



Council of the
European Union

Brussels, 6 July 2017
(OR. en)

11042/17
ADD 1

CLIMA 210
ENV 669
ENER 319
TRANS 314
IND 184
COMPET 534
MI 548
ECOFIN 629

COVER NOTE

From:	European Commission
date of receipt:	5 July 2017
To:	General Secretariat of the Council
No. Cion doc.:	D050682/02 - Annexes 1-2
Subject:	ANNEXES to the COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EU) No 1031/2010 to align the auctioning of allowances with Decision (EU) 2015/1814 and to list an auction platform to be appointed by the United Kingdom

Delegations will find attached document D050682/02 - Annexes 1-2.

Encl.: D050682/02 - Annexes 1-2



Brussels, **XXX**
D050682/02
[...](2017) **XXX** draft

ANNEXES 1 to 2

ANNEXES

to the

COMMISSION REGULATION (EU) .../... of XXX

**amending Regulation (EU) No 1031/2010 to align the auctioning of allowances with
Decision (EU) 2015/1814 and to list an auction platform to be appointed by the United
Kingdom**

ANNEXES

to the

COMMISSION REGULATION (EU) .../... of XXX

amending Regulation (EU) No 1031/2010 to align the auctioning of allowances with Decision (EU) 2015/1814 and to list an auction platform to be appointed by the United Kingdom

ANNEX I

In Annex III the following part 4 is added:

'Auction platforms appointed by the United Kingdom

4	Auction platform	ICE Futures Europe (ICE)
	Legal Basis	Article 30(1)
	Term of appointment	From 10 November 2017 at the earliest until 9 November 2022 at the latest without prejudice to the second subparagraph of Article 30(5).
	Definitions	<p>For the purposes of the condition and obligations applying to ICE the following definitions shall apply:</p> <p>(a) 'ICE exchange rules' –means ICE Regulations, including in particular contract rules and procedures relating to the ICE FUTURES EUA AUCTION CONTRACT and the ICE FUTURES EUAA AUCTION CONTRACT;</p> <p>(b) 'exchange member' – means a member as defined in Section A.1 of ICE exchange rules;</p> <p>(c) 'client' – means a client of an exchange member, as well as clients of their clients down the chain, who facilitate the admission of persons to bid and act on behalf of bidders.'</p>
	Conditions	Admission to the auctions shall not be dependent on becoming an exchange member of or a participant in the secondary market organised by ICE or of any other trading place operated by ICE or by any third party.

Obligations	<p>1. ICE shall require that any decisions that have been taken by ICE's exchange members or their clients with respect to granting admission to bid in the auctions, revoking or suspending such admission, regardless of whether the decision is taken with regard to an admission to bid in the auction only or to an admission to bid in the auctions and also become a member of or participant in the secondary market, be communicated to ICE by the exchange members or their clients taking such decisions in the following way:</p> <ul style="list-style-type: none"> (a) in case of decisions refusing to grant admission to bid and decisions revoking or suspending access to auctions, on an individual basis without delay; (b) in case of other decisions, upon request. <p>ICE shall ensure that any such decisions may be subject to examination by ICE with regard to their compliance with the obligations incumbent upon the auction platform under Regulation (EU) No 1031/2010, and that ICE's exchange members or their clients abide by the results of any such examination by ICE. This may include, but not be limited to, recourse to any applicable ICE exchange rules, including disciplinary procedures, or any other action as appropriate to facilitate admission to bid in the auctions.</p> <p>2. ICE shall draw up and maintain on its webpage a comprehensive and up-to-date list of exchange members or their clients that are eligible to facilitate admission to bid in the United Kingdom's auctions on ICE, and such list shall include auction only access providers as set out in the ICE exchange rules, and exchange members or their clients providing admission to bid in the auctions to persons who may also be members of or participants in the secondary market.</p> <p>In addition, ICE shall draw up and maintain on its webpage a readily comprehensible practical guidance informing SMEs and small emitters of the steps they need to take to access the auctions through such exchange members or their clients.</p> <p>3. All fees and conditions applied by ICE and its clearing system to persons admitted to bid or bidders shall be clearly stated, easily understandable and publicly available on ICE's webpage, which shall be kept up-to-date.</p> <p>ICE shall provide that where additional fees and conditions are applied by an exchange member or its client, for admission to bid, such fees and conditions shall also be clearly stated, easily understandable and publicly available on the webpages of those offering the services with direct references to those webpages available on ICE's webpage, distinguishing between fees and conditions which are being applied to persons admitted to bid only in the auctions, if these are available, from fees and conditions applied to persons admitted to bid in the auctions who are also a member of or participant in the secondary market.</p> <p>4. Without prejudice to other legal remedies, ICE shall provide for the availability of the ICE Complaints Resolution Procedures for complaints which may arise in connection with decisions on granting admission to bid in the auctions, refusing to grant admission to bid in the auctions, revoking or suspending admissions to bid in the auctions already granted as more specifically referred to in point 1, taken by ICE's exchange members or their clients, and all such complaints shall be eligible complaints for the purposes of ICE Complaints Resolution Procedures.</p> <p>5. Within six months after the start of the auctions, ICE shall report to the auction monitor, on the coverage obtained under its co-operation model with exchange members and their clients, including the level of geographic coverage obtained. ICE shall take the utmost account of any recommendations provided by the auction monitor, in this regard so as to ensure fulfilment of its obligations under points (a) and (b) of Article 35(3) of Regulation (EU) No 1031/2010.</p> <p>6. ICE shall ensure full compliance with the condition and obligations for its listing which are set out in this Annex.</p> <p>7. The United Kingdom shall notify the Commission of any substantive changes in the contractual arrangements with ICE notified to the Commission. '</p>
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ANNEX II

ANNEX IV

**Adjustments to the volumes of allowances (in million) to be
auctioned in 2013-2020 referred to in Article 10(2)**

Year	Volume of reduction
2013	
2014	400
2015	300
2016	200
2017	
2018	
2019	
2020	