



Ms. Rachel Child
Project Developer Forum
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Date: 11 April 2012
Reference: 2012-082-S
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Sent by e-mail to: rachel.child@pd-forum.net

Re.: Response to reply from Andrew Howard on PD Forum letter entitled “Prior consideration issues following EB60 discussions”

Dear Ms. Child,

Thank you for your letter received on 26 February 2012, which has been made available to the Chair of the Board.

On behalf of the Chair of the Board, I would like to thank you for submitting your concerns about the interpretation of the first version of the Guidelines on the demonstration and assessment of prior consideration of the CDM, when no notification form was available.

As previously mentioned in the earlier response sent to you, the former guidelines were clear with regard to the actions to be followed by the project participants, although no notification form of the commencement of the project activity and of their intention to seek CDM status was available:

“The Board decided that for project activities with a starting date on or after 02 August 2008, the project participant must inform a Host Party DNA and/or the UNFCCC secretariat in writing¹ 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. Such notification is not necessary if a PDD has been published for global stakeholder consultation or a new methodology proposed to the Executive Board before the project activity start date” (paragraph 2 of the guidelines).

“When validating a project activity with a start date on or after 2 August 2008 DOEs shall ensure by means of confirmation from the DNA or UNFCCC secretariat that such a notification has 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” (paragraph 3 of the guidelines).

¹ P.O. Box 260124 D-53153 Bonn Germany, cdmregistration@unfccc.int



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However, as also explained in the previous response to your earlier correspondence, the letter requesting for host country approval can be considered as a notification of the commencement of the project activity and of the intention to seek CDM status, provided that all the requirements of the guidelines on the demonstration and assessment of prior consideration of the CDM are complied with, i.e. 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. On the contrary, the publication of the PDD for global stakeholder consultation is not considered a notification of the commencement of the project activity and of the intention to seek CDM status if it occurred after the project start date. The publication of the PDD for global stakeholder consultation, the proposal of a new methodology or request for revision of an approved methodology are considered evidence of prior consideration of the CDM when they have taken place before the start date of the project activity. However, this also implies that the start date of the project activity is defined in line with the CDM requirements and validated by the DOE to be appropriate.

Yours sincerely,

Andrew Howard

Secretary to the CDM Executive Board