

**COMMISSION IMPLEMENTING REGULATION (EU) .../... laying down rules for the application of Regulation (EU) 2023/956 of the European Parliament and of the Council as regards the CBAM registry**

**General comment on the Implementing Regulation (file keeping)**

It is not clear from the draft of the implementing regulation whether it will be possible to keep a file in the CBAM registry in relation to the granting of the status of authorised CBAM declarant. First, in Article 41 (2) (b) of the Charter of Fundamental Rights of the EU, which guarantees the right to good governance, guarantees 'the right of every person to have access to his or her file'. It is therefore clear that the file must be kept in relation to the granting of the status of authorised CBAM declarant. At the same time, the recital of the CBAM Regulation emphasises the reduction of complexity and administrative burden. We request clarification as to whether the file will be kept/managed by the competent authorities in accordance with the procedures laid down in national law or whether the file will be kept directly in the CBAM registry. If the file is kept in the CBAM registry, will it be possible to add any annexes/documents to the file in the CBAM registry?

**Article 2 (1)**

It is not clear to us what is the role of the 'national component' or what it is intended to do. The term is used only in Article 15 (1). We believe that there will be no 'national component' in the CBAM registry, i.e. the Commission will be the owner and administrator of the system. We ask for an explanation.

**Article 11 (3)**

It is proposed in this paragraph that the CBAM registry will allow Member States to import and export data from the registry. Do we correctly understand this provision to mean that any data recorded in the CBAM registry can be exported from the CBAM registry by a Member State? For example, if an application is submitted for an authorisation in the CBAM registry, will the Member State be able to export all data from the CBAM registry and import it into its 'national' applications (probably the 'national component')? We ask for the CBAM registry to be able to export to Member States all relevant data that competent authorities objectively need for the exercise of their competence. It is also necessary for the CBAM registry to be able to export the entire file that is kept in each case. **We consider this comment to be substantial.**

**Article 24 (2)**

According to article 24 the regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union and it shall apply from 31 December 2024. These dates are not realistic because the direction should be agreed on by the Member States on December 12<sup>th</sup> which means that it cannot be published before that date. This would mean that the regulation shall apply before being in force.