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## Emission News 09-2014

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### ECAS cell phone / text message problems create obstacles for account holders to fulfil surrendering obligations

During middle of May and now again in June 2014 problems appeared between the ECAS (European Commission Authentication Service) and mobile operators for the umpteenth time about technical issues, in consequence of which a regular trade in emission rights was no longer possible for many plant operators and distributors.

Due to the failure of the second authentication channel (not receiving SMS on the mobile device is possible) entrants no longer could execute partial transfer any certificates in the register in the period 27.06.-04.07.2014 and thus were unable to meet even their surrendering / delivery obligations. Thus, millions of EUR for potential recipients of the certificates were then paid too late or not paid to trading partners at all. Since such a malfunction of the register according to estimates by Emissionshändler.com® can occur at any time again, each authorised account holder should secure oneself against these kind access problems, as these could of course also repeat in sensitive times such as the mandatory surrender allowances in April of each year. How this can be done and the circumstances under which these solutions can be used as well as the legal implications this may have on the delivery obligation - plus a run-up on the latest legal requirements for ETS in the aviation world - is described below in our current [Emission-News 09-2014](#).

In principle, one would think that the EU-register should have reached a technical level in its functioning after 2 years now, which should allow for uninterrupted work 24 hrs.

Here, however, it must not be overlooked that the access to the register is routed via the complex authentication system ECAS, which actually is as susceptible to interference as the register itself.

A possible interruption or downtime is governed by the Commission Regulation (EU) 389/2013.

*Article 112) Interruption of operation - The Central Administrator shall ensure that interruptions to the operation of the Union-Registry are kept to a minimum by taking all reasonable steps to ensure the availability and security of the Union Registry and the EUTL and by providing for robust systems and procedures to safeguard all information.*

This regulation does not apply, however, apparently the upstream ECAS, which is barely understandable to outsiders in its structure.

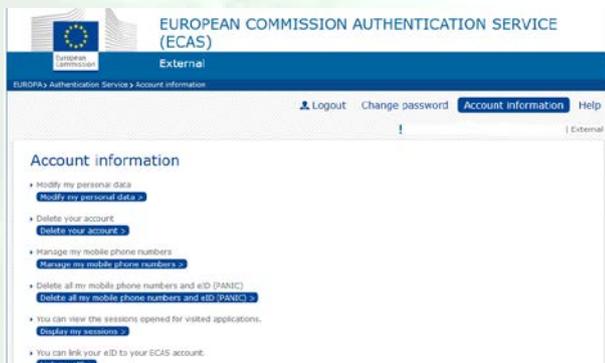
However, articles No. 9 and No. 26 of the registry regulation described the work of the Central Administrator, which should be responsible for ECAS if corresponding problems occur and do not lie in the fields covered by the national administrator.

The ECAS system is according to the understanding of an account holder an integral part of the registry system and should allow an easy access to a national register in the EU from all countries of the world. For confirmation of a valid



admission, however, a 3 x 3 SMS code is required which, after successful entry into the ECAS forwards the user to the national register. If, however, by the ECAS technical reasons no SMS will be sent, then an account holder does not pass the first hurdle and cannot see his ECAS area. But insofar as it is sufficient for him just to see his own ECAS data, it may be done so in another way. Generally it is important to understand that:

- **either** the entrance to the national register can be achieved via <https://ets-registry.webgate.ec.europa.eu/euregistry/DE/index.xhtml> (instead of "DE" in the link also optional "PL", "EN", etc.) and only then the user will be forwarded to your own ECAS area, which then also again only allows forwarding to its own register (this is the normal way to log into his account register).
- **or** access for inspection of the user's own ECAS account information can be achieved via a direct access to ECAS about <https://webgate.ec.europa.eu/cas> , where without functioning SMS reception not forwarding to the national register is possible.



Picture 1: "Account Information": Only mobile numbers here can be edited.

Thereby the authorised account representative does have access have to his own account data but without SMS code received he can not cause any changes or extensions to his mobile number in case of non-receipt of his code (since they confirmed again by SMS codes).

In this respect, the failure or partial failure of the ECAS system is always a failure of the entire register system.

### Partial failure of the ECAS system

A partial failure of the ECAS system is referred to the scenario where the ECAS is no longer sending SMS to the mobile devices of certain categories of account holders. These groups can theoretically be the register representative in an entire country or

the EU or there are "Provider-groups", that means users of a certain cell phone provider in the EU or in his country.

The last two partial failures were recorded in Germany during the period from 16.05.2014 to 22.05.2014 and from 27.06.2014-04.07.2014. In both cases, users of mobile devices of the provider e-plus/Base were affected. In other known cases become, even telecom customers in Austria or other providers in other countries, so that the problem does not relegate to a single provider.

If an authorised account representative now notices when an access attempt to enter his account that no SMS code arrives on his mobile device (Handy), then he should proceed after a waiting period of up to 15 minutes in the following order:

1. Testing whether a reception with the device is generally possible (dead zone)
2. Send yourself a test SMS from another phone
3. Power Off his handy once and then on again
4. Start a new log-in attempt in ECAS

If there's still no incoming SMS code, it is obvious that there is an ECAS mobile interruption in which case now the competent national authority DEHSt/KOBIZE/RENADE should be notified.

### The troubleshooting of the national administrator

The national administrator – which is the national competent authority - now takes over the further processing for the central technical administration in Brussels.

For this purpose, the authorised account representative is asked to fill an English 12-point questionnaire by mail and return this the authority:

1. ECAS UID
2. Full Phone number including country code
3. Provider/carrier + the country the user is located in
4. If it was working in Roaming mode or not
5. Has the number been transferred in between providers or is it the original provider?
6. The Device Type and Brand + IMEI (if possible)
7. Complete sequence followed before the issue occurred
8. Has any ECAS challenge already been working with that number at that provider?
9. The Date of last successful received SMS challenge/other SMS
10. Are other users with same provider-affected?



11. The Date of last modification in ECAS if any (mobile phone, others ...)
12. May the End-User directly be contacted by the Service Desk (ECAS) or not?

**At No.1)** The user must specify his ECAS-ID identifier (UID). In the normal case, this is not known by the account representatives. But it can be found in the ECAS menu.



Picture 2: Log in by ECAS

After the access via ECAS <https://webgate.ec.europa.eu/cas> and after entering the email address and the password, the user reaches his user UID, this is the third data line from the top.

**At No. 2 +3)** The number of the currently interrupted access must be specified in full detail (for example +491772345678) and the provider of access (Base, Telekom, Orange, etc.) and their location (country).

**At No. 4)** It is to be specified whether the disturbance occurs in roaming mode or not, that is, whether the user and his phone is in the respective country or in a foreign country (where?)

**At No. 5 +6)** Here it needs to be explained, if the user requested a change of mobile phone number to another provider lately and to which mobile device is (product name, manufacturer) and IMEI if known.

**At No. 7 +8)** It should be mentioned when the last successful access occurred and whether and when the last successful entry to the registry with the current ECAS data was. This question boils down to whether the agent has made in the last few days any change in its data and then already had a successful access.

**At No. 9)** Dates of the last successful access in the event that there had not been any change data in the ECAS data.

**At No. 10)** Here it is asked whether there were other cases in which the access to ECAS failed by using the same provider. This could have happened to register representative by their own company as well as to other people who experienced the same problem.

**At No. 11)** Date of last change of own ECAS data. This may be a date that is already over 8 years in the past.

**At No. 12)** Specify whether the user has already turned to the ECAS Support service previously, or does this hereby for the first time.

After returning the completed questionnaire to the national authority, it will be forward the information to the help desk of ECAS, a division of the Central Manager in Brussels.

From here an SMS test will be initiated in the following period by which 5 Test-SMS message will be sent to the recipient.

In the case described here, the ECAS cannot establish proper connection to the provider, and the user receives only the 5th Test-SMS. The SMS 1-4 do not arrive. This information is then forwarded by the authorised representative promptly to the national authority, which then relays the information to the help desk of the EU Commission. Now it is clear that it is the ECAS is a partial failure, the authorised representative will no longer be able to access the register, but will have to wait until the problem is solved, meaning until ECAS can communicate technically correct with the current service provider in the country.

This period may be lasting 5-8 days, during which - if you have not taken precautions - you are without access to your own registry account. This is mainly because the account representatives in the same company are usually on the same mobile phone provider. But even if one of two authorised representative is with a different provider, this is not always helpful, because of the 4-eyes principle in most cases requires an access of two users.

Thus, a solution to the access problem of the authorised representative in this case is not possible. In any case, you can make provisions, so that this does not happen again in the future.



### Attempt at a solution for a future ECAS mobile service interruption

Each representative is advised to deposit a second mobile phone number of another provider in his ECAS account.

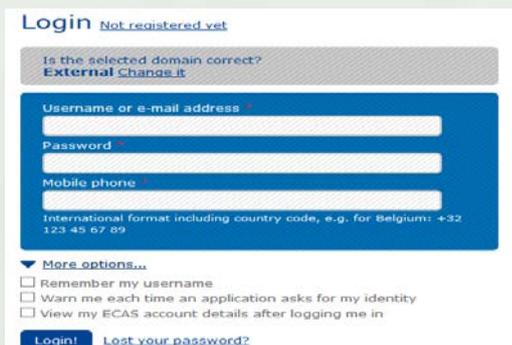
Here, of course, the cost point of view it should be noted, however, most likely it be more expensive to hold a second contract with a provider than the occurrence of an emergency. Since this is a pure SMS function an additional contract will be available for less than 10 EUR/month. But is strongly discouraged to use the even cheaper prepaid cards, as they either do not work in foreign countries or whose credit may have expired at the wrong time, and then their number has been deleted. By using the second stored mobile phone number the account representative can, in the event of an ECAS mobile problem, on application to his authority (in a short time - usually the next day) retrieve access again and will be able to act again.

It is of basic importance that the stored mobile number in the register matches with the stored number in the ECAS mobile phone number, or those deposited numbers in the future and must therefore be included in the user's considerations.

### Add a second mobile phone number in ECAS

To add another mobile number in ECAS one has to choose a card of a provider, which is as bound to a solid contract to prevent any further problems.

After the new phone card has been tested and is inserted into a possible second mobile phone, you should now log into the EU register with your old (existing) mobile number and your first mobile phone by using link [https://ets-registry\\_webgate.ec.europa.eu/euregistry/DE/index.xhtml](https://ets-registry_webgate.ec.europa.eu/euregistry/DE/index.xhtml) and click the top left of login, which calls the ECAS mask.



Picture 3: Select Before Login "More Options" After the appearance of the ECAS login is important to select „More Options, before entering

the mail address, password and the old mobile number and select there to have his ECAS account data displayed.

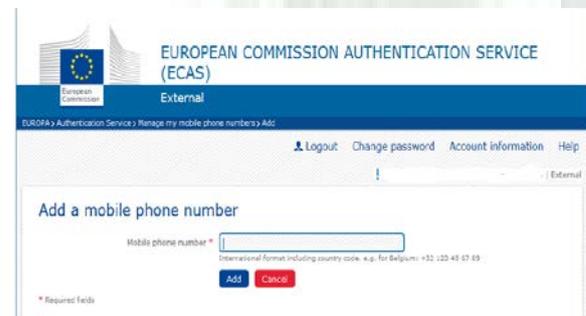
After a successful login you must click the upper right corner to see the account information (see also page 2, picture 1).

Then click on “Manage my mobile phone number”. The following appears:



Picture 4: Menu for the management of mobile phone numbers

Now click on "Add mobile phone number"



Picture 5: Input mask for a new mobile phone number

Be careful when entering the new mobile phone number so to assure that the "plus" for the country code of the number must be prefixed (for example +49177 ..... or +48606 ....).

After adding the user is prompted to enter a 2 x 4 code for a confirmation which will be received by SMS on its existing (old) mobile number.

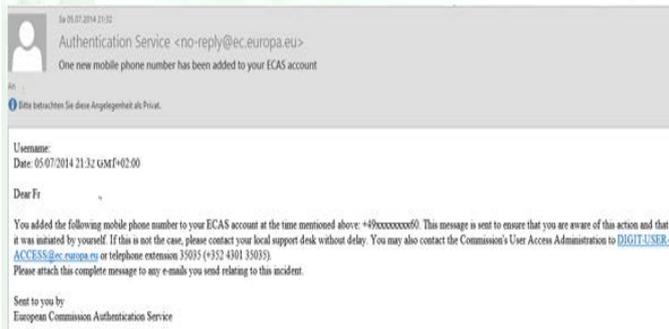


Picture 6: A 2 x 4 code must be entered for verification After entering the code to confirm the addition of a new mobile number an additional text message is



sent to the existing old number with the contents: "Your challenge to add a mobile phone number to ECAS .... .."

Furthermore, the representative receives an e-mail with a detailed notification about adding the message in English language.



Picture 7: E-mail message via the addition of a new mobile phone number in the ECAS

A check which numbers are now registered successfully reveals that after a renewed ECAS registration in the start menu picture in the second row from the bottom one can see that now two mobile numbers are stored.

My ECAS Account Details	
Username	
Domain	External
Unique identifier at the Commission (uid)	3str
Most recent login	09/07/2014 12:40 GMT+02:00
Previous login	09/07/2014 12:39 GMT+02:00
Account created	28/06/2012 12:30 GMT+02:00
Name	
Email preferred language	de
E-mail	i2@.....com
Password last changed	04/07/2014 10:28 GMT+02:00
Password expires (as defined by the policy currently in force)	31/12/2014 09:28 GMT+01:00
Password last reset	08/01/2014 16:15 GMT+01:00
Password reset last requested	08/01/2014 16:13 GMT+01:00
Number of good logins	1207
Number of bad logins	32
Last unlock time	
Last authentication failure	07/07/2014 15:36 GMT+02:00
Group Membership(s)	DEHS
Mobile phone number(s)	+49xxxxxxx064 +49xxxxxxx064
Delegate of the following DEHS	

Picture 8: Summary of the available mobile phone numbers in the ECAS

In order to avoid misunderstandings it should be clarified that the successful addition of another mobile phone number in ECAS does not automatically mean that this number is now active. This must be specially requested from the national registry administrator.

### The activation of a new mobile phone number in register

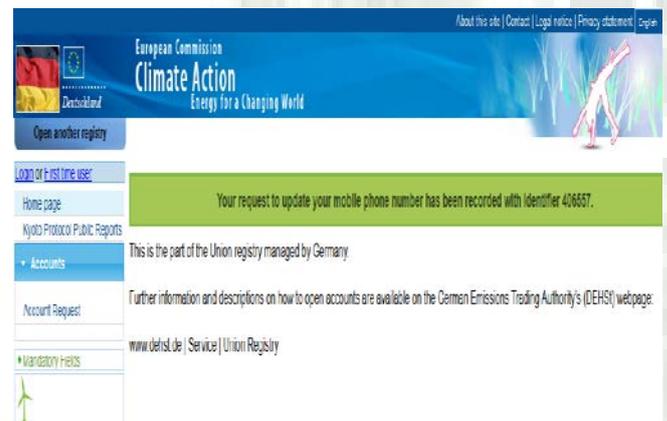
To activate a stored in ECAS mobile phone number for use in the register, a representative has to dial in the ECAS using the new number. The system recognises that an access attempt to the registers is done using a previously not separately activated

mobile number and requests the representative in English language to update the number.



Picture 9: Request to explain the dialled number to the "Standard access number"

If now the button "Update my number" is confirmed, the user is again prompted to confirm the new number and in due course he will receive a six-digit reference number for further inquiries in:



Picture 10: A case number is issued

In the background a process is set in motion, in which the national authority receives a "Task" and thus receives the order to replace the currently valid access mobile number by another, which the user deposited with ECAS. No later than 24 hours later, the representative can obtain access with the new number to the register system.

One should note that the original number now no longer entitles to access to the register, except this is again is changed via "Update my number" to be the current number for getting access to the register.



## The importance of a mobile phone number in the register system

Basically, one must know that any stored mobile phone number, visible in the registry system, does not have to be the one that allows access to the register. The number visible in the menu item "Account representative" is only used by the national authority for contacting the representative.

Authorized Representative 2

URID DE0000...

Name

Company Name

Company Department

Job Title Geschäftsleitung

Address

Germany

E-mail Address

Telephone 1 +49 110

Telephone 2 +49 00

View Only Authorized Representative

Remove Replace Update

Picture 11: Change the communication mobile number possible

This number is in most instances also the mobile number required for the register access ECAS, but it need not be. So because of this it may even be possible that a representative has deposited three different mobile numbers: One for the contact by the national authority and two more from different providers to get access to the Register on ECAS system. It makes perfect sense to adapt the contact number to the ECAS access numbers that can be done via the button "Update".

## Conclusion on ECAS mobile service interruptions and its legal importance for the future

The deposit of a second mobile phone number of a second provider is worth the effort and expense, even if it means a small costs of up to 10 per Euro/month for at least two agents.

To additional level of certainty to access, in the event of a failure of a provider, with a maximum delay of 24 hours of its registry account is worth much if you look at the risk of an interruption of up to 10 days, is very valuable, compared to the scenario where a representative does not have a second number of another provider.

Plant operators maintained the opinion that, in the case of a technical malfunction, the failure to deliver certificates in April counts as force majeure, will hardly be able to rely on that opinion in the

future.

In August 2013, the highest European court had to judge what the term force majeure means in case an operator is prevented to surrender its certificates in time for the end of April.

In its judgement of 17.10.2013 with the reference C - 203/12 it states that the cause of force majeure is only applicable when the system operator can claim external causes whose consequences are unavoidable and inevitable and make objectively impossible for the operator to comply with its obligations.

This should be clear that such an event is not inevitable in most cases, when it is reasonable for a company for 10-20 EUR/month to invest in a second mobile phone number in order to avoid ECAS mobile disturbance.

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## Current status of emission trading for aviation

The Emissions Trading Directive for aviation, regulation (EU) Nr. 421/2014 came into force with its publication in the [Official Journal of the European Union](#) on 30.04.2014. It takes effect immediately throughout every Member State. For aircraft operators, the following issues are of special importance:

- Suspension of the involvement in reporting and surrendering of international flights (flights to and from countries outside the EU with the exception of Croatia) from 01/01/2013 to 31/12/2016
- Exemption for non-commercial aircraft operators with annual emissions below 1000 tonnes of carbon dioxide (CO<sub>2</sub>) - based on the original scope of the Emissions Trading Directive (full scope) - from 01/01/2013 to 31/12/2020
- Shift of deadlines in 2014 for reporting and surrendering of 2013 emission allowances by one year to 2015. The corresponding new deadlines are now as follows:
  - submission of emission reports for 2013 and 2014 by 31/03/2015,
  - surrendering of emission allowances for 2013 and 2014 emissions by 30/04/2015
- The verification requirement does not apply to operators with annual emissions below 25,000 tonnes of CO<sub>2</sub> - based on the full scope - when using the Small Emitters Tool or rather the Support Facility of EUROCONTROL
- Reapplication of the original scope (Full Scope + Intra EU Flights) of the Emissions Trading Directive



from 2017, if the directive is not readjusted by the EU due to the implementation of a global market-based measure through ICAO

Operators that have already sent emission reports for 2013 to the Competent Authority should approach a verifier to assure that those reports are still valid under the new regulation. Full Scope reports sent to the DEHSt (Germany's C.A.) shall be considered valid, provided that the emission reports are correct. The DEHSt will compute the Intra EU value for 2013 itself - a resubmission will not be necessary.

Furthermore aircraft operators will be informed by the end of the year about the amount of emission allowances to be surrendered or the fact that their aviation activities are not subject to emissions trading. The reason for this is that the amendment to the directive implies that the allocation of the free emission needs to be adjusted proportionally to the reduced scope. This means that a recalculation for the allocation of free emission allowances for the years 2013 to 2016 has to be carried out which excludes the international flights as named above. Given that there is no possibility for a voluntary inclusion of these flights in emission reporting, this recalculation is mandatory. Therefore the authorities will inform affected aircraft operators about the adjustment to the amount of free allocation at a later date.

Due to the complexity of the matter and the necessity in 2015 for possibly two verified

emission reports (2013 + 2014), we recommend that aircraft operator's approach a verifier of trust as early as possible (see below).

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Kind emission regards

Michael Kroehnert

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