

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)

TITLE I

COMMON GENERAL PROVISIONS

CHAPTER 1

Subject matter, scope and definitions

Article 1	Subject matter
Article 2	Scope
Article 3	Definitions

CHAPTER 2

The registries system

Article 4	Union Registry
Article 5	National and Union KP registries
Article 6	European Union transaction log
Article 7	Communication links between registries, the ITL and the EUTL
Article 8	National administrator

CHAPTER 3

Accounts

Section 1

General provisions applicable to all accounts

Article 9	Accounts
Article 10	Account status
Article 11	The administering of accounts
Article 12	Notifications from the central administrator

Section 2

Opening and updating accounts

Article 13	Party holding accounts
Article 14	Opening national administrative platform accounts in the Union Registry

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Article 15	Opening an auction delivery account in the Union Registry
Article 16	Opening operator holding accounts in the Union Registry
Article 17	Opening aircraft operator holding accounts in the Union Registry
Article 18	Opening person holding and trading accounts in the Union Registry
Article 19	Opening national holding accounts in the Union Registry
Article 20	Opening external trading platform accounts in the Union Registry
Article 21	Opening verifier accounts in the Union Registry
Article 22	Refusal to open an account
Article 23	Authorised representatives
Article 24	Nominating and approval of authorised representatives ...
Article 25	Updating of account information and information on authorised representatives
Article 26	Trusted account list

Section 3

Closure of accounts

Article 27	Closure of accounts
Article 28	Closure of operator holding accounts
Article 29	Closure of aircraft operator holding accounts
Article 30	Closure of verifier accounts
Article 31	Closure of the ESD Compliance Account
Article 32	Positive balance on accounts under closure
Article 33	Closure of accounts and removal of authorised representative on the national administrator's initiative

Section 4

Suspension of access to accounts

Article 34	Suspension of access to accounts
------------	----------------------------------

TITLE II

PROVISIONS FOR THE REGISTRY

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

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

CHAPTER 2

Transactions

Section 1

General

- Article 38 Only transactions expressly provided for in this Regulation for each...
- Article 39 Execution of transfers
- Article 40 Nature of Kyoto units and finality of transactions

Section 2

Creation of allowances

- Article 41 Creation of allowances

Section 3

Account transfers before auctions and allocation

- Article 42 Transfer of general allowances to be auctioned
- Article 43 Transfer of general allowances to be allocated free of charge
- Article 44 Transfer of general allowances for the new entrant reserve
- Article 45 Transfer of aviation allowances to be auctioned
- Article 46 Transfer of aviation allowances to be allocated free of charge
- Article 47 Transfer of aviation allowances to the special reserve
- Article 48 Transfer of general allowances to the EU Total Quantity-Account
- Article 49 Transfer of aviation allowances to the EU Aviation Total Quantity Account
- Article 50 Deletion of aviation allowances

Section 4

Allocation to stationary installations

- Article 51 Entry of national allocation tables into the EUTL
- Article 52 Changes to the national allocation tables
- Article 53 Free allocation of general allowances

Section 5

Allocation to aircraft operators

- Article 54 Entry of national aviation allocation tables into the EUTL
- Article 55 Changes to the national aviation allocation tables
- Article 56 Free allocation of aviation allowances
- Article 57 Return of aviation allowances

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Section 6

Use of CERs and ERUs

- Article 58 International credit holdings in the Union Registry
- Article 59 Entry of international credit entitlement tables into the EUTL
- Article 60 Use of international credits through allowance exchange
- Article 61 Calculation of remaining international credit entitlement

Section 7

Auction

- Article 62 Entry of auction tables into the EUTL
- Article 63 Changes to the auction tables
- Article 64 Auctioning of allowances

Section 8

Trading

- Article 65 Transfers of Kyoto units initiated by an account holder
- Article 66 Transfers of allowances or Kyoto units initiated by a trading account

Section 9

Surrender of allowances

- Article 67 Surrender of allowances

Section 10

Deletion of allowances and cancellation of Kyoto units

- Article 68 Deletion of allowances
- Article 69 Cancellation of Kyoto units

Section 11

Transaction reversal

- Article 70 Reversal of finalised processes initiated in error

CHAPTER 3

Links with other greenhouse gas emission trading schemes

- Article 71 Implementation of linking arrangements

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

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
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

TITLE 4

SPECIFIC PROVISIONS FOR ACCOUNTING TRANSACTIONS UNDER DECISION No 406/2009

Article 74	Creation of AEAs
Article 75	Annual emission allocation units
Article 76	Transfer of AEAs 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 AEAs
Article 83	Carry over of AEAs
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

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

TITLE V

COMMON TECHNICAL PROVISIONS

CHAPTER 1

Technical requirements of the registries system

Section 1

Availability

- Article 91 Availability and reliability of the Union Registry and the EUTL
Article 92 Helpdesk

Section 2

Security and authentication

- Article 93 Authentication of the Union Registry and national KP registries
Article 94 Accessing accounts in the Registry
Article 95 Authentication and authorisation of authorised representatives in the Union Registry
Article 96 Suspension of all access due to a security breach or a security risk
Article 97 Suspension of access to Kyoto units in the case of a suspected fraudulent transaction
Article 98 Cooperation with competent authorities and notification of money laundering, terrorist financing or criminal activity
Article 99 Suspension of processes
Article 99a Suspension of linking agreements

Section 3

Completing of processes

- Article 100 Automated checking of processes
Article 101 Detection of discrepancies
Article 102 Detection of discrepancies within the Union Registry and national KP registries
Article 103 Reconciliation - detection of inconsistencies by the EUTL
Article 104 Finalisation of processes

Section 4

Specifications and change management

- Article 105 Data exchange and technical specifications
Article 106 Change and release management

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

CHAPTER 2

Records, reports, confidentiality and fees

Article 107	Processing of information and personal data
Article 108	Records
Article 109	Reporting
Article 110	Confidentiality
Article 110a	Provision of information
Article 110b	Right of appeal regarding Article 110a notices
Article 110c	Right of appeal regarding national administrator decisions
Article 110d	Guidance
Article 110e	Notices
Article 111	Fees
Article 112	Interruption of operation

TITLE IV

TRANSITIONAL AND FINAL PROVISIONS

Article 113	Implementation
Article 114	Further use of accounts
Article 115	Entry into force of use restrictions
Article 116	Amendments to Regulation (EU) No 920/2010
Article 117	Repeal
Article 118	Entry into force
	Signature

ANNEX I

ANNEX II

Terms and conditions (Article 11)

Payment of fees

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

Modification of core terms and conditions

2. Modification of the core terms to reflect changes to this...

Dispute resolution

3. Provisions relating to disputes between account holders and choice of...

Responsibility and liability

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

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

ANNEX III

Information to be submitted with requests for opening an account (Article 13)

1. The information set out in Table III-I.
2. The account identifier shall be unique within the registry system....

ANNEX IV

Information to be provided for opening a person holding account (Article 18)

1. The information set out in Table III-I of Annex III....
2. Proof that the person requesting the account opening has an...
3. Evidence to support the identity of the natural person requesting...
4. Evidence to support the address of the permanent residence of...
5. The following documents in case of a legal person requesting...
6. Evidence to support the registered address of the legal person...
7. Any criminal record of the natural person requesting the account...
8. Any copy of a document submitted as evidence under this...
9. The national administrator may require that the documents submitted are...
10. Instead of obtaining paper documents, the national administrator may use...

ANNEX V

Additional information to be provided for opening a verifier account (Article 21)

1. A document proving that the person requesting the account opening...

ANNEX VI

Information to be provided for opening an operator holding account (Article 16)

1. The information set out in Table III-I of Annex III....
2. Under the data provided in accordance with Table III-I of...
3. The information set out in Table VI-I and VI-II of...

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

ANNEX VII

Information to be provided for opening an aircraft operator holding account (Article 17)

1. The information set out in Table III-I of Annex III...
2. Under the data provided in accordance with Table III-I, the...
3. The call sign is International Civil Aviation Organisation (ICAO) designator...

ANNEX VIII

Information concerning authorised representatives ... to be provided to the national administrator (Article 24)

1. The information set out in Table VIII-I of Annex VIII....
2. A signed statement from the account holder indicating that it...
3. Evidence to support the identity of the nominee, which may...
4. Evidence to support the address of the permanent residence of...
5. Any criminal record of the nominee.
6. Any copy of a document submitted as evidence under this...
7. The national administrator may require that the documents submitted are...
8. Instead of obtaining paper documents, the national administrator may use...

ANNEX 8a

Notices (Article 110e)

1. In this Annex, “notice” means any notice served by the...
2. A notice must be in writing.
3. A notice may be served on a person (“P”) by—...
4. In the case of a body corporate, a notice may...
5. In the case of a partnership, a notice may also...
6. If a person (“Q”) to be served with a notice...
7. For the purposes of this Annex, “proper address” means, subject...
8. For the purposes of paragraph 7, where a body corporate...

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

ANNEX IX

Formats for submitting annual emissions data (Article 35)

1. Emissions data for operators shall contain the information set out...

ANNEX X

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

ANNEX XI

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

ANNEX XII

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

ANNEX XIII

ANNEX XIV

Reporting requirements of the central administrator (Article 109)

I. UNION REGISTRY INFORMATION RELATED TO THE UNION EMISSIONS TRADING SCHEME...

Information available to the public

1. The EUTL shall display on the public website of the...
2. The EUTL shall display on the public website of the...
3. The EUTL shall display on its public website the following...
4. The EUTL shall display on the public website of the...
- 4a. On 1 May each year, the following information shall be...

Information available to account holders

5. The Union Registry shall display on the part of the...

Information available to national administrators

6. The Union Registry shall display on the part of the...

II. INFORMATION RELATED TO ACCOUNTING OF TRANSACTIONS UNDER DECISION No 406/2009/EC...

Information available to the public

7. The central administrator shall make publicly available the following information...

Information available to account holders

8. The Union Registry shall display on the part of the...

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (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:

This version of this Regulation was derived from [EUR-Lex](#) on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on [legislation.gov.uk](#).