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Affiliated organization of the submitter (if any): \_\_\_ Designated Operational Entities and Independent Entities Association (D.I.A.)\_\_\_

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Date: \_\_\_09 Mar 2012\_\_\_

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#	Para No./ Annex / Figure / Table	Line Number	Type of input ge = general te = technical ed = editorial	Comment (including justification for change)	Proposed change (including proposed text)	Secretariat observations (to be completed by UNFCCC secretariat)
1	33	-	te	The expression “range” is unclear and leaves risks for various interpretations. Consequently there is also a risk of a non-harmonised approach along the accreditation process.	There is a need either to include a definition under section B or to delete this expression (recommended)	
2	37	-	te	Clarification is required, as audit teams employed by company affiliates have contractual and reporting lines in the respective company affiliates not necessarily the DOE itself. It is not practical and realistic to expect this reporting line for all audit teams.  The term supervision might be interpreted in various manner by ATs.	It might be useful amending this paragraph in the following manner:  “Supervision in this context does not refer to reporting lines and control of human resources in term of employment, but to the control of validation and verification activities”	
3	39	-	te	What documents are required? It should be noted that the type of records a company can keep are treated in different ways by various countries (legally), in particular for employees that have left the company.	Recommendation:  “The AE/DOE shall maintain relevant records related to the appointment process of all technical experts, auditors and technical reviewers. This record shall document the assessment by the responsible senior executive of the DOE/AE, while referenced proofs shall be treated according to the applicable legislation.”	
4	40	-	ed	The reference is to para 35 (c) not 34 (c).	...provided for in paragraph 35 (c) above.	
5	41	-	te	The use of the terms “contract for individuals” and “subcontracting” creates confusion and difficulties when hiring external resources, and detracts from the original objective of these paragraphs. It also leads to differences in interpretations among DOEs and ATs. The contractual arrangements limited to individuals can limit the access to resources for CDM work.  And as soon as this agreement is made, §44 immediately reassess the arrangement as “Subcontracting” and not “Use of External Individuals”. In real life, the border between “External Individuals” and “Subcontractor” is very much overlapping (e.g. in most countries, also real individuals (not	41. The procedure shall ensure that provision of services by an external individual to an AE/DOE be defined in an “appointment declaration” between the AE/DOE and the individual. The “appointment declaration” shall include an agreement from the external individual to comply with the AE/DOE’s policies, procedures and quality management system. The “appointment declaration” shall address confidentiality and independence from commercial and other interests. The “appointment declaration” shall also require the external individual to notify the AE/DOE of any existing or prior association with any CDM PP of the CDM PA they may be assigned to validate or verify as well as actual or	

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				being linked to any organization/company) also needs to be registered by the county’s tax authorities as “self-employed” and entered into a company registered becoming in effect “a one man company” under §44.)	potential involvement in identification, development or financing of CDM activities. The “appointment declaration” does not necessarily encompass any provisions on payments for the services, which shall be treated by a separate contract between the AE/DOE and the external individual or the company he is employed by, including one-man companies.	
6	43	-	ed	The reference is to para 35 (d) not 34 (d).	...provided for in paragraph 35 (d) above.	
7	43 - 46	-	ge	<p>We think the distinction between “External Individuals” and “Subcontractor” should NOT be with regard to what roles the individuals can fill in CDM (... that should be the same for both!) – or - if the contractual party from a legal point of view is a Company or an Individual. The focus should be on how the DOE shall control key aspects like qualifications, Col, etc in case of the various arrangements. (These aspects are already covered in other parts of the Accreditation standard).</p> <p>We suggest to open subcontracting also for companies that employ one or several individuals who are qualified and who shall be engaged as external individuals. Some DOEs may make use of qualified CDM resources being individuals employed in other Group Companies (and where the office of this individual is not declared as an “Other Site “). It needs to be clear in the AS that this is allowed for all type of technical CDM roles and whether these situations shall be handled as “external Individuals” or as “subcontractors”. Lack of clarity may limit the access to resources for DOE’s in the midst of the most hectic time period ever for CDM!</p>	<p>We suggest to open subcontracting also for companies that engage individuals that may fulfil functions as covered by paragraph 40</p> <p>4. Subcontracting</p> <p>43. An AE/DOE may subcontract another legal entity (subcontractor) to provide specific technical expertise or to provide access to external individuals to supplement its internal resources, as provided for in paragraph 35 (d) above. Such technical expertise shall be limited to technical issues related to the CDM-PA to be validated or verified, in accordance with paragraph 1 (f) (iii) of Appendix A to the CDM M&amp;P. In such cases, the AE/DOE shall establish, implement and maintain a documented procedure for subcontracting.</p> <p>44. The procedure shall ensure that provision of services by a subcontractor to an AE/DOE be defined in a written contract between the AE/DOE and the subcontractor. If a contract is made between the AE/DOE and a company/legal entity, even if a one-man company, the services to be provided to the AE/DOE shall be treated as a subcontracting, and the requirements applicable to subcontracting shall apply. If the subcontracted company provides access to external individuals, “appointment declarations” should be signed additionally with each individual.</p> <p>45. The AE/DOE shall remain responsible for the outcomes of the work carried out by subcontractors to comply with the requirements specified in the CDM M&amp;P, the decisions of the COP/MOP and the Board.</p> <p>46. The AE/DOE shall evaluate subcontractors and their personnel to ensure they meet the relevant requirements contained in this Standard and the AE/DOE’s systems.</p>	

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8	54	-	te	<p>The paragraph of AS V3.0 talks about the “technical review”, while the AS V4.0 §54 use the phrase “technical reviewer” (i.e. changing from talking about the function to be talking about an individual).</p> <p>This may be read as though the TA competence needs to be found in the individual person doing the technical review and not being a competence requirement for the team that perform the Technical review together. §18 opens up for the technical review being done by more than 1 person and it should be enough that one of the persons doing the technical review holds the TA competence.</p>	<p>The text may be shifted back to V3.0 language or new text may be added to §54 indicating that lacking TA requirement may be handled by involving another person with TA competence to the technical review team.</p>	
9	64	-	te	<p>Given that the Technical review is meant to be an independent peer review, how can this be done with only one Technical Area expert? CDM ATs have previously not accepted the same expert being consulted by the technical review team.</p>	<p>If it is the intention of the standard to require 2 TA experts per sectoral scope under which a DOE intends to operate resources to one expert, it should be made clear. If this is not the intention of the standard, this should also be made clear. We can also imagine that the requirement of having a single TA is sufficient for accreditation, while in actual verification or validation the roles have to be fulfilled by two individuals. Again this needs a consistent application throughout all relevant procedures (incl. VVS).</p>	
10	66	-	te	<p>Clarification is requested of what is intended with the term “on-the-job monitoring”. For us this means that the review of the documents is a way of monitoring on-the-job, e.g. the TR monitors the performance of the team leader. But we do not expect this to be an obligation to have supervisors on site monitoring the work of team leaders. The previous version wording in Para 54 was quite different: “... including initial on-the-job evaluation and subsequent monitoring and measurement of the performance...”.</p> <p>A clear definition of on-the-job monitoring would avoid discussion with AT and cost implications by excessive expectations.</p>	<p>Insert in the definition section on-the-job monitoring e.g.: On-the-job monitoring of technical experts, validators, verifiers and technical reviewers is understood as a process that provides information and feedback by the supervising person (e.g. technical reviewer evaluates the team leader) on the performance of individuals engaged in validation and verification activities. The evaluation of technical reviewers shall include the feedback of the registration or issuance process.</p>	
11	71	-	te	<p>By law, in several countries companies are not allowed to keep records of people that have left the company.</p>	<p>This requirement shall be limited “to the extent permitted by law”</p>	
<b>Issues not yet under revision</b>						
12	166 (a)	-	ge	<p>This paragraph prohibits a DOE to enter into a contract with a project participant if the DOE already has other contractual relationships with the same client for other work than third party conformity assessments.</p> <p>At EB 60, the EB clarified that “The requirement of 166 (a) of</p>	<p>Guidance to AT and DOEs is requested to ensure a common understanding of the requirement, which allows to follow the main objective, i.e. the safeguarding of impartiality without unnecessarily creating hurdles.</p>	

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				<p>the accreditation standard is applicable to the designated operational entities' (DOEs) other sites, as described in paragraph 28 (b) of the CDM accreditation standard”. We have experienced that this is being interpreted by CDM ATs to not only apply to the office / group of persons to which CDM functions have been allocated, but to the legal entity as a whole to which this office / group of persons belongs. In our opinion, this goes beyond the intension of paragraph 166 (a). While we can agree that the offices / group of persons to which CDM functions have been allocated should not at the same time performing consultancy services for a CDM customer, we do not agree that this shall also apply to other offices / group of persons belonging to the same legal entity, but not engaged in CDM validations and verifications.</p> <p>In our opinion, sufficient safeguards for ensuring impartiality can be implemented, so that the fact that another office / group of persons provides consultancy services (risk assessments etc, not CDM project development) to a CDM project participant does not impact the impartiality of the office / group of person performing CDM validation and verifications.</p>		
13	Annex D	-	ge	<p>The interim solution for extending the qualification validity in complex TA of validators and verifiers that cannot refer to the required minimum period of direct work experiences is ending these days. It was originally foreseen that alterative options will be developed (which is now foreseen to be delivered belated with phase II or the revision work).</p> <p>There are many CDM assessors who have successfully experienced many validation and/or verification activities as a certified validator or verifier to the final registration of the project activities and/or the issuance of CERs. Their competencies for validation/verification have been amply demonstrated by the successful registration/issuance of the project activities.</p>	We would like to modify this requirement from transitional manner to stable manner or to extend the validity of the interim solution until alternative tracks have been established.	