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Regulations for CDM Concerning Handling of Complaints, Appeals, and Conflicts

Deloitte Tohmatsu Evaluation and Certification Organization Co., Ltd.

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Revision History

Ver.	Date	Description and Reason for Revision	Prepared by	Checked by	Approved by
1.0	1 May 2008	Newly enacted			
2.0	1 August 2009	Revision for incorporation of CDM procedure			
3.0	1 October 2009	Revision for corrective action of CDM Re-Accreditation Desk Review			
4.0	17 March 2011	Revision based on CDM Accreditation Standard Ver.02			
5.0	1 February 2012	Revision of internal procedure			
6.0	19 April 2013	Revision for desk review of re-accreditation			

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1. Purpose

These Regulations are enacted for the purpose of specifying the procedure concerning handling of appeals, complaints, and disputes (hereinafter generically referred to as “Appeals.”) in relation to the CDM Audit Service of the Deloitte Tohmatsu Evaluation and Certification Organization Co., Ltd.

2. Categories of Appeals

The Appeals of the categories described below shall be handled according to this Regulation.

2.1 Appeals from CDM Participants (*)

- (1) Appeals against the suspension of a validation and/or verification, or judgment against validation and/or verification of the CDM projects by the EB or an organization with jurisdiction
- (2) Appeals against suspension or cancellation of validation and/or verification of CDM project by the EB or an organization with jurisdiction
- (3) Objection to Audit Team formed against the will of the Participant (challenging Audit Personnel Appointments)

(*) "Participant" refers to a CDM Project Participant requesting the Audit Service of the Deloitte Tohmatsu Evaluation and Certification Organization Co., Ltd.

2.2 Complaints from CDM Participants or Stakeholders

- (1) Participant complaints against negative Audit conclusions prior to judgment
- (2) Complaints from Stakeholders claiming that there may be a material misstatement in the audited information

2.3 Appeals, Complaints, or Disputes Other than Those Specified Above

- (1) Appeal against any decision or action of the Deloitte Tohmatsu Evaluation and Certification Organization Co., Ltd.
- (2) Complaint against the procedure/programs used in our Audit Service
- (3) Conflict arising from a difference of opinions with the Deloitte Tohmatsu Evaluation and Certification Organization Co., Ltd.

3. Procedure for Filing Appeals

- (1) The Administrative Team Leader shall receive all Appeals.
- (2) Appeals must be lodged within thirty (30) days from the date the relevant incident took place, and it must be in a letter addressed to our GHG Team Leader (hereinafter referred to as “**Lodgment Letter**”).
- (3) The Lodgment Letter must include the date of lodgment, content of lodgment, name of the relevant organization(s) and other related information, and the representative of the lodgment must sign (or write his/her name and affix his/her seal on) the Lodgment Letter.
- (4) Person(s) lodging an appeal falling in the category defined in paragraph 2.1 (1) or (2), or a complaint falling in the category defined in paragraph 2.2 (1) or (2) should be aware that, if the appeal is eventually overruled, the cost of handling the appeal will be borne by the appellant/complainant.

4. Handling of Appeals

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GHG Team Leader shall determine the validity of appeals based on 2, Category of appeals and if an appeal is determined valid, the GHG Team Leader shall accept and pursuant to the procedure specified in paragraphs 4.1 through 4.3. In addition, the GHG Team Leader shall promptly notify the appellant of that fact and the reasons thereof.

4.1 Appeals from CDM Participants

The GHG Team Leader shall establish, maintain and implement documented procedure for appeals which shall be made available to the CDM secretariat and the project participants.

- (1) Appeal falling in the category defined in paragraph 2.1(1) or (2)
 - 1) Deliberations concerning an appeal falling in the category defined in 2.1 (1) or (2) shall be held in the Appeals Handling Panel of the Steering Committee (hereinafter referred to as “Panel”).
 - 2) The GHG Team Leader shall notify the appellant of the members consisting the Panel, and inform the appellant that an objection, if any, to any member(s) of the Panel must be submitted in writing within fourteen (14) days from the date of receipt of the notice, with explanation of the reasons of the objection.
 - 3) The Panel shall start deliberations on the appeal within sixty (60) days from the date of lodgment. The Panel must reach a conclusion within six (6) months from the commencement of the deliberations. However, if an objection to the composition of the Panel is submitted, the Panel shall start its deliberations within sixty (60) days from the notice specified in paragraph 8. (1) 3) or 4), and reach a conclusion within six (6) months from the commencement of the deliberations.
 - 4) The Panel shall base its deliberations on the content of the Lodgment Letter. The Panel shall provide the appellant and the members of the CDM Judging Committee with the opportunities to present their views. The Panel shall provide the same opportunities to other stakeholders, expert witnesses, etc., where necessary.
 - 5) If the deliberations of the Panel conclude that the appeal is justifiable, through the Administrative Team Leader, the GHG Team Leader shall immediately rectify the judgment mentioned in paragraphs 2.1 (1) or (2). The GHG Team Leader shall immediately notify the appellant of the fact that their appeal has been found justifiable, as well as the resulting revision of the judgment.
 - 6) If the deliberations of the Panel conclude that the appeal is unjustifiable, through the Administrative Team Leader, the GHG Team Leader shall promptly notify the appellant of that fact and the reasons thereof.

- (2) Objection falling in the category defined in paragraph 2.1 (3)
 - 1) The GHG Team Leader shall start investigating the objection falling in the category defined in paragraph 2.1 (3) within fourteen (14) days from the date of lodgment.
 - 2) If the GHG Team Leader concludes that the objection is justifiable, the GHG Team Leader shall instruct the Administrative Team Leader to reconsider the composition of the Audit Team. The Administrative Team Leader shall have a discussion with the CDM Manager, and notify the appellant of the revised composition of the Audit Team.
 - 3) If the GHG Team Leader concludes that the objection is unjustifiable, through the Administrative Team Leader, the GHG Team Leader shall promptly notify the appellant of that fact and the reasons thereof.

4.2 Complaints from CDM Participants or Stakeholders

The GHG Team Leader shall establish a documented procedure to receive, evaluate, manage, take necessary corrective action and make decisions on complaints, and the documented procedure shall be made available to the CDM secretariat and the public.

- (1) Complaint falling in the category defined in paragraph 2.2 (1)
 - 1) The CDM Judging Committee shall start its deliberations on a complaint falling in the category defined in paragraph 2.2 (1) within sixty (60) days from the date of lodgment, at the same time as the Committee has the deliberations to judge the results of the Audit in question. The Committee

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must reach a conclusion within six (6) months from the commencement of the deliberations.

- 2) The CDM Judging Committee shall base its deliberations on the Validation Report, Verification Report, or the Lodgment Letter. The Committee shall provide the Audit Team, complainant, and other stakeholders, expert witnesses, etc., with the opportunities to present their views, where necessary.
 - 3) If the CDM Judging Committee concludes that the complaint is justifiable, the Committee shall incorporate that finding in the judgment of the Audit results.
 - 4) If the CDM Judging Committee concludes that the complaint is justifiable, the GHG Team Leader shall promptly notify the complainant of that fact and the judgment of the Audit results. If the CDM Judging Committee concludes that the complaint is unjustifiable, through the Administrative Team Leader, the GHG Team Leader shall promptly notify the complainant of that fact and the reasons thereof, as well as the judgment of the Audit results.
- (2) Complaint falling in the category defined in paragraph 2.2 (2)
- 1) The CDM Judging Committee shall start the deliberations on a complaint falling in the category defined in paragraph 2.2 (2) within sixty (60) days from the date of lodgment and reach a conclusion within six (6) month from the commencement of the deliberations.
 - 2) The CDM Judging Committee shall base its deliberations on the Lodgment Letter. The Committee shall provide the complainant and the Audited Organization in question with the opportunities to present their views. The Committee shall provide other stakeholders, expert witnesses, etc., with the opportunities to present their views, where necessary.
 - 3) If the deliberations as prescribed in paragraph 2) above find a major nonconformance or infringement on the part of the Audited Organization, the GHG Team Leader shall instruct the CDM Manager and the Administrative Team Leader to perform an extraordinary re-audit on the Audited Organization.
 - 4) The CDM Judging Committee shall have the deliberations based on the Validation Report, Verification Report, etc. to judge the results of the re-audit as prescribed in paragraph 3) above.
 - 5) If the deliberations of The CDM Judging Committee conclude that the complaint is justifiable, through the Administrative Team Leader, the GHG Team Leader shall inform the complainant of that fact and the related actions by the Deloitte Tohmatsu Evaluation and Certification Organization Co., Ltd. If the deliberations of The CDM Judging Committee conclude that the complaint is unjustifiable, the GHG Team Leader shall inform the complainant of that fact and the reasons thereof.
- (3) If the complaint handling specified in paragraphs 2.2 (1) and (2) leads to a judgment defined in paragraph 2.1 (1) or (2), and the applicant lodges an appeal against it, the handling shall be pursuant to the procedure specified in paragraph 4.1 (1).

4.3 Handling of Other Appeals

The GHG Team Leader shall have a documented procedure for handling disputes which shall be made available to the CDM secretariat.

- (1) The GHG Team Leader shall discuss with the concerned parties how to handle an appeal falling in the category defined in paragraph 2.3, and handle it in an appropriate manner.
- (2) The GHG Team Leader may hire the services/expertise of the Panel, CDM Judging Committee and a third party other than stakeholders, where necessary.
- (3) Through the Administrative Team Leader, the GHG Team Leader must notify the appellant, complainant, or parties involved in a conflict of the result of the handling of their appeal etc., and, where necessary, the reasons thereof.

5. Resolution of Appeals

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- (1) An appeal falling in the category defined in the paragraph 2.1 (1) or (2) is deemed resolved when the appellant is notified of the conclusion in the way specified in paragraph 4.1 (1) 5) or 6).
- (2) An objection falling in the category defined in the paragraph 2.1 (3) is deemed resolved when the appellant accepts the Audit Team, or when the appellant is notified of the conclusion in the way specified in paragraph 4.1 (2) 3).
- (3) A complaint falling in the category defined in the paragraph 2.2 (1) is deemed resolved when the complainant is notified of the conclusion in the way specified in paragraph 4.2 (1) 4). However, when the complaint is found unjustifiable, the complaint is deemed resolved when the fourteen-day appeal period after the notice to the complainant expires without the complainant lodging an appeal.
- (4) A complaint falling in the category defined in paragraph 2.2 (2) is deemed resolved for the purchaser when the purchaser is notified in the way specified in paragraph 4.2 (2) 5).

6. Report of Appeals

- (1) The GHG Team Leader shall report to the Steering Committee the content and the results of the handling of each of the appeals falling in the category defined in 2.1 (1) or (2) and complaints falling in the category defined in 2.2 (2), as each case arises.
- (2) The GHG Team Leader shall compile the information on the Appeals to which paragraph (1) above is not applicable, and report it to the Steering Committee at least once a year.
- (3) The GHG Team Leader shall provide acknowledging receipt of the appeal and the progress report to the appellant where feasible. The GHG Team Leader shall inform the appellant of the outcome of the investigation and the final notice of the end of the complaints handling process.

The GHG Team Leader shall inform the appellant in case it is not satisfied with the decision of the appeal panel, and it has an option of complaining to the CDM-EB.

7. Records of Appeals

- (1) The GHG Team Leader shall record the following information concerning Appeals, and submit it to the CEO as a material for Management Review.
 - 1) Date received and appellant/complainant of the Appeals.
 - 2) Content of the Appeals. (This may be the Lodgment Letter or its photocopy.)
 - 3) Content of the deliberations/investigations on the Appeals and the conclusion of the handling of the Appeals.
 - 4) Date of completion of the handling of the Appeals.
- (2) The GHG Team Leader shall store the records specified in the above paragraph.
- (3) The GHG Team Leader shall protect confidentiality of the complainant and subject of the complaint based on **CDM Audit Manual** "Ensuring Fairness and Confidentiality"..

8. Handling of Objection to the Panel Composition

- (1) When an objection to the Panel composition as defined in paragraph 4.1 (1) 2) is submitted, the

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handling of the objection shall be as follows.

- 1) The GHG Team Leader shall inform the Steering Committee of the objection.
 - 2) The Steering Committee shall investigate the reasons of the objection, and if they are found acceptable, revise the composition of the Panel. The Panel member who is directly challenged in the objection may not participate in the vote in the Steering Committee convened to discuss the objection in question.
 - 3) The GHG Team Leader shall notify the appellant of the revised Panel composition.
 - 4) If the Steering Committee overrules the objection, through the Administrative Team Leader, the GHG Team Leader shall notify the appellant to that effect.
- (2) The objection in question is deemed resolved when the appellant receives the notice in the manner described in paragraph (1) 3) or 4) above.
- (3) The GHG Team Leader shall compile the records of the handling of objections as a part of the records defined in section 7.

9. Corrective Actions

- (1) The GHG Team Leader shall appoint a person in charge and instruct him/her to take actions against the nonconformity of the Deloitte Tohmatsu Evaluation and Certification Organization Co., Ltd. found as a result of the deliberations in the Steering Committee or the CDM Judging Committee.
- (2) Upon receiving the instructions, the responsible person shall identify the cause of the nonconformity, determine the actions to take, and implement the actions.
- (3) The responsible person shall study the necessity of the measures to prevent recurrence of the nonconformity, and if necessary, implement the measures to prevent recurrence.
- (4) The responsible person shall report the results of the activities defined in paragraphs (2) and (3) above to the GHG Team Leader.
- (5) If the corrective actions described in above paragraphs necessitate a revision of the documentation relevant to the Audit, the GHG Team Leader shall follow the specified procedures to revise the documentation accordingly.