



**Committee to facilitate implementation and promote compliance
referred to in Article 15, paragraph 2, of the Paris Agreement**

Document PAICC/2021/M5/3

**Report of the 5th meeting of the committee to facilitate implementation
and promote compliance referred to in Article 15, paragraph 2, of the
Paris Agreement**

Dates: 11–13 and 17–18 August 2021

**Venue: Virtual, deemed to have been held in Bonn at the headquarters
of the secretariat**

Version 02.0

1. Agenda item 1: Opening of the meeting

1. The Co-Chairs, Christina Voigt and Haseeb Gohar, opened the 5th meeting of the committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement (hereinafter referred to as the Committee) by welcoming the members and alternate members of the committee.
2. The members and alternate members of the Committee had agreed to hold the 5th meeting virtually on 11–13 and 17–18 August 2021.
3. The meeting, although held virtually, was deemed to have been held in Bonn at the headquarters of the secretariat.
4. The Co-Chairs confirmed that, in accordance with paragraph 15 of decision 20/CMA.1, a sufficient number of committee members were present at the meeting to constitute a quorum.
5. The table below presents the members and alternate members of the Committee. All members and alternate members were present at the meeting.

Group/constituency	Members	Alternate members
African States	Selam Kidane-Abebe	Mominata Campaore
	Cornelius Scholtz	Chokri Mezghani
Asia-Pacific States	Shang Baoxi	Tomonobu Sato
	Haseeb Gohar	Seung Jick Yoo
Eastern European States	Eva Adamová	Grzegorz Grobicki
	Iryna Stavchuk	Ivan Narkevitch
Latin American and Caribbean States	<i>Nomination pending</i>	Michai Robertson
	<i>Nomination pending</i>	<i>Nomination pending</i>
Western European and other States	Jacob Werksman	Johan Pettersson
	Christina Voigt	Julia Gardiner
Small island developing States	Rueanna Haynes	Diane Tan
Least developed countries	Ziaul Haque	Edith Kateme-Kasajja

2. Agenda item 2: Organizational matters

2.1. Agenda item 2(a): Adoption of the agenda

6. The Committee adopted the agenda of the meeting, contained in annex 1.

2.2. Agenda item 2(b): Organization of the work of the meeting

7. The Committee decided to organize the work for the meeting following the order of the agenda.

3. Agenda item 3: Development of the draft rules of procedure for the proper and effective functioning of the committee

8. The Committee members and alternate members worked on the Co-Chairs' proposal for the draft rules of procedure. The Committee agreed on its draft rules of procedure, contained in annex 2 and in annex II to the second annual report of the Paris Agreement Implementation and Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement.¹
9. The Committee agreed to continue in 2022 its work on the remaining rules contained in the Co-Chairs' proposal for draft rules of procedure, contained in annex 3, in accordance with paragraphs 17 and 18 of decision 20/CMA.1 and subject to the extension of its mandate by CMA 3.

4. Agenda item 4: Next meeting of the committee

10. The Committee agreed to convene an informal hybrid meeting in conjunction with the 3rd meeting of the CMA and the 6th formal meeting of the Committee at the end of January 2022, while recognizing that the Co-Chairs shall confirm the dates for the 6th formal meeting.
11. The Committee requested the secretariat to start planning the 6th formal meeting as an in-person meeting, while recognizing the evolving global situation in relation to travel restrictions and other limitations resulting from the coronavirus disease 2019 (COVID-2019) pandemic. The Committee recognized the need to ensure the inclusive participation of all members and alternate members in its meetings. In particular, it noted the technology and time zone related challenges faced in convening meetings virtually.

5. Agenda item 5: Budgetary and financial matters

12. The Committee received an update from relevant senior officials of the secretariat dealing with budgetary and financial matters as to its funding and staffing for the next biennium.

6. Agenda item 6: Adoption of the annual report to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement

13. The Committee adopted its second annual report to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, contained in annex 4.

¹ FCCC/PA/CMA/2021/6; available at https://unfccc.int/sites/default/files/resource/cma2021_06_adv.pdf

7. Agenda item 7: Other matters

14. The Committee members and alternate members acknowledged the work done by the Co-Chairs, Christina Voigt and Haseeb Gohar, and expressed deep gratitude and appreciation for their facilitation in advancing the work of the Committee in accordance with decision 20/CMA.1 despite the challenges faced owing to the COVID-19 pandemic. The Committee also acknowledged the excellent support provided by the secretariat despite the constraints faced.

8. Agenda item 8: Adoption of the report on the 5th meeting of the committee

15. The Committee adopted this report on 18 August 2021 and the report is deemed to have been adopted in Bonn.

9. Closure of the meeting

16. After thanking the members and alternate members of the Committee for their participation and the secretariat for its support, the Co-Chairs closed the meeting.

10. Annexes to the report

Annex 1 – Agenda as adopted

Annex 2 – Draft rules of procedure of the committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement

Annex 3 – Remaining rules contained in the Co-Chairs' proposal for draft rules of procedure

Annex 4 – Annual report of the Paris Agreement Implementation and Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement

Annex 1 – Agenda as adopted

Committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement

5th meeting

Bonn, 11–13 and 17–18 August 2021 (virtual meeting)

Document PAICC/2021/M5/1

Agenda

1. Opening of the meeting
2. Organizational matters
 - (a) Adoption of the agenda
 - (b) Organization of the work of the meeting
3. Development of the draft rules of procedure for the proper and effective functioning of the committee
4. Next meeting of the committee
5. Budgetary and financial matters
6. Adoption of the annual report to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement
7. Other matters
8. Adoption of the report on the 5th meeting of the committee
9. Closure of the meeting

Annex 2 – Draft rules of procedure of the committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement

(as published in the second annual report of the Paris Agreement Implementation and Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, UNFCCC document FCCC/PA/CMA/2021/6)

I. Rule 1: Objective and scope

1. The objective of these rules of procedure is to facilitate implementation of and promote compliance with the provisions of the Paris Agreement.
2. These rules of procedure shall apply to the committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement (the Committee), as defined in the annex to decision 20/CMA.1, entitled “Modalities and procedures for the effective operation of the committee referred to in Article 15, paragraph 2, of the Paris Agreement” (the modalities and procedures). These rules of procedure shall be read together with and in furtherance of the modalities and procedures and will be implemented to reflect all provisions of the Paris Agreement, including its Article 2.

II. Rule 2: Definitions

(placeholder)

III. Rule 3: Members and alternate members

A. Rule 3.1: Term of service

1. The term of service of each member and alternate member shall begin on 1 January of the calendar year immediately following their election and end on 31 December of the last year of their term.
2. For each new term pursuant to paragraphs 5 and 8 of decision 20/CMA.1, the selection and notification to the secretariat of a member or alternate member shall be made by the nominating regional group or constituency, as applicable, for election by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA).
3. When a member or alternate member resigns or is otherwise unable to complete the assigned term or functions, an expert from the same Party shall be named by that Party to replace that member or alternate member for the remainder of the term. That Party may also, after consultation with its regional group or constituency, as applicable, name an expert from another Party in the same regional group or constituency, as applicable, to replace the member or alternate member. The Party shall notify the secretariat, in writing, of the name and contact details of the nominated member or alternate member, which will be subsequently communicated to the Committee by the secretariat.

4. If a member or alternate member is temporarily unable to serve in the Committee, the Committee shall, at the request of that member or alternate member, invite the naming of an expert from the same Party by that Party in consultation with the regional group or constituency, as applicable, to replace the member or alternate member in an ad interim capacity for a period of up to one year from the date of that request.

B. Rule 3.2: Role of alternate members

1. Subject to these rules, alternate members are entitled to participate in the proceedings of the Committee, without the right to vote.
2. An alternate member may cast a vote only if acting as the member.
3. In the absence of a member from all or part of a meeting of the Committee, their alternate shall act as the member.
4. If a member's seat is vacant, or a member resigns or is otherwise unable to complete their assigned term or functions, their alternate shall act as the member of the Committee, ad interim, until the member is formally elected or replaced in accordance with paragraph 9 of the modalities and procedures and rule 3.1.3 above.

C. Rule 3.3: Duties and conduct

1. Members and alternate members shall perform any duties and exercise any authority in an honourable, independent, impartial and conscientious manner, abiding by the Code of Conduct for UNFCCC conferences, meeting and events¹ and the Code of Ethics for elected and appointed officers,² including amended, revised and replaced versions of the same, which would be applicable mutatis mutandis to the Committee.
2. Members and alternate members of the Committee shall respect the obligation to preserve the confidentiality of information received in confidence or identified as such by the Committee, in accordance with paragraph 14 of the modalities and procedures.
3. At the beginning of their service, each member and alternate member shall confirm, in writing, that they will perform their duties and exercise their authority honourably, independently, impartially and conscientiously and declare, subject to their responsibilities within the Committee, that they will not disclose, even after the termination of their functions, any information determined by the Committee to be confidential that they have obtained by reason of their duties in the Committee, and shall disclose immediately any interest in any matter under discussion before the Committee that may constitute a real or apparent, personal or financial conflict of interest or that might be incompatible with the objectivity, independence and impartiality expected of a member or alternate member of the Committee and shall refrain from participating in the work of the Committee in relation to such matter.

¹ Available at https://unfccc.int/sites/default/files/resource/Final_CoC_UNFCCC%20Conferences2.0_WEB.pdf.

² Available at <https://unfccc.int/sites/default/files/resource/Code%20of%20Ethics%20for%20elected%20and%20appointed%20officers.pdf>.

D. Rule 3.4: Conflict of interest

1. Members and alternate members must promptly disclose and recuse themselves from any deliberations or decision-making where their personal or financial interests may be affected, in order to avoid a conflict of interest or the appearance of one.

IV. Rule 4: Election, roles and functions of the Co-Chairs

1. The Committee shall elect from among its members one Co-Chair from a developed country Party and one Co-Chair from a developing country Party.
2. Each Co-Chair shall serve as Co-Chair for the entire three years of their term³ and shall serve as Co-Chair during and between Committee meetings.
3. The Co-Chairs shall coordinate the agreed work of the Committee during and between meetings.
4. If a Co-Chair ceases to be able to carry out their functions, or ceases to be a member, a new Co-Chair shall be elected for the remainder of the term.
5. The Co-Chairs shall share and allocate between themselves responsibility for chairing Committee meetings.
6. If one of the elected Co-Chairs is not able to serve in the capacity of Co-Chair for a meeting or in relation to a particular matter, the other Co-Chair shall serve as Chair. If both Co-Chairs are unable to serve in their respective capacities, the Committee shall elect a member from among those present to serve as Chair for that meeting or in relation to that matter, as applicable.
7. In carrying out their functions, the Co-Chairs shall be guided by the best interests of the Committee, in accordance with paragraph 11 of the modalities and procedures.
8. The Co-Chairs shall be responsible for opening, conducting, suspending, adjourning and closing Committee meetings and for dealing with all procedural matters, in accordance with paragraphs 15–16 of the modalities and procedures and these rules of procedure.
9. The Co-Chairs are responsible for ensuring the observance of these rules of procedure and the adopted agenda for each meeting of the Committee.
10. The Co-Chairs shall rule on points of order and any such determination will be final unless a Committee member objects. In that case, the Committee shall consider the course of action to be taken.
11. The Co-Chairs shall present a draft report on each meeting, containing, inter alia, the decisions taken at the meeting, for consideration and approval by the Committee.
12. The Co-Chairs may represent the Committee at external meetings and report back to the Committee on those meetings. They may agree to delegate that function to other members or alternate members.

³ For a Co-Chair elected in 2020 with a two-year seat on the Committee that term as Co-Chair shall be two years.

13. The Co-Chairs shall carry out any other functions assigned to them through these rules of procedure or a decision of the Committee.

V. Rule 5: Dates, notice and location of meetings

1. In accordance with paragraph 12 of the modalities and procedures, the Committee shall meet at least twice every year. At the first Committee meeting of each calendar year, the Co-Chairs shall propose a schedule of meetings for that calendar year taking into account the desirability of holding meetings in conjunction with sessions of the subsidiary bodies serving the Paris Agreement, as appropriate.
2. At each meeting, the Committee will confirm the dates, duration and venue of the following meeting.
3. If changes to the schedule or additional meetings are required, the Co-Chairs shall, after consultation with the Committee, request the secretariat to give notice of any changes in the dates of scheduled meetings and/or of the dates of additional meetings to members and alternate members, and, to the extent possible, notice of a meeting shall be given at least four weeks before the opening of that meeting.
4. The Committee shall endeavour to hold its meetings in Bonn, as appropriate, and may consider holding meetings virtually on an exceptional basis and when required to advance its work, as proposed by the Co-Chairs after consultation with the Committee.
5. In arranging virtual meetings, the Committee shall pay particular attention to the working modalities of such meetings, including the fair and balanced choice of time zones of members and alternates members, with the aim of ensuring inclusive and effective participation of all members and alternate members.
6. The secretariat shall notify members and alternate members of the date, duration and venue of the meetings and circulate the agenda for the meeting at least five weeks before the opening of the meeting.

VI. Rule 6: Development, transmission and adoption of meeting agendas

1. The Co-Chairs, assisted by the secretariat, shall draft the provisional agenda for each meeting of the Committee and transmit it to the Committee no less than five weeks before the opening of the meeting.
2. The provisional agenda for each meeting shall include, as appropriate:
 - (a) Items in accordance with the functions of the Committee as provided in Article 15 of the Paris Agreement, the modalities and procedures and these rules of procedure;
 - (b) Items in accordance with the agreed outcomes of the previous meeting of the Committee;

- (c) Items in accordance with paragraph 6 of this rule;
 - (d) Items in accordance with the workplan of the Committee and the arrangements for the subsequent meeting(s) of the Committee;
 - (e) Items proposed by any member or alternate member subject to paragraph 3 of this rule;
 - (f) A standing agenda item on budget and finance;
 - (g) A standing agenda item on information from the secretariat in relation to the submission of reports and communications from Parties to guide the Committee in its functions in accordance with paragraphs 20, 22(a–b) and 32–34 of the modalities and procedures.
3. Additions or changes to the provisional agenda for a meeting may be proposed to the Co-Chairs and the secretariat by any member or alternate member and will be incorporated into the provisional agenda provided that the member or alternate member gives notice thereof to the Co-Chairs and the secretariat within one week after the transmission of the provisional agenda.
 4. The agenda shall be proposed for adoption by the Committee at the beginning of each meeting.
 5. Prior to the adoption of the agenda at a meeting, the Committee may, by consensus, decide to add items to, delete items from, or defer or amend items in the provisional agenda for that meeting or the provisional agenda for the subsequent meeting, as appropriate.
 6. Any item on the agenda the consideration of which has not been completed at the meeting shall be included in the provisional agenda for the subsequent meeting, unless otherwise decided by the Committee.

VII. Rule 7: Documentation

1. Documentation for meetings of the Committee shall be made available to the Committee at least four weeks before the meeting.
2. The provisional agenda, the adopted meeting report and any other documentation as agreed by the Committee, as appropriate, shall be made publicly available on the UNFCCC website, subject to the confidentiality requirements set out in paragraph 14 of the modalities and procedures.
3. The Committee may use electronic means of communication for the transmission and sharing of documentation, without prejudice to other means of communication, as appropriate.
4. The secretariat shall ensure that a secure and dedicated web interface is established and maintained to facilitate the work of the Committee.

VIII. Rule 8: Quorum

1. A quorum shall be established, in accordance with paragraph 15 of the modalities and procedures, prior to the commencement of the meeting, taking into account that in the absence of a member from all or part of a meeting of the Committee their alternate shall act as the member.
2. A quorum shall be confirmed immediately prior to the adoption of any decision, taking into account that an alternate member may cast a vote only if acting as the member.
3. A member or alternate member may ask for a confirmation of quorum prior to the commencement of the meeting or prior to the adoption of any decision by the Committee.

IX. Rule 9: Decision-making and voting in accordance with paragraph 16 of the modalities and procedures

1. The Committee shall make every effort to reach agreement by consensus. When proposing a draft decision for adoption, the Co-Chairs shall ascertain whether consensus has been reached.
2. Efforts by the Co-Chairs to facilitate the reaching of consensus may include:
 - (a) Consulting with members and alternates on draft documents, including draft decisions, prior to the meeting;
 - (b) Consulting with members and alternates on the relevant matter during the meeting;
 - (c) Providing the opportunity for members to state and/or formally record in the report on the relevant meeting their reservations regarding a particular decision without preventing consensus from being reached.
3. The Co-Chairs, acting together and in good faith, and following consultations with all members and alternate members, shall determine whether all efforts at reaching consensus in respect of a particular draft decision have been exhausted.
4. In making such a determination the Co-Chairs shall take into consideration:
 - (a) Whether consultations on the relevant matter have occurred during and/or between meetings, including between the Co-Chairs, without consensus being reached;
 - (b) Whether the subject matter of the draft decision has been considered at prior meetings without consensus being reached;
 - (c) Whether and how many members have indicated that they cannot join consensus on an issue.
5. If all efforts at reaching consensus have been exhausted, as a last resort, the following voting procedures shall apply:
 - (a) Prior to any votes being cast, the Co-Chairs shall provide a final draft decision to each member. Such a draft decision shall be the version of the decision that, in the Co-Chairs' judgment, was supported by the greatest number of members;

- (b) The Co-Chairs retain their right to vote;
 - (c) Each member shall have one vote;
 - (d) A decision that is voted in favour of by at least three quarters of members present and voting shall be considered adopted.
6. For the purpose of this rule, the phrase “members present and voting” means members and alternate members acting as members present at the meeting at which voting takes place and casting an affirmative or negative vote. Members abstaining from voting shall be considered as not voting for the purpose of determining the three-quarters majority.
 7. The Committee may, in writing using electronic means, take decisions between meetings for procedural matters or for matters for which it has during a meeting agreed such decisions are needed.
 8. In accordance with paragraph 7 of this rule, rule 3.2 above and paragraphs 15–16 of the modalities and procedures, the Co-Chairs will circulate a proposed written decision for adoption on a no-objection basis within three weeks, after which the proposed written decision will be deemed adopted, unless there is an objection. If an objection is received, the Co-Chairs will work through the objection with the member or alternate member acting for the member, as ascertained by the Co-Chairs. If the objecting member or alternate member acting for a member upholds their objection, the proposed written decision will be considered by the Committee at the following meeting. If the objection is withdrawn or resolved without altering the text of the decision, the decision will be deemed adopted. The secretariat shall circulate to the Committee all written comments and objections.
 9. Decisions adopted by the Committee shall be included in the report on the meeting and those decisions adopted pursuant to a vote shall include an indication of the final tally of votes together with any comments from dissenting members. Decisions approved between meetings shall be recorded in the report on the following Committee meeting.
 10. Decisions of the Committee shall be reasoned and in writing.

X. Rule 10: Expert advice, and information, in accordance with paragraphs 25(c) and 35 of the modalities and procedures

1. In accordance with paragraph 35 of the modalities and procedures, the Co-Chairs, at the request of the Committee, may, in the course of its work, seek expert advice and information on behalf of the Committee, and may seek and receive information from processes, bodies, arrangements and forums under and serving the Paris Agreement, including, as appropriate and in consultation with the Party concerned, by inviting representatives of those relevant bodies and making arrangements for them to participate in its relevant meetings.
2. When seeking such expert advice and information, the Committee should, as appropriate, take into account the expertise and experience from the region of the Party concerned, and may invite expert advice from the Party concerned.

3. The Committee may in due course, develop working arrangements on expert advice as appropriate.

XI. Rule 11: Languages

1. The working language of the Committee shall be English.
2. The parts of the meeting of the Committee that are of particular relevance to a Party concerned and open to that Party shall be translated into one of the other five official languages of the United Nations by the secretariat at the request of the Party, subject to the availability of dedicated resources.
3. A representative of a Party concerned may engage with the Committee in the language of his or her choice provided that the Party arranges for the interpretation of the communication, whether written or oral, into English.
4. Submissions from Parties should be made in English. Submissions may be made in one of the other five official languages of the United Nations if the Party also provides a translation into English.

XII. Rule 12: Observers

1. Meetings of the Committee shall be open to Parties and admitted non-Party observers to observe, subject to paragraphs 13–14 of the modalities and procedures, unless the Committee decides to hold the meeting or a part/or parts thereof in a closed session in order to, inter alia, protect the confidentiality of information received in confidence in accordance with paragraph 14 of the modalities and procedures. Such a decision by the Committee may be taken on a case-by-case basis, at any time before or during a meeting.
2. The secretariat shall inform the Committee before the meeting of any requests to attend the meeting received from non-Party observers admitted to the UNFCCC process.
3. Admitted non-Party observers shall abide by the guidelines for the participation of representatives of non-governmental organizations at meetings of UNFCCC bodies⁴ and the Code of Conduct for UNFCCC conferences, meeting and events, including amended, revised and replaced versions of the same, which would be applied mutatis mutandis to the Committee.
4. Parties and admitted non-Party observers shall leave the meeting if the Committee decides to hold a part of the meeting in a closed session.
5. The parts of the meeting that are open to observers shall be recorded and the recording made available on the UNFCCC website after the meeting, unless the Committee decides otherwise.
6. If, in the course of a meeting, a member or alternate member believes that an observer has violated paragraph 3 of this rule, it may request the Co-Chairs to immediately consult the Committee on this issue in a closed session. If, following the consultations, the Co-

⁴ Available at https://unfccc.int/sites/default/files/guidelines_for_the_participation_of_ngos.pdf.

Chairs find in favour of the member or alternate member concerned, the observer concerned shall leave the meeting. If the member or alternate member concerned objects to the finding of the Co-Chairs, the Committee shall consider the course of action to be taken.

XIII. Rule 13: Secretariat

1. The secretariat shall support and facilitate the work of the Committee, subject to the availability of resources.
2. Subject to paragraph 1 of this rule, the secretariat shall:
 - (a) Make the necessary arrangements for the meetings of the Committee, including preparing provisional agendas in consultation with the Co-Chairs, announcing meetings, issuing invitations and making available the documents for the meetings;
 - (b) Maintain meeting records and arrange for the storage and preservation of meeting documents;
 - (c) Make documents available to the public in accordance with rule 7 above and paragraph 14 of the modalities and procedures, unless otherwise determined by the Committee;
 - (d) Perform any other functions requested by the Committee, consistently with any relevant decisions of the CMA;
 - (e) Arrange for interpretation at the meeting, as may be required under rule 11.2 above.

XIV. Rule 14 Conference of the Parties serving as the meeting of the Parties to the Paris Agreement

1. Pursuant to Article 15 of the Paris Agreement, the Committee shall report annually to the CMA and may receive guidance from the CMA.
2. The annual report of the Committee to the CMA shall be made publicly available and shall include information on any decision adopted by the Committee, unless otherwise decided in accordance with these rules of procedure, and systemic issues identified by the Committee, as relevant and appropriate, on the implementation of and compliance with the provisions of the Paris Agreement.
3. The Committee may propose amendments to these rules of procedure for consideration and adoption by the CMA.

Annex 3 – Remaining rules contained in the Co-Chairs’ proposal for draft rules of procedure

The annex to decision 20/CMA.1 contains the modalities and procedures for the effective operation of the committee referred to in Article 15, paragraph 2, of the Paris Agreement (the Committee).

Paragraph 17 of the modalities and procedures requires the Committee to develop rules of procedure with a view to recommending them to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA) for consideration and adoption at its third session, informed by the principles of transparency, facilitation, the non-adversarial and non-punitive function, and paying particular attention to the respective capabilities and circumstances of Parties.

Paragraph 18 of the modalities and procedures provides that the rules of procedure referred to in paragraph 17 will address any matters necessary for the proper and effective functioning of the Committee, including the role of the Committee Co-Chairs, conflict of interest, any additional timelines related to the Committee’s work, procedural stages and timelines for the Committee’s work, and reasoning in decisions of the Committee.

This annex contains the remaining rules contained in the Co-Chairs’ proposal for draft rules of procedure that the Committee deliberated but could not conclude and reach agreement on. It serves as a starting point to facilitate the further work of the Committee, but does not represent any agreed outcomes and is without prejudice to further discussions on the matters contained herein.

Section II – General provisions to guide the Committee in its work

Rule 15 General guidance

1. In exercising its function referred to in paragraphs 20 and 22 of the modalities and procedures, the Committee's work shall be guided by the provisions of the Paris Agreement, the modalities and procedures, these rules of procedure and the decisions of the CMA.
2. [The Committee shall base its considerations on the provisions of the Paris Agreement and the decisions of the CMA, and their corresponding legal character.]

3.

Option 1:

[The Committee shall pay attention to the respective national capabilities and circumstances as per paragraph 19 of the modalities and procedures in the initiation and consideration of issues, the engagement with the Party concerned and the development of measures and outputs, including in the decisions of the Committee, as required and appropriate.]

[The Committee's work shall be guided by the provisions of the Paris Agreement, including its Article 2.]

Option 2:

[The Committee shall pay attention to the principle of equity and common but differentiated responsibilities and respective national capabilities and circumstances and, as per paragraphs 2, 17 and 19 of the modalities and procedures, in the initiation and consideration of issues, the engagement with the Party concerned and the development of measures and outputs, including in the decisions of the Committee, as required and appropriate.]

[The Committee shall, in the initiation and consideration of issues, also take into account the requirement [of the technical expert review] to pay particular attention to the principle of equity and common but differentiated responsibilities and respective national capabilities and circumstances of developing country Parties¹.]

4. [The Committee shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive.]

Rule 15 *alt* General guidance

No text

Rule 16 Modalities for taking into account the work by other constituted bodies and arrangements and forums serving or established under the Paris Agreement with a view to avoiding duplication of work, in accordance with paragraph 19(d) of the modalities and procedures

1. The Committee should consider, for the purpose of avoiding duplication of work, on a regular basis the workplan, reports and any other relevant outputs of the constituted bodies and arrangements and forums serving or established under the Paris Agreement related to finance, technology and capacity-building [and may make any recommendation in that regard, as appropriate].

¹ Decision 18/CMA.1, annex, para. 147.

2. When taking into account the work by other relevant bodies and arrangements in accordance with paragraph 19(d) of the modalities and procedures, the Committee should:
 - (a) Define the question or the issue on which the information is sought;
 - (b) Identify the relevant bodies and arrangements on the basis of their mandate, workplan, reports and other relevant outputs;
 - (c) Engage the relevant bodies and make arrangements with their presiding officer(s) or other appointed representatives, including, if appropriate by inviting them to participate in the Committee's relevant meetings.

Rule 17 Flexibilities with regard to timelines and additional timelines, in accordance with paragraph 26 of the modalities and procedures

1. In accordance with paragraph 26 of the modalities and procedures, the Committee will accord flexibility with regard to timelines of the procedures under Article 15 of the Paris Agreement as may be needed by Parties, paying particular attention to their respective national capabilities and circumstances.
2. The Committee shall take into account the flexibilities accorded to developing countries that need it in the light of their capacities under the Paris Agreement and the relevant decisions of the CMA.
3. In this context, the Committee shall recognize the special circumstances of the least developed countries and small island developing States in accordance with the provisions of the Paris Agreement and paragraph 19(c) of the modalities and procedures.
4. [Parties are expected to respond to a request from the Committee within 30 working days.] The Committee will accord flexibility, including in additional timelines, to those Parties that make a reasoned written request for them, recognizing the respective national capabilities and circumstances of Parties and taking into account the requirement of the Committee to fulfil its mandate in an effective and timely manner guided by the provisions of the Paris Agreement.
5. When according flexibility to the Party concerned with regard to timelines, the Committee shall decide the limit of such flexibility with a view to meeting the request of the Party concerned to the greatest extent the Committee deems appropriate. The Committee should also take into account relevant national capabilities and circumstances, inter alia, whether the Party concerned is a developed or developing country Party, the reasons set out in the request of that Party, the complexity and urgency of the issue at hand, as well as the efficiency of the proceedings.
6. Based on the considerations in accordance with paragraph 5 above, the Committee shall present an indicative timeline for the consideration of the Party concerned. The Party concerned may respond within 14 working days. Thereafter, the Committee

shall set the final timeline, taking into account any written comments provided by the Party concerned, as appropriate.

7. [The Committee shall take into account decision 18/CMA.1, annex, paragraphs 4, 5 [and 6], which further sets out the flexibility pursuant to Article 13, paragraph 2, of the Paris Agreement that is accorded to those developing country Parties that need it in the light of their capacities, including in the scope, frequency and level of detail of reporting, and in the scope of review, as referred to in paragraph 89 of decision 1/CP.21.]

Rule 18 Assistance to developing country Parties concerned in accordance with paragraph 27 of the modalities and procedures

1. The Committee may, in accordance with paragraph 27 of the modalities and procedures, and subject to the availability of financial resources, develop arrangements on assisting developing country Parties concerned to enable their necessary participation in the relevant meetings of the Committee.

Section III – [Initiation and process for consideration of issues]

Rule 19 Engagement and consultation with the Party concerned

1. The Committee shall consider issues initiated as per paragraph[s] 20 [and/] or 22 of the modalities and procedures [no later than the next scheduled meeting] [at the next scheduled meeting (whether in-person or virtual)].
2. [The Party concerned should be present and should participate in the consideration of issues of the Committee, except during the Committee's elaboration and adoption of a decision. [The Party concerned shall be represented by its duly authorized representatives.]]
3. [Requests for assistance should be made to the secretariat promptly after the Party receives notification, in accordance with rule 21 of these rules of procedure.]

Rule 20 Initiation of a consideration of issues in accordance with paragraphs 20–21 of the modalities and procedures

Rule 20.1 Requirements for written submission by a Party in accordance with paragraph 20 of the modalities and procedures

1. A Party making a written submission to the Committee with respect to its own implementation and/or compliance with any provision of the Paris Agreement shall send the written submission to the Committee through the secretariat by email or registered post.

2. [The written submission should be signed by the relevant [UNFCCC national] [committee] focal point and should contain, inter alia:
 - (a) The name of the Party making the submission;
 - (b) An indication of the relevant provisions of the Paris Agreement and/or relevant CMA decisions that provide the basis for the Party's submission in relation to its own implementation and/or compliance;
 - (c) The information and supporting documentation that the Party considers is material and sufficient for the Committee to initiate consideration of the issues, which may include, as appropriate:
 - (i) Information on the cause of the challenges faced by the Party in its implementation of and/or compliance with the relevant provisions;
 - (ii) Information on national capabilities and circumstances, including information, where relevant, on particular capacity constraints, needs or challenges;
 - (iii) Information on finance, technology and capacity-building support that has been sought or received to address any relevant capacity constraints, needs or challenges;
 - (d) Where applicable, any action requested from the Committee and within the Committee's mandate.]

Rule 20.2 Preliminary examination

1. A Party making a written submission to the Committee with respect to its own implementation and/or its own compliance with any provision of the Paris Agreement shall send the written submission to the Committee through the secretariat [by email and registered post].
2. Upon receipt of a written submission to the Committee from a Party under paragraph 21 of the modalities and procedures, the secretariat shall promptly forward the written submission to the Committee.
3. [Parties are encouraged to give early warning on any compliance matter, including their inability to provide information by a deadline, and indicate the reasons and any need for assistance.]
4. [Submissions from Parties should be made in English.]
5. [Submissions made in Arabic, Chinese, French, Russian or Spanish should be accompanied by a version translated into English by the Party concerned.]
6. Following receipt of the written submission from the Party, the Committee shall, at its next scheduled meeting or within two months, whichever comes first, undertake a preliminary examination, in accordance with paragraph 21 of the modalities and procedures, with a view to verifying whether the submission contains sufficient

information on whether the matter relates to the Party's own implementation and/or compliance with a provision of the Paris Agreement.

6bis [The Committee shall affirm itself of:

- (a) The name of the Party concerned;
 - (b) The written submission identifying the question of implementation and compliance, in accordance with the provision of the Paris Agreement;
 - (c) The respective national capabilities and circumstances of Parties, and as appropriate, requirements of support to be provided to developing country Parties.]
7. The Committee shall, where appropriate, engage with the Party and seek further information, in accordance with paragraph 19(b) of the modalities and procedures, including by inviting written submissions from the Party and providing opportunities to comment.
 8. On the basis of the preliminary examination, the Committee shall decide, in accordance with the relevant timelines, whether to initiate a consideration of issues. The Committee may decide not to initiate a consideration of issues in the following circumstances:
 - (a) The Committee agrees that its consideration of issues would duplicate mandated work being undertaken by other bodies and under other arrangements as well as through forums serving or established under the Paris Agreement;
 - (b) The Party concerned, upon the request of the Committee, fails to present further submission(s) within the time period specified by the Committee in its initial communication to the Party, and requests no further flexibility of time within the aforementioned time period;
 - (c) The Committee decides that the matter contained in the submissions from the Party concerned does not relate to the Party's own implementation of and/or compliance with a provision of the Paris Agreement.
 9. If the Committee decides to initiate a consideration of issues, it shall promptly notify the Party of its decision [,in accordance with the relevant timeline and applicable rules for notification].
 10. If the Committee decides not to initiate a consideration of issues, it shall promptly notify the Party of its decision and its reasons in accordance with [the modalities and procedures and these rules of procedure] [the relevant timeline and applicable rules for notification]. [The decision of the Committee not to initiate a consideration of issues does not preclude a later decision of the Committee to initiate a consideration of issues on the basis of a new written submission from the Party on the same or similar matters, or on the basis of paragraph 22 of the modalities and procedures.]
 11. Any decision of the Committee not to initiate a consideration of issues shall be included in the annual report to the CMA.

Rule 21 Initiation of a consideration of issues by the Committee in accordance with paragraph 22(a) of the modalities and procedures

1. For the purposes of paragraph 22(a)(i) of the modalities and procedures, the Committee shall refer to the NDC Registry as set out in Article 4, paragraph 12, of the Paris Agreement, to be implemented by a decision to be adopted by the CMA pursuant to decision 1/CP.21, paragraph 29, and other relevant decisions of the CMA. Until such adoption, the Committee shall refer to the interim registry (decision 1/CP.21, para. 30).
2. The Committee shall initiate a consideration of issues under paragraph 22(a)(i) of the modalities and procedures where the secretariat has communicated to the Committee that a Party has not communicated or maintained a nationally determined contribution to be recorded in the NDC Registry six months after the deadline set by relevant CMA decisions.
3. The Committee shall initiate a consideration of issues under paragraph 22(a)(ii) of the modalities and procedures, where the secretariat has communicated to the Committee that a Party, other than a least developed country or a small island developing State, has not submitted a mandatory report or communication of information under Article 13, paragraphs 7 and 9, of the Paris Agreement, taking into account flexibilities accorded to developing country Parties by decision 18/CMA.1.
4. The Committee shall initiate a consideration of issues under paragraph 22(a)(iii) of the modalities and procedures where the secretariat has communicated to the Committee that a Party has not participated in the facilitative, multilateral consideration of progress in accordance with decision 18/CMA, annex, paragraphs 191–196.
5. The Committee shall initiate a consideration of issues under paragraph 22(a)(iv) of the modalities and procedures where the secretariat has communicated to the Committee that a developed country Party has not submitted a mandatory communication of information under Article 9, paragraph 5, of the Paris Agreement and decision 12/CMA.1.
6. When the Committee decides to initiate a consideration of issues, it shall notify the Party concerned in accordance with the relevant timeline and applicable rules for notification.

Rule 22 Initiation of a consideration of issues in accordance with paragraph 22(b) of the modalities and procedures

Option 1:

1. [The Committee shall elaborate further [and establish] working arrangements for the consideration of whether to initiate a facilitative consideration of issues under

paragraph 22(b) of the modalities and procedures [prior to the completion of the first technical expert review][at the latest by 31 December 2028 for the consideration and adoption by the CMA][where the secretariat has communicated to the Committee [at least two][one or more] final technical expert review reports where the recommendations [could] indicate significant and persistent inconsistencies of the information submitted by a Party with the modalities, procedures and guidelines for the transparency framework for action and support referred to in Article 13 of the Paris Agreement as contained in decision 18/CMA.1].]

Option 2:

2. [For the purposes of paragraph 22(b) of the modalities and procedures, the secretariat shall provide the Committee with the final technical expert review reports and any written comments provided by a Party during such reviews promptly following finalization of the final technical expert review report(s), from which the Committee may identify potentially significant and persistent inconsistencies of a Party concerned.]
3. Following receipt of the final technical expert reports and any written comments provided by the Party during the reviews from the secretariat, the Committee shall decide at its next scheduled meeting or within three months, whichever comes first, whether to seek the consent of the Party concerned to engage in a facilitative consideration of issues.
4. Where the Committee decides to engage in such consideration, the Committee, shall seek the written consent from the Party [through the relevant diplomatic agent for the Party].
5. [In making a decision pursuant to paragraph 3 of this rule, the Committee shall follow any working arrangements it has adopted in relation to identifying significant and persistent inconsistencies.²]
6. Where the Party provides written consent to the Committee to engage in a facilitative consideration of issues, the Committee shall initiate such facilitative consideration of issues at its next scheduled meeting or within three months, whichever comes first.
7. In its consideration of such matters under both paragraphs 4–5 of this rule, the Committee shall take into account Article 13, paragraphs 14–15, of the Paris Agreement, as well as the flexibilities provided in the provisions of the modalities, procedures and guidelines under Article 13 for those developing country Parties that need it in the light of their capacities.

² [To be developed by the Committee.]

Rule 23 Notifying the Party concerned of the initiation of consideration of issues in accordance with paragraphs 20–22 of the modalities and procedures

1. Where the Committee decides to initiate a consideration of issues in accordance with paragraphs 20–22 of the modalities and procedures, it shall promptly notify the Party concerned in accordance with the relevant timelines for notification and applicable provisions of these rules of procedure.
2. Where the Committee initiates a consideration of issues, in accordance with paragraph 22 of the modalities and procedures, it shall [provide to the Party:
 - (a) All relevant information and reports it has in relation to the issue that are not confidential to the Committee or secretariat;
 - (b) As far and appropriate as possible, the details of any expert advice or information that the Committee intends to seek in accordance with the relevant timeline, rules and working arrangements for expert advice, as appropriate in accordance with rule 16 of these rules of procedure;
 - (c) A list of the information items the Committee requests the Party to provide to the Committee through the secretariat by email;
 - (d) The date by which the Committee requests the Party to provide the information referred to in paragraph 2(c) of this rule, taking into account flexibility with regard to timelines in accordance with paragraphs 19 and 26 of the modalities and procedures;
 - (e) The date for the meeting at which the Committee intends to consider the issues taking into account the relevant timelines and flexibilities, as appropriate;
 - (f) Information, for developing country Parties, on requesting financial assistance to enable their necessary participation in the relevant meetings of the Committee, in accordance with paragraph 27 of the modalities and procedures;
 - (g) A copy of these rules of procedure, the modalities and procedures and other decisions of the Conference of the Parties or the CMA that the Committee considers relevant to the consideration of issues.]
3. In the notification, the Committee shall bring to the attention of the Party concerned that it may participate in discussions of the Committee except during the elaboration and adoption of a decision by the Committee, that it may request in writing that the Committee hold a consultation during the meeting at which the consideration of issues is carried out, and that it may request flexibility with regard to timelines of procedures in accordance with paragraphs 19 and 26 of the modalities and procedures as well as these rules of procedure. The Committee shall also inform the Party concerned that all information provided by the Party to the Committee that is not marked confidential will be treated as non-confidential and may be made public.

4. The Party concerned shall, by the date, communicated by the Committee, and in accordance with the requested flexibility, as appropriate:
 - (a) Provide the information requested by the Committee or specify by when it will be able to provide that information. [All information provided by the Party that is not marked confidential shall be treated as non-confidential and may be made public];
 - (b) Specify whether it wishes to participate in the discussion of the Committee and (in writing) whether it requests a consultation be held at the meeting;
 - (c) Where applicable, request financial assistance in accordance with paragraph 27 of the modalities and procedures.
5. [The Party may provide information to the Committee on its particular capacity constraints, needs or challenges, including in relation to support received for the Committee's consideration, in accordance with paragraph 29 of the modalities and procedures.]

Rule 24 Procedural aspects of consideration by the Committee, in accordance with paragraph 25 of the modalities and procedures

Rule 24.1 Participation of and consultation with the Party concerned, in accordance with paragraph 25(a–b) of modalities and procedures

1. The Committee shall, during its consideration of the issues at the meeting:
 - (a) Take into account paragraphs 25, 27 and 29 of the modalities and procedures and be guided by rules 18–20 of these rules of procedure in its initiation and consideration of issues as per paragraphs 20 and 22 of the modalities and procedures;
 - (b) Ensure all information provided to it by the Party concerned and the secretariat is duly considered;
 - (c) Take into account, as appropriate, all expert advice received, and all information received as per the relevant rules in these rules of procedure, timelines and working arrangements for expert advice to be developed by the Committee, as appropriate;
 - (d) Ensure adequate support is provided for those developing countries that request it in accordance with paragraph 27 of the modalities and procedures, subject to the availability of dedicated resources.
2. The Co-Chairs shall ensure:
 - (a) The Party concerned has the opportunity to participate in the discussions of the Committee and that any requested consultation is held;

- (b) Representatives of relevant bodies and arrangements under or serving the Paris Agreement invited with the agreement of the Committee and the consent of the Party, as appropriate, are afforded the opportunity to address the Committee during its discussions;
- (c) Only members and alternate members and secretariat officials are present during the elaboration and adoption of a decision of the Committee.

Rule 24.2 Obtaining additional information and inviting of representatives of relevant bodies and arrangements, in accordance with paragraph 25(c) of the modalities and procedures

1. If the Committee decides to seek the advice of external experts it shall:
 - (a) Identify the specific issue on which expert advice is sought;
 - (b) Identify the experts from whom it seeks advice, in consultation with the Party concerned;
 - (c) Ensure the representation of experts from developed and developing countries to provide contextual expertise and experience, as required;
 - (d) Set the deadline for such expert advice, taking into account the relevant timelines for expert advice and the requirement for the consultation with the Party concerned.
2. If the Committee decides to seek information from processes, bodies, arrangements and forums under or serving the Paris Agreement it shall:
 - (a) Define the information it seeks;
 - (b) Identify which of the processes, bodies, arrangements and forums under or serving the Paris Agreement may be able to provide such information, in consultation with the Party concerned;
 - (c) Define the processes to be followed, including whether to seek written information or to invite representatives of relevant processes, bodies, arrangements and forums under or serving the Paris Agreement to participate in the relevant meeting, in consultation with the Party concerned;
 - (d) In the case of written information, set a deadline, taking into account the relevant timelines for expert advice and the requirement for the consultation with the Party concerned.
3. The Committee shall provide a copy of any expert advice received and any information received from processes, bodies, arrangements and forums under or serving the Paris Agreement to the Party concerned in advance of the meeting at which the Committee intends to consider the issues, as provided to the Party in accordance with rule 21 of these rules of procedure.

Section IV – Findings, measures and outputs

Rule 25 Identifying appropriate measures, findings and recommendations in accordance with paragraphs 28–31 of the modalities and procedures

1. [The Committee shall, at meetings addressing issues related to paragraphs 28–31 of the modalities and procedures, elaborate draft measures, draft findings or draft recommendations, informed by the legal nature of the relevant provisions of the Paris Agreement, taking into account the comments received from the Party concerned and paying particular attention to the national capabilities and circumstances of the Party concerned and the special circumstances of small island developing States and the least developed countries.]
2. The Committee shall, at meetings at which the issues are considered, also take into account, where reasonable, other relevant factors and circumstances, including situations of force majeure, and other information communicated by the Party, which may have caused challenges in the implementation of and/or compliance with the relevant obligation(s) by the Party concerned.
3. The Committee shall engage with the Party concerned in the development of findings, measures and recommendations at its meetings, through written communications as well as consultations upon the request of the Party concerned. The Committee shall communicate the draft measures, draft findings or draft recommendations to the Party concerned and shall invite the Party to make comments within the time period specified by the Committee, taking into account any flexibility with regard to timelines as requested by a developing country Party concerned[in accordance with paragraphs 18, 19 and 26 of the modalities and procedures and rules 16–17 of these rules of procedure].
4. The Committee shall take into account the comments received by the Party, if any, when finalizing the measures, findings or recommendations. The Committee may hold consultations in this regard upon the request of the Party concerned.
5. Measures, findings or recommendations of the Committee shall be included in the decision of the Committee, [according flexibilities where requested by the Party concerned, taking into account respective national capabilities and circumstances and ensuring efficiency and timeliness.]

Rule 26 Measures and outputs

1. Decisions of the Committee pursuant to the consideration of issues, in accordance with paragraphs 20 and 22 of the modalities and procedures, shall be in writing and shall contain, inter alia:
 - (a) The name of the Party concerned and its representatives, if any, for the consideration of issues;
 - (b) The issues that were subject to the consideration of issues by the Committee;

- (c) A summary of the consideration of issues by the Committee and the relevant information, expert advice and provisions of the Paris Agreement and CMA decisions taken into account in the consideration of the issues;
 - (d) A summary of the proceedings of the consideration of issues;
 - (e) The measures taken by the Committee, including, as appropriate:
 - (i) Issuing findings of fact in relation to matters of implementation and compliance referred to in paragraph 22(a) of the Modalities and Procedures;
 - (ii) Providing recommendations to the Party concerned, including in relation to:
 - a. Accessing finance, technology and capacity-building support;
 - b. Defining challenges and solutions in engaging with appropriate finance, technology and capacity-building bodies or arrangements under or serving the Paris Agreement;
 - c. Developing an action plan including how the Party concerned would update the Committee on the implementation of the action plan;
 - (f) Other measures to be taken by the Committee, including:
 - (i) Assisting the Party concerned in engaging with the appropriate finance, technology and capacity-building bodies or arrangements under or serving the Paris Agreement and, where the Party consents to this, communicating the Committee's recommendations to the relevant bodies or arrangements;
 - (ii) Assisting the Party concerned with developing an action plan [including how the Committee could help the Party concerned to develop the action plan];
 - (g) Reasons for the measures, findings and recommendations made by the Committee, including why the measures taken by the Committee are appropriate to facilitate implementation and/or promote compliance of the Party concerned;
 - (h) The place and date of the decision.
2. The secretariat shall, upon the request of the Committee, transmit the decision to the Party concerned [by email and registered post to the duly authorized representative of the Party]. The decision shall be made public except for any parts of it relating directly to information that the Party has notified the Committee is confidential.
3. Where the Party provides a written response to the Committee on the decision, the Committee shall include that written response with the decision on the UNFCCC website and shall refer to that response in its annual report to the CMA.

4. Comments from the Party concerned regarding any decision referred to in paragraph 1 of this rule shall be attached to its annual report of the Committee to the CMA.

Section V – Systemic issues

Rule 27 Systemic issues

1. The Committee shall, at the request of the CMA, initiate consideration of systemic issues identified by the CMA at its next scheduled meeting.
2. The Committee may, on the basis of a submission from any member, alternate member or Party, initiate consideration of systemic issues.
3. In consideration of systemic issues, the Committee may seek expert advice, in accordance with paragraph 35 of the modalities and procedures and these rules of procedure.
4. Where the CMA requests the Committee to examine issues of a systemic nature, the Committee shall take into account its previous work related to such matters.
5. The Committee may further develop procedures on consideration of systemic issues.

Annex 4 – Second annual report of the Paris Agreement Implementation and Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement



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Report of the committee to facilitate implementation and
promote compliance referred to in Article 15, paragraph 2,
of the Paris Agreement (for 2020 and 2021)

Annual report of the Paris Agreement Implementation and Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement

Report by the secretariat*

Summary

The second annual report of the Paris Agreement Implementation and Compliance Committee covers activities undertaken between 30 October 2020 and 18 August 2021. The report provides a summary of the Committee's activities and performance during the reporting period and progress in developing its draft rules of procedure for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its third session. Annex I presents the current composition of the Committee. Annex II contains the draft rules of procedure of the Committee as agreed by the Committee at its 5th meeting.

* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.

FCCC/PA/CMA/2021/6

I. Introduction

A. Mandate

1. Under Article 15, paragraph 1, of the Paris Agreement, a mechanism to facilitate implementation of and promote compliance with the provisions of the Agreement was established, consisting, in accordance with Article 15, paragraph 2, of a committee.

2. Pursuant to Article 15, paragraph 3, of the Paris Agreement and paragraph 36 of the modalities and procedures for the effective operation of the committee referred to in Article 15, paragraph 2, of the Paris Agreement (hereinafter referred to as the Committee),¹ the Committee is to report annually to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA).

B. Scope of the report

3. The second annual report of the Committee covers activities undertaken between 30 October 2020 and 18 August 2021. It contains information on the outcomes of the 3rd, 4th and 5th formal meetings and the 2nd and 3rd informal meetings of the Committee (see chap. II below), information on communications and outreach (see chap. III below), information on budget (see chap. IV below) and recommendations for consideration by the CMA (see chap. V below). Annex I presents the current composition of the Committee, including its Co-Chairs, Haseeb Gohar and Christina Voigt. Annex II contains the draft rules of procedure of the Committee as agreed by the Committee at its 5th meeting.

II. Work undertaken during the reporting period

A. Organizational matters

4. The Committee held three formal meetings virtually: its 3rd meeting on 22 and from 24 to 26 March 2021, its 4th from 22 to 25 June 2021, and its 5th from 11 to 13 and 17 to 18 August 2021. It also met informally (and virtually) on 24 and 25 February 2021 and on 10 and 11 May 2021.

5. The most up-to-date list of members and alternate members of the Committee, elected at CMA 2 or nominated subsequently by the respective Party or regional group or constituency, is contained in annex I.

6. Details of the members and alternate members who participated in the 3rd, 4th and 5th meetings of the Committee are contained in the respective meeting reports.²

B. Meetings

1. Virtual meeting format

7. Owing to the circumstances related to the coronavirus disease 2019 (COVID-19) pandemic, the Committee has not yet been able to convene in person and has had to convene virtually. Decisions taken at its virtual meetings were deemed to have been taken at the seat of the secretariat, in Bonn. The Committee conducted its work on the basis of the interim organizational arrangements adopted at its 2nd meeting.³

¹ The modalities and procedures are contained in the annex to decision 20/CMA.1.

² Available at <https://unfccc.int/process-and-meetings/bodies/constituted-bodies/committee-to-facilitate-implementation-and-promote-compliance-referred-to-in-article-15-paragraph-2>.

³ Committee document PAICC/2020/M2/7, annex 2; available at https://unfccc.int/sites/default/files/resource/PAICC_2020M_2_7_Meeting%20report%20with%20annexes_final.pdf.

8. The Committee considers that, although it worked in a collaborative manner to overcome the challenges of meeting only virtually, its work, including developing its draft rules of procedure in accordance with paragraphs 17 and 18 of the modalities and procedures for the effective operation of the Committee with a view to recommending them for consideration and adoption at CMA 3, could have been achieved more effectively in person. In particular, the Committee noted the challenges related to information technology and time zones faced in convening meetings virtually.

2. Second informal meeting

9. The Committee engaged in a knowledge-building exercise to deepen its understanding of the enhanced transparency framework under the Paris Agreement, including its interlinkages with the work of the Committee.

10. Two external experts presented on the reporting aspects of the enhanced transparency framework, including the types, content and timelines of the information to be submitted by Parties under the framework, and on the technical expert review and the facilitative multilateral consideration of progress under the framework, specifically in terms of how the Committee might engage with these processes and their respective outputs.

11. The Committee discussed three case study scenarios pertaining to paragraphs 22(a)(ii) and (iv) and 22(b) of the modalities and procedures for the effective operation of the Committee and shared views on what it might do in practice in respect of such cases, which helped to guide the Committee in developing its draft rules of procedure.

12. The outcomes of the discussions at the meeting served as informal inputs to its 3rd meeting.

3. Third meeting

13. The Committee reflected on the discussions at its 2nd informal meeting and worked on a draft working document on possible elements of its draft rules of procedure, providing comments and input. It agreed to continue working on a revised draft of the working document at its subsequent meetings with a view to developing its draft rules of procedure in advance of CMA 3.

14. The Committee reviewed and further elaborated its workplan for 2020–2021, adopted at its 2nd meeting.⁴

15. In accordance with the Lima work programme on gender and its gender action plan,⁵ the Committee discussed the inclusion of gender perspectives in its draft rules of procedure, and requested the secretariat to provide an overview of the established practices with respect to the consideration of gender within other UNFCCC constituted bodies.

16. The Committee agreed to convene an informal virtual meeting on 10 and 11 May 2021.

17. At the end of the meeting, the Committee adopted by virtual means the report on the meeting.

4. Third informal meeting

18. The Committee discussed aspects of its initiation and process, measures and outputs, and consideration of systemic issues.⁶

19. The Committee advanced its work on the working document on its draft rules of procedure using flow charts to discuss the practical aspects of its work, such as procedural stages and timelines.

20. The outcomes of the discussions at the meeting served as informal inputs to its 4th meeting.

⁴ Committee document PAICC/2020/M2/7, annex 4.

⁵ Decision 3/CP.25 and annex.

⁶ See decision 20/CMA.1, annex, chaps. III–V.

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5. Fourth meeting

21. The Committee advanced its work on the working document on its draft rules of procedure, focusing on the institutional arrangements for the proper and effective functioning of the Committee, and agreed to continue its work intersessionally on a revised draft text on the draft rules of procedure.

22. The Committee considered the inclusion of gender perspectives in its draft rules of procedure in the context of incorporating gender-inclusive language and arrangements for parental leave and reiterating the goal of gender balance in its composition. In considering its standing agenda item on budgetary and financial matters, the Committee requested further clarification from the secretariat on budget-related aspects of the Committee and agreed to invite relevant senior officials from the secretariat who work on such matters to provide clarification at the subsequent Committee meeting.

23. The Committee agreed to convene its 5th formal meeting in the second week of August 2021 and requested the secretariat to start planning this meeting as an in-person meeting, while recognizing the evolving global situation in relation to travel restrictions and other limitations resulting from the COVID-19 pandemic in 2020.

24. At the end of its 4th meeting, the Committee adopted by virtual means the report on the meeting.

6. Fifth meeting

25. The Committee agreed on its draft rules of procedure as contained in annex II. It also agreed to continue its work in 2022 on the remaining rules contained in the Co-Chairs' proposal for draft rules of procedure, as presented in annex 3 to the report on its 5th meeting,⁷ in accordance with paragraphs 17 and 18 of the modalities and procedures for the effective operation of the Committee, and subject to the extension of its mandate at CMA 3.

26. The Committee received an update from relevant senior officials of the secretariat dealing with budgetary and financial matters related to funding and staffing for the 2022–2023 biennium.

27. The Committee agreed to convene its 6th formal meeting as an in-person meeting at the end of January 2022 and to meet informally in conjunction with CMA 3 to discuss its work for 2022.

28. At the end of the meeting, the Committee adopted by virtual means the report on the meeting.

C. Introduction to gender under the UNFCCC

29. The Committee is fully aware of the importance of the gender balance of its composition. Of its current 20 members and alternate members, 8 are women, 1 of whom is serving as Co-Chair.

30. At its 3rd meeting, the Committee requested the secretariat to provide an overview of the established practices with respect to the consideration of gender within other UNFCCC constituted bodies. At its 4th meeting, the Committee was guided by this overview in considering incorporating further elements of gender into its draft rules of procedure, such as gender-inclusive language, arrangements for parental leave and reiterating the goal of gender balance in its composition. At its 5th meeting, the Committee included in its draft rules of procedure provisions for temporary leave, including, *inter alia*, for parental leave in furtherance of the goal of gender balance.

⁷ Committee document PAICC/2021/M5/3, available at https://unfccc.int/sites/default/files/resource/PAICC%205%20meeting%20report_final.pdf.

D. Participation in the UNFCCC Climate Dialogues 2020

31. The Co-Chairs, on behalf of the Committee, convened an event titled “The Importance of Compliance: Lessons learned and best practices as input into the effective functioning of the Paris Agreement Implementation and Compliance Committee” at the UNFCCC Climate Dialogues 2020 with a view to deriving insights from the work of compliance and implementation committees established under other multilateral environmental agreements and building on the best practices and lessons learned within other forums through an interactive exchange. Representatives of Parties and the Chairs of the Compliance Committee of the Kyoto Protocol and the Committee Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention participated in the event.⁸

III. Communications and outreach

32. The Committee web pages⁹ on the UNFCCC website were maintained during the reporting period. They feature information on the background and composition of the Committee, latest news and meeting records.

IV. Budget

33. For the biennium 2020–2021, the Committee notes that, as part of the overall budget of the Legal Affairs division, core budget funds have been foreseen for only one (in-person) meeting of the Committee per year.

34. Owing to the virtual format of the meetings of the Committee during the reporting period as a result of the COVID-19 pandemic, cost savings of approximately USD 40,000 have been realized.

35. The Committee wishes to express its appreciation to the secretariat for the excellent support it provided to the 3rd, 4th and 5th Committee meetings, in particular given the budgetary and staffing constraints faced by the secretariat in relation to its work for the Committee.

V. Recommendations for the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement

36. The Committee recommends that the CMA:

(a) Consider and adopt the draft rules of procedure of the Committee related to its institutional arrangements, contained in annex II and developed by the Committee in accordance with paragraphs 17 and 18 of the modalities and procedures for its effective operation;

(b) Invite the Committee to continue and accelerate its work with urgency on the remaining rules of procedure in accordance with paragraphs 17 and 18 of decision 20/CMA.1, recognizing the challenges the Committee has faced in completing its work owing to the COVID-19 pandemic, and to forward them for consideration and adoption at CMA 4;

(c) Encourage the Committee to make efforts to start its work on receiving information from the secretariat in relation to the submission of reports and communications from Parties according to its mandate under decision 20/CMA.1.

37. The Committee recommends that the CMA take note of:

⁸ <https://unfccc.int/event/the-importance-of-compliance-lessons-learned-and-best-practices-as-input-into-the-effective>.

⁹ <https://unfccc.int/process-and-meetings/bodies/constituted-bodies/committee-to-facilitate-implementation-and-promote-compliance-referred-to-in-article-15-paragraph-2>.

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- (a) The activities of the Committee during the reporting period as detailed in this report, in particular its work to date as recorded in the report on its 5th meeting;¹⁰
- (b) The three outstanding nominations for seats on the Committee and the urgent need to ensure full representation of regional groups and constituencies on the Committee;
- (c) The need to ensure sufficient allocation of resources in the core budget for the 2022–2023 biennium in order to allow the Committee to carry out its mandated work.

¹⁰ As footnote 7 above.

Annex I

**Members and alternate members of the Paris Agreement
Implementation and Compliance Committee as at 18 August 2021**

<i>Regional group/constituency</i>	<i>Member</i>	<i>Alternate member</i>
African States	Selam Kidane Abebe (Ethiopia)	Mominata Campaore (Burkina Faso)
	Cornelius Scholtz (South Africa)	Chokri Mezghani (Tunisia)
Asia-Pacific States	Shang Baoxi (China)	Tomonobu Sato (Japan)
	Haseeb Gohar, Co-Chair (Pakistan)	Seung Jick Yoo (Republic of Korea)
Eastern European States	Eva Adamová (Czechia) (nominated 5 August 2021)	Grzegorz Grobicki (Poland)
	Jana Sobotova (Slovakia) (resigned 3 April 2021)	
	Iryna Stavchuk (Ukraine)	Ivan Narkevitch (Belarus)
Latin American and Caribbean States	<i>Nomination pending</i>	Michai Robertson (Antigua and Barbuda)
	<i>Nomination pending</i>	<i>Nomination pending</i>
Western European and other States	Christina Voigt, Co-Chair (Norway)	Julia Gardiner (Australia)
	Jacob Werksman (United Kingdom of Great Britain and Northern Ireland)	Johan Pettersson (Sweden) (nominated 8 July 2021)
		Johan Lundberg Sweden (resigned 8 July 2021)
Least developed countries	Ziaul Haque (Bangladesh)	Edith Kateme-Kasajja (Uganda)
Small island developing States	Rueanna Haynes (Trinidad and Tobago)	Diane Tan (Singapore) (nominated 9 June 2021)
		Danielle Yeow (Singapore) (resigned 9 June 2021)

Note: A list of the members and alternate members of the Committee that includes the length of their respective terms of office is available at <https://unfccc.int/process-and-meetings/bodies/constituted-bodies/committee-to-facilitate-implementation-and-promote-compliance-referred-to-in-article-15-paragraph-2#eq-1>.

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Annex II

Draft rules of procedure of the committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement

I. Rule 1: Objective and scope

1. The objective of these rules of procedure is to facilitate implementation of and promote compliance with the provisions of the Paris Agreement.
2. These rules of procedure shall apply to the committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement (the Committee), as defined in the annex to decision 20/CMA.1, entitled “Modalities and procedures for the effective operation of the committee referred to in Article 15, paragraph 2, of the Paris Agreement” (the modalities and procedures). These rules of procedure shall be read together with and in furtherance of the modalities and procedures and will be implemented to reflect all provisions of the Paris Agreement, including its Article 2.

II. Rule 2: Definitions

(placeholder)

III. Rule 3: Members and alternate members

A. Rule 3.1: Term of service

1. The term of service of each member and alternate member shall begin on 1 January of the calendar year immediately following their election and end on 31 December of the last year of their term.
2. For each new term pursuant to paragraphs 5 and 8 of decision 20/CMA.1, the selection and notification to the secretariat of a member or alternate member shall be made by the nominating regional group or constituency, as applicable, for election by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA).
3. When a member or alternate member resigns or is otherwise unable to complete the assigned term or functions, an expert from the same Party shall be named by that Party to replace that member or alternate member for the remainder of the term. That Party may also, after consultation with its regional group or constituency, as applicable, name an expert from another Party in the same regional group or constituency, as applicable, to replace the member or alternate member. The Party shall notify the secretariat, in writing, of the name and contact details of the nominated member or alternate member, which will be subsequently communicated to the Committee by the secretariat.
4. If a member or alternate member is temporarily unable to serve in the Committee, the Committee shall, at the request of that member or alternate member, invite the naming of an expert from the same Party by that Party in consultation with the regional group or constituency, as applicable, to replace the member or alternate member in an ad interim capacity for a period of up to one year from the date of that request.

B. Rule 3.2: Role of alternate members

1. Subject to these rules, alternate members are entitled to participate in the proceedings of the Committee, without the right to vote.

2. An alternate member may cast a vote only if acting as the member.
3. In the absence of a member from all or part of a meeting of the Committee, their alternate shall act as the member.
4. If a member's seat is vacant, or a member resigns or is otherwise unable to complete their assigned term or functions, their alternate shall act as the member of the Committee, ad interim, until the member is formally elected or replaced in accordance with paragraph 9 of the modalities and procedures and rule 3.1.3 above.

C. Rule 3.3: Duties and conduct

1. Members and alternate members shall perform any duties and exercise any authority in an honourable, independent, impartial and conscientious manner, abiding by the Code of Conduct for UNFCCC conferences, meeting and events¹¹ and the Code of Ethics for elected and appointed officers,¹² including amended, revised and replaced versions of the same, which would be applicable mutatis mutandis to the Committee.
2. Members and alternate members of the Committee shall respect the obligation to preserve the confidentiality of information received in confidence or identified as such by the Committee, in accordance with paragraph 14 of the modalities and procedures.
3. At the beginning of their service, each member and alternate member shall confirm, in writing, that they will perform their duties and exercise their authority honourably, independently, impartially and conscientiously and declare, subject to their responsibilities within the Committee, that they will not disclose, even after the termination of their functions, any information determined by the Committee to be confidential that they have obtained by reason of their duties in the Committee, and shall disclose immediately any interest in any matter under discussion before the Committee that may constitute a real or apparent, personal or financial conflict of interest or that might be incompatible with the objectivity, independence and impartiality expected of a member or alternate member of the Committee and shall refrain from participating in the work of the Committee in relation to such matter.

D. Rule 3.4: Conflict of interest

1. Members and alternate members must promptly disclose and recuse themselves from any deliberations or decision-making where their personal or financial interests may be affected, in order to avoid a conflict of interest or the appearance of one.

IV. Rule 4: Election, roles and functions of the Co-Chairs

1. The Committee shall elect from among its members one Co-Chair from a developed country Party and one Co-Chair from a developing country Party.
2. Each Co-Chair shall serve as Co-Chair for the entire three years of their term¹³ and shall serve as Co-Chair during and between Committee meetings.
3. The Co-Chairs shall coordinate the agreed work of the Committee during and between meetings.
4. If a Co-Chair ceases to be able to carry out their functions, or ceases to be a member, a new Co-Chair shall be elected for the remainder of the term.

¹¹ Available at https://unfccc.int/sites/default/files/resource/Final_CoC_UNFCCC%20Conferences2.0_WEB.pdf

¹² Available at <https://unfccc.int/sites/default/files/resource/Code%20of%20Ethics%20for%20elected%20and%20appointed%20officers.pdf>

¹³ For a Co-Chair elected in 2020 with a two-year seat on the Committee that term as Co-Chair shall be two years.

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5. The Co-Chairs shall share and allocate between themselves responsibility for chairing Committee meetings.
6. If one of the elected Co-Chairs is not able to serve in the capacity of Co-Chair for a meeting or in relation to a particular matter, the other Co-Chair shall serve as Chair. If both Co-Chairs are unable to serve in their respective capacities, the Committee shall elect a member from among those present to serve as Chair for that meeting or in relation to that matter, as applicable.
7. In carrying out their functions, the Co-Chairs shall be guided by the best interests of the Committee, in accordance with paragraph 11 of the modalities and procedures.
8. The Co-Chairs shall be responsible for opening, conducting, suspending, adjourning and closing Committee meetings and for dealing with all procedural matters, in accordance with paragraphs 15–16 of the modalities and procedures and these rules of procedure.
9. The Co-Chairs are responsible for ensuring the observance of these rules of procedure and the adopted agenda for each meeting of the Committee.
10. The Co-Chairs shall rule on points of order and any such determination will be final unless a Committee member objects. In that case, the Committee shall consider the course of action to be taken.
11. The Co-Chairs shall present a draft report on each meeting, containing, *inter alia*, the decisions taken at the meeting, for consideration and approval by the Committee.
12. The Co-Chairs may represent the Committee at external meetings and report back to the Committee on those meetings. They may agree to delegate that function to other members or alternate members.
13. The Co-Chairs shall carry out any other functions assigned to them through these rules of procedure or a decision of the Committee.

V. Rule 5: Dates, notice and location of meetings

1. In accordance with paragraph 12 of the modalities and procedures, the Committee shall meet at least twice every year. At the first Committee meeting of each calendar year, the Co-Chairs shall propose a schedule of meetings for that calendar year taking into account the desirability of holding meetings in conjunction with sessions of the subsidiary bodies serving the Paris Agreement, as appropriate.
2. At each meeting, the Committee will confirm the dates, duration and venue of the following meeting.
3. If changes to the schedule or additional meetings are required, the Co-Chairs shall, after consultation with the Committee, request the secretariat to give notice of any changes in the dates of scheduled meetings and/or of the dates of additional meetings to members and alternate members, and, to the extent possible, notice of a meeting shall be given at least four weeks before the opening of that meeting.
4. The Committee shall endeavour to hold its meetings in Bonn, as appropriate, and may consider holding meetings virtually on an exceptional basis and when required to advance its work, as proposed by the Co-Chairs after consultation with the Committee.
5. In arranging virtual meetings, the Committee shall pay particular attention to the working modalities of such meetings, including the fair and balanced choice of time zones of members and alternate members, with the aim of ensuring inclusive and effective participation of all members and alternate members.
6. The secretariat shall notify members and alternate members of the date, duration and venue of the meetings and circulate the agenda for the meeting at least five weeks before the opening of the meeting.

VI. Rule 6: Development, transmission and adoption of meeting agendas

1. The Co-Chairs, assisted by the secretariat, shall draft the provisional agenda for each meeting of the Committee and transmit it to the Committee no less than five weeks before the opening of the meeting.
2. The provisional agenda for each meeting shall include, as appropriate:
 - (a) Items in accordance with the functions of the Committee as provided in Article 15 of the Paris Agreement, the modalities and procedures and these rules of procedure;
 - (b) Items in accordance with the agreed outcomes of the previous meeting of the Committee;
 - (c) Items in accordance with paragraph 6 of this rule;
 - (d) Items in accordance with the workplan of the Committee and the arrangements for the subsequent meeting(s) of the Committee;
 - (e) Items proposed by any member or alternate member subject to paragraph 3 of this rule;
 - (f) A standing agenda item on budget and finance;
 - (g) A standing agenda item on information from the secretariat in relation to the submission of reports and communications from Parties to guide the Committee in its functions in accordance with paragraphs 20, 22(a–b) and 32–34 of the modalities and procedures.
3. Additions or changes to the provisional agenda for a meeting may be proposed to the Co-Chairs and the secretariat by any member or alternate member and will be incorporated into the provisional agenda provided that the member or alternate member gives notice thereof to the Co-Chairs and the secretariat within one week after the transmission of the provisional agenda.
4. The agenda shall be proposed for adoption by the Committee at the beginning of each meeting.
5. Prior to the adoption of the agenda at a meeting, the Committee may, by consensus, decide to add items to, delete items from, or defer or amend items in the provisional agenda for that meeting or the provisional agenda for the subsequent meeting, as appropriate.
6. Any item on the agenda the consideration of which has not been completed at the meeting shall be included in the provisional agenda for the subsequent meeting, unless otherwise decided by the Committee.

VII. Rule 7: Documentation

1. Documentation for meetings of the Committee shall be made available to the Committee at least four weeks before the meeting.
2. The provisional agenda, the adopted meeting report and any other documentation as agreed by the Committee, as appropriate, shall be made publicly available on the UNFCCC website, subject to the confidentiality requirements set out in paragraph 14 of the modalities and procedures.
3. The Committee may use electronic means of communication for the transmission and sharing of documentation, without prejudice to other means of communication, as appropriate.
4. The secretariat shall ensure that a secure and dedicated web interface is established and maintained to facilitate the work of the Committee.

VIII. Rule 8: Quorum

1. A quorum shall be established, in accordance with paragraph 15 of the modalities and procedures, prior to the commencement of the meeting, taking into account that in the absence of a member from all or part of a meeting of the Committee their alternate shall act as the member.
2. A quorum shall be confirmed immediately prior to the adoption of any decision, taking into account that an alternate member may cast a vote only if acting as the member.
3. A member or alternate member may ask for a confirmation of quorum prior to the commencement of the meeting or prior to the adoption of any decision by the Committee.

IX. Rule 9: Decision-making and voting in accordance with paragraph 16 of the modalities and procedures

1. The Committee shall make every effort to reach agreement by consensus. When proposing a draft decision for adoption, the Co-Chairs shall ascertain whether consensus has been reached.
2. Efforts by the Co-Chairs to facilitate the reaching of consensus may include:
 - (a) Consulting with members and alternates on draft documents, including draft decisions, prior to the meeting;
 - (b) Consulting with members and alternates on the relevant matter during the meeting;
 - (c) Providing the opportunity for members to state and/or formally record in the report on the relevant meeting their reservations regarding a particular decision without preventing consensus from being reached.
3. The Co-Chairs, acting together and in good faith, and following consultations with all members and alternate members, shall determine whether all efforts at reaching consensus in respect of a particular draft decision have been exhausted.
4. In making such a determination the Co-Chairs shall take into consideration:
 - (a) Whether consultations on the relevant matter have occurred during and/or between meetings, including between the Co-Chairs, without consensus being reached;
 - (b) Whether the subject matter of the draft decision has been considered at prior meetings without consensus being reached;
 - (c) Whether and how many members have indicated that they cannot join consensus on an issue.
5. If all efforts at reaching consensus have been exhausted, as a last resort, the following voting procedures shall apply:
 - (a) Prior to any votes being cast, the Co-Chairs shall provide a final draft decision to each member. Such a draft decision shall be the version of the decision that, in the Co-Chairs' judgment, was supported by the greatest number of members;
 - (b) The Co-Chairs retain their right to vote;
 - (c) Each member shall have one vote;
 - (d) A decision that is voted in favour of by at least three quarters of members present and voting shall be considered adopted.
6. For the purpose of this rule, the phrase "members present and voting" means members and alternate members acting as members present at the meeting at which voting takes place and casting an affirmative or negative vote. Members abstaining from voting shall be considered as not voting for the purpose of determining the three-quarters majority.

7. The Committee may, in writing using electronic means, take decisions between meetings for procedural matters or for matters for which it has during a meeting agreed such decisions are needed.

8. In accordance with paragraph 7 of this rule, rule 3.2 above and paragraphs 15–16 of the modalities and procedures, the Co-Chairs will circulate a proposed written decision for adoption on a no-objection basis within three weeks, after which the proposed written decision will be deemed adopted, unless there is an objection. If an objection is received, the Co-Chairs will work through the objection with the member or alternate member acting for the member, as ascertained by the Co-Chairs. If the objecting member or alternate member acting for a member upholds their objection, the proposed written decision will be considered by the Committee at the following meeting. If the objection is withdrawn or resolved without altering the text of the decision, the decision will be deemed adopted. The secretariat shall circulate to the Committee all written comments and objections.

9. Decisions adopted by the Committee shall be included in the report on the meeting and those decisions adopted pursuant to a vote shall include an indication of the final tally of votes together with any comments from dissenting members. Decisions approved between meetings shall be recorded in the report on the following Committee meeting.

10. Decisions of the Committee shall be reasoned and in writing.

X. Rule 10: Expert advice, and information, in accordance with paragraphs 25(c) and 35 of the modalities and procedures

1. In accordance with paragraph 35 of the modalities and procedures, the Co-Chairs, at the request of the Committee, may, in the course of its work, seek expert advice and information on behalf of the Committee, and may seek and receive information from processes, bodies, arrangements and forums under and serving the Paris Agreement, including, as appropriate and in consultation with the Party concerned, by inviting representatives of those relevant bodies and making arrangements for them to participate in its relevant meetings.

2. When seeking such expert advice and information, the Committee should, as appropriate, take into account the expertise and experience from the region of the Party concerned, and may invite expert advice from the Party concerned.

3. The Committee may in due course, develop working arrangements on expert advice as appropriate.

XI. Rule 11: Languages

1. The working language of the Committee shall be English.

2. The parts of the meeting of the Committee that are of particular relevance to a Party concerned and open to that Party shall be translated into one of the other five official languages of the United Nations by the secretariat at the request of the Party, subject to the availability of dedicated resources.

3. A representative of a Party concerned may engage with the Committee in the language of his or her choice provided that the Party arranges for the interpretation of the communication, whether written or oral, into English.

4. Submissions from Parties should be made in English. Submissions may be made in one of the other five official languages of the United Nations if the Party also provides a translation into English.

XII. Rule 12: Observers

1. Meetings of the Committee shall be open to Parties and admitted non-Party observers to observe, subject to paragraphs 13–14 of the modalities and procedures, unless the

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Committee decides to hold the meeting or a part/or parts thereof in a closed session in order to, inter alia, protect the confidentiality of information received in confidence in accordance with paragraph 14 of the modalities and procedures. Such a decision by the Committee may be taken on a case-by-case basis, at any time before or during a meeting.

2. The secretariat shall inform the Committee before the meeting of any requests to attend the meeting received from non-Party observers admitted to the UNFCCC process.

3. Admitted non-Party observers shall abide by the guidelines for the participation of representatives of non-governmental organizations at meetings of UNFCCC bodies¹⁴ and the Code of Conduct for UNFCCC conferences, meeting and events, including amended, revised and replaced versions of the same, which would be applied mutatis mutandis to the Committee.

4. Parties and admitted non-Party observers shall leave the meeting if the Committee decides to hold a part of the meeting in a closed session.

5. The parts of the meeting that are open to observers shall be recorded and the recording made available on the UNFCCC website after the meeting, unless the Committee decides otherwise.

6. If, in the course of a meeting, a member or alternate member believes that an observer has violated paragraph 3 of this rule, it may request the Co-Chairs to immediately consult the Committee on this issue in a closed session. If, following the consultations, the Co-Chairs find in favour of the member or alternate member concerned, the observer concerned shall leave the meeting. If the member or alternate member concerned objects to the finding of the Co-Chairs, the Committee shall consider the course of action to be taken.

XIII. Rule 13: Secretariat

1. The secretariat shall support and facilitate the work of the Committee, subject to the availability of resources.

2. Subject to paragraph 1 of this rule, the secretariat shall:

(a) Make the necessary arrangements for the meetings of the Committee, including preparing provisional agendas in consultation with the Co-Chairs, announcing meetings, issuing invitations and making available the documents for the meetings;

(b) Maintain meeting records and arrange for the storage and preservation of meeting documents;

(c) Make documents available to the public in accordance with rule 7 above and paragraph 14 of the modalities and procedures, unless otherwise determined by the Committee;

(d) Perform any other functions requested by the Committee, consistently with any relevant decisions of the CMA;

(e) Arrange for interpretation at the meeting, as may be required under rule 11.2 above.

XIV. Rule 14 Conference of the Parties serving as the meeting of the Parties to the Paris Agreement

1. Pursuant to Article 15 of the Paris Agreement, the Committee shall report annually to the CMA and may receive guidance from the CMA.

2. The annual report of the Committee to the CMA shall be made publicly available and shall include information on any decision adopted by the Committee, unless otherwise decided in accordance with these rules of procedure, and systemic issues identified by the

¹⁴ Available at https://unfccc.int/sites/default/files/guidelines_for_the_participation_of_ngos.pdf.

Committee, as relevant and appropriate, on the implementation of and compliance with the provisions of the Paris Agreement.

3. The Committee may propose amendments to these rules of procedure for consideration and adoption by the CMA.
