

PROCEDURE 21

CANCEL A TRANSFER / REVERSE A PROCESS

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1. OVERVIEW

Cancelling a transaction in the Registry is possible but modalities depend on the type of transaction and its status.

Transfers of allowances or Kyoto units can be cancelled while they are in status “delayed” which means during the 26 hours before their completion. The cancellation is allowed only on suspicion of fraud and can be requested at the latest two hours before the transfer is completed.

Other types of transactions, such as **surrender** of allowances, **deletion** of allowances, **exchange** of credits with allowances, when initiated *erroneously or unintentionally*, can be reversed after completion, subject to the conditions reported in paragraph 3.

In the following pages you may find the necessary information for your request to the Registry administrator to cancel a transfer or reverse a process.

For any further request of support or clarification, please write to:

info.registro-et@isprambiente.it

2. CANCEL A TRANSFER INITIATED FRAUDULENTLY

Article 39.4 of Regulation EU 389/2013 states:

*If an account representative suspects that a transfer **was initiated fraudulently**, at the latest **two hours before the end of the delay** provided in paragraph 3 the account representative may request the national administrator or the central administrator where appropriate to cancel the transfer on behalf of the account representative before the transfer is communicated for finalisation. The account holder shall **report** the suspected fraud to the competent national law enforcement authority immediately following the request. That report shall be forwarded to the national administrator or the central administrator where appropriate within 7 days.*

To request the national administrator to cancel a transfer, an authorized representative of the account on which the transfer was fraudulently initiated must send an e-mail to info.registro-et@isprambiente.it with the following object (*mandatory*):

URGENT: transfer cancellation on suspicion of fraud

WARNING: you need to attach a copy of your **identity document** and specify in the text of the e-mail the **transaction code**, the **time** it was initiated and the **reasons for suspecting the fraud** (in case no explanation is provided, the request will not be taken into account).

The latest term for sending the request of cancellation is two hours before the completion of the transfer (for guidance on how the 26-hour delay is applied, refer to the [Guide to transfers](#)).

IMPORTANT!

From the day of cancellation, the account holder will have seven days to forward to the national administrator the **REPORT** of the suspected fraud already sent to the Law Enforcement Authority following the instructions below:

- 1) Scan the original copy of the report.
- 2) **DIGITALLY SIGN** the file of the scan (on the website <http://www.digitpa.gov.it/firma-digitale/certificatori-accreditati> you'll find the list of persons authorized for the provision of digital signature)
- 3) Send the ".p7m" file to:
doc.registro-et@isprambiente.it
and in CC to: protocollo.ispra@ispra.legalmail.it

IMPORTANT!!!! To ensure documentation is correctly processed and archived, make sure you specify BOTH E-MAIL ADDRESSES and that the subject of the e-mail is as following:

REGISTRO ETS – Report for cancellation request

Please note that the above addresses are only for receiving documents; please do not use them to write for support, whereas you may use info.registro-et@isprambiente.it

3. REVERSE A FINALISED PROCESS INITIATED IN ERROR

Article 70 (paragrapfh 1, 2, and 3) of Regulation EU 389/2013 states:

1. If an account holder or a national administrator acting on behalf of the account holder unintentionally or erroneously initiated one of the transactions referred to in paragraph 2, the account holder *may propose* to the administrator of its account to carry out a reversal of the completed transaction in a *written request*. The request shall be duly signed by the authorised representative or representatives of the account holder that are authorised to initiate the type of transaction to be reversed and shall be posted *within five working days of the finalisation of the process*. The request shall contain a statement indicating that the transaction was initiated *erroneously or unintentionally*.

2. Account holders may propose the reversal of the following transactions:

- (a) *surrender* of allowances;
- (b) *deletion* of allowances;
- (c) *exchange* of international credits.

3. If the administrator of the account establishes that the request fulfils the conditions under paragraph 1 and agrees with the request, it may propose the reversal of the transaction in the Union Registry.

Conditions for reversal are also specified under Article 70

- a. a transaction surrendering or deleting allowances to be reversed was not completed more than 30 working days prior to the account administrator's proposal in accordance with paragraph 3;EN 3.5.2013 Official Journal of the European Union L 122/25
- b. no operator would become non-compliant for a previous year as a result of the reversal;
- c. the destination account of the transaction to be reversed still holds the amount of units of the type that were involved in the transaction to be reversed;
- d. the allocation of general allowances to be reversed was carried out after the expiry date of the installation's permit.

In order to request the reversal of a process, the account authorized representative who has unintentionally or erroneously initiated the transaction, must send **within five working days** of the finalisation of the process the following documentation:

Elenco dei documenti richiesti		Check *
1	<p>Signed request of the account authorized representative who has initiated the transaction.</p> <p><u>The request must report the transaction ID and a clear statement that it's been initiated unintentionally or erroneously.</u></p>	<input type="checkbox"/>
2	<p>Evidence to support the identity of the user requesting the update which can be a copy of one of the following documents:</p> <ul style="list-style-type: none"> (a) an identity card issued by a state that is a member of the European Economic Area or the Organisation for Economic Cooperation and Development; (b) a passport. 	<input type="checkbox"/>
3	<p>Written confirmation of acknowledgement of the information on personal data processing signed by the user (available at page 7).</p>	<input type="checkbox"/>

* tick for a preliminary check of completeness

In order to request the reversal of a transaction, please send the aforementioned documentation following the instructions below:

- 1) copy all documents **in electronic format** (scanned paper documents) into a folder named with the transaction ID
- 2) zip the folder (in format like “.zip”, “.rar”, “.7”).
- 3) **DIGITALLY SIGN** the zipped folder (on the website <http://www.digitpa.gov.it/firma-digitale/certificatori-accreditati> you'll find the list of persons authorized for the provision of digital signature)
- 4) Send the “.p7m” file to:
doc.registro-et@isprambiente.it
and in CC to: protocollo.ispra@ispra.legalmail.it

IMPORTANT!!!! To ensure documentation is correctly processed and archived, make sure you specify **BOTH E-MAIL ADDRESSES** and that the subject of the e-mail is as following:

REGISTRO ETS – reversal of a finalised process

Please note that the above addresses are only for receiving documents; please do not use them to write for support, whereas you may use info.registro-et@isprambiente.it

Acknowledgement of the information on personal data processing

I, the undersigned, hereby declare that I have read and understood the information below concerning the processing of personal data pursuant to art. 13 of EU Regulation 2016/679.

Place and date

Name and surname

Declarant's signature

Information on the processing of personal data pursuant to art. 13 of EU Regulation 2016/679 for users of the Italian section of the Union Registry

1. WHY THIS INFORMATION

By providing the following information we wish to offer a clear and transparent view of the personal data collected and processed by the Italian Institute for Environmental Protection and Research for the purpose of managing the users of the Italian section of the Union Registry and its related Services, according to the provisions of EU Regulation 2013/389 and, in compliance with the General Regulation on the Protection of Personal Data 2016/679 (hereinafter, "GDPR" or "Regulation"), which applies in all Member States of the European Union as of the 25th May 2018. In particular, the parties concerned by data processing are natural persons, specifically the representatives designated by the account holder, who submit their personal data and those of the account holder (in case the account holder is a natural person) in order to complete the online registration application for the aforementioned Registry and its related Services.

2. THE DATA CONTROLLER

The data controller is the Italian Institute for Environmental Protection and Research –Ispra, a national public research body subject to the supervision of the Ministry for the Environment, Land and Sea, with its legal head office at Via Vitaliano Brancati, 48 - 00144 Rome. You can contact the data processor by writing to the address above or by sending an e-mail to the following e-mail address: urp.ispra@ispra.legalmail.it, or, by contacting the switchboard: 06.50071.

3. DATA PROTECTION OFFICER

The Data Protection Officer is the person, designated by Ispra, who you may contact for all matters related to the processing of your personal data and the exercise of related rights, in the following ways:

- by mail, sending a registered letter with return receipt to the address: ISPRA - Via Vitaliano Brancati, 48 - 00144 Rome (Italy) to the attention of the Data Protection Officer;

- by certified e-mail (PEC), to the institutional address protocollo.ispra@ispra.legalmail.it and in cc to rp@isprambiente.it attaching the dedicated form that can be downloaded in the section on Privacy of the institutional website at the following link:

http://www.isprambiente.gov.it/files2018/privacy/MODELLO_esercizio_diritti_in_materia_di_protezione_dati_personali_SM.pdf

4. LEGAL BASIS OF DATA PROCESSING

According to art. 6 of GDPR, the conditions of lawfulness for the processing of your personal data are as follows:

- Processing is necessary for compliance with a legal obligation to which the controller is subject (Article 6, paragraph 1, letter c of the GDPR). The legal obligations are those deriving from the EU Regulation 389/2013 and from Legislative Decree 30/2013: specifically, the management of the data transmitted through the online registration process in the Italian part of the Union Registry and the data in the documents eventually transmitted to request the association of the user to an account, as well as the update the user data;
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (Article 6, paragraph 1, letter e of the GDPR). In particular, the institutional tasks for the administration of the Italian part of the Union Registry resulting from the enforcement of EU Regulation 389/2013 and Legislative Decree 30/2013.

5. TYPES OF DATA PROCESSED AND PURPOSE OF THE PROCESSING

The personal data processed in the context of user registration and management, as explained in paragraphs 1 and 4, are common data entered in the online application form during the registration process in the Italian section of the Union Registry and/or transmitted later, within the documents requested in the procedures set up by the Registry administrator (for example: personal data relating to the residence and identity, contact details), as well as special categories of data pursuant to Article 10 of the GDPR (judicial data related to criminal convictions), necessary for the fulfillment of the legal investigations relating to the integrity requirements (criminal records).

Common data of natural persons may also be processed, although not referring to users of the Registry but transmitted as part of the documents requested in the procedures related to user management (for example contact details of any person listed in the certificate of incorporation). The provision of such data is required to approve the registration process, to enroll the user in the Registry and eventually update the user data when needed; therefore, failure to provide such data will preclude the registration and enrollment in the Italian part of the Union Registry and its services. Once your user profile has been created and enrolled, Ispra may process your personal data also for purposes of scientific research and archiving in the public interest.

6. METHOD OF PROCESSING

Ispra, as Data Controller, collects your personal data (and those of other persons indicated in the documents requested, including the contact person of the account holder) directly, through the acquisition of the online application form for the registration in the Italian part of the Union Registry and through the acquisition of the documents requested for appointing the user to an account or for updating user data.

The processing of your personal data is carried out, both on paper and electronically, with the following activities: collection, registration, organization, structuring, storage, consultation, adaptation or modification, use, internal communication, extraction, comparison, interconnection, limitation, cancellation and destruction of data.

In any case, we process your personal data in compliance with the principles of lawfulness and fairness pursuant to art. 5 of the GDPR and we always operate in such a way as to guarantee the confidentiality and security of information.

We are also committed to ensure that the information and data collected and used are adequate, relevant and stored for the time necessary to achieve the treatment purposes described above, and that your personal data are processed in a manner that guarantees their security, through adequate and effective technical and organizational measures implemented by the Data Controller, in compliance with the principle of Accountability prescribed by GDPR, which avoid the risk of loss, unauthorized access, illicit use and dissemination.

7. RECIPIENTS OF DATA

The personal data collected as a result of this procedure are processed exclusively by the staff of the Unit of ISPRA responsible for the administration of the Italian Registry for Emissions Trading (who has been previously authorized and trained by the Institute regarding the purposes and methods of processing) and could possibly be communicated to third parties for the fulfillment of legal obligations related to the procedure.

In particular, the subjects or categories of subjects (natural persons or legal persons, supervisory authorities) to whom your data will be or could be communicated are:

- a) the Judicial Authority;
- b) Finance Police -Tax Police Unit;
- c) Customs Agency;
- d) National Committee for the management of Directive 2003/87/EC;
- e) European Commission;
- f) Other European Registry administrators.

8. RIGHTS OF INTERESTED PARTIES

Register users, as "data subject" have the right to obtain from Ispra, in the provided cases: access to their personal data, rectification, deletion or limitation of the processing or to oppose the processing (articles 15 and subsequent of GDPR). [The specific request](#) for the exercise of the rights related to the processing of personal data is presented to the Data Protection Officer of the Institute in the following ways:

- by mail, sending a registered letter with return receipt to the address: ISPRA - Via Vitaliano Brancati, 48 - 00144 Rome (Italy) to the attention of the Data Protection Officer;

- by certified e-mail (PEC), to the institutional address protocollo.ispra@ispra.legalmail.it and in cc to rp@isprambiente.it attaching the dedicated form that can be downloaded in the section on Privacy of the institutional website at the following link:

http://www.isprambiente.gov.it/files2018/privacy/MODELLO_esercizio_diritti_in_materia_di_protezione_dati_personali_SM.pdf

With specific reference to the right to rectify your personal and contact data, you shall in any case follow the procedures for updating data indicated by the Registry administrator.

The exercise of rights as data subject is free of charge pursuant to Article 12 of the GDPR, except in the case of manifestly unfounded or excessive character of the request to which paragraph 5 of the same article applies. Participants who believe that the processing of personal data referring to them is in violation of the provisions of the Regulation have the right to lodge a complaint with the supervisory authority, as required by art. 77 of the same Regulation, or to refer to the appropriate judicial Courts (art. 79 of the GDPR).