

Annex IV: Draft interim procedures for the reconsideration of funding decisions

I. Purpose and scope

1. The purpose of this annex is to operationalize Article 11, paragraph 3(b), of the Convention, United Nations Framework Convention on Climate Change decision 5/CP.19, annex, paragraphs 6-10, and paragraph 2(a) of the terms of reference of the independent Redress Mechanism (hereinafter referred to as the IRM ToR)¹ and, accordingly, to establish interim procedures for dealing with requests for reconsideration of a funding decision² pursuant to which the Board has denied funding to a specific project or programme (hereinafter referred to as Requests).
2. These interim procedures for dealing with Requests (hereinafter referred to as Interim Procedures) set out the sole entitlement that applicants have with respect to projects and programmes which have been denied funding by the Board, to the exclusion of any other right whatsoever.
3. These Interim Procedures shall apply until revoked by the Board.

II. Interim Procedures

4. **Filing a Request:** Within sixty (60) calendar days from the date on which the Secretariat informs the relevant national designated authority (NDA) or focal point of the relevant Board decision denying funding to a specific project or programme, the relevant NDA or focal point of the developing country concerned (hereinafter referred to as the Applicant) may file a Request, in English, with the Head of the Independent Redress Mechanism (hereinafter referred to as the Head of the IRM).
5. **Acknowledging receipt of the Request:** The Head of the IRM shall, within fourteen (14) days of receipt of a Request, acknowledge receipt of the Request.
6. **Eligibility of the Request:** The Head of the IRM shall assess the eligibility of the Request by reference to paragraph 3 of the IRM ToR. If the Request is ineligible, the Head of the IRM shall notify the Applicant, and take no further action with respect to such a Request.
7. **Addressing the Request:** If the Request is eligible, the Head of the IRM shall investigate the substance of the Request, and discuss it informally with the Applicant. If such an approach does not lead to a satisfactory and amicable resolution of the Request, then the Head of the IRM shall address the Request formally. In addressing the Request, the Head of the IRM shall consider, amongst others, any issues raised by the Applicant in the Request, the original funding proposal as submitted to the Board, including the assessments of the Secretariat and the independent Technical Advisory Panel, the decision of the Board and other relevant aspects of the Fund's operations. The Head of the IRM shall be entitled to request such other relevant information from the Applicant as he or she, acting reasonably, deems necessary in order to address the Request and shall be entitled to stipulate an associated time frame within which the Applicant should provide such information or a reason as to why such information cannot be provided.

¹ Annex V to decision B.06/09 (annex V to document GCF/B.06/18).

² For the purpose of these Interim Procedures, a "funding decision" means a decision by the Board with respect to a funding proposal for a specific project or programme as envisaged in decision B.07/03 and annex VII to decision B.07/03 (annex VII to document GCF/B.07/11).

8. **Determination of the Head of the IRM:** Following such considerations, the Head of the IRM shall determine, consistent with paragraph 4(c) of the IRM ToR, whether the Fund was inconsistent with its policies, programme priorities and eligibility criteria when denying funding to a specific project or programme.
9. **Report to the Board:** Promptly after (a) a determination by the Head of the IRM that a Request is ineligible pursuant to paragraph 6 above, (b) a satisfactory and amicable resolution of a Request, or (c) the determination referred to in paragraph 8 above, the Head of the IRM shall prepare a report for the Board setting out a summary of the relevant Request, whether it was deemed eligible (and if not, why not), the steps taken to resolve the Request in a satisfactory and amicable manner and, if applicable, the determination of the Head of the IRM as to whether the Fund was inconsistent with its policies, programme priorities and eligibility criteria when denying funding to a specific project or programme. Such a report shall also contain the recommendation of the Head of the IRM on possible further remedial actions. In accordance with the Fund's Information disclosure policy, such a report shall be made publicly available on the GCF website upon submission of the report to the Board, unless one of the exceptions set out in the Information disclosure policy apply with respect to the disclosure of such a report.
10. **Consideration by the Board:** The Board may, at its next meeting following receipt of the report, consider the Request in view of the report and the recommendation of the Head of the IRM, and may take such steps as it considers appropriate. The outcome of the Board's considerations shall be proactively communicated to the Applicant and shall be included in the report of the relevant Board meeting.
11. **Time frame:** The Head of the IRM shall aim to conclude the steps as set out in paragraphs 6 to 9 above within sixty (60) days of the date on which the acknowledgement of receipt referred to in paragraph 5 was sent to the Applicant. If the Head of the IRM considers that additional time is required in order to complete such steps, he or she shall notify the Applicant of the additional time that he or she considers is required.

III. Implementation of the Interim Procedures

12. The Head of the IRM shall operationalize the above-mentioned procedures in a manner that is consistent with international best practice and may, for this purpose, issue guidelines with respect to each of the steps set out above.
13. The Head of the IRM shall promptly notify the Board, via the Co-Chairs, each time a Request has been received, and shall keep the Board, via the Co-Chairs, regularly updated on how such a Request is being addressed and the determinations made in connection with it.

IV. Costs

14. The Head of the IRM shall submit a budget request to the Board as soon as possible and no later than its fifteenth meeting for the costs associated with the implementation of these Interim Procedures.
15. Subject to paragraph 16 below, all expenses associated with preparing, drafting and filing requests for reconsideration, including the provision of any further information that may be required by the Head of the IRM and/or the Board, shall be borne by the Applicant.
16. To the extent that any request by the Head of IRM for further information pursuant to paragraph 7 above requires the Applicant to incur third-party costs or expenses, such costs and expenses shall be borne by the Fund.

V. Review and amendment of these Interim Procedures

17. The Board may amend and/or revoke these Interim Procedures at any time. Amendments to the Interim Procedures shall only apply to Requests filed after the date of entry into force of such an amendment. Termination or revocation of these Interim Procedures shall not affect Requests which remain under consideration as at the date of such a termination or revocation.

VI. Entry into force

18. These Interim Procedures shall enter into force on the date of their adoption by the Board.