

A6.4-SBM016-AA-A05

Draft Procedure

Periodic structured legal and editorial
review system of the Article 6.4 Supervisory
Body's regulatory documents

Version 1.0



United Nations
Framework Convention on
Climate Change

COVER NOTE

1. Procedural background

1. At its tenth meeting, the Supervisory Body requested the secretariat to undertake an initial structured legal and editorial review of the regulations and procedures approved by the Supervisory Body to ensure consistency among the regulations, including with regard to its Rules of Procedure, and to undertake the first review in 2024 with a view to prepare relevant proposals for consideration by the Supervisory Body in 2025.¹ In addition, to facilitate subsequent reviews of regulations, the Supervisory Body requested the secretariat to establish a periodic structured legal and editorial review system of its regulations to, among others, ensure transparency and consistency among the regulations, as well as address any matters brought forward by the Supervisory Body for consideration in this regard. The Supervisory Body requested the secretariat to prepare a concept note on this periodic structured review system for a future meeting.
2. At its fifteenth meeting, the Supervisory Body considered the concept note "Update on the initial structured legal and editorial review of the regulations and procedures approved by the Supervisory Body"² and took note of the progress of the initial review. The Supervisory Body requested the secretariat,³ in conducting the review of the regulatory documents, to ensure coherence across different regulations, and maintain clarity between procedures and standards, following the "Decision and documentation framework".

2. Purpose

3. The purpose of this procedure is to establish and set out the key components and operational framework of the periodic structured legal and editorial review system of the Supervisory Body's regulatory documents governing the Article 6.4 mechanism (hereinafter referred to as the periodic review system).

3. Key issues and proposed solutions

4. This procedure aims to address several key issues, including defining the focus of the periodic review, establishing the frequency and timelines for conducting the reviews, clarifying key roles and responsibilities of involved actors, and outlining the related decision-making process.

¹ Meeting report of the Tenth meeting of the Article 6.4 Supervisory Body, available at: https://unfccc.int/sites/default/files/resource/SB010_report.pdf.

² Available at: <https://unfccc.int/sites/default/files/resource/A64-SBM015-AA-A05.pdf>.

³ Meeting report of the Fifteenth meeting of the Article 6.4 Supervisory Body, available at: <https://unfccc.int/sites/default/files/resource/A6.4-SBM015.pdf>.

4. Recommendations to the Supervisory Body

5. The secretariat recommends that the Supervisory Body consider and adopt the draft procedure "Periodic structured legal and editorial review system of the Article 6.4 Supervisory Body's regulatory documents".

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1. Introduction

1. The Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA), at its third session, requested the Supervisory Body for the mechanism established by Article 6, paragraph 4, of the Paris Agreement (Article 6.4 mechanism) to ensure transparency of decision-making and make publicly available its decision-making framework and decisions, including standards, procedures, and related documents.
2. The Supervisory Body plays a crucial role in developing and overseeing the regulatory framework that guides the Article 6.4 mechanism's implementation. In addition to being transparent, the regulatory documents must be consistent and legally sound to support the integrity of the carbon markets and emissions reductions under the Article 6.4 mechanism.
3. The CMA, at its sixth session, requested the Supervisory Body to engage, in consultation with interested stakeholders, further independent scientific and technical expertise and local communities, and include the knowledge, sciences and practices of Indigenous Peoples, as relevant, to support its work, including through its expert panels, to review proposals as necessary and receive independent scientific and technical advice. It further requested the Supervisory Body to consider relevant international environmental agreements when carrying out its work, including when implementing the "Standard: Application of the requirements of Chapter V.B (Methodologies) for the development and assessment of Article 6.4 mechanism methodologies",⁴ the "Standard: Requirements for activities involving removals under the Article 6.4 mechanism"⁵ and the "Article 6.4 sustainable development tool"⁶. It also requested the Supervisory Body, while ensuring ongoing continuous improvements to reflect the best available science, to strive to ensure regulatory stability by avoiding frequent substantive revisions to its adopted standards, tools and procedures.
4. At its tenth meeting, the Supervisory Body requested the secretariat to undertake an initial structured legal and editorial review of the regulations and procedures approved by the Supervisory Body to ensure consistency among the regulations, including with regard to its Rules of Procedure, and to undertake the first review in 2024 with a view to prepare relevant proposals for consideration by the Supervisory Body in 2025. In addition, to facilitate subsequent reviews of regulations, the Supervisory Body requested the secretariat to establish a periodic structured legal and editorial review system of its regulations to, among others, ensure transparency and consistency among the regulations, as well as address any matters brought forward by the Supervisory Body for consideration in this regard.

⁴ Available at: <https://unfccc.int/sites/default/files/resource/A6.4-STAN-METH-001.pdf>.

⁵ Available at: <https://unfccc.int/sites/default/files/resource/A6.4-STAN-METH-002.pdf>.

⁶ Available at: <https://unfccc.int/sites/default/files/resource/A6.4-TOOL-AC-001.pdf>.

2. Scope, applicability, and entry into force

2.1. Scope

5. The purpose of this document is to establish the periodic structured legal and editorial review system of the Supervisory Body's regulatory documents governing the Article 6.4 mechanism (hereinafter referred to as the periodic review system) and set out its key components and operational framework. This includes defining the focus of the review, establishing the frequency and timelines for conducting the reviews, clarifying key roles and responsibilities of involved actors, and outlining the related decision-making process.

2.2. Applicability

6. This document shall be applicable for the periodic review system.

2.3. Entry into force

7. Version 01.0 of this procedure enters into force on DD MM YYYY.

3. Normative references

8. This procedure should be read in conjunction with the "Decision and documentation framework".⁷ In line with that framework, the Supervisory Body is the regulatory body of the Article 6.4 mechanism. Acting under the authority and guidance of the CMA, it is fully accountable to the CMA. The Supervisory Body has authority over and provides guidance to the activities and processes of the Article 6.4 mechanism. All decisions taken by the Supervisory Body shall elaborate upon and be consistent with the CMA decisions.
9. Regulatory decisions of the Supervisory Body relate to the adoption of, or revision to the Article 6.4 mechanism rules and requirements developed under its direction. These decisions are reflected in the adoption of, or revision to, standards (including policy standards, methodologies, and standardized baselines), procedures, tools (including policy and methodological tools), guidelines and clarifications (including policy and methodological clarifications), as recorded in and/or annexed to the meeting reports of the Supervisory Body.⁸
10. Decisions of the Supervisory Body are recorded in the meeting reports of the Supervisory Body and their accompanying annexes. The authoritative set of documents containing regulatory decisions is published on the Article 6.4 mechanism Supervisory Body section of the United Nations Framework Convention on Climate Change (UNFCCC) website.⁹

⁷ A6.4-INFO-GOV-005. Available at <https://unfccc.int/sites/default/files/resource/A6.4-INFO-GOV-005.pdf>. While this framework includes provisions for document control and revision, it does not specifically establish a formal legal and editorial review process.

⁸ Ibid.

⁹ See <https://unfccc.int/process-and-meetings/bodies/constituted-bodies/article-64-supervisory-body/rules-and-regulations>. The review of individual methodologies, methodological tools, standardized baselines, which are under the purview of the Methodology Expert Panel (MEP), are not within the scope of the periodic legal and editorial review.

4. Periodic review system

11. Based on the initial review experience and lessons learned, a periodic review system is hereby established, to ensure transparency and consistency among the regulations, ensure continued compliance with CMA decisions and mandates, and address any matters brought forward by the Supervisory Body for consideration in this regard.
12. To ensure transparency, the periodic review system will envisage a formal process for conducting the periodic reviews, based on clearly defined criteria for legal and editorial assessments, and implemented according to a structured timeline. Stakeholder feedback and comments provided in accordance with the "Procedure: Direct communication with stakeholders"¹⁰ shall be considered, as relevant, and final approved changes and review outcomes shall be made available through the UNFCCC website. In addition, the secretariat shall provide the Supervisory Body regular updates on the progress and status of each review, including key findings and any proposed regulatory amendments.
13. Periodic reviews may be triggered by, inter alia:
 - (a) Scheduled intervals;
 - (b) New CMA decisions that require updates to the Article 6.4 mechanism's operations;
 - (c) Identification by the Supervisory Body of issues that need to be addressed;
 - (d) Identification of gaps or weaknesses discovered through implementation experience or stakeholder feedback; and
 - (e) Findings from other review processes or other relevant developments that may necessitate adjustments to the Article 6.4 mechanism's operations.

4.1. Objectives

14. The periodic review system aims to achieve the following objectives:
 - (a) **Establish a structured process for the periodic legal and editorial reviews and the refinement of the Supervisory Body's regulatory documents.** This process aims to maintain consistency with the Paris Agreement, relevant international law, climate law, and international environmental agreements, relevant CMA decisions, the rules of procedure of the Supervisory Body, and the "Decision and documentation framework". It also aims to ensure alignment with evolving best practices in carbon markets and sustainable development;
 - (b) **Improve transparency, legal clarity, and coherence across regulatory documents to support the smooth operation of the Article 6.4 mechanism.** As the mechanism operates within a global climate regime, transparency is crucial for building trust among Parties, private sector actors, and civil society. Regular reviews will help identify and correct inconsistencies or ambiguities, ensuring internal coherence and harmonization with relevant frameworks;

¹⁰ A6.4-PROC-GOV-007. Available at <https://unfccc.int/sites/default/files/resource/A6.4-PROC-GOV-007.pdf>.

- (c) **Enhance readability and clarity of the regulations** for both technical and non-technical audiences, ensuring transparent communication of regulatory requirements. This will ensure that the legal language used is robust, clear, and aligned with evolving international legal standards and practices, thereby improving accessibility for all stakeholders;
- (d) **Support continuous improvement and adaptability** by establishing practices for refining the regulatory framework based on lessons learned, stakeholder feedback, technological advancements, regulatory developments, and emerging needs. This will allow for timely incorporation of new methodologies, emerging market practices, and necessary updates to address new challenges and technological developments, ensuring that Article 6.4 mechanism remains adaptable to the evolving global landscape of carbon markets;
- (e) **Promote regulatory stability by avoiding frequent substantive revisions** to the adopted standards, tools and procedures, while ensuring ongoing continuous improvements to reflect the best available science and emerging market practices;
- (f) **Address any issues brought forward by the Supervisory Body or stakeholders**, which require legal or editorial clarification. These include providing a formalized process to address specific legal or operational issues encountered by the Supervisory Body promptly, ensuring the regulatory framework remains clear and effective;
- (g) **Enable meaningful and broad-based stakeholder input.** Incorporate in accordance with the "Procedure: Direct communication with stakeholders", input from Parties, non-Party stakeholders, and technical experts, consultations with local communities including the knowledge, sciences and practices of Indigenous Peoples, as relevant, to support its work. This will foster a transparent, inclusive, and participatory approach to regulatory governance, and will help enhance the credibility of the Supervisory Body and overall trust in the Article 6.4 mechanism.

4.2. Focus of the periodic review

15. The periodic review system will focus on two main aspects:

- (a) **Legal assessment:** Ensuring the regulatory documents compliance with the Paris Agreement, relevant international law, international environmental agreements, relevant CMA decisions, the rules of procedure of the Supervisory Body, and the "Decision and documentation framework"; as well as legal coherence, consistency and clarity.
- (b) **Editorial assessment:** Ensuring that the regulatory documents are clear, concise, and free from ambiguity or inconsistency in language.

4.2.1. Legal assessment process

16. The legal assessment will focus on ensuring the regulatory documents are legally sound, coherent, and aligned with applicable international law and internal legal frameworks. The assessment will support legal certainty, enforceability, and consistency across the documentation, with attention to principles relevant to both legal and non-legal stakeholders. The process will include:

- (a) Compliance with the Paris Agreement:
 - (i) Assess the alignment of the regulatory documents with the objectives of the Paris Agreement, particularly Article 6;
 - (ii) Ensure that key principles such as environmental integrity, transparency, additionality, and prevention of double-counting are upheld.
- (b) Compliance with internal decisions and instruments:
 - (i) Verify that each regulatory document is in line with relevant CMA decisions, the rules of procedure of the Supervisory Body, and the "Decision and documentation framework".
- (c) Compliance with relevant international law and environmental agreements:
 - (i) Verify that the regulatory documents do not conflict with other relevant legal obligations under international treaties or agreements, particularly those related to environmental protection, climate, human rights, or trade.
- (d) Legal coherence and consistency:
 - (i) Ensure that the regulatory documents are coherent with the decisions of the CMA, the rules of procedure of the Supervisory Body, and the "Decision and documentation framework", while ensuring that the procedures and standards are clearly distinct;
 - (ii) Identify interdependencies and linkages, highlighting other documents that may require concurrent or subsequent revisions as a result of a revision that is being undertaken;
 - (iii) Cross-reference related documents to ensure alignment and consistency;
 - (iv) Identify and recommend the removal of redundant or duplicative provisions where identified.
- (e) Legal clarity:
 - (i) Check whether the legal provisions are clearly drafted, avoiding unnecessary legal jargon;
 - (ii) Ensure consistent use of legal terms and definitions across all regulatory documents.
- (f) Compliance and enforcement provisions:
 - (i) Review whether the regulatory documents include means for monitoring, reporting, and verifying compliance by participating countries or entities, where relevant;
 - (ii) Identify any gaps or missing elements that could undermine the effectiveness or enforceability of the regulatory documents.
- (g) Dispute resolution:

- (i) Assess whether the regulatory documents provide clear guidance and appropriate mechanisms for resolving legal disputes that may arise in the context of Article 6.4.

4.2.2. Editorial assessment process

17. The editorial assessment will focus on enhancing clarity, coherence, and accessibility for all stakeholders, both technical and non-technical audiences. The process will include:

- (a) Clarity and readability:
 - (i) Ensure the language used is clear, precise, and accessible to both technical and non-technical audiences;
 - (ii) Simplify complex provisions where possible, without compromising legal or technical accuracy.
- (b) Consistency of terminology:
 - (i) Verify consistent use of key terms and concepts throughout the regulatory documents;
 - (ii) Cross-check definitions to ensure they are used correctly and align with existing UNFCCC or Paris Agreement texts, as well as CMA decisions, the rules of procedure of the Supervisory Body, and the "Decision and documentation framework".
- (c) Structure and formatting:
 - (i) Review the structure of the regulatory documents to ensure they follow a logical progression and flow;
 - (ii) Ensure proper use of headings, sections, and sub-sections to make the document easily navigable;
 - (iii) Verify accuracy and currency of cross-references between sections.
- (d) Language harmonization:
 - (i) Check for consistency in style and tone across the document, ensuring adherence to UNFCCC drafting guidelines or style guides;
 - (ii) Ensure that technical language and regulatory instructions are harmonized to avoid confusion among different stakeholders.
- (e) Grammar and style:
 - (i) Correct grammatical errors, improve sentence structure, and ensure adherence to a consistent editorial style guide.

4.3 Periodic review cycles and timelines

18. The periodic review system will follow structured cycles, designed to ensure timely and efficient updates to the Supervisory Body's regulatory documents.

19. The cycles for conducting the periodic reviews will be as follows:
- (a) **Regular review cycles:** Regular reviews shall be undertaken on an ongoing basis, as necessary, each time Supervisory Body documents are adopted or revised, and when there is a need to address related urgent issues or regulatory gaps that arise;
 - (b) **Recurring review cycles:** Recurring reviews shall be undertaken to ensure that all the regulatory documents adopted by the Supervisory Body are systematically reviewed and updated to reflect evolving legal, technical, and market realities, and to maintain continued overall consistency among them. Recurring reviews should be undertaken every 4 to 5 years, but must be initiated if significant triggers arise that necessitate immediate reassessment, including changes in regulatory requirements of the CMA or stakeholder feedback identifying deficiencies across multiple existing documents.
20. Each recurring review will typically follow a 6-12-month timeline, comprising the following phases:
- (a) **Pre-review preparation** (1-3 months) – Assembly of the review team, planning of the activities, and where applicable, outreach to stakeholders;
 - (b) **Review and analysis** (3-6 months) - Conducting legal and editorial assessments of regulatory documents and drafting proposed amendments;
 - (c) **Approval and publication** (2-3 months) - Submission of proposed revisions to the Supervisory Body for approval, as relevant, followed by a and public dissemination of the updated documents.

5. Operational framework

5.1. Key roles and responsibilities

21. Each periodic review will be led and coordinated by the secretariat which shall oversee the overall planning, implementation, and reporting of the review process.
22. The review will be conducted by a legal and editorial review team – composed of legal specialists and editors who could be either secretariat staff or external experts, with experience in international climate agreements and regulatory frameworks.

5.2. Decision making process

23. The decision-making process for the periodic reviews will be as follows:
- (a) **Coordination by the secretariat:** The secretariat shall serve as the coordinating body for both recurring and regular reviews. For recurring reviews, it shall determine the documents to be reviewed, and establish the relevant review teams, including legal, editorial, and technical specialists, as needed;
 - (b) **Stakeholder consultations:** The secretariat may issue calls for stakeholder input for consideration during the review, as necessary;

- (c) **Formulating proposals:** Once the review is completed and revisions are made, the secretariat shall prepare a summary of key findings and proposed changes to the regulatory documents, and specify whether each proposed change is either:
 - (i) Substantive, involving changes to the document's content; or
 - (ii) Corrective or editorial, entailing (primarily minor changes that do not affect or alter the core meaning of the document;
- (d) **Submission to the Supervisory Body:** The proposed changes will be submitted to the Supervisory Body for its consideration and approval, as relevant, and in accordance with the "Decision and documentation framework". The Supervisory Body may request further clarifications or revisions prior to granting final approval;
- (e) **Public access:** The revised document incorporating the changes will be published and made available on the Article 6.4 Supervisory Body section of the UNFCCC website;
- (f) **Regular reporting:** The secretariat shall provide regular updates to the Supervisory Body on the progress and status of the periodic reviews. These updates will include key findings, stakeholder feedback, and proposed regulatory amendments.

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Document information

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01.0	28 April 2025	Published as an annex to the annotated agenda of SBM 016.
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