

CDM-EB81-AA-A08

Draft Procedure

Modalities and procedures for direct communication with stakeholders

Version 02.0

DRAFT



United Nations
Framework Convention on
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COVER NOTE

1. Procedural background

1. The Executive Board (hereinafter referred to as the Board) of the clean development mechanism (CDM), at its sixty-second meeting, adopted the modalities and procedures for direct communication with stakeholders (version 01, EB 62 Meeting Report, Annex 15). This document replaced the procedures for public communication with the CDM Executive Board (version 02, EB 31 Meeting Report, Annex 37).
2. This work is based on the mandates from project 220 (Feedback mechanism for input from stakeholders) under the CDM management action plan (MAP) 2014. The revised modalities and procedures for direct communication with stakeholders is prepared as part of the CDM MAP 2014 project 220.

3. Purpose

4. The purpose of the proposed work is:
 - (a) To ensure consistency, effectiveness and transparency in the treatment of stakeholders' input, as the basis for its systematic analysis and use in improving the regulation and operation of the CDM;
 - (b) To publish annual reports on stakeholder communications, how they have been responded to, and the impact they have had on the regulation and operation of the CDM.

2. Key issues and proposed solutions

5. To provide a quicker response and establish accountability of input received, a revised modalities and procedures for direct communication with stakeholders is proposed to:
 - (a) Add a fast-track provision on communication with the secretariat;
 - (b) Add a provision on periodic reporting of communications dealt with within the scope of this document;
 - (c) Modify response time for communication initiated by stakeholders.

3. Impacts

6. Stakeholders are expected to benefit from the improvement of the handling of CDM-related communications received through various channels that fall within the scope of the modalities and procedures for direct communication with stakeholders. In addition, this work will establish a standard feedback mechanism based on communications from stakeholders received by the Board and the secretariat, within the defined scope, through periodic reporting.

4. Subsequent work and timelines

7. Further work on harmonizing the process will be carried out under the CDM MAP 2014 project 220. Relevant information technology (IT) requirements are being developed currently and planned to be completed by the first quarter of 2015.

5. Recommendations to the Board

8. The secretariat recommends that the Board adopt the amendment contained in this document, which comes into effect on 28 November 2014.

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1. Introduction

1.1. Background

1. The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP), at its fifth session, through its decision 2/CMP.5, paragraph 8, requested the Executive Board (hereinafter referred to as the Board) of the clean development mechanism (CDM) to enhance its communication with project participants and stakeholders, including through the establishment of modalities and procedures for direct communication between the Board and project participants in relation to individual projects.
2. The CMP, at its sixth session, reiterated the request to the Board and further specified in its decision 3/CMP.6, paragraph 22, that these modalities and procedures are to enhance direct communication with stakeholders and project proponents in relation to issues related to registration, issuance and methodologies workstreams and should provide for:
 - (a) Direct communication that can be initiated by the secretariat, as needed, with project proponents, on issues related to registration, issuance and methodologies workstreams;
 - (b) Stakeholder consultations on general issues, and the publication of the outputs thereof;
 - (c) Intensified use of public calls for input in relation to major regulatory decisions, including the possibility of making submissions.
3. The CMP, also at its sixth session, through decision 3/CMP.6, paragraph 59, further requested the Board to ensure that editorial errors which will not affect the assessment of compliance with validation and verification requirements do not lead to a determination that the request for registration or issuance is incomplete, while ensuring environmental integrity.
4. The CMP, at the same session, through decision 3/CMP.6, paragraph 17, requested the secretariat to further increase the transparency of its work by, inter alia, publishing on the UNFCCC CDM website information related to the current and historical status regarding the processing of case-specific matters and methodologies, including requests for clarification, deviation and revision and for changes to project design documents.
5. This procedure provides for detailed steps and modalities of direct communication of the Board with stakeholders on policy issues as well as general principles for establishing such steps and modalities on case-specific issues in relevant operational procedures dealing with case submissions.
6. This document replaces “Modalities and procedures for direct communication with stakeholders” (version 01).

1.2. General objectives

7. The overall objectives of the modalities and procedures for communication with stakeholders as provided in this document are to:
- (a) Support the Board in identifying areas within the CDM regulatory framework where the development of new or revision of existing regulatory documents would enhance objectivity and clarity, and/or ensure environmental integrity;
 - (b) Allow the Board to obtain relevant information at the appropriate time for its consideration;
 - (c) Enhance the stakeholders' understanding of the CDM rules and allow stakeholders to be better positioned to comply with relevant standards, thus improving the overall efficiency of the system;
 - (d) Ensure transparency by providing relevant information to stakeholders and opportunities for them to provide supplementary information/explanation in a timely manner regarding their submissions of specific cases within registration, issuance, methodologies and accreditation workstreams.

2. Scope, applicability, and entry into force

2.1. Scope

8. This procedure provides for means of communication of the Board with stakeholders in the following two main areas:
- (a) Policy and procedural matters: this area covers regular interactions with stakeholders as well as ad-hoc consultations with stakeholders in situations where CDM rules (e.g. procedures, methodologies, standards) that have a significant impact on them are being developed or revised;
 - (b) Case-specific matters: this area covers situations related to case submissions (e.g. requests for registration, issuance, deviation or revision of monitoring plans, proposals of new methodologies, requests for revision of approved methodologies and clarification on approved methodologies or methodological tools).

2.2. Applicability

9. This procedure aims at providing a framework for communication with the following stakeholders:
- (a) Designated national authorities (DNAs);
 - (b) Applicant entities (AEs) and designated operational entities (DOEs);
 - (c) Project participants;
 - (d) Other stakeholders.

2.3. Entry into force

10. This document enters into force on 28 November 2014.

3. Communication on non-process issues

3.1. Communication initiated by the Board

3.1.1. Objectives

11. The objectives of communication initiated by the Board on non-process issues are:
- (a) To seek stakeholders' input regarding difficulties in the application of existing CDM rules;
 - (b) To seek suggestions for areas requiring additional guidance within the regulatory framework with the aim of improving the objectivity, clarity, and broadened applicability, and/or ensuring the environmental integrity of CDM rules;
 - (c) To ensure that actors within the CDM process understand the CDM rules established by the Board.

3.1.2. Means of communication

3.1.2.1. DNAs

12. For the purpose of facilitating communication between the Board and DNAs, and between DNAs themselves, the secretariat shall organize global and regional DNA forum meetings as per the terms of reference of DNA forums. The Board shall decide on the number of the meetings in its management plan taking into account the need for the meetings and the availability of resources.
13. The Board shall also allocate time for interaction during Board meetings with the global DNA forum through its co-chairs twice a year. The Board shall specify the dates of the two meetings at its first meeting of each year.
14. The Board may invite the co-chairs of the global DNA forum to any of its meetings additional to the two meetings referred to in paragraph 13 above whenever it finds a need for further interaction with the forum.

3.1.2.2. AEs/DOEs

3.1.2.2.1. Board interaction with AEs/DOEs

15. The Board shall allocate time for interaction with the DOE/AIE Coordination Forum through its Chair on issues of interest to AEs/DOEs at each Board meeting.
16. The DOE/AIE Coordination Forum Chair shall submit to the secretariat a presentation to be used in the interaction at a Board meeting at least one week before the meeting. The presentation shall include the views of the DOE/AIE Coordination Forum on the annotated agenda of the Board meeting and any other matters that are of interest to AEs/DOEs.

17. Upon the request of the Board, the secretariat may communicate on behalf of the Board to the DOE/AIE Coordination Forum. The Board wishes to have the views of AEs/DOEs on the topics for the forum at least three weeks before the Board meeting in which it considers the topics. The DOE/AIE Coordination Forum shall coordinate with its members and prepare consolidated views on the topics for consideration of the Board. In this case, the DOE/AIE Coordination Forum Chair shall include the consolidated views in the presentation referred to in paragraph 16 above.

3.1.2.2.2. CDM-AP interaction with AEs/DOEs

18. The CDM Accreditation Panel (CDM-AP) shall periodically allocate time for interaction with the DOE/AIE Coordination Forum through its Chair and, if the forum wishes, with a limited number of AEs/DOEs, during CDM-AP meetings. The subject of this interaction shall be limited to policy issues, particularly on the CDM accreditation standard and the CDM accreditation procedures, and shall not include accreditation case-specific issues. The CDM-AP shall specify the two meetings at its first meeting of each year.
19. The CDM-AP may invite the Chair of the DOE/AIE Coordination Forum to any of its meetings additional to the two meetings referred to in paragraph 18 above whenever it finds a need for further interaction with the forum.
20. In addition, the DOE/AIE Coordination Forum may request any further interaction with the CDM-AP. The forum shall substantiate such request and submit the request to the secretariat at least three weeks before the CDM-AP meeting in which the interaction is requested.
21. The CDM-AP shall accept such request if the workload of the meeting allows time for the interaction. The secretariat shall inform the DOE/AIE Coordination Forum of the CDM-AP's decision at least two weeks before the meeting.
22. The DOE/AIE Coordination Forum shall submit to the secretariat its presentation to be used in the interaction at a CDM-AP meeting at least one week before the meeting.

3.1.2.2.3. Secretariat interaction with AEs/DOEs

23. The secretariat shall ensure open opportunities to liaise with members of the DOE/AIE Coordination Forum in order to help ensure they remain abreast of decisions taken by the Board and have opportunities to seek clarifications relating to relevant regulations. The secretariat may organize conference calls with members of the DOE/AIE Coordination Forum that wish to participate for this purpose. The secretariat shall circulate minutes of any such conference calls to the DOE/AIE Coordination Forum in the week following the call.
24. The secretariat may also organize periodically, subject to availability of resources, regional calibration workshops for AEs/DOEs in the regions to provide clarifications and communicate the Board's interpretation and rationale behind its policy decisions as well, as to share good practices among AEs/DOEs and to ensure common understating of CDM rules.

3.1.2.3. Other stakeholders**3.1.2.3.1. Board interaction with stakeholders**

25. Representatives from Parties and UNFCCC admitted observer organizations may attend Board meetings as observers. At each of its meetings, the Board shall allocate a time slot for interaction with registered observers for the meeting. Such interactions should be limited to discussion on policy and general issues, but not on case-specific matters, relating to the agenda items of that meeting.
26. All interested parties, including project participants, NGOs and other stakeholders, may take part in this interaction, provided that they are registered as observers to a Board meeting through UNFCCC admitted observer organizations.¹
27. The Board shall also invite comments from stakeholders on the issues included in the annotated agenda of a Board meeting. The secretariat shall compile the comments received at the latest one week before the meeting and bring the compilation to the attention of the Board for its consideration at the start of the meeting.

3.1.2.3.2. Call for input and targeted workshops

28. When preparing new regulatory documents or a major revision of existing documents that have a significant impact on stakeholders, the secretariat, on behalf of the Board shall:
 - (a) Launch a call for input to seek the views of stakeholders on the areas to be covered/revised in the document and the concerns that it should address; and/or
 - (b) Organize a workshop, including that for practitioners to have the views of stakeholders.
29. If it is decided to launch a call for input and/or a workshop, it shall be determined at which stage of the development of the regulatory document the Board will seek the views of stakeholders, e.g.:
 - (a) At the beginning of the preparation/revision of the document;
 - (b) At the stage where a first draft of the document is available.
30. The Board shall decide on the duration of calls for input on a case-by-case basis depending on the complexity and the urgency of the issue on which the call is seeking views. Calls for input shall be directed to the public at large and all interested parties may provide their views on the subject of the calls.
31. The secretariat **may**, due to limited capacity, invite selected stakeholders to a workshop. In selecting invitees, the secretariat shall balance the interests **of the stakeholders** to the subject and the composition of participants that would ensure an effective outcome of the workshop.

¹ A list of all UNFCCC accredited organizations is available on the UNFCCC website (http://unfccc.int/parties_and_observers/items/2704.php).

32. Once input is received from stakeholders, whether from a call for input or from a consultation workshop, the secretariat shall gather the input and categorize it. The input shall then be considered by the secretariat with a focus on technical matters related to the topic under consultation. The secretariat shall prepare a report detailing the inputs received and the status of their consideration:
- (a) Where input has been incorporated into the regulatory framework process: how and where these have been reflected;
 - (b) Where input has not been incorporated into the regulatory framework process: justification of why the particular input was not incorporated, including specific rationale behind taking a decision that differs from what has been proposed;
 - (c) Where input is still being considered in ongoing work within the regulatory framework: identification of which products or activities are expected to take into account the particular input and relevant estimated timelines where appropriate.
33. The report shall be submitted to the Board in conjunction with the relevant regulatory document or concept under the Board's consideration.
34. Once the Board had finalized its consideration of the regulatory document, the report shall be subsequently revised and updated by the secretariat, to reflect the final decisions by the Board with regard to the input received.
35. The final report shall then be made available on the UNFCCC CDM website, either at the same page where the input in response to the call for input were received or at the consultation event workshop page.
36. If input received as a result of a call for input or a consultation event are not relevant to the topic under consideration, this input shall be dealt with biannually as specified under section 5.2 below.

3.1.2.3.3. System-wide consultation and calibration

37. The secretariat shall organize, periodically and as per the resources available in the management plan of the Board, general consultation workshops for stakeholders such as CDM round tables.
38. Such general consultation workshops shall provide opportunities for sharing good practices, enhancing understanding of CDM rules, exchanging ideas and free discussion between Board members, the secretariat and stakeholders on general policy issues as well as for exchanging experience regarding the implementation of various CDM rules.
39. The secretariat may prepare agendas for such events in consultation with stakeholders to ensure that issues of stakeholders' interest are discussed when appropriate.
40. The secretariat, when selecting invitees to such events, shall take into account representation of all interested parties, space limitation and topics included in the agendas of the events. In doing so, the secretariat shall pay particular attention to the regional balance of invitees.
41. The secretariat shall decide the number of CDM round tables and other general consultation workshops at the beginning of each year based on the work plan of the Board and the forecasted need for consultation with stakeholders.

42. The secretariat shall ensure that the outcomes of these consultations with stakeholders are formally documented, made publicly available on the UNFCCC CDM website and brought to the attention of the Board for its consideration in conjunction with the relevant regulatory document or concept under the Board's consideration. If input received as a result of a consultation event is not relevant to the topic under consideration, this input shall be dealt with biannually as specified under section 5.2 below.

3.2. Communication initiated by stakeholders

43. A channel of communication is available to stakeholders to facilitate the understanding, application and development of the CDM regulatory framework and implementation of project activities. These communications can be initiated using the Stakeholder communication form (CDM-COM-FORM).
44. Depending on whether stakeholders wish to be provided with a fast-track response from the secretariat or to be provided with a formal response from the Board, all communications that do not fall within the scope of the CDM project cycle, registry, accreditation and methodologies procedures (e.g. technical or operational clarification, suggestions/proposals for new regulations, or any other type of communication) initiated by stakeholders are categorized into:
- (a) Communication with the secretariat;
 - (b) Communication with the Board.

3.2.1. Communication with the secretariat

3.2.1.1. Objectives

45. The objectives of communication with the secretariat initiated by stakeholders are:
- (a) To provide stakeholders with a forum to seek a fast-track technical or operational clarification regarding implementation of existing CDM rules;
 - (b) To facilitate use and understanding of the current CDM rules.

3.2.1.2. Means of communication

46. Stakeholders may communicate with the secretariat. The secretariat shall maintain a dedicated interface² on the UNFCCC CDM website to receive communications from stakeholders.
47. The secretariat should reply within 15 days of its receipt. The secretariat's responses are not endorsed by the Board, and the content of the communication or response will not be published on the UNFCCC CDM website.

² The entry point allows stakeholders to choose a channel for communications either with the secretariat or with the Board and directs the communications received from stakeholders to the right internal channel for processing. Once established, the entry point will replace several e-mail accounts and interfaces currently available.

48. All responses issued through this process shall bear a disclaimer stating that responses shall not supersede decisions and regulations of the Board, or DOEs' validating/verifying opinions on specific CDM project activities.

49. Communications directed to the secretariat may be redirected to the Board track in case they require the attention of or further guidance from the Board. If the secretariat decides to do so, it shall inform the submitter and provide a justification for redirecting the communication to the Board.

3.2.2. Communication with the Board

3.2.2.1. Objectives

50. The objectives of communication with the Board initiated by stakeholders are:

- (a) To provide stakeholders with a forum where they can communicate to the Board their views on CDM rules and their implementation;
- (b) To provide stakeholders with channels for seeking official clarifications and enhancing their understanding of CDM rules and providing feedback to the Board.

3.2.2.2. Means of communication

51. Stakeholders may communicate directly with the Board to make a request for clarification or guidance, or feedback to the Board through the dedicated interface on the UNFCCC CDM website using the form F-CDM-RtB and addressing it to the Chair of the Board. The secretariat shall respond to communications from stakeholders on behalf of the Board after the responses have been cleared by the Chair of the Board.

52. The secretariat shall make all communications available to the Board. Unless the submitter requests the communication to be confidential, the communication with the Board by stakeholders shall be made publicly available on the UNFCCC CDM website.

53. The secretariat, in consultation with the Chair, shall bring the attention of the Board to the communications on policy, methodological and administrative issues when they require the attention of or further guidance from the Board. In consultation with the Chair of the Board, the secretariat may refer the communications directly to a panel or working group for its consideration at the next meeting.

54. The secretariat should reply within 35 days of its receipt by either:

- (a) Providing a response to the request in accordance with paragraph 51 above; or
- (b) Informing the submitter that the request will be submitted to the Board or its support structure for its consideration in accordance with paragraph 53 above.

55. The secretariat shall make publicly available the response to the submitter subject to the provision in paragraph 56 below.

56. Stakeholders may make a confidential submission and request for a confidential response from the Board. The secretariat, on behalf of the Board, may decide to make its response publicly available if it is considered that it is in the common interest of all

stakeholders. In such cases, confidential information shall be removed from the response to be made available.

57. The secretariat shall not redirect communications directed to the Board to the secretariat track.

4. Communication on process issues

4.1. Communication initiated by the Board

58. In cases where minor editorial issues shall not lead to rejection of submissions, as defined in the CDM project cycle procedure (PCP), the secretariat, on behalf of the Board, shall initiate a communication with the DOE or the project participants to allow a quick correction to the issue raised.

59. The secretariat may initiate communication, on behalf of the Board or any of its panels or working groups, prior to decision-making where considered appropriate (e.g. in deciding not to admit a case during completeness checks, information reporting checks, deciding to make a recommendation for review etc.) if it considers that such communication would efficiently resolve the concerns related to the compliance of the case with established requirements.

4.2. Communication initiated by stakeholders

4.2.1. Objectives

60. The objectives of communications on process issues (e.g. regarding submissions processed in the CDM project cycle, the baseline and monitoring methodology approval process and the accreditation process) are:

- (a) To provide information on the status of case-specific submissions in order to ensure transparency of their processing;
- (b) To allow better understanding by stakeholders of issues raised in case-specific submissions;
- (c) To allow better understanding of stakeholders of the rationale behind the Board's decisions on case-specific submissions.

4.2.2. Means of communication

61. Stakeholders may communicate with the Board on process issues requiring the application of an approved procedure for a specific CDM process to a specific case or project or task. Such communications are specific to:

- (a) The CDM project cycle process including the withdrawal of letter of approval (LoA);
- (b) The CDM registry;
- (c) The accreditation of DOEs, including performance assessment of specific DOEs;

- (d) The submission or revision or clarification of a specific methodology submitted to the secretariat.

4.2.2.1. CDM project cycle process including the withdrawal of LoA

62. An authorized representative of a DOE and/or the project participants may request, as defined in the PCP, clarifications on the issues identified during assessment stages when they are not sufficiently clear to them and the decision is not in favour of them. The channel shall only aim at ensuring mutual understanding of the decision taken by the Board and shall not provide an opportunity to challenge the decision of the Board.
63. If a Host Party wishes to withdraw its approval/authorization of a project activity/PoA and/or project participant, the designated national authority (DNA) of the Host Party, as defined in the process for dealing with letters from DNAs that withdraw approval/authorization, should send a Withdrawal Letter to the secretariat, addressing to the Board.
64. Request for direct communications in the form of a telephone and letters from DNAs that withdraw approval/authorization shall be directed to <cdmregistration@unfccc.int>.
65. Communications are not made public; however, to ensure the transparency of the process, the summary of a telephone call, if conducted, shall be recorded as part of the project activity/methodology related documentation.

4.2.2.2. CDM registry

66. An authorized representative of the project participants may submit a request related to accounts in the CDM Registry, forwarding of certified emission reductions (CERs), and actions related to Modalities of Communications (MoCs).
67. E-mails shall be directed to <cdm-registry@unfccc.int>.
68. Communications are not made public; however, information on related general issues is provided via the CDM registry website.

4.2.2.3. CDM accreditation

69. DOEs/AEs may submit inquiries relating to their accreditation process, such as a request for information and clarification on specific assessments or status of their accreditation. This channel may also be used by other stakeholders for complaints or general queries on the accreditation process.
70. E-mails shall be directed to <cdm-accreditation@unfccc.int>.
71. Communications are not made public.

4.2.2.4. Development, revision and clarification of CDM baseline and monitoring methodologies and methodological tools

72. Stakeholders may make submissions relating to a proposal of a new methodology or to a request for revision of an approved methodology or methodological tool or to a request for clarification of an approved methodology or methodological tool as defined in the procedure for development, revision and clarification of baseline and monitoring methodologies and methodological tools.

73. E-mails shall be directed to <sdm-ssu-methworkflows@unfccc.int>.

74. Taking into account issues of confidentiality, information, including stakeholders' submissions, further communication with submitters and responses from the panel or working group are made publicly available.

5. Periodic reporting of communications and feedback to stakeholders

75. The secretariat shall prepare an annual report on all communications received through the dedicated interface on the UNFCCC CDM website and input received during workshops and events, in relation to:

- (a) The number and type of stakeholder inputs;
- (b) The issues addressed in these communications;
- (c) Statistics on responses (type/outcome/timelines) provided to these inputs;
- (d) The impact of the stakeholder inputs on the regulatory framework and/or operations of the CDM.

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Appendix 1. Overview of various communication channels with Stakeholders and their purposes

Entry points (Interface/email)	Purposes
A dedicated interface on the UNFCCC CDM website to receive non-process related communications from stakeholders	<ol style="list-style-type: none"> 1. Stakeholders may communicate with the secretariat to seek a fast-track technical or operational clarification regarding implementation of existing CDM rules. It also facilitates use and understanding of the current CDM rules. 2. Stakeholders may communicate directly with the Board to make a request for official clarification or guidance, or feedback to the Board in the form of 'Letter to the Board' through this channel.
CDM project cycle process including the withdrawal of LoA <cdmregistration@unfccc.int>	<ol style="list-style-type: none"> 1. An authorized representative of a DOE and/or the project participants may request, for direct communications in the form of a telephone call as defined in the PCP, clarifications on the issues identified during assessment stages when they are not sufficiently clear to them and the decision is not in favour of them. 2. If a Host Party wishes to withdraw its approval/authorization of a project activity/PoA and/or project participant, the DNA of the Host Party, as defined in the process for dealing with letters from DNAs that withdraw approval/authorization, may use this channel to send a Withdrawal Letter to the secretariat, addressing to the Board.
CDM accreditation <cdm-accreditation@unfccc.int>	<ol style="list-style-type: none"> 1. DOEs/AEs may submit inquiries relating to their accreditation process, such as a request for information and clarification on specific assessments or status of their accreditation. 2. Other stakeholders may use this channel for complaints or general queries on the accreditation process.
CDM registry <cdm-registry@unfccc.int>	An authorized representative of the project participants may submit a request related to accounts in the CDM Registry, forwarding of CERs, and actions related to MoCs.
Development, revision and clarification of CDM baseline and monitoring methodologies and methodological tools <sdm-ssu-methworkflows@unfccc.int>	Stakeholders may make submissions relating to a proposal of a new methodology or to a request for revision of an approved methodology or methodological tool or to a request for clarification of an approved methodology or methodological tool as defined in the procedure for development, revision and clarification of baseline and monitoring methodologies and methodological tools.

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Document information

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