

30 July 2002

ENGLISH ONLY

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNOLOGICAL ADVICE

Seventeenth session

New Delhi, 23–29 October 2002

Item 4 (b) of the provisional agenda

METHODOLOGICAL ISSUES

GUIDELINES UNDER ARTICLES 5, 7 AND 8 OF THE KYOTO PROTOCOL

Views on the terms of service for the lead reviewers of expert review teams

Submissions from Parties

1. At its seventh session, the Conference of the Parties (COP), by its decision 23/CP.7 (FCCC/CP/2001/13/Add.3), requested the Subsidiary Body for Scientific and Technological Advice (SBSTA), at its seventeenth session to elaborate terms of service for the lead reviewers of expert review teams and to forward any draft decision on this subject to its eighth session, with a view to recommending it for adoption by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP) at its first session after the entry into force of the Kyoto Protocol.
2. At the same session, the COP invited Parties to submit their views to the secretariat on the issue mentioned in paragraph 1 above, by 1 July 2002, and requested the secretariat to compile these views in a miscellaneous document for consideration by the SBSTA at its seventeenth session (decision 23/CP.7, para. 5).
3. The secretariat has received two submissions.¹ In accordance with the procedure for miscellaneous documents, these submissions are attached and reproduced in the language in which they were received and without formal editing.

¹ These submissions have been electronically imported in order to make them available on electronic systems, including the World Wide Web. The secretariat has made every effort to ensure the correct reproduction of the texts as submitted.

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PAPER NO. 1: NEW ZEALAND
(ON BEHALF OF CANADA, AUSTRALIA AND JAPAN)

**TERMS OF SERVICE FOR LEAD REVIEWERS OF EXPERT REVIEW TEAMS UNDER
ARTICLE 8 OF THE KYOTO PROTOCOL**

Overview

At the seventh session of the Conference of the Parties, in Marrakech as part of Decision 23/CP.7, Parties were invited to submit their views on the terms of service for lead reviewers of expert review teams. We note also the request to the secretariat to prepare a document containing options for the terms of service for lead reviewers of expert review teams, including financial implications and working arrangements, for consideration by the SBSTA at its seventeenth session in New Delhi, October 2002. This same decision (23/CP.7) also invited Parties to separately submit views on issues relating to the competence and training of experts for participation in expert review teams. As there are some overlap issues between the terms of service for lead reviewers and competence/training issues, this submission to some extent covers the latter issue although we expect to provide a separate submission on those particular issues at a later date.

This submission provides some general comments on the terms of service of lead reviewers in the context of Section E of Part I of the Guidelines for review under Article 8 of the Kyoto Protocol in the Annex of decision 23/CP.7.

General Comments

We have participated actively in the review process of the Convention established under Article 4.2(c). This has involved participation on expert review teams by several of our experts from various sectoral backgrounds. Our countries' experts have participated in expert review teams for national communications, as well as participating in all types of review processes under the trial of technical review of greenhouse gas inventories. As part of this, New Zealand has lead reviewer experience for a centralised inventory review carried out in October 2001. Our countries have also been reviewed under the trial process for the in country, centralised and desk reviews.

We are committed to the review process of the Kyoto Protocol being one that is transparent, impartial, comprehensively documented, consistent, complete, comparable, and to a process that is well managed, has a high level of integrity and is efficient, expeditious, fair and notable for its excellence.

In this light, the role of the lead reviewers is fundamental in ensuring co-ordination and strong communication between the expert review team members, the Party under review and the secretariat. We also believe that the lead reviewer has a fundamental leadership role within the team, not only accountable for the timely completion of the final report, but also able to manage people as well as information in a balanced and consistent manner integral to the purpose of the review process.

Therefore it is our opinion that the selection criterion and terms of service should be rigorous and transparent.

Specific Comments

Paragraph 24 of the Annex to draft decision -/CMP1 (Article 8) contains a footnote that states “Those experts that opt not to participate in the training have to undergo a similar assessment successfully in order to enable them to qualify for participation in the expert review teams.” It is our position that all lead reviewers participate in an assessment process involving several component parts, consistent with their role. We believe this sets a standard and ensures transparency and competency.

We believe that lead reviewers:

- Should have a strong general understanding of the entire inventory such as methodological issues, estimation of uncertainty and QA/QC, as well as, preferably a strong technical background of expertise in at least one of the sectors.
- Must be up to date with any changes, within the guidelines for both review and the preparation of inventories and registry arrangements including:
 - The revised IPCC guidelines for national greenhouse gas inventories;
 - The IPCC good practice guidance and uncertainty management in national greenhouse gas inventories;
 - The UNFCCC reporting guidelines on annual inventories;
 - The UNFCCC guidelines for the technical review of greenhouse gas inventories;
 - The guidelines for the preparations of the information required under Article 7 of the Kyoto Protocol;
 - The guidelines for review under Article 8 of the Kyoto Protocol;
 - The guidelines for the national systems under Article 5 paragraph 1 of the Kyoto Protocol;and,
 - The technical guidance on methodologies for adjustments under Article 5 paragraph 2 of the Kyoto Protocol;
- Should already have a demonstrated competence of being successful leaders, as high quality and timely completion of each review will be to a large degree reliant on this strength in the lead reviewers.
- Should have an academic background credible to the position, as well, as extensive experience in the preparation of Greenhouse Gas Inventories (i.e. emissions by sources and removals by sinks) and the establishment of National Systems (or have extensive experience in the review of greenhouse gas inventories and registries).
- Should have an understanding of procedures to identify discrepancies in assigned amount information – where the word discrepancies here refers to discrepancies between information reported by the Party and the transaction log, CDM registry and other national registries; not discrepancies pursuant to transactions that proceed despite notification to that effect from the transaction log.
- Should have an understanding of procedures for adjustments under Article 5.2.
- Should have a sufficient fluency in the English language.
- Should be subject to a system of review by their peers to ensure quality control and allow enhancement and evolution of the review process.

- Should have some experience with conflict management and/or training in conflict management and conflict resolution.

Recognising the substantial time commitment required to be a lead reviewer, a formal arrangement with the secretariat might have to be considered covering the review period each year over the duration of their tenure. It should also be considered where location of these experts should be, including the need for a group of experts being temporarily located in Bonn.

Recognising the role of the lead reviewers as being one of responsibility, in terms of both their duty to the ERT, the Party under review and providing the information required by the COP/MOP, lead reviewers should have prime responsibility for ensuring that the apolitical, professional and technically-focussed nature of the ERTs and the review process are maintained. Lead reviewers should sign an agreement covering issues such as terms of service, confidentiality and professional responsibility and independence, including disclosure of potential conflicts of interest and action to be taken in the event of a conflict of interest. Parties should therefore give further consideration to what constitutes a conflict of interest.

With regard to conflict of interest, it is important that the lead reviewers, the ERTs and the review process are not only beyond reproach, but also operate in a transparent way and are seen to be beyond reproach. A potential problem may arise if a lead reviewer from a Party in a bubble arrangement under Article 4 of the Protocol was leading a review of a Party that was also part of the bubble arrangement. A conflict of interest could be perceived in such cases, and may undermine the perception of the apolitical standing of the position of lead reviewer and of the review process. For example, a conflict of interest could be perceived if a lead reviewer from an EU country was leading a review of an EU Party or the EC. Similarly, the status of EIT countries regarding accession to the EU could give rise to a perception of conflict of interest where EIT lead reviewers were reviewing EU Parties or when EU lead reviewers were reviewing EIT Parties. We would be interested in exploring with other Parties solutions to this problem. Recognising the role of the lead reviewers as being one of responsibility, in terms of both their duty to the ERT, the Party under review and providing the information required by the COP/MOP, lead reviewers should carry out their role in a professional manner.

The lead reviewers may have to respond and manage disputes and disagreements within the ERT over recommendations and decisions of the ERT. Our position is that an ERT should have a consensus for its decision-making. The lead reviewers should be trained and be practiced in dealing with conflict resolution. There should also be a process designed to manage disagreement between ERT members that the lead reviewer should manage and associated procedures developed, conflict resolution within ERTs and issues such as conflict of interest, stepping down and opting out.

PAPER NO. 2: SPAIN
(ON BEHALF OF THE EUROPEAN COMMUNITY AND ITS MEMBER STATES)

**GUIDELINES FOR REVIEW UNDER ARTICLE 8 OF THE KYOTO PROTOCOL:
TERMS OF SERVICE FOR THE LEAD REVIEWERS OF EXPERT REVIEW TEAMS**

Spain, on behalf of the European Community and its Member States, welcomes the opportunity to send views on the terms of service of lead reviewers, in accordance with Decision 23/CP.7 agreed by the Conference of the Parties at its seventh session (see document FCCC/CP/2001/13/Add.3).

The EU considers that lead reviewers should be selected by the Secretariat from the UNFCCC roster of experts. In our view, in addition to the necessary competences (see paragraphs 29 and 41 of guidelines under Article 8 of the Kyoto Protocol), experience in reviews should be a key requirement in the selection procedure. As far as practicable, candidates should have participated in different review types as review experts in the past (at least 1 in-country visit and 1 desk/centralised review) before they become lead reviewers. Finally, the EU would like to emphasise that, even if experience is considered outstanding, procedures to provide adequate training should be also open to lead reviewers, and perhaps designed to take into account their special needs.

With regard to funding, the EU believes that lead reviewers should be funded according to existing procedures for participation in UNFCCC activities, as established in paragraph 27 of guidelines under Article 8 for members of ERTs in general. Experts from non-Annex I Parties and from Annex I Parties with economies in transition should be funded by the Secretariat, while experts from Annex II Parties should be funded by their governments.

The EU considers that lead reviewers need not be located permanently at the Secretariat because the EU believes that lead reviewers will be occupied with the review tasks only during several months of a year. Such an arrangement will also facilitate the participation of inventory experts who are not able or willing to quit their existing jobs for a time-limited occupancy at the UNFCCC secretariat, thus the pool of available and experienced experts for the review will be enhanced. Nevertheless, lead reviewers should be placed at the secretariat during centralised reviews undertaken by the ERTs they belong to. Furthermore, additional meetings of lead reviewers with the Secretariat could be held in Bonn whenever necessary, for instance in the planning phase or when the final comments by Parties have been received. This second meeting could help to discuss difficult issues in a broader group of experts in order to produce review reports which are more consistent.

Finally, the EU would like to point out that they are willing to explore additional approaches once the Secretariat has published the document on financial implications and working arrangements of several options for the terms of service of lead reviewers, to be considered by the SBSTA 17.
