

	<b>CDM: FORM FOR SUBMISSION OF A “LETTER TO THE BOARD” (Version 01.2)</b>  This form should be used only by project participants and other stakeholders for submitting a “Letter to the Board” in accordance with the latest version of the <i>Modalities and procedures for direct communication with stakeholders</i>
Name of the stakeholder <sup>1</sup> submitting this form (individual/organization):	Larry Philp CO2 Spain
Address and contact details of the individual submitting this form:	Address: Costanilla de los Angeles, 13 28013 Madrid SPAIN Telephone number: +34 607 97 38 67 E-mail address: <a href="mailto:larry.philp@co2spain.com">larry.philp@co2spain.com</a>
Title/Subject (give a short title or specify the subject of your submission)	Registration Date Project 9255
Please mention whether the submitter of the form is:	<input checked="" type="checkbox"/> Project participant <input type="checkbox"/> Other stakeholder, please specify
Specify whether you want the letter to be treated as confidential <sup>2</sup> :	<input type="checkbox"/> To be treated as confidential <input checked="" type="checkbox"/> To be publicly available (UNFCCC CDM web site)
Please choose any of the type(s) below <sup>3</sup> to describe the purpose of this submission.	
<p><input checked="" type="checkbox"/> <b>Type I:</b></p> <p style="margin-left: 40px;"> <input checked="" type="checkbox"/> <b>Request for clarification</b>                      <input type="checkbox"/> <b>Revision of existing rules</b> </p> <p style="margin-left: 80px;"> <input type="checkbox"/> Standards. Please specify reference  <input checked="" type="checkbox"/> Procedures. Please specify reference <a href="#">EB59 Annex 12 (VVM track)</a>  <input type="checkbox"/> Guidance. Please specify reference  <input type="checkbox"/> Forms. Please specify reference  <input checked="" type="checkbox"/> Others. Please specify reference <a href="#">§56 of 3/CMP.6; EB9 Annex 5; CDM Website FAQs</a> </p> <p><input type="checkbox"/> <b>Type II: Request for Introduction of new rules</b></p> <p><input type="checkbox"/> <b>Type III: Provision of information and suggestions on policy issues</b></p>	
Please describe in detail the issue on which you request a response from the Board, including the exact reference source and version (if applicable).	
<p>Dear Members of the Executive Board,</p> <p>We request clarification on the effective registration date of a project activity if no request for review was initiated. The specific example we cite is project 9255, although we have been informed of other projects in similar circumstances.</p>	

<sup>1</sup> DNAs and DOEs shall use the respective DNA/DOE forms for communication with the Board.

<sup>2</sup> As per the applicable modalities and procedures, the Board may make its response publicly available.

<sup>3</sup> Latest CDM regulatory documents and information are available at: <http://cdm.unfccc.int/Reference/index.html> .

The relevant dates for project 9255 are:

Date	Action
27 Dec 2012	RfR submitted by DOE
27 Dec 2012	Secretariat issues fee statement, unique reference
28 Dec 2012	PP orders payment of fee
29 Dec 2012	DOE uploads proof of payment of fee
03 Jan 2013	Secretariat confirms receipt of fee
09 Jul 2013	Completeness check completed
15 Jul 2013	Information and Reporting check completed
16 Jul to 12 Aug 2013	Request for Review period

The registration action for the project on 12 Aug 2013 has an effective date of registration of 03 Jan 2013. We believe the effective registration date should be 29 Dec 2012, as further explained below, and therefore request clarification from the Executive Board.

Para. 25 of EB 59 Annex 12 states:

*The effective date of registration for the proposed project activity referred to in paragraph 24 above **shall be the date that the DOE had submitted a complete request for registration.***

Although this project was submitted under the VVM track, the highlighted text is also contained in para. 77 of the PCP v04.0. Furthermore, these CDM procedures are entirely consistent with §56 of 3/CMP.6:

*Requests the Executive Board to revise the procedures for registration to allow the effective date of registration and therefore the possible start date of the crediting period of a clean development mechanism project activity **to be the date on which a complete request for registration has been submitted by the designated operational entity** where the project activity has been registered automatically*

The last action by the DOE for project 9255 was uploading the proof of payment on 29 December 2012, as per para. 8 of EB 59 Annex 12.

In our communications with the Secretariat (attached), we pointed out an apparent inconsistency between the registration date based on the last DOE action (para. 25 of EB 59 Annex 12, para. 77 of the PCP v04.0, and §56 of 3/CMP.6) and that shown in the CDM website's FAQs:

*For all registration requests submitted on or after 11 December 2010 (including PoA), it is the date on which a complete request for registration has been submitted. This is considered to be the day by which both the registration request and the registration fee have been received by the secretariat.*

This requirement introduces a new agent (the Secretariat instead of the DOE) and a new action (receipt instead of submission) that are not mentioned in the CDM procedures nor in the CMP decision. As can be seen from the relevant dates for project 9255, this additional requirement results in a postponement of the effective registration date.

The CDM website FAQs are not mentioned within the CDM Executive Board Decision and Documentation Framework v04.0, although it would be our understanding that the CMP decisions and CDM procedures are hierarchically superior to the FAQs.

The Secretariat kindly indicated that this FAQ is based on para. 3b of EB 9 Annex 5:

*The date of receipt of a request for registration is the date when the deposit of the registration fee indicated in the registration form has been received by the secretariat.*

This procedure was issued prior to CMP.6. Also, the procedure was upgraded to v02 in EB11 Annex 4 and then to v03 in EB 14 Annex 07. Furthermore, it was replaced by EB 54 Annex 28. Therefore, it is our understanding that the CDM procedure that served as the basis of the FAQ on the website is no longer valid.

Finally, EB 54 Annex 28 evolved into v02 in EB59 Annex 12, being the valid procedure under which the RfR for Project 9255 was uploaded, specifically citing §56 of 3/CMP.6 as the source of updating the effective registration date.

*Please provide any specific suggestions or further information which would address the issue raised in the previous section, including the exact reference source and version (if applicable).*

We request clarification from the Executive Board regarding the effective registration date for projects that are registered automatically (no request for review):

Option 1: Date the DOE submits proof of payment of registration fee (or date of RfR if no fee is required). This option appears to be consistent with §56 of 3/CMP.6, para. 25 of EB 59 Annex 12, and para. 77 of PCP v04.0

Option 2: Date the Secretariat confirms receipt of RfR and registration fee (or just RfR if no fee is required). This option is described in the website FAQs and has been applied to project 9255. This option implies a delay that appears to be inconsistent with the letter and spirit of §56 of 3/CMP.6. Also, this option appears to be based on CDM procedures that have been replaced and improved.

If the Executive Board's clarification confirms option 1, we request the effective registration date of project 9255 be revised to 29 December 2012.

*If necessary, list attached files containing relevant information (if any)*

- Reg Date Com w UNFCCC Project 9255.pdf

#### Section below to be filled in by UNFCCC secretariat

Date when the form was received at UNFCCC secretariat	15 August 2013
Reference number	2013-288-S

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#### History of document

Version	Date	Nature of revision
01.2	08 February 2012	Editorial revision.
01.1	09 August 2011	Editorial revision.
01	04 August 2011	Initial publication date.
<b>Decision Class:</b> Regulatory <b>Document Type:</b> Form <b>Business Function:</b> Governance		