

A6.4-SB008-A02

Procedure

Terms of reference of the Article 6.4 mechanism expert panels

Version 01.0



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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.
2. The Supervisory Body has established two panels to support its work in two areas.
 - (a) 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);¹
 - (b) The Article 6.4 Accreditation Panel (A6.4-AP), 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.²

2. Scope, applicability and entry into force

2.1. Scope

3. This procedure elaborates principles and rules applicable to all standing panels established by the Supervisory Body as well as to the secretariat regarding its support to the Supervisory Body.

2.2. Applicability

4. This procedure is applicable to the following support structure of the Supervisory Body:
 - (a) A6.4-AP;
 - (b) MEP;
 - (c) Secretariat.

2.3. Entry into force

5. Version 01.0 of this procedure enters into force on 2 November 2023.

¹ See meeting report of the fifth SB meeting. Available at <https://unfccc.int/sites/default/files/resource/a64-sb005.pdf>

² See meeting report of the eighth SB meeting. Available at: https://unfccc.int/sites/default/files/resource/cma2023_15.pdf

3. Normative references

6. 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 expert panels under the Supervisory Body".

4. Definitions

7. 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

8. The MEP performs the following key functions in support of the Supervisory Body:
 - (a) Consider draft recommendations regarding the establishment, revision or withdrawal of methodological standards, guidelines, and clarifications for A6.4 projects and A6.4 PoAs;
 - (b) 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.
9. The A6.4-AP 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

10. The secretariat performs the following key functions in support of the Supervisory Body:
 - (a) Institutional support to the Supervisory Body and its panels, including:
 - (i) Administering meetings 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 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.
11. 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.

5.3. Modalities of work

5.3.1. General

12. 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.

13. 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 its members.

5.3.2. Functioning of panel meetings

14. The meetings of a panel may be held either with their members being physically present or 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 chair of the panel, bearing in mind the needs arising from its mandates and available resources.
15. Agreements by a panel shall be made by consensus, whenever possible. The chair and vice-chair 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 chair of the panel shall present the range of views or options to the Supervisory Body with clear justification for each.
16. 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.
17. 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 chair of the Supervisory Body decides otherwise, in particular when a panel meeting is held shortly before the Supervisory Body meeting.

5.3.3. Officers

18. In accordance with paragraph 19(b) of the fourth meeting of the Article 6.4 mechanism Supervisory Body,³ the Supervisory Body shall elect two Supervisory Body members/alternates to act as the chair and vice-chair of a panel. In any case, the Supervisory Body shall select the chair and vice-chair of a panel, 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.
19. In addition to the chair and vice-chair of a panel, the Supervisory Body may also elect its members or alternate members to support meetings of a panel, as appropriate.
20. The Supervisory Body shall elect the chair and vice-chair, and any additional members or alternate members referred to in paragraph 19 above, to each of its panels at the first meeting of each calendar year.

³ 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>

21. If the chair or vice-chair of a panel ceases to be able to carry out his or her functions, or ceases to be a member or alternate member of the Supervisory Body, the Supervisory Body shall elect a new chair or vice-chair of the panel for the remainder of the term following the same rule in paragraph 18 above with regard to the availability of Supervisory Body members and Annex I/non-Annex I Party affiliation.
22. If the chair of a panel is not able to serve in that capacity for a meeting, the vice-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 to serve as the chair for that meeting.
23. The chair 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 chair 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 chair 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.
24. The chair 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 chair and vice-chair 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 shall share his or her views with the panel and always clearly distinguish between personal views and those of the panel.
25. The chair of a panel may consult with the vice-chair and supporting members referred to in paragraph 19 above at any time in fulfilling his or her role as the chair. The secretariat shall ensure that the information necessary for the chair to manage the meetings of the panel is also shared with the vice-chair and supporting members.

5.4. Functional guidelines for panels

5.4.1. Membership

26. The Supervisory Body shall select members of the panels from the roster of experts in accordance with the “Procedure: Selection and performance evaluation of members of panels under the Supervisory Body”.
27. The term of service of a member of a panel shall be for the time period decided by the Supervisory Body at the time of his or her appointment to the panel. The chair of a panel may request outgoing members to attend the first meeting for incoming members to ensure the continuity of the work of the panel. A member may re-apply for further terms. If a member of a panel resigns, or his or her membership is terminated in accordance with paragraph 29 below, the Supervisory Body shall select a replacement member for the remainder of the term from the applicants for the last call for experts.
28. 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,⁴ taking into account specific confidentiality requirements. They shall declare 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 contained in the attachment below.

29. The chair of a panel, in agreement with the vice-chair, may suspend and subsequently recommend to the Supervisory Body the termination of the membership of a particular member on the grounds of, inter alia, a breach of the oath referred to in paragraph 28 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.
30. The chair and the vice-chair 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 29 above.
31. The chair and the vice-chair of a panel shall evaluate the performance of the secretariat supporting the work of the panel and provide feedback to the secretariat.
32. 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 shall, through the secretariat, immediately inform the chair 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 absence from the meeting without proper justification.
33. 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;⁵
 - (b) Participate in other relevant activities of the panel, requiring a time commitment of up to 10 working days per year.
34. Considering the demand of the respective area of work, the Supervisory Body may place a panel in abeyance at any time.

⁴ Refer to section IV of annex II to the decision 7/CMA.4.

⁵ The time commitments indicated are orientational and will vary depending on the submissions received.

5.4.2. Compensation

35. 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.
36. If a member of a panel is requested to carry out a specific task between meetings, the member shall be compensated 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 chair of the panel.

Appendix 1. Size, composition and competence requirements of panels

Panel name	Size and composition	Members' competence requirements
Article 6.4 Accreditation Panel (A6.4-AP)	A6.4-AP chair and vice-chair and 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 chair and Vice-chair and 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/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 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 matter.”

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