

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of the Council and Decision No 280/2004/EC of the European Parliament and of the Council (Text with EEA relevance) (repealed)

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(Text with EEA relevance) (repealed)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC<sup>(1)</sup>, and in particular Article 19(3) thereof,

Having regard to Decision 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol<sup>(2)</sup>, and in particular the first subparagraph, second sentence, Article 6(1) thereof,

Whereas:

- (1) An integrated Community system of registries, consisting of the registries of the Community and its Member States established pursuant to Article 6 of Decision No 280/2004/EC that incorporate the registries established pursuant to Article 19 of Directive 2003/87/EC and the Community independent transaction log established pursuant to Article 20 of that Directive, is necessary to ensure that the issue, transfer and cancellation of allowances does not involve irregularities and that transactions are compatible with the obligations resulting from the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol.
- (2) In accordance with Directive 2003/4/EC of 28 January 2003 on public access to environmental information<sup>(3)</sup> and Decision 19/CP.7 of the Conference of the Parties to the UNFCCC, specific reports should be made public on a regular basis to ensure that the public has access to information held within the integrated system of registries, subject to certain confidentiality requirements.
- (3) Community legislation concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data, in particular Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>(4)</sup>, Directive 2002/58/EC

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concerning the processing of personal data and the protection of privacy in the electronic communications sector<sup>(5)</sup> and Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>(6)</sup>, should be respected where these are applicable to information held and processed pursuant to this Regulation.

- (4) Each registry should contain one Party holding account, one retirement account, and the cancellation and replacement accounts required pursuant to Decision 19/CP.7 of the Conference of the Parties to the UNFCCC for each commitment period, and each registry established pursuant to Article 19 of Directive 2003/87/EC should contain holding accounts required to implement the requirements of that Directive for operators and for other persons. Each such account should be created in accordance with standardised procedures to ensure the integrity of the registries system and public access to information held in this system.
- (5) Article 6 of Decision No 280/2004/EC requires the Community and its Member States to apply the functional and technical specifications for data exchange standards for registry systems under the Kyoto Protocol, elaborated pursuant to Decision 24/CP.8 of the Conference of the Parties to the UNFCCC, for the establishment and operation of registries and the Community independent transaction log. The application and elaboration of these specifications in relation to the integrated Community registries system allows the incorporation of the registries established pursuant to Article 19 of Directive 2003/87/EC into the registries established pursuant to Article 6 of Decision No 280/2004/EC.
- (6) The Community independent transaction log will perform automated checks on all processes in the Community registries system concerning allowances, verified emissions, accounts and Kyoto units, and the UNFCCC independent transaction log will perform automated checks on processes concerning Kyoto units to ensure that there are no irregularities. Processes that fail these checks will be terminated to ensure that transactions in the Community registries system comply with the requirements of Directive 2003/87/EC and the requirements elaborated pursuant to the UNFCCC and the Kyoto Protocol.
- (7) All transactions in the Community registries system should be executed in accordance with standardised procedures and, where necessary, on a harmonised timetable, in order to ensure compliance with the requirements of Directive 2003/87/EC and with the requirements elaborated pursuant to the UNFCCC and the Kyoto Protocol, and to protect the integrity of that system.
- (8) Minimum security standards and harmonised requirements on authentication and access rights should be applied to protect the security of information held in the integrated Community registries system.
- (9) The Central Administrator and each registry administrator should ensure that interruptions to the operation of the integrated Community registries system are kept to a minimum by taking all reasonable steps to ensure the availability of the registries and the Community independent transaction log and by providing for robust systems and procedures for the safeguarding of all information.

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- (10) Records concerning all processes, operators and persons in the Community registries system should be stored in accordance with the data logging standards set out in the functional and technical specifications for data exchange standards for registry systems under the Kyoto Protocol elaborated pursuant to Decision 24/CP.8 of the Conference of the Parties to the UNFCCC.
- (11) A transparent system of fees and a prohibition to charge account holders for specific transactions in the Community registries system will help ensure the integrity of that system.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 23(1) of Directive 2003/87/EC and Article 9(2) of Decision No 280/2004/EC.

HAS ADOPTED THIS REGULATION:

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- (1) OJ L 275, 25.10.2003, p. 32.
- (2) OJ L 49, 19.2.2004, p. 1.
- (3) OJ L 41, 14.2.2003, p. 26.
- (4) OJ L 281, 23.11.1995, p. 31.
- (5) OJ L 201, 31.7.2002, p. 37.
- (6) OJ L 8, 12.1.2001, p. 1.

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