**APPLICATION FOR OPENING AND MAINTENANCE OF A MARITIME OPERATOR HOLDING ACCOUNT IN THE SPANISH SECTION OF THE UNION REGISTRY**

**1 IDENTIFICATION OF ACCOUNT HOLDER (hereinafter, the “Applicant” or “Account Holder”)**

|  |  |  |
| --- | --- | --- |
| **Account details**  |  | Publication in SWAPUE\* |
| **REGISTERED COMPANY NAME** | click to write text | YES |
| **NAME OF SHIPPING COMPANY REGISTERED WITH THETIS (SNV) [[1]](#footnote-1)** | click to write text | YES |
| **TYPE OF SHIPPING COMPANY** | Choose an item. | YES |
| **IMO REGISTERED ID NUMBER** | click to write text | YES |
| **TAX IDENTIFICATION NUMBER (NIF/VAT)** | click to write text | YES |
| **LEGAL ENTITY IDENTIFIER (LEI) CODE [[2]](#footnote-2)** | click to write text | YES |
| **NAME OF PARENT COMPANY**  | click to write text | YES |
| **NAME(S) OF SUBSIDIARY COMPANY(IES) (“N/A” IF NONE)** | click to write text | YES |
| **PARENT COMPANY IDENTIFICATION NUMBER (NIF) (“N/A” IF NONE)** | click to write text | YES |
| **REGISTERED OFFICE** | click to write text | YES |
| **POSTCODE** | click to write text | YES |
| **TOWN AND PROVINCE** | click to write text | YES |
| **COUNTRY[[3]](#footnote-3)** | click to write text | YES |
| **LANDLINE PHONE NUMBER (\*)** | click to write text | Select |
| **MOBILE PHONE NUMBER (\*)** | click to write text | Select |
| **EMAIL** | click to write text | Select |
| **DATE AND PLACE OF BIRTH (TOWN AND COUNTRY) IF THE APPLICANT IS A NATURAL PERSON** | click to enter text only if you are a natural person, otherwise skip | NO |
| **TYPE OF IDENTITY DOCUMENT (natural persons)** | click to enter text only if you are a natural person, otherwise skip | NO |
| **IDENTITY DOCUMENT NUMBER (natural persons)** | click to enter text only if you are a natural person, otherwise skip | NO |
| **IDENTITY DOCUMENT EXPIRY DATE (natural persons)** | click to enter text only if you are a natural person, otherwise skip | NO |
| **STATUS OF A TRADING VENUE OR A CENTRAL COUNTERPARTY[[4]](#footnote-4)**  | Choose an item. | YES |

|  |  |  |
| --- | --- | --- |
| **Name(s) and IMO number(s) of the registered shipowner(s) for which the shipping company assumes responsibility for the EU ETS obligations**  | click to write text | NO |
| **Name(s) and IMO number(s) of the person(s) or organisation(s), other than the shipowner, assuming the responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution Prevention (if applicable)** | click to write text | NO |

**2. DETAILS OF CONTACT PERSON FOR MARITIME OPERATOR HOLDING ACCOUNT (OPTIONAL)**

|  |  |  |
| --- | --- | --- |
| **NAME AND SURNAME OF CONTACT PERSON** | click to write text | NO |
| **ADDRESS OF CONTACT PERSON**  | click to write text | NO |
| **TELEPHONE NUMBER OF CONTACT PERSON 1/2**  | click to write text | NO |
| **EMAIL ADDRESS OF THE CONTACT PERSON** | click to write text | NO |

(\*) Requires authorisation of the Account Holder for publication on the public access website of the European Union Registry (SWAPUE)

**3 THE APPLICANT DECLARES AS FOLLOWS**

Commission Delegated Regulation (EU) 2019/1122 on the functioning of the Union Registry (hereinafter, the “Registry Regulation”) provides in its Article 15 bis for an obligation for shipping companies subject to the European Union Emissions Trading System (hereinafter “EU ETS”) to open a maritime operator holding account in the Union Registry.

The Spanish Office for Climate Change, under the Ministry for Ecological Transition and Demographic Challenge, is the competent body for the registry established under Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 introducing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (hereinafter, “Directive 2003/87/EC”), and under Regulation (EU) 2018/1999 of 11 December 2018 on the governance of the Energy Union and Climate Action (hereinafter, the “Governance Regulation”), and exercises its powers in relation to the activity of the accounts opened in the Spanish Section of the Union Registry.

The Registry Regulation sets out the procedure for the opening of maritime operator holding accounts in the Union Registry.

It has been informed that, in accordance with the contract concluded 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, in its capacity as National Administrator responsible for the administration of the Spanish Section of the Union Registry, Iberclear is the entity in charge of providing support services to the National Administrator in relation to the European Emissions Trading System, the Kyoto Protocol and the Paris Agreement during the period 2020–2022.

That the Applicant is aware of and accepts the minimum security standards to be met by users of the Spanish Section of the Union Registry.

**4 THE APPLICANT REQUESTS**

The Spanish Office for Climate Change of the Ministry for Ecological Transition and Demographic Challenge, in its capacity as National Administrator, to open a maritime operator holding account in the Spanish Section of the Union Registry, in accordance with the provisions of the applicable national and Community legislation referred to above and any other applicable regulations.

**5 THE APPLICANT UNDERTAKES TO:**

Comply with the obligations set out in these regulations for holders of maritime operator holding accounts

Appoint the minimum number of authorised representatives required by law and specify their rights to act, as set out in Annex II

Ensure the accuracy of the details provided for the opening and maintenance of the account, notifying Iberclear of any change to such details within ten working days of the change

Confirm annually to Iberclear, before 31 December of each year, that the account information remains complete, updated and true

Ensure compliance with the Security Rules and Advice by all users accessing and performing actions on the account

Ensure access to and use of the account in accordance with the procedures laid down in the rules applicable to the Spanish Section of the Union Registry, in all cases respecting the requirements of good faith

Adopt, under their sole responsibility, all necessary precautions to prevent the loss or theft of access codes and their use by any person other than the user associated with them Notify Iberclear immediately if the access codes are lost or stolen

Pay the fees, if any, established by the regulations in force, in the amounts and within the accrual and payment periods specified in these regulations

**6** **DESIGNATION OF REPRESENTATIVES**

The Applicant appoints as representatives the persons identified in Annexes I and II, specifying in the case of authorised representatives the right to act conferred on each of them to carry out the activities provided for in the applicable national and Community legislation.

**7 DOCUMENTATION ATTACHED TO THE APPLICATION FORM**

**The Applicant attaches** the following documents to this application**:**

|  |  |
| --- | --- |
| I | Annex I (Appointment of Legal Representative) |[ ]
| II | Annex II (Appointment of Authorised Representative) |[ ]
| III | Annex III (Direct debit or transfer order) |[ ]
| IV | Specific powers granted by the Applicant to the legal representative, except in the case of a sole or joint administrator or managing director, in which case only the deed of the corresponding appointment is required. In the case of specific powers, it must be noted that it is essential to follow the attached model power of attorney which specifies the powers to be granted and the manner in which they must be granted. These powers of attorney must be either notarial attestations or copies authorised by a notary. |[ ]
| V | If the account holder is part of a group (parent company as a whole and all of its subsidiaries), a copy of the document clearly indicating the structure of the group. |[ ]
| VI | Documentation confirming the identity of each of the representatives appointed by the Account Holder. This may be a copy of one of the following documents (**SEE NOTE**): |[ ]
|  | 1. Documentation confirming the identity of each of the holding account representatives. This may be a copy of one of the following documents:
 |  |
|  | * Identity document issued by a member state of the European Economic Area or the Organisation for Economic Cooperation and Development
 |  |
|  | * Passport
 |  |
|  | * Foreigner ID No. (NIE)
 |  |
|  | 1. Documentation confirming the permanent residence address of each of the authorised representatives of the holding account. This may be a copy of one of the following documents:
 |  |
|  | * Identity document submitted in accordance with the previous point if it contains the address of permanent residence
 |  |
|  | * Any other identity document issued by the state and containing the address of permanent residence
 |  |
|  | * 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 holding account representative. If the country of residence is Spain, the municipal register must be provided.
 |  |
|  | * Any other document generally accepted in the member state of the National Administrator as proof of the permanent residence of the representatives
 |  |
|  | 1. Criminal record certificate for each of the authorised representatives of the holding account
 |  [ ]   |
| VII | If the shipping company holding the account is an organisation or a person, such as a ship manager or a bareboat charterer, to which/whom the owner has delegated the responsibility for the operation of the ship and which/who, in assuming that responsibility, has agreed to assume all the obligations and responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution Prevention, as set out in Annex I to Regulation (EC) No 336/2006 of the European Parliament and of the Council, and has also assumed responsibility for the obligation to comply with national measures implementing Directive 2003/87/EC and the obligation to surrender allowances in accordance with Articles octies ter and 12 of that Directive (“ETS obligations”), that organisation or person must provide a document clearly indicating that it has been duly authorised by the shipowner to fulfil the ETS obligations. |  [ ]   |
| VIII | If the above paragraph does not apply and the shipping company holding the account is the shipowner, the shipowner must provide a document listing the ships under its responsibility and their respective IMO ship identification numbers.If this list of ships is amended, the shipowner must notify this to the National Administrator within 20 working days and provide the national administrator with an updated document and the name and IMO Unique Company and Registered Owner Identification Number of the new shipping company for each of the ships for which it is no longer responsible. | [ ]  |

**NOTE**: Any copy of a document submitted as documentary evidence in these proceedings must be **certified as true** by a notary.

 Documents issued outside Spain must be legalised **unless Community legislation provides otherwise. [[5]](#footnote-5)**

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

**8** **PERSONAL DATA**

1. **INFORMATION CLAUSE FOR APPLICATIONS FOR ACCOUNT OPENING AND APPOINTMENT AND REPLACEMENT OF REPRESENTATIVES**

**Accounts in the Spanish Section of the Union Registry**

The Ministry of Ecological Transition and Demographic Challenge is committed to complying with current legislation on the processing of personal data and information security in order to ensure that the collection and processing of the data provided is carried out in accordance with Organic Law 3/2018 of 5 December on the Protection of Personal Data and the Guarantee of Digital Rights, and the General Data Protection Regulation (EU) 2016/679 (GDPR). For this reason, we provide below **information on the data** **protection policy** that applies to the processing of personal data arising from account opening and maintenance requests:

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

1. **Data processor:** Sociedad de Gestión de los Sistemas de Registro, Compensación y Liquidación de Valores, S.A.U. (IBERCLEAR)
2. **Purpose of processing:** The personal data included will be used exclusively for the management of the accounts of the Spanish Section of the Consolidated System of European Registries (CSEUR) and will be kept for the period required by the applicable legislation (Law 16/1985 of 25 June on the Spanish Historical Heritage).
3. **Legitimacy of the processing:** The processing is necessary for the performance of a task carried out in the public interest or in the exercise of public powers vested in the controller (Law 1/2005 of 9 March regulating the greenhouse gas emission allowance trading system).
4. **Data recipients**: No data transfers or international data transfers are foreseen**.**
5. **Data processing rights:** In accordance with the provisions of Articles 13 to 18 of Organic Law 3/2018 of 5 December on the Protection of Personal Data and the Guarantee of Digital Rights, and Articles 15 to 22 of the General Data Protection Regulation (EU) 2016/679, you may exercise your rights of access, rectification, erasure and portability of your data, restriction of processing, objection and, where applicable, not to be subject to automated individual decisions, before the Ministry of Ecological Transition and Demographic Challenge, through its electronic headquarters (https://sede.miteco.gob.es). If you consider that your rights have been violated, you may also file a claim for protection with the Spanish Data Protection Agency ([https://sedeagpd.gob.es](https://sedeagpd.gob.es/))

**9. CONFIDENTIALITY** The Applicant is aware that all information contained in the European Union Transaction Log and the Union Registry, as well as any information collected pursuant to 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, is confidential pursuant to Article 80 of the aforementioned act. Notwithstanding the foregoing, the Applicant acknowledges and accepts the exceptions to confidentiality provided for in the aforementioned article and other applicable legislation.

**10. SIGNATURE OF THE APPLICATION**

In click to write text, on click to enter date

THE APPLICANT

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Legal representative]

1. THETIS SNV is the Union’s automated information system managed by the European Maritime Safety Agency and established under Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC.

2 In accordance with the obligations pursuant to Article 26 of Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments. For more information on the obligation to have an LEI code, see the following [link](https://www.miteco.gob.es/es/cambio-climatico/temas/comercio-de-derechos-de-emision/notaoecceua-mifid_final_tcm30-485208.pdf). [↑](#footnote-ref-1)
2. 3 As recorded in the IMO Unique Identification Number system for companies and registered owners. [↑](#footnote-ref-2)
3. [↑](#footnote-ref-3)
4. Only in the case of being a central counterparty (Article 2(1) of Regulation (EU) 648/2012) or a trading venue (Article 4(1)(24) of Directive 2014/65/EU) [↑](#footnote-ref-4)
5. In accordance with Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for the submission of certain public documents in the European Union and amending Regulation (EU) No 1024/2012, certain public documents and their certified copies, as well as certified translations thereof, are exempted from the legalisation requirement if such documents have been issued by an authority of the European Economic Area. [↑](#footnote-ref-5)