

Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (Text with EEA relevance)

COMMISSION REGULATION (EU) No 389/2013

of 2 May 2013

establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011

(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 regard to Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020<sup>(3)</sup>, and in particular Article 11(3) thereof,

Having consulted the European Data Protection Supervisor,

Whereas:

- (1) The registries system ensures the accurate accounting of transactions under the Union emissions trading scheme (ETS) set up by Directive 2003/87/EC, the Kyoto Protocol and Decision No 406/2009/EC. Registries are standardised and secured electronic databases containing common data elements to track the issue, holding, transfer and cancellation of the relevant units, 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 Directive 2003/87/EC, the Protocol to the United Nations Framework Convention on Climate Change (the Kyoto Protocol) and Decision No 406/2009/EC.

---

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

---

- (2) Article 19(1) of Directive 2003/87/EC requires that all allowances issued from 1 January 2012 onwards are held in a Union Registry on accounts managed by the Member States. Commission Regulation (EU) No 920/2010 of 7 October 2010 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>(4)</sup> provided for such a Union Registry.
- (3) Directive 2003/87/EC has been substantially amended by 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>(5)</sup>, requiring major changes to the registries system. The amendments apply from the trading period starting in 2013. At present, there is no international agreement replacing the Kyoto Protocol in force that would apply to Member States after 2012. Aviation allowances were auctioned from 2012 on the basis of Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC<sup>(6)</sup>, in the same way as general allowances. Therefore, Commission Regulation (EU) No 1193/2011 of 18 November 2011 establishing a Union Registry for the trading period commencing on 1 January 2013, and subsequent trading periods, 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 and amending Commission Regulations (EC) No 2216/2004 and (EU) No 920/2010<sup>(7)</sup> was adopted pursuant to Article 19 of Directive 2003/87/EC and applies to the trading period of the Union emissions trading scheme commencing on 1 January 2013 and to subsequent periods. It also applies to aviation allowances auctioned in 2012.
- (4) In order to ensure that Kyoto units and allowances can be held on the same Union Registry accounts, the Union Registry must conform to 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 (Decision 12/CMP.1).
- (5) Article 20 of Directive 2003/87/EC requires that an independent transaction log, the European Union Transaction Log (EUTL) is established to record the issue, transfer and cancellation of allowances. 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.
- (6) The Union Registry should contain the accounts in which the processes and operations needed to apply the provisions of Directive 2003/87/EC should be registered. 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. Allowances should be issued in the Union Registry.

---

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

---

- (7) 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 United Nations Framework Convention on Climate Change (UNFCCC) International Transaction Log (ITL).
- (8) As allowances and Kyoto units exist only in dematerialised form and are fungible, the title to an allowance or Kyoto unit should be established by their existence in the account of the Union Registry in which they are held. Moreover, to reduce the risks associated with the reversal of transactions entered in a registry, and the consequent disruption to the system and to the market that such reversal may cause, it is necessary to ensure that allowances and Kyoto units are fully fungible. In particular, transactions cannot be reversed, revoked or unwound, other than as defined by the rules of the registry, after a moment set out by those rules. Nothing in this Regulation should 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 to recovery or restitution in respect of a transaction that has entered a system, such as in case of fraud or technical error, as long as this does not lead to the reversal, revocation or unwinding of the transaction. Furthermore, the acquisition of an allowance or Kyoto unit in good faith should be protected.
- (9) The central administrator's main responsibilities are to provide, operate and maintain the Union Registry and the EUTL, to manage central accounts and to perform operations which are carried out centrally. The national administrators' main responsibilities are to be the contact point with their respective account holders in the Union Registry and perform all operations involving direct contact with them, including the opening, suspension and closure of accounts.
- (10) Where Member States allocate allowances free of charge on the basis of Article 10c of Directive 2003/87/EC, these allowances should be issued in accordance with Article 10c of that Directive and Commission Decisions adopted pursuant to it. To this end, the relevant national allocation tables should take into account the applications pursuant to Article 10c(5) of Directive 2003/87/EC of Member States concerned as well as the relevant Commission Decisions pursuant to Article 10c(6) of that Directive.
- (11) Where a Member State, taking into account its application pursuant to Article 10c(5) of Directive 2003/87/EC and the relevant Commission Decision pursuant to Article 10c(6) of that Directive, delays the issuance of the allowances to be granted free of charge on the basis of Article 10c of Directive 2003/87/EC (ex-post issuance of allowances), that Member State should include in its national allocation table pursuant to Article 51(1) of this Regulation the allocation to be granted free of charge on the basis of investments already undertaken or financial transfers already made at the time of the notification of the table.
- (12) Where a Member State, taking into account its application pursuant to Article 10c(5) of Directive 2003/87/EC and the relevant Commission Decision pursuant to Article 10c(6) of that Directive, issues the allowances to be granted free of charge on the basis of Article 10c of Directive 2003/87/EC irrespective of investments already undertaken (ex-ante issuance of allowances), the Member State should include in the national

---

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

---

- allocation table the allocation to be granted free of charge in accordance with Article 10c of Directive 2003/87/EC for the period 2013 to 2019, when notifying the national allocation table to the Commission pursuant to Article 51(1) of this Regulation.
- (13) Based on the reports to be submitted to the Commission pursuant to Article 10c(1) of Directive 2003/87/EC, Member States should make changes to the national allocation tables to reflect the advancement of investments undertaken and the status of financial transfers made in accordance with Article 10c of Directive 2003/87/EC and corresponding Commission decisions respectively.
- (14) Article 11 of Directive 2003/87/EC provides that competent authorities are to issue by 28 February of each year allowances that are to be allocated that year. Where an operator has submitted information pursuant to Article 24 of Commission Decision 2011/278/EU of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council<sup>(8)</sup> that affects the number of allowances to be allocated to that operator, the allocation of the operator will need to be recalculated and notified pursuant to Article 24(2) of that Decision before a transfer of the allowances to the operator can occur pursuant to Article 53(2) of this Regulation.
- (15) Nothing in this Regulation should prevent a competent authority from requiring an operator to transfer a number of allowances, received in excess of its adjusted allocation for the relevant year, to the EU Allocation Account in cases where there has been an over allocation of allowances, including as a result of an error in the original allocation or the operator having failed to correctly or completely submit to the competent authority information pursuant to Article 24 of Decision 2011/278/EU by the date set out in that Article, provided that the central administrator has made a change to the national allocation table of the Member State pursuant to Article 52(2) of this Regulation to adjust the allocation accordingly.
- (16) Article 11b of Directive 2003/87/EC forbids the issuance of certified emissions reductions (CERs) and emission reduction units (ERUs) after 31 December 2012 that result in double counting of greenhouse gas emission reductions. However, Article 5(2) of Commission Decision 2006/780/EC of 13 November 2006 on avoiding double counting of greenhouse gas emission reductions under the Community emissions trading scheme for project activities under the Kyoto Protocol pursuant to Directive 2003/87/EC of the European Parliament and of the Council<sup>(9)</sup> allows allowances in the set-asides established pursuant to Article 3 of that Decision to be converted into assigned amount units (AAUs) or to be sold as 2008-2012 period allowances. Moreover, Member States should be able to issue until 30 April 2013 ERUs from projects involving activities only included in the scope of Directive 2003/87/EC from 1 January 2013 in respect of emission reductions which took place until 31 December 2012.
- (17) The Union, the Member States and a number of third countries have taken economy-wide reduction commitments for emissions during the period 2008-2012. Member States have legally binding economy-wide emission reduction targets from 2013 to 2020, as established in Directive 2003/87/EC and Decision No 406/2009/EC. An amendment of the Kyoto Protocol should put in place internationally legally binding

---

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

---

quantified emission targets from 2013 to 2020 for parties listed in its Annex B once it has entered into force for those parties. Decision 13/CMP.1 of the Conference of the Parties to the UNFCCC serving as the Meeting of the Parties to the Kyoto Protocol (Decision 13/CMP.1) requires that ERUs only be issued by converting AAUs or removal units (RMUs), which have a serial number comprising the commitment period for which they are issued. ERUs cannot be issued if the commitment period marked in the relevant serial number does not match the period during which the emissions reductions took place. Emission trading scheme (ETS) accounts in the Union Registry should not hold ERUs inconsistent with these rules. To this end, ERUs issued by third countries which do not have legally binding quantified emission targets from 2013 to 2020 as set out within an amendment to the Kyoto Protocol pursuant to its Article 3, paragraph 9, or that have not deposited an instrument of ratification relating to such an amendment to the Kyoto Protocol, should only be held in the Union Registry if they have been certified to relate to emission reductions verified as having taken place before 2013. Such ERUs transferred to the Union Registry after 1st May 2013 are expected to be issued pursuant to the verification procedure under the Joint Implementation Supervisory Committee set out in Decision 9/CMP.1 of the Conference of the Parties to the UNFCCC serving as the Meeting of the Parties to the Kyoto Protocol (Decision 9/CMP.1) (pursuant to the so-called ‘track 2 procedure’).

- (18) Article 11a of Directive 2003/87/EC provides for the use of CERs and ERUs from project activities before the entry into force of an international agreement on climate change, by setting up the possibility for operators to exchange such units against allowances.
- (19) Third countries or their sub-federal or regional entities should be able to open accounts in the Union Registry once modalities to link the ETS to another mandatory greenhouse gas emissions trading system with an absolute emission cap have been agreed with a third country.
- (20) Article 11 of Decision No 406/2009/EC provides that the accurate accounting of transactions under that Decision be ensured in the registries system.
- (21) Annual emission allocation units should be issued in the Effort Sharing Decision (ESD) Compliance Accounts in the Union Registry in the quantities determined pursuant to Article 3(2) and 10 of Decision No 406/2009/EC. Annual emission allocation units (AEAs) may only be held in in the ESD Compliance Accounts in the Union Registry.
- (22) The Union Registry should enable the implementation of the annual compliance cycle under Decision No 406/2009/EC by providing the processes for the introduction in the ESD Compliance Accounts of the annual reviewed greenhouse gas emissions, for the determination of the compliance status figure for each Member State's ESD Compliance Account for each year and for the application of corrective action pursuant to Article 7 of Decision No 406/2009/EC if necessary.
- (23) The Union Registry should ensure the accurate accounting of transactions provided by Article 3(3), (4), and (5) and Article 5 of Decision No 406/2009/EC.

---

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

---

- (24) The EUTL should perform automated checks on all processes in the registries system concerning allowances, verified emissions, accounts, annual emission allocation units, the credit entitlement 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, Decision No 406/2009/EC and the requirements elaborated pursuant to the UNFCCC and the Kyoto Protocol.
- (25) Adequate and harmonised requirements on opening of accounts, authentication and access rights should be applied to protect the security of information held in the integrated registries system and to avoid fraud. The review of these requirements should be considered in the future with a view to ensuring their effectiveness while taking into account proportionality. Records concerning all processes, operators and persons in the registries system should be kept.
- (26) 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 to safeguard relevant information.
- (27) Since it may be desirable to provide for additional account types or other means that would facilitate the holding of allowances or Kyoto units on behalf of third parties, or the taking of a security interest in them, these issues should be examined in the context of a future review of this Regulation.
- (28) 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>(10)</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.
- (29) National administrators, the central administrator and the Commission should comply with Union and national 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 the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>(11)</sup> and the national law implementing it, 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>(12)</sup>, where these are applicable to information held and processed pursuant to this Regulation for which they are the controllers.
- (30) Commission Regulation (EU) No 920/2010 of 7 October 2010 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>(13)</sup> should apply until all operations required in relation to the trading period between 2008 and 2012 are completed. It should be amended to provide for the replacement of aviation allowances held by users at the end of the trading period between 2008 and 2012 by aviation allowances valid for the trading period starting in 2013, with immediate effect. Regulation (EU) No 920/2010 should therefore be repealed with effect from 1 October 2013.

- (31) Regulation (EU) No 1193/2011 should therefore be repealed and replaced by a Regulation including the provisions required by Directive 2003/87/EC, Decision No 280/2004/EC and Decision No 406/2009/EC with immediate effect.
- (32) Regulation (EU) 1193/2011 provided deadlines for the terms of cooperation between the central administrator and national administrators to be agreed and for the notification of national allocation tables and national aviation allocation tables. While Regulation (EU) 1193/2011 is repealed, those obligations should be maintained.
- (33) It is appropriate that this Regulation enters into force as a matter of urgency.
- (34) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS REGULATION:

## TITLE I

### COMMON GENERAL PROVISIONS

#### CHAPTER I

##### *Subject matter, scope and definitions*

##### *[<sup>F1</sup>Article 1*

##### **Subject matter**

This Regulation lays down requirements concerning the Registry.]

##### **Textual Amendments**

- F1** Arts. 1-3 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(2)**

##### *[<sup>F1</sup>Article 2*

##### **Scope**

This Regulation applies to Kyoto units.]

---

*Changes to legislation:* There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

---

### Textual Amendments

- F1** Arts. 1-3 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(2)**

## *F1* Article 3

### Definitions

1. Unless otherwise indicated, terms used in this Regulation have the same meaning as under [Directive 2003/87/EC](#) and relevant international climate law.
2. In addition, in this Regulation—
  - a “account holder” means a person that holds an account in the Registry;
  - b “allowances” means allowances created pursuant to [Directive 2003/87/EC](#);
  - c “assigned amount units” (“AAUs”) means—
    - i units issued before IP completion day pursuant to Article 7(3) of Decision No [280/2004/EC](#); or
    - ii units corresponding to the United Kingdom’s emission levels determined pursuant to the Kyoto Protocol and issued on or after IP completion day;
  - d “cancellation” means the definitive disposal of a Kyoto unit by its holder;
  - e “designated national authority” means an entity that gives approval of an Article 6 project activity required by Article 6(1)(a) of the Kyoto Protocol or of voluntary participation in an Article 12 project activity required by Article 12(5)(a) of the Kyoto Protocol;
  - f “directors” means the persons effectively directing the day-to-day operations of a legal person;
  - g “the Kyoto Protocol” means the protocol to the UNFCCC signed at Kyoto on 11th December 1997;
  - h “Kyoto units” means AAUs, emission reduction units (“ERUs”), certified emission reductions (“CERs”), RMUs, ICERs and tCERs;
  - i “long-term certified emission reductions” (“ICERs”) means units issued for an afforestation or reforestation project activity under the clean development mechanism (“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, expire at the end of the emission reduction crediting period of the afforestation or reforestation project activity under the CDM for which they were issued;
  - j “money laundering” has the meaning given by section 340(11) of the Proceeds of Crime Act 2002;
  - k “the national administrator” means the Environment Agency;
  - l “out of band confirmation” means a communication from the national administrator to an account holder or authorised representative for the purpose of ensuring compliance with UNFCCC security requirements;
  - m “process” means an automated technical means to carry out an action relating to an account or a unit in the Registry;
  - n “the Registry” means the registry administered on behalf of the United Kingdom for the purposes of its obligations as a party to the Kyoto Protocol;
  - o “relevant international climate law” means—



*Changes to legislation:* There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

- i the UNFCCC;
- ii the Kyoto Protocol; and
- iii the decisions adopted pursuant to the UNFCCC or the Kyoto Protocol, as adopted and amended from time to time;
- p “removal units” (“RMUs”) means units issued pursuant to the relevant provisions in the annex to Decision 13/CMP.1 of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol;
- q “second commitment period” means the period from 1st January 2013 to 31st December 2020 during which a party to the Kyoto Protocol shall limit their greenhouse gas emissions;
- r “serious crime” means an offence listed in Part 1 (England & Wales), Part 1A (Scotland) or Part 2 (Northern Ireland) of Schedule 1 to the Serious Crime Act 2007;
- s “temporary certified emission reductions” (“tCERs”) means 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, expire at the end of the Kyoto Protocol commitment period following the one during which they were issued;
- t “terrorist financing” has the meaning given by regulation 3 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017;
- u “transaction” means a process in the Registry that includes the transfer of a Kyoto unit from one account to another account;
- v “the UNFCCC” means the United Nations Framework Convention on Climate Change signed at New York on 9th May 1992;
- w “working day” means any day other than—
  - i Saturday, Sunday, Good Friday, or Christmas Day; or
  - ii a day which is a bank holiday under the Banking and Financial Dealings Act 1971.]

#### Textual Amendments

- F1** Arts. 1-3 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(2)**

## CHAPTER 2

### *The registries system*

#### <sup>F2</sup>Article 4

### Union Registry

#### Textual Amendments

- F2** Arts. 4-7 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(3)**

---

*Changes to legislation:* There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

---

*F2* Article 5

**National and Union KP registries**

**Textual Amendments**

**F2** Arts. 4-7 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(3)**

*F2* Article 6

**European Union transaction log**

**Textual Amendments**

**F2** Arts. 4-7 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(3)**

*F2* Article 7

**Communication links between registries, the ITL and the EUTL**

**Textual Amendments**

**F2** Arts. 4-7 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(3)**

*I<sup>F3</sup>* Article 8

**National administrator**

The national administrator must administer the Registry in accordance with this Regulation and relevant international climate law.]

**Textual Amendments**

**F3** Art. 8 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(4)**

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

## CHAPTER 3

### Accounts

#### Section 1

#### *General provisions applicable to all accounts*

#### <sup>F4</sup>Article 9

##### Accounts

1 The Secretary of State must ensure that the Registry contains accounts as required by relevant international climate law.

2 Each account type may hold the unit types permitted by relevant international climate law.]

#### Textual Amendments

**F4** Art. 9 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(5)**

#### Article 10

##### Account status

1 Accounts shall be in one of the following status: open <sup>F5</sup>... or closed.

<sup>F6</sup>2 .....

3 No processes may be initiated from closed accounts. A closed account may not be re-opened, and may not acquire units.

<sup>F7</sup>4 .....

<sup>F7</sup>5 .....

<sup>F7</sup>6 .....

#### Textual Amendments

**F5** Words in Art. 10(1) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(6)(a)**

**F6** Art. 10(2) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(6)(b)**

**F7** Art. 10(4)-(6) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(6)(b)**

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

## Article 11

### The administering of accounts

[<sup>F8</sup>1 The national administrator must administer every account on behalf of the Secretary of State]

<sup>F9</sup>2 .....

3 The [<sup>F10</sup>national administrator must] open, suspend, limit access to, or close an account <sup>F11</sup>..., approve authorised representatives, permit changes to account details that require the approval of the [<sup>F12</sup>national administrator]<sup>F13</sup>... in accordance with the provisions of this Regulation.

4 The [<sup>F14</sup>national administrator] may require the account holders and its representatives to agree to comply with reasonable terms and conditions consistent with this Regulation having regard to the issues set out in Annex II.

<sup>F15</sup>5 .....

#### Textual Amendments

- F8** Art. 11(1) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(7\)\(a\)](#)
- F9** Art. 11(2) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(7\)\(b\)](#)
- F10** Words in Art. 11(3) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(7\)\(c\)\(i\)](#)
- F11** Words in Art. 11(3) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(7\)\(c\)\(ii\)](#)
- F12** Words in Art. 11(3) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(7\)\(c\)\(iii\)](#)
- F13** Words in Art. 11(3) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(7\)\(c\)\(iv\)](#)
- F14** Words in Art. 11(4) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(7\)\(d\)](#)
- F15** Art. 11(5) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(7\)\(e\)](#)

## <sup>F16</sup>Article 12

### Notifications from the central administrator

.....

#### Textual Amendments

- F16** Art. 12 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(8\)](#)

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

## Section 2

### **Opening and updating accounts**

#### *<sup>F17</sup>Article 13*

#### **Party holding accounts**

1 At the request of the Secretary of State, the national administrator must open a party holding account for each year of the second commitment period within the period of 28 days beginning with the day after that on which the national administrator receives the information set out in Annex 3 from the Secretary of State

2 The national administrator must act as the authorised representative of the account, unless the Secretary of State nominates another person.

3 The Secretary of State must provide the national administrator with the information set out in Table 8-1 of Annex 8 for each authorised representative of a party holding account.]

#### **Textual Amendments**

**F17** Art. 13 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(9)**

#### *<sup>F18</sup>Article 14*

### **Opening national administrative platform accounts in the Union Registry**

#### **Textual Amendments**

**F18** Arts. 14-17 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(10)**

#### *<sup>F18</sup>Article 15*

### **Opening an auction delivery account in the Union Registry**

#### **Textual Amendments**

**F18** Arts. 14-17 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(10)**

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

*F18* Article 16

**Opening operator holding accounts in the Union Registry**

**Textual Amendments**

**F18** Arts. 14-17 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(10)**

*F18* Article 17

**Opening aircraft operator holding accounts in the Union Registry**

**Textual Amendments**

**F18** Arts. 14-17 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(10)**

Article 18

**Opening person holding <sup>F19</sup>... accounts <sup>F20</sup>...**

1 A request for opening a person holding account <sup>F21</sup>... [<sup>F22</sup>must] be submitted to the national administrator by the prospective account holder. The prospective account holder [<sup>F22</sup>must] provide information as required by the national administrator, which [<sup>F22</sup>must] include, at a minimum, the information set out in Annex IV.

2 The [<sup>F23</sup>Secretary of State may] require as a condition for opening a person holding <sup>F24</sup>... account that the prospective account holders have their permanent residence or registration in the [<sup>F25</sup>United Kingdom].

3 The [<sup>F26</sup>Secretary of State may] require as a condition for opening a person holding <sup>F27</sup>... account that prospective account holders are registered for value added tax (VAT) in the [<sup>F28</sup>United Kingdom].

4 Within 20 working days of the receipt of a complete set of information in accordance with paragraph 1 of this Article and Article 24, the national administrator [<sup>F29</sup>must] open a person holding account <sup>F30</sup>... in the <sup>F31</sup>... Registry or inform the prospective account holder of the refusal to open the account, pursuant to Article 22.

**Textual Amendments**

**F19** Words in [Art. 18](#) heading omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(11)(a)(i)**

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

- F20** Words in Art. 18 heading omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(11)(a)(ii)**
- F21** Words in Art. 18(1) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(11)(b)(i)**
- F22** Word in Art. 18(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(11)(b)(ii)**
- F23** Words in Art. 18(2) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(11)(c)(i)**
- F24** Words in Art. 18(2) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(11)(c)(ii)**
- F25** Words in Art. 18(2) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(11)(c)(iii)**
- F26** Words in Art. 18(3) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(11)(d)(i)**
- F27** Words in Art. 18(3) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(11)(d)(ii)**
- F28** Words in Art. 18(3) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(11)(d)(iii)**
- F29** Word in Art. 18(4) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(11)(e)(i)**
- F30** Words in Art. 18(4) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(11)(e)(ii)**
- F31** Word in Art. 18(4) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(11)(e)(iii)**

*F32* Article 19

**Opening national holding accounts in the Union Registry**

.....  
**Textual Amendments**

- F32** Arts. 19-21 omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(12)**

*F32* Article 20

**Opening external trading platform accounts in the Union Registry**

.....  
**Textual Amendments**

- F32** Arts. 19-21 omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(12)**

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

## <sup>F32</sup>Article 21

### Opening verifier accounts in the Union Registry

#### Textual Amendments

- F32** Arts. 19-21 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(12)**

## Article 22

### Refusal to open an account

1 The national administrator [<sup>F33</sup>must] verify whether the information and documents provided for account opening are complete, up-to-date, accurate and true.

- 2 [<sup>F34</sup>The national] administrator may refuse to open an account:
- a if the information and documents provided are incomplete, out-of-date or otherwise inaccurate or false;
  - b if the prospective account holder, or, if it is a legal person, any of the directors of the prospective account holder, is under investigation or has been convicted in the preceding five years for fraud involving allowances or Kyoto units, money laundering, terrorist financing or other serious crimes for which the account may be an instrument;
  - c if the national administrator has reasonable grounds to believe that the accounts may be used for fraud involving <sup>F35</sup>... Kyoto units, money laundering, terrorist financing or other serious crimes;
  - [<sup>F36</sup>d if the national administrator is not satisfied that the proposed account holder is a fit and proper person to hold such an account.]

[<sup>F37</sup>3 If the national administrator refuses to open an account, the person requesting the account opening may appeal against the decision in accordance with Article 110c.]

#### Textual Amendments

- F33** Word in Art. 22(1) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(13)(a)**
- F34** Words in Art. 22(2) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(13)(b)(i)**
- F35** Words in Art. 22(2)(c) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(13)(b)(ii)**
- F36** Art. 22(2)(d) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(13)(b)(iii)**
- F37** Art. 22(3) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(13)(c)**



**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

## <sup>F38</sup> Article 23

### Authorised representatives

1 Each account must have at least two authorised representatives. The authorised representatives may initiate transactions and other processes on behalf of the account holder.

2 In addition to the authorised representatives specified in paragraph 1, accounts may also have authorised representatives with “view only” access to the account.

3 The approval of an authorised representative is required in order to initiate a transaction.

4 The data exchange and technical specifications may set a maximum number of authorised representatives for each account type.

5 Authorised representatives must be natural persons over 18 years of age. All authorised representatives of a single account must be different persons but the same person can be an authorised representative on more than one account. The Secretary of State may require that at least one of the authorised representatives of an account is a permanent resident in the United Kingdom.]

#### Textual Amendments

**F38** Art. 23 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(14)**

## Article 24

### Nominating and approval of authorised representatives <sup>F39</sup>...

1 When requesting the opening of an account, the prospective account holder [<sup>F40</sup>must] nominate a number of authorised representatives <sup>F41</sup>... in accordance with Article 23.

2 When nominating an authorised representative <sup>F42</sup>..., the account holder [<sup>F43</sup>must] provide information as required by the [<sup>F44</sup>national administrator]. That information [<sup>F43</sup>must] include, at a minimum, the information set out in Annex VIII.

3 Within 20 working days of the receipt of a complete set of information required in accordance with paragraph 2, the national administrator [<sup>F45</sup>must] approve an authorised representative <sup>F46</sup>..., or inform the account holder of its refusal. Where evaluation of the nominee information requires more time, the [<sup>F47</sup>national administrator may] extend the evaluation process by up to 20 additional working days, and notify the extension to the account holder.

4 The national administrator [<sup>F48</sup>must] verify whether the information and documents provided for nominating an authorised representative <sup>F49</sup>... are complete, up-to-date, accurate and true.

5 A national administrator may refuse to approve an authorised representative <sup>F50</sup>...:

- a if the information and documents provided are incomplete, out-of-date or otherwise inaccurate or false;

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

- b if the prospective representative is under investigation or has been convicted in the preceding five years for fraud involving allowances or Kyoto units, money laundering, terrorist financing or other serious crimes for which the account may be an instrument;
- [<sup>F51</sup>c if the national administrator is not satisfied that the proposed authorised representative is a fit and proper person to act as an authorised representative.]
- [<sup>F52</sup>6 If the national administrator refuses to approve an authorised representative, the account holder may appeal against the decision in accordance with Article 110c.]

#### Textual Amendments

- F39** Words in Art. 24 heading omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(a)**
- F40** Word in Art. 24(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(b)(i)**
- F41** Words in Art. 24(1) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(b)(ii)**
- F42** Words in Art. 24(2) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(c)(i)**
- F43** Word in Art. 24(2) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(c)(ii)**
- F44** Words in Art. 24(2) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(c)(iii)**
- F45** Word in Art. 24(3) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(d)(i)**
- F46** Words in Art. 24(3) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(d)(ii)**
- F47** Words in Art. 24(3) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(d)(iii)**
- F48** Word in Art. 24(4) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(e)(i)**
- F49** Words in Art. 24(4) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(e)(ii)**
- F50** Words in Art. 24(5) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(f)(i)**
- F51** Art. 24(5)(c) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(f)(ii)**
- F52** Art. 24(6) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(15)(g)**

#### Article 25

##### Updating of account information and information on authorised representatives

1 All account holders [<sup>F53</sup>must] notify the national administrator within 10 working days of changes to the information submitted for the opening of an account. In addition, account holders [<sup>F53</sup>must] confirm to the national administrator by 31 December each year that the information for their account remains complete, up-to-date, accurate and true.

<sup>F54</sup>2 .....

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

3 The notification of change <sup>F55</sup>must] be supported by information as required by the national administrator in conformity with this Section. Within 15 working days of the receipt of such a notification and supporting information, the <sup>F56</sup>national administrator<sup>F55</sup> must<sup>F57</sup> determine whether to] approve the update of the information. <sup>F58</sup>The national administrator] may refuse to update the information in accordance with Article 24(4) and (5). The account holder <sup>F55</sup>must] be notified of any such refusal. <sup>F59</sup>If the national administrator refuses to update the information, the account holder may appeal against the decision in accordance with Article 110c.]

4 At least once every three years, the national administrator <sup>F60</sup>must] review whether the information submitted for the opening of an account remains complete, up-to-date, accurate and true, and <sup>F60</sup>must] request that the account holder notify any changes as appropriate.

<sup>F61</sup>5 .....

6 <sup>F62</sup>No] account holder may sell or divest of the ownership of its account to another person.

7 An authorised representative <sup>F63</sup>... may not transfer its status as such to another person.

8 An account holder may request the removal of an authorised representative from an account. Upon receipt of the request the national administrator <sup>F64</sup>must] suspend the access of the authorised representative <sup>F65</sup>.... Within 10 working days of the receipt of the request, the <sup>F66</sup>national administrator<sup>F64</sup> must] remove the authorised representative.

9 An account holder may nominate new authorised representatives <sup>F67</sup>... in accordance with Article 24.

<sup>F68</sup>10 .....

<sup>F69</sup>11 .....

#### Textual Amendments

- F53** Word in Art. 25(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(a)**
- F54** Art. 25(2) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(b)**
- F55** Word in Art. 25(3) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(c)(i)**
- F56** Words in Art. 25(3) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(c)(ii)**
- F57** Words in Art. 25(3) inserted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(c)(iii)**
- F58** Words in Art. 25(3) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(c)(iv)**
- F59** Words in Art. 25(3) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(c)(v)**
- F60** Word in Art. 25(4) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(d)**
- F61** Art. 25(5) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(e)**
- F62** Word in Art. 25(6) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(f)**

*Changes to legislation:* There are currently no known outstanding effects for the  
 Commission Regulation (EU) No 389/2013. (See end of Document for details)

- F63** Words in Art. 25(7) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(g)**
- F64** Word in Art. 25(8) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(h)(i)**
- F65** Words in Art. 25(8) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(h)(ii)**
- F66** Words in Art. 25(8) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(h)(iii)**
- F67** Words in Art. 25(9) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(i)**
- F68** Art. 25(10) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(j)**
- F69** Art. 25(11) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(16)(j)**

### Article 26

#### Trusted account list

- [<sup>F70</sup>1 Person holding accounts may have a trusted account list in the Registry]
- 2 Accounts held by the same account holder shall be automatically included on the trusted account list.
- <sup>F71</sup>3 .....

#### Textual Amendments

- F70** Art. 26(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(17)(a)**
- F71** Art. 26(3) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(17)(b)**

### Section 3

#### Closure of accounts

### Article 27

#### Closure of accounts

Subject to Article 32(1), within 10 working days of the receipt of a request from the account holder <sup>F72</sup> ... the [<sup>F73</sup>national administrator must] close the account.

#### Textual Amendments

- F72** Words in Art. 27 omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(18)(a)**

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

**F73** Words in Art. 27 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(18)(b)**

*F74* Article 28

**Closure of operator holding accounts**

**Textual Amendments**

**F74** Arts. 28-31 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(19)**

*F74* Article 29

**Closure of aircraft operator holding accounts**

**Textual Amendments**

**F74** Arts. 28-31 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(19)**

*F74* Article 30

**Closure of verifier accounts**

**Textual Amendments**

**F74** Arts. 28-31 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(19)**

*F74* Article 31

**Closure of the ESD Compliance Account**

**Textual Amendments**

**F74** Arts. 28-31 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **4(19)**

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

## Article 32

### Positive balance on accounts under closure

1 If there is a positive balance of <sup>F75</sup>... Kyoto units on an account which [<sup>F76</sup>the national administrator] is to close in accordance with [<sup>F77</sup>Article 27], [<sup>F78</sup>the national administrator][<sup>F79</sup>must] request the account holder to specify another account to which such <sup>F75</sup>... Kyoto units shall be transferred. If the account holder has not responded to [<sup>F80</sup>the national administrator's] request within 40 working days, [<sup>F78</sup>the national administrator][<sup>F79</sup>must] transfer the <sup>F81</sup>... Kyoto units to [<sup>F82</sup>a party holding account].

2 If there is a positive balance of <sup>F83</sup>... Kyoto units on an account to which access was suspended in accordance with Article 34, the [<sup>F84</sup>Secretary of State] may require that the <sup>F85</sup>... Kyoto units are transferred immediately to [<sup>F86</sup>a party holding account].

#### Textual Amendments

- F75** Words in Art. 32(1) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(20)(a)(i)**
- F76** Words in Art. 32(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(20)(a)(ii)**
- F77** Words in Art. 32(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(20)(a)(iii)**
- F78** Words in Art. 32(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(20)(a)(iv)**
- F79** Word in Art. 32(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(20)(a)(v)**
- F80** Words in Art. 32(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(20)(a)(vi)**
- F81** Words in Art. 32(1) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(20)(a)(vii)**
- F82** Words in Art. 32(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(20)(a)(viii)**
- F83** Words in Art. 32(2) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(20)(b)(i)**
- F84** Words in Art. 32(2) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(20)(b)(ii)**
- F85** Words in Art. 32(2) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(20)(b)(iii)**
- F86** Words in Art. 32(2) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(20)(b)(iv)**

## Article 33

### Closure of accounts and removal of authorised representative on the [<sup>F87</sup>national administrator's] initiative

1 If the situation giving rise to the suspension of access to accounts pursuant to Article 34 is not resolved within a reasonable period despite repeated notifications, the [<sup>F88</sup>Secretary of State] may instruct the national administrator to close <sup>F89</sup>... those accounts for which access

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

is suspended until the [F88Secretary of State] determines that the situation giving rise to the suspension no longer subsists.

2 If a person holding account F90 ... has a zero balance and no transactions have been recorded for a period of one year, the national administrator may notify the account holder that the person holding account F90 ... will be closed within 40 working days unless the national administrator receives a request that the account be maintained. If the national administrator does not receive any such request from the account holder, the national administrator may close the account.

F913 .....

4 The national administrator may remove an authorised representative F92 ... if it considers that the approval of the authorised representative F92 ... should have been refused in accordance with Article 24(3), and in particular if it discovers that the documents and identification information provided upon nomination were incomplete, out-of-date or otherwise inaccurate or false.

[F935 In accordance with Article 110c, the account holder may appeal against—  
a a decision to close an account under paragraph 1 within the period of 30 days beginning with the day on which the account is closed; or  
b a decision to remove an authorised representative under paragraph 4 within the period of 30 days beginning with the day on which the authorised representative is removed.]

**Textual Amendments**

- F87 Words in Art. 33 heading substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(21\)\(a\)](#)
- F88 Words in Art. 33(1) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(21\)\(b\)\(i\)](#)
- F89 Words in Art. 33(1) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(21\)\(b\)\(ii\)](#)
- F90 Words in Art. 33(2) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(21\)\(c\)](#)
- F91 Art. 33(3) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(21\)\(d\)](#)
- F92 Words in Art. 33(4) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(21\)\(e\)](#)
- F93 Art. 33(5) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, [4\(21\)\(f\)](#)

*Section 4*

***Suspension of access to accounts***

*Article 34*

**Suspension of access to accounts**

1 [F94The national administrator] may suspend the access of an authorised representative F95 ... to any account in the [F96Registry] or to processes to which that authorised representative

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

would otherwise have access if [F97the national administrator] has reasonable grounds to believe that the authorised representative has:

- a attempted to access accounts or processes for which he is not authorised;
- b repeatedly attempted to access an account or a process using an incorrect username and password; or
- c attempted to compromise the security, the availability, the integrity or the confidentiality of [F98the Registry], or of the data handled or stored therein.

2 [F99The national administrator] may suspend the access of all authorised representatives F100 ... of a specific account where one of the following conditions is fulfilled:

- a the account holder died without a legal successor or ceased to exist as a legal person;
- b the account holder did not pay fees;
- c the account holder violated the terms and conditions applicable to the account;
- d the account holder did not agree to changes in the terms and conditions set by the national administrator F101 ...;
- e the account holder did not notify changes to account information or provide evidence concerning the changes to account information, or evidence concerning new account information requirements;
- f the account holder failed to maintain the required minimum number of authorised representatives for the account;
- g the account holder failed to maintain compliance with the F102 ... requirement to have an authorised representative with a permanent residence in the [F103United Kingdom];
- h the account holder failed to maintain compliance with the F104 ... requirement that the account holder have a permanent residence or registration in the [F105United Kingdom].

3 [F106The national administrator] may suspend the access of all authorised representatives F107 ... to a specific account and the possibility to initiate processes from that account:

- a for a maximum period of four weeks if the [F108national administrator] has reasonable grounds to believe that the account was used or will be used for fraud, money laundering, terrorist financing, corruption or other serious [F109crimes.]

F110b .....

4 The national administrator may suspend access to an account if it considers that the opening of the account should have been refused in accordance with Article 22 or that the account holder no longer meets the requirements for the opening of the account.

5 The [F111national administrator must] reverse the suspension immediately once the situation giving rise to the suspension is resolved.

[F1126 In accordance with Article 110c, the account holder may appeal against a decision to suspend access under paragraph 1 or 3 within the period of 30 days beginning with the day on which access is suspended]

7 The [F113Secretary of State] may also instruct the national administrator F114 ... to implement a suspension for one of the grounds set in paragraphs 1, 2, 3 and 4.

F1158 .....

F1159 .....

F11510 .....



*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

### Textual Amendments

- F94** Words in Art. 34(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(a)(i)(aa)**
- F95** Words in Art. 34(1) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(a)(i)(bb)**
- F96** Word in Art. 34(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(a)(i)(cc)**
- F97** Words in Art. 34(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(a)(i)(dd)**
- F98** Words in Art. 34(1)(c) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(a)(ii)**
- F99** Words in Art. 34(2) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(b)(i)(aa)**
- F100** Words in Art. 34(2) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(b)(i)(bb)**
- F101** Words in Art. 34(2)(d) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(b)(ii)**
- F102** Words in Art. 34(2)(g) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(b)(iii)(aa)**
- F103** Words in Art. 34(2)(g) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(b)(iii)(bb)**
- F104** Words in Art. 34(2)(h) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(b)(iv)(aa)**
- F105** Words in Art. 34(2)(h) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(b)(iv)(bb)**
- F106** Words in Art. 34(3) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(c)(i)(aa)**
- F107** Words in Art. 34(3) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(c)(i)(bb)**
- F108** Words in Art. 34(3)(a) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(c)(ii)(aa)**
- F109** Word in Art. 34(3)(a) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(c)(ii)(bb)**
- F110** Art. 34(3)(b) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(c)(iii)**
- F111** Words in Art. 34(5) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(d)**
- F112** Art. 34(6) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(e)**
- F113** Words in Art. 34(7) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(f)(i)**
- F114** Words in Art. 34(7) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(f)(ii)**
- F115** Art. 34(8)-(10) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **4(22)(g)**

---

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

---

## TITLE II

### [<sup>F116</sup>PROVISIONS FOR THE REGISTRY]

#### <sup>F117</sup>CHAPTER 1

##### *Verified emissions and compliance*

###### *Article 35*

##### **Verified emissions data for an installation or aircraft operator**

.....

###### *Article 36*

##### **Blocking of accounts due to a failure to submit verified emissions**

.....

###### *Article 37*

##### **Calculation of compliance status figures**

.....

#### **Textual Amendments**

**F117** Title 2 Ch. 1 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(3)**

#### CHAPTER 2

##### **Transactions**

###### *Section 1*

###### **General**

###### *Article 38*

Only transactions expressly provided for in this Regulation for each account type shall be initiated by that account type.

---

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

---

## *F118* Article 39

### Execution of transfers

1 For all transactions specified in this Chapter, an out of band confirmation must be required by the Registry before the transaction can be initiated. A transaction may only be initiated where an authorised representative has confirmed the transaction out of band.

2 If an account representative suspects that a transfer was initiated fraudulently, the account representative may request the national administrator to cancel the transfer on behalf of the account representative before the transfer is communicated for finalisation.]

---

#### Textual Amendments

**F118** Arts. 39, 40 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(4)**

## *F119* Article 40

### Nature of Kyoto units and finality of transactions

1 The record of the Registry constitutes sufficient evidence of title over a Kyoto unit and of any other matter which is by this Regulation directed or authorised to be recorded in the Registry.

2 Any recovery or restitution obligations that may arise under United Kingdom law in respect of a Kyoto unit only apply to the Kyoto unit in kind.

3 Subject to this paragraph, a transaction is final and irrevocable upon its finalisation pursuant to Article 104. Except where a transaction may be reversed in accordance with relevant international climate law, and without prejudice to any provision of or remedy under United Kingdom law that may result in a requirement or order to execute a new transaction in the Registry, the national administrator may not reverse or revoke any transaction that has become final and irrevocable under this Regulation.

4 A purchaser and holder of a Kyoto unit acting in good faith acquires title to that Kyoto unit free of any defects in the title of the transferor.]

---

#### Textual Amendments

**F119** Arts. 39, 40 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(4)**

*Changes to legislation: There are currently no known outstanding effects for the  
 Commission Regulation (EU) No 389/2013. (See end of Document for details)*

*Section 2*

***Creation of allowances***

*<sup>F120</sup>Article 41*

**Creation of allowances**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*Section 3*

***Account transfers before auctions and allocation***

*<sup>F120</sup>Article 42*

**Transfer of general allowances to be auctioned**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*<sup>F120</sup>Article 43*

**Transfer of general allowances to be allocated free of charge**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*<sup>F120</sup>Article 44*

**Transfer of general allowances for the new entrant reserve**

*Changes to legislation:* There are currently no known outstanding effects for the  
Commission Regulation (EU) No 389/2013. (See end of Document for details)

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120* Article 45

**Transfer of aviation allowances to be auctioned**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120* Article 46

**Transfer of aviation allowances to be allocated free of charge**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120* Article 47

**Transfer of aviation allowances to the special reserve**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120* Article 48

**Transfer of general allowances to the EU Total Quantity-Account**

---

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

---

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120 Article 49*

**Transfer of aviation allowances to the EU Aviation Total Quantity Account**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120 Article 50*

**Deletion of aviation allowances**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*Section 4*

***Allocation to stationary installations***

*F120 Article 51*

**Entry of national allocation tables into the EUTL**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

*F120 Article 52*

**Changes to the national allocation tables**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120 Article 53*

**Free allocation of general allowances**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*Section 5*

***Allocation to aircraft operators***

*F120 Article 54*

**Entry of national aviation allocation tables into the EUTL**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120 Article 55*

**Changes to the national aviation allocation tables**

*Changes to legislation:* There are currently no known outstanding effects for the  
Commission Regulation (EU) No 389/2013. (See end of Document for details)

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120 Article 56*

**Free allocation of aviation allowances**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120 Article 57*

**Return of aviation allowances**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*Section 6*

***Use of CERs and ERUs***

*F120 Article 58*

**International credit holdings in the Union Registry**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**



---

*Changes to legislation:* There are currently no known outstanding effects for the  
Commission Regulation (EU) No 389/2013. (See end of Document for details)

---

*F120 Article 59*

**Entry of international credit entitlement tables into the EUTL**

.....

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120 Article 60*

**Use of international credits through allowance exchange**

.....

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120 Article 61*

**Calculation of remaining international credit entitlement**

.....

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*Section 7*

***Auction***

*F120 Article 62*

**Entry of auction tables into the EUTL**

.....

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120* Article 63

**Changes to the auction tables**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F120* Article 64

**Auctioning of allowances**

**Textual Amendments**

**F120** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

Section 8

**Trading**

*F121* Article 65

**Transfers of Kyoto units initiated by an account holder**

The Secretary of State must ensure that the Registry provides for the carrying out of any request from an account holder to transfer Kyoto units to any other account, unless such a transfer is prevented by the status of the initiating or receiving account.]

**Textual Amendments**

**F121** Art. 65 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(6)**

---

**Changes to legislation:** There are currently no known outstanding effects for the  
Commission Regulation (EU) No 389/2013. (See end of Document for details)

---

*F122 Article 66*

**Transfers of allowances or Kyoto units initiated by a trading account**

.....

**Textual Amendments**

**F122** Arts. 66-68 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(7)**

*Section 9*

***Surrender of allowances***

*F122 Article 67*

**Surrender of allowances**

.....

**Textual Amendments**

**F122** Arts. 66-68 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(7)**

*Section 10*

***Deletion of allowances and cancellation of Kyoto units***

*F122 Article 68*

**Deletion of allowances**

.....

**Textual Amendments**

**F122** Arts. 66-68 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(7)**

---

*Changes to legislation:* There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

---

*F123* Article 69

**Cancellation of Kyoto units**

The Secretary of State must ensure that the Registry provides for the carrying out of any request from an account holder to cancel Kyoto units held in its accounts by transferring a specified type and number of Kyoto units from the relevant account into the cancellation account of the Registry.]

**Textual Amendments**

**F123** Art. 69 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(8)**

*Section 11*

**Transaction reversal**

*F124* Article 70

**Reversal of finalised processes initiated in error**

**Textual Amendments**

**F124** Art. 70 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(9)**

*CHAPTER 3*

**Links with other greenhouse gas emission trading schemes**

*F125* Article 71

**Implementation of linking arrangements**

**Textual Amendments**

**F125** Art. 71 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(9)**

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

**Textual Amendments**

**F116** Title 2 heading substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(2)**

<sup>F126</sup>TITLE 3

**SPECIFIC PROVISIONS FOR KP REGISTRIES**

*Article 72*

**Opening of person holding accounts in KP registries**

.....

*Article 73*

**Execution of transfers**

.....

*Article 73a*

**Transfer of CERs and ERUs exchanged in the EU ETS**

.....

*Article 73b*

**Issuance and Deposit of AAUs**

.....

*Article 73c*

**Transfer and use of units**

.....

*Article 73d*

**Cancellation of units**

.....

---

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

---

*Article 73e*

**Retirement of units**

.....

*Article 73f*

**Carry-over in the Union Registry**

.....

*Article 73g*

**Clearing Processes**

.....

*Article 73h*

**Clearing process for countries not parties to a joint fulfilment agreement**

.....

**Textual Amendments**

**F126** [Title 3](#) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, 6

<sup>F127</sup>TITLE 4

**SPECIFIC PROVISIONS FOR ACCOUNTING  
TRANSACTIONS UNDER DECISION No 406/2009**

*Article 74*

**Creation of AEAs**

.....

*Article 75*

**Annual emission allocation units**

.....

---

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

---

*Article 76*

**Transfer of AEs to each ESD Compliance Account**

.....

*Article 77*

**Introduction of the relevant greenhouse gas emissions data**

.....

*Article 78*

**Calculation of the balance of the ESD Compliance Account**

.....

*Article 79*

**Determination of the compliance status figures**

.....

*Article 80*

**Application of Article 7(1) (a) and (c) of Decision No 406/2009/EC**

.....

*Article 81*

**Use of international credits, tCERs and ICERs**

.....

*Article 82*

**Carry forward of AEs**

.....

*Article 83*

**Carry over of AEs**

.....

---

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

---

*Article 84*

**Carry over of the unused credit entitlement**

.....

*Article 85*

**Transfers of up to 5 % of a Member State's annual emission allocation**

.....

*Article 86*

**Transfers after the calculation of the balance of the ESD Compliance Account**

.....

*Article 87*

**Transfer of up to 3 % of the credit entitlement**

.....

*Article 88*

**Adjustments**

.....

*Article 89*

**Replacement of tCERs and ICERs**

.....

*Article 90*

**Execution and reversal of transfers**

.....

**Textual Amendments**

**F127** [Title 4](#) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, 7



---

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

---

## TITLE V

### COMMON TECHNICAL PROVISIONS

#### CHAPTER 1

#### *Technical requirements of the registries system*

##### *Section 1*

##### *Availability*

##### <sup>F128</sup> *Article 91*

#### **Availability and reliability of the Union Registry and the EUTL**

.....

**Textual Amendments**

**F128** Art. 91 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(2)**

##### <sup>F129</sup> *Article 92*

##### **Helpdesk**

The national administrator must provide assistance and support to account holders and account representatives in relation to the Registry through a helpdesk.]

.....

**Textual Amendments**

**F129** Art. 92 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(3)**

##### *Section 2*

##### *Security and authentication*

##### <sup>F130</sup> *Article 93*

#### **Authentication of the Union Registry and national KP registries**

.....

*Changes to legislation: There are currently no known outstanding effects for the  
 Commission Regulation (EU) No 389/2013. (See end of Document for details)*

#### Textual Amendments

**F130** Art. 93 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(4)**

### *<sup>F131</sup>Article 94*

#### Accessing accounts in the Registry

If the security of the credentials of an authorised representative has been compromised, the authorised representative must inform the national administrator, who may suspend access to the relevant account.]

#### Textual Amendments

**F131** Art. 94 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(5)**

### *<sup>F132</sup>Article 95*

#### Authentication and authorisation of authorised representatives in the Union Registry

#### Textual Amendments

**F132** Art. 95 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(6)**

### *Article 96*

#### Suspension of all access due to a security breach or a security risk

1 The [<sup>F133</sup>Secretary of State] may <sup>F134</sup>... suspend access to the [<sup>F135</sup>Registry] or any part thereof where [<sup>F136</sup>the Secretary of State] has a reasonable suspicion that there is a breach of security of the [<sup>F135</sup>Registry] or that there exists a serious security risk to the [<sup>F135</sup>Registry] that threatens the integrity of the system <sup>F137</sup>....

<sup>F138</sup>2 .....

3 If [<sup>F139</sup>the national administrator] becomes aware of a situation that requires the suspension of all access to the accounts that it manages in accordance with this Regulation, it [<sup>F140</sup>must] inform <sup>F141</sup>... account holders with such prior notice of the suspension as is practicable.  
<sup>F142</sup>...

4 The notice referred to in paragraph 3 [<sup>F143</sup>must] include the likely duration of the suspension and [<sup>F143</sup>must] be clearly displayed on the public area of the [<sup>F144</sup>Registry's] web site.

*Changes to legislation:* There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

#### Textual Amendments

- F133** Words in Art. 96(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(7)(a)(i)**
- F134** Words in Art. 96(1) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(7)(a)(ii)**
- F135** Word in Art. 96(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(7)(a)(iii)**
- F136** Words in Art. 96(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(7)(a)(iv)**
- F137** Words in Art. 96(1) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(7)(a)(v)**
- F138** Art. 96(2) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(7)(b)**
- F139** Words in Art. 96(3) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(7)(c)(i)**
- F140** Word in Art. 96(3) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(7)(c)(ii)**
- F141** Words in Art. 96(3) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(7)(c)(iii)**
- F142** Words in Art. 96(3) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(7)(c)(iv)**
- F143** Word in Art. 96(4) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(7)(d)(i)**
- F144** Word in Art. 96(4) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(7)(d)(ii)**

#### *F145* Article 97

#### **Suspension of access to Kyoto units in the case of a suspected fraudulent transaction**

The national administrator, acting on request of the Secretary of State, may suspend access to Kyoto units in the Registry for a maximum period of four weeks if it suspects that the Kyoto units have been the subject of a transaction constituting fraud, money laundering, terrorist financing, corruption or other serious crime.]

#### Textual Amendments

- F145** Art. 97 substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(8)**

#### *F146* Article 98

#### **Cooperation with competent authorities and notification of money laundering, terrorist financing or criminal activity**

*Changes to legislation: There are currently no known outstanding effects for the  
 Commission Regulation (EU) No 389/2013. (See end of Document for details)*

**Textual Amendments**

**F146** Arts. 98-99a omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(9)**

*F146 Article 99*

**Suspension of processes**

**Textual Amendments**

**F146** Arts. 98-99a omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(9)**

*F146 Article 99a*

**Suspension of linking agreements**

**Textual Amendments**

**F146** Arts. 98-99a omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(9)**

*Section 3*

*[<sup>F147</sup>Completing of processes]*

*F148 Article 100*

**Automated checking of processes**

**Textual Amendments**

**F148** Arts. 100-103 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(11)**

*Changes to legislation:* There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

*F148* Article 101

**Detection of discrepancies**

**Textual Amendments**

**F148** Arts. 100-103 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(11)**

*F148* Article 102

**Detection of discrepancies within the Union Registry and national KP registries**

**Textual Amendments**

**F148** Arts. 100-103 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(11)**

*F148* Article 103

**Reconciliation - detection of inconsistencies by the EUTL**

**Textual Amendments**

**F148** Arts. 100-103 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(11)**

Article 104

**Finalisation of processes**

1 All transactions communicated to the ITL <sup>F149</sup>... shall be final when the ITL notifies the [<sup>F150</sup>Registry] that it has completed the process.

<sup>F151</sup>2 .....

<sup>F152</sup>3 .....

**Textual Amendments**

**F149** Words in Art. 104(1) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(12)(a)(i)**

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

- F150** Word in Art. 104(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(12)(a)(ii)**
- F151** Art. 104(2) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(12)(b)**
- F152** Art. 104(3) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(12)(b)**

#### Textual Amendments

- F147** Title 5 Ch. 1 s. 3 heading substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(10)**

### <sup>F153</sup>Section 4

#### *Specifications and change management*

##### *Article 105*

#### **Data exchange and technical specifications**

##### *Article 106*

#### **Change and release management**

#### Textual Amendments

- F153** Title 5 Ch. 1 s. 4 omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(13)**

### CHAPTER 2

#### *Records, reports, confidentiality and fees*

##### *Article 107*

#### **Processing of information and personal data**

1 The [<sup>F154</sup>Secretary of State and national administrator must] ensure that the [<sup>F155</sup>Registry only stores and processes] the information concerning the accounts, account holders and account representatives as set out in Table III-I of Annex III <sup>F156</sup>... and Table VIII-I of Annex VIII.

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

[<sup>F1572</sup> The Secretary of State and the national administrator must ensure that no special categories of personal data (within the meaning given in Article 9(1) of Regulation (EU) 2016/679, as amended from time to time) are recorded in the Registry.]

3 The [<sup>F158</sup>Secretary of State and national administrator must] ensure that only personal data related to transactions that transfer Kyoto units are transferred to the ITL.

#### Textual Amendments

- F154** Words in Art. 107(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(14)(a)(i)**
- F155** Words in Art. 107(1) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(14)(a)(ii)**
- F156** Words in Art. 107(1) omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(14)(a)(iii)**
- F157** Art. 107(2) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(14)(b)**
- F158** Words in Art. 107(3) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(14)(c)**

#### <sup>F159</sup> Article 108

#### Records

#### Textual Amendments

- F159** Art. 108 omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(15)**

#### <sup>F160</sup> Article 109

#### Reporting

#### Textual Amendments

- F160** Art. 109 omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **8(15)**

#### [<sup>F161</sup> Article 110

#### Confidentiality

1 Information held in the Registry, including the holding of accounts, all transactions made, the unique unit identification code of the allowances and the unique numeric value of the unit serial number of the Kyoto units held or affected by a transaction, must be considered

---

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

---

confidential except as otherwise required by domestic or international law, including relevant international climate law.

2 The national administrator may provide information held in the Registry to the following entities—

- a a designated national authority;
- b the European Anti-fraud Office of the European Commission;
- c law enforcement authorities, tax authorities or insolvency services in the United Kingdom;
- d international law enforcement authorities, tax authorities or insolvency services;
- e the UNFCCC;
- f the administrator of a registry connected to the UNFCCC International Transaction Log.

3 Information may be provided to the entities referred to in paragraph 2 upon their request to the national administrator if such requests are justified and necessary for the purposes of investigation, detection, prosecution, tax administration or enforcement, auditing and financial supervision of fraud involving Kyoto units, or of money laundering, terrorism financing, other serious crime, or a market manipulation offence for which the accounts in the Registry may be an instrument.

4 An entity receiving information in accordance with paragraph 3 must ensure that the information received is only used for the purposes stated in the request in accordance with paragraph 3 and is not made available deliberately or accidentally to persons not involved in the intended purpose of the information use. This provision does not preclude these entities from making the information available to other entities listed in paragraph 2, if this is necessary for the purposes stated in the request made in accordance with paragraph 3.

5 Upon their request, the national administrator may provide access to transaction information which does not allow the direct identification of specific persons to the entities referred to in paragraph 2 for the purpose of looking for suspicious transaction patterns. Entities with such access may notify suspicious transaction patterns to other entities listed in paragraph 2.

6 The national administrator may decide to notify to law enforcement and tax authorities all transactions that involve a number of units above the number determined by the national administrator and to notify any account that is involved in a number of transactions within a period that is above a number determined by the national administrator.

7 The national administrator may not require account holders to submit price information concerning Kyoto units.

8 In this Article, “a market manipulation offence” means an offence under Part 7 of the Financial Services Act 2012.]

#### **Textual Amendments**

**F161** Art. 110 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(16)**



*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

## *F162* Article 110a

### Provision of information

1. For the purpose mentioned in paragraph 4, the national administrator or the Secretary of State (a “relevant body”) may, by notice, require a person (“P”) to furnish the relevant body with such information as is specified in the notice.
2. A notice under this paragraph must specify—
  - a the form in which information is to be provided;
  - b the period within which, or time at which, the information must be provided.
3. The information which P may be required to furnish by a notice under paragraph 1 includes information, which, although it is not in P’s possession or would not otherwise come into P’s possession, is information which it is reasonable to require P to compile for the purpose of complying with the notice.
4. The purpose referred to in paragraph 1 is the performance of the relevant body’s functions.
5. A relevant body must not disclose or publish any information it has received under paragraph 1 except where—
  - a disclosure or publication is—
    - i required by this Regulation or otherwise by law;
    - ii necessary for the performance of the relevant body’s functions; or
    - iii made with the consent of the person by or on behalf of whom the information was provided; or
  - b disclosure is between the relevant bodies.
6. The Secretary of State may use any information held or obtained for the purposes of this Regulation, and may share such information with other government bodies, for the purpose of preparing and publishing national energy and emissions statistics, including the preparation and publication of a national inventory.
7. In this Article—
  - a “national inventory” means the estimation, under Article 4(1)(a) of the UNFCCC, of anthropogenic emissions of greenhouse gases by sources and removals of all greenhouse gases by sinks not controlled by the Montreal Protocol;
  - b “functions” means functions—
    - i under this Regulation; or
    - ii related to compliance with relevant international climate law.]

#### Textual Amendments

**F162** Arts. 110a-110e inserted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(17)**

---

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

---

### *F162* Article 110b

#### **Right of appeal regarding Article 110a notices**

1. Subject to paragraph 2, a person who is aggrieved by a notice served on them under Article 110a(1) may appeal against the notice to the First-tier Tribunal.
2. An appeal under paragraph 1 may not be made to the extent that the notice implements a direction given by—
  - a the Secretary of State under section 40 of the Environment Act 1995;
  - b the First-tier Tribunal under this Regulation.
3. The bringing of an appeal under paragraph 1 suspends the effect of the notice pending the final determination or withdrawal of the appeal.
4. Subject to paragraph 5, in determining an appeal under paragraph 1, the First-tier Tribunal may—
  - a affirm the notice;
  - b quash the notice; or
  - c vary any of the terms of the notice.
5. The First-tier Tribunal may not make a determination that would result in a notice which could not otherwise have been made under this Regulation.]

---

#### **Textual Amendments**

**F162** Arts. 110a-110e inserted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(17)**

### *F162* Article 110c

#### **Right of appeal regarding national administrator decisions**

1. This Article applies to an appeal against a decision under Article 22(3), 24(6), 25(3), 33(5) or 34(6)
2. An appeal may be made to the First-tier Tribunal.
3. The bringing of an appeal does not suspend the effect of the decision pending the final determination or withdrawal of the appeal.
4. Subject to paragraph 5, in determining an appeal, the First-tier Tribunal may give directions to the national administrator as to the exercise of its functions under this Regulation.
5. The First-tier Tribunal may not make a determination that would result in a decision which could not otherwise have been made under this Regulation.]

---

#### **Textual Amendments**

**F162** Arts. 110a-110e inserted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(17)**

*Changes to legislation:* There are currently no known outstanding effects for the  
Commission Regulation (EU) No 389/2013. (See end of Document for details)

## *F162* Article 110d

### Guidance

1. The Secretary of State may issue guidance to the national administrator with respect to the carrying out of any of its functions—
  - a under this Regulation; or
  - b related to compliance with relevant international climate law.
2. The national administrator must have regard to any guidance issued under paragraph 1.]

#### Textual Amendments

**F162** Arts. 110a-110e inserted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(17)**

## *F162* Article 110e

### Notices

Annex 8a (notices) has effect.]

#### Textual Amendments

**F162** Arts. 110a-110e inserted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(17)**

## *F163* Article 111

### Fees

#### Textual Amendments

**F163** Art. 111 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(18)**

## *F164* Article 112

### Interruption of operation

---

*Changes to legislation:* There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

---

**Textual Amendments**

**F164** Art. 112 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **8(18)**

TITLE IV

**TRANSITIONAL AND FINAL PROVISIONS**

*F165* Article 113

**Implementation**

**Textual Amendments**

**F165** Arts. 113-118 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **9**

*F165* Article 114

**Further use of accounts**

**Textual Amendments**

**F165** Arts. 113-118 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **9**

*F165* Article 115

**Entry into force of use restrictions**

**Textual Amendments**

**F165** Arts. 113-118 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **9**

---

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

---

*F165* Article 116

**Amendments to Regulation (EU) No 920/2010**

.....

**Textual Amendments**

**F165** Arts. 113-118 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **9**

*F165* Article 117

**Repeal**

.....

**Textual Amendments**

**F165** Arts. 113-118 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **9**

*F165* Article 118

**Entry into force**

.....

**Textual Amendments**

**F165** Arts. 113-118 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **9**

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

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

## F<sup>166</sup> ANNEX I

### Textual Amendments

**F166** Annex 1 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **10(2)**

## ANNEX II

### Terms and conditions (Article 11)

#### *Payment of fees*

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

#### *Modification of core terms and conditions*

2. Modification of the core terms to reflect changes to this Regulation or changes to domestic legislation.

#### *Dispute resolution*

3. Provisions relating to disputes between account holders and choice of court for national administrator.

#### *Responsibility and liability*

4. The limitation of liability for the national administrator.
5. The limitation of liability for the account holder.

## ANNEX III

### Information to be submitted with requests for opening an account (F<sup>167</sup> Article 13)

### Textual Amendments

**F167** Words in [Annex 3](#) heading substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **10(3)(a)**

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

#### *Table III-I*

#### Account details for all accounts

	A	B	C	D	E	F <sup>168</sup>
						...

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

Table III-I

**Account details for all accounts**

Item No.	Account detail item	Mandatory or Optional?	Type	Can be updated?	Update requires the approval of the [ <sup>F169</sup> national administrator]?	F168 ...
1	Account ID (given by <sup>F170</sup> ... Registry)	M	Preset	No	n.a.	F168 ...
2	Account type	M	Choice	No	n.a.	F168 ...
3	Commitment period	M	Choice	No	n.a.	F168 ...
4	Account holder ID (given by <sup>F170</sup> ... Registry)	M	Free	Yes	Yes	F168 ...
5	Account holder name	M	Free	Yes	Yes	F168 ...
6	Account identifier (given by account holder)	M	Free	Yes	No	F168 ...
7	Account holder's address – country	M	Choice	Yes	Yes	F168 ...
8	Account holder's address - region or state	O	Free	Yes	Yes	F168 ...
9	Account holder's address – city	M	Free	Yes	Yes	F168 ...
10	Account holder's	M	Free	Yes	Yes	F168 ...

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

Table III-I

**Account details for all accounts**

	address – postcode					
11	Account holder's address – line 1	M	Free	Yes	Yes	F168 ...
12	Account holder's address – line 2	O	Free	Yes	Yes	F168 ...
13	Account holder's company registration number	M	Free	Yes	Yes	F168 ...
14	Account holder's telephone 1	M	Free	Yes	No	F168 ...
15	Account holder's telephone 2	M	Free	Yes	No	F168 ...
16	Account holder's email address	M	Free	Yes	No	F168 ...
17	Date of birth (for natural persons)	M for natural persons	Free	No	n.a.	F168 ...
18	Place of birth – city (for natural persons)	M for natural persons	Free	No	n.a.	F168 ...
19	Place of birth - country	O	Free	No	n.a.	F168 ...
20	Type of document supporting identity (for natural persons)	M	Choice	Yes	Yes	F168 ...
21	Identity document	M	Free	Yes	Yes	F168 ...



**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

Table III-I

**Account details for all accounts**

	number (for natural persons)					
22	Identity document expiry date	O	Free	Yes	Yes	F168 ...
23	VAT registration number with country code	M where assigned	Free	Yes	Yes	F168 ...
24	Account opening date	M	Preset	No	n.a.	F168 ...
25	Account closing date	O	Preset	Yes	Yes	F168 ...

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

## ANNEX IV

[<sup>F171</sup>Information to be provided for opening a person holding account (Article 18)]**Textual Amendments**

**F171** Annex 4 heading substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **10(4)(a)**

- The information set out in Table III-I of Annex III. (The account ID and the alphanumeric identifier are unique within the registry system.)
- Proof that the person requesting the account opening has an open bank account in a Member State of the European Economic Area [<sup>F172</sup>or the United Kingdom].

**Textual Amendments**

**F172** Words in Annex 4 point 2 inserted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **10(4)(b)**

- Evidence to support the identity of the natural person requesting the account opening, which may be a copy of one of the following:

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

- (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 [F173United Kingdom] as evidence of the permanent residence of the nominee.

#### Textual Amendments

**F173** Words in Annex 4 point 4(d) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **10(4)(c)**

- 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 [F174regulation 3 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017] including the type of ownership or control they are exercising;
  - (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.

#### Textual Amendments

**F174** Words in Annex 4 point 5(d) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **10(4)(d)**

- 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. [F175Any criminal] record of the natural person requesting the account opening or if it is a legal person, of its directors.

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

**Textual Amendments**

**F175** Words in Annex 4 point 7 substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **10(4)(e)**

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 [<sup>F176</sup>United Kingdom], 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.

**Textual Amendments**

**F176** Words in Annex 4 point 8 substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **10(4)(f)**

9. The [<sup>F177</sup>national administrator] may require that the documents submitted are accompanied with a certified translation into a language specified by [<sup>F178</sup>the national administrator].

**Textual Amendments**

**F177** Words in Annex 4 point 9 substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **10(4)(g)(i)**

**F178** Words in Annex 4 point 9 substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **10(4)(g)(ii)**

10. Instead of obtaining paper documents, the [<sup>F179</sup>national administrator] may use electronic mechanisms to check the evidence to be submitted in accordance with this Annex.

**Textual Amendments**

**F179** Words in Annex 4 point 10 substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **10(4)(h)**

<sup>F180</sup>ANNEX V

**Textual Amendments**

**F180** Annexes 5-7 omitted (1.5.2021) by virtue of The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **10(5)**

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

F180 ANNEX VI

.....

F180 ANNEX VII

.....

ANNEX VIII

**Information concerning authorised representatives<sup>F181</sup> ... to be provided to the [<sup>F182</sup> national administrator] (Article 24)**

**Textual Amendments**

**F181** Words in *Annex 8* heading omitted (1.5.2021) by virtue of *The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021* (S.I. 2021/511), regs. 1, **10(6)(a)(i)**

**F182** Words in *Annex 8* heading substituted (1.5.2021) by *The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021* (S.I. 2021/511), regs. 1, **10(6)(a)(ii)**

1. The information set out in Table VIII-I of Annex VIII.

*Table VIII-I*

**Authorised representative details**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	F183
<b>Item No.</b>	<b>Account detail item</b>	<b>Mandatory or Optional?</b>	<b>Type</b>	<b>Can be updated?</b>	<b>Update requires the approval of the [<sup>F184</sup> national administrator]?</b>	F183
1	Person ID	M	Free	No	n.a.	F183 ...
2	Type of account representative	M	Choice	Yes	No	F183 ...
3	First name	M	Free	Yes	Yes	F183 ...
4	Last name	M	Free	Yes	Yes	F183 ...
5	Title	O	Free	Yes	No	F183

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

Table VIII-I

**Authorised representative details**

						...
6	Job title	O	Free	Yes	No	F183 ...
	Company name	O	Free	Yes	No	F183 ...
	Company department	O	Free	Yes	No	F183 ...
7	Country	M	Preset	No	n.a.	F183 ...
8	Region or state	O	Free	Yes	Yes	F183 ...
9	City	M	Free	Yes	Yes	F183 ...
10	Postcode	M	Free	Yes	Yes	F183 ...
11	Address – line 1	M	Free	Yes	Yes	F183 ...
12	Address – line 2	O	Free	Yes	Yes	F183 ...
13	Telephone 1	M	Free	Yes	No	F183 ...
14	Mobile phone	M	Free	Yes	Yes	F183 ...
15	E-mail address	M	Free	Yes	Yes	F183 ...
16	Date of birth	M	Free	No	n.a.	F183 ...
17	Place of birth – city	M	Free	No	n.a.	F183 ...
18	Place of birth – country	M	Free	No	n.a.	F183 ...
19	Type of document supporting identity	M	Choice	Yes	Yes	F183 ...

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

Table VIII-I

**Authorised representative details**

20	Identity document number	M	Free	Yes	Yes	F183 ...
21	Identity document expiry date	O	Free	Yes	Yes	F183 ...
F185 ...	F185 ...	F185 ...	F185 ...	F185 ...	F185 ...	F183 ...
23	Confidentiality level	O	Choice	Yes	No	F183 ...
24	Rights as additional account representative	M	Multiple Choice	Yes	Yes	F183 ...

2. A signed statement from the account holder indicating that it wishes to nominate a particular person as authorised representative <sup>F186</sup>..., confirming that the authorised representative has the right to initiate or <sup>F187</sup>... approve transactions on behalf of the account holder and indicating any limitations to that right.

**Textual Amendments**

**F186** Words in Annex 8 point 2 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **10(6)(c)(i)**

**F187** Words in Annex 8 point 2 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **10(6)(c)(ii)**

3. Evidence to support the identity of the nominee, which may be a copy of one of the following:
- an identity card issued by a state that is a member of the European Economic Area or the Organisation for Economic Cooperation and Development;
  - 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:
- the identity document submitted under point 3., if it contains the address of the permanent residence;
  - any other government-issued identity document that contains the address of permanent residence;
  - 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;

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

- (d) any other document that is customarily accepted in the [F188United Kingdom] as evidence of the permanent residence of the nominee;

**Textual Amendments**

**F188** Words in Annex 8 point 4(d) substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **10(6)(d)**

5. [F189Any criminal] record of the nominee.

**Textual Amendments**

**F189** Words in Annex 8 point 5 substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **10(6)(e)**

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 [F190United Kingdom], 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.

**Textual Amendments**

**F190** Words in Annex 8 point 6 substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **10(6)(f)**

7. The [F191national administrator] may require that the documents submitted are accompanied with a certified translation into a language specified by the national administrator.

**Textual Amendments**

**F191** Words in Annex 8 point 7 substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **10(6)(g)**

8. Instead of obtaining paper documents, the [F192national administrator] may use electronic mechanisms to check the evidence to be submitted in accordance with this Annex.

**Textual Amendments**

**F192** Words in Annex 8 point 8 substituted (1.5.2021) by The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021 (S.I. 2021/511), regs. 1, **10(6)(g)**

---

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)*

---

## [<sup>F193</sup>ANNEX 8a

### Notices (Article 110e)

#### Textual Amendments

**F193** Annex 8a inserted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **10(7)**

1. In this Annex, “notice” means any notice served by the national administrator under this Regulation.
2. A notice must be in writing.
3. A notice may be served on a person (“P”) by—
  - (a) delivering it to P in person;
  - (b) sending it to a postal or email address provided by P for the purpose of service of notices;
  - (c) leaving it at P’s proper address; or
  - (d) sending it by post or electronic means to P’s proper address.
4. In the case of a body corporate, a notice may also be served on the secretary or clerk of that body.
5. In the case of a partnership, a notice may also be served on a partner or a person having control or management of the partnership business.
6. If a person (“Q”) to be served with a notice has specified an address in the United Kingdom (other than Q’s proper address) at which Q or someone on Q’s behalf will accept notices of that description, that address must instead be treated as Q’s proper address.
7. For the purposes of this Annex, “proper address” means, subject to paragraph 6—
  - (a) in the case of a body corporate or its secretary or clerk—
    - (i) the registered or principal office of that body, or
    - (ii) the email address of the secretary or clerk;
  - (b) in the case of a partnership or a partner or person having control or management of the partnership business—
    - (i) the principal office of the partnership, or
    - (ii) the email address (or, in the case of a partnership established outside the United Kingdom, the last known address) of a partner or a person having that control or management;
  - (c) in any other case, a person’s last known address (which for the purpose of this point and point (b) includes an email address).
8. For the purposes of paragraph 7, where a body corporate registered outside the United Kingdom or a partnership established outside the United Kingdom has an office in



**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

the United Kingdom, the principal office of that body corporate or partnership is its principal office in the United Kingdom.]

F194 ANNEX IX

**Textual Amendments**

**F194** Annexes 9-14 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **10(8)**

F194 ANNEX X

**National allocation table for the 2013-2020 period (Article 51)**

F194 ANNEX XI

**National aviation allocation table for the 2013-2020 period (Article 54)**

F194 ANNEX XII

**National international credit entitlement table for the 2008-2020 period (Article 59)**

F194 ANNEX XIII

F194 ANNEX XIV

---

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013. (See end of Document for details)

---

- (1) OJ L 275, 25.10.2003, p. 32.
- (2) OJ L 49, 19.2.2004, p. 1.
- (3) OJ L 140, 5.6.2009; p. 136.
- (4) OJ L 270, 14.10.2010, p. 1.
- (5) OJ L 140, 5.6.2009, p. 63.
- (6) OJ L 302, 18.11.2010, p. 1.
- (7) OJ L 315, 29.11.2011, p. 1.
- (8) OJ L 130, 17.5.2011, p. 1.
- (9) OJ L 316, 16.11.2006, p. 12.
- (10) OJ L 41, 14.2.2003, p. 26.
- (11) OJ L 281, 23.11.1995, p. 31.
- (12) OJ L 8, 12.1.2001, p. 1.
- (13) OJ L 270, 14.10.2010, p. 1.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013.