

Bilag 2

E-mail fra Kvoteregisteret til Europa-Kommissionen, 3. juni 2009 kl. 10:46:

“Dear Istvan

In all confidentiality;

Is it legal for the danish registry to write on the registry frontpage that we temporarily (one month from June to July the 17th) stops for opening new PHA?

The reason is that we within the last 10 days have had applications that demand us to rethink what we require of ID etc for PHA openings.

Since October last year we have opened 200 PHA accounts and we have right now around 5-8 requests every day.

With all your experience and with Interpool in mind - could you state what documentation You find is nessecary for an PHA opening?

(no comments from Susanne Petersen yet as she is in S Korea)
Best regards, Hanne Marie”

E-mail fra Europa-Kommissionen til Kvoteregisteret, 4. juni 2009 kl. 05:51:

”Dear Hanne Marie,

If you look at Art 19 (2) below of the RegReg, it is quite clear that you are not allowed to suspend or delay the opening of person holding accounts. Thus the only thing that remains is to make the application process as difficult as possible, and add these requirements to the normal procedure.

Here you have considerable liberty, as the only requirement of the RegReg is that the requirement must be reasonable. Though I intend to collect this information, I dont know yet what the general Member State practice concerning account opening requirements is, but I can suggest a few simple steps to make application less appealing:

- 1) All documentation and correspondence should be in Danish, and any foreign documents must be submitted with an official translation (i.e. a translation where a notary public testifies that the translation is correct.)
- 2) Increase the annual fee for having a person holding account
- 3) Photocopies of documents should only be accepted if testified by notary to be valid.
- 4) Foreign (non-EU) passports should be apostilled with the Foreign Ministry or by the local Danish Embassy, to prove that these are real passports

All this should stop the popularity of the DK registry. I am sure that your in house lawyers would be able to think of other ingenious bureucratic steps to make applications difficult.

regards
Istvan

Article 19

Creation of person holding accounts

1. An application for the creation of a person holding account shall be submitted to the registry administrator of the registry concerned.

The applicant shall provide the registry administrator with the information reasonably required by the registry administrator. That information shall include the information set out in Annex IV.

2. Within 10 days of the receipt of an application in accordance with paragraph 1 or the activation of the communication link between the registry and the Community independent transaction log, whichever is the later, the registry administrator shall create a person holding account in its registry in accordance with the account creation process set out in Annex VIII.

The registry administrator shall not establish more than 99 person holding accounts in any one person’s name in its registry.

3. The applicant shall notify the registry administrator within 10 days of any changes in the information provided to the registry administrator pursuant to paragraph 1. Within 10 days of the receipt of such a notification the registry administrator shall update the person’s details in accordance with the account update process set out in Annex VIII.

4. The registry administrator may require the applicants referred to in paragraph 1 to agree to comply with reasonable terms and conditions addressing the issues set out in Annex V.”

E-mail fra Kvoteregisteret til Europa-Kommissionen, 4. juni 2009 kl. 11:00:

”Dear Istvan

Thank You very much for the answer and the suggestions to creative ways of handling the application process :-)

We will have to do some changes in the near future on this background.

Best regards, Hanne Marie”

E-mail fra Europa-Kommissionen til Kvoteregisteret, 7. juli 2009 kl. 13:00:

”Dear Susanne,

As you may know, at a RegAdmin meeting at the beginning of this year, we discussed the issue of revising person holding account requirements in the RegReg in order to prevent fraud and criminal activities.

Back then, we agreed that I will collect the various PHA opening requirements in the Member States and if appropriate, make proposals to the Member States in the upcoming amendment of the RegReg.

In the light of the foregoing, could I ask you to send me the documentation and other requirements that need to be fulfilled before someone can open PHA in your registry.

I would like to ask you to send this by Wednesday, 8 July, close of business.

(I would prefer it in English, if available)

Thank you very much for your cooperation.

Regards
Istvan”

E-mail fra Kvoteregisteret til Europa-Kommissionen, 8. juli 2009 kl. 12.24:

“Dear Istvan,

Please find below the information currently required to open a PHA. Besides this the account holder has to pay the fee of app. 60 EUR per year and the same for opening the account (invoiced after the opening). If the fee is not paid we close the account.

We have however requested to our developer to make a change of this information to be implemented in our software ASAP. The change includes company name (if company), VAT number and information on where to send the invoice. The need for VAT number is agreed with the Danish TAX authority as the only extra information needed in order to check VAT/TAX fraud.

We have agreed with the Danish TAX authorities that we will - when this change is implemented - check the VAT number in the international VAT-database before opening the account.

Due to Danish legislation the TAX authority have full access to all information in the DK registry and right now we are checking whether we can/need to give the same access to the police.

I hope this is the information you requested.

Regards,
Susanne”

EUROPA - Environment - Kyoto Protocol - Community Registry - Microsoft Internet Explorer provided by Energistyrelsen

https://www.kvoteregisteret.dk/requestPhaManagement.do

Logout

Account Information

Country Identifier : (10 digits)

Account Holder

Country ID - 10 digit (no letters) :

Last Name : First Name :

Address :

Postal Code : City :

Country : All

Main Phone Number : Alternate Phone Number :

Fax Number : Email address :

Primary Authorised Representative

Country ID - 10 digit (no letters) :

Last Name : First Name :

Address :

Postal Code : City :

Country : All

Main Phone Number : Alternate Phone Number :

Fax Number : Email address :

Secondary Authorised Representative

Country ID - 10 digit (no letters) :

Last Name : First Name :

Address :

Postal Code : City :

Country : All

Main Phone Number : Alternate Phone Number :

Fax Number : Email address :

Submit Personal Holding Account Creation Request Reset

Contact | FAQ | Top

Start Energistyrelsen - Microso... EUROPA - Environmen... Indbakke - Microsoft Out... SV: Person holding accou... 12:13

E-mail fra Europa-Kommissionen til Kvoteregisteret, 15. juli 2009 kl. 12:08:

”Dear Susanne,

and where is the requirement to give proof of the identity of the account holder, the PAR and the SAR? This is required in the Annex of the RegReg.

According to the RegReg, they should all send you a copy of a passport or something similar. If you are not requesting this, it is not a surprise that everyone opens accounts in the DK registry.

We have now reviewed a dozen of PHA opening procedures, and the Danish is by far the simplest (and apparently not even fulfilling the minimal conditions of the Regulation.)

So I suggest that you immediately start asking for photocopies of ID cards and passports and retroactively request this from all operators.

Since this is not in line with the Regulation, and considering that it might take some time for you to review your procedures, I would be ready to suspend all account opening in the DK registry until you have correct procedures. If you can however set up the correct procedure within a matter of days, this is probably not necessary.

regards
Istvan”

E-mail fra Kvoteregisteret til Europa-Kommissionen, 17. juli 2009 kl. 8:59:

“Dear Istvan,

As of today the procedures for opening accounts in the Danish Registry has changed, and we now require documentation for the identity of the Account holder, the PAR and the SAR. It has been implemented in the account request procedure as you can see below.

If this for some reason does not correspond with the demands, please let me know.

Further more I will be grateful, if you can provide me with a list of what other requirements, the other registries demand, just for inspiration, as we might include other requirements.

Kind regards,
Susanne”

The screenshot shows a web browser window displaying the Danish emission trading registry website. The browser's address bar shows the URL: <https://www.kvoteregisteret.dk/requestPhaManagement.do>. The page title is "The Danish emission trading registry".

The website features a navigation menu on the left with the following items: Welcome, Account Creation, Request OHA, Request PHA (highlighted), and Public Reports. The main content area contains a login form with fields for "User Name" (containing "speter0") and "Password", and a "Login" button. Below the login form, there is a section for "Account Information" with a text box for "Company Name or Name of the Account Holder".

The "Account Holder" section includes the following fields: Person ID, Last Name, First Name, Address, Postal Code, City, Country (a dropdown menu set to "All"), Main Phone Number, Alternate Phone Number, Fax Number, and Email address.

The "Primary Authorised Representative" section includes fields for Person ID and Last Name/First Name.

At the bottom of the page, there is a footer with the text: "Please forward documentation (copy of passport or identity card or for companies the VAT-registration) for the Account Holder, the Primary and the Secondary Account representative by e-mail to: co2register@ens.dk. The account request will not be approved until this information is received. Please also note, that the primary and secondary account representative must be two different people with different country identifiers and e-mail addresses." A "Contact" link is also visible in the top right corner.