

There is in a significant risk for the CBAM effectiveness, if CBAM declarants are not sufficiently screened and controlled, and are allowed to make imports of CBAM goods for extended periods of time with emissions declarations that are lower than default values but without having received solid data from the manufacturers.

In effect, in most cases the CBAM declarant will not have access to the data, or have the skills necessary to determine on their own whether actual emissions were calculated accurately. The only way for CBAM declarants to have any chance to be right about emissions lower than default value is if they receive emission data that comes from foreign manufacturers that have registered on the CBAM registry, and submitted third-party verified report.

In accordance with Article 10 of the [CBAM Regulation](#), installation operators in third countries can apply for registration, upload installation data, and submit emissions data via the CBAM Registry, which will open in January 2025. Operators in third countries who register and provide verified emission data via the CBAM Registry are likely to be more trustworthy in terms of quality of emission data since they are confident enough to share the information directly with the Commission.

There is currently no obligation, no incentive even, under the CBAM Regulation for EU importers to make best efforts to import CBAM goods from third country operators who are registered to the CBAM Registry. Thus, the draft Implementing Regulation does not directly include any wording on this.

At the same time, we note that the draft IR provides in recital (10) that “to ensure that only *bona fide* importers become authorised CBAM declarants, the competent authorities should make sure that the applicant has not been involved in a serious or repeated infringement of legislation including economic criminal offences, and that it has a good financial rating” and provides detailed rules on criteria for granting the status of authorized CBAM declarant in Article 10 (serious or repeated infringements) and Article 11 (conditions for financial and operational capacity).

EUROFER suggests the to amend Article 11.1(e), as indicated below.

In addition, when the competent authority determines the revocation of the status of authorized CBAM declarants in accordance with Article 23 of the draft Implementing Regulation, the competent authority could consider the fact that that the authorized CBAM declarants made use of third country operators registered in the CBAM Registry as an indication of good faith to comply with CBAM obligations.

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Article 11.1 of the draft IR provides as follows:

The criteria laid down in Article 17(2), point (b), of Regulation (EU) 2023/956 shall be fulfilled where the following conditions are met:

(a) the applicant is not subject to bankruptcy proceedings;

(b) the applicant is not in arrears with the payment of customs duties, taxes or charges which are collected on or in connection with the import of goods, financial regulatory obligations and all other duties related to its economic activity;

(c) the applicant demonstrates, on the basis of supporting documents provided together with the application, a sufficient financial standing to meet its obligations and fulfil commitments having regard to the type and volume of the economic activity performed by indicating the financial figures and any other financial information;

(d) the applicant has an administrative organisation suitable for fulfilment of the estimated obligations to surrender CBAM certificates, and has internal controls capable of preventing, detecting and correcting errors in CBAM declarations and CBAM certificates management, and of preventing and detecting illegal or any irregular transactions.

(e) the applicant agrees to make best efforts to import CBAM goods from third country operators who are registered to the CBAM Registry in accordance with Article 14 of the CBAM Regulation, where possible.