

Hearings Procedure to implement the Assessment Procedure

1. Purpose of this Hearing Procedure and revisions to it

- 1.1 This Procedure sets out the approach that the Integrity Council will take for hearings as defined and described in the ICVCM Assessment Procedure. Hearings are an optional process between draft Decisions being provided to carbon-crediting programs and final Decisions by the Governing Board.
- 1.2 Hearings under the ICVCM only relate to carbon-crediting programs that have applied to the ICVCM for Program-level assessment (Program assessment) and to CCP-Eligible programs. Hearings are not used for third-party or stakeholder complaints, feedback or input. A stakeholder wishing to make a complaint, or provide feedback or input, may send it to info@icvcm.org. Further information on our complaints, feedback and input processes may be found [here](#).
- 1.3 Definitions used in this Procedure are as defined in Section 5 Definitions¹.
- 1.4 The contents of this Procedure are not intended to impose additional rules or obligations on CCP-Eligible programs and are intended to ensure that hearings are implemented in a consistent manner and that processes for them are transparent to carbon-crediting programs, CCP-Eligible programs and other stakeholders.
- 1.5 This Procedure may be revised from time to time by the ICVCM, including to improve the workability of hearing processes, and based on feedback and experience of CCP-Eligible programs and stakeholder feedback, if any. All and any updates are at the sole discretion of the ICVCM. The ICVCM reserves the right to update this Procedure to address costs of hearings. Any revision to this Procedure does not affect hearings that have already commenced as of the date of publication of the revised version. Only new hearing cases commencing after the date of publication will be affected by the revision.
- 1.6 The Integrity Council² shall have no liability whatsoever (and whether contractual or non-contractual) arising out of or in connection with the implementation, application or operation of this procedure and no representation, warranty, undertaking or assurance, express or implied is or will be made by the Integrity Council, its affiliates, associates, advisers, directors, employees or representatives or any other person as to the truth, accuracy, completeness, correctness or fairness of any document or information or similar presented by, submitted by or relied on by any carbon-crediting program per the Assessment Procedure or related manuals and procedures.

¹ [Definitions](#). As may be revised from time to time.

² Note that in the Assessment Procedure, the term Integrity Council may be used to indicate the Executive Secretariat together with (a) the Expert Panel and/or its members and (b) any relevant committee of the Governing Board delegated to have assessment functions, each undertaking functions in accordance with the functions assigned to them in the Modalities & Procedures. References to the Governing Board include a reference to the committee that has the relevant delegated functions.

Hearings (programs) – extract from the Assessment Procedure

- 6.8 A carbon-crediting program may request a hearing in relation to any draft Decision addressed to it per sections 2, 3 and 5 that it considers does or may have implications for it. The request shall be made by emailing the Secretariat at info@icvcm.org.
- 6.9 The hearing may be in-person or virtual and will be organised by the Integrity Council and conducted by the Governing Board. Logistics arrangements will be consulted with and then communicated to the carbon-crediting program. The Integrity Council will provide to the carbon-crediting program all relevant information that forms the basis of the draft Decision (including draft Assessment Report or draft Evaluation Report and any draft Decision, as applicable), except where information is subject to confidentiality requirements or other legal restrictions.
- 6.10 The carbon-crediting program may make written submissions for the hearing, including evidence to support the submissions and be represented by persons of its choosing, except that no representative shall have been previously employed by or worked for the Integrity Council in the last two years or served on the Governing Board or the ICVCM Experts in the last two years. Representatives shall confirm that they have no conflict of interest per the Conflicts of Interest Policy at the start of the hearing.
- 6.11 The hearing will be conducted in English and the carbon-crediting program may present such written or oral information as it considers necessary.
- 6.12 Written submissions prior to and information presented in the hearing shall be taken into account by the relevant committee of independent members of the Governing Board in the finalisation of the draft Decision, as set out in sections 2, 3 and 5 of this Assessment Procedure.

2. Scope of right to a Hearing

- 2.1 A carbon-crediting program³ may request a hearing in relation to any draft Decision addressed to it that it considers does or may have implications for it, in accordance with sections 2 (Program Assessment), 3 (Category Assessment) and 5 (Ongoing Assurance and Enforcement) of the Assessment Procedure.
- 2.1.1 For (b) or (c) draft Decisions⁴ related to Program assessment, a program may request a hearing following receipt of the draft (b) or (c) Decision and the final Assessment Report.
- 2.1.2 For (b) or (c) draft Decisions⁵ related to Category assessment, a CCP-Eligible Program may request a hearing following receipt of the draft (b) or (c) Decision and final Evaluation Report.

³ As set out in Definitions carbon-crediting programs are a standard-setting program that registers mitigation activities and issues carbon credits.

⁴ Section 2.20 of the Assessment Procedure defines (b) and (c) Decisions as: "(b) Approve the carbon-crediting program as CCP-Eligible conditional on completion of remedial actions; or (c) Reject the Application of the carbon-crediting program."

⁵ Section 3.13 of the Assessment Procedure defines (b) and (c) Decisions as: (b) The Category/Categories meet(s) the relevant criteria and requirements for CCP-approval if the relevant program takes remedial action; (c) The Category/Categories does not/do not meet the relevant criteria and requirements for CCP-approval.

- 2.1.3 Following an Interim Review⁶, a CCP-Eligible program may request a hearing for (b) and (c) draft Decisions.
- 2.2 Per the Assessment Procedure, as an alternative, or before determining whether to request a hearing, carbon-crediting programs may provide information (for example, documents, written evidence) in relation to any draft Decision pursuant to the following provisions of the Assessment Procedure:
- 2.2.1 In relation to draft Decisions on Program assessment, per 2.21 of the Assessment Procedure, "Where the Governing Board considers it is likely to take a 2.20 (b) or (c) Decision, the Integrity Council shall provide a copy of the final Assessment Report and draft Decision to the carbon-crediting program for its review and comments prior to any Decision per 2.22".
- 2.2.2 In relation to Category assessment: per 3.12 of the Assessment Procedure, "The Integrity Council shall provide the draft Evaluation Report to the relevant carbon-crediting program. The carbon-crediting program may submit information to explain how its program documents or other documents address issues underlying the assessment."
- 2.2.3 In relation to Interim reviews, per 5.1. (c) of the Assessment Procedure, "Where the Governing Board decides to initiate an Interim Review, the Integrity Council will communicate with the CCP-Eligible program as appropriate to gather information, clarify issues or agree upon remediation actions".

3. Process for requesting a Hearing

- 3.1 The Assessment Procedure provides that only a carbon-crediting program may request a hearing.
- 3.2 The Assessment Procedure also provides that a carbon-crediting program may only request a hearing in relation to draft Decisions that relate to its own Eligibility/rejection as a CCP-Eligible Program and/or the Approval/rejection of CCP-Approval of methodologies registered/approved by that carbon-crediting program.
- 3.3 The CCP-Eligible program, in accordance with the provisions in the Assessment Procedure, may also request a hearing where the Governing Board considers it likely to take a 5.13 (b) or (c) Decision following an Interim Review.

⁶ As per Section 5.11 of the Assessment Procedure, the Integrity Council may initiate an Interim Review of the CCP-Eligible program or of a CCP-Approved Category, at its sole discretion, if it becomes aware of a material change or if it has cause to suspect material failings, including but not limited to: (a) Material, or repeated instances of non-compliance with the CCPs and Assessment Framework criteria and requirements; (b) In relation to a carbon-crediting program CCP-Eligibility Decision, failure to implement minor changes or complete remedial actions; (c) Non-disclosure by the carbon-crediting program of a material change, as required by 5.4; (d) Changes in the CORSIA application requirements, Emission Unit Eligibility Criteria and/or other changes in CORSIA that have implications for the ICVCM; (e) For a CORSIA-Eligible program, the lapsing or revocation of CORSIA eligibility; (f) An apparent non-adherence by the CCP-Eligible program to its governance and practices as set out in its Application where the non-adherence may reasonably be expected to lead to a material breach of the CCPs and Assessment Framework; (g) Material failure to cooperate with the Integrity Councils investigations and/or to respond to reasonable requests made in accordance with published processes; (h) Failure to rectify material issues or errors that have been identified during any investigation; (i) Fraud or gross negligence, false disclosure to the Integrity Council, publishing or allowing misleading information to be released.

- 3.4 A request for a hearing must be submitted by the carbon-crediting program via email to info@icvcm.org. The subject line should include the word 'hearing'. The information provided in the email should include sufficient information to enable the ICVCM to identify the scope and reason for the request for the hearing and contain the name and contact details, including a telephone number, of the person employed by the carbon-crediting program who will be the contact person for the hearing (the **contact person**).

4. Deadlines for submitting a hearing request

- 4.1 In relation to draft Decisions for Program assessment and Category assessment, a carbon-crediting program shall have 10 working days to request a hearing. The period shall be counted from the working day following the date of receipt⁷ of the draft Decision for program assessment or Category assessment, as applicable.
- 4.2 In relation to draft Decisions to suspend following an Interim Review, a carbon-crediting program shall have a period of 15 working days to request a hearing. The period shall be communicated with the draft Decision. The period shall be counted from the working day following the date of receipt of the draft Decision.
- 4.3 In relation to draft Decisions to terminate following an Interim Review, a carbon-crediting program shall have a period of 15 working days to request a hearing. The period shall be communicated with the draft Decision. The period shall be counted from the working day following the date of receipt of the draft Decision.
- 4.4 The above periods may be extended upon agreement of the Executive Secretariat, taking into account the circumstances of the hearing, and in particular, the time needed for preparation of information by the carbon-crediting program.

5. Acknowledging request and setting the date for the Hearing

- 5.1 The Executive Secretariat shall acknowledge the request for a hearing pursuant to section 4 above within five working days of date of receipt of the request.
- 5.2 From the acknowledgement onwards, all communications from the Executive Secretariat to the carbon-crediting program relating to the hearing will be through the contact person.
- 5.3 As soon as practicable after acknowledging the request, and taking into account the periods in section 4 above and the need for the carbon-crediting program to receive hearing-related information in a timely manner, the Executive Secretariat shall propose no fewer than two different dates and times for the hearing, taking into account time zones that are relevant to the carbon-crediting program, working days and relevant public and religious holidays and shall inform the carbon-crediting program of the virtual means by which the meeting will be held.

⁷ In this Procedure, the date of receipt is the date on which the email was sent to the contact person of the carbon-crediting program or to the Executive Secretariat, as applicable.

- 5.4 The Executive Secretariat shall take into consideration both the urgency and the complexity of the matter that is the subject of the hearing when proposing dates for the hearing and when determining the length of the hearing per section 5.3 above.
- 5.5 The carbon-crediting program shall select one of the proposed dates and times and reply to the Executive Secretariat within five working days of date of receipt of the email referred to in section 5.2 above.
- 5.6 Unless otherwise agreed between the carbon-crediting program and the Executive Secretariat, the date and time selected pursuant to section 5.4 above shall be the date and time of the hearing. Failure to attend by the carbon-crediting program shall not mean a hearing has not been held.

6. Written submissions, relevant information and confidentiality

- 6.1 No later than the confirmation of the date of the hearing per section 5 above, the Executive Secretariat shall provide the written submission Template Form to the carbon-crediting program.
- 6.2 The written submission should:
 - (a) use the written submission Template Form, that should be sufficiently completed to enable the scope and reason for the hearing to be identified;
 - (b) include all relevant information and evidence to substantiate the view of the carbon-crediting program;
 - (c) contain/attach all the information and evidence that the carbon-crediting program intends to present at the hearing;
 - (d) clearly identify information as confidential, as applicable; and
 - (e) clearly number/label/name items of information and evidence.
- 6.3 The carbon-crediting program shall submit the written submission in final form to the Executive Secretariat by no later than 10 working days prior to the date of the hearing, unless the Executive Secretariat agrees a shorter period on the basis of the complexity of the case. The Executive Secretariat may clarify with the carbon-crediting program the nature of the information submitted, including its relevance, as necessary, prior to the hearing.
- 6.4 The Executive Secretariat shall provide all relevant information in relation to the subject matter of the hearing and in accordance with the Assessment Procedure, to the contact person, by no later than 10 working days prior to the date of the hearing.

- 6.5 Information marked as confidential shall be treated as such and management of confidential information shall be in accordance with the Terms and Conditions⁸ entered into by carbon-crediting programs and, if applicable, personal data shall be managed in compliance with applicable laws.

7. Identification and composition of the hearing panel

- 7.1 Following receipt of a request for a hearing pursuant to section 5, the Executive Secretariat will promptly notify the chair of the Governing Board and the chair of the Governance Committee of the request for a hearing and its scope.
- 7.2 The Executive Secretariat, in consultation with the chair of the Governing Board, will identify potential hearing panel members from the Governing Board and present the list to the chair of the Governing Board. Only Governing Board members who are independent members and who would be eligible to vote⁹ on the matter that is the subject of the hearing, if that matter were proposed for a Decision of the Governing Board, may be included on the list as potential hearing panel members. At least one eligible independent member of the Standards Oversight Committee shall be included on the list of potential hearing panel members.
- 7.3 The Executive Secretariat will provide the list of potential hearing panel members to the chair of the Governing Board. The chair of the Governing Board will determine the composition of the hearing panel. At least one eligible independent member of the Standards Oversight Committee shall be included in the hearing panel. The chair of the Governing Board will select a chair of the hearing panel from among its members.
- 7.4 The Executive Secretariat will notify the names of the Governing Board members that will participate on the hearing panel to the carbon-crediting program (the **hearing panel members**).

8. Carbon-crediting program representatives

- 8.1 In accordance with Section 6.10 of the Assessment Procedure, the carbon-crediting program may be represented at the hearing by representatives, who are persons of its choosing, except that no representative shall have been previously employed by or worked for the Integrity Council in the last two years or served on the Governing Board or the ICVCM Experts in the last two years¹⁰.
- 8.2 Each representative must confirm at the start of the hearing that they meet the requirements of section 6.10 of the Assessment Procedure.

⁸ The ICVCM Program Terms and Conditions are between the ICVCM and the carbon-crediting program and govern the application and oversight process, including confidentiality and dispute resolution procedures (per the Assessment Procedure). Refers to Terms and Conditions in effect at the time.

⁹ The Assessment Procedure refers to independent members, which excludes market representatives. Independent members are only eligible to vote if they do not have a conflict of interest in relation to the matter.

¹⁰ ICVCM Experts mean former and current members of the Expert Panel and subject matter experts.

9. The hearing

- 9.1 The following persons may participate in the hearing:
- 9.1.1 Representatives and the contact person of the carbon-crediting program;
 - 9.1.2 The hearing panel members;
 - 9.1.3 The Executive Secretariat, for the purpose of managing the hearing process and providing further clarification, if required, relating to the information provided by the Executive Secretariat to the carbon-crediting program.
 - 9.1.4 Up to two of the Expert Panel Co-Chairs, as observers for the purpose of providing further clarification, if required, relating to the information provided by the Executive Secretariat to the carbon-crediting program.
- 9.2 The hearing shall be held in English. The carbon-crediting program may request translation, if required, into the language of usual operation of the carbon-crediting program.
- 9.3 The hearing will be held virtually and recorded for the purpose of ensuring an accurate record. The recording shall be treated as confidential.
- 9.4 The chair of the hearing panel will open the hearing, and the hearing shall follow the sequence set out below, unless otherwise agreed between the chair of the hearing panel and the representatives of the carbon-crediting program at the start of the meeting:
- 9.4.1 Introduction by the chair of the scope of the hearing and a summary of key matters raised by the carbon-crediting program.
 - 9.4.2 Confirmation from the representatives of the carbon-crediting program that they meet the criteria in Section 6.10 of the Assessment Procedure.
 - 9.4.3 Presentation by the representatives of the carbon-crediting program in relation to the information and evidence provided as part of the written submission.
 - 9.4.4 Questions from the hearing panel members.
 - 9.4.5 If required, presentation by the Executive Secretariat or a hearing panel member of the information provided to the carbon-crediting program.
 - 9.4.6 Response from the representatives of the carbon-crediting program.
 - 9.4.7 Questions from the hearing panel to the carbon-crediting program.
 - 9.4.8 Conclusion of the hearing, including information on the next steps.

10. Hearing Summary

- 10.1 Pursuant to 6.12 of the Assessment Procedure, the hearing panel, supported by the Executive Secretariat, will prepare a comprehensive summary of the hearing (**hearing summary**)¹¹ to supplement the written submissions and information provided by the Executive Secretariat to the carbon-crediting program.
- 10.2 The hearing summary will be shared with the carbon-crediting program for its review and comments, if any. The hearing summary remains confidential.
- 10.3 The written submissions, the hearing summary and the comments of the carbon-crediting program on the hearing summary, if any, will be provided to the relevant committee of independent members of the Governing Board¹² and the committee will take these into account in the finalisation of the draft Decision for the Governing Board, and in accordance with the Assessment Procedure.

11. Board Decision

- 11.1 Finalisation of the draft Decision by the Governing Board is in accordance with the relevant provisions of the Assessment Procedure. This includes the provisions relating to Independent Review of Decisions taken by the Governing Board, pursuant to 6.13 of the Assessment Procedure.

¹¹ The hearing summary includes written and oral information from the hearing, per sections 2.22, 3.15 and 5.15 of the Assessment Procedure.

¹² The committee currently tasked with reviewing outputs of hearings is the Standards Oversight Committee.