



Annex 20

PROCEDURES FOR REQUESTS FOR DEVIATION TO THE EXECUTIVE BOARD

I. INTRODUCTION

1. At its twenty-first meeting, the Board agreed to the following clarification: “A DOE shall, prior to requesting registration of a project activity or issuance of CERs, notify the Board of deviations from approved methodologies and/or provisions of registered project documentation and explain how it intends to address such deviations. The DOE shall only proceed with further actions after receipt of guidance from the Board. The Chairs of the panels shall provide an input as to whether the issue should be considered or not by the panels. The Board shall, if needed, address these issues by electronic decision. When providing such guidance, the Board shall consider issuing general clarifications to all DOEs and project participants, as appropriate.”
2. Section II of this document contains procedures for the submission of
 - a) requests for deviation from an approved methodology (validation/registration stage) and
 - b) requests for deviation from relevant provisions of registered project documentation (verification/certification stage),by a designated operational entity.
3. Sections III-IV of this document contain procedures for the consideration of such requests by the Executive Board.

II. SUBMISSION OF A REQUEST FOR DEVIATION

A. Registration: Request for deviation from an approved methodology

4. If a DOE determines at validation that project participants deviated from an approved methodology when applying it to a proposed project activity it may reject the project activity or seek guidance on the acceptability of the deviation from the Executive Board prior to requesting registration of the proposed project activity. If guidance is sought, the DOE shall submit the form for submission of a request for deviation “CDM: Request for deviation form” (F-CDM-DEV) through the dedicated internet interface on the UNFCCC CDM website.
5. Upon submission of the form, the secretariat shall forward the documentation to the Executive Board and to the Methodologies Panel, via list serv after having checked that (a) the “CDM: Request for deviation form” has been completed by the DOE, and (b) the documentation provided by the DOE is complete. The date of transmission by the secretariat to the Executive Board is to be considered as the date of receipt of a request for deviation. Information on a request for deviation from an approved methodology shall be made publicly available unless specified differently in the form by the DOE.

B. Issuance: Request for deviation from provisions for a registered project activity

6. If a DOE determines at verification that project participants deviated from the provisions contained in the documentation related to the registered CDM project activity it may conclude not to certify the emission reductions for the verified period, and inform the Board accordingly, or to seek



guidance from the Executive Board on the acceptability of the deviation prior to concluding on its verification/certification decision. If guidance is sought, the DOE shall submit the form for submission of a request for deviation “CDM: Request for deviation form” (F-CDM-DEV) through the dedicated internet interface on the UNFCCC CDM website.

7. Upon submission of the form, the secretariat shall forward the documentation to the Executive Board, via list serv after having checked that (a) the “CDM: Request for deviation form” has been completed by the DOE, and (b) the documentation provided by the DOE is complete. The date of transmission by the secretariat to the Executive Board is to be considered as the date of receipt of a request for deviation. Information on a request for deviation from an approved methodology shall be made publicly available unless specified differently in the form by the DOE.

III. CONSIDERATION OF A REQUEST FOR DEVIATION

8. The Chair of the Board, in consultation with the relevant chair of panel(s) and/or working group(s) shall decide within 5 working days if:

- (a) The submission shall be considered by the relevant panel(s) and/or working group(s) in order to provide technical input.
- (b) More information is required. If so, the secretariat will inform the DOE which shall provide such information as soon as possible. Upon receipt the information is forwarded to the members of the Board, panels, working groups, as applicable

9. In the case that no technical clarification is needed by any panel and/or working group, or once technical clarifications have been provided by a panel and/or working group, the Board shall decide, whenever possible, by electronic decision making based on a decision prepared by the Chair of the Executive Board¹, if (a) the request for deviation shall be accepted or not; (b) if further guidance is to be provided to the DOE; and (c) if the general clarifications shall be shared with all DOEs and project participants, as appropriate. The proposed decision shall include the original request, reasons for acceptance or rejection of the request and the language of the proposed decision.

10. Once a decision has been made by the Board, the secretariat shall inform the DOE about the decision and guidance provided by the Board. If general clarifications shall be shared with all DOEs and project participants, the secretariat shall make the guidance publicly available in the UNFCCC CDM web site and through the CDM news facility.

IV. CONSIDERATION OF A REQUEST FOR DEVIATION BY PANEL/WORKING GROUP

11. If a panel and/or working group is to consider a request for deviation, the Chair of the panel/working group shall decide if it shall be treated at the next meeting of the panel/working group or whether the request can be treated electronically by the panel/working group. In the case the request shall be considered at a meeting the panel/working group shall, bearing in mind the timelines and deadlines for the consideration of documents by the panel/working group and priorities set by the Board, consider the proposed deviation at its next meeting, if feasible, and recommend to the Board whether the proposed request should be accepted and/or provide clarifications requested.

¹ In accordance with rule 30 of the rules of procedure of the Executive Board.



12. Up to two member(s) of the panel/working group shall, under the guidance of the Chair and Vice-Chair of the panel/working group, be selected for preparing draft recommendations for the panel/working group. The selected panel/working group member(s) shall each be paid a fee of a maximum of one (1) working days for the preparation of the draft recommendation².

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² The selection of panel/working group members to undertake tasks relating to the revision of a proposed new methodology, as well as the number of days to be dedicated to a case, is to be decided by the Chair of the panel/working group, taking into consideration availability of resources. Depending on the request for deviation, the Board may decide that the panel/working group may draw on expertise outside the panel/working group if it is necessary for the assessment of a case.

 CDM: Form for submission of requests for deviation (version 01) <i>(To be used by the DOE, for requesting a deviation)</i>	
<i>Name of the entity (DOE) submitting this form</i>	
<i>Title of the project activity</i>	
<i>Title/Subject (give a short title or specify the subject of your submission, maximum 200 characters):</i>	
<i>Deviation type:</i>	a) <input type="checkbox"/> Approved methodology (AM) If so, specify reference number, version and title of the AM: _____ b) <input type="checkbox"/> Provisions of registered project documentation If so, specify project number and which documentation : _____
<i>Attach draft CDM-PDD of project activity:</i>	<input type="checkbox"/> Yes, is attached.
<i>Specify if you want this request to be treated as confidential:</i>	<input type="checkbox"/> To be treated as confidential <input type="checkbox"/> To be publicly available (UNFCCC CDM web site)
<i>Date and signature for the DOE</i>	
<u>Description of the request for deviation</u> Please use the space below to describe the deviation and substantiate the reason for requesting a for deviation from approved methodologies (validation/registration stage) or provisions of registered project documentation (verification/issuance stage). >> [replace this bracket with text, the field will expand automatically with size of text]	

Link to the documentation made available at validation stage or the monitoring report	http://
If necessary, list attached files containing relevant information which is not available through the above link	<ul style="list-style-type: none">• [replace this bracket with text, the field will expand automatically with size of text]
Information to be completed by the secretariat	
Date when the form was received at UNFCCC secretariat	
Date of transmission to the Meth Panel and Executive Board	