

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 II

### [<sup>F1</sup>PROVISIONS FOR THE REGISTRY]

#### CHAPTER 2

#### **Transactions**

##### *Section 1*

##### **General**

##### *Article 38*

Only transactions expressly provided for in this Regulation for each account type shall be initiated by that account type.

##### *[<sup>F1</sup>Article 39*

#### **Execution of transfers**

1 For all transactions specified in this Chapter, an out of band confirmation must be required by the Registry before the transaction can be initiated. A transaction may only be initiated where an authorised representative has confirmed the transaction out of band.

2 If an account representative suspects that a transfer was initiated fraudulently, the account representative may request the national administrator to cancel the transfer on behalf of the account representative before the transfer is communicated for finalisation.]

---

#### **Textual Amendments**

**F1** Arts. 39, 40 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(4)**

##### *[<sup>F2</sup>Article 40*

#### **Nature of Kyoto units and finality of transactions**

1 The record of the Registry constitutes sufficient evidence of title over a Kyoto unit and of any other matter which is by this Regulation directed or authorised to be recorded in the Registry.

*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)

2 Any recovery or restitution obligations that may arise under United Kingdom law in respect of a Kyoto unit only apply to the Kyoto unit in kind.

3 Subject to this paragraph, a transaction is final and irrevocable upon its finalisation pursuant to Article 104. Except where a transaction may be reversed in accordance with relevant international climate law, and without prejudice to any provision of or remedy under United Kingdom law that may result in a requirement or order to execute a new transaction in the Registry, the national administrator may not reverse or revoke any transaction that has become final and irrevocable under this Regulation.

4 A purchaser and holder of a Kyoto unit acting in good faith acquires title to that Kyoto unit free of any defects in the title of the transferor.]

**Textual Amendments**

**F2** Arts. 39, 40 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(4)**

*Section 2*

***Creation of allowances***

<sup>F3</sup>*Article 41*

**Creation of allowances**

**Textual Amendments**

**F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*Section 3*

***Account transfers before auctions and allocation***

<sup>F3</sup>*Article 42*

**Transfer of general allowances to be auctioned**

**Textual Amendments**

**F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

---

*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)*

---

*F3* Article 43

**Transfer of general allowances to be allocated free of charge**

.....

**Textual Amendments**

**F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F3* Article 44

**Transfer of general allowances for the new entrant reserve**

.....

**Textual Amendments**

**F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F3* Article 45

**Transfer of aviation allowances to be auctioned**

.....

**Textual Amendments**

**F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F3* Article 46

**Transfer of aviation allowances to be allocated free of charge**

.....

**Textual Amendments**

**F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

---

*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)

---

*F3* Article 47

**Transfer of aviation allowances to the special reserve**

**Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F3* Article 48

**Transfer of general allowances to the EU Total Quantity-Account**

**Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F3* Article 49

**Transfer of aviation allowances to the EU Aviation Total Quantity Account**

**Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F3* Article 50

**Deletion of aviation allowances**

**Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

---

*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)

---

*Section 4*

*Allocation to stationary installations*

<sup>F3</sup>Article 51

**Entry of national allocation tables into the EUTL**

.....

**Textual Amendments**

**F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

<sup>F3</sup>Article 52

**Changes to the national allocation tables**

.....

**Textual Amendments**

**F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

<sup>F3</sup>Article 53

**Free allocation of general allowances**

.....

**Textual Amendments**

**F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*Section 5*

*Allocation to aircraft operators*

<sup>F3</sup>Article 54

**Entry of national aviation allocation tables into the EUTL**

.....

---

*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)*

---

.....

**Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F3* Article 55

**Changes to the national aviation allocation tables**

.....

.....

**Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F3* Article 56

**Free allocation of aviation allowances**

.....

.....

**Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

*F3* Article 57

**Return of aviation allowances**

.....

.....

**Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

---

*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)

---

## Section 6

### Use of CERs and ERUs

#### <sup>F3</sup>Article 58

#### International credit holdings in the Union Registry

---

**Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

#### <sup>F3</sup>Article 59

#### Entry of international credit entitlement tables into the EUTL

---

**Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

#### <sup>F3</sup>Article 60

#### Use of international credits through allowance exchange

---

**Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

#### <sup>F3</sup>Article 61

#### Calculation of remaining international credit entitlement

---

**Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

---

*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)

---

## Section 7

### **Auction**

#### <sup>F3</sup>Article 62

### **Entry of auction tables into the EUTL**

---

#### **Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

#### <sup>F3</sup>Article 63

### **Changes to the auction tables**

---

#### **Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**

#### <sup>F3</sup>Article 64

### **Auctioning of allowances**

---

#### **Textual Amendments**

- F3** Arts. 41-64 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(5)**



---

*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)

---

*Section 8*

***Trading***

*[<sup>F4</sup>Article 65*

**Transfers of Kyoto units initiated by an account holder**

The Secretary of State must ensure that the Registry provides for the carrying out of any request from an account holder to transfer Kyoto units to any other account, unless such a transfer is prevented by the status of the initiating or receiving account.]

**Textual Amendments**

- F4** [Art. 65](#) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(6)**

*[<sup>F5</sup>Article 66*

**Transfers of allowances or Kyoto units initiated by a trading account**

**Textual Amendments**

- F5** [Arts. 66-68](#) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(7)**

*Section 9*

***Surrender of allowances***

*[<sup>F5</sup>Article 67*

**Surrender of allowances**

**Textual Amendments**

- F5** [Arts. 66-68](#) omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(7)**

---

*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)

---

## Section 10

### *Deletion of allowances and cancellation of Kyoto units*

#### <sup>F5</sup>Article 68

#### **Deletion of allowances**

---

##### **Textual Amendments**

- F5** Arts. 66-68 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(7)**

#### <sup>F6</sup>Article 69

#### **Cancellation of Kyoto units**

The Secretary of State must ensure that the Registry provides for the carrying out of any request from an account holder to cancel Kyoto units held in its accounts by transferring a specified type and number of Kyoto units from the relevant account into the cancellation account of the Registry.]

---

##### **Textual Amendments**

- F6** Art. 69 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(8)**

## Section 11

### *Transaction reversal*

#### <sup>F7</sup>Article 70

#### **Reversal of finalised processes initiated in error**

---

##### **Textual Amendments**

- F7** Art. 70 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(9)**

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EU) No 389/2013, CHAPTER 2.