



**2021/0214(COD)**

8.2.2022

# **AMENDMENTS**

## **364 - 680**

**Draft opinion**

**Izabela-Helena Kloc**

(PE703.112v01-00)

on the proposal for a regulation of the European Parliament and of the Council  
establishing a carbon border adjustment mechanism

Proposal for a regulation

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



#### **Amendment 364**

**Damien Carême**

on behalf of the Greens/EFA Group

#### **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 ***and from the energy consumed for the production of these goods;***

Or. en

#### **Amendment 365**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

##### **Article 3 – paragraph 1 – point 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4 a) ‘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 366**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

#### **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;***

***deleted***

*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 367**

**Klemen Grošelj, Christophe Grudler, Dominique Riquet, Nicola Danti, Andreas Glück, Nicola Beer**

**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 ***established at EU level and the national authority*** designated by each Member State in accordance with Article 11 of this Regulation;

Or. en

**Amendment 368**

**Manuel Bompard**

**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, designated by each Member State in accordance with Article 11 of this Regulation;

Or. en

**Amendment 369**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**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 370**  
**Manuel Bompard**

**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 371**  
**Damien Carême**  
on behalf of the Greens/EFA Group

**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 ***and during the production of the energy consumed by the producer of goods pursuant to the methods to be defined by the Commission in accordance with***

*Article 7(7a);*

Or. en

**Amendment 372**

**Manuel Bompard**

**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 ***and its upstream products applying the principles laid out in Articles 7 and 8***, calculated pursuant to the methods set out in Annex III;

Or. en

**Amendment 373**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**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 374**

**Damien Carême**

on behalf of the Greens/EFA Group

**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 based on primary data from the production processes of goods ***and from the production of energy consumed during the production processes of goods;***

Or. en

**Amendment 375**  
**Manuel Bompard**

**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 the production ***processes*** of electricity, heating and cooling, which is consumed during the production processes of goods.

Or. en

**Amendment 376**  
**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28 a) ‘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 377**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**

**Article 4 – title**

*Text proposed by the Commission*

Importation of goods

*Amendment*

Importation *and exportation* of goods

Or. en

**Amendment 378**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**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 379**

**Manuel Bompard**

**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').

Or. en



## Amendment 380

Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia

### 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 381

Manuel Bompard

### 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*

1. Any declarant shall, prior to importing goods as referred to in Article 2, apply to the **CBAM** authority at the place where it is established, for an authorisation to import those goods into the customs territory of the Union.

Or. en

## Amendment 382

Marek Pawel Balt

### 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*

1. Any declarant shall, prior to importing goods as referred to in Article 2, apply to the **Commission** at the place where it is established, for an authorisation to import those goods into the customs territory of the Union.

Or. en

## *Justification*

*These tasks should be carried out not by ‘competent authorities’ of the MS but by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

### **Amendment 383** **Manuel Bompard**

#### **Proposal for a regulation** **Article 5 – paragraph 3 – point f**

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

(f) information necessary to demonstrate the declarant’s financial and operational capacity to fulfil its obligations under this Regulation and, if decided by the **competent** authority on the basis of a risk assessment, supporting documents confirming that information, such as the profit and loss account and the balance sheet for up to the three last financial years for which the accounts were closed;

##### *Amendment*

(f) information necessary to demonstrate the declarant’s financial and operational capacity to fulfil its obligations under this Regulation and, if decided by the **CBAM** authority on the basis of a risk assessment, supporting documents confirming that information, such as the profit and loss account and the balance sheet for up to the three last financial years for which the accounts were closed;

Or. en

### **Amendment 384** **Marek Pawel Balt**

#### **Proposal for a regulation** **Article 5 – paragraph 3 – point f**

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

(f) information necessary to demonstrate the declarant’s financial and operational capacity to fulfil its obligations under this Regulation and, if decided by the **competent authority** on the basis of a risk assessment, supporting documents confirming that information, such as the

##### *Amendment*

(f) information necessary to demonstrate the declarant’s financial and operational capacity to fulfil its obligations under this Regulation and, if decided by the **Commission** on the basis of a risk assessment, supporting documents confirming that information, such as the

profit and loss account and the balance sheet for up to the three last financial years for which the accounts were closed;

profit and loss account and the balance sheet for up to the three last financial years for which the accounts were closed;

Or. en

*Justification*

*These tasks should be carried out not by ‘competent authorities’ of the MS but by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 385**  
**Manuel Bompard**

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

*Text proposed by the Commission*

5. The authorised declarant shall inform the **competent** authority without delay of any changes of the information provided under paragraph 3, arising after the decision was taken, which may influence the decision taken pursuant to Article 17 or content of the authorisation in accordance with Article 17.

*Amendment*

5. The authorised declarant shall inform the **CBAM** authority without delay of any changes of the information provided under paragraph 3, arising after the decision was taken, which may influence the decision taken pursuant to Article 17 or content of the authorisation in accordance with Article 17.

Or. en

**Amendment 386**  
**Marek Pawel Balt**

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

*Text proposed by the Commission*

5. The authorised declarant shall inform the **competent authority** without delay of any changes of the information

*Amendment*

5. The authorised declarant shall inform the **Commission** without delay of any changes of the information provided

provided under paragraph 3, arising after the decision was taken, which may influence the decision taken pursuant to Article 17 or content of the authorisation in accordance with Article 17.

under paragraph 3, arising after the decision was taken, which may influence the decision taken pursuant to Article 17 or content of the authorisation in accordance with Article 17.

Or. en

#### *Justification*

*These tasks should be carried out not by ‘competent authorities’ of the MS but by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

#### **Amendment 387** **Marek Pawel Balt**

#### **Proposal for a regulation** **Article 5 – paragraph 6**

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

6. The Commission is empowered to adopt implementing acts, concerning the standard format of the application and the delays and procedure to be followed by the competent authority when processing applications for authorisation in accordance with paragraph 1 and the rules for identification by the **competent authority** of the declarants for the importation of electricity. 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, concerning the standard format of the application and the delays and procedure to be followed by the competent authority when processing applications for authorisation in accordance with paragraph 1 and the rules for identification by the **Commission** of the declarants for the importation of electricity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(2).

Or. en

#### *Justification*

*These tasks should be carried out not by ‘competent authorities’ of the MS but by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs*

*incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 388**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 5 – paragraph 6**

*Text proposed by the Commission*

6. The Commission is empowered to adopt implementing acts, concerning the standard format of the application and the delays and procedure to be followed by the **competent** authority when processing applications for authorisation in accordance with paragraph 1 and the rules for identification by the **competent** authority of the declarants for the importation of electricity. 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, concerning the standard format of the application and the delays and procedure to be followed by the **CBAM** authority when processing applications for authorisation in accordance with paragraph 1 and the rules for identification by the **CBAM** authority of the declarants for the importation of electricity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(2).

Or. en

**Amendment 389**  
**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**  
**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5 a**

***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 predeparture 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 390**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

##### **Article 6 – title**

*Text proposed by the Commission*

CBAM declaration

*Amendment*

CBAM *import* declaration

Or. en

#### **Amendment 391**

**Manuel Bompard**

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

##### **Article 6 – paragraph 1**

*Text proposed by the Commission*

1. By 31 May of each year, each authorised declarant shall submit a declaration ('CBAM declaration'), for the calendar year preceding the declaration, to the *competent* authority.

*Amendment*

1. By 31 May of each year, each authorised declarant shall submit a declaration ('CBAM declaration'), for the calendar year preceding the declaration, to the **CBAM** authority.

Or. en

#### **Amendment 392**

**Angelika Winzig**

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

*Text proposed by the Commission*

*Amendment*

***(a a) 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 393**  
**Angelika Winzig**

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

*Text proposed by the Commission*

*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.

(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 394**  
**Damien Carême**  
on behalf of the Greens/EFA Group

**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.

Or. en

**Amendment 395**  
**Damien Carême**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. ***Embedded*** emissions in goods shall be calculated pursuant to the methods set out in Annex III.

*Amendment*

1. ***Direct*** emissions in goods shall be calculated pursuant to the methods set out in Annex III.

Or. en

**Amendment 396**  
**Damien Carême**  
on behalf of the Greens/EFA Group

**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

*Amendment*

2. ***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



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.

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 397**

**Damien Carême**

on behalf of the Greens/EFA Group

#### **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 by reference to default values in accordance with the method set out in Annex III, point 4.2 ***or by*** the embedded emissions based on the actual emissions in accordance with that annex, point 5. ***The determination of embedded emissions based on actual emissions shall be the preferred option***

Or. en

###### *Justification*

*It is imperative that countries exporting to Europe provide credible information on actual CO2 emissions. When actual emissions cannot be adequately determined, the embedded emissions should be determined by reference to default values in accordance with the methods set out in Annex III, point 4.2.*

#### **Amendment 398**

**Manuel Bompard**

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

##### **Article 7 – paragraph 3 a (new)**

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

###### *Amendment*

**3a. The European Commission shall**

*offer technical and financial assistance, financed by the revenues raised through this regulation, to authorised declarants from Least Developed Countries and Small Island Developing States with the aim to help facilitate the measurement, reporting and verification of embedded emissions based on actual emissions for these declarants, in accordance with Annex III of this Regulation.*

Or. en

**Amendment 399**

**Damien Carême**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 7 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The European Commission shall offer technical and financial assistance, financed by the revenues raised through this regulation, to authorised declarants from low-income countries with the aim of facilitating the measurement, reporting and verification of embedded emissions based on actual emissions for these declarants, in accordance with Annex III of this Regulation**

Or. en

**Amendment 400**

**Manuel Bompard**

**Proposal for a regulation**

**Article 7 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The authorised declarant shall keep records of the information required to calculate the embedded emissions in

4. The authorised declarant shall keep records of the information required to calculate the embedded emissions in

accordance with the requirements laid down in Annex IV. Those records shall be sufficiently detailed to enable verifiers accredited pursuant to Article 18 to verify the embedded emissions in accordance with Article 8 and Annex V and to enable the **competent** authority to review the CBAM declaration in accordance with Article 19(1).

accordance with the requirements laid down in Annex IV. Those records shall be sufficiently detailed to enable verifiers accredited pursuant to Article 18 to verify the embedded emissions in accordance with Article 8 and Annex V and to enable the **CBAM** authority to review the CBAM declaration in accordance with Article 19(1).

Or. en

**Amendment 401**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 7 – paragraph 5**

*Text proposed by the Commission*

5. The authorised declarant shall keep those records of information referred to in paragraph 4, including the report of the verifier, until the end of the fourth year after the year in which the CBAM declaration has been or should have been submitted.

*Amendment*

5. The authorised declarant shall keep those records of information referred to in paragraph 4, including the report of the verifier, until the end of the fourth year after the year in which the CBAM declaration has been or should have been submitted. ***Those records shall be sufficiently detailed to enable the accredited verifiers to verify the embedded emissions in accordance with Article 8 and to enable the CBAM authority to review the CBAM declaration in accordance with Article 19(1). Those records shall be kept for the period during which the CBAM authority may review the CBAM declaration as referred to in Article 19(1).***

Or. en

**Amendment 402**  
**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**  
**Article 7 – paragraph 6**

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.

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 403**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 7 – paragraph 6**

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

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 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 404

András Gyürk, Ernő Schaller-Baross

#### Proposal for a regulation

##### Article 7 – paragraph 6

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 ***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***

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.

***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, 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

#### *Justification*

*We support this amendment tabled by the Rapporteur in her draft report.*

#### **Amendment 405** **Manuel Bompard**

#### **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 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

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.

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 406**

**Damien Carême**

on behalf of the Greens/EFA Group

#### **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, paragraph 12 of the EU ETS revision (2021/0211).***

Or. en

###### *Justification*

*If the Commission opts for the EU ETS product benchmark system as the basis for calculating the embedded emissions, the implementing acts in para 7 should be adopted before the update of the EU ETS benchmarks. Otherwise this would, to a certain extent, discriminate zero emissions production, including green steel, green hydrogen and green cement. .*

#### **Amendment 407**

**Damien Carême**

on behalf of the Greens/EFA Group

**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 indirect embedded emissions for simple and complex products and relevant default values, as well as a method of determining the CBAM price of indirect embedded emissions.**

**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 408**

**Klemen Grošelj, Christophe Grudler, Dominique Riquet, Nicola Danti, Bart Groothuis, Iskra Mihaylova, Ilhan Kyuchyuk, Atidzhe Alieva-Veli, Andreas Glück, Nicola Beer**

**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.**

Or. en



#### **Amendment 409**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

#### **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 410**

**Manuel Bompard**

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

#### **Article 8 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The CBAM authority is authorized to verify the accuracy of the information in the CBAM declaration.***

Or. en

#### **Amendment 411**

**Cristian-Silviu Buşoi**

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

#### **Article 8 – paragraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

3. The Commission is empowered to adopt implementing acts concerning the principles of verification referred to in paragraph 1 as regards the possibility to

3. The Commission is empowered to adopt implementing acts concerning the principles of verification referred to in paragraph 1 as regards the possibility to

waive the obligation for the verifier to visit the installation where relevant goods are produced and the obligation to set thresholds for deciding whether misstatements or non-conformities are material and concerning the supporting documentation needed for the verification report.

waive the obligation for the verifier to visit the installation where relevant goods are produced and the obligation to set thresholds for deciding whether misstatements or non-conformities are material and concerning the supporting documentation needed for the verification report. ***Provisions laid down in such implementing acts shall be equivalent to the provisions set in Regulation 2018/2067.***

Or. en

#### **Amendment 412**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

#### **Article 8 – paragraph 3 – introductory part**

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

3. The Commission is empowered to adopt implementing acts concerning the principles of verification referred to in paragraph 1 as regards the possibility to waive the obligation for the verifier to visit the installation where relevant goods are produced and the obligation to set thresholds for deciding whether misstatements or non-conformities are material and concerning the supporting documentation needed for the verification report.

##### *Amendment*

3. The Commission is empowered to adopt implementing acts concerning the principles of verification referred to in paragraph 1 as regards the possibility to waive the obligation for the verifier to visit the installation where relevant goods are produced and the obligation to set thresholds for deciding whether misstatements or non-conformities are material and concerning the supporting documentation needed for the verification report. ***Provisions laid down in such implementing acts shall be equivalent to the provisions set in Regulation 2018/2067.***

Or. en

#### **Amendment 413**

**Angelika Winzig**

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

#### **Article 8 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The Commission is empowered to adopt implementing acts concerning the principles of verification referred to in paragraph 1 as regards the possibility to waive the obligation for the verifier to visit the installation where relevant goods are produced and the obligation to set thresholds for deciding whether misstatements or non-conformities are material and concerning the supporting documentation needed for the verification report.

*Amendment*

3. The Commission is empowered to adopt implementing acts concerning the principles of verification referred to in paragraph 1 as regards the possibility to waive the obligation for the verifier to visit the installation where relevant goods are produced and the obligation to set thresholds for deciding whether misstatements or non-conformities are material and concerning the supporting documentation needed for the verification report. ***Provisions laid down in such implementing acts shall be equivalent to the provisions set in Regulation 2018/2067.***

Or. en

**Amendment 414**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 8 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The Commission is empowered to adopt ***implementing acts*** concerning the principles of verification referred to in paragraph 1 as regards the possibility to waive the obligation for the verifier to visit the installation where relevant goods are produced and the obligation to set thresholds for deciding whether misstatements or non-conformities are material and concerning the supporting documentation needed for the verification report.

*Amendment*

3. The Commission is empowered to adopt ***delegated acts in accordance with Article 28 supplementing this Regulation*** concerning the principles of verification referred to in paragraph 1 as regards the possibility to waive the obligation for the verifier to visit the installation where relevant goods are produced and the obligation to set thresholds for deciding whether misstatements or non-conformities are material and concerning the supporting documentation needed for the verification report.

Or. en

**Amendment 415**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 8 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*The implementing acts referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 29(2).*

*deleted*

Or. en

**Amendment 416**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 9 – title**

*Text proposed by the Commission*

*Amendment*

Carbon price paid in a country of origin

***Explicit*** carbon price paid in a country of origin

Or. en

**Amendment 417**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. An authorised declarant may claim in its CBAM declaration a reduction in the number of CBAM certificates to be surrendered in order for the carbon price paid in the country of origin for the declared embedded emissions to be taken into account.

1. An authorised declarant may claim in its CBAM declaration a reduction in the number of CBAM certificates to be surrendered in order for the ***explicit*** carbon price paid in the country of origin for the declared embedded emissions to be taken into account.

Or. en

**Amendment 418**  
**Cristian-Silviu Buşoi**

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

*Text proposed by the Commission*

2. The authorised declarant shall keep records of the documentation, certified by ***an independent person***, required to demonstrate that the declared embedded emissions were subject to a carbon price in the country of origin of the goods and keep evidence of the proof of the actual payment for that carbon price which should not have been subject to an export rebate or any other form of compensation on exportation.

*Amendment*

2. The authorised declarant shall keep records of the documentation, certified by ***a verifier accredited pursuant to art. 18 and in line with the competences established in art.8(1) concerning the verification of embedded emissions.***

***The accredited verifier is*** required to demonstrate that the declared embedded emissions were subject to a carbon price in the country of origin of the goods and keep evidence of the proof of the actual payment for that carbon price which should not have been subject to an export rebate or any other form of compensation on exportation.

Or. en

**Amendment 419**  
**Angelika Winzig**

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

*Text proposed by the Commission*

2. The authorised declarant shall keep records of the documentation, certified by ***an independent person***, required to demonstrate that the declared embedded emissions were subject to a carbon price in the country of origin of the goods and keep evidence of the proof of the actual payment for that carbon price which should not have been subject to an export rebate or any

*Amendment*

2. The authorised declarant shall keep records of the documentation, certified by ***a verifier accredited pursuant to art. 18 and in line with the competences established in art. 8(1) concerning the verification of embedded emissions. The accredited verifier is*** required to demonstrate that the declared embedded emissions were subject to a carbon price in

other form of compensation on exportation.

the country of origin of the goods and keep evidence of the proof of the actual payment for that carbon price which should not have been subject to an export rebate or any other form of compensation on exportation.

Or. en

#### Amendment 420

**Carlos Zorrinho, Robert Hajšel, Jens Geier, Miapetra Kumpula-Natri, Romana Jerković, Lina Gálvez Muñoz, Adriana Maldonado López, Dan Nica, Nicolás González Casares**

#### Proposal for a regulation Article 9 – paragraph 2

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

2. The authorised declarant shall keep records of the documentation, certified by ***an independent person***, required to demonstrate that the declared embedded emissions were subject to a carbon price in the country of origin of the goods and keep evidence of the proof of the actual payment for that carbon price which should not have been subject to an export rebate or any other form of compensation on exportation.

##### *Amendment*

2. The authorised declarant shall keep records of the documentation, certified by ***a verifier accredited pursuant article 18 of this Regulation. The accreditation will be*** required to demonstrate that the declared embedded emissions were subject to a carbon price in the country of origin of the goods and keep evidence of the proof of the actual payment for that carbon price which should not have been subject to an export rebate or any other form of compensation on exportation.

Or. en

#### Amendment 421 Manuel Bompard

#### Proposal for a regulation Article 9 – paragraph 2

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

2. The authorised declarant shall keep records of the documentation, certified by an independent person, required to demonstrate that the declared embedded emissions were subject to ***a*** carbon price in

##### *Amendment*

2. The authorised declarant shall keep records of the documentation, certified by an independent person, required to demonstrate that the declared embedded emissions were subject to ***an explicit***

the country of origin of the goods and keep evidence of the proof of the actual payment for that carbon price which should not have been subject to an export rebate or any other form of compensation on exportation.

carbon price in the country of origin of the goods and keep evidence of the proof of the actual payment for that carbon price which should not have been subject to an export rebate or any other form of compensation on exportation.

Or. en

**Amendment 422**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 9 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Where there is reasonable doubt as to the carbon price paid in the country of origin, the Commission may decide not to grant the request to reduce the number of CBAM certificates to be surrendered.**

Or. fr

**Amendment 423**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9 a**

**Export Adjustment**

**1. An authorised declarant may claim in its CBAM declaration a reduction in the number of CBAM certificates to be surrendered equivalent to the share of the total embedded emissions of imported goods, or products processed from those goods, that were exported outside of the Union at a later date.**

**2. The authorised declarant shall keep records of the documentation required to**

*demonstrate that the goods, or products processed from those goods were exported outside the Union.*

*3. The authorised declarant shall keep those records referred to in paragraph 2 until the end of the fourth year after the year during which the CBAM declaration has been or should have been submitted.*

Or. en

**Amendment 424**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall, upon request by an operator of an installation located in a third country, register the information on that operator and on its installation in a central database referred to in Article 14(4).

*Amendment*

1. The Commission shall, upon request by an operator of an installation located in a third country, register the information on that operator and on its installation in a central **public** database referred to in Article 14(4).

Or. en

**Amendment 425**  
**Cristian-Silviu Buşoi**

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall, **upon request by an operator of an installation located in a third country**, register the information on **that operator** and on **its** installation in a central database referred to in Article 14(4).

*Amendment*

1. The Commission shall register the information on **operators of installations located in third countries** and on **those** installation in a central database referred to in Article 14(4).

Or. en



**Amendment 426**  
**Angelika Winzig, Othmar Karas**

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall, **upon request by an operator of an installation located in a third country**, register the information on **that operator** and on **its installation** in a central database referred to in Article 14(4).

*Amendment*

1. The Commission shall register the information on **operators of installations located in third countries** and on **those installations** in a central database referred to in Article 14(4).

Or. en

**Amendment 427**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 10 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The request for registration referred to in paragraph 1 shall include the following information to be included in the database upon registration:

*Amendment*

2. The request for registration referred to in paragraph 1 shall include the following information to be included in the **public** database upon registration:

Or. en

**Amendment 428**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 10 – paragraph 6**

*Text proposed by the Commission*

6. The records referred to in paragraph 5, point (c), shall be sufficiently detailed to enable the verification in accordance with paragraph 5, point (b), and to enable any

*Amendment*

6. The records referred to in paragraph 5, point (c), shall be sufficiently detailed to enable the verification in accordance with paragraph 5, point (b), and to enable any

competent authority to review, in accordance with Article 19(1), the CBAM declaration made by an authorised declarant to whom the relevant information was disclosed in accordance with paragraph 8.

competent authority to **verify and to** review, in accordance with Article 19(1), the CBAM declaration made by an authorised declarant to whom the relevant information was disclosed in accordance with paragraph 8.

Or. en

#### **Amendment 429**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

#### **Article 10 – paragraph 6**

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

6. The records referred to in paragraph 5, point (c), shall be sufficiently detailed to enable the verification in accordance with paragraph 5, point (b), and to enable any competent authority to review, in accordance with Article 19(1), the CBAM declaration made by an authorised declarant to whom the relevant information was disclosed in accordance with paragraph 8.

##### *Amendment*

6. The records referred to in paragraph 5, point (c), shall be sufficiently detailed to enable the verification in accordance with paragraph 5, point (b), and to enable any competent authority to **verify and to** review, in accordance with Article 19(1), the CBAM declaration made by an authorised declarant to whom the relevant information was disclosed in accordance with paragraph 8.

Or. en

#### **Amendment 430**

**Manuel Bompard**

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

#### **Article 10 – paragraph 6**

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

6. The records referred to in paragraph 5, point (c), shall be sufficiently detailed to enable the verification in accordance with paragraph 5, point (b), and to enable **any competent** authority to review, in accordance with Article 19(1), the CBAM declaration made by an authorised declarant to whom the relevant information

##### *Amendment*

6. The records referred to in paragraph 5, point (c), shall be sufficiently detailed to enable the verification in accordance with paragraph 5, point (b), and to enable **the CBAM** authority to review **and verify**, in accordance with Article 19(1), the CBAM declaration made by an authorised declarant to whom the relevant information

was disclosed in accordance with paragraph 8.

was disclosed in accordance with paragraph 8.

Or. en

#### **Amendment 431**

**Angelika Winzig**

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

#### **Article 10 – paragraph 8**

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

8. The operator may, ***at any time***, ask to be deregistered from the database.

##### *Amendment*

8. The operator may, ***after 10 years***, ask to be deregistered from the database.

Or. en

#### **Amendment 432**

**Cristian-Silviu Buşoi**

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

#### **Article 10 – paragraph 8**

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

8. The operator may, ***at any time***, ask to be deregistered from the database.

##### *Amendment*

8. The operator may, ***after 10 years***, ask to be deregistered from the database.

Or. en

#### **Amendment 433**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

#### **Article 10 – paragraph 8 a (new)**

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

##### *Amendment*

***8a. The central database should, insofar as possible, mirror the information provided in the ETS database.***

**Amendment 434**

**Massimiliano Salini, Cristian-Silviu Buşoi, Tomas Tobé**

**Proposal for a regulation**

**Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 10 a***

***Export adjustment to reduce the risk of carbon leakage and associated increases in global emissions***

***1. An export adjustment shall be granted to operators of installations subject to Directive 2003/87 for goods manufactured in the EU listed in Annex I and that are exported to third countries and territories other than those listed in Annex II, Section A.***

***2. The amount of the export adjustment shall be equal to the Euro value of the CBAM certificates published in accordance with Article 22(2) during the calendar week of export of the exported goods, multiplied by default values based on the average emission intensity of the 10 percent best performing EU installations for that type of good, multiplied by tons of goods falling within the scope of paragraph 1. This calculation shall take also into account ETS benchmarking methodologies already established for which the denominator is not expressed in tons of goods (e.g., for refined products and steam-cracking), as well as other alternative methodologies, to the extent applicable.***

***3. Notwithstanding paragraph 2, where goods within the scope of paragraph 1 are produced in EU installations with an emission intensity that is lower than the default value for that type of product as set pursuant to paragraph 2, the amount of the export adjustment shall be***

*calculated based on the actual embedded emissions per ton of product calculated in accordance with the methodology of points 2 and 3 of Annex III.*

*4. The export adjustment shall be reduced to reflect the extent to which EU ETS allowances continue to be allocated free of charge in accordance with Article 10a of Directive 2003/87 to operators of installations producing the goods listed in Annex I in the Union.*

*5. The European Commission is empowered to adopt implementing acts, in accordance with the examination procedure referred to in Article 29(2), establishing methodologies to define the amount of the export adjustment in accordance with paragraph 2 and 3.*

*6. The European Commission is empowered to adopt delegated acts, in accordance with Article 28, defining the procedures and requirements to grant an export adjustment under paragraph 1 in accordance with paragraphs 2, 3, and 4 and the methodologies defined in accordance with paragraph 5.*

*7. When drafting the implementing and delegated acts of paragraphs 5 and 6 above, the Commission shall give all interested parties and third countries an opportunity to comment.*

*8. The European Commission shall regularly assess, on a third country or group of countries basis, whether EU producers continue to require the export adjustment of paragraph 1 in order to prevent the risk of carbon leakage. In doing so, the Commission shall monitor and consult with third countries on the extent to which they adopt carbon prices and equivalent measures comparable to that in the Union, with special attention to interrelated carbon leakage protection measures, taking into account the principle of common but differentiated responsibilities and respective capabilities, in the light of different national*

*circumstances.*

*On the basis of this assessment, by December 2025 [i.e., end of transitional period] and every five years thereafter, the Commission shall present a report on the progress made by third countries and the extent to which a Union export adjustment continues to be necessary. Where justified, the European Commission shall present to the European Parliament and Council a legislative proposal suspending the export adjustment or introducing any necessary modifications.*

Or. en

**Amendment 435**  
**Manuel Bompard**

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

*Text proposed by the Commission*

*Amendment*

III      *Competent authorities*

*The CBAM authority*

Or. en

**Amendment 436**  
**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

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

*Text proposed by the Commission*

*Amendment*

III      *Competent authorities*

*CBAM Authority*

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 437**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**

**Article 11 – title**

*Text proposed by the Commission*

*Amendment*

**Competent authorities**

***Appointment of the CBAM Authority***

Or. en

**Amendment 438**

**Angelika Winzig**

**Proposal for a regulation**

**Article 11 – title**

*Text proposed by the Commission*

*Amendment*

Competent ***authorities***

Competent ***authority***

Or. en

**Amendment 439**

**Manuel Bompard**

**Proposal for a regulation**

**Article 11 – title**

*Text proposed by the Commission*

*Amendment*

**Competent authorities**

***The CBAM authority***

Or. en

**Amendment 440**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. Each Member State shall designate the competent authority to carry out the obligations under this Regulation and inform the Commission thereof.**

**deleted**

***The Commission shall make available to the Member States a list of all competent authorities and publish this information in the Official Journal of the European Union.***

Or. en

**Amendment 441  
Angelika Winzig**

**Proposal for a regulation  
Article 11 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

**1. Each Member State shall designate the *competent* authority to carry out the obligations under this Regulation and inform the *Commission* thereof.**

**1. *A central CBAM authority at the EU level is established for the purpose of implementing and managing this Regulation. Its composition and tasks shall be established by way of separate Regulation***

***Each Member State shall designate the *national* authority to carry out the obligations *and cooperate with the EU CBAM authority* under this Regulation and inform the *EU CBAM authority* thereof.***

Or. en

**Amendment 442  
Manuel Bompard**

**Proposal for a regulation  
Article 11 – paragraph 1 – introductory part**



*Text proposed by the Commission*

*Amendment*

1. *Each Member State shall designate the competent authority to carry out the obligations under this Regulation and inform the Commission thereof.*

1. *The Commission shall appoint the CBAM authority to perform the obligations under this Regulation.*

Or. en

#### **Amendment 443**

**Klemen Grošelj, Christophe Grudler, Dominique Riquet, Nicola Danti, Andreas Glück, Nicola Beer**

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

#### **Article 11 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. *Each Member State shall designate the competent authority to carry out the obligations under this Regulation and inform the Commission thereof.*

1. *A central CBAM authority at EU level is established for the purpose of implementing and managing this Regulation.*

Or. en

#### **Amendment 444**

**Manuel Bompard**

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

#### **Article 11 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*The Commission shall make available to the Member States a list of all competent authorities and publish this information in the Official Journal of the European Union.*

*deleted*

Or. en

#### **Amendment 445**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**

**Article 11 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

***The Commission shall make available to the Member States a list of all competent authorities and publish this information in the Official Journal of the European Union.***

***deleted***

Or. en

**Amendment 446**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**

**Article 11 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission shall make available to the Member States a list of all competent authorities and publish this information in the Official Journal of the European Union.

The Commission shall make available to the Member States a list of all competent ***national*** authorities and publish this information in the Official Journal of the European Union.

Or. en

**Amendment 447**

**Angelika Winzig**

**Proposal for a regulation**

**Article 11 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission shall make available to the Member States a list of all ***competent*** authorities and publish this information in the Official Journal of the European Union.

The Commission shall make available to the Member States a list of all ***national*** authorities and publish this information in the Official Journal of the European Union.

Or. en

**Amendment 448**

**Klemen Grošelj, Christophe Grudler, Dominique Riquet, Nicola Danti**

**Proposal for a regulation**

**Article 11 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Each Member State shall designate the national competent authority to carry out the obligations and cooperate with the EU CBAM authority under this Regulation and inform the EU CBAM authority thereof.***

Or. en

**Amendment 449**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**

**Article 11 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Commission shall appoint the competent authority to perform obligations referred to in Articles 17 to 24 as the CBAM Authority.***

Or. en

**Amendment 450**

**Manuel Bompard**

**Proposal for a regulation**

**Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. Member States shall require that competent authorities exchange any information that is essential or relevant to the exercise of their functions and duties.***

***deleted***

Or. en

**Amendment 451**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**

**Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Member States shall require that competent authorities exchange any information that is essential or relevant to the exercise of their functions and duties.**

**deleted**

Or. en

**Amendment 452**

**Manuel Bompard**

**Proposal for a regulation**

**Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Member States shall require that competent authorities exchange any information that is essential or relevant to the exercise of their functions and duties.**

**2. In performing its obligations under this Regulation, the CBAM authority shall ensure that the Union-wide greenhouse gas emissions embedded in the Union's importation are irreversibly and progressively reduced, and that the target, and sub-targets, laid out in Article 2a are achieved.**

Or. en

**Amendment 453**

**Angelika Winzig**

**Proposal for a regulation**

**Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Member States shall require that *competent* authorities exchange any**

**2. Member States shall require that *national* authorities exchange any**

information that is essential or relevant to the exercise of their functions and duties.

information that is essential or relevant to the exercise of their functions and duties *through a network established under the responsibility of the EU CBAM authority.*

Or. en

**Amendment 454**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 11 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The CBAM authority shall operate in line with the principles of a fair and socially equitable transition for everyone, common but differentiated responsibilities, taking into account the best and most recent scientific data available, social, economic and environmental factors, including costs linked to inaction, and with a view to the proper application of the polluter pays principle, as defined in Article 191 TFEU.**

Or. en

**Amendment 455**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 11 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. The basic tasks to be carried out by the CBAM authority shall be:**

- the setting of the price of CBAM certificates;**
- the setting of the annual quantity of CBAM certificates to be issued for the EU as a whole;**

**- CBAM certificates' linear reduction factor.**

Or. en

**Amendment 456**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 11 a*

*Decisions taken by the CBAM authority*

*1. The CBAM authority shall, without delay, take any decision required to implement this Regulation.*

*2. The CBAM authority shall take into account the advice of the European Scientific Advisory Board on Climate Change and the Union greenhouse gas budget set out in Regulation (EU) 2021/1119 when taking its decisions.*

*3. The Commission shall specify, by means of implementing acts, any further detailed arrangement or procedural rule concerning the decision-making of the CBAM authority. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(2).*

Or. en

**Amendment 457**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 12**

*Text proposed by the Commission*

*Amendment*

*Article 12*

*deleted*

## ***Commission***

***The Commission shall assist the competent authorities in carrying out their obligations under this Regulation and coordinate their activities.***

Or. en

### **Amendment 458**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

### **Proposal for a regulation**

#### **Article 12 – title**

*Text proposed by the Commission*

*Amendment*

Commission

#### ***Decisions taken by the CBAM Authority***

***1. The CBAM Authority shall, without delay, take any decision that is required to implement the provisions of this Regulation.***

***2. Any decision of the CBAM Authority shall take effect from the date of its notification to the holder of the decision.***

***3. If the CBAM Authority considers that it does not have all the necessary information to take a decision, it shall contact the holder of the decision and specify what additional information is required. The holder of the decision shall submit the required information to the CBAM Authority without delay.***

***4. The holder of the decision shall inform the CBAM Authority without delay of any changes to the information provided arising after the decision was taken, which may influence its continuation or content. In this case, the CBAM Authority shall reassess its decision in light of that information.***

***5. Any decision taken by the CBAM Authority which adversely affects the holder of the decision shall set out the grounds on which it is based and shall include a reference to the right of appeal***

*provided for in Article 27a. Before the decision is taken, the CBAM Authority shall give the holder of the decision the opportunity to make its point of view known to the CBAM Authority within a given period of time. Following the expiry of that period, the holder of the decision shall be notified of the decision in the appropriate form.*

*6. The CBAM Authority may, at any time, annul, revoke or amend its decision upon reasoned request by the holder of the decision or on its own initiative, if appropriate.*

*7. The Commission shall specify, by means of implementing acts, any further detailed arrangement or procedural rule concerning the decision-making of the CBAM Authority. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article [29(2)].*

Or. en

**Amendment 459**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 12 – title**

*Text proposed by the Commission*

*Amendment*

*Commission*

*Competent authorities*

Or. en

**Amendment 460**  
**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**  
**Article 12 – paragraph 1**



*Text proposed by the Commission*

*Amendment*

***The Commission shall assist the competent authorities in carrying out their obligations under this Regulation and coordinate their activities.***

***deleted***

Or. en

#### **Amendment 461**

**Carlos Zorrinho, Robert Hajšel, Patrizia Toia, Csaba Molnár, Jens Geier, Miapetra Kumpula-Natri, Romana Jerković, Lina Gálvez Muñoz, Adriana Maldonado López, Dan Nica, Nicolás González Casares**

#### **Proposal for a regulation Article 12 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission shall assist the competent authorities in carrying out their obligations under this Regulation and coordinate their activities.

The Commission shall assist the competent authorities, ***establishing clear and simplified rules and procedures***, in carrying out their obligations under this Regulation and coordinate their activities.

Or. en

#### **Amendment 462**

**Angelika Winzig**

#### **Proposal for a regulation Article 12 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The ***Commission*** shall ***assist*** the competent authorities in carrying out their obligations under this Regulation and coordinate their activities.

The ***EU CBAM authority*** shall ***be assisted by*** the competent ***national*** authorities in carrying out their obligations under this Regulation and coordinate their activities.

Or. en

**Amendment 463**

**Carlos Zorrinho, Robert Hajšel, Patrizia Toia, Csaba Molnár, Josianne Cutajar, Jens Geier, Miapetra Kumpula-Natri, Romana Jerković, Lina Gálvez Muñoz, Adriana Maldonado López, Dan Nica, Nicolás González Casares**

**Proposal for a regulation**

**Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall provide enterprises, especially SMEs, with technical advice and assistance in order to facilitate their adaptation to the obligations laid down in this Regulation.***

Or. en

**Amendment 464**

**Carlos Zorrinho, Robert Hajšel, Patrizia Toia, Csaba Molnár, Josianne Cutajar, Jens Geier, Miapetra Kumpula-Natri, Romana Jerković, Lina Gálvez Muñoz, Adriana Maldonado López, Dan Nica, Nicolás González Casares**

**Proposal for a regulation**

**Article 12 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall set up an expert group representing the competent authorities in order to exchange information and best practices on the application of this Regulation.***

Or. en

**Amendment 465**

**Angelika Winzig**

**Proposal for a regulation**

**Article 13 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

All information acquired by the competent ***authority*** in the course of performing ***its***

All information acquired by the ***central and national*** competent ***authorities*** in the

**duty** which is by its nature confidential or which is provided on a confidential basis shall be covered by an obligation of professional secrecy. Such information shall not be disclosed by the competent authority without the express permission of the person or authority that provided it. It may be shared with customs authorities, the Commission and the European Public Prosecutors Office and shall be treated in accordance with Council Regulation (EC) No 515/97.

course of performing **their duties** which is by its nature confidential or which is provided on a confidential basis shall be covered by an obligation of professional secrecy. Such information shall not be disclosed by the competent authority without the express permission of the person or authority that provided it. It may be shared with customs authorities, the Commission and the European Public Prosecutors Office and shall be treated in accordance with Council Regulation (EC) No 515/97.

Or. en

#### **Amendment 466**

**Carlos Zorrinho, Robert Hajšel, Patrizia Toia, Miapetra Kumpula-Natri, Romana Jerković, Dan Nica**

#### **Proposal for a regulation Article 13 – paragraph 1**

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

All information acquired by the competent **authority** in the course of performing its duty which is by its nature confidential or which is provided on a confidential basis shall be covered by an obligation of professional secrecy. Such information shall not be disclosed by the competent authority without the express permission of the person or authority that provided it. It may be shared with customs authorities, the Commission and the European Public Prosecutors Office and shall be treated in accordance with Council Regulation (EC) No 515/97.

##### *Amendment*

All information acquired by the **central and national** competent **authorities** in the course of performing its duty which is by its nature confidential or which is provided on a confidential basis shall be covered by an obligation of professional secrecy. Such information shall not be disclosed by the competent authority without the express permission of the person or authority that provided it. It may be shared with customs authorities, the Commission and the European Public Prosecutors Office and shall be treated in accordance with Council Regulation (EC) No 515/97.

Or. en

#### **Amendment 467**

**Manuel Bompard**

**Proposal for a regulation**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

All information acquired by the **competent** authority in the course of performing its duty which is by its nature confidential or which is provided on a confidential basis shall be covered by an obligation of professional secrecy. Such information shall not be disclosed by the competent authority without the express permission of the person or authority that provided it. It may be shared with customs authorities, the Commission and the European Public Prosecutors Office and shall be treated in accordance with Council Regulation (EC) No 515/97.

*Amendment*

All information acquired by the **CBAM** authority in the course of performing its duty which is by its nature confidential or which is provided on a confidential basis shall be covered by an obligation of professional secrecy. Such information shall not be disclosed by the competent authority without the express permission of the person or authority that provided it. It may be shared with customs authorities, the Commission and the European Public Prosecutors Office and shall be treated in accordance with Council Regulation (EC) No 515/97.

Or. en

**Amendment 468**  
**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**  
**Article 14 – title**

*Text proposed by the Commission*

**National registries and central** database

*Amendment*

**CBAM Registry**

- 1. The CBAM Authority shall set up a CBAM Registry for the execution of processes relating to CBAM certificates, in accordance with the conditions set in Articles 22 to 26.**
- 2. The CBAM Registry shall contain a database with information about each authorised declarant, in particular: (a) name and contact details of the authorised declarant; (b) EORI number of the authorised declarant; (c) CBAM account number; (d) number, price and date of purchase of CBAM certificates held by each authorised declarant.**
- 3. The CBAM Registry shall also contain, in a separate section of the database, the**

*names and additional details of the operator and of the third country installations registered in accordance with Article 11.*

*4. This database shall be confidential. Only the names of the authorised declarants and of the operator and of the third country installations included in the database shall be accessible to the public.*

*5. The Commission shall adopt implementing acts concerning the infrastructure and specific processes of the CBAM Registry and the electronic databases containing the information above. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29(2).*

Or. en

**Amendment 469**  
**Marek Paweł Balt**

**Proposal for a regulation**  
**Article 14 – title**

*Text proposed by the Commission*

*National registries* and central database

*Amendment*

*Central Union Registry* and central database

Or. en

**Amendment 470**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 14 – title**

*Text proposed by the Commission*

*National registries* and central database

*Amendment*

*CBAM registry* and central database

Or. en

**Amendment 471**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**

**Article 14 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. The competent authority of each Member State shall establish a national registry of declarants authorised in that Member State in the form of a standardised electronic database containing the data regarding the CBAM certificates of those declarants, and to provide for confidentiality in accordance with the conditions set out in Article 13.** **deleted**

Or. en

**Amendment 472**

**Carlos Zorrinho, Robert Hajšel, Patrizia Toia, Csaba Molnár, Miapetra Kumpula-Natri, Romana Jerković, Dan Nica**

**Proposal for a regulation**

**Article 14 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. The competent authority of each Member State shall establish a national registry of declarants authorised in that Member State in the form of a standardised electronic database containing the data regarding the CBAM certificates of those declarants, and to provide for confidentiality in accordance with the conditions set out in Article 13.**

**1. The competent authority of each Member State shall establish a national registry of declarants authorised in that Member State in the form of a standardised electronic database *in such a way to guarantee the interoperability with the central database referred to in paragraph 2.* The national register shall** containing the data regarding the CBAM certificates of those declarants, and to provide for confidentiality in accordance with the conditions set out in Article 13.

Or. en

**Amendment 473**  
**Marek Pawel Balt**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. ***The competent authority of each Member State shall establish a national*** registry of declarants ***authorised in that Member State*** in the form of a standardised electronic database containing the data regarding the CBAM certificates of those declarants, and to provide for confidentiality in accordance with the conditions set out in Article 13.

*Amendment*

1. ***Central Union*** registry of declarants ***authorisation is established*** in the form of a standardised electronic database containing the data regarding the CBAM certificates of those declarants, and to provide for confidentiality in accordance with the conditions set out in Article 13.

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 474**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. The ***competent*** authority ***of each Member State*** shall establish a ***national*** registry of declarants authorised ***in that Member State*** in the form of a standardised electronic database containing the data regarding the CBAM certificates of ***those declarants***, and to provide for confidentiality in accordance with the conditions set out in Article 13.

*Amendment*

1. The ***CBAM*** authority shall establish a ***public CBAM*** registry of ***all*** declarants authorised in the form of a standardised electronic database containing the data regarding the CBAM certificates of ***each declarant***, and to provide for confidentiality in accordance with the conditions set out in Article 13.

**Amendment 475****Adam Jarubas, Jerzy Buzek, Janusz Lewandowski****Proposal for a regulation****Article 14 – paragraph 2***Text proposed by the Commission**Amendment*

2. *The database referred to in paragraph 1 shall contain accounts with information about each authorised declarant, in particular:* *deleted*

(a) *the name and contact details of the authorised declarant;*

(b) *the EORI number of the authorised declarant;*

(c) *the CBAM account number;*

(d) *the number, the price of sale, the date of purchase, the date of surrender, or the date of re-purchase, or that of the cancellation by the competent authority, of CBAM certificates for each authorised declarant.*

**Amendment 476****Manuel Bompard****Proposal for a regulation****Article 14 – paragraph 2 – point d***Text proposed by the Commission**Amendment*

(d) the number, the price of sale, the date of purchase, the date of surrender, or the date of re-purchase, or that of the cancellation by the *competent* authority, of CBAM certificates for each authorised declarant.

(d) the number, the price of sale, the date of purchase, the date of surrender, or the date of re-purchase, or that of the cancellation by the **CBAM** authority, of CBAM certificates for each authorised declarant.



**Amendment 477**  
**Marek Pawel Balt**

**Proposal for a regulation**  
**Article 14 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) the number, the price of sale, the date of purchase, the date of surrender, or the date of re-purchase, or that of the cancellation by the **competent authority**, of CBAM certificates for each authorised declarant.

*Amendment*

(d) the number, the price of sale, the date of purchase, the date of surrender, or the date of re-purchase, or that of the cancellation by the **Commission**, of CBAM certificates for each authorised declarant.

Or. en

*Justification*

*These tasks should be carried out not by ‘competent authorities’ of the MS but by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 478**  
**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

**3. The information in the database referred to in paragraph 2 shall be confidential.**

*Amendment*

**deleted**

Or. en

**Amendment 479**  
**Cristian-Silviu Buşoi**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. The information in the database referred to in paragraph 2 shall be confidential.

*Amendment*

3. The information in the database referred to in paragraph 2 shall be ***made available to the public, unless it is proven that it is business confidential according to the relevant EU legislation.*** ***Confidential information shall include meaningful non-confidential summaries. Information equivalent to the one made publicly available for EU producers under the EU ETS central data base shall be made public.***

Or. en

**Amendment 480**

**Klemen Grošelj, Christophe Grudler, Dominique Riquet, Mauri Pekkarinen, Bart Groothuis, Iskra Mihaylova, Ilhan Kyuchyuk, Atidzhe Alieva-Veli**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. The information in the database referred to in paragraph 2 shall be confidential.

*Amendment*

3. The information in the database referred to in paragraph 2 shall be ***made available to the public, unless it is deemed as business confidential. Information equivalent to the one made publicly available for EU producers under the EU ETS central database shall be made public.***

Or. en

**Amendment 481**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The information in the database referred to in paragraph 2 shall be confidential.

3. The information in the database referred to in paragraph 2 shall be confidential ***other than the names of the authorized declarants and of the operator and of the third country installations included in the database which shall be accessible to the public.***

Or. en

**Amendment 482**

**Carlos Zorrinho, Robert Hajšel, Patrizia Toia, Csaba Molnár, Jens Geier, Miapetra Kumpula-Natri, Romana Jerković, Dan Nica**

**Proposal for a regulation  
Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The information in the database referred to in paragraph 2 shall be confidential.

3. The information in the database referred to in paragraph 2 shall be ***made available to the public, unless it is proven that it is business confidential according to the relevant EU legislation.***

Or. en

**Amendment 483**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation  
Article 14 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. The Commission shall establish a central database accessible to the public containing the names, addresses and contact details of the operators and the location of installations in third countries in accordance with Article 10(2). An operator may choose not to have its name, address and contact details accessible to***

***deleted***

*the public.*

Or. en

#### **Amendment 484**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

#### **Article 14 – paragraph 4**

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

4. The Commission shall establish a central database accessible to the public containing the names, addresses and contact details of the operators and the location of installations in third countries in accordance with Article 10(2). An operator may choose not to have its name, address and contact details accessible to the public.

##### *Amendment*

4. The Commission shall establish a central database ***at the EU level*** accessible to the public containing the names, addresses and contact details of the operators and the location of installations in third countries in accordance with Article 10(2). An operator may choose not to have its name, address and contact details accessible to the public. ***The central database should insofar as possible, mirror the ETS database.***

Or. en

#### **Amendment 485**

**Carlos Zorrinho, Robert Hajšel, Patrizia Toia, Csaba Molnár, Jens Geier, Miapetra Kumpula-Natri, Romana Jerković, Dan Nica**

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

#### **Article 14 – paragraph 4**

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

4. The Commission shall establish a central database accessible to the public containing the names, addresses and contact details of the operators and the location of installations in third countries in accordance with Article 10(2). ***An operator may choose not to have its name, address and contact details accessible to the public.***

##### *Amendment*

4. The Commission shall establish a central database accessible to the public containing the names, addresses and contact details of the operators and the location of installations in third countries in accordance with Article 10(2).

Or. en

**Amendment 486**  
**Cristian-Silviu Buşoi**

**Proposal for a regulation**  
**Article 14 – paragraph 4**

*Text proposed by the Commission*

4. The Commission shall establish a central database accessible to the public containing the names, addresses and contact details of the operators and the location of installations in third countries in accordance with Article 10(2). ***An operator may choose not to have its name, address and contact details accessible to the public.***

*Amendment*

4. The Commission shall establish a central database accessible to the public containing the names, addresses and contact details of the operators and the location of installations in third countries in accordance with Article 10(2).

Or. en

**Amendment 487**  
**Klemen Grošelj, Christophe Grudler, Dominique Riquet, Nicola Danti, Andreas Glück, Nicola Beer**

**Proposal for a regulation**  
**Article 14 – paragraph 4**

*Text proposed by the Commission*

4. The ***Commission*** shall establish a central database accessible to the public containing the names, addresses and contact details of the operators and the location of installations in third countries in accordance with Article 10(2). An operator may choose not to have its name, address and contact details accessible to the public.

*Amendment*

4. The ***EU CBAM authority*** shall establish a central database ***at EU level*** accessible to the public containing the names, addresses and contact details of the operators and the location of installations in third countries in accordance with Article 10(2). An operator may choose not to have its name, address and contact details accessible to the public.

Or. en

**Amendment 488**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 14 – paragraph 4**

*Text proposed by the Commission*

4. The Commission shall ***establish a central database accessible to the public*** containing the ***names, addresses and contact details of the operators and the location of installations in third countries*** in accordance with Article 10(2). ***An operator may choose not to have its name, address and contact details accessible to the public.***

*Amendment*

4. The Commission shall ***adopt implementing acts concerning the infrastructure and specific processes of the CBAM registry and the electronic database containing the information referred to in paragraph 2. Those implementing acts shall be adopted*** in accordance with ***the examination procedure referred to in*** Article 29(2).

Or. en

**Amendment 489**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 14 – paragraph 4**

*Text proposed by the Commission*

4. The ***Commission*** shall establish a central database accessible to the public containing the names, addresses and contact details of the operators and the location of installations in third countries in accordance with Article 10(2). ***An operator may choose not to have its name, address and contact details accessible to the public.***

*Amendment*

4. The ***EU CBAM authority*** shall establish a central database accessible to the public containing the names, addresses and contact details of the operators and the location of installations in third countries in accordance with Article 10(2). ***The central database should, insofar as possible, mirror the ETS database.***

Or. en

**Amendment 490**  
**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**  
**Article 15**

*Text proposed by the Commission*

***Article 15***

*Amendment*

***deleted***

***Central administrator***

- 1. The Commission shall act as central administrator to maintain an independent transaction log recording the purchase of CBAM certificates, their holding, surrender, re-purchase and cancellation and ensure coordination of national registries.***
- 2. The central administrator shall carry out risk-based controls on transactions recorded in national registries through an independent transaction log to ensure that there are no irregularities in the purchase, holding, surrender, re-purchase and cancellation of CBAM certificates.***
- 3. If irregularities are identified as a result of the controls carried out under paragraph 2, the Commission shall inform the Member State or Member States concerned for further investigation in order to correct the identified irregularities.***

Or. en

**Amendment 491  
Manuel Bompard**

**Proposal for a regulation  
Article 15**

*Text proposed by the Commission*

*Amendment*

***Article 15***

***deleted***

***Central administrator***

- 1. The Commission shall act as central administrator to maintain an independent transaction log recording the purchase of CBAM certificates, their holding, surrender, re-purchase and cancellation and ensure coordination of national registries.***
- 2. The central administrator shall carry out risk-based controls on***

*transactions recorded in national registries through an independent transaction log to ensure that there are no irregularities in the purchase, holding, surrender, re-purchase and cancellation of CBAM certificates.*

*3. If irregularities are identified as a result of the controls carried out under paragraph 2, the Commission shall inform the Member State or Member States concerned for further investigation in order to correct the identified irregularities.*

Or. en

**Amendment 492**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. The **Commission** shall act as central administrator to maintain an independent transaction log recording the purchase of CBAM certificates, their holding, surrender, re-purchase and cancellation and ensure coordination of national registries.

*Amendment*

1. The **EU CBAM authority** shall act as central administrator to maintain an independent transaction log recording the purchase of CBAM certificates, their holding, surrender, re-purchase and cancellation and ensure coordination of national registries.

Or. en

**Amendment 493**  
**Klemen Grošelj, Christophe Grudler, Dominique Riquet, Nicola Danti, Andreas Glück, Nicola Beer**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. The **Commission** shall act as central administrator to maintain an

*Amendment*

1. The **EU CBAM authority** shall act as central administrator to maintain an



independent transaction log recording the purchase of CBAM certificates, their holding, surrender, re-purchase and cancellation and ensure coordination of national registries.

independent transaction log recording the purchase of CBAM certificates, their holding, surrender, re-purchase and cancellation and ensure coordination of national registries.

Or. en

**Amendment 494**  
**Cristian-Silviu Buşoi**

**Proposal for a regulation**  
**Article 15 – paragraph 3**

*Text proposed by the Commission*

3. If irregularities are identified as a result of the controls carried out under paragraph 2, the Commission shall inform the Member State or Member States concerned for further investigation in order to correct the identified irregularities.

*Amendment*

3. If irregularities are identified as a result of the controls carried out under paragraph 2, the Commission shall inform the Member State or Member States concerned for further investigation in order to correct the identified irregularities.

***Identified irregularities shall be corrected at the latest within one month from the day where they were identified, and, where appropriate, penalties pursuant to article 27 shall apply.***

Or. en

**Amendment 495**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 15 – paragraph 3**

*Text proposed by the Commission*

3. If irregularities are identified as a result of the controls carried out under paragraph 2, the Commission shall inform the Member State or Member States concerned for further investigation in order to correct the identified irregularities.

*Amendment*

3. If irregularities are identified as a result of the controls carried out under paragraph 2, the Commission shall inform the Member State or Member States concerned for further investigation in order to correct the identified irregularities.

***Identified irregularities shall be corrected as soon as possible from their***

*identification and, where appropriate, penalties pursuant to article 27 shall apply.*

Or. en

**Amendment 496**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**

**Article 16 – title**

*Text proposed by the Commission*

Accounts in the *national registries*

*Amendment*

Accounts in the **CBAM Registry**

*1. The CBAM Authority shall assign to each authorised declarant a unique CBAM account number. Each declarant shall be granted access to its account in the CBAM Registry to fulfil its obligations pursuant to Article 10.*

*2. The CBAM Authority shall set up the account at the time of authorisation and notify the authorised declarant thereof.*

*3. If the authorised declarant has ceased activity or the CBAM authorisation is withdrawn, the CBAM Authority shall close the account of that declarant.*

*4. The Commission shall adopt implementing acts laying down procedures concerning the accounts of the CBAM Registry. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29(2).*

Or. en

**Amendment 497**

**Manuel Bompard**

**Proposal for a regulation**

**Article 16 – title**

*Text proposed by the Commission*

*Amendment*

Accounts in the *national registries*

Accounts in the *CBAM registry*

Or. en

**Amendment 498**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. The competent authority shall assign to each authorised declarant a unique CBAM account number.**

***deleted***

Or. en

**Amendment 499**

**Angelika Winzig**

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. The competent authority shall assign to each authorised declarant a unique CBAM account number.**

**1. The *national* competent authority shall assign to each authorised declarant a unique CBAM account number, *which will be registered with the EU CBAM Authority*.**

Or. en

**Amendment 500**

**Manuel Bompard**

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

1. The **competent** authority shall assign to each authorised declarant a unique CBAM account number.

*Amendment*

1. The **CBAM** authority shall assign to each authorised declarant a unique CBAM account number.

Or. en

**Amendment 501**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation  
Article 16 – paragraph 2**

*Text proposed by the Commission*

2. *Each authorised declarant shall be granted access to its account in the registry.*

*Amendment*

*deleted*

Or. en

**Amendment 502**

**Manuel Bompard**

**Proposal for a regulation  
Article 16 – paragraph 2**

*Text proposed by the Commission*

2. Each authorised declarant shall be granted access to its account in the registry.

*Amendment*

2. Each authorised declarant shall be granted access to its account in the **CBAM** registry.

Or. en

**Amendment 503**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation  
Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *The competent authority shall set up the account as soon as the authorisation referred to in Article 17(1) is granted and notify the authorised declarant thereof.* *deleted*

Or. en

#### **Amendment 504**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

#### **Proposal for a regulation Article 16 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. *If the authorised declarant has ceased its economic activity or its authorisation was revoked, the competent authority shall close the account of that declarant.* *deleted*

Or. en

#### **Amendment 505**

**Manuel Bompard**

#### **Proposal for a regulation Article 16 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. If the authorised declarant has ceased its economic activity or its authorisation was revoked, the *competent* authority shall close the account of that declarant.

4. If the authorised declarant has ceased its economic activity or its authorisation was revoked, the **CBAM** authority shall close the account of that declarant.

Or. en

**Amendment 506**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The competent authority shall authorise a declarant who submits an application for authorisation in accordance with Article 5(1), if the following conditions are fulfilled:

*Amendment*

1. The ***national*** competent authority shall authorise a declarant who submits an application for authorisation in accordance with Article 5(1), if the following conditions are fulfilled:

Or. en

**Amendment 507**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The ***competent*** authority shall authorise a declarant who submits an application for authorisation in accordance with Article 5(1), if the following conditions are fulfilled:

*Amendment*

1. The ***CBAM*** authority shall authorise a declarant who submits an application for authorisation in accordance with Article 5(1), if the following conditions are fulfilled:

Or. en

**Amendment 508**  
**Marek Pawel Balt**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The ***competent authority*** shall authorise a declarant who submits an application for authorisation in accordance with Article 5(1), if the following conditions are fulfilled:

*Amendment*

1. The ***Commission*** shall authorise a declarant who submits an application for authorisation in accordance with Article 5(1), if the following conditions are fulfilled:

### *Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

#### **Amendment 509**

**Angelika Winzig**

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

#### **Article 17 – paragraph 1 – point a**

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

(a) the declarant **has** not been involved in a serious infringement or repeated infringements of customs legislation, taxation rules and market abuse rules and has no record of serious criminal offences relating to its economic activity during the five years preceding the application;

##### *Amendment*

(a) the declarant **and the operators of installations located in third countries from whom the declarants sources goods have respectively** not been involved in a serious infringement or repeated infringements of customs legislation, **circumvention of antidumping or antisubsidy duties**, taxation rules and market abuse rules and has no record of serious criminal offences relating to its economic activity during the five years preceding the application;

Or. en

#### **Amendment 510**

**Cristian-Silviu Buşoi**

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

#### **Article 17 – paragraph 1 – point a**

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

(a) the declarant **has** not been involved in a serious infringement or repeated infringements of customs legislation,

##### *Amendment*

(a) the declarant **and the operators of installations located in third countries from whom the declarants sources goods**

taxation rules and market abuse rules and has no record of serious criminal offences relating to its economic activity during the five years preceding the application;

***have respectively*** not been involved in a serious infringement or repeated infringements of customs legislation, ***circumvention of antidumping or antisubsidy duties*** taxation rules and market abuse rules and has no record of serious criminal offences relating to its economic activity during the five years preceding the application;

Or. en

#### **Amendment 511**

**Klemen Grošelj, Christophe Grudler, Dominique Riquet, Nicola Danti, Nils Torvalds, Bart Groothuis, Iskra Mihaylova, Ilhan Kyuchyuk, Atidzhe Alieva-Veli**

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

#### **Article 17 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(b a) the declarant has not repeatedly failed to comply with CBAM obligations in accordance to Article 26 and has not been involved in practices of circumvention in accordance to Article 27;***

Or. en

#### **Amendment 512**

**Carlos Zorrinho, Robert Hajšel, Jens Geier, Miapetra Kumpula-Natri, Romana Jerković, Lina Gálvez Muñoz, Adriana Maldonado López, Dan Nica, Nicolás González Casares**

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

#### **Article 17 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(b a) the declarant has repeatedly failed to comply CBAM's obligations under article 26 and was not involved in practices of circumvention under Article 27.***



**Amendment 513**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Where the competent authority finds that the conditions listed in paragraph 1 are not fulfilled, or where the applicant has failed to provide the information listed in Article 5(3), the authorisation of the declarant shall be refused.

*Amendment*

2. Where the ***national*** competent authority finds that the conditions listed in paragraph 1 are not fulfilled, or where the applicant has failed to provide the information listed in Article 5(3), the authorisation of the declarant shall be refused.

Or. en

**Amendment 514**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Where the ***competent*** authority finds that the conditions listed in paragraph 1 are not fulfilled, or where the applicant has failed to provide the information listed in Article 5(3), the authorisation of the declarant shall be refused.

*Amendment*

2. Where the ***CBAM*** authority finds that the conditions listed in paragraph 1 are not fulfilled, or where the applicant has failed to provide the information listed in Article 5(3), the authorisation of the declarant shall be refused.

Or. en

**Amendment 515**  
**Marek Paweł Balt**

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Where the **competent authority** finds that the conditions listed in paragraph 1 are not fulfilled, or where the applicant has failed to provide the information listed in Article 5(3), the authorisation of the declarant shall be refused.

2. Where the **Commission** finds that the conditions listed in paragraph 1 are not fulfilled, or where the applicant has failed to provide the information listed in Article 5(3), the authorisation of the declarant shall be refused.

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 516**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**

**Article 17 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *If the competent authority refuses to authorise a declarant, the declarant requesting the authorisation may, prior to an appeal, object to the relevant authority under national law, who shall either instruct the national administrator to open the account or uphold the refusal in a reasoned decision, subject to requirements of national law that pursue a legitimate objective compatible with this Regulation and are proportionate.*

*deleted*

Or. en

*Justification*

*Creation of CBAM authority implies creation of separate appeal procedure in articles 27a-27c. As national competent authorities are replaced by CBAM authority there is no place for*

*national appeal procedure.*

#### **Amendment 517**

**Angelika Winzig**

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

#### **Article 17 – paragraph 3**

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

3. If the competent authority refuses to authorise a declarant, the declarant requesting the authorisation may, prior to an appeal, object to the relevant authority under national law, who shall either instruct the national administrator to open the account or uphold the refusal in a reasoned decision, subject to requirements of national law that pursue a legitimate objective compatible with this Regulation and are proportionate.

##### *Amendment*

3. If the ***national*** competent authority refuses to authorise a declarant, the declarant requesting the authorisation may, prior to an appeal, object to the relevant authority under national law, who shall either instruct the national administrator to open the account or uphold the refusal in a reasoned decision, subject to requirements of national law that pursue a legitimate objective compatible with this Regulation and are proportionate.

Or. en

#### **Amendment 518**

**Manuel Bompard**

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

#### **Article 17 – paragraph 3**

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

3. If the ***competent*** authority refuses to authorise a declarant, the declarant requesting the authorisation may, prior to an appeal, object to the relevant authority under national law, who shall either instruct the national administrator to open the account or uphold the refusal in a reasoned decision, subject to requirements of national law that pursue a legitimate objective compatible with this Regulation and are proportionate.

##### *Amendment*

3. If the ***CBAM*** authority refuses to authorise a declarant, the declarant requesting the authorisation may, prior to an appeal, object to the relevant authority under national law, who shall either instruct the national administrator to open the account or uphold the refusal in a reasoned decision, subject to requirements of national law that pursue a legitimate objective compatible with this Regulation and are proportionate.

Or. en

**Amendment 519**  
**Marek Pawel Balt**

**Proposal for a regulation**  
**Article 17 – paragraph 3**

*Text proposed by the Commission*

3. If the **competent authority** refuses to authorise a declarant, the declarant requesting the authorisation may, prior to an appeal, object to the relevant authority under national law, who shall either instruct the national administrator to open the account or uphold the refusal in a reasoned decision, subject to requirements of national law that pursue a legitimate objective compatible with this Regulation and are proportionate.

*Amendment*

3. If the **Commission** refuses to authorise a declarant, the declarant requesting the authorisation may, prior to an appeal, object to the relevant authority under national law, who shall either instruct the national administrator to open the account or uphold the refusal in a reasoned decision, subject to requirements of national law that pursue a legitimate objective compatible with this Regulation and are proportionate.

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 520**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. A decision of the competent authority authorising a declarant shall contain the following information

*Amendment*

4. A decision of the competent **national** authority authorising a declarant shall contain the following information

Or. en

**Amendment 521**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. A decision of the **competent** authority authorising a declarant shall contain the following information

*Amendment*

4. A decision of the **CBAM** authority authorising a declarant shall contain the following information

Or. en

**Amendment 522**  
**Marek Paweł Balt**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. A decision of the **competent authority** authorising a declarant shall contain the following information

*Amendment*

4. A decision of the **Commission** authorising a declarant shall contain the following information

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 523**  
**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – point c**

*Text proposed by the Commission*

(c) the **CBAM** account number.

*Amendment*

(c) the account number *in the CBAM Registry*.

Or. en

**Amendment 524**

**Angelika Winzig**

**Proposal for a regulation**

**Article 17 – paragraph 6 – introductory part**

*Text proposed by the Commission*

6. The competent authority shall require the provision of a guarantee in order to authorise a declarant in accordance with paragraph 1, if the declarant was not established throughout the two financial years that precede the year when the application in accordance with Article 5(1) was submitted.

*Amendment*

6. The competent *national* authority shall require the provision of a guarantee in order to authorise a declarant in accordance with paragraph 1, if the declarant was not established throughout the two financial years that precede the year when the application in accordance with Article 5(1) was submitted.

Or. en

**Amendment 525**

**Manuel Bompard**

**Proposal for a regulation**

**Article 17 – paragraph 6 – introductory part**

*Text proposed by the Commission*

6. The *competent* authority shall require the provision of a guarantee in order to authorise a declarant in accordance with paragraph 1, if the declarant was not established throughout the two financial years that precede the year when the application in accordance with Article 5(1) was submitted.

*Amendment*

6. The **CBAM** authority shall require the provision of a guarantee in order to authorise a declarant in accordance with paragraph 1, if the declarant was not established throughout the two financial years that precede the year when the application in accordance with Article 5(1) was submitted.

Or. en

**Amendment 526**  
**Marek Pawel Balt**

**Proposal for a regulation**  
**Article 17 – paragraph 6 – introductory part**

*Text proposed by the Commission*

6. The **competent authority** shall require the provision of a guarantee in order to authorise a declarant in accordance with paragraph 1, if the declarant was not established throughout the two financial years that precede the year when the application in accordance with Article 5(1) was submitted.

*Amendment*

6. The **Commission** shall require the provision of a guarantee in order to authorise a declarant in accordance with paragraph 1, if the declarant was not established throughout the two financial years that precede the year when the application in accordance with Article 5(1) was submitted.

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 527**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 17 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

The competent authority shall fix the amount of such guarantee at the maximum amount, as estimated by the competent authority, of the value of the CBAM certificates that the authorised declarant have to surrender, in accordance with Article 22.

*Amendment*

The competent **national** authority shall fix the amount of such guarantee at the maximum amount, as estimated by the competent authority, of the value of the CBAM certificates that the authorised declarant have to surrender, in accordance with Article 22.

Or. en

**Amendment 528**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 17 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

The **competent** authority shall fix the amount of such guarantee at the maximum amount, as estimated by the **competent** authority, of the value of the CBAM certificates that the authorised declarant have to surrender, in accordance with Article 22.

*Amendment*

The **CBAM** authority shall fix the amount of such guarantee at the maximum amount, as estimated by the **CBAM** authority, of the value of the CBAM certificates that the authorised declarant have to surrender, in accordance with Article 22.

Or. en

**Amendment 529**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 17 – paragraph 7**

*Text proposed by the Commission*

7. The guarantee shall be provided as a bank guarantee, payable at first demand, by a financial institution operating in the Union or by another form of guarantee which provides equivalent assurance. Where the competent authority establishes that the guarantee provided does not ensure, or is no longer certain or sufficient to ensure the amount of CBAM obligations, it shall require the authorised declarant either to provide an additional guarantee or to replace the initial guarantee with a new guarantee, according to its choice.

*Amendment*

7. The guarantee shall be provided as a bank guarantee, payable at first demand, by a financial institution operating in the Union or by another form of guarantee which provides equivalent assurance. Where the competent **national** authority establishes that the guarantee provided does not ensure, or is no longer certain or sufficient to ensure the amount of CBAM obligations, it shall require the authorised declarant either to provide an additional guarantee or to replace the initial guarantee with a new guarantee, according to its choice.

Or. en



**Amendment 530**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 17 – paragraph 7**

*Text proposed by the Commission*

7. The guarantee shall be provided as a bank guarantee, payable at first demand, by a financial institution operating in the Union or by another form of guarantee which provides equivalent assurance. Where the **competent** authority establishes that the guarantee provided does not ensure, or is no longer certain or sufficient to ensure the amount of CBAM obligations, it shall require the authorised declarant either to provide an additional guarantee or to replace the initial guarantee with a new guarantee, according to its choice.

*Amendment*

7. The guarantee shall be provided as a bank guarantee, payable at first demand, by a financial institution operating in the Union or by another form of guarantee which provides equivalent assurance. Where the **CBAM** authority establishes that the guarantee provided does not ensure, or is no longer certain or sufficient to ensure the amount of CBAM obligations, it shall require the authorised declarant either to provide an additional guarantee or to replace the initial guarantee with a new guarantee, according to its choice.

Or. en

**Amendment 531**  
**Marek Paweł Balt**

**Proposal for a regulation**  
**Article 17 – paragraph 7**

*Text proposed by the Commission*

7. The guarantee shall be provided as a bank guarantee, payable at first demand, by a financial institution operating in the Union or by another form of guarantee which provides equivalent assurance. Where the **competent authority** establishes that the guarantee provided does not ensure, or is no longer certain or sufficient to ensure the amount of CBAM obligations, it shall require the authorised declarant either to provide an additional guarantee or to replace the initial guarantee with a new guarantee, according to its choice.

*Amendment*

7. The guarantee shall be provided as a bank guarantee, payable at first demand, by a financial institution operating in the Union or by another form of guarantee which provides equivalent assurance. Where the **Commission** establishes that the guarantee provided does not ensure, or is no longer certain or sufficient to ensure the amount of CBAM obligations, it shall require the authorised declarant either to provide an additional guarantee or to replace the initial guarantee with a new guarantee, according to its choice.

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 532****Angelika Winzig****Proposal for a regulation****Article 17 – paragraph 8***Text proposed by the Commission*

8. The competent authority shall release the guarantee immediately after 31 May of the second year in which the authorised declarant has surrendered CBAM certificates in accordance with Article 22.

*Amendment*

8. The competent ***national*** authority shall release the guarantee immediately after 31 May of the second year in which the authorised declarant has surrendered CBAM certificates in accordance with Article 22.

Or. en

**Amendment 533****Manuel Bompard****Proposal for a regulation****Article 17 – paragraph 8***Text proposed by the Commission*

8. The ***competent*** authority shall release the guarantee immediately after 31 May of the second year in which the authorised declarant has surrendered CBAM certificates in accordance with Article 22.

*Amendment*

8. The ***CBAM*** authority shall release the guarantee immediately after 31 May of the second year in which the authorised declarant has surrendered CBAM certificates in accordance with Article 22.

Or. en

**Amendment 534**  
**Marek Pawel Balt**

**Proposal for a regulation**  
**Article 17 – paragraph 8**

*Text proposed by the Commission*

8. The **competent authority** shall release the guarantee immediately after 31 May of the second year in which the authorised declarant has surrendered CBAM certificates in accordance with Article 22.

*Amendment*

8. The **Commission** shall release the guarantee immediately after 31 May of the second year in which the authorised declarant has surrendered CBAM certificates in accordance with Article 22.

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 535**  
**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**  
**Article 17 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a. The CBAM Authority may verify the accuracy and completeness of the information given by the applicant in accordance with Article 5(3) and the existence, authenticity, accuracy and validity of any supporting document. Such controls may be carried out at the premises of the applicant.**

Or. en

## Amendment 536

Angelika Winzig

### Proposal for a regulation

#### Article 17 – paragraph 9

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

9. The competent authority shall revoke the authorisation for a declarant who no longer meets the conditions laid down in paragraph 1, or who fails to cooperate with that authority.

##### *Amendment*

9. The competent ***national*** authority shall revoke the authorisation for a declarant who no longer meets the conditions laid down in paragraph 1, or who fails to cooperate with that authority.

Or. en

## Amendment 537

Manuel Bompard

### Proposal for a regulation

#### Article 17 – paragraph 9

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

9. The ***competent*** authority shall revoke the authorisation for a declarant who no longer meets the conditions laid down in paragraph 1, or who fails to cooperate with that authority.

##### *Amendment*

9. The ***CBAM*** authority shall revoke the authorisation for a declarant who no longer meets the conditions laid down in paragraph 1, or who fails to cooperate with that authority.

Or. en

## Amendment 538

Marek Paweł Balt

### Proposal for a regulation

#### Article 17 – paragraph 9

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

9. The ***competent authority*** shall revoke the authorisation for a declarant who no longer meets the conditions laid down in paragraph 1, or who fails to

##### *Amendment*

9. The ***Commission*** shall revoke the authorisation for a declarant who no longer meets the conditions laid down in paragraph 1, or who fails to cooperate with

cooperate with that authority.

that authority.

Or. en

### *Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

### **Amendment 539**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

### **Proposal for a regulation**

### **Article 17 – paragraph 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**9a. The Commission shall adopt, by means of implementing acts, the modalities for the application of the criteria referred to in paragraph 1 and for guarantees referred to in paragraph 6. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29(2).**

Or. en

### **Amendment 540**

**Cristian-Silviu Buşoi**

### **Proposal for a regulation**

### **Article 18 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. In addition to paragraph 1, a national accreditation body may on request accredit a person as a verifier under this Regulation after checking the documentation attesting its capacity to**

**deleted**

*apply the verification principles referred to Annex V to perform the obligations of control of the embedded emissions established in Articles 8, 10 and 38.*

Or. en

**Amendment 541**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 18 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

<p>2. <i>In addition to paragraph 1, a national accreditation body may on request accredit a person as a verifier under this Regulation after checking the documentation attesting its capacity to apply the verification principles referred to Annex V to perform the obligations of control of the embedded emissions established in Articles 8, 10 and 38.</i></p>	<p><i>deleted</i></p>
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Or. en

**Amendment 542**  
**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**  
**Article 18 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

<p>2. In addition to paragraph 1, <i>a national accreditation body</i> may on request accredit a person as a verifier under this Regulation after checking the documentation attesting its capacity to apply the verification principles referred to Annex V to perform the obligations of control of the embedded emissions established in Articles 8, 10 and 38.</p>	<p>2. In addition to paragraph 1, <i>The CBAM Authority</i> may on request accredit a person as a verifier under this Regulation after checking the documentation attesting its capacity to apply the verification principles referred to Annex V to perform the obligations of control of the embedded emissions established in Articles 8, 10 and 38.</p>
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Or. en

**Amendment 543**  
**Cristian-Silviu Buşoi**

**Proposal for a regulation**  
**Article 18 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3.      *The Commission is empowered to adopt delegated acts in accordance with Article 28 for the accreditation referred to in paragraph 2, specifying conditions for the control and oversight of accredited verifiers, for the withdrawal of accreditation and for mutual recognition and peer evaluation of the accreditation bodies.***      ***deleted***

Or. en

**Amendment 544**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 18 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3.      *The Commission is empowered to adopt delegated acts in accordance with Article 28 for the accreditation referred to in paragraph 2, specifying conditions for the control and oversight of accredited verifiers, for the withdrawal of accreditation and for mutual recognition and peer evaluation of the accreditation bodies.***      ***deleted***

Or. en

**Amendment 545**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. The **competent authority** may review the CBAM declaration within the period ending with the **fourth** year after the year in which the declaration should have been submitted. The review may consist in verifying the information provided in the CBAM declaration on the basis of the information communicated by the customs authorities in accordance with Article 25(2) and any other relevant evidence, and on the basis of any audit deemed necessary, including at the premises of the authorised declarant.

*Amendment*

1. The **central and national authorities** may review the CBAM declaration within the period ending with the year after the year in which the declaration should have been submitted. The review may consist in verifying the information provided in the CBAM declaration on the basis of the information communicated by the customs authorities in accordance with Article 25(2) and any other relevant evidence, and on the basis of any audit deemed necessary, including at the premises of the authorised declarant.

Or. en

**Amendment 546**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. The **competent** authority may review the CBAM declaration within the period ending with the fourth year after the year in which the declaration should have been submitted. The review may consist in verifying the information provided in the CBAM declaration on the basis of the information communicated by the customs authorities in accordance with Article **25(2)** and any other relevant evidence, and on the basis of any audit deemed necessary, including at the premises of the authorised declarant.

*Amendment*

1. The **CBAM** authority may review the CBAM declaration within the period ending with the fourth year after the year in which the declaration should have been submitted. The review may consist in verifying the information provided in the CBAM declaration on the basis of the information communicated by the customs authorities in accordance with Article **25a(2)** and any other relevant evidence, and on the basis of any audit deemed necessary, including at the premises of the authorised declarant.

Or. en



**Amendment 547**  
**Cristian-Silviu Buşoi**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. The competent authority may review the CBAM declaration within the period ending with the **fourth** year after the year in which the declaration should have been submitted. The review may consist in verifying the information provided in the CBAM declaration on the basis of the information communicated by the customs authorities in accordance with Article 25(2) and any other relevant evidence, and on the basis of any audit deemed necessary, including at the premises of the authorised declarant.

*Amendment*

1. The competent authority may review the CBAM declaration within the period ending with the year after the year in which the declaration should have been submitted. The review may consist in verifying the information provided in the CBAM declaration on the basis of the information communicated by the customs authorities in accordance with Article 25(2) and any other relevant evidence, and on the basis of any audit deemed necessary, including at the premises of the authorised declarant.

Or. en

**Amendment 548**  
**Marek Pawel Balt**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. The **competent authority** may review the CBAM declaration within the period ending with the fourth year after the year in which the declaration should have been submitted. The review may consist in verifying the information provided in the CBAM declaration on the basis of the information communicated by the customs authorities in accordance with Article 25(2) and any other relevant evidence, and on the basis of any audit deemed necessary, including at the premises of the authorised declarant.

*Amendment*

1. The **Commission** may review the CBAM declaration within the period ending with the fourth year after the year in which the declaration should have been submitted. The review may consist in verifying the information provided in the CBAM declaration on the basis of the information communicated by the customs authorities in accordance with Article 25(2) and any other relevant evidence, and on the basis of any audit deemed necessary, including at the premises of the authorised declarant.

Or. en

### *Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

#### **Amendment 549**

**Angelika Winzig**

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

#### **Article 19 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***The national competent authority shall inform the EU CBAM authority of the quantity and installation source of the exports. The EU CBAM authority shall inform the Commission of the data received so as to allow the Commission to make adjustments to the allowances to be surrendered for the installation source of the exports.***

Or. en

#### **Amendment 550**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

#### **Article 19 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Where a CBAM declaration in accordance with Article 6 has not been submitted, the competent authority of the Member State of establishment of the authorised declarant shall assess the CBAM obligations of that declarant on the basis of the information at its disposal and calculate the total number of CBAM

2. Where a CBAM declaration in accordance with Article 6 has not been submitted, the competent authority of the Member State of establishment of the authorised declarant shall assess the CBAM obligations of that declarant on the basis of the information at its disposal and calculate the total number of CBAM

certificates due at the latest by the 31 December of the fourth year following that when the CBAM declaration should have been submitted.

certificates due at the latest by the 31 December of the fourth year following that when the CBAM declaration should have been submitted. ***This information shall be submitted to the competent authority.***

Or. en

**Amendment 551**  
**Marek Paweł Balt**

**Proposal for a regulation**  
**Article 19 – paragraph 2**

*Text proposed by the Commission*

2. Where a CBAM declaration in accordance with Article 6 has not been submitted, the ***competent authority of the Member State of establishment of the authorised declarant*** shall assess the CBAM obligations of that declarant on the basis of the information at its disposal and calculate the total number of CBAM certificates due at the latest by the 31 December of the fourth year following that when the CBAM declaration should have been submitted.

*Amendment*

2. Where a CBAM declaration in accordance with Article 6 has not been submitted, the ***Commission*** shall assess the CBAM obligations of that declarant on the basis of the information at its disposal and calculate the total number of CBAM certificates due at the latest by the 31 December of the fourth year following that when the CBAM declaration should have been submitted.

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 552**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 19 – paragraph 2**

*Text proposed by the Commission*

2. Where a CBAM declaration in accordance with Article 6 has not been submitted, the **competent authority of the Member State of establishment of the authorised declarant** shall assess the CBAM obligations of that declarant on the basis of the information at its disposal and calculate the total number of CBAM certificates due at the latest by the 31 December of the fourth year following that when the CBAM declaration should have been submitted.

*Amendment*

2. Where a CBAM declaration in accordance with Article 6 has not been submitted, the **CBAM** authority shall assess the CBAM obligations of that declarant on the basis of the information at its disposal and calculate the total number of CBAM certificates due at the latest by the 31 December of the fourth year following that when the CBAM declaration should have been submitted.

Or. en

**Amendment 553**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 19 – paragraph 2**

*Text proposed by the Commission*

2. Where a CBAM declaration in accordance with Article 6 has not been submitted, the competent authority of the Member State of establishment of the authorised declarant shall assess the CBAM obligations of that declarant on the basis of the information at its disposal and calculate the total number of CBAM certificates due at the latest by the 31 December of the **fourth** year following that when the CBAM declaration should have been submitted.

*Amendment*

2. Where a CBAM declaration in accordance with Article 6 has not been submitted, the competent authority of the Member State of establishment of the authorised declarant shall assess the CBAM obligations of that declarant on the basis of the information at its disposal and calculate the total number of CBAM certificates due at the latest by the 31 December of the year following that when the CBAM declaration should have been submitted.

Or. en

**Amendment 554**  
**Cristian-Silviu Buşoi**

**Proposal for a regulation**  
**Article 19 – paragraph 2**

*Text proposed by the Commission*

2. Where a CBAM declaration in accordance with Article 6 has not been submitted, the competent authority of the Member State of establishment of the authorised declarant shall assess the CBAM obligations of that declarant on the basis of the information at its disposal and calculate the total number of CBAM certificates due at the latest by the 31 December of the *fourth* year following that when the CBAM declaration should have been submitted.

*Amendment*

2. Where a CBAM declaration in accordance with Article 6 has not been submitted, the competent authority of the Member State of establishment of the authorised declarant shall assess the CBAM obligations of that declarant on the basis of the information at its disposal and calculate the total number of CBAM certificates due at the latest by the 31 December of the year following that when the CBAM declaration should have been submitted.

Or. en

**Amendment 555**  
**Marek Paweł Balt**

**Proposal for a regulation**  
**Article 19 – paragraph 3**

*Text proposed by the Commission*

3. Where the *competent authority* has established that the declared number of CBAM certificates to be surrendered is incorrect, or that no CBAM declaration has been submitted pursuant to paragraph 2, it shall adjust the number of CBAM certificates due by the authorised declarant. The *competent authority* shall notify the authorised declarant of the adjustment and request that the authorised declarant shall surrender the additional CBAM certificates within one month.

*Amendment*

3. Where the *Commission* has established that the declared number of CBAM certificates to be surrendered is incorrect, or that no CBAM declaration has been submitted pursuant to paragraph 2, it shall adjust the number of CBAM certificates due by the authorised declarant. The *Commission* shall notify the authorised declarant of the adjustment and request that the authorised declarant shall surrender the additional CBAM certificates *and pay the correction fee* within one month.

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover*

*‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 556**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 19 – paragraph 3**

*Text proposed by the Commission*

3. Where the **competent** authority has established that the declared number of CBAM certificates to be surrendered is incorrect, or that no CBAM declaration has been submitted pursuant to paragraph 2, it shall adjust the number of CBAM certificates due by the authorised declarant. The **competent** authority shall notify the authorised declarant of the adjustment and request that the authorised declarant shall surrender the additional CBAM certificates within one month.

*Amendment*

3. Where the **CBAM** authority has established that the declared number of CBAM certificates to be surrendered is incorrect, or that no CBAM declaration has been submitted pursuant to paragraph 2, it shall adjust the number of CBAM certificates due by the authorised declarant. The **CBAM** authority shall notify the authorised declarant of the adjustment and request that the authorised declarant shall surrender the additional CBAM certificates within one month.

Or. en

**Amendment 557**  
**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**  
**Article 19 – paragraph 4**

*Text proposed by the Commission*

4. *The recipient of the notification referred to in paragraph 3 may lodge an appeal of the notification. The recipient of the notification shall be provided with information regarding the procedure to be followed in the event of an appeal.*

*Amendment*

*deleted*

Or. en

## *Justification*

*Creation of CBAM authority implies creation of separate appeal procedure in articles 27a-27c. As national competent authorities are replaced by CBAM authority there is no place for national appeal procedure.*

### **Amendment 558** **Manuel Bompard**

#### **Proposal for a regulation** **Article 19 – paragraph 5**

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

5. Where CBAM certificates have been surrendered in excess of the number due, the **competent** authority shall, without delay, reimburse the authorised declarant the value of CBAM certificates surrendered in excess, calculated at the average price paid for CBAM certificates by the authorised declarant during the year of import.

##### *Amendment*

5. Where CBAM certificates have been surrendered in excess of the number due, the **CBAM** authority shall, without delay, reimburse the authorised declarant the value of CBAM certificates surrendered in excess, calculated at the average price paid for CBAM certificates by the authorised declarant during the year of import.

Or. en

### **Amendment 559** **Marek Paweł Balt**

#### **Proposal for a regulation** **Article 19 – paragraph 5**

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

5. Where CBAM certificates have been surrendered in excess of the number due, the **competent authority** shall, without delay, reimburse the authorised declarant the value of CBAM certificates surrendered in excess, calculated at the average price paid for CBAM certificates by the authorised declarant during the year of import.

##### *Amendment*

5. Where CBAM certificates have been surrendered in excess of the number due, the **Commission** shall, without delay, reimburse the authorised declarant the value of CBAM certificates surrendered in excess, calculated at the average price paid for CBAM certificates by the authorised declarant during the year of import.

Or. en

### *Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

#### **Amendment 560**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

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

##### **Article 19 a (new)**

*Text proposed by the Commission*

*Amendment*

##### **Article 19 a**

##### **Revenues**

***The revenues generated by the sale of CBAM certificates shall constitute internal assigned revenue in accordance with Article 21(4) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council . They shall be assigned to cover the costs of the operation and maintenance of the CBAM Authority. Any revenue remaining after covering these costs shall be assigned to the Union budget.***

Or. en

#### **Amendment 561**

**Manuel Bompard**

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

##### **Article 20 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The ***competent*** authority ***of each Member State*** shall sell CBAM certificates to declarants authorised ***in that Member***

1. The ***CBAM*** authority shall sell CBAM certificates to declarants authorised at the price calculated in accordance with



**State** at the price calculated in accordance with Article 21.

Article 21.

Or. en

**Amendment 562**  
**Marek Pawel Balt**

**Proposal for a regulation**  
**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. The **competent authority** of each Member State shall sell CBAM certificates to declarants authorised **in that Member State** at the price calculated in accordance with Article 21.

*Amendment*

1. The **Commission** of each Member State shall sell CBAM certificates to declarants authorised at the price calculated in accordance with Article 21.

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 563**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. The **competent** authority shall ensure that each CBAM certificate is assigned a unique unit identification code upon its creation and shall register the unique unit identification number, the price and date of sale of the certificate in the **national** registry in the account of the

*Amendment*

2. The **CBAM** authority shall ensure that each CBAM certificate is assigned a unique unit identification code upon its creation and shall register the unique unit identification number, the price and date of sale of the certificate in the **CBAM** registry in the account of the authorised declarant

authorised declarant purchasing it.

purchasing it.

Or. en

**Amendment 564**  
**Marek Paweł Balt**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. The **competent authority** shall ensure that each CBAM certificate is assigned a unique unit identification code upon its creation and shall register the unique unit identification number, the price and date of sale of the certificate in the ***national*** registry in the account of the authorised declarant purchasing it.

*Amendment*

2. The **Commission** shall ensure that each CBAM certificate is assigned a unique unit identification code upon its creation and shall register the unique unit identification number, the price and date of sale of the certificate in the ***central*** registry in the account of the authorised declarant purchasing it.

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 565**  
**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**  
**Article 20 – paragraph 2 – point 1 (new)**

*Text proposed by the Commission*

*Amendment*

**(1) 1. Part of the revenues generated by CBAM needs to be used to support research and innovation in carbon-reducing technologies such as renewable hydrogen uptake, storage, and other types**

*of zero carbon industrial innovation, as well as to spur decarbonisation effort in CBAM sectors through financing to companies operating in exporting both developing and least developed countries.*

*2. The revenues generated from the sale of CBAM certificates, or the equivalent in financial value of these revenues, shall be used to help European industries in decarbonising their production and in deploying low-carbon technologies, since they are facing higher production costs due to the ambitious objectives set by the European Green Deal, as well as to cover the cost of administration of the CBAM.*

*3. To ensure transparency of the use of revenues generated from the sale of CBAM certificates the Commission shall, on a yearly basis, report to the European Parliament and the Council on how the revenues from the sale of CBAM certificates, or the equivalent in financial value of these revenues, from the previous year has been used.*

Or. en

#### **Amendment 566**

**Klemen Grošelj, Dominique Riquet, Nicola Danti, Bart Groothuis, Iskra Mihaylova, Ilhan Kyuchyuk, Atidzhe Alieva-Veli**

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

#### **Article 20 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. Part of the revenues generated by CBAM and collected as EU own resources shall be used to support research and innovation in carbon-reducing technologies such as renewable hydrogen uptake, storage, and other types of zero carbon industrial innovation, as well as to spur decarbonisation efforts in CBAM sectors through financing to companies operating in developing and*

*least developed countries.*

Or. en

**Amendment 567**

**Patrizia Toia, Robert Hajšel**

**Proposal for a regulation**

**Article 20 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Any revenues remaining after covering the costs of the operation shall be used to support research and innovation in carbon-reducing technologies and other types of zero carbon industrial innovation as well as to spur decarbonisation effort in CBAM sectors.***

Or. en

**Amendment 568**

**Manuel Bompard**

**Proposal for a regulation**

**Article 20 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 20 a***

***Quantity of CBAM certificates for the Union as a whole***

***1. For the period starting on 1 January 2026, the CBAM authority shall decide on the total quantity of CBAM certificates it will allocate for the EU as a whole. It shall take that decision at least three months before the beginning of that period on the basis of its European CBAM allocation plan, drawn up in accordance with this article, drawing on the CBAM reports received during the period 2023-2026 and taking due account***

*of comments from the public.*

*2. For the five-year period beginning on 1 January 2026, the quantity of CBAM certificates issued each year for the EU as a whole shall decrease in a linear manner with a view to achieving the target set out in Article 2a of this Regulation, in relation to the average annual total emissions reported in the CBAM reports received during the period 2023-2026.*

*For each subsequent five-year period, this quantity shall be reduced by a linear factor determined by the CBAM authority, with a view to achieving the targets and sub-targets laid out in Articles 2a of this Regulation, in relation to the average annual total of CBAM certificates issued for the preceding five-year period.*

*3. For each five-year period provided for in the second paragraph of this article, the CBAM authority shall draw up a European plan specifying the total quantity of CBAM certificates that it intends to allocate for that period. That plan shall be based on objective and transparent criteria, taking comments from the public into consideration.*

Or. en

#### **Amendment 569**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

#### **Article 20 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 20 a*

#### **CBAM Export certificates**

*1. The competent authority shall register the export of goods listed in Annex I by the declarant.*

*2. For those export of goods listed in Annex I, the competent authority shall*

*grant adjustment allowances certificates for goods produced in EU installations subject to the EU ETS and exported from the customs territory of the Union to third countries which have not yet limited or priced GHG emissions at the same level as the EU to calibrate the regulatory obligation and the net regulatory burden imposed under the CBAM. The adjustment allowances for the emissions embedded in the good exported mentioned in the certificate shall be deducted in accordance with Article 5 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.*

Or. en

#### **Amendment 570**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

##### **Article 21 – title**

*Text proposed by the Commission*

*Amendment*

Price of CBAM certificates

Price of CBAM **import** certificates

Or. en

#### **Amendment 571**

**Manuel Bompard**

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

##### **Article 21 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. The **Commission** shall calculate *the* price of CBAM certificates *as the average price of the closing prices of EU ETS allowances on the common auction platform in accordance with the*

1. The **CBAM authority** shall calculate *and set the minimum* price of CBAM certificates.

***procedures laid down in Commission Regulation (EU) No 1031/2010<sup>54</sup> for each calendar week.***

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<sup>54</sup> Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC (OJ L 302, 18.11.2010, p. 1).

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<sup>54</sup> Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC (OJ L 302, 18.11.2010, p. 1).

Or. en

## **Amendment 572**

**Damien Carême**

on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Article 21 – paragraph 1 – introductory part**

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

1. The Commission shall calculate the price of CBAM certificates as the average price of the closing prices of EU ETS allowances on the common auction platform in accordance with the procedures laid down in Commission Regulation (EU) No 1031/2010<sup>54</sup> for each calendar week.

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<sup>54</sup> Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC (OJ L 302, 18.11.2010, p. 1).

##### *Amendment*

1. The Commission shall calculate the price of CBAM certificates as ***the sum of the price of direct and indirect emissions. The price of direct emissions shall correspond to*** the average price of the closing prices of EU ETS allowances on the common auction platform in accordance with the procedures laid down in Commission Regulation (EU) No 1031/2010<sup>54</sup> for each calendar week.

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<sup>54</sup> Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC (OJ L 302, 18.11.2010, p. 1).

Or. en

## **Amendment 573**

**Marek Paweł Balt**

## Proposal for a regulation

### Article 21 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. The Commission shall calculate the price of CBAM certificates as the average price of the ***closing prices*** of EU ETS allowances on the common auction platform in accordance with the procedures laid down in Commission Regulation (EU) No 1031/2010<sup>54</sup> for each calendar week.

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<sup>54</sup> Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC (OJ L 302, 18.11.2010, p. 1).

*Amendment*

1. The Commission shall calculate the price of CBAM certificates as the average price of the ***auction clearing price*** of EU ETS allowances on the common auction platform in accordance with the procedures laid down in Commission Regulation (EU) No 1031/2010<sup>54</sup> for each calendar week.

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<sup>54</sup> Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC (OJ L 302, 18.11.2010, p. 1).

Or. en

## Amendment 574

Manuel Bompard

## Proposal for a regulation

### Article 21 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

***For those calendar weeks in which there are no auctions scheduled on the common auction platform, the price of CBAM certificates shall be the average price of the closing prices of EU ETS allowances of the last week in which auctions on the common auction platform took place.***

*Amendment*

***deleted***

Or. en

## Amendment 575

Damien Carême

on behalf of the Greens/EFA Group



## Proposal for a regulation

### Article 21 – paragraph 1 – subparagraph 1

#### *Text proposed by the Commission*

For those calendar weeks in which there are no auctions scheduled on the common auction platform, the price of **CBAM certificates** shall be the average price of the closing prices of EU ETS allowances of the last week in which auctions on the common auction platform took place.

#### *Amendment*

For those calendar weeks in which there are no auctions scheduled on the common auction platform, the price of **direct emissions** shall be the average price of the closing prices of EU ETS allowances of the last week in which auctions on the common auction platform took place.

Or. en

## Amendment 576

Manuel Bompard

## Proposal for a regulation

### Article 21 – paragraph 2

#### *Text proposed by the Commission*

2. This **average** price shall be published by the **Commission** on its website on the first working day of the following calendar week and shall be applied from the following working day to the first working day of the following calendar week.

#### *Amendment*

2. This **minimum** price shall be published by the **CBAM authority** on its website on the first working day of the following calendar week and shall be applied from the following working day to the first working day of the following calendar week.

Or. en

## Amendment 577

Manuel Bompard

## Proposal for a regulation

### Article 21 – paragraph 2 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**2a. The Commission shall ensure that European producers pay an average carbon price equivalent to the price of CBAM certificates.**

**Amendment 578**

**Damien Carême**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 21 – paragraph 3**

*Text proposed by the Commission*

3. The Commission is empowered to adopt implementing acts to further define the methodology to calculate the average price of CBAM certificates and practical arrangements for the publication of the price. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(2).

*Amendment*

3. ***The price of indirect emissions shall be determined in the delegated acts referred to in Article 7.(7a).*** The Commission is ***also*** empowered to adopt implementing acts to further define the methodology to calculate the average price of CBAM certificates and practical arrangements for the publication of the price. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(2).

**Amendment 579**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**

**Article 22 – title**

*Text proposed by the Commission*

Surrender of CBAM certificates

*Amendment*

Surrender of CBAM ***import*** certificates

**Amendment 580**

**Manuel Bompard**

**Proposal for a regulation**

**Article 22 – paragraph 1**

*Text proposed by the Commission*

1. By 31 May of each year, the authorised declarant shall surrender a number of CBAM certificates to the **competent** authority that corresponds to the embedded emissions declared in accordance with Article 6(2)(c) and verified in accordance with Article 8 for the calendar year preceding the surrender

*Amendment*

1. By 31 May of each year, the authorised declarant shall surrender a number of CBAM certificates to the **CBAM** authority that corresponds to the embedded emissions declared in accordance with Article 6(2)(c) and verified in accordance with Article 8 for the calendar year preceding the surrender

Or. en

**Amendment 581**  
**Marek Paweł Balt**

**Proposal for a regulation**  
**Article 22 – paragraph 1**

*Text proposed by the Commission*

1. By 31 May of each year, the authorised declarant shall surrender a number of CBAM certificates to the **competent authority** that corresponds to the embedded emissions declared in accordance with Article 6(2)(c) and verified in accordance with Article 8 for the calendar year preceding the surrender

*Amendment*

1. By 31 May of each year, the authorised declarant shall surrender a number of CBAM certificates to the **Commission** that corresponds to the embedded emissions declared in accordance with Article 6(2)(c) and verified in accordance with Article 8 for the calendar year preceding the surrender

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 582**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. For the purposes of paragraph 1, the authorised declarant shall ensure that the required number of CBAM certificates is available on its account in the ***national*** registry. In addition, the authorised declarant shall ensure that the number of CBAM certificates on its account in the national registry at the end of each quarter corresponds to at least 80 per cent of the embedded emissions, determined by reference to default values in accordance with the methods set out in Annex III, in all goods it has imported since the beginning of the calendar year.

*Amendment*

2. For the purposes of paragraph 1, the authorised declarant shall ensure that the required number of CBAM certificates is available on its account in the ***CBAM*** registry. In addition, the authorised declarant shall ensure that the number of CBAM certificates on its account in the national registry at the end of each quarter corresponds to at least 80 per cent of the embedded emissions, determined by reference to default values in accordance with the methods set out in Annex III, in all goods it has imported since the beginning of the calendar year.

Or. en

**Amendment 583**  
**Marek Paweł Balt**

**Proposal for a regulation**  
**Article 22 – paragraph 3**

*Text proposed by the Commission*

3. Where the ***competent authority*** finds that the number of CBAM certificates in the account of an authorised declarant is not in compliance with the obligations pursuant to paragraph 2, second sentence, that authority shall notify the adjustment and request that the authorised declarant surrenders the additional CBAM certificates within one month.

*Amendment*

3. Where the ***Commission*** finds that the number of CBAM certificates in the account of an authorised declarant is not in compliance with the obligations pursuant to paragraph 2, second sentence, that authority shall notify the adjustment and request that the authorised declarant surrenders the additional CBAM certificates within one month.

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover*

*'centralization' of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 584**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 22 – paragraph 3**

*Text proposed by the Commission*

3. Where the **competent** authority finds that the number of CBAM certificates in the account of an authorised declarant is not in compliance with the obligations pursuant to paragraph 2, second sentence, **that authority** shall notify the adjustment and request that the authorised declarant surrenders the additional CBAM certificates within one month.

*Amendment*

3. Where the **CBAM** authority finds that the number of CBAM certificates in the account of an authorised declarant is not in compliance with the obligations pursuant to paragraph 2, second sentence, **it** shall notify the adjustment and request that the authorised declarant surrenders the additional CBAM certificates within one month.

Or. en

**Amendment 585**  
**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**  
**Article 22 – paragraph 4**

*Text proposed by the Commission*

4. ***The recipient of the notification referred to in paragraph 3 may lodge an appeal of the notification. The recipient of the notification shall be provided with information regarding the procedure to be followed in the event of an appeal.***

*Amendment*

***deleted***

Or. en

*Justification*

*Creation of CBAM authority implies creation of separate appeal procedure in articles 27a-27c. As national competent authorities are replaced by CBAM authority there is no place for national appeal procedure.*

#### Amendment 586

Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia

#### Proposal for a regulation

##### Article 23 – title

*Text proposed by the Commission*

Re-purchase of CBAM certificates

*Amendment*

Re-purchase of CBAM **import** certificates

Or. en

#### Amendment 587

Manuel Bompard

#### Proposal for a regulation

##### Article 23 – paragraph 1

*Text proposed by the Commission*

1. The **competent** authority **of each Member State** shall, on request by a declarant authorised **in that Member State**, re-purchase the excess of CBAM certificates remaining on the account of the declarant in the **national** registry after the certificates have been surrendered in accordance with Article 22. The request to re-purchase shall be submitted by 30 June of each year when CBAM certificates were surrendered.

*Amendment*

1. The **CBAM** authority shall, on request by a declarant authorised, re-purchase the excess of CBAM certificates remaining on the account of the declarant in the **CBAM** registry after the certificates have been surrendered in accordance with Article 22. The request to re-purchase shall be submitted by 30 June of each year when CBAM certificates were surrendered.

Or. en

#### Amendment 588

Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia

#### Proposal for a regulation

##### Article 24 – title

*Text proposed by the Commission*

Cancellation of CBAM certificates

*Amendment*

Cancellation of CBAM **import** certificates

**Amendment 589**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 24 – paragraph 1**

*Text proposed by the Commission*

By 30 June of each year, the *competent* authority of *each Member State* shall cancel any CBAM certificates that were purchased during the year before the previous calendar year and that remained in the accounts in the *national* registry of the declarants *authorised in that Member State*.

*Amendment*

By 30 June of each year, the **CBAM** authority of shall cancel any CBAM certificates that were purchased during the year before the previous calendar year and that remained in the accounts in the **CBAM** registry of the declarants.

**Amendment 590**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 24 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 24 a**

***Revenues generated by the sale of CBAM certificates and penalties***

***1. The revenues generated by the sale of CBAM certificates, and penalties as set in Article 26, shall constitute internal assigned revenue in accordance with Article 21(3) of Regulation (EU, Euratom) 2018/1046. They shall be assigned to cover the costs of the operation and maintenance of the CBAM authority. Any revenue remaining after covering these costs shall be assigned to the Union budget.***

***2. To meet Union objectives and international commitments, such as the***

*Paris Agreement, the Convention on Biological Diversity, the United Nations Sustainable Development Goals, financial support shall be provided to support least developed countries in their efforts to decarbonize their industries. The Union's additional financial support shall be at least equivalent in financial value to the revenues generated by the sale of CBAM certificates and recovered penalties.*

*3. The additional financial support shall be conditional to the respect of the eight fundamental conventions of the International Labour Organization.*

*4. To ensure transparency of the use of revenues generated by the sale of CBAM certificates and recovered penalties, the Commission shall, on a yearly basis, report to the European Parliament and to the Council on how the equivalent in financial value of those revenues from the previous year has been used and how this has contributed to mitigating and adapting to climate change, enhancing biodiversity and restoring ecosystems in least developed countries.*

Or. en

## **Amendment 591**

**Carlos Zorrinho, Robert Hajšel, Romana Jerković**

### **Proposal for a regulation**

#### **Article 24 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 24 a*

#### *Revenues generated by the sale of CBAM certificates*

*1. The revenues generated by the sale of CBAM certificates shall constitute internal assigned revenue in accordance with Article 21(3) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council.*



*2. To meet Union objectives and international commitments, such as those under WTO agreements and the Paris Agreement, financial support shall be provided to support least developed countries' efforts towards the decarbonisation of their manufacturing industries, including through reinforcing climate spending in the Union budget's Instrument for Pre-Accession Assistance III and the relevant geographic and thematic programmes of the Neighbourhood, Development and International Cooperation Instrument. The additional financial support shall be at least equivalent in financial value to the revenues generated by the sale of CBAM certificates.*

*3. To ensure transparency of the use of revenues generated by the sale of CBAM certificates the Commission shall, on a yearly basis, report to the European Parliament and to the Council on how the equivalent in financial value of those revenues from the previous year has been used and how this has contributed to tackling climate change in the least developed countries.*

Or. en

**Amendment 592**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 25 – paragraph 1**

*Text proposed by the Commission*

1. The customs authorities shall not allow the importation of goods unless the declarant is authorised by **a competent** authority at the latest at the release for free circulation of the goods.

*Amendment*

1. The customs authorities shall not allow the importation of goods unless the declarant is authorised by **the CBAM** authority at the latest at the release for free circulation of the goods.

Or. en

**Amendment 593**  
**Marek Pawel Balt**

**Proposal for a regulation**  
**Article 25 – paragraph 1**

*Text proposed by the Commission*

1. The customs authorities shall not allow the importation of goods unless the declarant is authorised by **a competent authority** at the latest at the release for free circulation of the goods.

*Amendment*

1. The customs authorities shall not allow the importation of goods unless the declarant is authorised by **the Commission** at the latest at the release for free circulation of the goods.

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 594**  
**Marek Pawel Balt**

**Proposal for a regulation**  
**Article 25 – paragraph 2**

*Text proposed by the Commission*

2. The customs authorities shall periodically communicate information on the goods declared for importation, which shall include the EORI number and the CBAM account number of the declarant, the 8-digit CN code of the goods, the quantity, the country of origin, the date of declaration and the customs procedure, to the **competent authority of the Member State where the declarant has been authorised**.

*Amendment*

2. The customs authorities shall periodically communicate information on the goods declared for importation, which shall include the EORI number and the CBAM account number of the declarant, the 8-digit CN code of the goods, the quantity, the country of origin, the date of declaration and the customs procedure, to the **Commission**.

**Amendment 595**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 25 – paragraph 2**

*Text proposed by the Commission*

2. The customs authorities shall periodically communicate information on the goods declared for importation, which shall include the EORI number and the CBAM account number of the declarant, the 8-digit CN code of the goods, the quantity, the country of origin, the date of declaration and the customs procedure, to the *competent authority of the Member State where the declarant has been authorised*.

*Amendment*

2. The customs authorities shall periodically communicate information on the goods declared for importation, which shall include the EORI number and the CBAM account number of the declarant, the 8-digit CN code of the goods, the quantity, the country of origin, the date of declaration and the customs procedure, to the **CBAM** authority.

Or. en

**Amendment 596**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 25 – paragraph 4**

*Text proposed by the Commission*

4. The customs authorities may communicate in accordance with Article 12(1) of Regulation (EU) No 952/2013, confidential information acquired by the customs authorities in the course of performing their duty or provided on a confidential basis, to the *competent authority of the Member State where the declarant has been authorised. The competent authorities of the Member States* shall treat and exchange this information in accordance with Council Regulation (EC) No 515/97.

*Amendment*

4. The customs authorities may communicate in accordance with Article 12(1) of Regulation (EU) No 952/2013, confidential information acquired by the customs authorities in the course of performing their duty or provided on a confidential basis, to the **CBAM** authority. **It** shall treat and exchange this information in accordance with Council Regulation (EC) No 515/97.

**Amendment 597**  
**Marek Paweł Balt**

**Proposal for a regulation**  
**Article 25 – paragraph 4**

*Text proposed by the Commission*

4. The customs authorities may communicate in accordance with Article 12(1) of Regulation (EU) No 952/2013, confidential information acquired by the customs authorities in the course of performing their duty or provided on a confidential basis, to the competent authority of the Member State ***where the declarant has been authorised***. The competent authorities of the Member States shall treat and exchange this information in accordance with Council Regulation (EC) No 515/97.

*Amendment*

4. The customs authorities may communicate in accordance with Article 12(1) of Regulation (EU) No 952/2013, confidential information acquired by the customs authorities in the course of performing their duty or provided on a confidential basis, to the competent authority of the Member State ***or the Commission***. The competent authorities of the Member States ***and the Commission*** shall treat and exchange this information in accordance with Council Regulation (EC) No 515/97.

Or. en

*Justification*

*These tasks should be carried out by the Commission. Entrusting competences related to the CBAM system to one, central body in the EU is of particular importance for the coherent application of the rules concerning calculating embedded emissions and other related tasks – which will determine the costs incurred by entities importing goods to the EU. Moreover ‘centralization’ of CBAM is justified also when it comes to other tasks for which amendments are proposed, since it will minimize the overall administrative costs and ensure better functioning of CBAM.*

**Amendment 598**  
**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**  
**Article 25 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. As of the initiation of investigations under Articles 28 and 29***

*and having informed the Member States in due time, the Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration. Imports shall be made subject to registration following a request, from the Union industry, which contains sufficient evidence to justify such action. Imports may also be made subjecte introduced by Commission regulation. Such regulation shall specify the purpose of the action and, if appropriate, the estimated amount of possible future liability. Imports shall not be made subject to registration for a period longer than nine months.*

Or. en

**Amendment 599**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**

**Article 26 – title**

*Text proposed by the Commission*

*Amendment*

Penalties

Penalties *in relation to imports of goods*

Or. en

**Amendment 600**

**Marek Paweł Balt**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point 1 (new)**

*Text proposed by the Commission*

*Amendment*

*(1) The penalty referred to in paragraph 1 shall apply mutatis mutandis to the authorised declarant who, within the time limit specified in Article 19 paragraph 3, fails to surrender CBAM*

*certificates corresponding to the number indicated by the Commission on the basis of this provision.*

Or. en

*(Furthermore it should be noted that sanctions imposed on “any person other than an authorised declarant”, introducing goods into the customs territory of the Union without surrendering CBAM certificates, referred to in Article 26(2) of the Regulation, should be aligned with the sanctions imposed on an authorised declarant who fails to surrender CBAM certificates (settled in Article 26 (1) and (3)).)*

#### *Justification*

*Amendment is supposed to determine the relation between the proceedings concerning failure to submit the CBAM declaration or the surrender of the incorrect number of CBAM certificates (Article 19) with the penalty provided for in Article 26 – as it lacks in Commission’s draft. It should be noted, that pursuant to Articles 20 and 22, only an authorised declarant may buy CBAM certificates via auctions and surrender them.*

#### **Amendment 601** **Marek Paweł Balt**

#### **Proposal for a regulation** **Article 26 – paragraph 3**

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

3. Payment of the penalty shall in no case release the authorised declarant from the obligation to surrender the outstanding number of CBAM certificates in a given year to the *competent authority of the Member State where the declarant has been authorised*.

##### *Amendment*

3. Payment of the penalty shall in no case release the authorised declarant from the obligation to surrender the outstanding number of CBAM certificates in a given year to the **Commission**.

Or. en

#### **Amendment 602** **Manuel Bompard**

#### **Proposal for a regulation** **Article 26 – paragraph 3**

*Text proposed by the Commission*

3. Payment of the penalty shall in no case release the authorised declarant from the obligation to surrender the outstanding number of CBAM certificates in a given year to the **competent** authority **of the Member State where the declarant has been authorised**.

*Amendment*

3. Payment of the penalty shall in no case release the authorised declarant from the obligation to surrender the outstanding number of CBAM certificates in a given year to the **CBAM** authority.

Or. en

**Amendment 603**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 26 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. If the **competent** authority determines that an authorised declarant has failed to comply with the obligation to surrender CBAM certificates as specified in paragraph 1, or that a person has introduced goods into the customs territory of the Union as specified in paragraph 2, **the competent authority** shall impose the penalty and notify the authorised declarant or, in the situation under paragraph 2, the person:

*Amendment*

4. If the **CBAM** authority determines that an authorised declarant has failed to comply with the obligation to surrender CBAM certificates as specified in paragraph 1, or that a person has introduced goods into the customs territory of the Union as specified in paragraph 2, **it** shall impose the penalty and notify the authorised declarant or, in the situation under paragraph 2, the person:

Or. en

**Amendment 604**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 26 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) that the **competent** authority has concluded that the authorised declarant or the person fails to comply with the

*Amendment*

(a) that the **CBAM** authority has concluded that the authorised declarant or the person fails to comply with the

obligation of surrendering CBAM  
certificates for a given year;

obligation of surrendering CBAM  
certificates for a given year;

Or. en

**Amendment 605**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 26 – paragraph 4 – point e**

*Text proposed by the Commission*

*Amendment*

(e) of the action the **competent**  
authority considers the authorised declarant  
or the person should take to comply with  
its obligation under point (a) depending on  
the facts and circumstances of the case; and

(e) of the action the **CBAM** authority  
considers the authorised declarant or the  
person should take to comply with its  
obligation under point (a) depending on the  
facts and circumstances of the case; and

Or. en

**Amendment 606**  
**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

**Proposal for a regulation**  
**Article 26 – paragraph 4 – point f**

*Text proposed by the Commission*

*Amendment*

(f) **of the right of the authorised  
declarant or of the person to appeal under  
national rules.**

**deleted**

Or. en

*Justification*

*Creation of CBAM authority implies creation of separate appeal procedure in articles 27a-27c. As national competent authorities are replaced by CBAM authority there is no place for national appeal procedure.*

**Amendment 607**  
**Manuel Bompard**



**Proposal for a regulation**  
**Article 26 – paragraph 4 – point f**

*Text proposed by the Commission*

(f) of the right of the authorised declarant or of the person to appeal ***under national rules.***

*Amendment*

(f) of the right of the authorised declarant or of the person to appeal.

Or. en

**Amendment 608**  
**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**  
**Article 26 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. In case of repeated failure to surrender a number of CBAM certificates corresponding to the emissions embedded in goods imported during the previous year, or in case of submission of false information in the CBAM declaration, an authorized declarant, and any of its related parties, may be automatically excluded from the register for a period of 3 years from the date of exclusion. The respective verifier – and any of its related parties - who has certified the accuracy of the information in the CBAM declaration has its certification withdrawn by the competent authority.***

Or. en

**Amendment 609**  
**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**  
**Article 26 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Member States may apply

5. Member States may apply

administrative or criminal sanctions for failure to comply with the CBAM legislation in accordance with their national rules in addition to penalties referred to in **paragraph 2**. Such sanctions shall be effective, proportionate and dissuasive.

administrative or criminal sanctions for failure to comply with the CBAM legislation in accordance with their national rules in addition to penalties referred to in **paragraphs 2 and 4a**. Such sanctions shall be effective, proportionate and dissuasive.

Or. en

**Amendment 610**  
**Angelika Winzig**

**Proposal for a regulation**  
**Article 26 – paragraph 5**

*Text proposed by the Commission*

5. **Member States** may apply administrative or criminal sanctions for failure to comply with the CBAM legislation in **accordance with their national rules in** addition to penalties referred to in **paragraph 2**. Such sanctions shall be effective, proportionate and dissuasive.

*Amendment*

5. **The central CBAM authority** may apply administrative or criminal sanctions for failure to comply with the CBAM legislation in addition to penalties referred to in **paragraphs 2 and 4a**. Such sanctions shall be effective, proportionate and dissuasive.

Or. en

**Amendment 611**  
**Marek Paweł Balt**

**Proposal for a regulation**  
**Article 27 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall take action, based on relevant and objective data, in accordance with this Article, to address practices of circumvention of this Regulation.

*Amendment*

1. The Commission shall take action, **on its own initiative or at the request of a Member State**, based on relevant and objective data, in accordance with this Article, to address practices of circumvention of this Regulation.

Or. en

## *Justification*

*Member States are obliged to inform the Commission on attempts to circumvent the Regulation that involve reducing of the import of goods listed in Annex I and increasing the import of goods with slightly different properties instead. Making the necessary adjustments to the Regulation is entirely left to the decision and initiative of the Commission, so there are no means for the Member States to effectively propose the mentioned revision, even though the acts of circumventing may still be taking place in their territories. Therefore appropriate means should be introduced.*

### **Amendment 612**

**Klemen Grošelj, Christophe Grudler, Dominique Riquet, Mauri Pekkarinen, Nicola Danti, Bart Groothuis**

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

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

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

##### *Amendment*

2. Practices of circumvention include situations where a change in the pattern of trade in relation to goods included in the scope of this Regulation has insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation and **may** consist in:

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

**b)** *replacing those goods by goods with a lower carbon content than those normally produced in the exporting country, exclusively for the purpose of exporting to the Customs union, for instance via practices of resource shuffling.*

**c)** *shipping goods to an intermediary country before being exported to the EU market in order to avoid the obligations laid down in this Regulation.*

Or. en

**Amendment 613**  
**Manuel Bompard**

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

*Text proposed by the Commission*

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

*Amendment*

2. Practices of circumvention include situations where a change in the pattern of trade in relation to goods included in the scope of this Regulation has insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation and consist in replacing those goods with slightly modified products, which are not included in the list of goods in Annex I but belong to a sector included in the scope of this Regulation;  
***(b) transshipment of those goods through third countries with the result of excluding such goods from CBAM under Article 2(3) or securing lower embedded emissions due to the application of Article 7 with respect to default values.***

Or. en

**Amendment 614**  
**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

*Text proposed by the Commission*

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

*Amendment*

2. Practices of circumvention include situations where a change in the pattern of trade ***between third countries and the Union or between third countries themselves or between individual companies or within the same undertaking*** in relation to goods included in the scope of this Regulation , ***whether slightly modified or not, stems from a practice, process or work that has***

***sector included in the scope of this Regulation.***

insufficient due cause or economic justification other than avoiding obligations ***or seeking benefits*** as laid down in this Regulation ***or undermining their effects, including on overall GHG emissions and on prices of the goods concerned.***

Or. en

## **Amendment 615**

**Dominique Riquet, Klemen Grošelj**

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. fr

## **Amendment 616**

**Tomas Tobé, Christian Ehler, Eva Maydell, Pernille Weiss, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan, Franc Bogovič, Vasile Blaga, Jerzy Buzek, Henna Virkkunen, Adam Jarubas, Seán Kelly, Sara Skytvedal, Angelika Niebler, Maria Spyraiki, Massimiliano Salini, Pilar del Castillo Vera, François-Xavier Bellamy**

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

#### *Text proposed by the Commission*

2. Practices of circumvention include situations where a change in the pattern of

#### *Amendment*

2. Practices of circumvention include situations where a change in the pattern of

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

trade in relation to goods included in the scope of this Regulation, ***whether slightly modified or not, stems from a practice, process or work that have*** has insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation, ***or undermining their effects, including on overall GHG emissions and on prices of the like*** products.

Or. en

**Amendment 617**  
**Jens Geier**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 618**  
**Tomas Tobé, Christian Ehler, Eva Maydell, Pernille Weiss, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan, Franc Bogovič, Vasile Blaga, Jerzy Buzek, Henna Virkkunen, Adam Jarubas, Seán Kelly, Sara Skytvedal, Angelika Niebler, Maria Spyraiki, Massimiliano Salini, Pilar del Castillo Vera**

**Proposal for a regulation**  
**Article 27 – paragraph 2 – point 1 (new)**

*Text proposed by the Commission*

*Amendment*

**(1) The practice, processor work referred to in the first subparagraph include, inter alia:**

Or. en

**Amendment 619**

**Tomas Tobé, Christian Ehler, Eva Maydell, Pernille Weiss, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan, Franc Bogovič, Vasile Blaga, Jerzy Buzek, Henna Virkkunen, Adam Jarubas, Seán Kelly, Sara Skyttedal, Angelika Niebler, Maria Spyraiki, Massimiliano Salini, Pilar del Castillo Vera**

**Proposal for a regulation**

**Article 27 – paragraph 2 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

**(a) the slight modification of a product to make it fall under another customs code which are not subject to the obligations of this Regulation;**

**b) false declarations regarding identity of the producer, the product concerned, the nature of the product concerned or the production process;**

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

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

**(e) in the circumstances indicated in paragraph 2, the assembly of parts by an**

*assembly operation in the Union or a third country.*

Or. en

**Amendment 620**  
**Jens Geier**

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

*Text proposed by the Commission*

*Amendment*

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

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

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

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

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



*(e) in the circumstances indicated in paragraph 2, the assembly of parts by an assembly operation in the Union or a third country;*

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

Or. en

**Amendment 621**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**

**Article 27 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

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

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

**(b) false declarations as to the identity of the producer of the goods or of the nature of the goods or the production process involved to product these goods;**

**(c) the consignment of the goods via third countries to which more favourable obligations apply;**

**(d) the reorganisation by exporters or producers of their patterns and channels of sales in order to avoid obligations as laid down in this Regulation, or undermine their effects, including on overall GHG emissions and on prices of the goods, for instance via practices of resource shuffling.**

**(e) the assembly of parts by an assembly**

*operation in the Union or a third country to avoid obligations as laid down in this Regulation.*

Or. en

**Amendment 622**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**

**Article 27 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 623**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**

**Article 27 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 624**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**

**Article 27 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 625**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**

**Article 27 – paragraph 2 e (new)**

*Text proposed by the Commission*

*Amendment*

**2e. Investigations shall be carried out by the Commission. The Commission may be assisted by customs authorities and the investigation shall be concluded within 4 months.**

Or. en

#### **Amendment 626**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

#### **Article 27 – paragraph 2 f (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 627**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

#### **Article 27 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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

continually monitor any significant change of pattern of trade of goods and slightly modified products at Union level.

continually monitor any significant change of pattern of trade of goods and slightly modified products at Union level.

Or. en

**Amendment 628**  
**Marek Paweł Balt**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*The requirements for the notification of the Commission of the practices/cases of circumvention should be simplified. The requirement to include in the notification “relevant data and statistics regarding the goods and products” provided for in Article 27(4) should be abolished in relation to private entity affected by the circumvention, since such entity will rarely be able to submit that data and statistics.*

**Amendment 629**  
**Angelika Winzig**

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

*Text proposed by the Commission*

5. ***Where the Commission, taking into account the relevant data, reports and statistics, including when provided by the customs authorities of Member States, has sufficient reasons to believe that the circumstances referred to in paragraph 3 are occurring in one or more Member***

*Amendment*

***deleted***

*States, it is empowered to adopt delegated acts in accordance with Article 28 to supplement the scope of this Regulation in order to include slightly modified products for anti-circumvention purposes.*

Or. en

**Amendment 630**

**Klemen Grošelj, Christophe Grudler, Dominique Riquet, Nicola Danti, Nils Torvalds, Bart Groothuis**

**Proposal for a regulation**

**Article 27 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Investigations shall be initiated by the Commission or at the request of a Member State or of any interested party on the basis of sufficient evidence regarding the factors set out in Paragraph 2. The Commission shall carry out investigations and impose a penalty on an authorised declarant involved in circumvention practices. Where deemed appropriate, the penalty shall also entail the withdrawal of import authorisation.**

Or. en

**Amendment 631**

**Dominique Riquet, Klemen Grošelj**

**Proposal for a regulation**

**Article 27 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The Commission shall be empowered to adopt delegated acts in accordance with Article 28 to address practices of circumvention that are not based on the modification of products included in the list of goods in Annex I.**

**Amendment 632**

**Angelika Winzig**

**Proposal for a regulation**

**Article 27 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 633**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

**Proposal for a regulation**

**Article 27 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 27 a**

**Absorption**

**1. Where any party submits sufficient information showing that, after the entry into force of this Regulation, an Authorised Declarant has been absorbing the cost of the CBAM Certificates, such that there has been no movement, or insufficient movement, in the resale prices or subsequent selling prices of the imported product in the Union, and that such situation has insufficient due cause or economic justification other than undermining the effects of the obligations as laid down in this Regulation, the Commission shall open an investigation. The Commission shall provide information to the Member States once a party has submitted sufficient information**

*justifying the opening of the investigation and the Commission has completed its analysis thereof.*

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

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

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

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

Or. en

#### **Amendment 634**

**Adam Jarubas, Jerzy Buzek, Janusz Lewandowski**

#### **Proposal for a regulation Chapter VI a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Appeals***

#### ***Article 27a***

#### ***Appeals against decisions taken by the CBAM Authority***

***1. An appeal shall lie from decisions of  
the CBAM Authority that adversely affect***



*any interested person, including decisions on penalties, circumvention and actual mission values. Those decisions shall take effect only as from the date of expiration of the appeal period of two months. The filing of the appeal shall have suspensive effect. Products concerned by an appeal will be subject to registration according to Article 25(5a).*

*2. Any party to proceedings adversely affected by a decision may appeal. Any other parties to the proceedings shall be parties to the appeal proceedings as of right.*

*3. The Board of Appeal shall be newly set up and consist of three full members, to be respectively appointed by the Council, by the European Parliament and by the Commission. The chair will be appointed by the Council. The Council and the European Parliament will respectively appoint two additional alternate members.*

*4. The Commission shall adopt delegated acts pursuant to Article 28, to define the composition, the appointment and the procedures of the Board of Appeal with a view to assure the independence of its members, including during the transitional period. During the transitional period the Commission will hold the functions of the Board of Appeal.*

#### *Article 27b*

##### *Examination of appeals*

*1. The Board of Appeal shall examine whether the appeal is admissible.*

*2. In the examination of the appeal, the Board of Appeal shall invite the parties, as often as necessary, to file observations, within a period to be fixed by the Board of Appeal, on communications from the other parties or issued by itself.*

*3. Following the examination as to the admissibility of the appeal, the Board of Appeal shall decide on the appeal. The Board of Appeal may either exercise any power within the competence of the*

*CBAM Authority or remit the case to the latter for further prosecution.*

*4. If the Board of Appeal remits the case for further prosecution to the CBAM Authority, the latter shall be bound by the line of reasoning of the Board of Appeal, in so far as the facts are the same.*

*5. The decisions of the Board of Appeal shall take effect only as from the date of expiry of a period of two months, if an action has been brought before the General Court within that period, as from the date of dismissal of such action or of any appeal filed with the Court of Justice against the decision of the General Court.*

#### *Article 27c*

##### *Actions before the Court of Justice*

*1. Actions may be brought before the General Court against decisions of the Boards of Appeal in relation to appeals.*

*2. Actions may be brought before the General Court against any decision of the CBAM Authority. In this case administrative appeal under Article 27b will be precluded.*

*3. The action may be brought on grounds of lack of competence, infringement of an essential procedural requirement, infringement of the TFEU, infringement of this Regulation or of any rule of law relating to their application or misuse of power.*

*4. The General Court shall have jurisdiction to annul or to alter the contested decision.*

*5. The action shall be open to any party to proceedings before the Board of Appeal adversely affected by its decision.*

*6. The action shall be brought before the General Court within two months of the date of notification of the decision of the Board of Appeal in case of action under paragraph 1 of this Article and within two month of the date of the notification of the decision of the CBAM Authority in*

*case of actions under paragraph 2 of this Article.*

*7. The CBAM Authority shall take the necessary measures to comply with the judgment of the General Court or, in the event of an appeal against that judgment, the Court of Justice.*

Or. en

**Amendment 635**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 28 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

2. The power to adopt delegated acts referred to in Articles **2(6)**, 2(10), 2(11), **2a(2), 8(3), 18(3), 27(5), 31(2) and 35(6)** shall be conferred on the Commission for an indeterminate period of time.

Or. en

**Amendment 636**  
**Jacek Saryusz-Wolski, Petras Auštrevičius, Ladislav Ilčíč, Zdzisław Krasnodębski, Andrius Kubilius, Witold Jan Waszczykowski**

**Proposal for a regulation**  
**Article 28 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

2. The power to adopt delegated acts referred to in Articles 2(10), 2(**14**), 18(3) and 27(5) shall be conferred on the Commission for an indeterminate period of time.

Or. en

**Amendment 637**  
**Manuel Bompard**

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

*Text proposed by the Commission*

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

*Amendment*

3. The delegation of power referred to in Articles **2(6)**, 2(10), 2(11), **2a(2), 8(3), 18(3), 27(5), 31(2) and 35(6)** may be revoked at any time by the European Parliament or by the Council.

Or. en

**Amendment 638**  
**Dominique Riquet**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 639**  
**Jacek Saryusz-Wolski, Petras Auštrevičius, Ladislav Ilčík, Zdzisław Krasnodębski, Andrius Kubilius, Witold Jan Waszczykowski**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 640**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 28 – paragraph 7**

*Text proposed by the Commission*

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

*Amendment*

7. A delegated act adopted pursuant to Articles **2(6)**, 2(10), 2(11), **2a(2), 8(3), 18(3), 27(5), 31(2) and 35(6)** shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

**Amendment 641**  
**Jacek Saryusz-Wolski, Petras Auštrevičius, Ladislav Ilčíč, Zdzisław Krasnodębski, Andrius Kubilius, Witold Jan Waszczykowski**

**Proposal for a regulation**  
**Article 28 – paragraph 7**

*Text proposed by the Commission*

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

*Amendment*

7. A delegated act adopted pursuant to Articles 2(10), 2(**14**), 18(3) and 27(5) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That

period shall be extended by two months at the initiative of the European Parliament or of the Council.

period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

#### **Amendment 642**

**András Gyürk, Ernő Schaller-Baross**

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

##### **Article 29 a (new)**

Proposal for a regulation

Article 29

*Text proposed by the Commission*

*Amendment*

##### *Article 29 a*

##### *Measures in case of unforeseen damages*

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

Or. en

##### *Justification*

*The review clause with the possibility to establish a compensation mechanism aims to ensure the effectiveness of the CBAM regulation. The compensation should be strictly limited to concrete damages caused by the implementation of the CBAM regulation, without undermining the climate objectives.*

#### **Amendment 643**

**Bart Groothuis, Klemen Grošelj**

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

##### **Article 30 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Commission shall collect the information necessary with a view to

1. The Commission shall collect the information necessary with a view to

extending the scope of this Regulation to indirect emissions **and goods** other than those listed in Annex I, and develop methods of calculating embedded emissions based on environmental footprint methods.

extending the scope of this Regulation to indirect emissions, **transportation services such as air transport, manufacturing of transport equipment such as ship hulls and floating structures, and other goods** than those listed in Annex I, and develop methods of calculating embedded emissions based on environmental footprint methods.

Or. en

#### **Amendment 644**

**Damien Carême**

on behalf of the Greens/EFA Group

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

##### **Article 30 – paragraph 1**

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

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

###### *Amendment*

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

Or. en

#### **Amendment 645**

**Patrizia Toia, Robert Hajšel**

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

##### **Article 30 – paragraph 1**

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

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

###### *Amendment*

1. The Commission shall collect the information necessary **to extend** the scope of this Regulation to indirect emissions, **sectors** and goods other than those listed in Annex I, **such as downstream products using or containing goods listed in Annex**

emissions based on environmental footprint methods.

***I, and to*** develop methods of calculating embedded emissions based on environmental footprint methods.

Or. en

#### **Amendment 646**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

#### **Article 30 – paragraph 1**

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

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

##### *Amendment*

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

Or. en

#### **Amendment 647**

**Dominique Riquet**

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

#### **Article 30 – paragraph 1**

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

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

##### *Amendment*

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

Or. fr



**Amendment 648**  
**Manuel Bompard**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 649**  
**Andreas Glück, Nicola Beer**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 650**  
**Damien Carême**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 651**  
**Angelika Niebler, Christian Doleschal**

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

*Text proposed by the Commission*

*Amendment*

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

2. **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 first report of the Commission should 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, in particular evaluate the impact on sectors listed in Annex I to ensure that the complex production processes and deeply integrated value chains of specific sectors have been appropriately taken into account. Furthermore, 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:*

*(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;*

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

Or. en

### *Justification*

*This amendment is based on Amendment 34 of EPP- shadow rapporteur Tomas Tobé. The Commission should also evaluate in its reports the impact of the Regulation on specific sectors listed in Annex I that are characterized by complex production processes and deeply integrated value chains. Furthermore, When selecting the sectors that will be covered under this Regulation, the complex production processes and deeply integrated value chains of those sectors have to be considered in order to avoid economic burdens on these sectors.*

### **Amendment 652**

**Tomas Tobé, Christian Ehler, Eva Maydell, Pernille Weiss, Cristian-Silviu Buşoi, Ioan-**

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

*Text proposed by the Commission*

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

*Amendment*

2. ***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 first 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:***

***(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;***

***(d) the assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to***

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

Or. en

#### **Amendment 653**

**Klemen Grošelj, Dominique Riquet, Nicola Danti, Nils Torvalds, Bart Groothuis, Iskra Mihaylova, Ilhan Kyuchyuk, Atidzhe Alieva-Veli, Andreas Glück, Nicola Beer**

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

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

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

##### *Amendment*

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

- a) whether the Regulation effectively achieves carbon cost equalisation between imported and domestic products.***
- b) whether the CBAM effectively mitigates carbon leakage for both imports and exports.***

*c) whether the CBAM effectively contributes to reducing carbon emissions in third countries.*

*d) whether the CBAM operates effectively and does not lead to forms of circumvention.*

*e) whether, based on the above, the gradual phase-out of free allocations given in relation to the production of products listed in Annex I of the Regulation shall be initiated.*

*f) the assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system.*

*g) the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.*

Or. en

**Amendment 654**  
**Angelika Winzig**

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

*Text proposed by the Commission*

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

*Amendment*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, *an in-depth* assessment *developed in cooperation with the sectors at risk of carbon leakage covered by this regulation of the rules to be applied in the testing period established pursuant art. 30bis* and the possibilities to further extend

governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system ***as well as an assessment of the impact on competitiveness of the EU downstream industry***. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future. ***Such an extension should be considered only if a clear calculation methodology has been established by the Commission and once the mechanism has proven fully effective in terms of achieving its objective of carbon leakage protection.***

Or. en

#### **Amendment 655**

**Damien Carême**

on behalf of the Greens/EFA Group

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

#### **Article 30 – paragraph 2**

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

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

##### *Amendment*

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



that may be subject to the risk of carbon leakage in the future.

- *an assessment of the social impacts of extending the CBAM to other goods than those listed in Annex I, with measures designed to minimise these effects;*

- *an assessment of the governance system with a view to setting up a new European CBAM Authority to be given the tasks of coordinating the competent authorities, centralising data and serving as a single point of contact for operators, authorised declarants and any other interested parties;*

- *an identification of circumvention and fraud practices and possible measures to address these;*

- *an assessment of the possibility to further extend the scope to embedded emissions of transportation services and services that may be subject to the risk of carbon leakage in the future.*

Or. en

## Amendment 656

Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia

### Proposal for a regulation

#### Article 30 – paragraph 2

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

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

##### *Amendment*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, *an in-depth* assessment - *developed in close cooperation with the industrial sectors - of the rules to be applied during the trial period established pursuant to article 30a and* of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon



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

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

Or. en

#### **Amendment 657**

**Carlos Zorrinho, Robert Hajšel, Csaba Molnár, Jens Geier, Miapetra Kumpula-Natri, Romana Jerković, Lina Gálvez Muñoz, Adriana Maldonado López, Dan Nica, Nicolás González Casares**

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

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

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

##### *Amendment*

2. Before the end of the transitional period, ***and every five years***, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, the assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future. ***An in-depth assessment should be made of the impact on competitiveness of the EU downstream industry and the maturity of new technologies that are crucial to ensure it.***

**Amendment 658**  
**Marek Paweł Balt**

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

*Text proposed by the Commission*

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

*Amendment*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, the assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an ***in-depth*** assessment - ***developed in close cooperation with the industrial sectors, of the rules to be applied in the testing period established pursuant to article 30bis and*** of the governance system. It shall also contain the assessment of the possibility to further extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage in the future.

Or. en

*Justification*

*In the transitional period 2023-2025 proposed by the Commission, importers will neither have to pay any CBAM levy (only provide information) 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 659**  
**Manuel Bompard**

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

*Text proposed by the Commission*

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

*Amendment*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation, ***accompanied by a legislative proposal. In line with the assessment of the arrangements, the legislative proposal shall extend the scope of embedded emissions to methane emissions, to indirect emissions and to goods at risk of carbon leakage other than those already covered by this Regulation, listed by Commission Delegated Decision 2019/708. The legislative proposal shall also extend the scope to embedded emissions of transportation services as well as to goods further down the value chain and services that may be subject to the risk of carbon leakage. Lastly, the legislative proposal shall introduce carbon content requirements for products imported for distribution, consumption or use on the EU market.***

Or. en

**Amendment 660**  
**Bart Groothuis, Klemen Grošelj**

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

*Text proposed by the Commission*

2. Before the end of the transitional period, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, the assessment of the possibilities to further extend the scope of embedded emissions to indirect emissions and to other goods at risk of carbon

*Amendment*

2. Before the end of the transitional period, the Commission shall present a report, ***based on the information collected under paragraph 1***, to the European Parliament and the Council on the application of this Regulation. The report shall contain, in particular, the assessment of the possibilities to further extend the scope of embedded emissions to indirect

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

emissions and to other goods at risk of carbon leakage than those already covered by this Regulation, as well as an assessment of the governance system. ***If the assessment shows that other sectors need to be included in the scope of this Regulation*** to goods further down the value chain and ***transportation*** services that may be subject to the risk of carbon leakage in the future, ***the report by the Commission shall be accompanied by a legislative proposal to extend the scope to these sectors.***

Or. en

#### **Amendment 661**

**Patrizia Toia, Robert Hajšel, Dan Nica**

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

#### **Article 30 – paragraph 2**

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

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

##### *Amendment*

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

Or. en

**Amendment 662**  
**Dominique Riquet**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 663**  
**András Gyürk, Ernő Schaller-Baross**

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

*Text proposed by the Commission*

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

*Amendment*

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

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

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

Or. en

### *Justification*

*During the transitional period 2023,2024,2025, when importers will not have to pay any CBAM levy, the Commission should work in close cooperation with the industrial sectors in order to assess the possibility to expand the scope ensuring an adequate level of protection from the risk of carbon leakage.*

## **Amendment 664** **Evžen Tošenovský**

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

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

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

Or. en

#### **Amendment 665**

**Angelika Niebler, Christian Doleschal**

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

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

*Text proposed by the Commission*

*Amendment*

***2a. 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:***

***(a) the impact on European industry and downstream industry of sectors listed in Annex I to ensure that the complex production processes and deeply integrated value chains of specific sectors listed in Annex I are taken into account appropriately, the effect of this Regulation on exports from the Union in the sectors covered by this Regulation and rectifying measures in case of negative impacts ; as well as on SMEs and possible additional administrative burden for SMEs;***

***(b) the effectiveness of this Regulation in reducing carbon leakage and possible circumvention practices; and***

***(c) the impact of CBAM on Union trade of goods listed in Annex I and possible distortion in trade patterns;***

Or. en



## *Justification*

*This amendment builds on Amendment 35 of EPP- shadow rapporteur Tomas Tobé. The Commission should also evaluate in its reports the impact of the Regulation on specific sectors listed in Annex I that are characterized by complex production processes and deeply integrated value chains. The Commission should also evaluate in its reports the impact of the Regulation on specific sectors listed in Annex I that are characterized by complex production processes and deeply integrated value chains.*

**Amendment 666**  
**Evžen Tošenovský**

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

*Text proposed by the Commission*

*Amendment*

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

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

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

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

***If the evaluation is positive, the report shall be accompanied by a legislative proposal phasing out free allocation to sectors subject to this regulation and implementing a solution to address the risk of carbon leakage on export markets.***

Or. en

**Amendment 667**  
**Tomas Tobé, Christian Ehler, Eva Maydell, Pernille Weiss, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan, Franc Bogovič, Vasile Blaga, Jerzy Buzek, Henna Virkkunen, Adam Jarubas, Seán Kelly, Sara Skytvedal, Maria Spyrali, Massimiliano Salini, Pilar del**



**Castillo Vera**

**Proposal for a regulation**

**Article 30 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. 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:**

**(a) the impact on European industry and downstream industry of sectors listed in Annex I, as well as on SMEs and possible additional administrative burden for SMEs;**

**(b) the effectiveness of this Regulation in reducing carbon leakage and possible circumvention practices; and**

**(c) the impact of CBAM on Union trade of goods listed in Annex I and possible distortion in trade patterns;**

Or. en

**Amendment 668**

**Carlos Zorrinho, Robert Hajšel, Csaba Molnár, Jens Geier, Miapetra Kumpula-Natri, Romana Jerković, Lina Gálvez Muñoz, Adriana Maldonado López, Nicolás González Casares**

**Proposal for a regulation**

**Article 30 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. At the end of the first year after the transitional period of this Regulation and to ensure a level playing field for the EU production destined to the export, of the sectors covered by the scope of Annex I of this Regulation, the Commission shall submit to the European Parliament and to the Council a report, if necessary**

*accompanied by legislative measures, on the impact of EU exports of those sectors in the global markets and shall considering an export adjustment mechanism that equalize the costs of CO<sub>2</sub> with the different pricing schemes of the third countries. Such measures shall comply the WTO rules.*

Or. en

**Amendment 669**  
**Manuel Bompard**

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

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall monitor the functioning of the CBAM. Each year, it shall submit a report to the European Parliament and to the Council on the functioning of the CBAM, including volumes of imported products covered by this Regulation, the quantity of emissions embedded in those products, as well as products' average emissions-intensity.**

Or. en

**Amendment 670**  
**Klemen Grošelj, Christophe Grudler, Dominique Riquet, Nicola Danti, Nils Torvalds, Bart Groothuis, Andreas Glück, Nicola Beer**

**Proposal for a regulation**  
**Article 30 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

3. The report by the Commission shall be accompanied by a legislative proposal *to address in particular the risk of carbon leakage on export markets. This proposal shall consider WTO-compatible solutions such as export adjustment mechanisms*

*that would equalise carbon costs, taking into account the carbon pricing schemes developed by third countries. Such export mechanisms shall be emission performance-based in order to preserve an incentive for GHG emission reduction.*

Or. en

**Amendment 671**  
**Manuel Bompard**

**Proposal for a regulation**  
**Article 30 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

3. The *Commission shall collect all the information needed to eventually extend the scope of this Regulation to all imported goods. By 31 December 2030,* the Commission shall *present an assessment report to the European Parliament on this matter.*

Or. en

**Amendment 672**  
**Angelika Winzig**

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

*Text proposed by the Commission*

*Amendment*

*3a. The Commission shall monitor and evaluate the mechanism's effectiveness with regard to the risk of carbon leakage before planning the phase out of free allocation to sectors at risk of carbon leakage covered by this regulation.*

*To this end, the Commission shall, after consultation of the sectors subject to this regulation, present a report to the European Parliament and the Council*

*evaluating:* □

*a) the first three years of the surrendering obligation pursuant to article 22, and*

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

*If the evaluation is positive, the report shall be accompanied by a legislative proposal phasing out free allocation to sectors subject to this regulation, as set out in Article 10.a.1 of Directive [the ETS directive], and implementing a solution to address the risk of carbon leakage on export market.*

*While the surrendering of CBAM certificates for EU imports addresses the risk of carbon leakage on the EU market, it is essential to avoid also the risk that EU exports on global markets are being replaced by more carbon intensive goods or by goods that are not subject to equivalent climate policy and carbon costs. To this purpose, if the assessment of the effectiveness of the CBAM in tackling carbon leakage on the EU market is positive, after the test period of the first three years of the surrendering obligation pursuant to article 22 , the Commission shall present a report to the European Parliament and Council accompanied with a legislative proposal to address the carbon leakage risk on export markets.*

Or. en

**Amendment 673**

**Damien Carême**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 30 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. 3(a) The Commission shall monitor the functioning of the Carbon Border Adjustment Mechanism. Each**

*year, it shall submit a report to the European Parliament and to the Council on the functioning of the Carbon Border Adjustment Mechanism, including the volumes of imported products covered by this Regulation, the quantity of emissions embedded in those products, as well as products' average emissions-intensity. Information should also be provided on the use of revenues gained, particularly in relation to the EU's contribution to international climate finance, and consistency with the transition to climate neutrality. This information should be presented in a transparent format and should be distinguishable by third country of origin. The yearly report should also include an assessment of the impacts of this regulation on the risk of carbon leakage relevant sectors, of the evidence and risk of circumvention and of the administrative procedures for declarants. Where necessary, Member States shall ensure that any relevant information is submitted to the Commission at least three months before the Commission adopts the report.*

Or. en

#### **Amendment 674**

**Tomas Tobé, Christian Ehler, Eva Maydell, Pernille Weiss, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan, Franc Bogovič, Vasile Blaga, Jerzy Buzek, Henna Virkkunen, Adam Jarubas, Seán Kelly, Sara Skyttedal, Angelika Niebler, Maria Spyraiki, Pilar del Castillo Vera**

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

#### **Article 30 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. In case the CBAM is proven not to be efficient in lowering carbon leakage, the Commission shall present a new or revised legislative proposal aiming at lowering 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 European exports, the free allocation received by these sectors should be gradually phased out, however not prior to 2030. This phase-out of free allocation should be kept under review in light of the entry into force and effective implementation of the Carbon Border Adjustment Mechanism.*

Or. en

**Amendment 675**

**Klemen Grošelj, Dominique Riquet, Nils Torvalds, Bart Groothuis, Iskra Mihaylova, Ilhan Kyuchyuk, Atidzhe Alieva-Veli**

**Proposal for a regulation**

**Article 30 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*3a. Based on the report mentioned in Paragraph 2 and pending the development and adoption of the legislative proposal mentioned in Paragraph 3, the Commission shall either activate the phasing out of free allowances in relation to the products listed in Annex I of the regulation, or propose a revision of the Regulation.*

Or. en

**Amendment 676**

**Tomas Tobé, Christian Ehler, Eva Maydell, Pernille Weiss, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan, Franc Bogovič, Vasile Blaga, Jerzy Buzek, Henna Virkkunen, Adam Jarubas, Seán Kelly, Sara Skyttedal, Angelika Niebler, Pilar del Castillo Vera, Othmar Karas**

**Proposal for a regulation**

**Article 30 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. 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 Article, the allowances placed in the Carbon Border Adjustment Reserve for the preceding calendar year shall be made available to support innovation in accordance with Article 10a(8) of Directive 2003/87/EC.**

Or. en

**Amendment 677**

**Tomas Tobé, Christian Ehler, Eva Maydell, Pernille Weiss, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan, Franc Bogovič, Vasile Blaga, Jerzy Buzek, Henna Virkkunen, Adam Jarubas, Seán Kelly, Sara Skyttedal, Angelika Niebler, Pilar del Castillo Vera**

**Proposal for a regulation**

**Article 30 – paragraph 3 c (new)**

*Text proposed by the Commission*

*Amendment*

**3c. 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 shall be reallocated to installations in accordance with Article 10a(1) of Directive 2003/87/EC.**

Or. en

**Amendment 678**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

*Text proposed by the Commission*

*Amendment*

**Article 30 a**

***Further review and reporting by the  
Commission of the import provisions of  
the CBAM***

***1. Following the transitional period, the  
Commission shall introduce a two-year  
testing period during which it shall collect  
and verify data on the surrendering  
obligations set in Article 22 in order to  
assess the effectiveness of the CBAM in  
addressing the risk of carbon leakage.***

***2. In 2029, the European Commission  
shall present a report to the European  
Parliament and the Council regarding the  
effectiveness of the CBAM based on the  
data collected according to paragraph 1.  
The report by the European Commission  
may be accompanied by a legislative  
proposal to amend the scope of this  
Regulation, including if the assessment of  
the effectiveness of the CBAM in tackling  
carbon leakage shows that EU ETS  
allowances allocated free of charge in  
accordance with Article 10a of Directive  
2003/87/EC remain necessary to prevent  
the risk of carbon leakage after 2030.***

Or. en

**Amendment 679**  
**András Gyürk, Ernő Schaller-Baross**

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

*Text proposed by the Commission*

*Amendment*

**Article 30 a**



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

*2. In 2029 the Commission shall present a report to the European Parliament and the Council regarding the effectiveness of the CBAM. The report shall also include the selected option to address the export exposure.*

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

Or. en

#### *Justification*

*During the above-mentioned transitional period the importers will not have to pay any CBAM levy, hence it should be introduced a testing period where importers pay the CBAM - with the appropriate correction due to the coexistence with free allocation - and the effectiveness of the measure is assessed before proceeding with subsequent steps such as the adjustment of the free allocation rules after 2030.*

#### **Amendment 680**

**Elena Lizzi, Isabella Tovaglieri, Danilo Oscar Lancini, Paolo Borchia, Gianna Gancia**

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

#### **Article 30 b (new)**

*Text proposed by the Commission*

*Amendment*

*Article 30 b*

*Emergency clause*

*In case European industries producing goods subject to the CBAM face serious*

*difficulties in relation to its implementation during the transitional period or the trial period, an individual assessment should be made as promptly as possible to examine whether a CBAM is still effective and practicable for the sector concerned.*

Or. en