

EUROMOT POSITION

EUROMOT RESPONSE TO CONSULTATION ON CBAM REGISTRY AND CBAM DECLARANTS

25/11/2024

EUROMOT, the European Association of Internal Combustion Engine and Alternative Powertrain Manufacturers, represents the key manufacturers of internal combustion engines and alternative powertrains installed in industrial non-road mobile machinery, marine and stationary applications that are operating in Europe and worldwide.

We, EUROMOT, would like to comment on the DRAFT Implementing Regulation (IR) on “Carbon Border Adjustment Mechanism (CBAM) – authorizing CBAM declarants”.

Regarding Article 6 (Intended negative decision and appeal) in points (2) and (3):

(2). The competent authority shall state the following in the communication to the applicant: (a) the intention of and the reasons for refusing to grant the status of authorised CBAM declarant; (b) the period within which the applicant can submit its observations.

(3). The period referred to in point (b) of the second paragraph shall run from the date on which the competent authority notified the applicant of the communication and shall not exceed 30 calendar days.

The following might need clarification:

1. What exactly do the “observations” indicate? Does this mean that authorized CBAM declarant will contact and confirm from the competent authority the reason for the refusal to grant the status of authorized CBAM declarant? Or does this mean that authorized CBAM declarant needs to provide some evidence or an explanation to the competent authority to overturn a denial of the authorization? It is unclear to us what is required in terms of submitting “observations”.
2. Depending on the requirements (difficulties) for “observations”, 30 calendar days may be too short. If the applicant simply needs to contact the competent authority, 30 calendar days would be fine. But if the applicant is required to submit detail evidence or reasons to overturn the denial, 30 calendar days seems too short for the applicant.

Regarding Article 9 (Status of authorisation and CBAM accounts) in points (1) and (2):

(1). An authorisation shall be registered in the CBAM registry in one of the following statuses: (a) 'active'; (b) 'revoked'.

(2). Where a CBAM authorisation is revoked the CBAM account shall remain under the status 'closed' in accordance with Article 16(4) of Regulation (EU) 2023/956 until the fifth year following the revocation. A 'closed' CBAM account shall be reopened by the competent authority allowing the owner to fulfil a obligation to surrender the correct number of CBAM certificates further to the review of a submitted CBAM declaration in accordance with Article 19(5) of Regulation (EU) 2023/956.

The following might also need to be clarified:

1. What exactly does the status "closed" indicate? If the authorization of a CBAM declarant is revoked by the competent authority or by the applicant itself, does this mean that the CBAM account of the applicant will remain in the closed status for 5 years with past registration information (e.g. geographic information of CBAM declarant, operator and installations and declaration history etc.)?
2. Does it indirectly mean that if an applicant of CBAM declaration wants to reopen their CBAM account again, the applicant can reopen the closed CBAM account within 5 years without having to create a newer CBAM account?
3. What is the implication of the 'closed' status? Can we interpret it that if a CBAM authorization of a declarant (importer) is revoked for some reasons by the authority, the importer **cannot import** any CBAM goods for 5 years because their CBAM account has been 'closed' and locked. Depending on the interpretation, five years may or may not be too long to close a CBAM account.

For more information please contact:

EUROMOT aisbl
European Association of Internal Combustion Engine and Alternative Powertrain Manufacturers
Rue Joseph Stevens 7, 1000 Brussels, Belgium
Aliénor Poher – Senior Manager Regulatory Affairs and Sustainability
Phone: +32 (0) 28 93 21 42
Email: alienor.poher@euromot.eu
www.euromot.eu

TVA BE 0599.830.578
RPM Brussels
EU Transparency Register ID number: 6284937371-73



EUROMOT aisbl

A European Interest Representative · TVA BE 0599.830.578 · RPM Brussels
EU Transparency Register Id. No. 6284937371-73

A Non-Governmental Organisation in consultative status with the UN Economic Commission for Europe (UNECE) and the UN International Maritime Organisation (IMO)

PRESIDENT

Dr Holger Lochmann

GENERAL MANAGER

Dr Peter Scherm

THIS IS EUROMOT

EUROMOT, the European Association of Internal Combustion Engine and Alternative Powertrain Manufacturers, represents the key manufacturers of internal combustion engines and alternative powertrains installed in industrial non-road mobile machinery, marine and stationary applications that are operating in Europe and worldwide.

Founded in 1991, we provide an unparalleled heritage and hub of expertise for businesses, authorities, regulators, and public stakeholders worldwide. In partnership with major sector associations and institutions, it is our mission to drive smart regulation and sustainable innovation.

Delivering dependable power for society at high energy conversion efficiency with low emissions remains a key objective of EUROMOT member companies. EUROMOT asserts internal combustion engines and alternative powertrains are a key enabler to address the additional societal need for decarbonisation across multiple industry sectors. This can be achieved by continuing to advance the development of highly efficient energy conversion systems capable of operating on low and net-zero Greenhouse Gas (GHG) energy carriers.

Headquartered in Brussels, EUROMOT is a European interest group, and our profile is registered in the EU Transparency Register under the identification number 6284937371-73. We have been granted consultative status at the United Nations IMO (International Maritime Organization, London) and United Nations ECE (Economic Commission for Europe - Geneva) and other relevant stakeholders.

OUR MEMBERS



www.euromot.eu



EUROMOT aisbl

A European Interest Representative · TVA BE 0599.830.578 · RPM Brussels
EU Transparency Register Id. No. 6284937371-73

A Non-Governmental Organisation in consultative status with the UN Economic Commission for Europe (UNECE) and the UN International Maritime Organisation (IMO)

PRESIDENT

Dr Holger Lochmann

GENERAL MANAGER

Dr Peter Scherm