



United Nations  
Climate Change Secretariat

Nations Unies  
Secrétariat sur les changements climatiques

Mr. Lai Shimao  
Lushui county Liuku town Bayi road,  
People's Republic of China

Date: 13 December 2012  
Reference: 2012-195-S  
Direct line: +49 228 815 1687

Sent by e-mail to: [quande@vip.163.com](mailto:quande@vip.163.com)

**Re.: Ask for returning the Sole Focal Point from the buyer back to project owner (CDM Project Activity 1862)**

Dear Mr. Shimao,

Thank you for your letter received on 12 August 2012, which has been made available to the CDM Executive Board.

On behalf of the Chair of the Board, I would like to thank you for sharing with us your concerns regarding the registered CDM project activity 1862: Yunnan Lushui County Laowohe 25MW Hydropower Project, following the termination of the ERPA.

Please note that in accordance with the latest version of the Clean Development Mechanism Project Cycle Procedures (meeting report of EB70, Annex 04, paragraph 31), the following applies: *“the project participants shall not include or refer to private contractual arrangements in an MoC statement such as the establishment of conditions for the designation or change of focal points or the purchase and/or sale of CERs. The project participants and focal points shall be solely responsible for honouring such arrangements”*.

As a result the Board is not in a position to intervene in private contractual arrangements. Instead such issues are to be dealt with under the applicable national or international business law. Please note that this issue will be brought to the attention of the Board at its seventy-second meeting.

Thank you once again for contacting the Board with your concerns.

Yours sincerely,

Andrew Howard  
Secretary to the CDM Executive Board