

Guidelines for decision making (revised to correspond to the revised procedure for considering requests for review)

EB 58: Cancun, Mexico, 22-26 November 2010



Brief Overview of the purpose of presentation

I. Brief overview of the purpose of the presentation



Brief overview of the purpose of the presentation

1. Present non-binding guidelines to:
 - (a) Provide the Board with a framework to maintain the consistency and objectivity of its decisions and rulings;
 - (b) Provide greater transparency to CDM stakeholders regarding the criteria applied by the Board in deciding upon case specific matters related to registration and issuance; and
 - (c) Provide direction to the secretariat and members of the RIT in performing assessments and making recommendations as required by the relevant procedures.
2. Obtain feed-back and make any necessary revisions for the adoption of the guidelines by the Board.



II. Order of presentation

Order of presentation

1. Present the **criteria** in the draft guidelines for:
 - (a) Requesting a review;
 - (b) Making a decision on a case (to reject or accept);
 - (c) Making an objection to a recommended decision (where RIT's and secretariat's recommendations agree); and
 - (d) Making an objection to a ruling (following a Board decision to reject).

2. Present the **process** (at EB meetings) for considering:
 - (a) Cases where the RIT's and secretariat's recommended decision disagree
 - (b) Cases where a Board member has objected to the recommended decision of the RIT and secretariat (and those recommendations agree);
 - (c) Cases where a Board member has objected to a proposed ruling.



III. Guidelines on criteria

III. Guidelines on criteria



Guidelines for requesting a review

As a guideline it is expected that members would request a review when the request for registration or issuance raises concerns to a reasonable reader regarding whether the proposed project activity complies with the CDM rules and requirements.

Guidelines for making a decision on a case

Note: Guideline for issuance cases is analogous

General criteria:

The Board should decide to reject the request for registration of the proposed project activity in situations where the request for registration does not contain sufficient information to demonstrate to a reasonable reader that the proposed project activity complies with CDM rules and requirements for the registration of proposed project activities.



Guidelines for making a decision on a case

Specific criteria:

- (a) Contains information which indicates that the project activity does not comply with the applicable requirements;**
- (b) Contains information which indicates that the validation activity has not been conducted in a manner that complies with the relevant requirements of the latest versions of either the “Standard for accrediting operational entities” or the VVM;**
- (c) Contains contradictory facts regarding the compliance of the project activity with the CDM rules and requirements;**
- (d) Does not contain sufficient facts or evidence to confirm compliance with applicable CDM rules and requirements; or**
- (e) Contains facts put forward by the project participant(s) within the PDD, but without evidence regarding whether or how such facts have been validated.**



Guidelines for objecting to a recommended decision

As a guideline, it is expected that members would only object to the recommended decision in situations where both assessments:

- (a) Did not consider a fact (or set of facts) that, if considered, would result in different proposed decision;
- (b) Contain an erroneous finding of fact (or set of facts) that, if corrected, would result in a different proposed decision;
- (c) Contain an unreasonable interpretation of a CDM rule or requirement that, if corrected, would result in a different proposed decision; or
- (d) Contain an unreasonable application of a CDM rule or requirement to the facts that, if corrected, would result in a different proposed decision.

Guidelines for objecting to a recommended ruling

As a guideline, it is expected that members would only object to the proposed ruling in the following situations:

- (a) The proposed ruling does not contain a sufficient basis or explanation for the decision contained in the ruling; and
- (b) The ruling differs from the assessment that formed the basis from the decision. These differences include the following:
 - (i) The findings of fact;
 - (ii) The interpretation of a CDM rule or requirement; or
 - (iii) The application of a CDM rule or requirement as applied to the facts.



IV. Guidelines for process

IV. Guidelines for process (at EB meetings)



Process when recommended decision of RIT and secretariat disagree

- (a) The secretariat shall present whichever assessment has recommended the rejection of the project activity, outlining the requirement being questioned and the facts considered in the assessment;
- (b) Members and alternates may seek clarifications regarding the presentation;
- (c) Once members have received necessary clarifications, the Chair of the Board will invite members and alternates to express their opinion regarding the recommendation;
- (d) On the basis of the opinions expressed, the Chair of the Board will propose to the Board either to accept the recommendation or not;
- (e) If consensus with the Chair's proposal is not achieved the Chair shall proceed to seek adoption of a decision via a vote in accordance with the Board's rules of procedure.

Process when a Board member objects to a recommended decision

- (a) The member(s) making an objection should present the reasons for the objection, making reference to the additional facts or interpretations relied on beyond the assessments;**
 - (b) Members and alternates may seek clarifications regarding the presentation;**
 - (c) The secretariat may provide any clarifications of a factual nature regarding applicable requirements and evidence contained in the relevant request for registration/issuance or response to request for review;**
 - (d) Once members have received necessary clarifications, the Chair of the Board will invite members and alternates to express their opinion regarding the objection;**
 - (e) After a discussion by the members of the Board, the Chair shall determine and propose to the Board whether or not the objection should be further considered;**
 - (f) If consensus with the Chair's proposal is not achieved, the Chair shall proceed to seek adoption of a decision via a vote in accordance with the Board's rules of procedure.**
-



Process when a Board member objects to a recommended ruling

- (a) The member(s) making an objection should present the reasons for the objection, making reference precise area of concerns within the draft and proposing an alternative;
- (b) Members and alternates may seek clarifications regarding the presentation;
- (c) The secretariat may provide any clarifications of a factual nature;
- (d) Once members have received necessary clarifications, the Chair will invite members and alternates to express their opinion regarding the objection;
- (e) After a discussion by the members of the Board, the Chair shall determine and propose to the Board whether or not the objection should be accounted for in the final revision;
- (f) If the objection is upheld by the Board, the Chair shall request the secretariat to revise the document for adoption at the same meeting of the Board.



End

Thank you for your attention.

