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Comments regarding the improvement of the stakeholder participation in CDM projects

Dear Honourable Members of the CDM Executive Board,

Please find below the comments regarding the improvement of the stakeholder participation in CDM projects of the TÜV NORD JI/CDM Certification Program.

If you have any questions do not hesitate to contact us.

Yours sincerely,

Alexander Richter

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TUV NORD submission for
public call regarding
stakeholder consultations rev0
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TUV NORD would like to submit the following comments regarding the improvement of the stakeholder participation in CDM projects:

The scope of impacts caused by a CDM project to be considered within the framework of the stakeholder consultation process and objected through stakeholder comments may be further enlarged. Corresponding guidance by the EB is requested and specified as follows.

Concerns and areas for improvement:

On a first view the stakeholder comments invited and the (independently) developed stakeholder consultation report seem to be adequate, however, by means of independent (web-) research it may be revealed that – additional to the comments submitted within the framework of CDM – stakeholders objected the impacts of the project. The comments may not necessarily relate to the eligibility of the project as a CDM project, e.g. additionality, however, may relate to fundamental aspects, such as the project's contribution to sustainable development. This may be because comments submitted outside of the framework of the CDM or the stakeholder consultation process do not have to be included in the PDD as per §128 of EB 55 Annex 1:

“(i) Requirement to be validated

128. Local stakeholders shall be invited by the PPs to comment on the proposed CDM project activity prior to the publication of the PDD on the UNFCCC website.”

As the stakeholder comments “selected” or required to be stated in the PDD have been included it could be assessed that the project is in compliance with the requirements of §128 of EB 55 Annex 1. However the requirements of §128 of EB 55 Annex 1 are generic and may not sufficiently account for the ways stakeholders do express concerns about a project though by other ways of raising concerns (e.g. newspaper articles or published lawsuits) stakeholders may have expressed crucial concerns related to the project.

In order to account for unbiased submission of stakeholder concerns the PP should be encouraged to extent the stakeholder commenting process. The DOE should be in a position to require inclusion of stakeholder concerns identified through other means than the local stakeholder consultation process, initiated by the PP.

Although the stakeholder consultation process seems to be complete only considering the stakeholder consultation documents and the summary presented in the PDD, but this is because the requirements to be validated appear to be insufficient, considering the potential for non-inclusion of stakeholder concerns identified via other means (e.g. web research). In fact without clear guidance for the PP the DOE cannot request the PP to include stakeholder concerns identified outside the framework of CDM. Other Carbon standards, e.g. the Gold Standard provide more suitable guidance on the demonstration and assessment of projects' contribution to sustainable development.

Apart from that, guidance on the classification of the relevance of stakeholder comments should be provided. Comments can be unjustified, of minor or even considerable importance considering the sustainable development goal as well as other matters. Therefore, guidance on categorisation of stakeholder concerns in qualitative and quantitative terms may be provided in order to determine whether or not a stakeholder comment is relevant and the stakeholder consultation process is adequate. This would also enable the PP or the DOE to exclude unjustified (sometimes very generic for all types and scopes) comments from the justified and relevant ones.

It should be further mentioned that the PP may refer to the LOA of the host country which ascertains the project's contribution to sustainable development in order to demonstrate the social and environmental benefits of the project. The argumentation that since the LOA mentions these aspects the contribution to sustainable development through the project is not questionable should not be supported and therefore further clarified via appropriate guidelines by the EB.

Also, potential mitigation measures of financial or non-financial nature which would be carried out voluntarily or in compliance with national regulations are claimed to further ensure the contribution to sustainable development. However, irrespective of that, stakeholder concerns, e.g. regarding expropriation, extinction of livelihood, resettlement or even violation of human rights may be published outside the framework of CDM or were described in the PDD in a way that do not pay the attention to these issues which they would deserve.

Consequently, requirements on the scope and detail of the stakeholder consultation should be more precise in order to avoid that the stakeholder consultation process, the claims for contribution to sustainable development and potential mitigation measures (which cannot be monitored after registration of a project activity) are not only *eyewash* but adequately address the needs for projects' contribution to sustainable development.

The DOE should have the possibility to require appropriate action from the PP in case reasonable suspicion of relevant stakeholder concerns were identified which are submitted outside the validation process or published via different ways than the global stakeholder process within the framework of CDM.

In light of the above described issues further guidance on how to treat reasonable stakeholder concerns within the framework of CDM, especially impacts of the projects



which may be counterproductive for achieving the Millennium Development Goals or even violate the UN-human rights, should be provided.