

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of the Council and Decision No 280/2004/EC of the European Parliament and of the Council (Text with EEA relevance) (repealed)

## [<sup>1</sup>CHAPTER VA

### **OPERATION OF REGISTRIES OF MEMBER STATES WHICH DO NOT HAVE AAUS**

#### *Article 63a*

#### **Operation of registries of Member States which do not have AAUs**

1 Member States that are not able to issue AAUs due to reasons other than being determined to be ineligible to transfer and acquire ERUs and AAUs, and use CERs in accordance with the provisions of Decision 11/CMP.1 of the Kyoto Protocol to the UNFCCC shall establish, operate and maintain their registries in a consolidated manner with the Community registry. Articles 3(3), 4, 6(1), 11(1), (3) and (4), 30(1), 34, 35, 36, 44(3), 45, 49(1), 59, 60, 61, 65 shall not apply to those registries.

2 From 1 January 2008, the registries operated in accordance with paragraph 1 shall be capable of executing the processes applicable to them in Annexes VIII, IX, X, XI and XIa.

#### *Article 63b*

#### **Communication link between registries operated in accordance with Article 63a and the Community independent transaction log**

Registries operated in accordance with Article 63a shall communicate with the Community independent transaction log through a communication link established by the Community registry.

The Central Administrator shall activate the communication link after the testing procedures set out in Annex XIII and the initialisation procedures set out in Annex XIV have been completed successfully and notify the administrator of the Community registry thereof.

#### *Article 63c*

#### **Registries operated in accordance with Article 63a: detection of discrepancies and inconsistencies by the UNFCCC independent transaction log**

The UNFCCC independent transaction log shall inform a registry operated in accordance with Article 63a of any discrepancy detected in a process which that registry has initiated through the administrator of the Community registry.

The registry operated in accordance with Article 63a shall terminate the process and the administrator of the Community registry shall inform the UNFCCC independent transaction log thereof. The administrator of the registry operated in accordance with

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Article 63a, and any other registry administrators concerned shall immediately inform the relevant account holders that the process has been terminated.

#### *Article 63d*

#### **Registries operated in accordance with Article 63a: Finalisation of processes concerning accounts, verified emissions and automatic national allocation plan table changes**

When there is a communication link established between the two independent transaction logs and if processes concerning accounts, verified emissions and automatic national allocation plan table changes are directed through the UNFCCC independent transaction log, those processes shall be final when both independent transaction logs successfully inform the Community registry that they have not detected any discrepancies in the proposal initiated by the registry operated in accordance with Article 63a.

In all cases different from those referred to in the first paragraph, all processes referred to in Annexes VIII and XIa shall be final when the Community independent transaction log successfully informs the Community registry that it has not detected any discrepancies in the proposal initiated by the registry operated in accordance with Article 63a.

#### *Article 63e*

#### **Registries operated in accordance with Article 63a: finalisation of processes concerning transactions within registries**

All processes referred to in Annex IX, except the external transfer process, shall be final when both independent transaction logs inform the Community registry that they have not detected any discrepancies in the proposal initiated by the registry operated in accordance with Article 63a and the Community registry has successfully sent confirmation to both independent transaction logs that the registry operated in accordance with Article 63a has updated its records in accordance with its proposal.

However, prior to the communication link between the Community independent transaction log and the UNFCCC independent transaction log being established, all processes referred to in Annex IX, except the external transfer process, shall be final when the Community independent transaction log informs the Community registry that it has not detected any discrepancies in the proposal initiated by the registry operated in accordance with Article 63a and the Community registry has successfully sent confirmation to the Community independent transaction log that the registry operated in accordance with Article 63a has updated its records in accordance with its own proposal.

#### *Article 63f*

#### **Registries operated in accordance with Article 63a: finalisation of the external transfer process**

The external transfer process involving a registry operated in accordance with Article 63a shall be final when both independent transaction logs inform the acquiring registry (or the Community registry if the acquiring registry is a registry operated in accordance with Article 63a) that they have not detected any discrepancies in the proposal sent by the initiating registry (or the Community registry if the initiating registry is a registry

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operated in accordance with Article 63a) and the acquiring registry (or the Community registry if the acquiring registry is a registry operated in accordance with Article 63a) has successfully sent confirmation to both independent transaction logs that the acquiring registry has updated its records in accordance with the initiating registry's proposal.

However, prior to the communication link between the Community independent transaction log and the UNFCCC independent transaction log being established, the external transfer process involving a registry operated in accordance with Article 63a shall be final when the Community independent transaction log informs the acquiring registry (or the Community registry if the acquiring registry is a registry operated in accordance with Article 63a) that it has not detected any discrepancies in the proposal sent by the initiating registry (or the Community registry if the initiating registry is a registry operated in accordance with Article 63a) and the acquiring registry (or the Community registry if the acquiring registry is a registry operated in accordance with Article 63a) has successfully sent confirmation to the Community independent transaction log that it has updated its records in accordance with the initiating registry's proposal.

#### *Article 63g*

#### **Registries operated in accordance with Article 63a: Authentication**

Registries operated in accordance with Article 63a shall be authenticated to the UNFCCC independent transaction log through the Community registry with the digital certificates issued by the Secretariat to the UNFCCC, or an entity designated by it.

However, until the communication link between the Community independent transaction log and UNFCCC independent transaction log is established, they shall be authenticated to the Community independent transaction log through the Community registry using digital certificates and usernames and passwords as specified in Annex XV. The Commission, or an entity designated by it, shall act as the certification authority for all digital certificates and shall distribute the usernames and passwords.

#### *Article 63h*

#### **Special provisions concerning certain obligations of registry administrators of registries operated in accordance with Article 63a**

The obligations provided for in Article 71 and Article 72(2) and (3) shall, as regards registry administrators of registries operated in accordance with Article 63a, be carried out by the administrator of the Community Registry.

#### *Article 63i*

#### **Registries operated in accordance with Article 63a: accounts**

1 Registries operated in accordance with Article 63a shall contain at least two Party holding accounts created in accordance with Article 12.

2 Allowances with an initial unit type of 1 shall be held by only one of the Party holding accounts, and no Party holding account other than the one holding allowances with an initial unit type of 1 shall be permitted to participate in external transfers between registries operated

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in accordance with Article 63a and registries other than ones so operated. The Party holding account holding allowances with an initial unit type of 1 shall not be used for transactions other than external transfers between registries operated in accordance with Article 63a and registries other than ones so operated and shall only hold units with an initial unit type of 1.

3 The operator holding accounts created pursuant to Article 11(2) shall not hold allowances with an initial unit type of 1 at the end of a transaction. Person holding accounts in registries operated in accordance with Article 63a may not participate in external transfers between registries operated in accordance with Article 63a and registries other than ones so operated.

#### *Article 63j*

##### **Registries operated in accordance with Article 63a: national allocation plan table for the 2008 to 2012 period and each subsequent five-year period**

Registries operated in accordance with Article 63a shall, subsequent to any correction to the national allocation plan table made pursuant to Article 44(2) which occurs after allowances have been issued under Article 45 and which reduces the total quantity of allowances issued under Article 45 for the 2008 to 2012 period or subsequent five-year periods, transfer the number of allowances specified by the competent authority from the holding accounts referred to in Articles 11(2) and 63i and in which the allowances are held to the cancellation account of the Community registry for the relevant period.

#### *Article 63k*

##### **Registries operated in accordance with Article 63a: issue of allowances**

The administrator of a registry operated in accordance with Article 63a shall after the national allocation plan table has been entered into the Community independent transaction log and, subject to Article 44(2), by 28 February of the first year of the 2008 to 2012 period and by 28 February of the first year of each subsequent five-year period, 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, whereby the initial unit type shall be 0 and the supplementary unit type shall be 4.

Allowances shall be issued in accordance with the allowance issue (registries referred to in Article 63a) process set out in Annex IX.

#### *Article 63l*

##### **Registries operated in accordance with Article 63a: transfers of allowances between operator holding accounts in registries operated in accordance with Article 63a and other registries**

1 The registries operated in accordance with Article 63a shall carry out any transfer of allowances with an initial unit type of 0 and a supplementary unit type of 4 between holding accounts, as requested by an account holder:

- a within its registry in accordance with the internal transfer process set out in Annex IX;

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- b between two registries operated in accordance with Article 63a in accordance with the ‘transfer between two registries referred to in Article 63a’ process, as set out in Annex IX;
- c between a registry operated in accordance with Article 63a and a registry other than one so operated in accordance with the ‘External transfer (between a registry referred to in Article 63a and other registry)’ process set out in Annex IX. Transfers of allowances with an initial unit type of 0 and a supplementary unit type of 4 towards registries that are not operated in accordance with Article 63a may not be requested by holders of person holding accounts. The Community independent transaction log shall block any transactions that would result in the transfer of allowances with an initial unit type of 0 and a supplementary unit type of 4 to registries other than those operated in accordance with Article 63a.

#### *Article 63m*

#### **Registries operated in accordance with Article 63a: cancellation under Article 58 or Article 62**

When carrying out a cancellation and retirement in accordance with Article 58 or a voluntary cancellation in accordance with Article 62, the administrator of a registry operated in accordance with Article 63a shall carry out the cancellation by transferring allowances as required under Article 58 or 62 into the cancellation account or the retirement account of the Community registry.

#### *Article 63n*

#### **Registries operated in accordance with Article 63a: cancellation and retirement of surrendered allowances and CERs for the 2008 to 2012 period and subsequent periods**

1 By 30 June 2009 and on 30 June each year thereafter, the registry administrator of a registry operated in accordance with Article 63a shall cancel a number of allowances and CERs held in the Party holding account pursuant to Articles 52 and 53.

The number of allowances and CERs to be cancelled shall be equal to the total number of surrendered allowances entered into the surrendered allowances table since 1 January of the first year of the relevant period until 31 May of the subsequent year and since 1 June of the preceding year until 31 May of each of the subsequent years.

2 Cancellation shall take place by transferring the allowances and CERs, with the exception of CERs resulting from projects referred to in Article 11a(3) of Directive 2003/87/EC, from the Party holding account into the retirement account of the Community Registry for the relevant period in accordance with the ‘retirement (registries referred to in Article 63a)’ process set out in Annex IX.

#### *Article 63o*

#### **Registries operated in accordance with Article 63a: cancellation and replacement of allowances issued for the 2005 to 2007 period**

1 On 1 May 2008, each registry administrator of a registry operated in accordance with Article 63a shall cancel and, if instructed to do so by the competent authority, replace allowances

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held in his registry in accordance with the allowance cancellation and replacement process set out in Annex IX by:

- a transferring a number of allowances, equal to the number of allowances issued for the 2005 to 2007 period minus the number of allowances surrendered at the moment of cancellation and replacement pursuant to Articles 52 and 54 since 30 June of the preceding year, from their holding accounts referred to in Articles 11(2) and 63i to the cancellation account of the Community registry for the 2005 to 2007 period;
- b if instructed to do so by the competent authority, issuing a number of replacement allowances specified by the competent authority by issuing an equal number of allowances for the 2008 to 2012 period, giving each allowance a unit identification code comprising the elements set out in Annex VI;
- c transferring any such replacement allowances referred to in point (b) from the Party holding account into the operator and person holding accounts specified by the competent authority from which allowances were transferred under point (a).

#### *Article 63p*

#### **Registries operated in accordance with Article 63a: cancellation and replacement of allowances issued for the 2008 to 2012 period and subsequent periods**

1 On 1 May in 2013 and on 1 May in the first year of each subsequent five year period, each registry administrator of a registry operated in accordance with Article 63a shall cancel and replace allowances held in its registry in accordance with the allowance cancellation and replacement process set out in Annex IX by:

- a transferring a number of allowances, equal to the number of allowances issued for the preceding five-year period minus the number of allowances surrendered pursuant to Article 52 since 31 May of the preceding year, from their holding accounts referred to in Articles 11(2) and 63i to the cancellation account of the Community registry for the relevant period;
- b issuing an equal number of replacement allowances with a supplementary unit type of 4 for the current period into the Party holding account and assigning to each of these allowances a unique unit identification code comprising the elements set out in Annex VI;
- c transferring a number of those allowances issued in accordance with point (b) for the current period from the Party holding account into each operator and person holding account from which allowances were transferred in accordance with point (a), equal to the number of allowances that were transferred from those accounts under point (a).]

#### **Textual Amendments**

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

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