

**DRAFT****Annex 5****DRAFT PROCEDURES FOR REVIEW FOR REQUESTS FOR REGISTRATION****(Version 01)****A. Background**

1. In accordance with paragraph 5 (o) of the modalities and procedures for a clean development mechanism (CDM modalities and procedures), the Executive Board elaborated and recommended to the Conference of the Parties, for adoption at its eight session, procedures for conducting the reviews referred to in paragraphs 41 and 65 of the CDM modalities and procedures including procedures to facilitate consideration of information from Parties, stakeholders and UNFCCC accredited observers. The Conference of the Parties endorsed those recommended procedures at its eight session, and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol adopted the Procedures at its first session (Annexes III and IV to decision 4/CMP.1)
2. The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol decided at its fifth session to request the Executive Board to adopt as soon as possible, and subsequently apply on an interim basis, revised procedures for registration, issuance and review, under which alternative timelines to those defined in decision 3/CMP.1, annex, paragraphs 41 and 65, and decision 4/CMP.1, annex II, paragraph 24, can be applied.
3. The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol also decided at its fifth session to revoke annexes III and IV to decision 4/CMP.1 containing the existing procedures for review and request the Executive Board to ensure that the revised procedures for review:
  - (a) Provide designated operational entities and project participants with adequate opportunity to address issues raised in reviews;
  - (b) Include an independent technical assessment of the analysis conducted by the secretariat;
  - (c) Include a process for the Executive Board to consider objections raised by members of the Executive Board to outcomes of assessments;
  - (d) Ensure efficient and timely consideration of registration and issuance requests.
4. These procedures for review of requests for registration elaborate on the provisions in the CMP decision -/CMP.5 paragraph 39) in particular by specifying detailed provisions for requesting a review, the elaboration and consideration of the review by a Project Assessment Committee, modalities for communicating with project participants and the designated operational entity (DOE) in question, possible outcomes of a review, and the coverage of costs relating to the review.
5. This document replaces the "Revision to the clarifications to facilitate the implementation of the procedures for review as referred to in paragraph 41 of the Modalities and Procedures for a Clean Development Mechanism (Annex III to Decision 4/CMP.1)".



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### B. Requesting a review

6. A request for review by a Party involved in the proposed project activity shall be sent by the relevant designated national authority to the Executive Board, through the secretariat, using official means of communication (such as recognized official letterhead and signature or an official dedicated e-mail account). A request for review by any member of the Executive Board shall be made by notifying the Executive Board through the secretariat.
7. The secretariat shall acknowledge the receipt of a request for review and promptly make it available to the Executive Board.
8. A request for review shall be considered to be received by the Executive Board on the date it has been received by the secretariat. A request for review will not be considered by the Executive Board if it is received after 17:00 GMT of the last day of the 28 day period, or 21 day period in the case of small-scale project activities, after the publication of the request for registration.
9. A request for review shall:
  - (a) Include the latest CDM project activity registration review form (F-CDM-RR) adopted by the Executive Board;
  - (b) Provide reasons for the request for review and any supporting documentation.
10. As soon as a Party involved in a proposed CDM project activity or three Executive Board members request a review of the request for registration, the following action shall be taken:
  - (a) The secretariat shall notify the project participants and the DOE which validated the proposed project activity that a review has been requested;
  - (b) An anonymous version of registration review form(s) shall be made publicly available;
  - (c) The project participants and the DOE shall each provide a contact person for the review process, including for a conference call and shall provide responses to the issues identified in the request for review within two weeks after the notification of the review to the project participants and the DOE;
  - (d) The request for issuance of project activity shall be marked as being “under review” on the UNFCCC CDM web site.

### C. Assessment of responses

11. The secretariat shall prepare an assessment of responses by the project participants and the DOE in the context of reasons for the request for review as indicated in the registration review form and the CDM requirements.
12. The secretariat may request the project participants and the DOE to provide further clarification on their responses or explanation on additional issues arising from the assessment of their responses, through writing and/or telephone communication. Any information relevant to decision making shall be made available in writing. This request shall be communicated to the project participants and the DOE no later than five weeks after the notification of the review to the project participants and the DOE.

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13. The project participants and the DOE may further communicate with the secretariat following the request for clarification or additional information. Any responses and additional information shall be received by the secretariat no later than nine weeks after the notification of the review to the project participants and the DOE.

14. In preparing the assessment, the secretariat may request additional inputs from the Registration and Issuance Team (RIT) in accordance with the latest version of the Terms of Reference for the Registration and Issuance Team adopted by the Executive Board.

15. The secretariat, on the basis of the responses from and further communication with project participants and DOE, shall prepare a final assessment and recommendation for the consideration of the Project Assessment Committee no later than 11 weeks after the notification of the review to the project participants and the DOE.

**D. Conduct of the assessment and finalization of the review**

16. The Project Assessment Committee shall be responsible for ensuring all responses have been fully taken into account and shall assess and determine whether additional clarifications are required from the project participant and DOE. Such clarifications may be sought in writing or via a conference call.

17. In accordance with the Executive Board's "Guidelines for decision-making in request for review and review cases" the Project Assessment Committee shall decide, in the form of a proposed ruling with appropriate justification, on one for the following outcomes of the review:

- (a) To register the proposed project activity;
- (b) To request the DOE and project participants to make corrections based on the findings from the review before proceeding with registration; or
- (c) To reject the request for registration.

18. The review by the Project Assessment Committee shall be finalized no later than 18 weeks following a request for review by means of communicating the proposed ruling to the Executive Board.

**E. Consideration of the proposed ruling by the Executive Board**

19. The proposed ruling of the Project Assessment Committee shall be deemed to be a final ruling 20 working days after the date of receipt by the Executive Board of the proposed ruling, unless a Board member requests a reconsideration of the proposed ruling.

20. A request for reconsideration of a proposed ruling by a member of the Executive Board shall be made by notifying the Chair of the Executive Board, giving reasons in writing, through the secretariat. The secretariat shall acknowledge the receipt of a request for reconsideration and make it available to the Executive Board.

21. If a Board member requests a reconsideration the project shall be placed on the agenda of the subsequent Executive Board meeting, at which the Executive Board may decide to:

- (a) Request the Project Assessment Committee to reconsider its recommendation; or

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(b) Not to request reconsideration, thereby allowing the proposed ruling to be deemed final.

22. If the Executive Board requests the Project Assessment Committee to reconsider its recommendation this reconsideration shall be finalized within one month and the outcome communicated to the Board for consideration at its subsequent meeting.

23. Once a Project Assessment Committee's recommendation is considered to be a final ruling, the secretariat shall communicate this decision to the project participants, the DOE that validated the proposed project activity and the public.

**F. Finalization and implementation of the ruling**

24. If a final ruling approves the registration of the project activity without corrections to the project documentation the secretariat shall register the project activity as a CDM project activity on the first working day subsequent to the finalization of the ruling. The effective date of registration in such cases shall be day after the end of the original period for requesting a review.

25. If a final ruling approves the registration of the project activity on the condition that corrections are made to the project documentation the DOE shall submit the required documentation through a dedicated interface on the UNFCCC CDM website no later than 00.00 GMT 12 weeks after receiving notification of the final ruling. If the required documentation are not received by the secretariat by this deadline, the request for registration shall be considered withdrawn.

26. The secretariat shall undertake an assessment of the corrected documentation within three weeks and inform the Chair of the CDM-PAC whether the corrected documentation complies with the ruling.

27. If the documentation complies with the ruling the secretariat shall register the project activity as a CDM project activity on the first working day subsequent to the approval of the Chair of the CDM-PAC. The effective date of registration in such cases shall be day on which the corrected documentation was submitted.

28. If the documentation does not comply with the ruling the Chair of the CDM-PAC shall place the request for registration on the agenda of the next meeting of the PAC. If the PAC agrees that the documentation does not comply with the ruling the request for registration shall be considered to be rejected.

29. If the final ruling rejects the request for registration the secretariat shall update the information on the UNFCCC CDM website accordingly on the first working day subsequent to the finalization of the ruling.

**G. Coverage of costs of the review**

30. The Executive Board shall bear the costs for reviewing a proposed project activity. If the Executive Board decides to reject the registration of a proposed project activity and the designated operational entity has repeatedly failed to comply with the requirements of the Executive Board, the Executive Board may recover the costs of the review.

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