

Resolution no. 4, of December 6, 2006, which amends Resolutions no. 1 and 3 of this Commission, among other provisions.

The Interministerial Commission on Global Climate Change, created by Decree of July 7, 1999, in the exercise of its powers under article 3, items III and IV,

Considering the principles of the United Nations Framework Convention on Climate Change, especially Article 3.4, according to which Parties to the Convention have a right to, and should promote sustainable development, and that the policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development programs,

Considering that economic development is essential for adopting measures to address climate change,

Considering Article 12.2 of the Kyoto Protocol, which establishes that the objective of the Clean Development Mechanism should be to assist developing countries in achieving sustainable development and in contributing to the ultimate objective of the Convention,

Considering the need for approval of voluntary participation from the designated national authority of each Party involved in Clean Development Mechanism project activities, including confirmation by the host Party that the project activity assists it in achieving sustainable development;

Considering the need for strict compliance with Brazilian legislation, which calls for a process of public consultation with stakeholders directly and indirectly affected by project activities,

Considering also the need for strict compliance with Brazilian environmental and labor legislation, in keeping with the Convention 182 of the International Labour Organization about Prohibition of the Worst Forms of Child Labour and Immediate Action for their Elimination,

DECIDES THAT:

Art. 1. Should this Commission be informed by one of its members, in any of its meetings, that Clean Development Mechanism project participants have engaged in illegalities or acts contrary to the public interest, this Commission may send, by means of its Executive Secretariat, an official letter to the relevant bodies requesting additional information to support the review of the project activity, as well as request the responsible person for communication on behalf of the project activity to submit documentation additional to that already requested under the resolutions of this Commission.

Art. 2. If, after the issuance of the letter of approval, pursuant to paragraph 40 (a) of Annex I to Resolution no. 1, new information is presented as evidence of illegalities or acts contrary to the public interest, the Commission may cancel or revoke the said letter of approval.

First paragraph. Cancellation will be due to illegality in the process of obtaining the letter of approval or relative to the Clean Development Mechanism project activities.

Second paragraph. Revocation will occur upon confirmation of a practice contrary to the public interest, which is safeguarded by the Commission, under the Clean Development Mechanism.

Third paragraph. In the cases described in the caput of this article, the Executive Secretariat of this Commission will send an official letter to the person responsible for communication with this Executive Secretariat on behalf of the Clean Development Mechanism project activity, communicating the decision made by the Commission regarding the cancellation or revocation of the letter of approval, and the reasons for it.

Fourth paragraph. After the decision is made, there will be a timeframe of 15 (fifteen) days, as of the receipt of the communication of cancellation or revocation of the letter of approval, for the exercise of the right of defense, by means of an official letter to be sent to the Executive Secretariat of the Commission by the person responsible for communication on behalf of the Clean Development Mechanism project activity.

Fifth paragraph. After the time established in the fourth paragraph has elapsed and the information possibly presented in the exercise of the right of defense has been considered by the members of the Commission in its next ordinary meeting, the president of this Commission shall issue a final decision, in the timeframe of 15 (fifteen) days, regarding the maintenance, cancellation or revocation of the letter of approval. The Executive Secretariat of this Commission shall send an official letter to the person responsible for communication on behalf of the Clean Development Mechanism project activity stating the final decision and the reasons for it.

Art. 3. In the case of a final decision to cancel or revoke the letter of approval, the Executive Secretariat of this Commission shall communicate such a decision to the Executive Board of the Clean Development Mechanism and, in case the Clean Development Mechanism project activities have not been registered yet, request the review of such project activities by the Executive Board.

Art. 4. The documents requested under art. 3, items IV and V, of Resolution no. 1 of this Commission, the models of which can be found in Annex III and IV of Resolution no. 3 of this Commission, as established in its articles 4 and 5, shall

be addressed to the Executive Secretariat of the Commission and signed by the legal representatives of each of the national participants in the project activities.

Art. 5. Invitations for comments by the stakeholders affected by and/or interested in the Clean Development Mechanism project activities, pursuant to art. 3, item II, of Resolution no. 1 of this Commission, shall be sent before the beginning of the validation period, in order to ensure that comments are included in the documentation submitted to this Commission with a view to obtaining approval by the designated national authority for project activities.

Sole paragraph. The invitations for comments related to the consultation with local stakeholders affected by and/or interested in the project activities, referred to in the caput of this article and in art. 3, item II, of Resolution no. 1 of this Commission, shall include the name and type of Clean Development Mechanism project activity, as well the e-mail address to obtain a copy of the relevant project design document and a description of how the project activity will contribute to sustainable development, pursuant to Annex III to Resolution no. 1 of this Commission.

Art. 6. After the issuance of certified emission reductions by the Executive Board of the Clean Development Mechanism, a confirmation of the distribution of such reductions among the participants in the Clean Development Mechanism project activity shall be sent to the Interministerial Commission on Global Climate Change in the timeframe of 30 (thirty) days.

This resolution shall come into force on the date of its publication.

SERGIO MACHADO REZENDE
President of the Commission