

**Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 1031/2010. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## [<sup>F1</sup>ANNEX I

### Template for the notification of voluntary cancellation by a Member State under Article 12(4) of Directive 2003/87/EC

#### Textual Amendments

- F1** Substituted by [Commission Delegated Regulation \(EU\) 2019/1868 of 28 August 2019 amending Regulation \(EU\) No 1031/2010 to align the auctioning of allowances with the EU ETS rules for the period 2021 to 2030 and with the classification of allowances as financial instruments pursuant to Directive 2014/65/EU of the European Parliament and of the Council \(Text with EEA relevance\).](#)

<b>Notification pursuant to Article 12(4) of Directive 2003/87/EC</b>	
<b>1.</b>	Member State and public authority submitting the notification:
<b>2.</b>	Date of the notification:
<b>3.</b>	Identification of the closed electricity generation installation ('installation') on the territory of the Member State in accordance with the data recorded in EUTL, established by the delegated act adopted pursuant to Article 19(3) of Directive 2003/87/EC, including:
<b>a)</b>	The name of the installation:
<b>b)</b>	The installation identifier from the EUTL:
<b>c)</b>	The name of the installation operator:
<b>4.</b>	The date of closure of the installation and revocation of the greenhouse gas permit:
<b>5.</b>	Description and reference of the additional national measures that triggered the closure of the installation:
<b>6.</b>	The verified emission reports of the installation for the five years preceding the year of the closure:
<b>7.</b>	The total volume of allowances to be cancelled:

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8.	The years over which the allowances are to be cancelled:	
9.	The exact volume of allowances to be cancelled in each of the years referred to in point 8:	1

## ANNEX II

### List of the elements referred to in Article 20(3)

1. Proof of eligibility pursuant to Article 18(1) or (2).
2. The applicant's name, address, telephone and facsimile numbers.
3. The account identifier of the applicant's nominated holding account.
4. Full details of the applicant's nominated bank account.
5. The name, address, telephone and facsimile numbers, as well as the electronic mail address of one or more representatives of the bidder as defined in the third subparagraph of Article 6(3).
6. For legal persons, proof of:
  - (a) their incorporation stating: the legal form of the applicant; the law by which it is governed; whether or not the applicant is a publicly listed company of one or more recognised stock exchange(s);
  - (b) if applicable, the registration number of the applicant in the relevant register where the applicant is registered, failing which the applicant shall provide the memorandum, statutes or other document attesting to its incorporation.
7. For legal persons and/or legal arrangements, such information as is required to identify the beneficial owner and understand the ownership and control structure of such legal person or arrangement.
8. For natural persons, proof of their identity, by means of an identity card, driving licence, passport or similar government issued document containing the full name, photograph, date of birth and permanent residential address in the Union of the applicant concerned, which may be supported by other appropriate corroborating documents wherever necessary.
9. For operators, the permit referred to in Article 4 of Directive 2003/87/EC.
10. For aircraft operators, proof of their being listed pursuant to Article 18a(3) of Directive 2003/87/EC or the monitoring plan submitted and approved pursuant to Article 3g of that Directive.
11. Such information as is required to carry out the customer due diligence measures referred to in Article 19(2)(e).

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12. The applicant's latest audited annual report and accounts including the profit and loss account and balance sheet, if any; if none, a VAT return, or such further information as required to be satisfied as to the applicant's solvency and creditworthiness.
13. The VAT registration number, if any, and, where the applicant is not registered for VAT, any other means of identifying the applicant by the tax authorities of the Member State of establishment or where it is tax resident, or such further information as required to be satisfied as to the applicant's fiscal status within the Union.
14. A statement that, to the best of the applicant's knowledge, the applicant satisfies the requirements of Article 19(2)(f).
15. Proof of compliance with the requirements of Article 19(2)(g).
16. Proof that the applicant satisfies the requirements of Article 19(3).
17. A statement that the applicant has the necessary legal capacity and authority to bid on its own account or on behalf of others in an auction.
18. A statement that to the best of the applicant's knowledge there is no legal, regulatory, contractual or any other impediment preventing it from performing its obligations under this Regulation.
19. A statement of whether the applicant proposes to pay in euros or in a currency of a Member State that is not part of the euro-zone, with an indication of the currency chosen.

### ANNEX III

[<sup>F1</sup>Auction platforms other than those appointed pursuant to Article 26(1), their appointing Member States and any applicable conditions or obligations referred to in Article 30(7)]

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[<sup>F3</sup>[<sup>F4</sup>Auction platforms appointed by the United Kingdom

4	Auction platform	ICE Futures Europe (ICE)
	Legal Basis	Article 30(1)
	Term of appointment	From 10 November 2017 at the earliest until 9 November 2022 at the latest without prejudice to the second subparagraph of Article 30(5).
	Definitions	For the purposes of the condition and obligations applying to ICE the following definitions shall apply:

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		<p>(a) —means ICE ‘ICE Regulations, exchange including in particular rules’ contract rules and procedures relating to the ICE FUTURES EUA AUCTION CONTRACT and the ICE FUTURES EUAA AUCTION CONTRACT;</p> <p>(b) —means a member as ‘exchange’ defined in Section member A.1 of ICE exchange rules;</p> <p>(c) —means a client of an ‘client’ exchange member, as well as clients of their clients down the chain, who facilitate the admission of persons to bid and act on behalf of bidders.</p>
	Conditions	Admission to the auctions shall not be dependent on becoming an exchange member of or a participant in the secondary market organised by ICE or of any other trading place operated by ICE or by any third party.
	Obligations	<p>1. ICE shall require that any decisions that have been taken by ICE's exchange members or their clients with respect to granting admission to bid in the auctions, revoking or suspending such admission, regardless of whether the decision is taken with regard to an admission to bid in the auction only or to an admission to bid in the auctions and also</p>

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become a member of or participant in the secondary market, be communicated to ICE by the exchange members or their clients taking such decisions in the following way:

- (a) in case of decisions refusing to grant admission to bid and decisions revoking or suspending access to auctions, on an individual basis without delay;
- (b) in case of other decisions, upon request.

ICE shall ensure that any such decisions may be subject to examination by ICE with regard to their compliance with the obligations incumbent upon the auction platform under Regulation (EU) No 1031/2010, and that ICE's exchange members or their clients abide by the results of any such examination by ICE. This may include, but not be limited to, recourse to any applicable ICE exchange rules, including disciplinary procedures, or any other action as appropriate to facilitate admission to bid in the auctions.

2. ICE shall draw up and maintain on its webpage a comprehensive and up-to-date list of exchange members or their clients that are eligible to facilitate admission to bid in the United Kingdom's auctions

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on ICE, and such list shall include auction only access providers as set out in the ICE exchange rules, and exchange members or their clients providing admission to bid in the auctions to persons who may also be members of or participants in the secondary market.

In addition, ICE shall draw up and maintain on its webpage a readily comprehensible practical guidance informing SMEs and small emitters of the steps they need to take to access the auctions through such exchange members or their clients.

3. All fees and conditions applied by ICE and its clearing system to persons admitted to bid or bidders shall be clearly stated, easily understandable and publicly available on ICE's webpage, which shall be kept up-to-date.

ICE shall provide that where additional fees and conditions are applied by an exchange member or its client, for admission to bid, such fees and conditions shall also be clearly stated, easily understandable and publicly available on the webpages of those offering the services with direct references to those webpages available on ICE's webpage, distinguishing between fees and conditions

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which are being applied to persons admitted to bid only in the auctions, if these are available, from fees and conditions applied to persons admitted to bid in the auctions who are also a member of or participant in the secondary market.

4. Without prejudice to other legal remedies, ICE shall provide for the availability of the ICE Complaints Resolution Procedures for complaints which may arise in connection with decisions on granting admission to bid in the auctions, refusing to grant admission to bid in the auctions, revoking or suspending admissions to bid in the auctions already granted as more specifically referred to in point 1, taken by ICE's exchange members or their clients, and all such complaints shall be eligible complaints for the purposes of ICE Complaints Resolution Procedures.

F25. ....

6. ICE shall ensure full compliance with the condition and obligations for its listing which are set out in this Annex.

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		7. The United Kingdom shall notify the Commission of any substantive changes in the contractual arrangements with ICE notified to the Commission.]
[ <sup>F5</sup> Auction platforms appointed by Germany		
5	Auction platform	European Energy Exchange AG (EEX)
	Legal Basis	Article 30(1)
	Term of appointment	From 5 January 2019 at the earliest for a maximum period of five years until 4 January 2024, without prejudice to the second subparagraph of Article 30(5).
	Conditions	Admission to the auctions shall not be dependent on becoming a member of or a participant in the secondary market organised by EEX or of any other trading place operated by EEX or by any third party.
	Obligations	1. Within two months from 5 January 2019, EEX shall submit its exit strategy to Germany. The exit strategy shall be without prejudice to the obligations of EEX laid down in the contract with the Commission and the Member States concluded pursuant to Article 26 and the rights of the Commission and those Member States under that contract.



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		<p>2. Germany shall notify the Commission of any substantive changes in the relevant contractual relations with EEX notified to the Commission on 12 April 2018.]]</p>
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**Textual Amendments**

- F2** Deleted by Commission Delegated Regulation (EU) 2019/1868 of 28 August 2019 amending Regulation (EU) No 1031/2010 to align the auctioning of allowances with the EU ETS rules for the period 2021 to 2030 and with the classification of allowances as financial instruments pursuant to Directive 2014/65/EU of the European Parliament and of the Council (Text with EEA relevance).
- F3** Substituted by Commission Regulation (EU) No 784/2012 of 30 August 2012 amending Regulation (EU) No 1031/2010 to list an auction platform to be appointed by Germany and correcting Article 59(7) thereof (Text with EEA relevance).
- F4** Inserted by Commission Regulation (EU) 2017/1902 of 18 October 2017 amending Commission Regulation (EU) No 1031/2010 to align the auctioning of allowances with Decision (EU) 2015/1814 of the European Parliament and of the Council and to list an auction platform to be appointed by the United Kingdom (Text with EEA relevance).
- F5** Inserted by Commission Delegated Regulation (EU) 2019/7 of 30 October 2018 amending Regulation (EU) No 1031/2010 as regards the auctioning of 50 million unallocated allowances from the market stability reserve for the innovation fund and to list an auction platform to be appointed by Germany (Text with EEA relevance).

<sup>F2</sup>ANNEX IV

<sup>F2</sup><sup>F6</sup>**Adjustments to the volumes of allowances (in million) to be auctioned in 2013-2020 referred to in Article 10(2)]]**

**Textual Amendments**

- F6** Substituted by Commission Regulation (EU) 2017/1902 of 18 October 2017 amending Commission Regulation (EU) No 1031/2010 to align the auctioning of allowances with Decision (EU) 2015/1814 of the European Parliament and of the Council and to list an auction platform to be appointed by the United Kingdom (Text with EEA relevance).

[<sup>F2</sup>.....]

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**Changes and effects yet to be applied to :**

- Regulation revoked by [2023 c. 28 Sch. 1 Pt. 2](#)
- Regulation revoked by [S.I. 2019/107 reg. 137](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/107 revoked immediately before IP completion day by [S.I. 2020/1369](#), regs. 1(2), 43(a))