

Commission Delegated Regulation (EU) 2019/7 of 30 October 2018 amending Regulation (EU) No 1031/2010 as regards the auctioning of 50 million unallocated allowances from the market stability reserve for the innovation fund and to list an auction platform to be appointed by Germany (Text with EEA relevance)

Article 1

Regulation (EU) No 1031/2010 is amended as follows:

- (1) In Article 10, the following paragraph 5 is added:
 5. The volume of allowances covered by Chapter III of Directive 2003/87/EC to be auctioned in 2020 shall also include the volume of 50 million unallocated allowances from the market stability reserve referred to in the second subparagraph of Article 10a(8) of that Directive. Those allowances shall be divided in equal amounts between the Member States participating in the joint action pursuant to Article 26(1) of this Regulation as at 1 January 2018 and shall be added to the volume of allowances to be auctioned for each of them. The volume of 50 million allowances shall in principle be distributed evenly over the auctions held in 2020.
- (2) Article 23 is replaced by the following:

Article 23

The auctioneer's functions

- 1 The auctioneer shall carry out the following functions:
 - a auction the volume of allowances to be auctioned by each Member State appointing it;
 - b receive the auction proceeds due to each Member State appointing it;
 - c disburse the auction proceeds due to each Member State appointing it.
- 2 The auctioneer of each Member State auctioning allowances pursuant to Article 10(5) shall receive the auction proceeds from those allowances on an auctioneer's nominated bank account designated by it no later than 1 October 2019 for the receipt of payments due under Article 10(5). The auctioneer shall ensure that these auction proceeds are disbursed to the account notified to it by the Commission for the purposes of Article 10a(8) of Directive 2003/87/EC, at the latest 15 days following the end of the month within which the auction proceeds were generated. The auctioneer may deduct prior to disbursement any additional fees for their holding and disbursement, subject to the prior notification of the amount and the reason for these fees by its Member State to the Commission and all other Member States.
- (3) Paragraph 2 of Article 61 is replaced by the following:
 2. Pursuant to paragraph 1 the auction platform shall announce at least the following results of each auction:
 - a the volume of the allowances auctioned;
 - b the auction clearing price in euros;
 - c the total volume of bids submitted;
 - d the total number of bidders and the number of successful bidders;

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- e in case of cancellation of an auction, the auctions to which the volume of allowances will be carried over;
 - f the total revenue earned from the auction;
 - g the distribution of the revenue between the Member States, in the case of auction platforms appointed pursuant to Article 26(1) or (2).
- (4) Paragraph 3 of Article 61 is replaced by the following:
3. At the same time as the auction platform announces the results of each auction pursuant to points (a) and (b) of paragraph 2, the auction platform shall notify each successful bidder bidding through its systems:
- a the total number of allowances to be allocated to that bidder;
 - b which of its tied bids, if any, were randomly selected;
 - c the payment due either in euros or in the currency of a Member State not member of the euro-zone, chosen by the bidder provided that the clearing system or settlement system is capable of handling the national currency in question;
 - d the date by which the payment due must be paid in cleared funds into the auctioneer's nominated bank account.;
- (5) Annex III is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 30 October 2018.

For the Commission

The President

Jean-Claude JUNCKER

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Changes and effects yet to be applied to :

- [Regulation revoked by 2023 c. 28 Sch. 1 Pt. 2](#)