

## **CDM-EB61-A01-PROC**

### Procedure

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# Terms of reference of the support structure of the CDM Executive Board

Version 05.0



**United Nations**  
Framework Convention on  
Climate Change

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## **1. Background**

1. Paragraph 18 of the annex to decision 3/CMP.1 (hereinafter referred to as the CDM modalities and procedures) and rule 32 of the annex I to decision 4/CMP.1 (hereinafter referred to as the rules of procedure of the Board) provide for the establishment of committees, panels and working groups to assist the Executive Board of the clean development mechanism (CDM) (hereinafter referred to as the Board) in the performance of its functions. The Board has established such bodies to support its work in two areas. Firstly, the Board established the Methodologies Panel (MP), Small-Scale Working Group (SSC WG), Afforestation and Reforestation Working Group (A/R WG) and Carbon Dioxide Capture and Storage Working Group (CCS WG) to support it in the creation of methodological standards, guidelines and clarifications and other methodological matters applicable to proposed and registered CDM project activities and programmes of activities. These groups are hereinafter collectively referred to as “Methodological Bodies”. Secondly, the Board established the Accreditation Panel (CDM-AP) to support it in the establishment and implementation of standards and procedures for accreditation of operational entities that conduct validations and verifications regarding CDM project activities and programmes of activities.
2. The Board, at its ninety-third meeting, decided to merge the MP with the SSC WG, by expanding the scope of work of the MP to include work relating to small-scale methodologies and by including members with small-scale expertise, with effect from September 2017.
3. Paragraph 19 of the CDM modalities and procedures and rules 33–36 of the rules of procedure of the Board establish the core rules for the secretariat’s support to the Board. In particular, rule 36(d) of the rules of procedure of the Board requires the secretariat to “perform all other work that the Executive Board may require”. The practical implementation of this rule is directed by the CDM business plan and management plan.

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

### **2.1. Scope**

4. This procedure elaborates principles and rules applicable to all standing panels and working groups established by the Board as well as to the secretariat regarding its support to the Board.

### **2.2. Applicability**

5. This procedure is applicable to the following support structure of the Board:
  - (a) CDM-AP;
  - (b) MP;
  - (c) A/R WG;
  - (d) CCS WG;
  - (e) Secretariat.

6. This procedure is not applicable to the CDM Registration and Issuance Team roster of experts, the methodological roster of experts or the accreditation roster of experts.

### **2.3. Entry into force**

7. Version 05.0 of this procedure enters into force on 1 September 2017.

## **3. Normative references**

8. This procedure should be read in conjunction with the following documents:
- (a) Rules of procedure of the Board;
  - (b) "Procedure: Selection and performance evaluation of members of panels and working groups under the CDM Executive Board".

## **4. Definitions**

9. In addition to the definitions in the "Glossary: CDM terms", 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 and working groups**

10. Methodological Bodies perform the following key functions in support of the Board:
- (a) Considering draft recommendations regarding the establishment, revision or withdrawal of methodological standards, guidelines and clarifications for CDM project activities and programmes of activities;
  - (b) Considering draft recommendations for methodological requirements for CDM project activities and programmes of activities;
  - (c) Providing advice and recommendations to the Board regarding the need and priority areas for methodological guidance.
11. The CDM-AP performs the following key functions in support of the Board:
- (a) Considering the results of assessments of operational entities regarding their compliance with accreditation requirements;
  - (b) Providing advice and recommendations to the Board on accreditation requirements for operational entities;
  - (c) Providing advice and recommendations to the Board on the improvement of the accreditation process.

## **5.2. Role of the secretariat**

12. The secretariat performs the following key functions in support of the Board:
  - (a) Institutional support to the Board and its panels and working groups, including:
    - (i) Administering meetings and other activities of the Board and its panels and working groups;
    - (ii) Administering the implementation of CDM processes;
    - (iii) Securing and providing advice of a strategic and legal nature to the Board and its panels and working groups;
    - (iv) Developing recommendations regarding the establishment, revision or withdrawal of procedures for each CDM process;
  - (b) Technical support to the Board and its panels and working groups, including:
    - (i) Providing recommendations regarding the establishment, revision or withdrawal of standards, guidelines and clarifications for CDM project activities and programmes of activities and for designated operational entities (DOEs) and applicant entities (AEs);
    - (ii) Assessing the compliance of proposed and registered CDM project activities and programmes of activities 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.
13. In addition to supporting the Board in the conduct of its regulatory functions, the secretariat supports the Board's broader supervisory role for the CDM processes. In particular, the secretariat:
  - (a) Keeps the Board informed of the developments in the global carbon market;
  - (b) Provides capacity-building services for key stakeholders;
  - (c) Acts as an interface between the Board and stakeholders in the development of new and revised regulations;
  - (d) Develops strategic partnerships with relevant agencies to support the enhanced regional and sub-regional distribution of CDM project activities and programmes of activities.

## **5.3. Modalities of work**

### **5.3.1. General**

14. All panels and working groups shall operate under the guidance of the Board. The secretariat shall operate under the guidance of the Board with regard to those activities that fall under the responsibility of the Board. 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 Board and its support structure.

15. The secretariat conducts technical assessments of issues for consideration by the Board, a panel or working group, and ensures that these are provided in sufficient time for due consideration by its members. The secretariat may establish and maintain rosters of experts to draw on their expertise to assess specific cases or to supplement the established collective expertise of panels and working groups.

### **5.3.2. Functioning of panel and working group meetings**

16. The meetings of a panel or working group 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 or working group, bearing in mind the needs arising from its mandates and available resources.
17. Agreements by a panel or working group shall be made by consensus, whenever possible. The chair and vice-chair of a panel or working group shall moderate the discussion among the panel or working group 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 or working group shall be reflected in its report to the Board, and the chair of the panel or working group shall present the range of views or options to the Board with clear justification for each.
18. Subject to the confidentiality provisions set out in paragraph 2 of rule 11 of the rules of procedure of the Board, recommendations by a panel or working group to the Board shall be made publicly available, unless otherwise decided by the Board or required by relevant procedures. Any questions with regard to the application of these confidentiality provisions to specific recommendations shall be resolved by the Board.
19. Recommendations by a panel or working group to the Board shall be circulated to the Board members and alternate members at least two weeks before the Board meeting that is to consider the recommendations unless the Chair of the Board decides otherwise, in particular when a panel or working group meeting is held shortly before the Board meeting.

### **5.3.3. Officers**

20. In accordance with paragraph 3 of rule 32 of the rules of procedure of the Board, the Board shall elect two Board members to act as the chair and vice-chair of a panel or working group. If no Board member is in a position to act as the chair or vice-chair of a panel or working group, the Board may elect alternate member(s) as the chair and/or vice-chair. In any case, the Board shall select the chair and vice-chair of a panel or working group, 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.
21. In addition to the chair and vice-chair of a panel or working group, the Board may also elect its members or alternate members to support meetings of a panel or working group, as appropriate.

22. The Board shall elect the chair and vice-chair, and any additional members or alternate members referred to in paragraph 21 above, to each of its panels and working groups at the first meeting of each calendar year.
23. If the chair or vice-chair of a panel or working group ceases to be able to carry out his or her functions, or ceases to be a member or alternate member of the Board, the Board shall elect a new chair or vice-chair of the panel or working group for the remainder of the term following the same rule in paragraph 20 above with regard to the availability of Board members and Annex I/non-Annex I Party affiliation.
24. If the chair of a panel or working group 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 Board members or alternate members elected to support the meetings of the panel or working group, if applicable, shall serve as the chair for that meeting, subject to their availability. Otherwise, the panel or working group shall elect a member from its members present to serve as the chair for that meeting.
25. The chair of a panel or working group 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 or working group 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.
26. The chair of a panel or working group shall, without prejudice, convey the mandate or guidance from the Board, including the priority in setting the agenda of the meetings of the panel or working group, where applicable, and at all times remain neutral in the discussion within the panel or working group. The chair and vice-chair of a panel or working group may express his or her own views to the Board in his or her capacity as a member or alternate member of the Board. Before doing so, he or she shall share his or her views with the panel or working group and always clearly distinguish between personal views and those of the panel or working group.
27. The chair of a panel or working group may consult with the vice-chair and supporting members referred to in paragraph 21 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 or working group is also shared with the vice-chair and supporting members.

#### **5.4. Functional guidelines for panels and working groups**

##### **5.4.1. Membership**

28. The Board shall select members of the panels and working groups from those who have submitted their applications in response to public calls for experts in accordance with the "Procedure: Selection and performance evaluation of members of panels and working groups under the CDM Executive Board".
29. The term of service of a member of a panel or working group shall be for the time period decided by the Board at the time of his or her appointment to the panel or working group. The chair of a panel or working group may request outgoing members to attend the first

meeting for incoming members to ensure the continuity of the work of the panel or working group. A member may re-apply for further terms. If a member of a panel or working group resigns, or his or her membership is terminated in accordance with paragraph 31 below, the Board shall select a replacement member for the remainder of the term from the applicants for the last call for experts.

30. Members of a panel or working group shall abide by the code of conduct of the Board, as well as by the provisions related to conflict of interest and transparency of the Board,<sup>1</sup> 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 or working group, and if so, refrain from participating in any discussion or decision on the issue. Members of a panel or working group shall not disclose any confidential or proprietary information that comes to their knowledge from serving on a panel or working group. For these purposes, members of a panel or working group shall take a written oath of service before assuming their duties, using the form in Appendix 2 below.
31. The chair of a panel or working group, in agreement with the vice-chair, may suspend and subsequently recommend to the Board the termination of the membership of a particular member on the grounds of, inter alia, a breach of the oath referred to in paragraph 30 above, failure to attend two consecutive meetings of the panel or working group 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 Board shall consider such recommendation and decide whether to terminate the membership of the member in question.
32. The chair and the vice-chair of a panel or working group, with the support of the secretariat, shall evaluate the performance of members of the panel or working group in accordance with the "Procedure: Selection and performance evaluation of members of panels and working groups under the CDM Executive Board" 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 chair and the vice-chair of a panel or working group shall evaluate the performance of the secretariat supporting the work of the panel or working group, and provide feedback to the secretariat.
34. Members of a panel or working group shall attend each meeting of the panel or working group. 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 or working group 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.

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<sup>1</sup> Decision 2/CMP.5, paragraph 15 request that the curricula vitae of Executive Board members, statements on conflicts of interest and details of any past and current professional affiliations of members be published on the UNFCCC CDM website.



35. Members of a panel or working group are expected to commit to the following:
- (a) Attending up to six meetings per calendar year, requiring a time commitment of up to 55 working days per year, including travel time, plus up to 30 working days per year for preparation;
  - (b) Participating in other activities of the panel or working group and external activities and events relating to membership of the panel or working group, requiring a time commitment of five to ten working days per year.
36. Considering the demand of the respective area of work, the Board may place a panel or working group in abeyance at any time.

#### **5.4.2. Compensation**

37. Travel costs, daily subsistence allowance and a daily fee shall be paid to members of a panel or working group attending a meeting of the panel or working group in accordance with United Nations rules and regulations.
38. If a member of a panel or working group 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 or working group.

## Appendix 1. Size, composition and competence requirements of panels and working groups

| Panel/working group name | Size and composition  | Members' competence requirements   |
|--------------------------|---|--|
| Accreditation Panel      | <ul style="list-style-type: none"> <li>5 members</li> </ul> | <ol style="list-style-type: none"> <li>1. Be familiar with the CDM modalities and procedures and relevant decisions of the CMP</li> <li>2. Have recognized experience and/or knowledge relevant to the CDM project cycle</li> <li>3. Demonstrate relevant working experience of at least two years in a national, regional or international accreditation body or in third-party certification activities</li> <li>4. Be able to communicate effectively in English, both in writing and orally; working knowledge of other UN languages is desirable</li> <li>5. Have excellent drafting skills, strong operational and analytical skills, and ability to work as a member of a team</li> <li>6. Have an advanced university degree in economics, environmental studies, natural sciences, engineering, or any related disciplines</li> </ol> |

| Panel/working group name | Size and composition   | Members' competence requirements  |
|--------------------------|--|---|
| Methodologies Panel      | <ul style="list-style-type: none"> <li>12 members</li> </ul> | <ol style="list-style-type: none"> <li>1. Be familiar with the CDM modalities and procedures and relevant decisions of the CMP</li> <li>2. Have recognized experience and/or knowledge relevant to the CDM project cycle</li> <li>3. Demonstrate relevant working experience of at least three years in methodological issues related to project-based mechanisms</li> <li>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"> <li>(a) Baseline and monitoring methodologies for large-scale CDM project activities</li> <li>(b) Baseline and monitoring methodologies for at least one of the three small-scale CDM project activity types and criteria defined in paragraph 28 of decision 1/CMP.2</li> <li>(c) Implementation of large-scale CDM project activities or programmes of activities, including development of project design documents or programme of activities design documents, validation, monitoring, verification and certification</li> <li>(d) Implementation of small-scale CDM project activities and programmes of activities in at least one of the three small-scale CDM project activity types and criteria defined in paragraph 28 of decision 1/CMP.2, including development of project design documents, validation, monitoring, verification and certification</li> </ol> </li> <li>5. Be able to communicate effectively in English, both in writing and orally; working knowledge of other UN languages is desirable</li> <li>6. Have excellent drafting skills, strong operational and analytical skills, and ability to work as a member of a team</li> <li>7. Have an advanced university degree in economics, energy, environmental studies, natural sciences, engineering, or any related disciplines</li> </ol> |

| Panel/working group name                      | Size and composition  | Members' competence requirements   |
|---|---|--|
| Afforestation and Reforestation Working Group | <ul style="list-style-type: none"> <li>5 members</li> </ul> | <ol style="list-style-type: none"> <li>1. Be familiar with the CDM modalities and procedures and relevant decisions of the CMP</li> <li>2. Have recognized experience and/or knowledge relevant to the CDM project cycle</li> <li>3. Demonstrate relevant working experience of at least three years, or scientific knowledge, on methodological issues related to afforestation and reforestation project activities or programmes of activities</li> <li>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"> <li>(a) Baseline and monitoring methodologies for afforestation and reforestation project activities;</li> <li>(b) Implementation of afforestation and reforestation project activities, including development of project design documents, validation, monitoring, verification and certification</li> </ol> </li> <li>5. Be able to communicate effectively in English, both in writing and orally; working knowledge of other UN languages is desirable</li> <li>6. Have excellent drafting skills, strong operational and analytical skills, and ability to work as a member of a team</li> <li>7. Have an advanced university degree in economics, forestry, environmental studies, natural sciences, engineering, or any related disciplines</li> </ol> |

| Panel/working group name                         | Size and composition  | Members' competence requirements  |
|--|---|---|
| Carbon Dioxide Capture and Storage Working Group | <ul style="list-style-type: none"> <li>5 members</li> </ul> | <ol style="list-style-type: none"> <li>1. Be familiar with the CDM modalities and procedures and relevant decisions of the CMP</li> <li>2. Have recognized experience and/or knowledge relevant to the CDM project cycle</li> <li>3. Demonstrate relevant working experience of at least three years, or scientific knowledge, on methodological issues related to carbon capture and storage project activities</li> <li>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"> <li>(a) Baseline and monitoring methodologies;</li> <li>(b) Carbon capture and storage in geological formations, for example, the selection and characterization of geological storage sites, the monitoring of geological reservoirs, capture and transport of carbon dioxide, risk and safety assessments in the field of geological storage sites, environmental and socio-economic impacts;</li> <li>(c) Development of standards or regulations related to carbon capture and storage;</li> <li>(d) Implementation of carbon capture and storage projects</li> </ol> </li> <li>5. Be able to communicate effectively in English, both in writing and orally; working knowledge of other UN languages is desirable</li> <li>6. Have excellent drafting skills, strong operational and analytical skills, and ability to work as a member of a team</li> <li>7. Have an advanced university degree in economics, law, geology, energy, environmental studies, natural sciences, engineering, or any related disciplines</li> </ol> |

## Appendix 2. Form of oath to be taken by members of panels and working groups

"I solemnly declare that I will perform my duties as a member of the [name of the panel/working group], 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 clean development mechanism (CDM) project activities and/or the issuance of related certified emission reductions in the work as a member of the [name of panel/working group], and subsequently refrain from participating in the consideration by the [name of panel/working group] on the operational entity, methodology, registration or issuance in question. Subject to my responsibilities to the [name of the panel/working group], I shall not disclose, even after the termination of my functions, any confidential or proprietary information which is transferred to the CDM Executive Board or its support structure in accordance with the annex to decision 3/CMP.1 (CDM modalities and procedures), or any other confidential information coming to my knowledge by reason of my duties for the [name of the panel/working group].

"I shall disclose to the secretariat of the United Nations Framework Convention on Climate Change and to the CDM Executive Board any interest in any matter under discussion before the [name of the panel/working group] 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/working group] and I shall refrain from participating in the work of the [name of the panel/working group] in relation to such matter."

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### Document information

| <i>Version</i> | <i>Date</i>      | <i>Description</i>  |
|----------------|------------------|---|
| 05.0           | 13 July 2017     | EB 95, Annex 1<br>Revision to remove reference to Small-Scale Working Group, update the number of members of the Methodologies Panel and introduce editorial changes. |
| 04.0           | 31 May 2013      | EB 73, Annex 2<br>This revision includes the reference of the code of conduct and related measures.   |
| 03.1           | 14 February 2013 | Editorially revised to correct references to sections in paragraph 9 and introduce minor editorial changes in paragraph 6.  |
| 03.0           | 1 February 2013  | EB 71, Annex 2<br>Revision to adjust the number of members and meetings of the panels and working groups to accommodate their current workload.                       |

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| <i>Version</i> | <i>Date</i> | <i>Description</i>  |
|----------------|-------------|---|
| 02.0           | 11 May 2012 | EB 67, Annex 3<br>Revision to reflect the Board's decision to establish the Carbon Capture and Storage Working Group.   |
| 01.0           | 3 June 2011 | EB 61, Annex 1<br>Initial Adoption. This document replaces the "General guidelines for panels/working groups" (version 03, EB 37 Meeting Report, Annex 1) and the terms of reference developed individually for each panel and working group, namely: <ul style="list-style-type: none"> <li>• Terms of reference for the establishment of the CDM Accreditation Panel (version 02, EB 23 Meeting Report, Annex 1)</li> <li>• Terms of reference for the Methodologies Panel (version 06, EB 46 Meeting Report, Annex 12)</li> <li>• Revised terms of reference for a working group to assist the Executive Board in reviewing proposed methodologies and project categories for small-scale CDM project activities (SSC WG) (version 02, EB 23 Meeting Report, Annex 20)</li> <li>• Terms of reference for a working group on afforestation and reforestation project activities (version 02, EB 23 Meeting Report, Annex 14)</li> </ul> |

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