

COURTESY TRANSLATION

“Orden TED/803/2024, de 26 de julio, sobre las tarifas del área española del Registro de Derechos de Emisión 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 TED/803/2024, of 26 July 2024, on the fees of the Spanish Section 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. Subject and scope

The fees for the management of the Spanish Section of the Union Registry set out in the Annex of this Order are hereby authorized, according to article 81 of 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, and 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 that provides the management service for the Spanish Section 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 that provides the management service for the Spanish Section of the Union Registry is hereby authorized to require the payment of the accrued debts to be carried out through direct debiting, with the exception of those account holders from third countries who do not have a bank account opened in a bank entity located in the European Economic Area, who will be required to pay by international bank transfer to the current account specified by the entity. In order to collect the mentioned debts this entity is hereby authorized to request the holders to provide a current account number opened in a credit institution to carry out the aforementioned direct debits or from which the aforementioned international bank transfer will be performed.



Article 3. Accounts where fees do not apply

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

- Operator Holding Accounts, Aircraft Operator Holding Accounts, Maritime Operator Holding Accounts or Regulated Entity Holding Accounts in excluded, closed or closure pending status hosted by the Spanish Section of the Union Registry.
- Operator Holding Accounts or Regulated Entity 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 that provides the management service for the Spanish Section of the Union Registry is hereby authorized to provide 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 date of entry into force of this Ministerial Order with an indefinite validity for Maritime Operator Holding Accounts and Regulated Entity Holding Accounts.

Fees shall be enforceable from 1st January 2025 to the rest of the accounts under the scope of this Ministerial Order.

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

1. In case of non-payment of the fees within the time-limits provided for in the Annex , the entity that provides the management service for the Spanish Section 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 30.2 of Commission Delegated Regulation (EU) 2019/1122, of 12 March 2019, and to article 34 of Commission Regulation (EU) 389/2013, of 2 May 2013.

2. Moreover, the abovementioned entity is hereby authorized to claim to the account holder an amount if the fee remains unpaid after two months from the date of the issue of the corresponding invoices. This amount will be calculated by applying the official interest rate to the non paid amount taking into account the number of days non-paid, with a minimum amount of 300 euros. 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 Section of the Union Registry, according to the current regulations, for the payment of the amounts accrued.

3. 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 that provides the management service for the Spanish Section of the Union Registry shall submit to the Ministry for the Ecological Transition and the Demographic Challenge 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 TEC/813/2019, of 24th July, on the fees of the Spanish Section of the Union Registry pursuant to Law 1/2005, of 9 March, regulating the Greenhouse Gases Emissions Trading Scheme.

The provisions of Order TEC/813/2019, of 24th July in relation to the Operator Holding Accounts, Aircraft Operator Holding Accounts, Trading Accounts, Auction Collateral Delivery Accounts and Person Holding Accounts, including its annex, will continue to apply for the purposes of the fees subject to accrual in the year 2024.

Unique Repealing Provision: Repeal

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

Without prejudice to the provisions of the Unique Transitional Provision of this Order, the Order TEC/813/2019, of 24th July, on the fees of the Spanish Section of the Union Registry pursuant to Law 1/2005, of 9 March, regulating the Greenhouse Gases Emissions Trading Scheme, is hereby repealed.

First Final Provision: Competences

This regulation is enacted under the exclusive competences of the State foreseen in articles 149.1.13.^a and 149.1.23.^a 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: Review of the amount of fees

The amount of the fees will be reviewed when necessary based on the Union Registry regulatory amendments or when the information required under the Unique Additional Provision so advises.

Third 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 Section of the Union Registry according to the type of accounts.

Type of account	Operation		Amount	Accrual/Chargeable event	Payment
Accounts in the Spanish Section of the Union Registry					
Operator Holding Account /Aircraft Operator Holding Account / Maritime Operator Holding Account or Regulated Entity Holding Account	Account opening		575 €	The fee becomes due at the time of the account opening	Prior to the account opening. For the Maritime Operator Holding Accounts opened in 2024, payment may be made within 3 months of account opening.
	Account management	Verified emissions (*) ≥ 25.000 tCO2(e)	170 €	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 tCO2(e)	115 €		(*) 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. In case the opening takes place in a year in which there is no obligation to enter verified emissions for the previous year, the amount of € 115 will be applied.
	Entry of verified emissions		0,0045 € per ton of CO2 entered in the account up to 13.500€ maximum per account and year (**).	The fee 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, aircraft operators, shipping companies or regulated entities whose volume of verified emissions corresponding to the year prior to the accrual period are less than 25.000 tCO2(e).
Trading Account	Account opening		805 €	The fee becomes due at the time of the account opening	Prior to the account opening
	Account management		1.150 €	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.



Type of account	Operation	Amount	Accrual/Chargeable event	Payment
Auction Collateral Delivery Account	Account opening	1.150 €	The fee becomes due at the time of the account opening	Prior to the account opening
	Account management	1.150 €	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.
<i>Accounts in the National Kyoto Registry</i>				
Person Holding Accounts in ES Kyoto Registry	Account opening	805 €	The fee becomes due at the time of the account opening	Prior to the account opening
	Account management	285 €	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.