

JI-JISC38-A01-PROC

Procedure

Handling of complaints against a DOE acting as an AIE

Version 01.0



United Nations
Framework Convention on
Climate Change

1. Introduction

1. The Joint Implementation Supervisory Committee (JISC), at its thirty-seventh meeting, agreed to allow designated operational entities (DOEs) accredited under the accreditation rules of the clean development mechanism (CDM) to act voluntarily as accredited independent entities (AIEs) under joint implementation (JI), and agreed to rely on the CDM accreditation system for all accreditation functions, while taking measure to safeguard environmental integrity.
2. The JISC, at the same meeting, agreed that the effective date for relying on the CDM accreditation system shall be 2 August 2016, and as of this date, meetings of the Joint Implementation Accreditation Panel (JI-AP), AIE assessment activities, calls for JI assessment team experts, and regulatory documents related to JI accreditation shall cease.
3. The JISC, at its thirty-eighth meeting, agreed to keep the procedure for handling complaints against AIEs even after the JI accreditation procedure ceases to operate (from 2 August 2016), and make it as an independent regulatory document, as a measure to address any issues that may arise from DOEs acting as AIEs, given that neither the JISC nor the Executive Board of the CDM will actively review DOEs acting as AIEs during determinations and verifications for JI projects.

2. Scope, applicability and entry into force

2.1. Scope and applicability

4. This procedure is to provide a process for submission and handling of a complaint against a DOE acting as an AIE in relation to its determination or verification activity for a JI project.

2.2. Entry into force

5. Version 01.0 of this procedure enters into force on 2 August 2016.

3. Definitions

6. The following terms apply in this procedure:
 - (a) "Shall" is used to indicate requirements to be followed;
 - (b) "Should" is used to indicate that among several possibilities, one course of action is recommended as particularly suitable;
 - (c) "May" is used to indicate what is permitted;
 - (d) "Complaint" is an expression of dissatisfaction with the performance of a DOE acting as an AIE in relation to its determination or verification activity for a JI project;
 - (e) "Complainant" may be a client organization of a DOE acting as an AIE for determination or verification for a JI project, or any entity that has submitted comments during the global stakeholder consultation process of the JI project, which were not taken into consideration by the DOE acting as an AIE.

4. Submission and handling of complaints

7. A complainant shall submit a complaint to the JISC, through the secretariat, using the complaint form (JI-F-CD) and supporting documentation. Such complaint shall be submitted only if the complainant has exhausted all possibilities of complaints/disputes/appeal within the AIE's system. The complainant shall present evidence of that effort among the supporting documentation of the complaint.
8. The secretariat shall acknowledge receipt of the complaint and establish a complaint committee constituted of secretariat staff.
9. The complaint committee shall have seven days from receipt of the complaint to request, if necessary, the complainant to submit any relevant information for the initial assessment. The complainant shall submit the requested information within seven days of receipt of the request.
10. The complaint committee shall carry out an initial assessment of the complaint and submit its report to the JISC for its consideration within fifteen days of receipt of the complaint or the additional information, if applicable.
11. If the JISC finds that the complaint is not substantiated with appropriate evidence, it shall close the case. The secretariat shall inform the complainant of this finding.
12. If the JISC finds, based on the initial assessment, that the complaint is substantiated, the secretariat shall inform the AIE of the complaint, unless it concerns fraud or unethical conduct. The secretariat shall provide the AIE with the complaint and the supporting documentation received from the complainant. In situations where the complaint relates to fraud or unethical conduct, the secretariat may conduct an investigation of the complaint without immediately informing the AIE of the complaint.
13. The AIE shall have seven days from the receipt of the notification of complaint to provide a response to the complaint, including information justifying its opinion/decision and/or conduct.
14. Based on the information received from all parties, the complaint committee shall have seven days to prepare an assessment report for consideration by the JISC. The complaint committee shall prepare the report even in the absence of a response from the AIE.
15. The assessment report shall comprise a summary of the case with the assertions of both parties, an investigation of the alleged facts and a recommendation on whether the complaint is justified or not.
16. A complaint may be considered justified if the assessment reveals that the AIE has not complied with its own accredited system and/or the JI requirements.
17. The secretariat shall inform both parties to the complaint of the outcome of the assessment and the dates when the complaint will be considered by the JISC.
18. The JISC at or before its next meeting shall consider all information relevant to the complaint including the assessment report prepared by the complaint committee, and shall decide on the case.
19. The JISC may decide to conduct an additional assessment, suspend the status of acting as an AIE, or take any other relevant action.

20. The JISC, through the secretariat, shall inform both parties to the complaint of its decision.
21. The considerations by the JISC referred to in paragraphs 10, 11, 12, 14, 17, 18 and 19 above should be done by electronic means to the extent possible and practical.

Document information

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