

Thirty-first meeting of the Council
Abu Dhabi, 21-22 May 2026

Draft Proposed Rules of Procedure for the IRENA Council Disciplinary Committee

1. At its fifteenth session, through decision [A/15/DC/5](#), the Assembly adopted four ethics-related policies, including the Policy on Handling Allegations of Unsatisfactory Conduct and Misconduct against the Director-General of the International Renewable Energy Agency, and on Investigations and the Disciplinary Process for such Conduct as contained in document [A/15/12](#) (the “Policy”).
2. In its decision [A/15/DC/5](#), the Assembly requested the Council to initiate discussions at its twenty-ninth meeting on the establishment of the IRENA Council Disciplinary Committee (the “Committee”) called for in Section 2.1.11 of the Policy.
3. At its twenty-ninth meeting, the Council requested the Secretariat, in consultation with the Ethics Advisory Board, to prepare draft Rules of Procedure for the IRENA Disciplinary Committee for consideration by the Council at its thirtieth meeting¹, and further considered the matter at its thirtieth meeting².
4. On 19 December 2026, at the request of the Ethics Advisory Board, the Vice Chair of the Council shared the Proposal on the Rules of Procedure for the IRENA Council Disciplinary Committee proposed by the Ethics Advisory Board, with the Council for its endorsement.
5. At its sixteenth session, the Assembly agreed that Members would have 45 days from the end of the session to submit comments on the proposed draft Rules of Procedure, in order to allow Members adequate time to review and consider the proposal, and that the matter would be considered by the Council at its thirty-first meeting.
6. In advance of the thirty-first meeting of the Council, the Chair of the Council convened two consultation meetings open to all Members on the proposal in April 2026, and the proposed Rules of Procedure were further revised taking into account the comments and feedback provided by Members.

¹ See [C/29/SR/1](#), paragraphs 268-272.

² See [C/30/SR/1](#), paragraphs 240-248.

7. The attached draft Proposal on the Rules of Procedure for the IRENA Council Disciplinary Committee has been prepared by the Secretariat, in consultation with the Ethics Advisory Board, taking into account the comments and feedback of Members provided in their written submissions and during the consultation meetings referenced above³, and includes a draft decision in the Annex.
8. The Council is invited to consider the attached draft Proposal on the Rules of Procedure for the IRENA Council Disciplinary Committee and to provide guidance and feedback thereon.

³ For detailed information on the written comments, consultations, and other documentation, including legal advice and analysis provided by the Secretariat, relating to this proposal, see ‘Procedural background: Proposal Rules of Procedure for the IRENA Council Disciplinary Committee’ as of 9 April 2026, available at this [link](#). A further updated version of the procedural background document will be made available in due course.

DRAFT Proposed Rules of Procedure for the IRENA Council Disciplinary Committee

1. Purpose

- 1.1 The present Rules of Procedure for the IRENA Council Disciplinary Committee (the “Rules of Procedure”), adopted by the Assembly, shall govern the process by which the Committee performs its functions when convened to consult and advise the President of the Assembly in the event of a report of alleged unsatisfactory conduct and misconduct against a Director-General, as provided in the Policy on Handling Allegations of Unsatisfactory Conduct and Misconduct against the Director-General of the International Renewable Energy Agency, and on Investigations and the Disciplinary Process for such Conduct as contained in document A/15/12 (the “*Policy on Handling Allegations against the Director-General*” or the “Policy”).
- 1.2 These Rules of Procedures are subject to and shall be interpreted and applied consistently with the *Policy on Handling Allegations against the Director-General* and any other applicable regulations, rules, policies or procedures adopted or approved by the Assembly. To the extent these Rules of Procedure may conflict with the *Policy on Handling Allegations against the Director-General*, the provisions of the Policy shall prevail.
- 1.3 These Rules of Procedure shall be interpreted and applied with the aim of securing a fair and expeditious consideration of allegations of unsatisfactory conduct or misconduct against a Director-General and ensuring due regard for the due process rights of the Director-General as well as respect for the rights of reporters, complainants, and witnesses at all stages of any process engaged pursuant to the *Policy on Handling Allegations against the Director-General* and these Rules of Procedure.
- 1.4 The Assembly may periodically review these Rules of Procedure, including with a view to resolve any inconsistency with other regulations, rules, policies, or procedures adopted or approved by the Assembly.

2. Definitions

- 2.1 Unless otherwise specified, terms used in these Rules of Procedure shall have the same meaning as in the *Policy on Handling Allegations against the Director-General*. The following definitions apply to these Rules of Procedure:
 - 2.1.1 “President” means the President of the IRENA Assembly within the meaning of Article IX.E. of the Statute of IRENA and section 2.1.14 of the *Policy on Handling Allegations against the Director-General*. In the event that the President has the same nationality as the Director-General or otherwise cannot serve in the role for reasons specified in Rule 30 of the Rules of Procedure of the Assembly, a Vice-President shall be selected to assume the responsibilities of the President under the *Policy on Handling Allegations against the Director-General* and these Rules

of Procedure in accordance with Rule 30 of the Rules of Procedure of the Assembly.

- 2.1.2 “Chair” means the Chair of the IRENA Council, who serves *ex officio* as a member of the IRENA Council Disciplinary Committee and as Chair of the Committee in accordance with section 2.1.11 of the *Policy on Handling Allegations against the Director-General*.
- 2.1.3 “IRENA Council Disciplinary Committee” or “Committee” means the committee of five (5) members of the Council designated to advise the President on matters concerning disciplinary proceedings against the Director-General for alleged misconduct, as provided in section 2.1.11 of the Policy. Four (4) members of the IRENA Council Disciplinary Committee shall be designated by the Council from each of the four regional groups mentioned in Rule 69 of the Rules of Procedure of the Assembly, and the fifth member shall be the Chair of the Council.
- 2.1.4 “Investigative Entity”, as set forth in section 2.1.9 of the *Policy on Handling Allegations against the Director-General*, means an investigative body within the United Nations system of organizations, such as the United Nations Office of Internal Oversight Services, or within another international intergovernmental body, or an outside entity qualified to carry out an investigation, such as a qualified law firm, with whom the IRENA Council will have established or will establish, from time to time, an agreement to perform the investigative functions set forth herein.
- 2.1.5 “Secretary” means a consultant contracted for this purpose following their selection by the Committee with the support of the Secretariat, and designated to provide the administrative support necessary for the Committee to carry out its responsibilities under the *Policy on Handling Allegations against the Director-General* and these Rules of Procedure.

3. General Provisions

3.1 Administrative Support: As set forth in these Rules of Procedure or as otherwise requested by the Committee through the Chair, the Committee shall be supported by a Secretary, hired pursuant to a consultancy contract, to provide the administrative support necessary for the Committee to carry out its responsibilities under the *Policy on Handling Allegations against the Director-General* and these Rules of Procedure. The hiring of a consultant to serve as Secretary shall be in accordance with the IRENA Financial Regulations and Procedures, Directives and other administrative issuances governing the hiring of consultants and these Rules of Procedure.

- 3.1.1 To ensure the independence of the Committee and to avoid any actual, potential, or apparent conflicts of interest, the Committee shall be responsible for: (i) approving the Terms of Reference for the Secretary; (ii) selecting the candidate to serve as Secretary; (iii) decisions on whether to authorize initiation and extension of the consultancy contract; and (iv) managing the substantive

aspects of the consultancy pertaining to the performance of the Secretary, including providing confirmation of delivery of services by the Secretary.

3.1.2 The Secretariat shall be responsible for providing administrative support for the advertising, selection, and administration of the consultancy contract and the contract shall be executed in accordance with IRENA Financial Regulations and Procedures, Directives and other applicable administrative issuances. The Director-General shall not participate in the hiring of the Secretary.

3.1.3 The Secretary shall act solely under the authority of the Committee in the performance of their duties. The individual serving in the position shall commit to and be capable of maintaining strict confidentiality standards at all times, and shall sign a non-disclosure agreement which shall be an integral part of their consultancy contract. The Secretary shall disclose any conflicts of interests and shall not have been involved in any matter under consideration.

3.2 Language, Translation and Interpretation: The working language of the Committee shall be English. At the direction of and under the authority of the Committee, the Agency shall arrange for the translation of any documents or other written information provided to the Committee in any language other than English, if the Committee considers such documents or written information to be relevant to or otherwise necessary for the Committee's consideration.

3.3 Communications

3.3.1 Meetings of the Committee shall be conducted in closed sessions and shall be confidential. Members of the Committee shall not speak with or consult any persons or receive any communications from anyone on any matters before the Committee outside of Committee meetings.

3.3.2 Staff members and non-staff personnel shall maintain confidentiality of information pertaining to matters pending before the Committee and shall strictly comply with their confidentiality and non-disclosure obligations as specified in Rule 4.1.5 below and in the Staff Regulations and Rules, including the IRENA Code of Conduct.

3.3.3 Neither the Director-General nor their representatives shall communicate or attempt to communicate with reporters, complainants, or witnesses testifying against the Director-General regarding any matters pending before the Committee, or in any way attempt to influence their testimony or engage in retaliation against such persons, while the disciplinary process is ongoing.

3.3.4 Neither the Director-General nor any other person shall, outside of the meetings of the Committee, communicate with or attempt to communicate with any members of the Committee on any matters before the Committee. Members of the Committee, through the Chair of the Committee, shall promptly notify the President of any such *ex parte* communications or attempts to engage in such *ex parte* communications. The Committee may take any such *ex parte*

communications or attempts to engage in such *ex parte* communications into account in its recommendations to the President.

- 3.3.5 In the event of attempted *ex parte* communications as described in Rule 3.3.3 above, the Committee may also take necessary and appropriate steps to safeguard the disciplinary process, including but not limited to seeking the disqualification of a member of the Committee in accordance with Rule 4.4 below.
- 3.3.6 The Committee shall assess whether the disciplinary process may have been adversely affected by reason of such *ex parte* communications or attempt to engage in such *ex parte* communications and make recommendations on appropriation actions to the President. For greater certainty, the disciplinary process shall not be considered null or void simply by reason of an attempted *ex parte* communication.
- 3.3.7 Neither the Director-General, their representatives, nor any other person shall attempt to interfere with the conduct of the investigation or disciplinary process.
- 3.3.8 Nothing in this section shall be interpreted to prevent or restrict the Director-General or any person subject to an investigation or disciplinary process from communicating with and obtaining the advice of legal counsel, at their own expense, regarding such matter or process arising under the Policy and/or pending before the Committee.

3.4 Submission of Documents, Privacy Protections:

All documents submitted to the Committee shall be clearly legible and filed with the Secretary, as well as:

- 3.4.1 whenever possible, be filed electronically at the email address provided by the Secretary;
- 3.4.2 identify the filer, date of submission and state clearly and concisely all pertinent information, including the type of filing (e.g., statement, rebuttal, intervention, request for reconsideration);
- 3.4.3 if a written submission, including any submission containing a statement of fact and/or law, be in the English language and in twelve-point font and 1.5 line-spacing, except for footnotes and long-quotations, which may be single-spaced;
- 3.4.4 if an exhibit to such filing, be clearly separately numbered, paginated, and linked to any statements of fact and/or law which it accompanies;
- 3.4.5 if an amendment or supplement to any document previously filed, be filed only upon permission of the Committee, communicated through the Chair.

- 3.5 Service of Documents: The Secretary shall serve copies of all filed documents only to persons permitted to receive such documents pursuant to the *Policy on Handling Allegations against the Director-General*, which shall include the President, the Director-General and members of the Committee. The Secretary shall consult with the Committee in case of any doubt as to whether any person should be served with copies of documents. Service of documents shall be made electronically through verified email receipt whenever possible, or otherwise sent by registered overnight courier, and shall be done promptly after original documents have been filed.
- 3.6 Computation of Time: In computing any time period set forth in the *Policy on Handling Allegations against the Director-General*, the regulations, rules, policies or procedures of IRENA or in these Rules of Procedure, the day on which the designated period begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or IRENA official holiday in Abu Dhabi. Intermediate Saturdays, Sundays, and IRENA official holidays are included in the computation.

4. Confidentiality and Impartiality

4.1 Confidentiality

- 4.1.1 All information obtained at any stage during the reporting of possible unsatisfactory conduct or misconduct, the preliminary assessment thereof, and the investigation and the disciplinary process shall be considered confidential, in accordance with section 12.1 of the *Policy on Handling Allegations against the Director-General*. Only the President may disclose such confidential information to the Assembly and the Council, in accordance with and in the manner provided in section 12.2 of the *Policy on Handling Allegations against the Director-General* and these Rules of Procedure.
- 4.1.2 Members of the Committee are subject to a duty of confidentiality concerning any information described in Rule 4.1.1 above that comes before the Committee, and a duty to protect and safeguard any such information to which they have access or become aware by reason of their service on the Committee. These duties of confidentiality and non-disclosure continue after a member's service on the Committee comes to an end. Members of the Committee must return, delete or destroy all documents given to them as part of their consideration of any matter upon closure of the matter or completion of the disciplinary process.
- 4.1.3 Members of the Committee shall acknowledge these duties of confidentiality and non-disclosure in writing at the time of acceptance of their designation to the Committee. These duties also apply to any alternates who replace a member on the Committee, who shall likewise acknowledge them in writing at the time of acceptance of their designation.
- 4.1.4 The Secretary shall be subject to a duty of confidentiality concerning any information relating to matters before the Committee and shall have a duty to protect and safeguard information to which they have access or become aware by reason of their service as the Secretary. These duties of confidentiality and

non-disclosure continue after expiry or termination of the Secretary's consultancy contract.

4.1.5 Staff members and non-staff personnel involved in the conduct of an investigation or a disciplinary process in any manner pursuant to the *Policy on Handling Allegations against the Director-General* and these Rules of Procedure are bound by the confidentiality and non-disclosure obligations as set forth in the Staff Regulations and Rules, including the IRENA Code of Conduct, and shall not disclose information regarding the existence of the investigation or disciplinary proceeding or information to which they have access or of which they became aware by reason of their involvement in any such disciplinary proceeding. Staff members and non-staff personnel involved in the disciplinary process shall acknowledge their duties of confidentiality and non-disclosure in writing. Any violations of these confidentiality and non-disclosure obligations shall constitute misconduct and shall be subject to serious consequences in accordance with the Staff Regulations and Rules, including IRENA Code of Conduct.

4.2 Impartiality and Independence

4.2.1 Members of the Committee shall carry out their functions impartially, independently, and without instruction from third parties.

4.2.2 IRENA staff members and non-staff personnel shall not act as representatives of the Director-General or advise the Director-General on any matter before the Disciplinary Committee and, if involved in the disciplinary process, shall not take instruction from anyone, including regarding any testimony.

4.3 Recusal: Any member of the Committee may, at any time and for any reason, seek to recuse herself or himself from considering any matter before the Committee by informing the Chair, and shall do so in the event of an actual or potential conflict of interest or any other matter that may call into question the impartiality or independence of such member. The Chair of the Committee shall decide on the request for recusal and may excuse the concerned member, and shall inform the President in writing of any decisions on recusal taken.

4.4 Disqualification

4.4.1 No member of the Committee may participate in any disciplinary process in which his or her independence or impartiality may be reasonably doubted on any ground, including on the basis of financial or other interest in the outcome of the process.

4.4.2 The Director-General or other members of the Committee may seek the disqualification of a member of the Committee, and such request shall be submitted in writing to the Chair of the Committee or, in the event the request concerns the Chair of the Committee, to the President, as soon as there is knowledge of the grounds on which disqualification is sought.

- 4.4.3 The Chair of the Committee, in consultation with the other members of the Committee, shall decide in a closed session on whether a particular member of the Committee should be disqualified from serving on the Committee in relation to any matter due to a conflict of interest or appearance thereof or any other matter calling into question the independence or impartiality of such member, including any conflicts relating to the Director-General or to anyone who has reported, witnessed, or alleged to have been involved in the alleged unsatisfactory conduct or misconduct by the Director-General. The member that is the subject of the disqualification request may request to be heard by Chair and the other members of the Committee during the closed session, but shall not be present during the deliberations of the Chair and other members of the Committee. The statement of the subject member shall be documented and made available to the Director-General upon request. The Chair of the Council shall inform the President in writing of any decisions on disqualification taken.
- 4.4.4 The President shall consult with the other members of the Committee and decide on the disqualification request if the request pertains to the disqualification of the Chair of the Committee.
- 4.5 Alternate Members: In the event a member of the Committee is excused under Rule 4.3 or is disqualified under Rule 4.4 of these Rules of Procedure, the member shall be immediately replaced by their alternate on the Committee, who shall serve on the Committee for the remainder of the Committee's consideration of the matter, including any and all consultations and proceedings related to the matter.

5. Composition of the Committee

5.1 Composition of Committee:

In accordance with section 2.1.11 of the *Policy on Handling Allegations against the Director-General*:

- 5.1.1 At each first Council meeting following the Assembly's election of a new Council in accordance with Article IX.G.1 of the Statute, the Council shall designate four members of the Council, from each of the four regional Groups mentioned in Rule 69 of the Rules of Procedure of the Assembly, to serve on the Committee, as well as an alternate for each member designated from the same regional Group. The Council shall also designate an alternate Chair of the Committee. Members and their alternates shall serve two-year terms, or until such time their replacement is appointed by the Council. A member may not be appointed to more than two consecutive terms to the Committee.
- 5.1.2 In appointing members to the Committee, consideration shall also be given to gender balance and effective participation of members from developing and developed Member States on the Committee.
- 5.1.3 In order to avoid conflicts of interest and to ensure the right of the Director-General to confidential ethics advice and guidance, members of the Ethics

Advisory Board may not serve on the Committee in any capacity, including *ex officio*. Accordingly, a member of the Ethics Advisory Board who seeks to serve on the Committee may only be designated to the Committee if they have not provided ethics advice on any matter concerning the Director-General and they cease to be a member of the Ethics Advisory Board immediately upon their designation to the Committee.

5.1.4 The Chair of the Council shall serve *ex officio* as the fifth member and Chair of the Committee, unless Rule 5.1.3 above applies, in which case the Chair of the Council shall not serve on the Committee unless they have not provided ethics advice on any matter concerning the Director-General and they cease to be a member of the Ethics Advisory Board upon becoming Chair of the Council. If the Chair of the Council belongs to the same nationality as the Director-General, is excused under Rule 4.3, or is disqualified under Rule 4.4 or this Rule 5.1.4, the alternate Chair of the Committee shall replace them and assume their responsibilities under these Rules of Procedure.

5.1.5 If the Committee has been requested to convene by the President in accordance with Rule 7.1 of these Rules of Procedure and is in the process of considering a matter at the time when the Council would normally designate new members to the Committee in accordance with Rule 5.1.1 of these Rules of Procedure, the then-serving members of the Committee, including its Chair, shall continue to serve on the Committee for matters already under their consideration, irrespective of their then membership status in the Council, for the full duration of their consideration of the matter, including the disciplinary process.

6. Notifications to the Committee

6.1 The President shall inform the Committee of the following, as soon as possible and no later than three (3) days of the following:

6.1.1 receipt of a decision by the Investigative Entity to close a matter following a preliminary assessment by the Investigative Entity of a report of possible unsatisfactory conduct by the Director-General, pursuant to section 5.5 of the *Policy on Handling Allegations against the Director-General*, including the reasons therefor as communicated to the President.

6.1.2 receipt of a decision by the Investigative Entity to issue a written closure notice of a matter in accordance with section 9.1 of the *Policy on Handling Allegations against the Director-General*, including the reasons therefor as communicated to the President.

6.1.3 any decision taken by the President following consultation with the Committee, in accordance with sections 8, 10, and 11 of the *Policy on Handling Allegations against the Director-General*.

6.2 Wherever possible, the information and documentation referred to in this Rule shall be provided to the Committee electronically through the Secretary.

7. Convening the Committee

- 7.1 The President shall request the Chair in writing to convene the Committee whenever required under the *Policy on Handling Allegations against the Director-General*, including for the following purposes:
- 7.1.1 to consider a recommendation of the Investigative Entity to place the Director-General on administrative leave, whether with or without pay, in accordance with section 8 of the *Policy on Handling Allegations against the Director-General*;
 - 7.1.2 to advise the President on the action to be taken upon a determination by the Investigative Entity that there is a factual basis indicating that the Director-General has engaged in unsatisfactory conduct, in accordance with section 10.2 of the *Policy on Handling Allegations against the Director-General*;
 - 7.1.3 to advise the President on the initiation and the outcome of the disciplinary process, as well as during the disciplinary process, in accordance with sections 10 and 11 of the *Policy on Handling Allegations against the Director-General*;
 - 7.1.4 to advise the President on the communication, in writing, of the decision on the outcome of a disciplinary proceeding to the Director-General, the Council and the Assembly, in accordance with section 11.4 of the *Policy on Handling Allegations against the Director-General*.
- 7.2 The Committee shall normally convene within seven (7) days of receipt of a request from the President, and in no case later than fourteen (14) days. All members shall be present to convene a meeting.
- 7.3 The Committee shall normally meet and conduct its work through secure video or telephone conference. The Chair of the Committee may, when it is considered necessary by the Committee or upon the request of the President, convene particular meetings of the Committee in-person.
- 7.4 The Committee shall normally agree on recommendations to the President by consensus and, in the absence of consensus, meaning an agreement by all members on the recommendation, the President shall be informed of the views of the individual members of the Committee. The recommendations of the Committee and the basis therefore and, as applicable, the views of individual members where consensus is not reached shall be provided to the President in writing.

8. Administrative Leave during the Investigation and Disciplinary Process

- 8.1 The President may, after consulting the Committee and on recommendation of the Investigative Entity, place the Director-General on administrative leave with or without pay, or convert the administrative leave with pay to administrative leave without pay, in accordance with section 8 of the *Policy on Handling Allegations against the Director-General*.
- 8.2 The Committee shall provide its advice on the recommendation of the Investigative Entity to place the Director-General on administrative leave with or without pay, when

so requested by the President under Rule 8.1, normally within seven (7) days of receipt of such request from the President.

- 8.3 Upon receiving the advice of the Committee on the recommendation of the Investigative Entity as provided for in Rule 8.2, the President shall make a decision under 8.3, 8.4, or 8.5 of the *Policy on Handling Allegations against the Director-General* as soon as possible and, in any event, normally no later than fourteen (14) days following consultation with the Committee.
- 8.4 Written notice of placement on administrative leave may be communicated to the Director-General in hard copy or electronically in accordance with section 8.7 of the *Policy on Handling Allegations against the Director-General*, and shall include (i) a detailed statement of the reason(s) for such leave, (ii) its duration, which shall not exceed 30 days at any one time, (iii) whether it is with or without pay, (iv) the Director-General's obligations to comply with the requirements of section 8.8 of the Policy while on administrative leave, and (v) the conditions by which the decision to place the Director-General on administrative leave may be reviewed or extended.

9. Conducting the Disciplinary Process

- 9.1 Provision of the Investigation Report: Upon receipt of the investigation report, pursuant to section 9.2 of the *Policy on Handling Allegations against the Director-General*, specifying that there is a factual basis indicating that the Director-General has engaged in unsatisfactory conduct, the President shall, promptly and in no case later than three (3) days from the receipt of the report, provide unredacted confidential copies of the investigation report together with all supporting documentation, including copies of all written records of interviews and copies of any digital recordings of interviews, to the members of the Committee through the Secretary.
- 9.2 Consultations on the Investigation Report: Following receipt by the Committee of confidential copies of the investigation report, supporting information and any additional information obtained, the President shall promptly consult with the Committee in order to decide whether to:
- 9.2.1 initiate a disciplinary process pursuant section 10.2.1 of the *Policy on Handling Allegations against the Director-General*, by issuing written charges of misconduct to the Director-General;
- 9.2.2 take managerial action(s) and/or impose administrative measure(s), if the unsatisfactory conduct, in the view of the President in consultation with the Committee, does not rise to the level of misconduct, pursuant to section 10.2.2 of the *Policy on Handling Allegations against the Director-General*; or
- 9.2.3 close the matter, in which case the President in consultation with the Committee, shall so inform the Director-General, in writing, by a letter signed by the President, pursuant to section 10.2.3 of the *Policy on Handling Allegations against the Director-General*.

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- 9.3 In accordance with the aim of securing expeditious consideration of the allegations of unsatisfactory conduct or misconduct, the decision by the President under Rule 9.2 shall normally be made in accordance with section 10.2 of the *Policy on Handling Allegations against the Director-General* within fourteen (14) days following consultation with the Committee.
- 9.4 Initiation of the Disciplinary Process: Should the President, following consultation with the Committee, decide to initiate a disciplinary process in accordance with section 10.2.1 of the *Policy on Handling Allegations against the Director-General*, the President in accordance with sections 10.3, 10.4 and 10.6 of the *Policy on Handling Allegations against the Director-General*, shall provide the Director-General with:
- 9.4.1 the written charges of misconduct, which shall state the specific obligations and/or standards of conduct that the Director-General is accused of having breached;
- 9.4.2 a copy of the investigation report and the relevant supporting documentation, subject to redaction or other measures to ensure that the interests of the Agency or its staff members or other personnel, including to protect privileged information and safety and security concerns, are not adversely affected by the disclosure of particular information, in accordance with section 10.4 of the *Policy on Handling Allegations against the Director-General*. Redaction shall be carried out by the Investigative Entity and subject to approval of the President, who may seek the advice of the IRENA Legal Advisor or the IRENA Internal Auditor;
- 9.4.3 notice of the Director-General's right to respond in writing to the charges of misconduct, to provide any evidence within one month from date of receipt of the charges, and to seek assistance of counsel at their own expense;
- 9.4.4 notice of the possibility of financial recovery if misconduct is established.
- 9.5 At all times during the disciplinary process, the due process rights of the Director-General, including as provided in these Rules of Procedure, shall be respected. These are: (i) the right to be assisted by legal counsel of their choice, at their own expense; (ii) the right to access to evidence relating to the case, both inculpatory and exculpatory, and including witness statements, subject to any redaction in accordance with section 10.4 of the *Policy on Handling Allegations against the Director-General*; (iii) the right to present written observations, provide evidence, and propose witnesses; (iv) the right to receive and respond to any additional information sought by the President in accordance with section 10.7 of the *Policy on Handling Allegations against the Director-General*; and (v) the right to request additional time to respond prior to the expiration of the deadline with reasons for the request, in accordance with sections 10.6 and 10.7 of the *Policy on Handling Allegations against the Director-General*.
- 9.6 All staff members and non-staff personnel participating in any disciplinary process pursuant to the *Policy on Handling Allegations against the Director-General* and these Rules of Procedure shall be protected from retaliation in accordance with the *Policy on*

Protection against Retaliation for Reporting Misconduct or Cooperating with Duly Authorized Audits and Investigations (A/15/13).

9.7 Conduct of the Disciplinary Process: In accordance with sections 10.7 and 10.8 of the *Policy on Handling Allegations against the Director-General*, the Committee shall, with the assistance of the Secretary, as required:

9.7.1 consult with the President on whether to seek further information regarding the allegations set forth in the written charges of misconduct from any relevant source;

9.7.2 seek such further information as may be requested by the President;

9.7.3 ensure that any such additional information received by the President and the Committee is provided to the Director-General, who shall have two weeks to provide a response upon receipt of such additional information.

10. Outcome of the Disciplinary Process

10.1 Evaluation of the Evidence: As promptly as possible and no later than ten (10) days following the conclusion of the proceedings laid out in Rule 9 of these Rules of Procedure, the Chair shall call for a meeting of the Committee to evaluate the evidence and to advise the President on the following:

10.1.1 whether or not the evidence supports a finding that standards of conduct and/or regulations, rules, policies, or procedures of IRENA were breached and, if so:

(a) whether it has been established by “clear and convincing evidence” that the Director-General has engaged in misconduct warranting the disciplinary measure of dismissal or summary dismissal. Such standard of proof is less than the standard of proof of “beyond a reasonable doubt” that may apply to the determination of criminal liability; or,

(b) whether it has been established by a “preponderance of the evidence” (i.e., that it is more likely than not) that the Director-General has engaged in misconduct, warranting any disciplinary measure(s) other than dismissal; and

(c) specify the standards, regulations, rules, policies, or procedures which were breach and the evidence in the investigation report or other evidence presented during the disciplinary proceeding that supports the findings of such breach under the applicable standard of proof;

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- 10.1.2 whether the Director-General should be subject to financial recovery in accordance with sections 11.5 and 11.6 of the *Policy on Handling Allegations against the Director-General*.
- 10.2 Consultations with the Legal Advisor or the Auditors: During the evaluation of the evidence, including without limitation during any processes described in Rule 9 of these Rules of Procedure, the Committee may request the IRENA Legal Advisor and/or the IRENA External or Internal Auditors to advise the Committee with respect to any points of law or process, as applicable.
- 10.3 Advice to the President: Promptly following the evaluation of the evidence and after consultations, if any, with the IRENA Legal Advisor and/or IRENA Auditors, the Chair shall hold a meeting of the Committee so that the Committee can consult with and advise the President as to whether, in light of all the evidence and pursuant to the standards of proof set out in Rule 10.1.1, the President should be recommended to:
- 10.3.1 take no further action on the matter;
- 10.3.2 no longer pursue the matter as a disciplinary case and impose administrative measures and/or require managerial action because, in the view of the Committee, it has been established that the Director-General engaged in unsatisfactory conduct, within the meaning of section 3.2 of the *Policy on Handling Allegations against the Director-General*, that did *not* rise to the level of misconduct; or
- 10.3.3 impose one or more disciplinary measures, specifying the justification for the recommendation in view of the nature of the misconduct.
- 10.4 Decision:
- 10.4.1 Based on the consultations described in Rule 10.3 of these Rules of Procedure, the President shall take the decision in accordance with section 11.3 of the *Policy on Handling Allegations against the Director-General* and either decide to close the matter, to impose administrative measures and/or managerial action, or to impose one or more disciplinary measures on the Director-General, and/or to seek financial recovery from the Director-General. The decision is solely within the authority of the President. The President shall set out the factual and legal basis for their decision, including, if applicable, a detailed justification for non-endorsement of any recommendations of the Committee.
- 10.4.2 The Committee shall be consulted by the President on communication of the decision in writing to the Director-General, the Council, and the Assembly, in accordance with Section 11.4 of the *Policy on Handling Allegations against the Director-General*.
- 10.5 Closure and Maintenance of the Record of the Proceedings: Promptly after the decision has been transmitted by President to the Director-General in accordance with section 11.4 of the *Policy on Handling Allegations against the Director-General*, the Chair of the Committee shall:

- 10.5.1 inform the members of the Committee of the decision taken by the President and the closure of the matter;
 - 10.5.2 request that members of the Committee return, destroy and/or delete all documents, including emails, given or sent to them as part of their deliberations upon closure of the disciplinary process;
 - 10.5.3 direct the Secretary to gather and securely and confidentially maintain all records of the matter, including without limitation, the investigation report and accompanying documentation, transcripts or other materials used in any hearings, and notices and communications to the Director-General;
 - 10.5.4 upon request of the President, support the President in providing information regarding the matter that may be requested by the Assembly or the Council pursuant to section 12.2 of the *Policy on Handling Allegations against the Director-General*;
 - 10.5.5 direct and ensure that the Secretary provides any documentation required by the President for any arbitral proceedings carried out in accordance with section 13 of the *Policy on Handling Allegations against the Director-General*.
- 10.6 Timeline: In accordance with the aim of securing expeditious consideration of the allegations of unsatisfactory conduct or misconduct:
- 10.6.1 the recommendation by the Committee under Rule 10.3 shall normally be made within fourteen (14) days of the conclusion of the proceedings laid out in Rule 9, and in no case later than twenty-one (21) days;
 - 10.6.2 the decision of the President on the outcome of the disciplinary process in accordance with section 11.4 of the Policy on Handling Allegations against the Director General, as referred under Rule 10.4 of these Rules, shall normally be made within fourteen (14) days of receiving the recommendation of the Committee under Rule 10.3, and in no case later than twenty-one (21) days after receipt of such recommendation.

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Annex

Draft decision on the Proposed Rules of Procedure for the IRENA Council Disciplinary Committee

The Assembly,

Recalling that, at its fifteenth session, through decision A/15/DC/5, four ethics-related policies were adopted, including the Policy on Handling Allegations of Unsatisfactory Conduct and Misconduct against the Director-General of the International Renewable Energy Agency, and on Investigations and the Disciplinary Process for such Conduct as contained in document A/15/12 (the “Policy”);

Recalling that Section 2.1.11 of the Policy calls for the establishment of an IRENA Council Disciplinary Committee to advise the President of the Assembly on matters concerning disciplinary proceedings related to alleged misconduct by a Director-General;

Noting that, by the same decision (A/15/DC/5), the Assembly requested the Council to initiate discussions at its twenty-ninth meeting on the establishment of the IRENA Council Disciplinary Committee;

Noting further that, by the same decision (A/15/DC/5), the Assembly decided that the Policy shall be annexed to the contract between the Agency and all future Directors-General as part of their terms of appointment and an integral part of the contract;

Having considered the deliberations of the Council at its twenty-ninth, thirtieth and thirty-first meetings, as contained in documents C/29/SR/1, C/30/1, and [C/31/1] respectively, regarding establishment of and proposed Rules of Procedure for the IRENA Council Disciplinary Committee;

Having considered the proposed Rules of Procedure for the IRENA Council Disciplinary Committee, as recommended to the Assembly by the Council through document [REFERENCE NUMBER], and annexed hereto;

Acting pursuant to Article IX, paragraph G.5 of the Statute of IRENA;

1. *Decides* to adopt the proposed Rules of Procedure for the IRENA Council Disciplinary Committee as contained in the annex to this decision and which shall be added as an annex to the Policy on Handling Allegations of Unsatisfactory Conduct and Misconduct against the Director-General of the International Renewable Energy Agency, and on Investigations and the Disciplinary Process for such Conduct as contained in document A/15/12;

2. *Requests* the Secretariat to report annually to the Assembly and the Council on the budget implications relating to implementation of the Policy on Handling Allegations of Unsatisfactory Conduct and Misconduct against the Director-General of the International Renewable Energy Agency, and on Investigations and the Disciplinary Process for such Conduct as contained in document A/15/12, including the additional resources required for the Disciplinary Committee and Investigative Entity, and *decides* that such additional resources shall be provided through approved budget appropriations;
3. *Requests* the Council, with the support of the Secretariat, to invite expressions of interest from IRENA Council Members to serve as members of the Committee, one from each of the regional Groups elaborated in Rule 69 of the Rules of Procedure of the Assembly, who, together with the Chair of the Council serving *ex officio* as Chair of the Committee, shall comprise the Committee, in order to expedite the formation of the Committee.