

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and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council (Text with EEA relevance) (repealed)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 1

Allocation and issue of allowances for the 2005-2007 period

Article 38

National allocation plan table for the 2005-2007 period

1 By 1 October 2004, 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.

2 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 is in accordance with methodologies set out in that national allocation plan or 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 in accordance with the initialisation procedures set out in Annex XIV. 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.

3 The registry administrator shall, subsequent to any correction made pursuant to paragraph 2 which occurs after allowances have been issued under Article 39 and which reduces the total quantity of allowances issued under Article 39 for the 2005-2007 period, transfer the number of allowances specified by the competent authority from the holding accounts referred to in Article 11(1) and (2) in which the allowances are held to the cancellation account for the 2005-2007 period.

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

Status: Point in time view as at 21/12/2004.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2216/2004 (repealed), SECTION 1. (See end of Document for details)

Article 39

Issue of allowances

After the national allocation plan table has been entered into the Community independent transaction log and, subject to Article 38(2), by 28 February 2005, the registry administrator shall issue the total quantity of allowances set out in the national allocation plan table into the Party holding account.

When issuing such allowances the registry administrator shall assign a unique unit identification code to each allowance comprising the elements set out in Annex VI.

Allowances shall be issued in accordance with the allowance issue (2005-2007) process set out in Annex IX.

Article 40

Allocation of allowances to operators

Without prejudice to Articles 38(2) and 41, by 28 February 2005 and by 28 February of each year thereafter for the 2005-2007 period, 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 under Article 39 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.

Article 41

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 39 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.

Status: Point in time view as at 21/12/2004.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 2216/2004 (repealed), SECTION 1. (See end of Document for details)*

Article 42

Allocation of allowances to new entrants

If instructed to do so by the competent authority, the registry administrator shall transfer a proportion of the total quantity of allowances issued under Article 39 that are remaining in the Party holding account to the operator holding account of a new entrant.

Allowances shall be transferred in accordance with the internal transfer process set out in Annex IX.

Article 43

Issue of force majeure allowances

1 If instructed to do so by the competent authority, the registry administrator shall issue into the Party holding account the number of force majeure allowances authorised by the Commission for the 2005-2007 period pursuant to Article 29 of Directive 2003/87/EC.

Force majeure allowances shall be issued in accordance with the force majeure allowance issue process set out in Annex IX.

2 The registry administrator shall enter the number of issued force majeure allowances into the sections of the surrendered allowance table designated for those installations and years for which authorisation was given.

3 When issuing force majeure allowances the registry administrator shall assign a unique unit identification code to each such force majeure allowance comprising the elements set out in Annex VI.

Status:

Point in time view as at 21/12/2004.

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 2216/2004 (repealed), SECTION 1.