

Commission Delegated Regulation (EU) 2019/1122 of 12 March 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the functioning of the Union Registry (Text with EEA relevance)

TITLE I

GENERAL PROVISIONS

CHAPTER 1

Subject matter, scope and definitions

Article 1

Subject matter

This Regulation lays down general, operational and maintenance requirements concerning the Union Registry and the independent transaction log provided for in Article 20(1) of Directive 2003/87/EC.

Article 2

Scope

This Regulation applies to allowances created for the purposes of the European Union Emissions Trading System (EU ETS).

[^{F1}This Regulation also applies to annual emission allocation units (AEA).]

Textual Amendments

- F1** Inserted by [Commission Delegated Regulation \(EU\) 2019/1124 of 13 March 2019 amending Delegated Regulation \(EU\) 2019/1122 as regards the functioning of the Union Registry under Regulation \(EU\) 2018/842 of the European Parliament and of the Council.](#)

Article 3

Definitions

For the purposes of this Regulation, the definitions in Article 3 of Regulation (EU) No 1031/2010 and in Article 3 of Commission Delegated Regulation (EU) 2019/331⁽¹⁾ shall apply. The following definitions shall also apply:

- (1) ‘central administrator’ means the person designated by the Commission pursuant to Article 20 of Directive 2003/87/EC;

Changes to legislation: There are currently no known outstanding effects for the Commission
Delegated Regulation (EU) 2019/1122, TITLE I. (See end of Document for details)

- (2) ‘national administrator’ means the entity responsible for administering on behalf of a Member State a set of user accounts under the jurisdiction of a Member State in the Union Registry, designated in accordance with Article 7;
- (3) ‘account holder’ means a natural or legal person that holds an account in the Union Registry;
- (4) ‘account information’ means all information necessary to open an account or register a verifier, including all information on representatives assigned to them;
- (5) ‘competent authority’ means the authority or authorities designated by a Member State pursuant to Article 18 of Directive 2003/87/EC;
- (6) ‘verifier’ means a verifier as defined in Article 3(3) of Commission Implementing Regulation (EU) 2018/2067⁽²⁾;
- (7) ‘aviation allowances’ means allowances created pursuant to Article 3c(2) of Directive 2003/87/EC, including allowances, created for the same purpose, stemming from emission trading systems that are linked to the EU ETS under Article 25 of that Directive;
- (8) ‘general allowances’ means all other allowances created pursuant to Directive 2003/87/EC, including allowances stemming from emission trading systems that are linked with the EU ETS pursuant to Article 25 of that Directive;
- (9) ‘process’ means an automated technical means to carry out an action relating to an account or a unit in the Union Registry;
- (10) ‘execution’ means the finalisation of a process proposed for execution that may result in completion if all conditions are fulfilled or in termination;
- (11) ‘working day’ means any day of the year from Monday to Friday;
- (12) [^{F2}‘transaction’ means a process in the Union Registry that involves the transfer of an allowance or an annual emission allocation unit from one account to another account;]
- (13) ‘surrender’ means the accounting of an allowance by an operator or aircraft operator against the verified emissions of its installation or aircraft;
- (14) ‘deletion’ means the definitive disposal of an allowance by its holder without accounting it against verified emissions;
- (15) ‘money laundering’ means money laundering as defined in Article 1(3) of Directive (EU) 2015/849;
- (16) ‘serious crime’ means serious crime as defined in Article 3(4) of Directive (EU) 2015/849;
- (17) ‘terrorist financing’ means terrorist financing as defined in Article 1(5) of Directive (EU) 2015/849;
- (18) ‘directors’ means the persons discharging managerial responsibilities as defined in Article 3(1) point (25) of Regulation (EU) No 596/2014;
- (19) ‘parent undertaking’ means parent undertaking as defined in Article 2(9) of Directive 2013/34/EU of the European Parliament and of the Council⁽³⁾;
- (20) ‘subsidiary undertaking’ means subsidiary undertaking as defined in Article 2(10) of Directive 2013/34/EU;

- (21) ‘group’ means group as defined in Article 2(11) of Directive 2013/34/EU;
- (22) ‘central counterparty’ means central counterparty as defined in Article 2(1) of Regulation (EU) No 648/2012 of the European Parliament and of the Council⁽⁴⁾;
- (23) [^{F1}‘ESR compliance period’ means the period from 1 January 2021 to 31 December 2030 during which the Member States are to limit their greenhouse gas emissions pursuant to Regulation (EU) 2018/842;
- (24) ‘annual emission allocation unit’ means a subdivision of a Member State's annual emission allocation determined pursuant to Article 4(3) and Article 10 of Regulation (EU) 2018/842 equal to 1 tonne of carbon dioxide equivalent.]

Textual Amendments

- F1** Inserted by [Commission Delegated Regulation \(EU\) 2019/1124 of 13 March 2019 amending Delegated Regulation \(EU\) 2019/1122 as regards the functioning of the Union Registry under Regulation \(EU\) 2018/842 of the European Parliament and of the Council.](#)
- F2** Substituted by [Commission Delegated Regulation \(EU\) 2019/1124 of 13 March 2019 amending Delegated Regulation \(EU\) 2019/1122 as regards the functioning of the Union Registry under Regulation \(EU\) 2018/842 of the European Parliament and of the Council.](#)

CHAPTER 2

The registries system

Article 4

Union Registry

1 The central administrator shall operate and maintain the Union Registry, including its technical infrastructure.

[^{F2} Member States shall use the Union Registry for the purposes of meeting their obligations under Article 19 of Directive 2003/87/EC and Article 12 of Regulation (EU) 2018/842. The Union Registry shall provide national administrators and account holders with the processes set out in this Regulation.]

3 The central administrator shall ensure that the Union Registry conforms to the hardware, network, software and security requirements set out in the data exchange and technical specifications provided for in Article 75 of this Regulation.

Textual Amendments

- F2** Substituted by [Commission Delegated Regulation \(EU\) 2019/1124 of 13 March 2019 amending Delegated Regulation \(EU\) 2019/1122 as regards the functioning of the Union Registry under Regulation \(EU\) 2018/842 of the European Parliament and of the Council.](#)

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/1122, TITLE I. (See end of Document for details)

Article 5

European Union Transaction Log

1 A European Union Transaction Log (EUTL), to take the form of a standardised electronic database, is established, pursuant to Article 20 of Directive 2003/87/EC, for transactions within the scope of this Regulation.

2 The central administrator shall operate and maintain the EUTL in accordance with the provisions of this Regulation.

3 The central administrator shall ensure that the EUTL is capable of checking and recording all processes referred to under this Regulation, and complies with the hardware, network and software requirements set out in the data exchange and technical specifications provided for in Article 75 of this Regulation.

4 The central administrator shall ensure that the EUTL is capable of recording all processes described in Chapter 3 of Title I and in Titles II and III.

Article 6

Communication links between registries and the EUTL

1 The central administrator shall ensure that the Union Registry maintains a communication link with the registries of greenhouse gas emissions trading systems with whom a linking agreement is in force in accordance with Article 25 of Directive 2003/87/EC for the purposes of communicating transactions with allowances.

2 The central administrator shall ensure that the Union Registry maintains a direct communication link with the EUTL for the purposes of checking and recording transactions with allowances and the account management processes set out in Chapter 3 of Title I. All transactions involving allowances units shall take place within the Union Registry, and shall be recorded and checked by the EUTL. The central administrator may establish a restricted communication link between the EUTL and the registry of a third country which signed a treaty concerning its accession to the Union.

Article 7

National administrators

1 Each Member State shall designate a national administrator. The Member State shall access and administer pursuant to Article 10 its own accounts and the accounts in the Union Registry under its jurisdiction through its national administrator as defined in Annex I.

2 The Member States and the Commission shall ensure that there is no conflict of interest amongst national administrators, the central administrator and account holders.

3 Each Member State shall notify the Commission of the identity and contact details of its national administrator, including an emergency telephone number to be used in the case of a security incident.

4 The Commission shall coordinate the implementation of this Regulation with the national administrators of each Member State and the central administrator. In particular, the

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Commission shall pursue all appropriate consultations in accordance with the Treaties on issues and procedures related to the operation of registries regulated under this Regulation and the implementation of this Regulation. The terms of cooperation, agreed between the central administrator and the national administrators shall include common operational procedures for the implementation of this Regulation, change and incident management procedures for the Union Registry, technical specifications for the functioning and reliability of the Union Registry and the EUTL and provisions for the tasks of the controllers of personal data gathered pursuant to this Regulation. The terms of cooperation may include the modalities of the consolidation of the external communication links, the information technology infrastructure and user account access procedures. To ensure harmonised implementation of Chapter 3 of Title I, every two years the central administrator shall provide the national administrators a report on the relevant practices in place in each Member State.

[^{F25} The central administrator, the competent authorities and national administrators shall only perform processes necessary to carry out their respective functions in accordance with Directive 2003/87/EC and Regulation (EU) 2018/842.]

Textual Amendments

- F2** Substituted by [Commission Delegated Regulation \(EU\) 2019/1124 of 13 March 2019 amending Delegated Regulation \(EU\) 2019/1122 as regards the functioning of the Union Registry under Regulation \(EU\) 2018/842 of the European Parliament and of the Council.](#)

CHAPTER 3

Accounts

Section 1

General provisions applicable to all accounts

Article 8

Accounts

- 1 Member States and the central administrator shall ensure that the Union Registry contains accounts as specified in Annex I.
- 2 Each account type may hold the unit types as set out in Annex I.

Article 9

Account status

- 1 Accounts shall be in one of the following status: ‘open’, ‘blocked’, ‘closure pending’ or ‘closed’. For particular years, accounts may also have the status ‘excluded’.
- 2 No processes may be initiated from blocked accounts, except for the processes specified in Articles 22, 31 and 56.

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/1122, TITLE I. (See end of Document for details)

3 Before an account is closed, it may be set to status ‘closure pending’ for the period of available remedies against closure or until the conditions of the closure are fulfilled but not longer than 10 years. No processes may be initiated from accounts in status ‘closure pending’, it may not acquire units and all access to these accounts shall be suspended. An account having the status ‘closure pending’ can be set to ‘open’ only if all conditions for opening an account are fulfilled.

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

5 Upon exclusion of an installation from the EU ETS pursuant to Articles 27 or 27a of Directive 2003/87/EC, the national administrator shall set the corresponding operator holding account to excluded status for the duration of the exclusion.

6 Upon notification from the competent authority that an aircraft operator's flights are no longer included in the EU ETS in accordance with Annex I to Directive 2003/87/EC in a given year, the national administrator shall set the corresponding aircraft operator holding account to excluded status, after giving prior notice to the aircraft operator concerned and until notification from the competent authority that an aircraft operator's flights are again included in the EU ETS.

7 No processes may be initiated from excluded accounts, except for the processes specified in Articles 22 and 57 and the processes specified in Articles 31 and 56 corresponding to the period where the account status was not set to excluded.

Article 10

The administering of accounts

1 Every account shall have an administrator who shall be responsible for administering the account on behalf of a Member State or on behalf of the Union.

2 The administrator of an account shall be determined for each account type as set out in Annex I.

3 The administrator of an account shall open, suspend access to, or close an account, change its status, approve authorised representatives, permit changes to account details that require the approval of the administrator, initiate transactions as requested by the account representative or the account holder in accordance with Article 20(6) and (7) and initiate transactions as instructed by the competent authority or the relevant law enforcement authority, in accordance with this Regulation.

4 The administrator may require the account holders and their representatives to agree to comply with reasonable terms and conditions consistent with this Regulation having regard to the issues set out in Annex II.

5 Accounts shall be governed by the laws and fall under the jurisdiction of the Member State of their administrator and the units held in them shall be considered to be situated in that Member State's territory.

Article 11

Notifications from the central administrator

The central administrator shall notify the account representatives and the national administrator of the proposal for execution and completion or termination of any process related to the account, and of the change of status of the account, through an automated mechanism described in the data exchange and technical specifications provided for in Article 75. Notifications shall be sent in the official language(s) of the Member State of the administrator of the account.

Section 2

Opening and updating accounts

[^{F2}Article 12

Opening accounts administered by the central administrator

1 The central administrator shall open all ETS management accounts in the Union Registry, the EU ESR AEA Total Quantity Account, the Deletion Account under Regulation (EU) 2018/842 ('ESR Deletion Account'), the EU Annex II AEA Total Quantity Account, the EU ESR Safety Reserve Account and one ESR Compliance Account for each Member State for each year of the compliance period.

2 The national administrator designated pursuant to Article 7(1) shall act as authorised representative of the ESR Compliance Accounts.]

Textual Amendments

- F2** Substituted by [Commission Delegated Regulation \(EU\) 2019/1124 of 13 March 2019 amending Delegated Regulation \(EU\) 2019/1122 as regards the functioning of the Union Registry under Regulation \(EU\) 2018/842 of the European Parliament and of the Council.](#)

Article 13

Opening an auction collateral delivery account in the Union Registry

1 A clearing system or a settlement system as defined in Regulation (EU) No 1031/2010 that is connected to an auction platform appointed pursuant to Article 26 or Article 30 of that Regulation may submit to a national administrator a request for the opening of an auction collateral delivery account in the Union Registry. The person requesting the account shall provide the information set out in Annex IV.

2 Within 20 working days of the receipt of a complete set of information in accordance with paragraph 1 of this Article and Article 21, the national administrator shall open the auction collateral delivery account in the Union Registry or inform the person requesting the account of the refusal to open the account, pursuant to Article 19.

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/1122, TITLE I. (See end of Document for details)

3 Allowances held in an auction collateral delivery account, shall constitute collateral security as defined in Article 2(m) of Directive 98/26/EC of the European Parliament and of the Council.

For the purposes of Article 9(2) of Directive 98/26/EC, an auction collateral delivery account held in the Union Registry shall constitute the relevant account and shall be deemed to be located in and governed by the laws of the Member State referred to in Article 10(5) of this Regulation.

Article 14

Opening operator holding accounts in the Union Registry

1 Within 20 working days of the entry into force of a greenhouse gas emissions permit, the relevant competent authority or the operator shall provide the relevant national administrator with the information set out in Annex VI and shall request the national administrator to open an operator holding account in the Union Registry.

2 Within 20 working days of the receipt of a complete set of information in accordance with paragraph 1 of this Article and Article 21, the national administrator shall open an operator holding account for each installation in the Union Registry or inform the prospective account holder of the refusal to open the account, pursuant to Article 19.

3 A new operator holding account may be opened only if the installation does not already have an operator holding account that was opened based on the same greenhouse gas emissions permit.

Article 15

Opening aircraft operator holding accounts in the Union Registry

1 Within 20 working days from the approval of the monitoring plan of an aircraft operator, the competent authority or aircraft operator shall provide the relevant national administrator with the information set out in Annex VII and shall request the national administrator to open an aircraft operator holding account in the Union Registry.

2 Each aircraft operator shall have one aircraft operator holding account.

3 Aircraft operators performing aviation activities with total annual emissions lower than 25 000 tonnes of carbon dioxide equivalent per year or operating fewer than 243 flights per period for three consecutive four-month period may mandate a natural person or a legal entity to open an aircraft operator holding account and to surrender the allowances pursuant to Article 12(2a) of Directive 2003/87/EC on their behalf. Responsibility for compliance still remains with the aircraft operator. When mandating the natural person or the legal entity, the aircraft operator shall ensure that there is no conflict of interest amongst the mandated person or entity and competent authorities, national administrators, verifiers or other bodies subject to the provisions of Directive 2003/87/EC and the acts adopted for its implementation. In this case, the natural person or legal entity mandated shall provide the information required in accordance with paragraph 1.

4 Within 20 working days of the receipt of a complete set of information in accordance with paragraph 1 of this Article and Article 21, the national administrator shall open an aircraft operator holding account for each aircraft operator in the Union Registry or inform the prospective account holder of the refusal to open the account, pursuant to Article 19.

- 5 An aircraft operator shall have only one aircraft operator holding account.

Article 16

Opening trading accounts in the Union Registry

1 A request for opening a trading account in the Union Registry shall be submitted to the national administrator by the prospective account holder. The prospective account holder shall provide information as required by the national administrator, which shall include, at a minimum, the information set out in Annex IV.

2 The Member State of the national administrator may require as a condition for opening a trading account that the prospective account holders have their permanent residence or registration in the Member State of the national administrator administering the account.

3 The Member State of the national administrator may require as a condition for opening a trading account that prospective account holders are registered for value added tax (VAT) in the Member State of the national administrator of the account.

4 Within 20 working days of the receipt of a complete set of information in accordance with paragraph 1 of this Article and Article 21, the national administrator shall open a trading account in the Union Registry or inform the prospective account holder of the refusal to open the account, pursuant to Article 19.

Article 17

Opening national holding accounts in the Union Registry

The competent authority of a Member State shall instruct the national administrator to open a national holding account in the Union Registry within 20 working days of the receipt of the information set out in Annex III.

Article 18

Registering verifiers in the Union Registry

1 A request for registering a verifier in the Union Registry shall be submitted to the national administrator. The person requesting the registration shall provide information as required by the national administrator, including the information set out in Annexes III and V.

2 Within 20 working days of the receipt of a complete set of information in accordance with paragraph 1 of this Article and Article 21, the national administrator shall register the verifier in the Union Registry or inform the prospective verifier of the refusal, pursuant to Article 19.

Article 19

Refusal to open an account or register a verifier

1 The national administrator shall verify whether the information and documents provided for account opening or registration are complete, up-to-date, accurate and true.

*Changes to legislation: There are currently no known outstanding effects for the Commission
Delegated Regulation (EU) 2019/1122, TITLE I. (See end of Document for details)*

In the event of justified doubts, the national administrator may request assistance by another national administrator in carrying out the verification referred to in the first subparagraph. The administrator that has received such request may refuse it. The prospective account holder or verifier may explicitly ask the national administrator to request such assistance. The national administrator shall inform the prospective account holder or verifier of such assistance request.

- 2 A national administrator may refuse to open an account or register a verifier:
- a if the information and documents provided are incomplete, out-of-date or otherwise inaccurate or false;
 - b if a law enforcement authority provides information or if information is available by other means to a national administrator that 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, 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 allowances, money laundering, terrorist financing or other serious crimes;
 - d for reasons set out in national law.

3 Where the national administrator refuses to open an operator holding account or aircraft operator holding account in accordance with paragraph 2, the account may be opened upon instruction from the competent authority. All access to the account shall be suspended in accordance with Article 30(4) until the reasons for refusal listed in paragraph 2 are no longer present.

4 If the national administrator refuses to open an account, the person requesting the account opening may object to the competent authority or the relevant authority under national law, who shall either instruct the national administrator to open the account or uphold the refusal in a reasoned decision, subject to requirements of national law that pursue a legitimate objective compatible with this Regulation and are proportionate.

Article 20

Authorised representatives

1 The central administrator shall ensure that authorised representatives of accounts in the Union Registry can access the relevant accounts and have one of the following rights on behalf of the account holder:

- a initiate processes;
- b approve processes, if required;
- c initiate processes and approve processes initiated by another authorised representative.

2 At the opening, each account shall have at least two authorised representatives with one of the following combination of rights:

- a one authorised representative with the right to initiate processes and one with right to approve processes;
- b one authorised representative with the right to initiate processes and approve processes initiated by another authorised representative and one with right to approve processes;
- c one authorised representative with right to initiate processes and one with the right to initiate processes and approve processes initiated by another authorised representative;

d two authorised representatives with the right to initiate processes and approve processes initiated by another authorised representative.

3 Verifiers shall have at least one authorised representative who initiates relevant processes on behalf of the verifier. A representative of a verifier may not be representative of any account.

4 Account holders may decide that the approval of a second authorised representative is not necessary to propose transfers for execution to accounts on the trusted account list set up pursuant to Article 23. The account holder may withdraw such decision. The decision and the withdrawal of the decision shall be communicated in a duly signed statement submitted to the national administrator.

5 In addition to the authorised representatives specified in paragraphs 1 and 2, accounts may also have authorised representatives with ‘read only’ access to the account.

6 If an authorised representative cannot access the Union Registry for technical or other reasons, the national administrator, in accordance with the rights assigned to that authorised representative, may initiate or approve transactions on behalf of the authorised representative upon request, provided that the national administrator allows such requests and that the access of the authorised representative was not suspended in accordance with this Regulation.

7 If authorised representatives of an account cannot access the Union Registry, account holders may request the national administrator to propose a process for execution in their name, in accordance with this Regulation, provided that the national administrator allows such requests. Such requests may not be made for accounts in closed status.

8 The data exchange and technical specifications laid down in Article 75 may set a maximum number of authorised representatives for each account type.

9 Authorised representatives shall be natural persons over 18 years of age. All authorised representatives of a single account shall be different persons but the same person can be an authorised representative on more than one account. The Member State of the national administrator may require that at least one of the authorised representatives of an account shall be a permanent resident in that Member State, except for representatives of verifiers.

Article 21

Nominating and approval of authorised representatives

1 When requesting the opening of an account or the registration of a verifier, the prospective account holder or verifier shall nominate a number of authorised representatives in accordance with Article 20.

2 When nominating an authorised representative, the account holder shall provide information as required by the administrator. That information shall include, at a minimum, the information set out in Annex VIII.

If the prospective authorised representative has already been nominated to an account and if the account holder so requests, the national administrator may use the documentation that was submitted at the earlier nomination for the purposes of verification referred to in paragraph 4.

3 Within 20 working days of the receipt of a complete set of information required in accordance with paragraph 2, the national administrator shall approve an authorised representative, or inform the account holder of its refusal. Where evaluation of the nominee

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/1122, TITLE I. (See end of Document for details)

information requires more time, the 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 shall verify whether the information and documents provided for nominating an authorised representative are complete, up-to-date, accurate and true.

In the event of justified doubts, the national administrator may request assistance by another national administrator in carrying out the verification referred to in the first subparagraph. The administrator that has received such request may refuse it. The prospective account holder or verifier may explicitly ask the national administrator to request such assistance. The national administrator shall inform the prospective account holder or verifier of such assistance request.

5 A national administrator may refuse to approve an authorised representative:

- a if the information and documents provided are incomplete, out-of-date or otherwise inaccurate or false;
- b if a law enforcement authority provides information or if information is available by other means to a national administrator that the prospective representative is under investigation or has been convicted in the preceding five years for fraud involving allowances, money laundering, terrorist financing or other serious crimes for which the account may be an instrument;
- c for reasons set out in national law.

6 If the national administrator refused to approve an authorised representative, the account holder may object to the relevant authority under national law, who shall either instruct the national administrator to approve the representative or uphold the refusal in a reasoned decision, subject to requirements of national law that pursue a legitimate objective compatible with this Regulation and are proportionate.

Article 22

Updating of account information and information on authorised representatives

1 All account holders shall notify the national administrator within 10 working days of changes to the account information. In addition, account holders shall confirm to the national administrator by 31 December each year that their account information remains complete, up-to-date, accurate and true.

2 Operators and aircraft operators shall notify the administrator of their account within 10 working days if they have undergone a merger or a split.

3 The notification of change shall be supported by information as required by the national administrator in conformity with this Section. Within 20 working days of the receipt of such a notification and supporting information, the relevant national administrator shall approve the update of the information. The administrator may refuse to update the information in accordance with Article 21(4) and (5). The account holder shall be notified of any such refusal. Objections to such refusals may be raised with the competent authority or the relevant authority under national law in accordance with Article 19(4).

4 At least once every three years, the national administrator shall review whether the account information remains complete, up-to-date, accurate and true, and shall request that the account holder notify any changes as appropriate. For operator holding accounts, aircraft operator holding accounts and verifiers, the review shall take place at least once every five years.

*Changes to legislation: There are currently no known outstanding effects for the Commission
Delegated Regulation (EU) 2019/1122, TITLE I. (See end of Document for details)*

5 The account holder of an operator holding account may only sell or divest of its operator holding account together with the installation linked to the operator holding account.

6 Subject to paragraph 5, no account holder may sell or divest of the ownership of its account to another person.

7 Where the legal entity holding an account in the Union registry changes due to a merger or a split of account holders, the account holder shall be the legal successor of the previous account holder upon submission of the documentation required pursuant to Articles 14, 15 or 16.

8 An authorised representative may not transfer its status as such to another person.

9 An account holder or a verifier may request the removal of an authorised representative. Upon receipt of the request, the national administrator shall suspend the access of the authorised representative. Within 20 working days of the receipt of the request, the relevant administrator shall remove the authorised representative.

10 An account holder may nominate new authorised representatives in accordance with Article 21.

11 If the administering Member State of an aircraft operator changes in accordance with the procedure set out in Article 18a of Directive 2003/87/EC, the central administrator shall update the national administrator of the corresponding aircraft operator holding account. Where the administrator of an aircraft operator holding account changes, the new administrator may require the aircraft operator to submit the account opening information that it requires in accordance with Article 15 and the information about authorised representatives that it requires in accordance with Article 21.

12 Subject to paragraph 11, the Member State responsible for managing an account shall not change.

Article 23

Trusted account list

1 Accounts in the Union Registry may have a trusted account list.

2 Accounts held by the same account holder and administered by the same national administrator shall be automatically included on the trusted account list.

3 The EU Allocation Account and the Union Deletion Account shall be automatically included on the trusted account list

4 Changes to the trusted account list shall be proposed for execution and finalised through the procedure set out in Article 35. The change shall be initiated and approved by two authorised representatives entitled to initiate and approve processes respectively. The execution of the proposed change shall be immediate for the deletion of accounts from the trusted account list. For all other changes to the trusted account list the execution shall take place at 12.00 Central European Time (CET) on the fourth working day following the proposal.

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/1122, TITLE I. (See end of Document for details)

Section 3

Closure of accounts

Article 24

Closure of accounts

Subject to Article 29, within 10 working days of the receipt of a request from the account holder of an account other than those specified in Articles 25 and 26, the administrator shall close the account.

Article 25

Closure of operator holding accounts

1 The competent authority shall notify the national administrator within 10 working days of the withdrawal of a greenhouse gas emissions permit or knowledge of cessation of operation of an installation. Within 10 working days of such a notification, the national administrator shall record the relevant date in the Union Registry.

2 The national administrator may close an operator holding account if the following conditions are fulfilled:

- a the installation ceased operation or the greenhouse gas emissions permit was withdrawn;
- b the year of last emission is registered in the Union Registry;
- c verified emissions were registered for all years when the operator was included in the EU ETS;
- d the operator of the relevant installation has surrendered an amount of allowances equal to or greater than its verified emissions;
- e no return of excess allowances is pending pursuant to Article 48(4).

Article 26

Closure of aircraft operator holding accounts

1 The competent authority shall notify the national administrator within 10 working days of notification by the account holder or of discovering after examining other evidence, that the aircraft operator merged into another aircraft operator or the aircraft operator has ceased all its operations covered by Annex I to Directive 2003/87/EC.

2 The national administrator may close an aircraft operator holding account if the following conditions are fulfilled:

- a notification pursuant to paragraph 1 has been made;
- b the year of last emission is registered in the Union Registry;
- c verified emissions were registered for all years when the aircraft operator was included in the EU ETS;
- d the aircraft operator has surrendered an amount of allowances equal to or greater than its verified emissions;
- e no return of excess allowances is pending pursuant to Article 50(6).

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/1122, TITLE I. (See end of Document for details)

Article 27

Removing verifiers

- 1 Within 10 working days of the receipt of a request by a verifier to remove the verifier from the Union Registry, the national administrator shall remove the verifier.
- 2 The competent authority may also instruct the national administrator to remove a verifier from the Union Registry where one of the following conditions is fulfilled:
 - a the verifier's accreditation has expired or has been withdrawn;
 - b the verifier ceased operation.

^{F1}Article 27a

Closure of the ESR Compliance Account

The central administrator shall close an ESR Compliance Account not earlier than one month after the determination of the compliance status figure for that account pursuant to Article 59f, and after giving prior notice to the account holder.

On closure of the ESR Compliance Account, the central administrator shall ensure that the Union Registry transfers the AEAs remaining in the ESR Compliance Account to the ESR Deletion Account.]

Textual Amendments

- F1** Inserted by [Commission Delegated Regulation \(EU\) 2019/1124 of 13 March 2019 amending Delegated Regulation \(EU\) 2019/1122 as regards the functioning of the Union Registry under Regulation \(EU\) 2018/842 of the European Parliament and of the Council.](#)

Article 28

Closure of accounts and removal of authorised representatives on the administrator's initiative

- 1 If the situation giving rise to the suspension of access to accounts pursuant to Article 30 is not resolved within a reasonable period despite repeated notifications, the competent authority or the relevant law enforcement authority may instruct the national administrator to close those accounts for which access is suspended.

In the case of operator holding accounts or aircraft operator holding accounts the competent authority or the relevant law enforcement authority may instruct the national administrator to set to blocked status those accounts for which access is suspended until the competent authority determines that the situation giving rise to the suspension no longer subsists.

- 2 If on a trading account no transactions have been recorded for a period of one year, the national administrator may close that trading account after having notified the account holder that the trading account 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

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any such request from the account holder, the national administrator may close the account or set its status to closure pending.

3 The national administrator shall close an operator holding account or an aircraft operator holding account upon instruction from the competent authority on the basis that there is no reasonable prospect of further allowances being surrendered or excess allowances being returned.

4 The national administrator may remove an authorised representative if it considers that the approval of the authorised representative should have been refused in accordance with Article 21(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.

5 The account holder may object to the change of account status of an account in accordance with paragraph 1 or the removal of an authorised representative in accordance with paragraph 4 with the authority competent under national law within 30 calendar days, who shall either instruct the national administrator to reinstate the account or the authorised representative or uphold the change of account status or removal in a reasoned decision, subject to requirements of national law that pursue a legitimate objective compatible with this Regulation and are proportionate.

Article 29

Positive balance on accounts under closure

If there is a positive balance of allowances on an account which an administrator is to close in accordance with Articles 24, 25, 26 and 28, the administrator shall request the account holder to specify another account to which such allowances shall be transferred. If the account holder has not responded to the administrator's request within 40 working days, the administrator may transfer the allowances to its national holding account or set the account status to closure pending.

Section 4

Suspension of access to accounts

Article 30

Suspension of access to accounts

1 An administrator may suspend the access of an authorised representative to any account or verifier in the registry or to processes to which that authorised representative would otherwise have access if the 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 the Union Registry or the EUTL, or of the data handled or stored therein.

2 An administrator may suspend all access of authorised representatives to a specific account or a verifier where one of the following conditions is fulfilled:

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- a the account holder died 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 or the central administrator;
- e the account holder did not notify changes to account information or provide evidence concerning the changes to account information, or evidence concerning new requirements on account information;
- f the account holder failed to maintain compliance with the Member State requirement to have an authorised representative with a permanent residence in the Member State of the national administrator;
- g the account holder failed to maintain compliance with the Member State requirement that the account holder have a permanent residence or registration in the Member State of the administrator of the account.

3 An administrator may suspend all access of authorised representatives to a specific account or verifier in any of the following cases:

- a for a maximum period of four weeks if the 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 crimes. In this case, provisions of Article 67 shall be applied accordingly. Upon instruction from the financial intelligence unit the period may be extended;
- b on the basis of and in accordance with national law provisions that pursue a legitimate objective.

4 The national administrator may suspend all access of authorised representatives to a specific accounts or verifiers if it considers that the opening of the account or the registration of the verifier should have been refused in accordance with Article 19 or that the account holder no longer meets the requirements for the opening of the account.

5 The national administrator may suspend all access of authorised representatives to all accounts of an account holder if it receives information that the account holder has become subject of insolvency procedures. This suspension may be maintained until the national administrator receives official information about who has the rights to represent the account holder and the authorised representatives are confirmed or new authorised representatives are nominated in accordance with Article 21.

6 The administrator of the account shall reverse the suspension immediately once the situation giving rise to the suspension is resolved.

7 The account holder or account representative may object to the suspension of its access in accordance with paragraphs 1 to 3 to the competent authority or the relevant authority under national law within 30 calendar days, who shall either instruct the national administrator to reinstate access or uphold the suspension in a reasoned decision, subject to requirements of national law that pursue a legitimate objective compatible with this Regulation and are proportionate.

8 The competent authority or the Commission may also instruct the national administrator or the central administrator to implement a suspension for one of the grounds set in paragraphs 1 to 5.

9 A national law enforcement authority of the Member State of the administrator may also request the administrator to implement a suspension on the basis of and in accordance with national law.

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10 Where the holder of an operator holding account or aircraft operator holding account is prevented from surrendering in the 10 working days preceding the surrender time-limit laid down in Article 12(2a) and (3) of Directive 2003/87/EC due to suspension in accordance with this Article, the national administrator shall, if so requested by the account holder, surrender the number of allowances specified by the account holder.

11 If there is a positive balance of allowances on an account to which access was suspended, the competent authority or the relevant law enforcement authority, in accordance with relevant national law provisions, may instruct the national administrator to transfer immediately the allowances to the relevant national account or set the account status to 'closure pending'.

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/1122, TITLE I. (See end of Document for details)

- (1) Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 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 ([OJ L 59, 27.2.2019, p. 8](#)).
- (2) Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council ([OJ L 334, 31.12.2018, p. 94](#)).
- (3) Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC ([OJ L 182, 29.6.2013, p. 19](#)).
- (4) Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories ([OJ L 201, 27.7.2012, p. 1](#)).

Changes to legislation:

There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/1122, TITLE I.