

A6.4-SBM016-AA-A08

Draft ~~Procedure~~ Terms of Reference

~~Terms of reference of the~~ Article 6.4
~~mechanism~~ expert panels

Version 03.0

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COVER NOTE

1. Procedural background

1. At its tenth meeting, the Supervisory Body of the mechanism established by Article 6, paragraph 4, of the Paris Agreement (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.
2. The initial review was aimed at checking and assessing the content of regulatory documents approved by the Supervisory Body and identifying areas for improvement or clarification.
3. At its fifteenth meeting, the Supervisory Body requested the secretariat to revise the “Procedure: Selection and performance evaluation of members of the expert panels under the Supervisory Body” and the “Procedure: Terms of reference of the Article 6.4 mechanism expert panels” for consideration at a future meeting, reflecting the number of members appointed to the Methodological Expert Panel.

2. Purpose

4. The proposed revision to this document sets out the main areas for improvement and clarification identified during the initial review and also addresses the mandate provided by the Supervisory Body at its fifteenth meeting.

3. Key issues and proposed solutions

5. The main areas for improvement and clarifications include the following suggested changes:
 - (a) Substantive revisions to paragraphs 20 and 23, which involve changes to the document content. The proposal in paragraph 20 suggests that “the Supervisory Body shall select the co-chairs of a panel, taking into account the consideration of regional and gender balance” and that “the co-chairs shall remain in office until their successors have been elected”. The proposal in paragraph 23 suggests that “If one or both the co-chairs of a panel resign, or otherwise ceases to be able to carry out their functions, or cease to be a member or alternate member of the Supervisory Body, the Supervisory Body shall elect new co-chairs of the panel from among its members or alternate members for the remainder of the term, taking into account the consideration of regional and gender balance”;
 - (b) One corrective revision to delete paragraph 12 because the scope of this procedure should only reference the secretariat's responsibilities and role in supporting the Supervisory Body within the context of the Article 6.4 expert panels, and not address the broader role of the secretariat in relation to the Article 6.4 mechanism;

- (c) Other minor editorial revisions which do not affect the core meaning of the document and are mainly aimed at improving the clarity and readability of the text.

4. Subsequent work and timelines

6. In accordance with the “Decision and documentation framework” of the Supervisory Body¹, and further to the changes introduced, this document will be a full revision.

5. Recommendations to the Supervisory Body

7. The secretariat recommends that the Supervisory Body consider and adopt this document, to be made effective at the time of the Supervisory Body’s approval.

¹ See <https://unfccc.int/sites/default/files/resource/A6.4-INFO-GOV-005.pdf>

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1. Background

1. Paragraph 70 of annex II to decision 7/CMA.4 (hereinafter referred to as the rules of procedure of the Supervisory Body) specified that the Supervisory Body of the mechanism established by Article 6, paragraph 4 of the Paris Agreement (hereinafter referred to as the Article 6.4 mechanism) may establish ~~the~~ expert groups comprising internal or external experts, such as committees, panels, working groups and/or rosters of experts as required, to assist it in performing its functions and achieving its objectives.¹
2. ~~Additionally, Paragraphs 71 and 74 of the rules of procedure of the Supervisory Body specify that the UNFCCC secretariat (hereinafter referred to as the secretariat) shall serve as the secretariat of the Supervisory Body and shall, in accordance with the rules of procedure of the Supervisory Body and subject to the availability of resources perform functions that the Supervisory Body may require.~~
3. ~~To support its work in two relevant areas, the Supervisory Body has established two panels: to support its work in two areas.~~
 - (a) ~~The Accreditation Expert Panel (AEP), to support it in the implementation of standards and procedures for the accreditation of operational entities that conduct validations and verifications regarding Article 6, paragraph 4, mechanism projects (A6.4 projects) and Article 6, paragraph 4, mechanism programmes of activities (A6.4 PoAs).~~
 - (b) ~~The Methodological Expert Panel (MEP), to support it in the creation of methodological standards, guidelines, and clarifications, and other methodological matters applicable to proposed and registered Article 6, paragraph 4, mechanism projects (A6.4 projects) or Article 6, paragraph 4, mechanism programmes of activities (A6.4 PoAs);²~~
 - (c) ~~The Article 6.4 Accreditation Panel (AEP), to support it in the implementation of standards and procedures for the accreditation of operational entities that conduct validations and verifications regarding A6.4 projects and A6.4 PoAs.³~~

2. Scope, applicability and entry into force

2.1. Scope

4. ~~This procedure elaborates defines the principles and rules applicable to all standing panels established by the Supervisory Body as well as to the secretariat's responsibilities regarding its support to the Supervisory Body in the context of the Article 6.4 mechanism expert panels.~~

¹ See decision 7/CMA.4, annex II. Available at: https://unfccc.int/sites/default/files/resource/cma2023_10a02E.pdf#page=33

² ~~See meeting report of the fifth SB meeting. Available at <https://unfccc.int/sites/default/files/resource/a64-sb005.pdf>~~

³ ~~See meeting report of the eighth SB meeting. Available at: https://unfccc.int/sites/default/files/resource/cma2023_15.pdf~~

2.2. Applicability

5. This procedure is applicable to the following support structure of the Supervisory Body:
- (a) AEP;
 - (b) MEP;
 - (c) Secretariat.

2.3. Entry into force

6. This version of this document enters into force on DD/MM/YYYY.

3. Normative references

7. This procedure should be read in conjunction with the following documents:
- (a) Rules of procedure of the Supervisory Body;
 - (b) ~~Procedure: Selection and performance evaluation of members of the Article 6.4 expert panels~~ ~~under the Supervisory Body~~⁴.

4. Definitions

8. 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;
 - (c) “May” is used to indicate what is permitted.

5. General guidelines

5.1. Role of panels

9. The MEP performs the following key functions in support of the Supervisory Body:
- (a) Prepare and ~~C~~consider draft recommendations regarding the establishment, revision or withdrawal of methodological standards, guidelines, and clarifications for A6.4 projects and A6.4 PoAs;
 - (b) Prepare and ~~C~~consider draft recommendations for other methodological requirements for A6.4 projects and A6.4 PoAs;
 - (c) Provide advice and recommendations to the Supervisory Body regarding the need and priority areas for methodological guidance.

⁴ See <https://unfccc.int/sites/default/files/resource/A6.4-PROC-GOV-004.pdf>

10. The AEP performs the following key functions in support of the Supervisory Body:
- (a) Consider the results of assessments of designated operational entities (DOEs) regarding their compliance with accreditation requirements;
 - (b) Provide advice and recommendations to the Supervisory Body on accreditation requirements for operational entities;
 - (c) Provide advice and recommendations to the Supervisory Body on the improvement of the accreditation process.

5.2. Role of the secretariat

11. The secretariat performs the following key functions in support of the Supervisory Body and its panels:

- (a) Institutional support ~~to the Supervisory Body and its panels~~, including:
 - (i) Administering meetings, ~~communications~~ and other activities of the Supervisory Body and its panels;
 - (ii) Administering the implementation of the processes under the Article 6.4 mechanism;
 - (iii) Securing and providing advice of a strategic and legal nature to the Supervisory Body and its panels;
 - (iv) Developing recommendations regarding the establishment, revision or withdrawal of procedures for each process under the Article 6.4 mechanism;
- (b) Technical support ~~to the Supervisory Body and its panels~~, including:
 - (i) Providing recommendations regarding the establishment, revision or withdrawal of standards, guidelines and clarifications for A6.4 projects and A6.4 PoAs and for DOEs and applicant entities (AEs);
 - (ii) Assessing the compliance of proposed and registered A6.4 projects and A6.4 PoAs ~~and of DOEs and AEs~~ with established requirements, and providing recommendations for further actions as appropriate;
 - ~~(iii) Assessing compliance of DOEs and AEs with established requirements and providing recommendations for further actions as appropriate.~~

- ~~12. In addition to supporting the Supervisory Body in the conduct of its regulatory functions, the secretariat supports the Supervisory Body's broader supervisory role for the processes under the Article 6.4 mechanism. In particular, the secretariat:~~

- ~~(a) Keeps the Supervisory Body informed of the developments in the global carbon market;~~
- ~~(b) Provides capacity building services for key stakeholders;~~
- ~~(c) Acts as an interface between the Supervisory Body and stakeholders in the development of new and revised regulations;~~
- ~~(d) Develops strategic partnerships with relevant agencies to support the enhanced regional and subregional distribution of A6.4 projects and A6.4 PoAs.~~

6. Modalities of work

6.1. General

13. All panels shall operate under the guidance of the Supervisory Body. The secretariat shall operate under the guidance of the Supervisory Body with regard to those activities that fall under the responsibility of the Supervisory Body. The assignment of tasks to the various elements of the support structure shall be conducted in accordance with their roles as described in sections 5.1 and 5.2 above or as described in applicable procedures, the management plan and workplans of the Supervisory Body and its support structure.
14. The secretariat conducts technical assessments of issues for consideration by the Supervisory Body and its panels, and ensures that these are provided in sufficient time for due consideration by ~~the Supervisory Body and its panels its members~~.

6.2. Functioning of panel meetings

15. The meetings of a panel may be held either ~~in person with their members being physically present~~ or ~~through by~~ electronic means. The dates and mode (i.e., physical or electronic) of the meetings shall be determined by the secretariat in consultation with the co-chairs of the panel, bearing in mind the needs arising from ~~its the panel's~~ mandates and available resources.
16. Agreements by a panel shall be made by consensus, whenever possible. The co-chairs of a panel shall moderate the discussion among the panel members and facilitate them in achieving consensus. If all efforts at reaching consensus on an issue have been exhausted and no agreement has been reached, the range of views or options on the issue resulting from the discussion by the panel shall be reflected in its report to the Supervisory Body, and the co-chairs of the panel shall present the range of views or options to the Supervisory Body with clear justification for each.
17. Subject to the confidentiality provisions set out in paragraph 29 of the rules of procedure of the Supervisory Body, recommendations by a panel to the Supervisory Body shall be made publicly available, unless otherwise decided by the Supervisory Body or required by relevant procedures. Any questions with regard to the application of these confidentiality provisions to specific recommendations shall be resolved by the Supervisory Body.
18. Recommendations by a panel to the Supervisory Body shall be circulated to the Supervisory Body members and alternate members at least two weeks before the Supervisory Body meeting that is to consider the recommendations unless the co-chairs of the Supervisory Body decide otherwise, in particular when a panel meeting is held shortly before the Supervisory Body meeting.

6.3. Officers

19. In accordance with paragraph 19(b) of the fourth meeting of the ~~Article 6.4 mechanism~~ Supervisory Body,⁵ the Supervisory Body shall elect two Supervisory Body members/alternates to act as the co-chairs of a panel.

⁵ See the report of the fourth meeting of the Article 6.4 mechanism Supervisory Body. Available at: <https://unfccc.int/sites/default/files/resource/a64-sb004.pdf>

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20. ~~In any case, the~~ The Supervisory Body shall select the co-chairs of a panel, taking into account the consideration of regional and gender balance ~~with one being from a Party included in Annex I to the United Nations Framework Convention on Climate Change and the other being from a Party not included in Annex I to the Convention.~~ The Chair and the Vice-Chair co-chairs shall remain in office until their successors have been elected.
21. In addition to the co-chairs of a panel, the Supervisory Body may also elect its members or alternate members to support meetings of a panel, as appropriate.
22. The Supervisory Body shall elect the co-chairs, and any additional members or alternate members referred to in ~~paragraph 21 above,~~ to each of its panels at ~~the its~~ first meeting of each calendar year.
23. If one or both the co-chairs of a panel resign, or otherwise ceases to be able to carry out ~~his or her~~ their functions, or ceases to be a member or alternate member of the Supervisory Body, the Supervisory Body shall elect new co-chairs of the panel from among its members or alternate members for the remainder of the term, taking into account the consideration of regional and gender balance. ~~following the same rule in paragraph 19 above with regard to the availability of Supervisory Body members and Annex I/non-Annex I Party affiliation.~~
24. If one of the co-chairs of a panel is not able to serve in ~~its that~~ capacity for a meeting, the other co-chair shall serve as the chair for that meeting. If neither are able to serve in their respective capacities, one of the Supervisory Body members or alternate members elected to support the meetings of the panel, if applicable, shall serve as the chair for that meeting, subject to their availability. Otherwise, the panel shall elect a member from its members present ~~at the meeting~~ to serve as the chair for that meeting.
25. The co-chairs of a panel shall facilitate a free exchange of views and information between members and between the secretariat and members. In fulfilling this role, the co-chairs of a panel shall declare the opening and closing of meetings, ensure the observance of the relevant sections of this procedure, accord the right to speak and announce agreements. The co-chairs shall rule on points of order and, subject to this procedure, shall have complete control of the proceedings and ~~over~~ the maintenance of order at the meeting.
26. The co-chairs of a panel shall, without prejudice, convey the mandate or guidance from the Supervisory Body, including the priority in setting the agenda of the meetings of the panel, where applicable, and at all times shall remain neutral in the discussion within the panel. The co-chairs of a panel may express their own views to the Supervisory Body in their capacity as a member or alternate member of the Supervisory Body. Before doing so, ~~he or she they~~ shall share ~~his or her their~~ views with the panel and always clearly distinguish between personal views and those of the panel.
27. The co-chairs of a panel may consult supporting members referred to in ~~paragraph 21 above~~ at any time in fulfilling their role as the co-chairs. The secretariat shall ensure that the information necessary for the co-chairs to manage the meetings of the panel is also shared with the supporting members.

7. Functional guidelines for panels

7.1. Membership

28. The Supervisory Body shall select members of the panels from the roster of experts ~~or through a specific call for experts,~~ in accordance with the “Procedure: Selection and performance evaluation of members of panels under the Supervisory Body”.
29. The term of service of a member of a panel shall be ~~for the time period as~~ decided by the Supervisory Body at the time of ~~his or her their~~ appointment to the panel. The co-chairs of a panel may request outgoing members to attend the first meeting ~~of the new~~ incoming members to ensure the continuity of the work of the panel. A member may re-apply for ~~further additional~~ terms. If a member of a panel resigns, or ~~his or her their~~ membership is terminated in accordance with ~~paragraph 31 below,~~ the Supervisory Body shall select a replacement member for the remainder of the term from the applicants ~~marked as “alternatives”~~ for the last call for experts.
30. Members of a panel shall abide by the code of conduct of the Supervisory Body, as well as by the provisions related to conflict of interest and transparency of the Supervisory Body,⁶ taking into account specific confidentiality requirements. They shall ~~declare shall sign a declaration stating~~ whether they have a pecuniary or financial interest in an issue presented to them as a member of the panel, and if so, refrain from participating in any discussion or decision on the issue. Members of a panel shall not disclose any confidential or proprietary information that comes to their knowledge from serving on a panel. For these purposes, members of a panel shall take a written oath of service before assuming their duties, as ~~provided contained in appendix 2 the attachment~~ below.
31. The co-chairs of a panel, may suspend and subsequently recommend to the Supervisory Body the termination of the membership of a particular member on the grounds of, ~~inter alia among other things,~~ a breach of the oath referred to in ~~paragraph 30 above,~~ failure to attend two consecutive meetings of the panel without proper justification, or not fulfilling the duties of a member, in particular not providing work inputs of the required quality and on time. The Supervisory Body shall consider such recommendation and decide whether to terminate the membership of the member in question.
32. The co-chairs of a panel, with the support of the secretariat, shall evaluate the performance of members of the panel in accordance with the “Procedure: Selection and performance evaluation of members of panels under the Supervisory Body” and provide feedback to them. The evaluation shall be used as one of the bases for consideration of reselection of members for further terms or for the suspension of membership in accordance with ~~paragraph 31 above.~~
33. The co-chairs of a panel shall evaluate the performance of the secretariat supporting the work of the panel and provide feedback to the secretariat.
34. Members of a panel shall attend each meeting of the panel. If, due to circumstances beyond their control, a member is unable to attend a meeting fully or partially, ~~he or she they~~ shall, through the secretariat, immediately inform the co-chairs of the panel of this fact, together with proper justification. ~~The absent member shall provide his or her input via electronic means.~~ Failure to do so without proper justification shall be treated as an

⁶ Refer to section IV of annex II to the decision 7/CMA.4. Available at: https://unfccc.int/sites/default/files/resource/cma2023_10a02E.pdf#page=48

absence from the meeting without proper justification. Further, the absent member shall provide their input on the agenda items considered at that particular meeting via electronic means.

35. Members of a panel are expected to commit to the following:
- (a) Attend up to five expert panel meetings, requiring a time commitment of up to 55 working days per year, including travel time, plus up to 40 working days per year for preparation;⁷
 - (b) Participate in other relevant activities of the panel, requiring a time commitment of up to 10 working days per year.
36. Considering the demand of the respective area of work, the Supervisory Body may place a panel in abeyance at any time.

7.2. **Compensation Remuneration**

37. Travel costs, daily subsistence allowance, and a daily fee shall be paid to members of a panel attending a meeting of the panel in accordance with United Nations rules and regulations.
38. If a member of a panel is requested to carry out a specific task between meetings, the member shall be compensated remunerated for the task undertaken by means of payment of daily fees, subject to the provision of the input being of good quality and on time. The daily fee shall be determined in accordance with United Nations rules and regulations. The determination of the effort of the task in terms of days shall be determined by the secretariat in consultation with the co-chairs of the panel.

⁷ The time commitments indicated are orientational and will vary depending on the submissions received.

Appendix 1. Size, composition and competence requirements of panels

Panel name	Size and composition	Members' competence requirements
Accreditation Panel (AEP)	AEP co-chairs and 5 five expert panel members	<ol style="list-style-type: none"> 1. Be familiar with the Article 6.4 mechanism rules modalities and procedures (RMPs) and relevant decisions of the CMA 2. Have recognized experience and/or knowledge relevant to the Article 6.4 mechanism project 3. Demonstrate relevant working experience of at least two years in a national, regional or international accreditation body or in third-party certification activities 4. Be able to communicate effectively in English, both in writing and orally; working knowledge of other UN languages is desirable 5. Have excellent drafting skills, strong operational and analytical skills, and ability to work as a member of a team 6. Have an advanced university degree in economics, environmental studies, natural sciences, engineering, or any related disciplines
Methodological Expert Panel (MEP)	MEP co-chairs and 14 10 expert panel members	<ol style="list-style-type: none"> 1. Be familiar with the Article 6.4 mechanism RMPs and relevant decisions of the CMA 2. Have recognized experience and/or knowledge relevant to the Article 6.4 mechanism project cycle 3. Demonstrate relevant working experience of at least four years in methodological issues related to project-based mechanisms 4. Demonstrate technical and/or scientific expertise, inter alia, through peer-reviewed publications, in at least one of the following areas: <ol style="list-style-type: none"> (a) Baseline and monitoring methodologies or PoAs under the A6.4 or other project-based mechanisms (b) Implementation of A6.4 activities, A6.4 PoAs or other project-based mechanisms including development of project design documents or programme of activities design documents, validation, monitoring, verification and certification 5. Be able to communicate effectively in English, both in writing and orally; working knowledge of other UN languages is desirable 6. Have excellent drafting skills, strong operational and analytical skills, and ability to work as a member of a team 7. Have an advanced university degree in, economics, energy, environmental studies, natural sciences, engineering, geology, forestry or any related disciplines.

Appendix 2. Form of oath to be taken by members of panels

"I solemnly declare that I will perform my duties as a member of the [name of the panel], honourably, faithfully, impartially and conscientiously.

"I further solemnly declare and promise that I shall disclose any financial interest or any other real or perceived conflict of interest in ~~the~~ accreditation of operational entities, consideration and approval of methodologies, registration of the mechanism established by Article 6, paragraph 4 of the Paris Agreement (hereinafter referred to as the Article 6.4 mechanism) projects and/or the issuance of related Article 6, paragraph 4, emission reductions (A6.4ERs) in the work as a member of the [name of panel], and subsequently refrain from participating in the consideration by the [name of panel] on the operational entity, methodology, registration or issuance in question. Subject to my responsibilities to the [name of the panel], I shall not disclose, even after the termination of my functions, any confidential or proprietary information which is transferred to the Supervisory Body or its support structure in accordance with annex II to decision 7/CMA.4 (Rules of procedure of the Supervisory Body for the Article 6.4 mechanism), or any other confidential information coming to my knowledge by reason of my duties for the [name of the panel].

"I shall disclose to the secretariat of the United Nations Framework Convention on Climate Change and to the Supervisory Body of the Article 6.4 mechanism any interest in any matter under discussion before the [name of the panel] which may constitute a conflict of interest or ~~which~~ might be incompatible with the requirements of integrity and impartiality expected of a member of the [name of the panel] and I shall refrain from participating in the work of the [name of the panel] in relation to such matters."

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Document information

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02.0	14 February 2025	SBM 015, Annex 5. Revision to change the terms "chair" and "vice-chair" to "co-chairs".
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