



Annex 26

PROCEDURES FOR REQUESTS FOR DEVIATION PRIOR TO SUBMITTING REQUEST FOR ISSUANCE

(Version 01)

I. INTRODUCTION

1. At its twenty-first meeting, the CDM Executive Board (hereinafter referred to as the “Board”) agreed to the following clarification: “A DOE shall, prior to requesting registration of a project activity or issuance of CERs, notify the Board of deviations from approved methodologies and/or provisions of registered project documentation and explain how it intends to address such deviations. The DOE shall only proceed with further actions after receipt of guidance from the Board. The Chairs of the panels shall provide an input as to whether the issue should be considered or not by the panels. The Board shall, if needed, address these issues by electronic decision. When providing such guidance, the Board shall consider issuing general clarifications to all DOEs and project participants, as appropriate.”
2. Section II of this document contains revised procedures for the submission of requests for deviation prior to submitting request for issuance during verification/certification stage, by a designated operational entity.
3. Sections III-IV of this document contain procedures for the consideration of such requests by the relevant panel/working group and the Chair of the Board and Chair of relevant panel or working group.
4. This procedure, along with the Procedures for requests to the Executive Board for deviation from an approved methodology (version 01, EB 49, Annex 4), replaces the Procedures for requests for deviation to the Executive Board (version 02, EB 24, Annex 30) and includes revisions in the procedures with respect to requesting deviation prior to submitting the request for issuance.

II. SUBMISSION OF A REQUEST FOR DEVIATION PRIOR TO SUBMITTING REQUEST FOR ISSUANCE

5. If a DOE determines at verification that project participants deviated from the provisions of the registered monitoring plan it shall not conclude the certification of the emission reductions for the verified period, and inform the Board accordingly, or seek guidance from the Board on the acceptability of the deviation prior to concluding on its verification/certification decision.
6. If guidance is sought, the DOE shall submit the form for submission of a request for deviation “CDM: Form for submission of requests for deviation prior to submitting request for issuance” (F-CDM-DEV-ISS) through the dedicated internet interface on the UNFCCC CDM website. The submission by the DOE shall provide complete, clear, and precise assessment and a description of the impact of the deviation on the emission reductions from the project activity.
7. Upon submission of the form, the secretariat will do the completeness check on ‘first come first serve’ basis, in no longer than twenty (20) working days to assess that:



- (a) The “CDM: Form for submission of requests for deviation prior to submitting request for issuance” has been completed by the DOE, including the monitoring period for which the deviation is requested¹;
- (b) The proposed request for deviation is not a request for revision of monitoring plan² or request from changes in the project design document;
- (c) Relevant technical information is submitted.

8. If the secretariat considers that the form and documentation are incomplete, it shall ask the DOE to resubmit the request for deviation, addressing the concerns raised.

9. No request for deviation shall be considered confidential and the request as well as the decision on the case shall be made publicly available. However, additional information provided as supporting document may be submitted by the DOE as a confidential document.

10. If the secretariat assesses that the request satisfies the deviation criteria, it shall promptly publish the deviation request on deviation section of the UNFCCC CDM website. The secretariat after publication of the request shall prepare a summary note with its recommendation and forward it to the Chair of the Board and Chair of the relevant panel or working group, within ten (10) working days.

11. If the secretariat during the summary note preparation requires further clarification from the DOE, it shall ask the DOE to submit the clarification. The DOE shall submit the clarification within ten (10) working days to the secretariat after receiving this request. The secretariat upon receiving this clarification shall finalise the summary note with its recommendation and forward it to the Chair of the Board and Chair of the relevant panel or working group, within ten (10) working days.

III. CONSIDERATION OF A REQUEST FOR DEVIATION BY PANEL/WORKING GROUP

12. If secretariat during the summary note preparation identifies that the proposed request requires further consideration by the relevant panel or working group, it shall in consultation with the Chair of the relevant panel or working group put the case on the agenda of a subsequent Panel or working group meeting. The secretariat shall inform the DOE about the request being considered by the Panel or working group. The secretariat shall finalise the summary note with its recommendation including inputs of the panel or working group and forward it to the Chair of the Board and Chair of the relevant panel or working group, within ten (10) working days.

IV. CONSIDERATION OF A REQUEST FOR DEVIATION

13. Upon receiving the secretariat summary note, the Chair of the Board, in consultation with the and Chair of the relevant panel or working group(s), shall decide within five working days:

- (a) To accept the request for deviation; or
- (b) To reject the request for deviation.

¹ In certain circumstances such as a delayed installation/operation of a monitoring is observed please refer to paragraph 57 of the forty-third meeting report of the Board.

² For certain cases when a request for deviation may be applicable not only for the monitoring period under verification but also for the remaining of crediting period please refer to paragraph 58 of the forty-third meeting report of the Board.



14. If the Chair does not provide his/her decision within five working days, the secretariat recommendation is deemed to be accepted by the Chair.

15. The Chair of the Board, in consultation with the Chair of the relevant Panel or working group, may decide to discuss case(s) in the Board meeting, if it is considered that the request for deviation requires further discussion on some policy issue(s). The Chair of the Board in consultation with the secretariat shall put the case(s) on the agenda of a subsequent Board meeting.

16. The decision of the Chair as referred to in paragraph 13, 14 or 15 shall be communicated to all Board members. In exceptional cases, Board member(s) may disagree with the decision of the Chair, the concerned member(s) within ten working days of receiving this communication shall request the Chair, giving reasons in writing, to put the case for further consideration by the Board at its subsequent meeting.

17. Once a decision has been made the secretariat shall promptly inform the DOE about the decision. In case where the Chair decided to discuss the case in the Board meeting, the DOE shall be informed about it. The decision of the Board shall be made publicly available on the CDM website. If the Board decides to issue general guidelines it shall be made publicly available in the UNFCCC CDM website and through the CDM news facility.

Version	Date	Nature of revision
01	EB 49, Annex 26 11 September 2009	Initial adoption. This procedure, along with the <i>Procedures for requests to the Executive Board for deviation from an approved methodology</i> (version 01, EB 49, Annex 4), replaces the <i>Procedures for requests for deviation to the Executive Board</i> (version 02, EB 24, Annex 30).
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