

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 2

##### *The registries system*

##### *Article 4*

#### **Union Registry**

- 1 A Union Registry for the trading period of the Union emissions trading scheme commencing on 1 January 2013 and subsequent periods is established.
- 2 The central administrator shall operate and maintain the Union Registry, including its technical infrastructure.
- 3 Member States shall use the Union Registry for the purposes of meeting their obligations under Article 19 of Directive 2003/87/EC and Article 11 of Decision No 406/2009/EC and to ensure accurate accounting of allowances, AEAs and to the credit entitlement within the scope of this Regulation. The Union Registry shall provide national administrators and account holders with the processes set out in this Regulation.
- 4 The central administrator shall ensure that the Union Registry conforms to the functional and technical specifications for data exchange standards for registry systems under the Kyoto Protocol elaborated pursuant to Decision 12/CMP.1 and have regard to the hardware, network, software and security requirements set out in the data exchange and technical specifications provided for in Article 105 of this Regulation.

##### *Article 5*

#### **National and Union KP registries**

- 1 For the purposes of meeting their obligations as Parties to the Kyoto Protocol and under Article 6 of Decision No 280/2004/EC to ensure the accurate accounting of Kyoto units, each Member State and the Union shall operate a Kyoto Protocol registry (KP registry) in the form of a standardised electronic database that have regard to the UNFCCC's requirements concerning registries, and in particular the functional and technical specifications for data exchange standards for registry systems under the Kyoto Protocol elaborated pursuant to Decision 12/CMP.1, and to the hardware, network, software and security requirements set out in the data exchange and technical specifications provided for in Article 105 of this Regulation.

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013, CHAPTER 2. (See end of Document for details)*

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2 The central administrator shall ensure that the Union Registry also function as a KP registry for the Union as a Party to the Kyoto Protocol. The central administrator shall also act as the administrator of the Union's KP registry, which is part of the Union registry.

### *Article 6*

#### **European Union transaction log**

1 A European Union Transaction Log (EUTL), to take the form of a standardised electronic database, is established, pursuant to Article 20 of Directive 2003/87/EC, for transactions within the scope of this Regulation. The EUTL shall also serve to record all information relating to the holdings and transfers of Kyoto units made available in accordance with Article 6(2) of Decision No 280/2004/EC.

2 The central administrator shall operate and maintain the EUTL in accordance with the provisions of this Regulation.

3 The central administrator shall ensure that the EUTL is capable of checking and recording all processes referred to under this Regulation, and has regard to the functional and technical specifications for data exchange standards for registry systems under the Kyoto Protocol elaborated pursuant to Decision 12/CMP.1 and complies with the hardware, network and software requirements set out in the data exchange and technical specifications provided for in Article 105 of this Regulation.

4 The central administrator shall ensure that the EUTL is capable of recording all processes described in Chapters 3 of Title I and Titles II, III and IV.

### *Article 7*

#### **Communication links between registries, the ITL and the EUTL**

1 The central administrator and Member States shall ensure that the Union Registry and KP registries maintain a communication link with the ITL for the purposes of communicating transactions with Kyoto units.

2 The central administrator shall ensure that the EUTL maintains a communication link with the ITL for the purposes of recording and checking transfers referred to in paragraph 1. All proposed transfers involving a KP registry shall be processed and checked by the EUTL before the transfer is recorded.

3 The central administrator shall ensure that the Union Registry maintains a direct communication link with the EUTL for the purposes of checking and recording transactions with allowances, AEAs or portions of the credit entitlements and the account management processes set out in Chapter 3 of Title I. All transactions involving allowances, AEAs or portions of the credit entitlement shall take place within the Union Registry, and shall be recorded and checked by the EUTL. The central administrator may establish a restricted communication link between the EUTL and the registry of a third country which signed a treaty concerning its accession to the Union for the purposes of enabling such registries to communicate with the ITL through the EUTL and to record verified emissions data of operators in the EUTL. Those registries must successfully complete all testing and initialisation procedures required of registries before the establishment of this communication link.

[<sup>F1</sup>4 The central administrator shall ensure that the Union Registry maintains a communication link with the registries of greenhouse gas emissions trading systems with whom

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a linking agreement is in force in accordance with Article 25 of Directive 2003/87/EC for the purposes of communicating transactions with allowances.]

#### **Textual Amendments**

- F1** Inserted by [Commission Delegated Regulation \(EU\) 2019/1122 of 12 March 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the functioning of the Union Registry \(Text with EEA relevance\)](#).

### *Article 8*

#### **National administrators and KP registry administrators**

1 Each Member State shall designate a national administrator. Notwithstanding Article 13(2), the Member State shall access and administer pursuant to Article 11 its own accounts and the accounts in the Union Registry under its jurisdiction through its national administrator as defined in Annex I. Each Member State's national administrator shall also act as the administrator of its KP registry in accordance with the provisions of this Regulation.

2 The Member States and the Commission shall ensure that there is no conflict of interest amongst national administrators, the central administrator and account holders.

3 Each Member State shall notify the Commission of the identity and contact details of its national administrator, including an emergency telephone number to be used in the case of a security incident.

4 The Commission shall coordinate the implementation of this Regulation with the national administrators of each Member State and the central administrator. In particular, the Commission shall consult the Administrators' Working Group of the Climate Change Committee on issues and procedures related to the operation of registries regulated under this Regulation and the implementation of this Regulation. By 31 March 2012, the Administrators' Working Group shall agree on the terms of cooperation between the central administrator and the national administrators that shall include common operational procedures for the implementation of this Regulation and change and incident management procedures for the Union registry and technical specifications for the functioning and reliability of the Union registry and the EUTL. The terms of cooperation may include the modalities of the consolidation of the external communication links, the information technology infrastructure, user account access procedures, and the mechanisms for managing KP accounts of the Union registry with those of other KP registries into a consolidated system of European registries, maintained by the central administrator. Rules of procedure for the Administrators' Working Group shall be adopted by the Climate Change Committee.

5 The central administrator, the competent authorities and national administrators shall only perform processes necessary to carry out their respective functions as set out in Directive 2003/87/EC, Decision No 280/2004/EC and Decision No 406/2009/EC and the measures adopted pursuant to their provisions.

**Status:**

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**Changes to legislation:**

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