

ELIGIBILITY OF CERTAIN MARKET INTERMEDIARIES TO PARTICIPATE TO THE AUCTIONS

List of Member States and EEA-EFTA States Implementation of Articles 18(2) and 18(3) of Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances ("the Auctioning Regulation")

(Last update 1 June 2018)

Member States and EEA-EFTA States implementation of Article 18(2) of the Auctioning Regulation

Art.	Art. 18(2)	Art. 18(2)	Art. 18(2)	Art. 18(2)	Art. 18(2)
MS / EEA-EFTA	Is implementation in national law and/or regulatory measures required in order to apply this Article?	If yes, does the Member State intend to put in place the required implementation?	Date foreseen for the entry into force of the required implementation [mm/yy]	Entered into force on [dd/mm/yy]	Reference law and additional information
AT	YES	NO			
BE	YES			03/01/2018	Law of 21 November 2017 on Market Infrastructures and transposing Directive 2014/65 / EU . Belgium has fully transposed the exemptions of MiFID II, and notably Article 2.1, e) and j) and the persons being exempted and fulfilling the conditions of these exemptions are authorized to act on the regulated markets
BG	YES				Climate Change Mitigation Act http://www.moew.government.bg/en/climate/legislation/ (promulgated, State Gazette No. 22/11.03.2014, effective 11.03.2014, last amended SG No. 85/24.10.2017). According to Art. 53 (1), item 2 and 3 of Climate Change Mitigation Act: 2. investment intermediaries, licensed pursuant to Article 13, Paras. 1 and 4 of the Markets in Financial Instruments Act and 3. banks, licensed pursuant to Article 2, Paragraph 2, item 9 of the Credit Institutions Act when bidding for auctioned products are eligible to apply for admission to bid directly in auctions.
CY	NO				Currently there is no trading platform in Cyprus for greenhouse gas emission allowances
CZ	YES	NO			
DE	YES	YES		13/12/11	§ 8 paragraph 4 of the German Greenhouse Gas Emissions Trading Act ("Treibhausgas-Emissionshandelsgesetz"); http://www.gesetze-im-internet.de/tehg_2011/
DK	YES	YES	01/07/2012	01/07/12	The article is now implemented in section 343 v in the Danish Financial Business Act (lov om finansiel virksomhed).
EE	YES	YES		01/08/2013	Amendment of the Ambient Air Protection Act
EL	YES	Under consideration			
ES	YES	Under consideration			A final decision on the implementation of this article in national law has not been taken
FI	YES				
FR	YES	YES	01/12/2012	30/06/2012	Reference law passed in June 2012: "Ordonnance n° 2012-827 du 28 juin 2012 relative au système d'échange de quotas d'émission de gaz à effet de serre (période 2013-2020)" articles 21 to 23
HR	YES				Capital Market Act
HU	NO			29/06/2013	Reference law passed on 29th June 2013: 11§(3) and 33§(1) I) of the Act CXXXVIII of 2007 on Investment Firms and Commodity Dealers, and on the Regulations Governing their Activities
IE	YES	YES	01/12/2012	01/12/2012	SI No. 490 of 2012 - European Communities (Greenhouse Gas Emissions Trading) Regulations 2012
IT	YES				
IS	YES				
LI	YES				
LT	YES	YES	Beginning of 2013	Not available	Institutional changes within Lithuanian governmental system resulted in delay of the implementation of Article 18(2)
LU	YES				
LV	YES				
MT	YES	Yes		02/05/2014	Regulation 1(2) of Subsidiary Legislation 370.28, 'Investment Services Act (Access to Emissions Allowance Auction) Regulations' of 2 May 2014
NL	YES	YES		17/05/2013	Decree of 1 May 2013 so as to amend Decree implementation EU Regulations Financial markets in relation to the implementation and upholding of Regulation (EU) nr 1031/2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances
NO	NO			01/07/2013 and 01/11/2007	Law no. 2013-06-14-34 "Lov om finansieringsvirksomhet og finansinstitusjoner" and Law no. 2007-06-29-75 "Lov om verdipapirhandel".
PL	YES				
PT	YES	Under consideration			

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MS / EEA-EFTA	Is implementation in national law and/or regulatory measures required in order to apply this Article?	If yes, does the Member State intend to put in place the required implementation?	Date foreseen for the entry into force of the required implementation [mm/yy]	Entered into force on [dd/mm/yy]	Reference law and additional information
RO	YES	YES	30/01/13	30/01/2013	I. 30 January 2013 - Romanian Energy Regulatory Authority (ANRE) Order no. 2/2013 to approve the Regulation for authorizing non-financial market intermediaries (electricity and natural gas suppliers) to participate to the auctions on the common auction platform, according to Commission Regulation (EU) no. 1031/2010, on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community. The RERA (ANRE) Order no. 2/2013 has been published in the Official Romanian Gazette (MO no. 64/30.01.2013) and entered into force on the day of its publication. II. Law no. 160/2012 regarding the organization and functioning of the Romanian Energy Regulatory Authority (ANRE).
SE	YES	NO			
SI	YES	YES			Decree implementing the Regulation (EU) on auctioning of greenhouse gas emission allowances
SK	YES				
UK	YES	YES		27/07/2012	Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2012 Prevention and suppression of terrorism proceeds of crime, The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) Order 2012 No. 1534 FSA policy statement CP12/6 Regulating bidding for emissions allowances under Phase Three of the EU Emissions Trading Scheme: http://www.fsa.gov.uk/library/policy/policy/2012/12-12.shtml
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Member States and EEA-EFTA States implementation of Article 18(3) of the Auctioning Regulation

Art.	Art. 18(3)	Art. 18(3)	Art. 18(3)	Art. 18(3)	Art. 18(3)
MS / EEA-EFTA	Is implementation in national law and/or regulatory measures required in order for intermediaries to be eligible to bid on behalf of clients for spot auction products under this Article?	If yes, does the Member State intend to put in place the required implementation?	Date foreseen for the entry into force of the required implementation [mm/yy]	Entered into force on [dd/mm/yy]	Reference law and additional information
AT	YES	YES		01/01/13	BGBl. I 2012/119
BE					Under consideration
BG	NO				Climate Change Mitigation Act http://www.moew.government.bg/files/file/Climate/Climate_Change_Policy_Directorate/Climate_Change_Mitigation_Act.pdf (promulgated, State Gazette No. 22/11.03.2014, effective 11.03.2014, last amended SG No. 56/24.07.2015). According to Art. 53 (2) of Climate Change Mitigation Act, the persons referred to in Paragraph 1, items 2 and 3 may bid for auctioned products that are not financial instruments provided that they are duly authorised to do so by the competent supervisory bodies in compliance with the requirements of Article 59 of Regulation (EU) No. 1031/2010. According to Art. 53 (1), item 2 and 3 of Climate Change Mitigation Act: 2. investment intermediaries, licensed pursuant to Article 13, Paras. 1 and 4 of the Markets in Financial Instruments Act and 3. banks, licensed pursuant to Article 2, Paragraph 2, item 9 of the Credit Institutions Act when bidding for auctioned products are eligible to apply for admission to bid directly in auctions. Regulation and supervision of the activities of the investment intermediaries are carried out by the Financial Supervision Commission in accordance with the provisions of Markets in Financial Instruments Act (http://www.bnb.bg/bnbweb/groups/public/documents/bnb_law/laws_creditinstitutions_en.pdf) and Bulgarian National Bank Act (http://www.bnb.bg/bnbweb/groups/public/documents/bnb_law/laws_bnb_en.pdf).
CY	YES	NO			Implementation is under consideration
CZ	YES	NO			
DE	YES	YES		13/12/11	§ 8 paragraph 4 of the German Greenhouse Gas Emissions Trading Act ("Treibhausgas-Emissionshandelsgesetz"); http://www.gesetze-im-internet.de/tehg_2011/
DK	YES	YES	01/07/2012	01/07/12	The article is implemented in the Executive order no. 920 of 26/06/2017 on the instruments and contracts other than those listed in Annex 5 of the Financial Business Act, banks and investment firms may perform services with (bekendtgørelse om hvilke instrumenter og kontrakter ud over dem, der er nævnt i bilag 5 til lov om finansiel virksomhed, som pengeinstitutter og fondsmæglerselskaber må udføre aktiviteter med)
EE	YES	YES		01/08/2013	Amendment of the Ambient Air Protection Act which entered into force 01.08.2013 and which is replaced by the Atmospheric Air Protection Act which entered into force in 01/01/2017
EL	YES	Under consideration			
ES	YES	YES		13/11/15	Royal Legislative Decree 4/2015, of October 23, approving the consolidated restated text of the Law of Stock Market.
FI	YES	YES		01/05/2011	Emission trade Act 311/2011
FR	YES	YES	01/12/2012	30/06/2012	Reference law passed in June 2012: "Ordonnance n° 2012-827 du 28 juin 2012 relative au système d'échange de quotas d'émission de gaz à effet de serre (période 2013-2020)" Modification of the template files for authorization of the ACP (French prudential supervisory authority) on 13th Dec 2012
HR	YES	YES			Capital Market Act
HU	NO			29/06/2013	Reference law passed on 29th June 2013: 11§(3) and 33§(1) I) of the Act CXXXVIII of 2007 on Investment Firms and Commodity Dealers, and on the Regulations Governing their Activities
IE	YES	Yes	01/12/2012	01/12/2012	SI No. 490 of 2012 - European Communities (Greenhouse Gas Emissions Trading) Regulations 2012
IT					
IS					
LI					
LT	YES	YES	Beginning of 2013	Not available	Institutional changes within Lithuanian governmental system resulted in delay of the implementation of Article 18(3)
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MT	Yes	Yes		02/05/2014	Regulation 1(2) of Subsidiary Legislation 370.28, 'Investment Services Act (Access to Emissions Allowance Auction) Regulations' of 2 May 2014 and Regulation 1(2) of Subsidiary Legislation 371.14, 'Banking Act (Access to Emissions Allowance Auction) Regulations of 2 May 2014
NL	YES	YES		17/05/2013	Decree of 1 May 2013 so as to amend Decree implementation EU Regulations Financial markets in relation to the implementation and upholding of Regulation (EU) nr 1031/2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances
NO	NO			01/07/2013 and 01/11/2007	Law no. 2013-06-14-34 "Lov om finansieringsvirksomhet og finansinstitusjoner" and Law no. 2007-06-29-75 "Lov om verdipapirhandel"
PL					
PT	YES	Under consideration			
RO	YES	YES		I. 28 December 2011 - the Emergency Government Ordinance no. 115/2011 has been published in the Official Romanian Gazette (and entered into force on the day of its publication) II. 15 October 2012 - Law 167/2012 has been published in the Official Romanian Gazette (and entered into force on the third day after its publication) III. 28 December 2012 - RNSC (CNVM) Regulation no. 12/2012 has been published in the Official Romanian Gazette (and entered into force on the day of its publication)	I. According to the Emergency Government Ordinance no. 115/2011, the Romanian National Securities Commission (CNVM) was designated the competent authority for issuing authorization according to Article 18 (3) of Regulation (UE) no. 1031/2010. II. Law no. 167/2012 established the legal framework that will allow the entities mentioned in Article 18 (1) letter b) to be eligible for the scope of the Auctioning Regulation. Secondary rules implementing the above mentioned law is the RNSC Regulation no.12/2012 published in the Official Romanian Gazette no. 895 on 28 December 2012. III. The powers of the National Securities Commission (CNVM) are now exercised by the Financial Supervisory Authority (ASF) according to art. 1 para (2) of Government Emergency Ordinance No. 93/2012 regarding the establishment, organization and functioning of the Financial Supervisory Authority
SE	NO				As of 3 January 2018, all auctioned products are financial instruments under MiFID II and the Swedish Securities Market Act (2007:528). The national measures that were previously were required to implement this article have therefore been repealed as of the same date.
SI	YES	YES			Decree implementing the Regulation (EU) on auctioning of greenhouse gas emission allowances
SK					
UK	YES	YES		27/07/2012	Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2012 Prevention and suppression of terrorism proceeds of crime, The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) Order 2012 No. 1534 FSA policy statement CP12/6 Regulating bidding for emissions allowances under Phase Three of the EU Emissions Trading Scheme: http://www.fsa.gov.uk/library/policy/policy/2012/12-12.shtml

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CONTACT INFORMATION

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CY	Theodoulos Mesimeris, Senior Environment Officer, Climate Action Unit - Department of Environment, Ministry of Agriculture, Rural Development and Environment.
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ES	Ministerio de Agricultura y Pesca, Alimentación y Medio Ambiente. Oficina Española de Cambio Climático. Subdirección General de Comercio de Emisiones y Mecanismos de Flexibilidad (buzon-sgce@mapama.es) / http://www.mapama.gob.es/es/cambio-climatico/temas/comercio-de-derechos-de-emision/documentacion-y-normativa/default.aspx Ministerio de Economía, Industria y Competitividad. Subdirección General de Legislación y Política Financiera (SecretLegislacion@tesoro.mineco.es)
FI	Ministry of Employment and the Economy, Aleksanterinkatu 36a, Helsinki, Finland, P.P. Box 32, FI-00023 Government
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HR	Ministry of Environmental and Nature Protection, Radnička cesta 80, HR - 10 000 Zagreb, Contact person: Ms Višnja Grgasović, Head of Service for climate activities and Ozone layer protection Ministry of Finance, Katančićeva 5, HR - 10 000 Zagreb - Office for money laundering prevention Croatian Financial Services Supervisory Agency, Miramarska 24b, HR - 10 000 Zagreb
HU	Ministry for National Economy, Honvéd u. 13-15., H-1055 Budapest, Hungary; Contact person: Bence Huba, Head of Department of Sustainable Economic Development, e-mail: bence.huba@ngm.gov.hu ; Mariann Bérci, Head of Unit of Department of Sustainable Economic Development, e-mail: mariann.berci@ngm.gov.hu ; Tímea Torma, desk officer, Department of Sustainable Economic Development e-mail: timea.torma@ngm.gov.hu ; http://www.kormany.hu/hu/nemzetgazdasagi-miniszterium ; http://klima.kormany.hu/
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LI	
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LU	
LV	
MT	Malta Financial Services Authority (www.mfsa.com.mt)
NL	Ministry of Finance, Korte Voorhout 7, The Hague, Telephone number: +31 (0)70 342 80 00 ; Dutch Emissions Authority, P.O. box 91503, 2509 EC The Hague, +31(0)70-456 8050.
NO	Ministry of Finance, Financial Markets Department, 0030 Oslo, Norway, www.regjeringen.no/en/dep/fin/id216/
PL	
PT	
RO	Romanian Energy Regulatory Authority (ANRE) - responsible for the implementation of art. 18 (2), Contact point: anre@anre.ro Tel: +4 021 311 22 44 , Webpage: http://www.anre.ro/ Financial Supervision Authority (ASF) - responsible for the implementation of art. 18 (3), Contact point: reglementari.siif@asfromania.ro , tel. +4 021 659 62 37 Webpage: http://www.asfromania.ro/
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