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EUROPEAN UNION AND ITS MEMBER STATES – CARBON BORDER ADJUSTMENT MECHANISM

REQUEST FOR CONSULTATIONS BY THE RUSSIAN FEDERATION

The following communication, dated 12 May 2025, from the delegation of the Russian Federation to the delegation of the European Union, is circulated to the Dispute Settlement Body in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with the European Union ("EU") and its Member States pursuant to Articles 1 and 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"), Article XXIII of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"), Article 6 of the *Agreement on Import Licensing Procedures* ("Import Licensing Agreement") and Articles 4.1, 30 of the *Agreement on Subsidies and Countervailing Measures* ("SCM Agreement") concerning the Carbon Border Adjustment Mechanism Package ("CBAM Package"),¹ as well as the export subsidy provided under the Scheme for Greenhouse Gas Emission Allowances Trading within the EU adversely affecting trade in certain goods.

1. BACKGROUND

In October 2003, the EU adopted the Directive 2003/87/EC² establishing a Scheme for Greenhouse Gas Emissions Allowances Trading within the EU ("EU ETS"). However, after the system was put in place the EU declared that there is a risk of so-called "carbon leakage" resulting from the application of the EU ETS.³ In substance, according to the EU, "carbon leakage" occurs when companies based in the EU move their production of goods covered by the EU ETS abroad or when the EU goods are replaced by like imports from third countries.⁴ In May 2023, the EU adopted the Regulation (EU) 2023/956 Establishing a Carbon Border Adjustment Mechanism, which was designed to prevent the "threat" from the respective imports to the EU production as well as the EU production fleeing the EU.⁵ In other words, the CBAM Package was adopted as an instrument of preservation of the production in the EU and protection of the EU industries, which are burdened by the EU ETS, from imports.

In addition, in accordance with the legal acts establishing the EU ETS, the sectors and subsectors deemed at risk of "carbon leakage" are eligible for additional measures of support, in particular, through allocation of a greater number of emission allowances free of charge than those not subject to this risk.

¹ "The CBAM Package" constitutes rules and requirements established by the EU in its legal instruments concerning the Carbon Border Adjustment Mechanism ("CBAM"), in particular, the umbrella Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 Establishing a Carbon Border Adjustment Mechanism ("Regulation (EU) 2023/956"), OJ L 130, 16.5.2023, p. 52, as well as delegated and implementing acts and other related documents.

² Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 Establishing a Scheme for Greenhouse Gas Emission Allowance Trading within the Community and Amending Council Directive 96/61/EC, ("Directive 2003/87/EC"), OJ L 275, 25.10.2003, p. 32.

³ Online: https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7719.

⁴ Ibid.

⁵ Regulation (EU) 2023/956, preamble, recital 9.

The EU attempts to disguise rules and requirements of the CBAM Package and the EU ETS as measures designed to combat climate change. The Russian Federation reaffirms its strong support for international efforts to combat climate change. This request for consultations does not concern a genuine environmental measure, but rather a highly trade-restrictive and discriminatory mechanisms established by the EU under the pretext of climate policy. As the EU itself puts it, "the introduction of a CBAM leads to a reduction in imports in the EU 27",⁶ while the CBAM is used as an instrument to boost competitiveness and unlock additional investment capacity in the EU.⁷

In addition, through the CBAM Package, the EU establishes a mechanism that, in particular, requires an authorised CBAM declarant to purchase and surrender a certain amount of CBAM certificates – effectively imposing additional individual "tariff-like" charges on or in connection with importation of certain goods into the EU from third countries. As a result, imports from those countries would generate new resources for the EU budget⁸ effectively depriving the countries of origin of these goods of a certain portion of the financial means needed to combat climate change domestically.

Against this background, the Russian Federation challenges the following.

2. MEASURES AT ISSUE

2.1. CBAM Package

The Regulation (EU) 2023/956 establishes the CBAM and provides for rules and requirements applied to certain imported goods originating from third countries (hereinafter "covered goods").⁹ To implement these rules and requirements, the European Commission has begun developing and adopting numerous implementing and delegated acts, as well as other related documents. Some of them have already been adopted, while others are still in preparation.¹⁰ This leads to continuous modification and evolution of the rules and requirements applied to the covered goods, their producers, importers and other parties involved in the process of importation. As a result, economic operators face significant uncertainty and regulatory unpredictability.

The CBAM Package provides for multiple interconnected trade barriers on the importation of the covered goods into the EU, making their importation to the EU extremely complex, burdensome, costly and time-consuming.

The CBAM Package includes, in particular, the following rules and requirements:

- a. rules and requirements for obtaining authorisation to import the covered goods (the status of an authorised CBAM declarant);
- b. rules and requirements for monitoring, collecting, calculating and reporting emissions (including for submission of the CBAM declaration);
- c. rules and requirements concerning verification of embedded emissions and accreditation of verifiers;

⁶ Online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021PC0564>.

⁷ Online: https://taxation-customs.ec.europa.eu/news/cbam-new-commission-proposal-will-simplify-and-strengthen-2025-02-26_en.

⁸ By EU's own assessments, "CBAM is expected to generate additional revenue, which for 2030 is estimated at above EUR 2.1 billion" (Online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021PC0564>).

⁹ List of goods subject to the CBAM Package is provided in Annex 1 to this Request.

¹⁰ For example, European Commission's Proposal for a Regulation of the European Parliament and of the Council Amending Regulation (EU) 2023/956 as regards Simplifying and Strengthening the Carbon Border Adjustment Mechanism, including Annexes, 26.02.2025 (COM(2025) 87 final).

- d. rules and requirements related to the purchase and maintenance of a specific number of CBAM certificates¹¹ at the account of an authorised CBAM declarant at the CBAM registry corresponding to the embedded emissions attributed to the covered goods;
- e. rules and requirements related to the surrender of the said CBAM certificates.

As part of the authorisation procedure to obtain the status of an authorised CBAM declarant and the associated right to import, the EU requires importers established in an EU Member State¹² to submit a significant number of documents and data. For example, an applicant must provide the estimated monetary value and volume of imports of the covered goods into the EU by type of goods for the calendar year during which the application is submitted and for the following calendar year. The applicant must also provide excessive demonstration of its financial and operational capacity to fulfil obligations of the CBAM Package, in particular, through the provision of guarantees.

As part of the reporting obligations and the submission of the CBAM declaration in connection with the importation of the covered goods, the EU requires authorised CBAM declarants to submit annual CBAM declarations containing information on the total quantity of imported goods, the total embedded emissions in those goods, the total number of CBAM certificates to be surrendered, the carbon price effectively paid in the country of origin and copies of verification reports issued by accredited verifiers. The EU also requires that the carbon price paid in the country of origin shall be certified by a person that is independent from both the CBAM declarant and the authorities of the country of origin.

The rules and requirements related to reporting and submission of CBAM declarations imply, *inter alia*, that producers in third countries must monitor, collect, and calculate emissions data in accordance with methodologies and procedures prescribed by the EU, provide data and supporting documentation to authorised CBAM declarants, while such data should be verified by accredited verifiers. This is the case even if their domestic regulatory systems do not require such calculations or follow different approaches to emissions reduction in particular, or climate change mitigation in general.

The EU also requires authorised CBAM declarants to maintain a certain number of CBAM certificates in their accounts in the CBAM registry at the end of each quarter and to surrender annually the number of CBAM certificates corresponding to the carbon emissions embedded in imported goods. To comply, authorised CBAM declarants must first purchase the required number of CBAM certificates. The price at which the CBAM certificates are sold is calculated by the European Commission. This results in mandatory payments in connection with importation of the covered goods.

The rules and requirements described above, and the associated administrative and compliance costs will substantially raise transaction costs for importing covered goods into the EU.

The CBAM Package also provides for the rules and requirements related to its enforcement, including anti-circumvention investigations and measures as well as heavy penalties.

Additionally, the CBAM Package provides for exceptions and exemptions ("derogations"), origin-based rules and requirements, in particular, as follows:

- Goods from certain countries are either fully or partially exempted from the rules and requirements of the CBAM Package. For instance, the CBAM Package does not apply to certain covered goods originating in Iceland, Norway, Liechtenstein and Switzerland.
- The CBAM Package provides for a possibility for third countries to conclude an agreement with the EU, so that the covered goods originating from such countries would enjoy certain preferences, in particular, reduction of costs to be borne in connection with importation.

¹¹ The CBAM certificate is a certificate corresponding to one tonne of CO₂ equivalent of embedded emissions in the covered goods.

¹² Where an importer is not established in an EU Member State, the EU requires the indirect customs representatives to submit the application for an authorisation.

- The CBAM Package provides the EU with the possibility to arbitrarily determine the number of CBAM certificates required to be purchased and surrendered in connection with imports into the EU of the covered goods, in particular, through the requirements to use default values (established by the EU) for the purpose of calculation of the relevant emissions and, consequently, the number of certificates to be surrendered. Such default values vary depending on, for instance, the country of origin of the covered goods or of the electricity generation.

Furthermore, the Regulation (EU) 2023/956 envisages that the CBAM Package will become more stringent over time, in particular, through the expansion of the goods and greenhouse gases to be covered, as well as the increase in the price of CBAM certificates and the number of certificates required. That would result in a further increase in costs borne in connection with importation.

Overall, the CBAM Package establishes significant trade barriers for the covered goods imported to the EU, including those originating in the Russian Federation, and limits the right of persons of third countries to bring the covered goods into the customs territory of the EU.

The legal instruments and other documents through which the CBAM Package is established and implemented are listed in Annex 2 to this Request.

2.2. Export Subsidy

The EU ETS is a greenhouse emissions trading system operating within the EU. The EU ETS establishes a limit on the total amount of greenhouse gases that can be emitted by installations covered under the scope of the system ("cap"). This cap is expressed in emission allowances with one allowance giving the right to emit one tonne of CO₂ equivalent.¹³ Allowances are sold in auctions, may be traded or allocated for free.

The primary sources of rules on free allocation of allowances are Article 10a of the Directive 2003/87/EC and the EU Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 Determining Transitional Union-Wide Rules for Harmonized Free Allocation of Emission Allowances pursuant to Article 10a of the Directive 2003/87/EC of the European Parliament and of the Council.¹⁴

Specific rules on free allocation of allowances in sectors and subsectors deemed to be at risk of carbon leakage are further elaborated in Article 10b of the Directive 2003/87/EC.

As the EU stated in the Explanatory Memorandum to the Commission Delegated Decision concerning the determination of sectors and subsectors deemed at risk of carbon leakage,¹⁵ "[w]hen a sector or subsector is placed on the carbon leakage list, each installation in that (sub)sector is granted free allocation at 100 % of its relevant benchmark level. Those not on the list will receive 30 %, up to 2026, with the free allocation to be gradually phased out by 2030. Consequently, the carbon leakage list has an economic significance as free allowances have a substantial financial value."

Thus, the EU allocates a greater number of emission allowances free of charge to sectors and subsectors deemed to be at risk of carbon leakage. In order to determine such sectors the EU uses the following formula:¹⁶

¹³ Online: https://climate.ec.europa.eu/eu-action/eu-emissions-trading-system-eu-ets/about-eu-ets_en

¹⁴ OJ L 59, 27.2.2019, p. 8.

¹⁵ Commission Delegated Decision (EU) 2019/708 of 15 February 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council Concerning the Determination of Sectors and Subsectors Deemed at Risk of Carbon Leakage for the Period 2021 to 2030, OJ L 120, 8.5.2019, p.20.

¹⁶ This formula is constructed purely for illustrative purposes based on the text of Article 10b of Directive 2003/87/EC: "[M]ultiplying the intensity of trade with third countries of those sectors and subsectors, defined as the ratio between the total value of exports to third countries plus the value of imports from third countries and the total market size for the European Economic Area (annual turnover plus total imports from third countries), by their emission intensity, measured in kgCO₂, divided by their gross value added (in euros) shall exceed 0,2 threshold."

$$\frac{\text{total value of exports + value of imports}}{\text{annual turnover + total imports}} \times \frac{\text{emission intensity}}{\text{gross value added}} > 0,2$$

This results in allocation of additional allowances free of charge being dependent on the value of exports in sectors and subsectors deemed to be at risk of carbon leakage.

The Russian Federation considers that this measure is a financial contribution by the government or public body that confer a benefit to certain sectors and subsectors deemed to be at risk of carbon leakage within the meaning of Article 1.1(a) and (b) of the SCM Agreement. The Russian Federation considers that this measure on its own and read together with the relevant provisions of the Directive 2003/87/EC, as well as implementing acts and other documents is a prohibited subsidy contingent upon export performance.

The Russian Federation provides a statement of available evidence as provided for in Article 4.2 of the SCM Agreement by listing in Annex 3 to this Request all the legal instruments in its possession through which the relevant scheme under which subsidy is granted have been instituted and implemented.

3. THE LEGAL BASIS FOR THE COMPLAINT

3.1. CBAM Package

Rules and requirements, prescribed under the CBAM Package as set out in subsection 2.1 of this Request, including in their totality or any of them, separately or in any combination, appear to be inconsistent with the EU's and its Member States' obligations under the covered agreements, in particular, with:

- Articles I:1, II:1(a), II:1(b), III:1, III:2, III:4, X:3(a) and XI:1 of the GATT 1994;
- Paragraph 2, second sentence, of the Protocol for the Accession of Bulgaria to the WTO Agreement (WT/ACC/BGR/7, 11 October 1996) and the General Council's Decision of 2 October 1996 (WT/ACC/BGR/6, 11 October 1999) in conjunction with paragraphs 25, 92 of the Report of the Working Party on the Accession of Bulgaria to the WTO (WT/ACC/BGR/5, 20 September 1996);
- Paragraph 2, second sentence, of the Protocol of Accession of Latvia to the WTO Agreement (WT/ACC/LVA/35, 23 October 1998) and the General Council's Decision of 14 October 1998 (WT/ACC/LVA/34, 23 October 1998) in conjunction with paragraphs 40, 131 of the Report of the Working Party on the Accession of Latvia to the WTO (WT/ACC/LVA/32, 30 September 1998);
- Paragraph 2, second sentence, of the Protocol of Accession of Estonia to the WTO Agreement (WT/ACC/EST/30, 5 July 1999) and the General Council's Decision of 21 May 1999 (WT/ACC/EST/29, 5 July 1999) in conjunction with paragraphs 41, 141 of the Report of the Working Party on the Accession of Estonia to the WTO (WT/ACC/EST/28, 9 April 1999);
- Paragraph 2, second sentence, of the Protocol of Accession of Croatia to the WTO Agreement (WT/ACC/HRV/61, 19 September 2000) and the General Council's Decision of 17 July 2000 (WT/ACC/HRV/60, 3 August 2000) in conjunction with paragraphs 47, 225 of the Report of the Working Party on the Accession of Croatia to the WTO (WT/ACC/HRV/59, 29 June 2000);
- Paragraph 2, second sentence, of the Protocol of Accession of Lithuania to the WTO Agreement (WT/ACC/LTU/54, 15 January 2001) and the General Council's Decision of 8 December 2000 (WT/ACC/LTU/53, 15 January 2001) in conjunction with paragraphs 42, 189 of the Report of the Working Party on the Accession of Lithuania to the WTO (WT/ACC/LTU/52, 7 November 2000);
- Articles 1.2, 1.3 and 3.2 of the Agreement on Import Licensing Procedures.

3.2. Export Subsidy

The measure described in subsection 2.2 of this Request appears to be inconsistent with the EU's and its Member States' obligations under the covered agreements, in particular, with:

- Articles 1.1(a)(1)(i), 1.1(a)(1)(ii), 1.1(a)(1)(iii), and 3.1(a) on their own and read together with Annexes I(a), I(f), I(g), I(1) of the SCM Agreement;
- Articles VI and XVI of the GATT 1994.

The measures at issue appear to nullify or impair the benefits accruing to the Russian Federation directly or indirectly under the cited covered agreements.

The Russian Federation reserves the right to raise additional factual and legal issues, and to address additional measures and claims under other provisions of the covered agreements regarding the above matters in the course of the consultations and in any future request for panel proceedings.

The Russian Federation looks forward to receiving a reply of the EU to this request and to consider a mutually convenient date to hold consultations.

Annex 1

List of goods and greenhouse gases covered by the CBAM Package

	Column 1	Column 2
	1. CN code and description	2. Greenhouse gas
1.	Cement	
1.1	2507 00 80 – Other kaolinic clays	Carbon dioxide
1.2	2523 10 00 – Cement clinkers	Carbon dioxide
1.3	2523 21 00 – White Portland cement, whether or not artificially coloured	Carbon dioxide
1.4	2523 29 00 – Other Portland cement	Carbon dioxide
1.5	2523 30 00 – Aluminous cement	Carbon dioxide
1.6	2523 90 00 – Other hydraulic cements	Carbon dioxide
2.	Electricity	
2.1	2716 00 00 – Electrical energy	Carbon dioxide
3.	Fertilisers	
3.1	2808 00 00 – Nitric acid; sulphonitric acids	Carbon dioxide and nitrous oxide
3.2	2814 – Ammonia, anhydrous or in aqueous solution	Carbon dioxide
3.3	2834 21 00 – Nitrates of potassium	Carbon dioxide and nitrous oxide
3.4	3102 – Mineral or chemical fertilisers, nitrogenous	Carbon dioxide and nitrous oxide
3.5	3105 – Mineral or chemical fertilisers containing two or three of the fertilising elements nitrogen, phosphorus and potassium; other fertilisers; goods of this chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg Except: 3105 60 00 – Mineral or chemical fertilisers containing the two fertilising elements phosphorus and potassium	Carbon dioxide and nitrous oxide
4.	Iron and steel	
4.1	72 – Iron and steel Except: 7202 2 – Ferro-silicon 7202 30 00 – Ferro-silico-manganese 7202 50 00 – Ferro-silico-chromium 7202 70 00 – Ferro-molybdenum 7202 80 00 – Ferro-tungsten and ferro-silico-tungsten 7202 91 00 – Ferro-titanium and ferro-silico-titanium 7202 92 00 – Ferro-vanadium 7202 93 00 – Ferro-niobium 7202 99 – Other: 7202 99 10 – Ferro-phosphorus 7202 99 30 – Ferro-silico-magnesium 7202 99 80 – Other 7204 – Ferrous waste and scrap; remelting scrap ingots and steel	Carbon dioxide

4.2	2601 12 00 – Agglomerated iron ores and concentrates, other than roasted iron pyrites	Carbon dioxide
4.3	7301 – Sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements; welded angles, shapes and sections, of iron or steel	Carbon dioxide
4.4	7302 – Railway or tramway track construction material of iron or steel, the following: rails, check-rails and rack rails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish- plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialised for jointing or fixing rails	Carbon dioxide
4.5	7303 00 – Tubes, pipes and hollow profiles, of cast iron	Carbon dioxide
4.6	7304 – Tubes, pipes and hollow profiles, seamless, of iron (other than cast iron) or steel	Carbon dioxide
4.7	7305 – Other tubes and pipes (for example, welded, riveted or similarly closed), having circular cross-sections, the external diameter of which exceeds 406,4 mm, of iron or steel	Carbon dioxide
4.8	7306 – Other tubes, pipes and hollow profiles (for example, open seam or welded, riveted or similarly closed), of iron or steel	Carbon dioxide
4.9	7307 – Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel	Carbon dioxide
4.10	7308 – Structures (excluding prefabricated buildings of heading 9406) and parts of structures (for example, bridges and bridge-sections, lock- gates, towers, lattice masts, roofs, roofing frameworks, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	Carbon dioxide
4.11	7309 00 – Reservoirs, tanks, vats and similar containers for any material (other than compressed or liquefied gas), of iron or steel, of a capacity exceeding 300 l, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment	Carbon dioxide
4.12	7310 – Tanks, casks, drums, cans, boxes and similar containers, for any material (other than compressed or liquefied gas), of iron or steel, of a capacity not exceeding 300 l, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment	Carbon dioxide
4.13	7311 00 – Containers for compressed or liquefied gas, of iron or steel	Carbon dioxide
4.14	7318 – Screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of iron or steel	Carbon dioxide
4.15	7326 – Other articles of iron or steel	Carbon dioxide
5.	Aluminium	
5.1	7601 – Unwrought aluminium	Carbon dioxide and perfluorocarbons
5.2	7603 – Aluminium powders and flakes	Carbon dioxide and perfluorocarbons
5.3	7604 – Aluminium bars, rods and profiles	Carbon dioxide and perfluorocarbons
5.4	7605 – Aluminium wire	Carbon dioxide and perfluorocarbons
5.5	7606 – Aluminium plates, sheets and strip, of a thickness exceeding 0,2 mm	Carbon dioxide and perfluorocarbons
5.6	7607 – Aluminium foil (whether or not printed or backed with paper, paper-board, plastics or similar backing materials) of a thickness (excluding any backing) not exceeding 0,2 mm	Carbon dioxide and perfluorocarbons
5.7	7608 – Aluminium tubes and pipes	Carbon dioxide and perfluorocarbons

5.8	7609 00 00 – Aluminium tube or pipe fittings (for example, couplings, elbows, sleeves)	Carbon dioxide and perfluorocarbons
5.9	7610 – Aluminium structures (excluding prefabricated buildings of heading 9406) and parts of structures (for example, bridges and bridge-sections, towers, lattice masts, roofs, roofing frameworks, doors and windows and their frames and thresholds for doors, balustrades, pillars and columns); aluminium plates, rods, profiles, tubes and the like, prepared for use in structures	Carbon dioxide and perfluorocarbons
5.10	7611 00 00 – Aluminium reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquefied gas), of a capacity exceeding 300 litres, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment	Carbon dioxide and perfluorocarbons
5.11	7612 – Aluminium casks, drums, cans, boxes and similar containers (including rigid or collapsible tubular containers), for any material (other than compressed or liquefied gas), of a capacity not exceeding 300 litres, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment	Carbon dioxide and perfluorocarbons
5.12	7613 00 00 – Aluminium containers for compressed or liquefied gas	Carbon dioxide and perfluorocarbons
5.13	7614 – Stranded wire, cables, plaited bands and the like, of aluminium, not electrically insulated	Carbon dioxide and perfluorocarbons
5.14	7616 – Other articles of aluminium	Carbon dioxide and perfluorocarbons
6.	Chemicals	
6.1	2804 10 00 – Hydrogen	Carbon dioxide

Annex 2

The legal instruments and other documents through which the CBAM Package is established and implemented are, in particular, as follows:

1. Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 Establishing a Carbon Border Adjustment Mechanism;¹⁷
2. Commission Implementing Regulation (EU) 2023/1773 of 17 August 2023 Laying down the Rules for the Application of Regulation (EU) 2023/956 of the European Parliament and of the Council as regards Reporting Obligations for the Purposes of the Carbon Border Adjustment Mechanism during the Transitional Period;¹⁸
3. Commission Implementing Regulation (EU) 2024/3210 of 18 December 2024 Laying down Rules for the Application of Regulation (EU) 2023/956 of the European Parliament and of the Council as regards the CBAM Registry;¹⁹
4. Commission Implementing Regulation (EU) 2025/486 of 17 March 2025 Laying down Rules for Application of Regulation (EU) 2023/956 of the European Parliament and of the Council as regards the Conditions and Procedures Related to the Status of Authorised CBAM Declarant;²⁰
5. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 Establishing a Scheme for Greenhouse Gas Emission Allowance Trading within the Community and Amending Council Directive 96/61/EC,²¹ as amended, including, in particular, by Directive (EU) 2023/959 of the European Parliament and of the Council of 10 May 2023;²²
6. Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the Verification of Data and on the Accreditation of Verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council;²³
7. Commission Document on Default Values for the Transitional Period of the CBAM between 1 October 2023 and 31 December 2025, 22 December 2023;²⁴
8. Commission Document on Default Values Transitional Period (Excel format), 2 February 2024;²⁵
9. Provisional List of National Competent Authorities (NCAs) for the Carbon Border Adjustment Mechanism, 19 March 2024;²⁶
10. Commission Guidance Documents on CBAM implementation, manuals and electronic templates:
 - Commission Guidance Document on CBAM Implementation for Installation Operators outside the EU, 8 December 2023,²⁷

¹⁷ OJ L 130, 16.5.2023, p. 52.

¹⁸ OJ L 228, 15.9.2023, p. 94.

¹⁹ OJ L, 2024/3210, 30.12.2024.

²⁰ OJ L, 2025/486, 18.3.2025.

²¹ OJ L 275, 25.10.2003, p. 32.

²² Directive (EU) 2023/959 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union and Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system, OJ L 130, 16.5.2023, p. 134.

²³ OJ L 334, 31.12.2018, p. 94.

²⁴ Online: [017e46f1-dd1a-4235-b2d7-dafcc6692acf_en \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2023/1773/oj).

²⁵ Online: [Default values for the transitional period of the CBAM.xlsx](#).

²⁶ Online: [5595ce5b-9fd2-42f6-9908-ed6325338ffa_en \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2023/959/oj).

²⁷ Online: [2980287c-dca2-4a4b-aff3-db6374806cf7_en](https://eur-lex.europa.eu/eli/reg/2023/1773/oj).

- Commission Guidance Document on CBAM Implementation for Importers of Goods into the EU, 30 May 2024;²⁸
- Commission Document on CBAM and Developing Countries/LDCs, 29 May 2024;²⁹
- Commission Document on the Carbon Border Adjustment Mechanism (CBAM) – Questions and Answers, last updated on 17 December 2024;³⁰
- Commission Document Application User Manual – CBAM Declarant Portal ver 1.4.1.1, 18 March 2025;³¹
- Commission Guidance Document on CBAM Third Countries Operators – Access Request Procedure for the Non EU Companies, 24 February 2025;³²
- Commission User Interface Manual – CBAM – 3rd Country Installation Portal, 9 December 2024;³³
- Commission CBAM Communication Template for Installations, 13 December 2024;³⁴
- Commission Guidance for Declarants – "Request Delayed Submission", 29 February 2024;³⁵
- CBAM Quarterly Report Structure (XLS format), 1 April 2025;³⁶
- CBAM Quarterly Report Structure XSD and "stypes.xsd", 1 April 2025.³⁷
- CBAM Quarterly Report Sample File for Importers, 1 April 2025;³⁸
- CBAM Quarterly Report Sample File for Representatives, 1 April 2025;³⁹

as well as any amendments, supplements or extensions, including any extension of the scope of application, any replacements, renewals, implementing and delegated legal instruments and other documents related to the CBAM Package.

²⁸ Online: [bc15e68d-566d-4419-88ec-b8f5c6823eb2_en](https://taxation-customs.ec.europa.eu/document/download/bc15e68d-566d-4419-88ec-b8f5c6823eb2_en).

²⁹ Online: [7abe56cc-4af0-490d-90e1-0a0825aabe37_en](https://taxation-customs.ec.europa.eu/document/download/7abe56cc-4af0-490d-90e1-0a0825aabe37_en).

³⁰ Online: https://taxation-customs.ec.europa.eu/document/download/013fa763-5dce-4726-a204-69fec04d5ce2_en?filename=CBAM_Questions%20and%20Answers.pdf.

³¹ Online: [47322ae4-27c9-49f1-bdb7-2a1fef73d647_en](https://taxation-customs.ec.europa.eu/document/download/47322ae4-27c9-49f1-bdb7-2a1fef73d647_en).

³² Online: [9361fade-6f19-4799-b2ef-f6a4ff681af2_en](https://taxation-customs.ec.europa.eu/document/download/9361fade-6f19-4799-b2ef-f6a4ff681af2_en).

³³ Online: [bc281bd8-6cef-4859-97e2-590d563c08be_en](https://taxation-customs.ec.europa.eu/document/download/bc281bd8-6cef-4859-97e2-590d563c08be_en).

³⁴ Online: [CBAM Communication template for installations_en_20241213.xlsx](https://taxation-customs.ec.europa.eu/document/download/cbam-communication-template-for-installations-en-20241213.xlsx).

³⁵ Online: [581c6ebf-56d9-4e3d-8fab-0949457b21a3_en](https://taxation-customs.ec.europa.eu/document/download/581c6ebf-56d9-4e3d-8fab-0949457b21a3_en) (europa.eu).

³⁶ Online: [Report Structure ver 23.00.xlsx](https://taxation-customs.ec.europa.eu/document/download/report-structure-ver-23.00.xlsx).

³⁷ Online: [Carbon Border Adjustment Mechanism - European Commission](https://taxation-customs.ec.europa.eu/document/download/carbon-border-adjustment-mechanism-european-commission).

³⁸ Ibid.

³⁹ Ibid.

Annex 3

Statement of Available Evidence

For purposes of Article 4.2 of the SCM Agreement, the Russian Federation sets out below evidence available to it at this time regarding the existence and nature of the subsidy subject to this Request for Consultations. The Russian Federation reserves the right to supplement or alter this list in the future, as required.

1. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 Establishing a Scheme for Greenhouse Gas Emission Allowance Trading within the Community and Amending Council Directive 96/61/EC;⁴⁰

2. Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 Determining Transitional Union-Wide Rules for Harmonised Free Allocation of Emission Allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council;⁴¹

3. Commission Implementing Regulation (EU) 2021/447 of 12 March 2021 Determining Revised Benchmark Values for Free Allocation of Emission Allowances for the Period from 2021 to 2025 pursuant to Article 10a (2) of Directive 2003/87/EC of the European Parliament and of the Council;⁴²

4. Commission Decision (EU) 2021/355 of 25 February 2021 Concerning National Implementation Measures for the Transitional Free Allocation of Greenhouse Gas Emission Allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (notified under document C (2021) 1215);⁴³

5. Commission Implementing Decision (EU) 2021/927 of 31 May 2021 Determining the Uniform Cross-Sectoral Correction Factor for the Adjustment of Free Allocations of Emission Allowances for the Period 2021 to 2025 (notified under document C (2021) 3745);⁴⁴

6. Commission Decision of 29 June 2021 instructing the Central Administrator of the European Union Transaction Log to Enter the National Allocation Tables of Belgium, Bulgaria, Czechia, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden into the European Union Transaction Log;⁴⁵

7. Commission Implementing Regulation (EU) 2019/1842 of 31 October 2019 Laying Down Rules for the Application of Directive 2003/87/EC of the European Parliament and of the Council as regards further Arrangements for the Adjustments to Free Allocation of Emission Allowances due to Activity Level Changes;⁴⁶

8. Commission Decision 2014/746/EU of 27 October 2014 Determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, a List of Sectors and Subsectors which are Deemed to be Exposed to a Significant Risk of Carbon Leakage for the Period 2015 to 2019;⁴⁷

9. Commission Decision of 5 September 2013 Concerning National Implementation Measures for the Transitional Free Allocation of Greenhouse Gas Emission Allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (notified under document C (2013) 5666);⁴⁸

⁴⁰ OJ L 275, 25.10.2003, p. 32.

⁴¹ OJ L 059 27.2.2019, p. 8.

⁴² OJ L 87, 15.3.2021, p. 29.

⁴³ OJ L 68, 26.2.2021, p. 221.

⁴⁴ OJ L 203, 9.6.2021, p. 14.

⁴⁵ OJ C 302, 28.7.2021, p. 1.

⁴⁶ OJ L 282, 4.11.2019, p. 20.

⁴⁷ OJ L 308, 29.10.2014, p.114.

⁴⁸ OJ L 240 7.9.2013, p. 27.

10. Commission Delegated Decision (EU) 2019/708 of 15 February 2019 Supplementing Directive 2003/87/EC of the European Parliament and of the Council concerning the Determination of Sectors and Subsectors Deemed at Risk of Carbon Leakage for the Period 2021 to 2030;⁴⁹

11. 2013/447/EU: Commission Decision of 5 September 2013 on the Standard Capacity Utilisation Factor pursuant to Article 18(2) of Decision 2011/278/EU;⁵⁰

12. Executive Summary of the Impact Assessment of the Commission Decision. Draft Commission Staff Working Document. Document Accompanying the Commission Decision Determining a List of Sectors and Subsectors which are Deemed to be Exposed to a Significant Risk of Carbon Leakage pursuant to Article 10a(13) of Directive 2003/87/EC, Brussels, 4 September 2009;⁵¹

13. Report from the Commission to the European Parliament and the Council on the Functioning of the European Carbon Market in 2023. Brussels, 19.11.2024 COM(2024) 538 final;⁵²

14. Commission Staff Working Document. Impact Assessment Accompanying the Commission Delegated Decision Supplementing Directive 2003/87/EC of the European Parliament and of the Council Concerning the Determination of Sectors and Subsectors Deemed at Risk of Carbon Leakage for the Period 2021 to 2030. Brussels, 15.2.2019 SWD(2019) 22 final;⁵³

15. Status Table on Free Allocation to Industry and Heat Production for 2024;⁵⁴

16. Status Table on Free Allocation to Industry and Heat Production for 2023;⁵⁵

17. Status Table on Free Allocation to Industry and Heat Production for 2022;⁵⁶

18. Status Table on Free Allocation to Industry and Heat Production for 2021;⁵⁷

19. Status Table on Free Allocation to Industry and Heat Production for 2020;⁵⁸

20. Allocation of Allowances from the New Entrants' Reserve 2013-2020 (Updated on 15 January 2020);⁵⁹

21. Allocation of Allowances from the New Entrants' Reserve 2013 – 2020 (Updated on 23 July 2015);⁶⁰

⁴⁹ OJ L 120, 8.5.2019, p.20.

⁵⁰ OJ L 240, 7.9.2013, p. 23.

⁵¹ Online: https://climate.ec.europa.eu/document/download/dea1cc0b-7f4f-43b9-875a-292a37c3552c_en?filename=exec_summ_ia_leakage_list4_9_en.pdf.

⁵² Online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52024DC0538>.

⁵³ Online: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/1146-Carbon-Leakage-List-2021-2030_en.

⁵⁴ Online: https://climate.ec.europa.eu/document/download/e202d10e-658e-4175-b0c0-aa80a417ab5c_en?filename=table_allocation_process_2024_en.pdf.

⁵⁵ Online: https://climate.ec.europa.eu/document/download/70a588fc-2f8a-40aa-a14d-c8dbdbb58b35_en?filename=table_allocation_process_2023_en_0.pdf.

⁵⁶ Online: https://climate.ec.europa.eu/document/download/c7d60ca6-91b5-443b-b0c4-489db2dfe814_en?filename=table_allocation_process_2022_en.pdf.

⁵⁷ Online: https://climate.ec.europa.eu/document/download/32f19bce-e030-44fa-aa40-6b0d45678bef_en?filename=status_table_2021.pdf.

⁵⁸ Online: https://climate.ec.europa.eu/document/download/44a40719-d6e6-4edc-9c9e-784f18227c84_en?filename=table_allocation_process_2020_en.pdf.

⁵⁹ Online: https://climate.ec.europa.eu/document/download/0270c300-b928-455d-a704-d55a4406ca2e_en?filename=status_table_ner_en.pdf.

⁶⁰ Online: https://climate.ec.europa.eu/document/download/ea7749e7-4ebc-4c44-ac82-a66d527ed299_en?filename=status_table_entrants_allocation_reduction_2015_en.pdf.

22. Allocation of Allowances from the New Entrants' Reserve 2013 – 2020 (Updated on 04 July 2014);⁶¹
23. Guidance Document Nº 1 on the Harmonised Free Allocation Methodology for the EU ETS – 2024 revision "General Guidance to the allocation methodology";⁶²
24. Guidance Document Nº 2 on Determining the Allocation at Installation Level "Guidance on Determining the Allocation at Installation Level";⁶³
25. Guidance Document Nº 3 on the Harmonised Free Allocation Methodology for the EU ETS – 2024 revision "Data Collection Guidance";⁶⁴
26. Guidance Document Nº 4 on the Harmonised Free Allocation Methodology for the EU ETS – 2024 revision "Verification of FAR Baseline Data Reports and Annual Activity Level Reports";⁶⁵
27. Guidance Document Nº 5 on the Harmonised Free Allocation Methodology for the EU ETS – 2024 revision "Guidance on Monitoring and Reporting in Relation to the Free Allocation Rules";⁶⁶
28. Guidance Document Nº 6 on the Harmonised Free Allocation Methodology for the EU ETS – 2024 revision "Cross-Boundary Heat Flows";⁶⁷
29. Guidance Document Nº 9 on the Harmonised Free Allocation Methodology for the EU ETS – 2024 revision "Sector-Specific Guidance";⁶⁸
30. Guidance Document Nº 11 on the Harmonised Free Allocation Methodology for the EU ETS – 2024 revision "Guidance on Climate-Neutrality Plans as a Condition to Free Allocation";⁶⁹
31. Guidance Document Nº 12 on the Harmonised Free Allocation Methodology for the EU ETS – 2024 revision "Guidance on Conditionality of Free Allocation on Implementation of Energy Efficiency Improvement Measures".⁷⁰

⁶¹ Online: https://climate.ec.europa.eu/document/download/8a9d15d6-7a07-4ae1-8a9c-dba71d0fafbf_en?filename=status_table_ner_cessation_2013_en.pdf.

⁶² Online: https://climate.ec.europa.eu/document/download/d5276f6c-4355-438a-a0ef-0c03a9b34a39_en?filename=1_gd1_general_guidance_en.pdf.

⁶³ Online: https://climate.ec.europa.eu/document/download/a4c0cb40-35f9-4705-882d-b55382d03e9a_en?filename=2_gd2_allocation_methodologies_en.pdf.

⁶⁴ Online: https://climate.ec.europa.eu/document/download/25c05bbe-964d-4a8f-910c-41ae2955e77f_en?filename=3_gd3_data_collection_en.pdf.

⁶⁵ Online: https://climate.ec.europa.eu/document/download/5879a7de-d605-4d05-bd14-d57263163463_en?filename=4_gd4_nims_verification_update_alc_en.pdf.

⁶⁶ Online: https://climate.ec.europa.eu/document/download/91ac02da-9b82-4b08-9d8a-9ebf4aa31638_en?filename=5_gd5_mnr_guidance_for_far_en.pdf.

⁶⁷ Online: https://climate.ec.europa.eu/document/download/69b15cb9-8d5f-4937-8140-cbc8f2e75173_en?filename=6_gd6_cross-boundary_heat_flows_en.pdf.

⁶⁸ Online: https://climate.ec.europa.eu/document/download/e8f4c2a8-98dc-470f-88ab-c6ce76b817cf_en?filename=9_gd9_sector_specific_guidance_en.pdf.

⁶⁹ Online: https://climate.ec.europa.eu/document/download/a562fd58-1be8-44ed-8c6b-f5c449ca26ee_en?filename=11_gd11_cnps_en.pdf.

⁷⁰ Online: https://climate.ec.europa.eu/document/download/6bdefaa1-2aa8-4306-a4a2-4eb7d751f5ae_en?filename=12_gd12_eneff_conditionality_en.pdf.