



Mauritius DNA

Structure and Procedures

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Remember:

- That the CDM has two objectives -
 1. To generate real and measurable emissions reductions
 2. To contribute to the sustainable development of the host country
- With the second, each host country must establish a Designated National Authority to assess this “contribution”

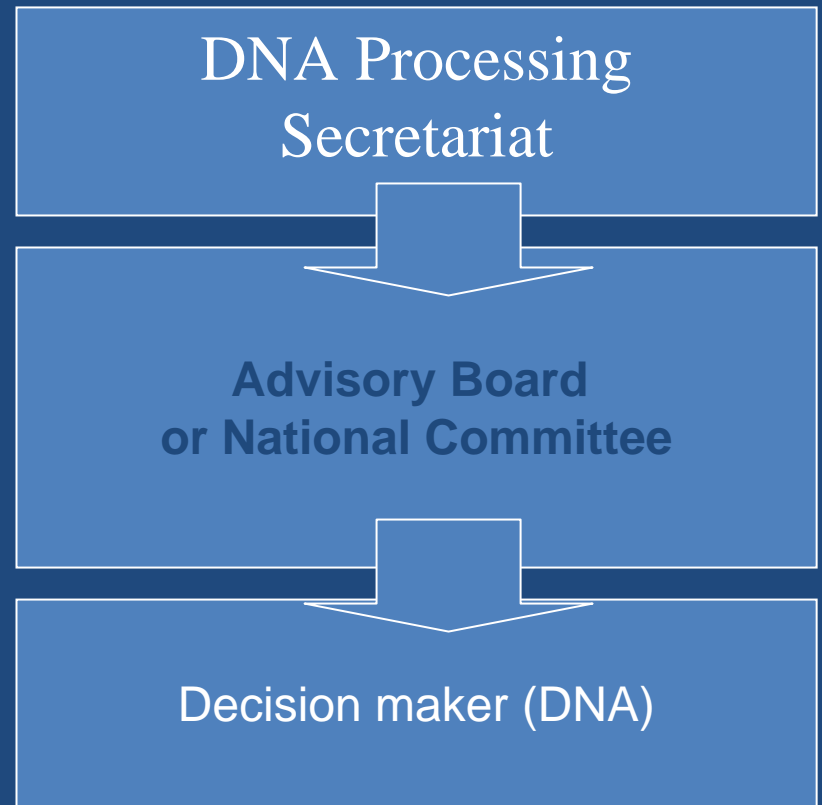
“ Parties participating in the CDM shall designate a national authority for the CDM ”
- A CDM project can only be registered if the DNA gives its written approval of voluntary participation and confirming that the project is/will be contributing to sustainable development

Basics

- Every DNA must be established through legislation
- Its approval of projects then has legal force and effect
- The legislation thus sets out the procedure which applies to the DNA, to applicants for approval, and the rules by which approval is given or refused
- DNA is therefore a form of “licensing” authority, acting under legal authority, which assesses and approves CDM projects, and may have Promotion and Focal Point functions as well

DNA Approval Process

- The Secretariat processes applications for Approval (receive, check and process)
- An advisory body or Committee who assesses the technical elements and makes a recommendation
 - Meta-departmental in nature
- Approval body: usually a person, highest in the Department



HOW IS ALL THIS DONE?

- By domestic law, mostly in the form of a Regulation, which “hangs” under an enabling provision
- This regulation does three things:
 1. Creates the **DNA institutions** and provides for their funds
 2. Describes the **process track** the Project Developer will follow
 3. Describes the **Sustainable Development** measure that the DNA will use when assessing projects

In Mauritius...

- It has been recently decided to pass a legislative framework in the form of a CDM Bill, although initial works have been geared towards developing regulations under section 96(2)(e) of the Environment Protection Act 2002 as amended in 2008

Legislation

- It was decided to contain this regulatory framework in an Act with a Regulation attached, for the sake of simplicity and pace, hence it is a
- **Regulation made by the minister under The CDM Act of 200...**
- **The Act would simply contain an enabling provision along these lines:**

CDM Act

- Enabling Provision:
- “The Minister may make regulations to give effect to the intentions of this Act”
- The Act may contain certain further provisions
- The entire DNA set-up will then be a Regulation + Schedules under the Act

Salient provisions

- The Designated National Authority (DNA) shall be the Department of Environment.
- The DNA shall, *inter-alia*:
 - Administer all applications for CDM Approval by Project Participants;
 - Assess such applications using the Sustainable Development Criteria set out in Schedule 2;
 - Issue letters of Approval or non-Approval;
 - Identify CDM project opportunities with other agencies
 - Fulfil such other requirements as may be required under the UNFCCC and the Kyoto Protocol

- A National CDM Committee will be set up and shall comprise the following members –
 - the Ministry of Environment & NDU (Chair)
 - the Meteorological Services, Prime Minister's Office
 - the Ministry of Finance & Economic Development
 - the Ministry of Agro Industry and Fisheries
 - the Ministry of Local Government
 - the Ministry of Public Utilities
 - the Ministry of Public Infrastructure, Land Transport and Shipping
 - the Ministry of Foreign Affairs, International Trade & Cooperation
 - the Ministry of Labour, and
 - the Central Electricity Board

- The National CDM Committee shall –
 - Examine the CDM Project application and apply the Sustainable Development Criteria and Indicators as set out in Schedule 2
 - Make such recommendation to the Director regarding Approval of the project as it deems fit.

So seen from the perspective of a
project developer:

How do you go about designing your
project and applying for approval?

Design:

- Schedule 2 of the proposed legislation sets out the Criteria and Indicators that the DNA will use in determining whether it will approve the project or not
- The project developer will use Schedule 5 to record how the project performs

After design and recording:

- The application process can start
- Schedule 1 sets out the application procedure
- There is an option to apply first for a Letter of No Objection, which can be done before an EIA, where required, is completed
- This may help to get an early non-binding view from the DNA
- In any event full application process must be followed:

Application for Approval

- Para 5 of Schedule 1:
- A Project Participant applying for Approval by the DNA, shall submit to the Director –
 - an application in writing, accompanied by
 - Schedules 3, 4 and 5, duly completed
 - a certificate of validation of the CDM Project
 - the PDD.
 - An EIA Licence, in the event of the CDM Project being required to undergo an Environmental Impact Assessment as provided for in the Environmental Protection Act.

[Schedule 3: Application Form for submission of a CDM project for DNA approval

Schedule 4: PIN

Schedule 5: Performance summary against DNA's Sustainable Development Criteria]

- The validation letter may be conditional upon Approval being granted

The DNA assessment process

- Paraa 6 in Schedule 1:
 - *The DNA shall issue an informal notice or letter acknowledging the procedural correctness of the application within ten (10) working days of initial receipt. If appropriate, the DNA may refer the application back to the Project Participant for further information, documentation, or action. In such event the Project Participant must resubmit a fresh completed application package.*
- There is a public inspection period of 30 days
- Then a National CDM Committee is convened to assess your project, and makes a recommendation
- The Director takes this recommendation into account and either approves or does not approve.

- In case of approval, a letter of Approval (Schedule 7) is issued by the DNA
- In case of non-Approval, the DNA shall give reasons in writing
- Section 13:
 - *If a Project is judged to be contrary to the spirit of the Kyoto Protocol or to the intention of stated Government policy, then the DNA reserves the right to refuse Project Approval until such time as suitable alterations are made to the Project design. In such instances, clear reasons for the rejection of a Project shall be provided by the DNA in writing to the Project Participant.*

Appeal

- Section 10 of the proposed legislation:
 - *An applicant or an interested and affected party who has submitted comments during the public comment period, may appeal against a decision of the Director to the Environment Appeal Tribunal as provided for in Section 54(2), and in such form and manner as is prescribed.*

Thank you