



Ordinance amending the Emissions Trading Ordinance (2004:1205)

THIS EXTRACT OF THE ORDINANCE ONLY CONTAINS SECTIONS RELEVANT TO THE APPROVAL OF JI-AND CDM-PROJECTS (Note from the DFP)

issued on 31 August 2006.

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The Swedish Energy Agency is the project authority under Chapter 1, Section 3 and the registry administrator under Chapter 4, Section 1 of that Act.

Section 9

In this Ordinance the following terms have the meaning set out below:

project for joint implementation: a project under Article 6 of the Kyoto Protocol in a country that has made a quantitative commitment to reduce emissions of greenhouse gases under the Kyoto Protocol,

project under the clean development mechanism: a project under Article 12 of the Kyoto Protocol in a country that has not made a quantitative commitment to reduce emissions of greenhouse gases under the Kyoto Protocol,

project activity: a project for joint implementation or a project under the clean development mechanism,

project participant: a natural or legal person, government authority or foreign state that participates voluntarily in a project activity or acquires emission reduction units or certified emission reductions,

project description: a description of the project activity that, depending on the nature of the activity, fulfils the requirements in annex B to decision 3/CMP.1, annex A to decision 4/CMP.1 or annex B to decision 5/CMP.1, adopted by the Conference of Parties to the Kyoto Protocol,

project contact: a natural or legal person, organisation or government authority, appointed by the project participants that coordinates contacts with the project authority.

Approval of a project activity

Section 42

An activity shall only be deemed to be a project activity if the project authority has approved it.

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Section 43

The project authority may only approve a project activity under the clean development mechanism if the project participants have filed:

1. a project description, and
2. a preliminary ruling according to which the project activity ought to be approved by the competent authority in the country in which the project activity is to be implemented.

Section 44

The project authority may only approve a project activity for joint implementation in Sweden if the project participants have filed:

1. a project description, and
2. the project participants are parties to the Kyoto Protocol or citizens of or domiciled in a country that is a party to the Kyoto Protocol.

Section 45

The project authority may only approve a project activity for joint implementation in another country if the project participants have submitted a preliminary ruling under which the project activity ought to be approved by the competent authority in the country in which the project activity is to be implemented.

Section 46

The project authority may not approve a project activity if the design of the project activity contravenes Article 11 b, point 6 of Directive 2003/87/EC¹ of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, amended through Directive 2004/101/EC² of the European Parliament and of the Council.

Section 47

At the request of a prospective participant in a project activity the project authority shall give a preliminary ruling on the approval of a project activity in Sweden.

A preliminary project description must be attached to the application for a preliminary ruling.

A preliminary ruling is not binding in the matter of whether the project activity shall finally be approved.

Section 48

Before the project authority approves a project activity for joint implementation in Sweden the project authority shall obtain and take account of the views of the public and environmental organisations on the project activity in an appropriate way.

Issue and transfer of emission reduction units from a project activity in Sweden

¹ OJ L 275, 25.10.2003, p. 32 (Celex 32003L0087).

² OJ L 338, 13.11.2004, p. 18 (Celex 32004L0101).

Section 49

At the request of the project contact the project authority shall issue the number of emission reduction units that corresponds to the reduced emissions of greenhouse gases that has been determined by an accredited verifying body in accordance with point 38 of the annex to decision 9/CMP.1, adopted by the Conference of Parties to the Kyoto Protocol.

Section 50

Emission reduction units may not be issued for reduced emissions of greenhouse gases that are the result of a project activity at an installation that requires a permit for the emission of carbon dioxide under Chapter 2 of the Emissions Trading Act (2004:1199).

However, emission reduction units may be issued for a project activity referred to in the first paragraph, if

1. the project activity results in reduced emissions of greenhouse gases direct from the installation, and
2. the operator of the installation cancels the number of emission allowances that corresponds to the reduction or limitation of emissions.

Section 51

Emission reduction units may only be issued for a project activity that indirectly reduces emissions from an installation that requires a permit for emissions of carbon dioxide under Chapter 2 of the Emissions Trading Act (2004:1199) on condition that a corresponding quantity of emission allowances is cancelled in the reserve set aside for new participants under Section 26.

Section 52

If the emission reduction units are to be distributed among several project participants, the project contact shall file an agreement on the acquisition of emission allowances that shows how the emission reduction units are to be distributed among the project participants.

Section 53

After issuing them, the project authority shall transfer the emission reduction units to the project participant's account. If there are several participants and the project participants have filed an agreement under Section 52, the project authority shall transfer the emission reduction units according to the distribution set out in the agreement.

No emission reduction units may be transferred to the account of a Swedish project participant.

Section 54

If more emission reduction units have been issued than have been transferred under Section 53, they shall be held by the project authority until the project contact has submitted a new agreement on the acquisition of emission reduction units.

Surrender of emission reduction units and certified emission reductions

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Section 55

Until and including 31 December 2007 an operator may, in order to fulfil its obligation under Chapter 6, Section 1 of the Emissions Trading Act (2004:1199) to surrender emission allowances, surrender the corresponding number of emission reduction units and certified emission reductions instead.

Section 56

The highest number of emission reduction units and certified emission reductions that a single operator may surrender after 1 January 2008 instead of emission allowances is set out in the national allocation plan referred to in Chapter 3, Section 2 of the Emissions Trading Act (2004:1199).

The total number of emission reduction units and certified emission reductions that may be surrendered under Chapter 6, Section 1 of the Emissions Trading Act corresponds to 20 per cent of the number of emission allowances distributed during the period 2008–2012.

Section 57

An operator may not, instead of emission allowances, surrender emission reduction units and certified emission reductions that originate from a project activity that relates to

1. sequestration of carbon dioxide through land use, a change in land use and forestry, or
2. nuclear power installations.

Special examination

Section 58

The project authority may request an examination referred to in points 35 and 39 of the annex to decision 9/CMP.1, adopted by the Conference of Parties to the Kyoto Protocol, and points 41 and 65 of the annex to decision 3/CMP.1, adopted by the Conference of Parties to the Kyoto Protocol.

Section 60

The Swedish Energy Agency may issue more detailed regulations on conditions for participation in a project activity and on the issue of emission reduction units.

This Ordinance enters into force on 15 October 2006. The older wording of Section 9 shall apply to the trading period 2005–2007.

On behalf of the Government

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