

Remarks from the European Express Association (EEA) regarding CBAM related Simplifications in the Omnibus I Package

The express industry in the EU, which plays a pivotal role in the implementation of the Carbon Border Adjustment Mechanism (CBAM) Regulation, wishes to address the recent proposal from the European Commission¹ aimed at amending Regulation (EU) 2023/956 by proposing a simplification on the CABM related rules and requirements.

As part of our initial response to the Omnibus I Package, we acknowledge the rationale of the European Commission in determining the new exemption threshold for occasional importers (50 tonnes of net mass per year). We appreciate the details provided in the accompanying working staff document, which reflect the discussions and enhance our understanding of the shift from a value-based threshold per shipment to an annual weight-based threshold per importer.

However, we are profoundly disappointed that the logistics sector faces the complete loss of the exemption threshold once the transitional period concludes. This is caused by the proposed requirement that logistics service providers, including express operators, acting as indirect customs representatives for non-EU established importers must apply to become authorized CBAM declarants, even when the represented importers qualify for an exemption under the new threshold.

This situation leaves the express industry with two challenging options:

- either apply for mandatory authorization as CBAM declarants, with all associated complexities, or
- refuse to ship and clear CBAM shipments for non-EU established importers. Such a scenario not only undermines the competitiveness of the express industry but also hinders growth within the EU economy.

We firmly believe that this outcome directly contradicts the primary objectives that this omnibus package was intended to achieve.

A. Review the role of indirect customs representatives

EEA strongly reiterates its call to provide the solution in the reviewed legislation to accommodate existing and already available market practices and allow importers to **appoint an EU-based sectoral expert that can take CBAM obligations while the indirect customs representative facilitates the shipping and the customs clearance for these goods.**

Professional actors specialized in emissions calculation and reporting, should be allowed to take up CBAM related responsibilities for a non-EU established importer as well. The non-EU established importer should be obliged to appoint such an EU-based sectoral expert who will act as its authorized CBAM declarant.

¹ [606b4811-9842-40be-993e-179fc8ea657c_en](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:606b4811-9842-40be-993e-179fc8ea657c)

The role of the indirect customs representative should be primarily to safeguard the existence of a CBAM responsible person during the customs clearance process by declaring that person in the customs declaration, who can be held accountable for submitting the annual CBAM declaration, the purchase and surrender of CBAM certificates. This would establish the function of a “CBAM Agent” for non-EU importers and for this person to be accessible to competent national authorities. This person does not necessarily have to be the indirect customs representative.

EEA members are committed to ensuring that, without the declaration of this dedicated sectoral expert during the customs clearance, the importation of CBAM goods will not be permitted.

The member companies of the EEA would also like to highlight the difficulty of the proposal in the following practical case: a non-EU established importer, importing CBAM goods may use different modes of transport, including the possibility of shipping CBAM goods with several logistics service providers. Those logistic service providers could include express operators who are acting as indirect customs representatives of the importer. In this case: which of those indirect customs representatives will be responsible for the CBAM related obligations, namely the reporting and the buying of certificates?

The above practical case also underlines the importance of having **a person for CBAM related responsibilities of the non-EU established importer**. With a view to facilitate and ensure compliance, this person should be a sectoral CBAM emissions expert and not necessarily the indirect customs representative.

We recommend therefore:

1. Introduce the definition of an Authorised Representative under Article 3 of Regulation 2023/956².

‘Authorised representative’ means any natural or legal person established in the Union who has received a written mandate from an importer to act on its behalf in relation to specified tasks with regard to importer’s obligations under this Regulation. This person may act as the importer’s indirect customs representative but is not required to do so.

2. Replace any reference where the Indirect Customs Representative is being mentioned and instead use the Authorised Representative throughout Regulation 2023/956, Implementing Regulation 2024/3210³ and consequently the Omnibus Proposal⁴. *For example:*

- *Regulation 2023/956 - Article 5 Application for an authorisation*
*Where an importer is not established in a Member State, the **authorised representative** ~~indirect customs representative~~ shall submit the application for an authorisation including where that importer is subject to the derogation pursuant to Article 2(3a).’;*

- *Regulation 2024/3210 -Article 2 Definitions*
*(3) ‘applicant’ means an importer, or **authorised representative** ~~indirect customs representative~~, who applies for the status of authorised CBAM declarant.*

3. *Or, if the authorised representative is not accepted, as an alternative we also propose:*

- *Regulation 2023/956 - Article 5 Application for an authorisation*

² Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism.

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

⁴ 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.

*Where an importer is not established in a Member State, the indirect customs representative shall submit the application for an authorisation **except in cases including** where ~~the that~~ importer **benefits from** ~~is subject to~~ the derogation pursuant to Article 2(3a).';*

B. Increase transparency and expand trade consultation to include intermediaries.

Throughout the drafting of the regulation and during the transitional period, the European Express Association, alongside other Trade Contact Group members, has consistently advocated for practical solutions to ensure that CBAM meets its environmental objectives rather than becoming an excessive burden for targeted sectors and intermediaries. The widespread challenges faced by EU importers and customs representatives in collecting and reporting embedded emissions have been clearly demonstrated during the transitional period. Many of these challenges could have been avoided if proper trade consultation including all impacted stakeholders would have been accepted to participate in such discussions. The Commission has communicated plans for CBAM simplifications and secondary legislation through Trade Contact Group meetings, yet these updates often resemble one-way communication and are overly general. With nine pending acts to be published in 2025 and until the implementation of the CBAM rules on 1.1.2026, we urge the Commission to establish concrete timelines, adhere to them, and clearly communicate when these legal texts will be open for public consultation, ensuring adequate time for the Commission to consider feedback before publication in the Official Journal. This also applies to the current revision regarding a potential expansion of the CBAM scope, where the EEA is ready to provide its feedback, with the condition that a channel is created to do so.

C. Request to delay CBAM implementation until the CBAM implementation proposals are reflected in legislation.

In light of the ongoing discussions on the CBAM Omnibus proposal and the uncertainty surrounding its final outcome and the date when it will be published in the Official Journal of the EU, we respectfully request that the implementation of CBAM authorisation requirement be postponed (Article 5 and 36 numeral 2(a) of Regulation 2023/956) until the legislative framework is fully defined. Introducing this requirement before the finalisation of the CBAM Omnibus negotiations may result in unnecessary administrative and financial burdens for both businesses and authorities, as companies could be compelled to obtain CBAM authorisations that may ultimately prove unnecessary. Given the current economic context, a more measured approach would help ensure an efficient allocation of resources and avoid undue disruption.

Conclusions:

In summary, we propose the following actions:

- 1. Review the role of indirect customs representatives to allow for the appointment of EU-based sectoral experts for CBAM obligations.**
- 2. Increase transparency and expand trade consultations to include all intermediaries.**
- 3. Postponement of the CBAM authorisation requirement until the Omnibus negotiations are concluded, to prevent unnecessary administrative and financial burdens on businesses and authorities.**

We urge the EU Institutions to adopt a more pragmatic approach. A streamlined and workable CBAM framework is essential for facilitating compliance, preventing unnecessary disruptions at borders, and ensuring that European traders are adequately prepared.

EEA members remain available should there be any questions or requests for clarification.

The European Express Association (EEA) is the representative organisation for the express industry in Europe. The industry specialises in time-definite, reliable transportation services for documents, parcels, and freight. It allows European business to rely on predictable, expeditious delivery of supplies, thereby enabling them to attain and maintain global competitiveness.

The express industry employs over 330,000 people across the EU and supports a further 410,000 indirect jobs in Europe through the supply-chain. The express industry's employees are widely spread across EU member states.

The express industry is a truly intermodal sector. Air-road and air-rail operations form an integral part of the industry's hub and spoke system. Our members use the most efficient transport mode to ensure the timely delivery of our customers' goods. This includes the use of aircraft, but also road vehicles and rail where possible.