

Terms and conditions for use of the Danish Emission Trading Registry

January 2010

Legal basis and rules on running the Registry

Any use of the Registry, and its organisation and operation, must be in accordance with Commission Regulation (EC) No 916/2007 of 31 July 2007 amending Regulation (EC) No 2216/2004 for a standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council; Commission Regulation (EC) No 994/2008 of 8 October 2008 for a standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council; as well as Act no. 348 of 9 May 2008 on Danish CO₂ allowances (the Danish CO₂ Allowances Act) and Executive Order no. 118 of 27 February 2008 on the Danish Emission Trading Registry and CDM and JI projects and credits.

Fees

Companies covered by the Danish CO₂ Allowances Act must pay a fee of DKK 0.26 per free allowance allocated for accounts linked to installations covered (operator holding account).

For accounts not linked to installations covered by the Act (personal accounts), a fee of DKK 600 is charged for establishing the account, followed by an annual fee of DKK 600.

Any non-paid fees are placed for collection. Furthermore, the Danish Emission Trading Registry is entitled to close down accounts where fees have not been paid on time, cf. section 4(2) of Executive Order no. 118 of 27 February 2008.

The fees are to pay for the Danish Energy Agency's operation of the Registry and services to account holders.

IT requirements

In order to use the Danish Emission Trading Registry, you need access to the internet with minimum Internet Explorer v5.5, Netscape v6.1. You will have access to the Registry via the website of the Danish Energy Agency at www.ens.dk.

Security

The Danish Emission Trading Registry complies with the EU and UN security requirements for emission registries.

Any person or entity registered as a user of the Registry will receive a unique user name and password.

Account holders and users must ensure that their user name and password will not become known to unauthorised persons. If an account holder discovers that an unauthorised person has gained access to an account, the account holder must immediately contact the Registry Administrator in order to change the password.

If you have the Danish Emission Trading Registry open and you have to leave your computer, you should log out of the system so that unauthorised persons cannot gain access to your account in the Registry. The Registry automatically cuts off connection if access has not been active for some time. After this you have to log on again using your user name and password.

Of course, the Danish Emission Trading Registry tries to avoid virus and similar in the Registry, but at all events it is advisable to have a virus scanner installed on your own computer.

Information from the Registry to the users

All primary and secondary account holders will be directly informed by email about important news. News is also available from the log on page of the Registry.

The registry administrator may contact the account holder by letter to the address stated by the account holder or by email to the email address stated by the account holder for the account holder and his/her authorised representatives. The registry administrator shall not be responsible for any incidents due to the fact that the account holder or his/her authorised representatives could not be reached at the addresses or email addresses provided.

Conditions for the ID information and documentation to be forwarded when applying for the creation of an account in the Danish Emission Trading Registry

When applying for the creation of a person holding account (PHA) in the Danish Emission Trading Registry the Applicant shall provide the registry administrator with the information and documents stipulated in Annex 1.

The Applicant is responsible for the correctness of the information and the authenticity of the documents submitted to the Danish Emission Trading Registry.

An application for the creation of an account in the Danish Emission trading Registry will not be considered received by the registry administrator until all required information and documents have been received via the Registry website.

The Applicant is responsible for the readability of the forwarded documents and that the PDF files are undamaged and can be read by the registry administrator.

If the Applicant is not able provide one or several of the requested documents when applying for the creation of a person holding account in the Registry, the registry administrator can be contacted by email to: CO2register@ens.dk in order to clarify what alternative documentation is acceptable.

When handling an application for the creation of a person holding account in the Registry, the administrator may request supplementary documentation if necessary in the individual case.

Handling of personal data

The Danish Emission Trading Registry has a duty to publish certain pieces of information from the Registry. The following information is published:

- Account Holder's name, address, postal code, city, country, phone no., fax no., email address,
- Name, homeaddress, phone no., fax no and email address of Primary and Secondary Authorised Representatives, unless the accountholder has requested that this information is kept confidential
- The holding of allowances and credits for account five years previously (the holding in 2005 will be published in 2010).

The Danish Emission Trading Registry reserves the right, if necessary, to pass on data on personal information to other EU Emission Trading Registries, Tax Authorities the police among others according to the Declaration of Consent. By signing the Declaration of Consent form the Authorised Representative accepts that the information may be passed on to regulatory authorities, the police and courts of other

countries.

Information given to the Registry in connection with opening of an account will be subject to the data processing required in the Registry, cf. Commission Regulation (EC) No 916/2007 of 31 July 2007.

Access to information from the Registry

The Registry Administrator at the Danish Emission Trading Registry has complete access to all information in the Registry but is subject to a duty of confidentiality.

In addition, the Danish Minister for Taxation has access to all information in the Registry, necessary in order to perform his duties.

Duty of account holders to provide information about changes

If there is a change in the information given to the Registry Administrator in connection with the opening of an account, the account holder must inform the Registry Administrator about this within ten days. The account holder will do this by updating the information in the Registry as well as by sending the required documentation for this information to the Danish Emission Trading Registry, as can also be seen in Annex 1.

The Registry Administrator is obligated to inform the account holder about establishing, updating or closing the relevant person's account.

The account holder shall notify the registry administrator within 10 days of any changes in the information provided to the administrator when applying for the creation of an account

Obligation of the account holder to keep up to date with new editions of these terms and conditions

Account holders and users of the Registry are obligated to keep up to date with any changes in these terms and conditions. The most recent edition of the terms and conditions can be found at the website of the Danish Energy Agency at any time; www.ens.dk.

The Danish Emission Trading Registry's right to block an account

In case the registry administrator finds that the account holder has provided incorrect or insufficient information when applying for the creation of an account in the Registry, the registry administrator may temporarily close/suspend the account until the matter is investigated and clarified. The same applies if the registry administrator finds that the account holder has not notified the Registry within 10 days of any changes in the information provided, see above.

Liability of the Danish Emission Trading Registry

The Registry Administrator is not responsible for errors and delays caused by system failure or other circumstances beyond the control of the Registry Administrator. Other than that, the common rules on liability for damages of Danish law are applicable.

Guidance on using the Registry

The most recent edition of the guide can be found at the website of the Danish Energy Agency, www.ens.dk. The guide includes information about how to ensure timely surrender of allowances in the event that there is no electronic access to the Registry.

ANNEX 1

ID information and documentation

Individuals:

A. Master data:

If the applicant is an individual, the applicant shall submit information of his/her personal name, entity name, permanent address, telephone number, fax number, if any, email address, VAT number, if any (a requirement if the entity is established in the EU). Individuals having a civil registration number (In Denmark CPR no.) shall state such number.

Information shall be submitted of the personal names of the authorised representatives as well as information of their addresses, telephone numbers, fax numbers, if any, and email addresses. Individuals having a civil registration number (In Denmark CPR no.) shall state such number.

B. Data of Primary and Secondary Authorised Representatives

Apart from the data entry on the website of the Danish Emission Trading Registry, the information of the authorised representatives shall be submitted on a form signed by the representatives (link) that should be scanned and forwarded to the registry administrator simultaneously with the application for creation of the account. The authorised representative consents with his/her signature on the form that the information is included in the Emission Trading Registry and may be supplied to other public authorities, including the tax authorities, in the normal course of work of the authorities.

C. Passport or other official ID

The above information shall be accompanied by a readable scanned colour print of the current passport of the authorised representatives, or for EU citizens, a current driving license or official picture ID. The correctness of the copy shall be certified by the issuing authority, an embassy, a consulate or by a lawyer or notary of the country of issue.

The certified copies shall include a statement in Danish or English from the certifying authority/individual:

"I refer to the rules for application for setting up an account in the Danish Trading Emission Registry and by my signature below I certify that this document is a true copy of the original."

The certifying authority/individual shall also directly at the copy state his/her personal name, name and title of the signor, the address of the authority/entity and other relevant contact information, including telephone number, fax number and email, if any.

Legal entities:

A. Master data:

When applying for the creation of a person holding account, a legal entity shall submit information of name, permanent home address, telephone number, fax number, if any, email address, VAT number, if any (a requirement if the entity is established in the EU).

B. Information of legal form and instrument of foundation.

Legal entities shall also provide information of their legal form and forward a readable scanned colour print in PDF format of the articles of association, trust deed, instrument of foundation or similar. The document(s) shall contain information of the entities authorised officer(s) who can sign for the legal person. The correctness of the copy/copies shall be certified by the issuing authority, an embassy, a consulate or by a lawyer or notary of the country of issue.

The certified copies shall include a statement in Danish or English from the certifying authority/person:

"I refer to the rules for application for setting up an account in the Danish Trading Emission Registry and by my signature below I certify that this document is a true copy of the original."

The certifying authority/person shall also in the copy document state the name of the authority/person, name and title of the signor, the address of the authority/entity and other relevant contact information, including telephone number, fax number and email, if any.

C. Certificate of registration

Legal entities shall also provide copy of a certificate of registration from a national commerce register or companies house or documentation of registration for VAT or business tax in the country where the legal entity is established. The certificate shall include a registration number and the business address of the legal entity. The document shall be a readable color copy in PDF format. The correctness of the copy/copies shall be certified by the issuing authority, an embassy, a consulate or by a lawyer or notary of the country of issue.

As an attachment to the authorised copy the legal entity shall submit an authorised translation of the document into English.

The certified copies shall include a statement in Danish or English from the certifying authority/person:

"I refer to the rules for application for setting up an account in the Danish Trading Emission Registry and by my signature below I certify that this document is a true copy of the original."

The certifying authority/person shall also in the copy document state the name of the authority/person, name and title of the signor, the address of the authority/entity and other relevant contact information, including telephone number, fax number and email, if any.

D. Information of ownership. Legal entities shall also provide information of their control and ownership structure in a document prepared in Danish or in English. As a minimum the information should state who directly or indirectly owns, controls or exercises influence/voting rights over 25% of the shares (or more).

However, the information of ownership is not to be provided if the legal person is listed on a regulated market as defined in Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing. In the latter case the legal entity shall provide relevant documentation that the company is listed on a regulated market.

E. Data of Primary and Secondary Authorised Representatives.

For the authorised representatives of the legal entity information is required of their permanent addresses, telephone numbers, fax numbers, if any, and email addresses. Representatives having a civil registration number (In Denmark CPR no.) shall state such number.

Apart from the data entry on the website of the Danish Emission Trading Registry, the information of the authorised representatives shall be submitted on a form signed by the representatives that should be scanned

and forwarded to the registry administrator simultaneously with the application for creation of the account. The authorised representative consents with his/her signature on the form that the information is included in the Emission Trading Registry and may be supplied to other public authorities, including the tax authorities, in the normal course of work of the authorities.

The above information shall be accompanied by a readable scanned colour print of the current passport of the authorised representatives, or for EU citizens, a current driving license or official picture ID. The correctness of the copy shall be certified in accordance with the guidelines stipulated above.

If the legal entity is not able to provide one or several of the documents stipulated above, the registry administrator can be contacted by email to: CO2register@ens.dk to clarify what alternative documentation is acceptable.