

CLOSURE / CHANGE TO “EXCLUDED” STATUS OF THE MARITIME OPERATOR HOLDING ACCOUNTS

European regulations establish two distinct situations regarding Maritime Operator Holding Accounts (MOHAs) of shipping companies that cease operations within the scope of the EU ETS (Annex I of Directive 2003/87/EC)¹, depending on whether the reason for ceasing these activities is temporary or permanent.

1. CHANGE OF MOHA ACCOUNT STATUS TO “EXCLUDED”:

Article 9.6b 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 (hereinafter, the Registry Regulation), states that *“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, after giving prior notice to the aircraft operator concerned and until notification from the competent authority that an aircraft operator's flights are again included in the EU ETS.”*

Therefore, this change of the status of a MOHA to “excluded” is due to a temporary cause, meaning that the shipping company anticipates resuming activity under the EU ETS in future years. Therefore, it can keep opened the MOHA during the year(s) in which it does not operate, and then use it again for the EU ETS surrender obligation, once its activities resume.

For example: a shipping company suspends its activity under the EU ETS in 2025 because it has not made any voyages involving ports in the European Economic Area (EEA). In that case, the account status should be changed to "excluded" for 2025. If the company resumes voyages to EEA ports in 2026, the "excluded" status of the account would be removed from that year onwards.

From a practical standpoint, for an account to be marked as "excluded" the National Administrator (Spanish Climate Change Office) will order to mark the specific emissions year as "excluded," which has the following consequences:

- The MOHA retains its previous status ("open" or "blocked"), since the “excluded” status only is marked for emissions years (e.g.: 2025 emissions, whose compliance obligation is surrender of allowances by 30th September 2026).

¹ CO₂ emissions from all large ships (of 5 000 gross tonnage and above) entering EU ports, regardless of the flag they fly. Emissions of CH₄ and N₂O are included as from 2026.

- The "excluded" status is marked for the year in which the shipping company ceased operations². Furthermore, in the absence of evidence demonstrating that these activities have resumed in subsequent years, each January 1st is automatically marked as "excluded."
- The Union Registry automatically blocks the obligation to enter emissions for the year marked as "excluded". However, it keeps the obligation for the remaining years not marked as such status, with the corresponding consequences related to compliance with EU ETS obligations (blocking of the account in the absence of emissions figure entry, calculation of the compliance figure and status, etc.).
- Pursuant to article 9.7 of the Registry Regulation, no transfers of allowances may be initiated from MOHAs during the years in which the account is in "excluded" status, with the exception of the surrender transaction to comply with EU ETS obligations corresponding to the period where the account status was not set to "excluded".

These restrictions on account operation means that a shipping company that receives allowances into its MOHA when it is in "excluded" status cannot transfer them to another account until it resumes activities under the EU ETS (in practice, the balance would be "trapped" in the account).

For example: the shipping company had no operations under the EU ETS in 2025, but expects to have European Economic Area (EEA) voyages in 2028. Therefore, the account must be marked as "excluded" status for 2025, 2026 and 2027.

The shipping company submits a zero-emissions Company Emissions Report (CER) for 2025 emissions and then, in February 2029, submits a CER for 2028 emissions.

The MOHA has a balance of 1.000 allowances and its compliance status is "A – Compliant" on 1st October 2025.

If the National Administrator orders the change of status to "excluded" on February 28, 2026, and the shipping company has not previously transferred the remaining balance of the MOHA to another account, it will not be able to transfer the allowances until the National Administrator removes the "excluded" status. This would tentatively happen in February 2029, after receiving the CER corresponding to the 2028 emissions.

- The MOHA is not subject to the obligation to pay fees during the period in which it is in "excluded" status. This does not mean that the company is exempt from the obligation to pay any outstanding fees from previous periods. In such cases, the provisions of Order TED/803/2024, of July 26, on the fees for the Spanish Section of the Union Registry, will apply.

² Please note that if the shipping company has ceased operations during the current year, it will have obligations under the EU ETS for the period of the year in which it had activity subject to the EU ETS. In this case, it is not possible to mark the year as "excluded" in the MOHA.

Process for changing the status of a MOHA to "excluded":

It is recommended that a verified Company Emissions Report (CER) be submitted via the Thetis-MRV platform. This report should indicate zero emissions for the year in which the account is being excluded, thus demonstrating the shipping company's exclusion from the EU ETS. In this case, the National Administrator will issue a resolution changing the status of the MOHA *ex officio*.

Alternatively, a request to change the status of the MOHA to "excluded" can be submitted using the following the template in our website </ing/Information/MOHA-Closure-Exclusions>.

In this case, the following steps must be followed:

- (1) The shipping company must submit the request to the National Administrator: it is recommended to initially send the draft request together with the supporting documents to Bzn-RENADE@miteco.es and maritimo.renade@grupobme.es.
- (2) The documentation will be analyzed and verified by the Spanish Climate Change Office, which will request any necessary clarifications or corrections from the shipping company.
- (3) If the documentation is deemed correct, the physical documentation must be sent to the following postal address (*):

IBERCLEAR – RENADE
Palacio de la Bolsa
Plaza de la Lealtad, 1
28014-MADRID

In the case of Spanish or foreign companies that hold a digital certificate of representative of legal entity valid in Spain, and provided that no physical documents are required (e.g., the documentation consists only of a digitally signed request), it can be submitted through the Electronic Registry of the General State Administration: <https://reg.redsara.es/en/>

- (4) Once the physical documentation has been received and its validity verified, the Spanish Climate Change Office will issue a resolution ordering Iberclear to change the status of the MOHA to "excluded".

Once it is proven that the shipping company is once again within the scope of the EU ETS (for example: submission of a CER with emissions within the scope of the EU ETS; new communication from the shipping company on the resumption of activity within the scope of the EU ETS, etc.), the National Administrator will proceed to change the account status again, unchecking the "excluded" status from the year of the resumption of activity.

2. CLOSURE OF THE MOHA ACCOUNT

Article 26a of the Registration Regulation states that

- "1. The competent authority shall notify the national administrator within 10 working days of notification by the account holder, or of discovering after examining other evidence, 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.*
- 2. The national administrator may close a maritime operator holding account if the following conditions are fulfilled:*
- (a) notification pursuant to paragraph 1 has been made;*
 - (b) the year of the last emission is registered in the Union Registry;*
 - (c) verified emissions subject to surrender obligations [...] were registered for all years when the shipping company was included in the EU ETS;*
 - (d) the shipping company has surrendered an amount of allowances equal to or greater than its verified emissions subject to surrender requirements [...]."*

Therefore, the closure of the MOHA is due to a definitive termination of activities carried out within the scope of the EU ETS, specifically for two distinct scenarios:

- A. **A shipping company has merged** with (at least) another shipping company, so the vessels and their routes associated with the first company fall under the responsibility of EU ETS of the second company, which must have a MOHA opened under its ownership.
- B. **The shipping company has ceased all its activities subject to the scope of the EU ETS** and does not foresee resuming them in the future.

For example:

- the company ceases maritime transport activities,
- the company ceases operating in EEA ports due to its dissolution or a change in business activity,
- the company performs activities with vessels that do not exceed the thresholds of the scope of EU ETS (5.000 gross tonnage),
- the company terminates all previously signed shipowner's authorizations to assume EU ETS responsibility for the vessels

In both cases, the shipping company will no longer have any obligation to surrender emission allowances under the EU ETS, so the MOHA should not remain open. If the company wishes to continue operating voluntarily within the EU ETS, by buying and selling allowances, it must open a [trading account](#).

Two aspects regarding the closure of a MOHA account must be considered:

- **It is permanent.**

This means that if, despite the expectation, the shipping company resumes activities under the EU ETS after the closure, it will not be able to use the closed MOHA and must open a new one, bearing all the costs associated with submitting the documentation required by the regulations, as well as paying the corresponding opening fees.

- **The maintenance fees for the year in which the MOHA is closed will be prorated** based on the period of that year in which the account is open.

On the other hand, the closure of the MOHA does not exempt the company from the obligation to pay any outstanding fees for previous periods. In such cases, the provisions of Order TED/803/2024, of July 26, on the fees for the Spanish Section of the Union Registry will apply.

Below, you can access the MOHA closure application form in the following link [/ing/Information/MOHA-Closure-Exclusions](#).

Process for closing a MOHA:

The process for closing the account involves the following steps:

- (1) Application by the shipping company to the National Administrator: it is recommended to initially send the draft application and supporting documents to Bzn-RENADE@miteco.es and maritimo.renade@grupobme.es.
- (2) The documentation will be analyzed and verified by the Spanish Climate Change Office, which will request any necessary clarifications or corrections from the shipping company.
- (3) If the documentation is deemed correct, the physical documentation must be sent to the following postal address (*):

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Plaza de la Lealtad, 1
28014-MADRID

- (4) Once the physical documentation has been received and its validity verified, the Spanish Climate Change Office will issue a resolution ordering Iberclear to close the MOHA.

Finally, please note that, in the absence of an exclusion or closure request, the MOHA of a shipping company that has temporarily or permanently ceased operations in the EU ETS will be blocked if no emissions are entered by March 31 of each year, preventing from trading with allowances.

Below is a brief summary of the differences between the “excluded” and “closed” statuses:

STATUS	SCENARIO	STATUS DURATION	RESTRICTIONS	FEES
EXCLUDED	<ul style="list-style-type: none"> Outside the scope of the EU ETS for one or more specific years 	<ul style="list-style-type: none"> It is applied on a temporary basis. i.e., to the specific years of the period in which there is no activity under the EU ETS. It is reversible: when activity resumes this status is removed. 	<ul style="list-style-type: none"> Allowances cannot be transferred to other accounts. Allowances can be received and surrendered. Emissions cannot be entered for the “excluded” years. 	<ul style="list-style-type: none"> Fees do not apply while the account is in "excluded" status. Once this status is removed, standard fees apply.
CLOSED	<ul style="list-style-type: none"> Outside the scope of the EU ETS on a permanent basis 	<ul style="list-style-type: none"> It is applied permanently. It is definitive and therefore irreversible. 	<ul style="list-style-type: none"> No transactions can be initiated or received. 	<ul style="list-style-type: none"> They do not apply from the moment the account is closed.