



Annex 4

PROCEDURES FOR REQUESTS TO THE EXECUTIVE BOARD FOR DEVIATION FROM AN APPROVED METHODOLOGY

(Version 01)

I. INTRODUCTION

1. At its twenty-first meeting, the Executive 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 requests for deviation from an approved methodology (validation/registration stage) by a designated operational entity (DOE). Section III of this document contains procedures for the consideration of such requests by the Executive Board.

3. This procedure along with the “Procedures for requests for deviation prior to submitting request for issuance” (version 01, EB 49, Annex 26), replaces the “Procedures for requests for deviation to the Executive Board” (version 02, EB 24, Annex 30).

II. SUBMISSION OF A REQUEST FOR DEVIATION FROM 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 considers that the deviation was due to a project specific issue implying a revision of the methodology would not be required to address the issue, it may seek guidance on the acceptability of the deviation from the Executive Board prior to requesting registration of the proposed project activity.¹ Alternatively, if the DOE considers that a revision of the

¹ Examples include but not limited to:

1. The methodology requires measurements using instrumentation of certain specifications or using a certain method. The project proponents of proposed project activity identify difficulty in acquiring the specified instrumentation or difficulty in implementing the measurement the method, however can achieve comparable accuracy of measured parameters using an alternative instrumentation or measurement method.
2. A proposed project activity does not have access to the data sources specified by the methodology for a certain parameter; a different source of data can be accessed by the project activity to estimate the parameter with equal reliability and accuracy.
3. A minor deviation is sought for project specific situation, which is well-justified and conservative. For example: A methodology requires limiting the production in project scenario between +/- 5% of rated capacity, if the historical baseline is to be applied. Due to Government restrictions, the project proponents never operated the plant at its rated capacity but at a capacity which is much below its rated capacity (say 20% below the rated capacity). A deviation can be presented specifying conservative approaches to calculate emission reduction in such project-specific case.
4. Conservative estimation technique or default factor suggested addressing uncertainties related to project-specific situations, which are not addressed in methodology. For example, a well-justified conservative



methodology would be required to address the project situation the procedures provided for revision of 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-METH) through the dedicated internet interface on the UNFCCC CDM website. The submission by the DOE shall provide clear and precise assessment of the case including demonstration that the deviation does not imply revision of an approved methodology. It shall also include a description of the impact of the deviation on the emission reductions from the project activity, for the Executive Board to evaluate.

6. Upon submission of the form, the secretariat shall check if (a) the “CDM: Request for deviation form” has been completed by the DOE, and (b) the documentation provided by the DOE is complete. The secretariat shall do the completeness check within at most twenty (20) working days of receipt of request for deviation. If further clarification is required then the secretariat shall ask DOE to submit the information. Once found complete, the secretariat shall make it publicly available. The date of making the request publicly available is to be considered as the date of receipt of a request for deviation that is complete.

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

III. CONSIDERATION OF A REQUEST FOR DEVIATION

8. If the secretariat, in consultation with the Chair/Vice Chair² of the Methodology Panel/Working Groups, assesses that the request for deviation does not meet the required criteria,³ based on the provided information, it shall respond to DOE in one of following ways: (i) to consider submitting the request as a request for revision of an approved methodology; (ii) the request cannot be considered as an eligible request for deviation from a methodology.

9. The secretariat shall prepare the draft response, within five (5) working days after making document publicly available, for the case in consultation with the Chair/Vice Chair of the Methodologies Panel/SSC Working Group/AR Working Group.⁴ One (1) member of respective Panel/Working Group can be appointed, if it is deemed necessary by secretariat, provided the approval from the Chair/Vice Chair of the respective Panel/Working Group is sought. The selected Panel/Working Group member shall each be paid a half-day fee per case.⁵

10. The appointed Panel/Working Group member shall provide their input on the draft proposal from the secretariat within five (5) working days from the receipt of the case. The secretariat shall seek the

uncertainty factor proposed to be used in equations of baseline emissions to take care of uncertainties in real life situation during the crediting period.

² In the absence of the Chair, the Vice-Chair of Panel/Working Group will be consulted.

³ The secretariat essentially checks : (i) The cross-cutting nature of request and evaluates whether the request is arising out of project-specific circumstances or the requested change could be common to all the projects applicable under the methodology; (ii) Whether the deviation is fundamental to the methodology, even if arising out of project specific circumstances. The secretariat will therefore evaluate whether the methodology is required to be revised for which the request for revision should be submitted to Panel/Working Groups.

⁴ Depending upon whether the case is related to a large scale project activity or a small scale project activity or an A/R project activity, the respective chairs will be consulted.

⁵ Depending on the case, the secretariat may draw on expertise outside the Panel/Working Group if it is necessary for the assessment of a case in consultation with the Chair of the Panel/Working Group.



approval of the Chair/Vice Chair of the Panel/Working Groups within five (5) working days and upon endorsement from him/her, it shall forward the draft final response to the Executive Board Chair.

11. If the Chair/Vice Chair of the Panel/Working Group assesses that the case requires consideration by the whole Panel/Working Group, the secretariat shall include the case on the agenda of the next Panel/Working Group meeting, provided there is sufficient time on the agenda, for recommendation to the Executive Board. The Panel/Working Group will give its recommendation to the Executive Board.

12. If the recommendation is to accept or reject the deviation, the Executive Board Chair, in consultation with Panel/Working Group Chair/Vice Chair, will give his/her final decision within five (5) working days of receipt of the recommendation from the secretariat.

13. If the Chair of Executive Board does not provide his/her decision within five (5) working days, then the secretariat's recommendation is deemed to be accepted by the Chair.

14. The Chair of the Executive Board in consultation with the Chair/Vice Chair of the Panel or Working Group may decide to discuss case(s) in the Executive Board meeting, if they decide that the request for deviation requires further discussion on some policy issue(s). The Chair of the Executive Board in consultation with the secretariat shall put the case(s) on the agenda of a subsequent Executive Board meeting. The Executive Board meeting will give its decision.

15. The decision of the Chair of the Executive Board as referred to in paragraphs 12, 13 and 14 shall be communicated to all the Executive Board members. If in exceptional cases, Executive Board member(s) disagree with the decision of the Chair of the Executive Board, the concerned member(s), within ten (10) working days of receiving this communication shall request the Chair, giving reasons in writing, to put the case for further consideration by the Executive Board at its subsequent meeting.

16. This decision will be communicated by the secretariat to project participants. The decision of the Chair and the Executive Board shall be made publicly available on the UNFCCC CDM website. If the Executive Board issues general guidelines, it shall be made publicly available in the UNFCCC CDM web site and through the CDM news facility.

History of the document

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