

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)

#### TITLE IV

### TRANSITIONAL AND FINAL PROVISIONS

#### *Article 83*

##### **Implementation**

Member States shall bring into force the laws, regulations and administrative provisions necessary to implement this Regulation, and in particular for national administrators to comply with their obligations to verify and review information submitted pursuant to Articles 19(1), 21(4) and 22(4).

#### *Article 84*

##### **Further use of accounts**

1 Accounts, as specified in Chapter 3 of Title I of this Regulation, opened or used pursuant to Commission Regulation (EU) No 389/2013 shall remain in use for the purposes of this Regulation.

2 Person holding accounts opened pursuant to Article 18 of Regulation (EU) No 389/2013 shall be transformed into trading accounts.

#### *Article 85*

##### **Use restrictions**

1 Kyoto units as defined in Article 3(12) of Regulation (EU) No 389/2013 may be held in ETS accounts in the Union Registry until 1 July 2023.

2 After the date referred to in paragraph 1, the central administrator shall provide national administrators with a list of the ETS accounts holding Kyoto units. On the basis of this list, the national administrator shall request the account holder to specify a KP account to which such international credits shall be transferred.

3 If the account holder has not responded to the national administrator's request within 40 working days, the national administrator shall transfer the international credits to a national KP account or an account defined by national law.

---

**Changes to legislation:** There are currently no known outstanding effects for the Commission  
Delegated Regulation (EU) 2019/1122, TITLE IV. (See end of Document for details)

---

## Article 86

### Provision of new account information

Account information required by this Regulation that was not required by Regulation (EU) No 389/2013 shall be submitted to national administrators at the latest during the next review referred to in Article 22(4).

## Article 87

### Amendments to Regulation (EU) No 389/2013

Regulation (EU) No 389/2013 is amended as follows:

- (1) in Article 7 the following paragraph 4 is added:
  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 a linking agreement is in force in accordance with Article 25 of Directive 2003/87/EC for the purposes of communicating transactions with allowances.;
- (2) in Article 56 the following paragraphs 4 and 5 are added:
  4. Where an agreement pursuant to Article 25 of Directive 2003/87/EC is in force and requires transferring aviation allowances to aircraft operators holding accounts in the registry of another greenhouse gas emissions trading system, the central administrator, in cooperation with the administrator of the other registry, shall ensure that the Union Registry transfers those aviation allowances from the EU Aviation Allocation Account to the corresponding accounts in the other registry.
  5. Where an agreement pursuant to Article 25 of Directive 2003/87/EC is in force and requires transferring aviation allowances corresponding to another greenhouse gas emissions trading system to aircraft operators holding accounts in the Union Registry, the central administrator, in cooperation with the administrator of the other registry, shall ensure that the Union Registry transfers those aviation allowances from the corresponding accounts of the other registry to the aircraft operator holding accounts in the Union Registry, upon approval by the competent authority responsible for the administration of the other greenhouse gas emissions trading system.;
- (3) in Article 67 the following paragraph 5 is added:
  5. Where an agreement is in force in accordance with Article 25 of Directive 2003/87/EC, paragraphs 1, 2 and 3 of this Article shall apply to units issued under the greenhouse gas emissions trading system linked to the EU ETS.;
- (4) Article 71 is replaced by the following:

## Article 71

### Implementation of linking arrangements

The central administrator may create accounts and processes and undertake transactions and other operations at appropriate times to implement agreements and arrangements made pursuant to Articles 25 and 25a of Directive 2003/87/EC.;

- (5) the following Article 99a is inserted:

## Article 99a

### Suspension of linking agreements

In case of suspension or termination of an agreement under Article 25 of Directive 2003/87/EC, the central administrator shall take the measures in accordance with the agreement.;

- (6) in Article 105, the following paragraph 3 is added:

3. Standards developed in accordance with agreements under Article 25 of Directive 2003/87/EC shall be consistent with the data exchange and technical specifications drawn up in accordance with paragraphs 1 and 2.;

- (7) Article 108 is replaced by the following:

## Article 108

### Records

- 1 The central administrator shall ensure that the Union Registry stores records concerning all processes, log data and account holders for five years after the closure of an account.

- 2 Personal data shall be removed from the records after five years of the closure of an account or after five years of the closure of business relationship, as defined in Article 3(13) of Directive (EU) 2015/849, with the natural person.

- 3 Personal data may be retained, with access restricted to the central administrator, for additional five years only for the purposes of investigation, detection, prosecution, tax administration or enforcement, auditing and financial supervision of activities involving allowances, or of money laundering, terrorism financing, other serious crime or market abuse for which the accounts in the Union Registry may be an instrument, or of breaches of Union or national law ensuring the functioning the EU ETS.

- 4 For the purposes of investigation, detection, prosecution, tax administration or enforcement, auditing and financial supervision of activities involving allowances, or of money laundering, terrorism financing, other serious crime or market abuse for which the accounts in the Union Registry may be an instrument, or of breaches of Union or national law ensuring the functioning the EU ETS, personal data controlled by national administrators may be retained after the closure of the business relationship

---

**Changes to legislation:** There are currently no known outstanding effects for the Commission  
Delegated Regulation (EU) 2019/1122, TITLE IV. (See end of Document for details)

---

until the end of a period corresponding to the maximum prescription period of these offences laid down in the national law of the national administrator.

5 Account information containing personal data, gathered pursuant to the provisions of this Regulation and not stored in the Union Registry or the EUTL shall be retained according to the provisions of this Regulation.

6 The central administrator shall ensure that national administrators are able to access, query and export all records held in the Union Registry in relation to accounts that are or were administered by them.

(8) in Annex XIV, the following point 4a is inserted:

4a. On 1 May each year, the following information shall be published on agreements which are in force pursuant to Article 25 of Directive 2003/87/EC recorded by the EUTL by 30 April:

- (a) holdings of allowances issued in the linked emissions trading system on all accounts in the Union Registry;
- (b) number of allowances issued in the linked emissions trading system used for compliance in the EU ETS;
- (c) sum of allowances issued in the linked emissions trading system that were transferred to accounts in the Union Registry in the preceding calendar year;
- (d) sum of allowances that were transferred to accounts in the linked emissions trading system in the preceding calendar year..

#### *Article 88*

#### **Repeal**

Regulation (EU) No 389/2013 is repealed with effect from 1 January 2021.

However, Regulation (EU) No 389/2013 shall continue to apply until 1 January 2026 to all operations required in relation to the trading period between 2013 and 2020, to the second commitment period of the Kyoto Protocol and to the compliance period as defined in Article 3(30) of that Regulation.

#### *Article 89*

#### **Entry into force and application**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021, with the exception of Article 87, which shall apply from the day of entry into force.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/1122, TITLE IV.