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► **M1** COMMISSION REGULATION (EU) No 920/2010

of 7 October 2010

establishing a Union Registry for the periods ending 31 December 2012 of the Union emissions trading scheme pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council ◀

(Text with EEA relevance)

(OJ L 270, 14.10.2010, p. 1)

Amended by:

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► <b><u>M1</u></b>	Commission Regulation (EU) No 1193/2011 of 18 November 2011	L 315	1	29.11.2011
► <b><u>M2</u></b>	Commission Regulation (EU) No 389/2013 of 2 May 2013	L 122	1	3.5.2013

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**COMMISSION REGULATION (EU) No 920/2010**

**of 7 October 2010**

**establishing a Union Registry for the periods ending 31 December 2012 of the Union emissions trading scheme pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council**

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC <sup>(1)</sup>, and in particular Article 19 thereof,

Having regard to Decision No 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol <sup>(2)</sup>, and in particular the first subparagraph, second sentence, Article 6(1) thereof,

Having consulted the European Data Protection Supervisor,

Whereas:

- (1) Article 6 of Decision No 280/2004/EC requires the Union and its Member States to apply the functional and technical specifications for data exchange standards for registry systems under the Kyoto Protocol, adopted by Decision 12/CMP.1 of the Conference of the Parties to the UNFCCC serving as the Meeting of the Parties to the Kyoto Protocol (hereinafter Decision 12/CMP.1), for the establishment and operation of registries and the CITL.
- (2) Article 19(1) of Directive 2003/87/EC establishing greenhouse gas emission allowance trading within the Community (hereinafter ETS) requires that all allowances are held in the Union registry on accounts managed by the Member States. In order to ensure that Kyoto units and allowances can be held on the same Union registry accounts, the Union registry must also conform to the functional and technical specifications for data exchange standards for registry systems under the Kyoto Protocol, adopted by Decision 12/CMP.1,

<sup>(1)</sup> OJ L 275, 25.10.2003, p. 32.

<sup>(2)</sup> OJ L 49, 19.2.2004, p. 1.

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- (3) Article 20 of Directive 2003/87/EC requires that an independent transaction log (hereinafter European Union Transaction Log or EUTL) recording the issue, transfer and cancellation of allowances is established. Article 6(2) of Decision No 280/2004/EC requires that information on the issue, holding, transfer, acquisition, cancellation and withdrawal of assigned amount units, removal units, emission reduction units and certified emission reductions and the carryover of assigned amount units, emission reduction units and certified emission reductions is made available to the transaction log.
  
- (4) Article 19(3) of Directive 2003/87/EC requires that a regulation for a standardised and secured system of registries in the form of standardised electronic databases containing common data elements to track the issue, holding, transfer and cancellation of allowances, to provide for public access and confidentiality as appropriate and to ensure that there are no transfers which are incompatible with the obligations resulting from the Kyoto Protocol is drawn up.
  
- (5) Each registry established in accordance with Article 6 of Decision No 280/2004/EC should contain at least one Party holding account, one retirement account, and the cancellation and replacement accounts required pursuant to Decision 13/CMP.1 of the Conference of the Parties to the UNFCCC serving as the Meeting of the Parties to the Kyoto Protocol (hereinafter Decision 13/CMP.1), and the Union registry holding all allowances pursuant to Article 19 of Directive 2003/87/EC should contain management accounts and user accounts required to implement the requirements of that Directive. Each account should be created in accordance with standardised procedures to ensure the integrity of the registries system and public access to information held in this system.
  
- (6) Each registry established in accordance with Article 6 of Decision No 280/2004/EC should issue assigned amount units (hereinafter AAUs) pursuant to Decision 13/CMP.1, whereas allowances should be issued in the Union registry. Registries established in accordance with Article 6 of Decision No 280/2004/EC should ensure that they keep a deposit of AAUs that is equal to the amount of allowances issued by them in the Union registry in order to ensure that any transactions with allowances may be followed up with corresponding transfers of AAUs via a clearing mechanism at the end of each period.

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- (7) As Member States have no influence on the amount of allowances that account holders will choose to bank in their registries, any potential future international limitations on the banking of AAUs that serve as deposit for issued allowances would cause serious difficulties for those registries where a disproportionate number of such allowances are held. In order to ensure that the risks Member States face in this regard are shared equally among all Member States, the clearing mechanism should be set up in a way that upon its completion, an amount of AAUs is held in the Union registry's clearing account that is equal to allowances to be banked from the 2008-12 period.
- (8) Transactions with allowances within the Union registry should be carried out through a communication link involving the EUTL, whereas transactions with Kyoto units should be carried out through a communication link involving both the EUTL and the UNFCCC international transaction log (hereinafter ITL). Provisions should be adopted to ensure that Member States that are not able to issue AAUs under the Kyoto Protocol because they have no binding emission reduction commitment are able to continue their equal participation in the Union emissions trading system. Such participation would not be possible in the 2008-12 period as, unlike all other Member States, these Member States would not be able to issue allowances that are linked to AAUs recognised under the Kyoto Protocol. Such equal participation should be allowed through specific mechanisms within the Union registry.
- (9) The EUTL should perform automated checks on all processes in the registries system concerning allowances, verified emissions, accounts and Kyoto units, and the ITL should perform automated checks on processes concerning Kyoto units to ensure that there are no irregularities. Processes that fail these checks should be terminated in order to ensure that transactions in the Union registries system comply with the requirements of Directive 2003/87/EC and the requirements elaborated pursuant to the UNFCCC and the Kyoto Protocol.
- (10) Adequate and harmonised requirements on authentication and access rights should be applied to protect the security of information held in the integrated registries system and records concerning all processes, operators and persons in the registries system should be kept.
- (11) The Central Administrator should ensure that interruptions to the operation of the registries system are kept to a minimum by taking all reasonable steps to ensure the availability of the Union registry and the EUTL and by providing for robust systems and procedures for the safeguarding of all information.

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- (12) The registry system should be able to accommodate the introduction of aviation into the scheme for greenhouse gas emission allowance trading within the Union from 1 January 2012 onwards. The majority of tasks emerging from the revision of the ETS, laid down in Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community <sup>(1)</sup>, need to be fulfilled only from 1 January 2013 onwards. Those requirements are separate from the functionalities that need to be in place in 2012 due to the introduction of aviation activities into the ETS.
- (13) Because aircraft operators are entitled to surrender a different set of allowances than operators of installations, aircraft operators should be provided a different type of account, the aircraft operator holding account. Allowances issued under the EU ETS Directive's Chapter II covering aviation are different from allowances issued heretofore, since they cover emissions that are for the most part not in the scope of the Kyoto Protocol. As such, they should be marked as different from other allowances.
- (14) Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community <sup>(2)</sup> required that Kyoto units or allowances backed by Kyoto units surrendered by aircraft operators shall only be retired up to the quantity equal to domestic aviation emissions. However, as Member States cannot influence the choice of aircraft operators as to whether they surrender Chapter II allowances or units that may be retired, a centralised surrendering and redistribution system should be set up that guarantees that units surrendered by aircraft operators that may be retired are collected and used first of all to cover the domestic aviation emissions of all the Member States in an equal way. Member States should decide at a later stage how to use any units thus collected that may be retired.
- (15) For the purposes of implementing the ETS review and to accommodate the introduction of aviation in 2012, it is sufficient to merge on a technical level the current ETS registry functions of Member States and leave the technical implementation of Kyoto Protocol registry functions with separate Kyoto Protocol (hereinafter KP) registries operated by Member States.

<sup>(1)</sup> OJ L 140, 5.6.2009, p. 63.

<sup>(2)</sup> OJ L 8, 13.1.2009, p. 3.

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- (16) To implement the changes introduced by Directive 2009/29/EC and to accommodate the introduction of aviation activities into the ETS in 2012, it is sufficient to merge on a technical level the current ETS registry functions of Member States and leave the technical implementation of registry functions with separate registries operated by Member States for so long as this is necessary. However, such a solution would not be cost-effective, as it would require the maintenance in each Member State of extensive parallel information technology capacities that would be little used. Thus, it is the aim of the Commission and the Member States to work together towards the establishment of a 'Consolidated System of European Registries' that would unite the KP registry-related information technology functions of all Member States.
- (17) The modalities determined in this Regulation for the accounting of allowances and Kyoto units and the possibility of setting up of the Consolidated System of European Registries is without prejudice to any future decision by the European Union concerning whether to commit to a joint Union emission reduction target or to separate Member State emission reduction targets under any future international climate change treaty.
- (18) According to Article 19(4) of Directive 2003/87/EC, there needs to be provision for processes for the change and incident management for the Union registry and appropriate modalities for the Union registry to ensure that initiatives of the Member States pertaining to efficiency improvement, administrative cost management and quality control measures are possible. The holding of all allowances in the Union registry should be without prejudice to the maintenance of national registries for emissions not covered by the ETS and the Union registry should provide the same quality of services as national registries.
- (19) As since 2009, the occurrence of VAT-fraud, money laundering and other criminal activities has increased significantly throughout the registries system, there is a need to provide more detailed and robust rules on checking identity information provided by account holders and people requesting to open accounts. In addition, Member State authorities need to be enabled to refuse the opening of an account to those that can be reasonably suspected of wanting to use the registries system for fraudulent purposes. Finally, detailed rules shall be provided to enable the swift and effective provision of data to law enforcement agencies, which should then be able to use data thus obtained for investigation purposes.

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- (20) Commission Regulation (EC) No 994/2008 of 8 October 2008 for a standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council <sup>(1)</sup> repealed and replaced Commission Regulation (EC) No 2216/2004 of 21 December 2004 for a standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council <sup>(2)</sup> 2012 onwards. As this Regulation substantially changes the provisions applicable from 1 January 2012 on several regulated areas, the interest of clarity requires that Regulation (EC) No 994/2008 is repealed and replaced in its entirety, while retaining the repeal and replace of Regulation (EC) No 2216/2004 provided for in Regulation (EC) No 994/2008.
- (21) Since Regulation (EC) No 2216/2004 will remain in force until the end of 2011, certain partial amendments of that Regulation are necessary with immediate effect. Those amendments relate to the fight against fraud and other criminal activities and the surrendering process. Obsolete provisions should also be deleted for the sake of clarity. Since the amendments related to anti-fraud activities and to the surrendering process should be applied as soon as possible, this Regulation should enter into force immediately following its publication.
- (22) Regulation (EC) No 2216/2004 should therefore be amended accordingly with immediate effect. That Regulation should be repealed as of 1 January 2012.
- (23) In accordance with Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC <sup>(3)</sup> and Decision 13/CMP.1, specific reports should be made public on a regular basis to ensure that the public has access to information held within the integrated system of registries, subject to certain confidentiality requirements.
- (24) Union legislation concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data, in particular Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on

<sup>(1)</sup> OJ L 271, 11.10.2008, p. 3.

<sup>(2)</sup> OJ L 386, 29.12.2004, p. 1.

<sup>(3)</sup> OJ L 41, 14.2.2003, p. 26.

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the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>(1)</sup>, Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications)<sup>(2)</sup> and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>(3)</sup>, should be respected where these are applicable to information held and processed pursuant to this Regulation.

- (25) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS REGULATION:

## CHAPTER I

## SUBJECT MATTER AND DEFINITIONS

*Article 1***Subject matter**

►**M1** This Regulation lays down general as well as operational and maintenance requirements for the periods ending 31 December 2012 concerning the standardised and secured registries system consisting of registries, and the independent transaction log provided for in Article 20(1) of Directive 2003/87/EC and Article 6 of Decision No 280/2004/EC. ◀ It also provides for a communication system between the registries system and the International Transaction Log established, operated and maintained by the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC).

**▼M1***Article 1a***Scope**

This Regulation concerns allowances created in the Union emissions trading scheme for the periods ending 31 December 2012 and Kyoto units.

**▼B***Article 2***Definitions**

For the purposes of this Regulation, the definitions laid down in Article 3 of Directive 2003/87/EC shall apply. The following definitions shall also apply:

1. 'account holder' means a person who holds an account in the registries system;

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(2)</sup> OJ L 201, 31.7.2002, p. 37.

<sup>(3)</sup> OJ L 8, 12.1.2001, p. 1.



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2. 'Central Administrator' means the person designated by the Commission pursuant to Article 20 of Directive 2003/87/EC;
3. 'competent authority' means the authority or authorities designated by a Member State pursuant to Article 18 of Directive 2003/87/EC;
4. 'KP Party' means a Party to the Kyoto Protocol;
5. 'trading platform' is any type of multilateral exchange that brings together or facilitates the bringing together of multiple third-party buying and selling interests as defined in Article 4 of Directive 2004/39/EC of the European Parliament and of the Council <sup>(1)</sup>, where the interests bought and sold are in allowances or Kyoto units;
6. 'verifier' means a verifier as defined in Annex I(5)(m) to Commission Decision 2007/589/EC <sup>(2)</sup>;
7. 'Assigned Amount Units' or 'AAUs' are units issued pursuant to Article 7(3) of Decision No 280/2004/EC;
8. 'Chapter II allowances' are allowances issued under Chapter II of Directive 2003/87/EC;
9. 'Chapter III allowances' are all allowances not issued under Chapter II of Directive 2003/87/EC;
10. 'long-term CERs' or 'lCERs' are units issued for an afforestation or reforestation project activity under the CDM which, subject to Decision 5/CMP.1 of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, expires at the end of the emission reduction crediting period of the afforestation or reforestation project activity under the CDM for which it was issued;
11. 'Removal Units' or 'RMUs' are units issued pursuant to Article 3 of the Kyoto Protocol;
12. 'temporary CERs' or 'tCERs' are units issued for an afforestation or reforestation project activity under the CDM which, subject to Decision 5/CMP.1, expires at the end of the Kyoto Protocol commitment period following the one during which it was issued;
13. 'process' means an automated technical means to carry out an action relating to an account or a unit in a registry;
14. 'transaction' means a process that includes the transfer of an allowance or Kyoto unit from one account to another account;
15. 'surrender' means the accounting of an allowance or a Kyoto unit by an operator or aircraft operator against the verified emissions of her installation or aircraft;
16. 'cancellation' means the definitive disposal of a Kyoto unit by its holder without accounting it against verified emissions;

<sup>(1)</sup> OJ L 145, 30.4.2004, p. 1.

<sup>(2)</sup> OJ L 229, 31.8.2007, p. 1.

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17. 'deletion' means the definitive disposal of an allowance by its holder without accounting it against verified emissions;
18. 'retirement' means the accounting of a Kyoto unit by a Party to the Kyoto Protocol against the reported emissions of that Party;
19. 'money laundering' means the same as defined in Articles 1(2) of Directive 2005/60/EC of the European Parliament and the Council <sup>(1)</sup>;
20. 'serious crime' means the same as defined in Article 3(5) of Directive 2005/60/EC;
21. 'terrorist financing' means the same as defined in Article 1(4) of Directive 2005/60/EC;
22. 'registry administrator' shall refer to the registry administrator of the Union registry or any other Kyoto Protocol registry;
23. 'national administrator' shall refer to the entity responsible for managing on behalf of a Member State a set of user accounts under the jurisdiction of a Member State in the Union registry, designated in accordance with Article 6;
24. 'administrator of an account' shall refer to the administrator determined for a particular type of account in the third column of Table I-I in Annex I;

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25. 'directors' includes the persons effectively directing the day-to-day operations of a legal person;
26. 'central European time' means central European summer time during the summer-time period as defined in Articles 1, 2 and 3 of Directive 2000/84/EC of the European Parliament and of the Council <sup>(2)</sup>.

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CHAPTER II  
THE REGISTRIES SYSTEM

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CHAPTER III  
UNITS

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CHAPTER IV  
ACCOUNTS

*SECTION 1*

*Provisions applicable to all accounts*

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<sup>(1)</sup> OJ L 309, 25.11.2005, p. 15.

<sup>(2)</sup> OJ L 31, 2.2.2001, p. 21.

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## SECTION 2

*Opening and updating of accounts*▼ M2 \_\_\_\_\_▼ B

## SECTION 3

*Closure of accounts*▼ M2 \_\_\_\_\_▼ B

## SECTION 4

*Suspension of access to accounts*▼ M2 \_\_\_\_\_▼ B

## CHAPTER V

## VERIFIED EMISSIONS AND COMPLIANCE

*Article 29***Verified emissions data for an installation or aircraft operator**

1. Before submitting annual emissions data to the Union registry, each operator and aircraft operator shall select a verifier from the verifiers registered at the national administrator administering its account. If an operator or aircraft operator is also a verifier, it may not select itself as verifier.

2. The national administrator shall enter emissions data for a year between 1 January and 31 March of the following year. Emissions data for an installation may also be entered for a year during the course of that year if the installation's greenhouse gas permit has already expired. The competent authority may decide that instead of the national administrator, the account holder or the verifier (including those competent authorities acting as verifiers) shall be responsible for entering the emissions data within the deadline set out above.

3. Annual emissions data shall be submitted using the format set out in Annex X.

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4. Upon the satisfactory verification in accordance with Article 15, first paragraph of Directive 2003/87/EC of an operator's report on the emissions from an installation during a previous year, or of an aircraft operator's report on the emissions from all aviation activities it performed during a previous year, the verifier or the competent authority shall approve the annual verified emissions.

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5. The emissions approved in accordance with paragraph 4 shall be marked as verified in the Union Registry by the national administrator or the competent authority. The competent authority may decide that instead of the national administrator, the verifier shall be responsible for marking emissions as verified in the Union Registry.

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6. The competent authority may instruct the national administrator to correct the annual verified emissions for an installation or an aircraft operator to ensure compliance with the detailed requirements established by the Member State pursuant to Annex V to Directive 2003/87/EC, by entering the corrected verified or estimated emissions for that installation or an aircraft operator for that year into the records of the Union registry.

7. Where, on 1 May of each year, no verified emissions figure has been recorded in the Union registry for an installation or an aircraft operator for a previous year or the verified emissions figure was proven to be incorrect, any substitute emissions figure estimate entered in the Union registry shall be calculated as closely as possible in accordance with the detailed requirements established by the Member State pursuant to Annex V to Directive 2003/87/EC.

*Article 30***Blocking of accounts due to a failure to submit verified emissions**

1. If, on 1 April of each year the annual verified emissions of an installation or aircraft operator for the preceding year have not been recorded in the Union registry, the Union registry shall set the corresponding operator holding account or aircraft operator holding account to blocked status.

2. When all overdue verified emissions of the installation or aircraft operator for the year have been recorded in the Union registry, the Union registry shall set the account to open status.

*Article 31***Calculation of compliance status figures**

1. On 1 May of each year, the Union registry shall determine the compliance status figure for the preceding year for every installation and aircraft operator with an open or blocked operator holding account or aircraft operator holding account by calculating the sum of all allowances, CERs and ERUs surrendered for the current period minus the sum of all verified emissions in the current period up to and including the current year, plus a correction factor.

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2. The correction factor referred to in paragraph 1. shall be zero if the compliance status figure of the last year of the previous period was greater than zero, but shall remain as the compliance status figure of the last year of the previous period if this figure is less than or equal to zero.

3. The Union registry shall record the compliance status figure for every installation and aircraft operator for each year.

**▼M2***Article 32***Excluded aircraft operator holding accounts**

1. If, by the deadline set out in Article 12(2a) of Directive 2003/87/EC for surrendering allowances, a verified emissions value of 0 is entered in the Union registry for an aircraft operator for the previous year in accordance with Article 29, the Union registry shall set the corresponding aircraft operator holding account to excluded status.

2. The Union registry shall set the account to open status when the verified emissions value for year before the current year is not 0.

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CHAPTER VI  
TRANSACTIONS

*SECTION 1**Allocation and issue of allowances***▼M1***Article 32a***Execution of transfers**

1. For all transactions specified in Chapter VI that are not initiated by a trading platform, an out-of-band confirmation shall be required by the Union Registry before the transaction can be initiated. A transaction shall only be initiated where an additional authorised representative whose approval is required pursuant to Article 19(2), has confirmed the transaction out of band.

2. For all transfers of allowances and Kyoto units specified in Articles 43 and 44, the transfer shall be initiated immediately if it is confirmed between 10:00 and 16:00 central European time between Monday and Friday inclusive, with the exception of public holidays in the Member States deciding to suspend the running of the delay pursuant to paragraph 3. A transfer confirmed at any other time shall be initiated on the next day, Monday to Friday, at 10:00 central European time.

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3. For all transfers of allowances and Kyoto units specified in Articles 43 and 44, except for transfers from a trading account to an account on the trusted account list of that account, a delay of 26 hours shall apply between the initiation and the transfer being communicated for finalisation pursuant to Article 70. The running of this delay shall be suspended between 00:00 and 24:00 central European time on Saturdays and Sundays. Member States may decide to also suspend the running of this delay between 00:00 and 24:00 central European time on national public holidays for a given year, subject to publication of that decision by 1 December of the previous year.

4. If an account representative suspects that a transfer was initiated fraudulently, at the latest two hours before the end of the delay provided in paragraph 3 they may request the national administrator to cancel the transfer on their behalf before the transfer is communicated for finalisation. The account holder shall report the suspected fraud to the competent national law enforcement authority immediately following the request. That report shall be forwarded to the national administrator within seven days.

5. Upon initiation pursuant to paragraphs 1 and 2, a notification shall be sent to all account representatives indicating the proposed initiation of the transfer.

*Article 32b***Nature of allowances and finality of transactions**

1. An allowance or Kyoto unit shall be a fungible, dematerialised instrument that is tradable on the market.

2. The dematerialised nature of allowances and Kyoto units shall imply that the record of the Union Registry shall constitute prima facie and sufficient evidence of title over an allowance or Kyoto unit, and of any other matter which is by this Regulation directed or authorised to be recorded in the registry.

3. The fungibility of allowances and Kyoto units shall imply that any recovery or restitution obligations that may arise under national law in respect of an allowance or Kyoto unit shall only apply to the allowance or Kyoto unit in kind. In particular:

- (a) subject to Article 51 and the reconciliation process foreseen in Article 69 of this Regulation, a transaction shall become final and irrevocable upon its finalisation pursuant to Article 70. Without prejudice to any provision of or remedy under national law that may result in a requirement or order to execute a new transaction in the registry, no law, regulation, rule or practice on the setting aside of contracts or transactions shall lead to the unwinding in the registry of a transaction that has become final and irrevocable under this Regulation;

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- (b) nothing within this Article shall prevent an account holder or a third party from exercising any right or claim resulting from the underlying transaction that they may have in law, including to recovery, restitution, or damages, in respect of a transaction that has become final in the registry, for instance in case of fraud or technical error, as long as this does not lead to the reversal, revocation or unwinding of the transaction in the registry.

4. A purchaser and holder of an allowance or Kyoto unit acting in good faith shall acquire title to an allowance or Kyoto unit free of any defects in the title of the transferor.

**▼B***Article 33***National allocation plan tables**

1. The EUTL shall contain one national allocation plan table for each Member State for the 2008-2012 period. National allocation plan tables shall include the following information:

- (a) total number of allowances to issue to installations: in a single cell the total number of allowances that will be issued to installations for the period covered by the national allocation plan;
- (b) total number of allowances not allocated to incumbent installations (reserve): in a single cell the total number of allowances (issued or purchased) that are set aside for new entrant installations and auctioning for the period covered by the national allocation plan;
- (c) years: in individual cells for each of the years covered in the national allocation plan in ascending order;
- (d) Installation identification code of every installation that has a valid permit at the moment: in individual cells in ascending order. The installations listed shall include installations unilaterally included under Article 24 of Directive 2003/87/EC and shall not include any installations temporarily excluded under Article 27 of Directive 2003/87/EC;
- (e) Allocated allowances: the allowances to be allocated for a specified year for a specified installation shall be entered into the cell connecting that year to that installation's identification code.

2. The national allocation plan tables shall follow the format set out in Annex XI.

*Article 34***Union aviation allocation table**

1. The EUTL shall contain a single Union aviation allocation table for the year 2012. This table shall tabulate the following information:

- (a) the total number of Chapter II allowances to be allocated in the Union in 2012;

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- (b) the number of Chapter II allowances already allocated for free to each account holder listed in the table;
- (c) the number of Chapter II allowances not yet allocated by the Member States, shown separately for each Member State;

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- (d) the identity of the receivers of the allocation (in the case of allowances allocated through auction, the receiver shall be the account set up for that purpose by Commission Regulation (EU) No 1193/2011<sup>(1)</sup>).

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- 2. The Union aviation allocation table shall follow the format set out in Annex XII.

*Article 35***Entry into the EUTL of national allocation plan tables**

1. At least 12 months before the start of the 2008-2012 period, each Member State shall notify to the Commission its national allocation plan table, corresponding to the decision taken under Article 11(2) of Directive 2003/87/EC.

2. If the national allocation plan table is based upon the national allocation plan notified to the Commission which was not rejected under Article 9(3) of Directive 2003/87/EC or on which the Commission has accepted proposed amendments, the Commission shall instruct the Central Administrator to enter the national allocation plan table into the EUTL.

*Article 36***Entry of allocation decisions in the Union aviation allocation table**

If the Chapter II allowance allocation decisions taken by Member States under Article 3e(4), of Directive 2003/87/EC with respect to the year 2012 are in conformity with Directive 2003/87/EC, the Commission shall instruct the Central Administrator to enter the allocation decisions into the Union aviation allocation table in the EUTL.

*Article 37***Corrections of national allocation plan tables**

1. For the 2008-2012 period, the national administrator shall carry out corrections to the national allocation plan table in the EUTL without notifying the Commission in advance, where:

- (a) a new entrant was granted an allocation;
- (b) the Member State has replenished the reserve through the purchase of allowances;

<sup>(1)</sup> OJ L 315, 29.11.2011, p. 1.



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- (c) an installation's permit has expired and any allocation not yet delivered to its account are moved to the reserve;
- (d) an installation was split into two or more installations;
- (e) two or more installations were merged into one installation.

Those corrections shall not change the total issued quantity of allowances set out in the national allocation plan table.

2. A Member State shall notify in advance any correction other than those referred to in paragraph 1 to its national allocation plan together with each corresponding correction in its national allocation plan table to the Commission. If the correction to the national allocation plan table is based upon the national allocation plan notified to the Commission which was not rejected under Article 9(3) of Directive 2003/87/EC or on which the Commission has accepted amendments and that correction results from improvements in data, the Commission shall instruct the Central Administrator to enter the corresponding correction into the national allocation plan table held in the EUTL.

3. Subsequent to any correction made pursuant to paragraph 2 which occurs after allowances have been issued or allocated, and which reduces the total quantity of allowances for the 2008-2012 period, the national administrator shall transfer the number and type of allowances specified by the Union registry to the Union allowance deletion account for the relevant period.

*Article 38***Corrections of the Union aviation allocation table**

1. The national administrator may carry out the corresponding corrections to the Union aviation allocation table in the EUTL without notifying the Commission in advance, where:

- (a) a new aircraft operator started operating;
- (b) an auctioneer was awarded Chapter II allowances for auctioning;
- (c) an aircraft operator was split into two or more aircraft operators;
- (d) two or more aircraft operators have merged into a single aircraft operator.

2. Such corrections shall not change the total quantity of Chapter II allowances set out in the Union aviation allocation table.

3. A Member State shall notify any correction other than those referred to in paragraph 1. and required to correct an over-allocation caused by an error by the Commission or a Member State to its Chapter II allowance allocation decision taken under Article 3e, paragraph (4) of Directive 2003/87/EC to the Commission. If the correction is in conformity with Directive 2003/87/EC, the Commission shall instruct the Central Administrator to correct the Union aviation allocation table on the basis of this decision and enter it into the EUTL.

**▼B**

4. After any correction made pursuant to paragraph 2. which occurs after Chapter II allowances have been allocated in accordance with Article 41 and which reduces the total quantity of Chapter II allowances for the 2008-2012 period, the national administrator shall, transfer the number of Chapter II allowances specified by the Central administrator to the Union allowance deletion account for the relevant period.

5. If a merger between aircraft operators involves aircraft operators that are administered by different Member States, the correction under paragraph (1)(d) shall be initiated by the national administrator administering the aircraft operator whose allocation is to be merged into the allocation of another aircraft operator. Before carrying out the correction, consent shall be obtained from the national administrator administering the aircraft operator whose allocation will incorporate the allocation of the merged aircraft operator.

*Article 39***Issuance of Chapter III allowances**

1. After the national allocation plan table has been entered into the EUTL, the national administrator shall, by 28 February of the first year of the 2008-12 period:

- (a) transfer an amount of AAUs issued for the 2008-2012 period that is equal to the quantity of Chapter III allowances to be issued from a KP Party holding account to the ETS AAU deposit account;
- (b) issue the total quantity of Chapter III allowances set out in the national allocation plan table into its national allowance holding account in the Union registry.

2. Prior to the action referred to in paragraph 1, KP registry administrators shall notify the account ID of the designated ETS AAU deposit account in their KP registry to the Central Administrator.

3. The Union registry shall assign each allowance a unique unit identification code upon their issuance in accordance with paragraph 1.

4. Member States with no KP registry shall not carry out the action under point (a) of paragraph 1.

*Article 40***Allocation of Chapter III allowances**

1. Without prejudice to Articles 37 and 47, by 28 February of each year, the national administrator shall transfer from the national allowance holding account to the relevant open operator holding account the proportion of the total quantity of Chapter III allowances issued which has been allocated to the corresponding installation for that year in accordance with the relevant section of the national allocation plan table.

**▼B**

2. Where foreseen for an installation in the national allocation plan of the Member State, the national administrator may transfer that proportion at a later date of each year.

3. If an installation is allocated additional Chapter III allowances in the national allocation plan table as a result of corrections in accordance with Article 37, the national administrator shall transfer from the national allowance holding account to the relevant open operator holding account the additionally allocated Chapter III allowances for the current year at the time when instructed to do so by the competent authority.

*Article 41***Allocation of Chapter II allowances**

1. After the Union aviation allocation table has been entered into the EUTL, the national administrator shall by 28 February 2012, create a quantity of Chapter II allowances on each open aircraft operator holding account that is equal to the allocation set out in the Union aviation allocation table for the holder of that account for that year.

2. The Union registry shall assign each allowance a unique unit identification code upon their creation in accordance with paragraph 1.

3. If an account holder is allocated additional Chapter II allowances in the Union aviation allocation table as a result of corrections in accordance with Article 38, the national administrator shall, when instructed by the competent authority, create an additional quantity of allocated Chapter II allowances on each open aircraft operator holding account that is equal to the additional allocation set out in the Union aviation allocation table for the holder of that account for the current year.

**▼M2**

4. Where an excluded aircraft operator holding account does not receive allowances under paragraph 1, those allowances shall not be created in the account should it be subsequently set to open status.

**▼B***Article 42***Allocation of Chapter III allowances following their sale by Member State**

During the 2008-2012 period, if instructed to do so by the competent authority, following a sale of 2008-2012 Chapter III allowances by a Member State, the national administrator shall transfer a quantity of Chapter III allowances from the national allowance holding account to the holding account designated by the competent authority.

**▼B***SECTION 2**Transfers of allowances and Kyoto units***▼M1***Article 43***Transfers of allowances by account holders**

1. Subject to paragraph 2, upon request of an account holder, the Union Registry shall carry out any transfer of allowances held in its Union Registry account to any other account in the Union Registry, unless such transfer is prevented by the status of the initiating account or the type of allowances that may be held in the acquiring account in accordance with Article 8(3).

2. From 30 June 2012, the operator holding accounts, aircraft operator holding accounts, person holding accounts and trading platforms may only transfer allowances to an account on the trusted account list set up pursuant to Article 21a.

*Article 44***Transfers of Kyoto units by account holders**

1. Subject to paragraph 2, upon request of an account holder, the Union Registry shall carry out any transfer of Kyoto units held in a Union registry account to any other account in the Union Registry or in a KP registry, unless such transfer is prevented by the status of the initiating account or the Kyoto units that may be held in the acquiring account in accordance with Article 8(3).

2. From 30 June 2012, the operator holding accounts, aircraft operator holding accounts, person holding accounts and trading platforms may only transfer Kyoto units to an account on the trusted account list set up pursuant to Article 21a.

**▼B***Article 45***Minimum holding of Chapter III allowances in Union registry holding accounts administered by the same Member State**

1. If a proposed transfer of allowances by an account holder in accordance with Article 43 would result in the total amount of 2008-12 period Chapter III allowances held in all the Union registry accounts administered by the national administrator of a particular Member State dropping below the quantity of Kyoto units required to be held in the KP registry of that Member State under Decision 11/CMP.1 as the commitment period reserve, minus the amount of Kyoto units currently held in the KP registry of that Member State outside of the ETS AAU deposit account and the cancellation account, the EUTL shall reject the proposed transfer.

**▼B**

2. If a proposed transfer of allowances by an account holder in accordance with Article 43 would result in the total amount of 2008-2012 period Chapter III allowances held in all the Union registry accounts administered by the national administrators of the oldest fifteen Member States dropping below the quantity of Kyoto units required to be held in the KP registries of these Member States under Decision 11/CMP.1 as the commitment period reserve of the European Union, minus the amount of Kyoto units currently held in the KP registries of those Member States outside of the ETS AAU deposit accounts and the cancellation accounts, the EUTL shall reject the proposed transfer.

*SECTION 3**Surrender of allowances, ERUs and CERs**Article 46***Surrender of allowances**

1. An operator or aircraft operator shall surrender allowances for the 2008-2012 period by proposing to the Union registry to:

- (a) move a specified number of 2008-12 period allowances from the relevant operator holding account or aircraft operator holding account into the Union allowance deletion account;
- (b) record the number and type of transferred allowances as surrendered for the emissions of the operator's installation or the emissions of the aircraft operator in the current period.

2. Chapter II allowances may only be surrendered by aircraft operators.

3. An allowance that was already surrendered may not be surrendered again.

*Article 47***Surrender of allowances on instruction of the competent authority**

If instructed to do so by the competent authority, the national administrator shall surrender part or all of the proportion of the total quantity of allowances issued which has been allocated to an installation or an aircraft operator for a specific year, by recording the number of surrendered allowances for that installation or aircraft operator for the current period.

*Article 48***The surrender of CERs and ERUs**

1. The surrender of ERUs and CERs by an operator in accordance with Article 11a of Directive 2003/87/EC shall take place through an operator proposing to the Union registry to:

- (a) move a specified number of 2008-2012 period CERs or ERUs from the relevant operator holding account into:
  - (i) a KP Party holding account of the administering Member State, in the case of accounts administered by Member States with a KP registry;
  - (ii) the cancellation account of the Union registry, in the case of accounts administered by Member States with no KP registry;
- (b) record the number of transferred CERs and ERUs as surrendered for the emissions of the operator's installation in the current period.

2. The surrender of ERUs and CERs by an aircraft operator in accordance with Article 11a of Directive 2003/87/EC shall take place through the aircraft operator proposing to the Union registry to:

- (a) move a specified number of 2008-2012 period CERs or ERUs from the relevant aircraft operator holding account into the aviation surrender set-aside account in the Union registry;
- (b) record the number of transferred CERs and ERUs as surrendered for the emissions of the aircraft operator in the current period.

3. The Union registry shall only allow surrenders of CERs and ERUs up to:

- (a) the maximum quantity set by the national administrator of an operator holding account, in the case of operators;
- (b) for 2012, 15 % of the number of allowances required to be surrendered pursuant to Article 12(2a) of Directive 2003/87/EC in the case of aircraft operators.

4. The Union registry shall reject any request to surrender CERs and ERUs that would surpass the maximum amount of CERs and ERUs that may be surrendered by the operators of a Member State in accordance with the national allocation plan of the Member State.

5. The Union registry shall reject any request to surrender CERs or ERUs that are prohibited from being used in the ETS in accordance with Article 11a of Directive 2003/87/EC.

6. A CER or ERU that was already surrendered may not be surrendered again nor transferred to an operator or person holding account in the EU ETS.

7. The Union registry shall provide automated processes to ensure that account holders cannot surrender units into incorrect accounts under Articles 46 and 48.

**▼B***SECTION 4**Deletion of allowances and cancellation of Kyoto units**Article 49***Deletion of allowances**

1. The Union registry shall carry out any request from an account holder pursuant to Article 12(4) of Directive 2003/87/EC to delete allowances held in the accounts of the account holder by:
  - (a) transferring a specified number of allowances from the relevant account into the Union allowance deletion account; and
  - (b) recording the number of transferred allowances as deleted for the current year.
2. Deleted allowances shall not be recorded as surrendered for any emissions.
3. The Union registry shall reject the request for the deletion of allowances if it is initiated by an account administered by a Member State that has no KP registry and it would result in a minimum deposited quantity calculated for that Member State in accordance with Article 52 that is lower than the gateway quantity calculated for that Member State in accordance with Article 53.

**▼M1***Article 50***Cancellation of Kyoto units**

The Union Registry shall carry out any request from an account holder pursuant to Article 12(4) of Directive 2003/87/EC to cancel Kyoto units held in the accounts of the account holder by transferring a specified type and number of Kyoto units from the relevant account into the cancellation account of the account administrator's KP registry or the cancellation account of the Union Registry.

**▼B***SECTION 5**Transaction reversal**Article 51***Reversal of finalised processes initiated in error**

1. If an account holder or a registry administrator acting on behalf of the account holder unintentionally or erroneously initiated one of the transactions listed in paragraph 2, the account holder may propose to the administrator of its account to carry out a reversal of the completed transaction in a written request. The request shall be duly signed by the authorised representative or representatives of the account holder that are authorised to initiate the type of transaction to be reversed and shall be posted within 5 working days of the finalisation of the process. The request shall contain a statement indicating that the transaction was initiated erroneously or unintentionally.

**▼B**

2. Account holders may propose the reversal of the following transactions:

- (a) allocation of Chapter III allowances;
- (b) allocation of Chapter II allowances;
- (c) surrender of allowances;
- (d) surrender of CERs and ERUs;
- (e) deletion of allowances;
- (f) cancellation of Kyoto units.

3. If the administrator of the account establishes that the request fulfils the conditions under paragraph 1 and the administrator agrees with the request, it may propose the reversal of the transaction in the Union registry.

4. The Union registry shall accept the proposal for reversal, block the units that are to be transferred by the reversal and forward the proposal to the Central Administrator provided that all of the following conditions are met:

**▼M1**

- (a) the transaction to be reversed was not completed more than 30 working days prior to the account administrator's proposal in accordance with paragraph 3, except for allocation of Chapter III allowances and allocation of Chapter II allowances;

**▼B**

- (b) no operator would become non-compliant for a previous year as a result of the reversal;
- (c) the destination account of the transaction to be reversed still holds the amount of units of the type that were involved in the transaction to be reversed;
- (d) the transaction to be reversed was not yet followed up by a deduction in accordance with Article 52 from the minimum deposited quantity after an accounting transfer made on the basis of the transaction to be reversed;
- (e) the allocation of Chapter III allowances to be reversed was carried out after the expiry date of the installation's permit.

5. The Central Administrator shall approve the proposal within 10 working days. Where the transaction to be reversed involves transfers of Kyoto units from one KP registry to another KP registry, this approval shall only be given if the ITL administrator agreed to reverse the transaction in the ITL.

6. The Union registry may complete the reversal with different units of the same unit type that are on the destination account of the transaction that is being reversed.



**▼B***SECTION 6**Accounting mechanisms**Article 52***Minimum deposited quantity on the ETS AAU deposit account**

1. The EUTL shall record a minimum deposited quantity for each Member State. In the case of Member States with KP registries, the EUTL will prevent transfers of Kyoto units from their ETS AAU deposit account that would result in Kyoto unit holdings on the ETS AAU deposit account that are below the minimum deposited quantity. In the case of Member States with no KP registry, the minimum deposited quantity is a value used in the clearing process.

2. The EUTL shall add a quantity to the minimum deposited quantity after an issue of Chapter III allowances has taken place in accordance with Article 39, where the addition shall be equal to the amount of Chapter III allowances issued.

3. The EUTL shall deduct a quantity from the minimum deposited quantity immediately after:

- (a) a transfer of Chapter III allowances to the Union allowance deletion account has taken place as a result of downwards correction of Chapter III allowances after their allocation in accordance with Article 37(3), where the deduction shall be equal to the amount of Chapter III allowances transferred;
- (b) a set-aside of Kyoto units against surrenders of Chapter III allowances by aircraft operators in accordance with Article 54 has taken place, where the deduction shall be equal to the amount set-aside;
- (c) a cancellation of Kyoto units against deletions of Chapter III allowances in accordance with Article 55(1) has taken place, where the deduction shall be equal to the quantity cancelled;
- (d) a deletion of allowances set out in Article 55(2) took place, where the deduction shall be equal to the quantity deleted.

**▼M2**

4. The central administrator shall carry out a deduction of a quantity from the minimum deposited quantity recorded in the EUTL after the clearing transactions in accordance with Article 56 have taken place. The deduction shall equal the total amount of Chapter III allowances surrendered by operator holding accounts administered by the national administrator of the Member State for the 2008-12 period; plus the clearing value calculated in accordance with Article 56(3).

**▼B***Article 53***Gateway quantity and gateway deposit account**

1. The EUTL shall record a gateway quantity for each Member State with no KP registry.

**▼B**

2. The EUTL shall add a quantity to the gateway quantity after Chapter III allowances are transferred from a user account administered by a Member State with no KP registry to a user account administered by another Member State, where the addition shall be equal to the amount of Chapter III allowances transferred.

3. The EUTL shall deduct a quantity from the gateway quantity after Chapter III allowances are transferred from a user account administered by a Member State to a user account administered by a Member State with no KP registry, where the deduction shall be equal to the amount of Chapter III allowances transferred.

4. The EUTL will not allow any transfer of Chapter III allowances out of accounts administered by a Member State with no KP registry that would result in a gateway quantity that is higher than the amount of Kyoto units held in the gateway deposit account for that Member State.

5. Until 1 July 2013 or the completion of the clearing set out in Article 56, whichever is later, the EUTL will not allow any transfer of Kyoto units out of the gateway deposit account for a particular Member State with no KP registry that would result in holdings on the gateway deposit account for the Member State that are lower than the gateway quantity.

6. After 1 July 2013 or the completion of the clearing set out in Article 56, whichever is later, the Central Administrator shall reset the gateway quantity to zero and empty the gateway deposit account through transfers carried out in the following order of precedence:

- (a) transfers in accordance with in Article 54(2);
- (b) transfers to the ETS AAU deposit account of the Member State served by the gateway up to the quantity needed to ensure the banking of all Chapter III allowances in accordance with Article 57;
- (c) transfers to the KP Party holding account of the European Union up to the amount of any previous transfers from that account to the gateway deposit account;
- (d) transfers to the KP Party holding account of the Member State served by the gateway deposit account.

*Article 54***Setting aside of AAUs against surrenders of Chapter III allowances by aircraft operators**

1. By 5 May 2013 and each year thereafter, KP registry administrators of Member States with KP registries shall transfer to the aviation surrender set-aside account in the Union registry an amount of AAUs that is equal to the amount of Chapter III allowances surrendered for the current period by aircraft operators pursuant to Article 46 between 1 May of the preceding year and 30 April of the current year.

2. By 1 July 2013 or when the clearing process in Article 56 is completed, whichever is later, the Central Administrator shall transfer from the gateway deposit account of a Member State with no KP registry to the aviation surrender set-aside account in the Union registry an amount of Kyoto units that is equal to the lower of the following:

- (a) the total amount of Chapter III allowances surrendered from aircraft operator holding accounts administered by that Member State with no KP registry;
- (b) the total amount of units held on the gateway account.

*Article 55***Cancellation of Kyoto units against deletions of Chapter III allowances**

1. By 5 May 2013 and each year thereafter each KP registry administrator shall transfer an amount of AAUs, ERUs or CERs, but not ICERs or tCERs to the cancellation account in the Union registry. The transferred amount shall be equal to the amount of Chapter III allowances deleted in accordance with Article 49 from user accounts administered by its Member State between 1 May of the preceding year and 30 April of the current year.

2. By way of derogation from paragraph 1 a registry administrator is not obliged to transfer to the cancellation account in the Union registry amounts of AAUs, ERUs, or CERs equal to deletions which meet one of the following conditions:

- (a) the deletion was carried out in an account administered by a Member State that has no KP registry;
- (b) the deletion took place after 30 April of the year following the last year of the period.

*Article 56***Clearing of allowance transfers**

1. After the end of the 2008-2012 period, in order to ensure that transfers of Chapter III allowances between accounts administered by national administrators of different Member States are followed up with an equal amount of Kyoto units transferred between KP registries, paragraphs 2 to 4 shall apply.

**▼B**

2. On the first working day following 1 June 2013, or the day after all changes to minimum deposit quantities related to downwards corrections to allowances set out in Article 52(3)(a) are completed, whichever is later, the Central Administrator shall calculate a clearing value for each Member State and notify the national administrators thereof.

3. In the case of Member States with a KP registry, the clearing value shall be equal to:

- (a) the minimum deposit quantity on 1 June; minus
- (b) the total amount of Chapter III allowances surrendered by operators administered by the national administrator of the Member State for the 2008-12 period.

4. In the case of Member States with no KP registry, the clearing value shall be equal to the gateway quantity calculated in accordance with Article 53 on 1 June 2013.

5. Within 5 working days of the notification set out in paragraph 2, each KP registry administrator whose Member State has a positive clearing value shall transfer an amount of AAUs equal to the clearing value to the ETS central clearing account in the Union registry. In the case of Member States with no KP registry, this transfer shall be carried out by the Central Administrator from the gateway deposit account for the Member State with no KP registry.

6. Within 5 working days of the completion of the transfers set out in paragraph 5, the Central Administrator shall transfer an amount of AAUs from the ETS central clearing account in the Union registry to a KP Party holding account in the KP registry of each Member State with a negative clearing value that is equal to the positive equivalent of the clearing value. In the case of Member States with no KP registry, this amount shall be transferred to the gateway deposit account.

**▼M2***Article 57***Banking between periods**

Within ten working days of the completion of the clearing transactions set out in Article 56, the Union registry shall delete Chapter II allowances valid for the 2008-2012 period held in user accounts in the Union registry and issue an equal amount of Chapter II allowances valid for the 2013-2020 period to the same accounts and delete Chapter III allowances valid for the 2008-2012 period held in user accounts in the Union registry and issue an equal amount of Chapter III allowances valid for the 2013-2020 period to the same accounts.

**▼ B***Article 58***Retirement of AAUs, ERUs or CERs against the domestic aviation emissions of aircraft operators**

1. By 30 September of the year following the year of entry into force of this Regulation, the Central Administrator shall transfer an amount of Kyoto units from the aviation surrender set-aside account in the Union registry to the Party holding account of each Member State that is equal to those verified emissions by aircraft operators that are included in the national inventory under the UNFCCC of that Member State for that year. The amounts thus transferred shall constitute of AAUs to the extent possible. If the AAUs in the aviation surrender set-aside account are not sufficient for completing all transfers, the Central Administrator shall preferentially transfer AAUs to those Member States whose domestic aviation emissions are lower than the amount of AAUs they transferred into the aviation surrender set-aside account in accordance with Article 54(1).

2. If the holdings of the aviation surrender set-aside account are not enough to carry out the transfer set out in paragraph 1, all amounts to be transferred shall be reduced with a factor that shall equal the total units held on the aviation surrender set-aside account divided by the total amount of units required to be transferred.

## CHAPTER VII

## TECHNICAL REQUIREMENTS OF THE REGISTRIES SYSTEM

*SECTION 1**Availability***▼ M2**

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**▼ B***SECTION 2**Security, and authentication***▼ M2**

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**▼ B***SECTION 3**Automated checking, recording and completing of processes***▼ M2**

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▼ B

SECTION 4

*Specifications and change management*

▼ M2 \_\_\_\_\_

▼ B

CHAPTER VIII

RECORDS, REPORTS, CONFIDENTIALITY AND FEES

▼ M2 \_\_\_\_\_

▼ B

CHAPTER IX

TRANSITIONAL AND FINAL PROVISIONS

▼ M2 \_\_\_\_\_

▼ B

*Article 80*

**Entry into force**

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

Articles 2 to 76 and the Annexes shall apply from 1 January 2012.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

## ANNEX I

Table I-I: Account types and unit types that may be held in each account type

Account type name	Account holder	Account Administrator	No of accounts of this type	Allowances (Non-Kyoto units)		Kyoto units			
				Chapter III allowances	Chapter II allowances	AAU	CER	ERU	ICER/tCER/RMU
<i>I. KP Party accounts in KP registries (including the Union registry)</i>									
Party holding account	KP Party	KP registry Administrator (in the Union registry: the Central Administrator)	at least 1	No	No	Yes	Yes	Yes	Yes
Cancellation account			1	No	No	Yes	Yes	Yes	Yes
Retirement account			1	No	No	Yes	Yes	Yes	Yes
ETS AAU deposit account			1	No	No	Yes	No	No	No
<i>II. Management accounts in the Union registry</i>									
National allowance holding account	Member State	Nat'l Admin of the MS holding the account	1 for each MS	Yes	Yes	No	No	No	No
ETS central clearing account	EU	Central Administrator	1	No	No	Yes	No	No	No
Gateway deposit account			1 for each MS with no KP Reg.	No	No	Yes	No	No	No
Union allowance deletion account			1	Yes	Yes	No	No	No	No
Aviation Surrender Set-Aside Account			1	No	No	Yes	Yes	Yes	No

▼B

Account type name	Account holder	Account Administrator	No of accounts of this type	Allowances (Non-Kyoto units)		Kyoto units			
				Chapter III allowances	Chapter II allowances	AAU	CER	ERU	ICER/tCER/RMU

III. User accounts in the Union registry

Operator holding account	Operator	Nat'l Admin of the MS where installation is located	one for each installation/ aircraft operator/ person/ trading platform in MS	Yes	No	by MS (*)	Yes	Yes	by MS (*)
Aircraft Operator holding account	Aircraft operator	Nat'l Admin of the MS administering the aircraft operator		Yes	Yes	by MS (*)	Yes	Yes	by MS (*)
Person holding account	Person	Nat'l Admin that has opened the account		Yes	Yes	by MS (*)	Yes	Yes	by MS (*)
Trading Platform holding Account	Trading platform			Yes	Yes	by MS (*)	Yes	Yes	by MS (*)
Verifier Account	Verifier		One for each verifier	No	No	No	No	No	No

(\*) The MS National Administrator can decide whether the account (or the account type) may hold this type of unit.





## ANNEX II

**Transaction types that may be initiated and received by each account type (with the type of units that may be involved)**

Account type name	Transaction name and action type (I = Initiate, R = receive)											
	Transfer of units						Surrender of units		Deletion of allowances		Cancellation of Kyoto units	
	from a UR account		to a UR account (from a non-UR account)		between two non-UR accounts (in EEA)							
	I	R	I	R	I	R	I	R	I	R	I	R
<i>I. KP Party accounts in the Union registry and all other KP registries</i>												
KP Party holding account	n.a.	Yes	Yes	n.a.	Yes	Yes	No	Yes	No	No	Yes	No
Cancellation account	n.a.	Yes	No	n.a.	No	Yes	No	No	No	No	No	Yes
Retirement account	n.a.	Yes	No	n.a.	No	Yes	No	No	No	No	No	No
ETS AAU deposit account	n.a.	n.a.	Yes	n.a.	Yes	Yes	No	No	No	No	No	No
<i>II. Management accounts in the Union registry</i>												
ETS central clearing account	Yes	Yes	n.a.	Yes	n.a.	n.a.	No	No	No	No	No	No
Gateway deposit account (for MS with no KP registry)	Yes	Yes	n.a.	Yes	n.a.	n.a.	No	No	No	No	No	No
National allowance holding account (only for MS with KP registries)	Yes	Yes	n.a.	Yes	n.a.	n.a.	No	No	Yes	No	No	No
Union allowance deletion account	No	No	n.a.	No	n.a.	n.a.	No	Yes	No	Yes	No	No
Aviation Surrender Set-Aside Account	Yes	Yes	n.a.	Yes	n.a.	n.a.	No	Yes	No	No	Yes	No
<i>III. User accounts in the Union registry</i>												
Operator holding account	Yes	Yes	n.a.	Yes	n.a.	n.a.	Yes	No	Yes	No	Yes	No
Aircraft Operator holding account	Yes	Yes	n.a.	Yes	n.a.	n.a.	Yes	No	Yes	No	Yes	No
Person holding account	Yes	Yes	n.a.	Yes	n.a.	n.a.	No	No	Yes	No	Yes	No
Trading Platform holding account	Yes	Yes	n.a.	Yes	n.a.	n.a.	No	No	Yes	No	Yes	No
Verifier Account	No	No	n.a.	No	n.a.	n.a.	No	No	No	No	No	No



## ANNEX III

**Information to be submitted with requests for opening KP Party accounts and management accounts**

1. The information set out in Table III-I.

*Table III-I: Account Details for all accounts*

	A	B	C	D	E	F
Item No	Account detail item	Mandatory or Optional?	Type	Can be updated?	Is approval from NA needed for update?	Displayed on UR public website?
1	Account ID (given by UR)	M	Preset	No	n.a.	No
2	Account type	M	Choice	No	n.a.	Yes
3	Commitment period	M	Choice	No	n.a.	Yes
4	Account Holder ID (issued by UR)	M	Free	Yes	Yes	Yes
5	Account holder Name	M	Free	Yes	Yes	Yes
6	Account Identifier (given by account holder)	M	Free	Yes	No	No
7	AH Address — country	M	Choice	Yes	Yes	Yes
8	AH Address — region or state	O	Free	Yes	Yes	Yes
9	AH Address — city	M	Free	Yes	Yes	Yes
10	AH Address — postcode	M	Free	Yes	Yes	Yes
11	AH Address — street	M	Free	Yes	Yes	Yes
12	AH Address — street No	M	Free	Yes	Yes	Yes
13	AH Company registration No or ID No	M	Free	Yes	Yes	Yes
14	AH Telephone 1	M	Free	Yes	No	Yes
15	AH Telephone 2	M	Free	Yes	No	Yes
16	AH email address	M	Free	Yes	No	Yes
17	Date of Birth (for natural persons)	O	Free	No	n.a.	No
18	Place of Birth (for natural persons)	O	Free	No	n.a.	No
19	VAT registration number with country code	O	Free	Yes	Yes	No

**▼B**

	A	B	C	D	E	F
Item No	Account detail item	Mandatory or Optional?	Type	Can be updated?	Is approval from NA needed for update?	Displayed on UR public website?
20	Account opening date	M	Preset	No	n.a.	Yes
21	Account closing date	O	Preset	Yes	Yes	Yes

- The account identifier shall be unique within the registry system.

**▼ M1***ANNEX IV***Information concerning person holding accounts and trading platform holding accounts to be provided to the national administrator**

1. The information set out in Table III-I. (The account ID and the alphanumeric identifier are to be unique within the registry system.)
2. With the exception of aircraft operators, proof that the person requesting the account opening has an open bank account in a Member State of the European Economic Area.
3. Evidence to support the identity of the natural person requesting the account opening, which may be a copy of one of the following:
  - (a) an identity card issued by a State that is a member of the European Economic Area or the Organisation for Economic Cooperation and Development;
  - (b) a passport.
4. Evidence to support the address of the permanent residence of the natural person account holder, which may be a copy of one of the following:
  - (a) the identity document submitted under point 3, if it contains the address of the permanent residence;
  - (b) any other government-issued identity document that contains the address of permanent residence;
  - (c) if the country of permanent residence does not issue identity documents that contain the address of permanent residence, a statement from the local authorities confirming the nominee's permanent residence;
  - (d) any other document that is customarily accepted in the Member State of the administrator of the account as evidence of the permanent residence of the nominee.
5. The following documents in case of a legal person requesting the account opening:
  - (a) a copy of the instruments establishing the legal entity and a copy of a document proving the registration of the legal entity;
  - (b) bank account details;
  - (c) a confirmation of VAT registration;
  - (d) information on the legal entity's beneficial owner as defined in Directive 2005/60/EC;
  - (e) list of directors;
  - (f) a copy of the annual report or of the latest audited financial statements, or if no audited financial statements available, a copy of the financial statements stamped by the tax office or the financial director.
6. Evidence to support the registered address of the legal person account holder, if this is not clear from the document submitted in accordance with point 5.
7. The criminal record of the natural person requesting the account opening or if it is a legal person, of its directors.

**▼ M1**

8. Any copy of a document submitted as evidence under this Annex must be certified as a true copy by a notary public or other similar person specified by the national administrator. Regarding documents issued outside the Member State requesting a copy, the copy must be legalised. The date of the certification or legalisation must not be more than three months prior to the date of application.
9. The administrator of the account may require that the documents submitted are accompanied with a certified translation into a language specified by the administrator.
10. Instead of obtaining paper documents, the administrator of the account may use electronic mechanisms to check the evidence to be submitted in accordance with this Annex.

*ANNEX V***Additional information concerning trading platform holding accounts to be provided to the national administrator**

1. A signed statement from the competent financial authorities of the Member State of the administrator opening the account confirming that the person requesting the account opening is authorised by that Member State as one of the following:
  - (a) a regulated market as defined under Article 4, paragraph 1, (14) of Directive 2004/39/EC on markets in financial instruments, as amended;
  - (b) a multilateral trading facility as defined under Article 4, paragraph 1, (15) of Directive 2004/39/EC on markets in financial instruments, as amended;
  - (c) any other exchange that is a multilateral system operated and/or managed by a market operator, which brings together or facilitates the bringing together of multiple third-party buying and selling interests in allowances or Kyoto units, including any clearing or settlement system responsible for the payment for and delivery of allowances and the management of collateral servicing the relevant regulated market or multilateral trading facility, or any other exchange.

**Additional information concerning verifier accounts to be provided to the national administrator**

2. A document proving that the person requesting the account opening is accredited as a verifier in the Member State of the administrator from whom it requests the opening of an account.



*ANNEX VI*

**Core terms and conditions**

*Structure and effect of core terms and conditions*

1. The relationship between account holders and registry administrators.

*The account holder and authorised representative's obligations*

2. The account holder and authorised representative's obligations with respect to security, usernames and passwords, and access to the registry website.
3. The account holder and authorised representative's obligation to post data on the registry website and ensure that data posted is accurate.
4. The account holder and authorised representative's obligation to comply with the terms of use of the registry website.

*The registry administrator's obligations*

5. The registry administrator's obligation to carry out account holder's instructions.
6. The registry administrator's obligation to log the account holder's details.
7. The registry administrator's obligation to open, update or close the account in accordance with the provisions of the Regulation.

*Process procedures*

8. The process finalisation and confirmation provisions.

*Payment*

9. The terms and conditions regarding any registry fees for establishing and maintaining accounts.

*Operation of the registry website*

10. Provisions regarding the right of the registry administrator to make changes to the registry website.
11. Conditions of use of the registry website.

*Warranties and indemnities*

12. Accuracy of information.
13. Authority to initiate processes.

*Modification of these core terms to reflect changes to this Regulation or changes to domestic legislation*

*Security and response to security breaches*

14. An indication that all suspicious messages related to transactions may be passed on to national law enforcement agencies by national administrators.

*Dispute resolution*

15. Provisions relating to disputes between account holders.

*Liability*

16. The limit of liability for the registry administrator.
17. The limit of liability for the account holder.

*Third party rights*

*Agency, notices and governing law*



## ANNEX VII

**Information concerning each operator holding account to be provided to the national administrator**

1. The information set out in Table III-I.
2. Under the data provided in accordance with table III-I, the operator of the installation shall be given as the account holder. The name provided for the account holder should be identical to name of the natural or legal person that is the holder of the relevant greenhouse gas permit.
3. The information set out in Tables VII-I and VII-II

*Table VII-I: Account Details for operator holding accounts*

	A	B	C	D	E	F
Item No	Account detail item	Mandatory or Optional?	Type	Can be updated?	Is approval from NA needed for update?	Displayed on UR public website?
1	Installation ID	M	Preset	No	—	Yes
2	Permit ID	M	Free	Yes	Yes	Yes
3	Permit entry into force date	M	Free	No	—	Yes
4	Permit expiry date	O	Free	Yes	Yes	Yes
5	Installation Name	M	Free	Yes	Yes	Yes
6	Installation Activity Type	M	Choice	Yes	Yes	Yes
7	Installation Address — country	M	Preset	Yes	Yes	Yes
8	Installation Address — region or state	O	Free	Yes	Yes	Yes
9	Installation Address — city	M	Free	Yes	Yes	Yes
10	Installation Address — postcode	M	Free	Yes	Yes	Yes
11	Installation Address — street	M	Free	Yes	Yes	Yes
12	Installation Address — street No	M	Free	Yes	Yes	Yes
13	Installation Telephone 1	M	Free	Yes	No	Yes
14	Installation Telephone 2	M	Free	Yes	No	Yes
15	Installation email address	M	Free	Yes	No	Yes
16	Parent Company	O	Free	Yes	No	Yes
17	Subsidiary Company	O	Free	Yes	No	Yes
18	EPRTTR Identification Number	M	Free	Yes	No	Yes



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	A	B	C	D	E	F
Item No	Account detail item	Mandatory or Optional?	Type	Can be updated?	Is approval from NA needed for update?	Displayed on UR public website?
19	Latitude	O	Free	Yes	No	Yes
20	Longitude	O	Free	Yes	No	Yes

Table VII-II: Account verifier and contact person details

	A	B	C	D	E	F
Item No	Account detail item	Mandatory or Optional?	Type	Can be updated?	Is approval from NA needed for update?	Displayed on UR public website?
1	Verifier	O	Choice	Yes	No	Yes
	Company name	O	Free	Yes	No	Yes (*)
	Company department	O	Free	Yes	No	Yes (*)
2	Contact Person within MS First Name	O	Free	Yes	No	Yes (*)
3	Contact Person within MS Last Name	O	Free	Yes	No	Yes (*)
4	Contact Person Address — country	O	Preset	Yes	No	Yes (*)
5	Contact Person Address — region or state	O	Free	Yes	No	Yes (*)
6	Contact Person Address — city	O	Free	Yes	No	Yes (*)
7	Contact Person Address — postcode	O	Free	Yes	No	Yes (*)
8	Contact Person Address — street	O	Free	Yes	No	Yes (*)
9	Contact Person Address — street No	O	Free	Yes	No	Yes (*)
10	Contact Person Telephone 1	O	Free	Yes	No	Yes (*)
11	Contact Person Telephone 2	O	Free	Yes	No	Yes (*)
12	Contact Person email address	O	Free	Yes	No	Yes (*)

(\*) These items are not displayed if the account holder requests keeping them confidential in accordance with Article 75.

- The name of the installation shall be identical to the name indicated in the relevant greenhouse gas permit.



*ANNEX VIII*

**Information concerning each aircraft operator holding account to be provided to the registry administrator**

1. The information set out in Table III-I and VII-II.
2. Under the data provided in accordance with table III-I, the aircraft operator shall be given as the account holder. The name recorded for the account holder shall be identical to the name in the Monitoring Plan. In case of the name in the Monitoring Plan being obsolete, the name in the trading registry or the name used by Eurocontrol shall be used.
3. The information set out in Table VIII-I.

*Table VIII-I: Account Details for Aircraft operator holding accounts*

	A	B	C	D	E	F
Item No	Account detail item	Mandatory or Optional?	Type	Can be updated?	Is approval from NA needed for update?	Displayed on UR public website?
1	Aircraft operator ID (assigned by Union registry)	M	Free	No	—	Yes
2	Unique code under Commission Regulation (EC) No 748/2009	M	Free	Yes	Yes	Yes
3	call sign (ICAO designator)	O	Free	Yes	Yes	Yes
4	Monitoring plan ID	M	Free	Yes	Yes	Yes
5	Monitoring plan — first year of applicability	M	Free	No	—	Yes
6	Monitoring plan — year of expiry	O	Free	Yes	Yes	Yes

4. The call sign is ICAO designator in box 7 of the flight plan or, if not available, the registration marking of the aircraft.

▼ **M1***ANNEX IX***Information concerning authorised representatives and additional authorised representatives to be provided to the administrator of the account**

1. The information set out in Table IX-I.

**Table IX-I: Authorised representative details**

	A	B	C	D	E	F
Item No	Account detail item	Mandatory or optional?	Type	Can be updated?	Is approval from NA needed for update?	Displayed on UR public website?
1	Person ID	M	Free	No	n.a.	No
2	Type of AR	M	Choice	Yes	No	Yes
3	First name	M	Free	Yes	Yes	No <sup>(1)</sup>
4	Last name	M	Free	Yes	Yes	No <sup>(1)</sup>
5	Title	O	Free	Yes	No	No <sup>(1)</sup>
6	Job title	O	Free	Yes	No	No <sup>(1)</sup>
	Company name	O	Free	Yes	No	No <sup>(1)</sup>
	Company department	O	Free	Yes	No	No <sup>(1)</sup>
7	Country	M	Preset	No	n.a.	No <sup>(1)</sup>
8	Region or State	O	Free	Yes	Yes	No <sup>(1)</sup>
9	City	M	Free	Yes	Yes	No <sup>(1)</sup>
10	Postcode	M	Free	Yes	Yes	No <sup>(1)</sup>
11	Address — line 1	M	Free	Yes	Yes	No <sup>(1)</sup>
12	Address — line 2	O	Free	Yes	Yes	No <sup>(1)</sup>
13	Telephone 1	M	Free	Yes	No	No <sup>(1)</sup>
14	Mobile phone	M	Free	Yes	Yes	No <sup>(1)</sup>
15	E-mail address	M	Free	Yes	Yes	No
16	Date of birth	M	Free	No	n.a.	No
17	Place of birth — city	M	Free	No	n.a.	No
18	Place of birth — country	M				
18	Preferred language	O	Choice	Yes	No	No

▼ **M1**

	A	B	C	D	E	F
Item No	Account detail item	Mandatory or optional?	Type	Can be updated?	Is approval from NA needed for update?	Displayed on UR public website?
19	Confidentiality level	O	Choice	Yes	No	No
20	AARs rights	M	Multiple choice	Yes	No	No

(<sup>1</sup>) These items are only displayed if the account holder requests making them public in accordance with Article 75.

2. A signed statement from the account holder indicating that it wishes to nominate a particular person as authorised representative or additional authorised representative, confirming that the authorised representative has the right to initiate, or that additional authorised representative has the right to approve, transactions on behalf of the account holder and indicating any limitations to that right.
3. Evidence to support the identity of the nominee, which may be a copy of one of the following:
  - (a) an identity card issued by a State that is a member of the European Economic Area or the Organisation for Economic Cooperation and Development;
  - (b) a passport.
4. Evidence to support the address of the permanent residence of the nominee, which may be a copy of one of the following:
  - (a) the identity document submitted under point 3, if it contains the address of the permanent residence;
  - (b) any other government-issued identity document that contains the address of permanent residence;
  - (c) if the country of permanent residence does not issue identity documents that contain the address of permanent residence, a statement from the local authorities confirming the nominee's permanent residence;
  - (d) any other document that is customarily accepted in the Member State of the administrator of the account as evidence of the permanent residence of the nominee.
5. Criminal record of the nominee.
6. Any copy of a document submitted as evidence under this Annex must be certified as a true copy by a notary public or other similar person specified by the national administrator. Regarding documents issued outside the Member State requesting a copy, the copy must be legalised. The date of the certification or legalisation must not be more than three months prior to the date of application.
7. The administrator of the account may require that the documents submitted are accompanied with a certified translation into a language specified by the national administrator.
8. Instead of obtaining paper documents, the administrator of the account may use electronic mechanisms to check the evidence to be submitted in accordance with this Annex.



ANNEX X

**Formats for submitting annual emissions data**

1. Emissions data for operators shall contain the information set out in Table X-I.

*Table X-I: Emissions data for operators*

	A	B	C
1	Installation ID:		
2	Reporting year		
Greenhouse Gas Emissions			
		<i>in tons</i>	<i>in tons of CO<sub>2</sub>eq</i>
3	CO <sub>2</sub> emissions		
4	N <sub>2</sub> O emissions		
5	PFC emissions		
6	Total emissions	—	Σ (C2 + C3 + C4)

2. Emissions data for aircraft operators shall contain the data set out in under paragraphs 8 and 9 of Section 8 in Annex XIV to Decision 2007/589/EC.
3. The electronic format for submitting emissions data shall be described in the Data Exchange and Technical Specifications provided for in Article 71.

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## ANNEX XI

**National Allocation Plan Table for the 2008-2012 period**

Row No	Name		No of Chapter III allowances	Input ('r' stands for 'row')
	Country code of Member State			Manual input
1	Total number of allowances to issue to installations			$\Sigma$ (r5 to r9, r12 to r16)
2	Total number of allowances in reserve			Manual input
3		Account ID of installation A		Manual input
4		Quantity to be allocated to Installation A:		
5		in year 2008		Manual input
6		in year 2009		Manual input
7		in year 2010		Manual input
8		in year 2011		Manual input
9		in year 2012		Manual input
10		Account ID of installation B		Manual input
11		Quantity to be allocated to Installation B:		
12		in year 2008		Manual input
13		in year 2009		Manual input
14		in year 2010		Manual input
15		in year 2011		Manual input
16		in year 2012		Manual input

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## ANNEX XII

Union Aviation Allocation Table for the 2008-2012 period

Row No	Name		Number of Chapter II allowances	Input ('r' stands for 'row')
1	Union-wide quantity of Chapter II allowances in 2012:			Manual input
2		Quantity still to be allocated in 2012		$(r1 \times 0,15) = \Sigma (r3, r4, r5)$
3		by MS 1:		Manual input
4		by MS 2:		Manual input
5		by MS n:		Manual input
6		Quantity already allocated for 2012		$(r1 - r2) = \Sigma (r7, r8, r9)$
7		to Aircraft Operator 1:		Manual input
8		to Aircraft Operator 2:		Manual input
9		to Account Holder n:		Manual input



*ANNEX XIII*

**Reporting requirements of the Central Administrator**

Information available to the public

1. The EUTL shall display on the public website of the EUTL the following information for each account:
  - (a) all information indicated as to be 'displayed on UR public website' in Tables III-I, VII-I, VII-II, VIII-I, IX-I. This information shall be updated every 24 hours;
  - (b) allowances allocated to individual account holders pursuant to Article 40 and Article 41. This information shall be updated every 24 hours;
  - (c) the status of the account in accordance with Article 9(1). This information shall be updated every 24 hours;
  - (d) the number of allowances and ERUs and CERs surrendered in accordance with Article 46, and the unit ID of the surrendered ERUs and CERs. The number of allowances and ERUs and CERs surrendered in the period from 1 January to 15 May shall only be displayed after 15 May. In the period from 15 May to 31 December, this information shall be updated every 24 hours;
  - (e) verified emissions figure, along with its corrections for the installation related to the operator holding account for year X shall be displayed from 1 April onwards of year (X+1);
  - (f) a symbol and a statement indicating whether the installation or aircraft operator related to the operator holding account surrendered a number of Kyoto units or allowances by 30 April that is at least equal to all its emissions in all past years. The symbols and the statements to be displayed are set out in Table XIII-I. The symbol shall be updated on 1 May and, except for the addition of a \* in cases described under row 5 of Table XIII-I, it shall not change until the next 1 May.

*Table XIII-I: Compliance statements*

Row No	Compliance status figure according to Article 31	Verified emissions are recorded for last complete year?	Symbol	Statement
			to be displayed on EUTL public website	
1	0 or any positive number	Yes	A	'The number of allowances and ERUs/CERs surrendered by 30 April is greater than or equal to verified emissions'
2	any negative number	Yes	B	'The number of allowances and ERUs/CERs surrendered by 30 April is lower than verified emissions'
3	any number	No	C	'Verified emissions for preceding year were not entered until 30 April'



▼ B

Row No	Compliance status figure according to Article 31	Verified emissions are recorded for last complete year?	Symbol	Statement
			to be displayed on EUTL public website	
4	any number	No (because the allowance surrender process and/or verified emissions update process being suspended for the Member State's registry)	X	'Entering verified emissions and/or surrendering was impossible until 30 April due to the allowance surrender process and/or verified emissions update process being suspended for the Member State's registry'
5	any number	Yes or No (but subsequently updated by the competent authority)	* <i>[added to the initial symbol]</i>	'Verified emissions were estimated or corrected by the competent authority.'

2. The EUTL shall display on the public website of the EUTL the following general information, and shall update it every 24 hours:
- (a) the national allocation plan table of each Member State, including indications of any corrections made to the table in accordance with Article 37;
  - (b) the Union aviation allocation table, including indications of any corrections made to the table in accordance with Article 38;
  - (c) any set-aside table drawn up in accordance with Commission Decision 2006/780/EC <sup>(1)</sup>;
  - (d) the total number of allowances, ERUs and CERs held in the Union registry in all user accounts on the previous day;
  - (e) a list of the unit IDs of all allowances, CERs and ERUs that were surrendered, marking those units that were moved out of the account they were surrendered into and are now held in person holding accounts or operator holding accounts. In the case of CERs and ERUs, project name, originating country and project ID shall also be displayed;
  - (f) a listing of the type of Kyoto units other than CERs and ERUs that can be held in user accounts administered by a particular national administrator in accordance with point 1 of Annex I;
  - (g) the total number of CERs and ERUs which operators in each Member State are allowed to surrender for each period pursuant to Article 11a(1) of Directive 2003/87/EC;
  - (h) the fees charged by national administrators in accordance with Article 76.
3. The EUTL shall display on its public website the following general information, on 30 April of each year:
- (a) the percentage share of allowances surrendered in each Member State in the preceding calendar year that were surrendered from the account to which they were allocated to;

<sup>(1)</sup> OJ L 316, 16.11.2006, p. 12.

**▼ B**

- (b) the sum of verified emissions by Member State entered for the preceding calendar year as a percentage of the sum of verified emissions of the year before that year;
  - (c) the percentage share belonging to accounts administered by a particular Member State in the number and volume of all allowance and Kyoto unit transfer transactions in the preceding calendar year;
  - (d) the percentage share belonging to accounts administered by a particular Member State in the number and volume of all allowance and Kyoto unit transfer transactions in the preceding calendar year between accounts administered by different Member States.
4. The EUTL shall display on the public website of the EUTL the following information about each completed transaction recorded by the EUTL, on 1 January of the fifth year after the year of the recording of the information:
- (a) account holder name and Account holder ID of the transferring account;
  - (b) account holder name and Account holder ID of the acquiring account;

**▼ M1**

- (c) the amount of allowances or Kyoto units involved in the transaction, without the unique unit identification code of the allowances and the unique numeric value of the unit serial number of the Kyoto units;

**▼ B**

- (d) transaction identification code;
- (e) date and time at which the transaction was completed (in Central European Time);
- (f) The type of the transaction.

**Information available to account holders**

5. The Union registry shall display on the part of the Union registry's website only accessible to the account holder the following information, and shall update it in real time:

**▼ M1**

- (a) current holdings of allowances and Kyoto units, without unique unit identification code of the allowances and the unique numeric value of the unit serial number of the Kyoto units;

**▼ B**

- (b) list of proposed transactions initiated by that account holder, detailing for each proposed transaction:
  - (i) the elements in paragraph 4;
  - (ii) the date and time at which the transaction was proposed (in Central European Time);
  - (iii) the current status of that proposed transaction;
  - (iv) any response codes returned consequent to the checks made by the registry and the EUTL;

**▼B**

- (c) a list of allowances or Kyoto units acquired by that account as a result of completed transactions, detailing for each transaction the elements in point 4;
- (d) list of allowances or Kyoto units transferred out of that account as a result of completed transactions, detailing for each transaction the elements in point 4.

**Information available to national administrators**

- 6. The Union registry shall display on the part of the Union registry's website only accessible to national administrators:
  - (a) the current balance and the transaction history of the ETS central clearing account, the Gateway deposit account, the Union allowance deletion account and the Aviation Surrender Set-Aside Account;
  - (b) account holders and authorised representatives whose access to any account in the Union registry was suspended by any national administrator in accordance with Article 27.