

## COURTESY TRANSLATION

Ref. No. DIOŚ.075-I-10987/4/05/AG

### LETTER OF APPROVAL

On the basis of the "Agreement between the Minister of the Environment of the Republic of Poland and the minister of the Environment of the Kingdom of Denmark on the implementation of Joint Implementation projects to reduce greenhouse gas emissions" referring to the project **Zagórze Wind Farm** (the JI Project), submitted by Wolin North Spolka z o.o. (the Project Host) to the Danish Government, taking into account, that the Danish Government declares provision of a subsidy to the JI Project and transfer of it to Wolin North Spolka z o.o., I herewith declare that:

- 1 Republic of Poland has ratified the Kyoto Protocol.
- 2 Republic of Poland will comply with the requirements to participate in Article 6 Kyoto Protocol projects as stated in the Marrakech Accords.
- 3 I recognize the JI Project to be a Joint Implementation project in accordance with article 6 of the Kyoto Protocol and its underlying decisions.
- 4 I authorize the Project Host, Wolin North Spolka z o.o., and any future owner of the JI Project to generate Claims on ERUs, by operation of the JI Project, in accordance with article 6 of the Kyoto Protocol.
- 5 I accept the transfer 85% of verified ERUs; generated through the JI Project to the Danish party during the period 2008 – 2012. Using the baseline scenario the 85% transfer is estimated to an amount of 187 479 ERUs.
- 6 In case that Republic of Poland and Kingdom of Denmark fully comply with the participation requirements of the Marrakech Accords, the transfer of ERUs will be based on article 23 of these Accords ('JI track one').
- 7 In case of lack of possibility to transfer ERUs to Danish party in accordance with provisions of Kyoto Protocol and Marrakech Accords, both parties will aim to realize the transfer of an equivalent of greenhouse gas emission reductions on a bilateral basis.
- 8 I acknowledge the fact that the JI Project is already operational prior to 2008 and will secure emissions reduction of greenhouse gases in that period. Polish party will transfer to Danish party on 31st of March 2008 or as soon as practicable thereafter 85 % of the emission reductions generated through the JI Project during the period until 31st of December 2007 using the Emissions Trading mechanism of Article 17 of the Kyoto Protocol. The 85 % transfer is estimated to 217 627 Assigned Amount Units (AAUs). Poland agrees to use the same method of verification as used for the verification of ERUs and agreed to by the Joint Implementation Supervisory Committee as regards the period of 2008-12.
- 9 Provisions of this Letter of Approval will enter into force when Kyoto Protocol enters into force and the Ministry of the Environment receives the writing confirmation of reception of the subsidy by Wolin North Spolka z o.o. The Polish Minister of the Environment will inform the Danish Minister of the Environment in writing that the Letter of Approval has become operational.

- 10 The transfer of ERUs and AAUs from Poland to Denmark will be free of any taxes or levies, if it is pursuant to the law of European Union and law of Republic of Poland and Kingdom of Denmark.
- 11 ERUs generated from the implementation of the project and AAUs transferred using the Emission Trading shall not be a subject of any legal or other transfer to third parties.

PODSEKRETARZ STANU

T. *Podgorski*