

Commission Regulation (EC) No 2216/2004 of 21 December 2004 for a standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council (Text with EEA relevance) (repealed)

CHAPTER V

TRANSACTIONS

SECTION 2

Allocation and issue of allowances for the 2008-2012 period and each subsequent five year period

Article 44

National allocation plan table for the 2008-2012 period and each subsequent five year period

1 By 1 January 2007 and by 1 January 12 months before the start of each subsequent five year period, each Member State shall notify to the Commission its national allocation plan table, corresponding to the decision taken under Article 11 of Directive 2003/87/EC. If the national allocation plan table is based upon the national allocation plan notified to the Commission which was not rejected under Article 9(3) of Directive 2003/87/EC or on which the Commission has accepted proposed amendments, the Commission shall instruct the Central Administrator to enter the national allocation plan table into the Community independent transaction log in accordance with the initialisation procedures set out in Annex XIV.

[^{F12} A Member State shall notify each correction to its national allocation plan together with each corresponding correction in its national allocation plan table to the Commission. If the correction to the national allocation plan table is based upon the national allocation plan notified to the Commission which was not rejected under Article 9(3) of Directive 2003/87/EC or on which the Commission has accepted amendments and that correction results from improvements in data, the Commission shall instruct the Central Administrator to enter the corresponding correction into the national allocation plan table held in the Community independent transaction log.

All such corrections relating to new entrants shall be made in accordance with the automatic national allocation plan table change process as set out in Annex XIa to this Regulation.

All such corrections not relating to new entrants shall be made in accordance with the initialisation procedures as set out in Annex XIV to this Regulation.

In all other cases, the Member State shall notify the correction to its national allocation plan to the Commission and if the Commission does not reject this correction in accordance with the procedure in Article 9(3) of Directive 2003/87/EC, the Commission shall instruct the Central Administrator to enter the corresponding correction into the national allocation plan table held in the Community independent transaction log in accordance with the initialisation procedures set out in Annex XIV to this Regulation.]

Status: Point in time view as at 30/11/2011.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2216/2004 (repealed), SECTION 2. (See end of Document for details)

3 The registry administrator shall, subsequent to any correction made pursuant to paragraph 2 which occurs after allowances have been issued under Article 45 and which reduces the total quantity of allowances issued under Article 45 for the 2008-2012 period or subsequent five-year periods, convert the number of allowances specified by the competent authority into AAUs by removing the allowance element from the unique unit identification code of each such AAU comprising the elements set out in Annex VI.

The correction shall take place in accordance with the correction to allowances process set out in Annex IX.

Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 916/2007 of 31 July 2007 amending Regulation \(EC\) No 2216/2004 for a standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council \(Text with EEA relevance\).](#)

Article 45

Issue of allowances

After the national allocation plan table has been entered into the Community independent transaction log and, subject to Article 44(2), by 28 February of the first year of the 2008-2012 period and by 28 February of the first year of each subsequent five-year period, the registry administrator shall issue the total quantity of allowances set out in the national allocation plan table into the Party holding account by converting an equal quantity of AAUs held in that holding account into allowances.

This conversion shall take place through adding the allowance element to the unique unit identification code of each such AAU, comprising the elements set out in Annex VI.

The issue of allowances for the 2008-2012 period and each subsequent five-year period shall take place in accordance with the allowance issue (2008-2012 onwards) process set out in Annex IX.

[^{F1} Article 46

Allocation of allowances to operators

Without prejudice to Articles 44(2) and 47, by 28 February 2008 and by 28 February in each year thereafter, the registry administrator shall transfer from the Party holding account to the relevant operator holding account the proportion of the total quantity of allowances issued by any registry administrator under Article 45 which has been allocated to the corresponding installation for that year in accordance with the relevant section of the national allocation plan table.

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

Allowances shall be allocated in accordance with the allowance allocation process set out in Annex IX.]

Status: Point in time view as at 30/11/2011.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2216/2004 (repealed), SECTION 2. (See end of Document for details)

Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 916/2007 of 31 July 2007 amending Regulation \(EC\) No 2216/2004 for a standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council \(Text with EEA relevance\).](#)

Article 47

Surrender of allowances on instruction of the competent authority

If instructed to do so by the competent authority pursuant to Article 16(1) of Directive 2003/87/EC, the registry administrator shall surrender part or all of the proportion of the total quantity of allowances issued under Article 45 which has been allocated to an installation for a specific year, by entering the number of surrendered allowances into the section of the surrendered allowance table designated for that installation for that year. These surrendered allowances shall remain in the Party holding account.

Allowances surrendered on instruction of the competent authority shall be surrendered in accordance with the allowance allocation process set out in Annex IX.

[^{F1}Article 48

Allocation of allowances to new entrants

If instructed to do so by the competent authority, the registry administrator shall transfer a proportion of allowances issued by any registry administrator under Article 45 that are in the Party holding account to the operator holding account of a new entrant in accordance with the relevant section of the national allocation plan table for that new entrant for the year in question.

Allowances shall be transferred in accordance with the allowance allocation process set out in Annex IX.]

Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 916/2007 of 31 July 2007 amending Regulation \(EC\) No 2216/2004 for a standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council \(Text with EEA relevance\).](#)

[^{F2}Article 48a

Allocation of allowances following their sale by Member State

If instructed to do so by the competent authority following a sale of allowances held by a Member State, the registry administrator shall transfer a quantity of allowances from the Party holding account to the person holding account or operator holding account of the buyer of allowances.

Status: Point in time view as at 30/11/2011.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2216/2004 (repealed), SECTION 2. (See end of Document for details)

Allowances transferred within the same registry shall be transferred in accordance with the ‘internal transfer’ process set out in Annex IX. Allowances transferred from one registry to another will be transferred in accordance with the ‘external transfer (2008 to 2012 onwards)’ process set out in Annex IX.]

Textual Amendments

- F2** Inserted by [Commission Regulation \(EC\) No 916/2007 of 31 July 2007 amending Regulation \(EC\) No 2216/2004 for a standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council \(Text with EEA relevance\).](#)

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