

Section 5: Maximising potential for JI: Sectors and measures for further development

UNFCCC Technical Workshop on JI
Vitaliy Radchenko
CMS Cameron McKenna
8-9 September 2009
Kyiv, Ukraine

Issues

- Awareness and Information
- General issues
- Track 2
- Track 1

Awareness and Information

More state support required

- NEIA website should be regularly updated with the information on the projects
- Information database for potential investors to check and pick a project to fund
- Introduction of the periodic communication re JI project registration guidance by NEIA
- Some basic legal awareness info for Ukrainian enterprises to avoid risks, terminations, defaults, disputes, etc
- National Registry of ERU/AAU transactions should be updated more regularly

General Legal Issues

- The notion of ERU must be defined (a good, service, security, intangible asset)
- Tax / accounting treatment law should be adopted (VAT – 0%, CPT – as for intangible asset, issuance should not be treated as gift, exemption from the customs duties)
- Improvement of the project's review by NEIA
- Post-Kyoto commitments should be clarified (criteria for deposition of late credits)
- Investment protection and guarantees should introduced (pledge?)
- Pitfalls in issuance and transfer procedures should be eliminated
- Improvement of the Registry maintenance and functioning procedures

Track 2

- Improve Track 2 regulation
- Extend definition of the emissions objects (does not include those that cause the reduction)
- Rework the project owner change

Track 1

- missing procedure for accreditation of local AIE
- change of buyer / change or owner provisions
- ERU Issuance and transfer management

Questions?

Contacts

CMS Cameron McKenna

Law firm, Kyiv office

t: +380 44 391 33 77

<http://www.cms-cmck.com>

Vitaliy Radchenko

vitaliy.radchenko@cms-cmck.com

**Energy Team (Kyoto Protocol, Wind Power &
Renewables, Electricity, Oil and Gas, Waste,
Environmental)**