

# **Understanding carbon credits for MSMEs**

Nicolas Lockhart (<u>nlockhart@sidley.com</u>)
Dominic Coppens (<u>dcoppens@sidley.com</u>)
Jason Lawler (<u>jlawler@sidley.com</u>)

4 May, 2022







#### **Overview**

# I. Understanding carbon credits

- A. Concept and examples
- B. Stakeholders
- C. Quality of carbon credits
- D. Markets and regulation

# II. How to develop and finance a carbon credit project

- A. Financing structures
- B. Investor due diligence
- C. Vetting counsel

#### **III. Conclusion - Checklist for MSMEs**

# I. Introducing carbon credits

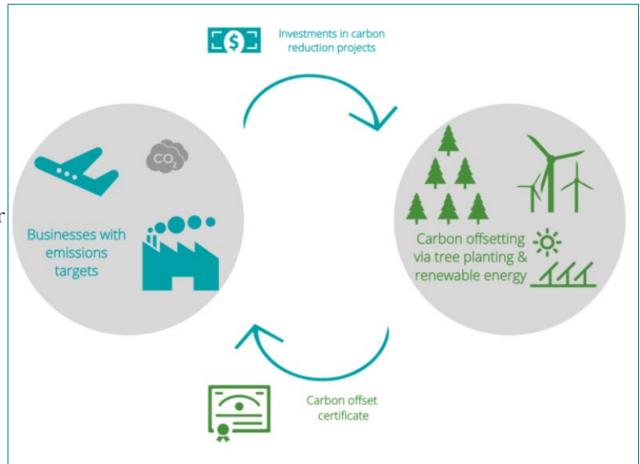
#### A. Concept and examples (i)

#### **Carbon Credit (CC)**

a tradable certificate giving its owner the right to emit one tonne of carbon dioxide

#### **DEMAND**

purchased by companies, individuals, countries to offset their carbon emission



#### **SUPPLY**

generated through projects
which reduce carbon
emissions, and are financed by
sale of CCs

Source: savemoneycutcarbon

#### A. Concept and examples (ii)

Projects generating carbon credits

- Reducing GHG (e.g., energy efficiency and renewable energy)
- Removing GHG (*e.g.*, forestation or carbon capture)
- Avoiding GHG (*e.g.*, avoid deforestation)

# **Concept and examples (iii)**



Rwanda: Improved Kitchen Regimes



Carbon offsetting project – Kenya: Kasigau Corridor REDD+ Project.



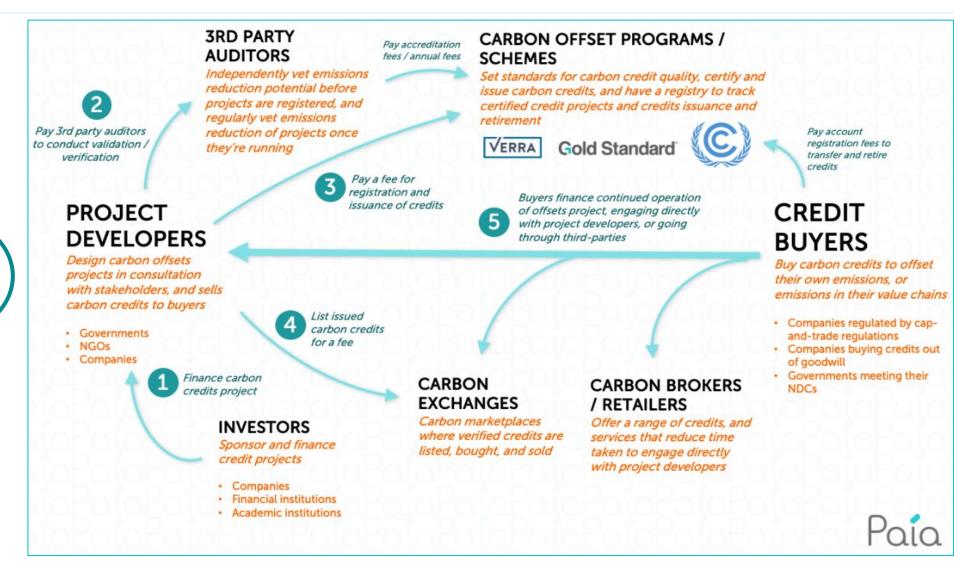
Carbon offsetting project - India (Rajasthan): Bundled Wind Power.



Vietnam: Rice Husk Thermal Energy

SID

#### B. Stakeholders





Supply

## **C.** Quality of carbon credits

- Cost-efficient way to reduce emissions, meet climate goals, and foster sustainable development
- *If and only if* carbon credits have **high integrity** ⇒ core principles:
- *If not*: risk of greenwashing, lower climate ambition, and negative sustainable development impact
  - 1. Additionality
  - 2. Robust quantification of emission reductions  $\rightarrow$  approved or new methodologies
  - 3. No double counting  $\rightarrow$  adjusted carbon credits (Paris Rulebook)
  - 4. Permanence
  - 5. Positive impact on sustainable development
  - 6. Transparency: monitoring, reporting, and verification (MRV)
- ⇒ **Divergence** on core principles among carbon crediting programs
- Private: *e.g.*, Gold Standard, Verra, ...
- Supranational: Clean Development Mechanism (CDM) ⇒ replaced by Sustainable Development Mechanism (SDM) (Art 6.4) (Paris Rulebook)

# D. Markets & regulation (i)

#### How used (demand)?

#### **Compliance markets**

- Country: Nationally determined contribution (NDC) under Paris Agreement
- Company:
  - International schemes: CORSIA (here)
  - Domestic schemes: ETS (e.g., Korea), carbon tax (e.g., South Africa, Colombia), offset fuel emissions (Switzerland): counted toward NDC or not

#### **Voluntary carbon markets (VCM)**

- Company (offset claim or impact claim)
- Individual

## How regulated?

Eligibility criteria set by each national or international regulator

> Carbon crediting programs

guidelines

Paris Rulebook (Glasgow 2021)

carbon markets quality concerns & fragmentation

So far no regulation or

## D. Markets & regulations (ii)

#### **Dynamics?**

- Increased integrity carbon credits
  - Increased quality private certification programs
    - (Some) already adapting to Paris Rulebook standards
    - International private guidelines underway
    - Government regulation over time?
  - Increased quality UN certification: SDM Approach v. CDM
- Increased **demand** for carbon credits, with higher integrity
  - e.g., net-zero pledges, NDC, compliance markets, maritime
- Market expects **price premium** for adjusted carbon credits meeting Paris Rulebook rules

→ Over time, maybe less fragmentation and less volatility, with more clearly defined types of carbon credits and transparency?

# II. How to develop and finance a carbon credit project?

# II. How to develop and finance a carbon credit project

- A. Financing structures
- B. Investor due diligence
- C. Vetting counsel

SIDLEY AUSTIN LLP

# A. Financing structures

**Balance Sheet Financing** 

**Project Governance** 

**Commodity Sale** 

**Equity Investment** 

Project
Development
Contract

Spot Purchase Agreement

**Debt Investment** 

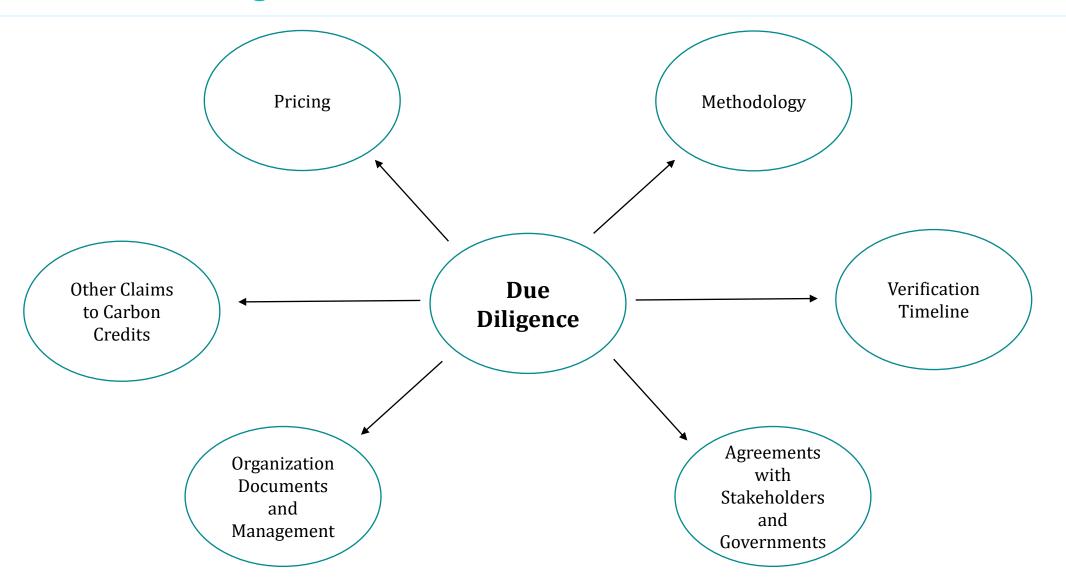
Framework Agreement

Forward Contract

Financeable Deliverables:

- Project Idea Notes (PINs)
  - Feasibility Study
- Project Design Document

# B. Investor due diligence



# C. Vetting counsel

- Familiarity with carbon credit market dynamics (methodologies, registries, pricing)
- Expertise in NY Law (especially for commodity contract structures)
- Project finance, debt finance and/or commodities trading experience

#### **III.** Conclusion – Checklist for MSMEs

#### **Identifying MSMEs opportunities for carbon projects**

- ✓ Access to stakeholders looking for projects (project developer, consultant, investors, host country, acquiring countries/companies)?
- ✓ Assess project eligibility?
- ✓ Quality standards of certification program?
- ✓ Host country's track record, including implementation of the Paris Rulebook?
- ✓ Anticipate potential changes in compliance markets and VCM?