

JI Approval and Authorisation Guidance in Spain

“Royal Decree 1031/2007, which develops the participation framework in the flexible mechanisms of the Kyoto Protocol (Direct link available only in Spanish)”

http://www.mma.es/portal/secciones/cambio_climatico/documentacion_cc/normativa_cc/pdf/rd_1031_2007.pdf

Royal Decree 1031/2007

On the 20th of July it was approved by the Council of Ministers of Spain the Royal Decree 1031/2007, which develops the participation framework in the flexible mechanisms of the Kyoto Protocol. The regulations contained in this Royal Decree are complementary, nationwide, to the regulations of Kyoto Protocol and to the development decisions validly adopted by the Conference of the Parties, the CDM Executive Board, or the JI Supervisory Committee. Among with the international and European legislation in the subject, the more relevant national resolutions are those within the Law 1/2005, of 9th March, regulating the system for greenhouse gas emission allowance trading; the Royal Decree 1264/2005, of 21st October, regulating the organization and functioning of the National Registry of Emission Allowances (RENADE in Spanish); and the two National Allocation Plans, one for each trading period, 2005-2007 and 2008-2012, approved by the Royal Decrees 1866/2004, of 6th September, and 1370/2006, of 24th of November respectively.

The Designated National Authority. Letters of Approval.

The Spanish Designated National Authority (DNA) is an inter-ministerial commission, launched pursuant to Law 1/2005 of 9th March, for the project-based mechanisms established under the Kyoto Protocol. The General Secretary for Prevention of Pollution and Climate Change chairs the DNA and the Spanish Office of Climate Change (OECC) works as its Secretariat.

In accordance with article 6 of the Kyoto Protocol, participation in JI project activities requires written approval from all Parties involved. According to Royal Decree 1031/2007, to obtain Spanish approval, project proponents should apply to the Spanish DNA. This Royal Decree foresees that Letters of Approval (LoAs) could be issued for:

1. Individuals and entities resident in any EU country participating in CDM and JI projects generating emissions reduction or increasing the absorptions of greenhouse gases outside Spain.
2. Individuals and entities resident in the EU and participating in JI projects generating emissions reduction or increasing the absorptions of greenhouse gases in Spain.
3. Those International Financial Institutions (IFIs) managing Carbon Funds in which the Government of Spain participates, or those EU-based entities related to projects included in the mentioned Carbon Funds.

Proponents shall submit their applications, addressed to the DNA Secretariat, and attaching the following documents:

- A copy of a proof of identity of the applicant, and a copy of the document showing that the applicant has power of attorney to submit the application.
- A copy of the project design document (PDD) following the United Nations official format in Spanish.
- For those projects outside the Spanish territory, a copy of the document proving the approval by the host country.
- A copy of the Validation Report by the Designated Operational Entity or the Accredited Independent Entity.
- Where the project involves hydro-electric generation facilities with a capacity of over 20 MW, World Commission on Dams (WCD) guidelines and criteria must be complied with. This has to be proved either by a copy of a certificate from the Designated Operational Entity or the Accredited Independent Entity; or by a copy of a sworn statement of the applicant declaring that the project complies with the mentioned recommendations.

- A sworn statement of the applicant indicating, if relevant, to which other DNA, apart from the host country, the approval of the project activity has been requested.

Within a period of two months maximum from the date of receipt of the application, the DNA will analyze and inform about the voluntary participation which will be notified to proponents.

In Spain, there is no cost at all associated with the issuance of the LoAs.

JI projects based in Spain

In relation with the issuance of the LoA for JI projects based in Spain, while assessing the project, the DNA shall consider, in the first place, the situation of Spain in relation with the compliance with the quantified emission limitation and reduction commitment in Spain as well as the Council Decision, of 25th of April 2002, concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments there under. If estimated that national circumstances guarantee compliance pursuant to the Kyoto Protocol, and, therefore, enable the acceptance of JI Projects based in Spain, some other additional criteria can be taken into account, and these criteria should be specified by Ministerial Order. In this case, a report from the Autonomous Community where the project is based will be obtained.

Regarding the monitoring and verification of the JI activities based in Spain, these projects will have to follow the monitoring procedures established by the Article 6 of the Kyoto Protocol Supervisory Committee, and it shall be carried out by the Accredited Independent Entities under Article 6.

Double-counting guidelines

The accounting of the ERUs from JI projects based in Spain shall be carried out in accordance with the Decision of the Commission 2006/780/CE, of 13th November, on avoiding double counting of greenhouse gases emissions reductions under the European Union Emission Trading Scheme in relation to project activities under the Kyoto Protocol in accordance with the Directive 2003/87/CE or with the International or European Regulation replacing, developing or completing it.

For further information, please, visit the Ministry of the Environment website, in its section dedicated to Climate Change: http://www.mma.es/portal/secciones/cambio_climatico/