



## Annex 22

### PROCEDURES FOR REVIEW OF ERRONEOUS INCLUSION OF A CPA

#### (Version 03)

#### A. Background

1. Paragraph 22 of the “Procedures for registration of a programme of activities as a single CDM project activity and issuance of certified emission reductions for a programme of activities” provides for a possibility for members of the CDM Executive Board (hereinafter referred to as the Board) and the designated national authorities (DNAs) of Parties involved to request a review of the inclusion of a component project activity (CPA) into a registered programme of activities. These procedures elaborate how such a request for review and any subsequent review will be conducted.
2. Pursuant to paragraph 36 of decision 2/CMP.5, the CMP requested the Board to “continue to revise the relevant procedures and guidance on programmes of activities, including by defining more clearly the situations in which designated operational entities could be held liable for erroneous inclusion of a component project activity, in order to reduce barriers to the development of programmes of activities under the clean development mechanism”.
3. These procedures replace the previous version (version 02, EB 55 report, annex 37, 30 July 2010).

#### B. Requesting a review of erroneous inclusion

4. Erroneous inclusion of a CPA into a programme of activities registered as a single CDM project activity (PoA) means that the CPA does not meet the eligibility criteria for inclusion as specified in the CDM-POA-DD.
5. If a DNA of a Party involved in the PoA or a Board member identifies information that may disqualify a CPA from inclusion in the PoA or renewal of its crediting period the Secretary of the Board shall be notified, by means of a request for review form (F-CDM-CPAR) within one year after the inclusion of the CPA into a registered PoA or renewal of the crediting period of the CPA, or within six (6) months after the first issuance of certified emission reductions (CERs) for that CPA, whichever is the latter.
6. In case the request is received from an Board member, the Chair of the Board, in consultation with the secretariat, shall assess the information referred to in paragraph 5 above and decide, within 10 working days, whether or not to add the request for review to the agenda of the next Board meeting.
7. If the Chair of the Board decides not to add the request to the agenda of the next Board meeting, the secretariat will inform the relevant Board member of the reasons for this decision.
8. If the Chair of the Board decides to add the request to the agenda of the next Board meeting or if the request has been received from a Party involved, the secretariat shall accordingly notify the coordinating/managing entity, the DOE that included the CPA in the PoA (hereinafter referred to as



including DOE) and the DNAs of all Parties involved. The coordinating/managing entity and the including DOE shall be requested to provide initial comments to the request for review. Such comments shall be submitted no later than 4 weeks from the date of notification of the review.

#### C. Consideration of a request for review

9. At the meeting during which the Board considers the request for review it shall, taking into account any comments received from the coordinating/managing entity and the including DOE:

- (a) Exclude the CPA from the PoA with immediate effect in case it determines that the CPA was erroneously included in the PoA; and
- (b) Initiate a full review in case it determines that the consideration of the request for review raises concerns regarding the processes used to include CPAs in the PoA.

#### D. Full review of erroneous inclusion

10. If the Board initiates the review referred to in paragraph 9 (b) above it shall request the secretariat to contract a DOE, that has not performed validation, registration, inclusion or verification functions with regard to this PoA to assess CPAs which have been included in the PoA concerned in the 12 month period or have had their first issuance in the 6 month period preceding the request for review.

11. An assessment team shall be established by the Board to analyse the DOE review report and make findings and recommendations to the Board within two weeks. The assessment team may discuss the findings of the review report and seek comments from the coordinating/managing entity and including DOE, as appropriate. Based on this assessment, the assessment team shall make a finding as to whether:

- (a) Whether any CPAs have been erroneously included into the PoA; and
- (b) Whether the compliance of each of the CPAs being reviewed with the eligibility criteria for inclusion in the PoA was adequately assessed by the including DOE in accordance with the Board-established validation requirements applicable at the time of the inclusion and, if any, validation requirements established in the CDM-POA-DD.

12. The Board shall consider the DOE review report and the finding of the assessment team at the next Board meeting for which the report and the finding have been made available within the two week document deadline.

13. The Board shall decide to exclude any of the CPAs from the POA, if it is determined that they have been erroneously included.

14. Any CPA that has been excluded shall not be re-included again in that or any other PoA, or qualify as a CDM project activity.

15. Where, for any of the CPAs excluded pursuant to paragraphs 9 (a) or 13 above, the Board determines that the including DOE failed to adequately assess, in accordance with the relevant validation requirements, their compliance with the eligibility criteria, the DOE shall acquire and



transfer, within 30 days of the exclusion of the CPAs, an amount of reduced tonnes of carbon dioxide equivalent to the amount of CERs issued for the CPAs as a result of the CPAs having been included, to a cancellation account maintained in the CDM registry by the Board.

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#### History of the document

Version	Date	Nature of revision
03	EB 61, Annex 22, 3 June 2011	Revision to amend the cohort of included CPAs within the review described by this procedure and the consequence of exclusion.
02	EB 55, Annex 37 30 July 2010	Revision to clarify the meaning of erroneous inclusion and additional clarifications on the review process.
01	EB 47, Annex 30 28 May 2009	Initial adoption.
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