

DRAFT TEXT

on

CMA 4 agenda item 16

**Report of the committee to facilitate implementation and promote compliance referred to in
Article 15, paragraph 2, of the Paris Agreement
Version 10/11/2022 14:45**

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

The Conference of the Parties serving as the meeting of the Parties to the Paris Agreement,

Recalling Article 15 of the Paris Agreement and decision 1/CP.21, paragraphs 102–103,

Also recalling the modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement, as contained in the annex to decision 20/CMA.1, in particular paragraphs 17–18,

Further recalling the rules of procedure related to the institutional arrangements of the committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement, as contained in the annex to decision 24/CMA.3,

Welcoming the 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

Noting with appreciation the work undertaken by the Paris Agreement Implementation and Compliance Committee to date,

1. *Adopts* the rules of procedure of the committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement, as contained in the annex, in accordance with paragraphs 17–18 of the annex to decision 20/CMA.1, for its effective operation;
2. *Invites* Parties to ensure sufficient allocation of resources when considering the budget of the Legal Affairs division of the secretariat for the biennium 2024–2025 in support to the work of the Committee.

¹ FCCC/PA/CMA/2022/2.

Annex

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

For the purpose of these rules, the definitions contained in Article 1 of the Paris Agreement shall apply. In addition:

- (a) “Alternate member” means an alternate member of the Committee;
- (b) “CMA” means the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement;
- (c) “Co-Chair” means a member of the Committee elected as its Co-Chair;
- (d) “Committee” means the committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement;
- (e) “Member” means a member of the Committee;
- (f) “Modalities and procedures” means the modalities and procedures for the effective operation of the Committee, contained in the annex to decision 20/CMA.1;
- (g) “National focal point” means the focal point of a Party to the Convention, designated pursuant to chapter 5 of decision 14/CP.2;
- (h) “Party concerned” means a Party in respect of which the consideration of issues relates;
- (i) “Representative” means a person duly authorized by the relevant Party, organization, constituted body, arrangement or forum under or serving the Paris Agreement to represent it;
- (j) “Secretariat” means the secretariat referred to in Article 8 of the Convention, which, as per Article 17 of the Paris Agreement, shall serve as the secretariat of the Paris Agreement.

* Rules 1 and 3–14 are reproduced in this annex as adopted by decision 24/CMA.3.

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 the modalities and procedures 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, paragraph 3, above.

C. Rule 3.3: Duties and conduct²

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 events³ and the Code of Ethics for elected and appointed officers,⁴ including amended, revised and replaced versions of the same, which would be applicable mutatis mutandis to the Committee.

² Rule 3.3 of the rules of procedure is to be applied to members and alternate members of the Committee in a manner that respects their duties and conduct as civil servants, as applicable, and the Code of Ethics for elected and appointed officers (available at <https://unfccc.int/sites/default/files/resource/Code%20of%20Ethics%20for%20elected%20and%20appointed%20officers.pdf>), as endorsed by the Bureau of the Conference of the Parties on 30 November 2018, is subject to further consideration and adoption by the governing bodies.

³ Available at https://unfccc.int/sites/default/files/resource/Code_of_Conduct_English.pdf.

⁴ Available at <https://unfccc.int/sites/default/files/resource/Code%20of%20Ethics%20for%20elected%20and%20appointed%20officers.pdf>.

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

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 term⁵ 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.

⁵ For a Co-Chair elected in 2020 with a two-year seat on the Committee that term as Co-Chair shall be two years.

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 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 bodies⁶ 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 Available at https://unfccc.int/sites/default/files/guidelines_for_the_participation_of_ngos.pdf.

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 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.

XV. Rule 15: General guidance

The Committee's work shall be guided by the provisions of the Paris Agreement, including its Article 2, the modalities and procedures, and other relevant decisions of the CMA.

Provisions of the modalities and procedures relevant to rule 15

- “2. The Committee shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive. The Committee shall pay particular attention to the respective national capabilities and circumstances of Parties.
- “3. The Committee's work shall be guided by the provisions of the Paris Agreement, including its Article 2.

“4. In carrying out its work, the Committee shall strive to avoid duplication of effort, shall neither function as an enforcement or dispute settlement mechanism, nor impose penalties or sanctions, and shall respect national sovereignty.

“19. In exercising its functions referred to in paragraphs 20 and 22 below, and subject to these modalities and procedures, the Committee shall apply the relevant rules of procedure to be developed pursuant to paragraphs 17 and 18 above and shall be guided by the following:

(a) Nothing in the work of the Committee may change the legal character of the provisions of the Paris Agreement;

(b) In considering how to facilitate implementation and promote compliance, the Committee shall endeavour to constructively engage with and consult the Party concerned at all stages of the process, including by inviting written submissions and providing opportunities to comment;

(c) The Committee shall pay particular attention to the respective national capabilities and circumstances of Parties, recognizing the special circumstances of the least developed countries and small island developing States, at all stages of the process, in accordance with the provisions of the Paris Agreement, including in determining how to consult with the Party concerned, what assistance can be provided to the Party concerned to support its engagement with the Committee, and what measures are appropriate to facilitate implementation and promote compliance in each situation;

(d) The Committee should take into account the work being undertaken by other bodies and under other arrangements as well as through forums serving or established under the Paris Agreement with a view to avoiding duplication of mandated work;

(e) The Committee should take into account considerations related to the impacts of response measures.”

XVI. Rule 16: Flexibility with regard to timelines, in accordance with paragraph 26 of the modalities and procedures

1. When the Committee presents a proposed timeline to the Party concerned, that Party may respond in writing within three weeks to request flexibility with regard to the proposed timeline, setting out the reasons for the request. Thereafter, the Committee, in consultation with the Party concerned, shall set the final timeline on the basis of paragraph 2 below.

2. The Committee will accord flexibility with regard to timelines of the procedures under Article 15 of the Paris Agreement to those Parties that request it in writing with a view to meeting the request of the Party concerned to the extent that the Committee deems appropriate, paying particular attention to the respective national capabilities and circumstances of the Party concerned, and the reasons set out in the request of that Party.

3. If the Committee receives no request for flexibility with regard to timelines within three weeks, the proposed timeline shall be deemed to be the final one. The secretariat shall produce in this regard a communication to the Party concerned.

Provisions of the modalities and procedures relevant to rule 16

“26. The Committee will accord flexibility with regard to timelines of the procedures under Article 15 as may be needed by Parties, paying particular attention to their respective national capabilities and circumstances.”

XVII. Rule 17: Initiation of a consideration of issues, in accordance with paragraphs 20–21 of the modalities and procedures

A. Rule 17.1: Requirements for a written submission from 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 of and/or compliance with any provision of the Paris Agreement shall send the written submission to the Committee through the secretariat by electronic means.
2. The written submission shall be communicated by the national focal point and contain, at a minimum:
 - (a) The name of the Party making the submission;
 - (b) A statement identifying the issue with respect to the Party's own implementation of and/or compliance with the relevant provision(s) of the Paris Agreement;
 - (c) An indication of the relevant provisions of the Paris Agreement and any related decisions of the CMA that provide the basis for the Party's submission in relation to its own implementation and/or compliance.
3. The submission should also contain, inter alia:
 - (a) Additional information and supporting documentation that the Party considers is material and sufficient to the issue with respect to its own implementation of and/or compliance with the relevant provision(s) of the Paris Agreement, which may include, as appropriate, information on:
 - (i) The cause of the challenges faced by the Party in its implementation of and/or compliance with the relevant provision(s);
 - (ii) Relevant national capabilities and circumstances, including information on relevant capacity constraints, needs or challenges;
 - (iii) Access to finance, technology and capacity-building support that has been sought or received to address any relevant capacity constraints, needs or challenges;
 - (b) Where applicable, any action requested of the Committee, consistent with its mandate as defined in the modalities and procedures;
 - (c) A list of all relevant documents annexed to the submission.

B. Rule 17.2: Preliminary examination

1. Upon receipt of a written submission from a Party to the Committee under paragraph 20 of the modalities and procedures, the secretariat shall promptly forward the submission to the Committee.
2. Within two months of receipt by the Committee of the forwarded written submission from the Party, the Committee shall initiate, either in writing using electronic means or at its next scheduled meeting, a preliminary examination of the submission in accordance with paragraph 21 of the modalities and procedures.
3. The Committee will undertake the preliminary examination of the submission with a view to verifying that the submission contains sufficient information, including on whether the matter relates to the Party's own implementation of or compliance with a provision of the Paris Agreement and that it addresses the elements specified in rule 17.1 above.
4. In conducting the preliminary examination, the Committee shall, where needed and appropriate, engage with the Party concerned and seek further information.
5. The preliminary examination of the submission should be completed no later than three months after the date it was initiated under paragraph 2 above.

6. As soon as possible upon completion of the preliminary examination and on the basis of it, the Committee shall, in accordance with rule 9, paragraphs 7–8, above, decide whether to initiate a consideration of issues.

7. The Committee may decide not to initiate a consideration of issues when it finds that:

(a) 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, taking into account any information received in accordance with rule 10 above;

(b) The Party concerned, upon the request of the Committee, has repeatedly failed to present the information requested by the Committee within the timelines specified by the Committee, and has requested no further flexibility with regard to timelines in accordance with rule 16 above;

(c) The matter contained in the submission from the Party concerned does not relate to the Party's own implementation of and/or compliance with a provision of the Paris Agreement.

8. The Committee shall promptly notify the Party concerned of its decision. The decision shall be reasoned and in writing, in accordance with rule 9, paragraph 10, above. If the decision is to initiate consideration, the notification shall be in accordance with rule 20 below.

9. 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, if applicable.

10. The Committee's decision on whether to initiate a consideration of issues on the basis of the preliminary examination, including a summary of the proceedings and reasons for the decision, should be recorded in the report of the Committee meeting at which the decision was taken. If the decision was taken between Committee meetings, it should be recorded in the report of the following Committee meeting, in accordance with rule 9, paragraph 9, above.

C. Provisions of the modalities and procedures relevant to rule 17

“20. The Committee should consider issues related to, as appropriate, a Party's implementation of or compliance with the provisions of the Paris Agreement on the basis of a written submission from that Party with respect to its own implementation of and/or compliance with any provision of the Paris Agreement.

“21. The Committee will undertake a preliminary examination of the submission within the timeline to be elaborated in the rules of procedure referred to in paragraphs 17 and 18 above with a view to verifying that the submission contains sufficient information, including on whether the matter relates to the Party's own implementation of or compliance with a provision of the Paris Agreement.”

XVIII. Rule 18: Initiation of a consideration of issues by the Committee, in accordance with paragraph 22(a) of the modalities and procedures

1. At least four weeks in advance of each scheduled meeting, in accordance with rule 7, paragraph 1, above, the secretariat shall make available to the Committee the most up-to-date information on:

(a) Communication and maintenance of nationally determined contributions by Parties in the public registry referred to in Article 4, paragraph 12, of the Paris Agreement;

(b) Submissions of mandatory reports or communications of information by Parties under:

(i) Article 13, paragraph 7(a), of the Paris Agreement;

- (ii) Article 13, paragraph 7(b), of the Paris Agreement;
- (iii) Article 13, paragraph 9, and Article 9, paragraph 7, of the Paris Agreement;
- (c) Participation by Parties in the facilitative, multilateral consideration of progress under Article 13, paragraph 11, of the Paris Agreement;
- (d) Submissions of mandatory biennial communications of information under Article 9, paragraph 5, of the Paris Agreement via the online portal referred to in decision 12/CMA.1, paragraph 6.

2. At each scheduled meeting the Committee will consider the information provided in paragraph 1 above, and on the basis of this information, the Committee will decide to initiate a consideration of issues as soon as it finds:

(a) Under paragraph 22(a)(i) of the modalities and procedures, that a Party has not communicated a nationally determined contribution under Article 4 of the Paris Agreement after the deadline for communication pursuant to relevant decisions of the CMA or has failed to maintain in the public registry referred to in Article 4, paragraph 12, of the Paris Agreement, a previously communicated nationally determined contribution;

(b) Under paragraph 22(a)(ii) of the modalities and procedures, that:

(i) A Party has not submitted a mandatory report or communication of information under Article 13, paragraph 7(a), of the Paris Agreement after the deadline for submission pursuant to relevant decisions of the CMA;

(ii) A Party has not submitted a mandatory report or communication of information under Article 13, paragraph 7(b), of the Paris Agreement after the deadline for submission pursuant to relevant decisions of the CMA;

(iii) A developed country Party has not submitted a mandatory report or communication of information under Article 13, paragraph 9, and Article 9, paragraph 7, of the Paris Agreement after the deadline for submission pursuant to relevant decisions of the CMA;

(c) Under paragraph 22(a)(iii) of the modalities and procedures, that a Party has not participated in the facilitative, multilateral consideration of progress under Article 13, paragraph 11, of the Paris Agreement and relevant decisions of the CMA;

(d) Under paragraph 22(a)(iv) of the modalities and procedures, that a developed country Party has not submitted a mandatory biennial communication of information under Article 9, paragraph 5, of the Paris Agreement after the deadline for submission pursuant to relevant decisions of the CMA.

Provisions of the modalities and procedures relevant to rule 18

“22. The Committee:

(a) Will initiate the consideration of issues in cases where a Party has not:

(i) Communicated or maintained a nationally determined contribution under Article 4 of the Paris Agreement, based on the most up-to-date status of communication in the public registry referred to in Article 4, paragraph 12, of the Paris Agreement;

(ii) Submitted a mandatory report or communication of information under Article 13, paragraphs 7 and 9, or Article 9, paragraph 7, of the Paris Agreement;

(iii) Participated in the facilitative, multilateral consideration of progress, based on information provided by the secretariat;

(iv) Submitted a mandatory communication of information under Article 9, paragraph 5, of the Paris Agreement;”

XIX. Rule 19: Initiation of a consideration of issues, in accordance with paragraph 22(b) of the modalities and procedures

1. At least four weeks in advance of each scheduled meeting of the Committee, in accordance with rule 7, paragraph 1, above, the secretariat shall make available to the Committee the final technical expert review reports, prepared under Article 13, paragraphs 11–12, of the Paris Agreement and relevant decisions of the CMA that have been issued since the date on which the secretariat made available to the Committee documentation for its preceding meeting.
2. For the purpose of paragraph 22(b) of the modalities and procedures, the Committee will identify cases of significant and persistent inconsistencies of the information submitted by the Party concerned pursuant to Article 13, paragraphs 7 and 9, of the Paris Agreement, with the modalities, procedures and guidelines referred to in Article 13, paragraph 13, of the Paris Agreement, on the basis of the recommendations made in the final technical expert review reports, any written comments provided by the Party concerned during such reviews and, as needed, information resulting from liaising with lead reviewers in accordance with decision 5/CMA.3, paragraph 40.
3. Where the Committee has identified a case of significant and persistent inconsistencies, it shall promptly notify in writing the Party concerned in order to seek its written consent to engage in a facilitative consideration of issues under paragraph 22(b) of the modalities and procedures.
4. Where the Party concerned 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 meeting.
5. In its consideration of such matters, the Committee shall take into account Article 13, paragraphs 2, 14 and 15, of the Paris Agreement, as well as the flexibilities for those developing country Parties that need it in the light of their capacities as provided in the provisions of 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 and its annex, and any subsequent updates adopted by the CMA.
6. The Committee will consider the need to further develop working arrangements on the facilitative consideration under paragraph 22(b) of the modalities and procedures. In this context, the Committee will further develop its understanding of criteria to assess whether inconsistencies are significant and persistent as referred to in paragraph 2 above, taking into account the information contained in the reports made available under paragraph 1 above and the experience gained in identifying cases of significant and persistent inconsistencies.

Provisions of the modalities and procedures relevant to rule 19

“22. The Committee:

(b) May, with the consent of the Party concerned, engage in a facilitative consideration of issues in cases of significant and persistent inconsistencies of the information submitted by a Party pursuant to Article 13, paragraphs 7 and 9, of the Paris Agreement with the modalities, procedures and guidelines referred to in Article 13, paragraph 13, of the Paris Agreement. This consideration will be based on the recommendations made in the final technical expert review reports, prepared under Article 13, paragraphs 11 and 12, of the Agreement, together with any written comments provided by the Party during the review. In its consideration of such matters, the Committee shall take into account Article 13, paragraphs 14 and 15, of the Agreement, as well as the flexibility provided in the provisions of the modalities, procedures and guidelines under Article 13 of the Paris Agreement for those developing country Parties that need it in the light of their capacities.”

XX. Rule 20: Notification to the Party concerned of the initiation of a consideration of issues, in accordance with paragraphs 20 or 22(a) of the modalities and procedures

1. Where the Committee decides to initiate a consideration of issues in accordance with paragraphs 20 or 22(a) of the modalities and procedures and rules 17 and 18 above, respectively, it shall promptly notify the Party concerned. The decision shall be reasoned and in writing, in accordance with rule 9, paragraph 10, above.
2. When notifying the Party concerned of the initiation of a consideration of issues, in accordance with paragraphs 20 or 22(a) of the modalities and procedures, the Committee shall provide to the Party:
 - (a) Relevant information and reports in relation to the issue;
 - (b) As much as possible, and as appropriate, the details of any expert advice or information that the Committee intends to seek, in accordance with rule 10 above;
 - (c) A list of the information items the Committee is requesting the Party concerned to provide to the Committee through the secretariat by electronic means;
 - (d) The proposed date by which the Committee is requesting the Party concerned to provide the information referred to in paragraph 2(c) above;
 - (e) The proposed date of the meeting at which the Committee intends to consider the issues;
 - (f) Information for the developing country Parties concerned on the process for 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) An electronic copy of the modalities and procedures and these rules of procedure, as well as decisions of 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:
 - (a) Participate in the discussions of the Committee except during the elaboration and adoption of a decision by the Committee;
 - (b) Request in writing that the Committee holds a consultation during the meeting at which the issues are considered;
 - (c) Request flexibility with regard to timelines of procedures in accordance with paragraphs 19 and 26 of the modalities and procedures, and rule 16 above;
 - (d) 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;
 - (e) Request financial assistance to enable its necessary participation in the relevant meetings of the Committee in accordance with paragraph 27 of the modalities and procedures, where the Party concerned is a developing country Party.
4. The Committee shall also inform the Party concerned that all information provided by the Party to the Committee that is not marked or declared as confidential will be treated as non-confidential and may be made public.
5. Following the notification, if the Party concerned makes a written request for flexibility with respect to the timelines referred to in paragraph 2(d–e) above, the Committee shall set, in consultation with the Party concerned, the final date for the written response to the notification and the date of the meeting, in accordance with rule 16 above.

Provisions of the modalities and procedures relevant to rule 20

“20. The Committee should consider issues related to, as appropriate, a Party’s implementation of or compliance with the provisions of the Paris Agreement on the basis of a written submission from that Party with respect to its own implementation of and/or compliance with any provision of the Paris Agreement.

“22. The Committee:

- (a) Will initiate the consideration of issues in cases where a Party has not:
 - (i) Communicated or maintained a nationally determined contribution under Article 4 of the Paris Agreement, based on the most up-to-date status of communication in the public registry referred to in Article 4, paragraph 12, of the Paris Agreement;
 - (ii) Submitted a mandatory report or communication of information under Article 13, paragraphs 7 and 9, or Article 9, paragraph 7, of the Paris Agreement;
 - (iii) Participated in the facilitative, multilateral consideration of progress, based on information provided by the secretariat;
 - (iv) Submitted a mandatory communication of information under Article 9, paragraph 5, of the Paris Agreement;”

XXI. Rule 21: Procedural aspects of a consideration of issues by the Committee

A. Rule 21.1: Participation of and consultation with the Party concerned, in accordance with paragraphs 25(a–b) and 27 of the modalities and procedures

1. The Party concerned is encouraged to be present at and may participate in the relevant meetings of the Committee, except during the Committee’s elaboration and adoption of a decision.
2. The Committee shall, during its consideration of the issues at the meeting:
 - (a) Ensure that all information provided to it by the Party concerned and the secretariat is duly considered;
 - (b) Take into account, as appropriate, expert advice and additional information sought and received from processes, bodies, arrangements and forums under or serving the Paris Agreement, as referred to in paragraphs 25(c) and 35 of the modalities and procedures and in accordance with rule 10 above.
3. Upon request from the developing country Party concerned and subject to the availability of financial resources, assistance should be provided in accordance with paragraph 27 of the modalities and procedures to enable the necessary participation of the Party in the relevant meetings of the Committee.
4. The Co-Chairs of the Committee shall ensure that:
 - (a) The Party concerned has the opportunity to participate virtually or in person, subject to the availability of financial resources, 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 are invited to the relevant meetings of the Committee with the agreement of the Committee and in consultation with the Party concerned, in accordance with paragraph 25(c) of the modalities and procedures and rule 10 above, as appropriate, and are afforded the opportunity to address the Committee during its discussions;

(c) Only members, alternate members and secretariat officials are present during the elaboration and adoption of a decision of the Committee.

B. Rule 21.2: Obtaining additional information and inviting representatives of relevant bodies and arrangements, in accordance with paragraphs 25(c) and 35 of the modalities and procedures

1. If the Committee decides to seek expert advice in accordance with paragraphs 25(c) and 35 of the modalities and procedures, taking into account rule 10 above, it shall:

- (a) Identify the specific issue on which it seeks expert advice;
- (b) Identify the experts from whom it seeks advice;
- (c) Set the deadline for the submission of the expert advice.

2. If the Committee decides to seek and receive information from processes, bodies, arrangements and forums under or serving the Paris Agreement in accordance with paragraph 35 of the modalities and procedures, or to invite representatives of relevant bodies and arrangements under or serving the Paris Agreement to participate in its relevant meetings in consultation with the Party concerned, in accordance with paragraph 25(c) of the modalities and procedures, taking into account rule 10 above, it shall:

- (a) Define the specific information it seeks;
- (b) Identify which of the processes, bodies, arrangements and forums under or serving the Paris Agreement may be relevant and able to provide such information, in consultation with the Party concerned;
- (c) Define the processes to be followed in consultation with the Party concerned, 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;
- (d) In the case of written information, set the deadline for its submission.

3. The Committee shall provide a copy of the relevant expert advice and 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, in accordance with rules 17–19 above.

C. Provisions of the modalities and procedures relevant to rule 21

“25. With respect to the consideration by the Committee of matters initiated in accordance with the provisions of paragraphs 20 or 22 above and further to the rules of procedure referred to in paragraphs 17 and 18 above:

(a) The Party concerned may participate in the discussions of the Committee, except during the Committee’s elaboration and adoption of a decision;

(b) If so requested in writing by the Party concerned, the Committee shall hold a consultation during the meeting at which the matter with respect to that Party is to be considered;

(c) In the course of its consideration, the Committee may obtain additional information as referred to in paragraph 35 below or, as appropriate and in consultation with the Party concerned, invite representatives of relevant bodies and arrangements under or serving the Paris Agreement to participate in its relevant meetings;

“27. Subject to the availability of financial resources, assistance should be provided, upon request, to developing country Parties concerned to enable their necessary participation in the relevant meetings of the Committee.

“35. In the course of its work, the Committee may seek expert advice, and seek and receive information from processes, bodies, arrangements and forums under or serving the Paris Agreement.”

XXII. Rule 22: Measures and outputs

A. Rule 22.1: Identification of appropriate measures, findings or recommendations in accordance with paragraphs 28–31 of the modalities and procedures

1. When identifying appropriate measures, findings or recommendations, the Committee shall engage in a dialogue with the Party concerned through written communications and through consultations upon the request of the Party concerned, with the purpose of identifying challenges and sharing information, including in relation to accessing finance, technology and capacity-building support, as appropriate.
2. The Committee shall send a copy of its draft measures, draft findings and draft recommendations to the Party concerned and shall invite the Party concerned to make comments within the time period specified by the Committee.
3. When deciding on the final measures, findings or recommendations, the Committee shall take into account the comments received by the Party concerned.
4. The Committee shall further take into account, where reasonable, other relevant factors and circumstances, including expert advice, information from processes, bodies, arrangements and forums under or serving the Paris Agreement, or other information communicated by the Party concerned, which may have caused challenges in the implementation of and/or compliance with the relevant provision(s) of the Paris Agreement by the Party concerned.

B. Rule 22.2: Decisions on measures and outputs

1. Decisions of the Committee on measures taken in relation to the consideration of issues, in accordance with paragraphs 20 and 22 of the modalities and procedures, shall contain, inter alia:
 - (a) The name of the Party concerned and its representative, if any, who engaged in consultations with the Committee;
 - (b) A summary of the proceedings of the consideration of issues by the Committee;
 - (c) A summary of the information, expert advice, provisions of the Paris Agreement and any relevant decisions of the CMA taken into account in the consideration of the issues;
 - (d) The measures taken by the Committee in accordance with paragraph 30 of the modalities and procedures;
 - (e) Reasons for the measures, findings or recommendations taken by the Committee, including why the measures taken by the Committee are appropriate to facilitate implementation of and/or promote compliance with the relevant provisions of the Paris Agreement by the Party concerned;
 - (f) The place and date of the decision.
2. The secretariat shall, upon the request of the Committee, transmit the decision to the Party concerned. The decision shall be included in the report of the Committee to the CMA, except for any parts of it relating directly to information that the Party has marked as being confidential.

3. Comments from the Party concerned regarding any decisions referred to in paragraph 1 above, shall be attached to the annual report of the Committee to the CMA.
4. Where the Party provides a written response to the Committee on any decisions referred to in paragraph 1 above, the Committee shall, if appropriate, include the written response with the decision on the UNFCCC website and shall refer to that response in its annual report to the CMA.
5. On the basis of its experience gained under this rule, the Committee will further develop working arrangements on the measures, findings or recommendations pursuant to paragraph 30 of the modalities and procedures, taking into account that such measures, findings or recommendations shall be facilitative in nature and that the Committee functions in a manner that is transparent, non-adversarial and non-punitive.

C. Provisions of the modalities and procedures relevant to rule 22

“28. In identifying the appropriate measures, findings or recommendations, the Committee shall be informed by the legal nature of the relevant provisions of the Paris Agreement, shall take into account the comments received from the Party concerned and shall pay particular attention to the national capabilities and circumstances of the Party concerned. Special circumstances of small island developing States and the least developed countries, as well as situations of force majeure, should also be recognized, where relevant.

“29. The Party concerned may provide to the Committee information on particular capacity constraints, needs or challenges, including in relation to support received, for the Committee’s consideration in its identification of appropriate measures, findings or recommendations.

“30. With a view to facilitating implementation and promoting compliance, the Committee shall take appropriate measures. These may include the following:

(a) Engage in a dialogue with the Party concerned with the purpose of identifying challenges, making recommendations and sharing information, including in relation to accessing finance, technology and capacity-building support, as appropriate;

(b) Assist the Party concerned in the engagement with the appropriate finance, technology and capacity-building bodies or arrangements under or serving the Paris Agreement in order to identify possible challenges and solutions;

(c) Make recommendations to the Party concerned with regard to challenges and solutions referred to in paragraph 30(b) above and communicate such recommendations, with the consent of the Party concerned, to the relevant bodies or arrangements, as appropriate;

(d) Recommend the development of an action plan and, if so requested, assist the Party concerned in developing the plan;

(e) Issue findings of fact in relation to matters of implementation and compliance referred to in paragraph 22(a) above.

“31. The Party concerned is encouraged to provide information to the Committee on the progress made in implementing the action plan referred to in paragraph 30(d) above.”

XXIII. Rule 23: Systemic issues

1. Where the CMA requests the Committee to examine issues of a systemic nature, the Committee shall initiate consideration of such issues at its next meeting unless otherwise requested by the CMA.

2. The Committee may further develop working arrangements for the consideration of systemic issues on the basis of experience gained in its work.

Provisions of the modalities and procedures relevant to rule 23

“32. The Committee may identify issues of a systemic nature with respect to the implementation of and compliance with the provisions of the Paris Agreement faced by a number of Parties and bring such issues and, as appropriate, any recommendations to the attention of the CMA for its consideration.

“33. The CMA may, at any time, request the Committee to examine issues of a systemic nature. Following its consideration of the issue, the Committee shall report back to the CMA and, where appropriate, make recommendations.

“34. In addressing systemic issues, the Committee shall not address matters that relate to the implementation of and compliance with the provisions of the Paris Agreement by an individual Party.”
