

Final Ruling Regarding the Request for Registration of

“Viñales biomass power plant” (4054)

The CDM-Executive Board decided to reject the above proposed project activity on 28 April 2011 in accordance with “*Procedures for review of requests for registration*”, version 01.2, EB 55, Annex 40, paragraphs 20 and 28 (the procedures). In accordance with paragraph 27 of the procedures, the ruling shall contain an explanation of the reasons and rationale for the final decision which is as follows:

- The DOE (DNV) has failed to substantiate the prior consideration of the CDM in line with EB 49, Annex 22, paragraph 6(a), as insufficient evidence has been provided to show that the CDM was considered to be a decisive factor in the decision to proceed with the proposed project activity.
- The DOE failed to meet the requirements of the “Guidelines on the demonstration and assessment of prior consideration of the CDM” EB 49, Annex 22, which states in paragraph 6(a): “*The project participant must indicate awareness of the CDM prior to the project activity start date, and that the benefits of the CDM were a decisive factor in the decision to proceed with the project. Evidence to support this would include, inter alia, minutes and/or notes related to the consideration of the decision by the Board of Directors, or equivalent, of the project participant, to undertake the project as a CDM project activity*”.
- However, the evidence of prior consideration of the CDM provided, in particular the emails and information regarding the financial evaluation of the project in which CDM income was considered are not valid because there is no clear indication of the decision taken by the PP to develop the proposed project activity considering the CDM with regards to such emails and information. Furthermore, the cited formal approval of the implementation of the project by the Board of Directors after considering CDM income on 23rd May 2008 is after the project start date (23rd April 2008).

Please note, however, that, with appropriate revisions, this project activity may be resubmitted for validation and registration provided it meets the requirements for validation and registration, in accordance with paragraph 42 of the CDM Modalities and Procedures (Decision 3/CMP.1).

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History of the document

Project 4054	Related to EB 55 Annex 40 Paragraphs 20, 27 & 28 28 April 2011	Decision Class: Ruling Document Type: Information Note Business Function: Registration
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