

Agenda item 3.1.

Paragraph 14 of the annotated agenda, Annex 5

Periodic structured legal and editorial review system of SBM regulations

Article 6.4 Supervisory Body – Sixteenth meeting

Bonn, Germany, 12 to 16 May 2025



SBM 10 – 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 SBM for consideration in this regard.

- **Outline the key components and operational framework** of the periodic structured legal and editorial review system, including:
 - Defining its focus;
 - Establishing the frequency and timelines for conducting the reviews;
 - Clarifying key roles and responsibilities of involved actors;
 - Outlining related decision-making process – as set out in the draft procedure “Periodic structured legal and editorial review system of the Article 6.4 Supervisory Body’s regulatory documents”, prepared for SBM 16.

Periodic review system

Based on the initial review experience and lessons learned, a periodic review system is being established, to:

- Ensure transparency and consistency among the SBM regulations;
- Ensure continued compliance with CMA decisions and mandates;
- Address any matters brought forward by the SBM for consideration in this regard.

To ensure transparency, the periodic review system will envisage a formal process for conducting the periodic reviews, including:

- Clearly defined criteria for legal and editorial assessments;
- Structured timeline;
- Consideration of stakeholder feedback and comments;
- Making the final approved changes and review outcomes available through the UNFCCC website;
- Regular updates to the SBM on the progress and status of each review.

Triggers for periodic reviews, could include:

- Scheduled intervals;
- New CMA decisions that require updates to the Article 6.4 mechanism's operations;
- Identification by the SBM of issues that need to be addressed;
- Identification of gaps or weaknesses discovered through implementation experience or stakeholder feedback; and
- Findings from other review processes and other developments that may necessitate adjustments to A6.4 mechanism's operations.

Focus of the periodic review

On two main aspects:

- **Legal assessment:** Ensuring the regulatory documents compliance with the Paris Agreement, relevant international law, international environmental agreements, relevant CMA decisions, the SBM RoP, and the “Decision and documentation framework”; Ensuring legal coherence, consistency and clarity.
- **Editorial assessment:** Ensuring that the regulatory documents are clear, concise, and free from ambiguity or inconsistency in language.

The structured approach for these two assessment processes is described in more detail in the Draft procedure

Periodic review cycles

- **Regular reviews:** to be undertaken on an ongoing basis, as necessary, each time SBM documents are adopted or revised, and when there is a need to address related urgent issues or regulatory gaps that arise;
- **Recurring reviews:** to be undertaken to ensure that all the regulatory documents adopted by the SBM 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.

Recurring review timeline

Typically, 6-12 months, as follows:

- Pre-review preparation (1-3 months) – Assembly of the review team, planning of the activities, and where applicable, outreach to stakeholders;
- Review and analysis (3-6 months) - Conducting legal and editorial assessments of regulatory documents and drafting proposed amendments;
- Approval and publication (2-3 months) - Submission of proposed revisions to the Supervisory Body for approval, as relevant, followed by a public dissemination of the updated documents.

Key roles and responsibilities

- Each periodic review will be led and coordinated by the secretariat which shall oversee the overall planning, implementation, and reporting of the review process.
- 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.

Decision making process

- **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;
- **Stakeholder consultations:** The secretariat may issue calls for stakeholder input for consideration during the review, as necessary;
- **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;



Decision making process (continued)

- **Submission to the SBM:** The proposed changes will be submitted to the SBM 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;
- **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;
- **Regular reporting:** The secretariat shall provide regular updates to the SBM on the progress and status of the periodic reviews. These updates will include key findings, stakeholder feedback, and proposed regulatory amendments.



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”.

The established periodic review system will apply to SBM regulatory documents adopted starting from SBM 16.

