

Two questions that some of the countries are seeking answers to are:

- (i) Should countries that have not submitted INDC submit their INDC and by when;
- (ii) Do the countries need to submit a revised NDC along with their instrument of ratification/accession/approval/acceptance; and
- (iii) Can countries submit a revised NDC even after submission of their instrument of ratification/accession/approval/acceptance.

The three most relevant paragraphs to understand the issue are:

- (i) Decision 1/CP.21 Para13 - Reiterates its invitation to all Parties that have not yet done so to **communicate to the secretariat their intended nationally determined contributions** towards achieving the objective of the Convention as set out in its Article 2 as soon as possible and well in advance of the twenty-second session of the Conference of the Parties (November 2016) and in a manner that facilitates the clarity, transparency and understanding of the intended nationally determined contributions;
- (ii) Decision 1/CP.21 Para 22 - Also invites Parties to communicate their first nationally determined contribution no later than when the Party submits its respective instrument of ratification, acceptance, approval or accession of the Paris Agreement; if a Party has **communicated an intended nationally determined contribution** prior to joining the Agreement, that Party shall be **considered to have satisfied** this provision unless that Party decides otherwise;
- (iii) Paris Agreement Art 4 Para 11 - A Party **may at any time adjust** its existing **nationally determined contribution** with a view to enhancing its level of ambition, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

First, those countries that have not submitted their INDC are requested to submit their INDC well in advance of COP22. This implies countries have been given time till October to submit the INDC.

To answer the first question mentioned above, let us consider whether countries who have not submitted their INDC should submit INDC or can submit their NDC. Here it is important to note that countries are requested to submit NDC with their instrument of ratification/accession/approval/acceptance.

In this context it is important to understand two aspects

- (a) If a goal/target is submitted with the instrument of ratification/accession/approval/acceptance it would be termed as **NDC**.
- (b) If such a goal/target is submitted prior to submission of instrument of ratification/accession/approval/acceptance it would be termed as **INDC**.

So in this situation such Countries:

- (i) If they plan to submit the instrument of ratification/accession/approval/acceptance before COP22, they may submit the **NDC** with the instrument of ratification; and
- (ii) If they are not in position to submit the instrument of ratification/accession/approval/acceptance before COP22, then they should submit the **INDC** prior to COP22.



To answer question 2 above:

Para 13 decision 1/CP.21 is clear that countries don't need to submit NDC with the instrument of ratification/accession/approval/acceptance if they have already submitted the INDC. In this case the INDC will be considered as the NDC.

Countries that have submitted INDC, can submit a NDC with the instrument of ratification/accession/approval/acceptance if they wish to **revise the INDC**. It is not mandatory for country to revise the INDC and submit as NDC. If country considers that it's INDC is final and there is no need for a revised NDC with the instrument of ratification/accession/approval/acceptance.

To answer question 3 above

Para 11 Article 4 of PA clearly states that it is countries right to replace its NDC at any time. Though it recommends countries should do so with a view, i.e. they are encouraged to, revise it to make NDC more ambition. It is not mandatory though.

Thus countries, if they think they would like to revise their INDC, can do so and submit either with the instrument of ratification/accession/approval/acceptance. But they could also, in case they want to submit their instrument of ratification/accession/approval/acceptance at the earliest, submit a revised NDC at a later date.