



**United Nations**  
Climate Change Secretariat

**Nations Unies**  
Secrétariat de Changements Climatiques

Ms. Rachel Child  
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Project Developer Forum

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Date: 20 December 2011  
Reference: 61-14  
Direct line: +49 228 815-1687

**Re.: Prior consideration issues following EB60 discussions**

Dear Ms. Rachel Child,

Thank you for your letter dated 13 May 2011, which has been made available to the Board.

On behalf of the Chair of the Board, I would like to thank you for communicating your concerns and inputs to the Board with reference to the guidelines on the demonstration and assessment of prior consideration of the CDM.

With regard to continuing and real actions, the recently revised guidelines<sup>1</sup>, explicitly mention the types of evidence that could be used to demonstrate these actions, which include contracts with consultants for CDM/PDD/methodology services. Evidence of cancellation of contracts can not be considered evidence of continuing and real actions of progress with the CDM project. Additionally, interviews with DNAs, earlier correspondence on the project with the DNA or the UNFCCC secretariat are considered valid evidence.

Regarding the notification form, which was not available at the time of the first version of the guidelines, it was specified in paragraph 3 of that former document that "DOEs shall ensure by means of confirmation from the DNA or UNFCCC secretariat that such a notification has been provided". Therefore, if the DOE gets confirmation from the DNA or UNFCCC secretariat of the notification, such notification should be accepted as valid by the DOEs.

Furthermore, the publication of the PDD for global stakeholder consultation can not be considered as a notification of the commencement of the project activity and of the intention to seek CDM status if it occurred after the project start date. The publication of the PDD for global stakeholder consultation, the proposal of a new methodology or request for revision of an approved methodology are considered evidence of prior consideration of the CDM, when they have taken place before the start date of the project activity (paragraph 2 of the guidelines, version 1).

With regard to the letter requesting for host country approval, it can be considered as a notification of the commencement of the project activity and of the intention to seek CDM status, provided that all the requirements of the guidelines on the demonstration and assessment of prior consideration of the CDM are complied with, i.e. such notification must be made within six months of the project activity start date and shall contain the precise geographical location and a brief description of the proposed project activity.

It is not explicit in the current guidelines that there is no need of further demonstration of continuing real actions in the case of projects which publication of its PDD for global stakeholder consultation or the proposal of a

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<sup>1</sup> [https://cdm.unfccc.int/Reference/Guidclarif/reg/reg\\_guid04.pdf](https://cdm.unfccc.int/Reference/Guidclarif/reg/reg_guid04.pdf)



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new methodology or revision of a methodology has been performed prior to the start date of the project. The guidelines only establish that such cases are to be interpreted as evidence of prior consideration of the CDM. As per the *Procedures for processing and reporting on validation of CDM project activities*<sup>2</sup> (paragraph 17), six months subsequent to the end of the period for submitting public comments for each proposed CDM project activity or programme of activities (PoA) the DOE shall provide, via the CDM information system, an update of the status of its validation activity, unless the project activity or PoA has been submitted for registration.

The guidelines were and are clear (paragraph 5) regarding the timeline for the project activities for which a PDD has not been published for global stakeholder consultation or a new methodology proposed or request for revision of an approved methodology is requested. At least every subsequent two years, after the initial notification, the project participants shall inform the UNFCCC secretariat of the progress of the project activity. Currently, there is no specific form to be submitted for this type of notifications. However, as a general practice, an email informing the continuity of the project sent to the UNFCCC secretariat is considered sufficient provided that a signed letter is attached to this email covering the relevant details of the project activity as mentioned in the exiting notification form.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'A. Howard', is positioned above the typed name.

Andrew Howard  
Secretary to the CDM Executive Board

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<sup>2</sup> [https://cdm.unfccc.int/Reference/Procedures/valid\\_proc02.pdf](https://cdm.unfccc.int/Reference/Procedures/valid_proc02.pdf)