



**UNITED
NATIONS**



**Framework Convention
on Climate Change**

Distr.
LIMITED

FCCC/SBI/2007/L.10
15 May 2007

Original: ENGLISH

SUBSIDIARY BODY FOR IMPLEMENTATION

Twenty-sixth session

Bonn, 7–18 May 2007

Agenda item 15 (e)

Administrative, financial and institutional matters

**Privileges and immunities for individuals serving on
constituted bodies established under the Kyoto Protocol**

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established under the Kyoto Protocol**

Draft conclusions proposed by the Chair

1. The Subsidiary Body for Implementation (SBI) took note of the oral report by the secretariat on actions taken by the Executive Secretary to implement decision 9/CMP.2, and expressed its appreciation for the actions taken in response to concerns and issues that have been brought to the attention of the Executive Secretary and the Executive Board of the clean development mechanism (CDM) by legal entities participating in the CDM.
2. The SBI invited the chairs of the constituted bodies established under the Kyoto Protocol to ensure that information on concerns or issues raised regarding a constituted body or individuals serving on the body with regard to their official functions are included in the reports of the constituted body concerned to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP).
3. The SBI also took note of the oral report by the secretariat on further work being undertaken to review the legal framework and practice concerning privileges and immunities for bodies of other organizations in the United Nations system, and the review of the feasibility of insurance to cover the costs associated with claims against individuals serving on constituted bodies established under the Kyoto Protocol, and requested the secretariat to prepare technical papers on the results of this additional work for consideration by Parties.
4. The SBI recognized that although decision 9/CMP.2 authorizes the Executive Secretary to take action, inter alia, to minimize the risks of disputes, complaints and claims against individuals serving on constituted bodies established under the Kyoto Protocol, it does not address the underlying issue of immunities for individuals serving on such bodies.

5. The SBI agreed to further consider the need for an effective, legally sound and long-term solution, including review procedures, to ensure that individuals serving on constituted bodies established under the Kyoto Protocol are able to perform their official functions independently and effectively, on the basis of the experience gained with the implementation of decision 9/CMP.2.

6. The SBI decided to continue its discussion of this issue at its twenty-seventh session (December 2007), taking into account the report of the Executive Secretary to the CMP, at its third session, in accordance with decision 9/CMP.2 and taking into account the reports to the CMP of the constituted bodies established under the Kyoto Protocol, documents FCCC/SBI/2006/20, FCCC/SBI/2006/21 and FCCC/SBI/2007/MISC.4 and Add.1, 2 and 3, the technical papers referred to in paragraph 3 above, and any other relevant documents, including relevant proposals from Parties.
