

IDENTIFIED LEGAL OBSTACLES - BELARUS

TARIFF

Risk of changing the feed-in tariff rate due to changes of the electricity tariff for industrial consumers

The multiplying ratios for tariff indexation are established in the course of quotas distribution and may not be adjusted

LAND

No legally stated obligation of local authorities to confirm the land plot allocation and to be bound by such confirmation

No legally stated obligation of local authorities to allocate a land without an auction

No defined objective criteria under which local authorities confirms the land plot for allocation

No defined mechanism of rectifying mistakes of the authorities when there is an approval of a land plot without a legal ground

INDUSTRY

Unbundled monopoly industry structure with strong state regulation and low competition level

Inefficient and non-transparent mechanism of quotas determination and distribution

Conflict of norms regulating RE quotas rules and investment rules, allowing out-of-tender quotas distribution

REGULATORY

Complications in confirmation of technical conditions for grid connection

No legal definition and concrete technical characteristics of the "nearest point of public power grids"

CONTRACTUAL

No standard PPA and investment agreement approved at the state level

Bad PPA contractual practice (short term, no responsibility, no arbitration clause, no waiver of state immunity, no guarantees for legislation and tariff changes)

No contract mechanism for securing the rights of senior creditors

PPA conclusion at the latest post-investment stage