

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 1

Regulation (EC) No 2216/2004 is amended as follows:

1. Article 2 is amended as follows:
 - (a) point (e) is replaced by the following:
 - (e) “assigned amount unit” (AAU) means a unit issued pursuant to Article 7(3) of Decision No 280/2004/EC or by a Party to the Kyoto Protocol;;
 - (b) In point (p), the following sentence is added:

‘Special provisions are applicable to registries referred to in Article 63a;’.
2. In Article 3(3), the following subparagraph is added:

Each registry shall be capable of executing correctly all the processes concerning automatic national allocation plan table changes set out in Annex XIa from 1 February 2008..
3. Article 5 is amended as follows:
 - (a) paragraphs 4 and 5 are replaced by the following:
 4. The Central Administrator shall provide the administrative processes referred to in Annex XI in order to facilitate the integrity of the data within the registries system and shall provide the processes related to automatic national allocation plan table changes referred to in Annex XIa to ensure that national allocation plan tables reflect the number of allowances issued and allocated to installations.
 5. The Central Administrator shall only perform processes concerning allowances, verified emissions, automatic national allocation plan table changes, accounts or Kyoto units where necessary to carry out its functions as Central Administrator.;
 - (b) in paragraph 6, the following subparagraph is added:

The Community independent transaction log shall be capable of executing correctly all the processes concerning automatic national allocation plan table changes set out in Annex XIa from 1 February 2008..
4. Article 6(2) is replaced by the following:
2. From 1 February 2008 until the communication link referred to in Article 7 has been established, all processes concerning allowances, verified emissions, automatic national allocation plan table changes, and accounts shall be completed through the exchange of data via the Community independent transaction log..

5. Article 7 is replaced by the following:

Article 7

Communication link between the independent transaction logs

- 1 A communication link between the Community independent transaction log and the UNFCCC independent transaction log shall be considered as established when these systems are linked on the basis of a decision taken by the Central Administrator after consulting the Climate Change Committee. The Central Administrator shall establish and maintain such a link when

- a all registries have successfully completed the UNFCCC initialisation procedure; and
- b the Community independent transaction log and the UNFCCC independent transaction log are able to provide the necessary functionality and to link to each other.

- 2 If the conditions provided for in paragraph 1 are not met, the Commission may, subject to the majority support of the Climate Change Committee, instruct the Central Administrator to establish and maintain such a link.

- 3 After having established the link described in 1., all processes concerning allowances, verified emissions, accounts, automatic national allocation plan table changes and Kyoto units shall be completed through the exchange of data via the UNFCCC independent transaction log and thereon to the Community independent transaction log.

- 4 The Commission shall evaluate and report to the Climate Change Committee on options for connecting registries, the UNFCCC independent transaction log and the Community independent transaction log different from the one described in 3. In particular it shall be considered whether all processes concerning allowances and Kyoto units shall be completed through the exchange of data via the Community independent transaction log and thereon to the UNFCCC independent transaction log and all processes concerning verified emissions, accounts and automatic national allocation plan table changes shall be completed through the exchange of data via the Community independent transaction log.

- 5 Each Member State shall deliver to the administrator of the UNFCCC independent transaction log and the Central Administrator the documentation required for the initialisation of each registry with the UNFCCC independent transaction log, and by 1 September 2007 each registry shall be technically prepared for the initialisation process to commence, in accordance with 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.

- 6 The decisions referred to in paragraphs 1 and 2 shall, where possible be adopted at least three months prior to their implementation..

6. Article 10(3) is replaced by the following:

3. Each competent authority and registry administrator shall only perform processes concerning allowances, verified emissions, automatic national allocation

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plan table changes, accounts or Kyoto units where necessary to carry out their functions as competent authority or registry administrator..

7. Article 15(1) is replaced by the following:

1. 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..

8. In Article 17, the following paragraph 3 is added:

3. 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..

9. Article 28 is replaced by the following:

Article 28

Detection of discrepancies by the Community independent transaction log

1 The Central Administrator shall ensure that the Community independent transaction log conducts the automated checks set out in Annexes VIII, IX, XI and XIa for all processes concerning allowances, verified emissions, accounts, automatic national allocation plan table changes and Kyoto units to ensure that there are no discrepancies.

2 If the automated checks referred to in paragraph 1 identify a discrepancy in a process under Annexes VIII, IX, XI and XIa, the Central Administrator shall immediately inform the registry administrator or administrators concerned by returning an automated response detailing the exact nature of the discrepancy using the response codes set out in Annexes VIII, IX, XI and XIa.

Upon receiving such a response code for a process under Annex VIII, Annex IX or Annex XIa, the registry administrator of the initiating registry shall terminate that process and inform the Community independent transaction log.

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The Central Administrator shall not update the information contained in the Community independent transaction log.

The registry administrator or administrators concerned shall immediately inform the relevant account holders that the process has been terminated..

10. Article 29 is amended as follows:

(a) the first subparagraph of paragraph 1 is replaced by the following:

The Central Administrator shall ensure that the Community independent transaction log periodically initiates the data reconciliation process set out in Annex X. For that purpose the Community independent transaction log shall record all processes concerning allowances, accounts, automatic national allocation plan table changes and Kyoto units.;

(b) the following paragraph 3 is added:

3. Upon the request of the Central Administrator, the registry administrator shall provide a copy of the verified emissions table in its registry to the Central Administrator. The Central Administrator shall check that the verified emissions table of the registry is identical to the records held in the Community independent transaction log. If a difference is detected the Central Administrator shall immediately inform the registry administrator, and request it to eliminate the difference through the verified emissions update process set out in Annex VIII.

The Community independent transaction log shall record all changes to the verified emissions table..

11. Article 32 is replaced by the following:

Article 32

Processes

Each process shall follow the complete sequence for message exchanges for that type of process as set out in Annexes VIII, IX, X, XI, and Annex XIa. Each message shall conform to the format and informational requirements described using web services description language as elaborated pursuant to the UNFCCC or the Kyoto Protocol..

12. Article 33 is replaced by the following:

Article 33

Identification codes

The registry administrator shall assign to each process referred to in Annexes VIII and XIa a unique correlation identification code and to each process referred to in Annex IX a unique transaction identification code.

Each such identification code shall comprise the elements set out in Annex VI..

13. Article 34 is replaced by the following:

Article 34

Finalisation of processes concerning accounts, automatic national allocation plan table changes and verified emissions

When there is a communication link established between the two independent transaction logs and if all processes concerning accounts, automatic national allocation plan table changes and verified emissions are completed through the exchange of data via the UNFCCC independent transaction log, these shall be final when both independent transaction logs successfully inform the initiating registry that they have not detected any discrepancies in the proposal sent by the initiating registry.

In all other cases than those referred to in the first paragraph, all processes concerning accounts, automatic national allocation plan table changes and verified emissions shall be final when the Community independent transaction log successfully informs the initiating registry that it has not detected any discrepancies in the proposal sent by the initiating registry..

14. The following Article 34a is inserted:

Article 34a

Manual reversal of finalised transactions initiated in error

- 1 If an account holder or a registry administrator acting on behalf of the account holder unintentionally or erroneously initiated a transaction under Articles 52, 53, 58 or 62(2), it may propose to its registry administrator to carry out a manual reversal of the transaction in a written request duly signed by the authorised representative or representatives of the account holder that are able to initiate a transaction and posted within five working days of the finalisation of the transaction or the entry into force of this Regulation whichever is the later. The request shall contain a statement indicating that the transaction was initiated erroneously or unintentionally.

- 2 The registry administrator may notify the Central Administrator of the request and its intention to carry out a specific manual intervention in its database in order to reverse the transaction, within 30 calendar days of its decision on reversing the transaction, but not later than 60 calendar days of the finalisation of the transaction or the entry into force of this Regulation, whichever is the later.

The Central Administrator shall, within 30 calendar days of its receipt of the registry administrator's notification under the first subparagraph of paragraph 2 carry out a manual intervention in the Community independent transaction log database that is corresponding to the one specified in the notification of the registry administrator if:

- a the notification was posted within the deadline indicated in the first subparagraph of paragraph 2;
 - b the proposed manual intervention only reverses the effects of the transaction considered to have been initiated unintentionally or erroneously and does not involve reversing the effects of later transactions involving the same allowances or Kyoto units.
- 3 The registry administrator may not reverse transactions pursuant to Article 52 and 53 if as a result, an operator would become non-compliant for a previous year..

15. Article 44(2) is replaced by the following:

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 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.

All such corrections relating to new entrants shall be made in accordance with the automatic national allocation plan table change process as set out in Annex XIa to this Regulation.

All such corrections not relating to new entrants shall be made in accordance with the initialisation procedures as set out in Annex XIV to this Regulation.

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 to this Regulation..

16. Article 46 is replaced by the following:

Article 46

Allocation of allowances to operators

Without prejudice to Articles 44(2) and 47, by 28 February 2008 and by 28 February in each year thereafter, 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 by any registry administrator under Article 45 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..

17. Article 48 is replaced by the following:

Article 48

Allocation of allowances to new entrants

If instructed to do so by the competent authority, the registry administrator shall transfer a proportion of allowances issued by any registry administrator under Article 45 that are in the Party holding account to the operator holding account of a new entrant

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in accordance with the relevant section of the national allocation plan table for that new entrant for the year in question.

Allowances shall be transferred in accordance with the allowance allocation process set out in Annex IX..

18. The following Article 48a is inserted:

Article 48a

Allocation of allowances following their sale by Member State

If instructed to do so by the competent authority following a sale of allowances held by a Member State, the registry administrator shall transfer a quantity of allowances from the Party holding account to the person holding account or operator holding account of the buyer of allowances.

Allowances transferred within the same registry shall be transferred in accordance with the “internal transfer” process set out in Annex IX. Allowances transferred from one registry to another will be transferred in accordance with the “external transfer (2008 to 2012 onwards)” process set out in Annex IX..

19. Article 50 is amended as follows:

- (a) the first subparagraph of paragraph 1 is replaced by the following:

When a communication link is established between the UNFCCC independent transaction log and the Community independent transaction log in accordance with Article 7 of this Regulation a Member State may not transfer or acquire ERUs or AAUs, until 16 months have elapsed since the submission of its report in accordance with Article 7(1) of Decision No 280/2004/EC, unless the Secretariat to the UNFCCC has informed that Member State that compliance procedures will not be commenced.;

- (b) paragraph 2 is replaced by the following:

2. When, from 1 January 2008 onwards, the holdings of ERUs, CERs, AAUs and RMUs valid for the relevant five-year period in the Party holding accounts, operator holding accounts, person holding accounts and retirement accounts in a Member State become less than 1 per cent higher than the commitment period reserve, calculated as 90 per cent of the Member State's assigned amount or 100 per cent of five times its most recently reviewed inventory, whichever is the lowest, the Central Administrator shall notify that Member State..

20. Article 51 is replaced by the following:

Article 51

Verified emissions of an installation

- 1 Upon the verification as satisfactory, in accordance with the detailed requirements established by the Member State pursuant to Annex V of Directive 2003/87/EC, of an operator's report on the emissions from an installation during a previous year, each verifier, including those competent authorities acting as verifiers

shall enter or approve the entry of the annual verified emissions for that installation for that year into the section of the verified emissions table designated for that installation for that year in accordance with the verified emissions update process set out in Annex VIII to this Regulation.

2 The registry administrator may prohibit the entry of the annual verified emissions for an installation until the competent authority has received the verified emissions report submitted by operators pursuant to Article 14(3) of Directive 2003/87/EC for that installation, and enabled the registry to receive the annual verified emissions.

3 The competent authority may instruct the registry administrator to correct the annual verified emissions for an installation for a previous year to ensure compliance with the detailed requirements established by the Member State pursuant to Annex V to Directive 2003/87/EC, by entering the corrected annual verified emissions for that installation for that year into the section of the verified emissions table designated for that installation for that year in accordance with the verified emissions update process set out in Annex VIII to this Regulation.

4 If the competent authority instructs the registry administrator to correct the annual verified emissions for an installation for a previous year after the deadline specified in Article 6(2) of Directive 2003/87/EC for surrendering allowances equal to the emissions of that previous year, the Central Administrator shall only allow such a correction if it was informed of the competent authority's decision on the new compliance status applicable to the installation as a result of the correction of the verified emissions..

21. Article 55 is replaced by the following:

Article 55

Calculation of compliance status figures

Upon an entry being made into the section of the surrendered allowance table or verified emissions table designated for an installation, the registry administrator shall determine the following:

- (a) for the years 2005, 2006 and 2007, the compliance status figure for that installation and for each year by calculating the sum of all allowances surrendered pursuant to Articles 52, 53 and 54 for the 2005 to 2007 period minus the sum of all verified emissions in the current five-year period up to and including the current year;
- (b) for the year 2008 and each year thereafter, the compliance status figure for that installation and for each year by calculating the sum of all allowances surrendered pursuant to Articles 52, 53 and 54 for the current period minus the sum of all verified emissions from the year 2008 up to and including the current year, plus a correction factor.

The correction factor referred to in point (b) shall be zero if the 2007 figure was greater than zero, but shall remain as the 2007 figure if the 2007 figure is less than or equal to zero..

22. Article 57 is replaced by the following:

Changes to legislation: There are currently no known outstanding effects for the
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Article 57

Entries into the verified emissions table

Where, on 1 May 2006 and on 1 May of each year thereafter, no verified emissions figure has been entered into the verified emissions table for an installation for a previous year, any substitute emissions figure determined pursuant to Article 16(1) of Directive 2003/87/EC which has not been calculated as closely as possible in accordance with the detailed requirements established by the Member State pursuant to Annex V of Directive 2003/87/EC shall not be entered into the verified emissions table..

23. In Article 58, the first subparagraph is replaced by the following:

On 30 June 2006, 2007 and 2008 the registry administrator shall cancel a number of allowances, CERs, and *force majeure* allowances held in the Party holding account pursuant to Articles 52, 53 and 54. The number of allowances, CERs, and *force majeure* allowances to be cancelled shall be equal to the total number at the moment of cancellation of surrendered allowances entered in the surrendered allowance table for the periods 1 January 2005 until the moment of cancellation in 2006, from the moment of cancellation in 2006 until the moment of cancellation in 2007 and from the moment of cancellation in 2007 until the moment of cancellation in 2008..

24. Article 59 is replaced by the following:

Article 59

Cancellation and retirement of surrendered allowances for the 2008 to 2012 period and subsequent periods

- 1 By 30 June 2009 and 30 June of each year thereafter, the registry administrator shall cancel allowances surrendered for the 2008 to 2012 period and each subsequent five year period, by:
- a converting a number of allowances issued for that five-year period and held in the Party holding account, equal to the total number of allowances surrendered pursuant to Article 52 as entered in the surrendered allowance 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, into AAUs by removing the allowance element from the unique unit identification code of each such AAU comprising the elements set out in Annex VI in accordance with the “conversion of surrendered allowances for retirement (2008 to 2012 onwards)” process set out in Annex IX; and
 - b transferring a number of Kyoto units of the type specified by the competent authority, with the exception of Kyoto units resulting from projects referred to in Article 11a(3) of Directive 2003/87/EC, equal to the total number of allowances surrendered pursuant to Articles 52 and 53 as entered in the surrendered allowance table since 1 January of the first year of the relevant period until 31 May of the subsequent year and from 1 June of the preceding year until 31 May of each of the subsequent years, from the Party holding account to the retirement account for the relevant period in accordance with

the “retirement of surrendered allowances (2008 to 2012 onwards)” process set out in Annex IX.

2. After 30 June 2013 and 30 June of the year after the end of each subsequent five-year period, the registry administrator may retire any allowances not yet allocated to operators by converting them into AAUs through removing the allowance element from the unique unit identification code of each such AAU comprising the elements set out in Annex VI in accordance with the “conversion of unallocated allowances for retirement (2008 to 2012 onwards)” process set out in Annex IX and transferring them from the Party holding account to the retirement account for the relevant period in accordance with the “retirement of unallocated allowances (2008 to 2012 onwards)” process set out in Annex IX..
25. In Article 60, point (a) is replaced by the following:
- (a) transferring a number of allowances, equal to the number of allowances held in the registry issued for the 2005 to 2007 period by any registry minus the number of allowances at the moment of cancellation and replacement surrendered pursuant to Articles 52 and 54 since the moment of retirement on 30 June of the preceding year, from their holding accounts referred to in Article 11(1) and (2) to the cancellation account for the 2005 to 2007 period;.
26. In Article 61, points (a) and (b) are replaced by the following:
- (a) transferring all allowances allocated to operators for the preceding five-year period from their operator and person holding accounts to the Party holding account;
 - (b) converting a number of allowances, equal to the number of allowances held in the registry allocated by any registry for the preceding five-year period minus the number of allowances surrendered pursuant to Article 52 since 31 May of the preceding year, into AAUs by removing the allowance element from the unique unit identification code of each such AAU comprising the elements set out in Annex VI;.
27. Article 63(1) is replaced by the following:
- 1. If instructed by the relevant body of the Member State, the registry administrator shall transfer any quantity and types of Kyoto units specified by that body which have not already been retired pursuant to Article 59 from the Party holding account to the appropriate retirement account in his registry in accordance with the “retirement of Kyoto units (2008 to 2012 onwards)” process set out in Annex IX..
28. After Article 63, the following Chapter Va is inserted:

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

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 916/2007, Article 1. (See end of Document for details)

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

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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 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.

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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 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.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 916/2007, Article 1. (See end of Document for details)

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;
 - 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

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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 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)..

29. Article 72 is amended as follows:

- (a) in paragraph 1, the following sentence is added:

‘After such coordination, the Central Administrator shall decide on the date of implementation by registries and the Community independent transaction log of each new version of the functional and technical specifications for data exchange standards for registry systems under the Kyoto Protocol.’;

- (b) paragraph 2 is replaced by the following:

2. If a new version or release of a registry is required, each registry administrator and the Central Administrator shall successfully complete the testing procedures set out in Annex XIII before a communication link is established and activated between the new version or release of that registry and the Community independent transaction log or UNFCCC independent transaction log.;

- (c) the following paragraph 2a is inserted:

2a. The Central Administrator shall convene regular meetings of the registry administrators to consult them on issues and procedures related to change management, incident management and any other issues of a technical nature related to the operation of registries and the implementation of this Regulation..

30. Article 73(1) is replaced by the following:

- 1. The Central Administrator and each registry administrator shall store records concerning all processes and account holders set out in Annexes III, IV, VIII, IX, X, XI and XIa for 15 years or until any questions of implementation relating to them have been resolved, whichever is the later..

31. Annexes I, II, III, VI to XIII and XVI are amended as set out in Annex I to this Regulation.

32. Annex XIa is inserted as set out in Annex II to this Regulation.

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 916/2007, Article 1.