



Brussels, XXX
[...] (2025) XXX draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

**on the application of the principles for verification of declared embedded emissions
pursuant to Regulation (EU) 2023/956 of the European Parliament and of the Council**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism¹, and in particular Article 8(3) thereof,

Whereas:

- (1) Regulation (EU) 2023/956 lays down principles for the verification of emissions, where they are determined based on actual values, embedded in goods imported into the customs territory of the Union from 2026.
- (2) To ensure, where possible, equivalence and coherence with the procedures applicable to the EU ETS and set out in Implementing Regulation (EU) 2018/2067², while also considering the specificities of the CBAM and minimising the administrative burden, due consideration should be given to the relevant rules applicable under the EU ETS. Due to the specificities of the CBAM, the verifier's decision to replace the physical site visit by a virtual site visit or to waive the site visit should not be subject to approval from competent authorities.
- (3) In accordance with Regulation (EU) 2023/956, as part of the verification, verifiers are to carry out a physical site visit of the installation where relevant goods are produced. In the first year subject to verification, a physical site visit of the installation should be required in all cases. In a second consecutive year subject to verification, in order to reduce the cost and administrative burden associated with a site visit, the verifier may replace the physical site visit by a virtual site visit or waive the site visit where specific criteria, ensuring that the reliability of the verification is not compromised, are met. The verifier may only decide to do so if the verifier has carried out a physical site visit during the previous year. Physical site visits should occur every two years at least. For installations from which electricity is imported into the customs territory of the Union or used in the production of goods, additional flexibility should be granted for the replacement of the physical site visit by a virtual site visit due to the reduced complexity of such verification.
- (4) The verifier may also replace the physical site visit by a virtual site visit, where the verifier is prevented from carrying out a physical site visit due to serious, extraordinary and unforeseeable circumstances. If the applicable conditions are not met, it should not be possible to carry out the verification of the installation.

¹ OJ L 130, 16.5.2023, p. 52, ELI: <http://data.europa.eu/eli/reg/2023/956/oj>.

² 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 (OJ L 334, 31.12.2018, p. 94, ELI: http://data.europa.eu/eli/reg_impl/2018/2067/oj).

- (5) Analysing the susceptibility of reported data to misstatements and non-conformities that could be material is an essential part of the verification process. The verifier should apply a risk-based approach with the aim of reaching a verification opinion that provides reasonable assurance that the total emissions are not materially misstated and that the report can be verified as satisfactory.
- (6) In order to prepare for the verification of the operator's emissions report and to support the verifier's assessment of whether a misstatement, a non-conformity or a non-compliance has a material impact on the emissions data or free allocation adjustment, appropriate materiality thresholds should be determined, taking into account the balance between the complexity and novelty of the CBAM verification tasks and the accuracy of the calculation. Given the specific nature of the CBAM, those thresholds should be determined at the level of goods. The materiality levels may be revised over time, taking into account the practical experience gained during the application of this Regulation.
- (7) To facilitate the preparation, submission, readability and review of verification reports, a single electronic template to be developed by the Commission should be used. The verification report should contain the information necessary for the submission of the CBAM declaration pursuant to Article 6 of Regulation (EU) 2023/956 and its review pursuant to Article 19(2) of that Regulation.
- (8) The provisions of this Regulation relate to verification principles to be applied by verifiers carrying out activities in relation to greenhouse gas emissions released from 1 January 2026. This Regulation should therefore apply from 1 January 2026.
- (9) In parallel with technical consultations with the Member States, including at expert level, the European Commission carried out extensive consultations with relevant stakeholders, including industry representatives, to gather input in its preparatory work on the rules laid down in this Regulation.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the CBAM Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation, in addition to the definitions laid down in Article 1 of Commission Delegated Regulation (EU) XX/XX [on the conditions for granting accreditation to verifiers]³ and Article 1 of Commission Implementing Regulation (EU) XX/XX [on the calculation of embedded emissions]⁴, the following definitions apply:

³ Commission Implementing Regulation of ... supplementing Regulation (EU) 2023/956 of the European Parliament and of the Council by specifying the conditions for granting accreditation to verifiers, for the control and oversight of accredited verifiers, for the withdrawal of accreditation and for mutual recognition and peer evaluation of accreditation bodies [OJ L ...].

⁴ Commission Implementing Regulation of ... laying down the rules for the application of Regulation (EU) 2023/956 of the European Parliament and the Council on the methods for the calculation of emissions embedded in goods [OJ L ...].

- (1) ‘misstatement’ means an omission, misrepresentation or error in the operator’s reported data, not considering the uncertainty associated with measuring instruments or laboratory analyses;
- (2) ‘material misstatement’ means a misstatement that, either individually or when aggregated with other misstatements, exceeds the materiality level or could, based on the expert judgement of the verifier, because of its size and nature, affect the treatment of the operator’s emissions report by its user;
- (3) ‘materiality level’ means the quantitative threshold or cut-off point above which the verifier considers misstatements, either individually or when aggregated with other misstatements, to be material;
- (4) ‘non-conformity’ means any act or omission of an act by the operator that does not meet the requirements of the monitoring plan or of the monitoring methodology applicable to the specific installation, as laid down in Implementing Regulation (EU) XX/XX [on the calculation of embedded emissions];
- (5) ‘material non-conformity’ means a non-conformity that causes a material misstatement.

Article 2

Physical site visits and replacement by virtual site visits or waiver

1. The verifier may replace a physical site visit referred to in Section 2.12 of Annex II to Delegated Regulation (EU) XX/XX [on the conditions for granting accreditation to verifiers] with a virtual site visit where the conditions laid down in Article 3 or 4 are met.
2. The verifier may waive the obligation to carry out a physical site visit referred to in Section 2.12 of Annex II to Delegated Regulation (EU) XX/XX [on the conditions for granting accreditation to verifiers] where the conditions laid down in Article 3 are met.
3. The verifier shall inform the operator of its decision to replace the physical site visit by a virtual site visit or to waive the obligation to carry out a physical site visit without delay.

Article 3

Conditions for virtual site visit or waiver of the obligation to carry out a physical site visit

1. The verifier may decide to carry out a virtual site visit or to waive the obligation to carry out a physical site visit provided that all of the following conditions are fulfilled:
 - (a) a verifier has carried out a physical site visit during the reporting period immediately preceding the current reporting period;
 - (b) in the case of a waiver of the obligation to carry out a physical site visit, a verifier has carried out a physical site visit during two reporting periods preceding the current reporting period;

- (c) the verifier has sufficient understanding of the installation's functioning, the production processes and the monitoring and reporting systems, including the operator's control system;
- (d) the verifier considers that the nature and level of complexity of the installation's monitoring and reporting system as well as the inherent and control risks are such that they do not require a physical site visit;
- (e) the verifier is able to obtain and assess remotely all information required for the verification, including on the correct application of the methodology described in the monitoring plan, the data reported in the operator's emissions report, the production processes and precursors used;
- (f) the decision to carry out a virtual site visit or to waive the physical site visit is based on the results of the risk analysis, and the verifier has identified and taken the necessary measures to reduce the verification risk to an acceptable level to obtain reasonable assurance that the operator's emissions report is free from material misstatements and non-conformities;
- (g) the installation or its monitoring plan has not undergone any significant changes or modifications since the last physical site visit, including any of the following significant changes:
 - (1) starting of new production processes or production route or closing of production processes or production route;
 - (2) changes in the joint production process of precursors and complex goods, as defined in Article 4(9) of Implementing Regulation (EU) XX/XX on the calculation of embedded emissions;
 - (3) changes in the energy supply of the installation;
 - (4) changes of technical connections between production processes or production routes, such as additional or removed lines for transfer of fuels, materials, measurable heat, waste gases or goods produced;
 - (5) where actual values are used, changes relating to precursors produced at the installation or received from other installations;
 - (6) a change of monitoring methodology (calculation-based, measurement-based, other);
 - (7) changes that the verifier identified during the strategic analysis or risk analysis as requiring significantly different verification approaches than those applied during the previous verification, such as the addition of new fuels or materials, or the addition of new measuring instruments.

2. The verifier may waive the obligation to carry out a physical site visit of the installation where electricity is produced, provided that all of the following conditions are fulfilled:

- (a) electricity is the only good covered by Annex I to Regulation (EU) 2023/956 produced by the installation;
- (b) the installation does not use any materials, fuels, or production processes with the potential to emit greenhouse gases during normal operation. The following installations do not comply with this criterion:

- (1) installations using biomass as defined in Section 1, point 9, of Annex I to Commission Implementing Regulation (EU) XX/XX [on the calculation of embedded emissions];
- (2) installations carrying out carbon capture, including for the purpose of geological storage or for use of the GHG in the production of fuels or other materials;
- (3) installations transferring greenhouse gases to other installations, pipelines or CO₂ transport infrastructures as defined in Article 3(29) of Regulation (EU) 2024/1735⁵.
- (c) a verifier has carried out at least one physical site visit in the last five reporting periods immediately preceding the current reporting period;
- (d) the conditions laid out in paragraph 1, points (b) to (f) are fulfilled.

Article 4

Conditions for virtual site visit due to serious, extraordinary and unforeseeable circumstances

The verifier may decide to carry out a virtual site visit provided that the following conditions are fulfilled:

- (a) the verifier is prevented from carrying out a physical site visit due to serious, extraordinary and unforeseeable circumstances outside the control of the operator, and those circumstances cannot, after using all reasonable efforts, be overcome;
- (b) the decision of the verifier to carry out a virtual site visit is based on the results of the risk analysis;
- (c) the verifier has identified and taken the necessary measures to reduce the verification risk to an acceptable level to obtain reasonable assurance that the operator's emissions report is free from material misstatements.

Article 5

Materiality levels and other parameters

1. When assessing misstatements on reported data in the reporting period subject to verification, the verifier shall, for each tonne of the relevant good, identified by its Combined Nomenclature (CN) code, apply the following materiality levels:
 - (a) 5 % of the total specific embedded emissions;
 - (b) 5% of the total specific free allocation.

⁵ Regulation (EU) 2027/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724 (OJ L 2024/1765, 28.6.2024, ELI: <http://data.europa.eu/eli/reg/2024/1735/oj>).

2. The verifier shall also use expert judgement as to whether misstatements or non-conformities, individually or when aggregated with other misstatements or non-conformities, justified by their size and nature, are to be considered material, for:
- (a) misstatements, individually or when aggregated with other misstatements, which are below the materiality level pursuant to paragraph 1;
 - (b) parameters which are not referred to in paragraph 1.

Article 6

Format of the verification report

The verification report shall be prepared based on an electronic template provided by the Commission via the CBAM Registry.

The electronic template shall contain at least the information listed in the Annex to this Regulation.

Article 7

Entry into force and application

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2026.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President