

MEMORANDUM OF UNDERSTANDING
REGARDING BILATERAL CO-OPERATION BETWEEN
THE FEDERAL MINISTER OF AGRICULTURE, FORESTRY, ENVIRONMENT AND
WATER MANAGEMENT OF THE REPUBLIC OF AUSTRIA
AND
MINISTER OF ENVIRONMENT, HOUSING AND TERRITORIAL
DEVELOPMENT OF THE REPUBLIC OF COLOMBIA
FOR THE IMPLEMENTATION OF
PROJECTS UNDER THE CLEAN DEVELOPMENT MECHANISM

The Federal Minister of Agriculture, Forestry, Environment and Water Management of the Republic of Austria and the Minister of Environment, Housing and Territorial Development of the Republic of Colombia,

- *Recalling* that the Republic of Colombia has ratified the Kyoto Protocol in November 2001 and that the Republic of Austria has ratified the Kyoto Protocol in May 2002;
- *In view of the recognition* of the Kyoto Protocol's fundamental objective by the Republic of Colombia and the Republic of Austria, hereinafter referred to as the Partner States, and their intention to implement it;
- *Taking into account* in particular Article 12 of the Kyoto Protocol including Decision 15/CP.7 and 17/CP.7 adopted at the Marrakech Conference and Decision 19/CP.9 as well as future decisions of the Conference of the Parties of the UNFCCC concerning the implementation of this Article;
- *Taking into account* any further decisions on modalities and procedures with regard to article 12 of the Kyoto Protocol to be adopted by the Conference of the Parties (COP), the Conference of the Parties acting as Meeting of the Parties (COP/MOP) or by the CDM Executive Board in one of their future sessions;
- *Acknowledging* that participation in a Clean Development Mechanism (CDM) project activity is voluntary and that it implies mutual co-operation on an equal basis;
- *Affirming* their intention to undertake all efforts to promote sustainable development;
- *Recalling* existing co-operation and stressing the importance of enhanced co-operation in the field of environment;
- *Desirous to express* the political will to implement a long standing co-operation in the field of climate change, by facilitating a prompt, efficient and effective implementation of the CDM,

Have reached the following understanding:

I. Scope and Objective

1. The co-operation in the framework of this Memorandum will include support for realising projects under the Clean Development Mechanism in accordance with Article 12 of the Kyoto Protocol in the Republic of Colombia through eligible CDM project activities.

2. The Partner States will facilitate the exchange of information on their climate change programmes and strategies, including programmes for the use of the flexible mechanisms of the Kyoto Protocol.

3. The Partner States will facilitate the development and implementation of CDM projects and assist interested project developers, e.g. through providing relevant information on project opportunities, on the relevant national provisions for such projects, including procedures for permitting and licensing, and formal approval for project activities in accordance with Art. 12.5 of the Kyoto Protocol.

II. Project Cycle

1. The project cycle will be based on the provisions of the Kyoto Protocol and all relevant COP and COP/MOP decisions and will follow requirements of the respective national programmes and guidelines of both Partner States.

2. Baselines and monitoring plans will have to be established in accordance with the relevant COP and COP/MOP decisions and with guidance of the CDM Executive Board.

3. The Partner States will support international efforts for the elaboration and further development of methodologies for baseline setting and monitoring plans and for simplified modalities and procedures for small-scale projects.

III. Approval of the Projects by the Republic of Colombia and the Republic of Austria

The Republic of Austria will acquire certified emission reductions from project activities provided that such project activities are in conformity with all relevant international rules and guidelines as well as with the criteria of the Austrian national programme for JI and CDM. The formal approval of the project by the Republic of Colombia will be a necessary precondition for acquisitions of CERs under the Austrian JI/CDM programme.

IV. Project Types and Categories

1. The provisions of this Memorandum will apply in any case to the following priority project categories in so far as the technical implementation of the projects corresponds to the current state of technical development:

- Construction (or retrofitting) of CHP installations;
- Fuel switch in energy conversion installations to renewable or from fuels with high carbon content to fuels with lower carbon content, in particular in existing distance-heating systems;
- Construction (or retrofitting) of power generation installations operated with renewables (in particular hydropower, wind power, biogas or biomass CHP);
- Projects leading to avoidance or (energetic) recovery of landfill gas;
- Waste management measures contributing to avoidance of greenhouse gas emissions in particular through energy recovery and use;
- Projects leading to reduction of final energy consumption in residential buildings, public and private services buildings as well as in industrial applications and processes (including waste heat potentials).

2. Concerning projects not listed under paragraph 1 above, such projects will also be eligible if the Partner States decide jointly that provisions of this Memorandum can be applied to support their realisation.

3. Projects aimed to have positive impacts on the environment and social development of the Republic of Colombia according with national regulation and laws.

4. Nuclear activities, in particular projects aiming at the construction or retrofitting of nuclear power plants, will be excluded under this Memorandum.

V. Co-ordination between the Partner States

1. Concerning the management of projects, both Partner States will authorise representatives to be responsible for the operative representation of the respective Partner States and to function as direct contact points in all matters concerning the implementation of this Memorandum. The Republic of Austria has selected the Kommunalkredit Public Consulting (KPC), the Republic of Colombia has selected the Climate Change Mitigation Group of the Viceministry of Environment of the Ministry of Environment, Housing and Territorial Development (with regard to the Scope and Objective defined in the Chapter one of the present MoU) to operate as the authorised representatives.

2. The authorised representatives will co-operate with project participants in selecting accredited operational entities to perform the validation and certification functions for projects by the Partner States.

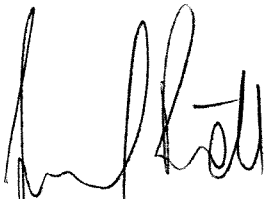
VI. Final Provisions

This Memorandum will take effect on the day of signature. Amendments and supplements require written form, and consent by both Partner States.

This Memorandum will remain in operation unless a partner will notify in written form the other partner that the Memorandum of Understanding ceases to be in effect six months after such a notification. The realization of CDM projects agreed by the Partners during the period of application of the current memorandum and the validity of the CERs generated thereafter by these projects will not be affected by the ending of the current memorandum.

This Memorandum is executed in two originals in the English language.

SIGNED at *Montreal*, on *7.12* 2005.



Josef PRÖLL

Federal Minister of Agriculture, Forestry,
Environment and Water Management of
the Republic of Austria



Sandra SUAREZ PEREZ

Minister of Environment, Housing and
Territorial Development of the Republic of
Colombia