

INFORMATIVE NOTE- CBAM

Amendments to CBAM: Regulation of Bureaucratic Simplifications for the Definitive Period

On **17 October 2025**, Regulation (EU) **2025/2083 on Bureaucratic Simplifications** was published amending **Regulation 2023/956** establishing the Carbon Border Adjustment Mechanism (CBAM).

The purpose of this Regulation is to simplify the obligations originally regulated for the definitive period, irrespective of the fact that some of these amendments will be even applicable to the obligations established for the transitional period (e.g. the amendment of the *de minimis* rule).

Below, we will summarize the main modifications that derive from the approval of this Regulation

1.- New threshold: "*de-minimis*" rule

Under the previous regulation, imports of CBAM products whose value did not exceed 150 euros were exempt from complying with the obligations provided for in the regulation.

The new wording modifies this threshold, so that **those operators who, in the previous calendar year, import less than 50 tons of products subject to the CBAM, will be exempt from complying with the obligations provided for CBAM purposes.**

As a result of this new threshold, approximately 90% of importers of CBAM products will be exempt from the

obligations, since 99% of emissions are concentrated in the 10% of operators whose imports far exceed the aforementioned threshold.



2.- Deadline for obtaining authorization as a CBAM declarant

On **17 March 2025**, Implementing Regulation (EU) 2025/486 **was published**, setting out the conditions and procedures for applying for the status of CBAM authorized declarant.

This Regulation established the rules for processing the application, although its practical application required development by the competent authorities of each Member State.

Although after the approval of the Regulation there is a platform at EU level that allows the application to be processed, in the specific case of Spain, the competent authorities have urged operators to delay the entire application process while waiting for the Commission to publish specific instructions that allow criteria to be standardized at EU level.

However, the local competent authorities

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to process this request have not ruled on the matter. This is because they are still waiting for the Commission to publish a guide to standardize criteria for the authorization in question.

With the regulation previously in force, it was interpreted that, if on 1 January 2026 the operator did not hold the status of CBAM declarant, said operator would not be able to carry out the imports, unless it operated through a duly authorized indirect customs representative.

The Regulation on Bureaucratic Simplifications **allows imports of CBAM products to those operators who do not hold the corresponding authorization until 31th March 2026, although it maintains the obligation to apply for recognition before 31 December 2025.** Let us remember that the competent authorities have a period of 120 days to grant the corresponding authorizations.

Therefore, we urge all importers whose imports exceed the threshold in 2025, or who estimate that they will exceed it in 2026, to **submit the corresponding application for authorization as a CBAM declarant before 1 December 2025.**

3.- Deadlines for filing the CBAM return

During the transitional period, operators have been filing informative returns on a quarterly basis.

The Simplification Regulation establishes a much longer deadline so that CBAM returns become annual returns, to be filed before 30 September of each calendar year and not by 30 May, which was what was provided for in the previous regulations.

4.- Procedure to determine the emissions to be declared

The previous regulations established that, when determining implicit emissions, operators had to pay only and exclusively attention to real embedded emissions.

Due to the difficulties faced by importers in collecting information related to real embedded emissions, the Simplification Regulation amends this obligation by introducing the **possibility of reporting in accordance with default values.**



If the operator opts for this emission quantification scheme, the default values will be based on the average intensity of emissions in each country of origin, considering the type of goods, increased by a proportionally designed surcharge.

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Where such a calculation is not available, the values shall be determined based on the average intensity of the ten countries with the highest emission intensity for which the Commission has reliable data.

Consequently, **two possible schemes for determining implicit emissions are established:** a first scheme, based on real emissions. In this first case, the obligation to have the verification report of an independent third party is maintained in the terms originally provided for in the regulation.

And a second scheme, based on default values, which exempts from the obligation to have a verification report from an independent third party, although it implies a substantial increase in the emission factors.

5.- Management of CBAM certificates

The Simplification Regulation specifies that Member States must start selling CBAM certificates from 1 February 2027, for goods imported in 2026.

For practical purposes, this means that it **will not be possible to acquire CBAM certificates during 2026** and this regardless of whether it is necessary to control the volume of implicit emissions in those cases in which the threshold is exceeded.

With effect from 1 February 2027,

Member States will place CBAM certificates on the market for imports carried out in 2026. In this case, the prices of the certificates will be set according to the quarterly average value of the closing prices of the emission allowance market in the EU ETS, on the auction platform.

For the year 2027 and beyond, the prices of the certificates will be set according to the weekly average value of the closing prices of the emission allowance market in the EU ETS, on the auction platform.

The regulation establishes that, from 2027 onwards, **the quarterly coverage ratio of CBAM certificates will be 50%** of quarterly implied issuances, compared to the 80% provided for in the previous regulation.

In this regard, the Simplification Regulation includes one of the requirements of operators according to which, **when determining the coverage ratio, free allocations under the EU ETS have to be taken into account.**

This was not covered by the previous rules, which required the coverage ratio without considering the adjustment resulting from free allowance allocations under the EU ETS.

5.- Redemption of CBAM certificates

The Simplification Regulation extends the

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deadline for the **redemption of CBAM certificates to September 30 of each year.**

These certificates shall be submitted together with the annual CBAM declaration and, where applicable, the verification report and shall cover 100% of the declared/verified embedded emissions considering the financial adjustment arising from the free allocations under the EU ETS and, where applicable, the carbon prices paid and verified in the third country.



6.- Buyback of certificates

In those cases where there is an excess of CBAM certificates, the operator may return the excess of the previously acquired certificates **no later than 31 October of each calendar year following the annual period in question.**

In the case of **imports made in 2026**, unused certificates not repurchased before 30 October 2027 are expected to be cancelled or expired by the Commission without compensation on 1 November 2027.

For 2027 onwards, it is established that the expiration and cancellation of the certificates will occur on November 1 of the year following the year in which the return is filed, and the certificates are redeemed.

7.- Independent verifier

It is important to note that the figure of the independent third-party verifier is pending regulation and development by the Commission.

That said, this regulation is expected to be in line with Commission **Implementing Regulation (EU) 2018/2067** of 19 December 2018 on the verification of greenhouse gas emission data and on the accreditation of verifiers in accordance with Directive 2003/87/EC of the European Parliament and of the Council.

Therefore, it is very possible that the **accreditation of verifiers, in the case of Spain**, will be carried out by the National Accreditation Entity (**AENAC**).

In practice, verifiers will have to carry out documentary and technical audits at the premises of origin, to check the measurement methods used by foreign manufacturers, and to ensure that the information relating to the actual emissions accurately reflects the carbon footprint of the imported product.

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It should be remembered that the main modification included in the Simplification Regulation is the fact that, in the event of declaring in accordance with the presumed emissions method, it will not be necessary to attach the report of the independent third party to the declaration.

If you need more information about this, please contact any of us at the following address:

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