

EXPLANATORY MEMORANDUM ON THE PARIS AGREEMENT

Title of Treaty

PARIS AGREEMENT

Command Paper Number: 9338

Subject Matter

1. This Explanatory Memorandum refers to the proposed ratification by the United Kingdom of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (“UNFCCC”).
2. The UNFCCC is an international environmental treaty which was adopted in 1992 with the objective to ‘stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent anthropogenic interference with the climate system’.
3. The Paris Agreement (“the Agreement”) was adopted by the Parties to the UNFCCC at the Conference of those Parties in Paris, 12 December 2015¹. The purpose of the Agreement is to strengthen the global response to the threat of climate change by holding the global temperature increase well below 2°C above pre-industrial levels, increasing the ability of Parties to adapt to the impacts of dangerous climate change, and providing climate finance to developing countries. The Agreement replaces the approach taken under the 1997 Kyoto Protocol. The Parties to the UNFCCC include the European Union and each of its Member States.

Ministerial Responsibility

4. The Secretary of State for Business, Energy and Industrial Strategy is responsible for policy on climate change, and with respect to EU negotiations relating thereto.

Policy Considerations

(i) General

5. To date, the UK has taken a leading role in calling for action to tackle Climate Change. Alongside 195 countries, the UK negotiated and secured the historic Paris Agreement in December 2015. As a precursor to ratification, the European Union and its 28 Member States signed the Paris Agreement on 22 April 2016 at the high-level signing ceremony in New York.
6. Ratification (following signature) constitutes consent to be bound to the rights and obligations of the Treaty in international law. Once it has deposited its instrument of ratification, the UK, like all Parties to the Agreement, will be bound by international law to act consistently with the new global-level aims of limiting global warming to well below 2°C; pursuing efforts to 1.5°C and achieving net-zero emissions in the second half of the century. However, there are no legally-binding emissions reductions targets for individual countries in the Agreement.

¹ Decision 1/CP.21, Adoption of the Paris Agreement FCCC/CP/2015/10/Add.1 <http://unfccc.int/resource/docs/2015/cop21/eng/10a01.pdf>

The UK already has ambitious domestic laws and commitments on climate change. The UK's 2008 Climate Change Act already sets a target to reduce UK emissions by at least 80% by 2050, compared to 1990 levels.

7. Under the Agreement, Parties are required to prepare, communicate and maintain progressively more ambitious Nationally Determined Contributions ('NDCs'), to be submitted and reviewed every five years. In addition, Parties will have an obligation to report information necessary for clarity, transparency and understanding. The UK's carbon budgets under the Climate Change Act 2008 already set progressively tighter domestic targets every five years, and the UK already has an obligation to set out its policies and proposals for meeting carbon budgets under the Act.
8. Under the Agreement the UK will continue to provide climate finance to developing countries.

(ii) Financial

9. The fine details of the Agreement are yet to be determined, but the financial implications of it are unlikely to go beyond those associated with the UK's 2008 Climate Change Act to 2050. The UK has an existing legislative commitment to use 0.7% of GNI annually for Overseas Development Assistance.

(iii) Reservations and Declarations

10. None.

(iv) Implementation

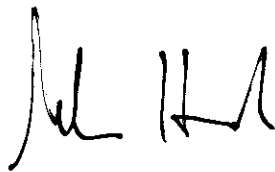
11. The Paris Agreement will enter into force 30 days after 55 Parties, representing 55% of global emissions ratify it. Once 55 Parties representing in total 55% of global greenhouse gas emissions have ratified, the Agreement will enter into force.
12. The European Union (EU) and each of the Member States are Parties to the UNFCCC and have signed the Paris Agreement. It is therefore necessary for the EU and each Member State to ratify it individually.
13. Article 4(16) of the Agreement permits Parties to fulfil their commitments jointly. Since the Paris Agreement is a mixed international agreement, and an agreement to which both the EU and the Member States individually will become Parties, the European Union and its Member States have expressed their intention to meet their commitments under the Agreement jointly. A similar mechanism is already used under the Kyoto Protocol. The Agreement requires Parties that have reached an agreement to act jointly to notify the terms of that agreement, including the emission level allocated to each Party within the relevant time period, when they communicate their NDCs. This mechanism will reflect the current balance of EU competence in international climate change.
14. In October European Council Conclusions 2014, the EU and the Member States set a target of reducing greenhouse gas emissions by at least 40% domestically by 2030 compared to 1990 levels. This was communicated to the UNFCCC secretariat as the Intended Nationally Determined Contribution of the EU and the Member States under the Paris Agreement on 6 March 2015. The emission level of each Member State under the EU target will be set out in EU legislation (the Effort Sharing Regulation) which is currently under negotiation.

15. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force.

(v) Consultations

16. The Government consulted the Devolved Administrations and stakeholders before the adoption of the Paris Agreement. Representatives of interested groups participated as observers in the meetings at which the Agreement was negotiated.

17. UK Overseas Territories and Crown Dependencies have not yet been consulted about ratification of the Agreement. The Treaty can be extended to those territories after the UK has deposited its instrument of ratification. The Government will be consulting them on this issue.



**NICK HURD MP
MINISTER OF STATE
DEPARTMENT FOR BUSINESS, ENERGY AND INDUSTRIAL STRATEGY.**