

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of the Council and Decision No 280/2004/EC of the European Parliament and of the Council (Text with EEA relevance) (repealed)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

CONTENTS OF THE REGISTRIES

SECTION 1

Reporting and Confidentiality

Article 9

Reporting

1 Each registry administrator shall make available the information listed in Annex XVI at the frequencies and to the recipients set out in Annex XVI in a transparent and organised manner via his registry web site. Registry administrators shall not release additional information held in the registry.

2 The Central Administrator shall make available the information listed in Annex XVI at the frequencies and to the recipients set out in Annex XVI in a transparent and organised manner via the Community independent transaction log web site. The Central Administrator shall not release additional information held in the Community independent transaction log.

3 Each web site shall allow the recipients of the reports listed in Annex XVI to query those reports using search facilities.

4 Each registry administrator is responsible for the accuracy of the information that originates from his registry and is made available via the Community independent transaction log website.

5 Neither the Community independent transaction log nor registries shall require account holders to submit price information concerning allowances or Kyoto units.

Article 10

Confidentiality

1 All information, including the holdings of all accounts and all transactions made, held in the registries and the Community independent transaction log shall be considered confidential for any purpose other than the implementation of the requirements of this Regulation, Directive 2003/87/EC or national law.

[^{F12} The following entities may obtain data stored in the registries and the CITL:

- a the law enforcement and tax authorities of a Member State;
- b the European Anti-fraud Office of the European Commission;

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- c Europol;
- d registry administrators of Member States.

2a Transaction data may be provided to the entities listed under paragraph 2. upon their request to the Central Administrator or to a registry administrator if such requests are justified and necessary for the purposes of investigation, detection and prosecution of fraud, tax administration or enforcement, money laundering, terrorism financing or serious crime.

2b An entity receiving data in accordance with paragraph 2a shall ensure that the data received is only used for the purposes stated in the request in accordance with paragraph 2a and is not made available deliberately or accidentally to persons not involved in the intended purpose of the data use. This provision shall not preclude these entities to make the data available to other entities listed in paragraph 2, if this is necessary for the purposes stated in the request made in accordance with paragraph 2a.

2c Upon their request, the Central administrator may provide access to anonymised transaction data to the entities listed in paragraph 2. for the purpose of looking for suspicious transaction patterns. Entities with such access may notify suspicious transaction patterns to other entities listed in paragraph 2.

2d Registry administrators shall make available through secure means to all other registry administrators the names and identities of persons whom they refused to open an account for, or whom refused to nominate as an authorised representative or additional authorised representative.

2e Registry administrators may decide to notify to national law enforcement authorities all transactions that involve a number of units above the amount determined by the registry administrator and to notify any account that is involved in a number of transactions within a 24-hour period that is above an amount determined by the registry administrator.]

[^{F23} Each competent authority and registry administrator shall only perform processes concerning allowances, verified emissions, automatic national allocation plan table changes, accounts or Kyoto units where necessary to carry out their functions as competent authority or registry administrator.]

Textual Amendments

- F1** Substituted by Commission Regulation (EU) No 920/2010 of 7 October 2010 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** 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).

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

SECTION 2

Accounts

Article 11

Accounts

1 From 1 January 2005 onwards, each registry shall contain at least one Party holding account created in accordance with Article 12.

[^{F3}2 From 1 January 2005 onwards each Member State registry shall contain one operator holding account for each installation created in accordance with Article 15 and at least one personal holding account for each person created in accordance with Article 19.]

3 From 1 January 2005 onwards, each registry shall contain one retirement account and one cancellation account for the 2005-2007 period and one cancellation account for the 2008-2012 period, created in accordance with Article 12.

4 From 1 January 2008 and from 1 January of the first year of each subsequent five-year period, each registry shall contain one retirement account and the cancellation and replacement accounts required by the relevant decisions adopted pursuant to the UNFCCC or the Kyoto Protocol for the 2008-2012 period and for each subsequent five-year period, created in accordance with Article 12.

5 Unless otherwise provided, all accounts shall be capable of holding allowances and Kyoto units.

[^{F4}6 The account holder of a person holding account, a verifier account or an aircraft operator holding account may not sell or divest of the ownership of its account to another person. 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.]

Textual Amendments

- F3** Substituted by [Commission Regulation \(EC\) No 994/2008 of 8 October 2008 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** Inserted by [Commission Regulation \(EU\) No 920/2010 of 7 October 2010 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 15/10/2010.

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

SECTION 3

Party accounts

Article 12

Creation of Party accounts

1 The relevant body of the Member State and the Commission shall submit an application to their respective registry administrator for the creation in their registries of the accounts referred to in Article 11(1), (3) and (4).

The applicant shall provide the registry administrator with the information reasonably required by the registry administrator. That information shall include the information set out in Annex IV.

2 Within 10 days of the receipt of an application in accordance with paragraph 1 or the activation of the communication link between the registry and the Community independent transaction log, whichever is the later, the registry administrator shall create the account in the registry in accordance with the account creation process set out in Annex VIII.

3 The applicant referred to in paragraph 1 shall notify its registry administrator within 10 days of any changes in the information provided to its registry administrator pursuant to paragraph 1. Within 10 days of the receipt of such a notification the registry administrator shall update that information in accordance with the account update process set out in Annex VIII.

4 The registry administrator may require the applicants referred to in paragraph 1 to agree to comply with reasonable terms and conditions addressing the issues set out in Annex V.

Article 13

Closure of Party accounts

Within 10 days of the receipt of an application from the relevant body of a Member State or from the Commission to close a Party holding account, its registry administrator shall close the account in accordance with the account closure process set out in Annex VIII.

Article 14

Notification

The registry administrator shall immediately notify the account holder of the creation or update of his Party accounts and of the closure of his Party holding accounts.

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

SECTION 4

Operator holding accounts

Article 15

Creation of operator holding accounts

[^{F21} Within 14 days of the entry into force of each greenhouse gas emissions permit issued to the operator of an installation where the installation has not previously been covered by such a permit or the activation of the communication link between the registry and the Community independent transaction log, whichever is the later, the competent authority, or the operator where the competent authority so requires, shall provide the registry administrator of the Member State registry with the information set out in Annex III.]

2 Within 10 days of the receipt of the information in paragraph 1 or the activation of the communication link between the registry and the Community independent transaction log, whichever is the later, the registry administrator shall create an operator holding account referred to in Article 11(2) for each installation in its registry in accordance with the account creation process set out in Annex VIII.

3 The competent authority, or the operator where the competent authority so requires, shall notify the registry administrator within 10 days of any changes in the information provided to the registry administrator pursuant to paragraph 1. Within 10 days of the receipt of such a notification the registry administrator shall update the operator's details in accordance with the account update process set out in Annex VIII.

4 The registry administrator may require operators to agree to comply with reasonable terms and conditions addressing the issues set out in Annex V.

Textual Amendments

- F2** 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 16

Holding of Kyoto units in operator holding accounts

An operator holding account shall be capable of holding Kyoto units where authorised by Member State or Community legislation.

Article 17

Closure of operator holding accounts

1 The competent authority shall notify the registry administrator within 10 days of a greenhouse gas emissions permit being revoked or surrendered for an installation that is, as a result, not covered by any such permit. Without prejudice to paragraph 2, the registry

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administrator shall close all operator holding accounts relating to that revocation or surrender in accordance with the account closure process set out in Annex VIII on 30 June the year after the revocation or surrender took place if the relevant installation's entry in the latest year of the compliance status table is greater than or equal to zero. If the relevant installation's entry in the latest year of the compliance status table is less than zero, the registry administrator shall close its account the day after the entry is greater than or equal to zero or the day after the competent authority has instructed the registry administrator to close the account because there is no reasonable prospect of further allowances being surrendered by the installation's operator.

2 If there is a positive balance of allowances or Kyoto units in an operator holding account which the registry administrator is to close in accordance with paragraph 1, the registry administrator shall first request the operator to specify another account within the registry system to which such allowances or Kyoto units shall then be transferred. If the operator has not responded to the registry administrator's request within 60 days, the registry administrator shall transfer the balance to the Party holding account.

[^{F53} Where the competent authority has notified the registry administrator of the revocation or surrender of a greenhouse gas emissions permit belonging to an installation related to an account which has an entry in the relevant national allocation plan table submitted in accordance with Article 44, the registry administrator shall, prior to closing the account, propose to the Central Administrator the following changes to the national allocation plan table:

- a deleting from the national allocation plan table and replacing with a null any allowances in the national allocation plan table that were not yet allocated to the installation until the proposed national allocation plan table change;
- b adding an equivalent number of allowances to the part of the national allocation plan table representing the quantity of allowances not allocated to existing installations.

The proposal shall be submitted to, and checked and implemented automatically by the Community independent transaction log in accordance with the processes set out in Annex XIa.]

Textual Amendments

- F5** 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 \(Text with EEA relevance\).](#)

Article 18

Notification

The registry administrator shall immediately notify the account holder of the creation, update or closure of his operator holding account.

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

SECTION 5

Person holding accounts

Article 19

Creation of person holding accounts

1 An application for the creation of a person holding account shall be submitted to the registry administrator of the registry concerned.

The applicant shall provide the registry administrator with the information reasonably required by the registry administrator. That information shall include the information set out in Annex IV.

[^{F12} Within 10 days of the receipt of an application in accordance with paragraph 1 the registry administrator shall create a person holding account in its registry in accordance with the account creation process set out in Annex VIII or inform the person requesting the account opening that it refuses to open the account.]

[^{F13} The applicant shall notify the registry administrator within 10 days of any changes in the information provided to the registry administrator pursuant to paragraph 1. Within 10 days of the receipt of such a notification the registry administrator shall update the person's details in accordance with the account update process set out in Annex VIII or refuse updating and inform the account holder thereof.]

4 The registry administrator may require the applicants referred to in paragraph 1 to agree to comply with reasonable terms and conditions addressing the issues set out in Annex V.

[^{F45} If the registry administrator refused opening the account or refused updating information related to the account, the person requesting the account opening may object to this refusal with the competent authority, who shall either instruct the registry administrator to open the account or uphold the refusal in a reasoned decision. Reasons for refusing the opening an account may be that the person requesting the account opening is under investigation for being involved in fraud involving allowances or Kyoto units, money laundering, terrorist financing or other serious crimes to which the account may be an instrument, or any other reason set out in national law.

6 The registry administrator may require that EU persons requesting the account opening have their permanent residence or registration in the Member State of the registry.]

Textual Amendments

- F1** Substituted by [Commission Regulation \(EU\) No 920/2010 of 7 October 2010 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** Inserted by [Commission Regulation \(EU\) No 920/2010 of 7 October 2010 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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Article 20

Holding of Kyoto units in person holding accounts

A person holding account shall be capable of holding Kyoto units where authorised by Member State or Community legislation.

Article 21

Closure of person holding accounts

1 Within 10 days of the receipt of an application from a person to close a person holding account, the registry administrator shall close the account in accordance with the account closure process set out in Annex VIII.

2 If a person holding account has a zero balance and no transactions have been recorded during a period of 12 months, the registry administrator shall notify the account holder that the person holding account shall be closed within 60 days unless the registry administrator receives within that period a request from the account holder that the person holding account be maintained. If the registry administrator does not receive any such request from the account holder, it shall close the account in accordance with the account closure process set out in Annex VIII.

[^{F4}Article 21a

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

1 If the situation giving rise to the suspension of access to accounts pursuant to Article 67 is not resolved within a reasonable period despite repeated notifications, the competent authority may instruct the registry administrator to close those person holding accounts where access is suspended.

2 The account holder may object to the closure of its account in accordance with paragraph 1 with the competent authority within 30 calendar days, who shall either instruct the registry administrator to reinstate the account or uphold the closure in a reasoned decision.

3 If there is a positive balance of allowances or Kyoto units on an account which the registry administrator is to close after suspension in accordance with Article 67(1), the registry administrator shall first request the account holder to specify another account administered by the same administrator to which such allowances or Kyoto units shall then be transferred. If the account holder has not responded to the administrator's request within 40 working days, the administrator may transfer the allowances or Kyoto units to its national allowance holding account.

4 If there is a positive balance of allowances or Kyoto units on an account which was suspended in accordance with Article 67(1b), the competent authority may require in its instruction in accordance with paragraph 1 that these allowances or Kyoto units are moved immediately to the relevant national allowance holding account and KP Party holding account.]

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Textual Amendments

- F4** Inserted by [Commission Regulation \(EU\) No 920/2010 of 7 October 2010 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 22

Notification

The registry administrator shall immediately notify each account holder of the creation, update or closure of his person holding account.

Article 23

Authorised representatives

1 Each account holder shall appoint a primary and a secondary authorised representative for each account created in accordance with Articles 12, 15 and 19. Requests to the registry administrator to carry out processes shall be submitted by an authorised representative on behalf of the account holder.

2 Each Member State and the Commission may allow account holders in its registry to nominate an additional authorised representative whose agreement is required in addition to the agreement of the primary or secondary authorised representative to submit a request to their registry administrator to carry out one or more of the processes pursuant to Articles 49(1), 52, 53 and 62.

3 Each verifier shall appoint at least one authorised representative to enter or approve the entry of the annual verified emissions for an installation into the verified emissions table in accordance with Article 51(1).

4 Each registry administrator and the Central Administrator shall appoint at least one authorised representative to operate and maintain their registry and the Community independent transaction log on behalf of that administrator.

[^{F45} Authorised representatives must be natural persons over 18 years. All authorised representatives and additional authorised representatives of a single account must be different persons but the same person can be an authorised representative or an additional authorised representative on more than one account. The registry administrator may require that at least one of the authorised representatives of operator holding accounts or person holding accounts must be a permanent resident in the Member State of the registry.

6 When nominating an authorised representative or additional authorised representative, the account holder shall provide the information required by the registry administrator. That information shall include at least the documents and identification information on the nominee set out in Annex IVa.

7 The registry administrator shall evaluate the information received and if it finds it satisfactory, it shall approve the nominee within 20 working days of receiving the information or inform the person requesting the account opening that it refuses the approval. Where the evaluation of the nominee information requires more time, the registry administrator may once

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extend the evaluation process by up to 20 additional working days, and notify the extension to the account holder.

8 If the registry administrator refused to approve an authorised representative or additional authorised representative, the person requesting the account opening may object to this refusal with the competent authority, who shall either instruct the registry administrator to carry out the approval or uphold the refusal in a reasoned decision. Reasons for refusing the approval may be that the person nominated as authorised representative or additional authorised representative is under investigation for being involved in fraud involving allowances or Kyoto units, money laundering, terrorist financing or other serious crimes to which the account may be an instrument, or any other reason set out in national law.

9 An authorised representative or additional authorised representative may not transfer its status as such to another person.

10 The registry administrator may remove an authorised representative or an additional authorised representative if it considers that the approval of the authorised representative or an additional authorised representative should have been refused in accordance with paragraph 7. and in particular if it discovers that the documents and identification information provided in upon nomination were fraudulent or erroneous. The account holder may object to this removal with the competent authority who shall either instruct the registry administrator to re-approve the authorised representative or an additional authorised representative or uphold the removal in a reasoned decision. Reasons for removal of an authorised representative or an additional authorised representative may be that he or she is convicted for being involved in fraud involving allowances or Kyoto units, money laundering, terrorist financing or other serious crimes to which the account may be an instrument, or any other reason set out in national law.]

Textual Amendments

- F4** Inserted by [Commission Regulation \(EU\) No 920/2010 of 7 October 2010 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 \(Text with EEA relevance\)](#).

SECTION 6

Tables

Article 24

Tables

1 From 1 January 2005 onwards, each Member State registry shall contain one verified emissions table, one surrendered allowances table, and one compliance status table.

Each registry may contain additional tables for other purposes.

2 The Community independent transaction log shall contain one national allocation plan table for each Member State for the 2005-2007 period, the 2008-2012 period and for each subsequent five-year period.

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

The Community independent transaction log may contain additional tables for other purposes.

3 The tables in each Member State registry shall contain the information set out in Annex II. The operator holding accounts and person holding accounts shall contain the information set out in Annex XVI.

The national allocation plan table in the Community independent transaction log shall contain the information set out in Annex XIV.

SECTION 7

Codes and identifiers

Article 25

Codes

Each registry shall contain the input codes set out in Annex VII and the response codes set out in Annex XII in order to ensure the correct interpretation of information exchanged during each process.

Article 26

Account identification codes and alphanumeric identifiers

Before creating an account the registry administrator shall assign to each account a unique account identification code and the alphanumeric identifier specified by the account holder as part of the information given under Annexes III and IV respectively. Before creating an account, the registry administrator shall also assign to the account holder a unique account holder identification code comprising the elements set out in Annex VI.

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