

Certification of carbon removals – EU rules

Fields marked with * are mandatory.

Introduction

Responding to the urgency of climate action highlighted in the successive assessments of the Intergovernmental Panel for Climate Change (IPCC), the European Union has set in law its objective of economy-wide climate neutrality by 2050. The European Climate Law requires greenhouse gas (GHG) emissions and removals to be balanced within the European Union at the latest by 2050, with the aim of achieving negative emissions thereafter. Each single tonne of CO₂eq emitted into the atmosphere will have to be neutralised by a tonne of CO₂ removed from the atmosphere. To scale up carbon farming and industrial solutions for removing carbon from the atmosphere, the European Commission is working towards a legislative proposal in 2022 on a regulatory framework for the certification of carbon removals.

As underlined in the Communication on Sustainable Carbon Cycles, the establishment of the certification framework will be an essential stepping stone towards the transparent recognition of activities that remove carbon from the atmosphere in an environmentally sound manner. The certification rules should therefore set scientifically robust requirements for quality of measurement, monitoring, reporting and verification of the carbon removed from the atmosphere, the duration of the storage, the risk of reversal and the risk of carbon leakage increasing GHG emissions elsewhere. Requirements should also be set for the amount and type of energy used for the carbon removal process. The certification rules should put in place robust safeguards to make sure that carbon removal activities do no harm to biodiversity and other sustainability objectives. This is important to ensure that the EU can claim domestic climate neutrality while helping to achieve other objectives of the European Green Deal.

This public consultation invites public administrations, academic institutions, businesses, organisations and individuals to contribute to the preparation of an EU regulatory framework for the certification of carbon removals. The findings of the consultation (which will be summarised and published) will inform the impact assessment accompanying the Commission proposal on this initiative.

Guidance on the questionnaire

This public consultation consists of some introductory questions on your profile, followed by a questionnaire. Please note that you are not obliged to reply to all questions.

At the end of the questionnaire, you are invited to provide any additional comments and to upload additional information, position papers or policy briefs that express the position or views of yourself or your organisation.

The results of the questionnaire and uploaded position papers and policy briefs will be published online. Please read the specific privacy statement attached to this consultation stating how personal data and contributions will be dealt with.

In the interest of transparency, if you are replying on behalf of an organisation, please register with the register of interest representatives (if you have not already done so). Registering commits you to complying with a code of conduct. If you do not wish to register, your contribution will be handled and published with contributions received from individuals.

About you

* Language of my contribution

- Bulgarian
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- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
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* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name

Wijnand

* Surname

Stoefs

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wijnand.stoefs@carbonmarketwatch.org

* Organisation name

255 character(s) maximum

Carbon Market Watch

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

* Country of origin

Please add your country of origin, or that of your organisation.

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- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
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- Cayman Islands
- Central African Republic
- Chad
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- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
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- Iceland
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- Isle of Man
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Nevis | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Lucia | |

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The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

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Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose

behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

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Questions

Scope

Question 1: What in your view are the main challenges regarding the integration of carbon removal in EU climate policies?

at most 3 choice(s)

- Ensuring that strong action to reduce emissions is not undermined by shifting focus on carbon removals.
- Ensuring a net contribution from removals to the achievement of climate neutrality.
- Ensuring precise, accurate and timely measurement for removals.
- Providing sufficient guarantees for the duration of carbon storage and the prevention of reversals.
- Avoiding potential negative environmental impacts and complying with sustainability principles.
- Fostering cost-effective carbon removal solutions.
- Guaranteeing transparency of the benefits and costs of carbon removals.
- Setting appropriate baseline and demonstrating the additionality of removals.
- Other

Please specify:

500 character(s) maximum

All these options are crucial. But the most critical is not undermining emission reductions efforts – through the creation of separate targets and policies for incentivizing removals (so not ETS or ESR).

Crucially, if the storage is not permanent then no removal has happened: practices without permanent storage should not be considered. In addition, liability for reversals should be included.
All impacts in the value chain must be assessed – especially for biomass, land and energy used.

Question 2: What should be the main criteria defining the types of carbon removals that EU climate policies should incentivise?

at most 3 choice(s)

- Technical readiness and economic feasibility
- Potential for deployment at large scale
- Robustness of monitoring, reporting and verification aspects
- Affordability of monitoring, reporting and verification aspects
- Duration of carbon storage
- Risk of intentional or unintentional reversal of carbon removals
- Potential environmental co-benefits
- Potential social benefits
- Other

Please specify:

500 character(s) maximum

Only real removals should be considered: atmospheric GHGs that are stored permanently (at least centuries), accounting for all emissions throughout the value chain and only net-removals (associated emissions lower than removals by the process).
Temporary storage does not lead to the meaningful climate outcomes expected from removals.
While co-benefits are important, this scheme should focus primarily on distinguishing real removals from false solutions.

Question 3: Taking account of the aspects identified in the previous question, what carbon removal solutions should EU climate policies incentivise and in what time horizon?

Carbon farming solutions enhancing ecosystem removals

	As soon as possible	After 2030	Towards 2050	Never	No opinion
Afforestation under ecological principles	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Reforestation and forest restoration	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sustainable forest management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Agroforestry and mixed farming	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increase of soil organic carbon on mineral soils	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Increase of soil organic carbon on organic soils	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Wetlands and peatlands restoration	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Costal marine ecosystem restoration and preservation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify:

500 character(s) maximum

The concepts afforestation, reforestation and sustainable forest management are not made sufficiently clear. While EU policy should support the practices listed (especially considering co-benefits and potential for emissions reductions), they should not be considered for the certification mechanism due to high risk of reversals and difficulties related to establishing robust MRV and liability frameworks. All impacts must be considered (such as the risk of land-use change in and outside EU).

Industrial solutions for carbon removals

	As soon as possible	After 2030	Towards 2050	Never	No opinion
Biochar	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Direct air capture with long-term or permanent carbon storage	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bioenergy with carbon capture and long-term or permanent storage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Geological storage of non-fossil CO2	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Bio-based products with long lifetime (including for construction)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Utilisation of non-fossil CO2 in long lifetime products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Enhanced rock weathering	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify:

500 character(s) maximum

Again, impacts and inputs must be considered. The Source of biomass is a major concern and should be regulated and monitored closely to tackle biodiversity, deforestation and land competition concerns. Different feedstock will have different impacts (eg. waste vs wood pellet feedstock), for DACCS energy must be renewable and additional. Even if as soon as possible: this means robust MRV, LCAs and accounting need to be established and tested. Storage of non-fossil CO2 is unclear as not defined.

Would you have any additional comments on scope, please specify:

2500 character(s) maximum

While all processes that can lead to removals should be considered, the certification mechanism should only focus on or certify real and verifiable removals. This means permanent storage with low risks of reversals (during at least several centuries) that can be monitored in a robust fashion, and full accounting of all emissions throughout the process.

Full life-cycle assessments of the processes need to be established to ensure embedded emissions are accounted for; and negative environmental and social impacts are understood and can be addressed – critically for any biomass used. These LCAs should include emissions embedded in energy and inputs used – where it is crucial biomass does not get an automatic carbon neutral rating as this is demonstrably false. Also, the effects of mining, crushing, transport, disposal etc of minerals must be considered. This means that only processes or methods leading to net-removals are incentivised: emissions related to the process are lower than removals caused by the process.

Removals must not come at the expense of other important considerations such as biodiversity – the ‘do no significant harm’ principle must be respected. While there are limited supplies of potentially sustainable biomass (e.g. waste), large-scale biomass use can lead to significant detrimental impacts. Incentivizing unsustainable biomass could lead to deforestation, food crises and biodiversity loss - without certainty that biomass use would actually lead to carbon removals. The carbon debt issue of biomass is critical in this regard.

While ecosystem-based sinks are valuable if only because of their significant co-benefits – the mechanism should not inflate the value of any removals related to such processes due to the existence of those co-benefits. The certification mechanism must focus on removals, and those co-benefits should be incentivized through other means (for example the Common Agricultural Policy).

Risks of reversals need to be addressed through a combination of robust MRV, and stringent liability clauses with responsibility for compensating any leaks clear from the start.

The benefits of a certification framework to scale up high-quality carbon removals over the coming years

Question 4: Would you agree that establishing a robust and credible certification system for carbon removals is the first essential stepping stone towards achieving a net contribution from carbon removals in line with the EU climate-neutrality objective?

- Yes
- No
- No opinion

Question 5: What would be the main objectives for the certification of carbon removals?

at most 3 choice(s)

- To increase the transparency and level playing field of voluntary carbon markets.
- To allow comparability and competition between different carbon removal solutions
- To provide better public incentives for nature-based and industrial carbon removals in EU and national funding programmes.
- To provide better financial incentives for land managers (e.g. purchasers of food and biomass products reward climate-friendly agriculture through price premiums or incentive payments – often called ‘in-setting’).
- To provide better financial incentives for carbon-storage products (e.g. bio-based products, woody construction material).
- To increase transparency in corporate sustainability reporting and foster the credibility of climate-neutrality claims.
- To support the labelling of sustainable products.
- Other

Please specify:

500 character(s) maximum

Main objective of this system should be to set strict quality criteria for removals being developed as a standalone contribution toward the EU climate target(s) (and ideally a separate removals target).

The distinction between compliance action and VCM must remain clear. Mixing both raises serious concerns and could destroy the integrity of the EU ETS/ESR by flooding it with low-quality and/or risky removals. There is also a risk of double claiming by EU member states and the credit buyer.

The role of the EU in the certification of carbon removals

Question 6: Which role should the EU take in the certification of carbon removals?

- Voluntary carbon markets work well. There is no need for an additional intervention by the EU.
- The EU should establish minimum standard requirements on reporting transparency for carbon removals.
- The EU should establish comprehensive standard requirements for carbon removals, e.g. on monitoring, reporting and verification, on the duration of the removal or baseline setting and additionality.

Question 7: What functions in the certification process should be carried out by private or public entities?

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	Independent private entities	Public administration	No opinion
Establishment of certification methodologies	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Establishment of the system for accreditation of certification bodies	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Validation of the carbon removal project (ex-ante)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Verification of removals made (ex-post)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Would you have any additional comments on the role of the EU in the certification, please specify:

2500 character(s) maximum

The EU should not engage in promoting and/or supporting the VCM, but rather focus on reducing emissions, and start developing removal practices that can be scaled up in the future. By gearing the mechanism towards supporting the VCM and offsetting, the EU is promoting mitigation deterrence. EU removals are used as a fig leaf for continued emissions by corporate actors that make unsubstantiated claims of net-zero or climate neutrality.

If the VCM is to remain the focus of the Commission, then at the very least two things must happen:

1. corresponding adjustments must be required for all units/credits used for offsetting or compensation of GHGs, regardless of which entity is using the unit/credit. This is necessary to ensure no double counting of removals.
2. VCM entities should not have decision-making power over any stage of the design and operation of the certification system. Most VCM actors would have a conflict of interest as they have a direct financial incentive in the functioning of the certification scheme if it links to the VCM.

The certification should enable the EU to reach its climate targets, and align itself with the 1.5°C global target (which is currently not the case – even taking the proposals for the Fit for 55 package into account). This means that removals occurring under it need robust MRV and proper accounting.

Therefore, in any case, the certification system must be designed, set up and run by public bodies.

Certification methodologies

Question 8: Carbon removal solutions can differ significantly, for example as regards duration of removals or robustness of monitoring, reporting and verification. In this context, do you think an EU certification framework should allow different types of certificates for different types of removals?

- The EU certification framework should define only the minimum criteria for the certification and should not comprehensively define the certificates.
- The EU certification framework should only allow a single type of certificate to ensure equivalence of certified carbon removals.
-

The EU certification framework should allow different types or sub-categories of certificates to better reflect the diversity of carbon removal solutions and their characteristics.

Question 9: Apart from diverging durations of existing carbon removal solutions, storage may also be prematurely interrupted and carbon may consequently be released back into the atmosphere. What approach could better manage this risk of intentional or unintentional reversal of carbon removals?

- Make removal providers liable for any reversal of removals and require them to offset any reversal.
- Encourage or require carbon removal providers to set up insurance systems or multi-project pooling mechanisms.
- Require commitment to multi-year monitoring plans at the outset of the certification procedure.
- Issue certificates with specific durations (e.g. 5, 7 or 10 years) that can be renewed.
- Require methods with a risk of reversal to be discounted or require a share of the removals to be stored in a buffer account (e.g. 10 to 25 per cent of the expected removals).
- Other

Please specify:

500 character(s) maximum

Member states will be liable for reversals as removals will be included in the UNFCCC inventories. Attempting to guarantee permanence over more than 100 years at project level is illusory. It would be inaccurate to claim that companies are offsetting their emissions, when it is actually member states who will end up having to "make up for it" in case of reversals. Companies should only be allowed to claim that they are supporting country efforts, not that they are offsetting their emissions.

Question 10: In voluntary carbon markets, the use of baseline and additionality concepts aims to quantify and reward only additional removals, i.e. those that go beyond a pre-identified baseline and would not have occurred in the absence of the incentives from the carbon removal mechanism. To what extent do you think the EU certification framework should include the concepts of baseline and additionality?

- The EU certification should establish a single methodology to define the baselines and assess additionality.
-

The EU certification framework should allow for a variety of baselines and additionality criteria to cater for different types of removals.

- To best adapt to the use of the certificates in a specific context, the certification framework should not prescribe definitions for baseline and additionality criteria.
- Other

Please specify:

500 character(s) maximum

Strict additionality tests are required in addition to the requirement for member states to apply corresponding adjustments, which already incentivises high levels of additionality and stringent baselines. Rules should be in place to demonstrate that activities are additional, and to prevent over-crediting. Baselines should be conservative and decrease over time. Additionality provisions should be applicable across project types, while baseline setting might differ based on the activity type.

Question 11: What information should the certification for carbon removal disclose?

- Type of carbon removals
- Quantity of carbon removed
- Information on the carbon removal provider
- Information on the certificate owner
- Information on monitoring, reporting and verification processes
- Duration of carbon storage
- Risk coverage and safeguards on sustainability objectives
- Environmental benefits
- Social benefits
- Information on the baseline and additionality of the removal
- Information on the use of the certificate and its contribution to the Paris Agreement with a view to avoiding double counting
- Price if the certificate has been traded
- Other

Please specify:

500 character(s) maximum

The mechanism should be used by member states or the EU as a whole to reach separate removals targets. That means that the holder or purchaser of the certificate is a national authority – therefore transparency on public expenditure is crucial to guarantee.

The EC should take inspiration from information currently provided by VCM programs.
Other information should include: Duration of crediting period (if relevant), Vintage of the removal, Final beneficiary of the certificate, Project location

Would you have any additional comments on on certification methodologies, please specify:

2500 character(s) maximum

While many certification methodologies have already been developed by private sector entities, the EU needs to go above and beyond any VCM-related methodologies to ensure the certification mechanism is watertight. EU public authorities should be in the lead on all aspects of design and operationalising a removal certification mechanism, assess critically any previous work done by actors in the VCM, as many have strong conflicts of interest. Third-party verification will be critical as well, as will transparency towards the broader public on which removals are incentivised and why, and which (negative/positive) impacts are expected and how will they be addressed.

While it is understood that the mechanism will focus on EU action, cross-border impacts must be assessed and included in methodologies as well.

If private finance is to be mobilised to support removals, the focus should be on finance and contribution claims rather than enabling claiming of the removals themselves. The removals themselves will be needed to reach a separate removal target that is yet to be established.

Any reversals would need to be fully addressed and compensated for (for example by cancelling other currently issued credits from the relevant project developer). Liability for reversals should be implemented in a strict fashion, even if this means certain practices that could lead to removals are dropped from the mechanism.

Final remarks

Finally, are there any other important aspects that should be considered in establishing a regulatory framework for the certification of carbon removals in the EU?

- Yes
- No

Please provide your additional remarks:

5000 character(s) maximum

If done well the CRC-M can determine what is actually CDR or not, and keep false solutions out of this field. Time and resources are scarce and must be invested in real removals, and not in CCU and temporary storage. These may have climate benefits (by crowding out fossil carbon or delaying emissions), but that does not make them equal to CDR.

A key issue for the certification mechanism is not addressed in this questionnaire or in the related call for evidence: what are the certified 'units' or 'methodologies' going to be used for – where will demand come from?

The Sustainable Carbon Cycles Communication and the call for evidence refer to the VCM, however we have major concerns:

- Corresponding adjustments will be crucial to avoid double counting or claiming. The interlinkages with other parts of the EU climate framework are unclear (e.g. how will increased soil organic carbon not be accounted for under the LULUCF regulation if sold through the VCM)
- The EU's climate targets and NDC imply that the EU will need removals for its own inventory. This means that only high-hanging fruits, like high-cost removals, could be sold on the VCM without harming the EU's ability to reach its target.

If the CRC-M leads to inclusion of removals in EU emission reduction policies (such as the ETS or ESR) then it will be a very dangerous distraction and a big mistake leading to, at best, a zero-sum game.

Using removals for offsetting (be it in the VCM or the EU ETS) is likely to cause mitigation deterrence: reductions will be undermined by a false but officially endorsed equivalency between emissions and removals. We do not have the luxury of time to waste on zero-sum offsetting – and reducing emissions must remain the primary focus. This mechanism could see the EU take dangerous steps towards endorsing or supporting offsetting – a major step back in the fight against the climate crisis. Offsetting will also not lead to removals playing the role we need them to from a climate perspective.

Attracting private funds can be done through other means than through the VCM: promoting action-based climate finance rather than results-based schemes. Results-based finance leads to deceptive net-zero claims that can obfuscate the lack of progress towards a real climate-neutral economy. Action-based finance is more transparent and equitable in that regard.

Alternatively, the CRC-M could be the foundation of a separate EU removal target, and a critical element to aid public investment decisions in removals (e.g. through the Innovation Fund).

The call for evidence states that the choice between setting minimal requirements for certifying methodologies or setting rules for the certification of types of carbon removals has not been made yet. Neither of these are the correct way forward: the certification scheme should set in stone the conditions for the creation of high-quality removals (low-quality removals are not removals). It should set the conditions on MRV, LCAs, accounting and value chain reporting that need to be met before a process can be deemed to create removals. The four principles set out by Tanzer and Ramirez can provide guidance for this:

1. Physical GHGs are removed from the atmosphere
2. The removed gases are stored out of the atmosphere in a manner intended to be permanent
3. Upstream and downstream GHGs associated with the removal and storage process (such as biomass origin, energy use, land use change, etc.) are comprehensively estimated and included in the emission balance
4. The sum of removals is larger than the emissions generated by the process (only net-removals are removals)

The questionnaire regrettably does not focus enough on the safeguards to operationalise these principles. For example, there is a lack of clarity on 'permanence' – which is not the same as 'duration of storage'. A non-permanent removal is not a removal. Storage must be continuously monitored to ensure it is still permanent. Reversals can never be ruled out for any removal practice – liability and responsibility for a reversal (intentional or not) needs to be clear - including how it will be compensated for.

Some practices (mainly ecosystem-based) will be challenging to apply robust MRV and liability clauses to. This does not mean that the rules need to be loosened, but rather that other tools to incentivize them are needed. Rewilding and soil organic carbon sequestration are necessary, mainly for their non-climate

benefits. The failure of the Common Agricultural Policy to incentivize climate-friendly land management practices should not lead to a weak and ineffective CRC-M.

Getting the accounting of CDR right is crucial, but pales in comparison to the need to reduce emissions drastically - both in scope and speed. Removals can supplement emissions reductions, but cannot replace them. Carbon accounting has to be extremely robust, and reflect that simple truth. The atmosphere cannot be cheated

Should you wish to provide additional information (for example a position paper) or raise specific points not covered by the questionnaire, you can upload your additional document here.

Any document you upload will be published alongside your replies to the questionnaire, which is the essential input for this public consultation. An uploaded document is an optional addition and will serve as further background reading to better understand your position.

Please upload your file(s)

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07a299ac-5435-4aca-862b-18353251c487/CMW_Respecting-the-laws-of-physics-Dec2021.pdf

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