

APPLICATION FOR THE OPENING AND MAINTENANCE OF AIRCRAFT OPERATOR HOLDING ACCOUNT IN THE SPANISH AREA OF THE UNION REGISTRY

1 IDENTIFICATION OF THE ACCOUNT HOLDER (hereinafter, the "Applicant" or "Holder")

Account details		Published on the SWAPUE
NAME/ COMPANY ANY NAME OF THE ACCOUNT HOLDER, which must be the same as the approved monitoring plan		YES
TAX ID NO.		YES
TAX ID- VAT NO		YES
LEGAL ENTITY IDENTIFIER		YES
REGISTERED OFFICE		YES
POST CODE		YES
TOWN AND PROVINCE		YES
COUNTRY		YES
LANDLINE TELEPHONE NO*		Select
MOBILE TELEPHONE NO*		Select
EMAIL*		Select
DATE AND PLACE OF BIRTH (TOWN AND COUNTRY), IF THE APPLICANT IS A NATURAL PERSON		NO
IDENTITY DOCUMENT TYPE (natural person)		NO
IDENTITY DOCUMENT NUMBER (natural person)		
IDENTITY DOCUMENT EXPIRY DATE (natural person)		
CRCO ID NO		YES
MONITORING PLAN ID CODE		YES

* Requires authorization from the Holder to be published in the SWAPUE

2 RECITALS

- I. Whereas Law 1/2005, of 9 March, which regulates the greenhouse gas emission allowances trading regime (hereinafter, "Law 1/2005"), establishes in its article 25.2 the obligation of aircraft operators to open a holding account in the Spanish Area of the Union Registry.

¹ In accordance with the obligations of article 26 of Regulation (EU) No. 600/2014 of the European Parliament and of the Council, of 15 May 2014, relating to financial instrument markets. For further information on the obligation to have an LEI code, see the following [link](#)

² The CRCO (Central Route Charges Office) identification number is an identifier assigned by Eurocontrol for the purpose of controlling air traffic routes. This code is identified in Commission Regulation (EC) No. 748/2009, of August 5, 2009, on the list of aircraft operators that have carried out an aviation activity listed in Annex I and Directive 2003/87/EC on or after 1 January 2006, specifying the Member State responsible for managing each operator, as well as its amendments. The latest amendment to said Regulation can be consulted in the following [link](#). In the event of a discrepancy with the list, the Spanish Office for Climate Change should be consulted by email at the following address: ETS.aviación@miteco.es.

- II. Whereas the Spanish Office for Climate Change, answerable to the Ministry for Ecological Transition and Demographic Challenge, is the competent body with regard to the registry established in the framework of Directive 2003/87/EC, of 13 October, of the European Parliament and of the Council, which establishes a regime for the trading of greenhouse gas emission allowances in the Union, amending Council Directive 96/61/EC (hereinafter, "Directive 2003/87/EC"), and Regulation (EU) 2018/1999, of 11 December 2018, on the governance of the Energy Union and Climate Action, and amending Regulations (EC) No. 663/2009 and (EC) No. 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council and the Directives 2009/119/EC and (EU) 2015/652 of the Council, and Regulation (EU) No. 525/2013 of the European Parliament and of the Council is repealed, (hereinafter, the "Governance Regulation"), exercising its powers in relation to the activity of those accounts opened in the Spanish Area of the Union Registry.
- III. Whereas the Commission Delegated Regulation (EU) 2019/1122 of 12 March 2019, which completes Directive 2003/87/EC of the European Parliament and of the Council with regard to the operation of the Union Registry, (hereinafter, "Registries Regulation") establishes the procedure to open holding accounts of aircraft operators in the Union Registry.
- IV. Whereas in accordance with the contract signed in December 2019 2013 between Sociedad de Gestión de los Sistemas de Registro, Compensación y Liquidación de Valores, S.A.U. (hereinafter, "Iberclear") and the Spanish Office for Climate Change of the Ministry for Ecological Transition and Demographic Challenge, as National Administrator responsible for the Spanish Area of the Union Registry, Iberclear is responsible for providing the support service to said National Administrator in relation to the European Emission Allowances Trading System and the Kyoto Protocol for 2020-2022.
- V. Whereas it knows and accepts the minimum security standards that must be met by users of the Spanish Area of the Union Registry.

3 REQUESTS

The Spanish Office of Climate Change of the Ministry for Ecological Transition and Demographic Challenge, in its capacity as National Administrator, to open an aircraft operator's holding account in the Spanish Area of the Union Registry, in accordance with the provisions of the applicable national and community regulations previously referred to and any others that may be applicable.

4 IT UNDERTAKES TO:

- I. Comply with the obligations established in said regulations for owners of aircraft operator holding accounts;
- II. Appoint the minimum number of authorised representatives, provided for in the regulations, and specify their rights of action, according to that arranged in **Annex I**;
- III. Ensure the accuracy of the data provided to open and maintain the account, notifying Iberclear of any modification of said information within ten business days from the modification date;
- IV. Confirm annually to Iberclear, before 31 December of each year, that the information corresponding to the account continues to be complete, updated and true.
- V. Ensure compliance with the Security Rules and Advice by all users who access and perform account actions.
- VI. Ensure access to and use of the account, in accordance with the procedures provided for in the regulations applicable to the Spanish Area of the Union Registry, respecting, in any case, the requirements derived from good faith;
- VII. Adopt, under its sole responsibility, whatever precautions are necessary to avoid the loss or theft of passwords and their use by a person other than the user associated with them. In the event that the access codes are lost or stolen, you must notify Iberclear immediately;
- VIII. Pay any fees, where appropriate, established by current regulations in the amounts and accrual and payment periods provided for in said regulations. To this end, attached as **Annex III** is a copy of the communication addressed to your credit institution so that the receipts that, in relation to said rates, are presented to you for collection, are charged against your current account indicated thereat.

4 APPOINTMENT OF REPRESENTATIVES

The Applicant designates, as representatives, the people identified in Annex I and II, identifying in the case of authorised representatives, the right to act that assists each one to carry out the actions provided for in the applicable national and community regulations.

5 DOCUMENTATION ATTACHED TO THE APPLICATION

The Applicant attaches the following documents to the application:

- I. Annex I (Appointment of Legal Representative). ☐
- II. Annex II (Appointment of Authorised Representatives). ☐
- III. Annex III (Direct debit). ☐
- IV. Specific powers granted by the Applicant to the legal representative, except in the cases of a sole or joint and several director or CEO, in which case, only the deed of the corresponding appointment will be necessary. In the case of specific powers, it must be taken into account that it is essential to follow the attached model power of attorney specifying the powers to be conferred and the form in which these are conferred. These powers must be either notarial abstracts or copies authorised by a notary public. ☐
- V. If the account holder is part of a group (formed by the parent company and all its subsidiaries), a copy of the document that clearly indicates its structure³. ☐
- VI. Documentation related to each of the representatives designated by the account holder (**SEE NOTE**):
 - a) Documentation that corroborates the identity of each of the representatives appointed by the account holder. It could be a copy of one of the following documents: ☐
 - Identity document issued by a State that is a member of the European Economic Area or of the Organisation for Economic Cooperation and Development;
 - Passport.
 - Foreigner id No.
 - b) Documentation that corroborates the permanent residence address of each of the representatives of the aircraft operator account. It could be a copy of one of the following documents: ☐
 - Identity document presented in accordance with the previous point, if it contains the permanent residence address;
 - Any other identity document issued by the State and containing the permanent residence address;
 - If the country of permanent residence does not issue identity documents containing the address of permanent residence, a statement is required from the local authorities confirming the permanent residence of the representative of the aircraft operator. If the country of residence is Spain, a municipal census certificate is also required.

³ The reports required by Audit Law 22/2015, of 20 July, such as the management report and the auditors' report, will be admitted as identification of the group structure, as long as these reports clearly identify the complete structure of parent companies and subsidiaries in which the company of the owner of the facility is integrated. Otherwise, a specific sworn statement containing said information must be issued by the company.

Any other document that is usually accepted in the Member State of the National Administrator as proof of the permanent residence of the representatives

- c) Criminal record certificate for each of the authorised representatives of the aircraft operator account. ☐

NOTE: Every copy of a document presented as documentary evidence in the framework of this process must be certified as true by a notary.

Documents issued outside of Spain must be legalised, **unless community regulations establish otherwise.**⁴

The certification or legalisation date must be within **three months prior to the application date.**

⁴ In accordance with Regulation (EU) 2016/1191 of the European Parliament and of the Council, of 6 July 2016, which facilitates the free movement of citizens by simplifying the requirements for the presentation of certain public documents in the European Union, and amends Regulation (EU) No.1024/2012, certain public documents and their certified copies are exempt from the legalisation requirement, together with their certified translation, when said documents have been issued by an authority of the European Economic Area.

6 PERSONAL DATA

I. INFORMATIVE CLAUSE FOR REQUESTS TO OPEN ACCOUNTS AND APPOINTMENT AND SUBSTITUTION OF REPRESENTATIVES

Accounts in the Spanish Area of the Consolidated System of European Registries (CSEUR)

The Ministry for Ecological Transition and Demographic Challenge maintains its commitment to comply with the legislation in force in personal data processing and information security, to ensure that the data provided is collected and processed in accordance with the Substantive Law 3/2018, of December 5, on Protection of Personal Data and guarantee of digital rights and Regulation (EU) 2016/679 (GDPR). It is for this reason that we provide **information on the data protection policy** applied to the processing of personal data deriving from requests to open and maintain accounts:

1. **Data controller:** Ministry for Ecological Transition and Demographic Challenge. Spanish Office for Climate Change: buzon-oecc@miteco.es

Data protection officer: BZN-Miteco@miteco.es
2. **Data processor:** Sociedad de Gestión de los Sistemas de Registro, Compensación y Liquidación de Valores, S.A.U. (IBERCLEAR)
3. **Purpose of processing:** The personal data incorporated will be used exclusively to manage accounts in the Spanish Area of the Consolidated System of European Registries (CSEUR), and they will be kept while the legal obligation to conserve them remains (Law 16/1985, of 25 June on Spanish Historic Heritage).
4. **Legal basis for processing:** to comply with a mission carried out in the public interest in the exercise of public powers conferred to the Data controller (Law 1/2005, 9 March, regulating the greenhouse gas emission allowances trading system).
5. **Data recipients:** neither data assignments nor international data transfers are provided for.
6. **Data processing rights:** In accordance with the provisions of articles 13 to 18 of Substantive Law 3/2018, of December 5, Protection of Personal Data and guarantee of digital rights and articles 15 to 22 of General Regulation (EU) 2016/679 of Data Protection. You may exercise your rights of access, rectification, deletion and portability of your data, limitation of treatment, opposition and no longer be subject to automated individual decisions, when appropriate, before the Ministry for Ecological Transition and the Demographic Challenge, through its electronic Office (<https://sede.miteco.gob.es>) Likewise, if you consider your rights violated, you can initiate a claim for protection with the Spanish Data Protection Agency (<https://sedeagpd.gob.es/>)

CONFIDENTIALITY: the applicant is aware that all information contained in the European Union

Transaction Log and in the Union Registry, as well as any information collected pursuant to Commission Delegated Regulation (EU) 2019/1122, of 12 March 2019, which supplements Directive 2003/87/EC of the European Parliament and of the Council as regards the operation of the Union Register, is confidential in accordance with article 80 of that legal body. Notwithstanding the foregoing, the Applicant is aware of and assumes the exceptions to confidentiality provided for in that article and other applicable legislation.

8 SIGNATURE OF THE APPLICATION

In click to write text, on click to write date

THE APPLICANT

[Legal Representative]

ONLY FOR TRANSLATION