

APPLICATION FOR THE OPENING AND MAINTAINANCE PERSONAL HOLDING ACCOUNTS (ES)⁽¹⁾ IN THE SPANISH AREA OF THE UNION REGISTRY

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

Account details	Published in the EUPW*
NAME / COMPANY NAME OF THE ACCOUNT HOLDER	YES
ACCOUNT NAME	YES
TAX ID-VAT NO.	YES
LEGAL ENTITY IDENTIFIER (LEI) CODE ²	YES
REGISTERED OFFICE	YES
POST CODE	YES
TOWN AND PROVINCE	YES
COUNTRY	YES
LANDLINE TELEPHONE NUMBER	SELECT
MOBILE TELEPHONE NO.	SELECT
E-MAIL	SELECT
DATE AND PLACE OF BIRTH (TOWN AND COUNTRY), IF THE APPLICANT IS A NATURAL PERSON	
IDENTITY DOCUMENT TYPE	
IDENTITY DOCUMENT NUMBER	
IDENTITY DOCUMENT EXPIRY DATE	
	NO

(*) Requires authorisation from the Holder to be published on the European Union Public Website (EUPW).

2 RECITALS

- I. Whereas in accordance with article 18 of Commission Regulation (EU) No. 389/2013, of 2 May, which establishes the Union Registry in accordance with Directive 2003/87/EC of the European Parliament and of the Council and Decisions No. 280/2004/EC and No. 406/2009/EC of the European Parliament and of the Council, and by which Regulations (EU) No. 920/2010 and No.1193/2011 of the Commission are repealed, (hereinafter, "Registries Regulations"), the Applicant is entitled to request the opening of a business account in the Spanish Area of the Union Registry.
- II. Whereas the Spanish Office for Climate Change, dependent on the Ministry for Ecological Transition and Demographic Challenge, is the competent body with regard to the registry established in the framework

¹ The opening of a person holding account (ES) (Kyoto person holding account) will only be permitted in the following cases:
1 - To receive and transfer units from projects granted by the CDM (*Clean Development Mechanism*);
2 - To receive or transfer non-eligible Kyoto units

² 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](#).

of Directive 2003/87/EC, of 13 October, of the European Parliament and of the Council, which establishes a greenhouse gas emission allowances trading system in the Union, amending Council Directive 96/61/EC (hereinafter, "Directive 2003/87/EC"), and Regulation (EU) No. 525/2013, of 21 May, on the mechanism to monitor and report greenhouse gas emissions and to notify, at national or Union level, other information relevant to climate change, and by which Decision No. 280/2004/EC (hereinafter, "Regulation 525/2013") is repealed, and it exercises its powers in relation to the activity of those accounts opened in the Spanish Area of the Union Registry .

- III. Whereas the Registries Regulation establishes the procedure for opening personal holding accounts in the Union Registry.
- IV. Whereas in accordance with the contract signed in December 2019 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.

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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 a natural person'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 IS UNDERTAKEN TO:

1. Comply with the obligations established in said regulations for holders of personal holding accounts;
2. Appoint the minimum number of authorised representatives provided for in the regulations, and specify their rights of action, in line with **Annex I**;
3. 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;
4. Confirm annually to Iberclear, before 31 December of each year, that the information corresponding to the account continues to be complete, updated and true.
5. Ensure compliance with the Security Rules and Advice by all users that access and perform account actions.
6. 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;
7. 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;
8. 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.

5 APPOINTMENT OF AUTHORISED REPRESENTATIVES AND ADDITIONAL AUTHORISED REPRESENTATIVES

The Applicant designates as Authorised Representatives and Additional Authorised Representatives (if applicable) the persons identified in **Annexes I and II**, respectively, authorising them to carry out the actions provided for in the national and community regulations applicable to the registers established in accordance with Directive 2003/87/EC and Regulation 525/2013 in the terms contained therein.

6 DOCUMENTATION ATTACHED TO THE APPLICATION

The Applicant attaches the following documents to the application:

- I. Annex I (Appointment of Authorised Representative).
- II. Annex II (Additional Authorised Representative).
- III. Annex III (Appointment of Legal Representative).
- III. Annex IV (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. Documentation related to the **natural person** nominated as **holder of** the personal holding account whose opening is requested (**SEE NOTE**):
- 1) Documentation that corroborates that the natural person requesting the opening has a bank account in a Member State of the European Economic Area.
- 2) Documentation that corroborates the identity of the natural person requesting the opening of the account. It could be a copy of one of the following documents:
- a) Identity document issued by a State that is a member of the European Economic Area or of the Organisation for Economic Cooperation and Development;
- b) Passport.
- c) Foreigner ID No.
- 3) Documentation that corroborates the permanent residence address of the natural person. It could be a copy of one of the following documents:
- a) Identity document presented in accordance with the previous point, if it contains the permanent residence address;
- b) Any other identity document issued by the State containing the permanent residence address;
- If the country of permanent residence does not issue identity documents containing the permanent residence address, a statement is required from the local authorities

confirming the permanent residence of the natural person. In the event that the country of residence is Spain, the municipal register must be provided;

- Any other document that is usually accepted in the Member State of the National Administrator as proof of the permanent residence of the natural person.

4) Certificate of criminal record of the natural person.

VI. Documentation related to the **legal person** nominated as **holder of** the personal holding account whose opening is requested (**SEE NOTE**):

1) Documentation that corroborates that the legal entity requesting the opening has a bank account in a Member State of the European Economic Area.

2) Copy of the constitutive acts of the legal entity and copy of the document that certifies the registration of the legal entity. For this purpose, Certification of the Mercantile Registry is provided, expressing the list of registrations of the legal entity, including the articles of association, and in which it is declared that the legal entity is not in the process of liquidation / dissolution, or that it is not dissolved or liquidated;

3) Document certifying the Tax ID No. Failing that, certification of the VAT number must be provided

4) Name, date of birth and nationality of the beneficial owner of the legal entity, as defined in article 3, point 6, of Directive (EU) 2015/849, including the type of ownership and the control it exercises. For this purpose, Certification issued by the Sole Director / Joint and Several Director / Joint Directors / CEO of the legal entity is provided.

5) List of directors of the legal entity. For this purpose, Certification issued by the Sole Director / Joint and Several Director / Joint Directors / CEO of the legal entity is provided, in which the position of the Directors of the legal entity is reported.

6) Financial statements of the legal entity corresponding to the financial year immediately preceding that in which the application is submitted. For this purpose, a certificate is provided from the Mercantile Registry accrediting the approved and deposited financial statements for the financial year immediately prior to that in which the application is submitted;

7) In the event that the above documentation does not emerge, documentation must be provided accrediting the registered office of the legal person account holder;

8) Certificate of criminal records of all people that appear on the list of Directors.

VII. Documentation related to each of the representatives of the Account Holder:

1) Documentation that corroborates the identity of each of the representatives appointed by the of the Account Holder. It could be a copy of one of the following documents:

- a) Identity document issued by a State that is a member of the European Economic Area or of the Organisation for Economic Cooperation and Development;
- b) Passport.
- c) Foreigner ID No.

2) Documentation that corroborates the permanent residence address of each of the representatives appointed by the Account Holder. It could be a copy of one of the following documents:

- a) Identity document presented in accordance with the previous point, if it contains the permanent residence address;

- b) Any other identity document issued by the State containing the permanent residence address;
- If the country of permanent residence does not issue identity documents containing the address of permanent residence, a statement from the local authorities confirming the permanent residence of the representative of the Account Holder. In the event that the country of residence is Spain, the municipal register must be provided.
 - Any other document that is usually accepted in the Member State of the National Administrator as proof of the permanent residence of the representative of the Account Holder.
- 3) Criminal record certificate of each of the authorised representatives of the Account Holder.

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NOTE: All copies 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.**³

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

7 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/>)

³ 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 amending 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.

8 CONFIDENTIALITY

The applicant is aware that all information contained on the European Union Public Website 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.

9 SIGNATURE OF THE APPLICATION

In click to write text, on click to write date

THE APPLICANT

[Legal Representative]

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