



## COURTESY TRANSLATION

*“Orden TEC/813/2019, de 24 de julio, sobre las tarifas del área española del Registro de la Unión Europea en el marco de la Ley 1/2005, de 9 de marzo, por la que se regula el régimen del comercio de derechos de emisión de gases de efecto invernadero.”.*

*Ministerial Order TEC/813/2019, of 24 July 2019, on the fees of the Spanish Area of the Union Registry pursuant to Law 1/2005, of 9 March, regulating the Greenhouse Gases Emissions Trading Scheme.*

### **Disclaimer**

*The contents of this document have no legal validity and may not in any circumstances be regarded as an official document. Only the Spanish version of the Ministerial Act published in the Official Journal of the State (Boletín Oficial del Estado) can be considered as a legal text.*

#### **Article 1. Authorization of fees**

The fees for the management of the Spanish Area of the Union Registry set out in the Annex of this Order are hereby authorized, for its application from 1<sup>st</sup> of January 2020, according to article 111 of Commission Regulation (EU) n°389/2013, of 2 May 2013, establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011

#### **Article 2. Fee charging**

The entity in charge of the management of the Spanish Area of the Union Registry shall proceed to charge the amounts resulting from the application of the fees mentioned in Article 1, within the time-limits or periods referred to in the Annex of this Ministerial Order.

The entity in charge of the administration of the Spanish Area of the Union Registry is hereby authorized to require the payment of the accrued events to be carried out through direct debiting. In order to collect the mentioned debts this entity is hereby authorized to request the holders to provide a current account number in a Spanish crediting institution.

#### **Article 3. Accounts where fees do not apply**

Under no circumstances will fees be charged to the following accounts:

- Operator Holding Accounts or Aircraft Operator Holding Accounts in excluded, closed or closure pending status hosted by the Spanish Area of the Union Registry.



- Operator Holding Accounts in open status, whose greenhouse gas emissions permit have been revoked, from the year following the date of revocation.
- Operator Holding Accounts held in the National Kyoto Registry.
- Verifier Accounts
- National /Regional Holding Accounts

#### **Article 4. Provision of additional services**

The entity in charge of the management of the Spanish Area of the Union Registry is hereby authorized to agree with the users of the Registry the provision of additional services different from those foreseen in the EU Registries Regulation and in the exercise of its duties, as well as to request the resultant reasonable economic compensation.

#### **Article 5. Period of validity**

Fees shall be enforceable from the 1<sup>st</sup> January 2020, without prejudice of the periodic review of the amounts which may take place.

#### **Article 6. Consequences of the non-payment of the fees**

In case of non-payment of the fees within the time-limits provided for in the Annex , the entity in charge of the management of the Spanish Area of the Union Registry may request the Spanish Climate Change Office (*Oficina Española de Cambio Climático*) to suspend the access to the account of all the authorized representatives and/or the additional authorized representatives, pursuant to article 34.2 b) of Commission Regulation (EU) 389/2013, of 2 May 2013 and article 30.2b) of Commission Delegated Regulation (EU) n°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.

Moreover, if the fee remains unpaid after two months from the date of the fee's issuance, the mentioned entity is hereby authorized to claim to the account holder an amount, which may reach a minimum of 300 euros, calculated by applying the official interest rate to the non paid amount taking into account the number of days non-paid. This may apply without prejudice to the responsibilities claimable to the account holders and, in particular, without prejudice to any legal action that may be taken by the National Administrator of the Spanish Area of the Union Registry, according to the current regulations, for the payment of the amounts accrued.

The non payment of the opening fee within the time-limit foreseen shall suspend its effective opening until the payment takes place.

#### **Unique Additional Provision – Periodic reports on the application of the fee regime**

The entity in charge of the Management of the Spanish Area of the Union Registry shall submit to the Ministry for Ecological Transition a report regarding the application of the fee regime every three years and, at least, three months before the end of each EU ETS emissions trading period.

#### **Unique Transitional Provision - Transitional regime of the application of the fees set up in the Order AAA/351/2013, of February 27, on the fees of the Spanish Area of the Union Registry**



**pursuant to Law 1/2005, of 9 March, regulating the Greenhouse Gases Emissions Trading Scheme.**

The provisions of Order AAA / 351/2013, of February 27, including its annex, will continue to apply for the purposes of the fees subject to accrual in the year 2019.

**Unique Repealing Provision: Repeal**

Any provision of equal or lower status inconsistent with the provisions set forth in this regulation shall be repealed.

In particular, the regulation Order AAA/351/2013, of February 27, on the fees of the Spanish Area of the Union Registry pursuant to Law 1/2005, of 9 March, regulating the Greenhouse Gases Emissions Trading Scheme, will be repealed from 1<sup>st</sup> January 2020.

**First Final Provision: Competences**

This regulation is enacted under the exclusive competences of the State foreseen in articles 149.1.13.<sup>a</sup> and 149.1.23.<sup>a</sup> of the Spanish Constitution on basis and coordination on general planning and economic activity, and on basic legislation on environmental protection, without the prejudice to the powers of the Spanish Regional Authorities to establish additional environmental protection rules.

**Second Final Provision: Entry into force**

This regulation shall enter into force on the day following its publication in the Spanish Official State Gazette (“Boletín Oficial del Estado”).



## Annex

Fees of the Spanish Area of the Union Registry according to the type  
of accounts from 1<sup>st</sup> January 2020.*Accounts in the Spanish Area of the Union Registry*

Type of account	Operation		Amount	Accrual/Chargeable event	Payment
Operator Holding Account or Aircraft Operator Holding Account	Account opening		500 €	The tax becomes due at the time of the account opening	Prior to the account opening
	Account management	Verified emissions (*) $\geq$ 25.000 tCO <sub>2</sub> (e)	150 €	Annually or in a shorter period in the year of opening or closure of the account.	During the month of October in the year of the chargeable event, except for the year when the opening takes place, in which the payment will take place when the account is opened.
		Verified emissions < 25.000 tCO <sub>2</sub> (e)	100 €		(*) For the purpose of determining the verified emissions, the volume of the verified emissions corresponding to the year prior to the accrual period will be taken as a reference, except for the opening year in which the fixed amount of € 150 will be applied.
	Verified emissions		0,004€ per ton of CO <sub>2</sub> entered in the account up to 12.000€ maximum per account and year.	The tax becomes due at the time of the inscription.	During the month of October in the year of the chargeable event.  (**) Will not be subject to the charge for this operation those operators or aircraft operators whose volume of verified emissions corresponding to the year prior to the accrual period are less than 25.000 tCO <sub>2</sub> (e).
Person Holding Account	Account opening		700 €	The tax becomes due at the time of the account opening	Prior to the account opening
	Account management		250 €	Annually or in a shorter period in the year of opening or closure of the account.	During the month of October in the year of the chargeable event, except for the year when the opening takes place, in which the payment will take place when the account is opened.
Trading Account	Account opening		700 €	The tax becomes due at the time of the account opening	Prior to the account opening
	Account management		1.000 €	Annually or in a shorter period in the year of opening or closure of the account.	During the month of October in the year of the chargeable event, except for the year when the opening takes place, in which the payment will take place when the account is opened.



Type of account	Operation	Amount	Accrual/Chargeable event	Payment
External trading platform account	Account opening	1.000 €	The tax becomes due at the time of the account opening	Prior to the account opening
	Account management	1.000 €	Annually or in a shorter period in the year of opening or closure of the account.	During the month of October in the year of the chargeable event, except for the year when the opening takes place, in which the payment will take place when the account is opened.

*Accounts in the National Kioto Registry*

Person Holding Accounts in ES Kioto Registry	Account opening	700€	The tax becomes due at the time of the account opening	Prior to the account opening
	Account management	250€	Annually or in a shorter period in the year of opening or closure of the account.	During the month of October in the year of the chargeable event, except for the year when the opening takes place, in which the payment will take place when the account is opened.