



Council of the European Union
General Secretariat

**Interinstitutional files:
2021/0214 (COD)**

Brussels, 07 November 2022

WK 15101/2022 INIT

LIMITE

ENV

CLIMA

UD

FISC

ECOFIN

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

MEETING DOCUMENT

From:	Presidency
To:	Ad Hoc Working Party on the Carbon Border Adjustment Mechanism (AHWP CBAM)

Subject:	CBAM: selected provisions (Articles 3 and 14)
----------	---

In view of the AHWP meeting on 11 November 2022, delegations will find attached the possible compromise text of the selected provisions of Article 3 and of Article 14.

	CION PROPOSAL	COUNCIL GENERAL APPROACH	EP POSITION	POSS. COMPROMISE TEXT
	<i>Article 3</i>	<i>Article 3</i>	<i>Article 3</i>	<i>Article 3</i>
148.	(15) 'direct emissions' mean emissions from the production processes of goods over which the producer has direct control;	(15) 'direct emissions' mean emissions from the production processes of goods over which the producer has direct control, <u>including emissions from heating and cooling used for the production process regardless of the location of the production of the heating and cooling, and including electricity produced within the boundaries of the installation producing the goods;</u>	(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;	15 - 'direct emissions' mean emissions from the production processes of goods, <u>including emissions from the production of heating and cooling consumed during the production processes, regardless of the location of the production of the heating and cooling</u>
152.	(19) 'surrender' means offsetting of CBAM certificates against the declared embedded emissions in imported goods;	(19) 'surrender' means offsetting of CBAM certificates against the declared embedded emissions in imported goods;	(19) 'surrender' means offsetting of CBAM certificates against the declared embedded emissions in imported goods;	(19) 'surrender' means offsetting of CBAM certificates against the declared embedded emissions in imported goods or against the embedded emissions in imported goods that should have been declared;
161.	(28) 'indirect emissions' mean emissions from the production of electricity, heating and cooling, which is consumed during the production processes of goods.	(28) 'indirect emissions' mean emissions from the production of electricity, heating and cooling , which is consumed during the production processes of goods, <u>excluding electricity produced within the boundaries of the installation producing the goods.</u>	(28) 'indirect emissions' mean greenhouse gas emissions from the production processes of electricity which is consumed during the production processes of goods;	28 - 'indirect emissions' mean emissions from the production of electricity, which is consumed during the production processes of goods, <u>regardless of the location of the production of the consumed electricity</u>

	CION PROPOSAL	COUNCIL GENERAL APPROACH	EP POSITION	POSS. COMPROMISE TEXT
251.	Article 14 National registries and central database	Article 14 National registries and central database <u>Central registry</u>	[deleted]	Article 14 CBAM registry
252.	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 <u>Commission</u> registry of declarants authorised in that Member State <u>CBAM declarants</u> 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. <u>authorised CBAM declarants.</u> <u>The Commission shall make the information in that registry available automatically and in real time to customs authorities and competent authorities from Member States.</u>	[deleted]	1. The <u>Commission</u> shall establish a <u>CBAM</u> registry of authorised <u>CBAM declarants</u> in the form of a standardised electronic database containing the data regarding the CBAM certificates of those <u>authorised CBAM declarants.</u> <u>The Commission shall make the information in that registry available automatically and in real time to customs authorities and competent authorities from Member States.</u>
253.	2. The database referred to in paragraph 1 shall contain accounts with information about each authorised declarant, in particular:	2. The database <u>registry</u> referred to in paragraph 1 shall contain accounts with information about each authorised <u>CBAM</u> declarant, in particular:	[deleted]	2. The database <u>CBAM registry</u> referred to in paragraph 1 shall contain accounts with information about each authorised <u>CBAM</u> declarant, in particular:
254.	(a) the name and contact details of the authorised declarant;	(a) the name and contact details of the authorised <u>CBAM</u> declarant;	[deleted]	(a) the name and contact details of the authorised <u>CBAM</u> declarant;
255.	(b) the EORI number of the	(b) the EORI number of the	[deleted]	(b) the EORI number of the

	authorised declarant;	authorised CBAM declarant;		authorised CBAM declarant;
256.	(c) the CBAM account number;	(c) the CBAM account number;	[deleted]	(c) the CBAM account number;
257.	(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 competent authority, of CBAM certificates for each authorised CBAM declarant.	[deleted]	(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 CBAM declarant.
258.	3. The information in the database referred to in paragraph 2 shall be confidential.	3. The information in the database registry referred to in paragraph 2 shall be confidential.	[deleted]	3. The CBAM registry shall also contain, in a separate section of the registry, the names, addresses and contact details of the operators and the location of installations in third countries in accordance with Article 10(2). 4. The information in the CBAM registry referred to in paragraphs 2 and 3 shall be confidential, with the exception of the names, addresses and contact details of the operators and the location of installations in third countries. An operator may choose not to have its name, address and contact details made accessible to the public.. Public information in the CBAM registry shall be made accessible in an interoperable format.
259.		Article 14a <u>Central database of operators and installations located in third</u>		[...]

		<u>countries</u>		
260.	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.	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 <u>made</u> accessible to the public.	[deleted]	5. The Commission shall adopt implementing acts concerning the infrastructure and specific processes of the CBAM registry and the electronic databases containing the information referred to in paragraphs 2 and 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(2).
261.			Article 14a CBAM registry	[...]
262.			1. The CBAM authority shall set up a CBAM registry to execute processes relating to CBAM certificates, in accordance with Articles 20, 21 and 22.	[...]
263.			2. The CBAM registry shall contain an electronic database with information about each authorised declarant, in particular:	[...]
264.			(a) name and contact details;	[...]
265.			(b) EORI number;	[...]
266.			(c) CBAM account number;	[...]
267.			(d) number, price and date of purchase of CBAM certificates held.	[...]

268.			3. The CBAM registry shall also contain, in a separate section of the database, the names and additional details of the operators and of the installations in third countries that are registered in accordance with Article 10. That section of the database shall in particular contain, where applicable, the verified emissions of the installations.	[...]
269.			4. The information on the database shall be confidential except for the names of the authorised declarants and operators, the location and, where appropriate, the name of the installations in third countries and their verified emissions, which shall be accessible to the public in an interoperable format.	[...]
270.			5. The Commission shall adopt implementing acts concerning the infrastructure and specific processes of the CBAM registry and the electronic databases containing the information referred to in paragraphs 2 and 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(2).	[...]