



Hamburg Global Climate Foundation, Große Theaterstr. 14, 20354 Hamburg, Germany

UNFCCC Call for Public Input on Draft Procedures for Request for Issuance, Registration and the Review for such Requests – based on decision by 52nd CDM EB Meeting

By Christopher Brandt on behalf of the Hamburg Global Climate Foundation

1) Draft Procedures for Requests for Issuance for Certified Emission Reductions

a. Reasons for rejecting a submission as being incomplete

For improving the predictability and clarity of the procedure, the Board could consider to specify more clearly that the completeness check procedures only aim at assessing whether project proponents requesting issuance of CERs have met the *formal* criteria or not. Questions of material compliance should be dealt with not within the completeness check procedures but in the subsequent review period.

This way, it is ensured that the regulatory requirement to have a quorum of three Board Members supporting a Request for Review for any suspected material deficiency is upheld.

If material reasons could be chosen as a reason to interrupt the Issuance Process already at the completeness check stage, the reasoning for doing so would not need to be supported by three CDM EB Members.

Effectively, the regulatory requirement of decision 3/CMP.1, annex, paragraph 65 would not be applied. Also, the process is comparatively less transparent and predictable. Also the time needed for completing the Issuance Process will become longer, because project proponents will have to – although the first submission has been formally correct – apply anew and reenter the completeness check procedures from the start.

b. Provisions on the payment of the issuance fee

The document does not contain any specifications on the payment of the Issuance fee. It could be regarded as an improvement to clarity to include provisions on the payment procedures, especially on

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how the taking into account of the registration fee is applied for issuances requested in the first year of the crediting period.

2) Draft Procedures for the Request for Registration of a proposed CDM project activity

The arguments provided under 1) a. above apply accordingly to Requests for Registration, where an interruption of the Registration Process during the completeness check stage *for material reasons only* would not be in line with the requirements outlined in decision 3/CMP.1, annex, paragraph 41.

3) Draft Procedures for the Review for Requests for Issuance

- a. Communication between Secretariat and project proponents prior to submitting a response to the request for review

It may be useful for project proponents to seek clarification on comments supporting a request for review in order to draft a response that is more concise and to the point. The Board could consider whether this measure could possibly improve the efficiency of the response process.

- b. Communication between Secretariat and project proponents aiming at further clarifying the submitted response

Paragraph 12 of the draft procedures specifies that further clarification on response provided by the project proponents can be obtained through writing / telephone communication by the Secretariat. The Board may consider choosing one of its members to participate in such communication with the project proponents. Especially during telephone conferences, the clarification obtained could be transmitted more directly to the Board.

Any undue influencing by project proponents could be effectively prevented by letting the respective Board Member participate in the call anonymously.

- c. Clarification on deadline for corrections

Paragraph 22 specifies that a request for issuance is to be considered withdrawn if the requested corrections are not received before the expiry of the deadline.

It remains unclear whether a repeated submission for the same monitoring period is permitted or not.

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While the 12 week period should suffice in most cases, there may be exceptional situations in which the additional evidence or other information needed to answer the requested correction cannot be obtained within that timeframe. The Board could consider allowing an extension to this time period if project proponents can provide justified reasons for being unable to meet the deadline.

d. Right to a hearing at the Board Meeting where the case is being considered

It would be a noteworthy improvement to the transparency of the Independent Technical Assessment and the following Consideration by the Board if project proponents were represented when the final decision is taken and also could make comments on this decision. Presently, decision 3/CMP.1, annex, paragraph 16 only provides for the stakeholders to attend the relevant Board Meeting, but not to defend its case.

The right to be heard prior to a “negative” decision is commonplace to many jurisdictions worldwide. It could be regarded as a basic principle of the rule of law.

Representation could be limited to accredited project proponent representatives only granting the Board full discretion on ensuring a suitable qualification standard of those entitled to speak on behalf of the project proponents.

In order efficiently distribute the time available during a Board Meeting in between the various case to be decided, a representative should only be heard if the Board is inclined to decide the case in a manner that negatively affects the project proponents’ interests. Also, the speaking time of the representatives could be limited.

If this suggestion is accepted, the accredited representatives should have access to the Independent Technical Assessment documentation in due time before the relevant Board Meeting in order to adequately prepare for the hearing.

Alternatively, a hearing could be organized already during the Independent Technical Assessment phase.

4) Draft Procedures for the Review for Requests for Registration

The above statements (3) also apply to Requests for Review during the registration phase.

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