

“Features” for Nationally Determined Contributions under the Paris Agreement

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*This advice is provided in response to **Query 68/24***

Query:

Background

The provisional agenda for CMA 6 includes an item of “features” of NDCs, that was originally part of the Paris Agreement Work Program but was deferred to this session:

7. Further guidance on features of nationally determined contributions, referred to in paragraph 26 of decision 1/CP.21

30. *Background:* CMA 1 noted that features of NDCs are outlined in the relevant provisions of the Paris Agreement²² and decided to continue consideration of further guidance on features of NDCs at the CMA session to be held in November 2024.²³

31. *Action:* The CMA will be invited to consider this matter and to take any action it deems appropriate.

We would like to explore how this item could lead to strengthening the global climate regime, especially as part of efforts starting in COP30 to respond to any shortfalls in the aggregate impact of the NDCs submitted during the current round following from the first GST, towards meeting the objectives of the Paris Agreement. In particular, could this item go beyond the strongly bottom-up and nationally determined nature of climate actions, and strengthen the requirements and obligations of parties and potentially other actors, collectively and individually, to take actions in line with the Paris climate temperature and other objectives, especially those in Article 2.

Specifically, we would appreciate responses to the following **questions**:

1. Could you carry out a treaty interpretation exercise to help us understand the term “nationally determined” in the context of the Paris Agreement?
2. If/how have parties elaborated on how NDCs are “nationally determined”?
3. Could you carry out a treaty interpretation exercise to help us understand the concept of NDC “features” in the context of the Paris Agreement?
4. Given that parties have agreed features of NDCs are “outlined in the relevant provisions of the Paris Agreement” (Decision 4/CMA.1, para 19), could you prepare a table of all the possible NDC features that appear in the PA? Please use the table prepared by Korea (further below) for NDC features of Article 4 as a template, adding a column for a short explanation next to the “features” column. If in preparing the table you come across potentially different interpretations of NDC features please also include these.
5. Please clarify the extent/scope of discretion that countries currently have in applying the envisaged guidance on NDC features?

Summary of Advice:

The Paris Agreement establishes a framework for climate action centred on Nationally Determined Contributions (NDCs). The term "nationally determined" affirms state sovereignty in climate action decision-making while requiring substantive analysis and planning from each party. While countries maintain significant discretion in determining their contributions, this discretion operates within the broader framework of the Agreement, including its temperature goals and the principle of common but differentiated responsibilities.

The framework for NDCs has been further developed through subsequent decisions. The Katowice Guidance (Decision 4/CMA.1) provides comprehensive structure for NDC development, including detailed requirements for information clarity, transparency, accounting approaches, and implementation timeframes. The Glasgow Decision (6/CMA.3) built upon this by establishing common timeframes for NDC submissions.

NDCs must fulfill several mandatory procedural requirements. These include successive communication without gaps, adherence to a five-year communication cycle, recording in a public registry, and regular implementation reporting. Substantively, NDCs must represent progression from previous submissions, reflect the highest possible ambition, include clear and transparent information, be anchored in domestic measures, and follow agreed accounting principles.

The Agreement recognizes different national circumstances through differentiated expectations. Developed countries are expected to adopt economy-wide absolute emission reduction targets, while developing countries are encouraged to move toward economy-wide targets over time. Special flexibility is provided for Least Developed Countries (LDCs) and Small Island Developing States (SIDS).

While countries maintain broad authority in determining implementation approaches, this discretion operates within defined boundaries. NDCs cannot regress from previous submissions and must represent a progression, must align with the Agreement's temperature goals, must provide required information for transparency, and must participate in regular review processes.

The transparency framework and accountability mechanisms ensure that national discretion balances with international climate action objectives.

This legal framework represents a careful balance between respecting national sovereignty and maintaining an effective international response to climate change. It provides countries with flexibility in determining their contributions while ensuring these efforts collectively advance the Agreement's goals through clear procedural requirements and substantive expectations.

Advice:

1. Understanding the term “Nationally Determined” under the Paris Agreement

1.1. Treaty Interpretation

1.1.1. Ordinary Meaning

The term "nationally determined" comprises two distinct elements that require separate examination. The word "nationally" explicitly refers to the national or state level of governance, reinforcing the principle of state sovereignty in determining appropriate climate action. This placement of decision-making authority at the national level represents a deliberate choice in the treaty's architecture.

The term "determined" implies a decision or conclusion reached through deliberation and consideration. This suggests a process rather than a singular decision point, indicating that Parties must engage in substantive analysis and planning when developing their contributions. The combination of these terms creates a clear mandate for country-driven decision-making while implying certain standards of rigor in the determination process.

In its plain meaning, this suggests that contributions are to be decided at the national level rather than internationally prescribed.¹ The choice of "determined" rather than softer terms like "considered" or "proposed" implies a definitive decision-making power at the national level. However, this determination does not occur in a vacuum - it exists within the broader framework of the Paris Agreement.

1.1.2. Context and purpose

The Paris Agreement's bottom-up structure represents a fundamental shift from previous approaches to international climate action. This structure places "nationally determined" contributions at its core, reflecting a recognition that effective climate action requires both national ownership and international cooperation. The term must therefore be interpreted in light of this innovative approach to multilateral environmental agreements.

The principle of common but differentiated responsibilities (CBDR) provides essential context for understanding the scope of national determination. This principle acknowledges varying

¹ Lavanya Rajamani, Interpreting the Paris Agreement in its Normative Environment, (2024) Current Legal Problems, <https://academic.oup.com/clp/advance-article/doi/10.1093/clp/cuae011/7750781#480602656>

national circumstances while maintaining common obligations, suggesting that national determination must operate within this framework of differentiated responsibilities.²

The Agreement's temperature goals under Article 2 establish crucial parameters for interpreting national determination. While Parties retain discretion in determining their contributions, these must collectively align with the Agreement's long-term temperature goals. This creates an implicit requirement for national determination to consider global objectives.

The provisions on progression and highest possible ambition further contextualize the scope of national determination. These elements indicate that while Parties have discretion in determining their contributions, this discretion must be exercised in a manner that promotes increasing ambition over time.

1.1.3. Subsequent practice

The implementation of Nationally Determined Contributions (NDCs) since the Paris Agreement's adoption provides valuable insight into the practical interpretation of "nationally determined." Parties have, without formalised guidance prior to the submission of the first cycle of NDCs, exercised sovereignty over the form and content of their contributions, demonstrating the broad scope of national discretion in practice.³

The development of guidance on clarity, transparency and understanding has created a framework within which national determination operates. This subsequent practice shows how the international community has balanced respect for national determination with the need for comparable and transparent contributions.

The evolution of the NDC process demonstrates the dual nature of national determination, combining domestic sovereignty with international review and coordination. This practice has helped define the boundaries between national discretion and international oversight.

1.1.3.1. Guidance for “Nationally Determined” under subsequent decisions

1.1.3.1.1. Katowice Guidance

The adoption of Decision 4/CMA.1 (the "Katowice guidance") represents the most comprehensive elaboration of how NDCs should be determined.⁴ While preserving national discretion, this decision provides detailed guidance on:

- Information to facilitate clarity, transparency and understanding (ICTU)
- Accounting approaches

² Harald Winkler and Lavanya Rajamani, 'CBDR&RC in a regime applicable to all' (2014) 14(1) Climate Policy 102, <https://www.tandfonline.com/doi/full/10.1080/14693062.2013.791184>

³ UNFCCC, Nationally determined contributions under the Paris Agreement—Synthesis report by the Secretariat, <https://unfccc.int/documents/632334>

⁴ UNFCCC, Decision 4/CMA.1, Annex I, https://unfccc.int/sites/default/files/resource/cma2018_3_add1_advance.pdf#page=6.

- Timeframes for implementation

The ICTU requirements are particularly significant as they create a structured framework for how Parties explain their national determination process. This includes requirements to explain how the Party considers its NDC to be fair and ambitious in light of national circumstances.

Information to facilitate clarity, transparency and understanding of nationally determined contributions, referred to in decision 1/CP.21, paragraph 28

- 1. Quantifiable information on the reference point (including, as appropriate, a base year):***
 - *(a) Reference year(s), base year(s), reference period(s) or other starting point(s);*
 - *(b) Quantifiable information on the reference indicators, their values in the reference year(s), base year(s), reference period(s) or other starting point(s), and, as applicable, in the target year;*
 - *(c) For strategies, plans and actions referred to in Article 4, paragraph 6, of the Paris Agreement, or policies and measures as components of nationally determined contributions where paragraph 1(b) above is not applicable, Parties to provide other relevant information;*
 - *(d) Target relative to the reference indicator, expressed numerically, for example in percentage or amount of reduction;*
 - *(e) Information on sources of data used in quantifying the reference point(s);*
 - *(f) Information on the circumstances under which the Party may update the values of the reference indicators.*
- 2. Time frames and/or periods for implementation:***
 - *(a) Time frame and/or period for implementation, including start and end date, consistent with any further relevant decision adopted by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA);*
 - *(b) Whether it is a single-year or multi-year target, as applicable.*
- 3. Scope and coverage:***
 - *(a) General description of the target;*
 - *(b) Sectors, gases, categories and pools covered by the nationally determined contribution, including, as applicable, consistent with Intergovernmental Panel on Climate Change (IPCC) guidelines;*
 - *(c) How the Party has taken into consideration paragraph 31(c) and (d) of decision 1/CP.21;*
 - *(d) Mitigation co-benefits resulting from Parties' adaptation actions and/or economic diversification plans, including description of specific projects, measures and initiatives of Parties' adaptation actions and/or economic diversification plans.*
- 4. Planning processes:***
 - *(a) Information on the planning processes that the Party undertook to prepare its nationally determined contribution and, if available, on the Party's implementation plans, including, as appropriate:*
 - *(i) Domestic institutional arrangements, public participation and engagement with local communities and indigenous peoples, in a gender-responsive manner;*

- (ii) *Contextual matters, including, inter alia, as appropriate:*
 - a. *National circumstances, such as geography, climate, economy, sustainable development and poverty eradication;*
 - b. *Best practices and experience related to the preparation of the nationally determined contribution;*
 - c. *Other contextual aspirations and priorities acknowledged when joining the Paris Agreement;*
 - (b) *Specific information applicable to Parties, including regional economic integration organizations and their member States, that have reached an agreement to act jointly under Article 4, paragraph 2, of the Paris Agreement, including the Parties that agreed to act jointly and the terms of the agreement, in accordance with Article 4, paragraphs 16–18, of the Paris Agreement;*
 - (c) *How the Party's preparation of its nationally determined contribution has been informed by the outcomes of the global stocktake, in accordance with Article 4, paragraph 9, of the Paris Agreement;*
 - (d) *Each Party with a nationally determined contribution under Article 4 of the Paris Agreement that consists of adaptation action and/or economic diversification plans resulting in mitigation co-benefits consistent with Article 4, paragraph 7, of the Paris Agreement to submit information on:*
 - (i) *How the economic and social consequences of response measures have been considered in developing the nationally determined contribution;*
 - (ii) *Specific projects, measures and activities to be implemented to contribute to mitigation co-benefits, including information on adaptation plans that also yield mitigation co-benefits, which may cover, but are not limited to, key sectors, such as energy, resources, water resources, coastal resources, human settlements and urban planning, agriculture and forestry; and economic diversification actions, which may cover, but are not limited to, sectors such as manufacturing and industry, energy and mining, transport and communication, construction, tourism, real estate, agriculture and fisheries.*
5. ***Assumptions and methodological approaches, including those for estimating and accounting for anthropogenic greenhouse gas emissions and, as appropriate, removals:***
- (a) *Assumptions and methodological approaches used for accounting for anthropogenic greenhouse gas emissions and removals corresponding to the Party's nationally determined contribution, consistent with decision 1/CP.21, paragraph 31, and accounting guidance adopted by the CMA;*
 - (b) *Assumptions and methodological approaches used for accounting for the implementation of policies and measures or strategies in the nationally determined contribution;*
 - (c) *If applicable, information on how the Party will take into account existing methods and guidance under the Convention to account for anthropogenic emissions and removals, in accordance with Article 4, paragraph 14, of the Paris Agreement, as appropriate;*
 - (d) *IPCC methodologies and metrics used for estimating anthropogenic greenhouse gas emissions and removals;*

- (e) *Sector-, category- or activity-specific assumptions, methodologies and approaches consistent with IPCC guidance, as appropriate, including, as applicable:*
 - (i) *Approach to addressing emissions and subsequent removals from natural disturbances on managed lands;*
 - (ii) *Approach used to account for emissions and removals from harvested wood products;*
 - (iii) *Approach used to address the effects of age-class structure in forests;*
 - (f) *Other assumptions and methodological approaches used for understanding the nationally determined contribution and, if applicable, estimating corresponding emissions and removals, including:*
 - (i) *How the reference indicators, baseline(s) and/or reference level(s), including, where applicable, sector-, category- or activity-specific reference levels, are constructed, including, for example, key parameters, assumptions, definitions, methodologies, data sources and models used;*
 - (ii) *For Parties with nationally determined contributions that contain non-greenhouse-gas components, information on assumptions and methodological approaches used in relation to those components, as applicable;*
 - (iii) *For climate forcers included in nationally determined contributions not covered by IPCC guidelines, information on how the climate forcers are estimated;*
 - (iv) *Further technical information, as necessary;*
 - (g) *The intention to use voluntary cooperation under Article 6 of the Paris Agreement, if applicable.*
6. ***How the Party considers that its nationally determined contribution is fair and ambitious in the light of its national circumstances:***
- (a) *How the Party considers that its nationally determined contribution is fair and ambitious in the light of its national circumstances;*
 - (b) *Fairness considerations, including reflecting on equity;*
 - (c) *How the Party has addressed Article 4, paragraph 3, of the Paris Agreement;*
 - (d) *How the Party has addressed Article 4, paragraph 4, of the Paris Agreement;*
 - (e) *How the Party has addressed Article 4, paragraph 6, of the Paris Agreement.*
7. ***How the nationally determined contribution contributes towards achieving the objective of the Convention as set out in its Article 2:***
- (a) *How the nationally determined contribution contributes towards achieving the objective of the Convention as set out in its Article 2;*
 - (b) *How the nationally determined contribution contributes towards Article 2, paragraph 1(a), and Article 4, paragraph 1, of the Paris Agreement.*

1.1.3.1.2. Common Time Frames Decision

Decision 6/CMA.3 adopted at Glasgow further elaborated on the temporal aspect of national determination, encouraging Parties to communicate in 2025 NDCs with an end date of 2035, and

to do so every five years thereafter. This decision respects national determination while promoting harmonization of timeframes.⁵

1.1.3.2. Some Party Views

1.1.3.2.1. Emphasizing National Sovereignty

The Like-Minded Developing Countries (LMDC) have consistently emphasized national sovereignty in NDC determination: "NDCs are nationally determined and their preparation, communication and implementation are voluntary actions taken by developing countries within the context of sustainable development".⁶

1.1.3.2.2. On International Guidance

The European Union has advocated for common guidance while respecting national determination: "While NDCs are nationally determined, common guidance for their formulation and communication enhances clarity, transparency and understanding of collective efforts".⁷

2. Understanding “Features” of Nationally Determined Contributions

2.1. Treaty Interpretation

2.1.1. Ordinary Meaning

The Paris Agreement does not explicitly define the term "features."⁸ In its ordinary meaning, "features" refers to the distinctive attributes, characteristics, or qualities of something. When applied to NDCs, this suggests the term encompasses the fundamental characteristics that distinguish and define these national climate contributions. The use of the term indicates an intention to identify and potentially standardize certain defining aspects of NDCs while preserving their nationally determined nature.⁹

It is noteworthy that the term "features" was chosen rather than alternatives such as "requirements," "elements," or "components." This word choice suggests an intention to focus on characteristic attributes rather than prescriptive elements, aligning with the Agreement's bottom-

⁵ UNFCCC, Decision 6/CMA.3, <https://unfccc.int/decisions?f%5B0%5D=conference%3A4301>

⁶ LMDC Submission on Further Guidance For The Nationally Determined Contributions Under The Paris Agreement, https://unfccc.int/sites/default/files/214_356_131501973977883013-LMDC%20Submission%20on%20Guidance%20for%20NDCs%20-%20submitted%20on%2017%20Sep%202017.pdf

⁷ Submission by the Republic of Estonia and the European Commission on behalf of the European Union and its Member States, https://www4.unfccc.int/sites/SubmissionsStaging/Documents/783_356_131503905817996602-EE-20-09-APA_3_mitigation_section_EU%20submission.pdf

⁸ Fatima Zahra-Taibi and Susanne Konrad, Pocket Guide to NDCs Under the UNFCCC, (UNDP DTU Partnership), <https://transparency-partnership.net/system/files/document/Pocket%20Guide%20to%20NDCs.pdf>.

⁹ Informal Note by the Co-Facilitators
Agenda item 3–Further guidance in relation to the mitigation section of decision 1/CP.21, https://unfccc.int/files/meetings/bonn_may_2017/in-session/application/pdf/informal_note_apa_3_for_publication_final.pdf

up approach while still providing structure for these contributions. This interpretation is particularly relevant given the multilateral nature of the agreement and the need to accommodate diverse national circumstances.

Article 4 of the Paris Agreement lists a number of NDC characteristics, but without referring to them as features. It states that NDCs should:

- Be communicated every five years.
- Represent a progression from previous NDCs.
- Represent the highest possible ambition (and, whenever required, be adjusted for that purpose).
- Include economy-wide emissions reduction targets (for developed countries).
- Move over time towards economy-wide emissions reduction or limitation targets (developing countries).
- Be informed by the outcomes of the global stocktake.
- Be accounted for in order to promote environmental integrity, transparency; ensure accuracy, completeness, comparability and consistency; and avoid double counting.

2.1.2. Context and Object/Purpose

The context for understanding "features" begins with Decision 1/CP.21 paragraph 26, which requested the development of further guidance on NDC features. This sits within the Paris Agreement's establishment of several mandatory characteristics for NDCs in Article 4, including requirements that they be prepared and communicated successively, represent progression over time, reflect highest possible ambition, be communicated every five years, and be informed by the Global Stocktake. These provisions suggest that while NDCs are nationally determined, they must possess certain common characteristics to function effectively within the Agreement's framework.

The object and purpose lens further illuminates the concept of features. The Paris Agreement aims to strengthen the global response to climate change through collective action while respecting national sovereignty and circumstances.¹⁰ In this context, "features" appears designed to strike a balance - providing sufficient commonality in NDC characteristics to enable assessment of collective progress and enhance ambition, while preserving the nationally determined nature that is central to the Agreement's approach.

This understanding is reinforced by the Agreement's broader architecture, which combines bottom-up flexibility with top-down oversight mechanisms. Features can be seen as bridging

¹⁰ Lavanya Rajamani, *Ambition and Differentiation in the 2015 Paris Agreement: Interpretative Possibilities and Underlying Politics*, (2016) ICLQ 493. <https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/article/ambition-and-differentiation-in-the-2015-paris-agreement-interpretative-possibilities-and-underlying-politics/CD4237FABBA8B88854F093BC02453960>

these approaches, providing guidance that enhances NDC effectiveness and comparability without imposing rigid requirements that might discourage participation or ambition.

2.1.3. Subsequent Practice

Multiple rounds of negotiations failed to reach agreement on features guidance, suggesting sensitivity around potential constraints on national determination. However, the context for understanding features has evolved significantly since initial discussions. The completion of the first Global Stocktake, increased experience with NDC implementation, enhanced scientific understanding, and development of the enhanced transparency framework all inform contemporary interpretation of the concept.

The CMA agreement to continue consideration of features guidance, alongside new collective understandings emerging from the Global Stocktake - such as the importance of economy-wide targets and comprehensive sectoral coverage - suggest an evolving appreciation of how features can support NDC effectiveness while respecting national determination.

Particularly significant in subsequent practice is the emerging understanding of features as a tool for enhancing clarity, transparency, and understanding of NDCs.¹¹ This evolution reflects growing appreciation that while NDCs remain nationally determined, their collective effectiveness depends on certain common characteristics that facilitate comparison and aggregation of efforts.

2.1.4. Analysis

This interpretation reveals "features" as occupying a distinct legal space between the Paris Agreement's mandatory requirements and purely voluntary aspects of NDCs. The concept appears designed to provide guidance on characteristics that enhance NDC effectiveness and comparability, while preserving national determination. While initial attempts to define features proved challenging, evolving practice and understanding may now provide new opportunities to develop guidance that appropriately balances standardization needs with flexibility. The concept seems intended to evolve alongside the Paris Agreement's implementation, informed by collective experience and emerging best practices.

This aligns with the Paris Agreement's innovative legal architecture, which combines binding procedural obligations with non-binding substantive contributions. Features guidance could serve as a crucial bridge between these elements, providing structure and promoting best practices while maintaining the flexibility that has made the Agreement successful in securing widespread participation. This suggests that any future guidance on features should maintain this careful balance, focusing on enabling rather than prescriptive approaches.

2.2. Possible “Features” of Nationally Determined Contributions

¹¹ See for example, Canada’s Submission on APA Item 3: Features, up-front information & accounting for Nationally Determined Contributions (NDCs), https://unfccc.int/sites/default/files/175_356_131502373272845803-APA%201.3%20Item%203%20-%20Mitigation%20NDC_EN.pdf

| Category | Provision | Feature | Explanation | Application/Legal Nature |
|--------------------|---------------------|--|--|---------------------------------|
| Procedural | Art.4.2 | Successive communication | NDCs must be submitted in sequence without gaps | Each Party/shall |
| | Art.4.9 | 5-year communication cycle | Regular updates every five years | Each Party/shall |
| | Art.4.12 | Recorded in public registry | NDCs must be publicly registered for transparency | NDCs/shall |
| | Art.13.7 | Regular reporting on implementation | Information on NDC progress must be provided | Each Party/shall |
| | Art.4.11 | Adjustability | NDCs can be adjusted at any time to enhance ambition | Each Party/may |
| Substantive | Art.4.2 | Anchoring in domestic measures | NDCs must be supported by national implementation | Parties/shall |
| | Art.4.3 | Progression and highest possible ambition | Each NDC must go beyond previous one | Each Party's NDC/will |
| | Art.4.3 | Common but differentiated responsibilities | Must reflect equity and national circumstances | Each Party's NDC/shall |
| | Art.4.4 | Economy-wide targets (developed countries) | Absolute emission reduction targets | Developed Parties/should |
| | Art.4.4 | Enhanced mitigation (developing countries) | Moving toward economy-wide targets over time | Developing Parties/should |
| | Art.4.8 | Information for clarity and transparency | Must include information for understanding | All Parties/shall |
| | Art.4.9 / Art. 14.3 | Informed by Global Stocktake | Must consider collective progress assessment | Each Party/shall |

| Category | Provision | Feature | Explanation | Application/Legal Nature |
|------------------------------------|-------------|------------------------------|---|--------------------------|
| | Art.4.13 | Accounting for NDCs | Must follow agreed accounting principles | Parties/shall |
| | Art.4.15 | Consider impacts of measures | Must consider impacts on developing countries | Parties/shall |
| Alternative Interpretations | Art.4.7 | Co-benefits from adaptation | Mitigation co-benefits can be recognized | Optional feature |
| | Art.4.6 | Special circumstances | LDCs and SIDS may prepare strategies instead | Special flexibility |
| | Art.4.16-18 | Joint implementation | Parties may act jointly on NDCs | Optional feature |

- Some provisions could be interpreted either as features or as flexibility mechanisms (e.g., Art.4.7 on adaptation co-benefits)
- The distinction between procedural and substantive features is not always clear-cut
- The legal nature varies from strict requirements ("shall") to encouragements ("should") to options ("may")
- Some features apply differently to developed vs. developing countries

2.3. Interpretation Challenges

First, there is significant ambiguity around the relationship between "features" and other Paris Agreement concepts. For example, the distinction between NDC features and the Information for Clarity, Transparency and Understanding (ICTU) requirements remains unclear. While features appear to be intrinsic characteristics of NDCs, and ICTU relates to information about those characteristics, in practice this line often blurs.

Second, the Paris Agreement uses varying legal language when describing potential features - from mandatory "shall" provisions to discretionary "should" and "may" formulations. This creates uncertainty about which characteristics qualify as true "features" versus optional elements or guidance. For instance, while progression is clearly mandatory ("shall represent progression"), the nature of economy-wide targets uses softer language ("should" for developed countries and "encouraged" for developing countries).

Third, the interaction between features and differentiation presents complex interpretation questions. While common but differentiated responsibilities is itself a feature under Article 4.3, how this principle should influence the application of other features remains debatable. This is particularly relevant for features like economy-wide targets where the Agreement explicitly differentiates between country categories.

2.4. Scope of Discretion

Countries retain significant discretion in applying NDC features, though this discretion operates within defined boundaries:

The fundamental principle that NDCs are "nationally determined" provides broad discretion in how countries implement features. However, this discretion is constrained by mandatory characteristics - particularly the requirements for progression, highest possible ambition, and regular communication.

Countries have considerable flexibility in how they interpret and implement even mandatory features. For example, while "progression" is required, countries have discretion in determining how to demonstrate progression - whether through expanded scope, enhanced targets, or other measures. Similarly, "highest possible ambition" allows for national interpretation of what is possible given circumstances.

The Paris Agreement's differentiated approach further modulates discretion based on national circumstances. Developed countries face more specific expectations (like economy-wide absolute reduction targets), while developing countries retain greater flexibility, particularly regarding timing and form of their contributions.

However, this discretion is not unlimited. The Agreement's transparency framework, global stocktake process, and public registry requirements create accountability mechanisms that influence how countries exercise their discretion. Additionally, subsequent decisions like those from CMA1 and the first Global Stocktake provide increasing guidance that, while not strictly binding, shapes the acceptable bounds of national discretion.