WEETRA ORGANIZATION
INSTITUTE FOR REGULATORY COHERENCE

2026

WEETRA VIETNAM SPECIMEN

Adversarial Opinion

CBAM documentary evidence,
challenge points and defensibility review

English controlling edition · September 2026

Controlled specimen series

VIETNAM

PRECURSOR EVIDENCE

PRODUCTION DATA

EMISSIONS ACCOUNTING

VERIFIABLE EVIDENCE

CHAIN OF CUSTODY

GLOBAL STANDARDS.
TRUSTED EVIDENCE.
REGULATORY COHERENCE.

What this opinion is designed to test

This opinion applies the WEETRA Evidentiary Assessment Framework to a constructed Vietnamese steel file. The question is not whether the producer appears sophisticated, and it is not whether a single emissions number looks plausible. The question is whether an installation-specific actual-emissions claim can be supported on the record alone when a verifier, counsel or competent authority tests the chain from primary evidence to declaration.

ASSESSMENT DIMENSIONS

- Evidence existence and provenance
- Continuity from source to declaration
- Installation and goods attribution
- Reconciliation across systems of record
- Verification readiness
- Burden-of-proof resilience

METHODOLOGICAL BOUNDARY

The framework does not assign a score, probability of acceptance or exposure estimate. It separates what is observed, what is calculated, what is assumed for the scenario and what is a structured expert judgement.

Methodological discipline. Sub-5% matters are not treated as an automatic additive WEETRA threshold, and the absence of a verifier report in September 2026 is treated as a future legal dependency rather than a missed deadline.

Current adversarial conclusion

The actual-emissions claim is not yet defensible for reliance in the 2026 CBAM declaration on the present specimen record. The reason is evidentiary, not numerical: several load-bearing relationships remain insufficiently governed, and accredited verification - while not yet due at this cut-off - will be mandatory before actual emissions are relied upon in the declaration.

FINDING A

Production and installation records exist.

The early part of the chain is credible and substantially documented.

FINDING B

Three interior relationships remain open.

Data-gap treatment, captive-plant attribution and product-tonnage reconciliation require remediation.

FINDING C

Verification is mandatory before reliance.

At 3 September 2026 it is a future legal dependency, not an overdue obligation.

Opinion boundary. This opinion does not predict that a verifier or authority will reject the claim. It states that the present file should not yet be presented as a verifier-ready actual-emissions package.

Constructed file and regulatory perimeter

ELEMENT	ILLUSTRATIVE FILE	Current treatment
Imported good	Hot-rolled steel coil, CN 7208 family	Steel case focused on direct embedded emissions.
Production route	Integrated BF-BOF installation with shared captive heat/power assets	Shared-asset allocation is tested only where relevant to direct-emissions attribution.
Country	Vietnam	Domestic carbon-market context is background, not proof of an Article 9 deduction.
Claim	Use of installation-specific actual embedded emissions	Actual-emissions reliance ultimately requires accredited verification.
Reporting period	2026 definitive-period specimen	Verification and declaration timetable is treated prospectively.

FICTIONALISATION

Company, installation, quantities and case facts are constructed. They describe no identified undertaking.

LEGAL BASIS

The load-bearing EU rules used in this opinion are adopted instruments. Non-binding guidance and contextual third-country material are kept in separate source classes.

The actual-emissions position decomposed

CLAIM	WHAT MUST BE DEMONSTRATED	CURRENT READING
A · Measurement base	Direct emissions and production activity are monitored through a governed method and preserved source records.	SOURCE-LIMITED
B · Attribution	Installation-level emissions are allocated to the relevant production process and goods population by a documented method.	SOURCE-LIMITED
C · Reconciliation	The production denominator and calculation population reconcile to the system of record.	CONTRADICTED
D · Verification	Actual emissions used in the 2026 declaration are verified by an accredited verifier under the definitive verification framework.	MANDATORY - NOT YET DUE

Conjunctive logic. A strong monitoring plan does not substitute for an unresolved attribution key, and neither substitutes for the accredited verification ultimately required by Article 8.

Where the claim is strong, where it is open, and what is future

01
Monitoring plan
SUPPORTED
Controlled plan exists and broadly aligns with the definitive methodology.

02
Primary source streams
SUPPORTED
Most material source streams are metered and traceable.

03
Data-gap period
LIMITED
A 2026 pre-instrumentation period uses a documented estimate whose governance requires closer review.

04
Captive-plant attribution
LIMITED
The shared-asset allocation method is not yet locked as one controlled basis.

05
Production tonnage
CONTRADICTED
Workbook denominator differs from ERP system of record.

06
Specific intensity
LIMITED
No substitute figure is asserted while the population remains unresolved.

07
Accredited verification
NOT YET DUE
Mandatory before reliance on actual emissions in the 2026 declaration.

08
CBAM declaration
FUTURE STATE
First 2026 declaration is due in 2027.

Adversarial reading. The file does not collapse because one node looks weak. It remains unready because the unresolved interior links prevent an external reviewer from reconstructing the same claim without explanation.

Governance of the pre-instrumentation data-gap period

For January-April 2026, one captive-gas stream is not supported by the same meter population used later in the year. The operator uses a retro-calculation based on other operating records. The existence of an estimate is not automatically disqualifying; the question is whether the data-gap method is permitted, documented, conservative where required, and reproducible from preserved evidence.

WHAT IS OBSERVED

- The meter becomes available from May 2026.
- The earlier period is derived rather than directly metered.
- Proxy records exist, but the method note is incomplete in the specimen.

WHAT WOULD STRENGTHEN THE FILE

- Controlled data-gap methodology.
- Source records for all proxy variables.
- Reconciliation to later metered behaviour.
- Versioned approval / governance record.

Methodological discipline. The elapsed pre-instrumentation period is treated as a governed data-gap question whose adequacy must ultimately be assessed in verification, not as categorically non-verifiable.

Shared captive-plant attribution remains method-dependent

The shared captive asset serves more than one production route. The file uses one allocation basis, but the specimen does not yet preserve enough governance evidence to show why that basis is the controlled method for the relevant 2026 reporting population.

METHOD A

Mass

Simple production-based allocation. Easy to reproduce, but may not reflect differential energy demand.

METHOD B

Energy

Potentially more representative where energy intensity differs, but requires a governed energy-consumption basis.

QUESTION	CURRENT FILE	NEEDED FOR CLOSURE
Which method governs?	One method is used in the workbook.	Controlled method note linked to the monitoring plan.
Why is it representative?	Explained narratively.	Evidence-based rationale and version history.
Can it be reproduced?	Partly.	Locked variable set and source records.

No invented alternative result. The opinion does not publish a competing tCO_2e/t figure unless the alternative method can actually be reconstructed from a governed source set.

Tonnage denominator contradiction

ERP SYSTEM OF RECORD

140,000 t

Illustrative production population recorded in the primary ERP.

EMISSIONS WORKBOOK

144,200 t

Illustrative denominator used in the derivative calculation file.

The difference is observable in the specimen. It is not converted automatically into a final corrected emissions intensity. The contradiction first has to be explained: different product scope, timing, scrap treatment, inventory movement or simple extraction error are all possible until the evidence closes the bridge.

final corrected emissions intensity. The contradiction first has to be explained: different product scope, timing, scrap treatment, inventory movement or simple extraction error are all possible until the evidence closes the bridge.

Load-bearing defect. Specific embedded emissions use a product denominator. If the denominator population is unresolved, the final intensity is not independently reproducible even if the numerator records are strong.

What is measured, what is derived, what remains unresolved

COMPONENT	EVIDENCE STATE	EPISTEMIC MARKER	Current reading
Major direct source streams	Metered primary records	[OBSERVED]	Strong base, subject to verification.
Pre-instrumentation stream	Derived from proxy records	[OBSERVED]	Data-gap method requires governance review.
Captive-asset allocation	Method-dependent	[STRUCTURED JUDGEMENT]	Do not publish a competing figure without governed inputs.
Production tonnage	ERP/workbook mismatch	[OBSERVED]	Denominator contradiction requires reconciliation.
Independent corrected intensity	Not established	[SOURCE-LIMITED]	No replacement tCO2e/t is asserted.

> The evidentiary problem is not that the file contains “too many small errors.” It is that several different relationships required to reproduce the claim are not yet governed well enough for independent reliance.

The 5% rule belongs to the verifier, not to WEETRA

5%

QUANTITATIVE MATERIALITY LEVEL

Article 5 of Implementing Regulation 2025/2546 establishes the quantitative level used in the verification framework for specific embedded emissions.

EXPERT JUDGEMENT REMAINS OPERATIVE

The verifier may also consider matters below the quantitative threshold material because of their nature. WEETRA does not pre-empt that judgment.

WEETRA MAY DO

Identify contradictions, missing relationships and source limitations.

WEETRA DOES NOT DO

Add percentages mechanically to create a proprietary materiality rule.

VERIFIER ROLE

Assess materiality and reasonable assurance under the verification framework.

Methodological boundary. WEETRA does not create an additive percentage materiality rule. The blocking logic rests on evidentiary reconstructibility and verifier readiness, while materiality judgement remains within the statutory verification framework.

Mandatory before reliance - not overdue at the September 2026 cut-off

3 SEPTEMBER 2026

Specimen review cut-off. The file may legitimately still be in pre-verification preparation.

VERIFICATION CYCLE

Accredited verification required for actual emissions. First-year physical site-visit requirements form part of the verification framework.

BEFORE DECLARATION RELIANCE

Actual emissions must be verified before they are used in the 2026 CBAM declaration.

30 SEPTEMBER 2027

First declaration deadline for 2026 imports. The relevant verification evidence must be available by the point of actual-emissions reliance.

Timing discipline. ?MANDATORY BEFORE 2026 CBAM DECLARATION - NOT YET DUE AT SPECIMEN CUT-OFF? states the legal verification dependency applicable at the September 2026 cut-off.

How a senior verifier or authority-side reviewer would attack the file

CHALLENGE 1 · DATA-GAP METHOD
Show the exact proxy records, calculation and governance basis for the pre-instrumentation period.

CHALLENGE 2 · ALLOCATION
Show why the selected captive-plant allocation method is the controlled basis for this product population.

CHALLENGE 3 · DENOMINATOR
Reconcile ERP production tonnage to the workbook denominator without oral explanation.

CHALLENGE 4 · VERIFICATION
Demonstrate a verifier-ready corpus capable of accredited verification before declaration reliance.

> The adversarial question is not whether the producer can explain the file. It is whether the file can explain itself.

The same file changes when the question changes

DOCUMENTARY DEPTH

Are the expected elements present?

Monitoring plan, workbooks, production records and source data are largely present. A presence-only review would view the file favourably.

RELATIONSHIP DEPTH

Do the records refer to the same population and method?

Data-gap governance, shared-asset attribution and tonnage reconciliation begin to weaken the claim.

ADVERSARIAL DEPTH

Could an independent reviewer sustain the claim without oral explanation?

Not yet. The file remains dependent on unresolved relationships and future verification.

Methodological principle. A deeper review does not invent a stricter legal standard. It tests whether the specific evidentiary chain needed for the claim is actually reconstructible.

Can the claim answer for itself on the record alone?

DEMAND	CAN THE PRESENT FILE ANSWER UNAIDED?	WHY
Identify the governed 2026 data-gap method	PARTLY	Proxy records exist; method governance is incomplete.
Reconcile the production denominator	NO	ERP and workbook populations remain contradictory.
Show the controlled captive-asset allocation basis	PARTLY	One method is used, but the governance bridge is not complete.
Produce accredited verification	NOT YET DUE	Mandatory before declaration reliance, but not overdue at this cut-off.

Current conclusion. The file is not yet durable enough to carry the actual-emissions claim unaided. That is a different proposition from saying the underlying emissions number is necessarily wrong.

Recoverable weaknesses versus structural limits

ISSUE	REMEDIATION PATH	RESIDUAL LIMIT
Data-gap period	Lock proxy records, formula, governance note and reconciliation.	Direct meter data cannot be recreated retrospectively; the adequacy of the substitute method remains a verification question.
Captive-plant allocation	Approve and document one controlled allocation basis.	Alternative methods should not be mixed silently.
Tonnage contradiction	Reconcile ERP, production scope, inventory movements and workbook denominator.	No corrected intensity should be asserted until the population is settled.
Verification	Prepare the corpus, complete accredited verification and required site-visit activity in time for declaration reliance.	WEETRA cannot substitute for the verifier.

> **Version discipline.** Remediation creates a new evidence state. It does not erase the old one.

What can responsibly be said at this cut-off

The present specimen does not support a statement that the actual-emissions position is already verifier-ready. It does support a more precise management conclusion: the file is capable of targeted remediation, and the remaining steps are visible.

DO NOT DO	DO NOW	THEN
Present the current dossier as if independent verification had already been achieved.	Close the denominator, data-gap and attribution bridges; structure the corpus for verifier review.	Complete accredited verification before actual-emissions reliance in the 2026 declaration.

> The objective is not to choose the most favourable narrative. It is to know exactly what the file supports today, what can be repaired, and what still belongs to the statutory verifier.

How the adversarial opinion is built

01
Regulatory claim
Actual installation-level emissions.

02
Evidence chain
Records source-to-declaration.

03
Assessment controls
Identity, continuity, attribution, reconciliation.

04
Adversarial challenge
Questions a hostile reviewer would ask.

05
Determinations
Claim-specific categorical states.

06
Remediation
Evidence relationship required for closure.

07
Verification dependency
Statutory assurance remains separate.

08
Bounded conclusion
What the present file can support.

Methodological principle. Technical correctness and evidentiary defensibility are related but not identical. The opinion tests both without creating a proprietary compliance score.

Authority hierarchy and institutional boundaries

Binding EU law

- Regulation (EU) 2023/956, as amended.
- Article 7 actual embedded-emissions framework.
- Article 8 verification requirement.

Implementing / delegated law

- Implementing Regulation (EU) 2025/2547 - definitive-period methodology.
- Implementing Regulation (EU) 2025/2546 - verification and materiality.
- Delegated Regulation (EU) 2025/2551 - accreditation framework.

Official non-binding guidance

- Commission operator guidance, 14 August 2026.
- Commission verifier/accreditation guidance, 24 August 2026.

Contextual public data

Vietnam carbon-market and trade context may explain the operating environment but does not itself establish the CBAM actual-emissions claim or an Article 9 deduction.

Limits. This is not accredited verification, legal advice, a regulator decision, a safe harbour or a prediction of enforcement outcome.

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Regulatory Defensibility & Auditability

Sources & Publication Control

BINDING EU LAW

Regulation (EU) 2023/956 establishing the Carbon Border Adjustment Mechanism, as amended through the September 2026 legal cut-off.

IMPLEMENTING / DELEGATED LAW

Commission Implementing Regulations (EU) 2025/2546 and 2025/2547, and Commission Delegated Regulation (EU) 2025/2551.

OFFICIAL NON-BINDING GUIDANCE

European Commission CBAM operator guidance and verifier / accreditation guidance published in August 2026.

CONTEXTUAL PUBLIC DATA

Country and trade data may provide context. They do not establish the legal or methodological determination.

WEETRA

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