

## PROVISIONAL PROCEDURE

*ISM COMPANY*

*LEGAL PERSON*

## OPEN A MARITIME OPERATOR HOLDING ACCOUNT

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# 1. OVERVIEW

Shipping companies attributed to Italy shall request the opening of an account of the type “maritime operator holding” in the Italian section of the Union Registry, within 40 working days of the publication of the list referred to in Article 3gf(2), point (a), of Directive 2003/87/EC, or, for shipping companies not included in that list within 65 working days of the first voyage falling within the scope of Article 3ga of that Directive.

Each shipping company holds no more than one maritime operator holding account (MOHA) which is used to demonstrate its compliance with EU ETS obligations: through the MOHA, the account holder enter the annual emissions and surrender an amount of allowances that upon expiry must be equal to the emissions produced. MOHA can also be used to acquire allowances through auctions and to trade in the secondary market.

To open a MOHA it is mandatory to submit to the national administrator a complete set of information according to **Annexes III, VIIa and VIII of Commission Regulation (EU) 2019/1122 as amended**.

## Who operates the account?

The account opening procedure requires the nomination of at least two natural persons who will operate the account. Their role is defined "Authorised Representative" but not necessarily they are company representatives, rather they are the ones responsible for all the operations on the account. For clarity, it does not make sense to appoint a person who then hands over his/her tasks to someone else for the account management: this would invalidate the safeguards of the appointment itself.

The role of authorized representatives is defined by article 20 of Regulation (EU) 1122/2019: upon appointment, each representative may be assigned one of the following **rights**:

- **initiator only** – AR with the right to initiate processes;
- **approver only** – AR with the right to approve processes;
- **initiator and approver** – AR with the right to initiate processes and approve processes initiated by another authorised representative;
- **read only** – AR with the right to view all account information and transactions;

Regardless of the number of appointed representatives, each account shall always present one of the following **combination of rights**:

- a. one AR with the right to initiate processes and one with right to approve processes;
- b. one AR with the right to initiate processes and approve processes and one with right to approve processes;
- c. one AR with right to initiate processes and one with the right to initiate processes and approve processes;
- d. two AR with the right to initiate processes and approve processes.

**IMPORTANT!** Newly appointed representatives must provide their **URIDs**, which are identifiers assigned by the Registry to each user at the end of the registration process.

## Get to know your own URID

- If you already are a user of the Italian part of the Union Registry, you may retrieve your URID by logging into the Registry: the URID is displayed in the menu on the right, at the top, under your name.
- If you are not a user of the Italian part of the Union Registry yet, you should first create your user following the instructions in the tutorial [New user registration](#): at the end of the registration, the system will display your URID.

In addition, when submitting the request, the account holder may decide whether some information is visible in the **public area of the EUTL website** or not, and may also indicate the country/countries where s/he has other open accounts in other Member State, thus giving consent to the national administrator to ask for **assistance from the administrators** of these countries, to verify the validity, completeness and accuracy of the documents provided, and to share related information with them.

The account holder will also indicate which **level of security** s/he wishes to apply to the account and whether **voluntary thresholds** are to be set to outgoing transfers (please refer to the ARIET page [Transfer of allowances](#) for more detailed information).

In case you need further support, please open a request of information (INF) through the website [ARIET \(How does it work\)](#).

## 2. DOCUMENTS TO PROVIDE

The following documents are required pursuant to Regulation (EU) 2019/1122 as amended, Annex II, III, VIIa, VIII

<b>1</b>	<b>Form_MOHA_ISM-Company-LP.xlsx</b> (for ISM Company, legal person) filled in according to the instructions provided in the form. <a href="#">Download Form</a>
<b>2</b>	<p><b>Statement</b> signed by the <b>account holder</b> with the following information:</p> <ul style="list-style-type: none"> <li>- Nomination of authorized representatives and their rights;</li> <li>- Choice of account security levels;</li> <li>- Application of voluntary thresholds to transactions (optional).</li> </ul> <p>The <b>minimum content</b> of the statement is provided below and it can be adjusted according to the account holder's needs.</p>
<b>3</b>	<p><b>Document proving the registration of the Company</b> and of the role and responsibility of the person signing the statement referred to in point 2.</p> <p><b>!!! This document is required ONLY for companies not registered in Italy</b></p>
<b>4</b>	<p><b>Structure of the group</b></p> <p><b>!!! This document is mandatory ONLY if the account holder is part of a group</b></p>
<b>5</b>	<b>Mandate(s) to comply with the ETS obligations</b> (a separate document for <i>each</i> Shipowner who has given mandate) including the information listed at Annex VIIa point 4 of <a href="#">Regulation (EU) 2023/2904</a>
<b>6</b>	<p><b>Evidence to support the identity</b> of <i>each</i> appointed representative, which may be a copy of one of the following:</p> <ul style="list-style-type: none"> <li>(a) an identity card issued by a State that is a member of the European Economic Area or the Organisation for Economic Cooperation and Development;</li> <li>(b) a passport.</li> </ul>
<b>7</b>	<p><b>Evidence to support the address of the permanent residence</b> of <i>each</i> appointed representative, which may be a copy of one of the following:</p> <ul style="list-style-type: none"> <li>(c) the identity document submitted under point 6), if it contains the address of the permanent residence;</li> <li>(d) any other government-issued identity document that contains the address of permanent residence;</li> <li>(e) if the country of permanent residence does not issue any identity document that contains the address of permanent residence, a statement from the local authorities confirming the appointed representative's permanent residence;</li> </ul>
<b>8</b>	<b>Criminal records</b> of <i>each</i> appointed representative.
<b>9</b>	<b>Acceptance of Terms and Conditions of use of the Italian Registry for Emission Trading</b> signed by <i>each</i> appointed representative and by the <b>account holder</b> (available at page 12).
<b>10</b>	<b>Acknowledgement of the information on personal data processing</b> signed by <i>each</i> appointed representative and by the <b>beneficial owner</b> (available at page 10).

**NOTE:** Pursuant to article 21.2 of the Registry Regulation (EU) n. 2019/1122 as amended, if the prospective authorised representative has already been nominated to an account and if the account holder so requests, the national administrator may use the documentation that was submitted at the earlier nomination for the purposes of verification.

## Template for the statement

I, the undersigned *<name and surname of the legal representative>*, as *<legal representative or other role of duly mandated person>* and on behalf of *<name of the account holder>* shipping company with IMO number *<IMO unique company and registered owner identification number>* request the opening of a maritime operator holding account in the Italian section of the Union Registry. For this purpose, I hereby

### Appoint

the following individuals as Authorised Representatives of the account, with their respective rights, pursuant to article 20 of the Registry Regulation (EU) n. 2019/1122 as amended:

<i>Surname</i>	<i>Name</i>	<i>URID</i>	<i>Right</i>

*Note: You can add other rows if necessary. Please note that is possible to appoint up to a maximum of 20 ARs per account*

### Declare

that the information provided for the Account Holder, the Shipping Company, the Authorised Representatives, and the Beneficial Owner(s), included in the Excel® file named *<file name>* submitted along with the request, is complete, up-to-date, accurate and true.

### Opt

- <to allow /not to allow>* transfers to accounts on the Trusted Account List without approval of a second Authorised Representative;
- <to allow /not to allow>* transfers to accounts not on the Trusted Account List.

*Note: If you opted to allow transfers to accounts on Trusted Account List without second approval this will also be applied to the following transaction: return of excess allocation, surrender and deletion of allowances.*

### Apply (this part is optional)

the following voluntary thresholds to transactions:

- single transaction limit: *<value>*
- accumulated daily transactions limit: *<value>*
- accumulated weekly transactions limit, last 7 days: *<value>*
- accumulated weekly transactions limit, work week (Monday to Friday): *<value>*
- accumulated monthly transactions limit (calendar month): *<value>*

*Note 1: You can apply one or more limits depending on account holder preferences.*

*When applying thresholds to transactions, the following rules need to be respected: A <= B <= C <= D <= E*

*Note 2: Transactions voluntary thresholds are applicable to transactions Transfer of Allowances or Transfer of Allowances to Switzerland. They are applicable to both trusted and non-trusted transfers. In case a transactions amount violates the set limits, the transaction is not allowed.*

Place, date

Signature

### 3. CERTIFICATION OF DOCUMENTS

As provided in Commission Regulation (EU) n. 2019/1122 as amended, any **copy** of a the documents submitted under **points 4, 5, 6, 7** and **8** of the list in paragraph 2, shall be **certified** as a true copy by a notary public or a public officer (e.g. employees of Municipalities, clerks at the Court or other heads of administrative proceedings).

Please note that for documents issued outside the European Union, the certified copies shall be legalised by Italian diplomatic-consular representations abroad (\*).

*(\*) In countries that have signed the Hague Convention concerning the abolition of legalization of foreign public acts, the legalization of acts and documents issued by foreign authorities is replaced by the affixing of the "postilla" (or apostille). Therefore, a person from one of these countries can go to the competent internal authority designated by each state (normally this is the Ministry of Foreign Affairs) to obtain the affixing of the apostille on the document.*

References of the notary public/legalization office must be visible on the copy or be attached to the documentation. The date of certification or legalization cannot be more than **three months** prior to the date of the request for opening an account.

The documents submitted shall be in Italian or English, otherwise accompanied by a certified translation into Italian (bearing the stamp "certified translation").

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Instead of providing certified copies of the criminal records, the identity document and the evidence of residence, authorised representatives who have their **permanent residence in a Member State of the European Union** may provide a self certification (see the form "*dichiarazione sostitutiva di atto notorio*" at page 18) pursuant to articles 19, 46 and 47 of D.P.R. N. 445/2000  
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## 4. HOW TO SEND THE DOCUMENTS

The requested documents must be sent *partly* in digital format and *partly* in paper format. You may also decide to send all documents in paper format, except the **Form\_MOHA\_Shipowner-LP** which must be sent in Excel® (via e-mail or on a digital support included in the shipment). Please, follow the instructions below.

### DIGITAL FORMAT

The following documents can be sent **via e-mail** in a zipped folder named after the account holder to:

[doc.registro-et@isprambiente.it](mailto:doc.registro-et@isprambiente.it) and [protocollo.ispra@ispra.legalmail.it](mailto:protocollo.ispra@ispra.legalmail.it)

subject of the e-mail must be "REGISTRO ETS – opening MOHA"

	Document in digital format	Notes
1	<b>Form_MOHA_ISM-Company-LP.xlsx</b>	Rename the file adding the account holder's name <a href="#">Download Form</a>
2	<b>Statement of the account holder</b>	Submit digital document <b>only if it can be digitally signed</b> by the account holder, otherwise submit in paper
3	<b>Document proving the registration of the Company</b>	If not available in digital format, provide in paper
9	<b>Acceptance of Terms and Conditions of use of the Italian Registry for Emission Trading</b>	Submit digital document <b>only if it can be digitally signed</b> , otherwise submit in paper (one document for the account holder and one for each account representative)
10	<b>Acknowledgement of the information on personal data processing</b>	Submit digital document <b>only if it can be digitally signed</b> , otherwise submit in paper (one document for the beneficial owner and one for each account representative)

**!!!** Please note that some of these documents are accepted in digital format only if they are **digitally signed** by the relevant person: in case the signatory has no digital signature, the document must be sent in paper format.

### PAPER FORMAT

The following documents shall be sent **via ordinary mail** to:

ISPRA (Ufficio del Registro Emission Trading) - Via Vitaliano Brancati, 48 - 00144 Rome (Italy)

	Document in paper format	Notes
4	<b>Structure of the group</b>	If applicable
5	<b>Mandate(s) to comply with the ETS obligations</b>	No specific template available at present
6	<b>Evidence to support the identity</b>	Authorised representatives who have their permanent residence in a Member State of the European Union may provide a self certification in place of these documents, using the format available at page 18. In addition, if they have a digital signature, the self certification can be sent in digital format by e-mail, along with the rest of the digital documents.
7	<b>Evidence to support the address of the permanent residence</b>	
8	<b>Criminal records</b>	

Please remind that, for the above, **copy** of the original document must be **certified/legalized**.



## 5. ACCOUNT OPENING

Within **20 working days** of the receipt of a **correct and complete** set of documents, the national administrator will open the account and send to each newly appointed representative a certified e-mail with the **enrolment key** to enroll the user in the Registry.

Please note that user enrolment occurs only once, at the first access, therefore representatives already appointed to other accounts have no need to enter a new key.

Pending the legislative decree transposing Directive (EU) 2023/959 into national law, no **fee** for account opening is requested at this time.

## 6. FORMS

In this section, you may find the following forms:

- ✓ Acknowledgement of the information on personal data processing      page 10
- ✓ Acceptance of Terms and Conditions      page 12
- ✓ *Dichiarazione sostitutiva di atto di notorietà* (self certification)      page 18

If the Forms are sent via e-mail in digital format, they must be **digitally signed** by the signatory. Otherwise they need to be sent in paper format via ordinary mail.

Only account representatives who are resident in the European Union may use the form “*Dichiarazione sostitutiva di atto di notorietà*” (only in Italian) to certify the information requested at point 6-7-8 of the list in paragraph 2.

## Acknowledgement of the information on personal data processing

I, the undersigned, hereby declare that I have read and understood the information below concerning the processing of personal data pursuant to art. 13 of EU Regulation 2016/679.

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Place and date

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Name and surname

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Declarant's signature

### Information on the processing of personal data pursuant to art. 13 of EU Regulation 2016/679 for users of the Italian part of the Union Registry

#### 1. WHY THIS INFORMATION

By providing the following information we wish to offer a clear and transparent view of the personal data collected and processed by the Italian Institute for Environmental Protection and Research for the purpose of managing the users of the Italian part of the Union Registry and its related Services, according to the provisions of EU Regulation 2013/389 and 2019/1122 as amended, in compliance with the General Regulation on the Protection of Personal Data 2016/679 (hereinafter, "GDPR" or "Regulation"). In particular, the parties concerned by data processing are natural persons, specifically the representatives designated by the account holder, who submit their personal data and those of the account holder (in case the account holder is a natural person) and the beneficial owner (in case the account holder is a legal person) who send their personal data through:

- a. the website for the administration of the Italian Emission Trading Registry (hereafter ARIET <https://ariet.isprambiente.it>);
- b. documentation in paper by ordinary mail (only for user not resident in the European Union).

#### 2. THE DATA CONTROLLER

The data controller is the Italian Institute for Environmental Protection and Research –Ispra, with its legal head office at Via Vitaliano Brancati, 48 - 00144 Rome.

#### 3. LEGAL BASIS OF DATA PROCESSING

According to art. 6 of GDPR, the conditions of lawfulness for the processing of your personal data are as following: processing is necessary for compliance with a legal obligation to which the controller is subject (Article 6, paragraph 1, letter c of the GDPR). The legal obligations are those deriving from the EU Regulation 2013/389 and 2019/1122 as amended and from Legislative Decree 47/2020: specifically, the management of the data transmitted through the online registration process in the Italian part of the Union Registry and the data in the documents eventually transmitted to request the association of the user to an account, as well as the update the user data; processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (Article 6, paragraph 1, letter e of the GDPR). In particular, the institutional tasks for the administration of the Italian part of the Union Registry resulting from the enforcement of EU Regulation 2013/389, 2019/1122 as amended and Legislative Decree 47/2020.

#### 4. TYPES OF DATA PROCESSED AND PURPOSE OF THE PROCESSING

The personal data processed in the context of user registration and management, as explained in paragraphs 1 and 3, are common data entered in the online application form during the registration process in the Italian part of the Union Registry and/or transmitted later, within the documents requested for appointing the user to an account or for updating user data. The processing of your personal data is carried out, both on paper and electronically, with the following activities: collection, registration, organization, structuring, storage, consultation, adaptation or modification, use, internal communication, extraction, comparison, interconnection, limitation, cancellation and destruction of data. Data will be stored in ISPRRA servers and will be processed in a manner that guarantees their security, through adequate and effective technical and organizational measures implemented by the Data Controller, in compliance with the principle of Accountability prescribed by GDPR, which avoid the risk of loss, unauthorized access, illicit use and dissemination. In any case, we process your personal data in compliance with the principles of lawfulness and fairness pursuant to art. 5 of the GDPR and we always operate in such a way as to guarantee the confidentiality and security of information. We are also committed to ensure that the information and data collected and used are adequate, relevant and stored for the time necessary to achieve the treatment purposes described above.

#### 5. METHOD OF PROCESSING

Ispra, as Data Controller, collects your personal data directly through the ARIET website (<https://ariet.isprambiente.it>) through the acquisition of the online application form for the registration in the Italian part of the Union Registry and through the acquisition of the documents requested for appointing the user to an account or for updating user data. The processing of your personal data is carried out, both on paper and electronically, with the following activities: collection, registration, organization, structuring, storage, consultation, adaptation or modification, use, internal communication, extraction, comparison, interconnection, limitation, cancellation and destruction of data. Data will be stored in ISPRRA servers and will be processed in a manner that guarantees their security, through adequate and effective technical and organizational measures implemented by the Data Controller, in compliance with the principle of Accountability prescribed by GDPR, which avoid the risk of loss, unauthorized access, illicit use and dissemination. In any case, we process your personal data in compliance with the principles of lawfulness and fairness pursuant to art. 5 of the GDPR and we always operate in such a way as to guarantee the confidentiality and security of information. We are also committed to ensure that the information and data collected and used are adequate, relevant and stored for the time necessary to achieve the treatment purposes described above.

#### 6. RECIPIENTS OF DATA

The personal data collected as a result of this procedure are processed exclusively by the staff of the Unit of ISPRRA responsible for the administration of the Italian Registry for Emissions Trading (who has been previously authorized and trained by the Institute regarding the purposes and methods of processing) and could possibly be communicated to third parties for the fulfilment of legal obligations related to the procedure. In particular, the subjects or categories of subjects (natural persons or legal persons, supervisory authorities) to whom your data will be or could be communicated are:

- the police or another law enforcement or judicial authority and tax authorities of a Member State;
- the European Anti-fraud Office of the European Commission;
- the European Court of Auditors;
- Eurojust;
- the competent authorities referred to in Article 48 of Directive (EU) 2015/849;
- the competent authorities referred to in Article 67 of Directive 2014/65/EU;
- the competent authorities referred to in Article 22 of Regulation (EU) No 596/2014;
- European Securities and Markets Authority, established by Regulation (EU) No 1095/2010 of the European Parliament and of the Council;
- Agency for the Cooperation of Energy Regulators established by Regulation (EC) No 713/2009 of the European Parliament and of the Council;
- competent national supervisory authorities;
- the national administrators of Member States and the competent authorities referred to in Article 18 of Directive 2003/87/EC;
- the authorities mentioned in Article 6 of Directive 98/26/EC;
- the European Data Protection Supervisor and the competent national data protection authorities.

#### 7. DATA PROTECTION OFFICER

The Data Protection Officer is the person, designated by Ispra pursuant to article 37 of the GDPR, which carries out support activities to the Data Controller in compliance with EU Regulation 2016/679, with a legal profile and multidisciplinary skills that you may contact for all matters related to the processing of your personal data and the exercise of related rights, in the ways

described in the following paragraph.

**8. RIGHTS OF INTERESTED PARTIES**

Register users, as "data subject" have the right to obtain from ISPRA, in the provided cases: access to their personal data, rectification, deletion or limitation of the processing or to oppose the processing (articles 15 and subsequent of GDPR). The specific request for the exercise of the rights related to the processing of personal data is forwarded to the Data Protection Officer of the Institute in the following ways: by mail, sending a registered letter with return receipt to the address: ISPRA - Via Vitaliano Brancati, 48 - 00144 Rome (Italy) to the attention of the Data Protection Officer; by certified e-mail (PEC), to the official address [protocollo.ispra@ispra.legalmail.it](mailto:protocollo.ispra@ispra.legalmail.it) and in cc to [rpd@isprambiente.it](mailto:rpd@isprambiente.it) attaching the dedicated form that can be downloaded in the section on Privacy of the official website at the following link:

[http://www.isprambiente.gov.it/files2018/privacy/MODELLO\\_esercizio\\_diritti\\_in\\_materia\\_di\\_protezione\\_dati\\_personali\\_SM.pdf](http://www.isprambiente.gov.it/files2018/privacy/MODELLO_esercizio_diritti_in_materia_di_protezione_dati_personali_SM.pdf)

With specific reference to the right to rectify your personal and contact data, you shall in any case follow the procedures for updating data indicated by the Registry administrator.

The exercise of rights as data subject is free of charge pursuant to Article 12 of the GDPR, except in the case of manifestly unfounded or excessive character of the request to which paragraph 5 of the same article applies. Participants who believe that the processing of personal data referring to them is in violation of the provisions of the Regulation have the right to lodge a complaint with the supervisory authority, as required by art. 77 of the same Regulation, or to refer to the appropriate judicial Courts (art. 79 of the GDPR).

## Acceptance of Terms and Conditions

I, the undersigned, hereby declare that I have read and accept the below terms and conditions of use of the Italian part of the Union Registry under the European Emission Trading Scheme (EU ETS) established by Directive 2003/87/EC and subsequent amendments in accordance with the EU Regulation 1122/2019 as amended.

\_\_\_\_\_  
Place and date

\_\_\_\_\_  
Name and surname

\_\_\_\_\_  
Declarant's signature

### Terms and Conditions of use of the Italian Registry for the Emissions Trading

#### 1 GENERAL PROVISIONS

Pursuant to Legislative Decree No 47/2020 (art. 34.2), the Italian Institute for Environmental Protection and Research (ISPRA) acts as national administrator of the Italian section of the Union Registry within the meaning of Registry Regulation (EU) No 1122/2019 as amended (hereafter "Registry").

The national administrator shall be responsible for the administering of accounts in the Registry: this includes in particular the opening, verifying and closing of accounts, refusal to open an account or suspension of access, the update of account information, allocation of allowances etc.

The terms and conditions regulate the details applicable to the use of the Registry describing the legal aspects related to it and shall apply exclusively to the relationships between the national administrator and the Registry's users. The technical management and maintenance of the Registry (IT infrastructure) shall be exempted from the scope of the terms and conditions set out in this document.

The signing of these terms and conditions implies acceptance of all relevant legal provisions, in particular those listed under paragraph 2.

These terms and conditions can be updated at any time by ISPRA, according to the modalities specified in paragraph 18.

#### 2 LEGAL BASIS

##### 2.1 Main legislation

All relevant legal provisions at European and national level shall apply to the use of the Registry, in particular:

- Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, as amended;
- 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, as amended;
- Legislative Decree 9 June 2020 No 47;
- Ministerial Decree 6 December 2021 (OJ n.310 of 31-12-2021) Fees in EU ETS (European Emissions Trading System).

The rules of the European Emissions Trading System are defined at Italian level by the relevant decrees and by the resolutions of the National Competent Authority – i.e. "Comitato nazionale per la gestione della direttiva 2003/87/CE e per il supporto nella gestione delle attività di progetto del Protocollo di Kyoto" (in brief "Comitato ETS").

##### 2.2 Other pertaining legislation

- Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU;
- Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories;
- Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast);
- Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012;
- Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC;
- Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive);
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);
- Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012;
- Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012, as amended;
- Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council, as amended;
- Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community as amended.

##### 2.3 Definitions

The definitions set out in European and national law provisions, in particular Art. 3 of Registry Regulation (as amended) and Art. 3 of Legislative Decree n. 47/2020, shall apply.

In addition to the above, and pursuant to the terms and conditions set out in this document, the following definitions shall apply:

- "Competent Authority": National Committee for the management of Directive 2003/87/EC and for the support in the management of Kyoto Protocol project activities, in brief Comitato ETS.
- "Registry" means the Italian part of the Union Registry;
- "National Administrator": pursuant to Legislative Decree 47/2020 (art. 34.2), the Italian Institute for Environmental Protection and Research (ISPRA);
- "Account Holder": the natural or legal person who holds an account in the Union Registry;
- "Authorised Representative": a natural person acting on behalf of the account holder in the Registry;
- "Verifier": an authorised expert appointed by an operator to verify the annual emissions in the Registry, as set out in art. 41 of Legislative Decree n. 47/2020;
- "Registry user": any natural person (account holder, authorised representative, verifier) who uses the Registry for his/her own purposes or on behalf of a third party;
- "Suspension of access": blocking of the access to one's own account. The account itself shall remain in existence. In principle, suspension of access is only a temporary measure. Once the situation giving rise to the suspension has been resolved the suspension of the relevant account shall be lifted or the account shall be definitely closed;
- "Closure of an account": permanent closure of an account. With the closure of an account the business relationship between the Registry and the Registry user comes to an end;
- "EU Login": the authentication service of the European Commission used for system-wide access to a number of the Commission's information systems. After successfully entering the access data via EU Login, the user is forwarded to the Registry;
- "Registry Regulation": Commission Delegated Regulation (EU) 2019/1122 of 12 March 2019 as amended;
- "ARIET": website for the administration of the Italian Registry for Emission Trading, available at <https://ariet.isprambiente.it/>

### **3 ACCESS TO THE REGISTRY**

#### **3.1 Authentication in EU Login and first-time registration**

As a condition for accessing and operate in the Registry, user authentication through EU Login is required (EU Login is the Authentication Service of the European Commission). Registry users undertake to meet all the technical specifications of EU Login and to follow the rules and procedures for accessing the Registry as specified therein and below.

Moreover, as a second authentication method, users need a mobile phone with an integrated camera since they have to scan a QR-code by using a dedicated mobile application (the EU Login Mobile App, developed by European Commission): thereby, a one-time password is activated which is only valid for a single sign-in and authentication.

Users have to provide the following technical conditions:

- "EU Login Mobile App" shall be downloaded and installed on a smartphone or a tablet from the Google Playstore (Android) or App store (Apple - iOS);
- A screen lock and biometric identification shall be activated for security reasons (pin code, fingerprint, face ID);
- During EU Login App installation, users shall necessarily allow all access rights required by the App;
- "EU Login Mobile App" can only be linked to one EU Login account and the user can log into the Union Registry with only one authorized MUDI code.

After creating an account in EU Login, the user enters his/her personal data into the Registry. At the end of registration, a user-specific identification number (URID = Union Registry Identification Number) is generated and displayed on the screen. It is recommended to take note of the URID, since this ID is required when a new Authorised Representative is appointed to an account and during an application to open an account. After the approval of the new representative or when the account is opened, the national administrator generates and sends an "enrolment key" to the authorized representative by certified email. The Authorized Representative must enter the enrolment key only once after logging in: after that the user is fully activated and can operate in the Italian Emission Trading Registry.

The user of the Registry shall take all necessary measures to prevent the loss, theft or compromise of its credentials and mobile device used for access. If their security has been compromised, the authorized representative shall immediately unenroll from the Registry, inform the national administrator and requests a new enrollment. If unable to log in, the authorized representative immediately request the national administrator via the ARIET website to proceed with its unenrollment (a dedicated procedure is there available).

#### **3.2 Security requirements**

Registry's user are requested to take several measures and precautions when accessing and using the Registry and shall comply with the minimum security requirements available on the ARIET website at <https://ariet.isprambiente.it/ArietWeb/customPage/security-measures>

### **4 OPENING ACCOUNTS**

#### **4.1 General provisions**

The opening of any type of account shall be requested by the prospective account holder. Each account shall receive a unique account ID, starting with "EU".

The national administrator opens an account within 20 working days of the receipt of a complete set of documentation and its positive examination.

Information to be submitted with requests for opening any type of account is specified in Annex III and VIII of Registry Regulation. Different types of account need to provide specific further information as set out below.

The request to open an account must be submitted via the ARIET website where different procedures are available, depending on the account type.

The national administrator shall only be obliged to open and manage an account for which a request for account opening has been received and a complete set of information as required by law, plus any additional information considered necessary by the national administrator, are submitted. Such documentation must meet the formal requirements and the quality standards as requested in the relevant procedures available on the ARIET website. For European citizens, proof of identity, proof of residence and criminal records shall be provided by applying the provisions set out in the Decree of the President of the Republic n. 445/2000. If a place of residence is outside the EEA, identification needs to be provided by the administrative authority of the third country or by a recognised legalisation body.

#### **4.2 Account authorised representatives**

When requesting the opening of an account or the registration of a verifier, each account holder shall nominate at least two authorised representatives for each account (except for verifiers who can nominate even just one AR).

Authorised representatives must be natural persons over 18 years of age.

All authorised representatives of a single account must be different natural persons with specific roles, but the same person can be an authorised representative on more than one account.

Authorised representatives initiate transactions in the Registry or other actions on behalf of the account holder. Account holders may also designate themselves as authorised representatives.

In the Union Registry, authorised representatives have one of the following rights:

- a. initiate processes [initiator];
- b. approve processes, if required [approver];
- c. initiate processes and approve processes initiated by another authorised representative [initiator and approver].

At opening, each account shall have at least two authorised representatives with one of the following combinations of rights:

- a. [initiator] + [approver];
- b. [initiator and approver] + [approver];
- c. [initiator] + [initiator and approver];
- d. [initiator and approver] + [initiator and approver].

Verifiers, who may also appoint only one authorized representative, will have to assign the right initiator or initiator and approver.

A maximum of 20 authorised representatives may be appointed to an account; some of those may be representatives with "read-only" access who do not initiate/approve any operation but view all the information.

Any account holders shall be responsible, and liable, for ensuring that only authorised persons have access to the Registry to initiate relevant transactions therein. In the event that any unauthorised persons carry out processes and transactions in the Registry due to the fault of the account holder, the responsibility and liability for these processes or transactions shall also lie exclusively with the account holder.

When nominating an authorised representative, the account holder shall provide information as required by the national administrator. That shall include, at a minimum, the information set out in Annex VIII of Registry Regulation.

In the event of justified doubts, the national administrator may request assistance by another national administrator in carrying out the necessary verification. The administrator that has received such request may refuse it. The prospective account holder or verifier may explicitly ask the national administrator to request such assistance. The national administrator shall inform the prospective account holder or verifier of such assistance request.

If the prospective authorised representative has already been nominated to an account and if the account holder so requests, the national administrator may use the documentation that was submitted at the earlier nomination.

Within 20 working days of the receipt of the complete set of information and after its positive examination, the national administrator shall approve an authorised representative or inform the account holder of its refusal. If necessary, the evaluation process may be extended by 20 additional working days.

Grounds for rejecting the addition of an account representative can be found in Registry Regulation article 21.5:

- if the information and documents provided are incomplete, out-of-date or otherwise inaccurate or false;
- if the prospective representative is under investigation or has been convicted in the preceding five years for fraud involving allowances, money laundering, terrorist financing or other serious crimes for which the account may be an instrument;
- for reason set out in national law.

An objection to a refusal may be raised via the competent authority.

#### **4.3 Specific provisions for different account types**

##### **4.3.1 Operator holding accounts**

When an installation falls under the scope of Directive 2003/87/EC, the Italian Competent Authority issues a permit for greenhouse gas emissions. Within 20 working days from the entry into force of a greenhouse gas emissions permit, the operator shall request the opening of an operator holding account in the Italian section of the Union Registry, providing information about the company/natural person (account holder) and account representatives, as set out in Annex VI and Annex VIII of Registry Regulation.

A new operator holding account can be established only if the installation does not already have an operator holding account that was opened based on the same greenhouse gas emissions permit.

An operator has to open a separate operator holding account for each installation and to perform the legal duties for these accounts.

The national administrator shall allocate allowances to the open operator holding account if it is not in the status "excluded" for the corresponding year, after the relevant resolution of the competent authority.

The operator shall administer all allowances allocated to the installation, as well as any allowances that may be acquired, through the operator holding account.

If an operator fails to fulfil its legal obligations of surrendering a sufficient number of allowances, the competent authority shall charge a penalty. The amount of such penalty shall be determined in accordance with article 42 of Legislative Decree 47/2020. Payment of the penalty shall not release the operator from the obligation to surrender an amount of allowances equal to the excess emissions when surrendering allowances in the following calendar year.

##### **4.3.2 Aircraft Operator holding accounts**

When an aircraft operator administered by Italy falls under the scope of Directive 2003/87/EC, the competent authority approves its monitoring plan for greenhouse gas emissions. Within 20 working days from the approval of the monitoring plan, the aircraft operator shall request the opening of an aircraft operator holding account in the Italian section of the Union Registry, providing information about the company/natural person (account holder) and account representatives, as set out in Annex VII and Annex VIII of Registry Regulation.

An aircraft operator shall have only one aircraft operator holding account.

The national administrator shall allocate allowances to the open aircraft operator holding account if it is not in the status “excluded” for the corresponding year, after the relevant resolution of the Competent Authority.

The aircraft operator shall administer all allowances allocated to the aircraft operator, as well as any allowances that may be acquired, through the aircraft operator holding account.

If an aircraft operator fails to fulfil its legal obligations of surrendering a sufficient number of allowances, the competent authority shall charge a penalty. The amount of such penalty shall be determined in accordance with article 42 of Legislative Decree 47/2020. Payment of the penalty shall not release the aircraft operator from the obligation to surrender an amount of allowances equal to the excess emissions when surrendering allowances in the following calendar year.

#### **4.3.3 Maritime Operator holding accounts**

Within 40 working days of the publication of the list referred to in Article 3gf(2), point (a), of Directive 2003/87/EC, or, for shipping companies not included in that list, within 65 working days of the first voyage falling within the scope of Article 3ga of that Directive, the shipping company attributed to Italy shall request the opening of a maritime operator holding account in the Italian section of the Union Registry, providing information about the company/natural person (account holder) and account representatives, as set out in Annex VIIa and Annex VIII of Registry Regulation.

Each shipping company shall have no more than one maritime operator holding account.

If a shipping company fails to fulfil its legal obligations of surrendering a sufficient number of allowances, the competent authority shall charge a penalty. Payment of the penalty shall not release the aircraft operator from the obligation to surrender an amount of allowances equal to the excess emissions when surrendering allowances in the following calendar year.

#### **4.3.4 Trading accounts**

Legal or natural persons may open a trading account to participate in the EU ETS on a voluntary basis. A request for opening a trading account in the Italian section of the Union Registry shall be submitted to the national administrator, providing information about the company/natural person (account holder) and account representatives, as set out in Annex IV and Annex VIII of Registry Regulation.

To open these accounts, the prospective account holders must have their permanent residence or registration in Italy and must be registered for value added tax (VAT) in Italy (art. 16 of Registry Regulation).

Account holders shall administer their allowances through their trading accounts.

#### **4.3.5 Verifiers**

Legal or natural persons may request to register as a verifier in the Italian section of the Union Registry. The person requesting the registration shall provide information as set out in Annexes III, V and VIII of Registry Regulation.

Within 20 working days of the receipt of a complete set of information, the national administrator shall register the verifier in the Union Registry.

Any operator or any aircraft operator is responsible for the appointment of an independent verifier in the Registry. The independent verifier shall confirm or refuse the appointment.

#### **4.4 Refusal to open an account or register a Verifier**

The national administrator may refuse to open an account or register a verifier, if:

- the information and documents provided are incomplete, out of date or otherwise inaccurate or false;
- the prospective account holder, or, if it is a legal person, any of the directors, is under investigation or has been convicted in the preceding five years for fraud involving allowances or Kyoto units, money laundering, terrorist financing or other serious crimes for which the account may be an instrument;
- the national administrator has reasonable grounds for assuming that the account may be used for fraud involving allowances or Kyoto units, money laundering, terrorist financing or other serious crimes;
- for reasons set out in national law;
- the national administrator required the prepaying of Registry fees and they were not paid.

In the event of justified doubts, the national administrator may request assistance by another national administrator in carrying out the document’s verification. The administrator that has received such request may refuse it. The prospective account holder or verifier may explicitly ask the national administrator to request such assistance. The national administrator shall inform the prospective account holder or verifier of such assistance request.

In the case of a rejection, notice must be given providing the reasons for the rejection within 20 working days of the receipt of the complete documents. The rejection may be appealed.

## **5 UPDATING ACCOUNTS**

All account holders shall notify the national administrator within 10 working days of changes to the account information (information about the account holder and authorised representatives). In addition, account holders shall confirm to the national administrator by 31 December each year via the ARIET website that their account information remains complete, up-to-date, accurate and true.

The notification of change shall be supported by information as required by the national administrator in conformity with the Registry Regulation.

Within 20 working days of the receipt of such a notification and supporting information, the national administrator shall approve the update of the information.

The administrator may refuse to update the information and shall notify the account holder of any such refusal. Objections to such refusals may be raised with the competent authority.

The request to update an account must be submitted via the ARIET website, where different procedures are available, depending on which update is requested.

#### **5.1 Updating the account holder**

No account holder may sell or divest of the ownership of its account to another person, except for operator holding account, which can be sold or divested together with the linked installation (see paragraph 7 – Account Transfer).

Where the legal entity holding an account in the Union registry changes due to a merger or a split of account holders, the account holder shall be the legal successor of the previous account holder upon submission of the documentation required pursuant to Articles 14, 15 or 16 of Registry Regulation. Operators and aircraft operators shall notify the national administrator of their account within 10 working days if they have undergone a merger or a split.

Without prejudice to the cases above, account holders can only request the national administrator to update their contact details.

#### **5.2 Updating the authorised representatives**

An authorised representative may not transfer its status as such to another person.

An account holder or a verifier may nominate new authorised representatives in accordance with Article 21 of Registry Regulation.

An account holder or a verifier may request the removal of an authorised representative from an account in accordance with Article 22 of Registry Regulation. Upon request of removal, the account representative’s access to the relevant account(s) will be suspended unless the claimant requests otherwise.

If an authorised representative has been removed and as a result the minimum number of authorised cannot be achieved, the account holder must nominate a new authorised representative without delay.

The national administrator has the right to remove an account representative if it is deemed that the account representative should not have been approved (such decision may be appealed).

#### **5.3 Know your customer checks (KYC-checks)**

The national administrator examines correctness and currency of all information and data that account holders submit when an account is to be open or updated.

At least once every three years, the national administrator shall review whether the account information remains complete, up-to-date, accurate and true, and shall request that the account holder notify any changes as appropriate. For operator holding accounts, aircraft operator holding accounts and verifiers, the review shall take place at least once every five years.

## **6 SUSPENDING ACCESS TO ACCOUNTS**

The national administrator may suspend the access of an authorised representative (or all authorized representatives) to any account or verifier, or to processes to which that authorised representative would otherwise have access, if it has reasonable grounds to believe that the authorised representative has:

- attempted to access accounts or processes for which he/she is not authorised;
- repeatedly attempted to access an account or a process using an incorrect username and password;
- attempted to compromise the security, the availability, the integrity, or the confidentiality of the Union Registry or the EUTL, or of the data handled or stored therein.

Furthermore, the national administrator may suspend access to the account if the account holder:

- died or ceased to exist as a legal person;
- did not pay the fees within the agreed payment terms;
- violated the terms and conditions applicable to the account or did not agree to the changes proposed by the national administrator;
- did not notify changes to account information or provide evidence concerning the changes to account information or new account information within 3 months even after the national administrator required the new documents (e.g. in the scope of account reviews);
- failed to maintain the required minimum number of authorised representatives for the account;
- failed to maintain compliance with the requirement that the account holder have a permanent residence or registration in Italy.

On the same grounds mentioned above, also the competent authority or the Commission may instruct the national administrator to implement a suspension.

The national administrator may suspend the access to a specific account for a maximum period of four weeks if he has reasonable grounds to believe that the account was used or will be used for fraud, money laundering, terrorist financing or other serious crimes, or on the basis of and in accordance with national law provisions that pursue a legitimate objective. The national counterparty may extend the period of suspension. The competent authority referring to money laundering is established by the Ministry of Economy and Finance (MEF). Any suspects may be reported through the web-portal INFOSTAT-UIF of the Bank of Italy.

The national administrator may suspend all access of authorised representatives to all accounts of an account holder if the latter has become subject of insolvency procedures. This suspension may be maintained until the national administrator receives official information about who has the rights to represent the account holder and the authorised representatives are confirmed or

new authorised representatives are nominated.

The national administrator shall reverse the suspension immediately once the situation giving rise to the suspension is resolved.

The account holder or account representative may object to the suspension of its access to the competent authority within 30 calendar days.

## **7 TRANSFERRING ACCOUNTS**

As a general rule, the account holder must not sell or transfer accounts in the Registry. However, this does not apply to the operator holding account as the account follows the plant associated with the account.

It is important to reiterate that holders of trading accounts, aircraft operator accounts and maritime operator accounts may not sell or divest of the ownership of their accounts to third parties pursuant to Art. 22. 5 of the Registry Regulation.

If the administering Member State of an aircraft operator changes in accordance with the procedure set out in Article 18a of Directive 2003/87/EC, the national administrator of the corresponding aircraft operator holding account also changes. The new administrator may require the aircraft operator to submit the account opening information and the information about authorised representatives, and the aircraft operator account is transferred from one section of the Union Registry to another, keeping the same account holder.

If the administering authority in respect of a shipping company changes in accordance with the procedure set out in Article 3gf of Directive 2003/87/EC, the central administrator shall update the national administrator of the corresponding maritime operator holding account. Where the administrator of a maritime operator holding account changes, the new administrator may require the shipping company to submit account opening information in accordance with Article 15a and information about authorised representatives in accordance with Article 21.

The request to transfer an operator account, an aircraft operator account or a maritime operator account must be submitted via the ARIET website where dedicated procedures are available.

## **8 CLOSING ACCOUNTS**

### **8.1 General provisions**

A common requirement for all accounts that are to be closed is that the account must be emptied of allowances, such that the balance is zero before the account is closed. If, in connection with the closure of their account, the account holder does not transfer existing allowances to another account within 40 working days following a request from the national administrator, the latter may transfer the allowances to its national holding account or set the account status to "closure pending".

If the closure is successful, the contractual relationship shall end automatically without either of the parties having to make a specific declaration.

If ISPra no longer acts as national administrator, the contract shall also end automatically upon expiry of the last working day of ISPra. In such a case ISPra shall inform all Registry users promptly and without delay.

### **8.2 Specific provisions for different account types**

#### **8.2.1 Operator holding accounts**

Within 10 working days of the receipt of a notification from the Competent Authority of the withdrawal of a greenhouse gas emissions permit of an installation, the national administrator shall record in the Union Registry the relevant date and the year of last emission.

The national administrator may close an operator account if:

- verified emissions were registered for all years when the operator was included in the EU ETS;
- the operator of the relevant installation has surrendered an amount of allowances equal to or greater than its verified emissions;
- no return of excess allowances is pending pursuant to Article 48.4 of Registry Regulation.

The national administrator shall close an operator holding account or an aircraft operator holding account upon instruction from the competent authority on the basis that there is no reasonable prospect of further allowances being surrendered or excess allowances being returned.

#### **8.2.2 Aircraft Operator holding accounts**

After the receipt of a notification from the Competent Authority that an aircraft operator merged into another aircraft operator or the aircraft operator has ceased all its operations covered by Annex I to Directive 2003/87/EC, the national administrator may close an aircraft operator account if:

- the year of last emission is registered in the Union Registry;
- verified emissions were registered for all years when the operator was included in the EU ETS;
- the aircraft operator has surrendered an amount of allowances equal to or greater than its verified emissions;
- no return of excess allowances is pending pursuant to Article 50.6 of Registry Regulation.

The national administrator shall close an operator holding account or an aircraft operator holding account upon instruction from the competent authority on the basis that there is no reasonable prospect of further allowances being surrendered or excess allowances being returned.

#### **8.2.3 Maritime Operator holding accounts**

After the receipt of a notification from the Competent Authority that the shipping company merged into another shipping company or the shipping company has ceased all its operations covered by Annex I to Directive 2003/87/EC, the national administrator may close a maritime operator account if:

- the notification reported above has been made;
- the year of last emission is registered in the Union Registry;
- verified emissions subject to surrender requirements in accordance with Articles 3gb and 12 of Directive 2003/87/EC were registered for all years when the shipping company was included in the EU ETS;
- the maritime operator has surrendered an amount of allowances equal to or greater than its verified emissions.

#### **8.2.4 Trading accounts**

Within 10 working days of the receipt of a request from the holder of a trading account, the national administrator shall close the account.

If a trading account is empty and no transactions have been recorded for a period of one year, the national administrator may notify the account holder that the account will be closed within 40 working days, unless the account holder indicates that the account must remain open.

#### **8.2.5 Removing Verifiers**

Within 10 working days of the receipt of a request by a verifier to be removed from the Union Registry, the national administrator shall remove the verifier.

The competent authority may also instruct the national administrator to remove a verifier from the Union Registry if the verifier's accreditation has expired or has been withdrawn, or the verifier ceased operation.

### **8.3 In case of suspension**

If the situation giving rise to the suspension of access to accounts pursuant to Article 30 of the Registry Regulation is not resolved within a reasonable period despite repeated notifications, the competent authority may instruct the national administrator to close those accounts for which access is suspended.

In the case of operator holding accounts, aircraft operator holding accounts and maritime operator holding accounts the competent authority or the relevant law enforcement authority may instruct the national administrator to set to blocked status those accounts for which access is suspended until the competent authority determines that the situation giving rise to the suspension no longer subsists.

The account holder may object to the change of account status of an account with the competent authority within 30 calendar days.

### **8.4 Exclusion from EU ETS (opt-out and small emitters)**

Upon exclusion of an installation from the EU ETS pursuant to Articles 27 or 27a of Directive 2003/87/EC, the national administrator shall set the corresponding operator holding account to excluded status for the duration of the exclusion.

Upon notification from the competent authority that an aircraft operator's flights are no longer included in the EU ETS in accordance with Annex I to Directive 2003/87/EC in a given year, the national administrator shall set the corresponding aircraft operator holding account to excluded status until notification from the competent authority that an aircraft operator's flights are again included in the EU ETS.

While the account is excluded, verification and surrender can only take place for the years when the installation or the airline was not excluded from the scheme.

No processes may be initiated from excluded accounts, except for the updating of account information and information on authorised representatives and for the deletion of allowances.

## **9 TRANSACTIONS**

### **9.1 General provisions**

A transaction is the transfer of allowances from one account to another account. Each transaction with another account shall be carried out by authorised representatives appointed by the relevant account holder.

There are different types of transactions, available according to the type of account and the type of unit: transfer, surrender, return and deletion. The account holder is solely responsible for the execution of a transaction.

A transaction can only be executed if it is initiated by an authorised representative and approved by another authorised representative of the account having the right to initiate and approve procedures, respectively. An account holder may decide that the approval of a second authorised representative is not necessary to execute the different types of transactions (this decision can be withdrawn at any time). The decision, or the withdrawal of this decision, must be communicated via the ARIET website where a dedicated procedure is available.

If an authorised representative cannot access the Union Registry for technical or other reasons, the national administrator, in accordance with the rights assigned to that authorised representative, may initiate or approve transactions on behalf of the authorised representative upon their request (or of account holder for execution in their name), provided that the access of the authorised representative was not suspended (with the only exception of the conditions set out in Article 30.10 of the Registry Regulation) and only for open accounts.

### **9.2 Trusted accounts**

Accounts may have a trusted account list (accounts held by the same account holder are automatically included on the trusted account list). Changes to the trusted account list shall be



initiated and approved by two authorised representatives entitled to initiate and approve processes respectively. When adding an account to the list, the execution takes place at 12:00: 00 CET on the fourth working day after the proposal; conversely, the execution of the removal of accounts from the list is immediate.

### 9.3 Transfers

Trading accounts execute the transactions referred to in art. 55 of the Registry Regulations (transfers) to any account, whether or not it is included in the list of trusted accounts.

Conversely, operator holding accounts, aircraft operator holding accounts and maritime operator holding accounts can only execute transfers to trusted accounts, unless the respective holder has notified the national administrator of its decision to allow transfers to accounts that are not on the trusted list (this decision can be withdrawn at any time). The decision, or the withdrawal of this decision, must be communicated via the ARIET website where a dedicated procedure is available.

Any decision by the account holder that the approval of a second authorised representative is not necessary for the execution of transactions, in the case of transfers applies only to those accounts on the trusted list (approval is still required for transfers to not trusted accounts).

Transfers can only be executed on working days, according to the following rules:

Transactions according to Art 55 of the Registry Regulation shall be executed as follows:

- Transfers to accounts on the trusted account list:
- if they are proposed for execution between 10:00 and 16:00 CET on a working day: the transfers are executed immediately;
- if they are proposed for execution before 10:00 CET on a working day: the transfers are executed on the same working day at 10:00 CET;
- if they are proposed for execution after 16:00 CET on a working day: the transfers are executed on the following working day at 10:00 CET.
- Transfers to accounts not on the trusted account list:
- if they are proposed for execution before 12.00 CET on a working day: the transfers are executed at 12.00 CET of the following working day.
- if they are proposed for execution after 12.00 CET on a working day: the transfers are executed at 12.00 CET of the second working day following the day of proposal for execution.

“Working day” means any day of the year from Monday to Friday. National public holidays are not to be considered as working days for the purposes of application of the Registry Regulation: these dates are indicated to users via the “Registry Calendar” on the homepage of the ARIET website.

Upon initiation of a transfer, the authorised representative initiating the transfer shall indicate in the Union Registry if the transfer represents a bilateral transaction or not. Transfers between different accounts of the same account holder or those executed through a trading venue and reported pursuant to Article 26(5) of Regulation (EU) No 600/2014, are not bilateral transactions.

### 9.4 Other Types of Transactions

The other transactions referred to in articles 56, 57, 48 and 50 of the Registry Regulation are executed immediately after their confirmation, on any day of the week.

### 9.5 Abortion of transfers

In principle, a transaction that has been completed is final and irreversible.

An account representative or the national administrator may abort a transfer to accounts that are not on the account holder's trusted list. Registry users carry the risk of submitting a request for abortion.

If aborting a transaction was initiated because of suspected fraud, the account holder shall immediately report it to the competent national law enforcement authority. That report shall be forwarded to the national administrator within 7 working days.

Assistance in stopping the execution of a transfer must be requested no later than two hours before the transfer is completed, which means that the national administrator carries out abortion of transfers only if requested before 10:00 CET of the day of execution. The national administrator will accept requests for the abortion of transfers only if they are submitted via the ARIET website (“Request TECHNICAL SUPPORT” – topic abort transfer). Requests per telephone are void. Users shall be contactable for re-confirmation and any additional queries under the mobile telephone number they provided.

### 9.6 Reversal of transactions

If allowances have been surrendered or deleted incorrectly, the account holder may propose to the national administrator to carry out a reversal of the completed transaction in a written request.

The request, including a statement indicating that the transaction was initiated erroneously or unintentionally, shall be duly signed by the authorised representative or representatives of the account holder that are authorised to initiate the type of transaction to be reversed and shall be sent within ten working days of the finalisation of the process.

If the national administrator approves it, the request is sent to the central administrator (the European Commission) asking to reverse the transaction in the Italian section of the Union Registry. The central administrator approves the reversal only if all of the following conditions are met:

1. a transaction surrendering or deleting allowances to be reversed was not completed more than 30 working days prior to the national administrator's proposal;
2. after the reversal of surrendering transaction no operator or aircraft operator would become non-compliant as a result of the reversal.

## 10 REGISTRY AVAILABILITY

The technical parameters for the operation and functioning of the Registry as defined in Art 60 et seq. of Registry Regulation shall apply.

Upon receipt of relevant information from the European Commission, the national administrator shall inform its users of any foreseeable measures that are necessary for the operational functioning of the Registry (e.g., Registry maintenance by the European Commission) that leads to temporary service disruptions. Users are informed of any technical disruption via the “Registry Calendar” on the homepage of the ARIET website.

If unexpected technical problems should occur when using the Registry, the national administrator and the Registry users shall inform each other without delay.

Thereupon, measures foreseen by the European Commission in such cases shall be taken immediately in order to restore the smooth functioning of Registry operations as soon as possible.

## 11 HELPDESK

Assistance and support to account holders and account representatives in the Registry is provided through the ARIET website, which allows users to communicate with the national administrator, find out how to open and manage an account and keep up-to-date with news, deadlines and system availability.

Access to the reserved area of ARIET (MyAriet) is necessary to submit any request to the national administrator (information, technical assistance and procedures for account and user management in the Registry).

The e-mail address of the Helpdesk is ARIET@isprambiente.it (send-only address, not enabled to receive), while the certified mailbox of the national administrator is amministratore.registro-ets@ispra.legalmail.it

E-mail addresses sending automated messages are:

- no-reply.ARIET@isprambiente.it notifications by ARIET;
- CLIMA-EU-ETS-REGISTRY-PROD@ec.europa.eu notifications by the Union Registry;
- automated-notifications@nomail.ec.europa.eu notifications by EU Login (European Commission Authentication Service).

Official and general communications are sent only from the above e-mail addresses.

The national administrator or the central administrator shall never ask the users to provide their credentials.

In the event of any suspected abuse of the login data or e-mail addresses, account holders are obligated to notify the Registry Administrator without undue delay.

The address of the national administrator is:

ISPR - Istituto Italiano per la Protezione e la Ricerca Ambientale

Via Vitaliano Brancati

00144 Rome, Italy

## 12 PAYMENT OF FEES

Pursuant to article 7 of the Decree 6 December 2021 (Official Journal n. 310 of 31-12-2021), holders of one or more accounts in the Italian section of the Union Registry, for the activities referred to in articles 12 and 34 of Legislative Decree No 47/2020, shall pay the following fees depending on the account type:

- 400 € for operator holding account
- 400 € for aircraft operator holding accounts
- 700 € for trading accounts
- 500 € for Verifiers

The fees must be paid at the account opening and annually between the 1st and 31st of May. The yearly validity is intended from 1st May of the current year to 30th April of the following year.

For detailed information on terms and modalities of payment, on which accounts are subject to fees and which are exempt, please refer to the ARIET website.

## 13 CONFIDENTIALITY AND DATA PROTECTION

The national administrator and the Registry user shall use any information as specified in Art 80 of Registry Regulation, as well as any information held in the Registry pertaining to accounts and transactions made, only for purposes of establishing and managing the Registry and to treat this information confidentially, i.e. to ensure that it is not made available to third parties even if the information is not explicitly designated as confidential (e.g. personal access data).

Exceptions to this rule are:

- data made available to legal entities as specified in Art 80.3 of Registry Regulation;

- data made available to all other national administrators and the central administrator relating to the persons referred to in article 80.8 of the Registry Regulation;
- information which has to be made available to the public in accordance with certain legal provisions.

Furthermore, personal data is processed for purposes referring to account management according to Art 77 and 78 Registry Regulation and to the GDPR.

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 with a natural person. 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 of the EU ETS.

Personal data controlled by national administrators may be retained after the closure of the business relationship until the end of a period corresponding to the maximum prescription period of these offences laid down in the national law.

The national administrator shall report by involving the in-house data protection officer any occurring data breach to the central administrator and the other national administrators and shall inform about executed and proposed measures to solve the breach and limit any negative consequences.

The Registry shall not contain sensitive data according to Art 9 and 10 of the GDPR.

Registry users notice the fact that the national administrator performs its duties according to the principles of a fair and transparent data processing (see Art 13 and 14 of the GDPR).

The related data protection information including any rights of data protection subjects is available on the ARIET website at <https://ariet.isprambiente.it/ArietWeb/customPage/trattamento-dei-dati-personali>

#### **14 USERS' OBLIGATIONS TO COOPERATE**

Registry users shall comply with the following obligations:

- communicating with the national administrator and submitting their requests via the ARIET website;
- providing a complete set of data, information, documents and evidence as requested by the national administrator, in the format specified on the ARIET website;
- obtain an electronic signature in PAdES format;
- periodically reviewing their data in the Registry for accuracy of content and completeness and, if necessary, notifying the national administrator of any changes needed; in particular, it is required to check the validity of the e-mail address displayed in the account along with the personal details of the authorized representative: this address is most important since it receives automatic notifications but especially for all communications from the national administrator.
- holding carefully and keep safe their personal access data and related information (e.g. secret question – answer to secret question; soft token codes);
- notifying the national administrator immediately of any changes concerning nominated authorised representatives;
- informing the national administrator without delay if they acquire knowledge of any suspicious transactions in the Registry;
- informing other concerned Registry users about the closure of their account;
- accepting interruptions of Registry services for maintenance purposes;
- viewing actively and regularly (at least once a week) the ARIET website in order to be up to date with important information and Registry availability;
- providing technical infrastructure according to the minimum security requirements as reported on the ARIET website at <https://ariet.isprambiente.it/ArietWeb/customPage/misure-di-sicurezza>;
- informing the competent authority of any infringements of laws which have to be penalised by the authority.

#### **15 RESPONSIBILITY AND LIABILITY**

Authorised Representatives are responsible for managing their EU Login account.

The liability of the national administrator shall be limited to loss or damage which results from a deliberate act or gross negligence.

Under no circumstances shall the national administrator be liable for:

- damage caused by way of force majeure and other unjustifiable circumstances;
- damage caused by third parties;
- damage or any other harm suffered by the Registry user as a result of an interruption of the Registry for technical reasons;
- damage or any other harm arising from the IT infrastructure provided by the European Commission;
- damage or any other harm suffered by the Registry user or a third party as a result of a violation or breach of the terms and conditions of Registry use;
- damage or any other harm suffered by the Registry user as a result of account closure;
- damage or any other harm suffered by the Registry user as a result of transactions in the Registry which are not performed by authorised persons;
- damages or any other harm which occur because Registry users do not take care of their personal access data or take care of providing the necessary technical infrastructure; in particular, damage resulting from computer viruses, trojans, worms, logic bombs or other material which is malicious or technologically harmful;
- instructions from European bodies, in particular the European Commission;
- requirements of third parties (e.g. EU Login) in the context of emissions allowance trading that affect Registry users;
- agreements concluded between Registry users;
- requests to abort a transfer in case of fraud, or to reverse a transaction, received after the due date, especially because of non-compliance with the formal requirements specified, or for abortion failures due to unsuccessful attempts of the national administrator to reach the applicant by phone for the purpose of re-confirmation;
- damage or any other harm caused by a failure to inform other account holders of the closure of a specific account;
- the accuracy of data provided by independent verifiers.

Moreover, the national administrator is not liable for the entering of faulty data by the account representative, nor the validity or appropriateness of a transfer order or any other action.

The national administrator is not liable for indirect or consequential loss or damage, including but not limited to loss of profits, business or revenue.

#### **16 DISPUTE RESOLUTION**

Any dispute arising between the national administrator and an account holder or verifier shall be brought before the competent court of Rome.

#### **17 MODIFICATION OF TERMS AND CONDITIONS**

The national administrator reserves the right to change the terms and conditions set out in this document at any time to an extent that is objectively justified, especially if such amendments are required because of amendments to European and national law provisions which form the basis of these terms and conditions.

The national administrator shall inform Registry users of such amendments by publishing the relevant news on the ARIET website. Apart from the main content, the information shall contain the time of the entry into force of the amendment. If no specific date or time is indicated, amendments shall enter into force 14 days after the news has been published.

The account holder is assumed to have accepted the amended Terms and Conditions if within four weeks it has not submitted a written objection to the amendment.

#### **18 CONCLUDING CLAUSES**

To be effective, all agreements shall be in writing. This also applies to a waiver of this written form requirement. In the case of electronic correspondence, the written form requirement is only fulfilled if an electronic signature is attached to the request.

If some of the provisions of these terms of use become ineffective and/or void, this fact shall have no effect on the remainder of the provisions. The parties agree to replace the ineffective/void provision by one which serves the legal, commercial and technical purposes as closely as possible.

The business language and the language of this contract is Italian or English. This stipulation may be amended by mutual agreement.

**Dichiarazione sostitutiva di atto di notorietà**  
(resa ai sensi degli artt. 46 e 47 e 76 del D.P.R. n. 445/2000)

Il/La sottoscritto/a \_\_\_\_\_  
*nome* *cognome*

nato/a a \_\_\_\_\_ ( \_\_\_\_\_ ) il \_\_\_\_\_  
*luogo* *sigla prov.* *gg/mm/aaaa*

consapevole delle sanzioni penali previste dal codice penale e dalle leggi speciali in materia per chiunque rilasci dichiarazioni mendaci, formi atti falsi, ne faccia uso o esibisca atti contenenti dati non più rispondenti a verità, sotto la propria responsabilità

**DICHIARA**

di essere residente a \_\_\_\_\_ ( \_\_\_\_\_ )  
*comune* *sigla prov.*

indirizzo \_\_\_\_\_  
*Via/Piazza e numero civico*

- di non aver riportato condanne penali e di non avere procedimenti penali pendenti
- di aver riportato negli ultimi 5 anni, condanne, anche non definitive, per frode relativamente a quote o unità di Kyoto, riciclaggio, finanziamento del terrorismo o altri reati gravi nell'ambito dei quali il conto potrebbe essere strumentale.
- Di aver riportato i seguenti provvedimenti giudiziari penali di condanna definitivi, ovvero concernenti le pene, le misure di sicurezza personali e patrimoniali, e ogni altro provvedimento giudiziario ed amministrativo iscritto per estratto nel casellario giudiziale ai sensi del D.P.R. n. 313/2002 e s.m.i.:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- di essere attuale imputato nei seguenti processi penali iscritti nel casellario dei carichi pendenti ai sensi del D.P.R. n. 313/2002 e s.m.i.:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(specificare le eventuali condanne, anche se sia stata concessa amnistia, indulto, condono o perdono giudiziale specificando i carichi pendenti)*

**Dichiara altresì, ai sensi degli artt. 19 e 20 del D.P.R. n. 445/2000, che la copia del documento di identità allegato alla presente dichiarazione è conforme all'originale in mio possesso**

\_\_\_\_\_  
*luogo e data*

\_\_\_\_\_  
*firma del dichiarante*

- Allegare fotocopia di un documento di identità in corso di validità.
- Esente da imposta di bollo ai sensi dell'art. 37, comma 1, del DPR 445/2000.