



Annex 8

**DRAFT PROCEDURES FOR REQUESTS FOR DEVIATION TO THE EXECUTIVE BOARD
(VERSION 0203)****I. INTRODUCTION**

1. At its twenty-first meeting, 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 procedures for the submission of
 - a) requests for deviation from an approved methodology (validation/registration stage) and
 - b) requests for deviation from relevant provisions of registered project documentation (verification/certification stage),by a designated operational entity.¹
3. Sections III-IV of this document contain procedures for the consideration of such requests by the Executive Board.

II. SUBMISSION OF A REQUEST FOR DEVIATION**A. Registration: Request for deviation from an approved methodology**

4. If a DOE finds at validation that project participants deviated from an approved methodology when applying it to a proposed project activity, and the DOE does not consider that **the deviation implies a revision of the methodology is required**, it may seek guidance on the acceptability of the deviation from the Executive Board prior to requesting registration ~~of the proposed project activity~~. If a DOE **finds considers** that the deviation ~~from the approved methodology requires a~~ revision of **this the** methodology, the procedures provided for revision of **an** approved methodology shall be used.
5. If guidance is sought, the DOE shall submit the form for submission of a request for deviation “CDM: Request for deviation form” (F-CDM-DEV) through the dedicated internet interface on the UNFCCC CDM website. The submission by the DOE shall provide **complete**, clear and precise assessment that the deviation does not ~~imply require a~~ revision of an approved methodology and a description of the impact of the deviation on the **(i) procedures for estimating baseline scenario and baseline, project and leakage emissions, and (ii)** emission reductions from the project activity, for the Executive Board to evaluate.
6. Upon submission of the form, the secretariat **will check that** ~~shall forward the documentation to the Executive Board and to the Methodologies Panel, via list-serv after having checked that~~ (a) the

¹ Please use guidance provided in EB31 Annex 12 “Clarification for project participants on when to request a revision, clarification to an approved methodology or deviation (version 02)” to assess when a request for deviation should be used.



“CDM: Request for deviation form” has been completed by the DOE, **and (b) the documentation provided by the DOE is complete, and (c) relevant technical information is submitted. If the form and documentation are incomplete the secretariat shall ask the DOE to resubmit.** If the Secretariat, ~~in consultation with the Chair of the Methodology Panel,~~ assesses that the request for deviation does not meet the criteria for a request for deviation, based on the provided information, it shall ask the DOE to submit the request as a request for revision of an approved methodology. **If the secretariat assesses that the request satisfies the deviation criteria, it shall forward the documentation to the Chair(s) and Vice-Chair(s) of Methodologies Panel and working group(s).** ~~The date of transmission by the secretariat to the Executive Board is to be considered as the date of receipt of a request for deviation. Information on a request for deviation from an approved methodology shall be made publicly available unless specified differently in the form by the DOE.~~

B. Issuance: Request for deviation from provisions for a registered project activity

7. If a DOE determines at verification that project participants deviated from the provisions contained in the documentation related to the registered CDM project activity it may conclude not to certify the emission reductions for the verified period, and inform the Board accordingly, or to seek guidance from the Executive Board on the acceptability of the deviation prior to concluding on its verification/certification decision.

8. If guidance is sought, the DOE shall submit the form for submission of a request for deviation “CDM: Request for deviation form” (F-CDM-DEV) 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, for the Executive Board to evaluate.

9. Upon submission of the form, the secretariat **will check that** ~~shall forward the documentation to the Executive Board, via list serv after having checked that~~ (a) the “CDM: Request for deviation form” has been completed by the DOE, ~~and~~ (b) the documentation provided by the DOE is complete, **(c) relevant technical information is submitted, and (d) the request for deviation shall not result in permanent deviation from the registered monitoring plan, such that a revision of monitoring plan would be required. If the form and documentation are incomplete the secretariat shall ask the DOE to resubmit.** If the Secretariat, ~~in consultation with the Chair of the Executive Board,~~ assesses that the request for deviation does not meet the criteria for a request for deviation, based on provided information, it shall ask the DOE to resubmit the request for deviation, addressing the concerns raised. **If the secretariat assesses that the request satisfies the deviation criteria, it shall forward the documentation to the Chair(s) and Vice-Chair(s) of the Methodologies Panel and working group(s).** ~~The date of transmission by the secretariat to the Executive Board is to be considered as the date of receipt of a request for deviation. Information on a request for deviation from an approved methodology shall be made publicly available unless specified differently in the form by the DOE.~~

III. CONSIDERATION OF A REQUEST FOR DEVIATION

10. The ~~Chair of the Board~~ secretariat, in consultation with the relevant ~~chair~~ **Chair(s) and Vice-Chair(s) of Methodologies Panel(s) and/or** working group(s) shall decide within 5 working days **after the request for deviation is deemed complete if:**

- (a) The submission shall be considered by the relevant panel(s) and/or working group(s) in order to provide technical input.



- (b) More information is required. If so, the secretariat will inform the DOE which shall provide such information as soon as possible. Upon receipt the information is forwarded to the members of the ~~Board~~, panels, working groups, as applicable

11. The secretariat shall inform the DOE if no additional information or technical clarification is required and shall forward the documentation to the Executive Board. The date of transmission by the secretariat to the Executive Board is to be considered as the date of receipt of a request for deviation. Information on a request for deviation from an approved methodology shall be made publicly available unless specified by the DOE

12. In the case that no technical clarification is needed by any panel and/or working group, or once technical clarifications have been provided by a panel and/or working group, the Board shall decide **[within two/three/four weeks after the date of receipt of the request for deviation]**, whenever possible, by electronic decision making based on a decision prepared by the Chair of the Executive Board², if (a) the request for deviation shall be accepted or not; (b) if further guidance is to be provided to the DOE; and (c) if the general clarifications shall be shared with all DOEs and project participants, as appropriate. The proposed decision shall include the original request, reasons for acceptance or rejection of the request and the language of the proposed decision. **The secretariat shall assist the Chair of the Executive Board in the preparation of the decision for the request for deviation.**

~~12.13.~~ Once a decision has been made by the Board, the secretariat shall inform the DOE about the decision and guidance provided by the Board. If general clarifications shall be shared with all DOEs and project participants, the secretariat shall make the guidance publicly available in the UNFCCC CDM web site and through the CDM news facility.

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

~~13.14.~~ If a panel and/or working group is to consider a request for deviation, the Chair of the panel/working group shall decide if it shall be treated at the next meeting of the panel/working group or whether the request can be treated electronically by the panel/working group. In the case the request shall be considered at a meeting the panel/working group shall, bearing in mind the timelines and deadlines for the consideration of documents by the panel/working group and priorities set by the Board, consider the proposed deviation at its next meeting, if feasible, and recommend to the Board whether the proposed request should be accepted and/or provide clarifications requested.

~~14.15.~~ Up to two member(s) of the panel/working group shall, under the guidance of the Chair and Vice-Chair of the panel/working group, be selected for preparing draft recommendations for the panel/working group. The selected panel/working group member(s) shall each be paid a fee of a maximum of one (1) working days for the preparation of the draft recommendation³.


² In accordance with rule 30 of the rules of procedure of the Executive Board.

³ The selection of panel/working group members to undertake tasks relating to the revision of a proposed new methodology, as well as the number of days to be dedicated to a case, is to be decided by the Chair of the



Version	Date	Nature of revision(s)
03	To be considered by EB 35	
02	EB 24, Annex 30 12 May 2006	The Board revised the procedures to further clarify the section II on submission of a request for deviation.
01	EB 22, Annex 20 25 November 2005	Initial adoption

panel/working group, taking into consideration availability of resources. Depending on the request for deviation, the Board may decide that the panel/working group may draw on expertise outside the panel/working group if it is necessary for the assessment of a case.

 CDM: Form for submission of requests for deviation (version 0203) <i>(To be used by the DOE, for requesting a deviation)</i>	
Name of the entity (DOE) submitting this form	
Title of the project activity	
Title/Subject (give a short title or specify the subject of your submission, maximum 200 characters):	
Deviation type:	a) <input type="checkbox"/> Approved methodology (AM) If so, specify reference number, version and title of the AM: _____ b) <input type="checkbox"/> Provisions of registered project documentation If so, specify project number and which documentation : _____
Attach draft CDM-PDD of project activity:	<input type="checkbox"/> Yes, is attached.
Specify if you want this request to be treated as confidential:	<input type="checkbox"/> To be treated as confidential <input type="checkbox"/> To be publicly available (UNFCCC CDM web site)
Date and signature for the DOE	
<u>Description of the request for deviation</u> Please use the space below to describe the deviation and substantiate the reason for requesting a deviation from approved methodologies (validation/registration stage) or provisions of registered project documentation (verification/issuance stage) . >> [replace this bracket with text, the field will expand automatically with size of text]	
Please use the space below to describe and substantiate the assessment of the DOE that the deviation does not require an amendment to the approved methodology used by the proposed project activity (validation/registration stage) and/or revision of monitoring plan (verification/issuance stage) >> [replace this bracket with text, the field will expand automatically with size of text]	

<p>Please use the space below to describe the impact of the deviation on the:</p> <p>(i) procedures for estimating baseline scenario and baseline, project leakage emissions (validation/registration stage); and/or</p> <p>(ii) estimates of the emissions reductions for the proposed project activity with the use of approved methodology as existing and with the deviation (validation/registration stage and verification/issuance stage).</p> <p>Please substantiate the estimations with relevant and verifiable data.</p>	
<p>>></p> <p>[replace this bracket with text, the field will expand automatically with size of text]</p>	
<p>Link to the documentation made available at validation stage or the monitoring report</p>	<p>http://</p>
<p>If necessary, list attached files containing relevant information which is not available through the above link</p>	<ul style="list-style-type: none"> [replace this bracket with text, the field will expand automatically with size of text]
<p><u>Information to be completed by the secretariat</u></p>	
<p>Date when the form was received at UNFCCC secretariat</p>	
<p>Date of transmission to the Meth Panel and Executive Board</p>	