parties committed to jointly providing **USD 100 billion annually through 2025**. Prior to 2025, a new collective quantified goal from a floor of USD 100 billion per year shall be set (Decision CP.21/1 § 54)
- “**mobilizing** climate finance from a **wide variety of sources**, instruments and channels, noting the **significant role of public funds**” (PA art. 9.3)

## Making finance flows consistent = Shifting Trillions

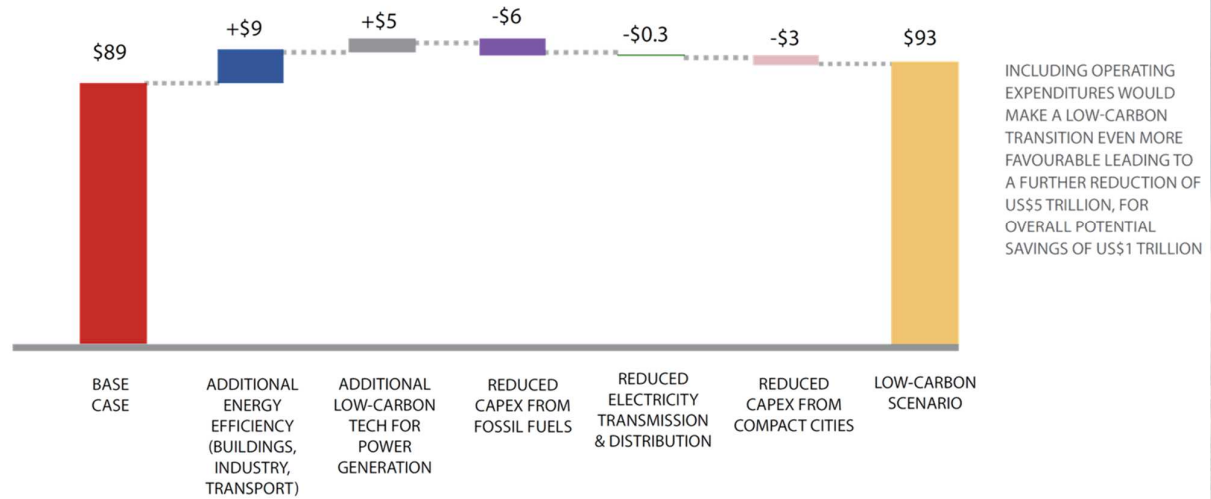
“Making **finance flows consistent** with a pathway towards **low** greenhouse gas **emissions** and **climate resilient development**.” (PA art. 2.1 c)



# Making finance flows consistent = Shifting Trillions

“Making **finance flows consistent** with a pathway towards **low greenhouse gas emissions and climate resilient development.**” (PA art. 2.1 c)

Global investment requirements 2015-2030, US\$ trillion, constant 2010 dollars

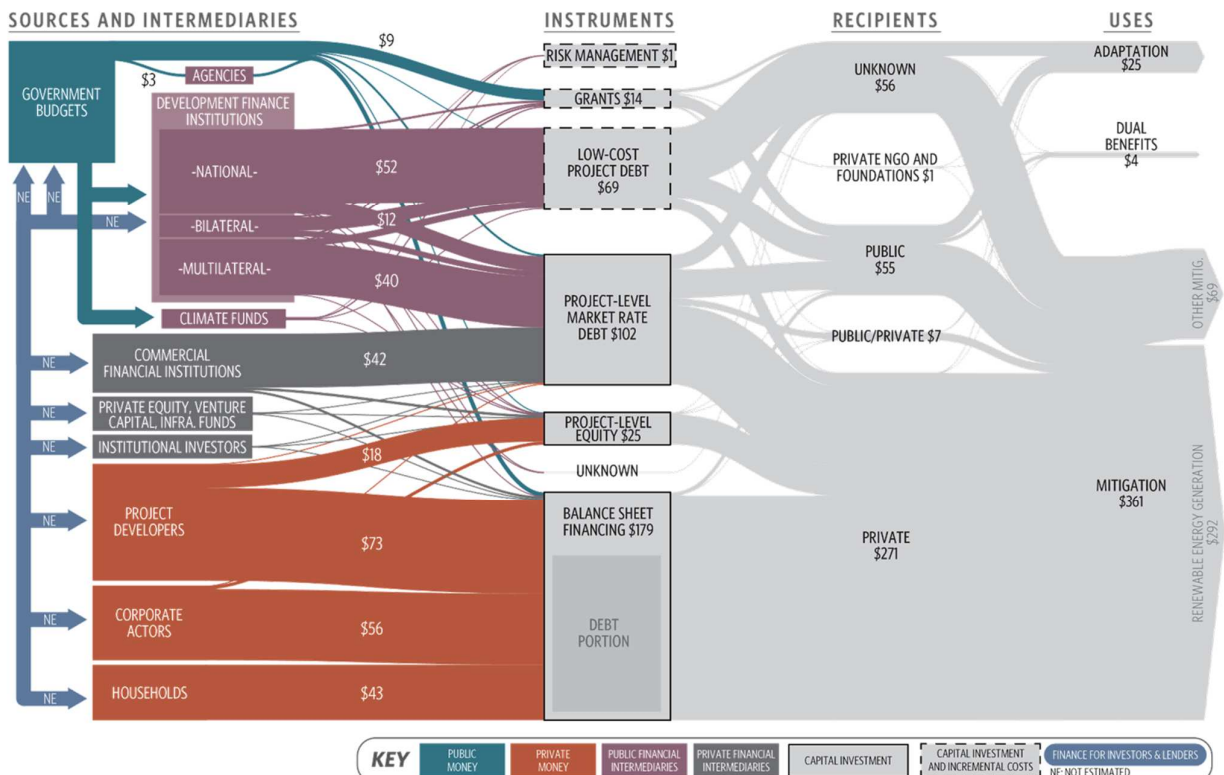


Source: The 2015 New Climate Economy Report



# GLOBAL LANDSCAPE OF CLIMATE FINANCE 2015 USD 391<sup>BN</sup> TOTAL

Landscape of Climate Finance 2015 illustrates climate finance flows along their life cycle for the latest year available, mostly 2014, in USD billions



<http://climatepolicyinitiative.org/publication/global-landscape-of-climate-finance-2015/>





# TRANSPARENCY AND ACCOUNTABILITY

## MRV = Monitoring, Rapportage, Vérification



**Système actuel** = obligations similaires,  
mais distincts entre Annex I et non-Annexe I

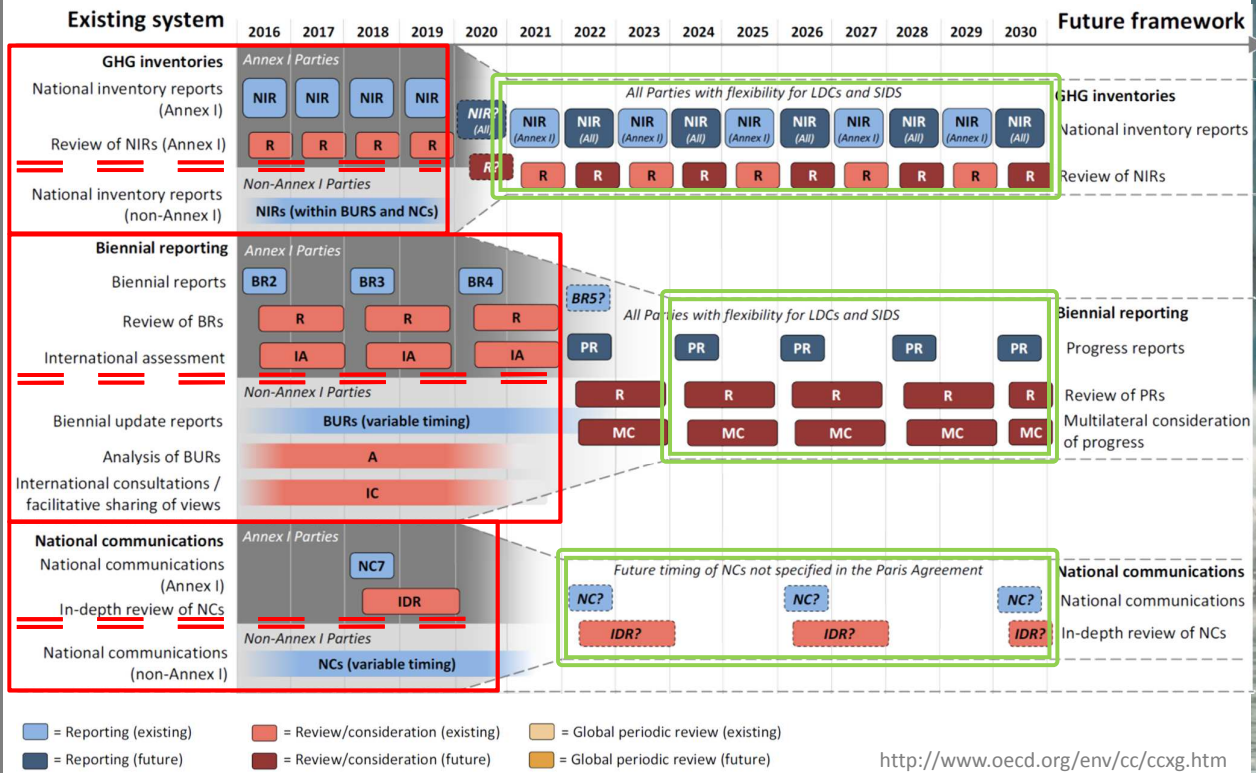


MRV elements	Annex I Parties	Non-Annex I Parties
Reporting	National communications (4 years) National GHG inventory (annually) Biennial reports (2 years)	National communications (contain GHG inventory) (4 years) Biennial update reports (contain GHG inventory) (2 years)
Technical review or analysis	Technical review of biennial reports (2 years) In-depth review of national communications (4 years) Annual review of national GHG inventories (annually)	Technical analysis of biennial update reports (2 years)
Multilateral process and compliance	Multilateral assessment (2 years) Compliance (standing arrangements)	Facilitative sharing of views (2 years)

Color coding	
<span style="color: green;">■</span>	Convention only
<span style="color: blue;">■</span>	Kyoto Protocol only
<span style="color: purple;">■</span>	Both Convention and Kyoto Protocol

# MRV = Monitoring, Rapportage, Vérification

Accord de Paris = Système commun doté de flexibilités



## Purpose

- “[...] to provide a **clear understanding of climate change action** [...] **tracking of progress** towards achieving Parties’ individual **nationally determined contributions** under Article 4, and Parties’ **adaptation actions** under Article 7 ” (PA art. 13.5)
- “[...] to provide clarity on **support provided and received**, [...]” (PA art. 13.6)

## Common rules with flexibility

- “an enhanced transparency framework for **action and support**, with built-in **flexibility** which takes into account **Parties’ different capacities**” (PA art. 13.1);
- “recognizing the **special circumstances** of the **least developed countries** and **small island developing States**” (PA art. 13.3)
- “implemented in a **facilitative, non-intrusive, non-punitive** manner, respectful of national sovereignty, and avoid placing undue burden on Parties.” (PA art. 13.3)

## Review

- “Information submitted by **each Party** [...] shall undergo a **technical expert review** [...] In addition, each Party shall participate in a facilitative, **multilateral consideration of progress**” (PA art. 13.11)

## Compliance mechanism

- A **mechanism to facilitate implementation of and promote compliance** with the provisions of this Agreement is hereby established (PA art. 15.1)
- [...] expert-based and **facilitative in nature** and function in a manner that is **transparent, non-adversarial and non-punitive.**” (PA art. 15.2)

... AND NOW?



*“Today we celebrate, tomorrow we have to act.  
This is what the world expects from us.”*

(M. Arias Cañete, COP21)



*“Getting 196 Countries To Agree On Climate  
Change Was The Easy Part. Now comes the real  
work.”*

(C. Figueres, World Economic Forum 2016, Davos)

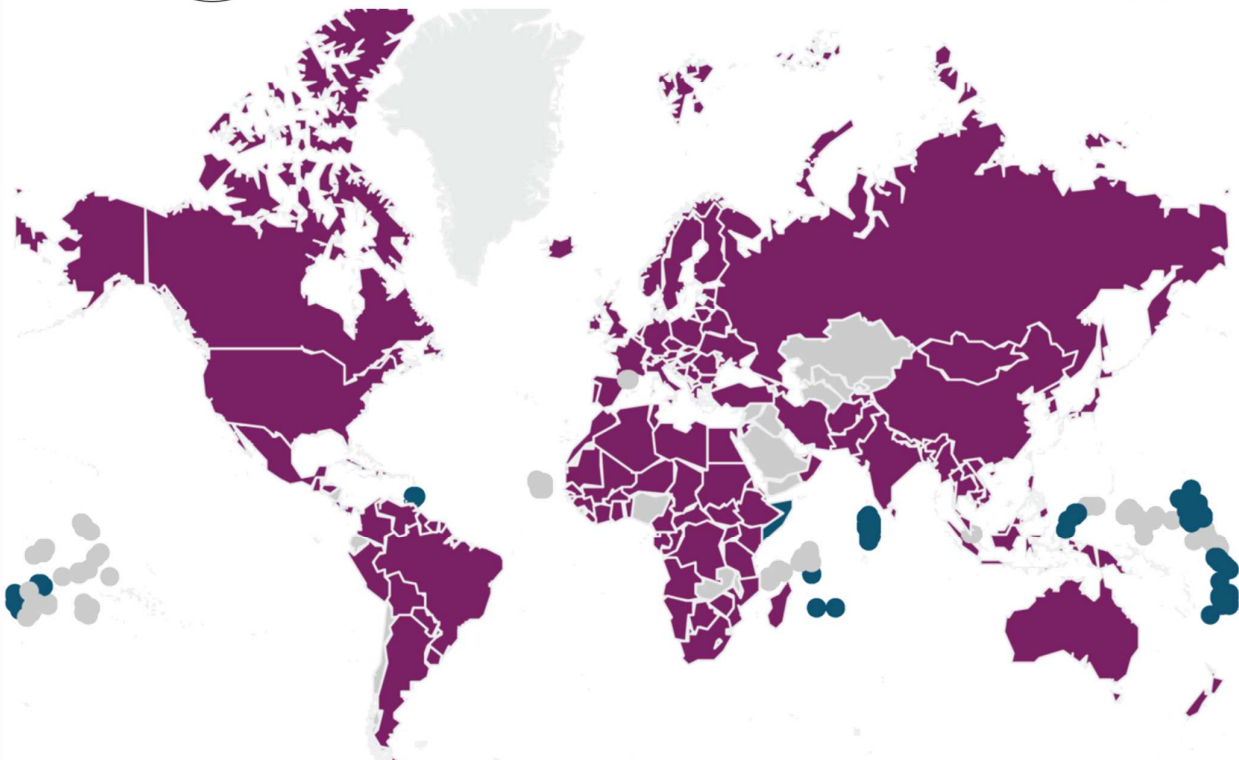






# 177 Signatures

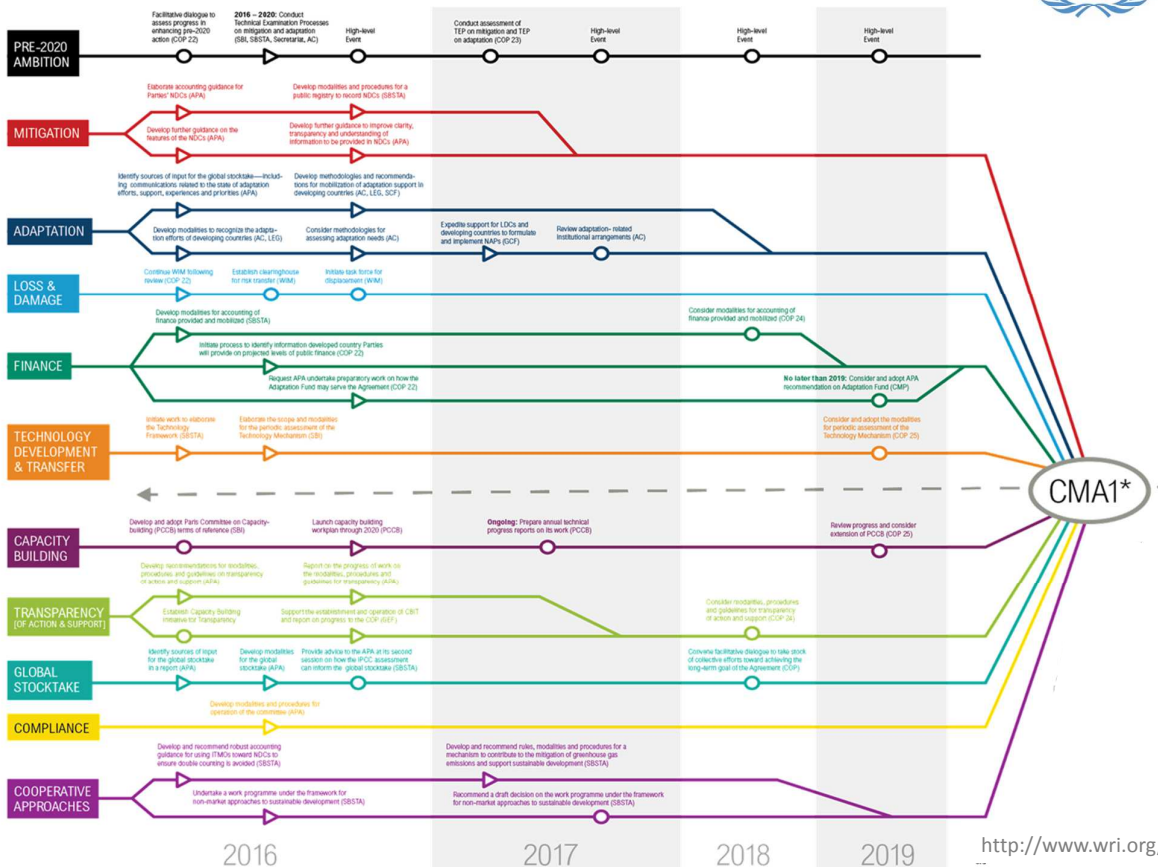
(largest number to ever sign a multilateral agreement the day it opens for signature)



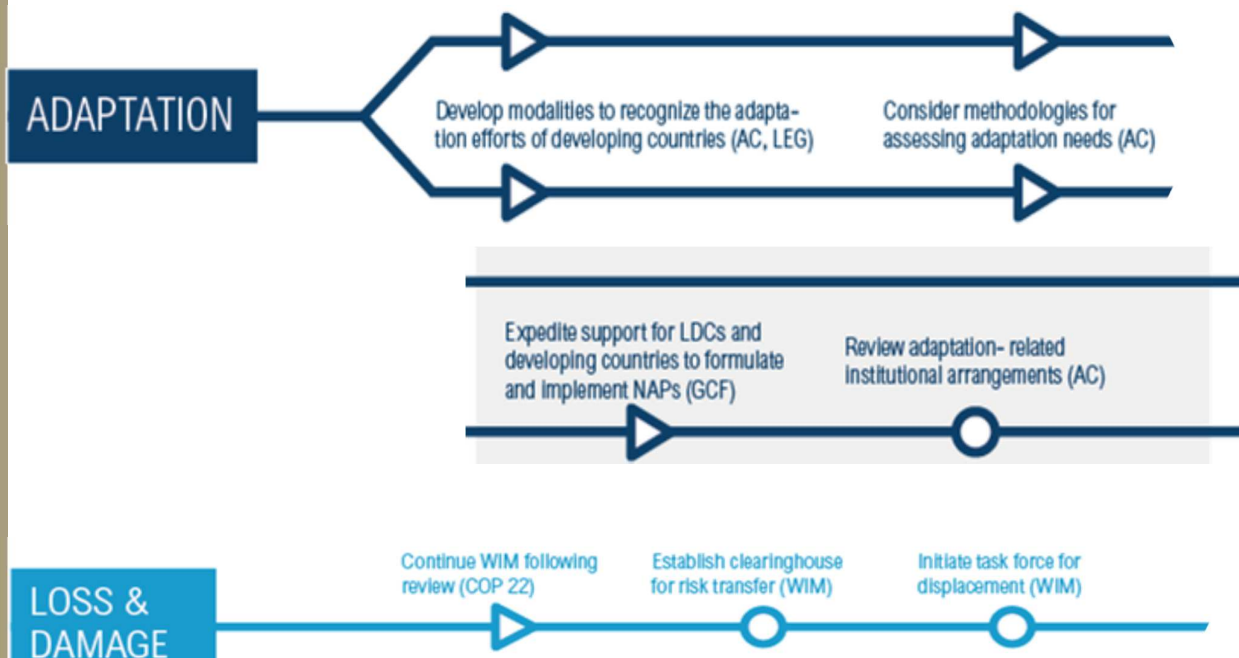
Source: <http://cait.wri.org/indc/#/ratification>



# The negotiations continue



# The negotiations continue



## Tomorrow the EU will have to act...



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### European Council (18/12/2015)

*“It invites the **Commission** and the **Council to assess** the results of COP21 by **March 2016**, in particular in view of the 2030 climate and energy framework and to prepare the next steps.”*

### EC communication ‘Road from Paris’ (2/03/2016)

Salient political questions remain to be answered

- Raise the **ambition level** pre-2020?
- **New INDC** by 2020?
- How to deal with the **< 1,5°C**-goal ?
- Review the European **Low Carbon Roadmap**?
- **ETS Carbon Leakage** vs. more universal character of the Agreement?
- How to reach the **climate finance objective**?
- **Integrate the 5-year cycle** in EU-processes like the **Energy Union**
- ...

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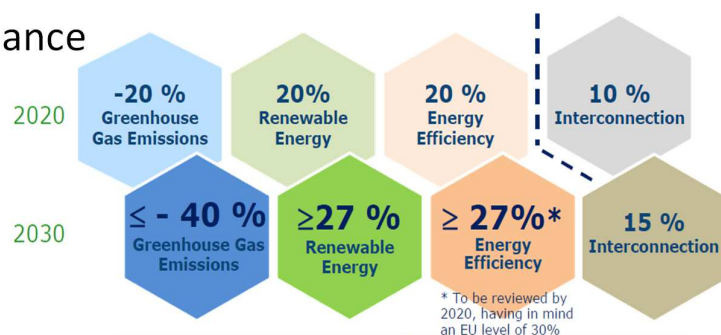
## EU: upcoming



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### CIION initiatives expected in 2016:

- **Effort Sharing** Decision : targets for MS, including LULUCF
- **Transport** decarbonisation
- **Energy Efficiency** package
- **Renewables** package (including biomass, biofuels)
- **Energy Market** design
- **Energy Union** Governance

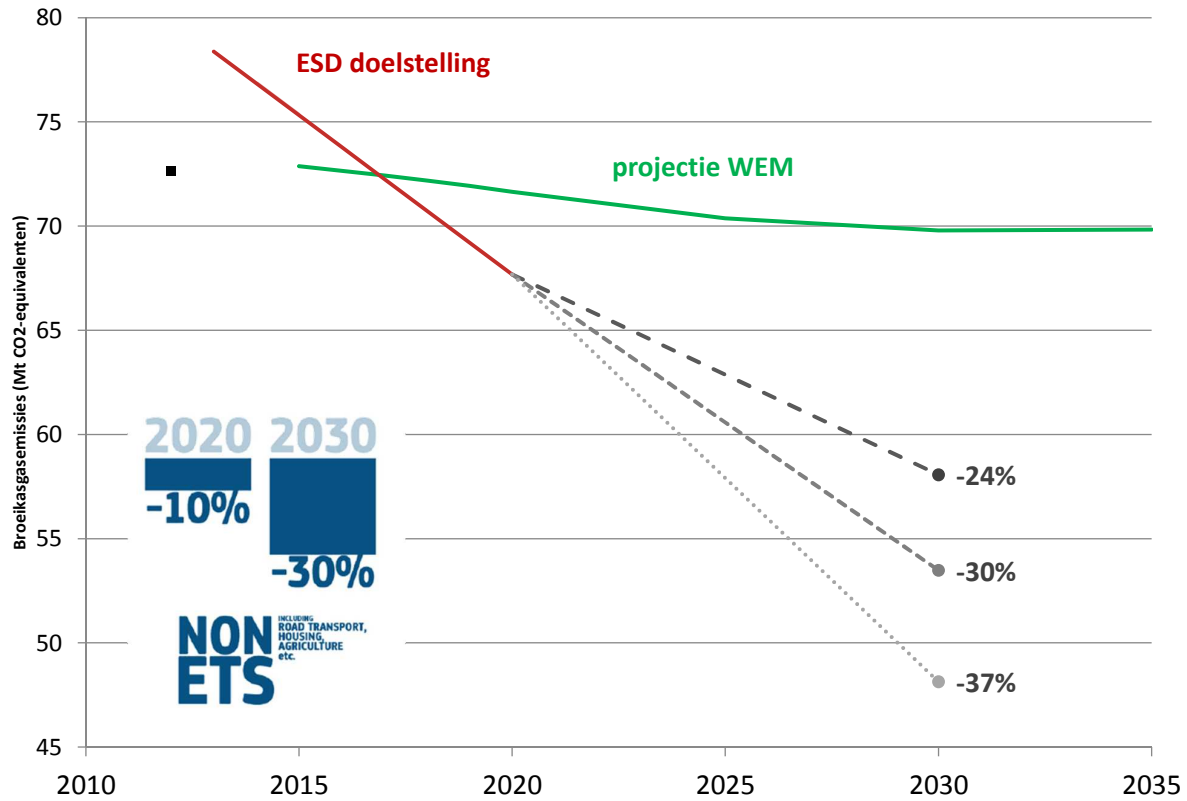


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# Tomorrow Belgium will have to act...



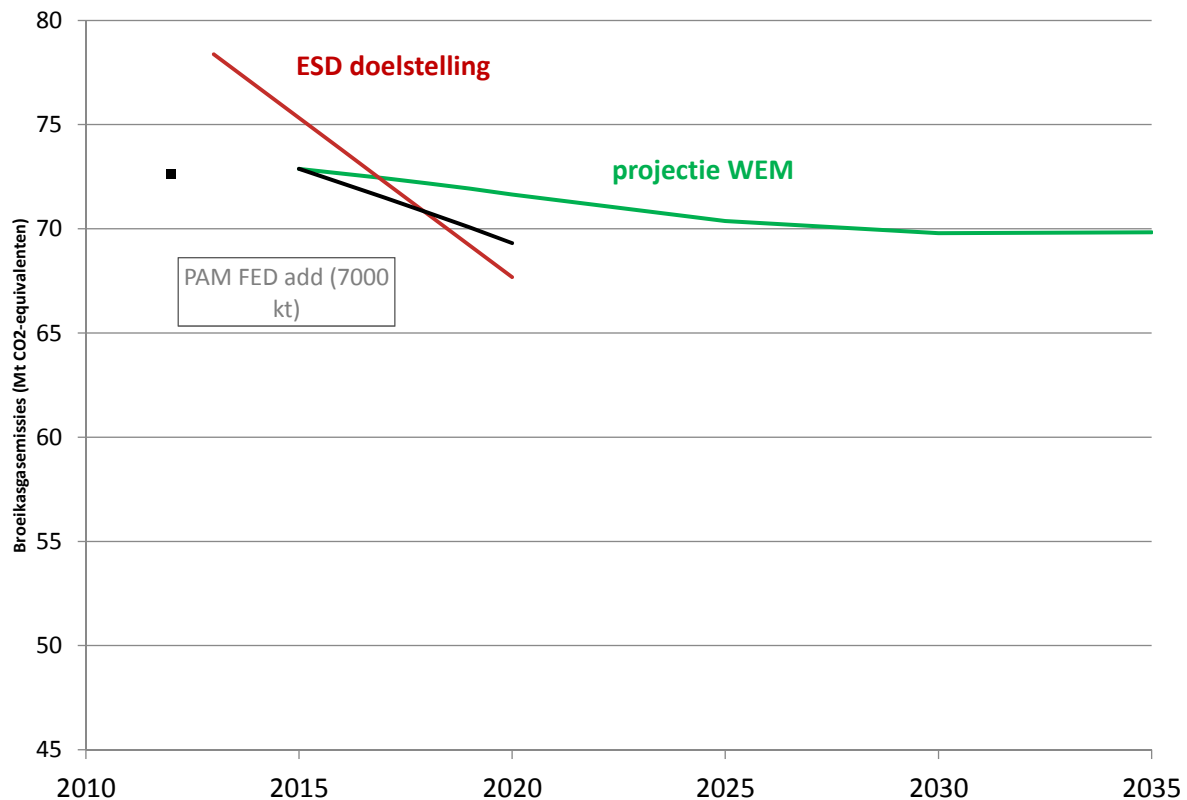
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# Tomorrow Belgium will have to act...



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## Assessment of BE policy by the EU



### State of the Energy Union 2015

- **GHG Emissions:** BE **not on track**
- **Fiscality:** certain features of the BE tax system are **environmentally harmful** (incl. tax treatment for company cars)
- **Renewables:** **need to assess** whether [BE policy] is sufficient and effective
- **Energy efficiency:** BE needs to reduce energy consumption at a **higher rate** in 2014-2020 than in 2005-2013

### European Semester 2016

- **GHG emissions:** BE is expected **to fall short** of its target
- **Fiscality:**
  - considerable potential for a **green tax shift**
  - favourable tax treatment for **company cars** contributes to pollution and congestion and has a high budgetary cost (~ 0.9 % of GDP annually)

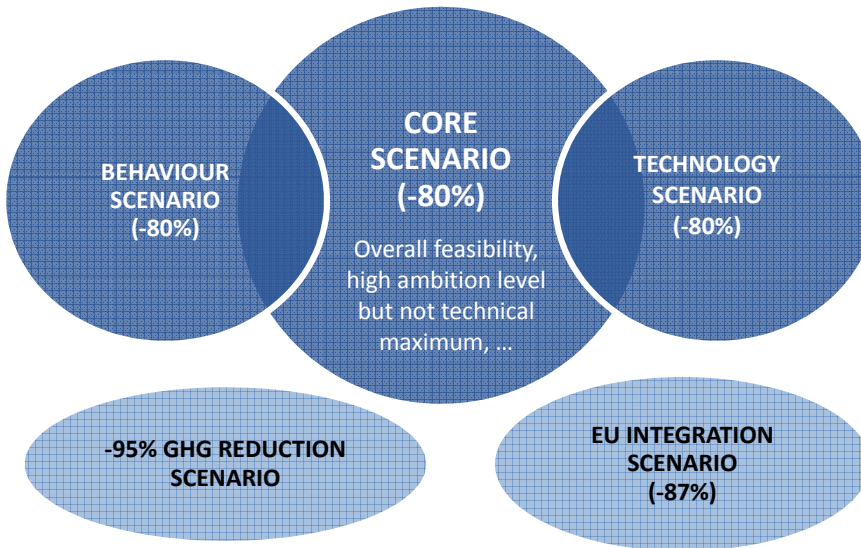


TOWARDS A  
LOW CARBON SOCIETY



# A set of 5 scenarios reaching 80 to 95% GHG emission reduction

Spatial planning, working arrangements, social innovation and networks, reducing meat consumption, ...



Role of technologies, risks and opportunities, R&D, ...

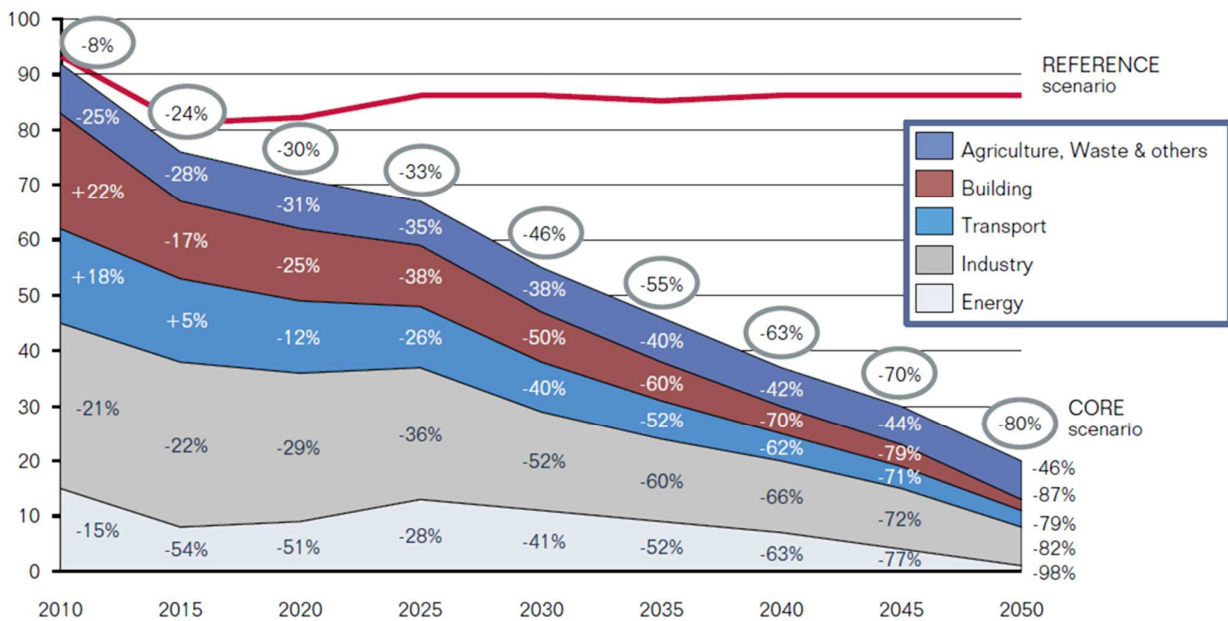
Stretch all levers to reach the higher end of the reduction range

Transmission and back-up requirements, EU energy integration, ...

Source: Belgium OPEERA model (Climact, VITO)



# It is technically feasible to drastically reduce GHG emissions in Belgium without reducing industrial activity



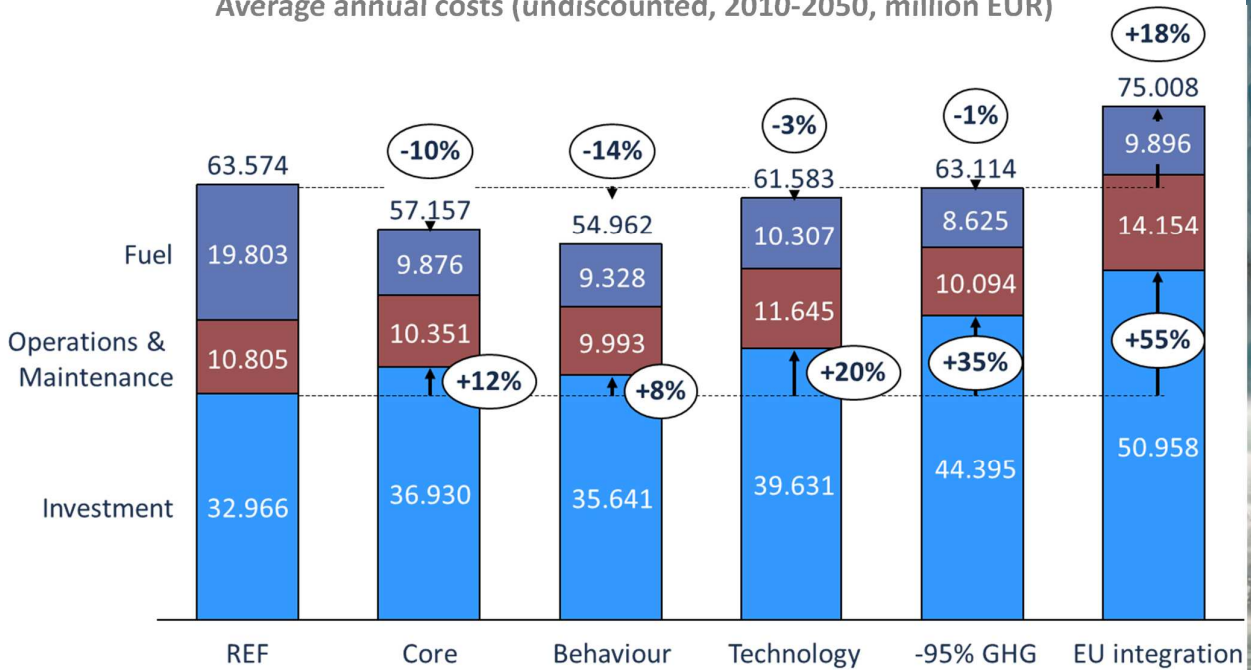
Source: Belgium OPEERA model (Climact, VITO)





# Overall investments and costs

Average annual costs (undiscounted, 2010-2050, million EUR)

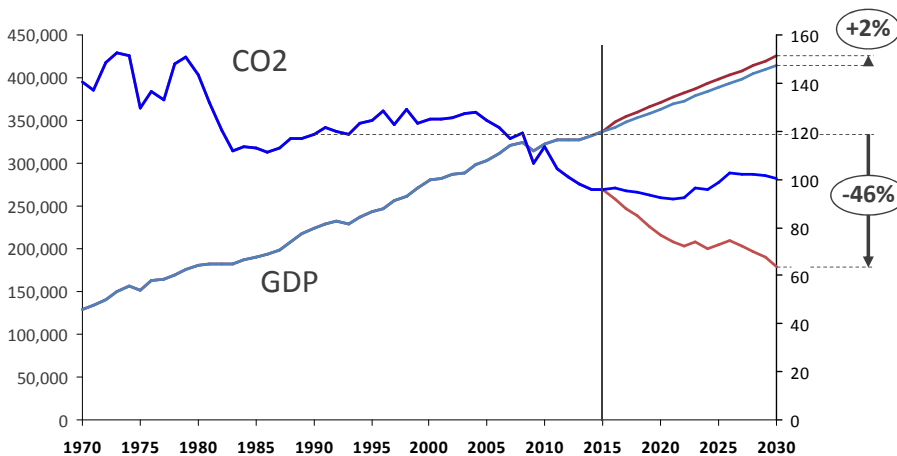


Source: Belgium OPEERA model (Climact, VITO)



# Positive GROWTH compatible with high GHG emissions reduction

GDP and CO<sub>2</sub> : putting the scenario in an historical perspective  
(Hermes, million € 2005 / million tons in that year)



-46% in CO<sub>2</sub> in 2030 is compatible with a slight GDP increase when taking into account mitigation measures, an adequate fiscal policy, and a coordinated European policy

Source: Climact and Federal Planning Bureau

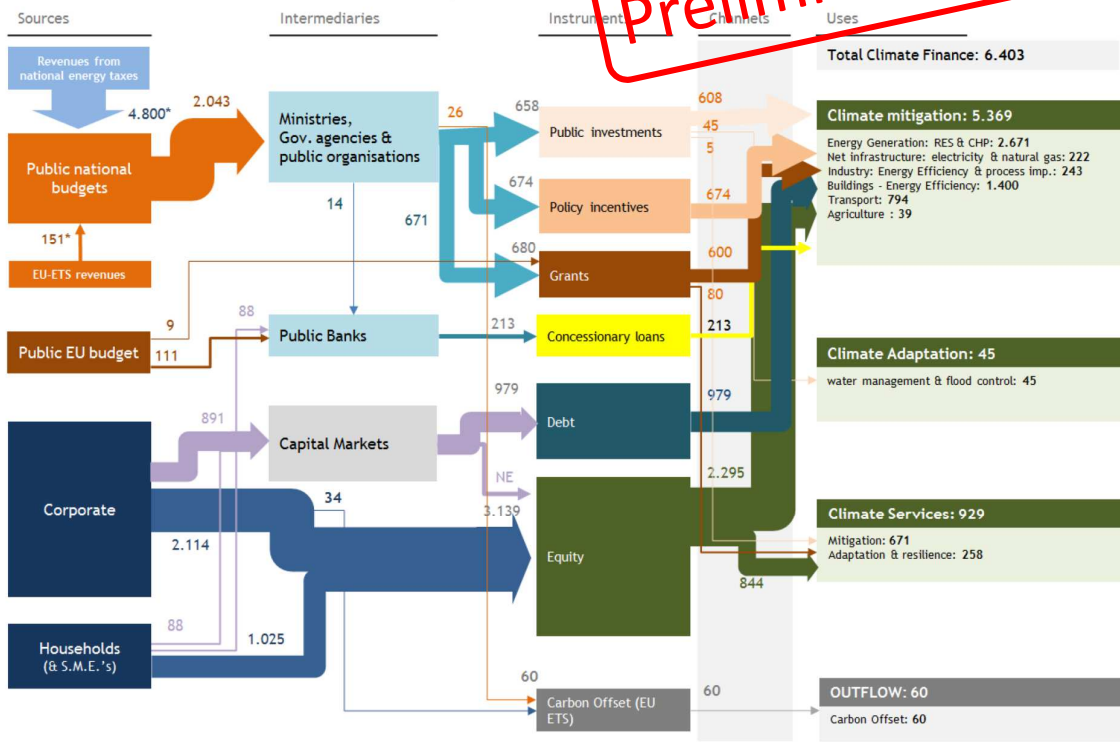
**Preliminary results**



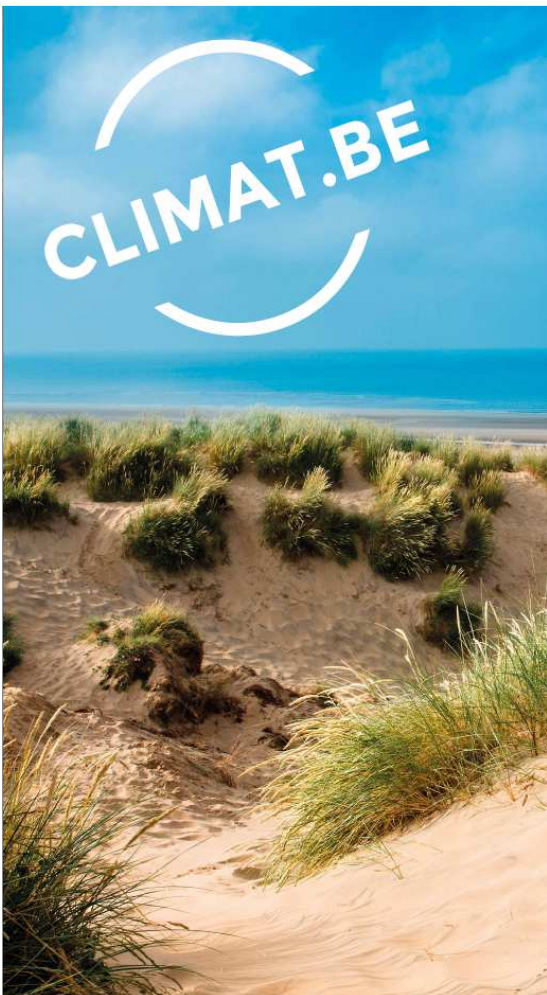
# Climate finance flows in Belgium

**Preliminary results**

NATIONAL CLIMATE FINANCE DIAGRAM 2013 (in EUR million)



\*Note: Not all revenues from national energy taxes are used for climate financing. Hence, the numbers in the top left 'Public budgets' box do not add up



## Thank you

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