

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

[^{F1}PROVISIONS FOR THE REGISTRY]

^{F2}CHAPTER I

Verified emissions and compliance

Article 35

Verified emissions data for an installation or aircraft operator

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Article 36

Blocking of accounts due to a failure to submit verified emissions

.....

Article 37

Calculation of compliance status figures

.....

Textual Amendments

F2 Title 2 Ch. 1 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(3)**

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

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.

[^{F3} 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

F3 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)**

[^{F4} 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.

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.]

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

Textual Amendments

- F4** 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

^{F5} *Article 41*

Creation of allowances

Textual Amendments

- F5** 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

^{F5} *Article 42*

Transfer of general allowances to be auctioned

Textual Amendments

- F5** 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)**

^{F5} *Article 43*

Transfer of general allowances to be allocated free of charge

Textual Amendments

- F5** 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, TITLE II. (See end of Document for details)

F5 Article 44

Transfer of general allowances for the new entrant reserve

Textual Amendments

- F5** 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)**

F5 Article 45

Transfer of aviation allowances to be auctioned

Textual Amendments

- F5** 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)**

F5 Article 46

Transfer of aviation allowances to be allocated free of charge

Textual Amendments

- F5** 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)**

F5 Article 47

Transfer of aviation allowances to the special reserve

Textual Amendments

- F5** 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, TITLE II. (See end of Document for details)

F5 Article 48

Transfer of general allowances to the EU Total Quantity-Account

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Textual Amendments

- F5** 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)**

F5 Article 49

Transfer of aviation allowances to the EU Aviation Total Quantity Account

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Textual Amendments

- F5** 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)**

F5 Article 50

Deletion of aviation allowances

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Textual Amendments

- F5** 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 4

Allocation to stationary installations

F5 Article 51

Entry of national allocation tables into the EUTL

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

Textual Amendments

- F5** 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)**

^{F5}Article 52

Changes to the national allocation tables

Textual Amendments

- F5** 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)**

^{F5}Article 53

Free allocation of general allowances

Textual Amendments

- F5** 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

^{F5}Article 54

Entry of national aviation allocation tables into the EUTL

Textual Amendments

- F5** 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, TITLE II. (See end of Document for details)

F5 Article 55

Changes to the national aviation allocation tables

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Textual Amendments

- F5** 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)**

F5 Article 56

Free allocation of aviation allowances

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Textual Amendments

- F5** 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)**

F5 Article 57

Return of aviation allowances

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Textual Amendments

- F5** 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 6

Use of CERs and ERUs

F5 Article 58

International credit holdings in the Union Registry

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

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Textual Amendments

- F5** 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)**

F5 Article 59

Entry of international credit entitlement tables into the EUTL

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Textual Amendments

- F5** 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)**

F5 Article 60

Use of international credits through allowance exchange

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Textual Amendments

- F5** 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)**

F5 Article 61

Calculation of remaining international credit entitlement

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Textual Amendments

- F5** 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, TITLE II. (See end of Document for details)

Section 7

Auction

^{F5}Article 62

Entry of auction tables into the EUTL

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Textual Amendments

- F5** 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)**

^{F5}Article 63

Changes to the auction tables

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Textual Amendments

- F5** 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)**

^{F5}Article 64

Auctioning of allowances

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Textual Amendments

- F5** 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, TITLE II. (See end of Document for details)*

Section 8

Trading

^{F6}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

- F6** Art. 65 substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(6)**

^{F7}Article 66

Transfers of allowances or Kyoto units initiated by a trading account

Textual Amendments

- F7** 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

^{F7}Article 67

Surrender of allowances

Textual Amendments

- F7** 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, TITLE II. (See end of Document for details)

Section 10

Deletion of allowances and cancellation of Kyoto units

^{F7}Article 68

Deletion of allowances

Textual Amendments

- F7** 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)**

[^{F8}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

- F8** 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

^{F9}Article 70

Reversal of finalised processes initiated in error

Textual Amendments

- F9** 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, TITLE II. (See end of Document for details)

CHAPTER 3

Links with other greenhouse gas emission trading schemes

^{F10}Article 71

Implementation of linking arrangements

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Textual Amendments

F10 Art. 71 omitted (1.5.2021) by virtue of [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(9)**

Textual Amendments

F1 Title 2 heading substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **5(2)**

Changes to legislation:

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