

Breaking its own carbon removals rules: why we're challenging the European Commission



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PARTNERSHIP
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the
Life  escape
project

Housekeeping rules

- We have a few presentations and have planned for around 20 mins for the questions at the end.
- Please use the **Q&A function** to type your questions **(not the chat!)**.
- We will share the slides and the recording.

Agenda

1. Introduction

Marlène Ramón Hernández, *CMW*

2. What the Commission got wrong in its removals rules

Mary Booth, Partnership for Policy Integrity

Nola Donachie, Lifescape Project

3. Policy implications for genuine climate action

Sofia Ghezzi, WWF EU

Martin Pigeon, Fern

4. Q&A

5. Closing remarks

Background

- Carbon Removals and Carbon Farming (CRCF) Regulation, December 2024
- Carbon Removals Expert Group, development of permanent removal methodologies/rules
- Permanent removal rules adopted by the COM in Feb 2026
- European Parliament voted on the rules in March 2026
 - check out our February webinar if you haven't done so yet!
- Rules for permanent removals were published in April 2026, taking on the force of law

Background

☀ Request for internal review in June 2026 ☀

- Secondary lawmaking does not undergo the ordinary legislative procedure with EP and Council
- Environmental orgs ask the COM to review an administrative act → **permanent removal methodologies**
- If it is considered to contravene EU environmental legislation → **CRCF regulation**

Poor framing

- We need CDR, but the CRCF failed to create rules to sustainably incentivise these technologies.
 - trade-offs, nature at risk
 - emissions could increase/removals not guaranteed
- voluntary carbon market mechanism, with offsetting as the primary use of credits
 - delaying emission reductions, greenwashing

Current framing is not aligned with science and bears serious implications for future climate action



What the Commission got wrong in its removals rules



FOREST LITIGATION COLLABORATIVE

What the Commission got wrong in its removals rules

What is carbon removal?

‘Carbon removal’ means the anthropogenic removal of carbon **from the atmosphere** and its durable storage in geological, terrestrial or ocean reservoirs, or in long-lasting products (Art. 2 CRCF Reg.)

CRCF Regulation promises integrity

“carbon removals and soil emission reductions should be quantified in an **accurate and robust way**, and should be generated only by activities that generate a **net carbon removal benefit** or a net soil emission reduction benefit, **are additional** and aim to ensure long-term storage of carbon. They should do **no significant harm to the environment** and should be able to result in a co-benefit in relation to sustainability objectives.” (Recital 11 CRCF Reg.)

EC’s climate modeling depends on removals by BECCS and DACCS

	2040			2050
Carbon Captured – MtCO ₂ /year	S1	S2	S3	S3*
By Source	86	222	344	452
Industrial Processes	37	123	137	136
Power (fossil fuels)	26	41	32	55
Power (biomass) and DACCS**	16	54	153	232
Biogenic (upgrade of biogas into biomethane)	7	4	22	30
By Application (use and storage)	86	222	344	452
E-fuels	43	75	101	147
Synthetic materials	0	0	0	59
Underground storage	42	147	243	247

Impact assessment for European Climate Law (2025)

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52024SC0063>

But the “Removals” Delegated Act does not ensure that technologies deliver real removals

Stratos Direct Air Capture project, Texas, USA

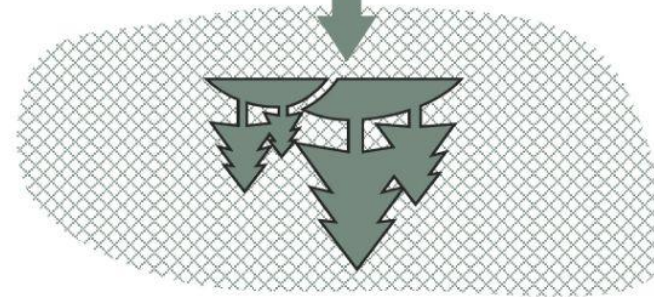


<https://www.1pointfive.com/projects/stratos>

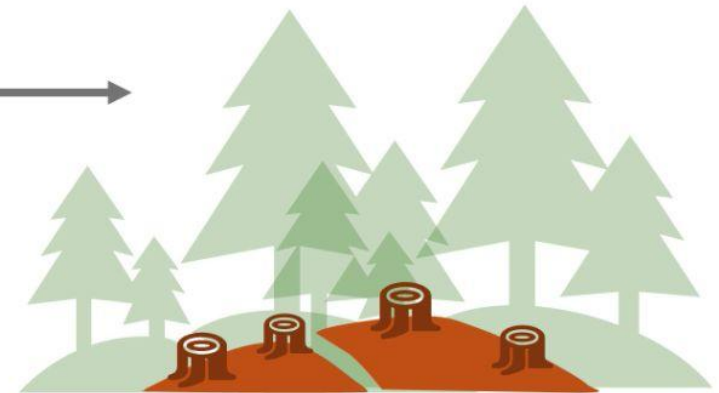
Bioenergy with Carbon Capture and Storage does not remove CO₂ from the atmosphere



Forest carbon



Biomass combustion
with CO₂ capture and
storage



**No new “removal” has occurred,
and there are significant uncapturable
emissions in the land sector.**

Biochar application, Univ. of Nebraska, USA

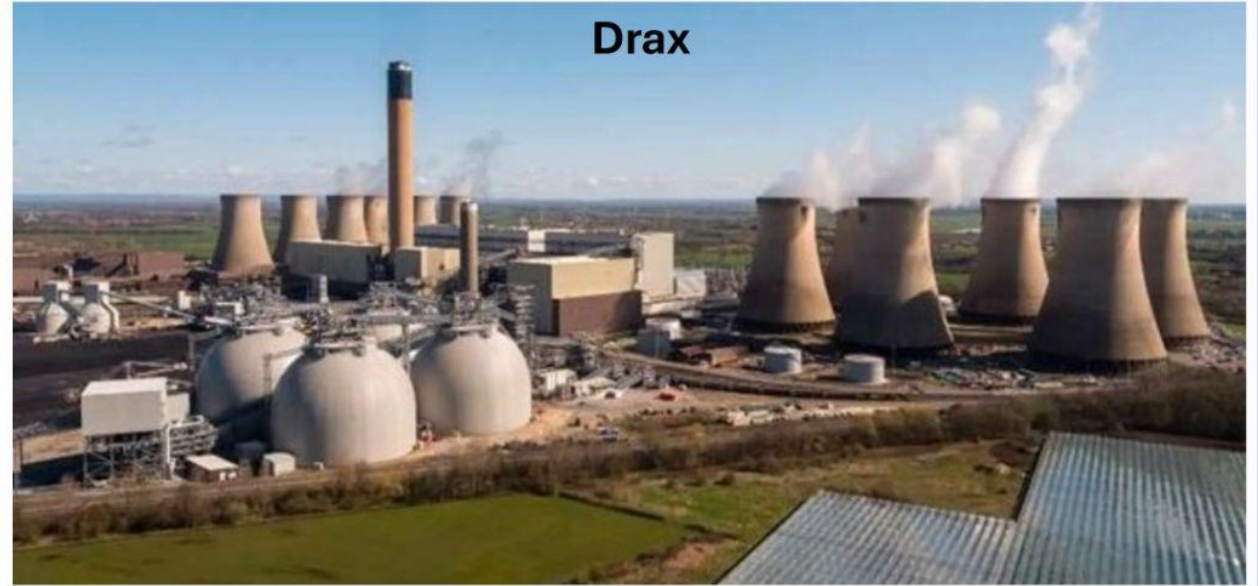


<https://www.no-tillfarmer.com/articles/12617-biochar-has-potential-to-save-water-fertilizer>

Stockholm Exergi



Drax



Drax wood sourcing, British Columbia (image BBC, “Green energy myth exposed”)



Swedish forest industry wood sourcing, image <https://forestscandal.org/sv/>



IPCC recognizes that relocating carbon doesn't "remove" CO₂

Harvested wood products “**do not directly sequester carbon from the atmosphere...** carbon retained in HWP constitutes a pool of carbon that was **sequestered originally by the above ground biomass carbon pool of forests...** In this respect, the carbon from CO₂ **originally sequestered** by vegetation is **transferred** to the HWP pool”

2019 Refinement to the 2006 IPCC Guidelines for National Greenhouse Gas Inventories

https://www.ipcc-nggip.iges.or.jp/public/2019rf/pdf/4_Volume4/19R_V4_Ch12_HarvestedWoodProducts.pdf

The delegated act ignores significant emissions

CRCF Regulation calls for all emissions to be counted:

Net carbon removal happens when activity's removals exceed "baseline" removals minus "**any increase**" in activity-associated emissions (Recital 17)

But delegated act **excludes land sector carbon loss** from the baseline and "associated" emissions

- Treats baseline scenario as "zero" removals (ignores land carbon stocks/sinks)
- Excludes land sector carbon loss from "associated" emissions

Compare to calculation of removals under Article 6.4 of Paris Agreement, which **includes land sector emissions and leakage**:

Leakage = *"Use of resources that have competing uses from activities outside the activity boundary that **lead to a net change in emissions outside the boundary** or shifts of pre-project activities that lead to a net change in emissions outside the boundary"* (Article 6.4 guidance)

What do we raise in a RIR?

How the administrative
act contravenes
environmental law



Environmental law is EU
legislation which
contributes to EU policy
on preserving, protecting,
or improving the quality
of the environment



Cannot challenge the
legislature - cannot
challenge the use of
woody biomass as RE, just
the Commission's chosen
way of implementing



Commission's
Methodologies are set out
in a delegated act - we
explain inconsistencies
with the overarching
CRCF Regulation

Core argument: Commission erroneously counts the storage of biogenic carbon as a removal of GHGs from the atmosphere, while also failing to account for emissions “associated” in the quantification

- **ALL** life-cycle emissions need to be taken into account, with reliance on the best available science
- The DA fails to account for emissions from harvesting of biomass, forgone sequestration, ILUC, methane

= contrary to Arts. 4 and 8

The interpretation must be consistent with the EU Climate Law and Paris Agreement

Examples

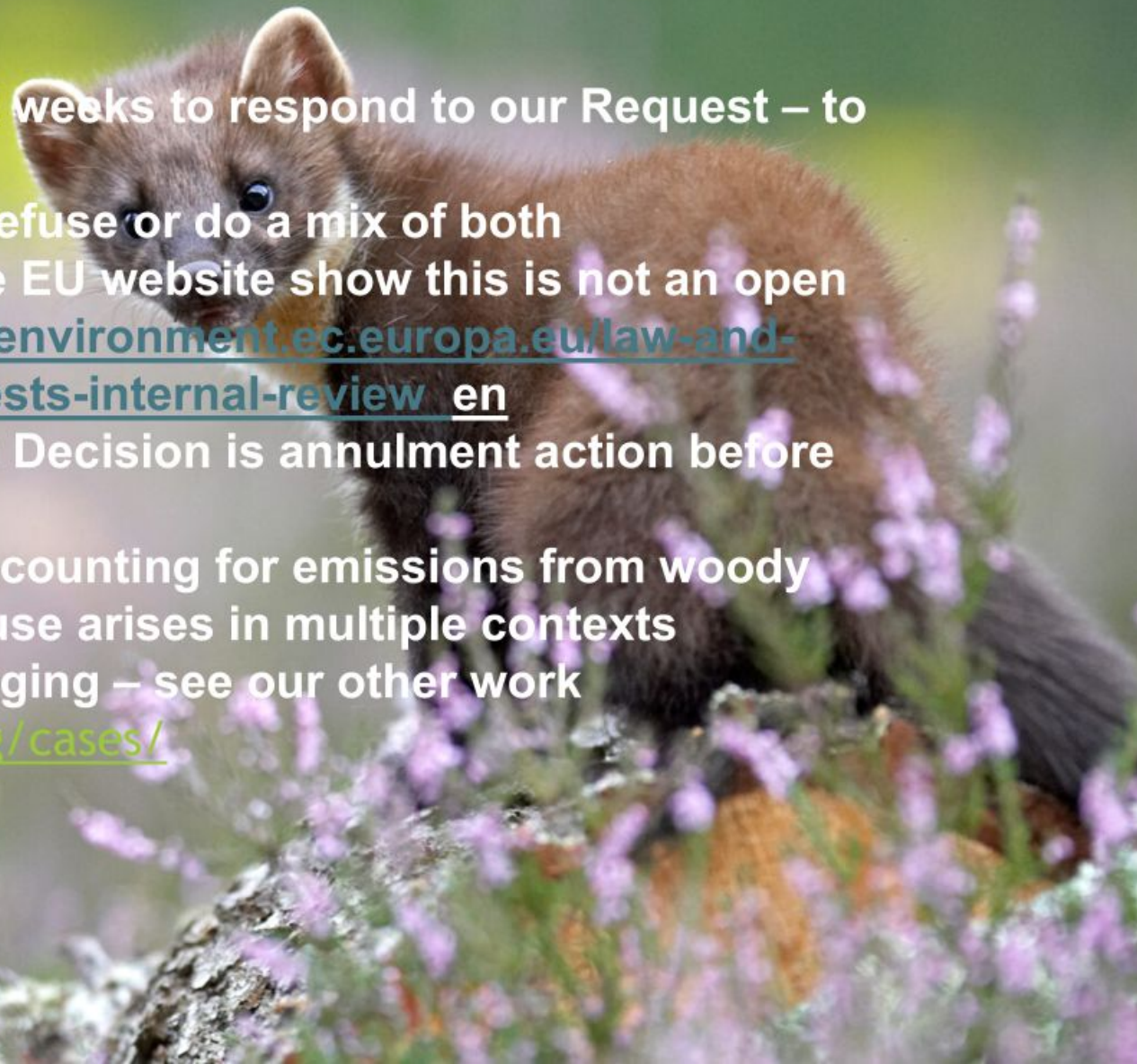
- Harvesting of biomass is assumed to be 0 emissions, only additional biomass needed to run CCS in Bio-CCS facility is accounted for = contrary to f Arts. 4(1)(c), 4(7) and 8(4)(c)
- Methane emissions are *excluded* from the quantification under certain conditions of storage = contrary to Arts. 8(4)(c) and 4(1)(c)
- Indirect Land Use Change (ILUC) is assumed to be 0 due to sustainability criteria as assumes no feed or food crops will be used BUT the Commission does not address other energy crops (e.g., miscanthus) = contrary to Arts. 4(1)(c), 4(7), and 8(4)(c)

Argument 2: Commission fails to set monitoring rules (or lawful monitoring rules) in respect of biochar activities

- Permanent removals activities must comply with the monitoring and liability rules of the CCS Directive.
- The DA exempts biochar from said rules.
- The carbon stored by biochar is **NOT** monitored. Instead, the *application* of biochar to e.g., the soil is monitored = breach of Article 6

Next steps

- Commission has up to 22 weeks to respond to our Request – to mid November
- Its Decision can accept, refuse or do a mix of both
- 130 Requests listed in the EU website show this is not an open door for eNGOs – https://environment.ec.europa.eu/law-and-governance/aarhus/requests-internal-review_en
- Next step if unhappy with Decision is annulment action before the General Court
- Important issue on the accounting for emissions from woody biomass harvesting and use arises in multiple contexts
- Important to keep challenging – see our other work
- <https://forestlitigation.org/cases/>



A long-exposure photograph of a beach at night. The sky is filled with stars, and the Milky Way galaxy is visible as a bright, hazy band of light stretching across the upper half of the frame. The ocean is dark, but the city lights on the horizon create a bright, glowing reflection on the water's surface. The foreground shows the dark, silty sand of the beach with some rocks and tide pools. A large, solid teal-colored shape is visible on the right side of the image, partially cut off by the edge.

Policy implications for genuine climate action



Permanent carbon dioxide removals in the 2040 climate framework

Undermining the EU Emissions Trading System

Timeline & Commission's mandate

ETS reform expected to be presented on **17 July**.

- Currently in inter-service consultation.
- It might be even further delayed as 5 DGs oppose the draft.

Legal basis:

- EU 2040 Climate Target
- ETS Directive (with specific mention of '**no offsetting**')
 - CRCF

If integration is to happen, why is this a bad idea?

1. The CRCF methodologies are deeply flawed. The Commission will introduce activities that might add CO₂ to the atmosphere in the trading scheme.
2. The integration will undermine emissions reductions. Many ETS emissions can and must still be abated.
3. (Flawed) CRCF credits will add to the demand for biomass while EU land sinks are declining.

Recommendations



- Revise the CRCF permanent CDR methodologies to align with the CRCF mandate and scientific integrity.
- Steer clear of integration of CDR in the EU ETS.
- Keep emissions reductions and permanent CDR separate.



Carbon

removals

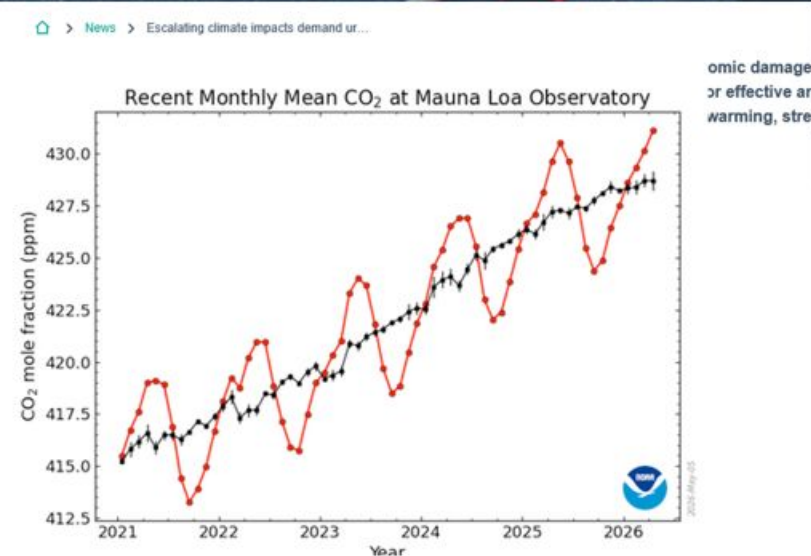
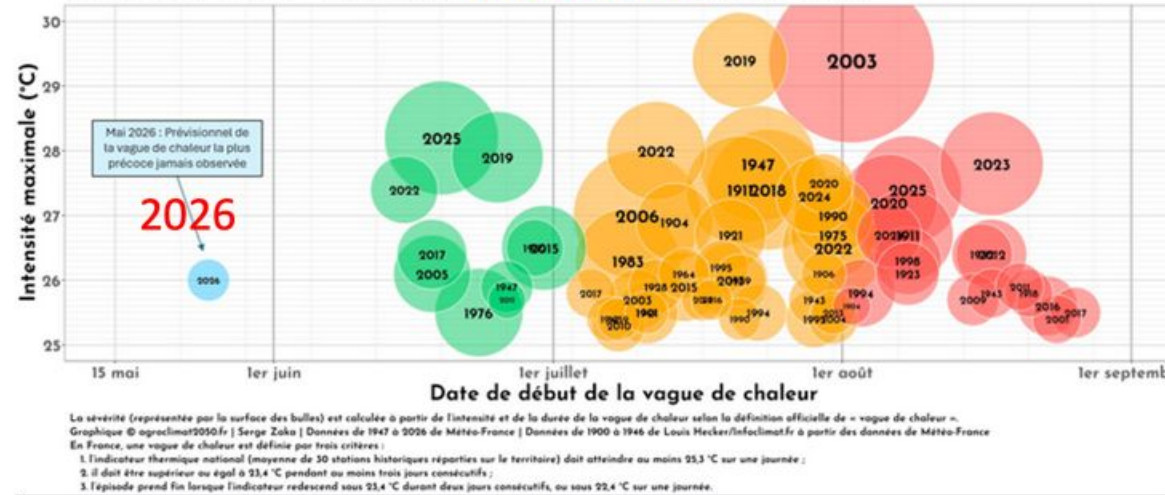
politics

Dangerous promises, and the need for better rules for genuine climate action

The climate crisis is here & now



66 vagues de chaleur observées en France de 1900 à 2026 – selon leur date de début dans l'année



Le Monde

FR

Menu 🔍 Environment > Our planet at 1.5°C The Paris Agreement turns 10 Europe turning grey Repairing the Earth PFAS

ENVIRONMENT • CLIMATE CHANGE

Limiting global warming to 1.5°C is now impossible

According to a group of scientists, the target set by the 2015 Paris Agreement can no longer be met due to the inability of countries to reduce greenhouse gas emissions.

By Audrey Garric

Published on June 19, 2025, at 3:00 pm (Paris), updated on November 5, 2025, at 4:47 pm · 4 min read · Lire en français

It comes from GHG emissions exceeding sequestration in oceans and forests (the Earth's carbon sinks) for the past 150 years.

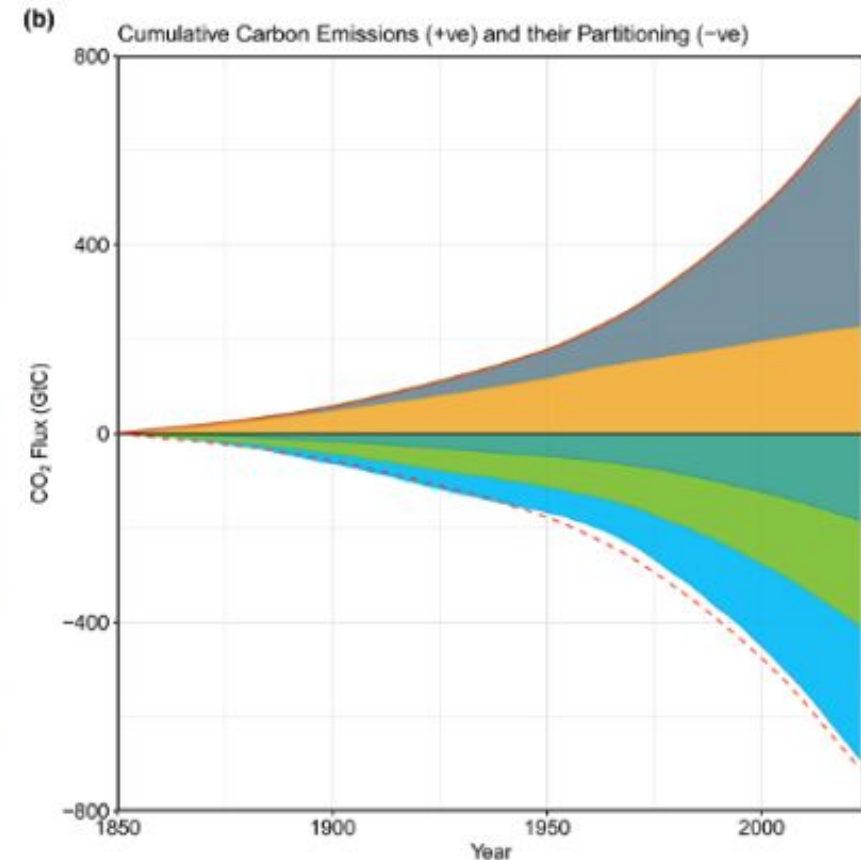
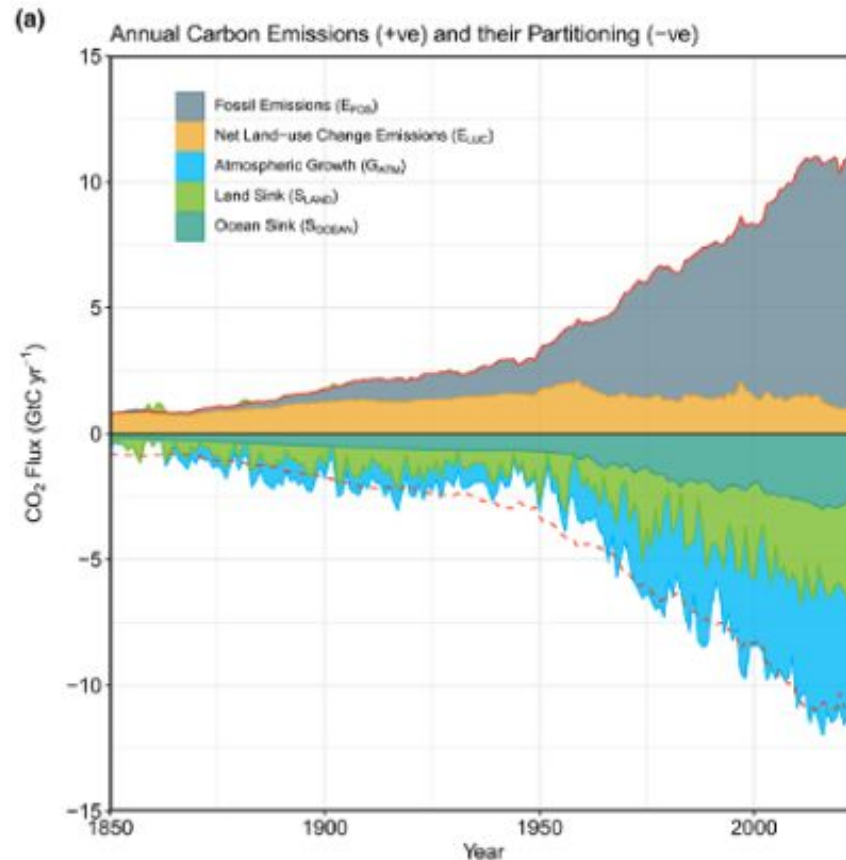
About 30% of these cumulative emissions came from the land sector (LULUCF - deforestation, wetlands & peatlands draining etc), not only fossil fuels.

986

Removing biomass from the land sector has big climate impacts.

We need to reduce GHG emissions from all sources, including the land sector.

P. Friedlingstein et al.: Global Carbon Budget 2024



Some leading climate scientists are starting to panic: emissions reductions is not happening.

Removing CO₂ from the atmosphere on a massive scale is now needed in addition to emissions reduction, they say.



« Johan Rockström of the Potsdam Institute for Climate Impact Research, who is one of the chief scientific advisers to the UN and the [Cop30](#) presidency, said 10bn tonnes of carbon dioxide needed to be removed from the air every year even to limit global heating to 1.7C (3.1F) above preindustrial levels. To achieve this through technological means, such as direct air capture, would **require the construction of the world's second biggest industry, after oil and gas, and require expenditures of about a trillion dollars a year**, scientists said. It would need to be done **alongside much more drastic emissions cuts and could also have unintended consequences.**

How to boost carbon removal from the atmosphere?

We're not starting from scratch.

25 years of experience with voluntary carbon offset markets (compensation), mostly forests-related projects (afforestation, avoided deforestation etc), point to systemic failure to deliver climate benefits. Offsets don't work.



(2025 systematic review of 25 years of scientific literature on carbon offsets)

« The most widely used offset programs continue to greatly overestimate their probable climate impact often by a factor of five to ten or more. Credit quality has remained a problem since the inception of carbon credits, despite repeated efforts to address the core challenges of additionality, leakage, double counting, environmental injustice, verification, and permanence. Combined, these issues have led many to conclude that overcrediting in carbon offsets is an intractable problem. (...) We should focus on creating rules to find and fund the relatively few types of high-quality projects while employing alternative finance and strategies »

The CRCF is built on an offset logic. Why the insistence despite all these scandals & the awareness that offsets are failing?

=> Because they work very well to enable polluting companies, wealthy countries and rich consumers to not reduce emissions.

Carbon offsets' biggest "benefit" is **political and financial convenience for polluting companies, wealthy countries and rich consumers at the expense of everyone's future, in particular all those least responsible for the crisis.** In the best case, they channel money toward cheaper reductions or carbon removal somewhere else; in the worst case, they function as an elaborate PR scheme to keep polluting without paying the consequences.

Benefits for polluting companies

- Cheaper compliance and target-filling
- Buying time
- Reassuring executives and investors that something is being done
- Brand & risk management

Benefits for countries

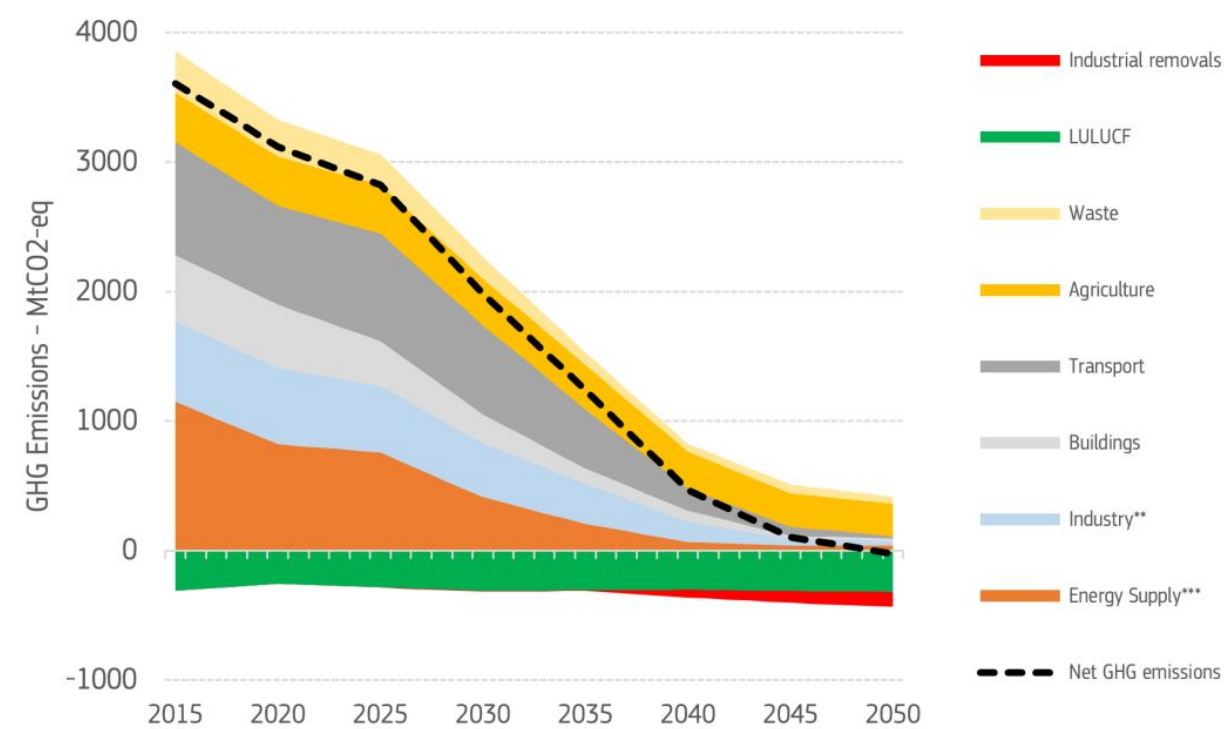
- Lower-cost emissions reductions on paper
- International climate finance and new sources of rent for governments in forested countries
- Flexibility in policy design, no immediate loss of power in strategic competition
- Potential support for land-use and restoration projects

Benefits for consumers

- Guilt relief amidst contradictory societal injunctions (buy the stuff of your dreams every week, fly around the world, save nature and the climate!)
- Keep current lifestyle by shedding responsibility onto someone else's shoulders

This makes CRCF rules' integrity even more necessary to limit the damages. Remember the "EU Net Zero" graph? EU climate targets assumed BECCS could scale up without harming the land sink (LULUCF). CRCF rules for BECCS and biochar (charcoal) do not ensure this... and BECCS hardly exists today beyond promises & a few pilots. Charcoal production is easier.

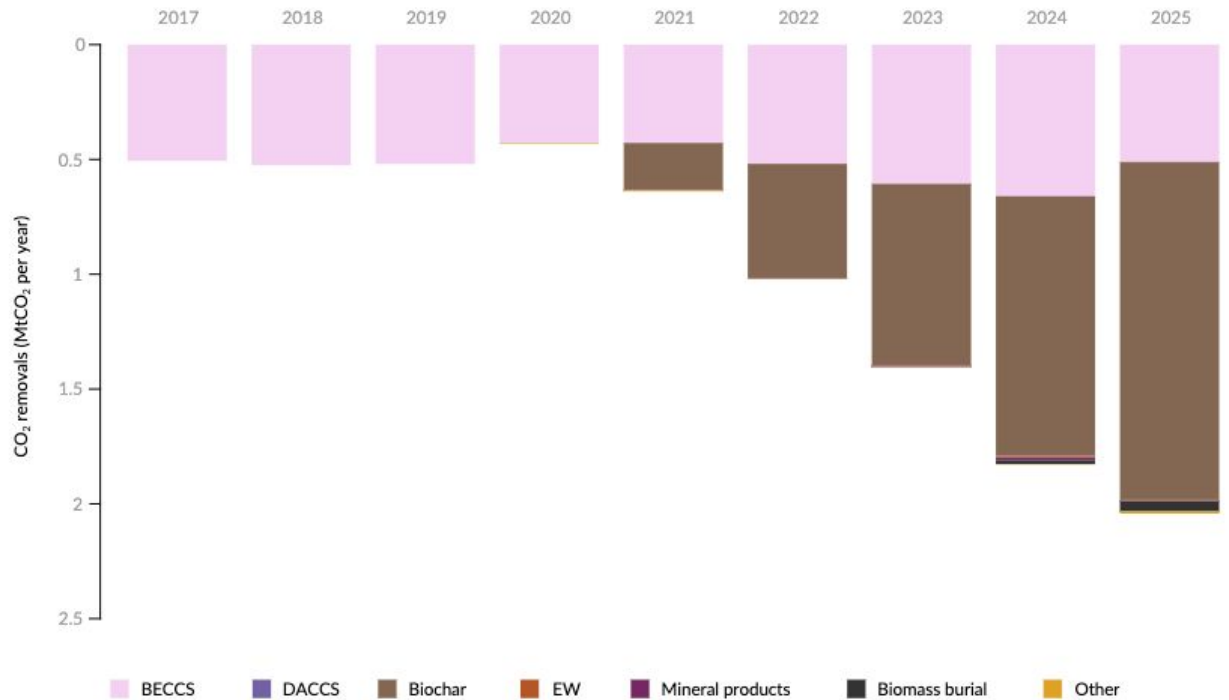
Greenhouse gas emissions in the period 2015-2050*



*Source: PRIMES, GAINS, GLOBIOM
**Excluding non-BECCS industrial removals
***Including Bioenergy with carbon capture and storage (BECCS)

Novel CDR rates, by year and region

a) Novel CDR globally, 2017-2025



“Permanent carbon removals” are more durable in theory than afforestation/avoided emissions in the long run. But there are strict conditions:

To actually remove CO₂ from the atmosphere, new CDR projects cannot undermine existing land sinks, nor the broader decarbonisation of the economy.

This means CDR deployment has considerable limitations, at least in the current state of the non-biomass-based CDR technology. And of course, “permanence” needs to be ensured (biochar/charcoal was initially not classified as a removal at all by the Commission but as a mere form of biogenic carbon storage)...

These limitations are not correctly dealt with in the CRCF rules, and the possible ETS inclusion would defeat the very purpose because of offsetting.
We need real climate action now, not more carbon shell games.

“We are only using wastes and residues”

The reality behind a misleading argument

These trees can be classified as forestry “residues” under the RED: any wood that doesn’t have a higher market value as something else than bioenergy.

Burning these trees can be subsidised

Before being logged, they were removing CO₂ from the atmosphere

Turning them into biochar stops this

Capturing some emissions from their combustion in a BECCS installation will not be a removal from the atmosphere either, but enables continued RED subsidies

Linz AG CHP Plant, Austria, 2021



Biomassekraftwerk Bischofferode power plant
Germany, 2022



Q&A



Thank you for your attention

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