

XV. Administrative, financial and institutional matters
(Agenda item 15)

**E. Privileges and immunities for individuals serving on constituted bodies
established under the Kyoto Protocol**
(Agenda item 15 (e))

163. The SBI took note of the oral report by the secretariat on actions taken by the Executive Secretary to implement decision 9/CMP.2, and expressed its appreciation for the actions taken in response to concerns and issues that have been brought to the attention of the Executive Secretary and the Executive Board of the CDM by legal entities participating in the CDM.

164. The SBI invited the chairs of the constituted bodies established under the Kyoto Protocol to ensure that information on concerns or issues raised regarding a constituted body or individuals serving on the body with regard to their official functions are included in the reports of the constituted body concerned to the CMP.

165. The SBI also took note of the oral report by the secretariat on further work being undertaken to review the legal framework and practice concerning privileges and immunities for bodies of other organizations in the United Nations system, and the review of the feasibility of insurance to cover the costs associated with claims against individuals serving on constituted bodies established under the Kyoto Protocol, and requested the secretariat to prepare technical papers on the results of this additional work for consideration by Parties.

166. The SBI recognized that although decision 9/CMP.2 authorizes the Executive Secretary to take action, inter alia, to minimize the risks of disputes, complaints and claims against individuals serving on constituted bodies established under the Kyoto Protocol, it does not address the underlying issue of immunities for individuals serving on such bodies.

167. The SBI agreed to further consider the need for an effective, legally sound and long-term solution, including review procedures, to ensure that individuals serving on constituted bodies established under the Kyoto Protocol are able to perform their official functions independently and effectively, on the basis of the experience gained with the implementation of decision 9/CMP.2.

168. The SBI decided to continue its discussion of this issue at its twenty-seventh session, taking into account the report of the Executive Secretary to the CMP, at its third session, in accordance with decision 9/CMP.2 and taking into account the reports to the CMP of the constituted bodies established under the Kyoto Protocol, documents FCCC/SBI/2006/20, FCCC/SBI/2006/21 and FCCC/SBI/2007/MISC.4 and Add.1–3, the technical papers referred to in paragraph 164 above, and any other relevant documents, including relevant proposals from Parties.