

Joint Statement

Of the Ministry of Foreign Affairs, the Ministry of Economy, Trade and Industry and the Ministry of the Environment of Japan and the Minister of the Environment of the Republic of Poland on the cooperation regarding the United Nations Framework Convention on Climate Change and Kyoto Protocol to this Convention in accordance with Articles 6 and 17 of the Kyoto Protocol

The Ministry of Foreign Affairs, the Ministry of Economy, Trade and Industry and the Ministry of the Environment of Japan, hereinafter referred to as “the Japanese side”, and the Minister of the Environment of the Republic of Poland, hereinafter referred to as “the Polish side”,

having in mind that Japan and the Republic of Poland are the Parties to the United Nations Framework Convention on Climate Change, drawn up in New York on May 9th 1992 (Official Journal of 1996 L No. 53, Item 238), hereinafter referred to as the “Convention”, and to the Kyoto Protocol to the United Nations Framework Convention on Climate Change, drawn up in Kyoto on December 11th 1997 (Official Journal of 2005 L No. 203, Item 1684), hereinafter referred to as the “Protocol”,

recalling Article 6 of the Protocol which allows a Party included in Annex I to transfer to, or acquire from, any other such Party of the Emission Reduction Units (hereinafter referred to as the “ERUs”) resulting from the Joint Implementation projects (hereinafter referred to as the “JI projects”) aimed at reducing anthropogenic emissions by sources or enhancing anthropogenic removals by sinks of greenhouse gases,

recalling Article 17 of the Protocol which states, inter alia, that the Parties included in Annex B may participate in the International Emissions Trading for the purposes of fulfilling their commitments under Article 3 of the Protocol,

recognising the Green Investment Scheme (hereinafter referred to as the “GIS”) as a mechanism of the International Emissions Trading pursuant to Article 17 of the Protocol that is linked to specific environmental measures,

reaffirming that the protection of the environment and promotion of sustainable development are the common priorities of both sides,

bearing in mind the implementation of the Directive 2004/101/EC of the European Parliament and of the Council of 27 October 2004 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the European Community, in respect of the Protocol’s

project mechanisms, concerning the linkage of the Protocol's project mechanisms to the European Community's greenhouse gas emissions allowance trading scheme,

reaffirming their mutual cooperation in order to achieve the objectives of the Convention and of the Protocol, in particular through the JI projects and the International Emissions Trading by way of the GIS;

Have stated their intentions as follows:

1. Framework of cooperation

Both sides intend to cooperate on the JI projects, and the activities in the framework of the GIS within the scope of the International Emission Trading Scheme that are conducive to reduction of greenhouse gas emissions or lead to gaining other environmental benefits in the territory of the Republic of Poland.

This Joint Statement will apply to the procedures for development and implementation of the JI projects in the territory of the Republic of Poland and the transfer of decided part of the ERUs resulting from such projects, and to the procedures which support the International Emission Trading in the framework of the GIS, as defined above.

Both sides intend to achieve under further arrangement the transformation of the reductions of greenhouse gases emissions resulting from JI projects before 2008 into Assigned Amount Units (hereinafter referred to as the "AAUs") for the period 2008-2012 and the transfer of these AAUs to the given accounts within the Japanese National Registry.

Both sides will make all necessary efforts for the prompt conclusion of the arrangements mentioned in section 5 that will create necessary framework for the implementation of the JI projects and the International Emissions Trading by way of the GIS.

2. Designation of the National Focal Point

Both sides will designate their own National Focal Points responsible for the coordination of the matters which relate to the implementation of this Joint Statement in their respective countries.

Exchange of information, including information on the status of or changes in the national policies related to the objective of this Joint Statement, will be carried out through the National Focal Points within the scope of this Joint Statement.

3. Contribution of the Japanese side

The Japanese side will contribute to development and implementation of the JI projects and activities within the framework of the GIS that are conducive to reduction of greenhouse gas emissions or lead to gaining other environmental benefits in the territory of the Republic of Poland.

When approving JI project the Japanese side will issue a Letter of Approval in accordance with Article 6 of the Protocol.

Both sides will ensure that ERUs and AAUs may be acquired by the Japanese legal entities authorised by the Japanese side for the acquisition of ERUs and AAUs in accordance with Articles 6 and 17 of the Protocol.

As for the GIS activities, the Japanese side will transfer the funds for acquiring AAUs to the bank account indicated by the Polish side under the arrangements mentioned in section 5.

The Japanese side will make all necessary efforts to ensure that all the participation requirements under the Protocol are met, so as to enable the timely transfer of the ERUs and AAUs from the Polish National Registry.

4. Contribution of the Polish side

The Polish side will facilitate the development and implementation of the projects by supporting the potential beneficiaries interested in carrying out the emission reduction projects by providing the relevant information and by formally approving the JI projects meeting all the national requirements.

The Polish side will ensure that payment for the transferred AAUs, which is carried out in accordance with the arrangements mentioned in section 5, will be used to finance specific environmental measures carried out as the GIS activities in Poland.

The Polish side will transfer from the Polish National Registry to the given accounts within the Japanese National Registry the decided amounts of ERUs and AAUs resulting from JI projects and of the GIS activities, in accordance with the arrangements mentioned in section 5 which regulate such transaction.

The Polish side will ensure that the transfer of the decided amount of ERUs and AAUs will be free of any extra fees or taxes, other than the payment for such transfer set out in the arrangements mentioned in section 5.

The Polish side will ensure that transfer of AAUs for emission reductions achieved before 2008 under JI projects will be based upon the same procedures as those for ERUs described in the relevant provisions of the Decision 9/CMP.1.

The Polish side will make all necessary efforts to ensure that all the participation requirements under the Protocol will be met, so as to enable the timely transfer of ERUs and AAUs to the Japanese National Registry.

5. Implementation of the JI projects and the GIS

The JI projects will be implemented in accordance with the relevant provisions of the Decision 9/CMP.1, and the ERUs from such JI projects will be transferred in accordance with separate arrangements between the relevant entities of both sides.

Both sides will make all necessary efforts that the GIS between Japan and the Republic of Poland will be implemented on the basis of separate arrangements between New Energy and Industrial Technology Development Organization (NEDO) on behalf of the Japanese side and the appropriate entity designated by the Polish side. The AAUs resulting from the GIS will also be transferred in accordance with such separate arrangements.

6. Miscellaneous

Cooperation under this Joint Statement commences on the date of signature by both sides.

This Joint Statement does not constitute an international agreement.

Cooperation under this Joint Statement will be carried out in accordance with the respective laws and regulations and within the limit of the respective budgetary appropriations of both sides.

For the Japanese side:

Ryuichi Tanabe

*Ambassador Extraordinary and
Plenipotentiary of Japan to Poland*

For the Polish side:

Maciej Nowicki

Minister of Environment of the Republic of Poland