CDM-EB62-A15-PROC

Procedure

Direct communication with stakeholders

Version 02.0



United Nations Framework Convention on Climate Change

TABLE OF CONTENTS

Page

1.	INTRODUCTION					
	1.1.	Backgrou	und	3		
	1.2.	General	objectives	3		
2.	SCOP	E, APPLIC	CABILITY, AND ENTRY INTO FORCE	4		
	2.1.	Scope		4		
	2.2.	Applicabi	ility	4		
	2.3.	Entry into	o force	4		
3.	NON-PROCESS-BASED COMMUNICATION					
	3.1.	Commun	ication initiated by the Board	5		
		3.1.1.	Objectives	5		
		3.1.2.	Means of communication	5		
	3.2.	3.2. Communication initiated by stakeholders				
		3.2.1.	General	8		
		3.2.2.	Communication to the secretariat	9		
		3.2.3.	Communication to the Board	9		
4.	PROCESS-BASED COMMUNICATION					
	4.1.	Communication initiated by the secretariat				
	4.2.	Commun	ication initiated by stakeholders	11		
		4.2.1.	Objectives	11		
		4.2.2.	Means of communication	11		
5.		REPORTING ON COMMUNICATIONS AND FEEDBACK TO STAKEHOLDERS				
ATT			MPLES OF PROCESS-BASED COMMUNICATION	12		

1. Introduction

1.1. Background

- 1. The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP), at its fifth session, through its decision 2/CMP.5, paragraph 8, requested the Executive Board (hereinafter referred to as the Board) of the clean development mechanism (CDM) to enhance its communication with project participants and stakeholders, including through the establishment of modalities and procedures for direct communication between the Board and project participants in relation to individual projects.
- 2. The CMP, at its sixth session, reiterated the request to the Board and further specified in its decision 3/CMP.6, paragraph 22, that these modalities and procedures are to enhance direct communication with stakeholders and project proponents in relation to issues related to registration, issuance and methodologies work streams and should provide for:
 - (a) Direct communication that can be initiated by the secretariat, as needed, with project proponents, on issues related to registration, issuance and methodologies work streams;
 - (b) Stakeholder consultations on general issues, and the publication of the outputs thereof;
 - (c) Intensified use of public calls for input in relation to major regulatory decisions, including the possibility of making submissions.
- 3. The CMP, also at its sixth session, through decision 3/CMP.6, paragraph 59, further requested the Board to ensure that editorial errors which will not affect the assessment of compliance with validation and verification requirements do not lead to a determination that the request for registration or issuance is incomplete, while ensuring environmental integrity.
- 4. The CMP, at the same session, through decision 3/CMP.6, paragraph 17, requested the secretariat to further increase the transparency of its work by, inter alia, publishing on the UNFCCC CDM website information related to the current and historical status regarding the processing of case-specific matters and methodologies, including requests for clarification, deviation and revision and for changes to project design documents.
- 5. The CMP, through decision 4/CMP.10, paragraph 12, requested the Board to publish its procedures for dealing with communications from stakeholders.
- 6. This procedure provides for detailed steps and modalities of direct communication of the Board with stakeholders on policy issues as well as general principles for establishing such steps and modalities on case-specific issues in relevant operational procedures dealing with case submissions.

1.2. General objectives

7. The overall objectives of the modalities and procedures for communication with stakeholders as provided in this document are to:

- (a) Support the Board in identifying areas within the CDM regulatory framework where the development of new or revision of existing regulatory documents would enhance objectivity and clarity, and/or ensure environmental integrity;
- (b) Allow the Board to obtain relevant information at the appropriate time for its consideration;
- (c) Enhance the stakeholders' understanding of the CDM rules and allow stakeholders to be better positioned to comply with relevant rules, thus improving the overall efficiency of the system;
- (d) Ensure transparency by providing relevant information to stakeholders and opportunities for them to provide supplementary information/explanations in a timely manner regarding their submissions of specific cases within registration, issuance, methodologies and accreditation work streams.

2. Scope, applicability, and entry into force

2.1. Scope

- 8. This procedure provides for means of communication of the Board with stakeholders in the following two main areas:
 - (a) Non-process-based communication: this area covers communication to be made outside the defined communication provisions in dedicated process procedures (e.g. "CDM project cycle procedure", "Procedure: Development, revision and clarification of baseline and monitoring methodologies and methodological tools", "CDM accreditation procedure");
 - (b) Process-based communication: this area covers communication to be made in accordance with the defined communication provisions in dedicated process procedures.

2.2. Applicability

- 9. This procedure aims to provide a framework for communication with the following stakeholders:
 - (a) Designated national authorities (DNAs);
 - (b) Applicant entities (AEs) and designated operational entities (DOEs);
 - (c) Project participants;
 - (d) Other stakeholders.

2.3. Entry into force

10. This document enters into force on 20 February 2015.

3. Non-process-based communication

3.1. Communication initiated by the Board

3.1.1. Objectives

- 11. The objectives of non-process-based communication initiated by the Board are:
 - (a) To seek stakeholders' input regarding difficulties in the application of existing CDM rules;
 - (b) To seek suggestions for areas requiring additional guidance within the regulatory framework with the aim of improving the objectivity, clarity, and broadened applicability, and/or ensuring the environmental integrity of CDM rules;
 - (c) To ensure that actors within the CDM process understand the CDM rules established by the Board.

3.1.2. Means of communication

3.1.2.1. Interaction with DNAs

- 12. For the purpose of facilitating communication between the Board and DNAs, and between DNAs themselves, the secretariat shall organize global and regional DNA forum meetings as per the terms of reference of DNA forums. The Board shall decide on the number of the meetings in its management plan taking into account the need for the meetings and the availability of resources.
- 13. The Board shall also allocate time for interaction during Board meetings with the global DNA forum through its co-chairs twice a year. The Board shall specify the dates of the two meetings at its first meeting of each year.
- 14. The Board may invite the co-chairs of the global DNA forum to any of its meetings additional to the two meetings referred to in paragraph 13 above whenever it finds a need for further interaction with the forum.

3.1.2.2. Interaction with AEs/DOEs

3.1.2.2.1. Board interaction with AEs/DOEs

- 15. The Board shall allocate time for interaction with the DOE/AIE Coordination Forum through its Chair on issues of interest to AEs/DOEs at each Board meeting.
- 16. The DOE/AIE Coordination Forum Chair shall submit to the secretariat a presentation to be used in the interaction with the Board at its meeting. The presentation shall include the views of the DOE/AIE Coordination Forum on the issues included in the annotated agenda of the Board meeting and any other matters that are of interest to AEs/DOEs.
- 17. The Board shall consider the input received from the DOE/AIE Coordination Forum during the interaction at the same meeting or at a future meeting as appropriate.
- 18. Upon the request of the Board, the secretariat may communicate on behalf of the Board with the DOE/AIE Coordination Forum to obtain the views of AEs/DOEs on certain topics of interest to the Board. In this case, the secretariat shall communicate with the DOE/AIE

Coordination Forum at a timing that allows sufficient time for AEs/DOEs to prepare their views. The DOE/AIE Coordination Forum shall coordinate with its members and prepare consolidated views on the topics for consideration by the Board. The DOE/AIE Coordination Forum Chair shall include the consolidated views in the presentation referred to in paragraph 16 above.

3.1.2.2.2. CDM-AP interaction with AEs/DOEs

- 19. The CDM Accreditation Panel (CDM-AP) shall allocate time for interaction with the DOE/AIE Coordination Forum through its Chair and, if the forum wishes, with a limited number of AEs/DOEs, during CDM-AP meetings. The subject of this interaction shall be limited to policy issues, particularly on the "CDM accreditation standard" and the "CDM accreditation procedure", and shall not include accreditation case-specific issues. The CDM-AP shall hold such interactions on an as-needed basis.
- 20. In addition, the DOE/AIE Coordination Forum may request any further interaction with the CDM-AP. The forum shall substantiate such request and submit the request to the secretariat at least three weeks before the CDM-AP meeting in which the interaction is requested.
- 21. The CDM-AP shall accept such request if the workload of the meeting allows time for the interaction. The secretariat shall inform the DOE/AIE Coordination Forum of the decision of the CDM-AP at least two weeks before the meeting.
- 22. The DOE/AIE Coordination Forum Chair shall submit to the secretariat a presentation to be used in the interaction with the CDM-AP at its meeting.

3.1.2.2.3. Secretariat interaction with AEs/DOEs

- 23. The secretariat shall ensure open opportunities to liaise with members of the DOE/AIE Coordination Forum in order to help ensure they keep abreast of decisions taken by the Board and have opportunities to seek clarifications relating to relevant regulations. The secretariat shall organize conference calls with members of the DOE/AIE Coordination Forum who wish to participate for this purpose. The need for such conference calls is determined in the beginning of the year based especially on the Board's workplan. The secretariat shall circulate minutes of any such conference calls to the DOE/AIE Coordination Forum in the week following the call.
- 24. The secretariat may also organize periodically, as needed and subject to the availability of resources, regional calibration workshops for AEs/DOEs in the regions to provide clarifications and communicate the Board's interpretation and rationale behind its policy decisions, as well as to share good practices among AEs/DOEs and to ensure common understating of CDM rules.

3.1.2.3. Interaction with other stakeholders

3.1.2.3.1. Board interaction with stakeholders

25. Representatives from Parties and UNFCCC admitted observer organizations may attend Board meetings as observers. At each of its meetings, the Board shall allocate a time slot early in the meeting for interaction with registered observers for the meeting. Such interactions shall be limited to discussion on policy and general issues, but not on casespecific matters, relating to the agenda items of that meeting.

- 26. The observers registered for a Board meeting may submit written input for the meeting before the first day of the meeting. Not all observers may have the opportunity to speak at the meeting due to time limitations. In this case, those who submitted written input shall be given priority for speaking.
- 27. All interested parties, including project participants, NGOs and other stakeholders, may take part in this interaction, provided that they are registered as observers to a Board meeting through UNFCCC admitted observer organizations.¹
- 28. The Board shall consider the input received from the observers during the interactions at the same meeting or at a future meeting as appropriate.
- 29. The Board shall also invite comments from stakeholders on the issues included in the annotated agenda of a Board meeting. The secretariat shall compile the comments received at the latest one week before the meeting and bring the compilation to the attention of the Board for its consideration at the start of the meeting. The secretariat shall integrate the comments from stakeholders in the presentations it makes to the Board under the relevant agenda item.

3.1.2.3.2. Call for input and targeted workshops

- 30. When preparing a new regulatory document or a major revision of an existing document that has a significant impact on stakeholders, the secretariat, on behalf of the Board, shall:
 - (a) Launch a call for input to seek the views of stakeholders on the areas to be covered/revised in the document and the concerns that it should address; and/or
 - (b) Organize a workshop, including that for practitioners, to have the views of stakeholders.
- 31. If it is decided to launch a call for input and/or a workshop, it shall be determined at which stage of the development of the regulatory document the Board will seek the views of stakeholders:
 - (a) At the beginning of the preparation/revision of the document;
 - (b) At the stage where an appropriate draft of the document is available.
- 32. The duration of a call for input shall be decided on a case-by-case basis depending on the complexity and the urgency of the issue on which the call is seeking views, allowing for reasonable time for comments to be submitted. Calls for input shall be directed to the public at large, using a dedicated alerting system and established mailing lists as appropriate, and all interested parties may provide their views on the subject of the calls.
- 33. The secretariat may, due to limited capacity, invite selected stakeholders to a workshop. In selecting invitees, the secretariat shall balance the interests of the stakeholders in the subject and the composition of participants to ensure an effective outcome of the workshop.

¹ A list of all UNFCCC accredited organizations is available on the UNFCCC website http://unfccc.int/parties_and_observers/items/2704.php.

- 34. Once inputs are received from stakeholders, whether from a call for inputs or from a consultation workshop, the secretariat shall consider the inputs with a focus on matters related to the topic under consultation. The secretariat shall prepare a summary of the inputs received and the status of their consideration:
 - (a) Where an input has been incorporated into a regulatory document: how and where it has been reflected;
 - (b) Where an input has not been incorporated into a regulatory document: justification of why the particular input was not incorporated;
 - (c) Where an input is still being considered in ongoing work on a regulatory document: identification of which regulatory document is expected to take into account the particular input and relevant estimated timelines where appropriate.
- 35. The secretariat shall submit the summary of inputs to the Board in conjunction with the relevant regulatory document or concept note under the Board's consideration.

3.1.2.3.3. System-wide consultation and calibration

- 36. The secretariat may organize, periodically and as per the resources available in the management plan of the Board, general consultation workshops for stakeholders such as CDM round tables.
- 37. Such general consultation workshops shall provide opportunities for sharing good practices, enhancing understanding of CDM rules, exchanging ideas and free discussion between Board members, the secretariat and stakeholders on general policy issues as well as for exchanging experience in the implementation of various CDM rules.
- 38. The secretariat shall prepare agendas for such events in consultation with stakeholders to ensure that issues of stakeholders' interest are discussed when appropriate.
- 39. The secretariat, when selecting invitees to such events, shall take into account representation of all interested parties, space limitation and topics included on the agendas of the events. In doing so, the secretariat shall pay particular attention to the regional balance of invitees.
- 40. The secretariat shall decide the number of general consultation workshops at the beginning of each year based on the workplan of the Board and the forecasted need for consultation with stakeholders.
- 41. The secretariat shall ensure that the outcomes of these consultations with stakeholders are formally documented, made publicly available on the UNFCCC CDM website and brought to the attention of the Board for its consideration in conjunction with the relevant regulatory document or concept note under the Board's consideration.

3.2. Communication initiated by stakeholders

3.2.1. General

42. A channel of communication shall be available to stakeholders to facilitate the understanding, application and development of CDM rules and the implementation of project activities and programmes of activities (PoAs). Stakeholders may initiate communications on matters that do not fall within the scope of a dedicated process

procedure (e.g. technical or operational explanation, suggestions/proposals for new regulations) using the "Stakeholder communication form" (CDM-COM-FORM).

- 43. Depending on whether stakeholders wish to be provided with a fast-track response from the secretariat or to be provided with a formal response from the Board, they may submit:
 - (a) Communication to the secretariat;
 - (b) Communication to the Board.

3.2.2. Communication to the secretariat

3.2.2.1. Objectives

- 44. The objectives in providing for communication with the secretariat are:
 - (a) To provide stakeholders with means to seek a fast-track technical or operational explanation regarding the implementation of existing CDM rules;
 - (b) To facilitate the use and understanding of the existing CDM rules.

3.2.2.2. Means of communication

- 45. Stakeholders may communicate to the secretariat. The secretariat shall maintain a dedicated interface² on the UNFCCC CDM website to receive communications from stakeholders.
- 46. The secretariat should respond to a communication addressed to the secretariat as soon as possible and within 15 days of its receipt. The secretariat's responses are not endorsed by the Board, and the content of the communication or response will not be published on the UNFCCC CDM website.
- 47. All responses provided by the secretariat through this process shall bear a disclaimer stating that the responses shall not supersede or pre-empt decisions and regulations of the Board, or the validation/verification opinions of DOEs on specific CDM project activities or PoAs.
- 48. A communication directed to the secretariat may be redirected to the Board track referred to in section 3.2.3 below if the secretariat finds that it requires the attention of or further guidance from the Board. If the secretariat decides to do so, it shall inform the submitter and provide a justification for redirecting the communication to the Board.

3.2.3. Communication to the Board

3.2.3.1. Objectives

49. The objectives in providing for communication to the Board are:

² The entry point allows stakeholders to choose a channel for communications either with the secretariat or with the Board and directs the communications received from stakeholders to the right internal channel for processing. Once established, the entry point will replace several e-mail accounts and interfaces currently available.

- (a) To provide stakeholders with means to communicate to the Board their views on CDM rules and their implementation;
- (b) To provide stakeholders with channels for seeking official clarifications and enhancing their understanding of CDM rules to the Board.

3.2.3.2. Means of communication

- 50. Stakeholders may communicate directly with the Board through a dedicated interface on the UNFCCC CDM website. The secretariat shall respond to the communication on behalf of the Board after the response has been cleared by the Chair of the Board.
- 51. The secretariat shall make all the communications available to the Board. Unless the submitter requests the communication to be confidential, the communication with the Board by stakeholders shall be made publicly available on the UNFCCC CDM website.
- 52. The secretariat, in consultation with the Chair of the Board, shall bring the attention of the Board to the communications when they require the attention of or further guidance from the Board. In consultation with the Chair of the Board, the secretariat may refer the communications directly to a panel or working group for its consideration at its next meeting.
- 53. The secretariat should respond to a communication addressed to the Board as soon as possible and within 35 days of its receipt by either:
 - (a) Providing a response to the request or feedback in accordance with paragraph 50 above; or
 - (b) Informing the submitter that the request or feedback will be referred to the Board or a panel or working group for its consideration in accordance with paragraph 52 above; and/or
 - (c) Informing the submitter that the request or feedback will be forwarded to another relevant institution or body (e.g. DNA, etc.) if deemed appropriate by the Chair of the Board. However, such forwarding shall in no case constitute an endorsement by the Board of the content of the communication.
- 54. The secretariat shall make publicly available the response to the submitter subject to the confidentiality provision in paragraph 55 below.
- 55. Stakeholders may make a confidential communication and request a confidential response from the Board. The secretariat, on behalf of the Board, may decide to make its response publicly available if it is considered that it is in the common interest of all stakeholders. In such cases, confidential information shall be removed from the response to be made available.
- 56. The secretariat shall not redirect communications addressed to the Board to the secretariat track referred to in section 3.2.2 above.

4. **Process-based communication**

4.1. Communication initiated by the secretariat

57. The secretariat may initiate communication with a DOE, project participant, coordinating/managing entity, DNA or other stakeholder on its submission under a

specific process, including a request for registration, issuance, post-registration changes or renewal of crediting period, and a proposal of a new or revised baseline and monitoring methodology or standardized baseline, in accordance with the applicable procedure for the respective process.

4.2. Communication initiated by stakeholders

4.2.1. Objectives

- 58. The objectives of process-based communications are:
 - (a) To provide information on the status of case-specific submissions in order to ensure transparency of their processing;
 - (b) To allow better understanding by stakeholders of issues raised in case-specific submissions;
 - (c) To allow stakeholders to better understand the rationale behind the Board's decisions on case-specific submissions.

4.2.2. Means of communication

- 59. Stakeholders may initiate process-based communications with the Board in accordance with defined steps in a dedicated procedure for a specific CDM process for a specific case. The processes for such communications include, but are not limited to:
 - (a) The CDM project cycle process including the withdrawal of letter of approval (LoA);
 - (b) The CDM registry;
 - (c) The CDM accreditation; or
 - (d) The development, revision, update or clarification of baseline and monitoring methodology, methodological tool or standardized baseline.
- 60. Examples of channels and modalities of process-based communications are contained in the attachment.

5. Reporting on communications and feedback to stakeholders

- 61. The secretariat shall prepare an annual report on all communications received through the dedicated interface on the UNFCCC CDM website and inputs received during workshops and events, in relation to:
 - (a) The number and type of stakeholder inputs;
 - (b) The issues addressed in these communications;
 - (c) Statistics on responses (type/outcome/timelines) provided to these inputs;
 - (d) The impact of the stakeholder inputs on the regulatory framework and/or operations of the CDM.

Attachment. Examples of process-based communication channels with stakeholders

Process name and entry points (Interface/e-mail)	Modalities of communication (summary)
CDM project cycle process including the withdrawal of LoA: dedicated interface on the UNFCCC CDM website, <cdm- registration@unfccc.int>, <cdm- registry@unfccc.int></cdm- </cdm- 	 An authorized representative of a DOE and/or the project participants may request, for direct communications in the form of a telephone call as defined in the "CDM project cycle procedure", clarifications on the issues identified during the assessment stages when they are not sufficiently clear to them and the decision/conclusion is not in their favour. If a host Party wishes to withdraw its approval/authorization of a project activity/PoA and/or project participant, the DNA of the host Party, in accordance with the "Procedure: Process for dealing with letters from DNAs that withdraw approval/authorization", may use this channel to send a Withdrawal Letter to the secretariat, addressed to the Board.
CDM accreditation: <cdm- accreditation@unfccc.int></cdm- 	 DOE/AE may submit inquiries relating to its accreditation process, such as a request for information and clarification on specific assessments or status of its accreditation. Project participants or coordinating/managing entities may also use this channel for complaints against a DOE in accordance with the complaint procedure contained in the "CDM accreditation procedure".
CDM registry: <cdm- registry@unfccc.int></cdm- 	An authorized representative of the project participants or the coordinating/managing entity may submit a request related to accounts in the CDM Registry, forwarding of certified emission reductions (CERs), and actions related to modalities of communication.
Development, revision or update of CDM baseline and monitoring methodologies and methodological tools or standardized baselines: <sdm- ssu-methworkflows@unfccc.int></sdm- 	Stakeholders may make comments on a proposal of a new methodology or standardized baseline, or proposal of revision or update of an approved methodology, methodological tool or standardized baseline in accordance with the "Procedure: Development, revision and clarification of baseline and monitoring methodologies and methodological tools" or the "Procedure: Development, revision, clarification and update of standardized baselines".

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Version	Date	Description
02.0	20 February 2015	EB 82, Annex 9
		Revision to:
		 Add provisions on "fast-track" communications with the secretariat;
		 Add a provision on periodic reporting of communications dealt within the scope of this document;
		 Modify response time for communication initiated by stakeholders
		 Streamline the section on process-based communication;
		Make editorial improvement.
01.0	15 July 2011	EB 62, Annex 15
		Initial adoption. This document replaces the "Procedures for public communication with the CDM Executive Board" (version 02, EB 31 Meeting Report, Annex 37).
Documer Business	Class: Regulatory ht Type: Procedure Function: Governance s: communications, trans	parency

Document information