

2. For all transfers of allowances and Kyoto units specified in Articles 43 and 44, the transfer shall be initiated immediately if it is confirmed between 10:00 and 16:00 central European time between Monday and Friday inclusive, with the exception of public holidays in the Member States deciding to suspend the running of the delay pursuant to paragraph 3. A transfer confirmed at any other time shall be initiated on the next day, Monday to Friday, at 10:00 central European time.

3. For all transfers of allowances and Kyoto units specified in Articles 43 and 44, except for transfers from a trading account to an account on the trusted account list of that account, a delay of 26 hours shall apply between the initiation and the transfer being communicated for finalisation pursuant to Article 70. The running of this delay shall be suspended between 00:00 and 24:00 central European time on Saturdays and Sundays. Member States may decide to also suspend the running of this delay between 00:00 and 24:00 central European time on national public holidays for a given year, subject to publication of that decision by 1 December of the previous year.

4. 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 they may request the national administrator to cancel the transfer on their behalf 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 within seven days.

5. Upon initiation pursuant to paragraphs 1 and 2, a notification shall be sent to all account representatives indicating the proposed initiation of the transfer.

Article 32b

Nature of allowances and finality of transactions

1. An allowance or Kyoto unit shall be a fungible, dematerialised instrument that is tradable on the market.

2. The dematerialised nature of allowances and Kyoto units shall imply that the record of the Union Registry shall constitute prima facie and sufficient evidence of title over an allowance or Kyoto unit, and of any other matter which is by this Regulation directed or authorised to be recorded in the registry.

3. The fungibility of allowances and Kyoto units shall imply that any recovery or restitution obligations that may

arise under national law in respect of an allowance or Kyoto unit shall only apply to the allowance or Kyoto unit in kind. In particular:

(a) subject to Article 51 and the reconciliation process foreseen in Article 69 of this Regulation, a transaction shall become final and irrevocable upon its finalisation pursuant to Article 70. Without prejudice to any provision of or remedy under national law that may result in a requirement or order to execute a new transaction in the registry, no law, regulation, rule or practice on the setting aside of contracts or transactions shall lead to the unwinding in the registry of a transaction that has become final and irrevocable under this Regulation;

(b) nothing within this Article shall prevent an account holder or a third party from exercising any right or claim resulting from the underlying transaction that they may have in law, including to recovery, restitution, or damages, in respect of a transaction that has become final in the registry, for instance in case of fraud or technical error, as long as this does not lead to the reversal, revocation or unwinding of the transaction in the registry.

4. A purchaser and holder of an allowance or Kyoto unit acting in good faith shall acquire title to an allowance or Kyoto unit free of any defects in the title of the transferor.;

(20) in Article 34, paragraph 1 point (d) is replaced by the following:

(d) the identity of the receivers of the allocation (in the case of allowances allocated through auction, the receiver shall be the account set up for that purpose by Commission Regulation (EU) No 1193/2011 (*)).

(*) OJ L 315, 29.11.2011, p. 1.;

(21) Articles 43 and 44 shall be replaced by the following:

Article 43

Transfers of allowances by account holders

1. Subject to paragraph 2, upon request of an account holder, the Union Registry shall carry out any transfer of allowances held in its Union Registry account to any other account in the Union Registry, unless such transfer is prevented by the status of the initiating account or the type of allowances that may be held in the acquiring account in accordance with Article 8(3).