



Annex 3

**PROCEDURES FOR REVIEWS
UNDER THE VERIFICATION PROCEDURE UNDER THE
JOINT IMPLEMENTATION SUPERVISORY COMMITTEE**



**PROCEDURES FOR REVIEWS
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JOINT IMPLEMENTATION SUPERVISORY COMMITTEE**

Version 01

A. Background

1. Paragraphs 30–45 of the annex to decision 9/CMP.1 on guidelines for the implementation of Article 6 of the Kyoto Protocol (hereinafter referred to as JI guidelines) define the verification procedure under the Joint Implementation Supervisory Committee (JISC) (hereinafter referred to as the Track 2 procedure).
2. The Track 2 procedure is the determination by an independent entity, accredited pursuant to appendix A of the JI guidelines, of whether a project and the ensuing reductions of anthropogenic emissions by sources or enhancements of anthropogenic removals by sinks meet the relevant requirements of Article 6 of the Kyoto Protocol and the JI guidelines.
3. In accordance with paragraph 3 (f) of the JI guidelines the JISC shall be responsible for the review procedures set out in paragraphs 35 and 39 of the JI guidelines.
4. The present document defines procedures for reviews by elaborating on the provisions contained in paragraphs 35 and 39 of the JI guidelines.

B. Procedure for reviews referred to in paragraph 35 of the JI guidelines

1. Background

5. According to paragraph 35 of the JI guidelines the determination regarding a project design document (PDD) shall be deemed final 45 days after the date on which the determination is made public, unless a Party involved in the project or three of the members of the JISC request a review by the JISC. If such a review is requested, the JISC shall finalize the review as soon as possible, but no later than six months or at the second meeting following the request for review. The JISC shall communicate its decision on the determination and the reasons for it to the project participants and the public. Its decision shall be final.

2. Request for review

6. A request for review by a Party involved in the proposed project shall be sent by the relevant designated focal point to the JISC through the secretariat using official means of communication (such as recognized official letterhead and signature or an official dedicated email account).
7. A request for review by members of the JISC shall be made by notifying the JISC through the secretariat.
8. The secretariat shall acknowledge the receipt of a request for review and promptly forward the request to the JISC via the JISC listserv. A request for review forwarded to the JISC is strictly confidential.

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9. A request for review shall:

(a) Include the completed JI determination review form (F-JI-DR) contained in appendix 1 to this document;¹

(b) Provide reasons for the request for review and any supporting documentation.

10. On the date a request for review is received by the secretariat it is considered to be received by the JISC. A request for review will not be considered by the JISC if it is received after 17:00 GMT on the last day of the 45-day period from the date on which the determination was made public.

11. As soon as a Party involved in the project or three members of the JISC request a review, the following actions shall be taken:

(a) The consideration of the review shall be included in the proposed agenda of the next meeting of the JISC taking into account rule 19 of the rules of procedure of the JISC;

(b) The JISC shall notify the project participants and the accredited independent entity (AIE) that performed the determination pursuant to paragraph 33 of the JI guidelines that a review has been requested. The project participants and the AIE shall be informed about the tentative dates and venues of the JISC meeting(s) at which the request for review shall be considered. The project participants and the AIE, when being notified of the request for review, shall be invited to submit comments to the JISC on issues raised as soon as possible but no later than one week before the next meeting. These inputs shall be made publicly available;

(c) Stakeholders interested in the review process shall be given the opportunity to attend relevant JISC meetings. When requesting registration as observers, stakeholders shall briefly indicate how they are affected, or likely to be affected, by the proposed project;

(d) Both the project participants and the AIE shall name a contact person for the review process, including for conference calls in case the JISC wishes to address questions to them during the consideration of the review at its meetings;

(e) The proposed project shall be marked as being “under review” on the UNFCCC JI website and a notification shall be sent through the UNFCCC JI news facility. The request(s) for review shall be made publicly available on the UNFCCC JI website with the names of the requesting JISC members or Party(ies) remaining confidential.

3. Scope and modalities of review

12. If a Party involved in the project or three members of the JISC request a review, the JISC shall consider the review at its next meeting.

13. At this meeting the JISC shall decide on:

(a) Whether the determination is accepted without conditions;

(b) Whether the determination is accepted subject to certain conditions, in which case:

i. The JISC may request the AIE and the project participants to make corrections based on its findings from the consideration of the request(s) for review;

¹ This form can be downloaded from section “Reference/Forms” on the UNFCCC JI website <<http://ji.unfccc.int/Ref/Forms.html>> and/or obtained electronically from the UNFCCC secretariat.



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- ii. The revised documentation shall be checked by the secretariat, in consultation with the Chair of the JISC, if needed, before the determination is finally accepted;
- (c) Whether a more detailed review is required, in which case:
- i. The JISC shall decide on the scope of the review based on the considerations in the request(s) for review;
 - ii. The JISC shall determine the composition of a review team. The review team shall consist of two JISC members, including alternate members, who will be responsible for supervising the review, and outside experts, as appropriate.² One JISC member/alternate member of the review team shall be identified as lead member of the team and will be responsible for, inter alia, drafting the final recommendation of the team to the JISC, ensuring that any diverging views within the team are reflected. The review team, under the guidance of the JISC members, including alternate members, responsible for supervising the review, shall provide inputs, prepare requests for clarification and/or further information to the AIE and/or project participants, and analyse information received during the review.

4. Review process

14. If the JISC decides that a more detailed review is required, the decision by the JISC on the scope of the review and the composition of the review team shall be made publicly available as part of the report of its meeting.

15. The project participants and the AIE that performed the determination pursuant to paragraph 33 of the JI guidelines shall be notified of the decision by the JISC through their contact persons for the review process.

16. Requests for clarification and/or further information, as appropriate, shall be prepared and submitted to the project participants and/or the AIE through their contact persons for the review process by the review team selected by the JISC within one week after the JISC has decided on the composition of the review team and communicated to the team the scope of the review.

17. Answers shall be submitted by the contact persons for the review process to the review team through the secretariat within two weeks after the request for clarification and/or further information was made by the review team. The secretariat shall acknowledge the receipt of the answers and forward them to the review team.

18. The lead member of the review team may decide to have further interactions with regard to clarifications/further information if considered necessary.

19. The two JISC members, including alternate members, supervising the review shall be responsible for compiling inputs and comments and preparing the final recommendation to the JISC. The recommendation shall be forwarded by the lead member of the review team to the JISC at least two weeks before the next JISC meeting via the JISC listserv.

² When establishing review teams, the JISC may draw on a roster of experts set up, inter alia, for this purpose.



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20. In accordance with paragraph 35 of the JI guidelines, the review by the JISC shall be finalized as soon as possible, but no later than six months or at the second meeting following the request for review.

21. Taking into consideration recommendations by the two JISC members, including alternate members, responsible for the review, the JISC shall decide on:

- (a) Whether the determination is accepted without conditions;
- (b) Whether the determination is accepted subject to certain conditions, in which case:
 - i. The JISC may request the AIE and the project participants to make corrections based on findings of the review team;
 - ii. The revised documentation shall be submitted to the secretariat within 12 weeks in two versions, a version tracking the changes and a clean version;
 - iii. The secretariat shall make the revised documentation available to the JISC and the public;
 - iv. The revised documentation shall be checked by the Chair and the Vice-Chair of the JISC, assisted by the secretariat;
 - v. If the Chair and the Vice-Chair consider the corrections satisfactory, the determination is accepted, otherwise the Chair may, bearing in mind the proximity of the documentation deadline of the next JISC meeting, submit the revised documentation for the consideration of the JISC at its next meeting or for electronic decision-making by the JISC. If the JISC considers the corrections satisfactory, the determination is accepted, otherwise it is rejected;
- (c) Whether the determination is rejected.

22. The JISC decision on the review shall be final.

23. The JISC shall communicate its decision on the determination and the reasons for it to the project participants, the AIE that performed the determination pursuant to paragraph 33 of the JI guidelines and the public.

24. If the review indicates any issues relating to the performance of the AIE, the JISC shall consider whether to trigger a spot-check of the AIE, in accordance with the procedures for accrediting independent entities.

6. Costs

25. If the JISC decides to reject the determination and if the AIE is found to be in a situation of malfeasance or incompetence, the AIE shall reimburse the costs of the review. This provision is subject to review as experience accrues.



C. Procedure for reviews referred to in paragraph 39 of the JI guidelines

1. Background

26. According to paragraph 39 of the JI guidelines the determination regarding reported reductions in anthropogenic emissions by sources or enhancements of anthropogenic removals by sinks shall be deemed final 15 days after the date on which it is made public, unless a Party involved in the project or three of the members of the JISC request a review by the JISC. If such a review is requested, the JISC shall:

- (a) At its next meeting or no later than 30 days after the formal request for the review decide on its course of action. If it decides that the request has merit, it shall perform a review;
- (b) Complete its review within 30 days following its decision to perform the review;
- (c) Inform the project participants of the outcome of the review, and make public its decision and the reasons for it.

2. Request for review

27. A request for review by a Party involved in the project shall be sent by the relevant designated focal point to the JISC through the secretariat using official means of communication (such as recognized official letterhead and signature or an official dedicated email account).

28. A request for review by members of the JISC shall be made by notifying the JISC through the secretariat.

29. The secretariat shall acknowledge the receipt of a request for review and promptly forward the request to the JISC via the JISC listserv. A request for review forwarded to the JISC is strictly confidential.

30. A request for review shall:

- (a) Include the completed JI verification review form (F-JI-VR) contained in appendix 2 to this document;³
- (b) Provide reasons for the request for review and any supporting documentation.

31. On the date a request for review is received by the secretariat it is considered to be received by the JISC. A request for review will not be considered by the JISC if it is received after 17:00 GMT on the last day of the 15-day period from the date on which the determination is made public.

32. As soon as a Party involved in the project or three members of the JISC request a review, the following actions shall be taken:

- (a) If a meeting of the JISC is scheduled during a 30-day period, the request for review shall be considered at that meeting provided that the JISC can be informed at the latest 14 days before the meeting;
- (b) If the request for review cannot be treated in a meeting of the JISC within a 30-day period, it shall be considered in accordance with paragraph 33 (b) below;

³ This form can be downloaded from section "Reference/Forms" on the UNFCCC JI website <<http://ji.unfccc.int/Ref/Forms.html>> and/or obtained electronically from the UNFCCC secretariat.

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(c) The JISC shall notify the project participants and the AIE that performed the determination pursuant to paragraph 37 of the JI guidelines that a review has been requested. The project participants and the AIE shall be informed about the tentative dates and venues of the JISC meeting(s) at which the request for review shall be considered. The project participants and the AIE, when being notified of the request for review, shall be invited to submit comments to the JISC on issues raised within 5 days. These inputs shall be made publicly available;

(d) Stakeholders interested in the review process shall be given the opportunity to attend relevant JISC meetings. When requesting registration as observers, stakeholders shall briefly indicate how they are affected, or likely to be affected, by the project;

(e) Both the project participants and the AIE shall name a contact person for the review process, including for conference calls in case the JISC wishes to address questions to them during the consideration of the review;

(f) The project shall be marked “review requested” on the UNFCCC JI website and a notification shall be sent through the UNFCCC JI news facility. The request(s) for review shall be made publicly available on the UNFCCC JI website with the names of the requesting JISC members or Party(ies) remaining confidential.

3. Scope and modalities of review

33. If a Party involved in the project or three members of the JISC request a review:

(a) The JISC shall, taking into account paragraph 32 (a) above, consider the request for review at its next meeting and decide on whether the request for review has merit;

(b) The Chair of the JISC shall, if the request for review cannot be treated in a meeting of the JISC within a 30-day period, invite, through the JISC listserv, justified comments of the members of the JISC on whether the request has merit. Comments shall be sent to the Chair of the JISC through the JISC listserv within 10 days from the date of receipt of the invitation. If in the Chair’s judgment a consensus can be reached that the request has no merit, she/he shall propose an electronic decision to this effect, in accordance with rule 25 of the rules of procedure of the JISC. Otherwise she/he shall propose the electronic decision that the request has merit.

34. If the JISC decides that the request for review does not have merit, it may:

(a) Accept the determination without conditions;

(b) Accept the determination subject to certain conditions, in which case:

i. The JISC may request the AIE and the project participants to make corrections based on its findings from the consideration of the request(s) for review;

ii. The revised documentation shall be checked by the secretariat, in consultation with the Chair of the JISC, if needed, before the determination is finally accepted.

35. If the JISC decides that the request for review has merit, it shall also decide on details of the review, including:

(a) The scope of the review based on the considerations in the request(s) for review;



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(b) The composition of a review team. The review team shall consist of two JISC members, including alternate members, who will be responsible for supervising the review, and outside experts, as appropriate.⁴ One JISC member/alternate member of the review team shall be identified as lead member of the team and will be responsible for, inter alia, drafting the final recommendation of the team to the JISC, ensuring that any diverging views within the team are reflected. The review team, under the guidance of the JISC members, including alternate members, responsible for supervising the review, shall provide inputs, prepare requests for clarification and/or further information to the AIE and/or project participants, and analyse information received during the review.

36. As soon as the JISC decides that the request for review has merit the project shall be marked as being “under review” on the UNFCCC JI website and a notification shall be sent through the UNFCCC JI news facility.

4. Review process

37. The decision by the JISC that a request for review has merit (including the scope of the review and the composition of the review team) shall be made publicly available.

38. The project participants and the AIE that performed the determination pursuant to paragraph 37 of the JI guidelines shall be notified of the decision by the JISC through their contact persons for the review process.

39. Requests for clarification and/or further information, as appropriate, may be sent to the project participants and/or the AIE through their contact persons for the review process by the review team selected by the JISC. Answers shall be submitted by the contact persons for the review process to the review team through the secretariat within five working days after the receipt of the request for clarification and/or further information. The secretariat shall acknowledge the receipt of the answers and forward them to the review team.

40. The two JISC members, including alternate members, supervising the review shall be responsible for compiling inputs and comments and preparing the final recommendation to be forwarded to the JISC via the JISC listserv.

5. Review decision

41. In accordance with paragraph 39 of the JI guidelines, the JISC shall complete its review within 30 days following its decision to perform the review.

42. Taking into consideration recommendations by the two JISC members, including alternate members, responsible for the review, the JISC may decide to:

- (a) Accept the determination without conditions;
- (b) Request the AIE and the project participants to make corrections based on the findings of the review team;
- (c) Reject the determination.

43. The JISC shall inform the project participants and the AIE of the outcome of the review, and make public its decision and the reasons for it.

⁴ When establishing review teams, the JISC may draw on a roster of experts set up, inter alia, for this purpose.



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44. If the review indicates any issues relating to the performance of the AIE, the JISC shall consider whether to trigger a spot-check of the AIE, in accordance with the procedures for accrediting independent entities.


6. Costs

45. If the JISC decides to reject the determination and if the AIE is found to be in a situation of malfeasance or incompetence, the AIE shall reimburse the costs of the review. This provision is subject to review as experience accrues.



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APPENDIX 1

	JI DETERMINATION REVIEW FORM (F-JI-DR) (By submitting this form, a Party involved in the project (through the designated focal point) or a JISC member may request a review in accordance with paragraph 35 of the JI guidelines.)
Party involved (designated focal point) / JISC member submitting this form	
Title and reference number of the proposed JI project	
R e q u e s t f o r r e v i e w	
Please provide reasons in support of the request for review and attach supporting documentation.	
(The requirements of Article 6 of the Kyoto Protocol and the JI guidelines and further relevant requirements defined by the COP/MOP or the JISC with regard to determinations pursuant to paragraph 33 of the JI guidelines have to be met and appropriately dealt with by the AIE. Requirements defined in paragraphs 31, 33 and 34 of the JI guidelines are listed below. Please indicate which requirements of Article 6 of the Kyoto Protocol or the JI guidelines or further relevant requirements might not be met and/or dealt with appropriately by the AIE and may therefore require review. Please provide explanations, as appropriate.)	
<ul style="list-style-type: none"> <input type="checkbox"/> According to paragraph 31 of the JI guidelines project participants shall submit to an accredited independent entity a project design document that contains all information needed for the determination of whether the project <ul style="list-style-type: none"> <input type="checkbox"/> Has been approved by the Parties involved; <input type="checkbox"/> Would result in a reduction of anthropogenic emissions by sources or an enhancement of anthropogenic removals by sinks that is additional to any that would otherwise occur; <input type="checkbox"/> Has an appropriate baseline and monitoring plan in accordance with the criteria set out in appendix B of the JI guidelines. <input type="checkbox"/> According to paragraph 33 of the JI guidelines the accredited independent entity shall determine whether: <ul style="list-style-type: none"> <input type="checkbox"/> The project has been approved by the Parties involved; <input type="checkbox"/> The project would result in a reduction of anthropogenic emissions by sources or an enhancement of anthropogenic removals by sinks that is additional to any that would otherwise occur; <input type="checkbox"/> The project has an appropriate baseline and monitoring plan in accordance with the criteria set out in appendix B of the JI guidelines; <input type="checkbox"/> Project participants have submitted to the accredited independent entity documentation on the analysis of the environmental impacts of the project activity, including transboundary impacts, in accordance with procedures as determined by the host Party, and, if those impacts are considered significant by the project participants or the host Party, have undertaken an environmental impact assessment in accordance with procedures as required by the host Party. <input type="checkbox"/> According to paragraph 34 of the JI guidelines the accredited independent entity shall make its determination publicly available through the secretariat, together with an explanation of its reasons, including a summary of comments received and a report of how due account was taken of these. <input type="checkbox"/> Other requirements that may require review. 	



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APPENDIX 2

	JI VERIFICATION REVIEW FORM (F-JI-VR) (By submitting this form, a Party involved in the project (through the designated focal point) or a JISC member may request a review in accordance with paragraph 39 of the JI guidelines.)
Party involved (designated focal point) / JISC member submitting this form	
Title and reference number of the JI project	
R e q u e s t f o r r e v i e w	
Please provide reasons in support of the request for review and attach supporting documentation. (The requirements of Article 6 of the Kyoto Protocol and the JI guidelines and further relevant requirements defined by the COP/MOP or the JISC with regard to determinations pursuant to paragraph 37 of the JI guidelines have to be met and appropriately dealt with by the AIE. Requirements defined in paragraphs 36–38 of the JI guidelines are listed below. Please indicate which requirements of Article 6 of the Kyoto Protocol or the JI guidelines or further relevant requirements might not be met and/or dealt with appropriately by the AIE and may therefore require review. Please provide explanations, as appropriate.)	
<input type="checkbox"/> According to paragraph 36 of the JI guidelines project participants shall submit to an accredited independent entity a report in accordance with the monitoring plan on reductions in anthropogenic emissions by sources or enhancements of anthropogenic removals by sinks that have already occurred. The report shall be made publicly available.	
<input type="checkbox"/> According to paragraph 37 of the JI guidelines the accredited independent entity shall, upon receipt of a report referred to under paragraph 36 of the JI guidelines, make a determination of the reductions in anthropogenic emissions by sources or enhancements of anthropogenic removals by sinks reported by project participants in accordance with appendix B of the JI guidelines, provided that they were monitored and calculated in accordance with paragraph 33 of the JI guidelines.	
<input type="checkbox"/> According to paragraph 38 of the JI guidelines the accredited independent entity shall make its determination under paragraph 37 of the JI guidelines publicly available through the secretariat, together with an explanation of its reasons.	
<input type="checkbox"/> Other requirements that may require review.	