



## DRAFT

### Annex 1

## DRAFT REVISION OF THE RULES OF PROCEDURE OF THE CDM EXECUTIVE BOARD

### I. Executive Summary

1. This document contains recommendations related to the decision-making process as it stands in the current rules of procedure (Rule 29) for consideration by the Executive Board of the clean development mechanism (hereinafter referred to as the Board) at its sixty-third meeting. The appendix to this document contains draft revisions to other parts of the rules of procedure.

### II. Background

#### A. Mandate

2. The Board was requested by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP), at its sixth session, to assess, as necessary, the decision-making processes contained in its current rules of procedure and to make recommendations for changes, as appropriate, to the CMP at its seventh session.

#### B. Consideration to date

3. At its sixty-first meeting, the Board assessed the possible revision of its rules of procedure, in accordance with the mandate given by CMP6. The Board requested the secretariat to prepare a recommendation with alternative options for the decision-making process for consideration by the Board. It was further agreed that, if the Board agrees to recommend a revision of the rules of procedures to the CMP, it shall also recommend the revision of other parts of rules to reflect any changes or additions made through CMP decisions and the current practice of the Board.

#### C. Proposed course of action

4. It is proposed that the recommendation on decision-making process contained in section III below be considered by the Board at its sixty-third meeting with a view to reaching agreement on whether to recommend a revision of the rules of procedure to the CMP.

5. In the event that the Board agrees to a revision of the decision-making process, it may want to consider for revision the other parts of the rules of procedure, as contained in the appendix to this document, to reflect any changes or additions made through CMP decisions and the current practice of the Board.

### III. Key issues for decision

6. The Board may want to consider the following proposal for revision to Rule 29 of the current rules of procedure, which refers to the voting process of the Board:

**DRAFT*****Draft revision of Rule 29:***

1. Decisions by the Executive Board shall be taken by consensus, wherever possible.
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 to the proposed decision under consideration by a member or alternative member of the Executive Board.
3. If all efforts at reaching a consensus have been exhausted and no agreement has been reached, decisions shall be taken by the [two-thirds] [three-fourths] majority of members present and voting.
4. Voting on case-specific matters, such as requests for registration of CDM project activities or programmes of activities, requests for issuance of certified emission reductions for registered CDM project activities or programmes of activities, requests for renewal of crediting period and requests for accreditation of operational entities, shall be taken in accordance with paragraph 5 below.
5. In relation to case-specific matters, a proposed decision put to a vote shall be phrased in the affirmative. Where, following the vote, the Chair ascertains that the proposed decision has not achieved [a simple majority] [the majority specified in paragraph 3 above], the matter put to vote shall be deemed not adopted by the Executive Board, with the consequence of the matter put to vote being rejected.
6. Each member shall have one vote. For the purposes of this rule, the phrase “members present and voting” means members present at the meeting at which voting takes place and casting an affirmative or negative vote. Members abstaining from voting shall be considered as not voting.
7. Alternate members may participate in the proceedings of the Executive Board without the right to vote. An alternate member may cast a vote only if acting as a member.

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**DRAFT****Appendix****DRAFT RULES OF PROCEDURE OF THE EXECUTIVE BOARD OF THE CLEAN DEVELOPMENT MECHANISM<sup>1</sup>****(Version 02)****I. Scope****Rule 1**

These rules of procedure shall apply to all activities of the Executive Board of the clean development mechanism (CDM) undertaken in accordance with decision 17/CP.7, and the annex thereto on the modalities and procedures for a CDM, as defined in Article 12 of the Kyoto Protocol.

**II. Definitions****Rule 2**

For the purpose of these rules:

1. “Decision 17/CP.7” means the decision taken by the Conference of the Parties to the United Nations Framework Convention on Climate Change at its seventh session on the modalities and procedures for a clean development mechanism as defined in Article 12 of the Kyoto Protocol;<sup>2</sup>
2. “CDM modalities and procedures” means modalities and procedures for a clean development mechanism contained in the annex to decision 17/CP.7;
3. “UNFCCC” means the United Nations Framework Convention on Climate Change;
4. “COP” means the Conference of the Parties to the United Nations Framework Convention on Climate Change;
5. “CMP” means the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol;
6. “CDM” means the clean development mechanism as defined in Article 12 of the Kyoto Protocol;
7. “Executive Board” means the Executive Board of the clean development mechanism as defined in Article 12 of the Kyoto Protocol;
8. “Chair” and “Vice-Chair” mean the members of the Executive Board elected as Chair and Vice-Chair by the Executive Board of the clean development mechanism;

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<sup>1</sup> Yellow highlights refer to changes to be original document. The grey boxes are background information in order to provide information on the rationale of the recommended modification to the rules. These will be deleted if approved by the Board.

<sup>2</sup> FCCC/CP/2001/13/Add.2.

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9. “Member” means member of the Executive Board of the clean development mechanism;
10. “Alternate member” means alternate member of the Executive Board of the clean development mechanism;
11. “Secretariat” means the secretariat referred to in Article 14 of the Kyoto Protocol and paragraph 19 of the CDM modalities and procedures;
12. “Technical reports commissioned” refers to reports commissioned by the Executive Board to obtain outside expertise other than reports produced by committees, panels and working groups specified in section VII of these rules of procedure;

Paragraph 1 (e) of the CDM modalities and procedures:

13. “Stakeholders” means the public, including individuals, groups or communities affected, or likely to be affected, by the proposed clean development mechanism project activity;

14. For the purpose of rules 26 and 27, 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 7 of the CDM modalities and procedures:

The Executive Board shall comprise 10 members from Parties to the Kyoto Protocol, as follows: one member from each of the five United Nations regional groups, two other members from the Parties included in Annex I, two other members from the Parties not included in Annex I, and one representative of the small island developing States, taking into account the current practice in the Bureau of the Conference of the Parties.

Paragraph 9 of the CDM modalities and procedures:

The CMP shall elect an alternate for each member of the Executive Board based on the criteria in paragraphs 7 and 8 {of the CDM modalities and procedures}. The nomination by a constituency of a candidate member shall be accompanied by a nomination for a candidate alternate member from the same constituency.

**Background:**

The paragraph above has been moved from rule 5 to rule 3 as it refers to the election of alternate members by the CMP.

**DRAFT****Rule 4**

Paragraph 8 (a) to (d) of the CDM modalities and procedures:

1. Members, including alternate members, of the Executive Board shall:
  - (a) Be nominated by the relevant constituencies referred to in paragraph 7 {of the CDM modalities and procedures} and be elected by the CMP. Vacancies shall be filled in the same way;
  - (b) Be elected for a period of two years and be eligible to serve a maximum of two consecutive terms. Terms as alternate members do not count. Five members and five alternate members shall be elected initially for a term of three years and five members and five alternate members for a term of two years. Thereafter, the **CMP** shall elect, every year, five new members, and five new alternate members, for a term of two years. Appointment pursuant to paragraph 11 {of the CDM modalities and procedures} shall count as one term. The members, and alternate members, shall remain in office until their successors are elected;
  - (c) Possess appropriate technical and/or policy expertise and shall act in their personal capacity;
  - (d) Be bound by the rules of procedure of the Executive Board.
2. The term of service of a member, or an alternate member, shall start at the first meeting of the Executive Board in the calendar year following his/her election and shall end immediately before the first meeting of the Executive Board in the calendar year in which the term ends.

**Rule 5***Background:*

The first paragraph of rule 5 has been moved to rule 3 as it refers to the election of alternate members by the CMP.

7. Any reference in these rules to a member shall be deemed to include his/her alternate when such alternate acts for the member.
8. **In the absence of a member from a meeting of the Board, Where a member is unavailable to perform his/her functions,** his/her alternate shall serve as the member.

*Background:*

The Board has agreed that if a member is absent for a certain period of time, he/she can delegate his/her functions to the alternate member. The Board reported this practice to the CMP in its annual report to CMP.

**DRAFT****Rule 6<sup>3</sup>****Paragraph 8 (c) of the CDM modalities and procedures:**

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 Executive Board.
2. Members and alternate members shall be remunerated for the time spent in meetings of the Executive Board and its panels and working groups through an increased daily subsistence allowance that is 40 per cent more than the standard rate.

*Background:*

The CMP, through its decision 7/CMP.1, paragraph 18, decided that all members and alternate members are to be funded.

The CMP, through the same decision, paragraph 17, and decision 3/CMP.6 paragraph 70, decided to remunerate members/alternate members with a DSA 40 % higher than standard.

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

**B. Suspension, termination and resignation****Rule 7****Paragraph 10 of the CDM modalities and procedures:**

1. The Executive Board may suspend and recommend to the **CMP** 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 Executive Board without proper justification.
2. Any motion calling for the suspension of, and recommendation to the **CMP** 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 **CMP** to terminate the membership of, the Chair, the Vice-Chair shall act as Chair until the voting has been conducted and its result announced.
3. The Executive Board shall suspend and recommend termination of the membership of a member, or an alternate member, only after the member, or alternate member, has been afforded the opportunity of a hearing by the **Executive** Board in **its** meeting.

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<sup>3</sup> This text constitutes an amendment to paragraph 8 (c) of the annex to decision 3/CMP.1

**DRAFT**Rule 8<sup>4</sup>**Paragraph 11 of the CDM modalities and procedures:**

1. If a member, or an alternate member, of the Executive Board resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, the Executive Board may decide, bearing in mind the proximity of the next session of the CMP, to fill the vacancy by requesting the same constituency to nominate a replacement ~~appoint another member, or an alternate member, from the same constituency to replace the said member~~ for the remainder of that member's or alternate member's mandate. Once the nomination is received it shall be deemed automatically accepted by the Executive Board.

2. ~~The Executive Board 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.~~

*Background:*

The Board agreed at its fifty-sixth meeting to accept the nomination automatically, in order to avoid an electronic decision on the acceptance of the nomination received from a constituency.

**C. Conflict of interest and confidentiality**

## Rule 9

**Paragraph 8 (f) of the CDM modalities and procedures:**

1. {Members, including alternate members, of the Executive Board shall} {h}ave no pecuniary or financial interest in any aspect of a CDM project activity or any designated operational entity.

2. The curricula vitae, statements on conflicts of interest and details of any past and current professional affiliations of members and alternate members of the Executive Board shall be published on the UNFCCC CDM website.

*Background:*

The CMP, by its decision 2/CMP.5, paragraph 15, decided that CVs, statements on conflicts of interest and details of any past and current professional affiliations of members and alternate members are to be published on the UNFCCC CDM website.

## Rule 10

**Paragraph 8 (e) of the CDM modalities and procedures:**

1. {Members, including alternate members, of the Executive Board 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:

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<sup>4</sup> This text constitutes an amendment to paragraph 11 of the annex to decision 3/CMP.1

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“I solemnly declare that I will perform my duties as a member/alternate member of the Executive Board of the clean development mechanism pursuant to Article 12 of the Kyoto Protocol, honourably, faithfully, impartially and conscientiously.

“I further solemnly declare and promise that I shall have no financial interest in any aspect of the clean development mechanism, including accreditation of operational entities, registration of CDM project activities and/or the issuance of related certified emission reductions. Subject to my responsibilities to the Executive Board, I shall not disclose, even after the termination of my functions, any confidential or proprietary information which is transferred to the Executive Board in accordance with the CDM modalities and procedures, or any other confidential information coming to my knowledge by reason of my duties for the Executive Board.

“I shall disclose to the Executive Secretary of the United Nations Framework Convention on Climate Change and to the Executive Board any interest in any matter under discussion before the Executive Board which may constitute a conflict of interest or which might be incompatible with the requirements of integrity and impartiality expected of a member of the Executive Board and I shall refrain from participating in the work of the Board in relation to such matter.”

**Rule 11**

Paragraph 8 (g) of the CDM modalities and procedures:

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

Paragraph 6 of the CDM modalities and procedures:

2. Information obtained {by members, and alternate members} from CDM 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 national law. Information used to determine additionality as defined in paragraph 43 {of the CDM modalities and procedures}, to describe the baseline methodology and its application, and to support an environmental impact assessment referred to in paragraph 37 (c) {of the CDM modalities and procedures}, shall not be considered as proprietary or confidential.

**D. Officers****Rule 12**

Paragraph 12 of the CDM modalities and procedures:

1. The Executive Board shall elect its own {Chair} and {Vice-Chair}, with one being a member from a Party included in Annex I and the other being from a Party not included in Annex I. The positions of Chair and Vice-Chair shall alternate annually between a member from a Party included in Annex I and a member from a Party not included in Annex I.





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2. At the first Executive Board meeting of each calendar year, the Executive Board shall elect Chair and Vice-Chair from among its members. The secretary to the Executive Board shall preside over the opening of the first Executive Board meeting of a calendar year and conduct the election of new Chair and Vice-Chair.

### Rule 13

1. The Chair and Vice-Chair shall serve in their respective capacities at any meeting of the Executive Board.
2. If the elected Chair is not able to serve in that capacity for a meeting, the Vice-Chair shall serve as Chair. If both are unable to serve in their respective capacities, the Board shall elect a member from among its members present to serve as 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, the Executive Board shall elect a new Chair or Vice-Chair for the remainder of the term.

### Rule 14

1. The Chair shall preside over meetings of the Executive Board as provided for under this rule.
2. The Chair may designate a member or an alternate member to chair specific matters on the agenda of a meeting of the Executive Board.

#### *Background:*

An additional paragraph to reflect that the Chair delegates issues such as the outcomes of panels and working groups to the member/alternate member of the Board who has chaired the respective meeting of the panel/working group.

3. 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.
4. The Chair may propose to the Executive Board a limitation on the time to be allowed to speakers and on the number of times each member, or alternate member, may speak on a matter, the adjournment or closure of the debate and the suspension or adjournment of a meeting.
5. The Chair, or any other member designated by the Executive Board, shall represent the Board as necessary, including at sessions of the CMP.

**DRAFT****IV. Meetings****A. Dates**

## Rule 15

Paragraph 13 of the CDM modalities and procedures:

1. The Executive Board shall meet as necessary but no less than three times a year, bearing in mind the provisions of paragraph 41 {of the CDM modalities and procedures.}

## Rule 16

1. At the first Executive Board meeting of each calendar year, the Chair shall propose for the approval of the Executive Board a schedule of meetings for that calendar year. To the extent possible, these meetings shall be held in conjunction with sessions of the COP, the **CMP** or their subsidiary bodies.
2. If changes to the schedule or additional meetings **of the Executive Board** are required, the Chair shall, after consultations with all members and alternate members, give notice of any changes to the dates of scheduled meetings, and/or of the dates of additional meetings.

## Rule 17

The Chair shall convene and give notice of the date of each meeting of the Executive Board not less than eight weeks prior to the date of the meeting.

## Rule 18

The secretariat shall promptly notify **any change in the dates of scheduled meetings of the Executive Board to** all those invited to the meeting.

*Background:*

An addition was made to clarify the subject matter of the notification to be made.

**B. Venue**

## Rule 19

Meetings of the Executive Board held in conjunction with meetings of the COP, the **CMP** or their subsidiary bodies shall be held at the same location as the meetings of these bodies. Other meetings of the Executive Board shall take place at the location of the secretariat, unless the Executive Board decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the Chair.



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### C. Agenda

#### Rule 20

The Chair, assisted by the secretariat, shall draft the provisional agenda of each meeting of the Executive Board and transmit such provisional agenda, agreed upon by the Executive Board at its previous meeting, to all those invited to the meeting.

#### Rule 21

Additions or changes to the provisional agenda of a meeting **of the Executive Board** 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 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.

#### Rule 22

The Executive Board shall, at the beginning of each meeting, adopt the agenda for the meeting.

#### Rule 23

Any item included on the agenda for a meeting of the Executive Board, consideration of which has not been completed at that meeting, shall be included automatically on the provisional agenda for the next meeting, unless otherwise decided by the Executive Board.

### D. Documentation

#### Rule 24

~~1. All documentation for an Executive Board 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.~~

1. The secretariat shall make available all documentation for a meeting of the Executive Board to members and alternate members at least two weeks before the meeting.

2. The secretariat shall make documentation for a meeting of the Executive Board publicly available on the UNFCCC CDM website soon after it has transmitted the documentation to members and alternate members. The public availability of the documentation shall be subject to confidentiality provisions.

#### *Background:*

Modification made in order change the rule into active voice instead of passive voice to define the actor clearer. No change in substance.

**DRAFT**Rule 25<sup>5</sup>**Paragraph 5 (j) of the CDM modalities and procedures:**

The Executive Board shall, subject to the confidentiality provisions set out in paragraph 6 of the CDM modalities and procedures, make any technical reports commissioned available to the public and provide a period of at least eight weeks for public comments on draft methodologies and guidance publicly available draft new regulatory documents or draft major revisions of existing documents that have a significant impact on stakeholders for comments through a call for public inputs and/or a workshop before documents are finalized and any recommendations are submitted to the CMP for their consideration.

*Background:*

Modification made in order to be consistent with the practice of the Board and the “Modalities and procedures for direct communication with stakeholders” approved by the Board at its sixty-second meeting. Additional required language on confidentiality provisions of the CDM M&P has been added for consistency reasons.

**E. Transparency**

## Rule 26

Subject to the need to protect confidential information, the principle of transparency should apply to all the work of the Executive Board, 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 Board. The posting of the Board’s meetings on the Internet is one way to ensure transparency.

**F. Attendance**

## Rule 27

**Paragraph 16 of the CDM modalities and procedures:**

1. Meetings of the Executive Board shall be open to attendance, as observers, by all Parties and by all UNFCCC accredited observers and stakeholders, except where otherwise decided by the Executive Board.
2. In the context of paragraph 1 above, the Executive Board may decide, in the interest of economy and efficiency, to limit the attendance at its meetings to members, alternate members and secretariat support staff. In such instances, the Executive Board 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 Executive Board decides to close all or a portion of a meeting.

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<sup>5</sup> This text constitutes an amendment to paragraph 5 (j) of the annex to decision 3/CMP.1

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

**G. Quorum**

## Rule 28

Paragraph 14 of the CDM modalities and procedures:

1. At least two thirds of the members of the Executive Board, 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 29<sup>6</sup>

*Placeholder for voting process for consideration by the Board. Please refer to proposal made in section III above.*

## Rule 30

1. Whenever, in the judgement of the Chair, the Executive Board must take a decision that cannot be postponed until the next meeting of the Executive Board, 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 30. The proposed decision shall be transmitted in the form of an electronic message through the listserver of the Executive Board. A quorum of the Executive Board is required to confirm the receipt of the message. Such messages 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 Executive Board listserver.
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 Executive Board and inform the **Executive** Board 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 **Executive** Board at its next meeting and shall be deemed to have been taken at the seat of the UNFCCC secretariat in Bonn, Germany.

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<sup>6</sup> This text constitutes an amendment to paragraph 15 of the annex to decision 3/CMP.1

**DRAFT****VI. Languages****Rule 31<sup>7</sup>**

**Paragraph 17 of the CDM modalities and procedures:**

~~The full text of all decisions of the Executive Board shall be made publicly available. The working language of the Executive Board shall be English. Decisions shall be made available in all six official languages of the United Nations.~~

1. The Executive Board shall establish, periodically review, including on the basis of consultations with the relevant stakeholders, and make publicly available a list of documents for which translation into the six official languages of the United Nations shall be provided.
2. The documents for which translation into the six official languages of the United Nations was prepared in accordance with paragraph 1 above shall be published on the UNFCCC CDM website.

*Background:*

In order to be cost-efficient, the Board at its sixtieth meeting agreed to translate selected policy documents as well as summaries of meeting reports into the six UN languages. The list of documents is publicly available.

**VII. Committees, panels and working groups****Rule 32**

**Paragraph 18 of the CDM modalities and procedures:**

1. The Executive Board may establish committees, panels or working groups to assist it in the performance of its functions. The Executive Board shall 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 balance.
2. The **committees, panels or working groups** shall be composed of an appropriate number of members each as determined by the Executive Board. Members of a **committee, panel or working group** shall have demonstrated and recognized technical expertise in the relevant field of work.
3. In establishing a **committee, panel or working group**, the Executive Board shall appoint two Executive Board members or alternate members to act as Chair and Vice-Chair of the **committee, panel or working group**, one from a Party included in Annex I and one from a Party not included in Annex I. The Executive Board may appoint additional members and alternate members to participate in a **committee, panel or working group**.
4. In establishing a **committee, panel or working group**, the Executive Board shall determine its terms of reference. The terms of reference shall include, **inter alia**, the roles, modalities of work and membership of the committee, panel or working group, provisions on compensation to its members as well as competence requirements of its members.

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<sup>7</sup> This text constitutes an amendment to paragraph 17 of the annex to decision 3/CMP.1

**DRAFT***Background:*

References to working groups and committees have been added to cover these groups under this rule.

The Board, at its sixty-first meeting, agreed Terms of Reference of the support structure of the CDM Executive Board which expanded the ToRs including elements such as roles, modalities of work and membership and compensation..

5. Reports of committees, panels and working groups to the Executive Board shall be made publicly available, subject to confidentiality provisions.

**VIII. Secretariat****Rule 33**

Paragraph 19 of the CDM modalities and procedures:

The secretariat shall service the Executive Board.

**Rule 34**

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

**Rule 35**

An official of the secretariat designated by the Executive Secretary shall serve as secretary to the Executive Board.

**Rule 36**

In addition to the functions specified in the CDM modalities and procedures and/or any subsequent decision by the **CMP**, 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 **documents selected by the Executive Board decisions** into all six official languages of the United Nations and make publicly available the full texts of all decisions of the Executive Board;
- (c) Assist the Executive Board 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 Executive Board may require.

*Background:*

In order to be cost-efficient, the Board at its sixtieth meeting agreed to translate selected policy documents as well as summaries of meeting reports into the six UN languages. The list of documents is publicly available.

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## Rule 37

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

**IX. Conduct of business**

## Rule 38

The Executive Board shall undertake any tasks assigned to it by decision 17/CP.7, in accordance with the CDM modalities and procedures, and by any subsequent decision taken by the **CMP**.

## Rule 39

1. The Executive Board, and the secretariat, in its mandated role of support to the Executive Board, 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 CDM modalities and procedures. In submitting any application, registration or other documentation through electronic means (e.g. the UNFCCC CDM website), the submitter shall acknowledge that he/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 Executive Board, its committees, panels, and working groups, and respective members and alternate members, 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.

**X. Record of the meeting**

## Rule 40

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

**XI. Amendments to the rules**

## Rule 41

Paragraph 5 (b) of the CDM modalities and procedures:

{The Executive Board shall} {m}ake recommendations to the **CMP** on any amendments or additions to rules of procedure for the Executive Board contained in the {CDM modalities and procedures}, as appropriate.

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