



**2021/0214(COD)**

16.12.2021

# **AMENDMENTS**

## **413 - 548**

**Draft opinion**

**Karin Karlsbro**

(PE699.250v02-00)

Establishing a carbon border adjustment mechanism

Proposal for a regulation

(COM(2021)0564 – C9-0328/2021 – 2021/0214(COD))



## Amendment 413

Inma Rodríguez-Piñero, Paolo De Castro

### Proposal for a regulation

#### Article 27 – title

*Text proposed by the Commission*

27 Circumvention

*Amendment*

27 Circumvention **and absorption**

Or. en

#### *Justification*

*The CBAM is intended as an instrument to achieve global emission reductions by helping to combat global warming. Therefore, the absorption of the CBAM levy will be considered an illegal practice, as it undermines the objectives of the mechanism.*

## Amendment 414

Sara Matthieu

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 27 – paragraph 2

*Text proposed by the Commission*

2. Practices of circumvention **include situations where a change in the pattern of trade** in relation to goods included in the scope of this Regulation **has** insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation and consist **in** replacing those goods with slightly modified products, which are not included in the list of goods in Annex I but belong to a sector included in the scope of this Regulation.

*Amendment*

2. Practices of circumvention in relation to goods included in the scope of this Regulation **include practices with** insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation and consist **of, but are not limited to:**

**(a) subsidies or indirect subsidies, such as favourable tax arrangements or energy pricing, for the production of goods covered by the CBAM to cover parts of or the entirety of a CO<sub>2</sub> price paid in the third country;**

**(b) a CO<sub>2</sub> price paid in a third country placed only on goods to be imported into the customs territory of the Union or**

*other kinds of dual production and sale practices aiming at eluding CBAM;*

*(c) declaring the origin of goods from a country referred to under paragraph 3 of Article 2 or from any other intermediary country or region where the goods have been transhipped before export to the Union, in order to avoid, or mitigate, the obligations laid down in this Regulation;*

*(d) deliberate shifting production of goods to a country referred to under paragraph 3 of Article 2 for the sole purpose of avoiding the obligations laid down in this Regulation;*

*(e) replacing those goods with slightly modified products, which are not included in the list of goods in Annex I but belong to a sector included in the scope of this Regulation.*

Or. en

## **Amendment 415**

**Joachim Schuster, Bernd Lange**

### **Proposal for a regulation Article 27 – paragraph 2**

*Text proposed by the Commission*

2. *Practices of circumvention include situations where a change in the pattern of trade in relation to goods included in the scope of this Regulation has insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation and consist in replacing those goods with slightly modified products, which are not included in the list of goods in Annex I but belong to a sector included in the scope of this Regulation.*

*Amendment*

2. Circumvention *practices are any measures that have the objective of* avoiding *the* obligations laid down in this Regulation *in order to pretend lower total amount of the CO2 emissions. This concerns in particular deliberate changes in the trade flows of goods or importation via third countries, slightly modified products, misleading information about the manufacturer or the manufacturing process, restructuring of distribution structures or merely final assembly of the goods in the EU or a third country. The Commission is to use existing European legal order when defining the circumvention offences. In particular the Union Customs Code, Article 60(2) and*

**Amendment 416**

**Danilo Oscar Lancini, Herve Juvin, Marco Campomenosi**

**Proposal for a regulation**

**Article 27 – paragraph 2**

*Text proposed by the Commission*

2. Practices of circumvention include situations where a change in the pattern of trade in relation to goods included in the scope of this Regulation has insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation ***and consist in replacing those goods with slightly modified products, which are not included in the list of goods in Annex I but belong to a sector included in the scope of this Regulation.***

*Amendment*

2. Practices of circumvention include situations where a change in the pattern of trade ***between third countries and the Union or between third countries themselves or between individual companies or within the same undertaking*** in relation to goods included in the scope of this Regulation , ***whether slightly modified or not, stems from a practice, process or work that*** has insufficient due cause or economic justification other than avoiding obligations ***or seeking benefits*** as laid down in this Regulation ***or undermining their effects, including on overall GHG emissions and on prices of the goods concerned.***

**Amendment 417**

**Massimiliano Salini, José Manuel García-Margallo y Marfil, Liudas Mažylis, Andrey Kovatchev, Gabriel Mato, Iuliu Winkler, Anna-Michelle Asimakopoulou, Arnaud Danjean, Christophe Hansen, Jörgen Warborn, Seán Kelly**

**Proposal for a regulation**

**Article 27 – paragraph 2**

*Text proposed by the Commission*

2. Practices of circumvention include situations where a change in the pattern of trade in relation to goods included in the

*Amendment*

2. Practices of circumvention include situations where a change in the pattern of trade in relation to goods included in the

scope of this Regulation has insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation and consist in replacing those goods with slightly modified products, which are not included in the list of goods in Annex I but belong to a sector included in the scope of this Regulation.

scope of this Regulation ***whether slightly modified or not, stems from a practice, process or work***, has insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation and consist in replacing those goods with slightly modified products, which are not included in the list of goods in Annex I but belong to a sector included in the scope of this Regulation.

Or. en

#### **Amendment 418** **Geert Bourgeois**

##### **Proposal for a regulation** **Article 27 – paragraph 2**

###### *Text proposed by the Commission*

2. Practices of circumvention include situations where a change in the pattern of trade in relation to goods included in the scope of this Regulation has insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation ***and consist in replacing those goods with slightly modified products, which are not included in the list of goods in Annex I but belong to a sector included in the scope of this Regulation.***

###### *Amendment*

2. Practices of circumvention include situations where a change in the pattern of trade in relation to goods included in the scope of this Regulation, ***whether slightly modified or not, stems from a practice, process or work*** has insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation ***or undermining their effects.***

Or. en

#### **Amendment 419** **Massimiliano Salini, José Manuel García-Margallo y Marfil, Liudas Mažylis, Andrey Kovatchev, Gabriel Mato, Iuliu Winkler, Anna-Michelle Asimakopoulou, Arnaud Danjean, Christophe Hansen, Jörgen Warborn**

##### **Proposal for a regulation** **Article 27 – paragraph 2 a (new)**

###### *Text proposed by the Commission*

###### *Amendment*

**2 a. The practice, process or work referred to in the first subparagraph include, inter alia:**

**(a) the slight modification of the product concerned to make it fall under customs codes which are normally not subject to the obligations of this Regulation, provided that the modification does not alter its essential characteristics;**

**(b) false declarations as to the identity of the producer of the product concerned or of the nature of the product concerned or the production process involved in making it;**

**(c) the consignment of the product concerned via third countries to which no or more favourable obligations apply;**

**(d) the reorganisation by exporters or producers of their patterns and channels of sales in order to eventually avoid obligations as laid down in this Regulation, or undermine their effects, including on overall GHG emissions and on prices of the like products, for instance via practices of resource shuffling; For the purpose of this point, resource shuffling shall be defined as any practice, process or work that have insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation, or undermining their effects, without delivering environmental benefits on global GHG emissions;**

**(e) any other measure to eventually avoid or evade obligations as laid down in this Regulation, or undermine their effects, including on overall GHG;**

Or. en

**Amendment 420**  
**Inma Rodríguez-Piñero, Paolo De Castro**

**Proposal for a regulation**  
**Article 27 – paragraph 2 a (new)**

**2 a. The following shall be considered as circumvention practices, processes or work referred to in the first subparagraph:**

**(a) Any slight modification of the product to which CBAM is to be applied in order to place it under customs codes not subject to the obligations of this Regulation, provided that the changes made do not alter its essential characteristics**

**(b) Falsification of the identity of the producer of the product in question, its nature or the process involved in its production**

**(c) The reorganisation by exporters or producers of their patterns and channels of sale with a view to possibly circumventing the obligations laid down in this Regulation, or to undermining its effects**

**(d) The shipment of the product to which the mechanism applies through third countries which are exempt from the obligations or which are more favourable to them (e) Any other measures to possibly avoid or circumvent the obligations set out in this Regulation, or to undermine their effects, including on overall GHG emissions**

Or. en

*Justification*

*The definition of circumvention should cover all practices that attempt to undermine CBAM directly or indirectly. The amendment proposes to extend the article to all circumvention practices which are defined in Article 13 of the Anti-Dumping Regulation 2016/1036 and which also undermine the environmental benefits of CBAM because it is beyond the control of CBAM and does not generate a positive impact on overall emissions.*

**Amendment 421**

**Danilo Oscar Lancini, Herve Juvin, Marco Campomenosi**



**Proposal for a regulation**  
**Article 27 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. The practice, process or work referred to in paragraph 2 include, inter alia: (a) the slight modification of the goods included in the scope of this Regulation to make it fall under customs codes which are normally not subject to the obligations of this Regulation, provided that the modification does not alter its essential characteristics; (b) false declarations as to the identity of the producer of the goods or of the nature of the goods or the production process involved to product these goods; (c) the consignment of the goods via third countries to which more favourable obligations apply; (d) the reorganisation by exporters or producers of their patterns and channels of sales in order to avoid obligations as laid down in this Regulation, or undermine their effects, including on overall GHG emissions and on prices of the goods, for instance via practices of resource shuffling. (e) the assembly of parts by an assembly operation in the Union or a third country to avoid obligations as laid down in this Regulation.**

Or. en

**Amendment 422**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 27 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. Resource shuffling, whereby exporting countries would use their cleanest industrial plants to export to the EU and keep more polluting installations for the domestic or global market, is to be**

*considered a practice of circumvention.*

Or. en

**Amendment 423**

**Danilo Oscar Lancini, Herve Juvin, Marco Campomenosi**

**Proposal for a regulation**

**Article 27 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2 b. Following a complaint made by any party, or at the request of Member States or on its own initiative, the Commission may decide, following an investigation, to extend obligations laid down in this regulation, in whatever way is necessary to prevent future circumvention of the present Regulation, when circumvention of the measures in force is taking place. This includes the possibility for the Commission to impose a penalty on an authorised Declarant involved in the circumvention, if this is proportionate, from the date of registration of imports. Given the circumstances of the individual case, the Commission may also decide to ban those imports from entering the Union territory during a certain period or to prevent the authorized Declarant and any of its related parties to import goods subject to the present Regulation into the Union for a certain period.***

Or. en

**Amendment 424**

**Danilo Oscar Lancini, Herve Juvin, Marco Campomenosi**

**Proposal for a regulation**

**Article 27 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2 c. Decisions referred to in paragraph 2b shall be subject to an appeal procedure.**

Or. en

**Amendment 425**

**Danilo Oscar Lancini, Herve Juvin, Marco Campomenosi**

**Proposal for a regulation**

**Article 27 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

**2 d. Investigations shall be initiated pursuant to this Article on the initiative of the Commission or at the request of a Member State or of any interested party on the basis of sufficient evidence regarding possible circumvention practices as defined in paragraphs 2 and 2a. Initiations shall be made by means of a Commission regulation which shall also instruct customs authorities of Member States to subject imports to registration in accordance with Article 27(5). The Commission shall provide information to the Member States once a party or a Member State has submitted a request to initiate an investigation and the Commission has completed its analysis thereof, or where the Commission has it self determined that there is a need to initiate an investigation.**

Or. en

**Amendment 426**

**Danilo Oscar Lancini, Herve Juvin, Marco Campomenosi**

**Proposal for a regulation**

**Article 27 – paragraph 2 e (new)**

*Text proposed by the Commission*

*Amendment*

**2 e. Investigations shall be carried out**

*by the Commission. The Commission may be assisted by customs authorities and the investigation shall be concluded within 4 months.*

Or. en

**Amendment 427**

**Danilo Oscar Lancini, Herve Juvin, Marco Campomenosi**

**Proposal for a regulation**

**Article 27 – paragraph 2 f (new)**

*Text proposed by the Commission*

*Amendment*

**2 f. Where the facts as finally ascertained justify the extension of obligations, this shall be done by the Commission adopting delegated acts.**

Or. en

**Amendment 428**

**Danilo Oscar Lancini, Herve Juvin, Marco Campomenosi**

**Proposal for a regulation**

**Article 27 – paragraph 2 g (new)**

*Text proposed by the Commission*

*Amendment*

**2 g. Resource shuffling shall be defined as any practice, process or work that that have insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation, or undermining their effects, without delivering environmental benefits on global GHG emissions;**

Or. en

**Amendment 429**

**Massimiliano Salini, José Manuel García-Margallo y Marfil, Liudas Mažylis, Andrey Kovatchev, Gabriel Mato, Iuliu Winkler, Anna-Michelle Asimakopoulou, Arnaud**

Danjean, Seán Kelly

**Proposal for a regulation**  
**Article 27 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. A Member State or any party affected or benefitted by the situations described in paragraph 2 may notify the Commission if it is confronted, over a two-month period compared with the same period in the preceding year with a significant decrease in the volume of imported goods included in the scope of this Regulation and an increase of volume of imports of slightly modified products, which are not included in the list of goods in Annex I. The Commission shall continually monitor any significant change of pattern of trade of goods and slightly modified products at Union level.**

**deleted**

Or. en

**Amendment 430**

**Inma Rodríguez-Piñero, Paolo De Castro**

**Proposal for a regulation**  
**Article 27 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. A Member State or any party affected or benefitted by the situations described in paragraph 2 may notify the Commission if it is confronted, over a two-month period compared with the same period in the preceding year with a significant decrease in the volume of imported goods included in the scope of this Regulation and an increase of volume of imports of slightly modified products, which are not included in the list of goods in Annex I. The Commission shall continually monitor any significant change of pattern of trade of goods and slightly modified products at Union level.

3. A Member State or any party affected or benefitted by the situations described in paragraph 2 may notify the Commission if it is confronted, over a two-month period compared with the same period in the preceding year with a significant decrease in the volume of imported goods included in the scope of this Regulation and an increase of volume of imports of slightly modified products, which are not included in the list of goods in Annex I. The Commission shall continually monitor any significant change of pattern of trade of goods and slightly modified products at Union level. **The**

*Commission shall provide information to the Member States once an interested party or a Member State has submitted a request justifying the initiation of an investigation and the Commission has completed its analysis, or when the Commission itself has determined the need to initiate an investigation*

Or. en

#### **Amendment 431**

**Carles Puigdemont i Casamajó**

#### **Proposal for a regulation**

#### **Article 27 – paragraph 3**

*Text proposed by the Commission*

3. A Member State or any party affected or benefitted by the situations described in paragraph 2 may notify the Commission if it is confronted, over a two-month period compared with the same period in the preceding year with a significant decrease in the volume of imported goods included in the scope of this Regulation and an increase of volume of imports of slightly modified products, which are not included in the list of goods in Annex I. The Commission shall continually monitor any significant change of pattern of trade of goods and slightly modified products at Union level.

*Amendment*

3. A Member State ***non-governmental organisations, environmental organisations***, or any party affected or benefitted by the situations described in paragraph 2, ***or finding concrete evidence of circumvention***, may notify the Commission if it is confronted, over a two-month period compared with the same period in the preceding year with a significant decrease in the volume of imported goods included in the scope of this Regulation and an increase of volume of imports of slightly modified products, which are not included in the list of goods in Annex I. The Commission shall continually monitor any significant change of pattern of trade of goods and slightly modified products at Union level.

Or. en

#### **Amendment 432**

**Sara Matthieu**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 27 – paragraph 3**

*Text proposed by the Commission*

3. A Member State or any party affected or benefitted by the situations described in paragraph 2 may notify the Commission ***if it is confronted, over a two-month period compared with the same period in the preceding year with a significant decrease in the volume of imported goods included in the scope of this Regulation and an increase of volume of imports of slightly modified products, which are not included in the list of goods in Annex I.*** The Commission shall continually monitor any significant change of pattern of trade of goods and slightly modified products at Union level.

*Amendment*

3. A Member State or any party affected or benefitted by ***any of*** the situations described in paragraph 2 may notify the Commission. ***Interested parties other than directly affected parties, such as environmental organisations and non-governmental organisations, which find concrete evidence of circumvention of this Regulation, may also notify the Commission of their findings.*** The Commission shall continually monitor any significant change of pattern of trade of goods and slightly modified products at Union level, ***including based on market surveillance and on any relevant source of information, including submissions by and reporting from civil society organisations.***

Or. en

**Amendment 433**

**Danilo Oscar Lancini, Herve Juvin, Marco Campomenosi**

**Proposal for a regulation**

**Article 27 – paragraph 3**

*Text proposed by the Commission*

3. A Member State or any party affected or benefitted by the situations described in ***paragraph 2*** may notify the Commission if it is confronted, over a two-month period compared with the same period in the preceding year with a significant decrease in the volume of imported goods included in the scope of this Regulation and an increase of volume of imports of slightly modified products, which are not included in the list of goods in Annex I. The Commission shall continually monitor any significant change of pattern of trade of goods and slightly modified products at Union level.

*Amendment*

3. A Member State or any party affected or benefitted by the situations described in ***paragraphs 2 to 2f*** may notify the Commission if it is confronted, over a two-month period compared with the same period in the preceding year with a significant decrease in the volume of imported goods included in the scope of this Regulation and an increase of volume of imports of slightly modified products, which are not included in the list of goods in Annex I. The Commission shall continually monitor any significant change of pattern of trade of goods and slightly modified products at Union level.

**Amendment 434**

**Massimiliano Salini, José Manuel García-Margallo y Marfil, Liudas Mažylis, Andrey Kovatchev, Gabriel Mato, Iuliu Winkler, Anna-Michelle Asimakopoulou, Arnaud Danjean, Jörgen Warborn, Seán Kelly**

**Proposal for a regulation**

**Article 27 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. Following a notification from a Member State, an interested party or on its own initiative, the Commission may decide, following an investigation, to extend obligations laid down in this regulation, in whatever way is necessary to prevent future circumvention of the mechanism, when circumvention of the measures in force is taking place.**

Or. en

**Amendment 435**

**Michiel Hoogeveen**

**Proposal for a regulation**

**Article 27 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. 3a. Other interested parties, such as environmental organisations and non-governmental organisations, which find concrete evidence of circumvention of this Regulation, may also notify the Commission of their findings.**

Or. en

**Amendment 436**

**Sara Matthieu**

on behalf of the Verts/ALE Group



**Proposal for a regulation**  
**Article 27 – paragraph 4**

*Text proposed by the Commission*

4. The **notification** referred to in paragraph 3 shall state the reasons on which **it is** based and shall include relevant data and statistics regarding the goods and products referred to in paragraph 2.

*Amendment*

4. The **notifications** referred to in paragraph 3 shall state the reasons on which **they are** based and shall include relevant data and statistics regarding the goods and products referred to in paragraph 2. **The Commission shall investigate possible circumvention when notified by a Member State, an affected party or an interested party and when such notifications meet the requirements outlined in this paragraph.**

Or. en

**Amendment 437**

**Massimiliano Salini, José Manuel García-Margallo y Marfil, Liudas Mažylis, Andrey Kovatchev, Gabriel Mato, Iuliu Winkler, Anna-Michelle Asimakopoulou, Arnaud Danjean, Seán Kelly, Angelika Winzig**

**Proposal for a regulation**  
**Article 27 – paragraph 5**

*Text proposed by the Commission*

5. **Where the Commission, taking into account the relevant data, reports and statistics, including when provided by the customs authorities of Member States, has sufficient reasons to believe that the circumstances referred to in paragraph 3 are occurring in one or more Member States, it is empowered to adopt delegated acts in accordance with Article 28 to supplement the scope of this Regulation in order to include slightly modified products for anti-circumvention purposes.**

*Amendment*

**deleted**

Or. en

**Amendment 438**

**Sara Matthieu**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 27 – paragraph 5**

*Text proposed by the Commission*

5. Where the Commission, taking into account the relevant data, reports and statistics, including when provided by the customs authorities of Member States, has sufficient reasons to believe that the circumstances referred to in paragraph 3 are occurring in one or more Member States, it is empowered to adopt delegated acts in accordance with Article 28 to supplement the scope of this Regulation in order to include *slightly modified* products for anti-circumvention purposes.

*Amendment*

5. Where the Commission, taking into account the relevant data, reports and statistics, including when provided by the customs authorities of Member States, has sufficient reasons to believe that the circumstances referred to in paragraph 2 are occurring in one or more Member States, ***it can proceed according to the following options:***

***(a) it is empowered to adopt delegated acts in accordance with Article 28 to supplement the scope of this Regulation as necessary in order to include additional products for anti-circumvention purposes and if necessary it may adopt a new legislative proposal;***

***(b) if in particular the practices of circumvention referred to in point (c) of paragraph 2 materialise in a Least-Developed Country the Commission may, if appropriate, temporarily remove the relevant exemption from CBAM referred to in paragraph 3 of Article 2;***

***(c) in particular for the practices of circumvention referred to in point (d) of paragraph 2, the Commission shall introduce a tariff-rate quota based on export levels during the three preceding years. Beyond the level set by the tariff-rate quota, the exemption from CBAM for the country in question shall cease to apply.***

Or. en

**Amendment 439**

**Proposal for a regulation**  
**Article 27 – paragraph 5**

*Text proposed by the Commission*

5. Where the Commission, taking into account the relevant data, reports and statistics, including when provided by the customs authorities of Member States, has sufficient reasons to believe that the circumstances referred to in paragraph 3 are occurring in one or more Member States, it is empowered to adopt delegated acts in accordance with Article 28 to supplement the scope of this Regulation in order to include slightly modified products for anti-circumvention purposes.

*Amendment*

5. Where the Commission, taking into account the relevant data, reports and statistics, including when provided by the customs authorities of Member States, has sufficient reasons to believe that the circumstances referred to in paragraph 3 are occurring in one or more Member States, it is empowered to adopt delegated acts in accordance with Article 28 to supplement the scope of this Regulation in order to include slightly modified products for anti-circumvention purposes. ***The Commission shall demand Member States to notify circumvention cases in a quarterly basis and inform the European Parliament yearly on the practices of CBAM circumvention.***

Or. en

**Amendment 440**  
**Joachim Schuster, Bernd Lange**

**Proposal for a regulation**  
**Article 27 – paragraph 5**

*Text proposed by the Commission*

5. Where the Commission, taking into account the relevant data, reports and statistics, including when provided by the customs authorities of Member States, has sufficient reasons to believe that the circumstances referred to in paragraph 3 are occurring in one or more Member States, it is empowered to adopt delegated acts in accordance with Article 28 to supplement the scope of this Regulation in order to include ***slightly modified products*** for anti-circumvention purposes.

*Amendment*

5. Where the Commission, taking into account the relevant data, reports and statistics, including when provided by the customs authorities of Member States, has sufficient reasons to believe that the circumstances referred to in paragraph 3 are occurring in one or more Member States, it is empowered to adopt delegated acts in accordance with Article 28 to supplement the scope of this Regulation in order to include ***all the facts listed in paragraph 2*** for anti-circumvention purposes.

**Amendment 441**

**Inma Rodríguez-Piñero, Paolo De Castro**

**Proposal for a regulation**

**Article 27 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5 a. Following a complaint by an interested party or on its own initiative, the Commission may decide, after an investigation, to extend the obligations laid down in this Regulation, as necessary to prevent future circumvention of the Mechanism, where the measures in force are being circumvented**

Or. en

*Justification*

*The enforcement rules for circumvention cases should be strengthened and therefore procedures and sanctions (including the possibility of withdrawal of import authorisation) should be amended accordingly.*

**Amendment 442**

**Herve Juvin, Jean-Lin Lacapelle, Danilo Oscar Lancini**

**Proposal for a regulation**

**Article 27 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The Commission shall report annually to the European Parliament and the Council, with a view to drawing up an exhaustive list of unfair and circumvention practices related to the CBAM in third countries.**

Or. fr

**Amendment 443**

**Danilo Oscar Lancini, Herve Juvin, Marco Campomenosi**

**Proposal for a regulation**

**Article 27 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5 a. The Commission shall regularly report <sup>1a</sup> to the European Parliament and the Council on the practices of circumvention relating to the CBAM.**

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**<sup>1a</sup> at least on an annual basis**

Or. en

**Amendment 444**

**Sara Matthieu**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 27 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5 a. The Commission shall report every two years to the European Parliament and the Council on the main circumvention practices identified.**

Or. en

**Amendment 445**

**Massimiliano Salini, José Manuel García-Margallo y Marfil, Liudas Mažylis, Andrey Kovatchev, Gabriel Mato, Iuliu Winkler, Anna-Michelle Asimakopoulou, Arnaud Danjean, Seán Kelly**

**Proposal for a regulation**

**Article 27 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5 a. Decisions referred to in the third paragraph shall be subject to the appeal procedure as set out in Article 30.**

**Amendment 446**

**Massimiliano Salini, José Manuel García-Margallo y Marfil, Liudas Mažylis, Andrey Kovatchev, Gabriel Mato, Iuliu Winkler, Anna-Michelle Asimakopoulou, Arnaud Danjean, Christophe Hansen, Seán Kelly**

**Proposal for a regulation**

**Article 27 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

**5 b. The Commission shall always investigate possible circumvention when notified by a Member State or an interested party. Initiations shall be made by means of a Commission regulation which shall also instruct customs authorities of Member States to subject imports to registration. The Commission shall provide information to the Member States once a party or a Member State has submitted a request to initiate an investigation and the Commission has completed its analysis thereof, or where the Commission has itself determined that there is a need to initiate an investigation.**

Or. en

**Amendment 447**

**Inma Rodríguez-Piñero, Paolo De Castro**

**Proposal for a regulation**

**Article 27 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

**5 b. Investigations shall be carried out by the Commission. The Commission may be assisted by the customs authorities and the investigations shall be concluded in due time**

Or. en

**Amendment 448**

**Inma Rodríguez-Piñero, Paolo De Castro**

**Proposal for a regulation**

**Article 27 – paragraph 5 c (new)**

*Text proposed by the Commission*

*Amendment*

**5 c. The Commission decision finding circumvention shall impose a penalty in accordance with Article 26 on the authorised declarant involved in the circumvention and, where appropriate, on the operator of the facility located in the third country who is related to the authorised declarant. Where appropriate, the penalty shall also entail the withdrawal of the import authorisation and shall be extended to the operator**

Or. en

**Amendment 449**

**Massimiliano Salini, José Manuel García-Margallo y Marfil, Liudas Mažylis, Andrey Kovatchev, Gabriel Mato, Iuliu Winkler, Anna-Michelle Asimakopoulou, Arnaud Danjean, Christophe Hansen, Jörgen Warborn, Seán Kelly, Angelika Winzig**

**Proposal for a regulation**

**Article 27 – paragraph 5 c (new)**

*Text proposed by the Commission*

*Amendment*

**5 c. Investigations shall be carried out by the Commission. The Commission may be assisted by customs authorities and the investigation shall be concluded in due time.**

Or. en

**Amendment 450**

**Inma Rodríguez-Piñero, Paolo De Castro**

**Proposal for a regulation**

## Article 27 – paragraph 5 d (new)

*Text proposed by the Commission*

*Amendment*

**5 d. Where a party submits sufficient information showing that, after the entry into force of this Regulation, an approved declarant has been absorbing the cost of CBAM certificates such that there has been no or insufficient change in resale prices or subsequent selling prices of the imported product in the Union, and that such situation has no sufficient cause or economic justification other than to undermine the effects of the obligations laid down in this Regulation, the Commission shall initiate an investigation. A Member State shall have the power to request the initiation of investigations where it detects a case of absorption of irregular cost**

**(a) The Commission shall provide information to Member States once a party has submitted sufficient information to justify the initiation of the investigation and the Commission has completed its analysis**

**(b) Investigations shall be carried out by the Commission. The Commission may be assisted by the customs authorities. During an investigation pursuant to this Article, the interested party shall be given the opportunity to clarify the situation regarding resale prices and subsequent selling prices**

**(c) If it is concluded that the obligations laid down in this Regulation should have led to movements of such prices, the Commission shall take appropriate measures to restore the effectiveness of the obligations laid down in this Regulation**

Or. en

*Justification*

*The CBAM is intended as an instrument to achieve global emission reductions by helping to combat global warming. Therefore, the absorption of the CBAM levy will be considered an*



*illegal practice, as it undermines the objectives of the mechanism.*

**Amendment 451**

**Massimiliano Salini, José Manuel García-Margallo y Marfil, Liudas Mažylis, Andrey Kovatchev, Gabriel Mato, Iuliu Winkler, Anna-Michelle Asimakopoulou, Arnaud Danjean, Christophe Hansen, Jörgen Warborn**

**Proposal for a regulation**

**Article 27 – paragraph 5 d (new)**

*Text proposed by the Commission*

*Amendment*

***5 d. The Commission Decision finding circumvention shall impose a penalty pursuant to article 26 on an Authorised Declarant involved in the circumvention and, if appropriate, the operator of the installation located in the third country that is linked to the Authorised Declarant. Where appropriate, the penalty shall also entail the withdrawal of import authorisation and be extended to the operator.***

Or. en

**Amendment 452**

**Danilo Oscar Lancini, Herve Juvin, Marco Campomenosi**

**Proposal for a regulation**

**Article 27 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 27 a***

***Absorption***

***1. Where any party submits sufficient information showing that, after the entry into force of this Regulation, an Authorised Declarant has been absorbing the cost of the CBAM Certificates, such that there has been no movement, or insufficient movement, in the resale prices or subsequent selling prices of the imported product in the Union, and that such situation has insufficient due cause***

*or economic justification other than undermining the effects of the obligations as laid down in this Regulation, the Commission shall open an investigation. The Commission shall provide information to the Member States once a party has submitted sufficient information justifying the opening of the investigation and the Commission has completed its analysis thereof.*

*2. The investigation may also be opened, under the conditions set out in the first subparagraph, on the initiative of the Commission or at the request of a Member State.*

*3. During an investigation pursuant to this Article, any interested party shall be provided with an opportunity to clarify the situation with regard to resale prices and subsequent selling prices.*

*4. Investigations shall be carried out by the Commission. The Commission may be assisted by customs authorities and the investigation shall be concluded within nine months.*

*5. If it is concluded that the obligations as laid down in this Regulation should have led to movements in such prices, the Commission shall take appropriate measures to re-establish the effectiveness of the obligations as set out in this Regulations. Such measures imposed pursuant to this Article shall not exceed the amount of the penalties as set out in Article 26.*

*6. The Commission shall regularly report<sup>1a</sup> to the European Parliament and the Council on the practices of Absorption relating to the CBAM.*

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<sup>1a</sup> *at least on an annual basis*

Or. en

**Proposal for a regulation**  
**Article 27 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 27 a*

*Absorption*

- 1. If any party submits sufficient evidence that, following the entry into force of this Regulation, an Authorised Declarant has been absorbing the cost of the CBAM Certificates, resulting in no or insufficient movement in the resale prices or subsequent selling prices of the imported product in the Union, and that such a situation has insufficient due cause or economic justification other than undermining the effects of the obligations as laid down in this Regulation, the Commission shall open an investigation. Once a party has presented sufficient evidence justifying the opening of an inquiry and the Commission has finished its study, the Commission will inform the Member States.*
- 2. The investigation may also be opened, under the conditions set out in the first subparagraph, on the initiative of the Commission or at the request of a Member State.*
- 3. During an investigation pursuant to this Article, any interested party shall be provided with an opportunity to clarify the situation with regard to resale prices and subsequent selling prices.*
- 4. Investigations shall be carried out by the Commission. The Commission may be assisted by customs authorities and the investigation shall be concluded within in due time.*
- 5. If it is concluded that the obligations as laid down in this Regulation should have led to movements in such prices, the*

***Commission shall take appropriate measures to re-establish the effectiveness of the obligations as set out in this Regulation. Such measures imposed pursuant to this Article shall not exceed the amount of the penalties as set out in Article 26.***

Or. en

**Amendment 454**

**Sara Matthieu**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 28 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Articles 2(10), 2(11), 18(3) and 27(5) shall be conferred on the Commission for an indeterminate period of time.

*Amendment*

2. The power to adopt delegated acts referred to in Articles 2(10), 2(11), **6(7a), 8(3)**, 18(3) and 27(5) shall be conferred on the Commission for an indeterminate period of time.

Or. en

**Amendment 455**

**Danuta Maria Hübner, Andrius Kubilius, Andrzej Halicki, Liudas Mažylis**

**Proposal for a regulation**

**Article 28 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Articles 2(10), 2(**II**), 18(3) and 27(5) shall be conferred on the Commission for an indeterminate period of time.

*Amendment*

2. The power to adopt delegated acts referred to in Articles 2(10), 2(**IA**), 18(3) and 27(5) shall be conferred on the Commission for an indeterminate period of time.

Or. en

**Amendment 456**

**Sara Matthieu**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 28 – paragraph 3**

*Text proposed by the Commission*

3. The delegation of power referred to in Articles 2(10), 2(11), 18(3) and 27(5) may be revoked at any time by the European Parliament or by the Council.

*Amendment*

3. The delegation of power referred to in Articles 2(10), 2(11), **6(7a), 8(3)**, 18(3) and 27(5) may be revoked at any time by the European Parliament or by the Council.

Or. en

**Amendment 457**

**Danuta Maria Hübner, Andrius Kubilius, Andrzej Halicki, Liudas Mažylis**

**Proposal for a regulation**  
**Article 28 – paragraph 3**

*Text proposed by the Commission*

3. The delegation of power referred to in Articles 2(10), 2(**II**), 18(3) and 27(5) may be revoked at any time by the European Parliament or by the Council.

*Amendment*

3. The delegation of power referred to in Articles 2(10), 2(**14**), 18(3) and 27(5) may be revoked at any time by the European Parliament or by the Council.

Or. en

**Amendment 458**

**Kathleen Van Brempt, Raphaël Glucksmann, Miroslav Číž, Inma Rodríguez-Piñero, Paolo De Castro, Margarida Marques, Joachim Schuster, Miapetra Kumpula-Natri**

**Proposal for a regulation**  
**Article 28 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5 a. This committee of experts shall be inclusive and consist of people who, together, are knowledgeable of all the various effects of the CBAM, representing the interests of all affected stakeholders and society as a whole.***

*Justification*

*Most of the important technical elements still remain to be determined by delegated acts. The CBAM is highly complex and will affect many different stakeholders, inside as well as outside of the EU borders. Therefore, it is crucial that the interests of these stakeholders and society as a whole, are duly represented by an inclusive committee of experts.*

**Amendment 459****Sara Matthieu**

on behalf of the Verts/ALE Group

**Proposal for a regulation****Article 28 – paragraph 7***Text proposed by the Commission*

7. A delegated act adopted pursuant to Articles 2(10), 2(11), 18(3) and 27(5) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Amendment*

7. A delegated act adopted pursuant to Articles 2(10), 2(11), **6(7a), 8(3)**, 18(3) and 27(5) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

**Amendment 460****Danuta Maria Hübner, Andrius Kubilius, Andrzej Halicki, Liudas Mažylis****Proposal for a regulation****Article 28 – paragraph 7***Text proposed by the Commission*

7. A delegated act adopted pursuant to Articles 2(10), 2(**11**), 18(3) and 27(5) shall enter into force only if no objection has been expressed either by the European

*Amendment*

7. A delegated act adopted pursuant to Articles 2(10), 2(**14**), 18(3) and 27(5) shall enter into force only if no objection has been expressed either by the European

Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

#### **Amendment 461**

**Jürgen Warborn, Massimiliano Salini**

#### **Proposal for a regulation Article 29 – paragraph 1**

##### *Text proposed by the Commission*

1. The Commission shall be assisted by the CBAM Committee. The committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

##### *Amendment*

1. The Commission shall be assisted by the CBAM Committee. The committee shall be a committee within the meaning of Regulation (EU) No 182/2011. ***The CBAM committee should include representatives from enterprises affected by the Regulation to ensure transparency, as well as mitigate risk of litigation and possible trade disputes.***

Or. en

#### **Amendment 462**

**Danilo Oscar Lancini**

#### **Proposal for a regulation Article 29 – paragraph 2 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***2 a. If, as a result of the implementation of this Regulation, the EU sectors which have their products included in its scope as well as their downstream value chain related sectors***

*would be damaged, due to unintended reactions of third countries, the Commission shall in a timely manner establish an effective compensation mechanism according to the procedures established in articles 28 and 29 of this Regulation.*

Or. en

**Amendment 463**  
**Michiel Hoogeveen**

**Proposal for a regulation**  
**Article 29 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 29 a**

*The Commission shall in a timely manner establish an effective compensation mechanism, according to the procedures established in articles 28 and 29, for damages caused by unforeseen reactions of third countries as a result of the implementation of the CBAM regulation.*

Or. en

**Amendment 464**  
**Miapetra Kumpula-Natri**

**Proposal for a regulation**  
**Article 30 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

**-1.** *The Commission shall before the carbon border adjustment mechanism enters into force evaluate carefully the impact of the system on the companies in the European Union. CBAM aims at levelling the playing field as all internal and external producers under CBAM sectors pay the price of carbon. When exporting to third countries, only the*



*European producers pay the price of carbon price creating imbalanced situation which the Commission needs to prevent taking necessary measures.*

Or. en

#### Amendment 465

Danilo Oscar Lancini, Herve Juvin, Marco Campomenosi

#### Proposal for a regulation Article 30 – paragraph 1

##### *Text proposed by the Commission*

1. The Commission shall collect the information necessary with a view to extending the scope of this Regulation to indirect emissions and goods other than those listed in Annex I, and develop methods of calculating embedded emissions based on environmental footprint methods.

##### *Amendment*

1. The Commission shall collect the information necessary with a view to extending the scope of this Regulation to ***include EU exports to third countries,*** indirect emissions and goods other than those listed in Annex I, ***including downstream products using goods covered by this Regulation,*** and develop methods of calculating embedded emissions based on environmental footprint methods. ***While the CBAM applied to EU imports addresses the risk of carbon import leakage to the EU market, a level playing field must also be ensured for European products that are exported outside the EU.***

Or. en

#### Amendment 466

Sara Matthieu

on behalf of the Verts/ALE Group

#### Proposal for a regulation Article 30 – paragraph 1

##### *Text proposed by the Commission*

1. The Commission shall collect the information necessary ***with a view to extending the scope of this Regulation to indirect emissions and goods other than***

##### *Amendment*

1. The Commission shall collect the information necessary ***to*** develop methods of calculating embedded emissions based on environmental footprint methods.

*those listed in Annex I, and* develop methods of calculating embedded emissions based on environmental footprint methods.

Or. en

#### Amendment 467

Carles Puigdemont i Casamajó

#### Proposal for a regulation Article 30 – paragraph 1

##### *Text proposed by the Commission*

1. The Commission shall collect the information necessary with a view to extending the scope of this Regulation to indirect emissions and goods other than those listed in Annex I, and develop methods of calculating embedded emissions based on environmental footprint methods.

##### *Amendment*

1. The Commission shall collect the information necessary with a view to extending the scope of this Regulation to indirect emissions and goods other than those listed in Annex I, and develop methods of calculating embedded emissions based on environmental footprint methods, ***six months after the entry into force of this Regulation.***

Or. en

#### Amendment 468

Kathleen Van Brempt, Raphaël Glucksmann, Miroslav Číž, Inma Rodríguez-Piñero, Paolo De Castro

#### Proposal for a regulation Article 30 – paragraph 1

##### *Text proposed by the Commission*

1. The Commission shall collect the information necessary with a view to extending the scope of this Regulation to ***indirect emissions and goods*** other than those listed in Annex I, and develop methods of calculating embedded emissions based on environmental footprint methods.

##### *Amendment*

1. The Commission shall collect the information necessary with a view to extending the scope of this Regulation to ***goods and services*** other than those listed in Annex I, ***such as all the sectors covered by the ETS and downstream sectors,*** and develop methods of calculating embedded emissions based on environmental footprint methods.

*Justification*

*indirect emissions shall be included as from the start of the implementation phase. In order to mirror the ETS to a maximum extent, all sectors covered by the ETS should be covered by the CBAM as soon as feasible. Effects on downstream sectors should be carefully monitored and if (risk of) carbon leakage arises, action should be taken accordingly.*

**Amendment 469**

**Dita Charanzová, Svenja Hahn**

**Proposal for a regulation****Article 30 – paragraph 1***Text proposed by the Commission*

1. The Commission shall collect the information necessary with a view to extending the scope of this Regulation to indirect emissions and goods other than those listed in Annex I, and develop methods of calculating embedded emissions based on environmental footprint methods.

*Amendment*

1. The Commission shall collect, ***in consultation with the relevant stakeholders***, the information necessary with a view to extending the scope of this Regulation to indirect emissions and goods other than those listed in Annex I, and develop methods of calculating embedded emissions based on environmental footprint methods.

**Amendment 470**

**Tiziana Beghin**

**Proposal for a regulation****Article 30 – paragraph 1***Text proposed by the Commission*

1. The Commission shall collect the information necessary with a view to extending the scope of this Regulation to indirect emissions and goods other than those listed in Annex I, and develop methods of calculating embedded emissions based on environmental footprint methods.

*Amendment*

1. The Commission shall collect the information necessary with a view to extending the scope of this Regulation to indirect emissions and goods other than those listed in Annex I, ***including agriculture and food sectors***, and develop methods of calculating embedded emissions based on environmental footprint methods.

**Amendment 471**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 30 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall collect the information *necessary with a view* to extending the scope of this Regulation to indirect emissions and goods other than those listed in Annex I, and develop methods of calculating embedded emissions based on environmental footprint methods.

*Amendment*

1. The Commission shall collect the information *required prior* to extending the scope of this Regulation to indirect emissions and goods other than those listed in Annex I, and develop methods of calculating embedded emissions based on environmental footprint methods.

Or. fr

**Amendment 472**  
**Sara Matthieu**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 30 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. Before the end of the transitional period, the Commission shall present a legislative proposal with a view to extending the scope of this Regulation to goods other than those listed in Annex I goods, including but not limited to oil refineries, paper, glass, plastics, chemicals and downstream products.***

Or. en

**Amendment 473**  
**Massimiliano Salini, José Manuel García-Margallo y Marfil, Liudas Mažylis, Andrey Kovatchev, Gabriel Mato, Iuliu Winkler, Anna-Michelle Asimakopoulou, Arnaud**

**Proposal for a regulation**  
**Article 30 – paragraph 2**

*Text proposed by the Commission*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, **the** assessment **of** the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

*Amendment*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, **an in-depth** assessment **developed in cooperation with the sectors at risk of carbon leakage covered by this regulation of the rules to be applied in the testing period established pursuant art. 30bis** and the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system **as well as an assessment of the impact on competitiveness of the EU downstream industry**. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future. **Such an extension should be considered only if a clear calculation methodology has been established by the Commission and once the mechanism has proven fully effective in terms of achieving its objective of carbon leakage protection.**

Or. en

**Amendment 474**  
**Carles Puigdemont i Casamajó**

**Proposal for a regulation**  
**Article 30 – paragraph 2**

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, the assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, the assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future. ***The report shall also consider the feasibility of directing a significant share of the revenue raised by the CBAM to help developing countries to implement policies that shift the economy away from carbon-intensive industries. Notwithstanding the timeframe of the reports to be issued by the Commission to the European Parliament, the latter shall be able to make its own report whenever it deems it necessary after the entry into force of this Regulation.***

Or. en

#### **Amendment 475**

**Danilo Oscar Lancini, Roman Haider, Herve Juvin, Marco Campomenosi**

#### **Proposal for a regulation**

#### **Article 30 – paragraph 2**

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, ***the*** assessment of the

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, ***an in-depth*** assessment -

possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that *may be* subject to the risk of carbon leakage in the future.

*developed in close cooperation with the industrial sectors*, of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already *covered by this Regulation, including down stream products using goods* covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that *maybe* subject to the risk of carbon leakage in the future. *Finally it contains an assessment of extending the scope of this Regulation by including an export adjustment mechanism or the maintenance of free allowances for the EU production destined to the export, in order to ensure a level playing field also for European products that are exported.*

Or. en

## **Amendment 476** **Geert Bourgeois**

### **Proposal for a regulation** **Article 30 – paragraph 2**

#### *Text proposed by the Commission*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, *the* assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of

#### *Amendment*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, *an in-depth* assessment of *the impact on competitiveness of the EU industry, including the downstream industry*, and the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It

transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future. ***The report should also analyse whether the obligations laid down in this Regulation have led to movements in the resale prices or subsequent selling prices of the imported product in the Union.***

Or. en

**Amendment 477**  
**Tiziana Beghin**

**Proposal for a regulation**  
**Article 30 – paragraph 2**

*Text proposed by the Commission*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, the assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

*Amendment*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain ***the effects of the measures on the Union market and in particular SMEs, the depth analysis of Union competitiveness, the volume of Union imports as results of the application of this Regulation***, the assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, ***including agriculture and food sectors***, as well as an assessment of the governance system ***and***. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

Or. en



## Amendment 478

Dita Charanzová, Svenja Hahn

### Proposal for a regulation

#### Article 30 – paragraph 2

*Text proposed by the Commission*

2. Before the **end** of the **transitional period**, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in **particular**, the assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

*Amendment*

2. Before the **start** of the **removal of free allowances under ETS**, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation **and assess if the conditions are in place for the effective implementation of a CBAM before phasing out free allocation**. The report shall contain, in **addition**, the assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

Or. en

## Amendment 479

Sara Matthieu

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 30 – paragraph 2

*Text proposed by the Commission*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this

*Amendment*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this

Regulation. The report shall contain, in particular, *the assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as* an assessment of the governance system. *It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain* and services that may be subject to the risk of carbon leakage *in the future*.

Regulation. The report shall contain, in particular:

- an assessment of the governance system *with a view to setting up a European CBAM Authority which would be granted the tasks of coordinating relevant authorities, centralising data and providing a single contact point for operators, authorised declarants and any interested parties;*
- *an assessment of the measures aiming at preventing and addressing circumvention practices;*
- *an assessment of the possibility to further extend the scope to embedded emissions of transportation services and services that may be subject to the risk of carbon leakage.*

Or. en

**Amendment 480**  
**Jürgen Warborn**

**Proposal for a regulation**  
**Article 30 – paragraph 2**

*Text proposed by the Commission*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, the assessment of the

*Amendment*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, the assessment of the

possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system *as well as an assessment of the impact on competitiveness of the EU downstream industry*. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

Or. en

**Amendment 481**  
**Seán Kelly**

**Proposal for a regulation**  
**Article 30 – paragraph 2**

*Text proposed by the Commission*

2. Before the ***end of the transitional period***, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The ***report shall*** contain, in particular, the assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

*Amendment*

2. ***Two years*** before the ***start of removal of free allowances in ETS*** the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The ***reports shall*** contain, in particular, the assessment of ***the impact on competitiveness of the EU downstream industry***, the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

**Amendment 482**  
**Michiel Hoogeveen**

**Proposal for a regulation**  
**Article 30 – paragraph 2**

*Text proposed by the Commission*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, **the** assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

*Amendment*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, **an in-depth** assessment, **developed in close cooperation with the industrial sectors**, of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

Or. en

**Amendment 483**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 30 – paragraph 2**

*Text proposed by the Commission*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in

*Amendment*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in

particular, the ***assessment of the possibilities to further extend*** the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

particular, the ***study on the extension of*** the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

Or. fr

#### **Amendment 484**

**Danilo Oscar Lancini, Herve Juvin, Marco Campomenosi**

#### **Proposal for a regulation**

#### **Article 30 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. 1. Following the transitional period, the Commission shall introduce a two-year testing period during which it shall in a transparent way collect and verify data, in cooperation with interested industrial sectors, in order to assess the effectiveness of the CBAM in addressing the risk of carbon leakage as well as in ensuring a global level playing field in order to preserve the competitiveness of EU industry.***

***2. In 2029 the Commission shall present a report to the European Parliament and the Council regarding the effectiveness of the CBAM. The report shall also include the selected option to address the export exposure, regarding the effectiveness of the CBAM based on the data collected according to paragraph 1.***

***3. The report by the European Commission may be accompanied by a legislative proposal to amend the scope of this Regulation, including if the***

*assessment of the effectiveness of the CBAM in tackling carbon leakage shows that EU ETS allowances allocated free of charge in accordance with Article 10a of Directive 2003/87/EC remain necessary to prevent the risk of carbon leakage after 2030.*

Or. en

**Amendment 485**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 30 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. The Commission shall monitor and evaluate the mechanism's effectiveness with regard to the risk of carbon leakage before phasing out free allocation to sectors at risk of carbon leakage covered by this regulation.**

**To this end, the Commission shall present a report to the European Parliament and the Council evaluating:**

**- the first three years (2026-2028) of the surrendering obligation pursuant to article 22;**

**- the risk of carbon leakage on export markets.**

**If the evaluation is positive, the report shall be accompanied by a legislative proposal implementing a solution to address the risk of carbon leakage on export markets.**

Or. en

**Amendment 486**  
**Joachim Schuster, Bernd Lange**

**Proposal for a regulation**

## Article 30 – paragraph 3

*Text proposed by the Commission*

3. ***The report by the Commission shall, if appropriate, be accompanied by a legislative proposal.***

*Amendment*

3. ***In accordance with the Article 36 paragraph 3(d) there shall be no automatic entry into force of the relevant parts of this Regulation after the transitional period. The Commission therefore attaches to its report a legislative proposal on the final entry into force of these parts. The Council and the European Parliament decide.***

Or. en

### Amendment 487

**Danilo Oscar Lancini, Roman Haider, Herve Juvin, Marco Campomenosi**

#### Proposal for a regulation

#### Article 30 – paragraph 3

*Text proposed by the Commission*

3. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal.

*Amendment*

3. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal. ***The proposal should consider, inter alia, the option to maintain the allocation of free allowances for EU exports and to allocate a refund for the carbon costs that EU producers incur under the EU Emissions Trading System.***

Or. en

### Amendment 488

**Carles Puigdemont i Casamajó**

#### Proposal for a regulation

#### Article 30 – paragraph 3

*Text proposed by the Commission*

3. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal.

*Amendment*

3. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal. ***The Commission***

*shall take into account the report issued by the European Parliament.*

Or. en

**Amendment 489**

**Seán Kelly**

**Proposal for a regulation**

**Article 30 – paragraph 3 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

*A legislative proposal shall be presented two years before the start of removal of free allowances in ETS, to prevent distortion of competition in the EU and on global markets, that will occur as an indirect effect from the removal of free allocations of ETS, between products containing goods as listed under Annex I produced in the EU and those produced in third countries. The legislative proposal shall take into account Article 2.5 to prevent carbon leakage and be in line with WTO rules.*

Or. en

**Amendment 490**

**Kathleen Van Brempt, Raphaël Glucksmann, Miroslav Číž, Inma Rodríguez-Piñero, Paolo De Castro**

**Proposal for a regulation**

**Article 30 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*3 a. Before the end of the fourth year following the entry into force of this Regulation, the Commission shall conduct a review of the carbon leakage risks posed to EU ETS installations producing products listed in Annex I of this Regulation for export beyond the customs territory of the Union. This review shall*



*take into account relevant risk factors, including the extent to which third countries have adopted equivalent carbon pricing or regulatory policies to the Union, the ability of EU ETS installations to deduct carbon prices already paid in the EU or pass on emission costs in third country markets, and the prospects for global cooperation on carbon leakage protection.*

Or. en

**Amendment 491**

**Sara Matthieu**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 30 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. The Commission shall monitor the functioning of the Carbon Border Adjustment Mechanism. Each year, it shall submit a report to the European Parliament and to the Council on the functioning of the Carbon Border Adjustment Mechanism, including the volumes of imported products covered by this Regulation broken-down by exporting country, the quantity of emissions embedded in those products, as well as products' average emissions-intensity. The Commission shall also provide an assessment of the impacts of this regulation on the risk of carbon leakage relevant sectors, of the evidence and risk of circumvention and of the administrative procedures for declarants.**

Or. en

**Amendment 492**

**Kathleen Van Brempt, Raphaël Glucksmann, Miroslav Číž, Inma Rodríguez-Piñero, Paolo De Castro, Miapetra Kumpula-Natri**

**Proposal for a regulation**  
**Article 30 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3 b. If the remaining risk of carbon leakage to exporters determined by the review referred to in paragraph 4 is deemed to place into question the effectiveness of the Union's climate policy of pricing emissions for EU ETS installations, the Commission shall propose legislative amendments to eliminate this risk. If necessary, any such legislative proposals shall respect the WTO legal principles of non-discrimination and shall not distort existing trade patterns to the Union's advantage.**

Or. en

**Amendment 493**  
**Michiel Hoogeveen**

**Proposal for a regulation**  
**Article 30 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 30 a**

**1. For the years from 2026 to 2030 the EC shall set forth an adequate monitoring and reporting system to collect data allowing to test the effectiveness of the CBAM in ensuring an equivalent treatment for imports and domestic goods and protecting from the risk of carbon leakage. For the same years the EC shall also assess, in cooperation with the industrial sectors exposed to carbon leakage, different possible mechanisms to address the export exposure of the EU products.**

**2. In 2029 the Commission shall present a report to the European Parliament and**

*the Council regarding the effectiveness of the CBAM. The report shall also include the selected option to address the export exposure.*

*3. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal to include the selected option for export.*

Or. en

**Amendment 494**

**Massimiliano Salini, José Manuel García-Margallo y Marfil, Liudas Mažylis, Andrey Kovatchev, Gabriel Mato, Iuliu Winkler, Anna-Michelle Asimakopoulou, Arnaud Danjean, Christophe Hansen, Seán Kelly**

**Proposal for a regulation  
Article 30 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 30 a*

*Before phasing out free allocation to sectors at risk of carbon leakage covered by this rule, the Commission will monitor and assess the mechanism's efficacy in terms of the risk of carbon leakage. To this purpose, the Commission shall publish a report to the European Parliament and the Council, following consultation with the sectors subject by this Regulation, evaluating:*

*a. the first three years (2026-2028) of the surrendering obligation pursuant to article 22;*

*b. the risk of carbon leakage on export markets.*

*If the assessment is positive, the report shall be accompanied by a legislative proposal to phase out free allocation to sectors subject to this regulation and to adopt a solution to mitigate the risk of carbon leakage on the export market.*

**Amendment 495**  
**Anna-Michelle Asimakopoulou**

**Proposal for a regulation**  
**Article 30 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 30 a**

**Emergency Review**

*At the request of a Member State, an interested party, or on its own initiative, the Commission may carry out an emergency review in order to assess the mechanism's efficacy in preventing carbon leakage in relation to any of the goods referred to in Article 2.*

Or. en

**Amendment 496**  
**Sara Matthieu**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Chapter IX – title**

*Text proposed by the Commission*

*Amendment*

IX **Coordination with** free allocation of allowances under the EU ETS

IX **Termination of** free allocation of allowances under the EU ETS

Or. en

**Amendment 497**  
**Kathleen Van Brempt, Raphaël Glucksmann, Miroslav Číž**

**Proposal for a regulation**  
**Article 31 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The CBAM certificates to be surrendered in accordance with Article 22 shall be adjusted to reflect the extent to which EU ETS allowances are allocated free of charge in accordance with Article 10a of Directive 2003/87/EC to installations producing, within the Union, the goods listed in Annex I.

1. The CBAM certificates to be surrendered in accordance with Article 22 shall be adjusted to reflect the extent to which EU ETS allowances are allocated free of charge in accordance with Article 10a of Directive 2003/87/EC to installations producing, within the Union, the goods listed in Annex I.

*The CBAM certificates to be surrendered in accordance with Article 22 shall be adjusted to reflect the extent to which EU ETS allowances are allocated free of charge in accordance with Article 10a of Directive 2003/87/EC to installations producing, within the Union, the goods listed in Annex I. The gradual phase out of free allowances and mirroring phase in of CBAM certificates will occur by applying the “CBAM factor”, reducing the free allocation to installations producing these products within the Union. The CBAM factor shall be equal to 100% for the period during the entry into force of this Regulation and the end of 2024, 90% in 2025, 80% in 2026, 65% in 2027, 50% in 2028, 30% in 2029 and will reach 0% by the end of 2030.*

Or. en

#### Amendment 498

Sara Matthieu

on behalf of the Verts/ALE Group

#### Proposal for a regulation

#### Article 31 – paragraph 1

*Text proposed by the Commission*

1. The CBAM certificates to be surrendered in accordance with Article 22 *shall be adjusted to reflect the extent to which EU ETS allowances are allocated free of charge in accordance with Article 10a of Directive 2003/87/EC to installations producing, within the Union, the goods listed in Annex I.*

*Amendment*

1. The CBAM certificates to be surrendered in accordance with Article 22 reflect the *price paid by the* installations producing within the Union *territory and being covered by the EU ETS in accordance with Directive XXXX/XX/XX (revised EU ETS), which will provide for a termination of free allocation of*

*allowances as of the date referred to in paragraph 3(d) of Article 36 of this Regulation.*

Or. en

**Amendment 499**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 31 – paragraph 2**

*Text proposed by the Commission*

2. The Commission is empowered to adopt implementing acts laying down a calculation methodology for the reduction referred to in paragraph 1. Those implementing acts shall be adopted *in accordance with the examination procedure referred to in Article 29(2)*.

*Amendment*

2. The Commission is empowered to adopt implementing acts laying down a calculation methodology for the reduction referred to in paragraph 1. Those implementing acts, *the first of which* shall be adopted *by 1 January 2024 at the latest, shall provide a timetable for phasing out the free allowances, concluding on 1 January 2030 at the latest.*

Or. fr

**Amendment 500**  
**Sven Simon, Daniel Caspary**

**Proposal for a regulation**  
**Article 33 – paragraph 3**

*Text proposed by the Commission*

3. The customs authorities shall, by means of the surveillance mechanism established pursuant to Article 56(5) of Regulation (EU) No 952/2013, communicate to the competent authority *of the Member State of importation* information on imported goods, including processed products resulting from the outward processing procedure. Such information shall include the EORI number of the declarant, the 8-digit CN code, the quantity, the country of origin and the

*Amendment*

3. The customs authorities shall, by means of the surveillance mechanism established pursuant to Article 56(5) of Regulation (EU) No 952/2013, communicate to the competent authority information on imported goods, including processed products resulting from the outward processing procedure. Such information shall include the EORI number of the declarant, the 8-digit CN code, the quantity, the country of origin and the declarant of the goods, the date of

declarant of the goods, the date of declaration and the customs procedure.

declaration and the customs procedure.

Or. en

#### **Amendment 501**

**Sven Simon, Daniel Caspary**

#### **Proposal for a regulation**

#### **Article 35 – paragraph 1**

##### *Text proposed by the Commission*

1. Each declarant shall, for each quarter of a calendar year, submit a report ('CBAM report') containing information on the goods imported during that quarter, to the competent authority *of the Member State of importation or, if goods have been imported to more than one Member State, to the competent authority of the Member State at the declarant's choice*, no later than one month after the end of each quarter.

##### *Amendment*

1. Each declarant shall, for each quarter of a calendar year, submit a report ('CBAM report') containing information on the goods imported during that quarter, to the competent authority no later than one month after the end of each quarter.

Or. en

#### **Amendment 502**

**Sara Matthieu**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 35 – paragraph 2 – point b**

##### *Text proposed by the Commission*

(b) the actual total embedded emissions, expressed in tonnes of CO<sub>2</sub>e emissions per megawatt-hour of electricity or for other goods in tonne of CO<sub>2</sub>e emissions per tonne of each type of goods, calculated in accordance with the method set out in Annex III;

##### *Amendment*

(b) the actual total embedded *direct* emissions, expressed in tonnes of CO<sub>2</sub>e emissions per megawatt-hour of electricity or for other goods in tonne of CO<sub>2</sub>e emissions per tonne of each type of goods, calculated in accordance with the method set out in Annex III;

Or. en

#### Amendment 503

Sara Matthieu

on behalf of the Verts/ALE Group

#### Proposal for a regulation

#### Article 35 – paragraph 2 – point c

##### *Text proposed by the Commission*

(c) the actual total embedded indirect emissions, expressed in tonnes of CO<sub>2</sub>e emissions per tonne of each type of other goods than electricity, calculated in accordance with a method set out in ***an implementing*** act referred to in paragraph 6;

##### *Amendment*

(c) the actual total embedded indirect emissions, expressed in tonnes of CO<sub>2</sub>e emissions per tonne of each type of other goods than electricity, calculated in accordance with a method set out in ***delegated*** act referred to in paragraph ***7a of Article 7***;

Or. en

#### Amendment 504

Carles Puigdemont i Casamajó

#### Proposal for a regulation

#### Article 35 – paragraph 2 – point d

##### *Text proposed by the Commission*

(d) the carbon price due in a country of origin for the embedded emissions in the imported goods, which is not subject to an export rebate or other form of compensation on exportation.

##### *Amendment*

(d) the carbon price due in a country of origin for the embedded emissions ***and the indirect emissions embedded*** in the imported goods, which is not subject to an export rebate or other form of compensation on exportation.

Or. en

#### Amendment 505

Danilo Oscar Lancini, Roman Haider, Herve Juvin, Marco Campomenosi

#### Proposal for a regulation

#### Article 35 – paragraph 2 – point d

##### *Text proposed by the Commission*

(d) the carbon price due in a country of

##### *Amendment*

(d) the carbon price due in a country of



origin for the embedded emissions in the imported goods, which is not subject to an export rebate or other form of compensation *on exportation*.

origin for the embedded emissions in the imported goods, which is not subject to an export rebate or other form of compensation.

Or. en

#### **Amendment 506**

**Anna-Michelle Asimakopoulou, Massimiliano Salini**

#### **Proposal for a regulation**

#### **Article 35 – paragraph 2 – point d**

##### *Text proposed by the Commission*

(d) the carbon price due in a country of origin for the embedded emissions in the imported goods, which is not subject to an export rebate or other form of compensation *on exportation*.

##### *Amendment*

(d) the carbon price due in a country of origin for the embedded emissions in the imported goods, which is not subject to an export rebate or other form of compensation.

Or. en

#### **Amendment 507**

**Carles Puigdemont i Casamajó**

#### **Proposal for a regulation**

#### **Article 35 – paragraph 3**

##### *Text proposed by the Commission*

3. The competent authority shall communicate the information referred to in paragraph 2 to the Commission at the latest two months after the end of the quarter covered by a report.

##### *Amendment*

3. The competent authority shall communicate the information referred to in paragraph 2 to the Commission at the latest two months after the end of the quarter covered by a report. *Where appropriate, the competent authority shall be assisted by regional authorities with trade policy competences.*

Or. en

#### **Amendment 508**

**Sara Matthieu**

on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 35 – paragraph 6**

*Text proposed by the Commission*

6. The Commission is empowered to adopt implementing acts concerning the information to be reported, the procedures for communicating the information referred to in paragraph 3 and the conversion of the carbon price paid in foreign currency into euro at yearly average exchange rate. The Commission is also empowered to adopt implementing acts to further define the necessary elements of the calculation method set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and their respective application to individual goods as well as laying down methods to ensure the reliability of data, including the level of detail and the verification of this data. ***The Commission is further empowered to adopt implementing acts to develop a calculation method for indirect emissions embedded in imported goods.***

*Amendment*

6. The Commission is empowered to adopt implementing acts concerning the information to be reported, the procedures for communicating the information referred to in paragraph 3 and the conversion of the carbon price paid in foreign currency into euro at yearly average exchange rate. The Commission is also empowered to adopt implementing acts to further define the necessary elements of the calculation method set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and their respective application to individual goods as well as laying down methods to ensure the reliability of data, including the level of detail and the verification of this data.

Or. en

**Amendment 509**  
**Seán Kelly**

**Proposal for a regulation**  
**Article 35 – paragraph 6**

*Text proposed by the Commission*

6. The Commission ***is empowered to*** adopt implementing acts concerning the information to ***be reported***, the procedures for communicating the information referred to in paragraph 3 and the conversion of the carbon price ***paid in*** foreign currency into euro at yearly

*Amendment*

6. The Commission ***shall*** adopt implementing acts concerning the information to ***bereported***, the procedures for communicating the information referred to in paragraph 3 and the conversion of the carbon price ***paidin*** foreign currency into euro at yearly

average exchange rate. The Commission **is also empowered to** adopt implementing acts to further define the necessary elements of the calculation method set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and their respective application to individual goods as well as laying down methods to ensure the reliability of data, including the level of detail and the verification of this data. The Commission **is further empowered to** adopt implementing acts to develop a calculation method for indirect emissions embedded in imported goods.

average exchange rate. The Commission **shall** adopt implementing acts to further define the necessary elements of the calculation method set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and their respective application to individual goods as well as laying down methods to ensure the reliability of data, including the level of detail and the verification of this data. The Commission **shall** adopt implementing acts to develop a calculation method for indirect emissions embedded in imported goods.

Or. en

#### **Amendment 510**

**Angelika Winzig, Massimiliano Salini**

#### **Proposal for a regulation**

#### **Article 36 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) Articles 32 to 34 shall apply until **31 December 2025**.

*Amendment*

(a) Articles 32 to 34 shall apply until ***the end of the year the commission has evaluated the application of this Regulation, reported to the European Parliament and the Council and the European Parliament has given its consent to the full application of the CBAM including the financial adjustment.***

Or. en

#### **Amendment 511**

**Tiziana Beghin**

#### **Proposal for a regulation**

#### **Article 36 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

(a) Articles 32 to **34** shall apply until 31 December 2025.

(a) Articles 32 to **35** shall apply until 31 December 2025.

Or. en

**Amendment 512**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 36 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

(a) Articles 32 to 34 shall apply until 31 December **2025**.

(a) Articles 32 to 34 shall apply until 31 December **2023**.

Or. fr

**Amendment 513**  
**Sara Matthieu**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 36 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

(a) Articles 32 to 34 shall apply until 31 December **2025**.

(a) Articles 32 to 34 shall apply until 31 December **2024**.

Or. en

**Amendment 514**  
**Kathleen Van Brempt, Raphaël Glucksmann**

**Proposal for a regulation**  
**Article 36 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

(a) Articles 32 to 34 shall apply until 31 December **2025**.

(a) Articles 32 to 34 shall apply until 31 December **2024**.

**Amendment 515**

**Tiziana Beghin**

**Proposal for a regulation**

**Article 36 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) Article 35 shall apply until 28 February 2026.**

***deleted***

**Amendment 516**

**Kathleen Van Brempt, Raphaël Glucksmann**

**Proposal for a regulation**

**Article 36 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) Article 35 shall apply until 28 February 2026.**

**(b) Article 35 shall apply until 28 February 2025.**

**Amendment 517**

**Emmanuel Maurel**

**Proposal for a regulation**

**Article 36 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) Article 35 shall apply until 28 February 2026.**

**(b) Article 35 shall apply until 28 February 2024.**

**Amendment 518**

**Sara Matthieu**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 36 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) Article 35 shall apply until 28 February **2026**.

*Amendment*

(b) Article 35 shall apply until 28 February **2025**.

Or. en

**Amendment 519**

**Emmanuel Maurel**

**Proposal for a regulation**

**Article 36 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) Articles 5 and 17 shall apply from 1 September **2025**.

*Amendment*

(c) Articles 5 and 17 shall apply from 1 September **2023**.

Or. fr

**Amendment 520**

**Kathleen Van Brempt, Raphaël Glucksmann**

**Proposal for a regulation**

**Article 36 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) Articles 5 and 17 shall apply from 1 September **2025**.

*Amendment*

(c) Articles 5 and 17 shall apply from 1 September **2024**.

Or. en

**Amendment 521**

**Sara Matthieu**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 36 – paragraph 3 – point c**

*Text proposed by the Commission*

*Amendment*

(c) Articles 5 and 17 shall apply from 1 September **2025**.

(c) Articles 5 and 17 shall apply from 1 September **2024**.

Or. en

**Amendment 522**

**Angelika Winzig, Massimiliano Salini**

**Proposal for a regulation**

**Article 36 – paragraph 3 – point d**

*Text proposed by the Commission*

*Amendment*

(d) Articles 4, 6, 7, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 31 shall apply from 1 January **2026**.

(d) Articles 4, 6, 7, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 31 shall apply from 1 January ***of the year after the commission has evaluated the application of this Regulation, reported to the European Parliament and the Council and the European Parliament has given its consent to the full application of the CBAM including the financial adjustment.***

Or. en

**Amendment 523**

**Joachim Schuster, Bernd Lange**

**Proposal for a regulation**

**Article 36 – paragraph 3 – point d**

*Text proposed by the Commission*

*Amendment*

(d) Articles 4, 6, 7, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 31 shall apply ***from 1 January 2026***.

(d) Articles 4, 6, 7, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 31 shall apply, ***in accordance with Article 30 paragraph 3, only after a decision of the European Parliament and of the Council following a separate legislative proposal from the Commission.***

Or. en

**Amendment 524**

**Kathleen Van Brempt, Raphaël Glucksmann**

**Proposal for a regulation**

**Article 36 – paragraph 3 – point d**

*Text proposed by the Commission*

(d) Articles 4, 6, 7, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 31 shall apply from 1 January **2026**.

*Amendment*

(d) Articles 4, 6, 7, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 24, **24 a (new)** 25, 26, 27 and 31 shall apply from 1 January **2025**.

Or. en

**Amendment 525**

**Emmanuel Maurel**

**Proposal for a regulation**

**Article 36 – paragraph 3 – point d**

*Text proposed by the Commission*

(d) Articles 4, 6, 7, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 31 shall apply from 1 January **2026**.

*Amendment*

(d) Articles 4, 6, 7, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 31 shall apply from 1 January **2024**.

Or. fr

**Amendment 526**

**Sara Matthieu**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 36 – paragraph 3 – point d**

*Text proposed by the Commission*

(d) Articles 4, 6, 7, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 31 shall apply from 1 January **2026**.

*Amendment*

(d) Articles 4, 6, 7, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 31 shall apply from 1 January **2025**.

Or. en



**Amendment 527**

**Herve Juvin, Danilo Oscar Lancini, Jean-Lin Lacapelle**

**Proposal for a regulation**

**Article 36 – paragraph 3 – point d**

*Text proposed by the Commission*

(d) Articles 4, 6, 7, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, **27 and 31** shall apply from 1 January 2026.

*Amendment*

(d) Articles 4, 6, 7, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, **and 27** shall apply from 1 January 2026.

Or. fr

**Amendment 528**

**Herve Juvin, Danilo Oscar Lancini, Jean-Lin Lacapelle**

**Proposal for a regulation**

**Article 36 – paragraph 3 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) In order to guarantee carbon neutrality and a level playing field, Article 31 shall only apply once carbon costs are equal between the EU and third countries.***

Or. fr

**Amendment 529**

**Danilo Oscar Lancini, Herve Juvin**

**Proposal for a regulation**

**Article 36 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 31 shall apply from 1 January 2030.***

Or. en

**Amendment 530**

**Emmanuel Maurel**

**Proposal for a regulation**  
**Annex I – point 2 – indent 1 (new)**

*Text proposed by the Commission*

*Amendment*

**- Meat**

***CN code Greenhouse gas***

***0201 – Meat of bovine animals, fresh or chilled: Carbon dioxide and methane***

***0201 10 00 – Carcases and half-carcases  
Carbon dioxide and methane***

***0201 20 – Other cuts with bone Carbon  
dioxide and methane***

***0201 30 00 – Boned Carbon dioxide and  
methane***

***0202 – Meat of bovine animals, frozen  
Carbon dioxide and methane***

***0201 10 00 – Carcases and half-carcases  
Carbon dioxide and methane***

***0201 20 – Other cuts with bone Carbon  
dioxide and methane***

***0201 30 – Boned Carbon dioxide and  
methane***

***0204 – Meat of ovine or caprine animals,  
fresh, chilled or frozen Carbon dioxide***

***0204 10 00 – Lamb carcases and half-  
carcases, fresh or chilled Carbon dioxide***

***0204 21 00 – Carcases and half-carcases  
Carbon dioxide***

***0204 22 – Other cuts with bone Carbon  
dioxide***

***0204 23 00 – Boned Carbon dioxide***

***0204 30 00 – Lamb carcases and half-  
carcases, frozen Carbon dioxide***

***0204 41 00 – Carcases and half-carcases  
Carbon dioxide***

***0204 42 – Other cuts with bone Carbon  
dioxide***

***0204 43 – Boned Carbon dioxide***

Or. fr

## **Amendment 531**

**Kathleen Van Brempt, Raphaël Glucksmann, Miroslav Číž, Inma Rodríguez-Piñero, Paolo De Castro**

### **Proposal for a regulation**

#### **Annex I – point 2 – point i (new)**

*Text proposed by the Commission*

*Amendment*

#### **i) Organic chemicals and polymers**

Or. en

*Justification*

*Since organic chemicals and polymers used in the production of, amongst others, plastics are highly emitting and the products are heavily traded goods, they should be included in the CBAM from the date of application on. The Commission can use the time in the transitional period to define which exact products to cover (CN codes), tackle technical limitations and optimize calculation processes to define embedded emissions.*

## **Amendment 532**

**Emmanuel Maurel**

### **Proposal for a regulation**

#### **Annex I – point 2 – indent 2 (new)**

*Text proposed by the Commission*

*Amendment*

#### **- Organic chemicals**

**CN code Greenhouse gas**

**2901 – Acyclic hydrocarbon Carbon dioxide**

**2902 – Cyclic hydrocarbon Carbon dioxide**

**2903 – Halogenated derivatives of hydrocarbons Carbon dioxide**

**2904 – Sulphonated, nitrated or nitrosated derivatives of hydrocarbons, whether or not halogenated Carbon dioxide**

Or. fr

**Amendment 533**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Annex I – point 2 – indent 3 (new)**

*Text proposed by the Commission*

*Amendment*

- **Hydrocarbons**  
**CN code Greenhouse gas**  
**2710 – Petroleum oils and oils obtained from bituminous materials, other than crude Carbon dioxide and methane**  
**2711 – Petroleum gases and other gaseous hydrocarbons**  
**2711 11 00 – Natural gas (liquefied) Carbon dioxide**  
**2711 21 00 – Natural gas (in gaseous state) Carbon dioxide**  
**2713 – Petroleum coke, petroleum bitumen and other residues of petroleum oil or of oil obtained from bituminous minerals Carbon dioxide and methane**  
**2714 – Bitumen and asphalt, natural; bituminous or oil-shale and tar sands; asphaltites and asphaltic rocks Carbon dioxide**

Or. fr

**Amendment 534**  
**Tiziana Beghin**

**Proposal for a regulation**  
**Annex I a (new)**

*Text proposed by the Commission*

*Amendment*

- Pesticides**  
**CN CODE 380891**  
**insecticide**  
**carbon dioxide and nitrous oxide**

Or. en

**Amendment 535**

**Danuta Maria Hübner, Andrius Kubilius, Andrzej Halicki, Liudas Mažylis**

**Proposal for a regulation**

**Annex II – Part 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a Section C - Countries outside the scope of this Regulation who are committed to decarbonisation processes that should result in the adoption of emission trading system similar to the EU ETS.**

**[Currently empty]**

Or. en

**Amendment 536**

**Kathleen Van Brempt, Raphaël Glucksmann, Miroslav Číž, Inma Rodríguez-Piñero, Paolo De Castro, Margarida Marques, Joachim Schuster**

**Proposal for a regulation**

**Annex III – point 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. Determination of actual **direct** embedded emissions for simple goods

2. Determination of actual embedded emissions for simple goods

Or. en

**Amendment 537**

**Kathleen Van Brempt, Raphaël Glucksmann, Miroslav Číž, Inma Rodríguez-Piñero, Paolo De Castro, Margarida Marques, Joachim Schuster**

**Proposal for a regulation**

**Annex III – point 2 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

For determining the specific actual embedded emissions of simple goods produced in a given installation, **only direct**

For determining the specific actual embedded emissions of simple goods produced in a given installation, the

*emissions shall be accounted for. For this purpose*, the following equation is to be applied:

following equation is to be applied:

Or. en

#### **Amendment 538**

**Kathleen Van Brempt, Raphaël Glucksmann, Miroslav Číž, Inma Rodríguez-Piñero, Paolo De Castro, Margarida Marques, Joachim Schuster**

#### **Proposal for a regulation**

#### **Annex III – point 2 – paragraph 3 – introductory part**

##### *Text proposed by the Commission*

‘Attributed emissions’ mean the part of the installation’s *direct* emissions during the reporting period that are caused by the production process resulting in goods g when applying the system boundaries of the process defined by the implementing acts adopted pursuant to Article 7(6). The attributed emissions shall be calculated using the following equation:

##### *Amendment*

‘Attributed emissions’ mean the part of the installation’s emissions during the reporting period that are caused by the production process resulting in goods g when applying the system boundaries of the process defined by the implementing acts adopted pursuant to Article 7(6). The attributed emissions shall be calculated using the following equation:

Or. en

#### **Amendment 539**

**Kathleen Van Brempt, Raphaël Glucksmann, Miroslav Číž, Inma Rodríguez-Piñero, Paolo De Castro, Joachim Schuster**

#### **Proposal for a regulation**

#### **Annex III – point 2 – paragraph 3 – subparagraph 1**

##### *Text proposed by the Commission*

*null*

##### *Amendment*

*deleted*

Or. en

##### *Justification*

*another equation, including indirect emissions as well, will be applied*

#### **Amendment 540**

**Kathleen Van Brempt, Raphaël Glucksmann, Inma Rodríguez-Piñero, Paolo De Castro, Joachim Schuster**

#### **Proposal for a regulation**

#### **Annex III – point 2 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

$$Attrg = DirEm + EmH,imp - EmH,exp + Gcorr,imp - Gcorr,exp + Emel - Emel,exp$$

Or. en

#### **Amendment 541**

**Kathleen Van Brempt, Raphaël Glucksmann, Inma Rodríguez-Piñero, Paolo De Castro, Joachim Schuster**

#### **Proposal for a regulation**

#### **Annex III – point 2 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

Where DirEm are the direct emissions, resulting from the production process, expressed in tonnes of CO<sub>2</sub>e, within the system boundaries referred to in the implementing act pursuant to Article 7(6).

Where

DirEm are the direct emissions, resulting from the production process, expressed in tonnes of CO<sub>2</sub>e, within the system boundaries referred to in the implementing act pursuant to Article 7(6);

*EmH,imp are the indirect emissions accounted for heat imported to the installation and consumed within the system boundaries of the process;*

*EmH,exp are emission equivalents of heat exported from the process system boundaries;*

*Gcorr,imp is a correction factor taking into account imports of waste gases or greenhouse gases used as process input;*

*Gcorr,exp is a similar correction factor for exports of such gases from the system boundaries of the process;*

*Emel are the indirect emissions accounted for electricity consumed within the system boundaries of the process, including any electricity consumed from the relevant power grid from which the installation is supplied;*

*Emel,exp are emission equivalents of electricity exported from the process system boundaries;*

*EmH is to be calculated using the emission factor for heat given in the implementing act pursuant to Article 7,*

*Emel is to be calculated using the emission factor for electricity given in that act.*

*Where offsite power is consumed, the annual average emissions intensity of the marginal or other price-setting generator in the relevant electricity market shall be used. Where such data are not available, the average emissions intensity of fossil-fuel based generation plants in the relevant power market supplying the producing installation shall be used instead.*

*For Gcorr the implementing act shall specify the types of gases and of their use eligible for corrections, and relevant calculation factors.*

Or. en

#### *Justification*

*In order to be completely consistent with the definition of indirect emissions stipulated in this regulation, an additional + Emc,imp and - Emc,exp representing indirect cooling should be added to the formula. However, the current formula already covers all direct on site emissions as well as, all indirect electricity consumption and imported heating (such as from local heating networks). The only kind of cooling not mentioned, would be imported cold to the installation that comes from a local cooling network. As emissions from cooling are a very negligible part of the CO2 footprint of the CBAM products proposed by the EC, it is proposed to leave this element out for the time being. This in order to keep the balance between covering the exact and total amount of CO2 intensity of CBAM products and the complexity this would add for reporters.*

#### **Amendment 542**



Massimiliano Salini, José Manuel García-Margallo y Marfil, Liudas Mažylis, Andrey Kovatchev, Gabriel Mato, Iuliu Winkler, Anna-Michelle Asimakopoulou, Christophe Hansen, Seán Kelly

### Proposal for a regulation

#### Annex III – point 3 – paragraph 2 – introductory part

##### *Text proposed by the Commission*

Where  $AttrEmg$  are the attributed emissions of goods  $g$ , and  $AL_g$  the activity level of the goods, the latter being the amount of goods produced in the reporting period in that installation, and  $EE_{InpMat}$  are the embedded emissions of the input materials (precursors) consumed in the production process. Only input materials listed as relevant to the system boundaries of the production process as specified in the implementing act adopted pursuant to Article 7(6) are to be considered. The relevant  $EE_{InpMat}$  are calculated as follows:

##### *Amendment*

Where  $AttrEmg$  are the attributed emissions of goods  $g$ , and  $AL_g$  the activity level of the goods, the latter being the amount of goods produced in the reporting period in that installation, and  $EE_{InpMat}$  are the embedded emissions of the input materials (precursors) consumed in the production process. Only input materials listed as relevant to the system boundaries of the production process as specified in the implementing act adopted pursuant to Article 7(6) are to be considered. The ***implementing act pursuant to Article 7 (6) shall include all input materials that contribute significantly to GHG emissions. In the case of stainless steel (CN codes 7218-7223), ferro-alloys shall be included in the list of input materials as they fulfil this criterion. The*** relevant  $EE_{InpMat}$  are calculated as follows:

Or. en

### Amendment 543

Danilo Oscar Lancini, Herve Juvin

### Proposal for a regulation

#### Annex III – point 4 – point 4.1 – paragraph 1

##### *Text proposed by the Commission*

When actual emissions cannot be adequately determined by the authorised declarant, default values shall be used. These values shall be set at the average emission intensity of each exporting country and for each of the goods listed in Annex I other than electricity, increased by a mark-up, the latter to be determined in

##### *Amendment*

When actual emissions cannot be adequately determined by the authorised declarant, default values shall be used. ***The default values should represent the highest known carbon intensity of the asset in question in order to avoid the risk of carbon leakage and any other irregular behaviour.*** These values shall be set at the

the implementing acts of this Regulation. When reliable data for the exporting country cannot be applied for a type of goods, the default values shall be based on the average emission intensity of the 10 per cent worst performing EU installations for that type of goods.

average emission intensity of each exporting country and for each of the goods listed in Annex I other than electricity, increased by a mark-up, the latter to be determined in the implementing acts of this Regulation. ***The average country-by-country data should be consistent with the rules on the calculation of actual emissions set out in Article 7 and Annex III and verified by verifiers certified in accordance with Article 18.*** When reliable ***and verified*** data for the exporting country cannot be applied for a type of goods, the default values shall be based on the average emission intensity of the 10 per cent worst performing EU installations for that type of goods, ***plus a mark-up to be determined in the implementing acts of this Regulation. The mark-up to be applied under this point should ensure that the default values reflect the highest known carbon intensity of the asset concerned in order to avoid the risk of carbon leakage and any other irregular behaviour.***

Or. en

#### **Amendment 544**

**Sara Matthieu**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Annex III – point 4 – point 4.1 – paragraph 1**

##### *Text proposed by the Commission*

When actual emissions cannot be adequately determined by the authorised declarant, default values shall be used. These values shall be set at the average emission intensity of each exporting country and for each of the goods listed in Annex I other than electricity, increased by a mark-up, the latter to be determined in the implementing acts of this Regulation. When reliable data for the exporting country cannot be applied for a type of

##### *Amendment*

When actual emissions cannot be adequately determined by the authorised declarant, default values shall be used. These values shall be set at the average emission intensity of each exporting country and for each of the goods listed in Annex I other than electricity, increased by a mark-up the latter to be determined in the implementing acts of this Regulation. When reliable data for the exporting country cannot be applied for a type of

goods, the default values shall be based on ***the average emission intensity of the 10 per cent*** worst performing EU installations for that type of goods.

goods, the default values shall be based on worst performing EU installations for that type of goods ***with a view to encouraging companies to provide data on actual embedded emissions.***

Or. en

**Amendment 545**  
**Angelika Winzig, Massimiliano Salini**

**Proposal for a regulation**  
**Annex III – point 4 – point 4.1 – paragraph 1**

*Text proposed by the Commission*

When actual emissions cannot be adequately determined by the authorised declarant, default values shall be used. These values shall be set at the average emission intensity of each exporting country and for each of the goods listed in Annex I other than electricity, increased by a mark-up, the latter to be determined in the implementing acts of this Regulation. When reliable data for the exporting country cannot be applied for a type of goods, the default values shall be based on the average emission intensity of the 10 per cent worst performing EU installations for that type of goods.

*Amendment*

When actual emissions cannot be adequately determined by the authorised declarant, default values shall be used. These values shall be set at the average emission intensity of each exporting country and for each of the goods listed in Annex I other than electricity, increased by a mark-up, the latter to be determined in the implementing acts of this Regulation. When reliable data for the exporting country cannot be applied for a type of goods, the default values shall be based on the ***tenfold*** average emission intensity of the 10 per cent worst performing EU installations for that type of goods.

Or. en

**Amendment 546**  
**Danilo Oscar Lancini, Roman Haider, Herve Juvin**

**Proposal for a regulation**  
**Annex III – point 6**

*Text proposed by the Commission*

**6.     *Adaptation of default values based on region specific features***

***Default values can be adapted to particular areas, regions of countries***

*Amendment*

***deleted***

*where specific characteristics prevail in terms of objective factors such as geography, natural resources, market conditions, energy mix, or industrial production. When data adapted to those specific local characteristics are available and can define more targeted default values, the latter may be used instead of default values based on EU installations.*

*Where declarants for goods originating in a third country, or a group of third countries can demonstrate, on the basis of reliable data, that alternative region specific adaptation of default values are lower than the default values defined by the Commission the former can be used.*

Or. en

#### **Amendment 547**

**Massimiliano Salini, José Manuel García-Margallo y Marfil, Liudas Mažylis, Andrey Kovatchev, Gabriel Mato, Iuliu Winkler, Anna-Michelle Asimakopoulou, Christophe Hansen, Seán Kelly, Angelika Winzig**

#### **Proposal for a regulation Annex III – point 6**

*Text proposed by the Commission*

*Amendment*

**6.      *Adaptation of default values based on region specific features*      *deleted***

*Default values can be adapted to particular areas, regions of countries where specific characteristics prevail in terms of objective factors such as geography, natural resources, market conditions, energy mix, or industrial production. When data adapted to those specific local characteristics are available and can define more targeted default values, the latter may be used instead of default values based on EU installations.*

*Where declarants for goods originating in a third country, or a group of third countries can demonstrate, on the basis of reliable data, that alternative region specific adaptation of default values are*

*lower than the default values defined by the Commission the former can be used.*

Or. en

**Amendment 548**

**Sara Matthieu**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Annex V – Part 1 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) installation visits by the verifier shall be mandatory ***except where specific criteria for waiving the installation visit are met;***

*Amendment*

(c) installation visits by the verifier shall be mandatory;

Or. en