

Annex 9

Legal Due Diligence

Project Title: Resilient Puna: Ecosystem based Adaptation for sustainable High Andean communities and ecosystems in Peru

9.A Legal Due Diligence

Please provide the following information:

Details of any government or regulatory approvals, licenses or permits required for implementing and operating the project/programme, the relevant issuing authority, and the date of issuance or expected date of issuance.

The Federal Republic of Germany has concluded Framework Agreements on Technical Cooperation under international public law with the Government of Peru (dated 25th February 1998), which provide for certain privileges and immunities to be applied in projects and programmes of technical cooperation, including exemptions for taxes, customs, duties and fees. GIZ will endeavour to reach arrangements to have these privileges and immunities also applied to the Project, including GCF proceeds. However, formal agreements will only be entered into after the project has been approved.

At the time of submitting this Funding Proposal, GIZ is not aware of the project requiring specific approvals, permits, licences or land to allow for the implementation of planned activities.

Describe applicable taxes (or exemptions thereof) and foreign exchange regulations related to the project/programme.

The local currency in Peru is the Peruvian Sol (code: PEN). The project's local transactions will use PEN. The AE will manage GCF proceeds in Euro. GIZ will apply its standard rates for the conversion of currency.

Details of any insurance policies or requirements related to the project/programme.

GIZ, as the AE, will ensure that project activities are adequately insured as per GIZ standard operating procedures and common practices. GIZ standard operating procedures require contractors (i.e., contractual partners with whom GIZ has concluded service contracts), to ensure required insurance cover. GIZ policies provide insurance cover for GIZ staff. At the time of submitting the Funding Proposal, GIZ does not anticipate additional insurance to cover special risks in this project.

As described in the implementation arrangement (see B.4.2 Project management, implementation and execution structure), GIZ will sign two Subsidiary Agreements with two Executing Entities. In this regard, in the GIZ standard Grant Agreement (i.e., Subsidiary Agreement) for GCF projects, we require Grant Recipients to ensure that, when entering into contracts for supplies and services to be financed from the grant, adequate provision is made for the insurance of goods required for the project in relation with prudent industry practice, and that supplies are insured against transportation risks to an adequate and customary extent.