



Australian Government
**Department of Climate Change
and Energy Efficiency**

Australia's National Guidelines and Procedures for Approving Participation in Clean Development Mechanism Projects

March 2010

Version 1.2

Contacting the National Authority for the CDM and JI

For information about these guidelines and procedures, or more generally about applying for Clean Development Mechanism (CDM) project Letters of Approval, please contact:

Postal address National Authority for the CDM and JI
 Department of Climate Change and Energy Efficiency
 GPO Box 854
 Canberra ACT 2601
 AUSTRALIA

Email DNA@climatechange.gov.au

Phone +61 2 6159 7055

Fax +61 2 6159 7015

This document is available on the Department of Climate Change and Energy Efficiency website:
www.climatechange.gov.au/nationalauthority.aspx

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Glossary

Term	Definition
Annex I Party / Non-Annex I Party	<p>In the context of the Kyoto Protocol, ‘Annex I Party’ is used to refer to a country listed in Annex I to the UNFCCC with an emission reduction commitment inscribed in Annex B to the Kyoto Protocol. Australia is an Annex I Party.</p> <p>Countries that are Parties to the Kyoto Protocol but are not listed in Annex I to the UNFCCC are known as ‘Non-Annex I Parties’ (those eligible for hosting CDM project activities).</p>
Australian National Registry of Emissions Units	An electronic registry system that tracks the ownership of Kyoto units. The National Registry will also track the ownership, and manage the surrender and cancellation of, eligible emissions units under the Carbon Pollution Reduction Scheme once enacted into legislation.
Certification	The formal written confirmation by a Designated Operational Entity that the greenhouse gas reductions or removals set out in the Verification report were actually achieved.
Certified Emission Reductions (CERs)	Kyoto units Issued for greenhouse gas reductions or removals resulting from CDM projects. One CER is Issued for reductions or removals equivalent to one tonne of carbon dioxide equivalent.
Clean Development Mechanism (CDM)	A mechanism under Article 12 of the Kyoto Protocol through which Annex I Parties (or private entities authorised by Annex I Parties) may undertake greenhouse gas reduction or removal projects in Non-Annex I Parties, resulting in the Issuance of CERs.
CDM Executive Board	The UN body responsible for supervising the CDM, including Registration of projects and Issuance of CERs.
Conference of the Parties to the UNFCCC serving as the meeting of the Parties to the Kyoto Protocol (CMP)	<p>The governing body of the Kyoto Protocol, which is composed of Parties to the UNFCCC who have ratified or acceded to the Kyoto Protocol.</p> <p>CMP decisions are available on the UNFCCC website: http://unfccc.int.</p>
Designated Focal Point (DFP)	An office, ministry or other official entity appointed by a Party to the Kyoto Protocol to approve JI projects and authorise entities’ participation in JI projects.
Designated National Authority (DNA)	An office, ministry or other official entity appointed by a Party to the Kyoto Protocol to give national approval of voluntary participation in projects proposed under the CDM.
Designated Operational Entity	A private entity accredited by the CDM Executive Board to Validate proposed CDM project activities and to Verify and Certify greenhouse gas reductions or removals.
Host Party	A Non-Annex I Party in whose territory a CDM project activity is physically located.
Issuance	The creation of CERs equivalent to the number of greenhouse gas reductions or removals that have been Verified and Certified in respect of a CDM project activity.

Term	Definition
Joint Implementation (JI)	A mechanism under Article 6 of the Kyoto Protocol through which Annex I Parties (or private entities authorised by Annex I Parties) may undertake greenhouse gas reduction or removal projects in other Annex I Parties, resulting in the issuance of Emission Reduction Units.
Kyoto Protocol	An international treaty created under the UNFCCC in 1997 which entered into force in 2005. Among other things, the Kyoto Protocol sets binding targets for the reduction of greenhouse gas emissions by developed countries. It includes individual emission reduction targets for Annex I Parties to be met within the first commitment period of 2008-12.
Letter of Approval	A letter from a DNA approving a Party's voluntary participation in a CDM project activity and authorising an entity to participate in a CDM project activity. All entities wishing to participate in a CDM project activity need a Letter of Approval before they can be forwarded CERs directly from the CDM Executive Board.
Project Design Document	A key element in the CDM project cycle, providing the basis for Validation. It should set out a description of the project activity, the proposed baseline methodology, planned emission reductions or removals, a monitoring plan and other evidence needed to show that the project activity meets the requirements of the CDM.
Project Participant	A private entity authorised by a Kyoto Party to participate in a CDM project activity.
Registration	The formal acceptance by the CDM Executive Board of a Validated project as a CDM project activity. Registration is a prerequisite for the Verification, Certification and Issuance of CERs related to a project activity.
United Nations Framework Convention on Climate Change (UNFCCC)	An international treaty, adopted in 1992, aimed at achieving the stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.
Validation	The independent evaluation of a project activity by a Designated Operational Entity against the requirements of the CDM.
Verification	The independent confirmation by a Designated Operational Entity of the authenticity of greenhouse gas reductions or removals resulting from a CDM project activity.

1 Scope of these guidelines

This document is intended to provide general guidance to entities wishing to apply to Australia's Designated National Authority (DNA) for authorisation to participate in Clean Development Mechanism (CDM) project activities under Article 12 of the Kyoto Protocol. It provides some background information on the CDM and sets out the DNA's application and approval procedures.

It is recommended that entities wishing to establish or invest in a CDM project seek appropriate financial and legal advice.

These guidelines will be updated if the internationally agreed CDM rules are amended or if the Australian Government introduces new CDM-related policies.

2 The role of Australia's Designated National Authority

The CDM allows countries with an emission reduction target under the Kyoto Protocol (Annex I Parties) to implement greenhouse gas reduction or removal projects in Non-Annex I Parties in order to generate Certified Emission Reductions (CERs). Like all Kyoto units, CERs can be used by countries to meet their Kyoto targets. They can also be traded on international carbon markets.

The internationally agreed *Modalities and procedures for the CDM*¹ establish that Parties participating in the CDM must designate a National Authority to approve voluntary participation in CDM project activities. In September 2009, the then Department of Climate Change was established as Australia's DNA for the CDM and Designated Focal Point (DFP) for Joint Implementation (JI). Australia's DNA and DFP are grouped into a single body within the Department of Climate Change and Energy Efficiency called the National Authority for the CDM and JI.

The Kyoto Protocol establishes that Parties, through their National Authorities, may approve private entities' participation in the CDM². The core objectives of the CDM are outlined in Article 12.2 of the Kyoto Protocol:

The purpose of the clean development mechanism shall be to assist Parties not included in Annex I in achieving sustainable development and in contributing to the ultimate objective of the [UNFCCC], and to assist Parties included in Annex I in achieving compliance with their quantified emission limitation and reduction commitments under Article 3[of the Kyoto Protocol].

The National Authority's role is limited to approving Australia's voluntary participation in CDM projects and authorising participation by private entities. The Host Party DNA, the CDM Executive

¹ Decision 3/CMP.1.

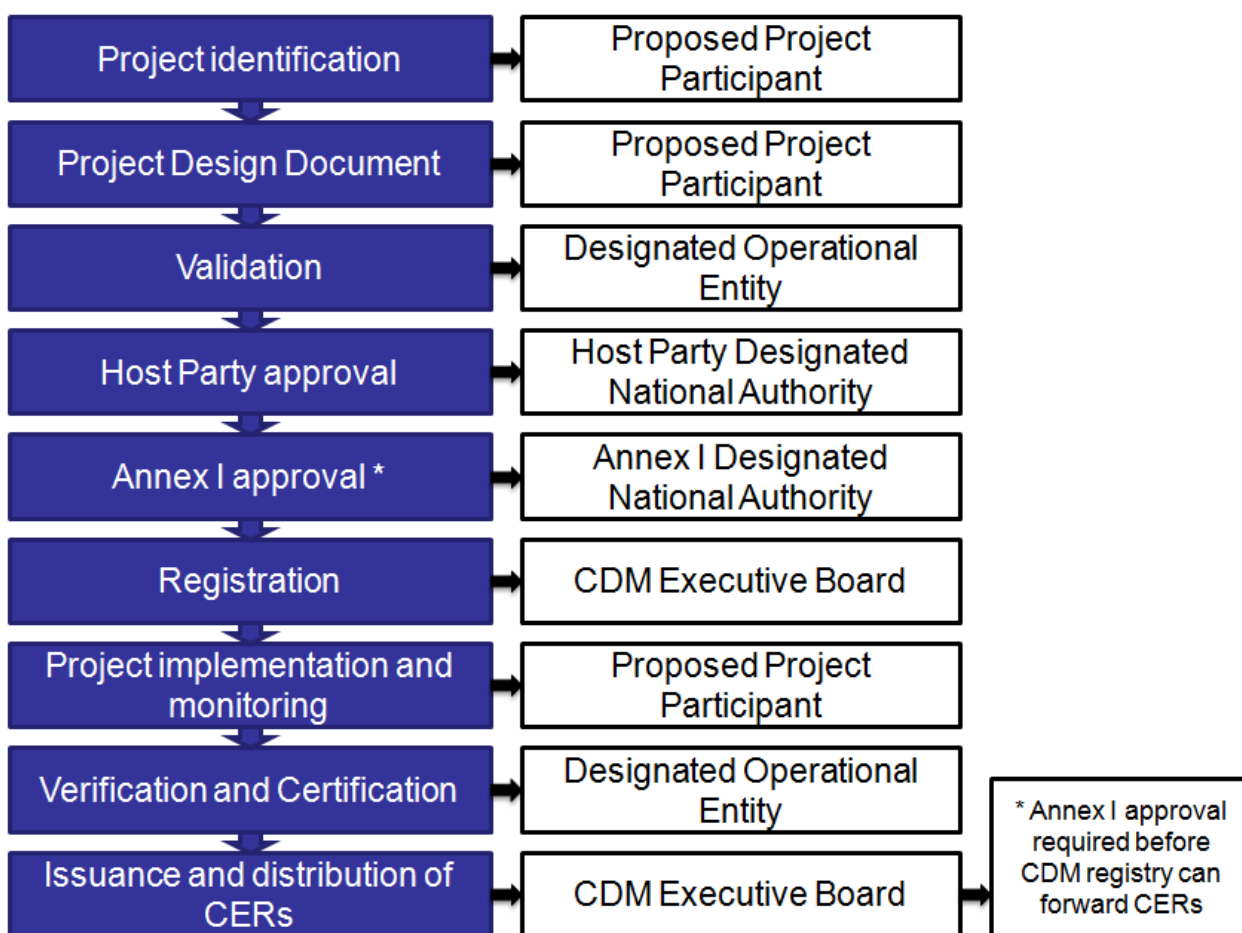
² Article 12.9 of the Kyoto Protocol and paragraph 33 of the annex to Decision 3/CMP.1.

Board and Designated Operational Entities are best placed to advise prospective Project Participants on the likelihood of a project achieving Registration and generating CERs.

2.1 CDM project cycle

The *Modalities and procedures for the CDM* set out the stages in the CDM project cycle as well as the roles of the different entities involved. Figure 1 depicts an example CDM project cycle. Detailed information on the CDM project cycle and the functions of different entities can be found on the UNFCCC website (<http://cdm.unfccc.int/Projects/pac/index.html>) and in the CDM Rulebook (<http://www.cdmrulebook.org>).

Figure 1: Example CDM project cycle



2.2 Issuance of CERs

Details of the CDM Executive Board's procedures for Issuance of CERs can be found in Decision 3/CMP.1³.

Paragraph 66(b) of Decision 3/CMP.1 establishes that CERs can be forwarded by the CDM Executive Board from the CDM registry to the registry accounts of Project Participants and Parties

³ See section J of Decision 3/CMP.1, *Issuance of certified emission reductions* (paragraphs 64-66).

involved in the project activity in accordance with their instructions. The Government does not intend to participate in the Issuance process.

3 Applying for a Letter of Approval

Private entities wishing to participate in CDM project activities require written approval of participation from all Kyoto Parties involved via each Party's DNA⁴. Like all DNAs, Australia's National Authority provides this authorisation through the issuance of Letters of Approval.

The Australian Government, through the National Authority, may authorise private entities' participation in CDM project activities at its discretion. In exercising its discretion, the Government's considerations will include whether the project is inconsistent with Australia's foreign policy objectives or international obligations. Relevant considerations under this discretionary point will include whether the project:

- is inconsistent with the internationally agreed guidelines governing the CDM
- generates emissions units that Australia has committed to refrain from using to meet its obligations under the Kyoto Protocol or any subsequent international climate change agreement
- involves a transaction or a party that is subject to Australia's UN sanction enforcement laws and that has not been authorised by the Minister for Foreign Affairs.

Under the Kyoto rules, Australia has committed to "refrain from using" CERs generated from nuclear facilities to meet its Kyoto target. On that basis, the National Authority will not approve participation in nuclear-based projects.

The National Authority's approval of participation is specific to the project and Project Participant named in the Letter of Approval. A new Letter of Approval will be required if, at a later date, another Project Participant wishes to be added to the project or a Project Participant wishes to be replaced by another entity.

3.1 Who can apply for a Letter of Approval?

Any entity that holds an account in the Australian National Registry of Emissions Units is eligible to apply for a Letter of Approval from Australia's National Authority.

For information on how to apply for an account in the National Registry, please refer to nationalregistry.climatechange.gov.au.

⁴ 16th meeting of the CDM Executive Board, Annex 6.

3.2 Required documentation

An application for a Letter of Approval must be accompanied by the following documents:

- **Project Design Document:** The Project Design Document is a key document in the CDM project cycle. It is required for Validation by a Designated Operational Entity and Registration by the CDM Executive Board.
- **Host Party Letter of Approval (if available):** If it has been issued, the Host Party Letter of Approval for the CDM project activity must be submitted with an application for an Australian Letter of Approval. Host Party DNA contact details can be found on the UNFCCC website: <http://cdm.unfccc.int/DNA/index.html>.
- **Signed declaration of compliance:** Applicants are required to provide a signed declaration of compliance with the Kyoto Protocol and the relevant CMP decisions. The declaration of compliance is contained in the Letter of Approval application form (see Attachment B).

The information provided to the National Authority in the Letter of Approval application process will be used to assess the application. It will also be used for the purpose of communication with the prospective Project Participant. The National Authority, in handling any information provided as part of the Letter of Approval application process, will comply with the privacy principles set out in section 14 of the *Privacy Act 1998* (Cth). The National Authority is authorised under the Commonwealth's executive power to collect the information outlined above.

3.3 When to apply for a Letter of Approval

Entities may apply for a Letter of Approval from the National Authority at any stage of the CDM project cycle.

An application for a Letter of Approval can only be submitted after the prospective Project Participant has opened an account in the Australian National Registry of Emissions Units.

A Letter of Approval is required before CERs generated by the project can be forwarded by the CDM Executive Board to the Project Participant's account in the Australian National Registry of Emissions Units.

3.4 Fees

Currently there is no application fee charged by the National Authority associated with the Letter of Approval application process.

Applicants should seek their own advice about any other fees and costs associated with participation in a CDM project.

3.5 Before applying for a Letter of Approval

The following steps should be taken, not necessarily in this order, before applying for a Letter of Approval:

- Open an account in the Australian National Registry of Emissions Units.
- Prepare a Project Design Document in accordance with the *Modalities and procedures for the CDM*.
- Complete and sign the Letter of Approval application and declaration of compliance (Attachment B).

3.6 Applying for a Letter of Approval

To apply for a Letter of Approval, applicants are required to provide the following documents:

- A duly executed Letter of Approval application and declaration of compliance (Attachment B).
- A copy of the Project Design Document.
- A copy of the Host Party Letter of Approval, if available.

Please send an electronic copy of each of these documents by email to DNA@climatechange.gov.au and a further hard copy by post to:

National Authority for the CDM and JI
Department of Climate Change and Energy Efficiency
GPO Box 854
Canberra ACT 2601
AUSTRALIA

3.7 Timeline for processing applications

The National Authority will generally provide a Letter of Approval to successful applicants within 10 business days of receipt of the completed hard copy application.

If the National Authority determines that additional time or further information is required in relation to a particular application, notice to this effect will be provided to the applicant.

If an application is unsuccessful, the applicant will be informed and provided with an appropriate statement of reasons for the refusal within 10 business days of receipt of the completed hard copy application, unless notice has been provided that more time is required to process the application.

Applicants should note that reasons for refusal may be published by the National Authority on its website.

Notices to the applicant will be sent to the email address provided in the application form.

3.8 Review process

If an application is unsuccessful, the applicant may request a review within 10 business days of the National Authority providing notice of the original decision.

If a request for review is made, an Appeals Officer from within the Department of Climate Change and Energy Efficiency will be appointed to review the application.

A final determination by the Appeals Officer will be provided to the head of the National Authority within 10 business days of receipt of the hard copy request for review, unless notice has been provided to the appellant that more time or further information is required to perform the review.

The Appeals Officer's determination will be considered by the National Authority in making its final decision. The final decision will be communicated to the appellant no later than five business days after the Appeals Officer's determination is communicated to the National Authority.

To initiate a review, please complete the request for review form provided at Attachment C and send it electronically and in hard copy to:

Email: DNA@climatechange.gov.au

Post: National Authority for the CDM and JI
Department of Climate Change and Energy Efficiency
GPO Box 854
Canberra ACT 2601
AUSTRALIA

There will be no further or alternative review processes. The Administrative Appeals Tribunal does not have jurisdiction to consider decisions made by the National Authority for the CDM and JI.

Attachment A: Example Letter of Approval

[Reference number]

[Date]

[Applicant's address]

Dear sir/madam

The Department of Climate Change and Energy Efficiency, acting as Australia's Designated National Authority (DNA), in accordance with Article 12 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC) and relevant decisions adopted by the Conference of the Parties to the UNFCCC serving as the meeting of the Parties to the Kyoto Protocol:

Referring to:

- Project title:
- Project Participant:
- Host Party:
- Designated Operational Entity:

Declares that:

- The Government of Australia has ratified the Kyoto Protocol.
- This letter constitutes the Australian DNA's approval, as required by Article 12 of the Kyoto Protocol and paragraph 40(a) of the annex to 3/CMP.1, of voluntary participation in the Clean Development Mechanism (CDM) project activity.
- This letter constitutes the Australian DNA's authorisation, consistent with Article 12 of the Kyoto Protocol and paragraph 33 of the annex to 3/CMP.1, of *[insert name of Project Participant]*'s involvement as a Project Participant in the CDM project activity.
- In granting approval and authorisation, the DNA has not considered those matters that fall within the responsibility of:
 - the Host Party;
 - the Designated Operational Entity; or
 - the CDM Executive Board.
- This letter does not imply or provide a commitment on the part of the Australian Government to support the project activity in the event that it is unable to proceed.
- This letter does not constitute an endorsement of the CDM project activity or a representation that any Host Party legal or environmental requirements will be fulfilled.
- This letter in no way guarantees Registration of the project or the Issuance of Certified Emission Reductions as a result of the project.

Signed	Date
.....	/ /
Australia's National Authority for the CDM and JI	

Attachment B: CDM Letter of Approval application and declaration of compliance

[To be provided on the Applicant's official letterhead⁵]

"Insert date"

National Authority for the CDM and JI
 Department of Climate Change and Energy Efficiency
 GPO Box 854
 Canberra ACT 2601
 AUSTRALIA

Dear sir/madam

Re: CDM Letter of Approval application

[Delete if the Applicant is an individual (i.e. a natural person)] On behalf of "Insert name of applicant" (*Applicant*), I am requesting written approval from Australia's Designated National Authority to participate in the following Clean Development Mechanism project:

[Delete if the Applicant is a non-individual (e.g. a company)] I (*Applicant*) am requesting written approval from Australia's Designated National Authority to participate in the following Clean Development Mechanism project:

Project information	
Name of project	"Insert name of project"
Host Party	"Insert Host Party"
Applicant's name	"Insert Applicant's name"
Applicant's business hours phone number	"Insert Applicant's business hours phone number"
Applicant's email address	"Insert Applicant's email address"
Applicant's postal address	"Insert Applicant's postal address"
Applicant's Australian National Registry of Emissions Units account name and number <i>Note: the Registry account holder and the Applicant must be the same person.</i>	"Insert Registry account name and number"
Has the project been denied approval by another Annex I Party DNA? ⁶ If yes, please provide the contact details of the DNA involved and attach an explanation as to why approval was denied	<input type="checkbox"/> Yes <input type="checkbox"/> No "Insert contact details of the DNA involved"
Has the project been denied approval by any non-Annex I Party DNA? If yes, please provide the contact details of the DNA involved and attach an explanation as to why approval was denied	<input type="checkbox"/> Yes <input type="checkbox"/> No "Insert contact details of the DNA involved"

⁵ Please note that Applicants may only add requested information to this application form. Any other modifications or additions will not be considered and will result in the application being deemed incomplete.

⁶ To check boxes in Microsoft Word, double click on the box and select 'checked'.

Declaration of compliance

The Applicant agrees, represents and warrants that:

1. the project activity (as described in the Project Design Document) and the Applicant's participation in the project activity comply with all applicable internationally agreed guidelines and rules governing the Clean Development Mechanism, including the Kyoto Protocol and the decisions of the Conference of the Parties to the UNFCCC serving as the meeting of the Parties to the Kyoto Protocol;
2. the Applicant will take all reasonable steps to ensure that the project activity will comply with the Project Design Document as received by Australia's Designated National Authority in this Letter of Approval application⁷;
3. **[Delete if the project has been Registered]** the Applicant will inform the Designated National Authority when the project has achieved Registration by the CDM Executive Board;
4. **[Delete if the project has not been Registered]** "Insert name of project" was Registered by the CDM Executive Board on "Insert date of Registration" ;
5. the information supplied in this application and the attached documents (including the Project Design Document) is correct and not misleading by inclusion or omission;
6. the Applicant will perform, and is fully responsible for, the performance of any functions required of a Project Participant pursuant to the *Modalities and procedures for the Clean Development Mechanism (3/CMP.1)*, and any additional requirements imposed by the internationally agreed CDM rules or the Host Party;
7. the Applicant understands that Australia's Designated National Authority will not consider those matters that fall within the competence of:
 - 7.1. "Insert name of Host Party" , acting as Host Party in respect of the project;
 - 7.2. "Insert name of Designated Operational Entity" , appointed by the proposed Project Participants as a Designated Operational Entity in respect of the project; or
 - 7.3. the CDM Executive Board;
8. the Applicant is the account holder of an account in the Australian National Registry of Emissions Units;
9. the Applicant has read and understood *Australia's National Guidelines and Procedures for Approving Participation in Clean Development Mechanism Projects*;
10. the Applicant has been given approval to collect, and communicate to third parties, any personal information contained in this Letter of Approval application process, including information contained in the Project Design Document;
11. the Applicant consents to Australia's Designated National Authority disclosing any information provided in this Letter of Approval application process to other entities and Commonwealth Government agencies for the purpose of assessing eligibility to receive a Letter of Approval;
12. the Applicant consents to Australia's Designated National Authority accessing, for proof of identity purposes, any personal information supplied to the Department of Climate Change and Energy

⁷ To ensure that this requirement is met, it is good practice for Applicants to:

- wait until the project activity has been Validated before submitting this Letter of Approval application; and
- seek to ensure conformity of the project activity with the Project Design Document through contractual or other arrangements with other Project Participants.

Efficiency /Australian Climate Change Regulatory Authority in its application for an account in the Australian National Registry of Emissions Units;

13. the Applicant consents to the Department of Climate Change and Energy Efficiency and Australia’s Designated National Authority publishing the following information related to the CDM project activity:
 - 13.1. project name;
 - 13.2. Applicant’s name;
 - 13.3. Host Party name;
 - 13.4. date of issuance or refusal of the Letter of Approval;
 - 13.5. reasons for refusal of the Letter of Approval (if applicable); and
 - 13.6. project status;
14. the Applicant understands that giving false or misleading information is a serious offence under the *Criminal Code Act 1995* (Cth); and
15. the person who signs this application below is legally authorised to bind the Applicant and the signatures below are provided in the manner necessary to so bind.

A copy of the Project Design Document is attached

[Delete if the Host Party Letter of Approval is not available] A copy of the Host Party Letter of Approval is attached

[Delete if the Host Party Letter of Approval is available] The Applicant will forward a copy of the Host Party Letter of Approval to Australia’s Designated National Authority as soon as practicable

Signed by or on behalf of the Applicant:

Name of Applicant: "Insert name of Applicant"	
Signature 1	Signature 2 (if applicable)
Signature:	Signature:
Name of signatory: "Insert name of signatory"	Name of signatory: "Insert name of signatory"
Position: "Insert position"	Position: "Insert position"
Place of signature: "Insert place of signature"	Place of signature: "Insert place of signature"
Date: "Insert date"	Date: "Insert date"
Witness	Witness
In the presence of:	In the presence of:
Signature of witness:	Signature of witness:
Name of witness: "Insert name of witness"	Name of witness: "Insert name of witness"
Date: "Insert date"	Date: "Insert date"

Has this form been signed by a person legally authorised to bind the Applicant?

Yes No

Please send the completed form with all necessary attachments to:

Email: DNA@climatechange.gov.au

and

Post: National Authority for the CDM and JI
Department of Climate Change and Energy Efficiency
GPO Box 854
Canberra ACT 2601
AUSTRALIA

The information supplied to the National Authority for the CDM and JI in this application will be used to assess the application and for the purpose of communication with the Applicant. This information may be disclosed to other entities and Commonwealth Government agencies including the Australian Department of Foreign Affairs and Trade (DFAT) and AusAID for the purpose of assessing the application. The National Authority is authorised under the Commonwealth's executive power to collect the information requested in this application.

Attachment C: CDM request for review

[To be provided on the Applicant's official letterhead⁸]

"Insert date"

National Authority for the CDM and JI
 Department of Climate Change and Energy Efficiency
 GPO Box 854
 Canberra ACT 2601
 AUSTRALIA

Dear sir/madam

I wish to request a review of Australia's Designated National Authority's decision not to issue a Letter of Approval for the following project:

Project information	
Name of project	"Insert name of project"
Host Party	"Insert Host Party"
Applicant's name	"Insert Applicant's name"
Applicant's business hours phone number	"Insert Applicant's business hours phone number"
Applicant's email address	"Insert Applicant's email address"
Applicant's postal address	"Insert Applicant's postal address"
Application reference number <i>Guidance: this is the application reference quoted in the decision notification.</i>	"Insert application reference number"
Date of initial Letter of Approval application	"Insert date of initial Letter of Approval application"
Reasons for request for review (please provide a separate attachment if necessary)	"Insert reasons for request for review"

In doing so, I "Insert name" ("Insert ABN/ACN if applicable") of "Insert full address" represent and warrant that:

1. I understand that giving false or misleading information is a serious offence under the *Criminal Code Act 1995* (Cth).
2. I am legally authorised to bind the Applicant and the signatures below are provided in the manner necessary to so bind.

⁸ Please note that Applicants may only add requested information to this form. Any other modifications or additions will not be considered and will result in the application being deemed incomplete.

Signed by or on behalf of the Applicant:

Name of Applicant: "Insert name of Applicant"	
Signature 1	Signature 2 (if applicable)
Signature:	Signature:
Name of signatory: "Insert name of signatory"	Name of signatory: "Insert name of signatory"
Position: "Insert position"	Position: "Insert position"
Place of signature: "Insert place of signature"	Place of signature: "Insert place of signature"
Date: "Insert date"	Date: "Insert date"
Witness	Witness
In the presence of:	In the presence of:
Signature of witness:	Signature of witness:
Name of witness: "Insert name of witness"	Name of witness: "Insert name of witness"
Date: "Insert date"	Date: "Insert date"

Has this form been signed by a person legally authorised to bind the Applicant?

Yes No

Please send the completed form to:

Email: DNA@climatechange.gov.au

and

Post: National Authority for the CDM and JI
 Department of Climate Change and Energy Efficiency
 GPO Box 854
 Canberra ACT 2601
 AUSTRALIA

The information supplied to the National Authority for the CDM and JI in this application will be used to assess the application and for the purpose of communication with the Applicant. This information may be disclosed to other entities and Commonwealth Government agencies including the Australian Department of Foreign Affairs and Trade (DFAT) and AusAID for the purpose of assessing the application. The National Authority is authorised under the Commonwealth's executive power to collect the information requested in this application.