CDM: FORM FOR SUBMISSION OF A “LETTER TO THE BOARD”  
(Version 01.2)

This form should be used only by project participants and other stakeholders 
for submitting a “Letter to the Board” in accordance with the latest version of 
the Modalities and procedures for direct communication with stakeholders

<table>
<thead>
<tr>
<th>Name of the stakeholder(^1) submitting this form (individual/organization):</th>
<th>Jimmy Sah, EKI Energy Services Limited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address and contact details of the individual submitting this form:</td>
<td>Address: EKI Energy Services Limited, 325-Block C, Prem Trade Centre, Maharani Road, Indore - 452007 State: Madhya Pradesh, India Telephone number: +91 9993577610 E-mail address: <a href="mailto:jimmy@enkingint.org">jimmy@enkingint.org</a></td>
</tr>
<tr>
<td>Title/Subject (give a short title or specify the subject of your submission)</td>
<td>Clarification for 2 year intimation of projects under validation</td>
</tr>
</tbody>
</table>
| Please mention whether the submitter of the form is: | ☑ Project participant  
☐ Other stakeholder, please specify |
| Specify whether you want the letter to be treated as confidential\(^2\): | ☐ To be treated as confidential  
☑ To be publicly available (UNFCCC CDM web site) |

Please choose any of the type(s) below\(^3\) to describe the purpose of this submission.

☑ Type I:  
☐ Request for clarification  
☐ Revision of existing rules  
☐ Standards. Please specify reference VVS Version 07  
☐ Procedures. Please specify reference Project Standard Version 07  
☐ Guidance. Please specify reference  
☐ Forms. Please specify reference  
☐ Others. Please specify reference

☑ Type II: Request for Introduction of new rules

☐ Type III: Provision of information and suggestions on policy issues

Please describe in detail the issue on which you request a response from the Board, including the exact reference source and version (if applicable).

>>

Process for project which have not submitted 2 year intimation as per para 188 of PCP version 7.

**Back ground:**

1. Query asked by Mr. Harish Sharma dated 7\(^{th}\) May 2013

\(^1\) DNAs and DOEs shall use the respective DNA/DOE forms for communication with the Board.

\(^2\) As per the applicable modalities and procedures, the Board may make its response publicly available.

\(^3\) Latest CDM regulatory documents and information are available at: [http://cdm.unfccc.int/Reference/index.html](http://cdm.unfccc.int/Reference/index.html).

Reply: [https://cdm.unfccc.int/filestorage/e/x/t/extfile-20141029113119359-258_EKI_Clarification_req_on_prior_consideration_Response.pdf/258_EKI_Clarification%20req%20on%20prior%20consideration_Response.pdf](https://cdm.unfccc.int/filestorage/e/x/t/extfile-20141029113119359-258_EKI_Clarification_req_on_prior_consideration_Response.pdf/258_EKI_Clarification%20req%20on%20prior%20consideration_Response.pdf?t=aEh8bmVuenU0fDC9qhrmWk5ljzWiy5A7zp1l)

2. Email query asked by Jimmy Sah on 13th January 2014

Subject: RClarification on ‘Validation of informing about the progress of a project activity after notification of prior consideration of the CDM’

Query and Reply by UNFCCC attached as Annex 2.

**Question:**

This is regarding the Clarification provided by the EB in meeting #73 about ‘Validation of informing about the progress of a project activity after notification of prior consideration of the CDM’. The clarification states that ‘The Board agreed to clarify that paragraph 145(b) of the VVS (version 03.0) does not cover the case in which the project participants of a project activity failed to inform the secretariat, or informed it but not within the required timeframe, of the progress of the project activity every subsequent two years after the initial notification of prior consideration of the CDM in accordance with paragraph 9 of the PCP (version 03.2).’

**Assuming** that there is a project activity with start date after 2 August 2008 which has informed the DNA as well as the secretariat in writing of the commencement of the project activity and their intention to seek the CDM status within 180 days of the start date of the project activity. The notification to CDM EB appears at the CDM website.

Since then 2 years have passed and the PP has neither sent a notification for the project progress to UNFCC neither the PDD is web-hosted. The Carbon Consultant for the project is finalised and CDM PDD for the project is under final stages of completion, further DOE negotiations are on and shall be finalized soon.

In such case as per reply by CDM Team (refer annex 2), we need to prove the serious CDM consideration as per “In validating proposed CDM project activities where: (b) the gap between documented evidence is greater than two years and less than three years, the DOE may determine that continuing and real actions were taken to secure CDM status for the project activity and shall justify any positive or negative validation opinion based on the context of the evidence and information assessed”.

As per the above reply there are two interpretations that we could come up with which are as follows;

i. The continuing and real actions taken to secure CDM status for the project activity could done by **sending a notification about project progress** any time after initial notification and/or

ii. Demonstrating continuing and real actions to secure CDM status in line with para 114 (b) and 116 (b) of VVS version 7.

We would be grateful if CDM EB could confirm what is the correct interpretation of the reply received (refer annex 2) and which option mention above or both the options are acceptable.
Please provide any specific suggestions or further information which would address the issue raised in the previous section, including the exact reference source and version (if applicable).

If necessary, list attached files containing relevant information (if any)

- Annex 1, Annex 2

### Section below to be filled in by UNFCCC secretariat

<table>
<thead>
<tr>
<th>Date when the form was received at UNFCCC secretariat</th>
<th>13 November 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference number</td>
<td>2014-377-S, INQ-2506</td>
</tr>
</tbody>
</table>

---

**History of document**

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Nature of revision</th>
</tr>
</thead>
<tbody>
<tr>
<td>01.2</td>
<td>08 February 2012</td>
<td>Editorial revision.</td>
</tr>
<tr>
<td>01.1</td>
<td>09 August 2011</td>
<td>Editorial revision.</td>
</tr>
<tr>
<td>01</td>
<td>04 August 2011</td>
<td>Initial publication date.</td>
</tr>
</tbody>
</table>

**Decision Class:** Regulatory  
**Document Type:** Form  
**Business Function:** Governance
# CDM: FORM FOR SUBMISSION OF A “LETTER TO THE BOARD” (Version 01.2)

This form should be used only by project participants and other stakeholders for submitting a “Letter to the Board” in accordance with the latest version of the Modalities and procedures for direct communication with stakeholders.

<table>
<thead>
<tr>
<th>Name of the stakeholder(^1) submitting this form (individual/organization):</th>
<th>EKI ENERGY SERVICES LTD.</th>
</tr>
</thead>
</table>
| Address and contact details of the individual submitting this form: | Harish Sharma  
Address: 325, Block-C, Prem Trade Centre, Maharani Road, Indore (MP) India - 452007  
Telephone number: +91-731-4289086  
E-mail address: harish@enkingint.org |
| Title/Subject (give a short title or specify the subject of your submission) | Clarification request for Guidelines on the demonstration and assessment of prior consideration of the CDM |
| Please mention whether the submitter of the form is: | ☑ Project participant  
☐ Other stakeholder, please specify |
| Specify whether you want the letter to be treated as confidential\(^2\): | ☐ To be treated as confidential  
☒ To be publicly available (UNFCCC CDM web site) |
| Please choose any of the type(s) below\(^3\) to describe the purpose of this submission. |  
☑ Type I:  
☐ Request for clarification  
☑ Revision of existing rules  
☐ Procedures. Please specify reference  
☐ Standards. Please specify reference  
☐ Forms. Please specify reference  
☐ Guidance. Please specify reference  
☐ Others. Please specify reference  
Annex 13, EB 62 |
| ☐ Type II: Request for Introduction of new rules  
☐ Type III: Provision of information and suggestions on policy issues |

*Please describe in detail the issue on which you request a response from the Board, including the exact reference source and version (if applicable).*

---

\(^1\) DNAs and DOEs shall use the respective DNA/DOE forms for communication with the Board.  
\(^2\) As per the applicable modalities and procedures, the Board may make its response publicly available.  
\(^3\) Latest CDM regulatory documents and information are available at: [http://cdm.unfccc.int/Reference/index.html](http://cdm.unfccc.int/Reference/index.html) .
This clarification is to seek the guidance in the interpretation of “Guidelines on the demonstration and assessment of prior consideration of the CDM” as discussed below.

As per para 2 of the guidance “The Board decided that for project activities with a starting date on or after 2 August 2008, the project participant must inform a Host Party designated national authority (DNA) and the UNFCCC secretariat in writing of the commencement of the project activity and of their intention to seek CDM status. Such notification must be made within six months of the project activity start date and shall contain the precise geographical location and a brief description of the proposed project activity, using the standardized form F-CDM-Prior Consideration. Such notification is not necessary if a project design document (PDD) has been published for global stakeholder consultation or a new methodology proposed to the Executive Board for the specific project before the project activity start date.”

Further to this in para 4 clarify “When validating a project activity with a start date on or after 2 August 2008, designated operational entities (DOEs) shall ensure by means of confirmation from the UNFCCC secretariat that such a notification had been provided. If such a notification has not been provided, the DOE shall determine that the CDM was not seriously considered in the decision to implement the project activity.”

Further as per para 5 “Additionally for project activities for which a PDD has not been published for global stakeholders consultation or a new methodology proposed or request for revision of an approved methodology is requested, every subsequent two years after the initial notification the project participants shall inform the UNFCCC secretariat of the progress of the project activity.”

Now this is to request that if a project activity is in compliance with para 2 but some how failed to comply para 5 and there is less than 2 years of a gap between the documented evidence then in that case can DOE conclude that continuing and real actions were taken to secure CDM status for the project activity.

Please provide any specific suggestions or further information which would address the issue raised in the previous section, including the exact reference source and version (if applicable).

NA

If necessary, list attached files containing relevant information (if any)

• NA

Section below to be filled in by UNFCCC secretariat

Date when the form was received at UNFCCC secretariat 7 May 2013

Reference number 2013-258-S

---

History of document

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Nature of revision</th>
</tr>
</thead>
<tbody>
<tr>
<td>01.2</td>
<td>08 February 2012</td>
<td>Editorial revision.</td>
</tr>
<tr>
<td>01.1</td>
<td>09 August 2011</td>
<td>Editorial revision.</td>
</tr>
<tr>
<td>01</td>
<td>04 August 2011</td>
<td>Initial publication date.</td>
</tr>
<tr>
<td>Decision Class: Regulatory</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Document Type: Form</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Function: Governance</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Dear Jimmy Sah,

Thank you for your message. Kindly refer to the clean development mechanism validation & verification standard, paragraph 110.

“In validating proposed CDM project activities where: (b) the gap between documented evidence is greater than two years and less than three years, the DOE may determine that continuing and real actions were taken to secure CDM status for the project activity and shall justify any positive or negative validation opinion based on the context of the evidence and information assessed”.

In other words the validating DOE is responsible to determine that the CDM was considered based on the documentation provided to them.

We hope this information has been helpful.

Kind regards,
Your CDM team
UNFCCC secretariat

-----"jimmy sah" <jimmy@enkingint.org> wrote: -----
To: "CDM Registration and Issuance" <Cdmregistration@unfccc.int>
From: "jimmy sah" <jimmy@enkingint.org>
Date: 01/13/2014 12:43PM
Cc: "Manish Dabkara - EKIESL" <manish@enkingint.org>, "Sumeet Singhvi" <sumeet@enkingint.org>
Subject: RClarification on 'Validation of informing about the progress of a project activity after notification of prior consideration of the CDM'

Dear CDM Registration Team,

This is regarding the Clarification provided by the EB in meeting #73 about ‘Validation of informing about the progress of a project activity after notification of prior consideration of the CDM’. The clarification states that ‘The Board agreed to clarify that paragraph 145(b) of the VVS (version 03.0) does not cover the case in which the project participants of a project activity failed to inform the secretariat, or informed it but not within the required timeframe, of the progress of the project activity every subsequent two years after the initial notification of prior consideration of the CDM in accordance with paragraph 9 of the PCP (version 03.2)’.

Assuming that there is a project activity with start date after 2 August 2008 which has informed the DNA as well as the secretariat in writing of the commencement of the project activity and their intention to seek the CDM status within 180 days of the start date of the project activity. The notification to CDM EB appears at the
CDM website, however but it has not informed the secretariat of the progress of the project activity in the subsequent two years after the initial notification, nor does it fulfill criteria 7(a) or 7(b) of PCP (version 03.2). However, other real and continuing actions were taken to secure CDM status for the project in parallel with its implementation, which has been validated by the DOE, i.e appointment of CDM consultant and discussions/contracts with the DOE.

**Question:** In the above case, we need to understand what steps shall be required to demonstrate the serious CDM consideration after the 2 year notification period.

Can we send an updated/status after 2 year period also?

Hoping for a prompt response.

Thanks & Regards,

[Logo]

EnKing International  Jimmy Sah

GM- Operations  

M +91 9993577610 | T +731  243 0725 |  

E : jimmy@enkingint.org

EKI Energy Services Limited

325, Block C |Prem Trade Centre |Maharani Road |

Indore - 452007 (M.P, India)  

Web:  www.enkingint.org
To know your project status online 24x7: please visit https://projects.zoho.com/portal/ekiesl/

**EnKing International** purchasing Carbon Credits from UNFCCC-CDM Program @ 5 Euro per Credit

**Framework for Reducing Emissions**

**Our New Business Vertical**

**ISO certification**


**From:** Sumeet Singhvi

13 November 2014

[attachment "image001.png" removed by CDM Registration and Issuance/UNFCCC]
[attachment "image005.jpg" removed by CDM Registration and Issuance/UNFCCC]