

IMPLEMENTING AGREEMENT TO THE PARIS AGREEMENT

BETWEEN

THE SWISS CONFEDERATION

AND

THE KINGDOM OF THAILAND

The SWISS CONFEDERATION and the KINGDOM OF THAILAND, thereafter referred to as “the Parties”,

Having regard to the friendly relations between the Parties;

Desiring to further strengthen these relations and the fruitful cooperation between the Parties;

Reaffirming the Parties’ commitment to democracy, rule of law, human rights and fundamental rights in accordance with international law, including the Charter of the United Nations and the Universal Declaration of Human Rights;

Recalling the Paris Agreement, adopted on 12 December 2015, particularly its Articles 2, 3, 4, 6 and 13 and the relevant decisions under the Paris Agreement;

Recalling to the United Nations Sustainable Development Goals;

Emphasizing the necessity to reach globally net-zero carbon emissions as early as possible or around 2050, on the basis of equity and in the context of sustainable development and efforts to eradicate poverty and recognizing that peaking of greenhouse gas emissions will take longer for developing countries, pursuant to Article 4.1 of the Paris Agreement, taking into account the findings of the Intergovernmental Panel on Climate Change (IPCC), including its special report on the impacts of global warming of 1.5 degrees above pre-industrial levels and related global greenhouse gas emission pathways;

Recalling the importance of formulating and communicating to the Secretariat of the Paris Agreement mid-century, long-term low greenhouse gas emission development strategies, pursuant to Article 4.19 of the Paris Agreement;

Noting that voluntary cooperation under Article 6 of the Paris Agreement allows for higher ambition in mitigation and adaptation action;

Reaffirming the commitment to ensuring transparency and preventing double counting, to protecting the environment, and to promoting sustainable development including the respect of human rights;

Recognizing that the current nationally determined contribution (NDC) of the Swiss Confederation under the Paris Agreement includes the use of internationally transferred mitigation outcomes;

Noting that the Kingdom of Thailand is exploring the potential of bilateral market-based cooperation that can facilitate, expedite and enhance technology development and transfer, capacity building, and access to financial resources that support sustainable low-carbon and climate resilient growth and will consider international transfer of emission reductions provided that this does not undermine the achievement of its nationally determined contribution;

Noting that each Party may take the role of Transferor or Receiver under this Agreement;

Taking into consideration the guidance on cooperative approaches referred to in Article 6, paragraph 2 of the Paris Agreement adopted by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA) at its third session;

have agreed as follows:

ARTICLE 1

General definitions

For the purpose of this Agreement, the following definitions apply:

1. “Internationally Transferred Mitigation Outcome”:
 - a. “Mitigation Outcome” is defined as one tonne of emission reductions or removals measured in metric tonnes of carbon dioxide equivalent (CO₂eq) applying methodologies and metrics consistent with the Paris Agreement;
 - b. An “Internationally Transferred Mitigation Outcome”, hereafter referred to as ITMO, is a Mitigation Outcome which has been authorized, transferred and recognized pursuant to Article 8 of this Agreement;
2. “Acquiring Entity” is an entity that receives the ITMOs recognized under this Agreement;
3. “Authorization” is the formal statement that each Party publicly issues pursuant to Article 5 of this Agreement and thereby commits to recognize, pending fulfilment of all requirements for transfer pursuant to Article 7 of this Agreement, the international transfer of Mitigation Outcomes and their use;
4. “Corresponding Adjustment” is an element in the reporting under the Paris Agreement ensuring avoidance of double counting of ITMOs, implementing Articles 4.13, 6.2, and 13.7.b of the Paris Agreement;
5. “Database” is an online platform that provides publicly accessible information relating to the implementation of this Agreement;
6. “Entity Authorized to Transfer” is an entity authorized by the Transferor to transfer the Mitigation Outcomes recognized under this Agreement;
7. “Issuance” is the creation of a transferable Mitigation Outcome in a Registry;
8. “Mitigation Activity” is a project or programme which mitigates greenhouse gases;
9. “Mitigation Activity Design Document” or “MADD” is a document describing the Mitigation Activity;
10. “Monitoring Report” is a report on the verifiable result indicators of a Mitigation Activity from which Mitigation Outcomes originate. The Entity Authorized to Transfer is responsible for its preparation;
11. “Nationally Determined Contribution” or “NDC” is the contribution of a Party to the Paris Agreement under its Article 3;
12. “NDC Implementation Period” is the time frame of a NDC of a Party to the Paris Agreement;
13. “Recognition of transfer” is the registration of information in a Database to confirm a transfer;
14. “Registry” is a digital system that tracks transfer, acquisition, holding, cancellation, and use of Mitigation Outcomes;
15. “Receiver” is the Party to this Agreement which recognizes the Mitigation Outcomes internationally transferred in its Database as ITMOs;

16. “Transferor” is the Party to this Agreement which recognizes the Mitigation Outcomes internationally transferred in its Database as additions to its emissions covered by its NDC;
17. “Verifier” is the independent third-party entity that verifies Monitoring Reports;
18. “Verification Report” is the report issued by the Verifier confirming the accuracy of content of a Monitoring Report;
19. “Vintage Year” is the year in which a Mitigation Outcome has taken place.

ARTICLE 2

Objective

The objective of this Agreement is to establish the voluntary cooperative framework for the implementation and/or recognition of international transfers of Mitigation Outcomes for use towards NDC achievement or for other international mitigation purposes in the context of Article 6, paragraph 2 of the Paris Agreement. In this regard, both Parties shall promote sustainable development and ensure environmental integrity and transparency, including in governance, and apply robust accounting, including avoidance of double counting.

ARTICLE 3

Environmental integrity

Minimal principles and criteria relevant for ensuring environmental integrity of Mitigation Outcomes, for which transfer and use are authorized, are hereby established:

1. Mitigation Outcomes shall be real, verified, additional and permanent or achieved under a system that addresses the risk of non-permanence, where relevant, including by appropriate compensation of any material reversals;
2. Mitigation Outcomes shall represent mitigation generated from 1 January 2021 until 31 December 2030. The Parties may agree to the extension of this period upon mutual agreement of both Parties;
3. The Vintage Year of a Mitigation Outcome and its use should be in the timeframe of the same NDC implementation period; and
4. Mitigation Outcomes shall be generated from activities that:
 - a. Do not lead to a net increase in global emissions;
 - b. Are in line with the long-term low emissions development strategy of each Party, where applicable;
 - c. Foster the transition to low greenhouse gas emissions and climate resilient development, in accordance with the objectives set out in Article 2 and Article 4.1 of the Paris Agreement;
 - d. Do not include activities based on nuclear energy and avoid locking in levels of emissions, technologies or carbon intensive practices incompatible with the

- achievement of the long-term goal of the Paris Agreement, in particular any activities based on the continued use of fossil fuels;
- e. Promote enhanced climate action and safeguard against incentives for low ambition by the Parties involved;
 - f. Address potential leakage, where relevant;
 - g. Set baseline emissions in a conservative manner below business-as-usual emission projections;
 - h. Take into account all relevant existing and planned national policies, including legislation;
 - i. Include consideration of other factors for incentivizing enhanced climate action by the Transferor; and
 - j. Apply attribution of the Mitigation Outcomes to the sources of finance, where applicable.

ARTICLE 4

Sustainable development

Mitigation Outcomes for which transfer and use are authorized shall be generated from activities that comply with the following requirements, noting national prerogatives:

1. Promote sustainable development;
2. Apply appropriate measures to minimize and, where possible, avoid any negative environmental, economic and social impacts including on, where relevant, air quality, biodiversity, social inequality, and the discrimination of population groups based on gender, ethnicity or age;
3. Respect applicable national and international environmental regulations; and
4. Respect the human rights obligations applicable to the Party under the jurisdiction of which the Mitigation Outcomes are generated.

ARTICLE 5

Authorization

1. The international transfer and use of Mitigation Outcomes towards NDC achievement, or for any other international mitigation purposes, requires Authorization by each Party, in accordance with Article 6.3 of the Paris Agreement and with Articles 3 and 4 of this Agreement and consistent with respective national requirements.
2. Each Party shall establish a process by which entities can submit a request for Authorization and publish its national requirements, including the submission of a MADD, and inform the other Party of any modification thereof.

3. Each Party shall make its Authorizations, including the MADD, in English, publicly available and inform the other Party thereof, including updates or changes of the Authorizations.
4. Each Party may review consistency between their corresponding Authorizations and publish a statement in the case of inconsistency. In the absence of such a statement, the transfer is authorized as per paragraph 1 of this Article after 30 calendar days from the date on which Authorizations from both Parties are published.
5. Upon request of the Entity Authorized to Transfer, each Party may update or change its Authorizations according to the procedures in this Article. Updates or changes become valid pursuant to paragraph 4 of this Article.

ARTICLE 6

Authorization Form

1. An Authorization statement issued by each Party shall reference the MADD and include:
 - a. An identification of the Mitigation Activity from which the Mitigation Outcomes originate;
 - b. A description of, inter alia, the applied standards, baseline approach, methodologies, and requirements for Monitoring and Verification Reports;
 - c. The crediting period for the Mitigation Activity;
 - d. The authorized use of ITMOs;
 - e. A description of the NDC implementation period(s) during which the ITMOs are authorized for transfer and use, as appropriate;
 - f. The total cumulative maximal amount, in absolute or relative terms, of Mitigation Outcomes for which transfer and use is authorized;
 - g. A reference to the corresponding Authorization of the other Party, where applicable;
 - h. Any conditions or eligibility criteria for transfer and use of Mitigation Outcomes; and
 - i. The applicable method of corresponding adjustment pursuant to Article 10 of this Agreement.
2. An Authorization of the Transferor shall include identification of the Entity Authorized to Transfer.

ARTICLE 7

Monitoring, verification and examination

1. Monitoring Reports and verification thereof are required for each Mitigation Activity from which ITMOs recognized under this Agreement are generated. A Verifier approved by each Party and selected by the Entity Authorized to Transfer prepares a Verification Report and submits the Verification and Monitoring reports to each Party.

2. Each Party shall make information on approved Verifiers publicly available.
3. Each Party shall publish the Verification and Monitoring Reports.
4. Each Party shall assess the Verification and Monitoring Reports based on the requirements defined in the Authorization pursuant to Article 6.1.b. of this Agreement. Approval of each Party shall take effect after a no-objection period of 90 calendar days from the date of the submission of the Verification and Monitoring Reports by the Verifier.
5. The Transferor shall examine the Mitigation Outcomes for which transfers are authorized against the following requirements for transfer, within 90 calendar days from the date of submission of the Verification and Monitoring Reports by the Verifier.
 - a. No double claiming of the Mitigation Outcomes with other domestic mitigation programmes or systems and, based on best available information, no double claiming with other international objectives, systems or aims;
 - b. No evidence of discrepancy with the provisions in its Authorization statement; and
 - c. No evidence of violation of human rights or of national legislation of the Transferor in the implementation of the Mitigation Activity from which the Mitigation Outcomes originate.

The Transferor shall publicly issue an examination statement and notify the Receiver as well as the Entity Authorized to Transfer.
6. Upon receiving a notification of positive examination by the Transferor, the Receiver shall issue within 30 calendar days a confirmation of the fulfilment of the requirements for transfer, including any conditions from its Authorization statement. The Receiver shall make the confirmation publicly available and notify the Transferor as well as the Entity Authorized to Transfer thereon.

ARTICLE 8

Recognition of transfer

Each Party shall recognize authorized transfers of Mitigation Outcomes for which positive statements from the Parties are available pursuant to Articles 7.5 and 7.6 of this Agreement:

1. Consistent with a request by the Entity Authorized to Transfer, the Transferor shall ensure notification of the transfer to the Acquiring Entity and the Receiver. Such notification shall include identification of the Acquiring Entity and information on the amount of transferred Mitigation Outcomes, unique identifiers for each Mitigation Outcome clarifying the underlying Mitigation Activity and Vintage Year of the Mitigation Outcomes, the applicable method for corresponding adjustment pursuant to Article 10 of this Agreement and a reference to the underlying Authorization.
2. The Transferor shall recognize the transfer of the Mitigation Outcomes pursuant to Article 9 and recognize the transferred Mitigation Outcomes through corresponding adjustment pursuant to Article 10 of this Agreement.

3. The Receiver shall recognize the transferred Mitigation Outcomes as ITMOs pursuant to Article 9 of this Agreement.

ARTICLE 9

Database and Registry

1. Each Party shall define and have in place a Database with the following properties for the recognition of transfer:
 - a. The Database shall be publicly accessible; and
 - b. The Database shall publish and regularly update Authorizations under Article 5.3 of this Agreement, Examination statements and confirmation under Article 7.5 and 7.6 of this Agreement, and the recognition of transfers under Articles 8.2 and 8.3 of this Agreement, respectively.
2. Each Party may define a Registry to track issuance, transfer, acquisition, holding, cancellation, and use of national units representing Mitigation Outcomes authorized for transfer and use under this Agreement. The Registry shall include unique identifiers for all Mitigation Outcomes recognized under this Agreement, information regarding the underlying Mitigation Activity and the Vintage Year, and a reference to the Authorizations required for the recognition of the transfer of Mitigation Outcomes.
3. Parties may define a jointly used Database and/or Registry for the purpose of paragraph 1 of this Article and/or for Issuance, transfer and tracking of international units representing ITMOs.

ARTICLE 10

Corresponding adjustments

In order to avoid double counting of ITMOs recognized under this Agreement, each Party shall apply corresponding adjustments, in accordance with the guidance adopted under Article 6 paragraph 2 of the Paris Agreement.

ARTICLE 11

Reporting

Each Party shall report information relating to the implementation of this Agreement in accordance with the guidance adopted under Article 6 paragraph 2 of the Paris Agreement.

ARTICLE 12

No double counting with international climate finance

The resources used for the acquisition of ITMOs recognized under this Agreement shall not be reported as support provided or mobilized under Article 9, 10 and 11 of the Paris

Agreement, unless the Parties to this Agreement agree otherwise in accordance with Article 13.13 of the Paris Agreement.

ARTICLE 13

Competent authorities

1. The Kingdom of Thailand has authorized:
 - a. The Ministry of Natural Resources and Environment, acting through the Office of Natural Resources and Environmental Policy and Planning (ONEP), to act on its behalf in implementing this Agreement.
 - b. The Thailand Greenhouse Gas Management Organization (Public Organization) to serve as the administrator of the standards of Mitigation Activity and the Registry.
2. The Swiss Confederation has authorized the Federal Department of the Environment, Transport, Energy and Communications, acting through the Federal Office for the Environment (FOEN), to act on its behalf in implementing this Agreement.

ARTICLE 14

Common Concern

The Parties agree to combine their efforts to fight corruption and, in particular, declare that any offer, gift, payment, remuneration or benefit of any kind whatsoever, made to whomever, directly or indirectly, with a view to being awarded an authorization or a recognition of transfer under this Agreement, will be construed as an illegal act or corrupt practice. Any act of this kind constitutes sufficient grounds for suspending recognition of transfers pursuant to Article 19 of this Agreement. The Parties shall promptly inform each other of any well-founded suspicion of an illegal act or corrupt practice.

ARTICLE 15

Entry into force

The Agreement shall enter into force 60 days after its signatures by the Parties.

ARTICLE 16

Amendments

Any modification or amendment to the present Agreement shall be made in writing with the mutual agreement of both Parties.

ARTICLE 17

Settlement of disputes

Any dispute between the Parties concerning the interpretation or application of this Agreement shall be amicably resolved by direct negotiations through diplomatic channels.

ARTICLE 18

Denunciation of this Agreement

1. Any Party may denounce this Agreement by written notification to the other Party. Such denunciation shall take effect four calendar years after the end of the NDC Implementation Period (i.e. at earliest on 1 January 2035) during which the denunciation is communicated.
2. The Entities Authorized to Transfer shall be informed by the Transferor immediately on the termination of the Agreement.

ARTICLE 19

Suspension of recognition of transfers

1. Any Party may suspend a recognition of transfer if:
 - a. The other Party is in non-compliance with Article 4.2 of the Paris Agreement, whereby consideration of compliance should be based on relevant considerations by the committee established under Article 15 of the Paris Agreement;
 - b. The other Party is in non-compliance with the Article 5, 7, 10, 11 or 12 of this Agreement.
2. Such suspension of recognition of transfer, including explanation on the ground for suspension, shall be communicated by written notification to the other Party and provide sufficient opportunity for the other Party to provide justification for its non-compliance or propose a remedial action. In the absence of an accepted justification or a mutually agreed remedial action, the suspension shall take effect 30 calendar days from the date of receipt of the written notification or on later date as specified in that notification.

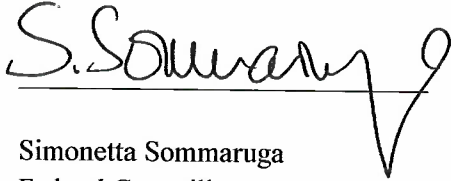
ARTICLE 20

Termination

1. This Agreement and all authorizations under this Agreement shall terminate if any of the Parties withdraws from the Paris Agreement.
2. Such termination shall take effect on the same date as the date on which the Party's withdrawal from the Paris Agreement takes effect.

Done in Bern on 24 June 2022 in two original copies in English, Thai, and German languages, all texts being equally authentic. In case of divergence, the English text shall prevail.

FOR THE SWISS CONFEDERATION



Simonetta Sommaruga
Federal Councillor
Minister of Environment, Transport,
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FOR THE KINGDOM OF THAILAND



Varawut Silpa-archa
Minister of Natural Resources and
Environment