

JI-JISC38-AA-A03

Draft Recommendation

Review of the joint implementation guidelines – recommendation to the SBI

Version 01.0

DRAFT



United Nations
Framework Convention on
Climate Change

COVER NOTE

1. Procedural background

1. The Conference of the Parties serving as meeting of the Parties to the Kyoto Protocol (CMP) in decision 6/CMP.8, paragraphs 14-16 requested the Subsidiary Body for Implementation (SBI), at its thirty-eighth session, to prepare recommendations, including draft revised joint implementation guidelines, for consideration by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its ninth session;
2. The draft revised joint implementation guidelines are being developed by the SBI and will next be considered at its forty fourth session (May 2016), on the basis of a draft decision text (the draft joint implementation modalities and procedures)¹.
3. In paragraph 4 of decision 7/CMP.11, the CMP requested the Joint Implementation Supervisory Committee (JISC) *“to submit recommendations for consideration by the Subsidiary Body of Implementation (SBI) at its forty fourth session (May 216) on actions that would be necessary to implement the draft joint implementation modalities and procedures², including changes to:*
 - (a) *The rules of procedure of the Joint Implementation Supervisory Committee ad adopted by decision 3/CMP.5;*
 - (b) *Provisions under other decisions of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol relating to joint implementation”;*

2. Purpose

4. The draft recommendations provide the JISC with a basis for meeting the CMP mandate referred to in paragraph 3.

3. Key issues and proposed solutions

5. In order to meet the CMP mandate, the draft recommendations below are divided in three parts:
 - (a) Consideration of aspects of the draft joint implementation modalities and procedures (draft JI M&P) that create implementation issues;
 - (b) The changes that would be necessary to the rules of procedure of the JISC (RoP) in a marked up version of the current applicable RoP if the draft JI M&P were adopted in their current form (after resolution of remaining square brackets);

¹ FCCC/SBI/2015/L.30.

² FCCC/SBI/2015/L.30.

- (c) A high level assessment of the previous CMP decisions relating to JI that would still be relevant to JI after adoption of the draft JI M&P, if adopted in their current form (after resolution of remaining square brackets).
- 6. Based on the analysis, draft recommendations from the JISC to the SBI have been elaborated.
- 4. Subsequent work and timelines**
- 7. In accordance with the CMP mandate, once adopted by the JISC, the JISC recommendations are to be considered by the SBI at its forty-fourth session.
- 5. Recommendations to the JISC**
- 8. The JISC may wish to consider the draft recommendations, amend them as required, and adopt them for inclusion as an annex to the report of its thirty eighth meeting.

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1. Recommendations to the Subsidiary Body for Implementation on actions that would be necessary to implement the draft joint implementation modalities and procedures

1.1. Procedural background

1. By its decision 6/CMP.8, paragraphs 14–16, the Conference of the Parties serving as meeting of the Parties to the Kyoto Protocol (CMP) requested the Subsidiary Body for Implementation (SBI), at its thirty-eighth session, to prepare recommendations, including draft revised joint implementation guidelines, for consideration by the CMP at its ninth session.
2. At its forty-third session, the SBI considered the review of the joint implementation guidelines under agenda sub-item 5(b) and agreed to continue its consideration of this matter at its forty-fourth session (May 2016) on the basis of the draft decision text contained in the annex to document FCCC/SBI/2015/L.30. The annex contains a draft decision text (the adopting decision) adopting the draft joint implementation modalities and procedures (the draft JI M&P).
3. In paragraph 4 of decision 7/CMP.11, the CMP requested the Joint Implementation Supervisory Committee (JISC) to submit recommendations for consideration by the SBI at its forty-fourth session (May 2016) on actions that would be necessary to implement the draft joint implementation modalities and procedures,³ including changes to:
 - (a) The rules of procedure of the Joint Implementation Supervisory Committee as adopted by decision 3/CMP.5;
 - (b) Provisions under other decisions of the CMP relating to joint implementation.
4. The substantive content of this document is in three parts:
 - (a) Consideration of aspects of the draft joint implementation modalities and procedures (draft JI M&P) that create implementation issues;
 - (b) The changes that would be necessary to the rules of procedure of the JISC (RoP) in a marked up version of the current applicable RoP (Appendix) if the draft JI M&P were adopted in their current form (after resolution of remaining square brackets);
 - (c) A high level assessment of the previous CMP decisions relating to JI that would still be relevant to JI after adoption of the draft JI M&P, if adopted in their current form (after resolution of remaining square brackets).

³ FCCC/SBI/2015/L.30.

1.2. Consideration of aspects of the current draft joint implementation modalities and procedures (draft JI M&P) and recommendation to the SBI.

5. Implementation issues were identified in the draft adopting decision on the draft joint implementation modalities and procedures and in the draft JI M&P annexed thereto (draft JI M&P).

1.2.1. Issues identified in the draft decision adopting the draft joint implementation modalities and procedures

6. **Transition provisions for membership.** There are no provisions relating to the transition of members from the existing JISC to the new JISC. These transition provisions would need to terminate the membership of those JISC members and alternates who are in the middle of a two-year term at the time of the adoption of the CMP decision and appoint the new members, and could thank the outgoing members and alternates. Relevant draft texts were included in an earlier version of the draft decision at previous sessions of the SBI (see in-session texts for SBI 39).⁴

7. **Conformity with definitions, accounting rules, modalities and guidelines under article 3, paragraphs 3 and 4 of the Kyoto Protocol.** There are no provisions in the draft decision (or in the draft JI M&P) that specify that JI activities must conform to definitions, accounting rules, modalities and guidelines under Article 3, paragraphs 3 and 4, of the Kyoto Protocol.

8. **Provisions related to administrative costs.** There are no provisions that specify that administrative costs arising from the JI M&P should be borne by Parties and project participants in accordance with rules to be adopted by the CMP (e.g. provisions on fees), as is the case with the decision on the JI guidelines (decision 9/CMP.1, para 7).

9. **Provisions for review.** There are no provisions for the review (periodic or ongoing) of the JI M&P following adoption, with the current draft JI M&P covering only revisions to the rules of procedure and other specific rules based on recommendations from the JISC (see paras. 7 and 14 of the draft JI M&P). While a further wholesale review process is unlikely to be necessary, a provision specifically mandating the JISC to propose improvements to the JI M&P could be useful.

10. **Duplicating mandate in decision 7/CMP.11.** Paragraph 6 of the draft decision risks duplicating the current mandate in decision 7/CMP.11, paragraph 4.

11. **Need to review draft adopting decision after the finalisation of the draft JI M&P.** Because of the considerable time that has passed during the development of the draft JI M&P, the accompanying decision should be carefully checked after the finalisation of the draft JI M&P in order to ensure there are no redundant or conflicting provisions.

1.2.2. Issues identified in the draft joint implementation modalities and procedures

12. **Regional balance in membership:** paragraph 16 of the draft JI M&P establishes a 20-member, no-alternate JISC composed of:

- (a) Six members from Parties included in Annex I to the Convention (Annex I Parties) undergoing the process of transition to a market economy;

⁴ <http://unfccc.int/files/adaptation/application/pdf/sbi39_i7b_decision_16nov2013t1600.pdf>.

- (b) Six members from other Annex I Parties, six members from Parties not included in Annex I to the Convention (non-Annex I Parties); and
 - (c) Two members from small island developing States.
- 13. This draft membership is double the number in the current JI guidelines. It should be noted that there are now six seats for a group of Parties that has relatively few members in real terms (Annex I Parties undergoing the process of transition to a market economy). It may, therefore, be perceived that the membership structure is unduly focussed towards a small sub set of Parties.
- 14. **Overall quorum and regional quorum:** the draft JI M&P establish the following quorum rules (see para. 24 of the draft JI M&P):
 - (a) Three options for an “overall” quorum:
 - (i) Two thirds (14 members out of 20);
 - (ii) One third (7 members out of 20);
 - (iii) One half of members (10 members out of 20);
 - (b) An Annex I Parties “regional” quorum of a majority of members (7 members out of 12);
 - (c) Two options for the “regional” quorum for non-Annex I Parties:
 - (i) A majority (5 out of 8 members);
 - (ii) A quarter of members (2 out of 8 members).
- 15. The relevant options for quorum in the draft text result in quorum rules where the overall quorum and the regional quorum do not match each other. This means that, if implemented as drafted, there is a considerable risk of problems in determining quorum.
- 16. This mismatch between overall quorum and regional quorum raises two different situations:
 - (a) Overall quorum is lower than regional quorum: in this case, the overall quorum becomes apparently irrelevant, and yet is specified; making the status of overall quorum provisions unclear;
 - (b) Overall quorum is higher than regional quorum, which in practice means that regional quorum needs to be supplemented with further unspecified JISC members for the meeting to be considered quorate. This confusion creates ambiguity as to when quorum is met.
- 17. The issue is set out in the table 1 below “Options for overall and regional quorum in the draft JI M&P”, with the consequences noted in the right hand column.

Table 1. Options for overall and regional quorum in the draft JI M&P

Options for overall quorum	Regional quorum for Annex I Parties (membership: 12 (see para. 16 in the draft JI M&P))	Regional quorum for non-Annex I Parties (option 1): majority of members (membership: 8)	Regional quorum for non-Annex I Parties (option 2): a quarter of members (membership: 8)	Consequences
Two thirds (14/20 members)*	7	5		Overall quorum is higher than regional quorum
	7		2	
One third (7/20 members)*	7	5		Overall quorum is lower than regional quorum
	7		2	
One half (10/20 members)*	7	5		Overall quorum is lower than regional quorum
	7		2	Overall quorum is higher than regional quorum

* Under the usual practice for membership, quorum and decision-making in United Nations Framework Convention on Climate Change constituted bodies, where a proportion leads to a number that is not whole, the next higher whole number used.

18. **Higher number of members required to achieve quorum.** Under the draft JI M&P it is worth noting that overall, all options for quorum make it more difficult to achieve quorum as compared to the current membership of 10 members and 10 alternates. This is because the draft JI M&P have removed the alternates and doubled the membership. Currently, under the JI guidelines, two thirds of the 10 members are required to constitute a quorum, which is 7 members. Under the draft JI M&P, the lowest quorum level is 9 members, and the highest is 12. Given the low level of activity in JI, which may continue, indirectly raising the quorum by having only members and no alternates is likely to make it harder to hold a meeting of the JISC⁵.
19. **Voting majority:** In the draft JI M&P, the voting majority is to be two thirds (see paragraph 25 of draft JI M&P). The voting majority is reduced when compared to the current rules (three-fourths majority). However, it should also be noted that in its history the JISC has never voted; all decisions to date were reached by consensus;
20. **Review draft JI M&P to ensure reflection of decision 1/CMP.8.** The provisions in decision 1/CMP.8 relating to the second Kyoto Protocol commitment period and Parties taking on a quantified emission limitation or reduction target are dealt with by a set of placeholders in the draft JI M&P. However, the entire draft JI M&P needs to be reviewed

⁵ With regard to the absence of alternates, please see the analysis by the secretariat of possible changes to the modalities and procedures of the clean development mechanism (see chapter II.A of FCCC/TP/2014/1).

before finalisation for recommendation to the CMP for adoption to ensure that all aspects of that decision are appropriately reflected.

1.2.3. Recommendation to SBI:

21. Based on the analysis above, the JISC recommends the SBI to include provisions and changes in the draft decision adopting the draft joint implementation modalities and procedures regarding the following issues:
 - (a) Transition of members from the existing JISC to the new JISC;
 - (b) Conformity with definitions, accounting rules, modalities and guidelines under article 3, paragraphs 3 and 4 of the Kyoto Protocol;
 - (c) Provisions that specify that administrative costs arising from the JI M&P should be borne by Parties and project participants in accordance with rules to be adopted by the CMP;
 - (d) Provisions for the review (periodic or ongoing) of the JI M&P following adoption;
 - (e) Deletion of paragraph 6.
22. In addition, the JISC recommends the SBI to review the adopting decision once the text of the draft JI M&P is finalised.
23. The JISC recommends the SBI to consider the revision of the rules contained in the draft JI M&Ps relating the following issues:
 - (a) Membership: in particular, the rules related to regional balance and absence of alternates;
 - (b) Overall quorum and regional quora, including in the context of the interrelationship with membership provisions;
 - (c) The voting majority.
24. The JISC further recommends that the SBI should carefully review the draft JI M&P to ensure the reflection of decision 1/CMP.8.

1.3. Changes that would be necessary to the rules of procedure of the JISC (RoP) and recommendation to SBI

1.3.1. Changes necessary to the current RoP if draft JI M&P were adopted

25. The current RoP were adopted by the CMP through decision 3/CMP.5 and contain the RoP that had previously been adopted in decision 9/CMP.1 together with other provisions and definitions, and revisions.
26. The Appendix to this document contains a “tracked-change” version of the RoP as if they were serving as the basis for the RoP contained in the draft JI M&P. However, it should be noted that this appendix should only be a guide until the draft JI M&P are finalised for consideration and adoption by the CMP; until that point, the changes to the RoP that would be needed cannot be considered definitive.

27. It is also worth noting that “newer” constituted bodies under or connected to the UNFCCC process have developed more elaborate rules on issues such as conflicts of interest of members, and a thorough review of the RoP to consider what provisions could be updated to leverage the experience of newer UNFCCC constituted bodies would be useful in due course.

1.3.2. Recommendation to SBI

28. The JISC recommends that the SBI takes into account the amendments to the RoP that would be required if the current draft JI M&P were adopted and to review such amendments after the finalisation of the JI M&P.

1.4. Analysis of provisions under other CMP decisions relating to JI and recommendation to SBI.

1.4.1. Provisions under other CMP decisions relating to JI

29. It should first be noted that although the mandate in paragraph 4 of decision 7/CMP.11 requests a review of changes relating to CMP decisions on JI, there does not appear to be an intention on the part of the CMP to change the existing decisions of the CMP and give them retroactive effect, as this would not make sense in the context of a move from one JI rule set to another.
30. The mandate given by the CMP is, therefore, from a legal perspective, interpreted as a simple request to identify which previous CMP decisions on JI could continue to apply, which could be applied in the context of the new rules (*mutatis mutandis*), and implicitly, those CMP decisions on JI that are not needed for the new JI regime;
31. In this regard, since the adoption of decision 9/CMP.1 the following key CMP decisions relating to JI were adopted. These need to be applied in their entirety, as adopted, insofar as they relate to JI and notwithstanding a new set of JI rules:
- (a) Decision 1/CMP.8 (the adoption of the Doha Amendment);
 - (b) Decision 4/CMP.7 (on the global warming potentials used to calculate emission reductions);
 - (c) Decision 7/CMP.9 (on the expedited eligibility of certain Annex I Parties).
32. The draft adopting decision should stipulate that decision 9/CMP.1 ceases to be applicable or useable for JI;
33. In addition to the above, there are a suite of JI decisions, some of which contain provisions that may be relevant and needed for the implementation of the draft JI M&P. These are decisions 10/CMP.1; 2/CMP.2, 3/CMP.2, 3/CMP.3, 5/CMP.4, 3/CMP.5, 4/CMP.6, 11/CMP.7, 6/CMP.8, 5/CMP.9, 5/CMP.10, 6/CMP.10 and 7/CMP.11;
34. The table below identifies the key provisions that could remain relevant and could be applied directly and specifically to JI under the JI M&P when/if adopted, or by means of a general decision of *mutatis mutandis* application. In general, as can be seen from the list, a general *mutatis mutandis* provision with exclusions (e.g. decisions 9/CMP.1 and 1/CMP.8) would seem to be the most effective approach in order to allow for continued reliance on relevant parts of the JI body of decisions.

Table 2. CMP decisions on JI relevant under the draft JI M&P

Decision	Paragraph	Topic	Application
10/CMP.1	4	Use of clean development mechanism (CDM) methodologies	Source of reliance on CDM methodologies for joint implementation (JI). Continued application enables such continued reliance
	5	Collaboration with the CDM Executive Board, the Compliance Committee, designated focal points and observers	Continued application useful. Would require a mutatis mutandis provision as para. 5 (d) refers to JI guidelines
2/CMP.2	2	Joint Implementation Supervisory Committee (JISC) keeping its rules of procedure (RoP) under review	Continued application useful
3/CMP.2	3–6	JI management plan	Continued approach of JI management plan likely useful. Would require a mutatis mutandis provision as paragraphs are specific to JI guidelines/current JI rules
	10	Nature of executive and supervisory role of JISC	Continued application useful
	14	Thresholds for JI small-scale projects to follow CDM small-scale projects	Continued application may be useful, depending on revisions, if any, to decision 1/CMP.2 (small-scale CDM modalities and procedures)
	16–17	Fee structure	Continued application may be useful
3/CMP.3	4	Publication of information relating to projects on a web-based interface	Continued application useful. Would require mutatis mutandis provision given references to JI guidelines
	5–6	JI management plan	Continued approach of JI management plan likely useful. Would require a mutatis mutandis provision as paragraphs are specific to JI guidelines/current JI rules
	8–9	Fee structure	Continued application may be useful
5/CMP.4	9–10	JI management plan	Continued approach of JI management plan likely useful. Would require a mutatis mutandis provision as paragraphs are specific to JI guidelines/current JI rules
3/CMP.5	1	Adoption of revised RoP	Continued application, mutatis mutandis, would be necessary if the revised RoP are not adopted at the same time as the draft JI M&P. However, the latter may be preferable

Decision	Paragraph	Topic	Application
	13–14	Publication of information relating to projects on a web-based interface	Continued application useful. Would require mutatis mutandis provision given references to JI guidelines
	15–16	JI management plan	Continued approach of JI management plan likely useful. Would require a mutatis mutandis provision as paragraphs are specific to JI guidelines/current JI rules
	21–22	Fee structure	Continued application may be useful
4/CMP.6	7	Materiality/level of assurance	Continued application may be useful. Would require a mutatis mutandis provision as paragraph is specific to JI guidelines
	10 and 11	Acceptance of project design documentation before entry into force of Annex B to the Kyoto Protocol for the relevant Party	Continued application of the principle may be useful. Would require a mutatis mutandis provision in order to be relevant (currently relevant to the second commitment period of the Kyoto Protocol and the submission of JI documentation before the entry into force of the Doha Amendment)
	17 and 19	JI management plan	Continued approach of JI management plan likely useful. Would require a mutatis mutandis provision as paragraphs are specific to JI guidelines/current JI rules.
	28–31	Fee structure, including a mandate to the JISC to recommend changes to fee structure	Continued application likely useful. Would require mutatis mutandis provision in order to be relevant
11/CMP.7	19 and 22	JI management plan	Continued approach of JI management plan likely useful. Would require a mutatis mutandis provision as paragraphs are specific to JI guidelines/current JI rules
	20	CMP acknowledgement of the Designated Focal Point Forum and its terms of reference	Continued application useful
	25	Fee structure	Continued application likely useful. Would require mutatis mutandis provision in order to be relevant
6/CMP.8	8	Party-specific amount of issuance of emission reduction units to be made available on website	Continued application useful for transparency

Decision	Paragraph	Topic	Application
	11	JI management plan	Continued approach of JI management plan likely useful. Would require a mutatis mutandis provision as paragraphs are specific to JI guidelines/current JI rules
	17	Fee structure	Continued application likely useful. Would require mutatis mutandis provision in order to be relevant
5/CMP.9	7	Recalls that JI projects must conform to Article 3, paragraphs 3 and 4, of Kyoto Protocol ⁶	Continued application useful
5/CMP.10	9	Ensure sufficient infrastructure and capacity until end of the second commitment period's "true-up period"	Continued application likely useful

1.4.2. Recommendation to SBI

35. The JISC recommends the SBI to ensure that the mutatis mutandis application of previous decisions relating to JI is properly delineated and excludes decisions and paragraphs that should not be applied to JI under the JI M&P.

⁶ See paragraph 7 of this document where it is recommended that the draft decision or the JI M&P specify that JI activities must conform to definitions, accounting rules, modalities and guidelines under Article 3, paragraphs 3 and 4, of the Kyoto Protocol.

Appendix . “Track change” version of the current rules of procedure

1. The below document is a marked up version of the current applicable rules of procedure of the JISC (RoP) with the changes that would be necessary if the draft JI M&P were adopted in their current form.

JI-JISC01-A01-PROC

Procedure

Rules of procedure of the Joint Implementation Supervisory Committee

Version 0203.40



United Nations
Framework Convention on
Climate Change

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1. 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.7 and 9/CMP.4/~~ X/CMP.12, and the annexes thereto on modalities and procedures guidelines for the implementation of Article 6 of the Kyoto Protocol as well as any other relevant decisions.

2. Definitions

Rule 2

For the purpose of these rules:

1. "Joint Implementation ~~guidelines~~ modalities and procedures" means ~~guidelines~~ modalities and procedures for the implementation of Article 6 of the Kyoto Protocol contained in the annexes to decisions ~~16/CP.7 and 9/CMP.4~~ x CMP.12;
2. "UNFCCC" means the United Nations Framework Convention on Climate Change;
3. "COP/MOP/CMP" 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 activity" (JI activity) is an activity pursuant to Article 6 of the Kyoto Protocol that reduces anthropogenic emissions of greenhouse gases (GHGs) by sources or enhances anthropogenic removals of GHGs by sinks.
6. "Joint Implementation Supervisory Committee" is the committee established by decision X/CMP.12 ~~10/CMP.4~~ and the name given by that decision to the Article 6 Supervisory Committee as defined in the Joint Implementation ~~guidelines adopted~~ modalities and procedures by decision ~~9/CMP.4~~ adopted through the annex to decision x/CMP.12. Throughout these Rules, "{Joint Implementation} Supervisory Committee" has replaced "Article 6 Supervisory Committee" when the Joint Implementation guidelines are cited;
7. An "emission reduction unit" (ERU) is a unit issued pursuant to Article 6 of the Kyoto Protocol and requirements under the Kyoto Protocol, including the relevant provisions of these modalities and procedures as amended or replaced from time to time, and is equal to one metric tonne of carbon dioxide equivalent, calculated using global warming potentials defined by decision 4/CMP.7 or as subsequently revised in accordance with Article 5.
8. "Chair" and "Vice-Chair" mean the members of the Joint Implementation Supervisory Committee elected as Chair and Vice Chair by the Committee;
9. "Member" means member of the Joint Implementation Supervisory Committee;
10. ~~"Alternate member" means alternate member of the Committee;~~

11. "Secretariat" means the secretariat referred to in Article 14 of the Kyoto Protocol and paragraph 19 32 of the Joint Implementation guidelines modalities and procedures;

12. "Stakeholders" means the public, including individuals, groups or communities affected, or likely to be affected, by the project Joint Implementation activity;

13. For the purpose of rules 24-20 and 2221, Parties to the Convention that are not Parties to the Kyoto Protocol may exercise the same rights as all other observers.

3. Members and alternate members

3.1. Nomination, election and re-election

Rule 3

Paragraph 16 4 of the Joint Implementation guidelines modalities and procedures:

The {Joint Implementation} Supervisory Committee shall comprise 40-20 members from Parties to the Kyoto Protocol, as follows:

- (a) Three-Six members from Parties included in Annex I that are undergoing the process of transition to a market economy;
- (b) Three-Six members from Parties included in Annex I not referred to in subparagraph (a);
- (c) Three-Six members from Parties not included in Annex I;
- (d) One-Two members from the small island developing States.

Rule 4

Paragraph 17 5 of the Joint Implementation modalities and procedures guidelines:

1. Members, including alternate members, of the {Joint Implementation} Supervisory Committee shall be nominated by the relevant constituencies referred to in paragraph 4 X14 {of the Joint Implementation guidelines} modalities and procedures and be elected by the COP/MOPMP. For the first year of operation of the Joint Implementation Supervisory Committee, the CMP shall elect to the JISC 10 members for a term of two years and 10 members for a term of one year. Members for the initial one-year term shall be selected proportionately from the groups referred to in paragraph 14 above. Thereafter, the CMP shall elect every year 10 new members for a term of two years. Members shall remain in office until their successors have been elected. The COP/MOPCAMP shall elect to the {Joint Implementation} Supervisory Committee five ten members and five alternate members for a term of two years and five ten members and five alternate members for a term of three years. Thereafter, the COP/MOPCAMP shall elect every year, ten five new members and five alternate members for a term of two years. Appointment pursuant to paragraph 12 23X {of the Joint Implementation guidelines} modalities and procedures shall count as one term. The members and alternate members shall remain in office until their successors are elected.

Paragraph 186 of the Joint Implementation guidelines modalities and procedures:

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

Paragraph 21 (a), (b) and (e) 10 (aX) and (d) of the Joint Implementation guidelines modalities and procedures:

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

(a) Serve in his or her personal capacity;

(b) Have experience and competence in developing policy and strategy within regulatory processes, including in the development or implementation of GHG market mechanisms, and shall possess an understanding of business perspectives regarding investment in the environmental field;

~~(c) — Refrain from participating in the consideration of and decision-making on subjects in relation to which he or she has a real or perceived conflict of interest, including in relation to specific host Parties or JI activities;~~

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

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

4. ~~Alternate members of the Joint Implementation Supervisory Committee may be eligible to serve a maximum of two consecutive terms. If an alternate member is subsequently elected as a member, his or her term(s) as an alternate member does not count towards his/her term as member.~~

54. The term of service of a member, or an alternate member, shall start at the first meeting of the Joint Implementation Supervisory Committee in the calendar year following his/her election and shall end immediately before the first meeting of the Joint Implementation Supervisory 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 65

Paragraph 10 (a)X of the Joint Implementation modalities and procedures 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.

3.2. Suspension, termination and resignation

Rule 76

Paragraph 1122-X of the Joint Implementation guidelines modalities and procedures:

1. The {Joint Implementation} Supervisory Committee may suspend and recommend to the COP/MOPCMP the termination of the membership of a member on certain grounds, 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 a 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/MOPCMP 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/MOPCMP 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 Joint Implementation Supervisory 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 Joint Implementation Supervisory Committee in a meeting.

Rule 87

Paragraph 2342 X of the Joint Implementation guidelines modalities and procedures:

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/CMP, ~~to~~ appoint another member, ~~or an alternate member,~~ nominated by ~~from~~ the same constituency to replace the said member for the remainder of that member's term/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 Joint Implementation Supervisory 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.

3.3. Conflict of interest and confidentiality

Rule 98

Paragraph 10 (bX) of the Joint Implementation guidelines:

Paragraph 21 (c) of the Joint Implementation modalities and procedures:

Each member shall

1. Refrain from participating in the consideration of and decision-making on subjects in relation to which he or she has a real or perceived conflict of interest, including in relation to specific host Parties or JI activities;

~~{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/activity.~~

2. Members, ~~including alternate members,~~ of the Joint Implementation Supervisory 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.

Rule 109

Paragraph 21 (f) 40 (e) X of the Joint Implementation guidelines modalities and procedures:

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 modalities and procedures 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, either during or after my term of office on 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 consideration of and decision-making on subjects in relation to which I have a real or perceived conflict of interest, including in relation to specific host Parties or Joint Implementation activities; ~~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 1110

Paragraph 2140 (de) of the Joint Implementation modalities and procedures guidelines:

Each member shall:

1. ~~S{Members, including alternate members, of the Joint Implementation Supervisory Committee shall} {s}ubject to their responsibility to the {Joint Implementation} Supervisory Committee, not disclose any confidential or proprietary information coming to his or her knowledge by reason of his or her duties for the JISC, either during or after his or her term of office on the JISC; 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.~~

Paragraph 3140 of the Joint Implementation guidelines modalities and procedures:

31. Information obtained from activity 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, describe the baseline methodology and its application, and/or support an environmental impact assessment shall not be considered proprietary or confidential.

~~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.~~

3.4. Officers

Rule 1211

Paragraph 197 of the Joint Implementation guidelines modalities and procedures:

~~1. The JISC shall elect a chair and vice-chair annually from among its members. The JISC shall elect a chair and vice-chair annually from among its members. 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 Joint Implementation Supervisory Committee shall elect a Chair and a Vice-Chair from among its members. The secretary of the Joint Implementation Supervisory Committee as defined in rule 29 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 1312

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 1413

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 Joint Implementation Supervisory 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.

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

4. Meetings

4.1. Dates

Rule 1514

Paragraph 209 of the Joint Implementation modalities and procedures guidelines:

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

Rule 1615

1. At the first Joint Implementation Supervisory Committee meeting of each calendar year, the Chair shall propose for the approval of the Joint Implementation Supervisory 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 1716

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.

4.2. Venue

Rule 1817

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 Joint Implementation Supervisory Committee shall take place at the location of the secretariat, unless the Joint Implementation Supervisory Committee decides

otherwise or other appropriate arrangements are made by the secretariat in consultation with the Chair.

4.3. Agenda

Rule 1918

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 Joint Implementation Supervisory Committee at its previous meeting, to all those invited to the meeting.
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 Joint Implementation Supervisory 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 Joint Implementation Supervisory 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 Joint Implementation Supervisory Committee.

4.4. Documentation

Rule 2019

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.

4.5. Transparency

Rule 2120

Paragraph 28 of the Joint Implementation modalities and procedures:

The JISC shall conduct its work in such a way as to ensure the transparency and impartiality of its processes and decision-making and to safeguard itself from any conflict of interest.

1. 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~~-admitted observers and stakeholders can be submitted for consideration by the Joint Implementation Supervisory Committee. The posting of the proceedings of the Joint Implementation Supervisory Committee's meetings on the Internet is one way to ensure transparency.

4.6. Attendance

Rule 2221

Paragraph 2918 of the Joint Implementation ~~guidelines~~modalities and procedures:

1. Meetings of the {Joint Implementation} Supervisory Committee shall be open to attendance, as observers, by all Parties and ~~by all~~ UNFCCC ~~admitted~~-~~accredited~~ observers and stakeholders, except where otherwise decided by the {Joint Implementation} Supervisory Committee ~~on the grounds of confidentiality~~.

2. In the context of paragraph 1 above, the Joint Implementation Supervisory 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 ~~admitted~~ observers and stakeholders to observe its proceedings, except when the Joint Implementation Supervisory Committee decides to close all or a portion of a meeting.

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

4.7. Quorum

Rule 2322

Paragraph 14-24 of the Joint Implementation ~~guidelines~~modalities and procedures:

~~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.~~

At least [two] [one] third[s] [half] of the members of the JISC representing a majority of members from Parties included in Annex I and a [majority] [quarter] of members from Parties not included in Annex I must be present to constitute a quorum.

5. Voting

Rule 2423

Paragraph 15-25 of the Joint Implementation guidelines modalities and procedures:

1. Decisions by the Joint Implementation Supervisory Committee shall be taken by consensus, whenever possible. If all efforts to reach at reaching a consensus have been exhausted and no agreement has been reached, decisions shall as a last resort be adopted by a two thirdsthree 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 Joint Implementation Supervisory 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 2524

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 245. The proposed decision shall be transmitted in the form of an electronic message through the listserv of the Joint Implementation Supervisory Committee. A quorum of the Joint Implementation Supervisory 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.

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.

6. Languages

Rule 2625

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 2747 of the Joint Implementation guidelines: modalities and procedures

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

7. Expertise

Rule 2726

Paragraph 430 of the Joint Implementation guidelines: modalities and procedures:

1. The {Joint Implementation} Supervisory Committee may delegate functions to the secretariat and to panels, set up by the Joint Implementation Supervisory Committee to support its work, and otherwise shall draw on the technical 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.

8. Secretariat

Rule 2827

Paragraph 3249 of the Joint Implementation guidelines: modalities and procedures:

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

Rule 2928

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 3029

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

Rule 3430

In addition to the functions specified in the Joint Implementation modalities and procedures 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 3231

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

9. Conduct of business

Rule 3332

The Joint Implementation Supervisory Committee shall undertake any tasks assigned to it by decision x/CMP.1246/CP.7, in accordance with the Joint Implementation modalities and procedures guidelines, and by any subsequent decision taken by the COP/MOP/CMP.

Rule 3433

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 modalities and procedures. 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.

10. Record of the meeting

Rule 3534

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.

11. Amendments to the rules

Rule 3635

Paragraph 73 (g) of the Joint Implementation modalities and procedures guidelines:

1. ~~{The Joint Implementation Supervisory Committee shall elaborate be responsible for} (the elaboration of any its rules of procedure for consideration by the CMP and subsequently recommend to the CMP any revisions to such rules 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.~~

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