

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and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council (Text with EEA relevance) (repealed)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 VII

AVAILABILITY AND RELIABILITY OF INFORMATION

Article 68

Availability and reliability of registries and the Community independent transaction log

The Central Administrator and each registry administrator shall take all reasonable steps to ensure that:

- (a) the registry is available for access by account holders 24 hours a day, 7 days a week, and that the communication link between the registry and the Community independent transaction log is maintained 24 hours a day, 7 days a week, thereby providing backup hardware and software in the event of a breakdown in operations of the primary hardware and software;
- (b) the registry and the Community independent transaction log respond promptly to requests made by account holders.

They shall ensure that the registry and Community independent transaction log incorporate robust systems and procedures for the safeguarding of all data and the prompt recovery of all data and operations in the event of a disaster.

They shall keep interruptions to the operation of the registry and Community independent transaction log to a minimum.

[^{F1}Article 69

The Commission may instruct the central administrator to suspend access to the Community independent transaction log and a registry administrator may suspend access to his registry where it has a reasonable suspicion that there is a breach of security of or that there exists a serious security risk to the Community independent transaction log or to a registry that threatens the integrity of the Community independent transaction log or of a registry or the integrity of the registries system, which includes the back-up facilities under Article 68.]

Textual Amendments

- F1** Substituted by [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 \(Text with EEA relevance\).](#)

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), CHAPTER VII. (See end of Document for details)

Article 70

Notification of suspension of access

^{F1} In the event of a breach of security of or a security risk to the Community independent transaction log that may lead to suspension of access, the central administrator shall promptly inform registry administrators of any risks posed to registries.

2 In the event of a breach of security of or a security risk to a registry that may lead to suspension of access, the relevant registry administrator shall promptly inform the central administrator who shall, in turn, promptly inform other registry administrators of any risks posed to registries.]

3 If the registry administrator becomes aware that it is necessary to suspend either access to accounts or other operations of the registry, he shall give all relevant account holders and verifiers, the Central Administrator and other registry administrators such prior notice of the suspension as is reasonably practicable.

4 If the Central Administrator becomes aware that it is necessary to suspend access to operations of the Community independent transaction log, it shall give all registry administrators such prior notice of the suspension as is reasonably practicable.

5 The notices referred to in paragraphs 3 and 4 shall include the likely duration of the suspension and shall be clearly displayed on the public area of that registry's web site or on the public area of the Community independent transaction log's web site.

Textual Amendments

- F1** Substituted by 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 (Text with EEA relevance).

^{F2}Article 70a

Suspension of access to allowances or Kyoto units in case of a suspected fraudulent transaction

1 An administrator or an administrator acting on request of the competent authority may suspend access to allowances or Kyoto units in the registry it administers:

- a for a maximum period of two weeks if it suspects that the allowances or Kyoto units have been the subject of a transaction constituting fraud, money laundering, terrorist financing or other serious crime; or
- b on the basis of and in accordance with national law provisions that pursue a legitimate objective.

2 The administrator shall immediately inform the competent law enforcement authority of the suspension.

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), CHAPTER VII. (See end of Document for details)

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

Textual Amendments

- F2** Inserted by [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 \(Text with EEA relevance\).](#)

Article 71

Testing area of each registry and the Community independent transaction log

1 Each registry administrator shall establish a testing area within which any new version or release of a registry can be tested in accordance with the testing procedures set out in Annex XIII so as to ensure that:

- a any testing procedures on a new version or release of a registry are completed without reducing the availability to account holders of the version or release of the registry which currently has a communication link with the Community independent transaction log or UNFCCC independent transaction log; and
- b any communication link between a new version or release of a registry and the Community independent transaction log or UNFCCC independent transaction log is established and activated with minimum disruption to its account holders.

2 The Central Administrator shall establish a testing area so as to facilitate testing procedures referred to in paragraph 1.

3 The registry administrators and the Central Administrator shall ensure that the hardware and software of their testing area shall perform in a manner that is representative of the performance of the primary hardware and software referred to in Article 68.

Article 72

Change management

1 The Central Administrator shall coordinate with registry administrators and the Secretariat to the UNFCCC the preparation and implementation of any amendments to this Regulation resulting in changes in the functional and technical specifications of the registry system before their implementation.^[F3] After such coordination, the Central Administrator shall decide on the date of implementation by registries and the Community independent transaction log of each new version of the functional and technical specifications for data exchange standards for registry systems under the Kyoto Protocol.]

^[F42] If a new version or release of a registry is required, each registry administrator and the Central Administrator shall successfully complete the testing procedures set out in Annex XIII before a communication link is established and activated between the new version or release of that registry and the Community independent transaction log or UNFCCC independent transaction log.]

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

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[^{F3}2a The Central Administrator shall convene regular meetings of the registry administrators to consult them on issues and procedures related to change management, incident management and any other issues of a technical nature related to the operation of registries and the implementation of this Regulation.]

3 Each registry administrator shall continuously monitor the availability, reliability and efficiency of his registry in order to ensure a level of performance which meets the requirements of this Regulation. If, as a result of this monitoring or the suspension of the communication link pursuant to Article 6(3), a new version or release of a registry is required, each registry administrator shall successfully complete the testing procedures set out in Annex XIII before a communication link is established and activated between the new version or release of that registry and the Community independent transaction log or UNFCCC independent transaction log.

Textual Amendments

- F3** 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).
- F4** 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).

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), CHAPTER VII.