



**2021/0214(COD)**

15.2.2022

# **AMENDMENTS**

## **428 - 728**

**Draft report**  
**Mohammed Chahim**  
(PE697.670v01-00)

Establishing a carbon border adjustment

Proposal for a regulation  
(COM(2021)0564 – C9-0328/2021 – 2021/0214(COD))



## Amendment 428

Jessica Polfjärd

### Proposal for a regulation

#### Recital 48

*Text proposed by the Commission*

(48) Integration of third countries into the Union electricity market is an important drive for those countries to accelerate their transition to energy systems with high shares of renewable energies. Market coupling for electricity, as set out in Commission Regulation (EU) 2015/1222<sup>46</sup>, enables third countries to better integrate electricity from renewable energies into the electricity market, to exchange such electricity in an efficient manner within a wider area, balancing supply and demand with the larger Union market, and reduce the carbon intensity of their electricity generation. Integration of third countries into the Union electricity market also contributes to the security of electricity supplies in those countries and in the neighbouring Member States.

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<sup>46</sup> Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (OJ L 197, 25.7.2015, p. 24).

*Amendment*

(48) Integration of third countries into the Union electricity market is an important drive for those countries to accelerate their transition to energy systems with high shares of renewable energies. Market coupling for electricity, as set out in Commission Regulation (EU) 2015/1222<sup>46</sup>, enables third countries to better integrate electricity from renewable **and fossil free** energies into the electricity market, to exchange such electricity in an efficient manner within a wider area, balancing supply and demand with the larger Union market, and reduce the carbon intensity of their electricity generation. Integration of third countries into the Union electricity market also contributes to the security of electricity supplies in those countries and in the neighbouring Member States.

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<sup>46</sup> Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (OJ L 197, 25.7.2015, p. 24).

Or. en

## Amendment 429

Adam Jarubas

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Deirdre Clune, Agnès Evren, Maria Spyraiki, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

### Proposal for a regulation

#### Recital 48

*Text proposed by the Commission*

(48) Integration of third countries into the Union electricity market is an important drive for those countries to accelerate their transition to energy systems with high shares of renewable energies. Market coupling for electricity, as set out in Commission Regulation (EU) 2015/1222<sup>46</sup>, enables third countries to better integrate electricity from renewable energies into the electricity market, to exchange such electricity in an efficient manner within a wider area, balancing supply and demand with the larger Union market, and reduce the carbon intensity of their electricity generation. Integration of third countries into the Union electricity market also contributes to the security of electricity supplies in those countries and in the neighbouring Member States.

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<sup>46</sup> Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (OJ L 197, 25.7.2015, p. 24).

*Amendment*

(48) Integration of third countries into the Union electricity market is an important drive for those countries to accelerate their transition to energy systems with high shares of renewable energies. Market coupling for electricity, as set out in Commission Regulation (EU) 2015/1222<sup>46</sup>, enables third countries to better integrate electricity from renewable **and low carbon** energies into the electricity market, to exchange such electricity in an efficient manner within a wider area, balancing supply and demand with the larger Union market, and reduce the carbon intensity of their electricity generation. Integration of third countries into the Union electricity market also contributes to the security of electricity supplies in those countries and in the neighbouring Member States.

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<sup>46</sup> Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (OJ L 197, 25.7.2015, p. 24).

Or. en

**Amendment 430**

**Yannick Jadot**

**Proposal for a regulation**

**Recital 49**

*Text proposed by the Commission*

(49) Once third countries will be closely integrated into the Union electricity market via market coupling, technical solutions should be found to ensure the application of the CBAM to electricity exported from such countries into the customs territory of the Union. If technical solutions cannot be found, third countries that are market

*Amendment*

(49) Once third countries will be closely integrated into the Union electricity market via market coupling, technical solutions should be found to ensure the application of the CBAM to electricity exported from such countries into the customs territory of the Union. If technical solutions cannot be found, third countries that are market

coupled should benefit from a time limited exemption from the CBAM until at the latest 2030 with regard solely to the export of electricity, provided that certain conditions are satisfied. However, those third countries should develop a roadmap and commit to implement a carbon pricing mechanism providing for an equivalent price as the EU ETS, and should commit to achieving carbon neutrality by 2050 [as well as?] to align with Union legislation in the areas of environment, climate, competition and energy. That exemption should be withdrawn at any time if there are reasons to believe that the country in question does not fulfil its commitments or it has not adopted by 2030 an ETS equivalent to the EU ETS.

coupled should benefit from a time limited exemption from the CBAM until at the latest 2030 with regard solely to the export of electricity, provided that certain conditions are satisfied, ***including the commitment to phase out coal-based electricity production for OECD members by 2030 at the latest, the adoption of effective mechanisms to enforce implementation of the Union electricity market legislation, and the fulfilment of Union recognised nuclear safety levels.*** However, those third countries should develop a roadmap and commit to implement a carbon pricing mechanism providing for an equivalent price as the EU ETS, and should commit to achieving carbon neutrality by 2050 as well as to align with Union legislation in the areas of environment, climate, competition and energy. That exemption should be withdrawn at any time if there are reasons to believe that the country in question does not fulfil its commitments or it has not adopted by 2030 an ETS equivalent to the EU ETS.

Or. en

**Amendment 431**  
**Mohammed Chahim**

**Proposal for a regulation**  
**Recital 49**

*Text proposed by the Commission*

(49) Once third countries will be closely integrated into the Union electricity market via market coupling, technical solutions should be found to ensure the application of the CBAM to electricity exported from such countries into the customs territory of the Union. If technical solutions cannot be found, third countries that are market coupled should benefit from a time limited exemption from the CBAM until at the latest 2030 with regard solely to the export

*Amendment*

(49) Once third countries will be closely integrated into the Union electricity market via market coupling, technical solutions should be found to ensure the application of the CBAM to electricity exported from such countries into the customs territory of the Union. If technical solutions cannot be found, third countries that are market coupled should benefit from a time limited exemption from the CBAM until at the latest 2030 with regard solely to the export

of electricity, provided that certain conditions are satisfied. However, those third countries should develop a roadmap and commit to implement a carbon pricing mechanism providing for an equivalent price as the EU ETS, and should commit to achieving carbon neutrality by 2050 [as well as?] to align with Union legislation in the areas of environment, climate, competition and energy. That exemption should be withdrawn at any time if there are reasons to believe that the country in question does not fulfil its commitments or it has not adopted by 2030 an ETS equivalent to the EU ETS.

of electricity, provided that certain conditions are satisfied. However, those third countries should develop a roadmap and commit to implement a carbon pricing mechanism providing for an equivalent price as the EU ETS, and should commit to achieving carbon neutrality by 2050 ***at the latest*** [as well as?] to align with Union legislation in the areas of environment, climate, competition and energy. That exemption should be withdrawn at any time if there are reasons to believe that the country in question does not fulfil its commitments or it has not adopted by 2030 an ETS equivalent to the EU ETS.

Or. en

**Amendment 432**  
**Stanislav Polčák**

**Proposal for a regulation**  
**Recital 49**

*Text proposed by the Commission*

(49) Once third countries will be closely integrated into the Union electricity market via market coupling, technical solutions should be found to ensure the application of the CBAM to electricity exported from such countries into the customs territory of the Union. If technical solutions cannot be found, third countries that are market coupled should benefit from a time limited exemption from the CBAM until at the latest 2030 with regard solely to the export of electricity, provided that certain conditions are satisfied. However, those third countries should develop a roadmap and commit to implement a carbon pricing mechanism providing for an equivalent price as the EU ETS, and should commit to achieving carbon neutrality by 2050 ***[as well as?]*** to align with Union legislation in the areas of environment, climate, competition and energy. That exemption should be withdrawn at any time if there

*Amendment*

(49) Once third countries will be closely integrated into the Union electricity market via market coupling, technical solutions should be found to ensure the application of the CBAM to electricity exported from such countries into the customs territory of the Union. If technical solutions cannot be found, third countries that are market coupled should benefit from a time limited exemption from the CBAM until at the latest 2030 with regard solely to the export of electricity, provided that certain conditions are satisfied. However, those third countries should develop a roadmap and commit to implement a carbon pricing mechanism providing for an equivalent price as the EU ETS, and should commit to achieving carbon neutrality by 2050 to align with Union legislation in the areas of environment, climate, competition and energy. That exemption should be withdrawn at any time if there are reasons

are reasons to believe that the country in question does not fulfil its commitments or it has not ***adopted*** by 2030 an ETS equivalent to the EU ETS.

to believe that the country in question does not fulfil its commitments or it has not ***established*** by 2030 an ETS equivalent to the EU ETS.

Or. cs

#### **Amendment 433**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Deirdre Clune, Radan Kanev, Maria Spyraiki, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

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

##### **Recital 49 a (new)**

*Text proposed by the Commission*

*Amendment*

***(49a) This Regulation should progressively enter into force in two steps. Between 2023 and 2025 an administrative transitional period in which Article 36(3) (a) and(c) should apply. Between 2026 and 2030 a comprehensive transitional period in which Article 36 should apply. During this second period free allocation should remain in place.***

Or. en

#### **Amendment 434**

**Jessica Polfjärd**

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

##### **Recital 49 a (new)**

*Text proposed by the Commission*

*Amendment*

***(49a) This Regulation shall progressively enter into force in two steps. Between 2023 and 2025 an administrative transitional period where Articles set out in Article 36 (a) and(c) of this Regulation shall apply. Between 2026 and 2030 a comprehensive transitional period where all Articles set out in Article 36 of this***

*Regulation shall apply. During this period free allocation should remain in place.*

Or. en

**Amendment 435**  
**Nikos Androulakis**

**Proposal for a regulation**  
**Recital 49 a (new)**

*Text proposed by the Commission*

*Amendment*

*(49a) Given the structure of the European electricity market, the provisions laid down in Articles 10a(6) and 10b of Directive 2003/87/EC play a crucial role in ensuring the competitiveness of EU, electro-intensive industries against carbon leakage. These particularities result in an embedded carbon cost even when the electricity being consumed by an installation is decarbonised.*

Or. en

**Amendment 436**  
**Laura Huhtasaari**

**Proposal for a regulation**  
**Recital 50**

*Text proposed by the Commission*

*Amendment*

(50) A transitional period should apply during the period 2023 until 2025. A CBAM without financial adjustment should apply, with the objective to facilitate a smooth roll out of the mechanism hence reducing the risk of disruptive impacts on trade. Declarants should have to report on a quarterly basis the actual embedded emissions in goods imported during the transitional period, detailing direct and indirect emissions as

(50) A transitional period should apply during the period 2023 until 2025. ***Under the import provisions,*** a CBAM without financial adjustment should apply, with the objective to facilitate a smooth roll out of the mechanism hence reducing the risk of disruptive impacts on trade. Declarants should have to report on a quarterly basis the actual embedded emissions in goods imported during the transitional period, detailing direct and indirect emissions as



well as any carbon price paid abroad.

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Or. en

#### **Amendment 437**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Deirdre Clune, Maria Spyraiki, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

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

##### **Recital 50**

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

(50) *A* transitional period ***should apply during the period 2023 until 2025. A CBAM*** without financial adjustment should apply, with the objective to facilitate a smooth roll out of the mechanism hence reducing the risk of disruptive impacts on trade. Declarants should have to report on a quarterly basis the actual embedded emissions in goods imported during the transitional period, detailing direct and indirect emissions as well as any carbon price paid abroad.

###### *Amendment*

(50) ***An administrative*** transitional period without financial adjustment should apply ***during the period 2023 to 2025***, with the objective to facilitate a smooth roll out of the mechanism hence reducing the risk of disruptive impacts on trade ***and European industry***. Declarants should have to report on a quarterly basis the actual embedded emissions in goods imported during the ***administrative*** transitional period, detailing direct and indirect emissions as well as any carbon price paid abroad.

Or. en

#### **Amendment 438**

**Jessica Polfjärd**

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

##### **Recital 50**

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

(50) *A* transitional period ***should apply during the period 2023 until 2025. A CBAM*** without financial adjustment should apply, with the objective to facilitate a smooth roll out of the mechanism hence reducing the risk of disruptive impacts on trade. Declarants

###### *Amendment*

(50) ***An administrative*** transitional period without financial adjustment should apply ***during the period 2023 to 2025***, with the objective to facilitate a smooth roll out of the mechanism hence reducing the risk of disruptive impacts on trade ***and European industry***. Declarants should

should have to report on a quarterly basis the actual embedded emissions in goods imported during the transitional period, detailing direct and indirect emissions as well as any carbon price paid abroad.

have to report on a quarterly basis the actual embedded emissions in goods imported during the **administrative** transitional period, detailing direct and indirect emissions as well as any carbon price paid abroad.

Or. en

#### **Amendment 439**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

#### **Proposal for a regulation Recital 50**

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

(50) A transitional period should apply during the period 2023 until 2025. A CBAM without financial adjustment should apply, with the objective to facilitate a smooth roll out of the mechanism hence reducing the risk of disruptive impacts on trade. Declarants should have to report on a quarterly basis the actual embedded emissions in goods imported during the transitional period, detailing direct and indirect emissions as well as any carbon price paid abroad.

##### *Amendment*

(50) A transitional period should apply during the period 2023 until 2025. ***Under the import provisions***, a CBAM without financial adjustment should apply, with the objective to facilitate a smooth roll out of the mechanism hence reducing the risk of disruptive impacts on trade. Declarants should have to report on a quarterly basis the actual embedded emissions in goods imported during the transitional period, detailing direct and indirect emissions as well as any carbon price paid abroad.

Or. en

#### **Amendment 440 Christophe Hansen**

#### **Proposal for a regulation Recital 50**

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

(50) A transitional period should apply during the period 2023 until 2025. A CBAM without financial adjustment should apply, with the objective to facilitate a smooth roll out of the

##### *Amendment*

(50) A transitional period should apply during the period ***from 1 January 2023 until 31 December*** 2025. A CBAM without financial adjustment should apply, with the objective to facilitate a smooth roll out of

mechanism hence reducing the risk of disruptive impacts on trade. Declarants should have to report on a quarterly basis the actual embedded emissions in goods imported during the transitional period, detailing direct and indirect emissions as well as any carbon price paid abroad.

the mechanism hence reducing the risk of disruptive impacts on trade. Declarants should have to report on a quarterly basis the actual embedded emissions in goods imported during the transitional period, detailing direct and indirect emissions as well as any carbon price paid abroad.

Or. en

#### **Amendment 441**

**Nicolae Ștefănuță, Emma Wiesner, Martin Hojsík, Linea Søgaard-Lidell**

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

##### **Recital 50**

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

(50) A transitional period should apply during the period 2023 until **2025**. A CBAM without financial adjustment should apply, with the objective to facilitate a smooth roll out of the mechanism hence reducing the risk of disruptive impacts on trade. Declarants should have to report on a quarterly basis the actual embedded emissions in goods imported during the transitional period, detailing direct and indirect emissions as well as any carbon price paid abroad.

###### *Amendment*

(50) A transitional period should apply during the period 2023 until **2024**. A CBAM without financial adjustment should apply, with the objective to facilitate a smooth roll out of the mechanism hence reducing the risk of disruptive impacts on trade. Declarants should have to report on a quarterly basis the actual embedded emissions in goods imported during the transitional period, detailing direct and indirect emissions as well as any carbon price paid abroad.

Or. en

#### **Amendment 442**

**Yannick Jadot**

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

##### **Recital 50**

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

(50) A transitional period should apply during the period 2023 until **2025**. A CBAM without financial adjustment should apply, with the objective to facilitate a smooth roll out of the

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(50) A transitional period should apply during the period 2023 until **2024**. A CBAM without financial adjustment should apply, with the objective to facilitate a smooth roll out of the

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mechanism hence reducing the risk of disruptive impacts on trade. Declarants should have to report on a quarterly basis the actual embedded emissions in goods imported during the transitional period, detailing direct and indirect emissions as well as any carbon price paid abroad.

Or. en

#### **Amendment 443**

**Hermann Tertsch, Alexandr Vondra, Pietro Fiocchi**

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

##### **Recital 50**

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

(50) A transitional period should apply during the period 2023 until **2025**. A CBAM without financial adjustment should apply, with the objective to facilitate a smooth roll out of the mechanism hence reducing the risk of disruptive impacts on trade. Declarants should have to report on a quarterly basis the actual embedded emissions in goods imported during the transitional period, detailing direct and indirect emissions as well as any carbon price paid abroad.

###### *Amendment*

(50) A transitional period should apply during the period 2023 until **2026**. A CBAM without financial adjustment should apply, with the objective to facilitate a smooth roll out of the mechanism hence reducing the risk of disruptive impacts on trade. Declarants should have to report on a quarterly basis the actual embedded emissions in goods imported during the transitional period, detailing direct and indirect emissions as well as any carbon price paid abroad.

Or. en

#### **Amendment 444**

**Alexander Bernhuber**

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

##### **Recital 50 a (new)**

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

###### *Amendment*

***(50a) The inclusion of some agricultural basic commodities in the CBAM, such as fertilisers, will have a significant impact on downstream sectors in the Union. However, given the impact of additional***

*costs on the competitiveness of Union economic sectors, including the farming sector, a risk of carbon leakage cannot be immediately ruled out. It seems appropriate to propose that the revenue from the CBAM should be used as earmarked revenue in the Union budget with a view to offsetting both the cost of setting the mechanism up and the removal of free allowances, and to helping to finance transitional measures for Union economic sectors the competitiveness of which will be affected. In particular, revenues from the pricing of fertilisers and certain agricultural basic commodities should be earmarked and used exclusively for agricultural support measures or allocated to the CAP budget.*

Or. en

**Amendment 445**  
**Laura Huhtasaari**

**Proposal for a regulation**  
**Recital 50 a (new)**

*Text proposed by the Commission*

*Amendment*

*(50a) Under the export provisions of the CBAM, the allowance adjustments for exports would be implemented as of the start of the phasing out of EU ETS allowances allocated free of charge. A transitional period of two years before the implementation of allowance adjustments for exports is needed to ensure a swift implementation of the mechanism. In this respect, the declarants should notify the allowance adjustments resulting from exports, which would have to be deducted from the annual amount of allowances above the benchmark, or by default, the amount of allowances not covered by the fallback benchmarks to be surrendered to the competent authority. Particular attention should be paid to the arrangements for the calculation of*

*corresponding allowance adjustments, the operation of registries, the application of the monitoring and reporting guidelines and verification.*

Or. en

**Amendment 446**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation  
Recital 50 a (new)**

*Text proposed by the Commission*

*Amendment*

*(50a) Under the export provisions of the CBAM, the allowance adjustments for exports would be implemented as of the start of the phasing out of EU ETS allowances allocated free of charge. A transitional period of two years before the implementation of allowance adjustments for exports is needed to ensure a swift implementation of the mechanism. Particular attention should be paid to the arrangements for the calculation of corresponding allowance adjustments, the operation of registries, the application of the monitoring and reporting guidelines and verification.*

Or. en

**Amendment 447**

**Mohammed Chahim**

**Proposal for a regulation  
Recital 50 a (new)**

*Text proposed by the Commission*

*Amendment*

*(50a) Export rebates are not compatible with the principles of the WTO. Possible negative effects on the competitiveness of European exports should not be addressed*

*in this Regulation but through investments in low-carbon technologies. Moreover the current methodology to calculate free allowances is among other things based on the carbon leakage factor, which already takes into account the trade intensity of a sector.*

Or. en

**Amendment 448**

**Hermann Tertsch, Alexandr Vondra, Pietro Fiocchi**

**Proposal for a regulation**

**Recital 50 a (new)**

*Text proposed by the Commission*

*Amendment*

*(50a) If after the initial transitional period the data collected by the European Commission shows that the CBAM cannot effectively protect against carbon leakage addressing the reduction of global emissions, further phase in of CBAM and phase out of free allocation of emission allowances should be suspended until an effective solution can be implemented through a new legislative proposal.*

Or. en

**Amendment 449**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Deirdre Clune, Maria Spyraiki, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

**Proposal for a regulation**

**Recital 50 a (new)**

*Text proposed by the Commission*

*Amendment*

*(50a) A comprehensive transitional period with financial adjustment should apply during the period 2026 to 2030, with the objective to facilitate a smooth roll out*

*of the mechanism hence reducing the risk of disproportionate impacts on European industry, downstream sectors and end users, as well as on importers and third country producers.*

Or. en

**Amendment 450**  
**Jessica Polfjärd**

**Proposal for a regulation**  
**Recital 50 a (new)**

*Text proposed by the Commission*

*Amendment*

*(50a) A comprehensive transitional period with financial adjustment should apply during the period 2026 to 2030, with the objective to facilitate a smooth roll out of the mechanism hence reducing the risk of disproportionate impacts on European industry.*

Or. en

**Amendment 451**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Deirdre Clune, Radan Kanev, Liudas Mažylis, Cristian-Silviu Buşoi, Dolors Montserrat**

**Proposal for a regulation**  
**Recital 50 b (new)**

*Text proposed by the Commission*

*Amendment*

*(50b) A temporary Carbon Leakage Protection Reserve should be established between 2031 to 2035, linked to the reduction of free allocation. Each year, the free allocation no longer provided to the CBAM sectors, based on the free allocation phase-out calculation, should be placed into the temporary Carbon Leakage Protection Reserve. For that*



*purpose the Commission should present every year, from 2031 to 2035, to the Parliament and to the Council a report on the effectiveness of this Regulation in lowering carbon leakage. By 28 February of the year following the presentation of the report the Commission should report to the Parliament and to the Council on the entry into force of CBAM and its effectiveness during the preceding year. If the Commission's assessment is positive about the effectiveness of this Regulation in addressing carbon leakage, the allowances placed in the reserve should be automatically auctioned. If the Commission's assessment finds that this Regulation does not effectively lower carbon leakage, the allowances placed in the reserve should be automatically returned to industry, to mitigate the risk of carbon leakage.*

Or. en

**Amendment 452**  
**Jessica Polfjärd**

**Proposal for a regulation**  
**Recital 50 b (new)**

*Text proposed by the Commission*

*Amendment*

*(50b) A temporary Carbon Leakage Protection Reserve should be established between 2031 to 2035, linked to the reduction of free allocation. Each year, the free allocation no longer provided to the CBAM sectors, based on the free allocation phase-out calculation, should be placed into the temporary Carbon Leakage Reserve. To this purpose the Commission shall every year, from 2031 to 2035, present to the parliament and Council a report on the effectiveness of this Regulation in lowering carbon leakage. By 28 February, the following year the Commission should report to the Parliament and the Council on the entry*

*into force of CBAM and its effectiveness during the preceding year. If the assessment is positive, the allowances placed in the reserve should automatically be auctioned. If the assessment proves negative impact on lowering carbon leakage, the allowances placed in the reserve should automatically be returned to industry, to mitigate the risk of carbon leakage.*

Or. en

**Amendment 453**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Maria Spyra, Radan Kanev, Liudas Mažylis, Cristian-Silviu Buşoi, Dolors Montserrat**

**Proposal for a regulation**

**Recital 51**

*Text proposed by the Commission*

*Amendment*

**(51) To facilitate and ensure a proper functioning of the CBAM, the Commission should provide support to the competent authorities responsible for the application of this Regulation in carrying out their obligations.**

**deleted**

Or. en

*Justification*

*In order to maintain proper and equal functioning of CBAM, the system shall be centralised. Therefore competent authorities of the Member States shall be replaced by CBAM authority.*

**Amendment 454**

**Alexander Bernhuber**

**Proposal for a regulation**

**Recital 51**

*Text proposed by the Commission*

(51) To facilitate and ensure a proper functioning of the CBAM, the Commission should provide support to the competent authorities responsible for the application of this Regulation in carrying out their obligations.

*Amendment*

(51) To facilitate and ensure a proper functioning of the CBAM, the Commission should provide support to the competent authorities responsible for the application of this Regulation in carrying out their obligations ***as well as ensure that Member States' administrations are reimbursed for additional costs incurred as a result of implementing this Regulation.***

Or. en

**Amendment 455**  
**Christophe Hansen**

**Proposal for a regulation**  
**Recital 51**

*Text proposed by the Commission*

(51) To facilitate and ensure a proper functioning of the CBAM, the Commission should provide support to the competent authorities responsible for the application of this Regulation in carrying out their obligations.

*Amendment*

(51) To facilitate and ensure a proper functioning of the CBAM, the Commission should provide support ***and feedback*** to the competent authorities responsible for the application of this Regulation in carrying out their obligations.

Or. en

**Amendment 456**  
**Jessica Polfjärd**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities

*Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the ***administrative*** transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus

to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope *of Annex I* to indirect emissions, as well as to other goods and services at risk of carbon leakage, *such as finished goods*, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

*The Commission should in particular focus on: (a) the impact on competitiveness of European industry and downstream industry, impact on SMEs, possible disproportionate administrative burden, possible circumvention practices, distortion in trade patterns and possibilities to enhance climate actions towards a climate neutral Union by 2050. Accompanied by proposals to avoid negative impact on such sectors; (b) a proposal to avoid possible carbon leakage in export markets; (c) a proposal to extend the scope of this Regulation to finished goods containing goods listed in Annex I; to ensure competitiveness of European manufacturing industry and prevent carbon leakage;*

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

**Amendment 457**  
**Christian Doleschal, Angelika Niebler**

**Proposal for a regulation**  
**Recital 52**

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

(52) The Commission should evaluate the application of this Regulation before the end of the **administrative** transitional period and report to the European Parliament and the Council. ***The Commission should, as part of that evaluation, assess the impact on sectors listed in Annex I to ensure that the complex production processes and deeply integrated value chains of specific sectors listed in Annex I have been taken into account appropriately. Furthermore,*** the report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope ***of Annex I*** to indirect emissions as well as to other goods and services at risk of carbon leakage, ***such as finished goods*** and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

***The Commission should in particular focus on:***

- (a) the impact on competitiveness of European industry and downstream industry, impact on SMEs, possible disproportionate administrative burden, the impact of applying the Regulation on specific sectors with complex and deeply integrated value chains, possible circumvention practices, distortion in trade patterns and possibilities to enhance climate actions towards a climate neutral Union by 2050. Accompanied by proposals to avoid negative impact on such sectors;***
- (b) a proposal to avoid possible carbon leakage in export markets;***
- (c) a proposal to extend the scope of this Regulation to finished goods containing goods listed in Annex I; to***

***ensure competitiveness of European manufacturing industry and prevent carbon leakage;***

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

### *Justification*

*The Commission should also evaluate in its reports the impact of the Regulation on specific sectors listed in Annex I, which are characterised by complex production processes and deeply integrated value chains such as the chemical industry.*

### **Amendment 458**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Deirdre Clune, Maria Spyra, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

### **Proposal for a regulation**

#### **Recital 52**

#### *Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

#### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the ***administrative*** transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope ***of Annex I*** to indirect emissions, as well as to other goods and services at risk of carbon leakage, ***such as finished goods***, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>. ***The***

*Commission should in particular focus on the impact on competitiveness of European industry and downstream industry, impact on SMEs, possible disproportionate administrative burden, possible circumvention practices, distortion in trade patterns and possibilities to enhance climate actions towards a climate neutral Union by 2050; accompanied by proposals to avoid negative impact on such sectors; a proposal to avoid possible carbon leakage in export markets; a proposal to extend the scope of this Regulation to finished goods containing goods listed in Annex I; to ensure the competitiveness of European manufacturing industry and prevent carbon leakage.*

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

**Amendment 459**  
**Alexander Bernhuber, Angelika Winzig**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should *in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend*

*Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should *assess as accurately as possible the real impact that the CBAM mechanism has on climate and environmental protection, on the competitiveness and viability of the Union economy, especially in the agricultural sector and on SMEs, as*



*the scope to indirect emissions*, as well as *to other goods and services* at risk of carbon leakage, *and to* develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

well as *actual compliance costs*. *The report should also examine the effects on sustainable innovation and changes in trade flows and supply chains, notably concerning fertilisers, and the effects on the prices of fertilisers and agricultural production. The effects of the potential extension of the scope of this Regulation to agriculture and agri-food products, and other products at risk of carbon leakage, as well as to indirect emissions, should also be evaluated. The Commission should also* develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>. *With regard to indirect emissions, the evaluation should take into account the exposure of Union producers to carbon costs passed on in electricity prices due to the functioning of the Union energy market.*

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

#### **Amendment 460**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

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

##### **Recital 52**

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

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the

###### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the



objective of a climate neutral Union by 2050. The Commission *should*, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

objective of a climate neutral Union by 2050 ***and possibilities to improve carbon leakage measures to ensure a level playing field between the EU and third countries.*** The Commission *shall*, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, ***including downstream products using goods covered by the CBAM,*** and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>. ***With regard to indirect emissions, the evaluation shall take into account the mismatch between indirect carbon costs and indirect carbon emissions and that EU producers are exposed to carbon costs passed on in electricity prices due to the functioning of the EU energy market (indirect carbon costs).***

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

## **Amendment 461** **Laura Huhtasaari**

### **Proposal for a regulation** **Recital 52**

#### *Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the

#### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the

objective of a climate neutral Union by 2050. The Commission ***should***, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

objective of a climate neutral Union by 2050 ***and possibilities to improve carbon leakage measures***. The Commission ***shall***, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, ***including downstream products using goods covered by the CBAM***, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup> [1]. ***With regard to indirect emissions, the evaluation shall take into account the mismatch between indirect carbon costs and indirect carbon emissions and that EU producers are exposed to carbon costs passed on in electricity prices due to the functioning of the EU energy market (indirect carbon costs)***

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

*() [1] Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).)*

## Amendment 462 Alexandr Vondra

### Proposal for a regulation Recital 52

#### *Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities

#### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities

to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission *should*, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

to enhance climate actions towards the objective of a climate neutral Union by 2050 ***and possibilities to improve carbon leakage measures***. The Commission *shall*, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, ***including downstream products using goods covered by the CBAM***, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>. ***With regard to indirect emissions, the evaluation shall take into account the exposure of EU producers to carbon costs passed on in electricity prices due to the functioning of the EU energy market.***

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

## Amendment 463 Ondřej Knotek

### Proposal for a regulation Recital 52

#### *Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the ***end*** of the ***transitional period*** and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend

#### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the ***start*** of the ***removal of free allowances in ETS*** and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend

the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

***With regards to indirect emissions, the evaluation should take into account the exposure of Union producers to carbon costs passed on in electricity prices due to the functioning of the EU energy market.***

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

## **Amendment 464**

### **Ivan David**

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

#### **Recital 52**

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

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

##### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

***With regard to indirect emissions, the evaluation shall take into account the***

***exposure of EU producers to carbon costs passed on in electricity prices due to the functioning of the EU energy market.***

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

### *Justification*

*The assessment of the inclusion of indirect emissions in the CBAM needs to take into account that EU producers are also exposed to indirect carbon costs passed on in electricity prices, which depend on the functioning of the electricity market instead of the actual carbon content of the consumed electricity.*

## **Amendment 465** **Marian-Jean Marinescu**

### **Proposal for a regulation** **Recital 52**

#### *Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

#### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.  
***With regard to indirect emissions, the evaluation should take into account the exposure of Union producers to carbon***

***costs passed on in electricity prices due to the functioning of the EU electricity market.***

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

#### **Amendment 466**

**Catherine Griset, Danilo Oscar Lancini, Aurélia Beigneux, Joëlle Mélin, Mathilde Androuët**

#### **Proposal for a regulation Recital 52**

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

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. ***The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050.*** The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

##### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

**Amendment 467**  
**Dan-Ștefan Motreanu**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

*Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.  
***With regard to indirect emissions, the evaluation shall take into account the exposure of Union producers to carbon costs passed on in electricity prices due to the functioning of the EU energy market.***

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

*Justification*

*The assessment of the inclusion of indirect emissions in the CBAM needs to take into account that EU producers are also exposed to indirect carbon costs passed on in electricity prices, which depend on the functioning of the electricity market instead of the actual carbon content of the consumed electricity.*



## Amendment 468

Deirdre Clune

### Proposal for a regulation

#### Recital 52

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

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

##### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

***With regard to indirect emissions, the evaluation shall take into account the exposure of Union producers to carbon costs passed on in electricity prices due to the functioning of the EU energy market.***

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

## Amendment 469

Agnès Evren

### Proposal for a regulation

#### Recital 52



*Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

*Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to ***prevent any distortion of competition in the EU and in global markets and*** possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup> ***to ensure equal CO<sub>2</sub> costs for imported products and EU products.***

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. fr

**Amendment 470**  
**Laura Huhtasaari**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities

*Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities

to enhance climate actions towards the objective of a climate neutral Union **by 2050**. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

to enhance climate actions towards the objective of a climate neutral Union **by 2050**. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

***With regard to indirect emissions, the evaluation shall take into account the exposure of EU producers to carbon costs passed on in electricity prices due to the functioning of the EU energy market.***

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

## **Amendment 471** **Simona Bonafè**

### **Proposal for a regulation** **Recital 52**

#### *Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of

#### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, ***sectors and goods other***

calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

***than those listed in Annex I, including downstream products containing goods listed in Annex I, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.***

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

## **Amendment 472**

**Hermann Tertsch, Alexandr Vondra, Pietro Fiocchi**

### **Proposal for a regulation**

#### **Recital 52**

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

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission ***should***, as part of that evaluation, initiate collection of information necessary to ***possibly*** extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and

##### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050 ***and its impact on competitiveness of EU industry***. The Commission ***shall***, as part of that evaluation, initiate collection of information necessary to extend the scope to indirect emissions, as well as to other ***sectors, goods and downstream products of the goods listed in Annex I*** and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and

communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

#### Amendment 473

Antoni Comín i Oliveres

#### Proposal for a regulation

##### Recital 52

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

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union **by 2050**. The Commission should, as part of that evaluation, initiate collection of information necessary to *possibly* extend the scope to *indirect emissions, as well as to* other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

###### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union **by 2050**. The Commission should, as part of that evaluation, ***develop the relevant methodologies to apply the CBAM indirect emissions, and*** initiate collection of information necessary to extend the scope to other ***sectors, goods and downstream products of the*** goods ***listed in Annex I*** and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

#### Amendment 474

Radan Kanev

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope *to indirect emissions, as well as* to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions *based on the environmental footprint methods*<sup>47</sup>.

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<sup>47</sup> *Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).*

*Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, *develop the relevant methodologies to apply the CBAM indirect emissions, and* initiate collection of information necessary to possibly extend the scope to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions *to ensure an equalisation of CO2 costs between imported and domestic products.*

Or. en

**Amendment 475**  
**Rovana Plumb**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the

*Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the

Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope *to indirect emissions, as well as* to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions *based on the environmental footprint methods*<sup>47</sup>.

Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, *develop the relevant methodologies to apply the CBAM indirect emissions, and* initiate collection of information necessary to possibly extend the scope to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions *to ensure an equalisation of CO2 costs between imported and domestic products.*

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<sup>47</sup> *Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).*

Or. en

#### *Justification*

*European industries are facing today significant indirect emissions and costs related to these. These will rise in the future as key decarbonisation technologies are introduced, and through electrification of production processes. It is therefore crucial that indirect emissions are included in the Commission proposals to ensure a level playing field. Similarly, transport emissions should be included in the mechanism once the EU ETS is expanded to transport. Furthermore, it is not relevant to develop methods of calculating embedded emissions “based on environmental footprint methods”. Indeed, CBAM is currently designed as a system where imported products will be facing equivalent CO2 costs to domestic products, and, as such, the system is designed to mirror the EU Emission Trading Scheme (ETS). It therefore seems appropriate that methodologies to calculate embedded emissions mirror strictly those used in the EU ETS, as opposed to using a different system such as “environmental footprint methods”.*

**Amendment 476**  
**Andreas Glück**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the **end** of the **transitional period** and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

*Amendment*

(52) The Commission should evaluate the application of this Regulation before the **start** of the **removal of free allowances in the EU ETS** and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

*Justification*

*CBAM has to prove its effectiveness to prevent carbon leakage before current, well-established and functioning leakage prevention measures are reduced.*

**Amendment 477**  
**Mohammed Chahim**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission

*Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission



should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050 **at the latest**. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to indirect emissions, as well as to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

## **Amendment 478** **Yannick Jadot**

### **Proposal for a regulation** **Recital 52**

#### *Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to **possibly** extend the scope **to indirect emissions, as well as** to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

#### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to extend the scope to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.



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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

## **Amendment 479**

### **Michal Wiezik**

## **Proposal for a regulation**

### **Recital 52**

#### *Text proposed by the Commission*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to ***indirect emissions, as well as to*** other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

#### *Amendment*

(52) The Commission should evaluate the application of this Regulation before the end of the transitional period and report to the European Parliament and the Council. The report of the Commission should in particular focus on possibilities to enhance climate actions towards the objective of a climate neutral Union by 2050. The Commission should, as part of that evaluation, initiate collection of information necessary to possibly extend the scope to other goods and services at risk of carbon leakage, and to develop methods of calculating embedded emissions based on the environmental footprint methods<sup>47</sup>.

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<sup>47</sup> Commission Recommendation 2013/179/EU of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 124, 4.5.2013, p. 1).

Or. en

**Amendment 480**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Deirdre Clune, Maria Spyraiki, Radan Kanev, Liudas Mažylis, Cristian-Silviu Buşoi, Dolors Montserrat**

**Proposal for a regulation**

**Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

***(52a) During the comprehensive transitional period, bi-annual between 2025 and 2030 and every year thereafter until 2035, the Commission should evaluate the application of this Regulation and report to the European Parliament and to the Council. The Commission should in particular focus on the impact on European industry and downstream industry of sectors listed in Annex I, and possible additional administrative burden, the effectiveness of this Regulation in reducing carbon leakage and possible circumvention practices, and the impact of CBAM on Union trade of goods listed in Annex I and possible distortion in trade patterns, as well as the assessment of the impact of CBAM on emissions from sectors producing goods listed in Annex I, relating to both emissions in the Union and emissions embedded in Union imports of those goods, and the export of those goods to third countries from third country installations exporting to the Union. If the distortions in trade patterns point at the possibility of circumvention of the Regulation by excessive importation before the end of comprehensive transition period, CBAM Authority should apply the obligation to surrender CBAM certificates for the emissions from excessive imports in the first year after the end of comprehensive transition period.***

Or. en

**Amendment 481**  
**Christian Doleschal, Angelika Niebler**

**Proposal for a regulation**  
**Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

**(52a) During the comprehensive transitional period, biannual between 2025-2030 and every year thereafter until 2035, the Commission shall evaluate the application of this Regulation and report to the European parliament and the Council. The Commission should in particular focus on the impact on European industry and downstream industry of sectors listed in Annex I, in particular taking into account the complex and deeply integrated value chains of specific sectors listed in Annex I such as the chemical industry, and possible additional administrative burden; the effectiveness of this Regulation in reducing carbon leakage and possible circumvention practices; and the impact of CBAM on Union trade of goods listed in Annex I and possible distortion in trade patterns.**

Or. en

*Justification*

*The Commission should also evaluate in its reports the impact of the Regulation on specific sectors listed in Annex I, which are characterised by complex production processes and deeply integrated value chains such as the chemical industry.*

**Amendment 482**  
**Jessica Polfjärd**

**Proposal for a regulation**  
**Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

**(52a) During the comprehensive transitional period, biannual between**

*2025-2030 and every year thereafter until 2035, the Commission shall evaluate the application of this Regulation and report to the European parliament and the Council. The Commission should in particular focus on the impact on European industry and downstream industry of sectors listed in Annex I, and possible additional administrative burden; the effectiveness of this Regulation in reducing carbon leakage and possible circumvention practices; and the impact of CBAM on Union trade of goods listed in Annex I and possible distortion in trade patterns.*

Or. en

**Amendment 483**  
**Alexander Bernhuber, Angelika Winzig**

**Proposal for a regulation**  
**Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

*(52a) Agriculture is a sector of strategic importance in terms of food security and food autonomy. Therefore, the inclusion of agricultural products in the scope of the CBAM is all the more important because the farming sector is likely to be both directly and indirectly affected by the inclusion of other products used as inputs that will affect its production costs. The impact of the inclusion of fertilisers in the CBAM on European agriculture, food security and food autonomy must be reviewed before the CBAM including the financial adjustment for fertilisers should apply.*

Or. en

**Amendment 484**  
**Carlo Calenda**

**Proposal for a regulation**  
**Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

**(52a) With regards to indirect emissions, the evaluation shall take into account the exposure of the EU producers to increased electricity prices due to the functioning of the EU energy market, among the various factors.**

Or. en

**Amendment 485**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Deirdre Clune, Maria Spyraiki, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

**Proposal for a regulation**  
**Recital 52 b (new)**

*Text proposed by the Commission*

*Amendment*

**(52b) In the event that the CBAM is proven not to be efficient in lowering carbon leakage, the Commission should present a new or revised legislative proposal that aims to lower carbon leakage. Once the CBAM has fully demonstrated its WTO-compatibility, its effectiveness in equalising CO2 costs between imported and domestic products and in protecting the competitiveness of Union exports, the free allocation received by the sectors within the scope of the CBAM should be gradually phased out, however not prior to 2030. That phase-out of free allocation should be kept under review following the entry into force and, in light of the effective implementation of the CBAM.**

Or. en

**Amendment 486**  
**Jessica Polfjärd**

**Proposal for a regulation**  
**Recital 52 b (new)**

*Text proposed by the Commission*

*Amendment*

***(52b) In case the CBAM is proven not to be efficient in lowering carbon leakage, creates disproportionate disadvantages for European industry or severe shortcomings appear in the implementation of this Regulation during the comprehensive transitional period, the Commission shall present a new or revised legislative proposal aiming at lowering carbon leakage in order for the Union to reach its goal of climate neutrality 2050.***

Or. en

**Amendment 487**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Deirdre Clune, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

**Proposal for a regulation**  
**Recital 52 c (new)**

*Text proposed by the Commission*

*Amendment*

***(52c) If the CBAM is challenged by WTO and as an effect cancelled or not implemented, the Commission should present a legislative proposal aiming at lowering carbon leakage. In this situation free allowances should no longer be phased out, and those already placed in the Carbon Border Adjustment Reserve should automatically be returned to industry, to mitigate the risk of carbon leakage.***

Or. en

**Amendment 488**  
**Jessica Polfjärd**

**Proposal for a regulation**  
**Recital 52 c (new)**

*Text proposed by the Commission*

*Amendment*

**(52c) If the CBAM is challenged by WTO and as an effect not implemented, the Commission shall present a revised legislative proposal aiming at lowering carbon leakage.**

Or. en

**Amendment 489**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Deirdre Clune, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

**Proposal for a regulation**  
**Recital 52 d (new)**

*Text proposed by the Commission*

*Amendment*

**(52d) In the event that the Commission in its annual report between 2031-2035 concludes that, the CBAM has been effectively implemented in a way that leads to a level of carbon leakage protection at least equivalent to that of the free allocation system which it replaces under this Regulation, the allowances placed in the Carbon Border Adjustment Reserve for the preceding calendar year should be made available to support innovation in accordance with Article 10a(8) of Directive 2003/87/EC.**

Or. en

**Amendment 490**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Deirdre Clune, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

**Proposal for a regulation**

**Recital 52 e (new)**

*Text proposed by the Commission*

*Amendment*

***(52e) In the event that the Commission in its report concludes that the CBAM has not been effectively implemented in a way that leads to a level of carbon leakage protection at least equivalent to that of the free allocation system which it replaces, the allowances placed in the Carbon Border Adjustment Reserve for the preceding calendar year should be reallocated to installations in accordance with Article 10a(1) of Directive 2003/87/EC.***

Or. en

**Amendment 491**

**Adam Jarubas**

on behalf of the EPP Group

**Ewa Kopacz, Deirdre Clune, Maria Spyraiki, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

**Proposal for a regulation**

**Recital 52 f (new)**

*Text proposed by the Commission*

*Amendment*

***(52f) During the first years of implementation of this Regulation, the production of products listed in Annex I should benefit from free allocation in reduced amounts. A factor reducing the free allocation for the production of those products should be applied (CBAM factor). The CBAM factor should be equal to 100 % for the period between 2026 and the end of 2030, 80 % in 2031 and should be reduced by 20 percentage points each***



*year to reach 0 % by the fifth year.*

Or. en

**Amendment 492**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Deirdre Clune, Maria Spyraiki, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

**Proposal for a regulation**

**Recital 52 g (new)**

*Text proposed by the Commission*

*Amendment*

*(52g) Member States should be able to adopt transitional financial measures in favour of sectors or subsectors which suffer loss of production, employment, sales or profitability caused by an increase in GHG emission costs resulting from the gradual withdrawal of free allowances pursuant to Article 10a(1a) of Directive 2003/87/EC and lack of comparably stringent emission reduction obligations in third countries and provided that the CBAM is not fully effective in protecting against such carbon leakage and that such financial measures are in accordance with State aid rules. The sectors or subsectors should be determined individually at Member State level, based on factors characteristic to that Member State, such as trade intensity with third countries and emission intensity within the sector or subsector concerned.*

Or. en

**Amendment 493**

**Agnès Evren**

**Proposal for a regulation**

**Recital 53**

*Text proposed by the Commission*

(53) In light of the above, a dialogue with third countries should continue and there should be space for cooperation and solutions that could inform the specific choices that will be made on the details of the design of the measure during the implementation, in particular during the transitional period.

*Amendment*

(53) In light of the above, a dialogue with third countries should continue and there should be space for cooperation and solutions that could inform the specific choices that will be made on the details of the design of the measure during the implementation, in particular during the transitional period. ***In this connection, the Commission should work to create an international working group, with, in particular, the WTO and the OECD, to determine the guiding principles on methods of calculating embedded emissions and international rules on carbon pricing mechanisms.***

Or. fr

**Amendment 494**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Maria Spyra, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

**Proposal for a regulation**

**Recital 53**

*Text proposed by the Commission*

(53) In light of the above, a dialogue with third countries should continue and there should be space for cooperation and solutions that could inform the specific choices that will be made on the details of the design of the measure during the implementation, in particular during the transitional ***period***.

*Amendment*

(53) In light of the above, a dialogue with third countries should continue and there should be space for cooperation and solutions that could inform the specific choices that will be made on the details of the design of the measure during the implementation, in particular during the transitional ***periods***.

Or. en

**Amendment 495**

**Jessica Polfjärd**

**Proposal for a regulation**  
**Recital 53**

*Text proposed by the Commission*

(53) In light of the above, a dialogue with third countries should continue and there should be space for cooperation and solutions that could inform the specific choices that will be made on the details of the design of the measure during the implementation, in particular during the transitional *period*.

*Amendment*

(53) In light of the above, a dialogue with third countries should continue and there should be space for cooperation and solutions that could inform the specific choices that will be made on the details of the design of the measure during the implementation, in particular during the transitional *periods*.

Or. en

**Amendment 496**  
**Delara Burkhardt, Tiemo Wölken**

**Proposal for a regulation**  
**Recital 53 a (new)**

*Text proposed by the Commission*

*Amendment*

***(53a) Alongside dialogue with third countries, the Commission must, at each stage after the entry into force of this regulation, engage with all interested parties of the sectors covered by this Regulation, including industry representatives, trade unions and civil society.***

Or. en

**Amendment 497**  
**Stanislav Polčák**

**Proposal for a regulation**  
**Recital 54**

*Text proposed by the Commission*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of

*Amendment*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of

the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism.

the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism. *At the same time, the EU should also bear in mind that developing third countries have historically been the least responsible for global climate change, but in the context of the need for an accelerated transition to a low-carbon economy as decoupled from resource use as possible, without adequate cooperation with more economically developed partners, such countries face the risk of a major economic downturn, which would inevitably bring significant social impacts.*

Or. cs

#### **Amendment 498**

**Agnès Evren**

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

#### **Recital 54**

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

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism.

##### *Amendment*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism. *In order for the CBAM to be fully integrated into EU climate policies, the EU must not penalise*

*third countries that have climate policies equivalent to those of the EU.*

Or. fr

**Amendment 499**

**Deirdre Clune**

**Proposal for a regulation**

**Recital 54**

*Text proposed by the Commission*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism.

*Amendment*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. ***The Commission shall pay specific attention to developing countries and least-developed countries.*** It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism ***provided that they deliver equivalent GHG emissions reductions and carbon costs constraints.***

Or. en

**Amendment 500**

**Jan Huitema**

**Proposal for a regulation**

**Recital 54**

*Text proposed by the Commission*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose

*Amendment*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose

trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism.

trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism, ***provided this mechanism is based on equivalent standards, reduction targets and carbon cost constraints.***

Or. en

**Amendment 501**  
**Ivan David**

**Proposal for a regulation**  
**Recital 54**

*Text proposed by the Commission*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism.

*Amendment*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism, ***provided that they deliver equivalent GHG emissions reductions and carbon costs constraints.***

Or. en

*Justification*

*Agreements with third countries should be allowed only when they are equivalent in GHG emission reduction and carbon costs that those applied in the EU.*

## Amendment 502

Ondřej Knotek

### Proposal for a regulation

#### Recital 54

*Text proposed by the Commission*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism.

*Amendment*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism, ***provided that they deliver equivalent GHG emissions reductions and carbon costs constraints.***

Or. en

## Amendment 503

Laura Huhtasaari

### Proposal for a regulation

#### Recital 54

*Text proposed by the Commission*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism.

*Amendment*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism, ***provided that they deliver equivalent GHG emissions***

*reductions and carbon costs constraints.*

Or. en

**Amendment 504**  
**Dan-Ștefan Motreanu**

**Proposal for a regulation**  
**Recital 54**

*Text proposed by the Commission*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism.

*Amendment*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism, ***provided that they deliver equivalent GHG emissions reductions and carbon costs constraints.***

Or. en

*Justification*

*Agreements with third countries should be allowed only when they are equivalent in GHG emission reduction and carbon costs that those applied in the EU.*

**Amendment 505**  
**Adam Jarubas**  
on behalf of the EPP Group  
**Esther de Lange, Ewa Kopacz, Deirdre Clune, Maria Spyraiki, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Bușoi, Dolors Montserrat**

**Proposal for a regulation**  
**Recital 54**



*Text proposed by the Commission*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism.

*Amendment*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism, ***provided that they deliver equivalent GHG emissions reductions and carbon costs constraints.***

Or. en

**Amendment 506**  
**Alexandr Vondra**

**Proposal for a regulation**  
**Recital 54**

*Text proposed by the Commission*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism.

*Amendment*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism ***provided that they deliver equivalent GHG emissions reductions and carbon costs constraints.***

Or. en

## Amendment 507

Jessica Polfjärd

### Proposal for a regulation

#### Recital 54

*Text proposed by the Commission*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism.

*Amendment*

(54) The Commission should strive to engage in an even handed manner and in line with the international obligations of the EU, with the third countries whose trade to the EU is affected by this Regulation, to explore possibilities for dialogue and cooperation with regard to the implementation of specific elements of the Mechanism set out this Regulation and related implementing acts. It should also explore possibilities for concluding agreements to take into account their carbon pricing mechanism ***provided that they deliver equivalent GHG emissions reductions and carbon costs constraints.***

Or. en

## Amendment 508

Nicolae Ștefănuță, Pascal Canfin, Emma Wiesner, María Soraya Rodríguez Ramos, Susana Solís Pérez, Catherine Chabaud, Jan Huitema, Linea Søgaaard-Lidell, Michal Wiezik, Martin Hojsik

### Proposal for a regulation

#### Recital 54 a (new)

*Text proposed by the Commission*

*Amendment*

***(54a) The Commission should actively pursue the establishment of an international “Carbon club” for ensuring continuous exchange in good faith with the Union’s trade partners. This should be an open non-exclusive international forum, which could be located under an appropriate multilateral organisation such as the WTO or the relevant and open body of the OECD for instance. Its objective should be to allow for the comparison and coordination of carbon***

*pricing measures as well as non-carbon pricing measures with an impact on emission reduction. The Carbon club should also support the comparability of climate measures by ensuring the quality of climate monitoring, reporting and verification among its members. Membership of the club should be informal, open and on a voluntary basis for countries aiming at high climate ambition in line with the Paris Agreement. Given that the CBAM is a first-of-a-kind measure, which is meant to be a cooperative tool designed to fight carbon leakage, such a Carbon club will provide the means for engagement and transparency between the and its trade partners.*

Or. en

**Amendment 509**  
**Simona Baldassarre**

**Proposal for a regulation**  
**Recital 54 a (new)**

*Text proposed by the Commission*

*Amendment*

*(54a) The Commission should strive to cooperate with third countries in an unprejudiced manner so as not to create any unequal treatment during the ecological transition.*

Or. it

**Amendment 510**  
**Yannick Jadot**

**Proposal for a regulation**  
**Recital 55**

*Text proposed by the Commission*

*Amendment*

(55) *As the CBAM aims to encourage*

(55) The EU *should* work with low and

*cleaner production processes, the EU stands ready to work with low and middle-income countries towards the **de-carbonisation** of their manufacturing industries. Moreover, the Union should support less developed countries with the necessary technical assistance in order to facilitate their adaptation to the new obligations established by this regulation.*

*middle-income countries towards the **decarbonisation** of their manufacturing industries, **share with them GHG-abating technologies, and provide them with** technical assistance in order to facilitate their adaptation to the new obligations established by this regulation. **Least Developed Countries have limited capacity to decarbonise their industries, and compliance with CBAM obligations would be highly demanding for them; moreover, manufacturing capacities and associated emissions in these countries are negligible on a global scale; indeed, they are accountable for only 1.1% of the world CO2 emissions from fossil-fuels combustion and industrial processes<sup>1a</sup>; furthermore, these countries have a very limited historical responsibility for the ongoing climate crisis. In order not to place a disproportionate burden on these countries, and in line with the UNFCCC principle of "common but differentiated responsibilities and respective capabilities", authorised declarants and operators in these countries should be exempted from the payment of CBAM certificates. However, to prevent practises such as the relocation of production from countries covered by the CBAM to Least Developed Countries, the Commission will set up a system to monitor potential circumvention, in particular through market surveillance, and will take measures, where appropriate. Should an abnormal surge in exports coming from Least Developed Countries occur, the Commission should propose the removal of a country concerned from the list of exempt countries, if necessary, or impose a Tariff Rate Quota to correct the situation and end the attempt of circumvention.***

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<sup>1a</sup> *“Smallest footprints, largest impacts: Lead Developed Countries need a just sustainable transition”, UNCTAD, 2019*

Or. en

## Amendment 511

Stanislav Polčák

### Proposal for a regulation

#### Recital 55

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

(55) As the CBAM aims to encourage cleaner production processes, the EU stands ready to work with low and middle-income countries towards the decarbonisation of their manufacturing industries. Moreover, the Union should support less developed countries with the necessary technical assistance in order to facilitate their adaptation to the new obligations established by this regulation.

##### *Amendment*

(55) As the CBAM aims to encourage cleaner production processes, the EU stands ready to work with low and middle-income countries towards the decarbonisation of their manufacturing industries. Moreover, the Union should support less developed countries with the necessary technical assistance ***on a non-discriminatory basis*** in order to facilitate their adaptation to the new obligations established by this regulation. ***Such cooperation should not be limited to sharing good practices, but consideration could also be given to the use of some of the revenue under the CBAM specifically to support decarbonisation and the transition to a low-carbon economy in less developed third countries.***

Or. cs

## Amendment 512

Agnès Evren

### Proposal for a regulation

#### Recital 55

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

(55) As the CBAM aims to encourage cleaner production processes, the EU stands ready to work with low and middle-income countries towards the decarbonisation of their manufacturing industries. ***Moreover***, the ***Union*** should ***support*** less developed countries with the necessary technical assistance in order to facilitate their adaptation to the new

##### *Amendment*

(55) As the CBAM aims to encourage cleaner production processes, the EU stands ready to work with low and middle-income countries towards the decarbonisation of their manufacturing industries. The ***Commission*** should ***pay particular attention to developing countries and*** less developed countries ***and provide them, where applicable***, with the

obligations established by this regulation.

necessary *strategic documents and* technical assistance in order to facilitate their adaptation to the new obligations established by this regulation, *and help them to strengthen their environmental technologies and standards, in order to avoid the risk of circumventing the CBAM.*

Or. fr

#### **Amendment 513**

**Catherine Griset, Danilo Oscar Lancini, Aurélia Beigneux, Joëlle Mélin, Mathilde Androuët**

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

#### **Recital 55**

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

(55) As the CBAM aims to encourage cleaner production processes, the *EU stands ready to work with low and middle-income countries towards the decarbonisation of their manufacturing industries. Moreover, the Union should support less developed countries with the necessary technical assistance in order to facilitate their adaptation to the new obligations established by this regulation.*

##### *Amendment*

(55) As the CBAM aims to encourage cleaner production processes, the *income should be used primarily to support the decarbonisation of European industry, technological innovation within it and its competitiveness. These resources should be allocated directly to Member States for redistribution under a sector-by-sector approach.*

Or. fr

#### **Amendment 514**

**Yannick Jadot**

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

#### **Recital 55 a (new)**

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

##### *Amendment*

*(55a) To support Least Developed Countries' efforts towards the decarbonisation of their manufacturing industries, this Regulation establishes the European Fund for International Climate*

*Action. Until the year 2030, all revenues from the sale of CBAM certificates should be transferred to the Union budget as own resources in view of the new budgetary expenditure for the repayment of the financing costs of the European Fund for International Climate Action. The fund should be endowed with annual appropriations authorised by the European Parliament and by the Council within the limits of the multiannual financial framework that would be equivalent to an estimation of the amounts raised by the CBAM own resources. The fund should be entirely used to support Least Developed Countries, except for a small portion of it, which should be used to cover CBAM administration costs.*

Or. en

**Amendment 515**  
**Christophe Hansen**

**Proposal for a regulation**  
**Recital 55 a (new)**

*Text proposed by the Commission*

*Amendment*

**(55a) Revenues generated by the CBAM should be used according to the interinstitutional agreement to cover the repayment of the European Union Recovery Instrument established under Council Regulation (EU) 2020/2094 <sup>1a</sup>;**

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<sup>1a</sup> **Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis**

Or. en

**Amendment 516**  
**Michal Wiezik**

**Proposal for a regulation**  
**Recital 55 a (new)**

*Text proposed by the Commission*

*Amendment*

***(55a) In support of least developed countries' efforts towards the decarbonisation of their manufacturing industries, technical assistance, technology transfer and extensive capacity building should be provided as well as financial support. To ease the transition, a gradual phasing in of the CBAM could be considered for existing production capacities in least developed countries'.***

Or. en

**Amendment 517**  
**Catherine Griset, Danilo Oscar Lancini, Aurélia Beigneux, Joëlle Mélin, Mathilde Androuët**

**Proposal for a regulation**  
**Recital 55 a (new)**

*Text proposed by the Commission*

*Amendment*

***(55a) This assistance should be financed under the expenditure programmes in the Union budget, in particular the Neighbourhood, Development and International Cooperation Instrument (NDICI) or the Instrument for Pre-Accession Assistance (IPA III) and not through revenue generated by the CBAM.***

Or. fr

**Amendment 518**  
**Agnès Evren**



**Proposal for a regulation**  
**Recital 55 a (new)**

*Text proposed by the Commission*

*Amendment*

***(55a) The revenues generated by CBAM will go to the EU budget. These revenues should help to support a fair transition by European industry to a carbon-neutral economy, in the sectors concerned, and to promote research and innovation.***

Or. fr

**Amendment 519**  
**Petros Kokkalis**

**Proposal for a regulation**  
**Recital 55 a (new)**

*Text proposed by the Commission*

*Amendment*

***(55a) Financial aid should be provided to support the decarbonisation of the power sector of low-income countries from which the EU imports electricity.***

Or. en

**Amendment 520**  
**Jessica Polfjärd**

**Proposal for a regulation**  
**Recital 58**

*Text proposed by the Commission*

*Amendment*

(58) In order to remedy circumvention of the provisions of this Regulation, the power to adopt acts in accordance with Article 290 of TFEU should be delegated to the Commission in respect of supplementing the list of goods in Annex I.

***(58) In order for CBAM to be efficient in lowering carbon leakage, all possible circumvention practices should be addressed by this Regulation.*** In order to remedy circumvention of the provisions of this Regulation, the power to adopt acts in accordance with Article 290 of TFEU should be delegated to the Commission in respect of supplementing the list of goods

in Annex I.

Or. en

#### **Amendment 521**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Deirdre Clune, Agnès Evren, Maria Spyraiki, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

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

##### **Recital 58**

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

(58) In order to remedy circumvention of the provisions of this Regulation, the power to adopt acts in accordance with Article 290 of TFEU should be delegated to the Commission in respect of supplementing the list of goods in Annex I.

###### *Amendment*

(58) ***In order for CBAM to be efficient in lowering carbon leakage, all possible circumvention practices should be addressed by this Regulation.*** In order to remedy circumvention of the provisions of this Regulation, the power to adopt acts in accordance with Article 290 of TFEU should be delegated to the Commission in respect of supplementing the list of goods in Annex I.

Or. en

#### **Amendment 522**

**Hermann Tertsch, Alexandr Vondra, Pietro Fiocchi**

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

##### **Recital 58**

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

(58) ***In order to remedy circumvention of the provisions of this Regulation, the power to adopt acts in accordance with Article 290 of TFEU should be delegated to the Commission in respect of supplementing the list of goods in Annex I.***

###### *Amendment*

(58) ***For CBAM to achieve its objectives, circumvention in all its forms, including slight modification of products, transshipments and resource shuffling, should be addressed by this Regulation. Commission should take any necessary action to remedy circumvention.***

Or. en

**Amendment 523**  
**Stanislav Polčák**

**Proposal for a regulation**  
**Recital 58**

*Text proposed by the Commission*

(58) In order to remedy circumvention of the provisions of this Regulation, the power to adopt acts in accordance with Article 290 of TFEU should be delegated to the Commission in respect of supplementing the list of goods in Annex I.

*Amendment*

(58) In order to remedy **any** circumvention of the provisions of this Regulation, the power to adopt acts in accordance with Article 290 of TFEU should be delegated to the Commission in respect of supplementing the list of goods in Annex I.

Or. cs

**Amendment 524**  
**Agnès Evren**

**Proposal for a regulation**  
**Recital 58 a (new)**

*Text proposed by the Commission*

*Amendment*

***(58a) Given that this Regulation will generate additional compliance costs for affected sectors, compensatory actions need to be taken in order to prevent the total level of regulatory burdens from increasing. Before this Regulation enters into force, the Commission should present proposals to offset the regulatory burdens brought in by this Regulation.***

Or. fr

**Amendment 525**  
**Agnès Evren**

**Proposal for a regulation**  
**Recital 59**

*Text proposed by the Commission*

(59) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at **expert** level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>51</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>51</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

*Amendment*

(59) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at **the level of the relevant experts and industrial sectors**, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>51</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>51</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Or. fr

**Amendment 526**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation**  
**Recital 59**

*Text proposed by the Commission*

(59) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>51</sup>. In particular, to ensure equal participation in

*Amendment*

(59) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert **and industry** level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>51</sup>. In particular, to ensure equal participation in

the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>51</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>51</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Or. en

## **Amendment 527**

**Laura Huhtasaari**

### **Proposal for a regulation**

**Recital 59**

#### *Text proposed by the Commission*

(59) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>51</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>51</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

#### *Amendment*

(59) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert **and industry** level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>51</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>51</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

**Amendment 528**

**Catherine Griset, Danilo Oscar Lancini, Aurélia Beigneux, Joëlle Mélin, Mathilde Androuët**

**Proposal for a regulation**

**Recital 61**

*Text proposed by the Commission*

(61) The financial interests of the **Union** should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, administrative and financial penalties.

*Amendment*

(61) The financial interests of the **Member States** should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, administrative and financial penalties.

Or. fr

**Amendment 529**

**Nicolae Ștefănuță, Frédérique Ries, Susana Solís Pérez, Michal Wieszik**

**Proposal for a regulation**

**Recital 61 a (new)**

*Text proposed by the Commission*

*Amendment*

***(61a) The revenues generated should be attributed to the Union budget as an own resource in accordance with the procedures set out in Article 311 TFEU, pursuant to Annex 2 of the Interinstitutional Agreement of 16 December 2020<sup>1a</sup> and as proposed by the Commission on 22 December 2021 in its legislative proposal to amend the Own Resources Decision<sup>1b</sup>. The CBAM-based own resource would thus be part of a basket of own resources whose total proceeds should be sufficient to cover the level of overall expected expenditure for the repayment costs of the principal and***

*interests of the borrowing incurred under the Next Generation EU instrument, while respecting the principle of universality. Together with the ETS-based own resource, these two green own resources should also link the Union budget with the Union's policy priorities, and thus add value. They should contribute to the climate mainstreaming objectives and the resilience of the Union budget as a tool for investments and guarantees.*

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*<sup>1a</sup> Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap for the introduction of new own resources (OJ L 433I, 22.12.2020, p. 28.).*

*<sup>1b</sup> COM(2021)0570 final.*

Or. en

**Amendment 530**  
**Jan Huitema**

**Proposal for a regulation**  
**Recital 61 a (new)**

*Text proposed by the Commission*

*Amendment*

*(61a) It is crucial that a level playing field in internationally operating sectors such as aviation and the maritime industry is ensured. For aviation, this concerns routes with a high share of connecting passengers to destinations outside the EEA. For the maritime sector, ship hulls and other shipbuilding equipment built outside the Union are sensitive to a potential competitive disadvantage. Both sector's specificities*

*will need to be considered. Therefore, the Commission should explore mechanisms to mitigate potential competitive distortion between feeder flights from EU and non-EU hubs as well as between EU and third country shipbuilding players.*

Or. en

## **Amendment 531**

**Radan Kanev**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1**

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

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage.

##### *Amendment*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage. ***For this purpose, the CBAM aims to equalise carbon costs between imported products and domestic products included in the scope of this Regulation.***

Or. en

## **Amendment 532**

**Petros Kokkalis**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1**

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

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order

##### *Amendment*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage. ***It***



to prevent the risk of carbon leakage.

*contributes to Union action to tackle the climate crisis by incentivising and supporting the reduction of emissions in third countries as well.*

Or. en

**Amendment 533**  
**Rovana Plumb**

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

*Text proposed by the Commission*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage.

*Amendment*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage. ***For this purpose, the CBAM aims to equalise carbon costs between imported products and domestic products included in the scope of this Regulation.***

Or. en

*Justification*

*The core objective of a CBAM should be to effectively equalise CO<sub>2</sub> costs between EU and non-EU suppliers and ensure a full level playing field on carbon.*

**Amendment 534**  
**Frédérique Ries**

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

*Text proposed by the Commission*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred

*Amendment*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred

to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage.

to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage ***and to level out carbon costs between imported products and domestic products included in the scope of this Regulation.***

Or. en

## **Amendment 535**

**Yannick Jadot**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1**

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

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to ***prevent the*** risk of carbon leakage.

##### *Amendment*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to ***reduce global carbon emissions and support the implementation of the goals of the Paris Agreement by preventing any potential*** risk of carbon leakage.

Or. en

## **Amendment 536**

**Malin Björk, Idoia Villanueva Ruiz**

on behalf of the Committee on the Environment, Public Health and Food Safety

### **Proposal for a regulation**

#### **Article 1 – paragraph 1**

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

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order

##### *Amendment*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent carbon leakage ***and incentivise***

to prevent *the risk of* carbon leakage.

*emissions reductions in sectors covered by this regulation in third countries and within the Union.*

Or. en

#### **Amendment 537**

**Agnès Evren**

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

#### **Article premier – paragraph 1**

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

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage.

##### *Amendment*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage *in the Union and to encourage the reduction of GHG emissions globally.*

Or. fr

#### **Amendment 538**

**Hermann Tertsch, Alexandr Vondra, Pietro Fiocchi**

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

#### **Article 1 – paragraph 1**

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

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage.

##### *Amendment*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage *and to establish a level playing field between domestic and imported products.*

Or. en

**Amendment 539**  
**Jessica Polfjärd**

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

*Text proposed by the Commission*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage.

*Amendment*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage ***from the EU and contribute to the reduction of global carbon emissions.***

Or. en

**Amendment 540**  
**Catherine Griset, Danilo Oscar Lancini, Aurélia Beigneux, Joëlle Mélin, Mathilde Androuët**

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

*Text proposed by the Commission*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage.

*Amendment*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage ***and encourage third countries to align with European standards.***

Or. fr

**Amendment 541**  
**Adam Jarubas**  
on behalf of the EPP Group

Esther de Lange, Ewa Kopacz, Deirdre Clune, Agnès Evren, Maria Spyrali, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat

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

*Text proposed by the Commission*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage.

*Amendment*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage ***from the Union and contribute to the reduction of global GHG emissions.***

Or. en

**Amendment 542**  
**Laura Huhtasaari**

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

*Text proposed by the Commission*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage.

*Amendment*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into ***or exportation from*** the customs territory of the Union, in order to prevent the risk of carbon leakage.

Or. en

**Amendment 543**  
**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

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

*Text proposed by the Commission*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into the customs territory of the Union, in order to prevent the risk of carbon leakage.

*Amendment*

1. This Regulation establishes a carbon border adjustment mechanism (the ‘CBAM’) for addressing greenhouse gas emissions embedded in the goods referred to in Annex I, upon their importation into ***or exportation from*** the customs territory of the Union, in order to prevent the risk of carbon leakage.

Or. en

**Amendment 544**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation  
Article 1 – paragraph 2**

*Text proposed by the Commission*

2. The CBAM complements the system established for greenhouse gas emission allowance trading within the Union by Directive 2003/87/EC by applying an equivalent set of rules to imports into the customs territory of the Union of goods referred to in Article 2.

*Amendment*

2. The CBAM complements the system established for greenhouse gas emission allowance trading within the Union by Directive 2003/87/EC by applying an equivalent set of rules to imports into ***or export from*** the customs territory of the Union of goods referred to in Article 2.

Or. en

**Amendment 545**

**Laura Huhtasaari**

**Proposal for a regulation  
Article 1 – paragraph 2**

*Text proposed by the Commission*

2. The CBAM complements the system established for greenhouse gas emission allowance trading within the Union by Directive 2003/87/EC by

*Amendment*

2. The CBAM complements the system established for greenhouse gas emission allowance trading within the Union by Directive 2003/87/EC by

applying an equivalent set of rules to imports into **the** customs territory of the Union of goods referred to in Article 2.

applying an equivalent set of rules to imports into **or exports from** customs territory of the Union of goods referred to in Article 2.

Or. en

**Amendment 546**  
**Ivan David**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3.     ***The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.***     ***deleted***

Or. en

*Justification*

*The automatic cancellation of allocation of allowances free of charge threatens to ensure sufficient fertilizer for farmers. The Commission has not presented an economic impact study. According to information from fertilizer producers, this would cause to several fold higher to the prices of fertilizers. This increase would have an extreme negative impact on farmers and food consumers alike. Cancelling of the allocation free allowances is not a good way to set up the revision of the EU ETS, because money is not actually returned to industry. The Modernization fund allocate back to the industry only 13% of its finances. Demands and expenses are increasing - rather, it will lead to the liquidation of the industry and subsequently agriculture.*

**Amendment 547**  
**Christophe Hansen**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3.     The mechanism ***will*** progressively     3.     The mechanism ***should***

become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

progressively, ***after its effectiveness is proven in practice***, become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive, ***if it has demonstrated its effectiveness in preventing the risk of carbon leakage both for imports and exports from the Union. This should happen without prejudice to maintaining EU ETS allowances free of charge at benchmark level until a test period with actual surrendering obligation by declarants running until 2030 has proven such effectiveness.***

Or. en

#### Amendment 548

Salvatore De Meo, Fulvio Martusciello, Aldo Patriciello

#### Proposal for a regulation

#### Article 1 – paragraph 3

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

3. The mechanism ***will*** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

##### *Amendment*

3. The mechanism ***should complement and*** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive, ***provided that it has proven to be effective to prevent the carbon leakage risk of both imports into and exports from the Union customs territory, and without prejudice to keeping EU ETS allowances free of charge at benchmark level, until a test period with actual surrendering obligation by declarants running until 2030 has proven such effectiveness.***

Or. en



## *Justification*

*CBAM needs to strengthen carbon leakage protection in view of higher 2030 climate ambition and thereafter replace progressively existing carbon leakage measures, provided its effectiveness is proven with actual payment by importers in a test period. The current transitional period proposed by the Commission (2023-2025) is insufficient to assess its effectiveness, because in that period importers will neither have to pay the CBAM levy nor will other key provisions of the legal framework be in place (e.g. data provided by importers in 2023-2025 will not be verified, and the whole methodology for calculating embedded emissions will not be in place).*

### **Amendment 549**

**Dan-Ștefan Motreanu**

### **Proposal for a regulation**

#### **Article 1 – paragraph 3**

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

3. The mechanism **will** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

##### *Amendment*

3. The mechanism **should** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive, ***if it has proven to be effective to prevent the risk of carbon leakage both for imports into or exports from the customs territory of the Union, and without prejudice to maintaining EU ETS allowances free of charge at benchmark level until a test period with actual surrendering obligation by declarants running until 2030 has proven such effectiveness.***

Or. en

## *Justification*

*CBAM needs to strengthen carbon leakage protection in view of higher 2030 climate ambition and thereafter replace progressively existing carbon leakage measures, provided its effectiveness is proven with actual payment by importers in a test period. The current transitional period proposed by the Commission (2023-2025) is insufficient to assess its effectiveness, because in that period importers will neither have to pay the CBAM levy nor will other key provisions of the legal framework be in place (e.g. data provided by importers in 2023-2025 will not be verified, and the whole methodology for calculating embedded emissions will not be in place).*

## Amendment 550

Alexander Bernhuber, Angelika Winzig

### Proposal for a regulation

#### Article 1 – paragraph 3

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

3. The mechanism **will** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

##### *Amendment*

3. The mechanism **may** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive, ***if it has proven to be effective to prevent the risk of carbon leakage both for imports into or exports from the customs territory of the Union, and without prejudice to maintaining EU ETS allowances free of charge at benchmark level until a test period with actual surrendering obligation by declarants running until 2030 has proven such effectiveness.***

Or. en

## Amendment 551

Laura Huhtasaari

### Proposal for a regulation

#### Article 1 – paragraph 3

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

3. The mechanism **will** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

##### *Amendment*

3. The mechanism ***shall, if effective,*** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive, ***without prejudice to the maintenance of EU ETS allowances allocated free of charge until 2030 and only provided that the CBAM has proven to be effective to prevent the***

*risk of carbon leakage both for imports into or exports from the customs territory of the Union.*

Or. en

#### **Amendment 552**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

#### **Proposal for a regulation Article 1 – paragraph 3**

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

3. The mechanism **will** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

##### *Amendment*

3. The mechanism ***shall, if effective,*** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive, ***without prejudice to the maintenance of EU ETS allowances allocated free of charge until 2030 and only provided that the CBAM has proven to be effective to prevent the risk of carbon leakage both for imports into or exports from the customs territory of the Union.***

Or. en

#### **Amendment 553**

**Ondřej Knotek**

#### **Proposal for a regulation Article 1 – paragraph 3**

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

3. The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that

##### *Amendment*

3. The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that

Directive.

Directive. *The mechanism shall first prove to be effective to prevent the risk of carbon leakage both for imports into or exports from the customs territory of the Union, without prejudice to maintaining EU ETS allowances free of charge at benchmark level until a test period with actual surrendering obligation by declarants running until 2030.*

Or. en

## Amendment 554

Ivan David

### Proposal for a regulation

#### Article 1 – paragraph 3

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

3. The mechanism **will** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

##### *Amendment*

3. The mechanism **should** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive, ***if it has proven to be effective to prevent the risk of carbon leakage both for imports into or exports from the customs territory of the Union, and without prejudice to maintaining EU ETS allowances free of charge at benchmark level until a test period with actual surrendering obligation by declarants running until 2030.***

Or. en

##### *Justification*

*CBAM needs to strengthened carbon leakage protection in view of higher 2030 climate ambition and thereafter replace progressively existing carbon leakage measures, provided its effectiveness is proven with actual payment by importers in a test period. The current transitional period proposed by the Commission (2023-2025) is insufficient to assess its effectiveness, because in that period importers will not pay the levy and because the whole legal framework will not be yet in place (e.g. data provided by importers in 2023-2025 will not be verified, and the whole methodology for calculating embedded emissions will not be in*

place).

**Amendment 555**  
**Alexandr Vondra**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

3. The mechanism **will** progressively become **an alternative** to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

*Amendment*

3. The mechanism **should** progressively become **complementary** to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive, **if it has proven to be effective to prevent the risk of carbon leakage both for imports into or exports from the customs territory of the Union, and without prejudice to maintaining EU ETS allowances free of charge at benchmark level until a test period with actual surrendering obligation by declarants running until 2030.**

Or. en

*Justification*

*CBAM needs to strengthened carbon leakage protection in view of higher 2030 climate ambition and thereafter replace progressively existing carbon leakage measures, provided its effectiveness is proven with actual payment by importers in a test period. The current transitional period proposed by the Commission (2023-2025) is insufficient to assess its effectiveness, because in that period importers will not pay the levy and because the whole legal framework will not be yet in place (e.g. data provided by importers in 2023-2025 will not be verified, and the whole methodology for calculating embedded emissions will not be in place).*

**Amendment 556**  
**Agnès Evren**

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

*Text proposed by the Commission*

3. The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

*Amendment*

3. The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive. ***The free allowances in the sectors covered by the CBAM should only be phased out once the CBAM Regulation has proved its effectiveness in terms of protecting against the risk of carbon leakage, for both imports and exports.***

Or. fr

**Amendment 557**

**Christian Doleschal, Angelika Niebler**

**Proposal for a regulation  
Article 1 – paragraph 3**

*Text proposed by the Commission*

3. The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

*Amendment*

3. The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive, ***if it has proven itself to be an effective means of preventing carbon leakage for both imports and exports. This is without prejudice to the necessity of maintaining EU ETS allowances free of charge at benchmark level until a provisional period until 2030 has proven such effectiveness.***

Or. en

**Amendment 558**

**Luisa Regimenti, Massimiliano Salini, Aldo Patriciello, Fulvio Martusciello**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

3. The mechanism **will** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

*Amendment*

3. The mechanism **could** progressively become, ***after 2030 and only if the data gathered in the period 2026-2028 show the CBAM to effectively protect against carbon leakage and if an export protection mechanism has been successfully introduced,*** an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

Or. it

**Amendment 559**  
**Pietro Fiocchi**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

3. The mechanism **will** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

*Amendment*

3. The mechanism **could** progressively become, ***after 2030 and only if the data gathered in the period 2026-2028 show the CBAM to effectively protect against carbon leakage and if an export protection mechanism has been successfully introduced,*** an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

Or. it

**Amendment 560**  
**Radan Kanev**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

3. The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

*Amendment*

3. The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive, ***once the Commission has fully demonstrated its effectiveness in equalising CO2 costs between imported and domestic products as part of the evaluation as referred to in Article 30, paragraph 4.***

Or. en

**Amendment 561**  
**Rovana Plumb**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

3. The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with ***Article 10a*** of that Directive.

*Amendment*

3. The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with ***Article 10a*** of that Directive, ***once the European Commission has fully demonstrated its effectiveness in equalising CO2 costs between imported and domestic products as part of the evaluation scheduled in Article 30, paragraph 4.***

Or. en

*Justification*

*CBAM is by definition an untested mechanism. It is indispensable to ensure that CBAM effectively equalises CO2 costs between EU and non-EU suppliers before any phase-out of free allocation is initiated.*



## Amendment 562

Catherine Griset, Danilo Oscar Lancini, Aurélia Beigneux, Joëlle Mélin, Mathilde Androuët

### Proposal for a regulation

#### Article premier – paragraph 3

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

3. The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

##### *Amendment*

3. The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive, ***without prejudice to the maintenance of EU ETS allowances allocated free of charge until 2030 and only provided that the CBAM has proven to be effective in preventing the risk of carbon leakage.***

Or. fr

## Amendment 563

Hermann Tertsch, Pietro Fiocchi

### Proposal for a regulation

#### Article 1 – paragraph 3

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

3. The mechanism ***will*** progressively become an ***alternative*** to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

##### *Amendment*

3. The mechanism ***should*** progressively become an ***effective complement*** to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive, ***once has fully demonstrated its effectiveness in equalising CO2 costs between imported and domestic products as part of the evaluation scheduled in Article 30, paragraph 4.***

Or. en

## Amendment 564

Carlo Calenda

### Proposal for a regulation

#### Article 1 – paragraph 3

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

3. The mechanism will progressively become an alternative *to* the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

##### *Amendment*

3. The mechanism will progressively become an alternative, ***once the efficiency of CBAM in addressing greenhouse gas emissions and preventing the risk of carbon leakage both for import and export is proven, and without prejudice to maintaining*** the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

Or. en

## Amendment 565

Edina Tóth, Enikő Győri

### Proposal for a regulation

#### Article 1 – paragraph 3

Proposal for a regulation

Article 1 paragraph 3

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

3. The ***mechanism will progressively become an alternative to*** the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, ***notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.***

##### *Amendment*

3. The ***CBAM can complement*** the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage.

Or. en

**Amendment 566**  
**Anna Zalewska**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

3. The mechanism will progressively become ***an alternative*** to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

*Amendment*

3. The mechanism will progressively become ***complimentary*** to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably ***maintaining*** the allocation of allowances free of charge in accordance with Article 10a of that Directive ***at adequate levels to ensure healthy functionality***.

Or. en

*Justification*

*Pursuant to the proposal, the CBAM certificates surrendered by EU importers shall be reduced by the free allowances obtained through the EU ETS. This means that as long as EU industry benefits from free allowances, a lower CBAM is imposed on imports, which reduces the impact of the mechanism on downstream sectors, including those vulnerable such as agriculture. Conversely, removing free ETS allowances will raise the cost of imports for these sectors. It is therefore in the interest of EU sectors, including agriculture to keep free ETS allowances to limit the impact of CBAM on EU entities. This is particularly relevant at a time when rising energy costs inflate fertiliser prices to the detriment of EU farmers.*

**Amendment 567**  
**Andreas Glück**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

3. The mechanism ***will*** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

*Amendment*

3. The mechanism ***can*** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive ***once it has proven its effectiveness***.

Or. en

## *Justification*

*Whether CBAM is an effective alternative to current leakage prevention tools is still to be established empirically before the mechanism can replace the current tool box.*

### **Amendment 568**

**Jessica Polfjärd**

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

##### **Article 1 – paragraph 3**

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

3. The mechanism **will** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

###### *Amendment*

3. The mechanism ***intends to complement and gradually*** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

Or. en

### **Amendment 569**

**Yannick Jadot**

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

##### **Article 1 – paragraph 3**

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

3. The mechanism ***will progressively become*** an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, ***notably*** the allocation of allowances free of charge in accordance with ***Article 10a*** of that Directive.

###### *Amendment*

3. The mechanism ***is*** an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, ***namely*** the allocation of allowances free of charge ***and compensation of indirect costs*** in accordance with ***Articles 10a and 10b*** of that Directive.

Or. en

## Amendment 570

Adam Jarubas

on behalf of the EPP Group

Esther de Lange, Ewa Kopacz, Deirdre Clune, Agnès Evren, Maria Spyraiki, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat

### Proposal for a regulation

#### Article 1 – paragraph 3

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

3. The mechanism ***will progressively*** become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

##### *Amendment*

3. The mechanism ***intends to complement and gradually*** become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

Or. en

## Amendment 571

Simona Bonafè

### Proposal for a regulation

#### Article 1 – paragraph 3

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

3. The mechanism will progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

##### *Amendment*

3. The mechanism will ***complement and*** progressively become an alternative to the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

Or. en

## Amendment 572

Stanislav Polčák

### Proposal for a regulation

#### Article 1 – paragraph 3

*Text proposed by the Commission*

3. The mechanism will progressively ***become an alternative to*** the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

*Amendment*

3. The mechanism will progressively ***replace*** the mechanisms established under Directive 2003/87/EC to prevent the risk of carbon leakage, notably the allocation of allowances free of charge in accordance with Article 10a of that Directive.

Or. cs

**Amendment 573**

**Pascal Canfin, Catherine Chabaud, Susana Solís Pérez, Jan Huitema, Frédérique Ries, Chrysoula Zacharopoulou**

**Proposal for a regulation**

**Article 1 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The CBAM helps meet Union objectives and international commitments, including in particular those under the Paris Agreement and the WTO.***

Or. en

**Amendment 574**

**Jessica Polfjärd**

**Proposal for a regulation**

**Article 1 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The CBAM shall be compatible with WTO rules.***

Or. en

**Amendment 575**

**Nicolae Ștefănuță, Pascal Canfin, Emma Wiesner, Frédérique Ries, Catherine Chabaud,**

**Proposal for a regulation**

**Article 2 – paragraph 1**

*Text proposed by the Commission*

1. This Regulation applies to goods as listed in Annex I, originating in a third country, when those goods, or processed products from those goods as resulting from the inward processing procedure referred to in Article 256 of Regulation (EU) No 952/2013 of the European Parliament and of the Council<sup>53</sup>, are imported into the customs territory of the Union.

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<sup>53</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

*Amendment*

1. This Regulation applies to goods as listed in Annex I, originating in a third country, when those goods, or processed products from those goods as resulting from the inward processing procedure referred to in Article 256 of Regulation (EU) No 952/2013 of the European Parliament and of the Council<sup>53</sup>, are imported into the customs territory of the Union. ***This Regulation also applies to downstream products that include goods listed in Annex I above a minimum threshold, subject to paragraph 2a of this Article,***

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<sup>53</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

Or. en

**Amendment 576**

**Alexander Bernhuber, Angelika Winzig**

**Proposal for a regulation**

**Article 2 – paragraph 1**

*Text proposed by the Commission*

1. This Regulation applies to goods as listed in Annex I, originating in a third country, when those goods, or processed products from those goods as resulting from the inward processing procedure referred to in Article 256 of Regulation (EU) No 952/2013 of the European Parliament and of the Council<sup>53</sup>, are imported into the customs territory of the

*Amendment*

1. This Regulation applies to goods as listed in Annex I, originating in a third country, when those goods, or processed products from those goods as resulting from the inward processing procedure referred to in Article 256 of Regulation (EU) No 952/2013 of the European Parliament and of the Council<sup>53</sup>, are imported into the customs territory of the

Union.

Union *and when those goods, or products processed from those goods are exported to third countries at a later date.*

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<sup>53</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

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<sup>53</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

Or. en

#### **Amendment 577**

**Nicolae Ștefănuță, Pascal Canfin, Emma Wiesner, María Soraya Rodríguez Ramos, Jan Huitema, Linea Sogaard-Lidell, Michal Wiezik**

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

#### **Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. By 30 June 2025, the Commission shall adopt a delegated act in accordance with Article 28 supplementing this Regulation by amending Annex I to establish a timeline for the gradual inclusion of all goods at risk of carbon leakage for which the production is covered in the EU ETS, starting from 1 January 2026 and ending on 1 January 2030 at the latest, giving priority to the sectors most exposed to carbon leakage.***

Or. en

#### **Amendment 578**

**Alexander Bernhuber**

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

#### **Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. This Regulation also applies to agricultural basic commodities***



*determined by the Commission through a delegated act, originating in a third country, when those products are imported into the customs territory of the Union.*

Or. en

#### **Amendment 579**

**Alexander Bernhuber, Angelika Winzig**

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

##### **Article 2 – paragraph 2**

*Text proposed by the Commission*

2. This Regulation applies to the goods referred to in paragraph 1 where those goods are brought to the continental shelf or the exclusive economic zone of a Member State.

*Amendment*

2. This Regulation applies to the goods referred to in paragraph 1 *and 1a* where those goods, *or products processed from those good in case of export to third countries*, are brought to the continental shelf or the exclusive economic zone of a Member State.

Or. en

#### **Amendment 580**

**Stanislav Polčák**

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

##### **Article 2 – paragraph 2**

*Text proposed by the Commission*

2. This Regulation applies to the goods referred to in paragraph 1 *where* those goods are brought to the continental shelf or the exclusive economic zone of a Member State.

*Amendment*

2. This Regulation applies to the goods referred to in paragraph 1 *even if* those goods are brought to the continental shelf or the exclusive economic zone of a Member State *for use in facilities in those areas*.

Or. cs

**Amendment 581**

**Nicolae Ștefănuță, Pascal Canfin, Emma Wiesner, Frédérique Ries, Catherine Chabaud, Linea Sogaard-Lidell, Michal Wiezik, Martin Hojsík**

**Proposal for a regulation**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall by 31 July 2024 adopt a delegated act in accordance with Article 28 to establish a methodology for identifying downstream products covered by this Regulation, including establishing a minimum threshold for the amount of the concerned goods in the product.**

Or. en

**Amendment 582**

**Laura Huhtasaari**

**Proposal for a regulation**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. This Regulation also applies to goods listed in Annex I when those goods are produced in EU installations subject to the EU ETS and exported from the Customs territory of the European Union to third countries, which have not yet limited or priced GHG emissions at the same levels as the EU.**

Or. en

**Amendment 583**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. This Regulation also applies to goods listed in Annex I when those goods are produced in EU installations subject to the EU ETS and exported from the Customs territory of the European Union to third countries, which have not yet limited or priced GHG emissions at the same levels as the EU.**

Or. en

**Amendment 584**  
**Laura Huhtasaari**

**Proposal for a regulation**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. By way of derogation from paragraphs 1 **and 2**, this Regulation does not apply to goods originating in countries and territories listed in Annex II, Section A.

3. By way of derogation from paragraphs 1, **2 and 2a**, this Regulation does not apply to goods originating in **or exported to** countries and territories listed in Annex II, Section A.

Or. en

**Amendment 585**  
**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. By way of derogation from paragraphs 1 **and 2**, this Regulation does not apply to goods originating in countries and territories listed in Annex II, Section A.

3. By way of derogation from paragraphs 1, **2 and 2a**, this Regulation does not apply to goods originating in **or exported to** countries and territories listed in Annex II, Section A.

Or. en

**Amendment 586**  
**Alexander Bernhuber**

**Proposal for a regulation**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

3. By way of derogation from paragraphs 1 and 2, this Regulation does not apply to goods originating in countries and territories listed in Annex II, Section A.

*Amendment*

3. By way of derogation from paragraphs 1, ***1a*** and 2, this Regulation does not apply to goods originating in countries and territories listed in Annex II, Section A.

Or. en

**Amendment 587**  
**Pascal Canfin, Stéphane Bijoux**

**Proposal for a regulation**  
**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. By way of derogation from paragraphs 1 and 2, the Commission shall be empowered to adopt implementing acts to adapt, if necessary, the conditions for implementing the CBAM in those regions on the basis of Article 349 TFEU.***

Or. fr

**Amendment 588**  
**Yannick Jadot**

**Proposal for a regulation**  
**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Article 8, Article 10 (5) b and Chapter IV of this Regulation do not apply to authorised declarants and***

*operators in Least Developed Countries,  
as defined by the United Nations.*

Or. en

**Amendment 589**

**Hermann Tertsch, Alexandr Vondra, Pietro Fiocchi**

**Proposal for a regulation**

**Article 2 – paragraph 4**

*Text proposed by the Commission*

4. Imported goods shall be considered as originating in third countries in accordance with non-preferential rules of origin as defined in Article 59 of Regulation (EU) No 952/2013.

*Amendment*

4. Imported goods shall be considered as originating in third countries in accordance with non-preferential rules of origin as defined in Article 59 of Regulation (EU) No 952/2013. ***Default values applicable under Article 7(2) and Annex III of this Regulation shall be applied based on the country where emissions took place, regardless of the origin of goods.***

Or. en

**Amendment 590**

**Ivan David**

**Proposal for a regulation**

**Article 2 – paragraph 5 – point a**

*Text proposed by the Commission*

(a) the EU ETS established pursuant to Directive 2003/87/EC applies to that country or territory or an agreement has been concluded between that third country or territory and the Union fully linking the EU ETS and the third country or territory emission trading system;

*Amendment*

(a) the EU ETS established pursuant to Directive 2003/87/EC applies to that country or territory or an agreement has been concluded between that third country or territory and the Union fully linking the EU ETS and the third country or territory emission trading system; ***and which for EU ETS participants ensures a equal conditions in comparison of production conditions of producers in those countries;***

*Justification*

*Some countries have introduced carbon taxation on the basis of the CBAM notification- The EU ETS is enforced more than 10 years, and 5 years it have been fine-tuned. CBAM will apply from 2023 year or more precisely from 2026 year. CO2 emission taxations systems in other countries may not be an adequate burden at all for the EU ETS.*

**Amendment 591****Ivan David****Proposal for a regulation****Article 2 – paragraph 5 – point b***Text proposed by the Commission*

(b) the price paid in the country where the goods are originating in is effectively charged on those goods without any rebate beyond those also applied in the EU ETS.

*Amendment*

(b) the price paid in the country where the goods are originating in is effectively charged on those goods without any rebate beyond those also applied in the EU ETS, ***and the conditions for EU ETS participants and producers from these countries can be provably considered as equivalent.***

*Justification*

*Some countries have introduced carbon taxation on the basis of the CBAM notification- The EU ETS is enforced more than 10 years, and 5 years it have been fine-tuned. CBAM will apply from 2023 year or more precisely from 2026 year. CO2 emission taxations systems in other countries may not be an adequate burden at all for the EU ETS.*

**Amendment 592****Susana Solís Pérez, María Soraya Rodríguez Ramos, Nils Torvalds****Proposal for a regulation****Article 2 – paragraph 5 – point b a (new)***Text proposed by the Commission**Amendment*

***(ba) the regulatory obligation and the net regulatory burden imposed in the country where the goods are originating in are equivalent to those imposed under***

*the EU ETS.*

Or. en

**Amendment 593**  
**Laura Huhtasaari**

**Proposal for a regulation**  
**Article 2 – paragraph 5 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) the regulatory obligation and the net regulatory burden imposed in the country where the goods are originating in are equivalent to those imposed under the EU ETS.*

Or. en

**Amendment 594**  
**Luisa Regimenti, Massimiliano Salini, Aldo Patriciello, Fulvio Martusciello, Salvatore De Meo**

**Proposal for a regulation**  
**Article 2 – paragraph 5 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) The carbon costs of imported products are completely equivalent to those under the EU's ETS;*

Or. it

**Amendment 595**  
**Pietro Fiocchi**

**Proposal for a regulation**  
**Article 2 – paragraph 5 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) The carbon costs of imported*

*products are completely equivalent to those under the EU's ETS;*

Or. it

**Amendment 596**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation**

**Article 2 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The regulatory obligation and the net regulatory burden imposed in the country where the goods are originating in are equivalent to those imposed under the EU ETS.**

Or. en

**Amendment 597**

**Yannick Jadot**

**Proposal for a regulation**

**Article 2 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. The Commission is empowered to adopt ***implementing acts*** in order to ***determine*** the conditions for applying the CBAM to goods referred to in paragraph 2. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(2).***

6. The Commission is empowered to adopt ***delegated acts in accordance with Article 28*** in order to ***supplement this Regulation by setting out*** the conditions for applying the CBAM to goods referred to in paragraph 2.

Or. en

**Amendment 598**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**



**Proposal for a regulation**  
**Article 2 – paragraph 6**

*Text proposed by the Commission*

6. The Commission is empowered to adopt implementing acts in order to determine the conditions for applying the CBAM to goods referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(2).

*Amendment*

6. The Commission is empowered to adopt implementing acts in order to determine the conditions for applying the CBAM to goods referred to in paragraph 2 **and 2a**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(2).

Or. en

**Amendment 599**  
**Alexander Bernhuber**

**Proposal for a regulation**  
**Article 2 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. The Commission is empowered to adopt delegated acts in accordance with Article 28 to determine the main basic agricultural commodities produced with the use of fertilisers, in relation to their import volume.**

Or. en

**Amendment 600**  
**Yannick Jadot**

**Proposal for a regulation**  
**Article 2 – paragraph 7 – introductory part**

*Text proposed by the Commission*

*Amendment*

7. If a third country or territory has an electricity market which is integrated with the Union internal market for electricity through market coupling, and it has not been possible to find a technical solution

7. If a third country or territory has an electricity market which is integrated with the Union internal market for electricity through market coupling, and it has not been possible to find a technical solution

for the application of the CBAM to the importation of electricity into the Union, from that third country or territory, such the importation of electricity from the country or territory shall be exempt from the application of the CBAM, provided all of the following conditions are satisfied:

for the application of the CBAM to the importation of electricity into the Union, from that third country or territory, such the importation of electricity from the country or territory shall be exempt from the application of the CBAM, ***until 2030 at the latest***, provided all of the following conditions are satisfied:

Or. en

## **Amendment 601**

**Yannick Jadot**

### **Proposal for a regulation**

#### **Article 2 – paragraph 7 – point a**

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

(a) the third country or territory has concluded an agreement with the Union, setting out an obligation to apply the Union law in the field of ***electricity***, including the legislation on ***the*** development of renewable energy sources, as well as ***other rules*** in the field of ***energy***, environment and competition;

##### *Amendment*

(a) the third country or territory has concluded an agreement with the Union, setting out an obligation to apply the Union law in the field of ***energy***, including the legislation on ***electricity, energy efficiency and*** development of renewable energy sources, as well as in the field of environment, ***notably on large combustion plants and/or industrial emission as well as water management*** and competition;

Or. en

## **Amendment 602**

**Agnès Evren**

### **Proposal for a regulation**

#### **Article 2 – paragraph 7 – point a**

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

(a) the third country or territory has concluded an agreement with the Union, setting out an obligation to apply the Union law in the field of electricity, including the legislation on the development of renewable energy sources, as well as other

##### *Amendment*

(a) the third country or territory has concluded an agreement with the Union, setting out an obligation to apply the Union law in the field of electricity, including the legislation on the development of renewable energy sources, as well as other

rules in the field of energy, environment and competition;

rules in the field of energy, environment, *climate* and competition;

Or. fr

#### **Amendment 603**

**Yannick Jadot**

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

#### **Article 2 – paragraph 7 – point b**

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

(b) the national law in that third country or territory implements the main provisions of the Union *electricity market* legislation, including on the development of renewable energy sources *and* the coupling of electricity markets;

##### *Amendment*

(b) the national law in that third country or territory implements the main provisions of the Union *energy* legislation, including on *energy efficiency and* the development of renewable energy sources, *electricity, including* the coupling of electricity markets, *and implements the Union climate, environment and competition acquis, fully respecting agreed deadlines*;

Or. en

#### **Amendment 604**

**Yannick Jadot**

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

#### **Article 2 – paragraph 7 – point c**

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

(c) the third country or territory has submitted a roadmap to the Commission, containing a timetable for the adoption of measures to implement the conditions set out in points (d) and (e);

##### *Amendment*

(c) the third country or territory has submitted a roadmap to the Commission, containing a timetable for the adoption of measures to implement the conditions set out in points (d), *(da), (db)* and (e);

Or. en

#### **Amendment 605**

**Dolors Montserrat**

**Proposal for a regulation**  
**Article 2 – paragraph 7 – point d**

*Text proposed by the Commission*

(d) the third country or territory has committed to climate neutrality by 2050 and has accordingly formally formulated and communicated, ***where applicable***, to the United Nations Framework Convention on Climate Change a mid-century, long-term low greenhouse gas emissions development strategy aligned with that objective, and has implemented that obligation in its domestic legislation;

*Amendment*

(d) the third country or territory has committed to climate neutrality by 2050 and has accordingly formally formulated and communicated to the United Nations Framework Convention on Climate Change a mid-century, long-term low greenhouse gas emissions development strategy aligned with that objective, and has implemented that obligation in its domestic legislation;

Or. en

**Amendment 606**  
**Yannick Jadot**

**Proposal for a regulation**  
**Article 2 – paragraph 7 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) the third country or territory has committed to phase out coal-based electricity production, by 2030 at the latest if the country or territory is an OECD member;***

Or. en

**Amendment 607**  
**Yannick Jadot**

**Proposal for a regulation**  
**Article 2 – paragraph 7 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

***(db) the third country or territory meets Union recognised nuclear safety levels and applies the requirements of Union***

**Amendment 608**

**Yannick Jadot**

**Proposal for a regulation**

**Article 2 – paragraph 7 – point e**

*Text proposed by the Commission*

(e) the third country or territory has, when implementing the roadmap pursuant to point (c), demonstrated substantial progress towards the alignment of domestic legislation with Union law in the field of climate action on the basis of that roadmap, including towards carbon pricing at an equivalent level as the Union at least insofar as the generation of electricity is concerned. ***The implementation of an emission trading system for electricity, with a price equivalent to the EU ETS, shall be finalised by 1 January 2030;***

*Amendment*

(e) the third country or territory has, when implementing the roadmap pursuant to point (c), demonstrated substantial progress towards the alignment of domestic legislation with Union law in the field of climate action on the basis of that roadmap, including towards carbon pricing at an equivalent level as the Union at least insofar as the generation of electricity is concerned, ***and has provided proof of the transposition of monitoring and reporting<sup>1a</sup>, verification<sup>1b</sup> and accreditation<sup>1c</sup> regulations by 2023 and their full implementation by 2026, where relevant. The emission trading system for electricity shall be implemented by 2026, with a price equivalent to the EU ETS, phased in in a clear and predictable manner by 1 January 2030 at the latest;***

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***<sup>1a</sup> Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012***

***<sup>1b</sup> Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to***

***Directive 2003/87/EC of the European Parliament and of the Council***

***<sup>1c</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93***

Or. en

**Amendment 609**  
**Stanislav Polčák**

**Proposal for a regulation**  
**Article 2 – paragraph 7 – point e**

*Text proposed by the Commission*

(e) the third country or territory has, when implementing the roadmap pursuant to point (c), demonstrated substantial progress towards the alignment of domestic legislation with Union law in the field of climate action on the basis of that roadmap, including towards carbon pricing at an equivalent level as the Union at least insofar as the generation of electricity is concerned. The implementation of an emission trading system for electricity, with a price equivalent to the EU ETS, ***shall*** be finalised by 1 January 2030;

*Amendment*

(e) the third country or territory has, when implementing the roadmap pursuant to point (c), demonstrated substantial progress towards the alignment of domestic legislation with Union law in the field of climate action on the basis of that roadmap, including towards carbon pricing at an equivalent level as the Union at least insofar as the generation of electricity is concerned. The implementation of an emission trading system for electricity, with a price equivalent to the EU ETS, ***must*** be finalised by ***third countries or territories*** by 1 January 2030;

Or. cs

**Amendment 610**  
**Dolors Montserrat**

**Proposal for a regulation**  
**Article 2 – paragraph 7 – point e**

*Text proposed by the Commission*

(e) the third country or territory has, when implementing the roadmap pursuant to point (c), demonstrated substantial progress towards the alignment of domestic legislation with Union law in the field of climate action on the basis of that roadmap, including towards carbon pricing at an equivalent level as the Union at least insofar as the generation of electricity is concerned. The implementation of an emission trading system for electricity, with a price equivalent to the EU ETS, shall be finalised by 1 January **2030**;

*Amendment*

(e) the third country or territory has, when implementing the roadmap pursuant to point (c), demonstrated substantial progress towards the alignment of domestic legislation with Union law in the field of climate action on the basis of that roadmap, including towards carbon pricing at an equivalent level as the Union at least insofar as the generation of electricity is concerned. The implementation of an emission trading system for electricity, with a price equivalent to the EU ETS, shall be finalised by 1 January **2026**;

Or. en

**Amendment 611**

**Michal Wiezik**

**Proposal for a regulation**

**Article 2 – paragraph 7 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) the third country or territory has committed to halt and reverse forest loss and land degradation by 2030 and has accordingly formally formulated and communicated strategy aligned with that objective, and has implemented that obligation in its domestic legislation;***

Or. en

**Amendment 612**

**Michal Wiezik**

**Proposal for a regulation**

**Article 2 – paragraph 7 – point f**

*Text proposed by the Commission*

*Amendment*

(f) the third country or territory has put

(f) the third country or territory has put

in place an effective systems to prevent indirect import of electricity in the Union from other third countries not meeting the requirements set out in points (a) to **(e)**.

in place an effective systems to prevent indirect import of electricity in the Union from other third countries not meeting the requirements set out in points (a) to **(ea)**.

Or. en

**Amendment 613**  
**Yannick Jadot**

**Proposal for a regulation**  
**Article 2 – paragraph 8**

*Text proposed by the Commission*

8. A third country or territory satisfying the conditions set out in paragraph 7, points (a) to (f), shall be listed in Annex II, Section B, of this Regulation, and shall submit **two** reports on the fulfilment of the conditions pursuant to paragraph 7, points (a) to (f), one before 1 July **2025** and another before 1 July 2029. By 31 December **2025** and by 31 December 2029, the Commission shall assess, notably on the basis of the roadmap pursuant to paragraph 7, point (c), and the reports received from the third country or territory, whether that third country or territory continues to respect the conditions set out in paragraph 7.

*Amendment*

8. A third country or territory satisfying the conditions set out in paragraph 7, points (a) to (f), shall be listed in Annex II, Section B, of this Regulation, and shall submit **three comprehensive** reports on the fulfilment of the conditions pursuant to paragraph 7, points (a) to (f), one before 1 July **2024, one before 1 July 2027** and another before 1 July 2029. By 31 December **2024, by 31 December 2027** and by 31 December 2029, the Commission shall assess, notably on the basis of the roadmap pursuant to paragraph 7, point (c), and the reports received from the third country or territory, whether that third country or territory continues to respect the conditions set out in paragraph 7.

Or. en

*Justification*

*Checkpoints brought in n line with the Energy Community commitments for 2023 and 2026.*

**Amendment 614**  
**Stanislav Polčák**

**Proposal for a regulation**  
**Article 2 – paragraph 9 – point b**



*Text proposed by the Commission*

*Amendment*

**(b) if the third country or territory has taken steps contrary to its decarbonisation objectives, such as providing public support for the establishment of new generation capacity that emits more than 550 g of CO<sub>2</sub> of fossil fuel origin per kWh of electricity.**

**deleted**

Or. cs

#### **Amendment 615**

**Yannick Jadot**

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

#### **Article 2 – paragraph 9 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) if the third country or territory has taken steps contrary to its decarbonisation objectives, such as providing public support for *the establishment of new* generation capacity *that emits more than 550 g of CO<sub>2</sub>* of fossil fuel origin *per kWh* of electricity.**

**(b) if the third country or territory has taken steps contrary to its decarbonisation objectives, such as providing *direct and indirect* public support for generation capacity of fossil fuel origin;**

Or. en

#### **Amendment 616**

**Yannick Jadot**

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

#### **Article 2 – paragraph 9 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) if the Commission has reasons to consider that, as a result of increased exports of electricity to the Union, the emissions from electricity production in the country or territory have increased.**

Or. en

**Amendment 617**

**Anna Zalewska**

**Proposal for a regulation**

**Article 2 – paragraph 11**

*Text proposed by the Commission*

*Amendment*

**11. The Commission is empowered to adopt delegated acts in accordance with Article 28 to amend the lists in Annex II, Sections A or B, depending on whether the conditions in paragraphs 5, 7 or 9 are satisfied.**

**deleted**

Or. en

**Amendment 618**

**Luisa Regimenti, Massimiliano Salini, Aldo Patriciello, Fulvio Martusciello, Salvatore De Meo**

**Proposal for a regulation**

**Article 2 – paragraph 11**

*Text proposed by the Commission*

*Amendment*

**11. The Commission *is empowered to adopt delegated acts in accordance with Article 28* to amend the lists in Annex II, Sections A or B, depending on whether the conditions in paragraphs 5, 7 or 9 are satisfied.**

**11. The Commission *should submit a proposal to the European Parliament and the EU Council* to amend the lists in Annex II, Sections A or B, depending on whether the conditions in paragraphs 5, 7 or 9 are satisfied. *Before that proposal is submitted, the European Commission should conduct a detailed consultation with stakeholders.***

Or. it

**Amendment 619**

**Pietro Fiocchi**

**Proposal for a regulation**

**Article 2 – paragraph 11**

*Text proposed by the Commission*

11. The Commission ***is empowered to adopt delegated acts in accordance with Article 28*** to amend the lists in Annex II, Sections A or B, depending on whether the conditions in paragraphs 5, 7 or 9 are satisfied.

*Amendment*

11. The Commission ***should submit a proposal to the European Parliament and the EU Council*** to amend the lists in Annex II, Sections A or B, depending on whether the conditions in paragraphs 5, 7 or 9 are satisfied. ***Before that proposal is submitted, the European Commission should conduct a detailed consultation with stakeholders.***

Or. it

**Amendment 620**

**Liudas Mažylis, Andrius Kubilius, Danuta Maria Hübner, Michael Gahler, Ladislav Ilčí, Petras Auštrevičius, Ondřej Knotek, Martin Hlaváček**

**Proposal for a regulation  
Article 2 – paragraph 11**

*Text proposed by the Commission*

11. ***The Commission is empowered to adopt delegated acts in accordance with Article 28 to amend the lists in Annex II, Sections A or B, depending on whether the conditions in paragraphs 5, 7 or 9 are satisfied.***

*Amendment*

11. ***If a third country is committed to decarbonisation processes that shall result in the adoption of emission trading system similar to the EU ETS, the importation of goods originating in that country shall be exempt from the application of the CBAM, provided all of the following conditions are satisfied:***

Or. en

**Amendment 621**

**Hermann Tertsch, Alexandr Vondra, Pietro Fiocchi**

**Proposal for a regulation  
Article 2 – paragraph 11**

*Text proposed by the Commission*

11. The Commission is empowered to ***adopt delegated acts*** in accordance with Article 28 to amend the lists in Annex II,

*Amendment*

11. The Commission is empowered to ***table a legislative proposal*** in accordance with Article 28 to amend the lists in Annex

Sections A or B, depending on whether the conditions in paragraphs 5, 7 or 9 are satisfied.

II, Sections A or B, depending on whether the conditions in paragraphs 5, 7 or 9 are satisfied.

Or. en

#### **Amendment 622**

**Liudas Mažylis, Andrius Kubilius, Danuta Maria Hübner, Michael Gahler, Ladislav Ilčí, Petras Auštrevičius, Ondřej Knotek, Martin Hlaváček**

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

#### **Article 2 – paragraph 11 – point a (new)**

*Text proposed by the Commission*

*Amendment*

**(a) the third country is a party to the Treaty establishing the Energy Community and/or a party to Association Agreement, including a Deep and Comprehensive Free Trade Area with the Union;**

Or. en

#### **Amendment 623**

**Liudas Mažylis, Andrius Kubilius, Danuta Maria Hübner, Michael Gahler, Ladislav Ilčí, Petras Auštrevičius, Ondřej Knotek, Martin Hlaváček**

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

#### **Article 2 – paragraph 11 – point b (new)**

*Text proposed by the Commission*

*Amendment*

**(b) the third country has put in place an effective system of monitoring, reporting and verification of greenhouse gas emissions;**

Or. en

#### **Amendment 624**

**Liudas Mažylis, Andrius Kubilius, Danuta Maria Hübner, Michael Gahler, Ladislav Ilčí, Petras Auštrevičius, Ondřej Knotek, Martin Hlaváček**

**Proposal for a regulation**  
**Article 2 – paragraph 11 – point c (new)**

*Text proposed by the Commission*

*Amendment*

**(c) the third country has submitted a roadmap to the Commission, containing a timetable for the adoption of measures to implement the conditions set out in points (d), (e), and (f);**

Or. en

**Amendment 625**

**Liudas Mažylis, Andrius Kubilius, Danuta Maria Hübner, Michael Gahler, Ladislav Ilčić, Petras Auštrevičius, Ondřej Knotek, Martin Hlaváček**

**Proposal for a regulation**  
**Article 2 – paragraph 11 – point d (new)**

*Text proposed by the Commission*

*Amendment*

**(d) third country is committed to adopt an emission trading system similar to the EU ETS;**

Or. en

**Amendment 626**

**Liudas Mažylis, Andrius Kubilius, Danuta Maria Hübner, Michael Gahler, Ladislav Ilčić, Petras Auštrevičius, Ondřej Knotek, Martin Hlaváček**

**Proposal for a regulation**  
**Article 2 – paragraph 11– point e (new)**

*Text proposed by the Commission*

*Amendment*

**(e) the third country has committed to climate neutrality and has accordingly formally formulated and communicated, where applicable, to the United Nations Framework Convention on Climate Change a long-term low greenhouse gas emissions development strategy aligned with that objective, and has implemented that obligation in its domestic legislation;**

**Amendment 627**

**Liudas Mažylis, Andrius Kubilius, Danuta Maria Hübner, Michael Gahler, Ladislav Ilčí, Petras Auštrevičius, Ondřej Knotek, Martin Hlaváček**

**Proposal for a regulation**

**Article 2 – paragraph 11 – point f (new)**

*Text proposed by the Commission*

*Amendment*

*(f) the third country has, when implementing the roadmap pursuant to point (c), demonstrated substantial progress towards the alignment of domestic law with Union law in the field of climate action on the basis of that roadmap. The implementation of an emission trading system by 1 January 2030 is conditional upon third country's receipt of the financial, institutional, and expert support from the Union.*

Or. en

**Amendment 628**

**Liudas Mažylis, Andrius Kubilius, Danuta Maria Hübner, Michael Gahler, Ladislav Ilčí, Petras Auštrevičius, Ondřej Knotek, Martin Hlaváček**

**Proposal for a regulation**

**Article 2 – paragraph 12**

*Text proposed by the Commission*

*Amendment*

**12. The Union, may conclude agreements with third countries with a view to take account of carbon pricing mechanisms in these countries in the application of Article 9.**

**12. A third country satisfying the conditions set out in paragraph 11, points (a) to (f), shall be listed in Annex II, Section C, of this Regulation, and shall submit two reports on the fulfilment of the conditions pursuant to paragraph 7, points (a) to (f), one before 1 July 2025 and another before 1 July 2029. By 31 December 2025 and by 31 December 2029, the Commission shall assess, notably on the basis of the roadmap pursuant to paragraph 11, point (c), and**

*the reports received from the third country, whether that third country continues to respect the conditions set out in paragraph 11.*

Or. en

**Amendment 629**  
**Alexandr Vondra**

**Proposal for a regulation**  
**Article 2 – paragraph 12**

*Text proposed by the Commission*

12. The Union, *may* conclude agreements with third countries with a view to take account of carbon pricing mechanisms in these countries in the application of Article 9.

*Amendment*

12. The Union *should* conclude agreements with third countries with a view to take account of *and to promote creation of carbon pricing mechanisms and carbon reduction measures of equivalent efficiency other than* carbon pricing mechanisms in these countries in the application of Article 9. *Such agreements shall not lead to undue preferential treatment of imports from the third countries as regards the CBAM certificates to be surrendered and cannot take into account any carbon pricing mechanisms that are considered to be practices of circumvention within the meaning of Article 27(2).*

Or. en

**Amendment 630**  
**Yannick Jadot**

**Proposal for a regulation**  
**Article 2 – paragraph 12**

*Text proposed by the Commission*

12. The Union, may conclude agreements with third countries with a view to take account of carbon pricing mechanisms in these countries in the

*Amendment*

12. The Union, may conclude agreements with third countries with a view to take account of carbon pricing mechanisms in these countries in the

application of Article 9.

application of Article 9. ***Such agreements shall not lead to undue preferential treatment of imports from the third countries as regards the CBAM certificates to be surrendered and cannot take into account any carbon pricing mechanisms that are considered to be practices of circumvention within the meaning of Article 27(2).***

Or. en

#### **Amendment 631**

**Agnès Evren**

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

#### **Article 2 – paragraph 12**

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

12. The Union, may conclude agreements with third countries with a view to take account of carbon pricing mechanisms in these countries in the application of Article 9.

##### *Amendment*

12. The Union, may conclude agreements with third countries with a view to take account of carbon pricing mechanisms in these countries in the application of Article 9. ***However, these agreements may not lead to improper preferential treatment of imports from third countries with regard to the CBAM certificates to be surrendered.***

Or. fr

#### **Amendment 632**

**Jan Huitema**

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

#### **Article 2 – paragraph 12**

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

12. The Union, may conclude agreements with third countries with a view to take account of carbon pricing mechanisms in these countries in the application of Article 9.

##### *Amendment*

12. The Union, may conclude agreements with third countries with a view to take account of carbon pricing mechanisms in these countries in the application of Article 9, ***provided these mechanisms are based on equivalent***



*standards, reduction targets and carbon cost constraints.*

Or. en

**Amendment 633**

**Liudas Mažylis, Andrius Kubilius, Danuta Maria Hübner, Michael Gahler, Ladislav Ilčík, Petras Auštrevičius, Ondřej Knotek, Martin Hlaváček**

**Proposal for a regulation**

**Article 2 – paragraph 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***12a. A third country listed in Annex II, Section C of this Regulation, shall be removed from that list if the Commission has reasons to consider that the country has not shown sufficient progress to comply with one of the requirements listed in paragraph 11, points (a) to (f), or if the country has taken action incompatible with the objectives set out in the Union climate and environmental legislation.***

Or. en

**Amendment 634**

**Liudas Mažylis, Andrius Kubilius, Danuta Maria Hübner, Michael Gahler, Ladislav Ilčík, Petras Auštrevičius, Ondřej Knotek, Martin Hlaváček**

**Proposal for a regulation**

**Article 2 – paragraph 12 b (new)**

*Text proposed by the Commission*

*Amendment*

***12b. The Commission is empowered to adopt delegated acts in accordance with Article 28 to amend the lists in Annex II, Sections A, B or C, depending on whether the conditions in paragraphs 5, 7, 9, 11 or 13 are satisfied.***

Or. en

**Amendment 635**

**Liudas Mažylis, Andrius Kubilius, Danuta Maria Hübner, Michael Gahler, Ladislav Ilčić, Petras Auštrevičius, Ondřej Knotek, Martin Hlaváček**

**Proposal for a regulation**

**Article 2 – paragraph 12 c (new)**

*Text proposed by the Commission*

*Amendment*

**12c. The Union may conclude agreements with third countries with a view to take account of carbon pricing mechanisms in these countries.**

Or. en

**Amendment 636**

**Yannick Jadot**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

*Amendment*

(3) ‘emissions’ mean the release of greenhouse gases into the atmosphere from the production of goods;

(3) ‘emissions’ mean the release of greenhouse gases into the atmosphere from the production of goods **and from the electricity consumed for the production of these goods;**

Or. en

**Amendment 637**

**Luisa Regimenti, Aldo Patriciello, Fulvio Martusciello, Salvatore De Meo**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

*Amendment*

(3) ‘emissions’ mean the release of greenhouse gases into the atmosphere from the production of goods;

(3) ‘emissions’ mean the release of greenhouse gases into the atmosphere from the production of goods, **in accordance with the provisions of the MRR;**

Or. it

**Amendment 638**

**Pietro Fiocchi**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘emissions’ mean the release of greenhouse gases into the atmosphere from the production of goods;

*Amendment*

(3) ‘emissions’ mean the release of greenhouse gases into the atmosphere from the production of goods, ***in accordance with the provisions of the MRR;***

Or. it

**Amendment 639**

**Laura Huhtasaari**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) ‘exportation’ means the release for export of goods produced in EU installations subject to the EU ETS as provided in Article 269 of regulation (EU) N° 952/2013;***

Or. en

**Amendment 640**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) ‘exportation’ means the release for export of goods produced in EU installations subject to the EUETS as provided in Article 269 of regulation (EU)***

**Amendment 641**

**Nicolae Ștefănuță, Frédérique Ries, Susana Solís Pérez, Michal Wiezik, Martin Hojsík**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 11**

*Text proposed by the Commission*

(11) ‘*competent* authority’ means the authority, *designated by each Member State* in accordance with Article 11 of this Regulation;

*Amendment*

(11) ‘**CBAM** authority’ means the authority *appointed by the Commission* in accordance with Article 11 of this Regulation;

**Amendment 642**

**Laura Huhtasaari**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 11**

*Text proposed by the Commission*

(11) ‘competent authority’ means the authority, designated by each Member State in accordance with Article 11 of this Regulation;

*Amendment*

(11) ‘competent authority’ means the **CBAM authority at the EU level and the national** authority, designated by each Member State in accordance with Article 11 of this Regulation;

**Amendment 643**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Agnès Evren, Maria Spyraiki, Radan Kanev, Liudas Mažylis, Cristian-Silviu Bușoi, Dolors Montserrat**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 11**

*Text proposed by the Commission*

*Amendment*

(11) ‘**competent** authority’ means the authority, **designated by each Member State** in accordance with Article 11 **of this Regulation**;

(11) **CBAM** authority means the authority **appointed** in accordance with Article 11;

Or. en

*Justification*

*In order to maintain proper and equal functioning of CBAM, the system shall be centralised. Therefore competent authorities of the Member States shall be replaced by CBAM authority.*

**Amendment 644**  
**Christophe Hansen**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 11**

*Text proposed by the Commission*

*Amendment*

(11) ‘competent authority’ means the authority, designated by each Member State in accordance with Article 11 of this Regulation;

(11) ‘competent authority’ means the **executing** authority, designated by each Member State in accordance with Article 11 of this Regulation;

Or. en

**Amendment 645**  
**Agnès Evren**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 11**

*Text proposed by the Commission*

*Amendment*

(11) ‘competent national authority’ means the authority, designated by each Member State in accordance with Article 11 of this Regulation;

(11) ‘**national** competent authority’ means the authority, designated by each Member State in accordance with Article 11 of this Regulation;

Or. fr

**Amendment 646**  
**Yannick Jadot**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 11**

*Text proposed by the Commission*

(11) ‘*competent* authority’ means the authority, *designated by each Member State* in accordance with Article 11 of this Regulation;

*Amendment*

(11) ‘**CBAM** authority’ means the authority *appointed* in accordance with Article 11 of this Regulation;

Or. en

**Amendment 647**  
**Agnès Evren**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 11 a (new)**

*Text proposed by the Commission*

*Amendment*

**(11a) ‘European central CBAM authority’ means the authority responsible for implementing and supervising the application of this Regulation in accordance with Article 11 of this Regulation;**

Or. fr

**Amendment 648**  
**Laura Huhtasaari**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 13**

*Text proposed by the Commission*

(13) ‘declarant’ means a person lodging a customs declaration for release for free circulation in *its own name* or the person in whose name such a declaration is lodged in accordance with Regulation (EU) *No 952/2013*;

*Amendment*

(13) ‘declarant’ means a person lodging a customs declaration, *either* for release for free circulation in *its own name or for export*, or the person in whose name such a declaration is lodged in accordance with Regulation (EU) *No 952/2013*;

**Amendment 649**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 13**

*Text proposed by the Commission*

(13) ‘declarant’ means a person lodging a customs declaration for release for free circulation in its own name or the person in whose name such a declaration is lodged in accordance with Regulation (EU) No 952/2013;

*Amendment*

(13) ‘declarant’ means a person lodging a customs declaration, ***either*** for release for free circulation in its own name ***or for export***, or the person in whose name such a declaration is lodged in accordance with Regulation (EU) No 952/2013;

Or. en

**Amendment 650**

**Yannick Jadot**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 13**

*Text proposed by the Commission*

(13) ‘declarant’ means a person lodging a customs declaration for release for free circulation in its own name or the person in whose name such a declaration is lodged in accordance with Regulation (EU) No 952/2013;

*Amendment*

(13) ‘declarant’ means a ***legal*** person lodging a customs declaration for release for free circulation in its own name or the ***legal*** person in whose name such a declaration is lodged in accordance with Regulation (EU) No 952/2013;

Or. en

**Amendment 651**

**Yannick Jadot**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 14**

*Text proposed by the Commission*

(14) ‘**person**’ means **a natural person**, a legal person **and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts**;

*Amendment*

(14) ‘**certifier**’ means a legal person **tasked to certify the documentation to be submitted by the authorised declarant to the CBAM authority in relation to the carbon price paid in the country of origin on the declared embedded emissions of the goods in accordance with Article 9 of this Regulation.**

Or. en

**Amendment 652**

**Yannick Jadot**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 15**

*Text proposed by the Commission*

(15) ‘direct emissions’ mean emissions from the production processes of goods over which the producer has direct control;

*Amendment*

(15) ‘direct emissions’ mean emissions from the production processes of goods over which the producer has direct control, **including emissions from the production of heating and cooling consumed during the production processes**;

Or. en

**Amendment 653**

**Yannick Jadot**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 16**

*Text proposed by the Commission*

(16) ‘embedded emissions’ mean direct emissions released during the production of goods, calculated pursuant to the methods set out in Annex III;

*Amendment*

(16) ‘embedded emissions’ mean direct emissions released during the production of goods, calculated pursuant to the methods set out in Annex III, **and indirect emissions released during the production of the electricity consumed by the producer of goods, pursuant to the**



*methods to be defined in delegated acts adopted by the Commission under Article 7(7a);*

Or. en

**Amendment 654**

**Michal Wiezik**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 16**

*Text proposed by the Commission*

(16) ‘embedded emissions’ mean direct emissions released during the production of goods, calculated pursuant to the methods set out in Annex III;

*Amendment*

(16) ‘embedded emissions’ mean direct ***and indirect*** emissions released during the production of goods, calculated pursuant to the methods set out in Annex III;

Or. en

**Amendment 655**

**Radan Kanev**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17a) ‘Transport emissions’ means emissions from transportation services consumed during the production processes of goods and their transport to their destination point.***

Or. en

**Amendment 656**

**Laura Huhtasaari**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 19**

*Text proposed by the Commission*

(19) ‘surrender’ means offsetting of CBAM certificates against the declared embedded emissions in imported goods;

*Amendment*

(19) ‘surrender’ means offsetting of CBAM certificates against the declared embedded emissions in imported ***or exported*** goods;

Or. en

**Amendment 657**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 19**

*Text proposed by the Commission*

(19) ‘surrender’ means offsetting of CBAM certificates against the declared embedded emissions in imported goods;

*Amendment*

(19) ‘surrender’ means offsetting of CBAM certificates against the declared embedded emissions in imported ***or exported*** goods;

Or. en

**Amendment 658**

**Yannick Jadot**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 22**

*Text proposed by the Commission*

(22) ‘actual emissions’ mean the emissions calculated based on primary data from the production processes of goods;

*Amendment*

(22) ‘actual emissions’ mean the emissions calculated ***and verified*** based on primary data from the production processes of goods ***and from the production of electricity consumed during the production processes of goods;***

Or. en

**Amendment 659**  
**Stanislav Polčák**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 23**

*Text proposed by the Commission*

(23) ‘carbon price’ means the monetary amount paid in a third country in the form of a tax or emission allowances under a greenhouse gas emissions trading system, calculated on greenhouse gases covered by such a measure and released during the production of goods;

*Amendment*

(23) ‘carbon price’ means the monetary amount paid in a third country in the form of a tax, *fee* or emission allowances under a greenhouse gas emissions trading system, calculated on greenhouse gases covered by such a measure and released during the production of goods;

Or. cs

**Amendment 660**  
**Yannick Jadot**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 25**

*Text proposed by the Commission*

(25) ‘operator’ means any person who operates or controls an installation in a third country;

*Amendment*

(25) ‘operator’ means any *legal* person who operates or controls an installation in a third country;

Or. en

**Amendment 661**  
**Laura Huhtasaari**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 26 a (new)**

*Text proposed by the Commission*

*Amendment*

***(26a) “EU CBAM authority” means a competent body to be established at the EU level that supervises the implementation of this Regulation.***

Or. en

#### Amendment 662

Malin Björk, Idoia Villanueva Ruiz

on behalf of the Committee on the Environment, Public Health and Food Safety

#### Proposal for a regulation

#### Article 3 – paragraph 1 – point 28

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

(28) ‘indirect emissions’ mean emissions from the production of electricity, **heating and cooling**, which is consumed during the production processes of goods.

##### *Amendment*

(28) ‘indirect emissions’ mean **greenhouse gas emissions from transport in relation to production of goods and** from the production **processes** of electricity which is consumed during the production processes of goods;

Or. en

#### Amendment 663

Yannick Jadot

#### Proposal for a regulation

#### Article 3 – paragraph 1 – point 28

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

(28) ‘indirect emissions’ mean emissions from the production of electricity, **heating and cooling**, which is consumed during the production processes of goods.

##### *Amendment*

(28) ‘indirect emissions’ mean emissions from the production of electricity, which is consumed during the production processes of goods.

Or. en

#### Amendment 664

Marian-Jean Marinescu

#### Proposal for a regulation

#### Article 3 – paragraph 1 – point 28 a (new)

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

##### *Amendment*

**(28a) ‘indirect emissions costs’ mean  
EUA costs passed on in electricity prices.**

*These are not an indication of the physical indirect emissions in the production.*

Or. en

**Amendment 665**  
**Delara Burkhardt, Tiemo Wölken**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 28 a (new)**

*Text proposed by the Commission*

*Amendment*

*(28a) ‘interested party’ means any stakeholder of the sectors covered by this Regulation with an objective link between its activities and the scope of this regulation, including industry representatives, trade unions and civil society.*

Or. en

**Amendment 666**  
**Antoni Comín i Oliveres**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 28 a (new)**

*Text proposed by the Commission*

*Amendment*

*(28a) ‘transport emissions’ means emissions from transportation services consumed during the production processes of goods and their transport to their destination point,*

Or. en

**Amendment 667**  
**Laura Huhtasaari**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28a) ‘indirect emissions costs’ mean  
EUA costs passed on in electricity prices.  
These are not an indication of the  
physical indirect emissions in the  
production.***

Or. en

**Amendment 668**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone,  
Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28a) ‘indirect emissions costs’ mean  
EUA costs passed on in electricity prices.  
These are not an indication of the  
physical indirect emissions in the  
production.***

Or. en

**Amendment 669**

**Malin Björk, Idoia Villanueva Ruiz**

on behalf of the Committee on the Environment, Public Health and Food Safety

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28a) Verifier is a legal person  
accredited either according to the criteria  
of this Regulation or of Implementing  
Regulation (EU) No 2018/206.***

Or. en

**Amendment 670**

**Hermann Tertsch, Alexandr Vondra, Pietro Fiocchi**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28a) Verifier is a legal person accredited either according to the criteria of this Regulation or of Implementing Regulation (EU) No 2018/2067.***

Or. en

**Amendment 671**

**Yannick Jadot**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28a) 'Verifier' is a legal person accredited according to the criteria of Implementing Regulation (EU) No 2018/2067.***

Or. en

**Amendment 672**

**Nicolae Ștefănuță, Pascal Canfin, Emma Wiesner, Frédérique Ries, María Soraya Rodríguez Ramos, Catherine Chabaud, Jan Huitema, Linea Søgaard-Lidell, Michal Wiezik, Martin Hojsík**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28a) 'downstream products' means products manufactured by using goods listed in Annex I.***

**Amendment 673**  
**Laura Huhtasaari**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 28 b (new)**

*Text proposed by the Commission*

*Amendment*

***(28b) ‘Resource shuffling’ means any practice, process or work that has 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 674**  
**Laura Huhtasaari**

**Proposal for a regulation**  
**Article 4 – title**

*Text proposed by the Commission*

*Amendment*

Importation of goods

Importation ***and exportation*** of goods

Or. en

**Amendment 675**  
**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation**  
**Article 4 – title**

*Text proposed by the Commission*

*Amendment*

Importation of goods

Importation ***and exportation*** of goods



**Amendment 676**

**Nicolae Ștefănuță, Frédérique Ries, Susana Solís Pérez, Michal Wiezik, Martin Hojsík**

**Proposal for a regulation**

**Article 4 – paragraph 1**

*Text proposed by the Commission*

Goods shall only be imported into the customs territory of the Union by a declarant that is authorised by the **competent** authority in accordance with Article 17 ('authorised declarant').

*Amendment*

Goods shall only be imported into the customs territory of the Union by a declarant that is authorised by the **CBAM** authority in accordance with Article 17 ('authorised declarant').

***Throughout the Regulation, the term 'competent authority' is replaced by 'CBAM authority' and any necessary grammatical changes are made.***

**Amendment 677**

**Christophe Hansen**

**Proposal for a regulation**

**Article 4 – paragraph 1**

*Text proposed by the Commission*

Goods shall only be imported into the customs territory of the Union by a declarant that is authorised by the competent authority in accordance with Article 17 ('authorised declarant').

*Amendment*

Goods shall only be imported into the customs territory of the Union by a declarant that is authorised by the competent authority, ***designated by the concerned Member State***, in accordance with Article 17 ('authorised declarant').

**Amendment 678**

**Laura Huhtasaari**

**Proposal for a regulation**

**Article 4 – paragraph 1**

*Text proposed by the Commission*

Goods shall only be imported into the customs territory of the Union by a declarant that is authorised by the competent authority in accordance with Article 17 ('authorised declarant').

*Amendment*

Goods shall only be imported into **or exported from** the customs territory of the Union by a declarant that is authorised by the competent authority in accordance with Article 17 ('authorised declarant').

Or. en

**Amendment 679**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation  
Article 4 – paragraph 1**

*Text proposed by the Commission*

Goods shall only be imported into the customs territory of the Union by a declarant that is authorised by the competent authority in accordance with Article 17 ('authorised declarant').

*Amendment*

Goods shall only be imported into **or exported from** the customs territory of the Union by a declarant that is authorised by the competent authority in accordance with Article 17 ('authorised declarant').

Or. en

**Amendment 680**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation  
Article 5 – title**

*Text proposed by the Commission*

Application for an authorisation

*Amendment*

Application for an **import** authorisation

Or. en

**Amendment 681**

**Laura Huhtasaari**

**Proposal for a regulation**  
**Article 5 – title**

*Text proposed by the Commission*

Application for an authorisation

*Amendment*

Application for an **import** authorisation

Or. en

**Amendment 682**  
**Stanislav Polčák**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

1. Any declarant shall, prior to importing goods as referred to in Article 2, apply to the competent authority at the place where it is established, for an authorisation to import those goods into the customs territory of the Union.

*Amendment*

*(Does not affect English version)*

Or. cs

**Amendment 683**  
**Stanislav Polčák**

**Proposal for a regulation**  
**Article 5 – paragraph 3 – point e**

*Text proposed by the Commission*

(e) declaration on honour that the declarant was not involved in any serious infringements or repeated infringements of customs legislation, taxation rules and market abuse rules during the five years preceding the year of the application, including that it has no record of **serious** criminal offences relating to **its** economic activity;

*Amendment*

(e) declaration on honour that the declarant **or a board member of the declarant** was not involved in any serious infringements or repeated infringements of customs legislation, taxation rules and market abuse rules during the five years preceding the year of the application, including that it has no record of criminal offences relating to **the declarant's** economic activity;

Or. cs

**Amendment 684**

**Hermann Tertsch, Alexandr Vondra, Pietro Fiocchi**

**Proposal for a regulation**

**Article 5 – paragraph 3 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

***(ha) the name and contact details of the third country competent authority in charge of collecting the carbon price paid by the operator in that third country, when relevant***

Or. en

**Amendment 685**

**Deirdre Clune**

**Proposal for a regulation**

**Article 5 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The applicant may at any time withdraw its application.

4. The applicant may at any time ***modify or*** withdraw its application.

Or. en

**Amendment 686**

**Laura Huhtasaari**

**Proposal for a regulation**

**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 5a***

***Notification and registration of exports***

***1. Any declarant wishing to obtain adjustments to their emission allowances corresponding to the embedded emissions of the goods produced in the EU and***

*exported outside the territory of the customs union shall be registered as a declarant according to Article 4 and shall notify the competent authorities of its intention at the time of lodging the pre-departure declaration. On release of the goods, the customs office of export will transmit the necessary particulars of the export movement to the competent authority, which shall issue a certificate establishing the allowance adjustments to be granted to calibrate the regulatory obligation.*

*2. The Commission is empowered to adopt implementing acts concerning the standard format of the notification and the delays and procedure to be followed by the competent authority when processing applications for obtaining a CBAM certificate in accordance with paragraph 1 and the rules for identification by the competent authority of the declarants. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(2).*

Or. en

**Amendment 687**  
**Hermann Tertsch, Pietro Fiocchi**

**Proposal for a regulation**  
**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 5a*

*Export refund*

*1. For products consumed within the EU, the allowances obligation applicable to domestically produced products would correspond to the greenhouse emissions in excess of the product-specific benchmark, with the equivalent obligation imposed on imports consumed within the EU through the application of the CBAM.*

*This equivalent allowance would be refunded when products are exported.*

*2. Any declarant wishing to obtain refund to their emission allowances corresponding to the embedded emissions of the goods produced in the EU and exported outside the territory of the customs union shall be registered as a declarant according to article 4 and shall notify the competent authorities of its intention at the time of lodging the pre-departure declaration. On release of the goods, the customs office of export will transmit the necessary particulars of the export movement to the competent authority, which shall issue a certificate establishing the refund to be granted to calibrate the regulatory obligation.*

*3. The domestic producer shall provide evidence that the goods have been exported.*

Or. en

**Amendment 688**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation**

**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5a**

***Notification and registration of exports***

*Any declarant wishing to obtain adjustments to their emission allowances corresponding to the embedded emissions of the goods produced in the EU and exported outside the territory of the customs union shall be registered as a declarant according to Article 4 and shall notify the competent authorities of its intention at the time of lodging the pre-departure declaration. On release of the goods, the customs office of export will*

*transmit the necessary particulars of the export movement to the competent authority, which shall issue a certificate establishing the allowance adjustments to be granted to calibrate the regulatory obligation.*

Or. en

**Amendment 689**  
**Laura Huhtasaari**

**Proposal for a regulation**  
**Article 6 – title**

*Text proposed by the Commission*

*Amendment*

CBAM declaration

CBAM *import* declaration

Or. en

**Amendment 690**  
**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation**  
**Article 6 – title**

*Text proposed by the Commission*

*Amendment*

CBAM declaration

CBAM *import* declaration

Or. en

**Amendment 691**  
**Alexander Bernhuber, Angelika Winzig**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) the total quantity of each type of goods or the share of these goods in*

*products processed from those goods, as referred to in point (a) of this paragraph, exported during the calendar year preceding the declaration, expressed in megawatt hours for electricity and in tonnes for other goods;*

Or. en

#### **Amendment 692**

**Alexander Bernhuber, Angelika Winzig**

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

#### **Article 6 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the total number of CBAM certificates corresponding to the total embedded emissions, to be surrendered, after the reduction due on the account of the carbon price paid in a country of origin in accordance with Article 9 and the adjustment necessary of the extent to which EU ETS allowances are allocated free of charge in accordance with Article 31.

*Amendment*

(c) the total number of CBAM certificates corresponding to the total embedded emissions, to be surrendered, after the reduction due on the account of the carbon price paid in a country of origin in accordance with Article 9 and the adjustment necessary of the extent to which EU ETS allowances are allocated free of charge in accordance with Article 31 *and an adjustment corresponding to the share of the total embedded emissions of imported goods, or products processed from those goods, that were exported to third countries in accordance with [Article 9a].*

Or. en

#### **Amendment 693**

**Yannick Jadot**

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

#### **Article 6 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the total number of CBAM certificates corresponding to the total embedded emissions, to be surrendered,

*Amendment*

(c) the total number of CBAM certificates corresponding to the total embedded emissions, to be surrendered,



after the reduction due on the account of the carbon price paid in a country of origin in accordance with Article 9 *and the adjustment necessary of the extent to which EU ETS allowances are allocated free of charge in accordance with Article 31.*

after the reduction due on the account of the carbon price paid in a country of origin in accordance with Article 9.

Or. en

**Amendment 694**

**Adam Jarubas**

on behalf of the EPP Group

**Esther de Lange, Ewa Kopacz, Maria Spyra, Radan Kanev, Liudas Mažylis, Pernille Weiss, Cristian-Silviu Buşoi, Dolors Montserrat**

**Proposal for a regulation**

**Article 6 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) copy of the verification report issued by the verifier under Article 8 and Annex V*

Or. en

**Amendment 695**

**Luisa Regimenti, Massimiliano Salini, Aldo Patriciello, Fulvio Martusciello, Salvatore De Meo**

**Proposal for a regulation**

**Article 6 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) the emissions verification report, including the details of the verifier;*

Or. it

**Amendment 696**

**Pietro Fiocchi**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) the emissions verification report,  
including the details of the verifier;**

Or. it

**Amendment 697**  
**Simona Baldassarre**

**Proposal for a regulation**  
**Article 6 – paragraph 6 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***In the event that EU industries producing goods subject to the CBAM encounter serious difficulties over its implementation during the transition period or trial period, an industry-specific evaluation should be made as soon as possible to explore whether the CBAM is still effective and feasible for the industry concerned.***

Or. it

**Amendment 698**  
**Yannick Jadot**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Embedded emissions in goods shall be calculated pursuant to the methods set out in Annex III.

1. Embedded **direct** emissions in goods shall be calculated pursuant to the methods set out in Annex III.

Or. en

**Amendment 699**  
**Alexander Bernhuber**

**Proposal for a regulation**  
**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The embedded emissions in agricultural basic commodities pursuant to Article 2 (1a) shall be calculated based on default values of fertiliser use of the respective country of origin. The Commission shall develop a calculation method for this purpose by end of 2023 at the latest.***

Or. en

**Amendment 700**  
**Luisa Regimenti, Aldo Patriciello, Fulvio Martusciello, Salvatore De Meo**

**Proposal for a regulation**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Embedded emissions in goods other than electricity shall be determined based on the actual emissions in accordance with the methods set out in Annex III, points 2 and 3. When actual emissions cannot be adequately determined, the ***embedded emissions*** shall be determined by reference to default values in accordance with the methods set out in Annex III, point 4.1.

2. Embedded emissions in goods other than electricity shall be determined based on the actual emissions in accordance with the methods set out in Annex III, points 2 and 3. When ***the*** actual emissions cannot be adequately determined, ***these*** shall be determined ***in conjunction with the parties concerned*** by reference to default values ***which must be high enough to ensure preferential use of the real data in the emissions declaration*** in accordance with the methods set out in Annex III, point 4.1.

Or. it

**Amendment 701**  
**Pietro Fiocchi**

**Proposal for a regulation**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

2. Embedded emissions in goods other than electricity shall be determined based on the actual emissions in accordance with the methods set out in Annex III, points 2 and 3. When actual emissions cannot be adequately determined, the ***embedded emissions*** shall be determined by reference to default values in accordance with the methods set out in Annex III, point 4.1.

*Amendment*

2. Embedded emissions in goods other than electricity shall be determined based on the actual emissions in accordance with the methods set out in Annex III, points 2 and 3. When ***the*** actual emissions cannot be adequately determined, ***these*** shall be determined ***in conjunction with the parties concerned*** by reference to default values ***which must be high enough to ensure preferential use of the real data in the emissions declaration*** in accordance with the methods set out in Annex III, point 4.1.

Or. it

**Amendment 702**  
**Yannick Jadot**

**Proposal for a regulation**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

2. Embedded emissions in goods other than electricity shall be determined based on the actual emissions in accordance with the methods set out in Annex III, points 2 and 3. When actual emissions cannot be adequately determined, the embedded emissions shall be determined by reference to default values in accordance with the methods set out in Annex III, point 4.1.

*Amendment*

2. Embedded ***direct*** emissions in goods other than electricity shall be determined based on the actual emissions in accordance with the methods set out in Annex III, points 2 and 3. When actual emissions cannot be adequately determined, the embedded emissions shall be determined by reference to default values in accordance with the methods set out in Annex III, point 4.1.

Or. en

**Amendment 703**  
**Radan Kanev**

**Proposal for a regulation**  
**Article 7 – paragraph 2 a (new)**

**2a. The Commission is empowered to adopt delegated acts in accordance with Article 28 to amend Annex III to set out a method for calculating embedded emissions for determining the actual indirect embedded emissions for simple goods and complex goods and the default values. By 1<sup>st</sup> January 2025, The Commission shall adopt this method to include indirect emissions in goods, and update Annex III accordingly.**

Or. en

**Amendment 704**

**Yannick Jadot**

**Proposal for a regulation**

**Article 7 – paragraph 3**

*Text proposed by the Commission*

3. Embedded emissions in imported electricity shall be determined by reference to default values in accordance with the method set out in *Annex III, point 4.2, unless the authorised declarant chooses to determine the embedded emissions based on the actual emissions in accordance with* that annex, point 5.

*Amendment*

3. Embedded emissions in imported electricity shall be determined ***based on the actual emissions in accordance with the method set out in Annex III, point 5, or, when data on actual emissions is not available,*** by reference to default values in accordance with the method set out in that Annex, point 4.2.

Or. en

**Amendment 705**

**Rovana Plumb**

**Proposal for a regulation**

**Article 7 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Commission is empowered to adopt delegated acts in accordance with**

*Article 28 to amend Annex III to set out a method for calculating embedded emissions for determining the actual indirect embedded emissions for simple goods and complex goods and the default values. By 1 January 2025, The Commission shall adopt this method to include indirect emissions in goods, and update Annex III accordingly.*

Or. en

*Justification*

*European industries are facing today significant indirect emissions and costs related to these. These will rise in the future as key decarbonisation technologies are introduced, and through electrification of production processes. It is therefore crucial that indirect emissions are included in the Commission proposals to ensure a level playing field. This should be done as soon as possible, and not pushed back to a subsequent new CBAM legislative proposal that would only come in a few years.*

**Amendment 706**  
**Alexander Bernhuber**

**Proposal for a regulation**  
**Article 7 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Commission is empowered to adopt implementing acts in order to determine the calculation method for determining a standard value in relation to the use of fertilisers of the main agricultural basics products referred to in paragraph 1a. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29 (2).**

Or. en

**Amendment 707**  
**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation**  
**Article 7 – paragraph 6**

*Text proposed by the Commission*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. ***Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes.*** The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

*Amendment*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

Or. en

**Amendment 708**  
**Pietro Fiocchi**

**Proposal for a regulation**  
**Article 7 – paragraph 6**

*Text proposed by the Commission*

6. The Commission is empowered to adopt ***implementing*** acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries

*Amendment*

6. The Commission is empowered to adopt ***delegated*** acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries

of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. ***Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes.*** The ***implementing*** acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. The ***delegated*** acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

Or. it

**Amendment 709**  
**Alexandr Vondra**

**Proposal for a regulation**  
**Article 7 – paragraph 6**

*Text proposed by the Commission*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. ***Where necessary, those acts shall provide that the default***

*Amendment*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. The ***implementing*** acts shall build upon existing legislation



*values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes.* The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

Or. en

**Amendment 710**  
**Cristian-Silviu Buşoi**

**Proposal for a regulation**  
**Article 7 – paragraph 6**

*Text proposed by the Commission*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. *Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes.* The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular

*Amendment*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

**Amendment 711**  
**Ivan David**

**Proposal for a regulation**  
**Article 7 – paragraph 6**

*Text proposed by the Commission*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. ***Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes.*** The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

*Amendment*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

*Justification*

*Default values are an essential element for ensuring the robustness of the CBAM. Therefore, they should be applied equally to all operators that do not declare their real emissions. Potential adjustments of default values to particular areas, regions or countries create legal*

*uncertainty and increase circumvention risks as well as the administrative burden for national custom authorities.*

## **Amendment 712**

**Dan-Ștefan Motreanu**

### **Proposal for a regulation**

#### **Article 7 – paragraph 6**

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

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. ***Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes.*** The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

##### *Amendment*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

Or. en

##### *Justification*

*Default values are an essential element for ensuring the robustness of the CBAM. Therefore, they should be applied equally to all operators that do not declare their real emissions. Potential adjustments of default values to particular areas, regions or countries create legal uncertainty and increase circumvention risks as well as the administrative burden for national custom authorities.*

**Amendment 713**  
**Laura Huhtasaari**

**Proposal for a regulation**  
**Article 7 – paragraph 6**

*Text proposed by the Commission*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. ***Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes.*** The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

*Amendment*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

Or. en

**Amendment 714**  
**Radan Kanev**

**Proposal for a regulation**  
**Article 7 – paragraph 6**

*Text proposed by the Commission*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. ***Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes.*** The implementing acts shall ***build upon*** existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

*Amendment*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. The implementing acts shall ***be equivalent to the*** existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

Or. en

**Amendment 715**  
**Dolors Montserrat**

**Proposal for a regulation**  
**Article 7 – paragraph 6**

*Text proposed by the Commission*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual

*Amendment*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual

emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. *Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes.* The implementing acts shall **build upon** existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. The implementing acts shall **be equivalent to the** existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

Or. en

## Amendment 716

Anna Zalewska

### Proposal for a regulation

#### Article 7 – paragraph 6

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

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account

##### *Amendment*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and **country-specific** default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. ***Adoption of the implementing acts shall be preceded by public consultations with exporters, importers, third country***

specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes. The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

***governments, and other stakeholders.***

Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes. The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

Or. en

#### **Amendment 717**

**Edina Tóth, Enikő Győri**

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

#### **Article 7 – paragraph 6**

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

6. The Commission ***is empowered to*** adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values ***and their respective application to*** individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes. The implementing acts shall build upon existing legislation for the verification of emissions and

##### *Amendment*

6. The Commission ***shall*** adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and ***country-specific*** default values ***for*** individual goods ***in Annex I*** as well as laying down methods to ensure the reliability of data on the basis of which the ***actual emissions and*** default values shall be determined, including the level of detail and the verification of the data. ***Adoption of the implementing acts shall be preceded by public consultations with exporters, importers, third country governments, and other relevant stakeholders.*** Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography,



activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

natural resources, market conditions, prevailing energy sources, or industrial processes. The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

Or. en

**Amendment 718**  
**Agnès Evren**

**Proposal for a regulation**  
**Article 7 – paragraph 6**

*Text proposed by the Commission*

6. The Commission is empowered to adopt **implementing** acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes. The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

*Amendment*

6. The Commission is empowered to adopt **delegated** acts, **in accordance with Article 28**, concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes. The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.



**Amendment 719****Luisa Regimenti, Aldo Patriciello, Fulvio Martusciello, Salvatore De Meo****Proposal for a regulation****Article 7 – paragraph 6***Text proposed by the Commission*

6. The Commission is empowered to adopt implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes. The implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

*Amendment*

6. The Commission is empowered to adopt **delegated** implementing acts concerning detailed rules regarding the elements of the calculation methods set out in Annex III, including determining system boundaries of production processes, emission factors, installation-specific values of actual emissions and default values and their respective application to individual goods as well as laying down methods to ensure the reliability of data on the basis of which the default values shall be determined, including the level of detail and the verification of the data. Where necessary, those acts shall provide that the default values can be adapted to particular areas, regions or countries to take into account specific objective factors such as geography, natural resources, market conditions, prevailing energy sources, or industrial processes. The **delegated** implementing acts shall build upon existing legislation for the verification of emissions and activity data for installations covered by Directive 2003/87/EC, in particular Implementing Regulation (EU) No 2018/2067.

**Amendment 720****Yannick Jadot****Proposal for a regulation****Article 7 – paragraph 7**

*Text proposed by the Commission*

7. The implementing acts referred to in paragraph 6 shall be adopted in accordance with the examination procedure referred to in Article 29(2).

*Amendment*

7. The implementing acts referred to in paragraph 6 shall be adopted in accordance with the examination procedure referred to in Article 29(2) ***and only after the determined Union-wide ex-ante benchmarks are reviewed in view of modifying the definitions and system boundaries of existing product benchmarks as determined in Article 10a (12) of Directive 2003/87/EC.***

Or. en

**Amendment 721**

**Yannick Jadot**

**Proposal for a regulation**

**Article 7 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. The Commission is empowered to adopt delegated acts in accordance with Article 28 regarding the definition of a method of calculating embedded indirect emissions for simple and complex products and relevant default values, as well as a method of determining the CBAM price of indirect embedded emissions.***

Or. en

**Amendment 722**

**Yannick Jadot**

**Proposal for a regulation**

**Article 7 – paragraph 7 b (new)**

*Text proposed by the Commission*

*Amendment*

***7b. The Commission shall adopt the implementing acts and the delegated acts***

*referred to in paragraphs 6 and 7a by 31 December 2023, with a view to ensuring their application from 1 January 2024.*

Or. en

**Amendment 723**  
**Alexander Bernhuber**

**Proposal for a regulation**  
**Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 7a**

***Monetisation of external costs***

***The Commission shall present, by the end of 2023 at the latest, a legislative proposal on the monetization of external costs in the production of agricultural goods resulting from lower environmental standards than those of the Union, with a view to subjecting these costs to a levy when imported.***

Or. en

**Amendment 724**  
**Salvatore De Meo, Fulvio Martusciello, Aldo Patriciello, Luisa Regimenti**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The authorised declarant shall ensure that the total embedded emissions declared in the CBAM declaration submitted pursuant to Article 6 are verified by a verifier accredited pursuant to Article 18, based on the verification principles set out in Annex V.

1. The authorised declarant shall ensure that the total embedded emissions declared in the CBAM declaration submitted pursuant to Article 6 are verified by a verifier accredited pursuant to Article 18, based on the verification principles set out in Annex V. ***The competent authority is authorised to verify the accuracy of the information in the CBAM declaration.***

*Justification*

*There are concrete risks of source-shifting of low-carbon to Europe and free-riding via false declarations. In this respect, a solution must be found for the problem of cost absorption. Enforcement mechanisms should be strengthened. It is important the competent authority verifies the authenticity of CBAM declaration.*

**Amendment 725**

**Danilo Oscar Lancini, Elena Lizzi, Catherine Griset, Rosanna Conte, Silvia Sardone, Matteo Adinolfi, Gianantonio Da Re**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. The authorised declarant shall ensure that the total embedded emissions declared in the CBAM declaration submitted pursuant to Article 6 are verified by a verifier accredited pursuant to Article 18, based on the verification principles set out in Annex V.

*Amendment*

1. The authorised declarant shall ensure that the total embedded emissions declared in the CBAM declaration submitted pursuant to Article 6 are verified by a verifier accredited pursuant to Article 18, based on the verification principles set out in Annex V. ***The competent authority is authorised to verify the accuracy of the information in the CBAM declaration.***

**Amendment 726**

**Laura Huhtasaari**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. The authorised declarant shall ensure that the total embedded emissions declared in the CBAM declaration submitted pursuant to Article 6 are verified by a verifier accredited pursuant to Article 18, based on the verification principles set out in Annex V.

*Amendment*

1. The authorised declarant shall ensure that the total embedded emissions declared in the CBAM declaration submitted pursuant to Article 6 are verified by a verifier accredited pursuant to Article 18, based on the verification principles set out in Annex V. ***The competent authority is authorised to verify the accuracy of the***

*information in the CBAM declaration.*

Or. en

**Amendment 727**

**Hermann Tertsch, Pietro Fiocchi**

**Proposal for a regulation**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. The authorised declarant shall ensure that the total embedded emissions declared in the CBAM declaration submitted pursuant to Article 6 are verified by a verifier accredited pursuant to Article 18, based on the verification principles set out in Annex V.

*Amendment*

1. The authorised declarant shall ensure that the total embedded emissions declared in the CBAM declaration submitted pursuant to Article 6, ***as well as the methodology and supporting data and documents***, are verified by a verifier accredited pursuant to Article 18, based on the verification principles set out in Annex V.

Or. en

**Amendment 728**

**Nicolae Ștefănuță, María Soraya Rodríguez Ramos, Susana Solís Pérez, Jan Huitema**

**Proposal for a regulation**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. The authorised declarant shall ensure that the total embedded emissions declared in the CBAM declaration submitted pursuant to Article 6 are verified by a verifier accredited pursuant to Article 18, based on the verification principles set out in Annex V.

*Amendment*

1. The authorised declarant shall ensure that the total embedded emissions declared in the CBAM declaration submitted pursuant to Article 6 ***and Article 35*** are verified by a verifier accredited pursuant to Article 18, based on the verification principles set out in Annex V.

Or. en