

A6.4-SB015-AA-A05

Concept note

Update on the initial structured legal and editorial review of the regulations and procedures approved by the Supervisory Body

Version 01.0



United Nations
Framework Convention on
Climate Change

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1. Procedural background

1. The Supervisory Body of the mechanism established by Article 6, paragraph 4, of the Paris Agreement (Article 6.4 mechanism) (hereinafter referred to as “the Supervisory Body”) at its tenth meeting requested the secretariat to undertake an initial structured legal and editorial review of the regulations and procedures approved by the Supervisory Body (hereinafter referred to as “the initial review”) to ensure consistency among these regulations, including with regard to the Rules of Procedure of the Supervisory Body, and to undertake the first review in 2024 with a view to preparing relevant proposals for consideration by the Supervisory Body in 2025.
2. 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 (hereinafter referred to as “the periodic review system”) 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.¹

2. Purpose

3. The main purpose of this concept note is to provide an update on the progress of the ongoing initial review, which is expected to set the foundation for future reviews, and for the establishment of a periodic review system that will ensure continued consistency, transparency, and responsiveness to evolving needs in the implementation of the Article 6.4 mechanism.

3. Key issues and proposed solutions

4. This section highlights progress made so far on the initial review and proposes actions and timelines for related subsequent work.

3.1. Progress of the review

3.1.1. Methodology

5. The initial review covers regulatory documents of the Supervisory Body² approved to date. It is aimed at checking and assessing the content of these documents and identifying areas for improvement or clarification.
6. The initial review focused on the following aspects:
 - (a) Legal coherence: Verifying internal coherence within the Supervisory Body regulatory framework, as well as with decisions of the Conference of the Parties

¹ Report of the Supervisory Body at its tenth meeting, paragraphs 35 and 36. Available at: https://unfccc.int/sites/default/files/resource/SB010_report.pdf.

² The documents reviewed are available at: https://unfccc.int/process-and-meetings/bodies/constituted-bodies/article-64-supervisory-body/rules-and-regulations#tab_home.

serving as the meeting of the Parties to the Paris Agreement (CMA), the Rules of Procedure of the Supervisory Body, and the “Decision and documentation framework” of the Supervisory Body, ensuring there are no conflicting provisions or ambiguities;

- (b) Alignment with international law: Ensuring consistency with the Paris Agreement and relevant international environmental and climate law;
- (c) Clarity of language and drafting: Ensuring the text of the regulatory documents is free from ambiguities or overly technical language that could lead to misinterpretation;
- (d) Consistency in terminology: Verifying consistent use of terms and definitions across different parts of the regulatory documents;
- (e) User-friendliness: Ensuring the regulatory documents are accessible and easy to navigate for Parties and stakeholders involved in the Article 6.4 mechanism.

3.1.2. Current status

7. In general, the initial review has not identified significant inconsistencies throughout the regulations and procedures approved to date by the Supervisory Body. Only a few of the suggested changes involve substantive revisions, while most are corrective or editorial in nature.
8. Substantive revisions normally involve changes to the document content. According to paragraph 11(a) of the “Decision and documentation framework” of the Supervisory Body,³ the document is replaced with a new document version and is issued with a new primary version number (e.g. ver. 01.0 of the document is replaced by ver. 02.0). According to paragraph 12(a), the version containing substantive changes will be recorded in and annexed to the meeting report of the Supervisory Body and published in the “Article 6.4 Supervisory Body” section of the United Nations Framework Convention on Climate Change (UNFCCC) website. The latest version of the document becomes effective, unless otherwise stated in the meeting report or in the document itself, on the date of publication of the meeting report in which the document was revised.
9. As mentioned above, most of the suggested changes in the revised regulatory documents, appear to involve corrective or editorial revisions. These revisions are primarily minor and do not affect the core meaning of the regulatory document.
10. According to paragraph 11(b) of the “Decision and documentation framework”, the document is re-issued under the same primary version number (e.g. ver. 01.0 of the document is replaced by ver. 01.1). According to paragraph 12(b), the version containing the changes of a corrective or editorial nature will be published in the “Article 6.4 Supervisory Body” section of the UNFCCC website and will become applicable on the date of publication.
11. Corrective or editorial revisions suggested include the following:

³ Information note: Decision and documentation framework, v.01.0, A6.4-INFO-GOV-005. Available at <https://unfccc.int/sites/default/files/resource/A6.4-INFO-GOV-005.pdf>

- (a) Address inconsistencies in the use of various terms in the documents' titles, as well as throughout and across the documents;
- (b) Provide clear definitions or explanations of new terms when first introduced in the text, to ensure a common understanding of these terms. Alternatively, including such terms in a glossary (concrete suggestions for terms that need to be defined have been included as comments to each document);
- (c) Suggest a section or sentence to be added under the section on "Scope, applicability, and entry into force" in each document outlining the standards or procedures to be reviewed and updated to ensure they remain relevant and effective over time;
- (d) Add missing documents that need to be referenced in the footnotes;
- (e) Update links in the footnotes, to direct to the latest versions of the regulatory documents and procedures posted on the SBM website;
- (f) Delete redundant paragraphs or sentences in documents; and
- (g) Include specific suggestions throughout the documents for adding cross-references and improving the consistency, clarity, and readability of the text (these are often accompanied by textual suggestions).

3.1.3. Next steps

12. The secretariat will:

- (a) Compile, categorize, and organize all suggested amendments, as necessary, and present them to the Supervisory Body for its consideration. In doing so, the secretariat will evaluate and label each proposal as either substantive (requiring the Supervisory Body's consideration of the revised document) or corrective/editorial (minor, non-substantive adjustments);
- (b) Provide proposed revisions that can be approved through an expedited process (i.e., minor, non-substantive adjustments);
- (c) Identify priority documents requiring revisions to resolve legal inconsistencies or other pressing issues, along with a proposed timeline to ensure these urgent matters are presented to the Supervisory Body without delay; and
- (d) List other documents requiring substantive revisions, which will be addressed at the earliest opportunity for document revisions.

3.2. Periodic review system

- 13. Based on the initial review experience and lessons learned, a periodic review system will be established, to ensure transparency and consistency among the regulations and continued compliance with CMA decisions and mandates, as well as to address any matters brought forward by the Supervisory Body for consideration in this regard.
- 14. To ensure transparency, the periodic review system will envisage a formal process for conducting the reviews, including clear criteria for the initiation of such reviews, and for legal and editorial assessments, following a structured timeline. Stakeholder feedback and

comments will be considered, as relevant, and final approved changes and review outcomes will be made available through the UNFCCC website. In addition, the secretariat will provide periodic updates to the Supervisory Body on the progress of each review, including key findings and proposed regulatory amendments.

15. Triggers for periodic and other reviews could potentially include:
- (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) Results of other review processes and other developments that may necessitate adjustments to the Article 6.4 mechanism's operations.

4. Subsequent work and timelines

16. This will include:
- (a) Compiling, categorizing, and organizing suggested amendments identified during the initial review;
 - (b) Summarizing key findings and formulating proposals for the Supervisory Body's consideration in 2025;
 - (c) Establishing a periodic structured legal and editorial review system based on the initial review experience, lessons learned, and feedback from the Supervisory Body.

5. Recommendations to the Supervisory Body

17. The secretariat recommends that the Supervisory Body take note of the progress of the initial review and provide feedback.

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