How to report on CBAM

(transitional phase)

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Section 1

CBAM reporting declarants, customs representation and obligations

CBAM reporting declarants

Art. 2 Implementing Regulation 2023/1773:

WITHIN THE CUSTOMS TERRITORY OF EU:

- Importer who lodges a customs declaration for release for free circulation of goods in its own name and on its own behalf
- The person, holding an authorisation to lodge a customs declaration who declares the importation of goods (customs declarant)

OUTSIDE THE CUSTOMS TERRITORY OF THE EU:

- The indirect customs representative, where the customs declaration is lodged by the indirect customs representative appointed, when the importer is established outside the European Union or where the indirect customs representative has agreed to the reporting obligations

Customs representation

DIRECT CUSTOMS REPRESENTATION (1/2)

- Only lodging a customs declaration for CBAM goods (Annex I of the CBAM Regulation 2023/956)

  - **Status of *customs declarant***

- Responsible for the **accuracy and completeness** of the information given in the declaration; the **authenticity, accuracy and validity of any document** supporting the declaration; where applicable, **compliance with all of the obligations** relating to the placing of the goods in question under the customs procedure concerned, or to the conduct of the authorised operations (art.15 Regulation 952/2013 - UCC)
- Recommended to check prior to lodging a customs declaration **for release for free circulation of CBAM goods, if the person on whose behalf the declaration is lodged fulfils the requirements of the CBAM Regulation**

Customs representation

DIRECT CUSTOMS REPRESENTATION (2/2)

- **Not possible to bear CBAM-related reporting obligations**

➢ An importer established in the EU can use distinct customs representatives for the customs declaration and the CBAM reporting. However, the importer cannot use distinct indirect representatives for the CBAM goods covered by the same customs declaration

[1 customs declaration = 1 indirect representative]

Customs representation

INDIRECT CUSTOMS REPRESENTATION

- Status of ***reporting declarant***
- An importer can have several indirect representatives, each responsible for the CBAM goods declared in one customs declaration
- For importers established **in the EU**: at discretion of the indirect representatives whether to bear reporting obligations
- For importers established **outside the EU**: indirect representatives shall submit the CBAM reports

Obligations

- **WITHIN THE CUSTOMS TERRITORY OF EU:**
  - Importer bears the CBAM reporting obligations
  - Indirect customs representative can refuse to fill the reporting obligations on behalf of the importer (art.8.3 of the Implementing regulation 2023/1773), but shall notify the importer re-CBAM obligations

- **OUTSIDE THE CUSTOMS TERRITORY OF EU:**
  - Indirect customs representative bears CBAM reporting obligations

Obligations

- Only importers and indirect customs representatives can submit CBAM reports in the CBAM Transitional Registry

- Direct customs representatives, third or neutral parties cannot submit CBAM reports on behalf of the importers or indirect representatives

Section 2

Penalties

Penalties

- Applicable only if:
  - The reporting obligations are **not met**
  - The CBAM report is **incorrect or incomplete**, and the reporting declarant has not taken the necessary steps to correct the CBAM report after the competent authority initiated the correction procedure.
- **Measure of 'last resort'**, after communication with the NCA
- **More flexibility until 31.07.2024**, as the reports can be still amended
  - **Reporting deadlines do NOT change (first deadline 31.01.2024)**

Penalties – principles and thresholds

- **Between EUR 10 and EUR 50** per tonne of unreported emissions. Higher penalties if the delay in submitting the report exceeds six months.
- The exact amount will be determined according to the following factors:
  - The **extent** of the unreported information
  - The unreported **quantities** of imported goods and their unreported emissions
  - The **willingness** of the declarant to provide more information or to correct the CBAM report as requested
  - The **intentional or negligent behaviour** of the declarant
  - The **declarant's past behaviour** in relation to compliance with reporting obligations
  - The **level of cooperation** of the declarant in putting an end to the infringement
  - Whether the declarant has **voluntarily taken steps** to ensure that a similar infringement cannot be committed in the future.

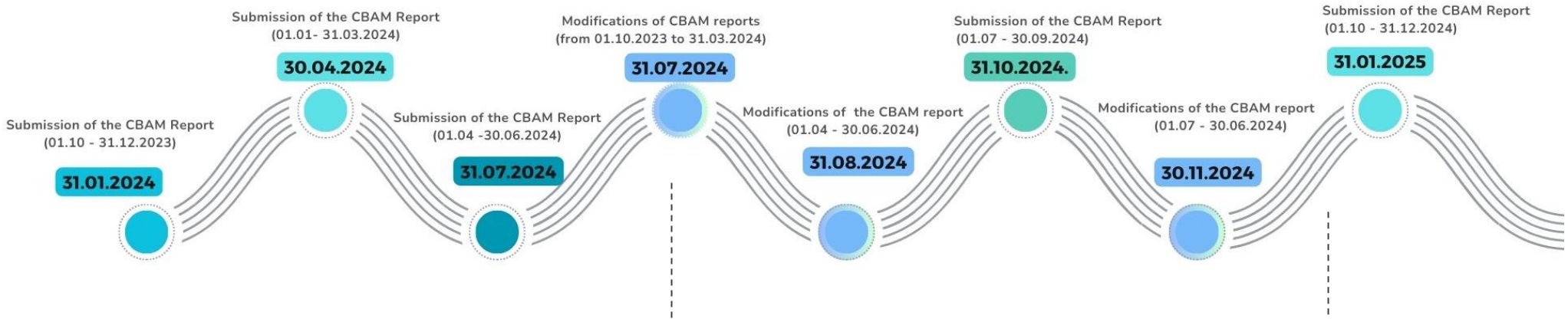
Section 3

CBAM Reporting

Content of the CBAM report

- **Quantity of goods** (in tons, or in MWh for electricity) in the scope of CBAM being imported to the EU during the previous quarter
- **Direct CO2 emissions embedded** in the goods being imported to the EU at installation or production site level
  - + Nitrous oxide emissions for some fertilizer goods
  - + Perfluorocarbons (PFCs) emissions for some aluminum goods
- **Indirect emissions embedded** in the goods
- **Any carbon price due or paid** in the country of origin for the embedded emissions in the imported goods, deducting any rebate or other form of compensation already received

Timeline for 2024



End of the use of default values (except for electricity)

***01.01.2025:** Application of the EC methodology for monitoring and reporting*

CBAM reports are due only if CBAM goods are imported and released for free circulation during the reporting period

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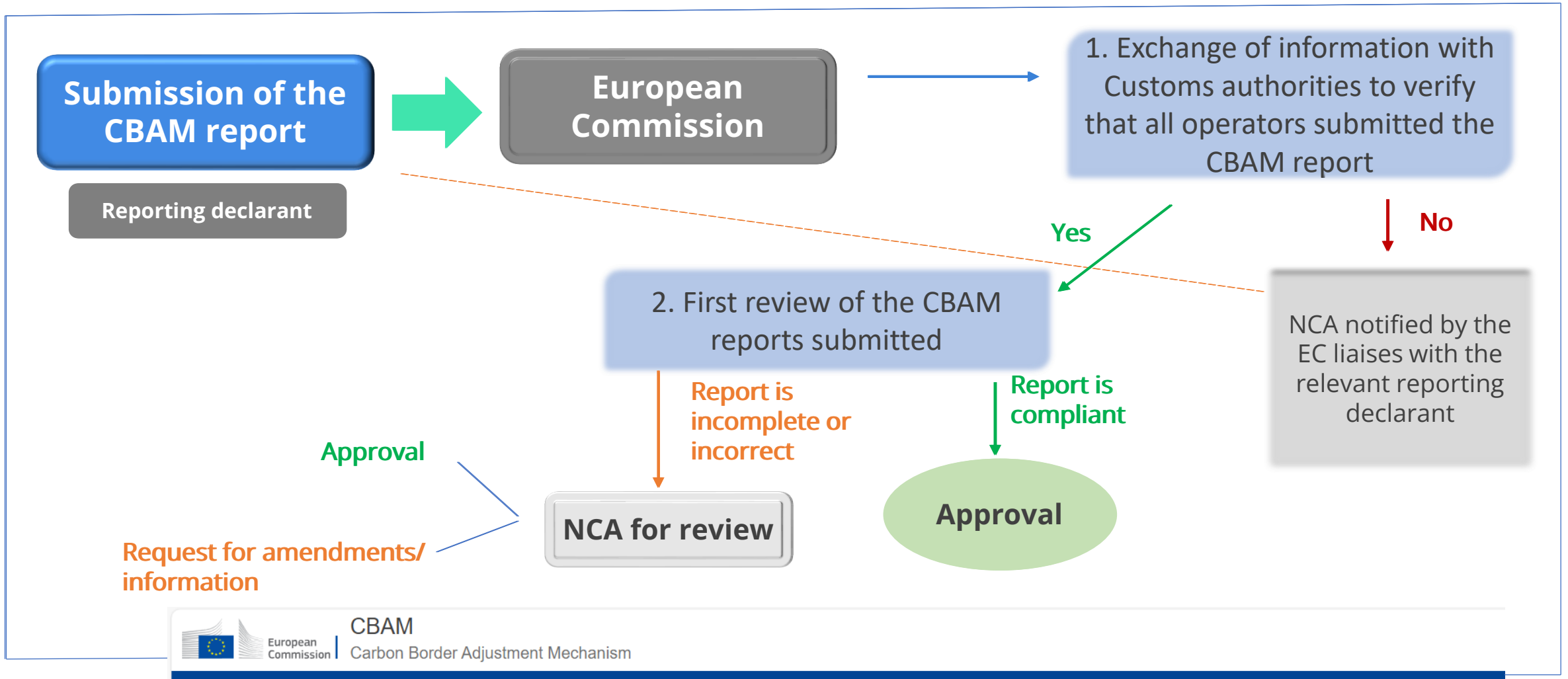
Processing the CBAM report



Format

- CBAM report structure is given in Annex I to the Implementing Regulation 2023/1773.

- Tools to facilitate the report:

  1. CBAM Communication template for installations (Excel spreadsheet)

  2. CBAM report has been digitally integrated into the CBAM Transitional Registry

1. CBAM Communication template for installations

Template	Summary of information required
Part 1 – General information (compulsory)	**Data to be communicated to the reporting declarant:** ▪ **Installation data**, comprising identification and location details for the operator's installation, and contact details for the operator's authorised representative. ▪ The **production processes and routes** under each aggregated goods category at the installation. ▪ **For each aggregated goods category or separately for each good by CN code:** o The direct and indirect specific embedded emissions of each good; and for SEE indirect detail on how the emission factor was determined and the information source used; o Information on what data quality and methods (calculation-based, measurement-based, other) were used for determining embedded emissions, and whether this was based fully on monitoring, or if default values were used; o If default values were used, a short description why these were used instead of actual data; o Information on additional sector-specific reporting parameters for goods produced, if required; and o If applicable, information on a carbon price due, and separately for any precursors obtained from other installations, by the precursors' country of origin.

1. CBAM Communication template for installations

Template	Summary of information required
Part 2 – (optional)	▪ The **total emissions of the installation**, including: activity data and calculation factors for each source stream used; emissions of each emission source monitored using a measurement-based methodology, and emissions determined by other methods; and if applicable, any CO2 imports or exports to other installations, for the reasons outlined above. ▪ **A 'heat balance' of imported, produced, consumed and exported measurable heat**, and similarly balances for waste gases or electricity. ▪ A **list of all relevant goods by CN code produced by the installation**, including precursors not covered by separate production processes. ▪ For **precursor goods:** o The quantity received from elsewhere. o Their specific direct and indirect embedded emissions (as reported by other operators). o The quantity used in each production process, excluding precursor goods produced in the same installation. ▪ For **attributed direct and indirect emissions**: information on how the attributed emissions of each production process were calculated; the activity level and attributed emissions of each production process. ▪ A **short description of the installation**, covering: relevant and non-relevant (out of scope) production processes; o The main production processes taking place at the installation and any production processes not covered for CBAM purposes; o The main elements of the monitoring methodology being used; and o What measures to improve data quality have been taken, in particular whether any form of verification (in the definitive period) was applied. o information on the electricity emissions factor in the power purchase agreement, where appropriate.

2. CBAM report has been digitally integrated into the CBAM Transitional Registry

Registry/ CBAM Report structure	Summary of the CBAM report content (Annex I)
Section 1 - Header	▪ Report issue date, ID, reporting period and year. ▪ Total quantity of goods imported and total emissions. ▪ Identity and contact details of Reporting declarant, Representative, Importer and Competent Authority, as applicable. ▪ Approval process for report submission.
Section 2 – CBAM goods imported	▪ Description of goods including details of commodity codes. ▪ Procedures for imported goods including for inward processing. ▪ Quantities of imported goods and corresponding emissions. ▪ Supporting documentation for goods that may be uploaded to the Registry, and additional information as applicable.
Section 3 – CBAM goods emissions	▪ Details of the installation, including name, location and contact details. ▪ Details of goods produced, by reporting methodology. ▪ Details of installation direct, indirect and total embedded emissions, quantity of emissions and related qualifying parameters. ▪ Details of carbon price due and product and corresponding emissions coverage.

Default values

- **Now available on** the EC/CBAM webpage and the CBAM Transitional Registry
- **Limit use** of default values to **exceptional cases** where information are not - or no longer - available (i.e. vintage, manufacturing companies ceased their activities, etc.)
- Preference shall be given to actual data
- Possibility to use default values **until 31 July 2024**
- **Normal use of default values** for electricity
- During the transitional phase, default values can be used **up to 20%** of the total embedded emissions of complex CBAM goods

Section 4

CBAM Transitional Registry – Demo

Reporting declarant

WHO CAN SUBMIT CBAM REPORTS ?

- Importer
- Indirect Customs Representative (EU-established companies)
- Indirect Customs Representative (non-EU established companies)
- Direct Customs representative
- Other third parties

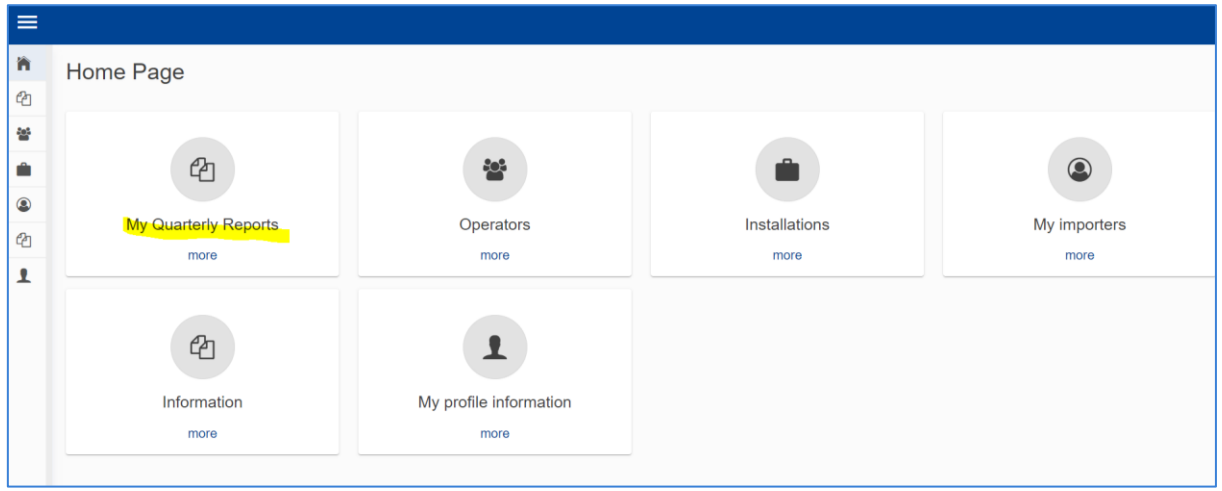
REMINDER

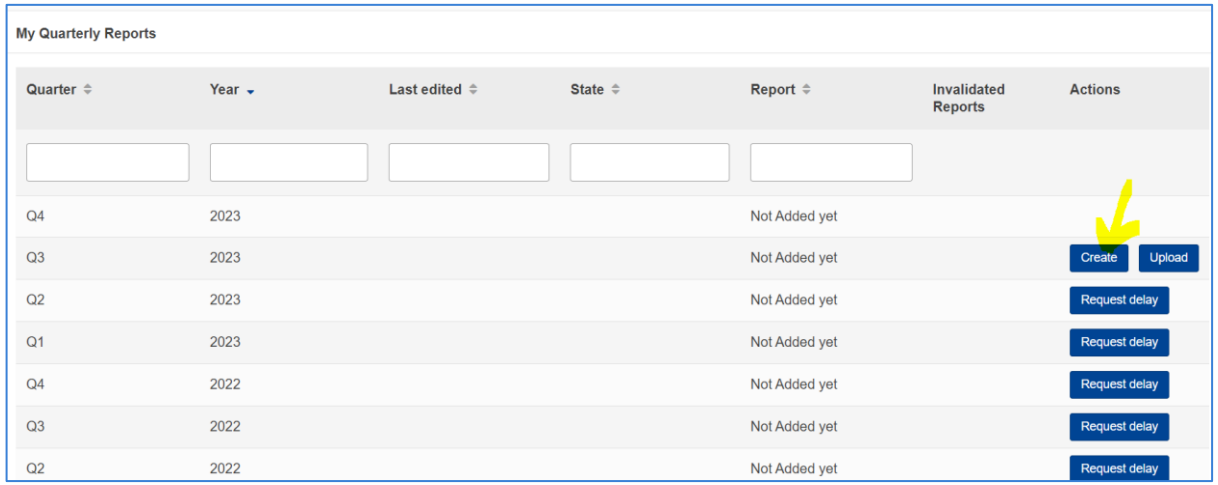
ROLE (CBAM Regulation)	ROLE (CBAM Transitional Registry)	ROLE DESCRIPTION
Reporting declarant	Declarant	Importer or indirect customs representative that lodges the customs declarations and/or comply with the CBAM obligations
Importer	Importer	the person lodging a customs declaration for release for free circulation of goods in its own name and on its own behalf; or the person on whose behalf such a declaration is lodged (ICR)
Indirect Customs Representative	Representative	customs representative acting in his/her own name but on behalf of another person (art.18 Regulation 952/2013)

CBAM test environnement :
https://conformance.cbam.ec.europa.eu/declarant/#/home

CBAM Transitional Registry

- Under section ‘My Quarterly Reports’ – clicking ‘create’



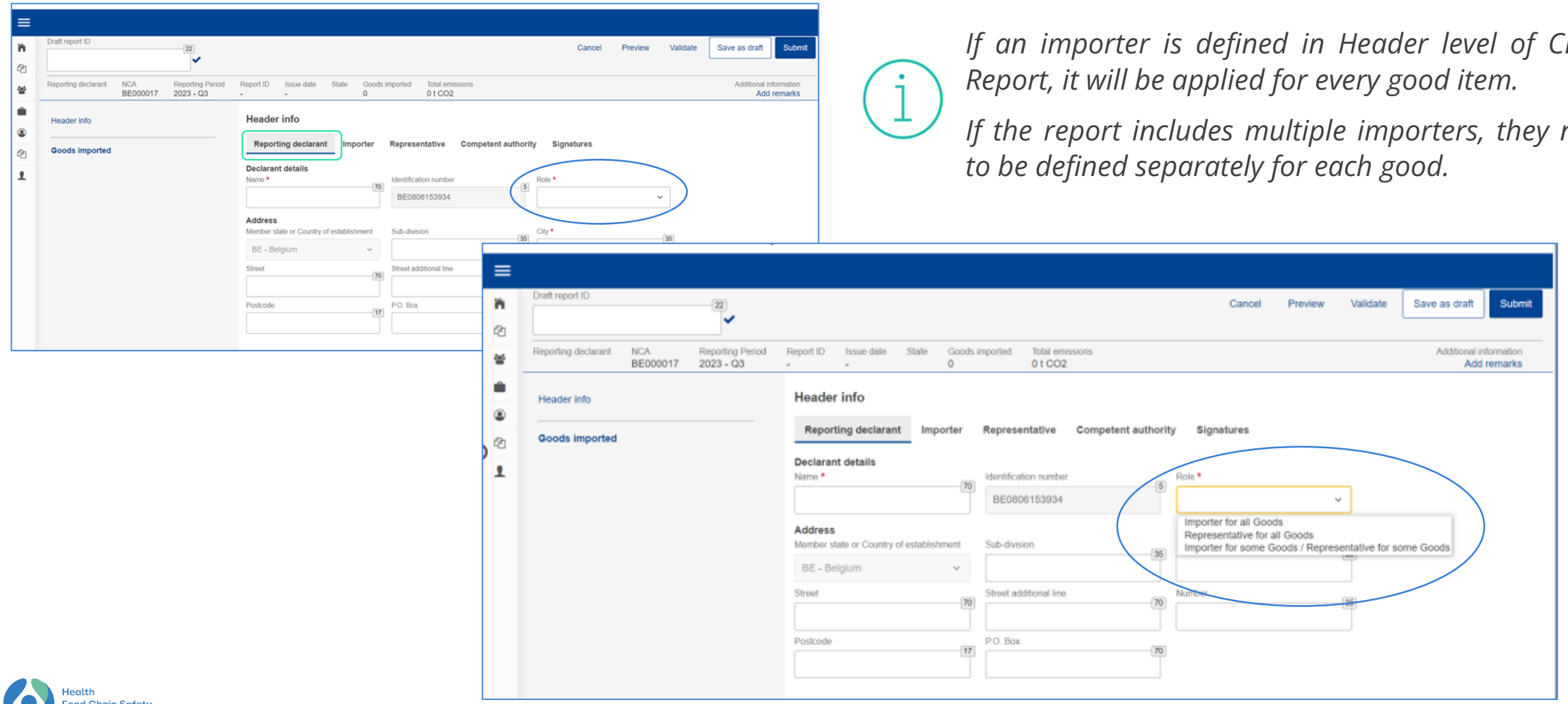


It will be possible to create a report only after the end of the reporting period

STEP 1: Filling the 'HEADER INFO'

- (Reporting) declarant
- Importer
- (Indirect Customs) Representative
- Competent authority
- Signatures

(Reporting) declarant

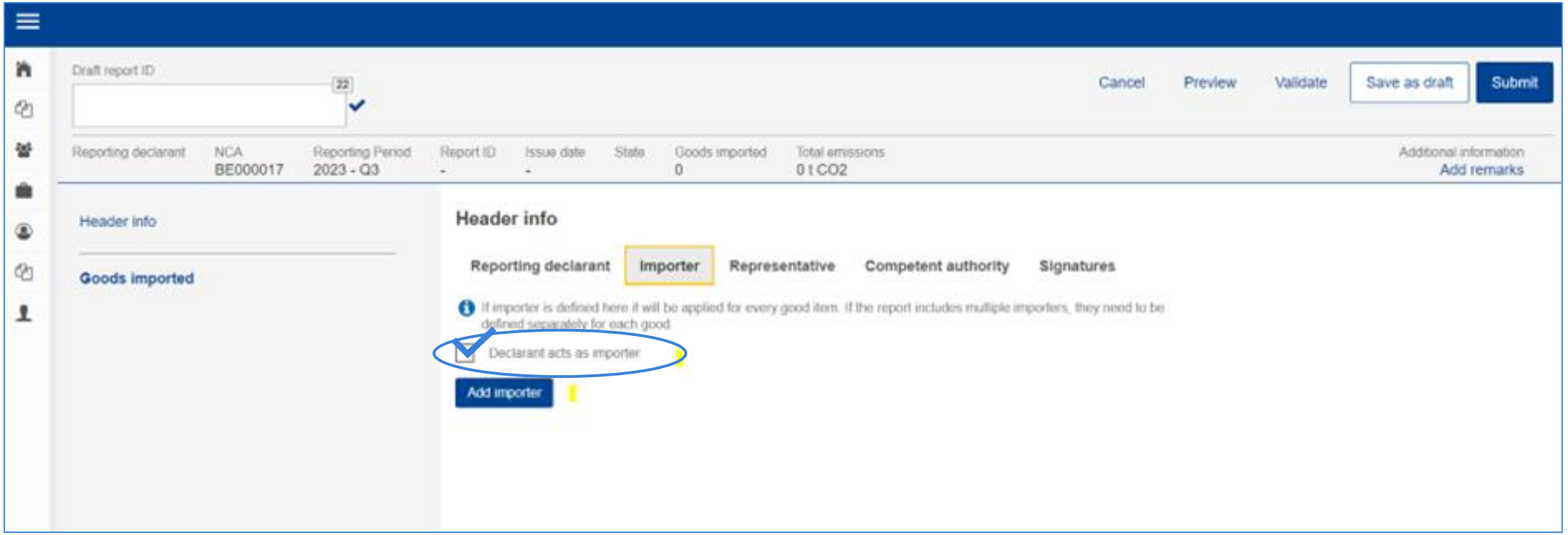


If an importer is defined in Header level of CBAM Report, it will be applied for every good item.

If the report includes multiple importers, they need to be defined separately for each good.

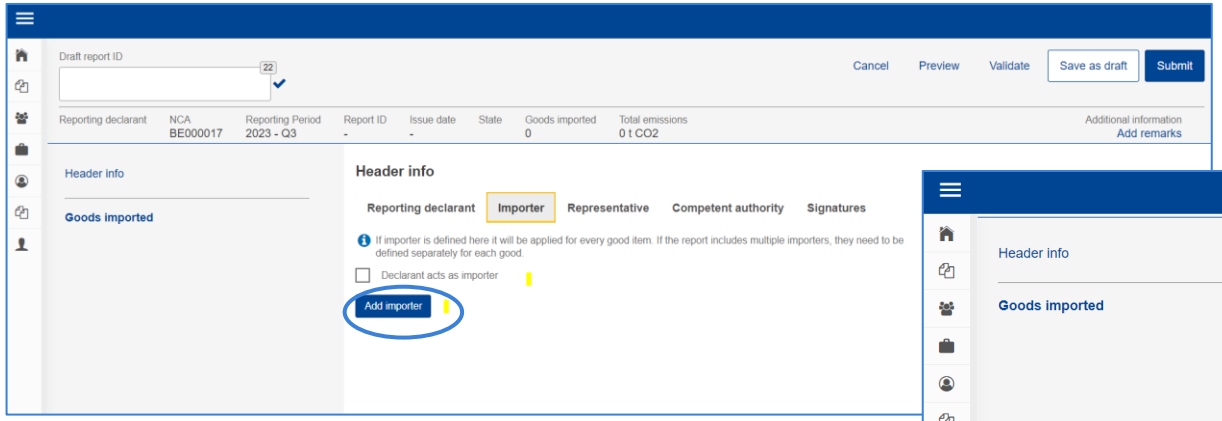
Importer (1/2)

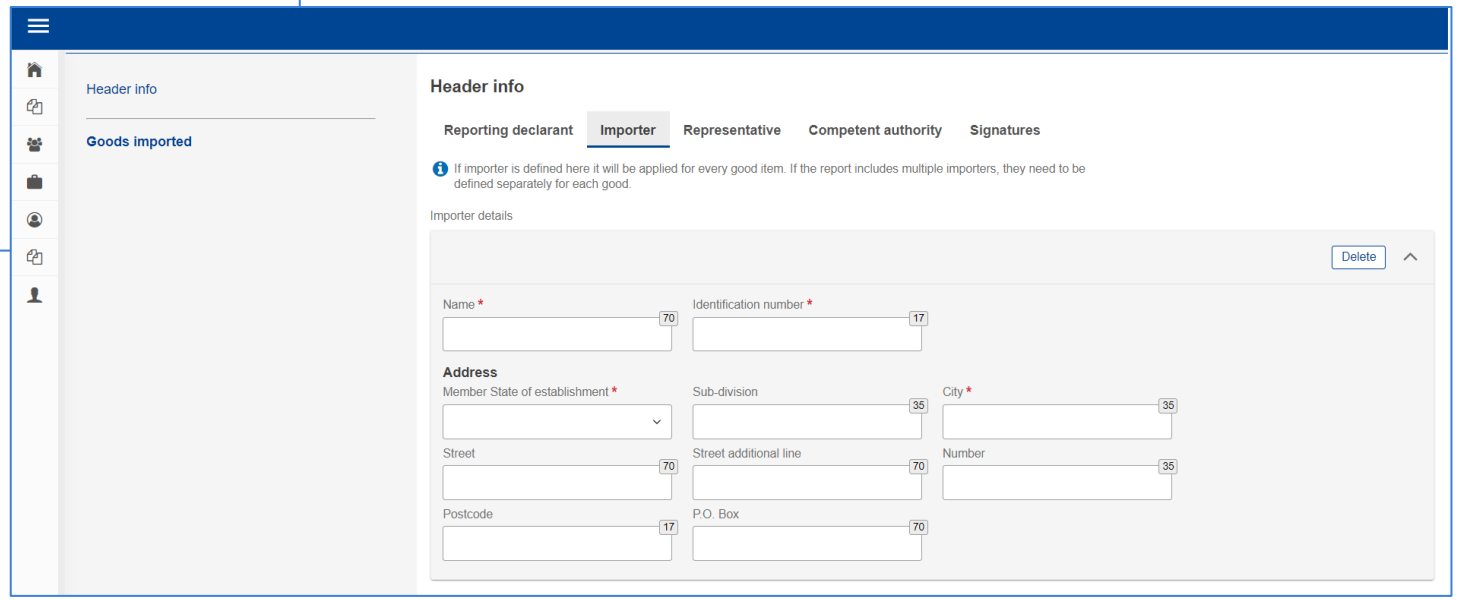
OPTION 1: IMPORTER = (REPORTING) DECLARANT



Importer (2/2)

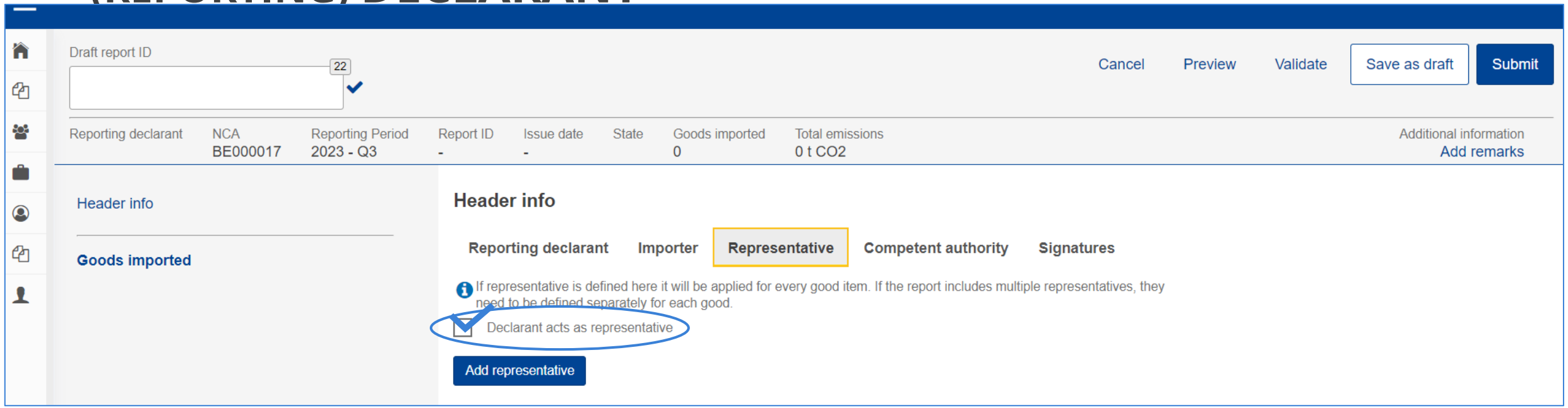
OPTION 2: IMPORTER ≠ (REPORTING) DECLARANT; (REPORTING) DECLARANT = (INDIRECT CUSTOMS) REPRESENTATIVE





Representative (1/2)

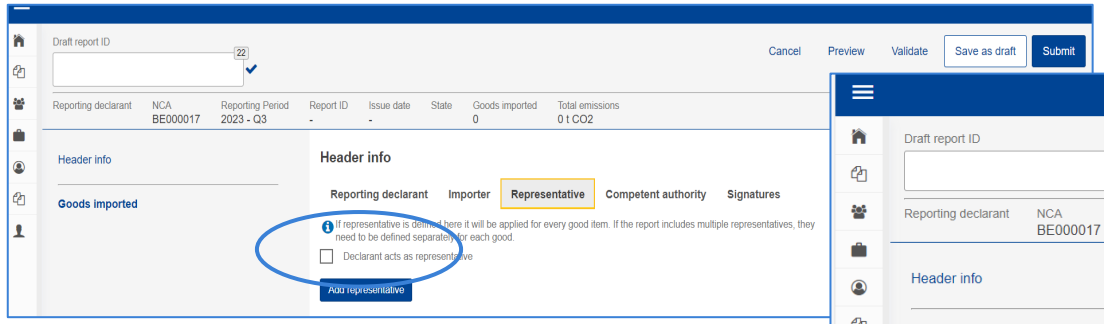
OPTION 1: (INDIRECT CUSTOMS) REPRESENTATIVE = (REPORTING) DECLARANT

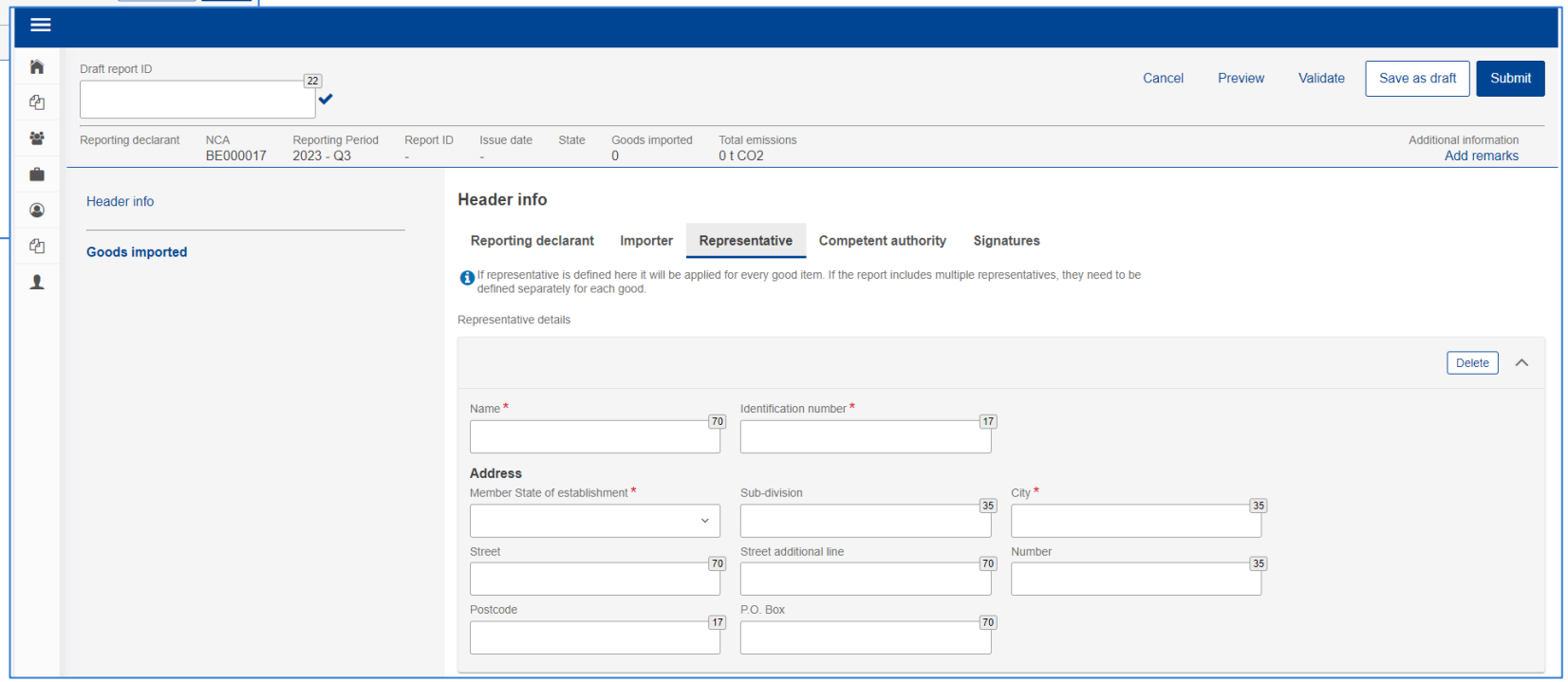


If the reporting declarant is the importer's representative for all goods, the checkbox could be checked to avoid filling the same information again.

Representative (2/2)

OPTION 2: (INDIRECT CUSTOMS) REPRESENTATIVE = (REPORTING) DECLARANT

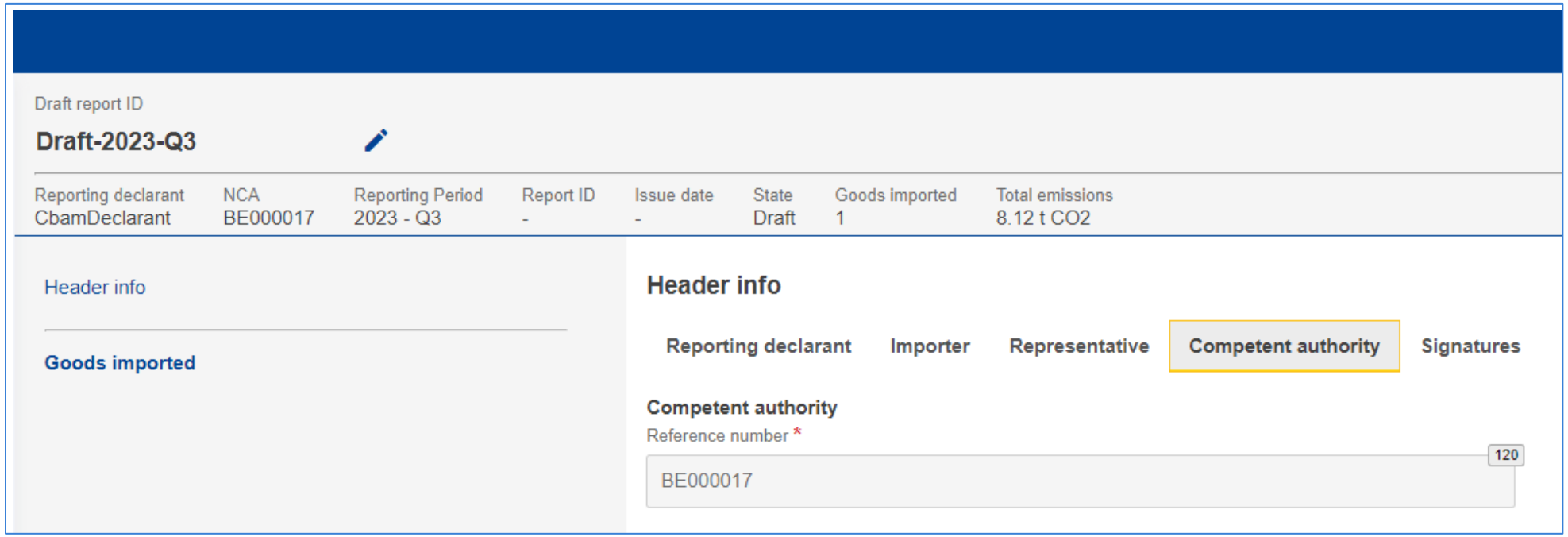




If a representative is defined in Header level, it will be applied for every good item.

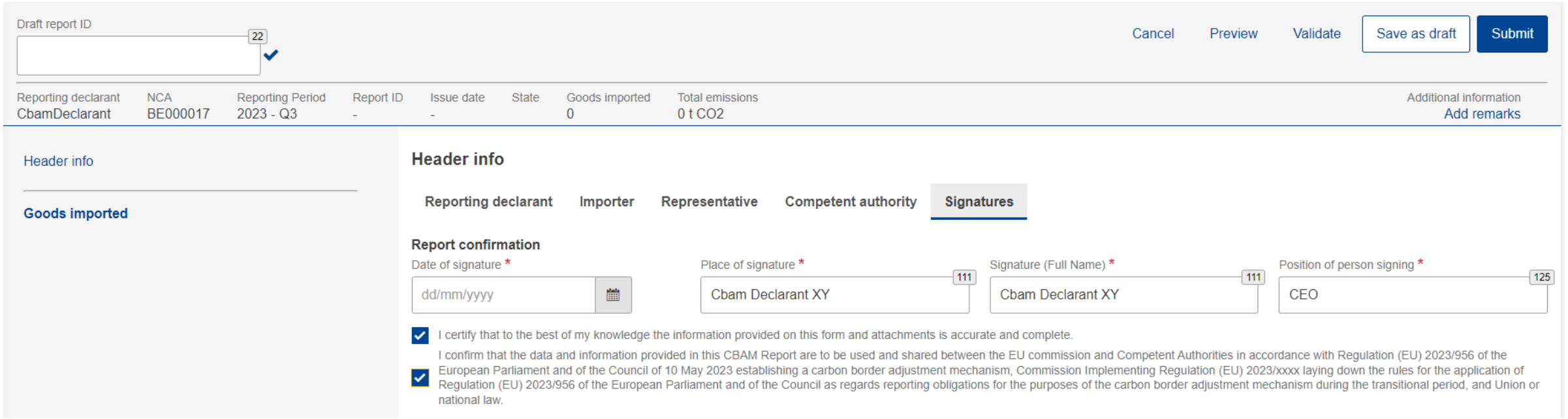
*If the report includes multiple representatives, **they need to be defined separately for each good**. This is the option that will avoid double-counting.*

Competent authority



The NCA reference number is automatically filled in based on the EORI number (country of the Reporting Declarant)

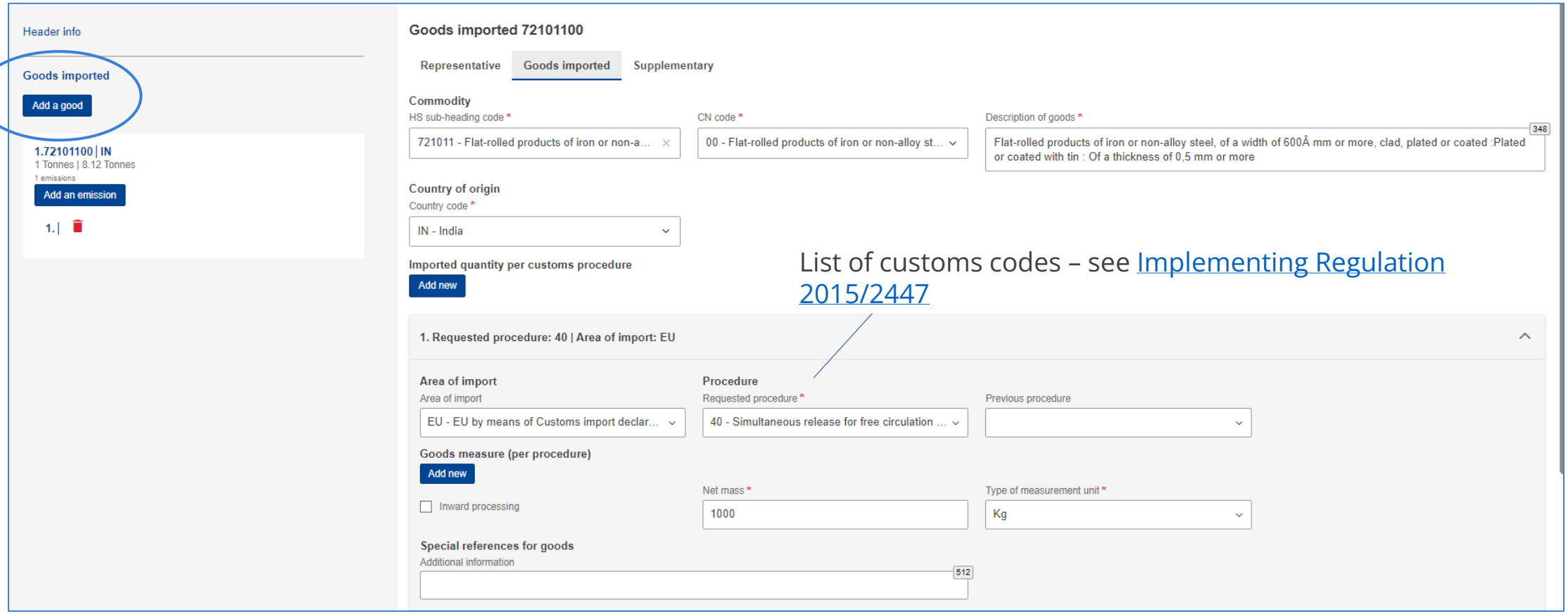
Signatures


Draft report ID
22
Cancel
Preview
Validate
Save as draft
Submit
Reporting declarant
CbamDeclarant
NCA
BE000017
Reporting Period
2023 - Q3
Report ID
-
Issue date
-
State
Goods imported
0
Total emissions
0 t CO2
Additional information
Add remarks
Header info
Goods imported
Header info
Reporting declarant
Importer
Representative
Competent authority
Signatures
Report confirmation
Date of signature *
dd/mm/yyyy
Place of signature *
111
Cbam Declarant XY
Signature (Full Name) *
111
Cbam Declarant XY
Position of person signing *
125
CEO
I certify that to the best of my knowledge the information provided on this form and attachments is accurate and complete.
I confirm that the data and information provided in this CBAM Report are to be used and shared between the EU commission and Competent Authorities in accordance with Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism, Commission Implementing Regulation (EU) 2023/xxxx 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, and Union or national law.

STEP 2: Filling the 'GOODS IMPORTED'

- Goods imported
- Installations
- Emissions
- Parameters
- Carbon price due
- Supplementary

Goods imported



CBAM report **only** includes **CBAM goods and their related embedded emissions**.

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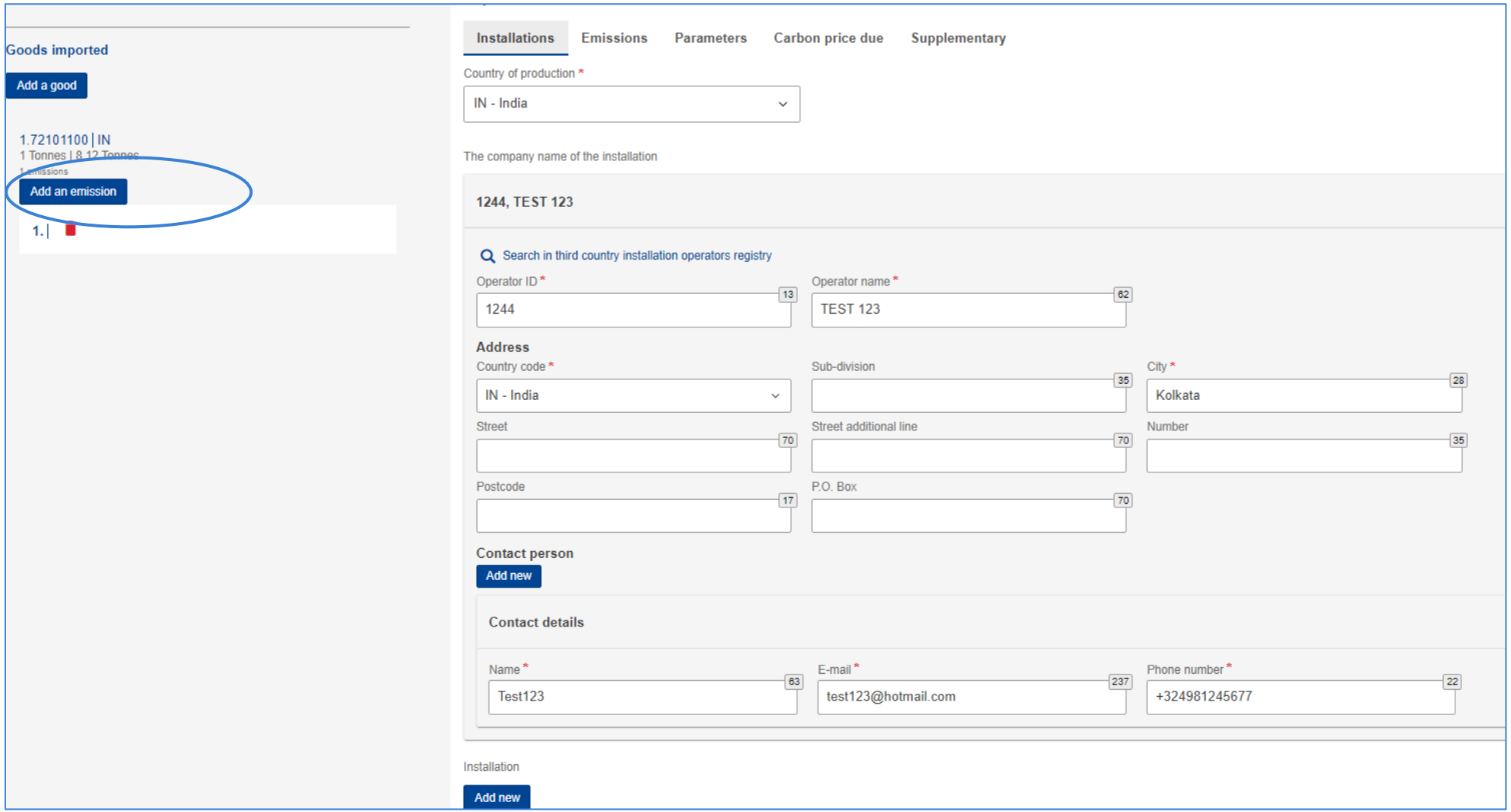
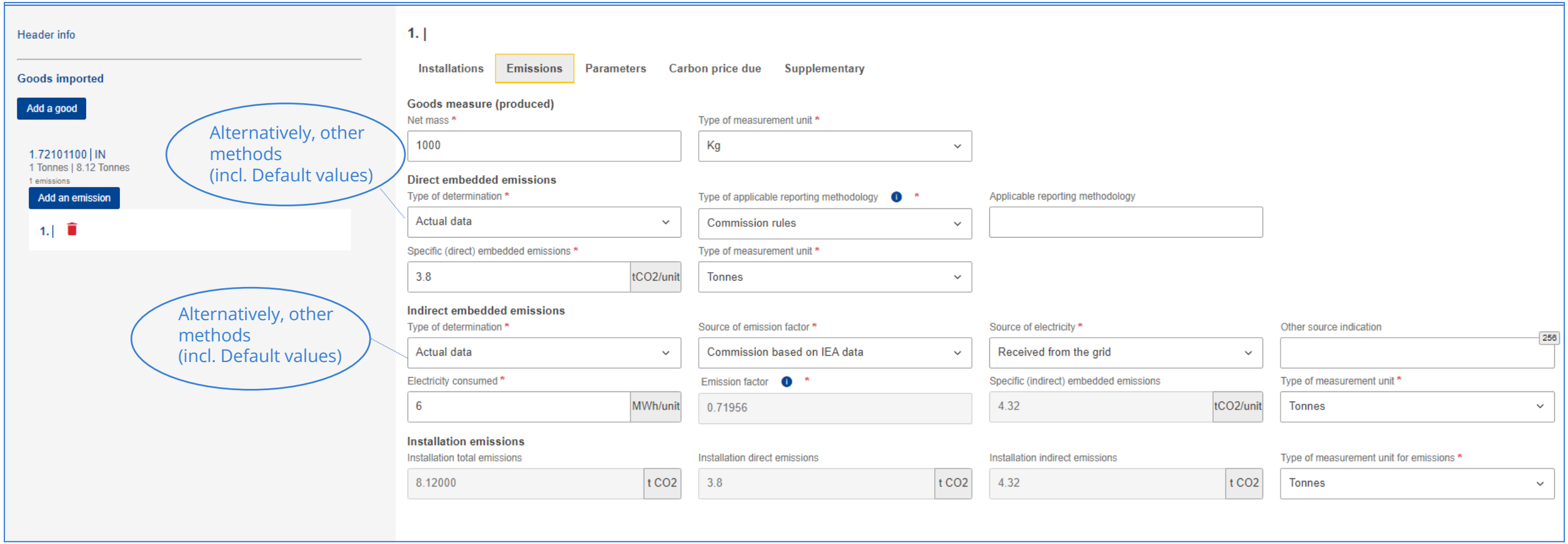
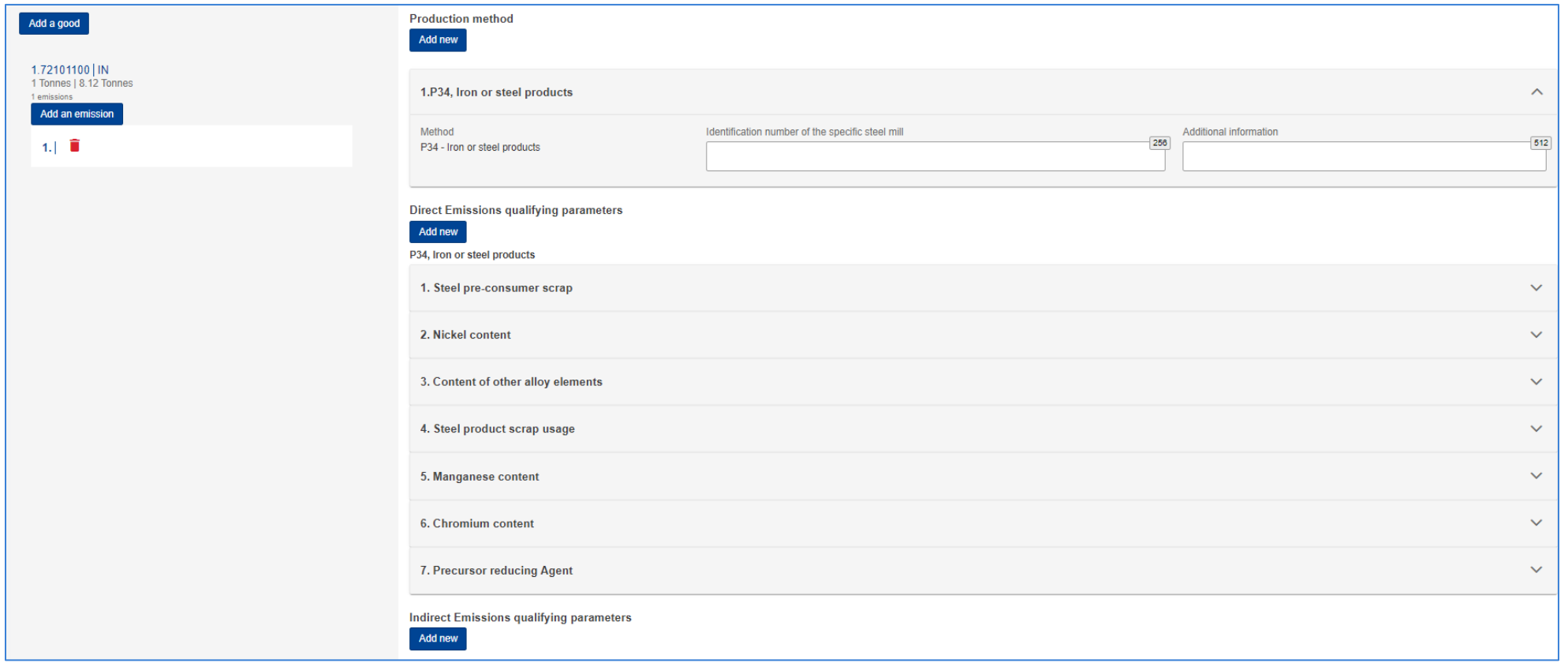
Installations



Emissions

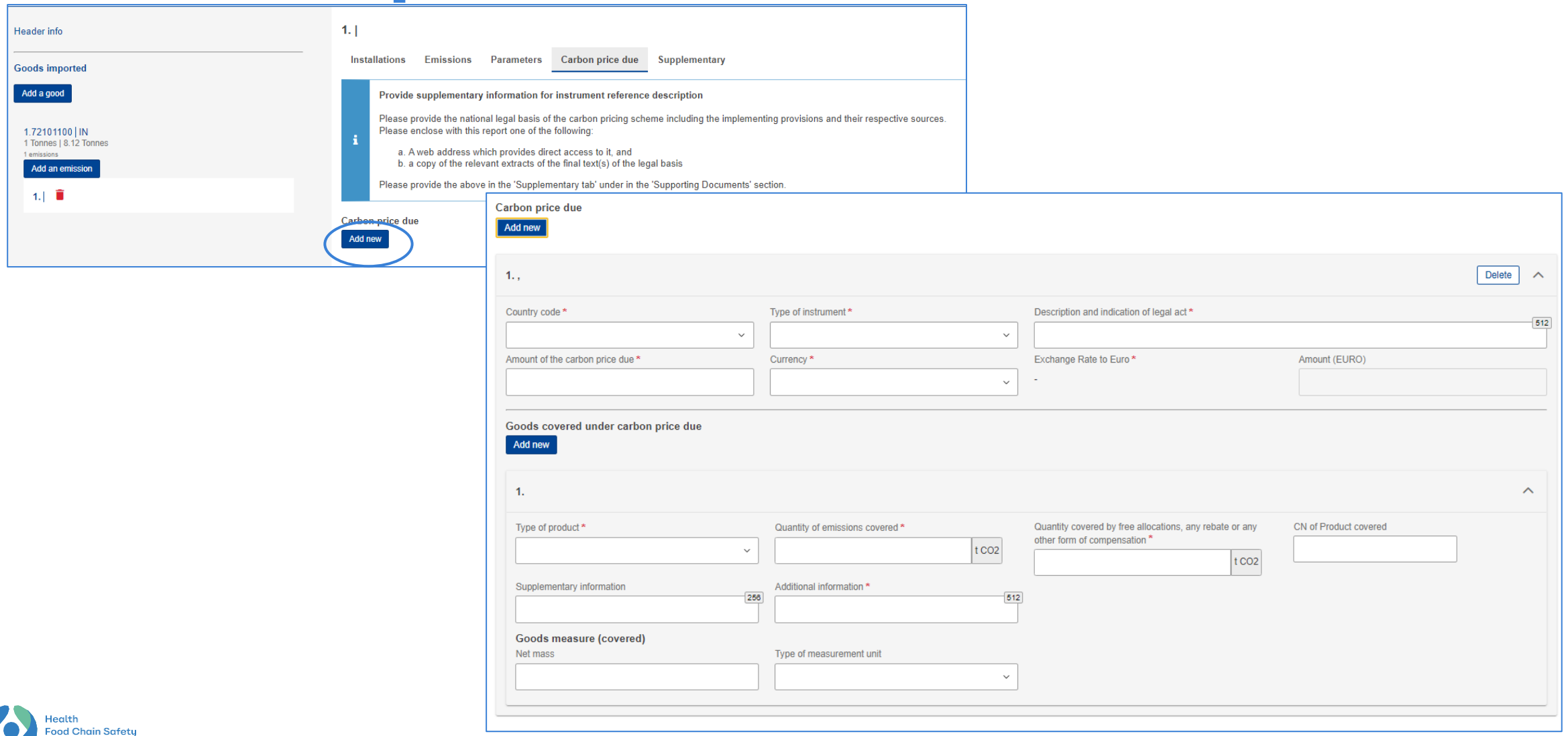

Header info
Goods imported
Add a good
1.72101100 | IN
1 Tonnes | 8.12 Tonnes
1 emissions
Add an emission
1. |
Alternatively, other methods (incl. Default values)
Alternatively, other methods (incl. Default values)
1. |
Installations
Emissions
Parameters
Carbon price due
Supplementary
Goods measure (produced)
Net mass *
1000
Type of measurement unit *
Kg
Direct embedded emissions
Type of determination *
Actual data
Type of applicable reporting methodology *
Commission rules
Applicable reporting methodology
Specific (direct) embedded emissions *
3.8
tCO2/unit
Type of measurement unit *
Tonnes
Indirect embedded emissions
Type of determination *
Actual data
Source of emission factor *
Commission based on IEA data
Source of electricity *
Received from the grid
Other source indication
256
Electricity consumed *
6
MWh/unit
Emission factor *
0.71956
Specific (indirect) embedded emissions
4.32
tCO2/unit
Type of measurement unit *
Tonnes
Installation emissions
Installation total emissions
8.12000
t CO2
Installation direct emissions
3.8
t CO2
Installation indirect emissions
4.32
t CO2
Type of measurement unit for emissions *
Tonnes

Parameters



*This is **not a mandatory field**. It helps to justify the emissions calculated and refers to the production methods used. Data are pre-filled based on each CN code.*

Carbon price due



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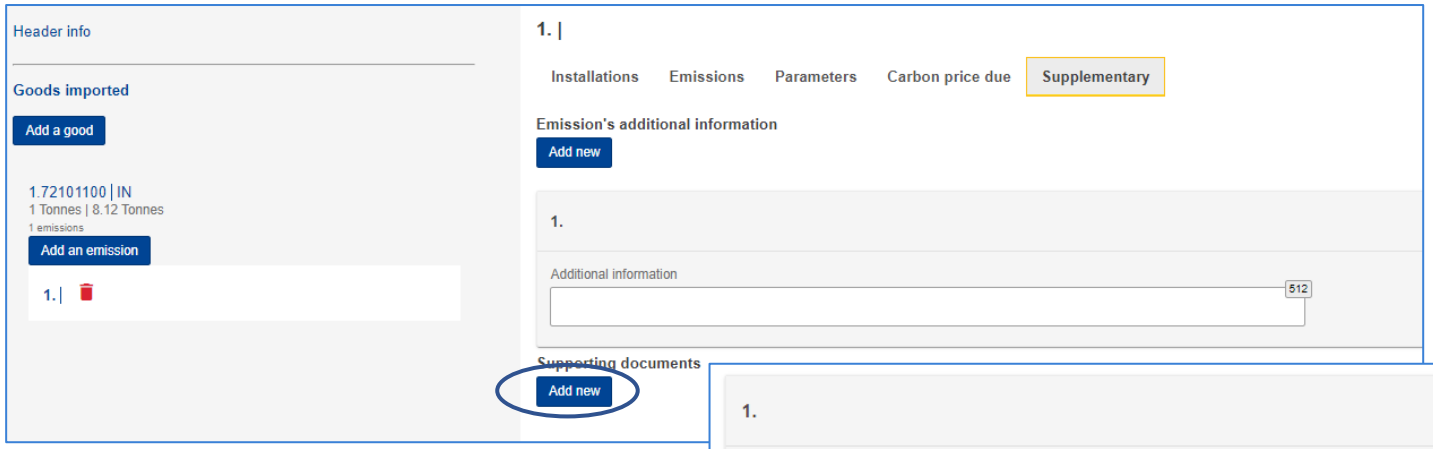
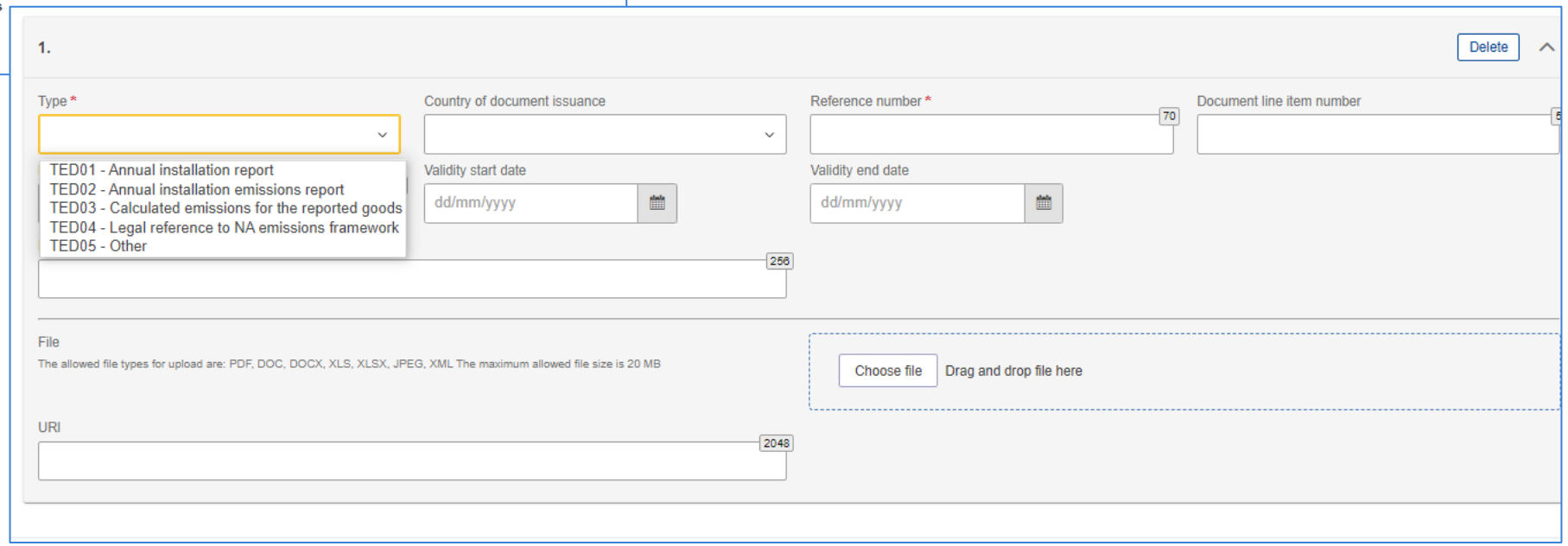
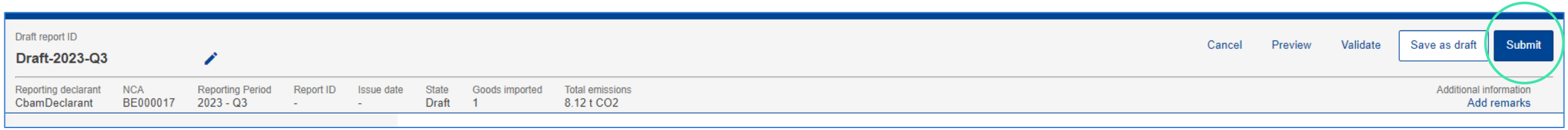
Supplementary



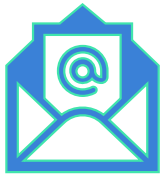


Additional information on emission calculations can be added here, as well as supporting documents (i.e. on carbon price due, EC Communication template, etc.)

Submission of the CBAM report



Belgian CA - Contacts



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NL: https://klimaat.be/cbam
FR: https://climat.be/cbam

Thank you

climat.be/cbam

klimaat.be/cbam

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Federal Climate Change Department (Belgium)