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Rules of procedure of the Joint Implementation Supervisory Committee

I. Scope

Rule 1

These rules of procedures shall apply to all activities of the Joint Implementation Supervisory Committee undertaken in accordance with decisions 16/CP.7¹ and 9/CMP.1², and the annexes thereto on guidelines for the implementation of Article 6 of the Kyoto Protocol as well as any other relevant decisions.

II. Definitions

Rule 2

For the purpose of these rules:

1. “Joint Implementation guidelines” means guidelines for the implementation of Article 6 of the Kyoto Protocol contained in the annexes to decisions 16/CP.7 and 9/CMP.1;
2. “UNFCCC” means the United Nations Framework Convention on Climate Change;
3. “COP/MOP” means the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol;
4. “JI” means the mechanism referred to in Article 6 of the Kyoto Protocol;
5. “Joint Implementation Supervisory Committee” is the committee established by decision 10/CMP.1³ and the name given by that decision to the Article 6 Supervisory Committee as defined in the Joint Implementation guidelines adopted by decision 9/CMP.1. Throughout these Rules, “{Joint Implementation} Supervisory Committee” has replaced “Article 6 Supervisory Committee” when the Joint Implementation guidelines are cited;
6. “Chair” and “Vice-Chair” mean the members of the Committee elected as Chair and Vice-Chair by the Committee;
7. “Member” means member of the Committee;
8. “Alternate member” means alternate member of the Committee;
9. “Secretariat” means the secretariat referred to in Article 14 of the Kyoto Protocol and paragraph 19 of the Joint Implementation guidelines;

¹ FCCC/CP/2001/13/Add.2

^{2,3} FCCC/KP/CMP/2005/8/Add.2

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Paragraph 1 (e) of the Joint Implementation guidelines:

10. “Stakeholders” means the public, including individuals, groups or communities affected, or likely to be affected, by the project;

11. For the purpose of rules 21 and 22, Parties to the Convention that are not Parties to the Kyoto Protocol may exercise the same rights as all other observers.

III. Members and alternate members

A. Nomination, election and re-election

Rule 3

Paragraph 4 of the Joint Implementation guidelines:

The {Joint Implementation} Supervisory Committee shall comprise 10 members from Parties to the Kyoto Protocol, as follows:

(a) Three members from Parties included in Annex I that are undergoing the process of transition to a market economy;

(b) Three members from Parties included in Annex I not referred to in subparagraph (a);

(c) Three members from Parties not included in Annex I;

(d) One member from the small island developing States.

Rule 4

Paragraph 5 of the Joint Implementation guidelines:

1. Members, including alternate members, of the {Joint Implementation} Supervisory Committee shall be nominated by the relevant constituencies referred to in paragraph 4 {of the Joint Implementation guidelines} and be elected by the COP/MOP. The COP/MOP shall elect to the {Joint Implementation} Supervisory Committee five members and five alternate members for a term of two years and five members and five alternate members for a term of three years. Thereafter, the COP/MOP shall elect, every year, five new members and five alternate members for a term of two years. Appointment pursuant to paragraph 12 {of the Joint Implementation guidelines} shall count as one term. The members and alternate members shall remain in office until their successors are elected.

Paragraph 6 of the Joint Implementation guidelines:

2. Members of the {Joint Implementation} Supervisory Committee may be eligible to serve a maximum of two consecutive terms. Terms as alternate members do not count.

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Paragraph 10 (a) and (d) of the Joint Implementation guidelines:

3. Members, including alternate members, of the {Joint Implementation} Supervisory Committee shall:

(a) Serve in their personal capacities and shall have recognized competence relating to climate change issues and in relevant technical and policy fields;

...

(d) Be bound by the rules of procedure of the {Joint Implementation} Supervisory Committee.

4. The term of service of a member, or an alternate member, shall start at the first meeting of the Committee in the calendar year following his/her election and shall end immediately before the first meeting of the Committee in the calendar year in which the term ends.

Rule 5

Paragraph 8 of the Joint Implementation guidelines:

1. The COP/MOP shall elect an alternate member for each member of the {Joint Implementation} Supervisory Committee based on the criteria in paragraphs 4, 5 and 6 {of the Joint Implementation guidelines}. The nomination by a constituency of a candidate member shall be accompanied by a nomination of a candidate alternate member from the same constituency.

2. Any reference in these rules to a member shall be deemed to include his/her alternate when such alternate acts for the member.

3. In the absence of a member from a meeting of the Committee, his/her alternate shall serve as the member for that meeting.

Rule 6

Paragraph 10 (a) of the Joint Implementation guidelines:

1. The cost of participation of members and of alternate members from developing country Parties and other Parties eligible under UNFCCC practice shall be covered by the budget for the {Joint Implementation} Supervisory Committee.

2. Funding for participation shall be provided in accordance with the financial regulations of the United Nations and the financial procedures of the UNFCCC.

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B. Suspension, termination and resignation

Rule 7

Paragraph 11 of the Joint Implementation guidelines:

1. The {Joint Implementation} Supervisory Committee may suspend and recommend to the COP/MOP the termination of the membership of a particular member, including an alternate member, for cause including, inter alia, breach of the conflict of interest provisions, breach of the confidentiality provisions, or failure to attend two consecutive meetings of the {Joint Implementation} Supervisory Committee without proper justification.

2. Any motion calling for the suspension of, and recommendation to the COP/MOP to terminate the membership of, a member, or an alternate member, shall immediately be put to the vote in accordance with the voting rules in chapter V below. When the motion concerns the suspension of, and recommendation to the COP/MOP to terminate the membership of, the Chair, the Vice-Chair shall act as the Chair until the voting has been conducted and its result announced.

3. The Committee 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 Committee in a meeting.

Rule 8

Paragraph 12 of the Joint Implementation guidelines:

1. If a member, or an alternate member, of the {Joint Implementation} Supervisory Committee resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, the {Joint Implementation} Supervisory Committee may decide, bearing in mind the proximity of the next session of the COP/MOP, to appoint another member, or an alternate member, from the same constituency to replace the said member for the remainder of that member's mandate. In such a case, the {Joint Implementation} Supervisory Committee shall take into account any views expressed by the group that had nominated the member.

2. The Committee shall request the relevant constituency to nominate the new member, or the new alternate member, to be appointed in accordance with paragraph 1 of this rule.

C. Conflict of interest and confidentiality

Rule 9

Paragraph 10 (b) of the Joint Implementation guidelines:

1. {Members, including alternate members, of the Joint Implementation Supervisory Committee shall} {h}ave no pecuniary or financial interest in any aspect of an Article 6 project.

2. Members, including alternate members, of the Committee shall have no pecuniary or financial interest in any accredited independent entity, or any designated operational entity acting provisionally as an accredited independent entity.

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Rule 10

Paragraph 10 (e) of the Joint Implementation guidelines:

1. {Members, including alternate members, of the Joint Implementation Supervisory Committee shall} {t}ake a written oath of service witnessed by the Executive Secretary of the UNFCCC or his/her authorized representative before assuming his or her duties.

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

”I solemnly declare that I will perform my duties as a member/alternate member of the Joint Implementation Supervisory Committee honourably, faithfully, impartially and conscientiously.

“I further solemnly declare and promise that I now do not have and shall not have any financial interest in any aspect of joint implementation, including accreditation of independent entities. I will not disclose, even after the termination of my functions, any confidential or proprietary information which is transferred to the Joint Implementation Supervisory Committee in accordance with the guidelines for the implementation of Article 6 of the Kyoto Protocol, or any other confidential information coming to my knowledge by reason of my duties for the Joint Implementation Supervisory Committee.

“I will disclose to the Executive Secretary of the United Nations Framework Convention on Climate Change and to the Joint Implementation Supervisory Committee any direct and indirect interest whatsoever that I or my immediate family have in any matter under discussion by the Joint Implementation Supervisory Committee which may constitute a conflict of interest or which may be incompatible with the requirements of integrity and impartiality expected of a member/alternate member of the Joint Implementation Supervisory Committee and I will refrain from participating in the work of the Joint Implementation Supervisory Committee in relation to any such matter.

“I further solemnly declare and promise that in case of any doubt as to whether there is an issue under the preceding paragraphs of this Declaration I shall disclose the full facts to the Executive Secretary of the United Nations Framework Convention on Climate Change.”

Rule 11

Paragraph 10 (c) of the Joint Implementation guidelines:

1. {Members, including alternate members, of the Joint Implementation Supervisory Committee shall} {s} subject to their responsibility to the {Joint Implementation} Supervisory Committee, not disclose any confidential or proprietary information coming to their knowledge by reason of their duties for the {Joint Implementation} Supervisory Committee. The duty of a member, including an alternate member, not to disclose confidential information constitutes an obligation in respect to that member, including an alternate member, and shall remain an obligation after the expiration or termination of that member’s, including an alternate member’s, function for the {Joint Implementation} Supervisory Committee.

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Paragraph 40 of the Joint Implementation guidelines:

2. Information obtained {by members, and alternate members} from project participants marked as proprietary or confidential shall not be disclosed without the written consent of the provider of the information, except as required by applicable national law of the host Party. Information used to determine whether reductions in anthropogenic emissions by sources or enhancements of anthropogenic removals by sinks are additional, to describe the baseline methodology and its application, and to support an environmental impact assessment referred to in paragraph 33 (d) {of the Joint Implementation guidelines}, shall not be considered as proprietary or confidential.

D. Officers

Rule 12

Paragraph 7 of the Joint Implementation guidelines:

1. The {Joint Implementation} Supervisory Committee shall elect annually a Chairperson and Vice-Chairperson from among its members, with one being from a Party included in Annex I and the other being from a Party not included in Annex I. The positions of Chairperson and Vice-Chairperson shall alternate annually between a member from a Party included in Annex I and a member from a Party not included in Annex I.

2. At the first Committee meeting of each calendar year, the Committee shall elect a Chair and a Vice-Chair from among its members. The secretary of the Committee as defined in rule 30 shall preside over the opening of the first Committee meeting of each calendar year and conduct the election of the new Chair and Vice-Chair.

Rule 13

1. The Chair and Vice-Chair shall serve in their respective capacities at any meeting of the Joint Implementation Supervisory Committee.

2. If the elected Chair is not able to serve in that capacity for a meeting, the Vice-Chair shall serve as the Chair. If both are unable to serve in their respective capacities, the Committee shall elect a member from among its members present to serve as the Chair for that meeting.

3. If the Chair or Vice-Chair ceases to be able to carry out his or her functions, or ceases to be a member, a new Chair or Vice-Chair shall be elected for the remainder of the term.

Rule 14

1. The Chair shall preside over the meetings of the Joint Implementation Supervisory Committee as provided for under this rule.

2. In addition to exercising the functions conferred upon the Chair elsewhere by these rules, the Chair shall declare the opening and closing of meetings, preside at meetings, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chair shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order at the meeting.

3. The Chair may propose to the Committee a limitation on the time to be allowed to speakers and on the number of times each member may speak on a question, the adjournment or closure of the debate and the suspension or adjournment of a meeting.

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4. The Chair, or any other member designated by the Committee, shall represent the Committee as necessary, including at sessions of the COP/MOP.

IV. Meetings

A. Dates

Rule 15

Paragraph 9 of the Joint Implementation guidelines:

The {Joint Implementation} Supervisory Committee shall meet at least two times each year, whenever possible in conjunction with the meetings of the subsidiary bodies, unless decided otherwise.

Rule 16

1. At the first Joint Implementation Supervisory Committee meeting of each calendar year, the Chair shall propose for the approval of the Committee a schedule of meetings for that calendar year.
2. If changes to the schedule or additional meetings are required, the Chair shall, after consultations with all members, give notice of any changes in the dates of scheduled meetings, and/or of the dates of additional meetings.

Rule 17

1. The Chair shall convene and give notice of the date of each meeting of the Joint Implementation Supervisory Committee, if possible not less than eight weeks prior to the date of such meeting.
2. The secretariat shall promptly notify all those invited to the meeting.

B. Venue

Rule 18

Meetings of the Joint Implementation Supervisory Committee held in conjunction with sessions of the subsidiary bodies shall be held at the same location as the sessions of these bodies. Other meetings of the Committee shall take place at the location of the secretariat, unless the Committee decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the Chair.

C. Agenda

Rule 19

1. The Chair, assisted by the secretariat, shall draft the provisional agenda of each meeting of the Joint Implementation Supervisory Committee and transmit a copy of such provisional agenda, agreed upon by the Committee at its previous meeting, to all those invited to the meeting.

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2. Additions or changes to the provisional agenda of 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, shall give notice thereof to the secretariat not less than four weeks before the date set for the opening of 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 date set for the opening of the meeting.
3. The Committee shall, at the beginning of each meeting, adopt the agenda for the meeting.
4. Any item included on the agenda for a meeting of the Committee, consideration of which has not been completed at that meeting, shall automatically be included on the provisional agenda for the next meeting, unless otherwise decided by the Committee.

D. Documentation

Rule 20

1. All documentation for a Joint Implementation Supervisory Committee meeting shall be made available to members and alternate members through the secretariat at least two weeks before the meeting.
2. Documentation shall be made publicly available by the secretariat via the Internet soon after transmission to members and alternate members. Availability of such documentation shall be subject to confidentiality provisions.

E. Transparency

Rule 21

Subject to the need to protect confidential information, the principle of transparency should apply to all the work of the Joint Implementation Supervisory Committee, encompassing the timely public availability of documentation and channels through which external comments by all Parties and all UNFCCC accredited observers and stakeholders can be submitted for consideration by the Committee. The posting of the proceedings of the Committee's meetings on the Internet is one way to ensure transparency.

F. Attendance

Rule 22

Paragraph 18 of the Joint Implementation guidelines:

1. Meetings of the {Joint Implementation} Supervisory Committee shall be open to attendance, as observers, by all Parties and by all UNFCCC accredited observers and stakeholders, except where otherwise decided by the {Joint Implementation} Supervisory Committee.
2. In the context of paragraph 1 above, the Committee may decide, in the interests of economy and efficiency, to limit physical attendance at its meetings to members, alternate members and secretariat support staff. In such instances, the Committee shall take all practicable steps to accommodate in other ways the interests of Parties, non-Parties to the Kyoto Protocol that are Parties to the Convention and accredited UNFCCC observers and stakeholders to observe its proceedings, except when the Committee decides to close all or a portion of a meeting.

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3. Observers may, upon invitation by the Committee, make presentations relating to matters under consideration by the Committee.

G. Quorum

Rule 23

Paragraph 14 of the Joint Implementation guidelines:

At least two thirds of the members of the {Joint Implementation} Supervisory Committee, representing a majority of members from Parties included in Annex I and a majority of members from Parties not included in Annex I, must be present to constitute a quorum.

V. Voting

Rule 24

Paragraph 15 of the Joint Implementation guidelines:

1. Decisions by the {Joint Implementation} Supervisory Committee shall be taken by consensus, whenever possible. If all efforts at reaching a consensus have been exhausted and no agreement has been reached, decisions shall as a last resort be adopted by a three-fourths majority vote of the members present and voting at the meeting. Members abstaining from voting shall be considered as not voting.

2. The Chair shall ascertain whether consensus has been reached. The Chair shall declare that a consensus does not exist if there is a stated objection by a member of the Committee or by an alternate member acting for a member to the proposed decision under consideration.

3. Each member shall have one vote.

4. Alternate members may participate in the proceedings of the Committee without the right to vote. An alternate member may cast a vote only if acting for the member.

Rule 25

1. Whenever, in the judgment of the Chair, a decision must be taken by the Joint Implementation Supervisory Committee which cannot be postponed until the next meeting of the Committee, the Chair shall transmit to each member a proposed decision, with an invitation to approve the decision 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, justify decision-making pursuant to this rule 25. The proposed decision shall be transmitted in the form of an electronic message through the listserv of the Committee. A quorum of the Committee is required to confirm the receipt of the message. Such message shall also be transmitted to alternate members for information.

2. Members, and/or alternate members, shall be given two weeks from the date of receipt of the proposed decision for comments. These comments shall be made available to members and alternate members via the Committee listserv.

3. At the expiration of the period referred to in paragraph 2 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 on the proposed agenda for the next meeting of the Committee and inform the Committee accordingly.

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4. Any decision made using the procedure specified in paragraphs 1 to 3 of this rule shall be included in the report of the Committee at its next meeting and shall be deemed to have been taken at the seat of the UNFCCC secretariat in Bonn, Germany.

VI. Languages

Rule 26

Paragraph 16 of the Joint Implementation guidelines:

1. The full text of all decisions of the {Joint Implementation} Supervisory Committee shall be made publicly available. Decisions shall be made available in all six official languages of the United Nations.

Paragraph 17 of the Joint Implementation guidelines:

2. The working language of the {Joint Implementation} Supervisory Committee shall be English.

VII. Expertise

Rule 27

Paragraph 13 of the Joint Implementation guidelines:

1. The {Joint Implementation} Supervisory Committee shall draw on the expertise necessary to perform its functions, in particular taking into account national accreditation procedures.

2. The Committee may establish subcommittees, panels or working groups to assist it in performing its functions.

VIII. Secretariat

Rule 28

Paragraph 19 of the Joint Implementation guidelines:

The secretariat shall service the {Joint Implementation} Supervisory Committee.

Rule 29

The Executive Secretary of the UNFCCC shall arrange for the provision of staff and services required for the servicing of the Joint Implementation Supervisory Committee from within available resources. The Executive Secretary shall manage and direct such staff and services and provide appropriate support and advice to the Committee.

Rule 30

An official of the secretariat designated by the Executive Secretary shall serve as secretary to the Joint Implementation Supervisory Committee.

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Rule 31

In addition to the functions specified in the Joint Implementation guidelines and/or any subsequent decision by the COP/MOP, the secretariat shall, in accordance with these rules, and subject to the availability of resources:

- (a) Receive, reproduce and distribute to members and alternate members the documents of a meeting;
- (b) Receive and translate decisions into all six official languages of the United Nations and make publicly available the full texts of all decisions of the Joint Implementation Supervisory Committee;
- (c) Assist the Committee in fulfilling tasks relating to the maintenance of files and the collection, processing and public availability of information;
- (d) Perform all other work that the Committee may require.

Rule 32

The financial regulations of the United Nations and the financial procedures of the UNFCCC shall apply.

IX. Conduct of business

Rule 33

The Joint Implementation Supervisory Committee shall undertake any tasks assigned to it by decision 16/CP.7, in accordance with the Joint Implementation guidelines, and by any subsequent decision taken by the COP/MOP.

Rule 34

1. The Joint Implementation Supervisory Committee, and the secretariat, in its mandated role of support to the Committee, may use electronic means for transmission and storage of documentation.
2. The documentation submitted using electronic means is subject to the transparency and confidentiality provisions of the Joint Implementation guidelines. In submitting any documentation through electronic means (e.g. the UNFCCC JI web site), the submitter shall acknowledge that he or she has read the relevant procedures and agrees to be bound by the terms and conditions of submission of documentation, including with respect to the submitter's sole responsibility for the content of his or her submission and the waiver of all claims associated with use of electronic means of submitting and transmitting documentation.
3. The Committee shall not be made responsible for any claim or loss arising from the transmission, storage or use of documentation obtained through electronic means. Neither the confidentiality nor the integrity of the documentation submitted can be guaranteed following electronic transmission and storage.

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X. Record of the meeting

Rule 35

Before the end of each meeting, the Chair shall present draft conclusions and decisions of the meeting for consideration and approval by the Joint Implementation Supervisory Committee. Any written records of the Committee or recordings of proceedings shall be kept by the secretariat in accordance with United Nations rules and regulations.

XI. Amendments to the rules

Rule 36

Paragraph 3 (g) of the Joint Implementation guidelines:

1. {The Joint Implementation Supervisory Committee shall be responsible for} {t}he elaboration of any rules of procedure additional to those contained in the {Joint Implementation guidelines}, for consideration by the COP/MOP.

2. Further to any action under paragraph 1 of this rule, the Committee may also make recommendations to the COP/MOP on any amendments or additions to the rules of procedure of the Committee.
