

RE: Application CBAM (E03862)

TAXUD-CBAM@ec.europa.eu <TAXUD-CBAM@ec.europa.eu>
Fri 2023-03-03 14:56
To: Björn Kammeyer | Gerber Steel GmbH <bk@gerber-steel.com>
Cc: Thorsten Gerber | Gerber Group <tg@gerber-steel.com>; MANRIQUE DE LARA Alina <Alina.MANRIQUE-DE-LARA@ec.europa.eu>; ZACHARIADIS Ioannis Agamemnon <Ioannis-Agamemnon.ZACHARIADIS@ec.europa.eu>

 1 attachments (1 MB)
CBAM Discussion note February 2023.pdf;

Dear Mr. Kammeyer,

Please find attached the draft Discussion note for your information.

We look forward to receiving your comments.

Best regards,
The CBAM team

From: Björn Kammeyer | Gerber Steel GmbH <bk@gerber-steel.com>
Sent: Friday, March 3, 2023 1:52 PM
To: TAXUD CBAM <TAXUD-CBAM@ec.europa.eu>
Cc: Thorsten Gerber | Gerber Group <tg@gerber-steel.com>
Subject: Fw: Application CBAM (E03862)

Hello dear CBAM Team,

We wanted to remind you about our email from 22 February 2023. We are still looking forward to receiving the currently discussed CBAM draft of the expert group so that we can make comments on it. Can we expect the draft in the next week on Monday or on Tuesday? Thank you very much.

Best regards

Björn Kammeyer (i.A.)

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From: Björn Kammeyer | Gerber Steel GmbH <bk@gerber-steel.com>
Sent: Wednesday, February 22, 2023 16:21
To: TAXUD-CBAM@ec.europa.eu <TAXUD-CBAM@ec.europa.eu>
Cc: Thorsten Gerber | Gerber Group <tg@gerber-steel.com>
Subject: Re: Application CBAM (E03862)

Dear CBAM Team,

Thank you very much for your feedback.

And thank you also for the offer to provide input for the CBAM methodology. As we would like to avoid spending time and effort on an already outdated draft, we would appreciate receiving the latest version. You mentioned this version in your message of 16 February 2023. We look forward to receiving the details.

Best regards

Björn Kammeyer (i.A.)

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From: TAXUD-CBAM@ec.europa.eu <TAXUD-CBAM@ec.europa.eu>
Sent: Thursday, February 16, 2023 15:49
To: Björn Kammeyer | Gerber Steel GmbH <bk@gerber-steel.com>
Cc: Thorsten Gerber | Gerber Group <tg@gerber-steel.com>
Subject: RE: Application CBAM (E03862)

Dear Mr. Kammeyer,

Thank you for email and for your reiterated interest in becoming part of the expert group on the CBAM methodology.

Thank for understanding that the deadline for applications has ended and that we cannot take into account your expression of interest submitted after this deadline.

As regards participation as an observer or expert, it is indeed the Commission's decision to add organisations under such status depending on the needs of the group and its work. At this moment, we believe that the iron and steel industry is sufficiently represented. I hope that you can understand that we also want to keep the group at a manageable size to ensure lively discussions and quick progress.

Once again, We appreciate your interest in the group and should there be a need for your expertise in the future we will call upon it. I can also inform you that at this moment the group has already discussed a last draft of the methodology.

Having said all this, please do not hesitate to send us your suggestions with respect to the methodology. I also encourage you to contact those members of the group that represent producers within your sector.

Thank you for your understanding.

Best regards,
The CBAM team

From: Björn Kammeyer | Gerber Steel GmbH <bk@gerber-steel.com>
Sent: Monday, February 13, 2023 4:14 PM
To: TAXUD CBAM <TAXUD-CBAM@ec.europa.eu>
Cc: Thorsten Gerber | Gerber Group <tg@gerber-steel.com>
Subject: Re: Application CBAM (E03862)
Importance: High

Dear CBAM Team,

Last week we sent you a message by e-mail regarding the informal CBAM expert group and our friendly application to become part of this group. We wanted to ask whether you have received this and when we can expect a positive decision regarding our application. Please find enclosed our message from last week.

Thank you very much and looking forward to your reply.

Best regards

Björn Kammeyer (i.A.)

From: Björn Kammeyer | Gerber Steel GmbH <bk@gerber-steel.com>
Sent: Wednesday, February 8, 2023 12:44
To: TAXUD-CBAM@ec.europa.eu <TAXUD-CBAM@ec.europa.eu>
Cc: Thorsten Gerber | Gerber Group <tg@gerber-steel.com>
Subject: Re: Application CBAM (E03862)

Hello dear CBAM team,

Thank you for elaborating on what we have already written in our last email. We are of course aware that the deadline has expired. Therefore, we had pointed out that there would be the possibility to extend it, for example. Alternatively, you have the option of simply inviting us and giving us observer status, as per the Transparency section of the ec.europa.eu website.

"The Commission's representatives in the group may invite experts with specific knowledge of a subject on the agenda to take part in the work of the group or sub-group on an ad-hoc basis.

The Commission's representatives in the group may grant observer status to individuals, organisations and public authorities, either by direct invitation or as a result of a call for applications, as appropriate. The Chair may allow observers and their representatives to take part in discussions and provide expertise. However, they cannot vote or take part in drawing up the expert groups' recommendations or advice."

<https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups-explained?lang=en>

Unfortunately, you missed this point in your reply, although we offered you this option. We are looking for options and are very cooperative in offering solutions. In return, we welcome your suggestions on how you would like to integrate us into the informal expert group.

After all, you have already acknowledged your mistake that companies can indeed be part of the group, even if they are obviously run under the wrong label of association rather than company. And you have also mentioned this as an exclusion criterion to us. This could possibly lead to legal difficulties with regard to the Transparency Register and CBAM.

"The members of the group shall be appointed by the Director-General of DG TAXUD from applicants with competence in the areas referred to in point 3 and who have responded to the call for applications." Your application does not meet the deadline and therefore the criteria to be admissible."

Since you also stated that we only submitted the application too late and otherwise fulfilled all criteria, we are pleased to receive an invitation as a member with observer status. We hope this concludes everything and look forward to working with you in the near future.

Thank you very much and have a great day.

Best regards

Björn Kammeyer (i.A.)

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Registergericht: Amtsgericht Freiburg

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From: TAXUD-CBAM@ec.europa.eu <TAXUD-CBAM@ec.europa.eu>

Sent: Tuesday, February 7, 2023 09:06

To: Björn Kammeyer I Gerber Steel GmbH <bk@gerber-steel.com>

Cc: Thorsten Gerber I Gerber Group <tg@gerber-steel.com>

Subject: RE: Application CBAM (E03862)

Dear Mr. Kammeyer,

Thank you for your email.

The European Commission launched the call for applications on the 15th of July 2022 and, in full respect of the horizontal rules, it lasted for four weeks with a deadline of the 9th of September 2022. All applications sent during that time frame were considered admissible as according to the call for applications: "Interested organisations are invited to submit their application to the European Commission, DG TAXUD by email to: TAXUD-CBAM@ec.europa.eu. Applications must be completed in English. Organisations shall indicate the name of their representative(s) in the group. **An application will be deemed admissible only if it is sent by the deadline** and includes the documents referred to below. All documents submitted by applicants should be duly filled in, legible, signed and numbered sequentially." The deadline for applications, as established by the call for applications states that: "**The duly signed applications must be sent by 9th of September**", and unfortunately you did not send your application within that deadline.

Further, in the Terms of Reference section on the Selection Process, you can find that: "The selection of the member organisations shall be carried out via a public call for applications, to be published on the Register of Commission expert groups and other similar entities ('the Register of expert groups'). In addition, the call for applications may be published through other means, including on dedicated websites. **The call for applications shall clearly outline the selection criteria**, including the required expertise and the interests to be represented in relation to the work to be performed. The minimum deadline for applications shall be four weeks" and "The members of the group shall be appointed by the Director-General of DG TAXUD **from applicants with competence in the areas referred to in point 3 and who have responded to the call for applications**." Your application does not meet the deadline and therefore the criteria to be admissible.

Please note that DG TAXUD reserves the right to select members of the informal expert group on CBAM always in respect of the horizontal rules, from those applications that are admissible according to the Terms of Reference and Call for Applications.

We hope this clarifies your query.

Best regards,

TAXUD CBAM Team

From: Björn Kammeyer I Gerber Steel GmbH <bk@gerber-steel.com>

Sent: Monday, February 6, 2023 4:12 PM

To: TAXUD CBAM <TAXUD-CBAM@ec.europa.eu>

Cc: Thorsten Gerber I Gerber Group <tg@gerber-steel.com>

Subject: Re: Application CBAM (E03862)

Importance: High

Dear CBAM Team,

thank you very much for your feedback and stating the reasons for it.

Unfortunately, your information does not go along with the statutes according to the document TAXUD_ToR_CBAM clean.pdf.

According to this, it is possible for "companies" to apply as a Type C Member.

4. MEMBERSHIP

Members of the group shall be:

1. organisations in the broad sense of the word, **including companies**, associations, Non-Governmental Organisations, trade unions, universities, research institutes, law firms and consultancies ('Type C members').

Page 2, TAXUD_ToR_CBAM clean.pdf

In addition, according to the statutes, others can be admitted. Moreover, there does not seem to be an exhausted limit, as currently only 12 member places out of a possible minimum of 15 have been allocated, the 5 categories of which each offer space for at least one non-governmental organisation. There is also the possibility of Observer membership. There are currently only 12 of these.

Also, your answer "the group is not open to individual companies" is fundamentally wrong, as the European Cement Research Academy **GmbH** (ECRA) is a limited liability company (Gesellschaft mit beschränkter Haftung, GmbH) registered in the German commercial register and therefore not an NGO or Association according to German law. <https://www.northdata.com/European+Cement+Research+Academy+GmbH,+D%C3%BCsseldorf/HRB+47580>

This already disproves that individual companies are not eligible and cannot become full Type C members. According to your website, ECRA is a full Type C member.

Replacement memberships are also possible according to your statutes, should e.g. an organization drop out. "and may be replaced for the remainder of their term of office."

Furthermore, point 5 Selection Process shows that the minimum deadline should be four weeks. This could therefore be extended. We have responded to the call for applications. Since CBAM has not yet started and there is only a provisional agreement between the EU Parliament and the Council, it should not be a problem to admit further members.

All options are now open for you to offer us membership in the informal expert group. Whether as a full Type C member or an Observer membership. We therefore look forward to your explicit invitation or acceptance of our application.

Please also confirm that you have received our message. Thank you very much.

Best regards

Björn Kammeyer (i.A.)

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Handelsregister: HRB 719990
Registergericht: Amtsgericht Freiburg

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From: TAXUD-CBAM@ec.europa.eu <TAXUD-CBAM@ec.europa.eu>
Sent: Monday, February 6, 2023 13:25
To: Björn Kammeyer | Gerber Steel GmbH <bk@gerber-steel.com>
Cc: Thorsten Gerber | Gerber Group <tg@gerber-steel.com>
Subject: RE: Application CBAM (E03862)

Dear Mrs Kammeyer,

Thank you for your interest in the Informal Expert Group on CBAM methodology. Kindly note that the group is not open to individual companies and the deadline for the expression of interest was in September 2022. We trust however that the views of the industry are adequately represented by relevant industry associations that participate to the group.

Best regards,

CBAM Team

From: Björn Kammeyer | Gerber Steel GmbH <bk@gerber-steel.com>
Sent: Friday, February 3, 2023 5:14 PM
To: TAXUD CBAM <TAXUD-CBAM@ec.europa.eu>
Cc: Thorsten Gerber | Gerber Group <tg@gerber-steel.com>
Subject: Application CBAM (E03862)

Dear Sir or Madam,

Please find enclosed the application of Gerber Steel GmbH for the informal expert round on CBAM (E03862). Please confirm receipt.

Should you have any questions, please do not hesitate to contact us.
Thank you very much and have a nice weekend.

Best regards

Björn Kammeyer (i.A.)

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