JOINT IMPLEMENTATION

JI-JISC39-A02

Recommendation to the CMP

Reflections and analysis on experiences and lessons learned from joint implementation

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1. Procedural background

1. At its eleventh session, the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP)[1] requested the Joint Implementation Supervisory Committee (JISC) to reflect on synergies between joint implementation (JI) and other mitigation mechanisms. These reflections should focus on the cost-efficient use of resources, the coherence of mitigation instruments and the avoidance of double counting, in particular regarding the infrastructure and technical arrangements, tools, governance structures and processes.

2. At the same session, the CMP also requested the JISC to prepare an analysis of experiences and lessons learned from JI for the possible design of mitigation mechanisms and on links and interactions with other tools. Such an analysis is to take into account submissions from Parties and admitted observer organizations, to be submitted by 31 March 2016, and any other relevant materials. The CMP requested that the analysis by and reflections of the JISC be forwarded to the CMP at its twelfth session.

2. Purpose

3. The objective of this recommendation is to provide to the CMP:

   (a) The analysis by the JISC of experiences and lessons learned from JI for the possible design of future mitigation mechanisms and of links and interactions with other tools.

   (b) The reflection of the JISC on synergies between JI and other mitigation mechanisms;

3. JISC recommendation to CMP

4. The JISC recommends that the CMP take note of the following reflections and analysis:

3.1. Experiences and lessons learned from joint implementation for the possible design of mitigation mechanisms

5. This section outlines the areas that have been identified as key while considering experiences and lessons learned from JI. Each area described below includes an analysis of its importance for the possible design of mitigation mechanisms. On a broader level, JI is a mechanism that provides for the crediting of activities in sectors or economies that are subject to quantitative emission limits. JI operations have shown how a crediting mechanism can work within quantitative emission limits and/or targets. This operational experience should be taken into account whenever drawing from experiences and lessons learned from JI.

[1] Decision 7/CMP.11.

3.1.1. Modalities and procedures for high-level requirements

6. The decisions of the CMP on the JI guidelines and also on the clean development mechanism (CDM) modalities and procedures are more detailed than necessary in some parts. These can be procedurally difficult to change and could unnecessarily restrict and complicate the work of the regulatory bodies charged by the CMP to administer the mechanisms. In addition, the decisions sometimes do not elaborate principles that could guide implementation when issues emerge that were not foreseen at the time of their adoption.

7. An important lesson from JI for the design of a future crediting mechanism may therefore be to concentrate the modalities and procedures on principles and criteria that need to be achieved as well as on the roles in the mechanism and responsibilities of various actors for their achievement, and perhaps provide an overview of the processes foreseen. Ultimately, when designing a new mechanism, the criteria for inclusion in the modalities and procedures could be whether it requires political guidance by Parties and whether the governing body is given sufficient clarity in operationalizing the mechanism.

3.1.2. International oversight

8. An important lesson from JI is that the authority of a regulatory body, when working in an objective manner to supervise a mechanism, has a substantial impact on the way that a mechanism is perceived. The activities credited under JI and other mechanisms have substantial value and, in this context, it is almost inevitable that host governments will at times be perceived as having a conflict of interest. In particular, it has been observed that the lack of international oversight under Track 1, which was governed exclusively by host Parties, may have affected the integrity of JI activities. This includes the quality of auditing services, the use of inappropriate and inconsistent methodological approaches, project approval, post-registration changes, and monitoring of emission reductions.[2]

9. Based on this understanding, the JISC had previously proposed to merge the two tracks of the JI project cycle. The need for greater international oversight for JI is reflected in the "Work undertaken by the Subsidiary Body for Implementation on the review of the joint implementation guidelines"[3], which outlines a single track for JI under the supervision of the JISC. Under this, JI activities were to be implemented by the host Party at the national level based on mandatory international standards and procedures, and under the supervision of the JISC. In exercising its supervision, the JISC shall evaluate the conformity of the national implementation of JI against the international standards. The JISC can also review the registration of JI activities as well as the issuance of emission reduction units (ERUs) by the host Party to the JI activity.

3.1.3. Transparency

10. Transparency, in the context of carbon crediting mechanisms, means the extent to which information regarding an emission reduction activity is disclosed to the public. This

[2] Kollmuss, A., Schneider, L., and Zhezherin, V. (2015). Has Joint Implementation reduced GHG emissions? Lessons learned for the design of carbon market mechanisms. Stockholm Environment Institute, Working Paper 2015-07. <http://www.sei-international.org/mediamanager/documents/Publications/Climate/SEI-WP-2015-07-JI-lessons-for-carbon-mechs.pdf>.

[3] FCCC/SBI/2016/L.8.

disclosure involves explaining the assumptions and methodologies applied in establishing the emission reductions achieved by the activity clearly and in such a manner that the results can be independently replicated.

11. JI Track 1 previously suffered criticism for the lack of transparency regarding the public availability of information on JI activities. In response, the CMP requested that all JI Track 1 key project documentation, such as project design documents, monitoring reports, and determination and verification reports, be submitted to the secretariat to be made available (in English) on a central registry.

12. This valuable lesson from JI Track 1 has already been reflected in the "Work undertaken by the Subsidiary Body for Implementation on the review of the joint implementation guidelines"[4], which included requirements to ensure the transparency of decision-making processes and local stakeholder consultation and the rights of directly affected entities to hearings prior to decision-making, timely decisions and appeals against decisions. Ensuring transparency would be a useful lesson to draw on in the design of future crediting mechanisms.

3.1.4. Standardization of common approaches

13. The general experience under JI Track 1 was the non-standardization of methodologies being applied as each host Party developed their own approaches. These lead to similar activities being treated differently and resulting in different outcomes depending on the host Party where the activities were located. By contrast, under both JI Track 2 and the CDM, project participants have benefited from uniform approaches, processes and standards being available to them, irrespective of where in the world they operate. This significantly reduces the capacity and transaction costs required for entities to operate in multiple jurisdictions.

14. In the case of methodologies, standardizing parameters in an objective manner across many activities, instead of calculating them for each activity individually, can significantly simplify their implementation, reduce transaction costs, enhance transparency, and facilitate objectivity and predictability. Standardization can be achieved through various means, including emission intensity benchmarks,[5] default values,[6] positive lists of activities that are considered automatically additional,[7] and barrier tests.[8] As an example, standardized baselines have been emerging under the CDM and are able to cover whole sectors of economies without excluding the additionality requirements. These

[4] FCCC/SBI/2016/L.8.

[5] Where emission rates are per unit of output and are based on the current and/or future performance of a peer group of similar plants or installations.

[6] This could include, for example, grid emission factors, Intergovernmental Panel on Climate Change default values for fuel characteristics and other common values, as well as conservative estimates of the emission reductions per unit for a given activity/product (e.g. a solar lamp or a compact fluorescent lamp), which can be multiplied by the number of units installed in order to calculate the total emission reductions achieved without monitoring each unit.

[7] These positive lists may be applied to activities that face high barriers to investment and/or those that have no, or few, financial benefits other than the revenues from certified emission reductions/ERUs.

[8] Where activities are considered additional if the technology used has not reached a certain level of market penetration in a particular country or region.

standardized approaches are most welcomed by developers of mitigation activities that aim to go beyond project-specific approaches.

15. In the case of accreditation, synergy and alignment between the mechanisms could be expected to improve quality and efficiency in operating them and reduce transaction costs for those being accredited. A lesson learned from JI is that it can be costly and cumbersome to maintain separate accreditation systems as this can act as a disincentive for participation, particularly when one system is relatively smaller than the other. A single system that offers similar services would provide for the consistent use of best practices, consistency in approach to the same issues and standards, and significant cost savings for the regulatory bodies, the secretariat, project participants and other stakeholders.

16. The design of future crediting mechanisms could draw upon these lessons from JI and the CDM to standardized common functions as much as possible while still allowing flexible application of the standards.

3.1.5. Building on existing infrastructure

17. For more than a decade there has been considerable investment in the processes, standards, systems and capacity of JI and to a greater extent the CDM. In the design of future mechanisms, particularly if they follow a baseline-and-crediting approach, the mechanisms will need to apply the same or similar infrastructure, and there may be benefit to integrating the infrastructure, or at least aspects of it, directly into the design of future mechanisms. This would still allow for adjustments to be made to further streamline the implementation of the infrastructure and the activities conducted under it. Such aspects of the infrastructure include:

    (a) The modalities and procedures for JI and/or the CDM;

    (b) The project cycle developed for activities under the JI/CDM and/or as envisioned by Parties in the proposed JI modalities and procedure;

    (c) The system for accrediting independent third-party validators and verifiers under the JI and/or CDM;

    (d) The registry for any internationally issued emission reduction credits, possibly building on the existing CDM registry;

    (e) The international transaction log (ITL) for tracking internationally transferred credits.

18. A further lesson learned from the experience of JI and the CDM for the design of a future mechanism would be the advantage of starting with a digitized system that can help reduce the overall complexity of the system, improve user-friendliness and reduce overall transaction costs.

3.1.6. Ensuring opportunities for early action or a ‘prompt start’

19. The decision by CMP to not allow early action under JI by not allowing issuance of ERUs for pre-2008 remission reductions hampered the early development of JI. While for the CDM, Parties actively facilitated a prompt start through decision 17/CP.7 by providing for the CDM Executive Board (the Board) to commence the establishment of the CDM

system immediately after the Marrakesh Accords had been adopted in 2001. The scope of retroactive crediting for emission reductions achieved prior to the registration of CDM project activities was ultimately decided by the CMP after it commenced its functions with the entry into force of the Kyoto Protocol. On the other hand, it has also been argued that the retroactive crediting of emission reductions seriously compromised the integrity of JI,[9] and possibly of the CDM, by allowing for existing emission reduction activities to compete with and potentially undermine investment in new activities.

20. However, unlike both JI and the CDM, the design of a future mitigation mechanism does not start from scratch; instead it has almost 15 years of experience and activity to draw upon. In the CDM, and to a lesser extent JI, there exists a pipeline of activities that could, if Parties so wish, benefit from emission credits beyond 2020 through their potential crediting periods. Unfortunately for JI, crediting periods were often limited by national legislation, and often ended in the year 2012. As JI and CDM were relatively new mechanisms without any previous experience to draw upon, stakeholders and investors understood the merits of the learning by doing approach taken by the regulatory bodies and accepted the need for changes necessary to address problems and difficulties which have arisen in the implementation of these mechanisms. In particular, where the achievement of the objective of the mechanisms is at risk, such modifications took precedence over seeking stability. The JISC holds the view that any strengthening of the mechanisms in order to better serve the ultimate objective of the Convention should be interpreted as a positive signal by the investment community. However, the JISC recommends avoiding the impression of arbitrariness of reforms, which could undermine the credibility of any future crediting mechanism that Parties establish. Therefore, in order to protect reasonable expectations, the JISC recommends basing the design of new mechanisms, inter alia, on lessons learned and experiences gained with JI. The JISC further recommends limiting the modifications of existing elements to modifications that are necessary to achieve the objective of the future mitigation mechanism and the long-term objective of the Paris Agreement.

21. There is considerable mitigation potential that could and should, to the greatest extent possible, be mobilized pre-2020 through recognizing “early action”. Furthermore, early start and piloting can also allow Parties to build experience in national strategies, policies, and the management of the national mitigation potential, and can reveal the cost-saving potential of the international exchange of carbon assets. Therefore, providing a clear pathway, including clear conditions, for existing activities to be included in the future crediting mechanisms could be of benefit.

3.2. Synergies between joint implementation and other mitigation mechanisms

3.2.1. Scope

22. The scope of this analysis is limited to the JI and the CDM, both established under the Kyoto Protocol, as the only existing mitigation mechanisms. Voluntary offsetting

[9] Kollmuss, A., Schneider, L., and Zhezherin, V. (2015). Has Joint Implementation reduced GHG emissions? Lessons learned for the design of carbon market mechanisms. Stockholm Environment Institute, Working Paper 2015-07. <http://www.sei-international.org/mediamanager/documents/Publications/Climate/SEI-WP-2015-07-JI-lessons-for-carbon-mechs.pdf>.

schemes have not been considered as they cannot be used by Parties to demonstrate mitigation under the UNFCCC process.

23. The analysis looked at seven issues: governing body, national focal point, registry, standards, project cycle, accreditation and pipeline. In accordance with the mandate, for each issue, potential synergies were assessed for cost-efficiency, coherence and avoidance of double-counting, where applicable.

3.2.2. Governing body

24. The JISC was established at CMP 1, in conjunction with the adoption of the Marrakesh Accords, to supervise, under the authority of the CMP, the JI Track 2 procedure.[10] The Board was established much earlier, however, holding its inaugural meeting immediately after it was established at the seventh session of the Conference of the Parties (COP) in order to supervise the CDM under the authority of the CMP and allow for a prompt start of the mechanism.

25. JI was implemented under a dual governance structure; whereby the Track 1 procedure was governed exclusively by host Parties and the Track 2 procedure was implemented under the supervision of the JISC and under the authority of the CMP. During its operation, the lack of international oversight was one of the main criticisms of JI Track 1. This was reflected in one of the revisions agreed to by Parties[11] to is a single track implemented by host Parties with supervision by the JISC. This was incorporated in the "Work undertaken by the Subsidiary Body for Implementation on the review of the joint implementation guidelines"[12]. During discussions on the review of the CDM modalities and procedures, there has been no examination and no further debate to date on the CDM governing body, the Board.

26. The consolidation of market mechanisms could provide opportunities for the cost-efficient use of infrastructure and the greater overall coherence of the system compared to having multiple mechanisms that fulfil fairly similar functions. Due to similarities in the functions exercised by the JISC and the Board in relation to their supervision of the respective mechanisms and of the emission reduction activities that are undertaken, the consolidation of the supervision of the two mechanisms under a single governing body is an option Parties may wish to consider exploring.

3.2.3. National focal points

27. The two mechanisms of the Kyoto Protocol have specific national focal points with slightly different functions. The designated focal point (DFP) in JI not only approves the JI projects, including the approval of baseline and monitoring methodologies; they also process the requests for issuance of ERUs for these projects. The main task of the designated national authority (DNA) in the CDM is to assess potential CDM projects to determine whether they will assist the host country in achieving its sustainable development goals and provide a letter of approval to project participants in CDM projects.

[10] Decision 9/CMP.1, annex.

[11] Decision 6/CMP.8.

[12] FCCC/SBI/2016/L.8

28. Today, due to the rules of JI and the CDM, some Parties have already established two national focal points: a DFP and a DNA. For some Parties, these have been consolidated in the form of a single focal point exercising both roles, which can potentially provide cost-efficiency and coherence in the participation in both mechanisms.

3.2.4. Registry

29. Currently two types of registries exist within the Kyoto Protocol:

    (a) National registries, implemented by the governments of the Annex B Parties, containing accounts within which units are held in the name of the government or legal entities authorized by the government to hold and trade units;

    (b) The CDM registry, operated by the UNFCCC secretariat under the authority of the Board for issuing certified emission reductions (CERs) and forwarding them to project participants in national registries. Non-Annex I Parties and CDM project participants can also maintain accounts in the CDM registry, however the registry does not allow for trading CERs between accounts.

30. Each registry operates through a link established with the international transaction log (ITL) administered by the UNFCCC secretariat. The ITL verifies registry transactions in real time to ensure that they are consistent with the rules agreed under the Kyoto Protocol. The ITL ensures trust in the system and has been well established.

31. This system has already been synergized in the UNFCCC process and provides a cost-efficient means of ensuring that there can be no double-counting, as a unit is transferred or cancelled only in accordance with the rules and can only be in one place at a time.

3.2.5. Standards and procedures

32. Under the proposed draft JI modalities and procedures, the JISC is to develop, inter alia, technical requirements to ensure additionality and provide objective criteria for the establishment of baselines and set minimum requirements to facilitate the development of project cycle procedures by host Parties. The host Party is to develop national standards, procedures and guidelines for all aspects of the implementation of JI at the time the decisions are to be taken by the DFP.

33. In the CDM, the Board has developed and approved detailed procedures and standards for the administration of the mechanism. These include a consolidated “CDM project standard”, “CDM validation and verification standard”, and the “CDM project cycle procedure”. The future JISC, under the proposed draft JI modalities and procedures, could consider using these standards and procedures as best practice guidance to host Parties in the implementation of a single-track JI.

3.2.6. Accreditation

34. The functions of the Board and the JISC in relation to the accreditation of their respective mechanisms are very similar:

    (a) Under decision 3/CMP.1, annex, paragraph 5(f), the Board is responsible for the accreditation of operational entities, in accordance with the accreditation

standards contained in appendix A to that annex, including decisions on reaccreditation, suspension and withdrawal of accreditation;

(b) The JISC, pursuant to decision 9/CMP.1, annex, paragraphs 3(b) and (c), is responsible for the accreditation of independent entities in accordance with the standards and procedures contained in appendix A to that annex, and for the review of these standards and procedures, giving consideration to the work of the Board.

35. The two accreditation systems were operating with very similar standards, which were set at the CMP level. The CMP has also requested that possible arrangements for synergies between the JI and CDM accreditation systems be explored, including a common accreditation panel. However, the Board agreed that there would not be any need for a common body, and the JISC decided to fully rely on the CDM accreditation system as of 2 August 2016 by allowing any designated operational entity under the CDM to voluntarily act as an accredited independent entity under JI.

36. Using one system provides for both cost-efficiency and the coherence of the validation and verification functions across the mechanisms while saving the cost of operating the accreditation system for the JISC and the Board, as well as for the entities that wish to provide validation and verification services in more than one of the two mechanisms.

3.3. Summary of synergies, lessons learned and experiences with Joint Implementation and outlook for the design of a future mitigation mechanism

37. The JI mechanism has been a valuable, proven tool that countries have used to focus climate investment where it is needed. It has delivered over 871 million tonnes of greenhouse gas emission reductions and together with the CDM has contributed to the mitigation of more than 2.5 billion tonnes of greenhouse gas emissions. By using JI, or a mechanism that has been designed taking into account the lessons learned from experience with JI, to mobilize investment from the private sector or to direct public funds to targeted sectors and activities, countries could consider greater ambition in their national plans in the context of the Paris Agreement.

38. Such a mechanism can also be used by governments or constituencies to monitor, report and verify (MRV) emission reductions. Thus, such a mechanism can have a role in ensuring the results of national actions, reporting those results transparently and avoiding double counting of emission reductions.

39. The JISC is of the view that the JI mechanism can contribute to the international response to climate change not only as a functioning mechanism but also as a source of lessons to support implementation of the Paris Agreement, most clearly in creation of the new mechanism established in Article 6 paragraph 4 of the Paris Agreement. In this context, the JISC believes that:

(a) The design of the rules, modalities and procedures for a future mitigation mechanism should concentrate on higher level principles and criteria while leaving the details of day-to-day operation to the regulatory body;

(b) That oversight by an international regulatory body operating in an objective manner to supervise a mechanism would be a valuable tool for ensuring the integrity and reputation of future mitigation mechanism;

(c) Transparency of decision-making processes, local stakeholder consultations, the rights of directly affected entities to hearings prior to decision-making, timely decisions and appeals against decisions would all be valuable components of a future mitigation mechanism;

(d) Standardizing common functions as much as possible while still allowing flexible application of the standards would be an important attribute for a future mitigation mechanism. In this respect, the design of a future mitigation mechanism should seek to maximise its synergies with elements of existing and possible future systems, inter alia, by building on existing infrastructure, using uniform approaches, process and standards, standardizing parameters and using a single system for accreditation;

(e) The design of a future mitigation mechanism should be cognizant of the almost 15 years of experience and activity represented in the CDM and JI. Rather than starting from scratch, any future mitigation mechanism should build on the lessons learned and experiences with CDM and JI, in order to ensure the achievement of the objectives of the future mitigation mechanism and the long term objective of the Paris Agreement;

(f) A clear pathway, including clear conditions, could be provided for existing activities to be included as eligible activities in the future mitigation mechanism.

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