



Terms of use concerning detailed technical conditions for opening, managing and closing accounts in the Polish part of the Union Registry

published by the National Centre for Emissions Management on **13.05.2024**, based on Article 12(1) of the Act of June 12, 2015, *on greenhouse gases emissions trading system* (Journal of Laws of 2023, item 589 and 2029) and Article 10(4) of *Commission Regulation (EU) No 2019/1122 of March 12, 2019, supplementing Directive 2003/87/EC of the European Parliament and of the Council concerning the functioning of the Union Registry* (Official Journal of the European Union L 177 of July 2, 2019, p. 3, as amended), hereinafter referred to as the 'Terms of use'.

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The purpose of this Terms of use is to establish detailed technical conditions for opening, managing, and closing accounts in the Polish part of the Union Registry, as well as updating the data stored therein while adhering to the principles of safe use of the information system. Issues related to the functioning of registries other than the Polish part of the Union Registry are beyond the scope of this Regulation.

This Terms of use is not a source of universally binding law, therefore familiarity with its content does not exempt from the obligation to familiarize oneself with the acts of law regulating the functioning of the registry system and emissions trading. Participants in the greenhouse gas emission trading system and users of the Union Registry are obliged to adhere to the principles of using the Union Registry, particularly as specified in the legal acts listed below.

This Terms of use is not updated with every change in the legal status; its purpose is not to provide information on the current legal status. The Terms of use is subject to changes deemed necessary to improve the process of administering accounts in the Polish part of the Union Registry. The current version of the Terms of use can be found on the website https://rejestr.kobize.pl/webdocs/regulamin_en.html. Essential information regarding the Union Registry, including information about planned maintenance breaks in access, is published via the website <https://rejestr.kobize.pl>.

An annex to this Terms of use includes, among other things, the *[Instruction for opening and updating account data in the Polish part of the Union Registry](#)*, which contains information about the documents necessary for opening an account and updating data, as well as requirements regarding the preparation of these documents.

Legal provisions regarding the Union Registry are contained, among others, in the following legal acts of the European Union and national law:

- 1) Commission Delegated Regulation (EU) No 2019/1122 of March 12, 2019, supplementing Directive 2003/87/EC of the European Parliament and of the Council concerning the functioning of the Union Registry (Official Journal of the European Union L 177 of July 2, 2019, p. 3, as amended) (hereinafter referred to as: Delegated Regulation);
- 2) Act of July 17, 2009, on the management of emissions of greenhouse gases and other substances (Journal of Laws of 2022, item 673) (hereinafter referred to as: Act on the management system);
- 3) Act of June 12, 2015, on greenhouse gases emissions trading system (Journal of Laws of 2023, item 589 and 2029) (hereinafter referred to as: Act on the trading system);
- 4) Directive 2003/87/EC of the European Parliament and of the Council of October 13, 2003, establishing a system for greenhouse gas emission trading within the Community and amending Council Directive 96/61/EC (Official Journal of the European Union L 275 of October 25, 2003, p. 32, as amended; Official Journal of the European Union Polish special edition, Chapter 15, Volume 7, p. 631, as amended) (hereinafter referred to as: Directive).

§ 1. Subject of the Terms of use

This Regulation specifies detailed technical conditions for opening and closing accounts in the Polish part of the Union Registry, referred to in Article 4(2) of the Delegated Regulation, hereinafter referred to as the "Registry," as well as managing these accounts, including updating the data stored in the Registry.



§ 2. Definitions used in the Terms of use

- 1) **Administrator** – the National Centre for Emissions Management, referred to in Article 3(1) of the Act on the management system, which acts as the national administrator within the meaning of Article 3(2) of the Delegated Regulation and manages the set of accounts in the Registry;
- 2) **Central Administrator** – the person (or persons) referred to in Article 3(1) of the Delegated Regulation, appointed by the European Commission to operate and maintain the Union Registry, in accordance with Article 4(1) of the Delegated Regulation;
- 3) **Working day** – a working day as defined in Article 3(11) of the Delegated Regulation;
- 4) **EU Login** – the European Commission Authentication System used to verify the identity of the person acting as the Authorized Representative assigned to an account in the Union Registry. The EU Login page is available at: <https://webgate.ec.europa.eu/cas/> ;
- 5) **Units** – emission allowances referred to in Article 3(7) and (8) of the Delegated Regulation, created within the European greenhouse gas emission trading system (EUAs and EUAAs), allowances created within the Swiss greenhouse gases emission trading system (CHUs and CHUAs);
- 6) **Holder** – a natural person, legal person, or organizational unit with legal capacity, maintaining an account in the Registry, as referred to in Article 3(3) of the Delegated Regulation;
- 7) **Account** – an account maintained in the Registry, belonging to one of the following categories of ownership accounts:
 - a) **Installation Account** – an account owned by an operator, as referred to in Article 14 of the Delegated Regulation, assigned to an installation meeting the participation criteria in the greenhouse gas emission trading system, as specified in Annex 1 to the Act on the trading system.
 - b) **Aircraft Operator Account** – an inalienable account owned by an aircraft operator, as referred to in Article 15 of the Delegated Regulation, assigned to an aircraft operator conducting aviation operations covered by the greenhouse gas emission trading system.
 - c) **Maritime Operator Account** - an inalienable account owned by a maritime ship operator, as referred to in Article 15a of the Delegated Regulation, assigned to a shipping company covered by the greenhouse gas emission trading system.
 - d) **Trading Account** – an inalienable account opened in accordance with Article 16 of the Delegated Regulation;
- 8) **Transaction** – a process in the Union Registry, as referred to in Article 3(12) of the Delegated Regulation;
- 9) **Authorized Representative** – a natural person appointed by the Holder in accordance with Article 21 of the Delegated Regulation;
- 10) **Competent Authority** – the authority competent to issue permits, as referred to in Article 52(2) of the Act on the trading system;



11) **Permit** – a decision, as referred to in Article 3(25) of the Act on the trading system.

§ 3. Forms of correspondence delivery

1. Applications, notifications, and other documents referred to in § 4(4)-(8), § 5(1), § 8(6), § 9(2) and (3), § 10(4), and § 12(2) shall be delivered in writing in paper form or electronic form, provided that the Account Holder has consented to such form of delivery and confirms receipt of the document.

2. Applications, notifications and other documents referred to in § 4(1)-(3), § 5(3), and § 6(3) shall be delivered in writing in paper form or in electronic form.

An electronic document addressed to the Administrator should be accompanied by a qualified electronic signature, trusted signature, or personal signature and sent to the email address: rejestr@kobize.pl or to their e-PUAP mailbox.

An electronic document addressed to the applicant, Account Holder, or Authorized Representative should be accompanied by a qualified electronic signature, trusted signature, or personal electronic signature (from Polish eID) and sent to the appropriate email address indicated in the application for opening or updating account data or to the e-PUAP mailbox.

3. Other documents than those mentioned in paragraphs 1 and 2 sent to the Administrator, applicant, Account Holder, or Authorized Representative, especially those specified in § 12(1), may be sent in the manner specified in paragraphs 1 or 2, or to their email addresses, namely: to the address rejestr@kobize.pl, to the addresses of the applicant, Account Holder, or Authorized Representative indicated in the application for opening or updating account data.

§ 4. Opening and Closing of Accounts and Data Update in the Registry

1. Forms of applications for opening an Account, updating data stored in the Registry, and closing an Account are available on the Administrator's website at: <https://formularze.kobize.pl>. Applications and attached documents must meet the requirements specified in the *Instructions for opening and updating account data in the Polish part of the Union Registry* (Annex 1 to this Terms of use), including requirements regarding the validity period of documents and the method of certifying copies of documents.

2. The Account Holder is obliged to submit an application to update data referred to in Annexes III, IV, VI-VIII of the Delegated Regulation no later than within 10 working days from the day of the event causing the change, in the form specified in paragraph 1.

3. The Administrator notifies the applicant of any formal deficiencies found in the application. The applicant shall rectify them within 14 days from the date of receipt of information about the identified deficiencies. After this period, the Administrator may refuse to perform the actions referred to in Article 10(1)(1) of the Act on the trading system.

4. If the documents submitted by the applicant require verification of authenticity or conducting a verification as referred to in Section IV of Annex 3 to the Regulation, or if the Administrator's decision depends on the position taken by other national or European Union authorities or institutions, the deadline for examining the application referred to in Article 21(3) of the Delegated Regulation is extended accordingly, and the Administrator notifies the applicant.



5. If no Transactions have been recorded for the Holding Account within one year, the Administrator, after notifying the Account Holder and the ineffective expiry of the period referred to in Article 28(2) of the Delegated Regulation, initiates the process of closing the Account.

6. In the event that the Holder of the Holding Account is deregistered from the National Court Register or the Central Register and Information on Economic Activity, the Administrator initiates the process of closing the Account, notifying the Holder accordingly.

7. If the Administrator receives information that the Holder of the Holding Account is no longer registered as a taxpayer for goods and services tax on the territory of the Republic of Poland in accordance with Article 96 of the Act of March 11, 2004, on goods and services tax¹, the Administrator requests the Holder to provide documents confirming the continuation of such status within 20 days. After the ineffective expiry of the deadline, the Administrator initiates the process of closing the Account.

8. If Units are held on the Account being closed, the Administrator requests the Holder to specify another Account to which the Units are to be transferred. In the event of no response within 40 working days from the date of delivery of the relevant letter, the Administrator shall carry out the actions referred to in Article 29 of the Delegated Regulation.

§ 5. Managing Accounts

1. If the Administrator receives information:

- 1) that data subject to mandatory update, including data contained in the Permit, are incomplete, outdated, inaccurate, or untrue, or
- 2) about other circumstances specified in Article 30(2) of the Delegated Regulation,
 - access to the Account is suspended, and the Account Holder is asked to provide explanations or to supply current documents, or applications. Upon obtaining current documents or applications, or upon receiving appropriate explanations, the Administrator restores access to the Account.

2. The Transaction history of the Installation Account is part of the information stored in the Account and is accessible to each current Holder of the Installation Account.

3. Upon the request of the purchaser of the legal title to the installation, as referred to in Article 61(2) of the Act on the trading system, or the previous Holder, the Administrator suspends access for Authorized Representatives to the Installation Account.

§ 6. Account Holder

1. The Administrator identifies the Holder of the Installation Account based on the Permit or the last valid Permit, subject to Article 61(2a) of the Act on the trading system.

2. The Holder appoints two to eight natural persons as Authorized Representatives for each of the Accounts, granting them rights in accordance with the indications arising from Article 20(2) of the Delegated Regulation.

¹ (Journal of Laws of 2024, item 361)



3. The Holder promptly provides the Administrator with any information regarding changes in data concerning Authorized Representatives submitted to the Administrator in accordance with Article 21(2) of the Delegated Regulation, especially information about phone number and email address.

4. Failure by the Holder to notify the Administrator of a change in the address of its registered office or place of residence and email address results in the acceptance that sending a letter by the Administrator to the previous address or email address has the legal effect of delivery, even if not received by the Holder.

5. The Holder should regularly monitor communications regarding the Union Registry posted on the Administrator's website (<https://rejestr.kobize.pl>).

§ 7. Authorized Representative

1. The Authorized Representative performs activities, especially Transactions, on the Account belonging to the Holder on their behalf and for their benefit.

2. The Authorized Representative adheres to [*the Security requirements for users of the Union Registry IT System*](#) (attached as Annex 2 to this Terms of use) and to the Union Registry User Manual, which is provided by the Administrator after granting access to the Account.

3. The Authorized Representative should regularly monitor information regarding the Union Registry posted on the Administrator's website (<https://rejestr.kobize.pl>).

4. If a user in the Registry is no longer assigned to any open Account, the Administrator may withdraw the access.

§ 8. Restricting access to the Account

1. The request to suspend access to the Account for an Authorized Representative can be submitted by:

- 1) the Holder or their Authorized Representative,
- 2) the authority conducting securing, enforcement, or criminal proceedings – based on applicable regulations

- via email to the address rejestr@kobize.pl. Confirmation of such request to suspend access to the Account for the Authorized Representative must be submitted within 7 days in writing in the form indicated in § 3(2).

2. If the Authorized Representative suspects that third parties may have gained access to their individual password for the EU Login system or to the portable device used for logging in, thereby potentially accessing the Account in the Registry, they should immediately notify the Administrator by phone - calling +48 22 833 24 84.

3. The Holder and Authorized Representatives assigned to the Account, in case of obtaining information about unauthorized access to the Account or an attempt to gain such access, are obliged to report this fact to the Administrator immediately, by phone - calling +48 22 833 24 84 or by email - at rejestr@kobize.pl, and then send confirmation of the report to the Administrator in writing in the form indicated in § 3(2).



4. In case of suspicions regarding the authenticity of the source of the received electronic message, whose content or title may indicate a connection with the use of the Registry, especially attempts to solicit logins or passwords for EU Login associated with the Account in the Registry, the Administrator should be immediately notified - by phone, calling +48 22 833 24 84 or by email at rejestr@kobize.pl.

5. In cases mentioned in paragraphs 2 and 3, the Authorized Representative is obliged to immediately block their access to the Registry in accordance with the instructions contained in the "User's account deactivation" chapter in the "Union Registry User Manual" and inform the Administrator about the nature of the security breach.

6. In cases mentioned in paragraphs 1-4, the Administrator may suspend access to the Account, notifying its Holder accordingly.

§ 9. Transactions

1. If a Transaction has been created erroneously or illegally, the Authorized Representative, in accordance with Article 35(5) or (6) of the Delegated Regulation, has the right to cancel the Transaction no later than 2 hours before its completion or to request assistance from the Administrator.

2. If the interruption of the Transaction, as referred to in paragraph 1, occurs in connection with suspicion of abuse, the Account Holder immediately reports this fact to the competent national law enforcement authority. The Account Holder provides a copy of the report to the Administrator within 7 working days.

3. A Transaction finalized in accordance with Article 74 of the Delegated Regulation is final and irreversible. The withdrawal of a finalized Transaction, initiated unintentionally or erroneously, may be carried out in the written request of the Holder, submitted to the Administrator in accordance with Article 58(1)-(3) of the Delegated Regulation and in cases indicated therein.

4. In justified circumstances, the Administrator carries out the request of the Holder or Authorized Representative to initiate or approve Transactions if they do not have access to the Registry due to technical reasons or other reasons beyond their control, and if the transfer is to be done between Accounts belonging to the same Holder or to an Account that is a national account, an EU allocation account or a Union deletion account, provided that the source Account has a sufficient number of Units of the given type, and the transfer is objectively possible within the deadline specified in the request.

5. The Holder or Authorized Representative submits the request referred to in paragraphs 1 and 4 via email to rejestr@kobize.pl, and then sends confirmation of this application to the Administrator in writing in the form indicated in § 3(2).

6. Transactions carried out between the Union Registry and the Swiss registry are processed according to the schedule published by the European Commission.

7. In the case of a Transaction executed between two accounts, one of which is outside the Polish part of the Union Registry, it is necessary to familiarize oneself with the terms of executing Transactions specified by the administrator of the other party's account.



§ 10. Fees

1. Holders, referred in article 8 (3) and (4) and article 9 (2) of Act on the trading system, and entities applying for the opening of those Accounts in the Registry are obliged to pay fees in the amount and within the deadlines specified in Article 13 of the Act on the trading system.
2. The fees referred to in paragraph 1 are paid to the account of the National Fund for Environmental Protection and Water Management in Warsaw (BGK III/o Warsaw account number: 22 1130 1062 0000 0109 9520 0012). The transfer title should include information about the Account number, if the Account has already been created.
3. The Administrator may suspend the opening of the Account until proof of payment of the Account opening fee is provided.
4. The Administrator may suspend access to the Account in case the annual fee for the Account is not paid, notifying the Holder accordingly.

§ 11. Limited liability of the Administrator

1. The Administrator shall not be liable for damages resulting directly or indirectly from the Holder or their designated Authorized Representatives' violation of applicable law or provisions of the Regulations, as well as for damages resulting from providing incorrect information when initiating Transactions on the Account.
2. The Administrator shall not be liable for the operation of the EU Login system and the Union Registry.
3. The Administrator shall not be liable for damages resulting from technical interruptions in the operation of the Union Registry or any other information and communication technology system connected to it.

§ 12. Amendments to the Terms of use

1. In the event of changes to the Terms of use, the Administrator publishes the amended Terms of use on the website <https://rejestr.kobize.pl> and sends relevant information about the changes to Holders and Authorized Representatives.
2. If the Holder does not accept the changes in the Terms of use, they shall immediately, no later than 14 days from the date of publication of the amended Terms of use, notify the Administrator of their disagreement with the changes.
3. In the event described in paragraph 2, the Administrator suspends access of all Authorized Representatives to the respective Account.

§ 13. Transitional and repealing provisions

The Terms of use on the detailed technical conditions for opening accounts in the Polish part of the Union Registry, managing them, and closing them, published on December 30, 2020, based on Article 12(1) of the Act on greenhouse gases emissions trading system and Article 10(4) of Commission Regulation (EU) No 2019/1122, shall cease to be effective upon the entry into force of this Terms of use.



§ 14. Entry into force

The Terms of use enters into force on 01.06.2024.

Attachments to the Terms of use

1. *Instructions for opening and updating Account data in the Polish part of the Union Registry.*

The document is available at: https://rejestr.kobize.pl/webdocs/instrukcja_en.html.

2. *Security requirements for users of the Union Registry IT System*

The document is available at: https://rejestr.kobize.pl/webdocs/zasady_bezp_en.html.

3. *Information on the processing of personal data in connection with the administration of the Polish part of the Union Registry*

The document is available at: https://rejestr.kobize.pl/webdocs/rodo_en.html.