Feedback on the EU Commission's' Proposal for a Carbon Removal Certification Framework, March 2023

The Negative Emissions Platform welcomes the Commission's proposal for a Carbon Removal Certification - Framework (CRC-F) to develop high-quality carbon removals in Europe and enable climate neutrality. The proposal makes for a much-needed certification framework. However, it will only be successful if accompanied by i) stringent secondary legislation and ii) impactful implementation for scaling via the voluntary carbon market. We welcome discussions on the secondary legislations and implementation of the harmonised governance approach and share our key recommendations in detail below, but we also wish to touch on the following, additional points at a high level:

- We support the harmonised governance option which should ease implementation for project developers and enable trust in carbon removals.
- We encourage efforts towards harmonisation and (to the extent possible) implementation of Qu.A.L.Ity and Transparency beyond the European Union, e.g. via the emerging Article 6.4 market of the Paris Agreement.
- We encourage the establishment of an open channel for public and industry stakeholders to be included in the decision on the sequence and priority of the methodologies to be developed.
- Also, the foreseen approach to assess additionality should not harm the implementation of industrial carbon dioxide removal methods.

Principles based permanence label

With an ever-increasing amount of research into implications and means of storing carbon, NEP urges the Commission to be actively advancing the necessary liability frameworks to grant the status of "permanence" to all CDR methods that credibly allow for this label. Within the current proposal, "permanence" appears exclusively foreseen for methods that have an integrated governance with the European CCS Directive. Whilst this approach is suitable and welcome for BioEnergy Carbon Capture and Storage (BECCS) and, Direct Air Capture and Storage (DACS), it closes the door on other processes such as Biochar Carbon Removal (BCR), Enhanced Weathering, and other novel processes that might still be under development as of today. Removal methods represented by NEP are in scope of various categories, whilst specific projects can only be categorised via corresponding analysis based on a robust methodology. Therefore, NEP urges the Commission to remain clear on the principles that are prerequisite for a "permanent" removal, without a concluding statement on what specific storage merits the assessment. The principles for permanence from the impact assessment report contain the two points of i) certainty in quantification, and, ii) corresponding liability regime or insurance mechanisms to cover reversals (during and ex-post). If applicable, such principles should also allow for "permanent" removals within other carbon pools, e.g. terrestrial or products.

Recognition of the potential of BCR as a permanent CDR technology

Whilst NEP strongly believes in the need of technology agnostic development of CDR in Europe, BCR

represents one of the most promising CDR technologies available today. In 2022, biochar made from BCR accounted for 40% of all purchases, 87% of all deliveries and 90% of the biggest suppliers of durable high-quality CDR - all of this with low cost per ton at €179/t (see cdr.fyi). It represents a mature (TRL 8+) and scalable permanent CDR technology available in the short and medium-term that is substantially contributing to achieving the objective of removing at least -5 Mt CO2eq/year by 2030.
We welcome the analysis of biochar in the impact assessment and encourage the Commission to place its focus on the process (BCR) over the product (biochar). Further, we ask the Commission to take scientific assessments of biochar consisting of 75-80% aromatic carbon rings (i.e. stable 1000+ years independent of application) seriously and immediately work on a liability framework to allow for categorisation as a permanent carbon removal. The Union should ensure that the fraction of biochar made from BCR that has 1000+ year permanence is recognised as a permanent carbon removal.

Harmonisation with existing EU law
It remains key to minimise administrative burdens via a harmonisation with existing European legislation. As some of the removals will take place in connection with bioenergy production, it is imperative that no overlapping or conflicting requirements will be introduced, but that the requirements in this regard would be those already in place for sustainable bioenergy production and removals in REDII and REDIII. Furthermore, we welcome consistency with other regulations pertinent to industrial removals via alignment with requirements from the Taxonomy Regulation (EU 2020/852), so that this legislation does not build requirements that conflict with other laws.

In summary, the CRC-F represents the foundations on which to build an investable policy framework for industrial carbon removal (e.g. BECCS, DACS and BCR). We welcome a discussion on how certified industrial carbon removal will be incorporated under the EU's 2040 GHG emission reduction target and the underlying scenarios.

We offer suggestions for amendments to the Commission's proposal in the Annex below.

For further information, please contact us at info@negative-emissions.org.

Chris Sherwood, Secretary General

About NEP

The Negative Emissions Platform is a unique partnership of European and international actors. Our members are primarily technology companies, but also include project developers, investors, carbon marketplaces, and buyers of carbon removals. We provide a forum in which diverse like-minded organisations actively collaborate to improve political and public recognition of carbon removals.

Annex: Proposed Amendments

EC Text	Suggested amendment
Implementation within the VCM	
Preamble (4)	
The Union certification framework will support the development of carbon removal activities in the Union that result in an unambiguous net carbon removal benefit, while avoiding greenwashing. In the case of carbon farming, such certification framework should also encourage the uptake of carbon removal activities that generate co-benefits for biodiversity, therefore achieving the nature restoration targets set out in Union law on nature restoration. The Union certification framework will be instrumental in meeting the Union climate change mitigation objectives set in international agreements and in the Union legislation.	The Union certification framework will support the development of carbon removal activities in the Union that result in an unambiguous net carbon removal benefit, while avoiding greenwashing. In the case of carbon farming, such certification framework should also encourage the uptake of carbon removal activities that generate co-benefits for biodiversity, therefore achieving the nature restoration targets set out in Union law on nature restoration. The Union certification framework will be instrumental in meeting the Union climate change mitigation objectives set in international agreements and in the Union legislation***, notably through its expected positive impact on trade in certified removals on the voluntary market.***
Additionality	
Article 5	
1. A carbon removal activity shall be additional. To that end, the carbon removal activity shall meet both of the following criteria: (a) it goes beyond Union and national statutory requirements; (b) it takes place due to the incentive effect of the certification.	1. A carbon removal activity shall be additional. To that end, the carbon removal activity shall meet both of the following criteria: (a) it goes beyond Union and national statutory requirements; (b) it takes place due to the incentive effect of ***[~~the certification~~] the carbon removal unit.***
Principles-based permanence label	
Article 6	

1. An operator or group of operators shall demonstrate that a carbon removal activity aims at ensuring the long-term storage of carbon. 2. For the purposes of paragraph 1, an operator or group of operators shall comply with both of the following criteria: (a) they shall monitor and mitigate any risk of release of the stored carbon occurring during the monitoring period; (b) they shall be subject to appropriate liability mechanisms in order to address any release of the stored carbon occurring during the monitoring period. 3. For carbon farming and carbon storage in products, the carbon stored by a carbon removal activity shall be considered released to the atmosphere at the end of the monitoring period.	1. An operator or group of operators shall demonstrate that a carbon removal activity aims at ensuring the long-term storage of carbon. 2. For the purposes of paragraph 1, an operator or group of operators shall comply with both of the following criteria: (a) they shall monitor and mitigate any risk of release of the stored carbon occurring during the monitoring period; (b) they shall be subject to appropriate liability mechanisms in order to address any release of the stored carbon occurring during the monitoring period. 3. ***For non-permanent activities,*** **[*~~For carbon farming and carbon storage in products~~]*** the carbon stored by a carbon removal activity shall be considered released to the atmosphere at the end of the monitoring period.
Preamble (13)	
Atmospheric and biogenic carbon that is captured and stored through a carbon removal activity risks being released back into the atmosphere (e.g. reversal) due to natural or anthropogenic causes. Therefore, operators should take all relevant preventive measures to mitigate those risks and duly monitor that carbon continues to be stored over the monitoring period laid down for the relevant carbon removal activity. The validity of the certified carbon removals should depend on the expected duration of the storage and the different risks of reversal associated with the given carbon removal activity. Activities that store carbon in geological formations provide enough certainties on the very long-term duration of several centuries for the stored carbon and can be considered as providing permanent storage of carbon. […]	Atmospheric and biogenic carbon that is captured and stored through a carbon removal activity risks being released back into the atmosphere (e.g. reversal) due to natural or anthropogenic causes. Therefore, operators should take all relevant preventive measures to mitigate those risks and duly monitor that carbon continues to be stored over the monitoring period laid down for the relevant carbon removal activity. The validity of the certified carbon removals should depend on the expected duration of the storage and the different risks of reversal associated with the given carbon removal activity. ***Amongst others, [A] a***ctivities that store carbon in geological formations provide enough certainties on the very long-term duration of several centuries for the stored carbon and can be considered as providing permanent storage of carbon. [...]
Article 2 Definitions	
1. For the purposes of this Regulation, the following definitions apply:	1. For the purposes of this Regulation, the following definitions apply:

[..] (g) “permanent carbon storage” means a carbon removal activity that, under normal circumstances and using appropriate management practices, stores atmospheric or biogenic carbon for several centuries, including bioenergy with carbon capture and storage and direct air carbon capture and storage;	[..] (g) “permanent carbon storage” means a carbon removal activity that, under normal circumstances and using appropriate management practices, stores atmospheric or biogenic carbon for several centuries, including**, *amongst others*,** bioenergy with carbon capture and storage and direct air carbon capture and storage;
Open channel for public and industry stakeholders	
Art (8)(3) When preparing those delegated acts, the Commission shall take into account the following elements: (a) the objectives of ensuring the robustness of carbon removals and recognising the protection and restoration of ecosystems; (b) the objective of minimising administrative burden for operators, particularly for small-scale carbon farming operators; (c) relevant Union and national law; (d) relevant Union and international certification methodologies and standards.	Art (8)(3) When preparing those delegated acts, the Commission shall take into account the following elements: (a) the objectives of ensuring the robustness of carbon removals and recognising the protection and restoration of ecosystems; (b) the objective of minimising administrative burden for operators, particularly for small-scale carbon farming operators; (c) relevant Union and national law; (d) relevant Union and international certification methodologies and standards. (e) **relevant and public notifications by public and industry stakeholders**