

Questionnaire on the implementation of Directive 2003/87/EC

AUSTRIA

1. DETAILS OF INSTITUTION SUBMITTING THE REPORT

1. Name of contact person: Dr. Gertraud Wollansky
2. Official title of contact person: Deputy Director
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2. COMPETENT AUTHORITIES

Questions 2.1 and 2.2 are to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period.

- 2.1. Please state the name and the abbreviation of the competent authorities which are involved in the implementation of the emissions trading scheme in your country.

In answering this question, use the table below. Add further rows if necessary.

Name	Abbreviation	Contact details
Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management, Division V/4 - Air soil and climate change	BMLFUW	Dr. Gertraud Wollansky (s. above)
CA responsible for the permitting of the installation (local administrative bodies, in some cases federal state governments)	Local permitting authority	

- 2.2. Please indicate which competent authority is responsible for each of the tasks listed in the table below using their abbreviations.

Please indicate the abbreviation of the competent authority which is in charge of the following tasks:	
Issuance of permits	Local permitting authority
Allocation of allowances	BMLFUW
Issuance of allowances	BMLFUW
Validation of monitoring methodology	Local permitting authority
Receiving and supervising verified emission reports	BMLFUW
Accreditation of verifiers	BMLFUW (Authorisation, no Accreditation via EA)
Registry	BMLFUW
Compliance and enforcement	a) concerning compliance with permit: Local permitting authority b) otherwise: BMLFUW
Issuance of ERU as a host country	BMLFUW
Approval of the use of CERs & ERUs for compliance	BMLFUW
Administration of new entrants reserve	BMLFUW
Information to the public	BMLFUW
Auctioning	BMLFUW
Administration of opt-ins	BMLFUW
Administration of pooling	BMLFUW
Other (please specify): _____	

3. COVERAGE OF ACTIVITIES AND INSTALLATIONS

- 3.1. How many of the combustion installations have a rated thermal input that exceeds 20 MW but is below 50 MW on 31 December of the reporting year? In total, how many CO₂ equivalents were emitted by these installations in the reporting period?

In answering this question, use the table below.

	Number	Share in total number of installations or emissions
Number of installations with a rated thermal input that exceeds 20 MW but is below 50 MW	38	18.4 %
CO ₂ equivalents emitted by those installations	342,487	1.3 %

- 3.2. What changes occurred during the reporting period in comparison with the national allocation plan table (NAP table) as entered into the Community Independent Transaction Log on 1 January of the reporting year (new entrants, closures, installations falling below the capacity thresholds)?

In answering this question, use Table 1 of Part 2 of this Annex.

See Table 1.

- 3.3. Did the competent authority receive any application(s) during the reporting period from operators who wish to form a pool pursuant to Article 28 of Directive 2003/87/EC (ET Directive)? If yes, to which activity listed in Annex I to Directive 2003/87/EC (hereinafter - “Annex I activity”) did the application refer to and was the pool formed?

No applications to form a pool received

In answering this question, use the table below.

Main Annex I activity ^(a)		Number of applications received	Number of pools formed
Energy activities			
E1	Combustion installations with a rated thermal input exceeding 20 MW (excepting hazardous or municipal waste installations)	0	
E2	Mineral oil refineries	0	
E3	Coke ovens	0	
Production and processing of ferrous metals			
F1	Metal ore (including sulphide ore) roasting or sintering installations	0	
F2	Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2.5 tonnes per hour	0	
Mineral industry			
M1	Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or lime in rotary kilns with a production capacity exceeding 50 tonnes per day or in other furnaces with a production capacity exceeding 50 tonnes per day	0	
M2	Installations for the manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day	0	
M3	Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, and/or with a kiln capacity exceeding 4 m ³ and with a setting density per kiln exceeding 300 kg/m ³	0	
Other activities			
O1	Industrial plants for the production of (a) pulp from timber or other fibrous materials	0	
O2	(b) paper and board with a production capacity exceeding 20 tonnes per day	0	
^(a) If an installation carries out more than one activity, please only count the installation once under its main Annex I activity.			

- 3.4. Is there any other relevant information concerning the coverage of installations and activities in your country? If so, please specify.

No

4. THE ISSUE OF PERMITS FOR INSTALLATIONS

Questions 4.1 to 4.4 are to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period.

- 4.1. What measures have been taken to ensure that operators comply with the requirements of their greenhouse gas emissions permits?

Note: Fines or penalties which might be imposed in case of infringements must not be reported here but under section 0.

In answering this question, use the table below. Add further rows if necessary.

Which of the following measures are applied in your country (add explanatory text if necessary)?	
The account will be blocked in case of irregularities	Yes ¹⁾
Selling will be prohibited in case of irregularities	Yes ¹⁾
Withdrawal of permit; suspension of the installation	No
Spot or routine checks or inspections by the administration	Yes ²⁾
Conservative emission estimates in case of missing emission reports	Yes
Verification bodies check compliance with the conditions of the permit	Yes
Regular meetings with industry & associations to discuss relevant issues	Yes (not at regular intervals)
Provision of specific reporting formats and guidance	Yes
Naming and shaming of non compliant operators	Yes
Other (please specify): _____	

¹⁾ Account will be blocked, if the obligation to submit a report is not satisfied but will not be blocked if the Monitoring plan is not met exactly.

²⁾ Spot Tests of Verification Reports. Complete Checking of the Verification Statements.

- 4.2. Where more than one competent authority is involved, how does national legislation ensure that the conditions of and the procedures for the issuance of permits are fully coordinated? How does this co-ordination work in practice?

In answering this question, use the table below. Add further rows if necessary.

Which of the following statements applies to your country (add explanatory text if necessary)?	
More than one competent authority	<p>Yes (CA which is also responsible for the approval of the most important parts of the installation is responsible for permitting of the right to emit GHG).</p> <p>In exceptional cases, when both a federal authority and a federal state government is responsible for the approval of an installation and the federal state government does not delegate this to the local authority (local administrative body), the Federal Authority and the federal state government have to coordinate their work.)</p>
If yes, please answer the following questions:	
Co-operation explicitly regulated by a law or a regulation	Yes. EZG implies possibility of delegation.
Commission or working group or co-ordination with regular meetings established	No
Guidance note for implementation of the national emissions trading law	Yes
Interpretation group to clarify ambiguous issues	No (Helpdesk available)
Co-ordination of administrative acts by one central authority	No
Training courses to ensure consistent implementation	Yes
Other (please specify): _____	

In practice coordination of competencies between different administration levels works well. Improvement is only needed in some cases for ensuring equal standards for permits.

- 4.3. In cases where installations carry out activities listed in Annex I to Directive 96/61/EC (IPPC Directive)¹ what measures have been taken to ensure that conditions and procedure for the issue of a greenhouse gas emissions permit are coordinated with those for the permit provided for in that Directive? Have the requirements laid down in Articles 5, 6 and 7 of Directive 2003/87/EC been integrated into the procedures provided for in Directive 96/61/EC? If so, how was this integration performed?

In answering this question, use the table below. Add further rows if necessary.

Which of the following statements applies to your country (add explanatory text if necessary)?
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¹ OJ L 257, 10.10.1996, p. 26

Requirements laid down in Articles 5-7 of Directive 2003/87/EC have been transposed by national legislation	Yes
Law which transposes the IPPC Directive does not include emission or concentration limits for CO ₂	Yes
Integrated permitting procedure under the IPPC Directive and the ET Directive	Yes (optional)
Separate permits for IPPC and ET Directive	Yes (optional)
Granting of an IPPC permit requires a valid emissions trading scheme (ETS) permit	No
Granting of an ETS permit requires a valid IPPC permit	No
IPPC regulators will check whether ETS permit is necessary and inform ETS regulators	Yes (Permit: same CA) – CA for allocation gets a copy of the Permit.
Other (please specify): _____	

- 4.4. What are the legislative provisions, procedures and practice concerning updating of permit conditions by the competent authority pursuant to Article 7 of Directive 2003/87/EC?

For answering this question, use the table below. Add further rows if necessary.

Please refer to the legal provision which transposes Article 7 of Directive 2003/87/EC	§ 6 EZG (Emissionszertifikatengesetz, BGBl. I Nr. 46/2004 i.d.F. BGBl. I Nr. 34/2006)
Which of the following provisions, procedures and practices apply to your country (add explanatory text if necessary)?	
Authorisation for changes in the installation type or operating mode required	Yes, if the changes are relevant for the CO ₂ monitoring (e.g. changes in fuels)
Authorisation for changes in the monitoring methodology required	Yes
Changes have to be notified in advance	Yes
Closures have to be notified immediately	No time limits set.
Penalty in case of non compliance with request to update monitoring methodology	Yes
Change of the operator requires an update of permit	No (only information of the CA)
Less significant changes are just recorded	Yes
Other (please specify): _____	

- 4.5. How many permits were updated during the reporting period because of a change in the nature or functioning, or extension, of installations made by operators as specified in Article 7 of Directive 2003/87/EC? Please provide for each category (capacity increase, capacity decrease, change in process type, etc.) how many permits were updated.

Permits were updated due to the new MRG. For minor changes no new permits were issued.

In answering this question, use the table below. Add further rows if necessary.

Please state the number of changes in each category:	
Total changes	
Revoked	0
Surrendered	0
Transferred	0
Increase of capacity	3
Decrease of capacity	0
Changes to monitoring and reporting details	36
Change in name of installation or operator	0
Non-significant amendment	1
Notification of changes without update of permit	For installations for which no updated permits were issued relevant changes were only notified by local authorities. Notifications are not sent to BMLFUW.
Other (please specify): -----	0

- 4.6. Is there any other relevant information concerning the issue of permits for installations in your country? If so, please specify.

No

5. APPLICATION OF THE MONITORING AND REPORTING GUIDELINES

Question 5.1 is to be answered in the report due by 30 June 2006, the first report of each trading period and in subsequent reports if changes were made during the reporting period.

- 5.1. What legal acts have been adopted in your country in order to implement monitoring and reporting guidelines? Are general derogations from the monitoring and reporting guidelines allowed by the legislation of your country, e.g. for specific fuels or activities? If so, please specify.

MRG were implemented into national law via an ordinance pursuant to §§ 7, 8 and 9 EZG (BGBl. II Nr. 339/2007, "Überwachungs-, Berichterstattungs- und Prüfungsverordnung"). MRG apply directly to aspects not treated in the ordinance. The ordinance was used to shorten and clarify the MRG throughout Austria.

Differences between the ordinance and the MRG:

1. For commercial fuels and materials local authorities may approve the determination of activity data based solely on invoices without further uncertainty assessment if the used measurement instruments are validated ("geeicht").

2. Natural gas is defined as a commercial standard fuel throughout Austria because of the consistent composition.
3. For commercial standard fuels minimum tiers from table 1 MRG may be applied without further justification.
4. The term “commercial standard material” is introduced. For materials that meet the requirements, analysis of suppliers can be used for calculation factors and composition data.
5. Frequency of inter-comparison between non accredited and accredited laboratories can be expanded to once every three years if the inter-comparison shows no significant differences.
6. Due to the lack of detailed definitions for mass balance the thresholds regarding de-minimis and minor source streams may be considered separately for input and output streams.
7. Default factors have to be applied in consistence with the allocation – so IPCC factors in practice are not applicable.
8. Site visits may not be waived.
9. For purely biogenic materials parameters that were used for the plant’s allocation can be used.

- 5.2. Which tiers were used in the monitoring methodologies for the major emitting installations (cf. Commission Decision 2004/156/EC)?

In answering this question, use Table 2 of Part 2 of this Annex. The information required in Table 2 need only be given for the largest installations covered by the ET Directive which contribute cumulatively to 50% of the total emissions included in the trading scheme. No information needs to be reported for sources within these installations with annual emissions below 25 kt CO₂ eq.

Tiers given in table 2 were reported by the companies.

- 5.3. If tiers below the minimum tiers specified in Table 1 in section 4.2.2.1.4 of Annex I to Decision 2004/156/EC have been accepted in the monitoring methodology, please indicate for each installation for which this situation occurred the coverage of emissions, the activity, the tier category (activity data, net calorific value, emission factor, oxidation factor or conversion factor) and the monitoring approach/tier agreed in the permit.

In answering this question, use Table 3 of Part 2 of this Annex. The information required in Table 3 needs only be given for installations not reported under question 0. General derogations provided for in the national legislation must be reported under question 5.1.

Tiers given in Table 3 were reported by the companies.

In Table 3 only deviations are reported that refer to major sources. Reasons for the deviations were usually not reported to the Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management. Based on the legal situation (§ 10 (2) "Überwachungs-, Berichterstattungs- und Prüfungsverordnung") it is generally assumed that the criterion applies that a higher tier "is not applicable due to technical reasons or would lead to disproportionately high costs".

- 5.4. Which installations temporarily applied different tier methods than those agreed with the competent authority?

In answering this question, use Table 4 of Part 2 of this Annex.

No such deviations were reported.

- 5.5. In how many installations was continuous emissions measurement applied? Please indicate the number of installations per Annex I activity and within each activity per subcategory based on reported annual emissions (less than 50 kt, 50-500 kt and over 500 kt).

In answering this question, use Table 5 of Part 2 of this Annex.

Continuous emissions measurement was not used by any installation.

- 5.6. How much CO₂ was transferred from installations? Please indicate the number of tonnes of CO₂ transferred pursuant to section 4.2.2.1.2 of Annex I to Decision 2004/156/EC and the number of installations that transferred CO₂ for each activity listed in Annex I to Directive 2003/87/EC.

Integrated steel works monitored through a mass balance and installations with new entrants (and therefore two or more NAP-codes) report CO₂ transferred to other parts which are reported separately in the NAP due to formal reasons.

One installation reported transferred CO₂. Validation on this case is still ongoing.

In answering this question, use the table below.

Main Annex I activity	Number of installations	CO ₂ transferred [kt CO ₂]	Use of transferred CO ₂
E1		0	
E2		0	
E3		0	
F1		0	
F2		0	
M1	1	60.640	Recarbonating of decarbonated lime
M2		0	
M3		0	
O1		0	
O2		0	

- 5.7. How much biomass was combusted or employed in processes? Please indicate the quantity of biomass as defined in paragraph 2(d) of Annex I to Decision 2004/156/EC combusted (TJ) or employed (t or m³) for each activity listed in Annex I to Directive 2003/87/EC.

In answering this question, use the table below.

Main Annex I activity	Biomass combusted [TJ]	Biomass employed [t]	Biomass employed [m ³]
E1	19,017	1,866,034	18,445
E2	0	0	0
E3	0	0	0
F1	0	0	0
F2	0	0	0
M1	2,555	170,522	0
M2	0	0	0
M3	639	107,861	0
O1	9,355	1,071,850	7,716
O2	17,155	2,318,278	11,588

The numbers given in tons (third column) refer to solid and liquid biomass only. The numbers given in m³ (last column) refer to biogas only. For mixtures of fossil fuels and biomass only the biomass content was calculated.

Integrated pulp and paper plants belong to both categories O1 and O2. The attribution to the main annex 1 activities O1 and O2, respectively, was done according to the operator's information given in the emission reports.

- 5.8. What was the total quantity of waste used as fuel or input material per waste type? What was the total quantity of resulting CO₂ emissions per waste type?

In answering this question, use the table below. Add further rows if necessary.

Waste type ²	Quantity used/ deployed [t]	Quantity used/ deployed [m ³]	CO ₂ Emissions [t CO ₂] (fossil)	CO ₂ Emissions [t CO ₂] (biomass)
Waste paper (also contaminated)	34,787	0	12,336	17,503
Waste from the pulp industry	27,942	0	0	14,923
Plastics	224,685	0	329,123	95,501
Sewage sludge	159,147	0	142	55,487
Solvents and residues of org. syntheses	24,706	0	27,041	8,193
Used oil and fat	23,711	0	50,774	2,681
Vegetable waste	16,381	0	0	25,291
Paper and pulp fibre (slurry)	487,294	0	606	261,919
Scrap tyres	26,852	0	44,374	16,526
Wood waste from chipboard industry and treated wood	143,236	0	10,693	224,161
Animal fat	6,470	0	0	18,514
Carcass meal	29,509	0	0	48,328
Other	12,487	0	19,723	9,458

² The waste types should be reported using the classification of the "European List of Wastes" (Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste.

The “European List of Wastes” has been transposed into Austrian law by the “Abfallverzeichnisverordnung” (Austrian Legal Gazette II No 570/2003 i.d.F. Austrian Legal Gazette II No 89/2005). For classification the Austrian code numbers and specifications according to ÖNORM S 2100 are obligatory. The wastes listed in the table above are summarized to related categories according to the emission reports.

- 5.9. Please submit sample monitoring and reporting documents from some temporarily excluded installations, if applicable.

Not applicable

Question 5.10 is to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period:

- 5.10. What measures have been taken to coordinate reporting requirements with any existing reporting requirements in order to minimise the reporting burden on businesses?

In answering this question, use the table below. Add further rows if necessary.

Which of the following statements applies to your country (add explanatory text if necessary)?	
ETS reporting requirements are coordinated with other reporting requirements	Yes. Shared internet portal and master data administration implemented.
Coordination with greenhouse gas inventory compilation under UNFCCC ³ and Decision 280/2004/EC	ETS Data are forwarded to the national inventory
Coordination with EPER ⁴	Yes. Shared internet portal and master data administration implemented.
Coordination with IPPC	No
Coordination with NEC ⁵	No
Coordination with LCP ⁶	Yes. Shared internet portal and master data administration implemented.
Coordination with EMEP ⁷	No
Coordination with voluntary covenants	No
Coordination with other trading schemes (please specify)	none
ET data can be used by statistical office	Yes
Other (please specify): Reporting regarding waste incineration	Yes. Shared internet portal and master data administration implemented.

- 5.11. What procedures or measures have been implemented to improve monitoring and reporting by operators?

³ United Nations Framework Convention on Climate Change

⁴ European Pollutant Emission Register (Commission Decision 2000/479/EC of 17 July 2000), OJ L 192, 28.7.2000, p. 36

⁵ National Emissions Ceilings (Directive 2001/81/EC), OJ L 309, 27.11.2001, p. 22

⁶ Large Combustion Plants (Directive 2001/80/EC), OJ L 309, 27.11.2001, p. 1

⁷ Co-operative Programme for Monitoring and Evaluation of the Long-range Transmission of Air pollutants in Europe

Monitoring Plan: standard forms, guidelines

Reporting: electronic reporting system, standard forms, helpdesk

- 5.12. Is there any other relevant information concerning the application of the monitoring and reporting guidelines in your country? If so, please specify.

Points are discussed in the TF on "Open questions of the MRG".

6. ARRANGEMENTS FOR VERIFICATION

Question 6.1 is to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period.

- 6.1. Please describe the framework for verification of emissions, in particular the role of the competent authorities and other verifiers and any special requirements for verifiers already accredited in another country. Please submit documents setting out the accreditation criteria for verifiers as well as any verification guidance provided for accredited verifiers and documents setting out the mechanisms for supervision and quality assurance for verifiers, if available.

In answering this question, use the table below. Add further rows if necessary.

Which of the following statements apply to your country (add explanatory text if necessary)?	
Independent verifiers can be accredited according to national criteria (if so, please provide relevant documents or internet link)	Verifiers have to prove their technical qualification according to the "Fachkundeverordnung" (BGBl. II Nr. 424/2004) for authorisation. The authorisation is no accreditation in a narrower sense! All relevant ETS laws and regulations can be found here: http://umwelt.lebensministerium.at/article/archive/7074 or www.eu-emissionshandel.at → Dokumente & Downloads
National guidance for verification developed (if so, please provide relevant documents or internet link)	Yes http://umwelt.lebensministerium.at/filemanager/download/39087/
Are national rules and procedures for verification based upon EN45011 and EA-6/01 ⁸	No
Verifiers are required to recommend improvements to installation's monitoring	Yes.
Competent authority or other agency has a right to check verified emission reports	Yes.
Competent authority or other agency has a right to adjust the verified emission report if deemed unsatisfactory	Yes.
Competent authority or other agency supervises verifiers (including spot checks, training, quality assurance and quality control procedures)	Yes.
Competent authority has a right to appoint a verifier to an installation	Yes. If there are doubts about independence of the verifier the CA may determine that the installation owner has to change the verifier.
Verifiers accredited in another Member State are subject to another accreditation process	The authorisation is no accreditation in a narrower sense. Therefore it is not foreseen to accept an accreditation from another country directly. The authorisation is the same as for Austrian verifiers.
Knowledge of language and/or national laws/regulations required for verifiers accredited in another Member State	Yes (Language and national laws/regulations)
Special QA/QC procedures in place at CA for verifiers accredited in another Member State	No
Other (please specify): _____	

- 6.2. Did any operator provide an emission report for the reporting period not considered satisfactory by 31 March? If so, please provide a list of the installations concerned and the reasons why no positive verification statement was given.

In answering this question, use Table 6 of Part 2 of this Annex. Cases where operators did not provide any emission report must be reported under question 0.

A verification protocol with a positive verification statement was issued for all installations.

⁸

European Co-operation for Accreditation's (EA) Guidance on the application of EN 45011.

- 6.3. For how many installations were no emission reports for the reporting period provided by 31 March? Please indicate the number of installations, allocated allowances and allowances blocked in the operators' holding accounts per Annex I activity and within each activity per subcategory based on reported annual emissions (less than 50 kt, 50-500 kt and over 500 kt).

In answering this question, use Table 7 of Part 2 of this Annex.

Operators of 183 installations reported in time. The emission reports for 23 installations were not provided by 31 March of the reporting period. The data to these installations are given in Table 7. The emissions reports to 21 of these installations were provided by 2 April at the latest. Due to public holidays operators of 2 installations did not report until 6 and 7 April, respectively. However, the verified emissions for all installations were entered into the registry or notified in time.

- 6.4. Which measures were undertaken in cases where operators did not provide an emission report by 31 March of the reporting period?

All reports were provided by 7 April at the latest and the verified emissions for all installations were entered into the registry or notified in time.

- 6.5. Did the competent authority carry out any independent checks on verified reports? If yes, please describe how additional checks were undertaken and/or how many reports were checked.

On behalf of the Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management the Environment Agency Austria checked the emission and the verification reports. All emission reports were roughly checked for e.g. negative verification statements. According to various selection criteria, e.g.

- largest installations not yet checked in detail
- representativeness of all branches of industry and of all verification bodies,

more than 30 installations were chosen for a detailed check.

This sample was checked in the form of a desk review with the aid of available information (e.g. emission reports, verification reports, permits). Operators were asked to comment on irregularities and obscurities. So far no inspections on site were necessary.

- 6.6. Did the competent authority instruct the registry administrator to correct the annual verified emissions for the previous year for any installation(s) to ensure compliance with the detailed requirements established by the Member State pursuant to Annex V to Directive 2003/87/EC?

Indicate any corrections in Table 6 of Part 2.

The competent authority instructed the registry administrator to correct the verified emissions for the previous year for three installations. Three corrections were due to a verifier's mistake in entering the emissions data into the registry.

- 6.7. Is there any other relevant information concerning the arrangements for verification in your country? If so, please specify.

No

7. OPERATION OF REGISTRIES

Question 7.1 is to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period:

- 7.1. Please provide any terms and conditions required to be signed by account holders and provide a description of the identity check of persons undertaken before creating holding accounts (cf. Commission Regulation (EC) No 2216/2004).

In answering this question, use the table below.

Please provide the link to your registry	www.emissionshandelsregister.at
Which of the following statements apply to your country (add explanatory text if necessary)?	
Specific terms and conditions elaborated which account holders have to sign (if yes, please provide relevant documents or links)	Yes http://www.emissionshandelsregister.at/static/cms/sites/emissionshandelsregister.at/media/download_center/AGB_19.05.05.pdf
Different identity checks applied for operators and individuals	Yes..There are differences in requirements for proving identity for operator and person holding accounts. Requirements for opening person holding accounts are stricter than for operator holding accounts and include a notarially or judicially certified copy of a valid passport or valid identity card and certified translations of all documents into German. The detailed requirements can be found on http://en.emissionshandelsregister.at/register/accounttypes/
Personal presence required for ID checks for residents in Member State ⁹	Operator holding accounts: No. Authorized representatives have to submit copies of a valid ID card, e.g. driving license or passport, to the Registry Service Office through written procedure. Person Holding Accounts: Yes. All applicants for person holding accounts have to provide the Registry Service Office with a notarially or judicially certified copy of a valid passport or valid identity card. In addition, a so-called called "A-certification (Apostille)" provided by the Austrian embassy in the applicants country might be required if necessary according to the Hague Convention of Legalisation.
ID check through written procedure only for residents ¹⁰	Operator holding accounts: Yes. Authorized representatives have to submit copies of a valid ID card, e.g. driving license or passport, to the Registry Service Office through written procedure. Person holding accounts: No. All applicants have to submit a notarially or judicially certified copy of a valid passport or valid identity card. In addition, a so-called called "A-certification (Apostille)" provided by the Austrian embassy in the applicants country might be required if necessary according to the Hague Convention of Legalisation.
Personal presence required for ID checks for residents of other countries ¹¹	Person holding accounts: Yes, all applicants for person holding accounts have to provide the Registry Service Office with a notarially or judicially certified copy of a valid passport or valid identity card. In addition, a so-called "A-certification (Apostille)" provided by the Austrian embassy in the applicants country might be required if necessary according to the Hague Convention of Legalisation.
ID check through written procedure only for	Person holding accounts: No, applicants for person holding accounts have to provide the Registry Service Office with a notarially

⁹ This includes ID checks by third parties like post offices or notary where the applicant has to present himself in person.

¹⁰ This includes electronic procedures.

¹¹ This includes ID checks by third parties like embassies where the applicant has to present himself in person.

residents in other countries ¹²	or judicially certified copy of a valid passport or valid identity card. In addition, a so-called "A-certification (Apostille)" provided by the Austrian embassy in the applicants country might be required if necessary according to the Hague Convention of Legalisation.
Copy of company register or similar documentation required for opening of operator holding account?	Operator holding accounts: Yes. In order to open an operator holding account operators have to fill out a form, which requires them to state their number in the company register. The duly signed form has to be submitted to the Registry Service Office. In addition, a copy of the company register has to be attached. Person holding accounts: If the applicant is a company an excerpt of the company register or a similar register has to be submitted.
Documentation showing right to represent company required for opening of operator holding account?	Yes. In order to open an operator holding account operators have to fill in a form in which they have to state the names of their representatives. The duly signed form has to be submitted to the Registry Service Office. The same rules are applicable to operators who want to open a person holding account.
Other (please specify): _____	No remarks

- 7.2. Please provide a summary of all security alerts relevant to the national registry which have occurred during the reporting period, how they were addressed and the time taken for resolution.

In answering this question, use the table below. Add further rows if necessary.

¹²

This includes electronic procedures.

Which of the following statements apply to your country (add explanatory text if necessary)?			
General procedures in place to prevent occurrence of security alerts	<p>Yes</p> <p>The following security measures have been taken in order to prevent the occurrence of security alerts in the registry system:</p> <ul style="list-style-type: none"> • Encoding of data transmission in the WEB and user authentication with SSL • Continuous security updates of the software • Employment of continuously updated virus-scanner software on the servers and the clients of the registry administration • Comprehensive Access control of the staff in the computer centre • Hardware firewalls of renowned producers • Continuous checks of the firewall logs for attack attempts. If such attempts are logged the issue is investigated and additional preventive measures are taken (e.g. blocking of certain IP addresses) • All attempts to access the system are logged. The logs can be analysed according to users, time and access type. • Daily incremental and weekly total backup • The backup hardware is located separately from the computer hardware • Access to the data bank is logged and the logs are stored in separate hardware • If the database has been corrupted due to a hardware or software failure, the system and the data are recovered from the latest backup tape and a reconstruction of the transactions carried out after the backup is carried out with the help of the access log. • All persons who are in contact with official data have appropriate confidentiality clauses in their contracts. 		
Security alerts relevant to national registries occurred during the reporting period	No		
If yes, please fill out the following table			
Type of security alert	Number of occurrences	Action taken	Time needed for resolution

7.3. Please state how many minutes for each month of the reporting period the national registry was unavailable to its users (a) due to scheduled downtime, and (b) due to unforeseen problems.

In answering this question, use the table below.

Note: downtime of the national registry that is caused solely by downtimes of the CITL or the ITL is not reported because it is outside the influence of the national registry.

Month	Scheduled downtime [minutes]	Unscheduled downtime [minutes]
January	-	-
February	-	-
March	-	-
April	60	750
May	-	-
June	-	-
July	30	-
August	-	-
September	-	605
October	-	-
November	-	-
December	-	-

- 7.4. Please list and provide details on each upgrade to the national registry scheduled for the next reporting period.

In answering this question, use the table below. Add further rows if necessary.

Which of the following statements apply to your country (add explanatory text if necessary)?	
Regular time slots allocated for maintenance and upgrading of registry (if so, please provide dates)	No
Registry will be upgraded together with upgrade of software system used	Yes
Please provide details for all upgrades scheduled for the next reporting period	
Date	Purpose
January 2010	Upgrade to include new functionalities of the Registry Regulation 2007

- 7.5. Is there any other relevant information concerning the operation of registries in your country? If so, please specify.

No remarks.

8. ARRANGEMENTS FOR THE ALLOCATION OF ALLOWANCES – NEW ENTRANTS – CLOSURES

Questions 8.1 and 8.2 are to be answered in the first report after each notification and allocation procedure laid down in Articles 9 and 11 of Directive 2003/87/EC.

- 8.1. Looking back at the completed allocation process, please describe the main lessons learnt by your authorities, and how you think they will influence your approach to the next allocation process.

Experience gained during the NAP II process was introduced into the review process of the ETS Directive.

- 8.2. Do you have any suggestions for the improvement of future notification and allocation processes for the Community as a whole?

Proposals were introduced into the review process of the ETS Directive.

- 8.3. How many allowances were allocated to the new entrants listed in Table 1, if any? Please give the installation identification code for the new entrant and the transaction identification code associated with the allocation of allowances.

In answering this question, use Table 1 of Part 2 of this Annex.

In the reporting period seven new entrants were allocated allowances from the reserve. See Table 1. The allowances were allocated for 2009 and following years by administrative decision. The actual transfer of allowances to the operator holding accounts took place in 2009 or will take place in later years.

- 8.4. How many allowances were left in any new entrants reserve at the end of the reporting period, and what share do they represent of the original reserve?

In answering this question, use the table below.

Number of allowances left in the new entrants reserve at the end of the reporting period (31 December each year)	0*
Share of allowances remaining in the new entrants reserve, in percent	0 %

* The new entrants reserve was used up in the course of 2009. All new entrants that are granted an allocation after the reserve has been used up will receive allowances acquired by the government according to the Emission Certificate Law.

- 8.5. If your Member State allocates allowances other than for free, please explain how such allocation is made (e.g. way in which auctioning is undertaken)?

Austria auctions 2.000.000 allowances in the period 2008-2012. In 2008, however, no auction took place. From 2009 onwards 500.000 allowances per year are auctioned in two auctions per year.

In 2009 400.000 certificates were auctioned in a competitive way, 100.000 certificates were to be sold in a non competitive way. Out of these 100.000 certificates only 5050 were sold.

- 8.6. If auctioning was used as an allocation method, who was allowed to participate in the auction?

In answering this question, use the table below.

National operators only	No
National registry account holders only	No
All Community operators	Yes
All bidders with an account in a Community registry	Yes
Other (please specify): _____	

- 8.7. If auctioning was used as an allocation method, how many auctions were held during the reporting period, how many allowances were auctioned during each auction, what share do they represent of the total quantity of allowances for the trading period and what was the price per allowance at each auction?

In answering this question, use the table below.

Was auctioning used as an allocation method?	yes
--	-----

If yes, please answer the following questions.	
Number of auctions held during the reporting period (1 January to 31 December)	2
Number of allowances auctioned (each auction separately)	16.03.2009: 205.050 EUAs 13.10.2009: 200.000 EUAs
Clearing price of auction (each auction separately)	16.03.2009: 11,65 Euro/t 13.10.2009: 12,78 Euro/t

- 8.8. If auctioning was used as an allocation method, what use was made of allowances not purchased at the auction(s)?

The allowances remain on the account in the Austrian Register.

- 8.9. If auctioning was used as an allocation method, what were the revenues used for?

The revenues go to the general budget.

- 8.10. How were allowances treated that had been allocated but were not issued to installations that closed during the reporting period?

Question 8.11 is to be answered in the first report following the end of the trading periods set out in Article 11(1) and (2) of Directive 2003/87/EC.

Allowances from installations that closed during the reporting period went into the new entrants' reserve.

- 8.11. Were allowances remaining in the new entrants' reserve at the end of the trading period cancelled or auctioned?

The new entrants reserve was depleted in 2009.

- 8.12. Is there any other relevant information concerning the arrangements for allocation, new entrants and closures in your country? If so, please specify.

No.

9. SURRENDER OF ALLOWANCES BY OPERATORS

- 9.1. In all cases where an account in the registry was closed because there was no reasonable prospect of further allowances being surrendered by the installation's operator, please describe why there was no reasonable further prospect and state the amount of outstanding allowances.¹³

¹³ If the amount of outstanding allowances is not known please provide an estimate of outstanding allowances based on the last verified emission report, remaining allowances in the account and other information available to the Competent Authority.

No operator holding accounts were closed in the reporting period because there was no reasonable prospect of further allowances being surrendered by the installations' operator.

In answering this question, use the table below. Add further rows if necessary.

Reason for closure of account	Quantity of outstanding allowances [kt CO ₂ eq]

- 9.2. Is there any other relevant information concerning the surrender of allowances by operators in your country? If so, please specify.

No remarks.

10. USE OF EMISSION REDUCTION UNITS (ERUs) AND CERTIFIED EMISSION REDUCTIONS (CERs) IN THE COMMUNITY SCHEME

Question 10.1 is to be answered annually starting with the report submitted in 2006 as regards CERs and starting with the report submitted in 2009 as regards ERUs:

- 10.1. Have ERUs and CERs been issued for which an equal number of allowances had to be cancelled pursuant to Article 11(b)(3) or (4) of Directive 2003/87/EC because the Joint Implementation (JI) or Clean Development Mechanism (CDM) project activities reduce or limit directly or indirectly the emission level of installations falling under the scope of that Directive? If so, please provide the sum of allowances cancelled and the total number of operators concerned separately for cancellation pursuant to Article 11(b)(3) and (4) of that Directive.

No CERs or ERUs were issued.

In answering this question, use the table below.

	Quantity of allowances cancelled	Number of operators affected
cancellation pursuant to Article 11(b)(3)		
cancellation pursuant to Article 11(b)(4)		

Questions 10.2 and 10.3 are to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period:

- 10.2. Which CERs and ERUs may be used for compliance in your Member State? Please state any project category excluded except those which are already excluded pursuant to Article 11(a)(3) of Directive 2003/87/EC (CERs and ERUs from nuclear or from land use, land use change and forestry project activities).

In answering this question, use the table below.

CERs and ERUs from all project categories can be used	Yes (according to Article 11a(3))
CERs and ERUs from certain project categories are excluded (if yes, please specify)	No

- 10.3. What measures have been taken to ensure that relevant international criteria and guidelines, including those contained in the year 2000 Final Report of the World Commission on Dams (WCD), will be respected during the development of hydro-electric power production projects with a generating capacity exceeding 20MW?

In answering this question, use the table below. Add further rows if necessary.

Which of the following statements apply to your country (add explanatory text as necessary):	
Project participants are legally obliged to adhere to the WCD guidelines	No
Adherence to WCD guidelines is verified (if so, please provide relevant authority, e.g. competent authority or Designated National Authority)	Yes. The projects that apply for approval in Austria are assessed by the Austrian JI/CDM Commission and approved by the Federal Ministry of Agriculture, Forestry, Environment and Water Management in its function as Designated National Authority.
Other international criteria and guidelines have to be respected during the development of large hydro-electric power projects (if so, please provide relevant documents or links)	No
Other (please specify): _____	

- 10.4. Is there any other relevant information concerning the use of ERUs and CERs in the Community scheme in your country? If so, please specify.

Concerning the use of ERUs and CERs from projects that reduce greenhouse gases other than CO₂ the Federal Ministry of Agriculture, Forestry, Environment and Water Management together with the Ministry of Economics and Labour may enact an ordinance stipulating that operators must not use such CERs and ERUs for compliance, provided that this is in line with relevant provisions in other EU Member States (Paragraph 18 (2a) of the Austrian Act on Emissions Allowances – Emissionszertifikatengesetz).

11. FEES AND CHARGES

Questions 11.1 to 11.4 are only to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period:

- 11.1. Are fees charged to operators for the issuance and update of permits? If so, please provide details on the fees charged, total proceeds and the use of the proceeds.

There were no changes during the reporting period.

According to the general administrative provisions the authority that issues the permits levies a fee (usually less than 100 €). The proceeds are not earmarked.

- 11.2. What fees are charged to operators for the issuance of allowances? If so, please provide details on the fees charged, total proceeds and the use of the proceeds.

There were no changes during the reporting period.

Operators have to pay an administrative fee of € 6,50 for the administrative decision that stipulates the number of allowances an operator gets allocated. The proceeds are not earmarked.

- 11.3. What fees are charged for the use of the registry if any? Please give details.

In answering this question, use the table below?

Which of the following statements apply to your country (add explanatory text as necessary)?	
Fees are charged for the use of the registry	Operator holding account: Yes Person holding account: Yes
Different fees in place for operators and individuals	Yes
Fee for opening an account ¹⁴	-
Annual fee for maintaining account ¹⁵	Operator holding account: 965 € to 11,717 € per year depending on the amount of allowances allocated Person holding account: 312 € per year
Other (please specify): _____	

- 11.4. Is there any other relevant information concerning fees and charges in the Community scheme in your country? If so, please specify.

There were no changes during the reporting period.

For the accreditation of independent verifiers the following fees are charged: 1,000 € for the independent verifying body, 500 € for the expert and 1,200 € for an individual verifier. In special cases, e.g. for an accredited environmental expert organisation, reduced fees apply (500 € for the verifying body, 700 € for individual verifiers).

¹⁴ Indicate the relevant period as well (once/per trading period).

¹⁵ If fees depend on allocation please provide minimum and maximum fees if applicable and the relevant formula.

In order to be able to compare the registry fees across EU countries, information on fees in other countries that also contribute to financing the registry has to be taken into consideration.

12. ISSUES RELATED TO COMPLIANCE WITH THE ET DIRECTIVE

Question 12.1 is to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period:

- 12.1. Please state the relevant national provisions and the penalties for infringements of national provisions pursuant to Article 16(1) of the ET Directive.

In answering this question, use the table below. Add further rows if necessary.

Kind of infringement	Relevant national provision	Fines [€]		Imprisonment [months]	
		min	max	min	max
Operation without permit	§ 27 EZG		35.000 €		
Infringements of monitoring and reporting obligations	§ 27 EZG		7.000 €		
Omission to notify changes to the installation	§ 27 EZG		5.000 €		
Other (please specify) Infringement of the obligation to register according to Article 15 of the regulation (EG) 2216/2004.	§ 27 EZG		account annual fee, max. 15.000 €		

- 12.2. Where penalties were imposed pursuant to Article 16(1) of the ET Directive for infringements of national provisions, please state the relevant national provisions, briefly describe the infringement and give the penalties imposed.

No penalties imposed during this reporting period.

In answering this question, use the table below. Add further rows if necessary.

Infringement	National provision	Penalty imposed	
		Fines [€]	Imprisonment [months]
			-

- 12.3. Please provide the names of operators for which excess emission penalties were imposed pursuant to Article 16(3) of the ET Directive.

In answering this question, it is sufficient to provide a reference to the publication of the names under Article 16(2) of the ET Directive.

No emission penalties imposed during this reporting period.

- 12.4. Is there any other relevant information related to compliance with the ET Directive in your country? If so, please specify.

No.

13. THE LEGAL NATURE OF ALLOWANCES AND FISCAL TREATMENT

Questions 13.1 to 0 are only to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period:

- 13.1. What is the legal nature of an allowance (commodity/financial instrument) for the purpose of financial regulation?

§ 22 of the "Emissionszertifikatengesetz" defines allowances as goods that can be traded at the stock exchange. So they are regulated via rules for goods regarding accounting, financial rules und taxation.

- 13.2. What is the legal status given to allowances and emissions for the purposes of accounting?

See 13.1.

- 13.3. Were any specific accounting rules established or adopted for allowances? If yes, please describe them briefly.

No.

- 13.4. Are transactions of allowances subject to VAT?

Yes

- 13.5. Is the issuance of allowances subject to VAT?

No

- 13.6. If your Member State allocates allowances for payment, is VAT due on the transaction?

Currently not relevant.

- 13.7. Are profits or losses from transactions of allowances subject to a specific income tax (e.g. specific tariffs)?

No

- 13.8. Is there any other relevant information concerning the legal nature of allowances and their fiscal treatment in your country? If so, please specify.

No.

14. ACCESS TO INFORMATION PURSUANT TO ARTICLE 17 OF THE ET DIRECTIVE

- 14.1. Where are decisions relating to the allocation of allowances, information on project activities in which a Member State participates or authorises private or public entities to participate, and reports of emissions required under the greenhouse gas emissions permit and held by the competent authority made available to the public?

In answering this question, use the table below:

<i>Type of information</i>	<i>Information available to public</i>	<i>If information is available, at which location?</i>		
		<i>Internet¹⁶</i>	<i>Official Publication¹⁷</i>	<i>Other (please specify)</i>
<i>Allocation rules</i>	Yes	NAP and Zuteilungsverordnung: www.eu-emissionshandel.at	Ordinance in BGBl.	
<i>NAP table</i>	Yes	www.eu-emissionshandel.at		
<i>Changes to list of installations</i>	On request			
<i>Verified emission reports</i>	On request			
<i>Project activities</i>	Yes	Report (every 3 Years)		
<i>Greenhouse gas emissions permit</i>	Yes			
<i>Information required by Annex XVI to Regulation (EC) No 2216/2004</i>	Yes	www.emissionshandelsregister.at		
Other (please specify): _____				

- 14.2. Is there any other relevant information concerning the access to information pursuant to Article 17 of the ET Directive in your country? If so, please specify.

No

15. OTHER OBSERVATIONS

- 15.1. Were public studies on the implementation and the further development of the European emissions trading scheme undertaken in your country? If so, please provide the document, reference or internet link together with a very brief outline of the study.

No such studies known.

- 15.2. Are there any particular implementation issues that give rise to concerns in your country? If so, please specify.

No remarks.

¹⁶ Please provide web address.

¹⁷ Please provide the title.