

CDM-PA10295-RULE01

Ruling note

Request for registration for “Wind Power Project by Wires & Fabriks (EKIESL-CDM.February-15-03)”

Version 01.0



United Nations
Framework Convention on
Climate Change

1. The CDM-Executive Board decided to reject the above proposed project activity on 03 November 2016, in accordance with the "CDM project cycle procedure" (PCP), version 09.0, paragraphs 111 and 117. In accordance with paragraph 118 of the PCP, the ruling shall contain an explanation of the reasons and rationale for the final decision, which are as follows:
 - (a) The DOE (LGAI Technological Center, S.A.) failed to substantiate the prior consideration of the CDM, in particular the real and continuing actions to secure CDM status in accordance with validation and verification standard (VVS), version 09.0, paragraphs 116 (b) and 117.
 - (b) The relevant requirements are:
 - (i) VVS, version 09.0, paragraph 116 states that "For a proposed CDM project activity with a start date before 2 August 2008, for which the start date is prior to the date of publication of the PDD for global stakeholder consultation, the DOE shall assess the project participants' prior consideration of the CDM. Specifically, the DOE shall assess whether the project participants: (b) Demonstrated that real and continuing actions were taken to secure CDM status for the project in parallel with its implementation in accordance with relevant provisions related to the supporting evidence in the Project standard.";
 - (ii) Project standard (PS), version 09.0, paragraph 29 states that "For a proposed CDM project activity with a start date before 2 August 2008 and prior to the date of publication of the PDD for global stakeholder consultation, project participants shall demonstrate that the CDM was seriously considered in the decision to implement the proposed project activity. Such demonstration requires the following elements to be satisfied: (b) Project participants shall provide evidence that continuing and real actions were taken to secure CDM status for the proposed project activity in parallel with its implementation;"
 - (iii) PS, version 09.0, paragraph 29 (b), footnote 7 states that "Evidence to support this should include one or more of the following: contracts with consultants for CDM/PDD/methodology/standardized baseline services; draft versions of PDDs and underlying documents such as letters of authorization, and, if available, letters of intent; ... ";
 - (iv) VVS, version 09.0, paragraph 117 states that "Assessment of real and continuing actions shall be conducted by the DOE and should focus on real documented evidence as indicated in paragraph 116(b) above, including an assessment by the DOE of the authenticity of the evidence. The DOE shall assess letters, e-mail exchanges and other documented communications submitted by the project participants to substantiate the above information, and these shall be considered as evidence only after the DOE has assessed the reliability and authenticity of such communications, inter alia through cross-checking (e.g. interviews)."
 - (c) The reasons and rationale for the final decisions are:

- (i) The DOE failed to substantiate that the terminations of the appointed CDM consultants on 18/05/2010 and 16/09/2009 for WTG J-426 and J-411 respectively complies with paragraph 116 (b) of the VVS, version 09.0, and paragraph 29(b) of the PS, version 09.0, as there were no deliverables by these consultants;
 - (ii) The DOE failed to provide information on how it carried out crosschecking to validate the evidences of actions to secure the CDM status, in particular contracts with earlier CDM consultants which were terminated in accordance with paragraph 117 of the VVS, version 09.0, as it only relied on information provided by the project participant.
2. Please note, however, that, with appropriate revisions, this project activity may be resubmitted for validation and registration provided it meets the requirements for validation and registration, in accordance with paragraph 42 of the CDM Modalities and Procedures (Decision 3/CMP.1).

Document information

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01.0	14 December 2016	Initial publication Related to CDM project cycle procedure, version 09.0 (Paragraphs 111, 117 & 118)

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