

**A6.4-PROC-GOV-006**

## Procedure

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# Appeal and grievance processes under the Article 6.4 mechanism

Version 01.0



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## **1. Introduction**

### **1.1. Background**

1. The rules, modalities and procedures (RMPs) for the mechanism established by Article 6, paragraph 4, of the Paris Agreement (the Article 6.4 mechanism), as contained in the annex to decision 3/CMA.3<sup>1</sup> state, in paragraph 62 thereof, that "Stakeholders, activity participants and participating Parties may appeal decisions of the Supervisory Body or request that a grievance be addressed by an independent grievance process".
2. The Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA), through paragraph 5(a) of decision 3/CMA.3, requested the Supervisory Body to develop provisions for the process of developing and approving methodologies, validation, registration, monitoring, verification and certification, issuance, renewal, first transfer from the mechanism registry, voluntary cancellation and other processes pursuant to chapters V.B–L and VIII of the RMPs. The development of appeal and grievance processes referred to in paragraph 62 of the RMPs is a part of such mandate from the CMA to the Supervisory Body.

### **1.2. Objectives**

3. The objectives of the "Procedure: Appeal and grievance processes under the Article 6.4 mechanism" (hereinafter referred to as this procedure) are to set out requirements for filing an appeal or submitting a grievance on cases under the Article 6.4 mechanism activity cycle, as well as, procedural steps for processing them and resulting consequences.

## **2. Scope and entry into force**

### **2.1. Scope**

4. This procedure describes the administrative steps to follow for stakeholders, activity participants and Parties to file an appeal against decisions of the Supervisory Body or submit a grievance to be addressed for cases within the Article 6.4 mechanism activity cycle, and for the UNFCCC secretariat (hereinafter referred to as the secretariat), or the appeal or grievance panel to process such appeal or grievance, and for the Supervisory Body and other relevant individuals or organizations to take actions.

### **2.2. Entry into force**

5. This version of this procedure enters into force on 2 May 2024.

## **3. Terms and definitions**

6. The following terms apply in this procedure:
  - (a) "Shall" is used to indicate requirements to be followed;
  - (b) "Should" is used to indicate that among several possibilities, one course of action is recommended as particularly suitable;

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<sup>1</sup> Available at: [https://unfccc.int/sites/default/files/resource/cma2021\\_10\\_add1\\_adv.pdf#page=25](https://unfccc.int/sites/default/files/resource/cma2021_10_add1_adv.pdf#page=25).

- (c) “May” is used to indicate what is permitted;
- (d) “Activity participant” is a public or private entity that participates in an Article 6.4 project or programme of activities (PoA) (hereinafter collectively referred to as A6.4 activity);
- (e) “Activity standard” is the “Article 6.4 activity standard for projects” or the “Article 6.4 activity standard for programmes of activities”, as applicable;
- (f) “Activity cycle procedure” is the “Article 6.4 activity cycle procedure for projects” or “Article 6.4 activity cycle procedure for programmes of activities”, as applicable;
- (g) “Methodology procedure” is the “Procedure: Development, revision and clarification of methodologies and methodological tools”.

## **4. Appeal process**

### **4.1. Standing**

7. An appeal may be filed against an appealable decision of the Supervisory Body, as defined in paragraph 9 below, by the following individuals, communities and organizations (hereinafter referred to as appellants):
- (a) The stakeholders who were eligible to participate in the activity's local stakeholder consultation conducted in accordance with the activity standard;
  - (b) The activity participants of the activity in question as identified in the modalities of communication submitted in accordance with the activity cycle procedure;
  - (c) The designated national authorities (DNAs) of the host Party and other Parties participating in the activity through authorization of activity participants of the activity in question;
  - (d) The DNAs of the host Parties where the Party-specific elements of methodological product are applicable.
8. An appellant may file an appeal individually or jointly with other appellants. Multiple appeals (individually or jointly) may be filed against the same appealable decision, provided that no single appellant is included in more than one appeal.

### **4.2. Scope**

9. An appeal may be filed against any of the following Supervisory Body decisions made in accordance with the activity cycle procedure and the methodology procedure (hereinafter referred to as appealable decisions):
- (a) Approval or rejection of a request for registration of a proposed A6.4 activity or inclusion of a proposed component project (CP) in a registered A6.4 PoA (hereinafter, registration and inclusion are collectively referred to as registration);
  - (b) Approval or rejection of a request for approval of a post-registration change to a registered A6.4 activity, or approval or rejection of a notification of post-registration change to a CP in a registered A6.4 PoA;
  - (c) Approval or rejection of a request for issuance of Article 6, paragraph 4, emission reductions (A6.4ERs) for a registered A6.4 activity;

- (d) Approval or rejection of a request for renewal of the crediting period or PoA period of a registered A6.4 activity (hereinafter, renewal of the crediting period and the PoA period are collectively referred to as renewal), or approval or rejection of a notification of renewal of the crediting period of a CP included in a registered A6.4 PoA;
- (e) The DNA of the host Party may further appeal against the application of Party-specific elements of methodological products that are applicable to that host Party.

### **4.3. Grounds**

10. The grounds for an appeal shall be one or more of the following:

- (a) The Supervisory Body exceeded its authority or mandate as defined in the RMPs and other relevant CMA decisions;
- (b) The Supervisory Body's application of one or more provisions in the RMPs, of other relevant CMA decisions<sup>2</sup> or of applicable standards and procedures adopted by the Supervisory Body, was either incorrect or unreasonable, such that if applied correctly, it may have resulted in a materially different outcome;
- (c) The Supervisory Body made an error in relation to a material fact, irrespective of whether such fact was available to the Supervisory Body at the time of its decision, and the error may have materially affected the appealable decision on its merits;
- (d) The information provided by the designated operational entity (DOE) or the activity participants on which the Supervisory Body made the decision contained an error or misstatement that materially affected the decision.

### **4.4. Procedure**

#### **4.4.1. Filing an appeal**

11. An appellant or its authorized representative (hereinafter collectively referred to as an appellant) may file an appeal by submitting, through a dedicated interface on the UNFCCC website, a duly completed "Appeal form" covering the following information within 28 days of the publication on the UNFCCC website of an appealable decision of the Supervisory Body, except for an appeal against the decision referred to in paragraph 9(c) above, in which case within 14 days of the publication of the decision:

- (a) The name and category (stakeholder, activity participant or participating Party) of the appellant. The appellant may indicate if the personal identification and data shall be treated as confidential;
- (b) The relationship of each individual and organization listed as the appellant to the activity in question to demonstrate the standing of the appellant as per the requirements of paragraph 7 above;
- (c) The name and contact information (email address, phone number, physical address) of the focal point of the appellant. If an authorized representative of the (original) appellant files the appeal, the evidence of such authorization shall be

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<sup>2</sup> For example, decision 7/CMA.4, annex I, available at: [https://unfccc.int/sites/default/files/resource/cma2022\\_10a02\\_adv.pdf#page=37](https://unfccc.int/sites/default/files/resource/cma2022_10a02_adv.pdf#page=37).

- submitted (including signature of the appellant). The appellant may indicate if the personal identification and data shall be treated as confidential;
- (d) The Supervisory Body decision being appealed, indicating its decision category referred to in paragraph 9 above;
  - (e) The ground(s) for the appeal as referred to in paragraph 10 above and a declaration in the form of an sworn statement on the grounds and relevant facts and arguments that form the grounds;
  - (f) A detailed statement of the relevant facts and arguments that form the grounds for the appeal;
  - (g) References to supporting documents, which may be attached, and other sources of information, with an explanation as to how the supporting documents and other information support the arguments made in the appeal.
12. The secretariat shall issue a statement of the appeal fee due and the bank transfer instructions, if applicable, and shall communicate this to the appellant.
13. The appeal fee shall be determined as follows:
- (a) Standard appeal fee of USD 30,000;
  - (b) All appeals against decisions of the Supervisory Body on requests for issuance referred to in paragraph 9(c) above shall be subject to the standard appeal fee referred to in subparagraph (a). The fee shall be paid by the appellant at the filing of the appeal. The appeal shall not be deemed received until the fee is received by the secretariat;
  - (c) For appeals against decisions by the Supervisory Body referred to in paragraph 9(e) above, no appeal fee shall be payable by the DNAs that appeal the decision;
  - (d) For all other appeals:
    - (i) The appellant shall pay the appeal fee within 30 days of receipt of the statement of the appeal fee. If the appellant does not pay the appeal fee within the timeframe, the appeal shall be deemed as withdrawn and the secretariat shall notify the appellant accordingly;
    - (ii) Notwithstanding subparagraph (i), no appeal fee shall be payable by the appellant if the appeal is for vulnerable groups, including but not limited to, Local Communities and Indigenous Peoples, and that request for a waiver of the appeal fee that shall be subject to approval by the Supervisory Body.

#### **4.4.2. Temporary suspension of processing cases**

14. Upon receipt of an appeal, the processing of the case within the respective procedure shall be suspended immediately until the conclusion of the appeal proceedings made in accordance with sections 4.4.3–4.4.6 below. The secretariat shall immediately notify the Supervisory Body of the receipt of the appeal and the suspension of the process.

#### **4.4.3. Completeness and eligibility checks**

15. Upon receipt of the appeal fee, if applicable, the secretariat, within 7 days, shall undertake the completeness check to determine whether the submitted appeal form contains all required information referred to in paragraph 11 above. If the secretariat finds the

information contained in the appeal form is incomplete, it shall request the appellant, by providing the reason for incompleteness, to submit a revised form to fill the gap within 21 days. The appellant can request a one-time extension of the deadline for revising the form no longer than 14 days. In this case, if the appellant does not submit a revised form within this timeframe, or the submitted revised form is still found to be incomplete, the appeal shall be deemed withdrawn and the secretariat shall notify the appellant accordingly, reimbursing the appeal fee after deducting USD 500 if the appeal fee has been paid in accordance with paragraph 13 above.

16. Upon successful conclusion of the completeness check, the secretariat shall establish an appeal panel to review this specific appeal by appointing three experts from the roster established for the appeal and grievance processes under this procedure, taking into account the specificity of the case and the expertise of each expert, and designating one of them as the chair of the panel. The secretariat shall forward the appeal form and any supporting documentation submitted by the appellant to the members of the appeal panel.
17. The appeal panel shall determine, within seven days of receipt of the appeal from the secretariat, whether the appellant is eligible for filing the appeal in question in accordance with paragraph 7 above, the appeal is against appealable decisions referred to in paragraph 9 above, and the grounds for the appeal as claimed by the appellant are one or more of those referred to in paragraph 10 above. If the appeal panel determines that the appellant or the appeal does not satisfy any of these eligibility requirements for appeals, it shall reject the appeal. In this case, the secretariat shall promptly inform the appellant accordingly and reimburse the appeal fee after deducting USD 1,000 if the appeal fee has been paid in accordance with paragraph 13 above. In order to determine the eligibility, the chair of the appeal panel may, through the secretariat, request the appellant and/or any other individual or organization it deems necessary for that purpose to provide additional information.
18. Once the appeal panel has confirmed that the appellant and the appeal satisfy all of the eligibility requirements for appeals, the secretariat shall publish the appeal on the UNFCCC website and immediately notify the Supervisory Body of the publication of the appeal. The personal identification and data indicated by appellant as confidential as per paragraphs 11(a) and 11(c) above shall not be published.
19. Over the entire course of the processing of the appeal, the appellant's personal details (name and contact information) shall be made available only to limited members of the secretariat as necessary, unless otherwise expressly agreed by the appellant.

#### **4.4.4. Initial response by the Supervisory Body**

20. The Chair of the Supervisory Body, in consultation with its Vice-Chair, may provide the background and/or reasoning of the Supervisory Body decision in question to the appeal panel within 14 days of the publication of the appeal on the UNFCCC website.

#### **4.4.5. Review and ruling**

21. The appeal panel shall review the appeal to consider the merits of the matter and prepare a ruling within 14 days after the publication of the appeal on the UNFCCC website. In doing so, the appeal panel may, through the secretariat, request the designated operational entity (DOE) that validated or verified the request, or the Methodological Expert Panel that recommended methodological products that contain Party-specific elements applicable to the host Party regarding which the Supervisory Body has made the decision in question, or any other relevant individual or organization that is independent



from the appellant, to clarify any of the information contained in the appeal form. If the appeal panel has made such request for clarification, the deadline shall be extended accordingly.

22. The appeal panel shall take into account only:
  - (a) The information in the appeal form provided by the appellant and published in accordance with paragraph 18 above, including the references to supporting documents and other sources of information;
  - (b) Clarification provided by the DOE, Methodological Expert Panel or any other individual or organization, of the information contained in the appeal form in accordance with paragraph 21 above, as applicable;
  - (c) The Supervisory Body's decision under appeal and any previous decisions of the Supervisory Body within the activity cycle;
  - (d) The RMPs, other relevant CMA decisions, and standards and procedures adopted by the Supervisory Body;
  - (e) Any appeal or response that was previously filed by the same appellant as part of a previous appeal in relation to the activity, or methodological products in question and the previous appeal is deemed materially relevant;
  - (f) The background and/or reasoning for the Supervisory Body decision provided as an initial response by the Supervisory Body in accordance with paragraph 20 above;
  - (g) Any factual information from a source, the accuracy of which cannot be questioned (e.g. the day of the week on a certain date).
23. In reviewing the appeal and preparing a ruling, the appeal panel shall also:
  - (a) Defer to the Supervisory Body's finding of facts, unless they are claimed by the appellant to be erroneous in accordance with paragraph 10(c) or 10(d) above;
  - (b) Defer to the Supervisory Body's application of standards and procedures adopted by the Supervisory Body, unless such application is claimed by the appellant to be either incorrect or unreasonable in accordance with paragraph 10(b) above.
24. The ruling of the appeal panel shall conclude in one of the following ways and provide the rationale for its conclusion:
  - (a) Affirming the decision of the Supervisory Body;
  - (b) Remanding the matter to the Supervisory Body for reconsideration (hereinafter referred to as remand ruling).
25. The ruling shall detail the grounds for its conclusion and supporting argumentation and findings.
26. The appeal panel, through the secretariat, shall notify the Supervisory Body and the appellant of its ruling. The secretariat shall promptly publish the ruling on the UNFCCC website.

#### **4.4.6. Reconsideration by the Supervisory Body upon remand**

27. If the ruling by the appeal panel is a remand ruling referred to in paragraph 24(b) above, the Supervisory Body shall reconsider its decision under the appeal and conclude its reconsideration within 30 days of the notification of the remand ruling to the Supervisory Body.
28. In concluding its reconsideration, the Supervisory Body shall issue a new decision.
29. The Supervisory Body shall provide the rationale for the new decision referred to in paragraph 28 above, including:
  - (a) How the new decision addresses the conclusions of the remand ruling;
  - (b) The RMPs, other relevant CMA decisions, or relevant standards and procedures adopted by the Supervisory Body applied to the facts and their interpretation;
  - (c) The interpretation of the RMPs, other relevant CMA decisions, or relevant standards and procedures adopted by the Supervisory Body as applied to the facts;
  - (d) The facts and any interpretation of the facts that formed the basis of the new decision.
30. The secretariat shall promptly resume the suspended process and publish the reconsideration decision together with the provided rationale on the UNFCCC website, and notify the appellant and, if applicable, the activity participants, the DOE and the participating Parties, through their DNAs, of the publication of the new decision.
31. If the Supervisory Body issued a new decision, the processing of the case in question shall be treated as if the new decision were the original decision in terms of the effectiveness of the decision.
32. If the ruling of the appeal panel is a remand ruling referred to in paragraph 24(b) above, the secretariat shall reimburse the appeal fee in full to the appellant if a fee is paid in accordance with paragraph 13 above.
33. The appeal panel shall not have the authority to award any monetary compensation for damages to the appellant or any other individual or organization other than the reimbursement of the appeal fee as referred to in paragraphs 32 above.
34. The conclusions by the appeal panel, including ruling on, or rejection of, the appeal shall be final and shall not be further considered or subject to a new appeal.

## **5. Grievance process**

### **5.1. Standing**

35. A grievance may be submitted by individuals, communities and organizations (hereinafter referred to as grievants) that meet all the following eligibility requirements:
  - (a) They are connected to the jurisdiction, by means of residency or domicile, where the activity in question is implemented. In the absence of documentary evidence, the residency or domicile can be proven by any other means that demonstrate the grievant's connection to the jurisdiction;

- (b) They have substantial presence in the geographic area, by means of their business activity or community-related activity, which is or may be directly affected by the activity in question;
- (c) They suffer or may suffer direct adverse effects from the implementation or treatment of the activity in question within the activity cycle under the Article 6.4 mechanism by way of concrete, tangible and particularized claim of harm to the health, property, local environment or other interest.

## **5.2. Scope**

- 36. A grievance may be submitted only in respect of adverse effects of a social, economic or environmental nature that are suffered or may be suffered by local individuals, communities or businesses as a direct consequence of the implementation or treatment of a registered A6.4 activity within the activity cycle under the Article 6.4 mechanism.
- 37. A complaint on the design and operation of the Article 6.4 mechanism, including in relation to the governance, the activity cycle, the methodology and standardized baseline development process and the accreditation process, shall not be submitted as a grievance under this procedure, but may be submitted under the “Procedure: Consideration of unsolicited letters to the Supervisory Body”.

## **5.3. Procedure**

### **5.3.1. Submitting a grievance**

- 38. A grievant or its authorized representative (hereinafter collectively referred to as a grievant) may submit a grievance, through a dedicated interface on the UNFCCC website by completing a “Grievance form” covering the following information within the valid crediting period of the Article 6.4 activity in question:
  - (a) The name and category (e.g. individual, community, organization) of the grievant. The grievant may indicate if the personal identification and data shall be treated as confidential;
  - (b) The relationship of each individual, community and organization listed as the grievant to the activity in question to demonstrate its eligibility as grievant as per the requirements of paragraph 35 above;
  - (c) The name and contact information (email address, phone number, physical address) of the focal point of the grievant. If an authorized representative of the (original) grievant submits the grievance, the evidence of such authorization shall be submitted (including signature of the grievant). The grievant may indicate if the personal identification and data shall be treated as confidential;
  - (d) The title and UNFCCC reference number of the A6.4 activity in question;
  - (e) Description of the direct adverse effect complained by the grievant and how it is related to the implementation of the Article 6.4 activity in question and a declaration in the form of an sworn statement on the actual direct adverse effect and its relation to the implementation of the Article 6.4 activity;
  - (f) Description of a suggested remedy;

- (g) References to supporting documents, which may be attached, and other sources of information, with an explanation as to how the supporting documents and other information support the arguments made in the grievance;
- (h) Reference to, or evidence of, any previous or ongoing attempt to resolve the issue including through conciliation directly with any other individual or organization.

### **5.3.2. Completeness and eligibility checks**

39. The secretariat shall undertake the completeness check within 7 days to determine whether the submitted grievance form contains all required information referred to in paragraph 38 above. If the secretariat finds that the information contained in the grievance form is incomplete, it shall request the grievant, by providing the reason for incompleteness, to submit a revised form to fill the gap within 21 days. The grievant can request a one-time extension of the deadline for revising the form of no longer than 14 days. In this case, if the grievant does not submit a revised form within this timeframe, or the submitted revised form is still found to be incomplete, the grievance shall be deemed withdrawn and the secretariat shall notify the grievant accordingly.
40. Upon successful conclusion of the completeness check, the secretariat shall establish a grievance panel to review this specific grievance by appointing three experts on the roster referred to in paragraph 16 above, taking into account the specificity of the case and the expertise of each expert, and designating one of them as the chair of the panel. The secretariat shall forward the grievance form and any supporting documentation submitted by the grievant to the members of the grievance panel.
41. The grievance panel shall determine within seven days of receipt of the grievance from the secretariat whether the grievant is eligible to submit the grievance in accordance with paragraph 35 above and the grievance is within the scope referred to in paragraph 36 above. If the grievance panel determines that the grievant or the grievance does not satisfy any of these eligibility requirements for grievances, it shall reject the grievance. In this case, the secretariat shall promptly inform the grievant of the rejection accordingly. In order to determine the eligibility, the chair of the grievance panel may, through the secretariat, request the grievant and/or any other individual or organization it deems necessary for that purpose to provide additional information.
42. Once the grievance panel has confirmed that the grievant and the grievance satisfy all of the eligibility requirements for grievances, the secretariat shall publish the grievance on the UNFCCC website and immediately notify the Supervisory Body of the publication of the grievance. The personal identification and data indicated by the appellant as confidential as per paragraphs 38(a) and 38(c) above shall not be published.
43. If the grievance contains accusations against specific individuals or organizations that may trigger legal actions under the relevant domestic laws, the grievance panel shall decide whether to make publicly available the grievance or any specific information therein, and request the secretariat not to publish the grievance or to publish a partially redacted version.
44. Over the entire course of the processing of a grievance, the grievant's personal details (name and contact information) shall be made available only to limited members of the secretariat as necessary, unless otherwise expressly agreed by the grievant.

### 5.3.3. Consideration and recommendations

45. The grievance panel shall consider the grievance and prepare recommendations or reject the grievance within 14 days after the publication of the grievance on the UNFCCC website. In doing so, the grievance panel may, through the secretariat, request the grievant or other relevant individual or organization to provide additional information, specifying the deadline that the grievance panel deems reasonable for the grievant or other individual or organization to prepare such additional information. The additional information shall be submitted in 21 days unless the grievant requests for one-time extension of no longer than 14 days.
46. The grievance panel shall reject the grievance if:
  - (a) Insufficient information is provided to prepare a recommendation (e.g. the information is too general, unspecified and, therefore, non-actionable);
  - (b) Additional information requested in accordance with paragraph 45 above is not provided by the specified deadline in accordance with paragraph 45 above from the grievant;
  - (c) The grievant organization's legitimacy to represent (potentially) affected individuals, entities or communities is not explicit and proven, as applicable.
47. If the grievance panel does not reject the grievance, it shall outline its findings, considerations and recommendations as appropriate. The findings or recommendations may include:
  - (a) Recommendations to the activity participants on corrective actions which may address the grievance;
  - (b) Recommendations to the national authority of the host Party, through its DNA, of the activity in question on corrective actions which may address the grievance;
  - (c) Recommendations to the Supervisory Body on consideration of decisions on the activity in question within the activity cycle under the Article 6.4 mechanism, such as temporary suspension of issuance or renewal until the host Party or the activity participants demonstrate that they have addressed the issue raised in the grievance;
  - (d) General recommendations to the Supervisory Body on revisions of Article 6.4 mechanism rules and regulations, including on the activity cycle, methodologies and accreditation;
  - (e) The grievance was found not substantiated on its merits.
48. The secretariat shall promptly publish the outcome of the consideration of the grievance panel – that is, either to issue recommendations or reject the grievance – on the UNFCCC website, and communicate the outcome to the grievant, and if there are recommendations, also to the relevant individual(s) and/or organization(s).
49. Within 14 days upon receipt of the communication on the outcome of the consideration of the grievance, the grievant may request, by email through a dedicated email address to the secretariat, that the secretariat, along with the members of the grievance panel, make a call to the grievant to provide clarifications on the outcome, limited to the relevant procedural provisions. Only one such request, regardless of the requesting grievant, shall be allowed per submission of grievance. In this case, the grievant shall provide the contact

details of the person to be called and the preferred time slots. The secretariat shall ensure that, if requested by the grievant, the identity of the identified person shall be kept confidential. The secretariat shall fix an appointment for the call within three days of receipt of the request. The secretariat shall record the call and, if needed, classify it as confidential.

50. The grievance panel shall not have the authority to recommend awarding any monetary compensation for damages to the grievant or any other individual or organization.
51. The conclusion by the grievance panel, including recommendations on, or rejection of, the grievance shall be final and unappealable, and shall not be further considered or subject to a new grievance.

#### **5.3.4. Monitoring of outcome of recommendations**

52. If the grievance panel issued recommendations referred to in paragraph 47(b) above, the secretariat shall, three months after the issuance of such recommendations, contact the DNA of the host Party to inquire about actions taken by the national authority based on the recommendations, report its findings to the Supervisory Body, and publish the outcome of the inquiry on the UNFCCC website.
53. If the grievance panel issued recommendations referred to in paragraph 47(c) above, the Supervisory Body shall either:
  - (a) Take actions within the activity cycle as it deems appropriate; or
  - (b) Decide not to take actions regarding the activity in question within the activity cycle.
54. If the Supervisory Body takes action within the activity cycle in accordance with paragraph 53(a) above, it shall provide a notification on the course of action to the DNA of the host Party.

## **6. Roster of experts and appeal and grievance panels**

### **6.1. Roster of experts**

55. The roster of experts shall comprise 30 experts, serving for both the appeal and grievance processes in accordance with this procedure.
56. The secretariat shall make a public call for experts to appoint them on the roster based on the terms of reference contained in this section.
57. The secretariat shall appoint experts on the roster initially for a period of four years for 15 experts and for a period of two years for the remaining 15 experts to ensure continuity. Thereafter, the secretariat shall appoint all experts for a period of four years. Experts on the roster shall remain under appointment until their successors are appointed.
58. Experts on the roster shall perform any duties and exercise any authority in an honourable, independent, impartial and conscientious manner as follows:
  - (a) They shall serve in his or her personal capacity and shall enjoy full independence;
  - (b) They shall observe at all times and from the date of their appointment the highest standards of ethical conduct in the performance of their duties and functions. Such duties and functions shall be performed in accordance with the Charter of the United Nations and this procedure;

- (c) They shall treat all persons involved in the appeal and grievance processes under this procedure with dignity and respect, and conduct themselves in line with the values of the United Nations;
  - (d) They shall not abuse their authority or directly or indirectly accept, offer or provide any gift, advantage or reward that can be reasonably perceived as intended to influence the performance of their functions or their independence;
  - (e) They shall not engage in any form of discrimination or harassment, including sexual harassment;
  - (f) They shall possess relevant experience in international law and administrative law with the knowledge of carbon markets, environmental and socioeconomic fields, and scientific fields relevant to climate change.
59. Experts on the roster shall avoid actual, potential and perceived conflicts of interest and shall:
- (a) Declare any actual, potential or perceived conflict of interest at the appointment as members of the appeal or grievance panel for a specific case;
  - (b) Refrain from participating in the appeal or grievance panel for a specific case, in relation to which they have an actual, potential or perceived conflict of interest;
  - (c) Refrain from behaviour that may be incompatible with the requirements of independence and impartiality.
60. Experts on the roster shall have no pecuniary or financial interest in any aspect of the A6.4 activity, the validating or verifying DOE or any matters considered by the appeal or grievance panel for a specific case.
61. Experts on the roster shall ensure confidentiality in line with relevant best practices and decisions of the CMA and the Supervisory Body.
62. Experts on the roster shall take a written oath of service, witnessed by the Executive Secretary of the UNFCCC or his/her authorized representative when accepting the appointment on the roster, that he or she shall be independent and impartial, shall avoid direct or indirect conflicts of interest and shall respect the confidentiality of the appeal and grievance proceedings. Electronic submission of the signed oath of service by experts on the roster is sufficient to fulfil the requirements of these terms of reference.
63. An expert on the roster shall not be a member or alternate member of the Supervisory Body, or a member or employee of its support structure, DOE or DNA.
64. An expert on the roster may resign from the roster by notifying the secretariat. The resignation shall take effect immediately.
65. The secretariat may suspend an expert on the roster in the event of breach of the requirements referred to in paragraphs 58–61 above.

## **6.2. Organization of panels**

66. For each appeal filed or grievance submitted for which the secretariat successfully concluded the completeness check in accordance with paragraph 15 or 39 above, respectively, the secretariat shall establish an appeal or grievance panel by appointing three experts from the roster, including one of them as the chair of the panel, in accordance with paragraph 16 or 40 above, respectively. The appointment shall be done

in a manner that ensures the required collective expertise of the panel to consider the case in question, and that ensures the impartiality and independence of any panel member with respect to the case in question.

67. If multiple appeals are filed on the same Supervisory Body decision, the secretariat may request an appeal panel to cover all such appeals as a package. If a different grievance on the same A6.4 activity is submitted after a grievance panel initiated and before concluding its work, the secretariat may request the grievance panel to also cover the new grievance as a package. In this case, the timeframe for completion of the work of the grievance panel shall be extended accordingly.
68. The chair of an appeal or grievance panel shall lead and conclude the consideration of the appeal or grievance, seeking the consensus of all panel members or conducting voting as the last resort. The chair shall also act as the focal point for communication with the appellant, the grievant, the Supervisory Body, the secretariat, host Parties or any other individual or organization in accordance with this procedure.
69. Internal discussions and communications, such as drafting of rulings or recommendations within an appeal or grievance panel shall be kept confidential.
70. Members of an appeal or grievance panel shall not disclose information obtained by the panel marked as proprietary or confidential without the written consent of the provider of the information unless the panel determines that, in accordance with paragraph 79 below, such information cannot be claimed proprietary or confidential.
71. If a member of an appeal or grievance panel becomes unable to continue to serve on the panel, the secretariat may, taking into account the progress of the duty of the panel, select another expert to replace the outgoing member.
72. Members of an appeal or grievance panel shall be remunerated for their duties in the panel in accordance with the United Nations rules and regulations.

### **6.3. Consistency in ruling and recommendations by panels**

73. The secretariat shall keep all experts on the roster informed of all CMA decisions on the Article 6.4 mechanism and all rules and regulations developed by the Supervisory Body for the operation of the Article 6.4 mechanism.
74. The secretariat shall notify all experts on the roster of the publication on the UNFCCC website of rulings, recommendations and rejections concerning all appeals and grievances that have progressed to the consideration by appeal or grievance panels, including eligibility checks.
75. To ensure consistency and coherence in rulings of appeal panels, recommendations of grievance panels, and rejections, and to enhance individual and collective expertise of the roster, the secretariat shall regularly organize in-person or virtual workshops, inviting all experts on the roster to discuss relevant matters relating to the appeal and grievance processes.

## **7. Other matters**

### **7.1. Administrative support**

76. The secretariat shall provide all administrative support to the appeal and grievance processes.



77. Staff members of the secretariat assigned to support the appeal and grievance processes shall be independent from those supporting the Supervisory Body, be impartial to any appeal or grievance, avoid direct or indirect conflicts of interest, and observe the confidentiality of the proceedings of the appeal and grievance processes in accordance with United Nations rules and regulations.
78. Expenses for the establishment and operation of the appeal and grievance processes shall be funded by appeal fees charged in accordance with paragraph 13 above, supplemented by funding for the operation of the Article 6.4 mechanism if necessary, and shall be allocated in a way to ensure the independence and impartiality of the appeal and grievance processes.

## **7.2. Confidential and proprietary information**

79. Information marked as proprietary or confidential that is obtained from appellants, grievants, activity participants or any other individuals and organizations for the purpose of processing appeals and grievances in accordance with this procedure shall not be disclosed by appeal and grievance panels, the Supervisory Body or the secretariat without the prior written consent of the provider of the information. In this context, the following information shall not be considered as proprietary or confidential:
- (a) Information required to be disclosed by the national law of the host Party;
  - (b) Information required to be disclosed by relevant provisions in the rules and regulations of the Article 6.4 mechanism;
  - (c) Information used to support assessments on environmental and social impacts and contribution to sustainable development.

## **7.3. Other**

80. The secretariat shall report annually to the CMA on the summary of the operation of the appeal and grievance processes, including the numbers of appeals filed and grievances submitted, and the budgetary situation to support the processes.
81. The working language of the appeal and grievance mechanism shall be English. However, an appeal may be filed or a grievance may be submitted in any of the other five United Nations official languages.
82. The Supervisory Body shall regularly review, and revise when appropriate, this procedure based on the experience gained with the operation of the appeal and grievance processes, specific calls for input and consultations with stakeholders.

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**Document information**

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