

Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (Text with EEA relevance)

TITLE I

COMMON GENERAL PROVISIONS

CHAPTER 1

Subject matter, scope and definitions

Article 1	Subject matter
Article 2	Scope
Article 3	Definitions

CHAPTER 2

The registries system

Article 4	Union Registry
Article 5	National and Union KP registries
Article 6	European Union transaction log
Article 7	Communication links between registries, the ITL and the EUTL
Article 8	National administrators and KP registry administrators

CHAPTER 3

Accounts

Section 1

General provisions applicable to all accounts

Article 9	Accounts
Article 10	Account status
Article 11	The administering of accounts
Article 12	Notifications from the central administrator

Section 2

Opening and updating accounts

Article 13	Opening accounts administered by the central administrator
Article 14	Opening national administrative platform accounts in the Union Registry

Article 15	Opening an auction delivery account in the Union Registry
Article 16	Opening operator holding accounts in the Union Registry
Article 17	Opening aircraft operator holding accounts in the Union Registry
Article 18	Opening person holding and trading accounts in the Union Registry
Article 19	Opening national holding accounts in the Union Registry
Article 20	Opening external trading platform accounts in the Union Registry
Article 21	Opening verifier accounts in the Union Registry
Article 22	Refusal to open an account
Article 23	Authorised representatives
Article 24	Nominating and approval of authorised representatives and additional authorised representatives
Article 25	Updating of account information and information on authorised representatives
Article 26	Trusted account list

Section 3

Closure of accounts

Article 27	Closure of accounts
Article 28	Closure of operator holding accounts
Article 29	Closure of aircraft operator holding accounts
Article 30	Closure of verifier accounts
Article 31	Closure of the ESD Compliance Account
Article 32	Positive balance on accounts under closure
Article 33	Closure of accounts and removal of authorised representative on the administrator's initiative

Section 4

Suspension of access to accounts

Article 34	Suspension of access to accounts
------------	----------------------------------

TITLE II

SPECIFIC PROVISIONS FOR THE UNION REGISTRY FOR THE UNION EMISSIONS TRADING SCHEME

CHAPTER 1

Verified emissions and compliance

Article 35	Verified emissions data for an installation or aircraft operator
Article 36	Blocking of accounts due to a failure to submit verified emissions
Article 37	Calculation of compliance status figures

CHAPTER 2

Transactions

Section 1

General

- Article 38 Only transactions expressly provided for in this Regulation for each...
- Article 39 Execution of transfers
- Article 40 Nature of allowances and finality of transactions

Section 2

Creation of allowances

- Article 41 Creation of allowances

Section 3

Account transfers before auctions and allocation

- Article 42 Transfer of general allowances to be auctioned
- Article 43 Transfer of general allowances to be allocated free of charge
- Article 44 Transfer of general allowances for the new entrant reserve
- Article 45 Transfer of aviation allowances to be auctioned
- Article 46 Transfer of aviation allowances to be allocated free of charge
- Article 47 Transfer of aviation allowances to the special reserve
- Article 48 Transfer of general allowances to the EU Total Quantity-Account
- Article 49 Transfer of aviation allowances to the EU Aviation Total Quantity Account
- Article 50 Deletion of aviation allowances

Section 4

Allocation to stationary installations

- Article 51 Entry of national allocation tables into the EUTL
- Article 52 Changes to the national allocation tables
- Article 53 Free allocation of general allowances

Section 5

Allocation to aircraft operators

- Article 54 Entry of national aviation allocation tables into the EUTL
- Article 55 Changes to the national aviation allocation tables
- Article 56 Free allocation of aviation allowances
- Article 57 Return of aviation allowances

Section 6

Use of CERs and ERUs

- Article 58 International credit holdings in the Union Registry
- Article 59 Entry of international credit entitlement tables into the EUTL
- Article 60 Use of international credits through allowance exchange
- Article 61 Calculation of remaining international credit entitlement

Section 7

Auction

- Article 62 Entry of auction tables into the EUTL
- Article 63 Changes to the auction tables
- Article 64 Auctioning of allowances

Section 8

Trading

- Article 65 Transfers of allowances or Kyoto units initiated by a holding account
- Article 66 Transfers of allowances or Kyoto units initiated by a trading account

Section 9

Surrender of allowances

- Article 67 Surrender of allowances

Section 10

Deletion of allowances and cancellation of Kyoto units

- Article 68 Deletion of allowances
- Article 69 Cancellation of Kyoto units

Section 11

Transaction reversal

- Article 70 Reversal of finalised processes initiated in error

CHAPTER 3

Links with other greenhouse gas emission trading schemes

- Article 71 Implementation of linking arrangements

TITLE 3

SPECIFIC PROVISIONS FOR KP REGISTRIES

- Article 72 Opening of person holding accounts in KP registries
Article 73 Execution of transfers

TITLE 4

SPECIFIC PROVISIONS FOR ACCOUNTING TRANSACTIONS UNDER DECISION No 406/2009

- Article 74 Creation of AEAs
Article 75 Annual emission allocation units
Article 76 Transfer of AEAs to each ESD Compliance Account
Article 77 Introduction of the relevant greenhouse gas emissions data
Article 78 Calculation of the balance of the ESD Compliance Account
Article 79 Determination of the compliance status figures
Article 80 Application of Article 7(1) (a) and (c) of Decision No 406/2009/
EC
Article 81 Use of international credits, tCERs and ICERs
Article 82 Carry forward of AEAs
Article 83 Carry over of AEAs
Article 84 Carry over of the unused credit entitlement
Article 85 Transfers of up to 5 % of a Member State's annual emission
allocation
Article 86 Transfers after the calculation of the balance of the ESD
Compliance Account
Article 87 Transfer of up to 3 % of the credit entitlement
Article 88 Adjustments
Article 89 Replacement of tCERs and ICERs
Article 90 Execution and reversal of transfers

TITLE V

COMMON TECHNICAL PROVISIONS

CHAPTER 1

Technical requirements of the registries system

Section 1

Availability

- Article 91 Availability and reliability of the Union Registry and the EUTL
Article 92 Helpdesks

Section 2

Security and authentication

- Article 93 Authentication of the Union Registry and national KP registries
- Article 94 Accessing accounts in the Union Registry
- Article 95 Authentication and authorisation of authorised representatives in the Union Registry
- Article 96 Suspension of all access due to a security breach or a security risk
- Article 97 Suspension of access to allowances or Kyoto units in the case of a suspected fraudulent transaction
- Article 98 Cooperation with competent authorities and notification of money laundering, terrorist financing or criminal activity
- Article 99 Suspension of processes

Section 3

Automated checking, recording and completing of processes

- Article 100 Automated checking of processes
- Article 101 Detection of discrepancies
- Article 102 Detection of discrepancies within the Union Registry and national KP registries
- Article 103 Reconciliation - detection of inconsistencies by the EUTL
- Article 104 Finalisation of processes

Section 4

Specifications and change management

- Article 105 Data exchange and technical specifications
- Article 106 Change and release management

CHAPTER 2

Records, reports, confidentiality and fees

- Article 107 Processing of information and personal data
- Article 108 Records
- Article 109 Reporting
- Article 110 Confidentiality
- Article 111 Fees
- Article 112 Interruption of operation

TITLE IV

TRANSITIONAL AND FINAL PROVISIONS

- Article 113 Implementation
- Article 114 Further use of accounts
- Article 115 Entry into force of use restrictions
- Article 116 Amendments to Regulation (EU) No 920/2010

Article 117	Repeal
Article 118	Entry into force
	Signature

ANNEX I

ANNEX II

Terms and conditions (Article 11)

Payment of fees

1. The terms and conditions regarding any registry fees for establishing...

Modification of core terms and conditions

2. Modification of the core terms to reflect changes to this...

Dispute resolution

3. Provisions relating to disputes between account holders and choice of...

Responsibility and liability

4. The limitation of liability for the national administrator.
5. The limitation of liability for the account holder.

ANNEX III

Information to be submitted with requests for opening an account (Articles 13, 14 and 19)

1. The information set out in Table III-I.
2. The account identifier shall be unique within the registry system....

ANNEX IV

Information to be provided for opening an auction delivery account, a person holding account, a trading accounts or an external trading platform accounts (Articles 15, 18 and 20)

1. The information set out in Table III-I of Annex III....
2. Proof that the person requesting the account opening has an...
3. Evidence to support the identity of the natural person requesting...
4. Evidence to support the address of the permanent residence of...
5. The following documents in case of a legal person requesting...
6. Evidence to support the registered address of the legal person...

7. The criminal record of the natural person requesting the account...
8. Any copy of a document submitted as evidence under this...
9. The administrator of the account may require that the documents...
10. Instead of obtaining paper documents, the administrator of the account...

ANNEX V

Additional information to be provided for opening a verifier account (Article 21)

1. A document proving that the person requesting the account opening...

ANNEX VI

Information to be provided for opening an operator holding account (Article 16)

1. The information set out in Table III-I of Annex III....
2. Under the data provided in accordance with Table III-I of...
3. The information set out in Table VI-I and VI-II of...

ANNEX VII

Information to be provided for opening an aircraft operator holding account (Article 17)

1. The information set out in Table III-I of Annex III...
2. Under the data provided in accordance with Table III-I, the...
3. The call sign is International Civil Aviation Organisation (ICAO) designator...

ANNEX VIII

Information concerning authorised representatives and additional authorised representatives to be provided to the administrator of the account (Article 24)

1. The information set out in Table VIII-I of Annex VIII....
2. A signed statement from the account holder indicating that it...
3. Evidence to support the identity of the nominee, which may...
4. Evidence to support the address of the permanent residence of...
5. Criminal record of the nominee.
6. Any copy of a document submitted as evidence under this...

7. The administrator of the account may require that the documents...
8. Instead of obtaining paper documents, the administrator of the account...

ANNEX IX

Formats for submitting annual emissions data (Article 35)

1. Emissions data for operators shall contain the information set out...

ANNEX X

National allocation table for the 2013-2020 period (Article 51)

Rows No 2 to 11 shall be repeated for each installation....

ANNEX XI

National aviation allocation table for the 2013-2020 period (Article 54)

Rows No 2 to 11 shall be repeated for each aircraft...

ANNEX XII

National international credit entitlement table for the 2008-2020 period (Article 59)

Rows 2 to 3 shall be repeated for each installation....

Rows 4 to 5 shall be repeated for each aircraft...

ANNEX XIII

ANNEX XIV

Reporting requirements of the central administrator (Article 109)

- I. UNION REGISTRY INFORMATION RELATED TO THE UNION EMISSIONS TRADING SCHEME...
 - Information available to the public
 1. The EUTL shall display on the public website of the...
 2. The EUTL shall display on the public website of the...
 3. The EUTL shall display on its public website the following...
 4. The EUTL shall display on the public website of the...
 - Information available to account holders
 5. The Union Registry shall display on the part of the...
 - Information available to national administrators
 6. The Union Registry shall display on the part of the...
- II. INFORMATION RELATED TO ACCOUNTING OF TRANSACTIONS UNDER DECISION No 406/2009/EC

Information available to the public

7. The central administrator shall make publicly available the following information...

Information available to account holders

8. The Union Registry shall display on the part of the...

- (1) OJ L 275, 25.10.2003, p. 32.
- (2) OJ L 49, 19.2.2004, p. 1.
- (3) OJ L 140, 5.6.2009; p. 136.
- (4) OJ L 270, 14.10.2010, p. 1.
- (5) OJ L 140, 5.6.2009, p. 63.
- (6) OJ L 302, 18.11.2010, p. 1.
- (7) OJ L 315, 29.11.2011, p. 1.
- (8) OJ L 130, 17.5.2011, p. 1.
- (9) OJ L 316, 16.11.2006, p. 12.
- (10) OJ L 41, 14.2.2003, p. 26.
- (11) OJ L 281, 23.11.1995, p. 31.
- (12) OJ L 8, 12.1.2001, p. 1.
- (13) OJ L 270, 14.10.2010, p. 1.