

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of the Council and Decision No 280/2004/EC of the European Parliament and of the Council (Text with EEA relevance) (repealed)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

[<sup>F12</sup> 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.]

[<sup>F13</sup> 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.

[<sup>F25</sup> 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.]

*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), SECTION 5. (See end of Document for details)*

#### **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** 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 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.

#### *<sup>F2</sup>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

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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.]

#### **Textual Amendments**

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#### *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.

[<sup>F25</sup> 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.

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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 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.]

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