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Draft Procedure

Rules of procedure of the Supervisory Body

Version 01.0



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1. Scope

1. These rules of procedure shall apply to all activities of the Supervisory Body of the mechanism established by Article 6, paragraph 4, of the Paris Agreement (hereinafter referred to as “the mechanism”) undertaken in accordance with decision 3/CMA.3, including the rules, modalities and procedures for the mechanism annexed thereto, as well as any other decisions on the mechanism adopted by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA).¹

2. Definitions

2. For the purpose of these rules:
 - (a) “Conflict of interest” refers to any current professional, financial or other interest that could (1) significantly impair the individual’s objectivity in carrying out their duties and responsibilities for the Supervisory Body or (2) create an unfair advantage for any person or organization. For the purpose of these rules of procedure, circumstances that could lead a reasonable person to question an individual’s objectivity or whether an unfair advantage has been created, constitute a potential conflict of interest;
 - (b) “Secretariat” means the secretariat referred to in Article 17 of the Paris Agreement and paragraph 25 of the rules, modalities and procedures for the mechanism;
 - (c) “Stakeholders” mean the entities, groups, fora, communities or individuals that have a role in the implementation of the functions of the Supervisory Body or that may affect or be directly affected by the recommendations and actions of the Supervisory Body.

3. Membership

3.1. Composition

3. The Supervisory Body shall comprise 12 members from Parties to the Paris Agreement, ensuring broad and equitable geographical representation and striving to ensure gender-balanced representation, as follows:
 - (a) Two members from each of the five United Nations regional groups;
 - (b) One member from the least developed countries;
 - (c) One member from small island developing States. (*decision 3/CMA.3, annex, para. 4*)

¹ See Decision 3/CMA.3 contained in document FCCC/PA/CMA/2021/10/Add.1 available at: <https://unfccc.int/documents/460950>. The annex to the decision begins on page 29 (English language version).

3.2. Nomination and election

4. The CMA shall elect members and an alternate for each member of the Supervisory Body on the basis of nominations by the respective groups and constituencies. (*decision 3/CMA.3, annex, para. 5*).
5. The nomination by a group or a constituency of a candidate member shall be accompanied by a nomination for a candidate alternate member from the same group or constituency.
6. Members and alternate members shall serve in their individual expert capacity. (*decision 3/CMA.3, annex, para. 6*)
7. Members and alternate members shall act in an independent and impartial manner and not in the interest of any particular constituency, government or entity while performing their duties in the Supervisory Body.
8. Members and alternate members shall possess relevant scientific, technical, socioeconomic or legal expertise. (*decision 3/CMA.3, annex, para. 7*)
9. In the absence of a member from a meeting of the Supervisory Body, their alternate shall serve as the member for that meeting.
10. If a member is not available for a period for their duties in between meetings, they may delegate their role as member to their alternate for a specified period by informing the Supervisory Body and the secretariat in advance.
11. Any reference in these rules of procedure to a member shall be deemed to include their alternate when such alternate acts for the member.
12. Participation costs for members and alternate members will be covered by the share of proceeds for administrative expenses. (*decision 3/CMA.3, annex, para. 14*)
13. Funding for participation shall be provided in accordance with the financial regulations of the United Nations and the financial procedures of the UNFCCC.

3.3. Term of membership

14. Members and alternate members shall serve for a term of two years. (*decision 3/CMA.3, annex, para. 8*)
15. Notwithstanding paragraph 14 above, in the first election of members and alternate members, the CMA shall elect half of the members and their alternate members for a term of three years and the other half for a term of two years. At the expiry of the term of these members and their alternate members and thereafter, the CMA shall elect replacement members and their alternate members for a term of two years. The members and their alternate members shall remain in office until their successors have been elected. (*decision 3/CMA.3, annex, para. 9*)
16. The term of service of a member shall start at the first meeting of the Supervisory Body in the calendar year following their election and shall end immediately before the first meeting of the Supervisory Body in the calendar year in which the term ends. (*decision 3/CMA.3, annex, para. 10*)

17. The maximum number of terms of any individual shall be two terms, whether consecutive or not and including any period as an alternate member. (*decision 3/CMA.3, annex, para. 11*)

3.4. Resignation, suspension and termination of membership

18. If a member or alternate member resigns or is otherwise unable to continue as a member or alternate member, the Supervisory Body may decide, bearing in mind the proximity to the next session of the CMA, to appoint a replacement member or replacement alternate member from the same constituency to serve the remainder of the term on the basis of a nomination from the relevant constituency, in which case the appointment shall count as one term. (*decision 3/CMA.3, annex, para. 12*)
19. The Supervisory Body shall request the relevant constituency to nominate the new member, or the new alternate member, to be appointed in accordance with paragraph 18 above.
20. Members and alternate members may be suspended, or their membership terminated by the CMA, if:
- (a) They fail to comply with paragraph 25 below or the oath of service referred to in paragraph 30 below;
 - (b) They fail to attend two consecutive meetings without proper justification. (*decision 3/CMA.3, annex, para. 13*)
21. The Supervisory Body may suspend the membership of a particular member or alternate member and recommend to the CMA the termination of their membership for any of the reasons listed in paragraph 20 above or for failing to comply with the provisions in section 4 below.
22. Any motion calling for the suspension of, and recommendation to the CMA to terminate, the membership of a member or an alternate member shall immediately be considered in accordance with section 7 below. When such a motion and recommendation concern the Chair, the Vice-Chair shall act as Chair until the decision on the motion has been announced.
23. The Supervisory Body shall suspend and recommend termination of the membership of a member or an alternate member only after the member or the alternate member has been afforded the opportunity of a hearing by the Supervisory Body.

4. Duties and conduct

24. Members and alternate members shall be bound by the rules of procedure of the Supervisory Body.

4.1. Code of conduct

25. Members and alternate members shall perform any duties and exercise any authority in an honourable, independent, impartial and conscientious manner as follows:
- (a) Members and alternate members shall observe at all times and from the date of their election the highest standards of ethical conduct in the performance of their

duties and functions as outlined below. Such duties and functions shall be performed in accordance with the Charter of the United Nations and the rules of procedure of the Supervisory Body;

- (b) Members and alternate members shall treat all persons involved in the meetings and processes of the Supervisory Body with dignity and respect and to conduct themselves in line with the values of the United Nations;
- (c) Members and alternate members shall not abuse their authority or directly or indirectly accept, offer or provide any gift, advantage or reward that can be reasonably perceived as intended to influence the performance of their functions and their independence;
- (d) Members and alternate members shall not engage in any form of discrimination or harassment, including sexual harassment.

4.2. Conflict of interest

26. Members and alternate members shall avoid actual, potential and perceived conflicts of interest and shall:
- (a) Declare any actual, potential or perceived conflict of interest at the start of a meeting;
 - (b) Refrain from participating in any work of the Supervisory Body, including decision-making, in relation to which they have an actual, potential or perceived conflict of interest;
 - (c) Refrain from behaviour that may be incompatible with the requirements of independence and impartiality. (*decision 3/CMA.3, annex, para. 15*)
27. Members and alternate members shall have no pecuniary or financial interest in any aspect of a mechanism activity, any designated operational entity, or any matters considered by the Supervisory Body. The Supervisory Body shall take measures to mitigate these risks, such as developing provisions for financial disclosure by members and alternate members.
28. Members and alternate members shall make available their curricula vitae and details of any past and current professional affiliations with the secretariat for publication on the UNFCCC website and shall inform the secretariat of any changes thereto.

4.3. Confidentiality

29. Members and alternate members shall ensure confidentiality, in line with relevant best practice and decisions of the CMA and the Supervisory Body. (*decision 3/CMA.3, annex, para. 16*)

4.4. Oath of service

30. Members and alternate members shall take a written oath of service witnessed by the Executive Secretary of the UNFCCC or their authorized representative before assuming their duties. The text of the written oath of service is contained in the appendix.

31. Electronic submission of the signed oath of service by members and alternates is sufficient to fulfil the requirements of these rules of procedure.

5. Chair and Vice-Chair

32. Each year, the Supervisory Body shall elect a Chair and a Vice-Chair from among its members. The Chair and the Vice-Chair shall remain in office until their successors have been elected. (*decision 3/CMA.3, annex, para. 18*) In this context, the Supervisory Body shall take fully into account the consideration of regional and gender balance.
33. The Secretary of the Supervisory Body shall preside over the opening of the first meeting of a calendar year and conduct the election of the new Chair and Vice-Chair.
34. If the elected Chair is not able to serve in that capacity at a meeting, the Vice-Chair shall serve as Chair. If neither is able to serve in their respective capacity, the Supervisory Body shall elect a member from among those present to serve as Chair for that meeting.
35. If the Chair or the Vice-Chair is unable to complete their term of office, the Supervisory Body shall elect a new Chair or Vice-Chair from among its members for the remainder of the term.
36. In addition to exercising the functions conferred upon the Chair elsewhere in these rules, the Chair shall declare the opening and closing of meetings, preside over meetings, ensure the observance of these rules, give the right to speak, put questions to a vote and announce decisions. The Chair shall rule on points of order and, subject to these rules, have complete control of the proceedings and over the maintenance of order at meetings.
37. The Chair may propose to the Supervisory Body a limitation on allowed speaking time and on the number of times each member or alternate member may speak on a question, the adjournment or closure of the debate or the suspension or adjournment of a meeting.
38. The Chair, the Vice-Chair or any other member or alternate member designated by the Supervisory Body shall represent the Supervisory Body as necessary, including to report to the CMA at its sessions and to manage the public communications of the Supervisory Body, including with stakeholders.

6. Meetings

6.1. Dates and venue

39. The Supervisory Body shall meet with the frequency and at times and locations agreed by it, taking into account the need for efficient use of resources and proximity to the dates of sessions of the UNFCCC governing and subsidiary bodies.
40. The meetings of the Supervisory Body shall take place in the country of the seat of the secretariat unless otherwise decided by the Supervisory Body and subject to the necessary arrangements being made by the secretariat in consultation with the Chair.
41. At the first Supervisory Body meeting of each calendar year, the Chair shall propose for the approval of the Supervisory Body a schedule of meetings for that calendar year.

42. If changes to the schedule or additional meetings are required, the Chair shall, after consultation with all members, give notice of any changes to the dates of scheduled meetings and the dates of any additional meetings.
43. The secretariat, in consultation with the Chair, shall give notice of the date of each meeting of the Supervisory Body not less than eight weeks prior to the meeting.
44. Members and alternate members may participate in meetings in-person or virtually. Both means of participation shall confer the same rights and responsibilities at meetings.
45. If all members and alternate members participate in a meeting virtually, any decisions taken by the Supervisory Body shall be deemed to have been taken at the seat of the secretariat in Bonn, Germany.

6.2. Quorum

46. At least three fourths of the members, including alternate members only when they are acting as members, shall constitute a quorum for meetings of the Supervisory Body. (*decision 3/CMA.3, annex, para. 17*)
47. The virtual participation of a member or an alternate member acting as a member in a meeting counts towards a quorum for the meeting.

6.3. Agenda and documentation for meetings

48. Additions or changes to the provisional agenda for a meeting may be proposed to the secretariat by any member or alternate member and incorporated in the proposed agenda, provided that the member or alternate member gives notice thereof to the secretariat not less than four weeks before the meeting. The proposed agenda for the meeting shall be transmitted by the secretariat to all those invited to the meeting three weeks before the meeting.
49. The Supervisory Body shall, at the beginning of each meeting, adopt the agenda for the meeting.
50. Any item on the agenda for a meeting of the Supervisory Body, the consideration of which has not been completed at that meeting, shall be included automatically in the provisional agenda for the next meeting, unless otherwise decided by the Supervisory Body.
51. All documentation for a meeting of the Supervisory Body shall be made available to members and alternate members by the secretariat at least two weeks before the meeting unless otherwise decided by the Chair.
52. The Supervisory Body shall receive public comments, including from stakeholders, on meeting documentation until one week prior to the meeting, unless otherwise decided by the Chair.

6.4. Transparency

53. Meetings of the Supervisory Body shall be open to the public, including via electronic means, and a recording shall be made available via electronic means unless closed for reasons of confidentiality. (*decision 3/CMA.3, annex, para. 19*)

54. Documents for meetings of the Supervisory Body shall be made publicly available, unless they are confidential. (*decision 3/CMA.3, annex, para. 20*)
55. The Supervisory Body shall ensure transparency of decision-making and make publicly available its decision-making framework and decisions, including standards, procedures and related documents. (*decision 3/CMA.3, annex, para. 21*)

6.5. Participation of observers in meetings

56. Meetings of the Supervisory Body shall be open to attendance, as observers, by any Party or UNFCCC-admitted observer organization, unless closed for reasons of confidentiality.
57. The Supervisory Body may, in the interests of economy and efficiency, decide to limit the physical attendance of observers at its meetings.
58. Observers may, upon invitation by the Supervisory Body, make presentations relating to matters under consideration by the Supervisory Body at its meetings.
59. The Supervisory Body may invite specific stakeholders to a meeting to seek their views on specific items on the agenda for the meeting.

6.6. Record of meetings

60. The Supervisory Body shall adopt reports on its meetings and make them publicly available. (*decision 3/CMA.3, annex, para. 23*) The reports may reflect divergent views expressed by members and alternate members on the matters considered at the meetings.
61. The Supervisory Body may, separately from the reports referred to in paragraph 60 above, prepare internal reports to contain confidential information relating to the outcome of its meetings.
62. Before the end of each meeting, the Chair shall present draft conclusions and decisions taken at the meeting for consideration and approval by the Supervisory Body. Any written records of the Supervisory Body or recordings of proceedings shall be kept by the secretariat in accordance with United Nations rules and regulations.

7. Decision-making

7.1. General

63. Decisions of the Supervisory Body shall be taken by consensus whenever possible. If all efforts at reaching consensus have been exhausted, decisions shall be put to vote and adopted by a majority of three fourths of the members, including alternate members only when they are acting as members, present and voting. (*decision 3/CMA.3, annex, para. 22*)
64. Alternate members shall participate in all the proceedings of meetings of the Supervisory Body except for the voting referred to in paragraph 66 below.
65. The Chair shall ascertain, in their judgement, whether consensus has been reached. The Chair shall declare that consensus has not been reached if there is a stated objection by

a member, or by an alternate member acting as a member, to the proposed decision under consideration.

66. If all efforts at reaching consensus have been exhausted, as a last resort the following voting procedures shall apply:
- (a) The Chair shall announce that the matter will be put to a vote and provide a draft decision;
 - (b) Each member shall have one vote;
 - (c) The phrase “members present and voting” means members present at the meeting at which the voting takes place and casting an affirmative or negative vote;
 - (d) Members abstaining from voting shall be considered as not voting for the purpose of determining the three fourths majority;
 - (e) An alternate member may cast a vote only if acting as a member;
 - (f) The Chair and the Vice-Chair shall retain their right to vote.

7.2. Electronic decision-making

67. The Supervisory Body may, in writing using electronic means, take decisions between meetings. The following electronic decision-making rules shall apply:
- (a) Whenever, in the judgement of the Chair, a decision must be taken by the Supervisory Body that cannot be postponed until its next meeting, the Chair shall transmit to each member a proposed decision with an invitation to approve it by consensus. Together with the proposed decision, the Chair shall provide, subject to the applicable confidentiality requirements, the relevant facts that, in the Chair’s judgement, justification for the decision-making by electronic means and the proposed decision;
 - (b) The proposed decision shall be transmitted in the form of an electronic written message to all members of the Supervisory Body. A quorum of the Supervisory Body is required through confirmation of receipt of the message. Such message shall also be transmitted to alternate members for information;
 - (c) Members shall be given two weeks from the date of receipt of the proposed decision to provide comments. Alternate members may also provide comments, recognizing that they do not have the right to vote. The comments shall be made available in the form of an electronic written message to all members and alternate members;
 - (d) At the expiration of the period referred to in subparagraph (c) above, the proposed decision shall be considered approved if there is no objection by any member. If an objection is raised, the Chair shall include consideration of the proposed decision as an item in the proposed agenda for the next meeting of the Supervisory Body and inform the Supervisory Body accordingly.
68. Any decision made using the procedure specified in paragraph 67 above shall be included in the report of the Supervisory Body at its next meeting and shall be deemed to have been taken at the seat of the secretariat in Bonn, Germany.

69. The Supervisory Body may decide to use different processes for decision-making on specific cases in accordance with relevant procedures adopted by the Supervisory Body for the activity cycle, accreditation, methodology development and other specific processes for efficiency in operating the mechanism.

8. Expert groups

70. The Supervisory Body may establish expert groups comprising internal or external experts, such as committees, panels, working groups and/or rosters of experts, as required, to assist it in performing its functions and achieving its objectives. The Supervisory Body may draw on the expertise necessary to perform its functions, including from the UNFCCC roster of experts. In this context, it shall take fully into account the consideration of regional and gender balance.

9. Secretariat

71. Pursuant to Article 17 of the Paris Agreement and in accordance with relevant decisions of the CMA, the secretariat shall serve as the secretariat of the Supervisory Body and perform its functions in the operation of the mechanism in accordance with the rules, modalities and procedures for the mechanism. (*decision 3/CMA.3, annex, para. 25, editorially modified*)
72. The Executive Secretary of the UNFCCC shall arrange for the provision of its staff and services required for the servicing of the Supervisory Body from within available resources. The Executive Secretary shall manage and direct such staff and services and provide appropriate support and advice to the Supervisory Body.
73. An official of the secretariat designated by the Executive Secretary shall serve as the secretary of the Supervisory Body.
74. In addition to the functions specified in the rules, modalities and procedures for the mechanism and/or any subsequent decision of the CMA, the secretariat shall, in accordance with these rules, and subject to the availability of resources:
- (a) Make necessary arrangements for meetings of the Supervisory Body, including announcing meetings, issuing invitations and making available documents for the meetings, including but not limited to receiving, reproducing and distributing these documents to members and alternate members;
 - (b) Maintain meeting records and arrange for the storage and preservation of meeting documents and make them publicly available subject to confidentiality provisions;
 - (c) Maintain a public web-based system containing all decisions, regulatory documents and any other relevant documents adopted by the Supervisory Body subject to confidentiality provisions;
 - (d) Perform all other functions that the Supervisory Body may require or that the CMA may mandate with respect to the work of the Supervisory Body.
75. The rules, regulations, policies and procedures of the secretariat and the United Nations, as applicable, shall apply to all functions performed by the secretariat pursuant to these

rules. In the event of any conflict between such rules, regulations, policies and procedures and these rules, the former shall apply.

10. Working language

- 76. The working language of the Supervisory Body shall be English.
- 77. Documents for meetings of the Supervisory Body shall be provided in English only.

11. Amendments to these rules

- 78. The Supervisory Body may recommend amendments to these rules for consideration and adoption by the CMA.

Appendix. Written oath of service

1. The written oath of service shall read as follows:

“I solemnly declare that I shall perform my duties as a member or an alternate member of the Supervisory Body for the mechanism established by Article 6, paragraph 4, of the Paris Agreement (hereinafter referred to as the mechanism) honourably, faithfully, impartially and conscientiously.

I further solemnly declare and promise that I shall have no financial interest in any aspect of the mechanism, including accreditation of operational entities, registration of activities under the mechanism and/or issuance of Article 6, paragraph 4, emission reductions. Subject to my responsibilities to the Supervisory Body, I shall not disclose, even after the termination of my functions, any confidential or proprietary information that is transferred to the Supervisory Body in accordance with the rules, modalities and procedures for the mechanism, or any other confidential information coming to my knowledge by reason of my duties for the Supervisory Body.

I shall disclose to the Executive Secretary of the United Nations Framework Convention on Climate Change (UNFCCC) and to the Supervisory Body any interest in any matter under discussion by the Supervisory Body that may constitute an actual, potential or perceived conflict of interest or might be incompatible with the requirements of integrity and impartiality expected of a member or an alternate member of the Supervisory Body, and I shall refrain from participating in any work of the Supervisory Body, including decision-making, in relation to such matter.

I shall act in an independent and impartial manner and not in the interest of any particular constituency, government or entity while performing my duties in the Supervisory Body.

As a member or an alternate member of the Supervisory Body, I will, specifically:

- (a) Discharge my duties with honesty and integrity, and full regard for my responsibilities as a member or an alternate member of the Supervisory Body;
- (b) Respect the confidentiality of all confidential information acquired in my position as a member or an alternate member of the Supervisory Body and not make improper use of or disclose such confidential information to third parties;
- (c) Observe the principles of independence and integrity in dealings with other members and alternate members of the Supervisory Body, the UNFCCC secretariat and stakeholders;
- (d) Exercise a conservative approach to deciding whether I have an actual, potential or perceived conflict of interest with respect to any matter under consideration by the Supervisory Body and take appropriate action, which may include remaining silent and/or leaving the room during deliberations and decisions of the Supervisory Body;
- (e) Disclose to the Supervisory Body any actual, potential or perceived conflicts of interest of a direct or indirect nature of which I am aware and which I believe could compromise in any way the reputation or performance of the Supervisory Body;

- (f) Make available to the Executive Secretary of the UNFCCC my curriculum vitae and details of past and current professional affiliations and inform the Executive Secretary of any changes thereto.

I shall abide by the code of conduct referred to in paragraph 25 of the rules of procedure of the Supervisory Body.”

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