

CDM-EB89-AA-A06

Concept note

Analysis of different options for the informal teleconferences with the DOE/AIE Coordination Forum

Version 01.0



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1. Procedural background

1. While discussing the work of the Panel in 2016 at its seventy-fourth meeting, the CDM Accreditation Panel (CDM-AP) explored opportunities for improving feedback on practical issues regarding the accreditation regulations of the clean development mechanism (CDM).
2. The CDM-AP recommended that the CDM Executive Board (hereinafter referred to as the Board) invite CDM-AP members to (1) participate in the designated operational entity (DOE) informal teleconferences on a voluntary basis; and (2) hold annual meetings for the DOEs and the secretariat and schedule them on a back-to-back basis with CDM-AP meetings in order to allow members of the CDM-AP to participate in these interactions.
3. The Board, at its eighty-eighth meeting, considered the recommendation from the CDM-AP, and requested the secretariat to seek feedback from DOEs, through the Chair of the DOE/AIE Coordination Forum, on these proposals. In addition, the Board requested the secretariat to prepare an analysis of the different options for the informal teleconferences and the possible participation of the CDM-AP members in the annual meeting of the DOE/AIE Coordination Forum, for the consideration of the Board at its eighty-ninth meeting.

2. Purpose

4. The purpose of this concept note is to provide the Board with the requested information and feedback so as to enable the Board to take a decision on the request of the CDM-AP.
5. This note is structured to address the following two different matters:
 - (a) Participation of CDM-AP members in the annual DOE/AIE Coordination Forum meeting
 - (b) Participation of CDM-AP members in informal DOE teleconferences

3. Key issues and proposed solutions

3.1. Feedback from DOE/AIE Coordination Forum

6. In response to the request from the Board at its eighty-eighth meeting, the DOEs provided the following input through the Chair of the DOE/AIE Coordination Forum regarding the CDM-AP recommendation to invite CDM-AP members to participate on a voluntary basis in the informal DOE teleconferences organized by the secretariat, and in annual meetings of the DOE/AIE Coordination Forum:

"I would like to confirm the DOE/AIE Coordination Forum's acceptance regarding the CDM-AP recommendation. I invited the DOEs to provide feedback and received a handful of supportive emails, whereas there has been no objection. We are looking forward to welcoming those AP members, who will be available at the next call." - Werner Betzenbichler, the Chair of the DOE/AIE Coordination Forum.

3.2. Annual DOE/AIE Coordination Forum meeting

7. The annual DOE/AIE Coordination Forum meeting is organized once a year as an online event. The focus is to raise awareness about, and promote deeper understanding of, various CDM requirements, including the decisions of the Board. The annual meeting is thus “owned” by the DOE/AIE Coordination Forum. The Board and secretariat only provide logistical support.
8. The annual DOE/AIE Coordination Forum meeting is effectively managed by the DOE Coordination Forum and has relatively modest resource implications for the Board and secretariat. Since the Chair of the DOE/AIE Coordination Forum reacted positively to the proposal by the CDM-AP, the proposal should be approved. However, since the meeting is conducted on-line, the request to organize the meeting back-to-back with CDM-AP meetings may not be relevant.

3.3. Informal DOE teleconference

9. The DOE teleconferences are mandated by the Board through the “Procedure: Direct communication with stakeholders”, adopted at the sixty-second meeting of the Board, which states that:

“The secretariat shall ensure open opportunities to liaise with members of the DOE/AIE Coordination Forum in order to help ensure they keep abreast of decisions taken by the Board and have opportunities to seek clarifications relating to relevant regulations. The secretariat shall organize conference calls with members of the DOE/AIE Coordination Forum who wish to participate for this purpose. The need for such conference calls is determined in the beginning of the year based especially on the Board’s workplan. The secretariat shall circulate minutes of any such conference calls to the DOE/AIE Coordination Forum in the week following the call.”

10. The practice in the past years has been to organize the Informal DOE teleconferences following each Board meeting. The intended focus of these teleconferences is to discuss the outcomes of the Board meeting that are of particular interest to DOEs. Typically some 15–20 DOEs participate in each teleconference. The Chair and the Vice-chair of the CDM-AP are also attending these teleconferences as observers.
11. The following aspects may be considered in relation to the proposal by the CDM-AP to increase the participation of CDM-AP members in the informal DOE teleconferences:
 - (a) Purpose of the informal DOE teleconferences;
 - (b) Role of the CDM-AP;
 - (c) Resource implications.

3.3.1. Purpose of the informal DOE teleconferences

12. As noted above, the intended role of the informal DOE teleconferences is to clarify and explain the outcomes from the Board meetings specifically. Since the explanation of specific issues are heard by all DOEs, the calls reduce the risk of receiving the same queries from other DOEs and provides space for DOEs to have common understanding of such issues. Occasionally the secretariat also uses these teleconferences as a means to seek input on particular subject matter.

13. The level of interaction and interest shown by the DOEs in these calls for discussing the outcomes from the Board meetings is currently very low, with related questions and/or feedback provided only occasionally. Instead, more time is spent on case-specific queries, which DOEs sometimes bring to the informal DOE teleconferences, even though the appropriate channels for such queries are the CDM Info (dedicated e-mail inbox for CDM related queries) and letters to the Board.
14. Bringing case-specific queries to these teleconferences is a practice that the secretariat wishes to discourage. While the secretariat, in the spirit of seeking to support the DOEs, are usually seeking to provide on-the-spot responses to such queries, there is always a risk that such ad hoc responses may not be fully correct, as the secretariat may not have had the opportunity to properly prepare responses. Since the meetings are informal but minutes are nevertheless taken (as per the procedure for direct communication with stakeholders) this leads to a legal risk for both the Board and the secretariat, in case the minutes are referred to as official documents.
15. The participation of CDM-AP members in the DOE teleconferences would increase the number of stakeholders that could be exposed to the risk for misinformation unless the practice of bringing case-specific queries to the informal DOE teleconferences is discontinued.
16. Taking the above into consideration, and following the downsizing of the secretariat at the end of 2015, the secretariat suggests reworking the calls so as to remove the legal risks, reduce the staff resources required to be spent on the calls, and make the calls more interactive and conducive to addressing the aspects that are still helpful for both the DOEs and the Board/secretariat. In practice this reworking would entail:
 - (a) Not taking minutes of the informal DOE teleconferences so as to avoid creating any formal document relating to informal meetings, as such a document may cause confusion and misinterpretation of the Board's decisions;
 - (b) Reducing the frequency of meetings to two teleconferences per year so that each call is not specifically linked to individual Board meetings and allows for a wider range of topics to be proposed and properly prepared for the teleconferences;
 - (c) Ensuring that case-specific questions be provided through the appropriate channels instead of being discussed at the DOE teleconferences.
17. This would require the deletion of the last sentence of paragraph 23 in the "Procedure: Direct communication with stakeholders" (refer to the appendix to this note).

3.3.2. Role of the CDM-AP

18. The CDM-AP was established specifically as part of the accreditation infrastructure of the CDM. The formal interactions and relations between DOEs and the CDM-AP are defined and regulated through the applicable regulations and standards. At each CDM-AP meeting, there is a dedicated slot for DOE interaction. In addition, the Chair and Vice-Chair of the CDM-AP are already participating in the informal DOE teleconferences as observers. The proposal of the CDM-AP is to further expand this participation to all CDM-AP members, which assumes that this would be even more beneficial than the current participation by only the Chair and Vice-Chair.

19. It is important to note that the purpose of the existing interactions is not to ask the CDM-AP to interpret or explain the decisions by the Board, as the authority of the CDM-AP is limited to accreditation-related issues. Instead, the purpose of CDM-AP members attendance as observers in these interactions is to provide them with a better understanding of the practical issues faced by DOEs, which could help the Panel prioritize its work and promote stakeholder engagement at an early stage of regulatory development, thereby improving the output from the Panel.
20. At the same time, it is noted that the CDM-AP is the regulatory body for the DOEs, which is why requirements for transparency and integrity in interactions between the CDM-AP and DOEs are high.
21. The proposed widened participation of all CDM-AP members in the DOE teleconferences clearly expands the informal interactions, even if CDM-AP members would only attend as observers. Participation of CDM-AP members in the informal DOE calls may be perceived as jeopardizing the integrity and transparency of the CDM-AP – DOE relationship. If minutes are no longer taken of the informal DOE teleconferences, as proposed by the secretariat so as to avoid legal risk, such criticism could be even stronger. On the other hand, if minutes of the meetings continue to be taken, the legal risk and resource requirements that the secretariat wishes to avoid will remain a problem and now also apply to the CDM-AP. In addition,
22. It can also be noted that there is a logistical challenge as three CDM-AP members are currently based in Latin America and the Caribbean, and the timing of the DOE teleconferences would need to be adjusted to their time zone. However, this could probably be managed.
23. The above suggests that there are legal risks and practical challenges associated with expanding participation in the DOE teleconferences to all CDM-AP members. Considering that there are already several existing channels for interactions between the CDM-AP and the DOEs, the Board may wish to consider whether the benefits would outweigh the risks.

3.3.3. Resource implications

24. As noted above, the informal DOE teleconferences are relatively resource-intensive in terms of staff time spent on preparing and following up on the teleconferences. Expanding participation to include several additional participants is likely to result in longer meetings, which corresponds to even more staff time spent on the DOE teleconferences. It is the clear preference of the secretariat that the teleconferences are rationalized, take place less often, and better adhere to a defined agenda. Introducing a new group of participants to the DOE teleconferences at this point in time may be counterproductive.
25. The non-staff costs for the DOE teleconferences are minor and would not be significantly affected by the participation of CDM-AP members.

4. Impacts

26. In this scenario the proposed work does not foresee any cost implications for third-parties/stakeholders.

5. Subsequent work and timelines

27. With the recommendations provided below, there is no further work required on this agenda item.

6. Recommendation to the Board

28. The above analysis suggests that CDM-AP members should be invited to the annual meetings of the DOE/AIE Coordination Forum. For the DOE teleconferences, however, the risks and disadvantages seem to outweigh the expected benefits, which is why this proposal may be declined.
29. The secretariat recommends that the Board approve the proposal that CDM-AP members are invited to the annual online meetings of the DOE/AIE Coordination Forum.
30. The secretariat recommends that the Board decline the proposal to also invite all CDM-AP members to participate in the informal DOE teleconferences.
31. The secretariat recommends that paragraph 23 of the “Procedure: Direct communication with stakeholders” be updated as indicated in the Appendix.

Appendix . Proposed revision to the Procedure for Interaction with Stakeholders

23. *“The secretariat shall ensure open opportunities to liaise with members of the DOE/AIE Coordination Forum in order to help ensure they keep abreast of decisions taken by the Board and have opportunities to seek clarifications relating to relevant regulations. The secretariat shall organize conference calls with members of the DOE/AIE Coordination Forum who wish to participate for this purpose. The need for such conference calls is determined in the beginning of the year based especially on the Board’s workplan. ~~The secretariat shall circulate minutes of any such conference calls to the DOE/AIE Coordination Forum in the week following the call.~~”*

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Document information

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