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Annex 8

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

(Version 02)

A. Background

1. **Overall purpose of the procedures:** This document sets forth the procedures for Modalities of Communication (MoC) between project participants and the CDM Executive Board (hereinafter referred to as the Board) and complements the Glossary of CDM Terms. Modalities of Communication are submitted to the Board using the MOC form, F-CDM-MOC.¹ The Board will revise the concepts, procedures and form, as appropriate, to reflect the evolution of available systems, risk management processes and best practices in this area.

2. **Implementation of the F-CDM-MOC form and its Annexes:** The F-CDM-MOC form and its Annex 1 shall be used for registered CDM project activities and projects requesting registration as CDM project activities for:

- (a) Nominating focal points for each scope of authority and providing the names, contact details and signatures of their authorised signatories (F-CDM-MOC form);
- (b) Providing the names, contact details and signatures of the authorised signatories of project participants (Annex 1 of the F-CDM-MOC form);

Annex 2 of the F-CDM-MOC form (hereinafter referred to as Annex 2) shall be used for registered projects to communicate instructions regarding:

- (c) The addition and/or change of name of a project participant;
- (d) The withdrawal of a project participant;
- (e) A change in the name and/or contact details of authorised signatories of project participants and/or focal points.

Project participants of projects requesting registration as a CDM project activity shall submit a completed F-CDM-MOC form through a designated operational entity (DOE) with a request for registration.²

Definition of terms:

3. **Focal point:** An entity or entities, whether listed as project participant(s) in a specific CDM project activity or not, that all project participants have nominated to communicate on their behalf with the Board and the secretariat in relation to some or all of the scopes of focal point authority as described in 4. below. A project participant wishing to approve any communication or instruction to the Board must be nominated as a focal point. This definition of “focal point” applies to all types of focal points and focal point authorities. All project participants must consent to a change in the

¹ <https://cdm.unfccc.int/Reference/PDDs_Forms/index.html>.

² Paragraphs 21. and 22. refer to applicable grace periods.



DRAFT

nomination of a focal point and any such change can only become effective through the submission of a new F-CDM-MOC form.

4. **Scope of focal point authority:** A focal point can be conferred the authority to communicate with the Board and the secretariat regarding:

- (a) Requests for forwarding of CERs to the individual accounts of project participants; and/or,
- (b) Requests for the addition of project participants and/or to communicate project participants' agreement to the voluntary withdrawal of one or more project participants, changes in legal status or contact details of project participants or focal points; and/or,
- (c) Any other matters related to registration and issuance not covered by (a) or (b) above.

Project participants may nominate separate entities for each scope of authority in a sole focal point role and may nominate two or more entities as focal points for each scope of authority in a shared or joint focal point role (as defined in 8. and 9. below).

5. **Authorised signatory of a project participant:** The person designated to act as the representative of a project participant in a CDM project activity (who may be a person authorised by a power of attorney) and whose name, contact details and specimen signature are provided in the MoC form. Project participants may designate one primary authorised signatory and one alternate authorised signatory in Annex 1 of the F-CDM-MOC form, allowing for either signature to suffice for authenticating the project participant's consent.

6. **Authorised signatory of a focal point:** The person designated to act as the representative of the focal point (who may be a person authorised by a power of attorney) and whose name, contact details and specimen signature are provided in the F-CDM-MOC form. Focal points may designate one primary authorised signatory and one alternate authorised signatory in the F-CDM-MOC form, allowing for either signature to suffice for authenticating the focal point's instruction(s).

7. **Sole focal point:** The entity nominated for some or all scopes of authority. The signature of an authorized signatory of the sole focal point suffices for authenticating the sole focal point's instruction(s).

8. **Shared focal point:** The two or more entities nominated for a given scope of authority. The signature of an authorized signatory of any of these entities suffices for authenticating any focal point's instruction(s) within the scope of authority.

9. **Joint focal point:** The two or more entities nominated for a given scope of authority. The signatures of an authorized signatory of each of these entities are required for authenticating instruction(s) related to the given scope of authority.

10. **Signature:** An authenticated handwritten signature that may be accompanied by a company seal or stamp, as appropriate, or an electronic signature enrolled in the CDM Information System.

11. **Electronic signature:** Legally recognised electronic means for validating instructions from authorised signatories. Electronic signatures are legally equivalent to handwritten signatures and cannot be repudiated. The secretariat shall implement and deploy within the CDM Information System the means for providing project participants and focal point entities digital certificates for



DRAFT

authentication of user identity in order to convert the current system of handwritten signatures to a system of electronic signatures.

12. **Due diligence process:** A process for authenticating identity by means of handwritten and/or electronic signatures. DOEs are responsible for due diligence on all project participants listed on an F-CDM-MOC form and its Annex 1 submitted with a request for registration of a CDM project activity. The contact details and signature of each authorised signatory of each project participant shall be identical to those in Annex I of the Project Design Document. For registered projects, the secretariat is responsible for the due diligence on entities subsequently added as project participants.

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

13. A statement of modalities of communication shall include the following:
- (a) The title of the CDM project activity (and UNFCCC reference number if available);
 - (b) The date of submission;
 - (c) A list of all project participants;
 - (d) The name of the focal point designated for each scope of authority described in section A above;
 - (e) The contact details and specimen signature of the authorised signatory(ies) of each focal point (to be entered separately in cases where the focal point is also a project participant);
 - (f) The signatures (handwritten or electronic, when the latter becomes available) of the authorised signatory(ies) of all project participants consenting to the terms of the statement of modalities of communication.
14. **Clarification:** Neither the Board nor the secretariat has the authority or responsibility to enforce private contractual arrangements determining the nomination or change of focal points or purchase and sale of CERs. Honouring such contractual arrangements is the sole responsibility of the registered project participants and nominated focal points.

C. Operational guidance

15. **Restricted availability of personal information in MoC documents on the project page:** Specimen signatures, contact details and other personal information of authorized signatories shall be available only to project participants, focal points, DOEs, members of the Board and secretariat staff due to the potential risk of fraud and misuse. This information will be gradually removed from the public view of the CDM web site.

16. **Replacement of focal point entity(ies):** Project participants of registered CDM project activities may replace one or all focal point entities for any reason at any time (including if the focal point is unavailable due to bankruptcy restructuring or has ceased operations) by submitting a new F-CDM-MOC form duly signed by all project participants designating the new focal point(s) through the focal point for scope of authority 4.(c). If the focal point(s) for scope of authority 4.(c) is not available for any reason, project participants may directly submit the new F-CDM-MOC form to the secretariat. The secretariat may request clarification in such circumstances.



DRAFT

17. **Changes in authorised signatories of project participants or focal point entities:** If details and/or specimen signature of an authorised signatory are to be changed for any reason (including if the entity is undergoing bankruptcy restructuring or has ceased operations), the focal point for scope of authority 4.(b) shall request such changes in any one of the following ways:

- (a) By submitting Annex 2 duly signed;
- (b) If the current authorised signatory(ies) of one or more of the entities is no longer available due to circumstances including bankruptcy restructuring or cease of operations, the following documents should be submitted:
 - (i) Proof of unavailability of the current authorised signatory(ies);
 - (ii) Annex 2 duly signed by the authorised signatories of all project participants;
 - (iii) Project participants whose authorised signatories are no longer available may have a legal representative sign on its behalf, so long as it submits evidence of this legal representative's authority to act on its behalf. In such cases, this legal representative will automatically replace the unavailable authorised signatory(ies).

18. **Change of name of a project participant or focal point:** If the name of one or more project participants is to be changed, the focal point for scope of authority 4.(b) shall submit Annex 2 duly signed. If the name of one or more focal points who are not listed as participants in the specific CDM project activity is to be changed for any reason at any time, project participants shall submit a new F-CDM-MOC form duly signed in accordance with 16. above.

19. **Addition of project participants:** Project participants may be added to registered CDM project activities at any time in accordance with the following criteria:

- (a) If the addition of a project participant is not associated with a change of focal point(s) for any of the scopes of authority, the focal point for scope of authority 4.(b) shall submit:
 - (i) Annex 2 duly signed;
 - (ii) A Letter of Approval (LoA) in accordance with the CDM Modalities and Procedures.
- (b) If the addition of a project participant implies a change of focal point for any of the scopes of authority, the focal point for scope of authority 4.(b) shall submit:
 - (i) Annex 2 duly signed;
 - (ii) A new F-CDM-MOC form duly signed;
 - (iii) A Letter of Approval (LoA) in accordance with the CDM Modalities and Procedures.

20. **Withdrawal of a project participant:**



DRAFT

- (a) **Voluntary withdrawal:** If project participants wish to voluntarily withdraw their participation from a registered CDM project activity, the focal point for scope of authority 4.(b) shall submit Annex 2 duly signed.
- (b) **Unavailability due to bankruptcy:** If a project participant is to be withdrawn from a registered CDM project activity or from a project undergoing validation as a CDM project activity due to bankruptcy leading to cease of operations, the focal point for scope of authority 4.(b) shall provide proof of the cease of operations with Annex 2 duly signed.

Withdrawal only applies to project participants. Should a focal point wish to be replaced 16. above shall apply.


21. Grace period for MoCs already signed for projects not yet registered as CDM project activities: If all project participants have signed an MoC statement as part of a request for registration of a project as a CDM project activity before the adoption of the F-CDM-MOC form, the nominated focal point may submit the original MoC statement with evidence that it was signed before the F-CDM-MOC form was adopted. A grace period of eight months applies for these exceptional cases. This grace period started on 13 February 2009 and ends on 13 October 2009.

22. Grace period for MoCs already signed for registered projects: The grace period for registered projects has ended. All MoC statements for registered projects must be submitted using the procedures described in this document.

23. Effective date: The secretariat shall display the effective date of any requested action as described in 2. above on the project's view page on the UNFCCC CDM web site. No changes shall be valid before that date.

DRAFT

F-CDM-MOC

 <h2 style="margin: 0;">Modalities of Communication Form</h2>			
<p><i>This form is to be used by project participants in order to submit the statement of Modalities of Communication.</i></p>			
Date of submission:		day/month/year	
SECTION 1: PROJECT DETAILS			
1. Title of the CDM project activity:			
2. Please state reference number if available:			
SECTION 2: NOMINATION OF FOCAL POINT ENTITIES			
3. Details of the entity/ies nominated as focal point			
<p>Notes:</p> <ul style="list-style-type: none"> • <u>Sole Focal Point authority</u> - A signature of an authorised signatory of <u>ONLY the entity listed below is required</u> for communication related to the corresponding scope of authority. • <u>Shared Focal Point authority</u> - A signature of an authorised signatory of <u>ANY of the entities listed below is required</u> for communication related to the corresponding scope of authority. • <u>Joint Focal Point authority</u> - A signature of an authorised signatory of <u>ALL entities listed below are required</u> for communication related to the corresponding scope of authority. 			
Name of the entity:			
This entity is nominated as focal point for:		Sole	Shared
		Joint	
(a) Communicate in relation to requests for forwarding of CERs to the individual accounts of project participants:			
(b) Request the addition of project participants and/or to communicate project participants' agreement to the voluntary withdrawal of one or more project participants, changes in legal status or contact details of project participants or focal points:			
(c) Communicate on any other matters related to registration and issuance not covered by (a) or (b) above:			
Contact details (primary authorised signatory):		Mr. Ms.	
Last name:		Telephone:	
First name:		Fax:	
Email:		Address:	

DRAFT

Specimen signature: Functional title:	
(Add more rows as required)	
SECTION 3: STATEMENT OF AGREEMENT	
This statement shall bind all project participants and will be valid until a superseding statement is submitted to the CDM Executive Board and the UNFCCC secretariat at the address below <u>by the designated focal point for communication with the Secretariat and CDM EB on matters related to registration and/or issuance.</u> The secretariat and CDM EB are not aware of, and take no responsibility for, the private contractual arrangements and property rights between or among project participants and all project participants bear full responsibility for the continuing validity of such arrangements and rights. By signing below, all project participants confirm that they agree to the terms of this agreement on a voluntary basis.	
For (name of entity): Full name of authorised signatory: Functional title: Signature:	For (name of entity): Full name of authorised signatory: Functional title: Signature:
For (name of entity): Full name of authorised signatory: Functional title: Signature:	For (name of entity): Full name of authorised signatory: Functional title: Signature:
For (name of entity): Full name of authorised signatory: Functional title: Signature:	For (name of entity): Full name of authorised signatory: Functional title: Signature:
For (name of entity): Full name of authorised signatory: Functional title: Signature:	For (name of entity): Full name of authorised signatory: Functional title: Signature:
(Add more rows as required)	

DRAFT

F-CDM-MOC Form: ANNEX 1

Date of submission:		day/month/year
SECTION 1: PROJECT DETAILS		
1. Title of the CDM project activity:		
2. Please state reference number if available:		
SECTION 2: LIST OF PROJECT PARTICIPANTS		
Name of the entity:		
Party (country that authorised participation):		
Contact details (primary authorised signatory):		Mr. Ms.
Last name:		Telephone:
First name:		Fax:
Email:		Address:
Specimen signature:		
Functional title:		
Contact details (alternate authorised signatory):		Mr. <input type="checkbox"/> Ms.
Last name:		Telephone:
First name:		Fax:
Email:		Address:
Specimen signature:		
Functional title:		
(Add more rows as required)		

DRAFT

F-CDM-MOC Form: ANNEX 2

This form is to be used by the nominated focal point for “addition of project participants and communication of voluntary withdrawals of project participants” or by the focal point for “communication on any other matters related to registration and issuance”, as the context requires, in accordance with the existing modalities of communication at the time of submission.

Date of submission:	day/month/year
SECTION 1: PROJECT DETAILS	
1. Title of the CDM project activity:	
2. Please state reference number if available:	
SECTION 2: <u>ADDITION/CHANGE OF NAME</u> OF A PROJECT PARTICIPANT	
<p>The following entity is hereby added as a project participant in respect of the above CDM project. By providing a specimen signature below, the project participant confirms its acceptance of the <u>Statement of Agreement</u> of the current modalities of communication for this CDM project activity.</p>	
<p>Requested action: A. Addition of a new project participant</p> <p style="padding-left: 40px;">Name of the entity to be added to the project:</p> <p style="padding-left: 40px;">B. Change of name of an existing project participant</p> <p style="padding-left: 40px;">Name of the entity as currently listed in the project:</p> <p style="padding-left: 40px;">New name of the entity:</p>	
Party (country that authorised participation):	
Contact details (primary authorised signatory):	Mr. Ms.
Last name:	Telephone:
First name:	Fax:
Email:	Address:
Specimen signature:	
Functional title:	
Contact details (alternate authorised signatory):	Mr. <input type="checkbox"/> Ms. <input type="checkbox"/>
Last name:	Telephone:
First name:	Fax:
Email:	Address:

DRAFT

Specimen signature:	
Functional title:	
Signature(s) of the authorised representative(s) of the designated focal point for scope of authority (b):	
SECTION 3: VOLUNTARY WITHDRAWAL OF EXISTING PROJECT PARTICIPANTS	
The following entity is registered as a project participant in respect of the above CDM project and hereby confirms its voluntary consent to being removed.	
Name of the entity:	
Party (country that authorised participation):	
Name of authorised signatory:	
Signature:	
Functional title:	
Signature(s) of the authorised representative(s) of the designated focal point for scope of authority (b):	
SECTION 4: CHANGE OF AUTHORISED SIGNATORIES OR UPDATE OF CONTACT DETAILS (PROJECT PARTICIPANTS OR FOCAL POINT ENTITIES)	
The following entity is an existing project participant/focal point entity in respect to the above CDM project and hereby requests the following changes to its contact details:	
Name of the entity:	
Party (country that authorised participation):	
Contact details (primary authorised signatory):	Mr. <input type="checkbox"/> Ms. <input type="checkbox"/>
Last name:	Telephone:
First name:	Fax:
Email:	Address:
Specimen signature:	
Functional title:	
Contact details (alternate authorised signatory):	Mr. <input type="checkbox"/> Ms. <input type="checkbox"/>
Last name:	Telephone:
First name:	Fax:
Email:	Address:
Specimen signature:	
Functional title:	

DRAFT

Signature(s) of the authorised representative(s) of the designated focal point for scope of authority (b):
