



## Annex 59

**PROCEDURES FOR MODALITIES OF COMMUNICATION BETWEEN PROJECT PARTICIPANTS AND THE EXECUTIVE BOARD**

(Version 01)

**A. Background**

1. In consideration of existing definitions of Modalities of Communication (MoC) and related concepts as contained in the Glossary of CDM Terms, and as a complement to current established procedures, this guidance on modalities of communication is intended to provide further clarification in relation to operational issues and to set out a standard format for the presentation and management of changes to the MOC document for CDM project activities. The concepts, procedures and form provided below will be revised as deemed appropriate by the CDM Executive Board (hereinafter referred to as the Board) in order to reflect the evolution of systems, risk management processes and best practices in this area.

**Definition of terms:**

2. ***Focal point*** is defined as any entity, or entities, whether or not registered as project participant in the corresponding CDM project activity, nominated through the modalities of communication by all project participants to communicate with the Board and the secretariat in relation to some or all of the scopes of focal point authority (as described in paragraph 3 below). Any change to focal point roles shall be agreed by all project participants and will only be effected through the submission of a new F-CDM-MOC form.

3. ***Scope of focal point authority:*** A focal point entity can be conferred the authority to:

- (a) Communicate in relation to requests for forwarding of CERs to individual accounts of project participants; and/or,
- (b) Communicate in relation to requests for addition and/or voluntary withdrawal of project participants; and/or,
- (c) Communicate on any other matters related to registration and issuance not covered by (a) or (b) above.

Separate entities can be nominated for each scope of authority either in a sole, shared or joint focal point role. One or more entities can be nominated as focal point for each scope of authority in a shared or joint focal point role (as defined in 7. and 8. below).

4. ***Authorised signatory (of a project participant)*** is the person who represents a project participant entity in a CDM project activity (which may include a person who is authorised by way of a power of attorney) and whose name, contact details and specimen signature are to be registered in the MoC statement. Project participants may nominate one primary authorised signatory and one alternate authorised signatory in the MoC statement. The signature of either of them will suffice to act upon.

5. ***Authorised signatory (of a focal point)*** is the person who represents the focal point entity (which may include a person who is authorised by way of a power of attorney) and whose name,



contact details and specimen signature are to be registered in the MoC statement. Focal point entities may nominate one primary authorised signatory and one alternate authorised signatory in the MoC statement. The signature of either of them will suffice to act upon.

6. **Sole focal point:** a focal point role granted exclusively to one entity on some or all of the scopes of authority, and whose certified signature is sufficient to effect any instruction from this entity.

7. **Shared focal point:** a focal point role shared by two or more entities for a given scope of authority where the signature of the corresponding authorised signatories of any one of the focal point entities is sufficient to effect any instruction within the scope of authority.

8. **Joint focal point:** a focal point role in cases where more than one entity is nominated as focal point for a given scope of authority and the signatures of all nominated focal point entities shall be required for each communication related to that scope. If project participants wish to approve any communication or instruction to be submitted by a focal point entity for a given scope of authority, they shall be listed as joint focal point entities for the corresponding scope of authority.

9. **Signature** is defined as an agreed means of authentication of an MoC statement by a project participant, or a given communication from a focal point entity, as the context requires. It may be either an authenticated handwritten signature, accompanied with a company seal or stamp if appropriate, or a cryptographic electronic signature enrolled in the CDM Information System.

10. **Electronic signatures:** Electronic signatures will have the same value in order to effect such changes once the form is available electronically. The secretariat shall implement and deploy within the CDM Information System the means to provide project participants and focal point entities with digital certificates for authentication of user identity.

11. **Due diligence process** is defined as a process whereby personal or corporate identity is established and means of signature are registered for CDM related communications. This process is to be performed by DOEs for all new entities entering as project participants at the point of requesting registration. In the case of registered projects, the secretariat will perform this process on entities requesting registration as project participants in accordance with the existing MoC.

## **B. Structure and contents of a statement of Modalities of Communication**

12. A statement of modalities of communication shall incorporate the following provisions:
- (a) Title of the CDM project activity (and UNFCCC reference number if available);
  - (b) Date of submission;
  - (c) List of all project participants;
  - (d) Clear designation of focal point for each scope of authority as described in section A above;
  - (e) Contact details and specimen signature of each focal point and signing authority (to be entered separately in cases where the focal point is also a project participant);
  - (f) Signatures (physical or electronic, when the latter is available) of all project participants confirming their agreement to the terms of the statement of modalities of communication.



The form F-CDM-MOC<sup>1</sup> is to be introduced and implemented in order to facilitate the standardisation of the format for the presentation of statements of modalities of communication.

13. The Board considers that neither itself nor the secretariat has the authority or responsibility to enforce private contractual obligations arising from the sale and buying of CERs and thus, such instructions shall not be included in an MoC statement. Honouring such contractual obligations is the sole responsibility of the registered project participants and nominated focal points.

### C. Operational guidance

14. **Restricted availability of sensitive information in MoC statements on the project page:** Specimen signatures, contact details and other personal information of individuals shall be available only to project participants, focal points, DOEs, members of the Board of the CDM and secretariat staff due to the potential exposure to the risk of external fraud and misuse of personal information contained in an MoC document.

15. **Changes to the MoC:** Modifications to the nomination of focal point in any or all of the scopes of authority are considered to be reasons for changing the MoC. In cases where such modifications are needed, project participants should express their agreement by submitting a new F-CDM-MOC form duly signed by their authorised signatories through the focal point for scope of authority described in 3 (c).

16. **Changes in authorised signatories (of project participants and focal point entities):** In cases where details and/or specimen signature of an authorised signatory are to be changed, the focal point for scope of authority 3 (b) above shall submit an updated version of Annex 2 of the F-CDM-MOC form duly signed and completed. This version of Annex 2 of the form shall be attached to the existing MoC.

17. **Change of name of a project participant:** In cases where the name of one or more project participants are to be changed, the focal point for scope of authority 3 (b) above shall submit an updated version of Annex 2 of the F-CDM-MOC form duly signed and completed. In cases where a change of name or legal status in one or more of the focal point entities is required, 15. above shall apply.

18. **Addition or withdrawal of project participants:** In cases where the addition or withdrawal is not associated with changes in the nomination of focal points as described in 15. above, the focal point for scope of authority 3 (b) shall submit Annex 2 of the F-CDM-MOC form only, “Addition/Withdrawal of project participants”, duly signed by the authorised signatory of the project participants concerned, which shall be attached to the existing MoC. If the addition or withdrawal of project participants does encompass changes to the nomination of focal point for any of the scopes of authority, a new F-CDM-MOC form duly signed by the authorised signatories for each project participant shall be submitted by the focal point for scope of authority 3 described in (c).

19. Implementation of the F-CDM-MOC form:

**New submissions:** the F-CDM-MOC form shall be used for any new submission of an MoC statement at both pre- and post-registration stages. The form will be made available on the UNFCCC CDM website.

**For projects requesting registration:** Project participants shall complete an MoC form (F-CDM-MOC) which shall be submitted by a nominated operational entity (DOE) with

<sup>1</sup> [https://cdm.unfccc.int/Reference/PDDs\\_Forms/index.html](https://cdm.unfccc.int/Reference/PDDs_Forms/index.html)



other project related documentation when a request for registration is proposed. The DOE is required to validate the details of each authorised signatory corresponding to each project participant before these details are submitted to the secretariat in the MoC form. In particular, the details of each authorised signatory for all project participants shall correspond to the representatives designated to the project in Annex I of the Project Design Document.

***Grace period for MoCs already signed (for projects not yet registered)***: in cases where an MoC statement has already been signed by all project participants in respect of a CDM project before adoption of the F-CDM-MOC form, but the project is not yet registered, the designated focal point may submit the signed statement in its original format providing evidence that it was signed prior to the availability of the F-CDM-MOC form. A grace period of eight months will be granted for these exceptional cases to be submitted for registration, after which 19 (b) above shall apply to any new submission.

***Grace period for MoCs already signed (for registered projects)***: in cases where an MoC statement has already been signed by all project participants in respect of a CDM project before adoption of the F-CDM-MOC form, but not yet submitted to the secretariat, the designated focal point may submit the signed statement in its original format providing evidence that it was signed prior to the availability of the F-CDM-MOC form. A grace period of one month will be granted for these exceptional cases, after which 19 (a) above shall apply to any new submission. For any subsequent changes, 19 (a) above shall apply.

20. The secretariat shall display the effective date of the updated MoC contained in the F-CDM-MOC form on the corresponding project's view page.

-----

### History of the document

Version	Date	Nature of revision
01	EB 45, Annex 59, 13 February, 2009	Initial adoption