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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a Union certification framework for carbon removals - Outcome of the European Parliament's first reading and Corrigendum procedure (Strasbourg, 10 April 2024 and 22 October 2024)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint Declaration on practical arrangements for the co-decision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this legislative file at first reading.

¹ OJ C 145, 30.6.2007, p.5.

This file was expected² to undergo the Corrigendum procedure³ in the European Parliament after adoption by the outgoing European Parliament of its position at first reading.

II. VOTES

At its sitting of 10 April 2024, the European Parliament adopted amendment 158 (without legal linguistic revision) to the Commission proposal, amendment 159 containing a Commission statement, and a legislative resolution, constituting the European Parliament's position at first reading. It reflects what had been provisionally agreed between the Institutions.

After finalisation of the adopted text by the legal linguists, the European Parliament approved on 22 October 2024 a corrigendum to the position adopted at first reading.

With this corrigendum, the Council should be able to approve the position of the European Parliament as set out in the Annex⁴ hereto, thus bringing to a close the first reading for both Institutions.

The act would then be adopted in the wording which corresponds to the European Parliament's position.

² 10078/24.

³ Rule 251, EP Rules of Procedure.

⁴ The text of the corrigendum is set out in the Annex. It is presented in the form of a consolidated text, where changes to the Commission's proposal are highlighted in bold and italics. The symbol "■" indicates deleted text.

P9_TA(2024)0195

Union certification framework for carbon removals

European Parliament legislative resolution of 10 April 2024 on the proposal for a regulation of the European Parliament and of the Council establishing a Union certification framework for carbon removals (COM(2022)0672 – C9-0399/2022 – 2022/0394(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0672),
- having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0399/2022),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 22 March 2023¹,
- having regard to the opinion of the Committee of the Regions of 8 February 2023²,
- having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 8 March 2024 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- having regard to Rule 59 of its Rules of Procedure,
- having regard to the opinion of the Committee on Agriculture and Rural Development,
- having regard to the letter from the Committee on Industry, Research and Energy,

¹ OJ C 184, 25.5.2023, p. 83.

² OJ C 157, 3.5.2023, p. 58.

- having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0329/2023),
- 1. Adopts its position at first reading hereinafter set out³;
- 2. Takes note of the statement by the Commission annexed to this resolution;
- 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
- 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

³ This position replaces the amendments adopted on 21 November 2023 (Texts adopted, P9_TA(2023)0402).

Position of the European Parliament adopted at first reading on 10 April 2024 with a view to the adoption of Regulation (EU) 2024/... of the European Parliament and of the Council establishing a Union certification framework for *permanent* carbon removals, *carbon farming* and *carbon storage in products*

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure³,

¹ OJ C 184, 25.5.2023, p. 83.

² OJ C 157, 3.5.2023, p. 58.

³ Position of the European Parliament of 10 April 2024.

Whereas:

- (1) Under the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (*UNFCCC*) (the ‘Paris Agreement’), which was *approved by means of Council Decision (EU) 2016/1841⁴*, the international community has agreed to hold the increase in the global average temperature well below 2°C above *pre-industrial* levels and to pursue efforts to limit the temperature increase to 1,5°C above pre-industrial levels. *The Conference of the Parties to the UNFCCC also adopted the Glasgow Climate Pact on 13 November 2021, which acknowledges that the impact of climate change will be much lower at a temperature increase of 1,5°C, compared with 2°C, and resolves to pursue efforts to limit the temperature increase to 1,5°C.* The Union and its Member States are Parties to the Paris Agreement and are strongly committed to its implementation by reducing greenhouse gas emissions and by increasing carbon removals.

⁴ **■** *Council Decision (EU) 2016/1841 of 5 October 2016 on the conclusion, on behalf of the European Union, of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (OJ L 282, 19.10.2016, p. 1).*

- (2) On a global scale, the **reports** by the **Intergovernmental** Panel on Climate Change (IPCC) **point** towards a decreasing likelihood of limiting global warming to 1,5°C unless rapid and deep cuts in global **greenhouse gas** emissions occur throughout the **remainder of this decade and in the coming** decades. The IPCC **reports** also clearly **state that** the deployment of carbon dioxide (**CO₂**) removal to counterbalance hard-to-abate residual emissions is unavoidable if net-zero **CO₂** or greenhouse gas emissions are to be achieved . This will require the large-scale deployment of sustainable activities for capturing CO₂ from the atmosphere and durably storing it in geological , terrestrial **or** marine **reservoirs, including oceans, or in long-lasting** products. Today and with current policies, the Union is not on track to deliver the required carbon removals: carbon removals in terrestrial ecosystems have been decreasing in recent years, and no significant industrial carbon removals are currently taking place in the Union.

- (3) The aim of this Regulation is to develop a voluntary Union certification framework for *permanent* carbon removals, *carbon farming and carbon storage in products (the ‘Union certification framework’)*, with a view to *facilitating and encouraging* the uptake of high-quality carbon removals *and soil emission reductions*, in full respect of the Union’s biodiversity and the zero-pollution objectives, *as a complement to sustained emission reductions across all sectors*. The Union certification framework will *thus be* a tool to support the achievement of the Union objectives under the Paris Agreement, *in particular the collective achievement by 2050 of the climate-neutrality objective* laid down in Regulation (EU) 2021/1119 of the European Parliament and of the Council⁵. *All carbon removals and soil emission reductions certified under the Union certification framework should contribute to the achievement of the Union’s nationally determined contribution (NDC) and its climate objectives. Therefore, in order to avoid double counting, those carbon removals and soil emission reductions should not contribute to third-party NDCs or international compliance schemes*. The Union also committed to generating negative emissions after 2050. An important instrument to enhance carbon removals in terrestrial ecosystems is Regulation (EU) 2018/841 of the European Parliament and of the Council⁶ *on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry (LULUCF) in the 2030 climate and energy framework, which sets out a Union target for net removals of 310 million tonnes of CO₂ equivalent by 2030 and allocates targets to each Member State*.

⁵ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’) (OJ L 243, 9.7.2021, p. 1).

⁶ Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.6.2018, p. 1).

- (4) *In its communication of 6 February 2024 entitled Towards an ambitious Industrial Carbon Management for the EU’, the Commission envisages assessing overall objectives for carbon removal needs in line with the Union’s 2040 climate ambition and the goal to reach climate neutrality by 2050 and negative emissions thereafter; developing policy options and support mechanisms for industrial carbon removals, including if and how to account for them in the Union emissions trading system; and in parallel, boosting Union research, innovation and early-of-a-kind demonstration for novel industrial technologies to remove CO₂ under Horizon Europe, the framework programme for research and innovation established by Regulation (EU) 2021/695 of the European Parliament and of the Council⁷, and the Innovation Fund established by Directive 2003/87/EC of the European Parliament and of the Council⁸. In addition, it is appropriate that the Commission assess options for Union targets for carbon removals, including clearly setting a separate target for permanent carbon removals.*
- (5) *A harmonised Union certification framework is expected to enhance the environmental integrity and transparency of permanent carbon removals, carbon farming and carbon storage in products and promote trust in their certification, while reducing the associated administrative costs. The voluntary nature of the Union certification framework means that existing and new public and private certification schemes will be able to apply for recognition by the Commission under this Regulation but will not be obliged to do so in order to operate in the Union.*

⁷ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

⁸ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

(6) *Regulation (EU) 2021/1119 also sets out a binding Union climate target of a domestic reduction of net greenhouse gas emissions by at least 55% compared to 1990 levels by 2030. In order to ensure that sufficient mitigation efforts are deployed up to 2030, the contribution of net removals to the Union 2030 climate target is limited to 225 million tonnes of CO₂ equivalent.*

(7) The Union certification framework will support the development of *permanent* carbon removals, *carbon farming and carbon storage in products* in the Union that result in an unambiguous *positive climate impact*, while avoiding greenwashing. In the case of carbon farming, *the Union* certification framework should also *promote* the uptake of activities that generate co-benefits for biodiversity, thereby *contributing to* achieving the nature restoration targets set out in Union law .

(8) *It is appropriate that the Union certification framework also encourage research and innovation, including by emphasising the role of relevant research programmes, with the aim of facilitating access to the market for new technologies. In this regard, the Commission and the Member States are encouraged to engage in cross-disciplinary cooperation, involving national and regional research institutions, scientists, farmers and small and medium-sized enterprises.*

- (9) In order to support operators willing to make additional efforts to increase carbon removals *or reduce soil emissions* in a sustainable way, the Union certification framework should take into account the different types of activities, their specificities and the related environmental impact. Therefore, this Regulation should provide clear definitions of *permanent* carbon *removals*, carbon *farming and carbon storage in products*, and other elements of the Union certification framework. *Its scope should include activities that enhance carbon storage in geological, terrestrial or marine reservoirs, including oceans, and in long-lasting products. Activities should include one or more practices or processes that remove carbon from the atmosphere. Certain activities, such as those based on the use of biochar, can result in different types of net carbon removal benefits and durations of carbon storage, depending on the specific conditions under which the activities take place. Accordingly, appropriate monitoring and liability rules should be set out in the applicable certification methodologies to be established at Union level pursuant to this Regulation.*

- (10) *In the case of carbon farming, relevant activities can include practices and processes carried out in marine and coastal ecosystems. Relevant activities can also include practices or processes that reduce greenhouse gas emissions from soils or result in the reduction of carbon release into the atmosphere from soil carbon pools as listed in Section B, points (e) and (f), of Annex I to Regulation (EU) 2018/841, as is the case, for instance, for activities that improve soil management or restore degraded peatlands. In addition, reductions of emissions from agricultural soils, corresponding to the emissions from the IPCC source category of agriculture, subcategory of agricultural soils, as reported in table 3.D of the common reporting format tables under the UNFCCC reporting guidelines on annual inventories for Parties included in Annex I to that Convention, should also be included in the quantification of carbon farming activities as long as those emission reductions result from an activity that, overall, reduces the emission of carbon from soil carbon pools or increases carbon removals in biogenic carbon pools. On the contrary, activities which do not result in either carbon removals or soil emission reductions, such as avoided deforestation projects or renewable energy projects, should not be included in the scope of the Union certification framework.*

- (11) This Regulation should set out the requirements under which carbon removals *and soil emission reductions are* eligible for certification under the Union certification framework. To that end, 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. **■** Carbon removals *and soil emission reductions* should be subject to independent third-party auditing carried out by certification bodies in order to ensure the credibility and reliability of the certification process. *Furthermore, this Regulation should set out rules on the issuance and use of certified units.*
- (12) Mandatory Union carbon pricing rules established through Directive 2003/87/EC regulate the treatment of emissions from activities covered by that Directive. This Regulation should be without prejudice to Directive 2003/87/EC, except in relation to the certification of *capture and storage of CO₂* emissions from *biofuels, bioliquids and biomass fuels* that *meet the sustainability and greenhouse gas emissions saving criteria established under Directive (EU) 2018/2001 of the European Parliament and of the Council⁹, with any necessary adjustments for application under Directive 2003/87/EC, as set out in the implementing acts referred to in Article 14 of Directive 2003/87/EC*, in accordance with Annex IV to Directive 2003/87/EC.
- (13) *An* activity should result in a net carbon removal benefit *or a net soil emission reduction* benefit, thereby *showing that it delivers a positive climate impact. The net* carbon removal *benefit or the net soil emission reduction benefit* should be *quantified following two steps.*

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⁹ *Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).*

- (14) *In the first step for quantifying the net carbon removal benefit or the net soil emission reduction benefit, operators should quantify the amount of additional carbon removals or soil emission reductions that an activity has generated in comparison to a baseline. In the case of carbon farming, the manner of quantification of carbon removals or soil emission reductions should ensure that any carbon release occurring in a carbon pool is taken into account in an appropriate way in quantifying the net benefit of the activity. The certification methodologies should establish standardised baselines which should be highly representative of the standard performance of comparable practices and processes in similar social, economic, environmental, regulatory and technological circumstances and take into account the geographical context, including local pedoclimatic and regulatory conditions. This approach to establishing the standardised baselines should be preferred because it ensures objectivity, minimises compliance and other administrative costs, and recognises positively the action of first movers who have already engaged in eligible activities. In the context of carbon farming, only practices and processes that go beyond the common practice should be certified. Therefore, a specific carbon farming activity should not be rewarded if it is already widely adopted within a region with similar pedoclimatic and regulatory conditions. The standardised baselines should ensure that, once an activity becomes the common practice, such activity can no longer be certified.*

To that end, the Commission should review at least every five years and update, where appropriate, the standardised baselines in light of evolving regulatory circumstances and of the latest available scientific evidence, to reflect social, economic, environmental, regulatory and technological developments and to encourage increased ambition over time in line with the Paris Agreement. In addition, the use of available digital technologies, including electronic databases and geographic information systems, remote sensing, novel on-site carbon quantification systems, artificial intelligence and machine learning, and of electronic maps should be promoted to decrease the costs of establishing standardised baselines and ensure the robustness of the monitoring of the activities. However, where it is not possible to set such standardised baselines, an activity-specific baseline based on the operator's individual performance should be used. The activity-specific baselines should be updated by the operator at the beginning of each activity period, unless otherwise stated in the applicable certification methodologies.

- (15) The second step for quantifying the net **■** benefit should consist of subtracting any *associated greenhouse gas emissions occurring during the lifecycle of the activity and* related to the implementation of the **■** activity. Relevant *greenhouse gas* emissions that should be taken into consideration include direct emissions, such as those resulting from the use of fertilisers, *chemicals*, fuel or energy, *other material inputs and transportation*, or indirect emissions, such as those resulting from land use change with consequent risks for food security due to displacement of agricultural production, *or displacement effects due to competing demand for energy or waste heat. Any increase in greenhouse gas emissions attributable to the implementation of the activity should be subtracted from the net carbon removal benefit or from the net soil emission reduction benefit in an appropriate way, in accordance with the technical rules set out in the applicable certification methodology. Reductions in greenhouse gas emissions* resulting from the implementation of the *activity, with the exception of the reduction of soil emissions from agricultural soils*, should not be taken into account to quantify the net carbon removal benefit *or the net soil emission reduction benefit, but should* be considered to provide a co-benefit towards the sustainability objective of climate change mitigation *and be* reported on the certificates *of compliance. Such* reductions in *greenhouse gas* emissions, like the other sustainability co-benefits, could increase the value of the certified carbon removals *or soil emission reductions*.

- (16) *Operators carrying out activities covered under this Regulation should include any natural or legal person or public entity operating or controlling an activity, or to which or to whom decisive economic power over the technical functioning of the activity has been delegated. In the case of carbon farming, the definition of ‘operator’ should apply to ‘farmer’ as defined in Article 3, point (1), of Regulation (EU) 2021/2115 of the European Parliament and of the Council¹⁰, to any other manager of an activity in a terrestrial or coastal environment, to a forest owner or manager as defined by national law, or to a competent public entity. ‘Group of operators’ should cover any legal entity that represents at least two operators, including cooperatives or producer organisations or producer groups, and ensures that those operators comply with this Regulation.*

¹⁰ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).

- (17) *An activity delivers a net carbon removal benefit when the carbon removals above the baseline exceed any increase in **greenhouse gas** emissions **associated** with the implementation of **that** activity. For instance, in the case of **■** permanent carbon **removals that inject** carbon underground, the amount of permanently stored carbon should exceed the **energy-related greenhouse gas** emissions from the industrial process. **Similarly**, in the case of **soil emission reductions through** carbon farming, the **net soil emission reduction benefit is positive if the soil emission reductions compared to the baseline exceed any increase in greenhouse gas emissions associated with the implementation of the activity**. Carbon farming activities generally improve soil quality, which has a positive impact on soil resilience and productivity, but in some circumstances they might also generate a decrease in food production and therefore lead to a carbon leakage effect from indirect land use change, and accordingly the related indirect emissions should be taken into account. Any carbon captured and stored by afforestation or soil emission reduction by means of peatland re-wetting **■** should exceed the emissions from the machinery used to carry out the **■** activity or the indirect land use change emissions that could be caused by carbon leakage.*

- (18) Carbon removals *and soil emission reductions, as well as the corresponding direct and indirect greenhouse gas emissions associated*, should be quantified in a relevant, *conservative*, accurate, complete, consistent, *transparent* and comparable manner. Uncertainties in the quantification should be duly reported and accounted for in *a conservative manner in* order to limit the risk of overestimating the quantity of *CO₂* removed from the atmosphere *or of underestimating the quantity of direct and indirect greenhouse gas emissions generated by an activity*. *Temporary carbon removals and soil emission reductions* generated by carbon farming should be quantified with a high level of accuracy to assure the highest quality and minimise uncertainties; *and they should be based, where feasible, on the use of tier 3 methodologies in accordance with the 2006 IPCC Guidelines for National Greenhouse Gas Inventories and any further refinement to these 2006 IPCC Guidelines*. Moreover, in order to incentivise synergies between Union climate and biodiversity objectives, enhanced monitoring of land needs to be required, thereby helping to protect and enhance the resilience of nature-based carbon removals throughout the Union. The **monitoring** of emissions and removals needs to closely reflect those synergies **, should be based on an appropriate combination of on-site measurements with remote sensing or modelling in accordance with rules set out in the applicable certification methodology, should** make the best use of advanced technologies available under Union programmes, such as in the Copernicus component of the Union Space Programme established by Regulation (EU) 2021/696 of the European Parliament and of the Council¹¹, should make full use of already existing tools, and should ensure consistency with the national *greenhouse gas* inventories.

¹¹ Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (OJ L 170, 12.5.2021, p. 69).

- (19) *In the choice of methods relevant to the calculations of greenhouse gas emissions and removals, a conservative approach should be applied in line with the 2006 IPCC Guidelines for National Greenhouse Gas Inventory estimates, where applicable. This means that the methods used should result in conservative emission or removal estimates so that emissions are not underestimated and removals are not overestimated.*
- (20) ■ The Union certification framework *should incentivise activities that are additional, meaning that they* go beyond the standard practice ■ . Therefore, *those* activities should go beyond statutory requirements *at the level of an individual operator*, that is, operators should carry out activities that are not already imposed upon them by the applicable law. Moreover, ■ activities should *become financially viable* due to the incentive effect of the certification. Such effect is present when the incentive created by the potential revenues resulting from the certification changes the behaviour of operators in such a way that they engage in the additional ■ activity to achieve additional carbon removals *or soil emission reductions*.

- (21) A standardised baseline should reflect the statutory and market conditions in which the activity takes place. If *an* activity is imposed upon operators by the applicable law, or it does not need any incentives to take place, its performance will be reflected in such standardised baselines. For this reason, *an* activity that generates carbon removals *or soil emission reductions* in excess of such a baseline should be presumed to be additional. Hence, the use of a standardised baseline would simplify the demonstration of additionality for operators, and it would reduce the administrative burden of the certification process, which is particularly important in the case of small-scale *operators*.

- (22) Atmospheric or biogenic carbon that is captured and stored through ***permanent carbon removals, carbon farming or carbon storage in products*** risks being released back into the atmosphere due to natural or anthropogenic causes. Therefore, operators should take all relevant preventive measures to mitigate those risks and duly monitor whether carbon continues to be stored over the monitoring period set for the relevant **■** activity. The validity of the certified ***unit*** should depend on the expected duration of the storage and the different risks of reversal associated with the given **■** activity. ***Permanent carbon removals*** provide enough certainties as to the very long-term duration of storage, namely a duration of several centuries. ***Products with permanently chemically bound carbon present a very low or no risk of carbon release.*** Carbon farming and carbon storage in products are more exposed to the risk of voluntary or involuntary release of carbon into the atmosphere. To account for that risk, the validity of the **■** ***carbon farming sequestration unit and the carbon storage in product unit*** should be subject to an expiry date coinciding with the end of the relevant monitoring period, ***which should cover at least 35 years for carbon storage in products.*** Thereafter, the carbon ***captured and stored*** should be considered released into the atmosphere, unless the ***operator or group of operators commits to prolonging the monitoring period. The certification methodologies should promote the prolongation of the monitoring period of the relevant carbon farming activities, with the aim of ensuring that CO₂ captured is stored long-term in soils or biomass and of providing financial incentives to carbon farming operators over the long term. To that end, it is appropriate that the certification methodologies incentivise operators to prolong the monitoring period several times, with the aim of storing captured carbon for at least several decades.***

- (23) In addition to measures taken to minimise the risk of carbon release into the atmosphere during the monitoring period, the certification methodologies should include appropriate liability mechanisms to address cases of reversal. ***The certification methodologies should also include rules to address the risk of failure of the liability mechanisms. Such mechanisms could include collective buffers*** and up-front insurance mechanisms. ***In order to avoid double regulation,*** liability mechanisms in respect of geological storage and CO₂ leakage, and relevant corrective measures, laid down by Directive 2003/87/EC and Directive 2009/31/EC of the European Parliament and of the Council¹², ***should apply. In addition, to ensure regulatory consistency, the applicable certification methodologies should include monitoring rules and*** liability mechanisms ***which are consistent with the rules concerning permanently chemically bound carbon in products laid down in delegated acts adopted pursuant to Directive 2003/87/EC.***

¹² Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, p. 114).

- (24) Permanent carbon **removal, carbon farming and carbon storage in product** activities have a strong potential to deliver win-win solutions for sustainability, even if trade-offs cannot be excluded. Therefore, it is appropriate to establish minimum sustainability requirements to ensure that **those activities do no significant harm to the environment and are able to** generate co-benefits for the **the** objectives of: climate change mitigation and adaptation; the protection and restoration of biodiversity and ecosystems, **including soil health and avoidance of land degradation**; the sustainable use and protection of water and marine resources; the transition to a circular economy, **including the efficient use of sustainably sourced bio-based materials**; and pollution prevention and control. **Carbon farming activities should at least generate co-benefits for the objective of protection and restoration of biodiversity and eco-systems, including soil health as well as avoidance of land degradation.** Those **minimum** sustainability requirements should **take into account the impact of the activity both within and outside the Union as well as** local conditions, **and, where appropriate, be consistent with** the technical screening criteria for the ‘do **no** significant harm’ **principle, and be in line with the sustainability and greenhouse gas emissions saving** criteria for forest and agriculture biomass raw material laid down in **the** Directive (EU) 2018/2001. **Practices that produce harmful effects on biodiversity**, such as forest monocultures **producing** harmful effects on biodiversity, should not be eligible for certification.

- (25) Farming *and forestry* practices that remove CO₂ from the atmosphere *or reduce soil emissions* contribute to the climate-neutrality objective and should be rewarded, via the common agricultural policy ■ or other public or private initiatives. Specifically, this Regulation should take into account farming *and forestry* practices as referred to in the *Commission communication of 15 December 2021 on Sustainable Carbon Cycles, including afforestation, reforestation and sustainable forest management activities; agroforestry and other forms of mixed farming; use of catch crops, cover crops, conservation tillage and increasing landscape features; conversion of cropland to fallow or of set-aside areas to permanent grassland; and restoration of peatlands and wetlands. When developing certification methodologies in the context of carbon farming, the Commission should take into account the need to contribute to ensuring food security, the need to promote the protection and the restoration of biodiversity and ecosystems, and the need to avoid the acquisition of land for speculative purposes resulting in negative effects on rural communities, as well as the need to respect the rights of local communities and indigenous people affected by those activities, where relevant in accordance with national law, both within and outside the Union. It should promote those activities that have the largest potential to provide positive co-benefits for biodiversity, as well as consider long-term forest structure, the long-term stability of carbon pools, ecosystem health, resilience and the risk of natural disturbances.*

- (26) Operators or groups of operators ***should be able to*** report co-benefits that contribute to the sustainability objectives beyond the minimum sustainability requirements. To that end, their reporting should comply with the certification methodologies tailored to the different carbon removal activities, developed by the Commission. Certification methodologies should, as much as possible, incentivise the generation of co-benefits for biodiversity going beyond the minimum sustainability requirements, ***with a view to generating a market premium for the certified units, by including, for instance, positive lists of activities that are deemed to generate co-benefits.*** Those additional co-benefits ***would*** give more economic value to the certified ***units and would*** result in higher revenues for the operators. In the light of those considerations, it is appropriate that the Commission prioritise the development of tailored certification methodologies for carbon farming activities that provide significant co-benefits for biodiversity, ***and contribute to the sustainable management of agricultural land and forests.***

- (27) ***The Commission should establish, by means of delegated acts,*** detailed certification methodologies for the different types of ***activities*** provided for in this Regulation, ***taking into account their specific characteristics*** in order to ***enable operators to*** apply, in a standardised, verifiable, ***cost-effective*** and comparable way, the quality criteria laid down in this Regulation. Those methodologies should ensure the robust and transparent certification of the net carbon removal ***or net soil emission reduction*** benefit generated by the ***■*** activity, while avoiding a disproportionate administrative burden on operators or groups of operators, in particular on small farmers and small forest owners and managers, ***in particular by allowing the use of simplified certification and auditing rules such as group auditing.*** Those methodologies should be developed in close consultation with the Expert Group on Carbon Removals established by the Commission and with all other interested actors. The methodologies ***should*** be based on the best available scientific evidence, build upon existing public and private schemes and methodologies for ***certification of carbon removals or soil emission reductions***, and take into account any relevant standards and rules adopted at ***Union and national*** level.

(28) *Given the need to rapidly scale up carbon removals in the Union, the Commission should, at the first stage of the development of certification methodologies, prioritise the following activities: activities that are the most mature, that can provide sustainability co-benefits or in respect of which Union law relevant for the development of those methodologies has already been adopted; carbon farming activities that contribute to the sustainable management of agricultural land, forests, and the marine environment, as well as activities that store carbon in wood-based and bio-based construction products. The Innovation Fund sets out rules relevant for the development of certification methodologies for bioenergy with carbon capture and storage and direct air capture. In order to avoid an unsustainable demand for biomass raw material, the financial benefits related to the certification should not lead to an increase of the capacity of a bioenergy plant beyond what is necessary for the operation of the carbon capture and storage. It is appropriate that certification methodologies related to activities storing carbon in the marine environment, including oceans, take into account international progress in carbon removal reporting and the latest scientific information available and, when available, the findings of the Commission's report prepared pursuant to Article 17(2) of Regulation (EU) 2018/841. Furthermore, in order to promote the sustainable and efficient use of limited biomass resources, it is appropriate that certification methodologies related to activities using biomass ensure that the principle of the cascading use of biomass as laid down in Article 3(3) of Directive (EU) 2018/2001 is applied, while relying on existing rules and procedures and avoiding duplication. The rules for the implementation by national authorities of that principle are laid down in Article 3(3), (3a) and (3b) of that Directive.*

- (29) In order to ensure that the certification process is credible and reliable, **all** activities should be subject to independent third-party auditing *carried out by certification bodies*. In particular, **all** activities should be subject to an initial certification audit before their implementation, verifying their compliance with the quality criteria set out in this Regulation, including the correct quantification of the expected net **benefits**. **All** activities should also be subject to periodic re-certification audits *at least every five years, or otherwise more frequently as specified in the applicable certification methodology based on the characteristics of the relevant activity*. **The re-certification audits should** verify the compliance of the **activity with the quality criteria of this Regulation and the net carbon removal benefit or net soil emission reduction benefit** generated by the activity. **As a result of a re-certification audit, the certification body should issue a re-certification audit report that includes a summary and, where appropriate, an updated certificate of compliance. It should be possible to conduct more frequent re-certification audits, including annually, for all activities, in particular carbon farming activities. To reduce the administrative costs of certification and re-certification, operators should be able to use reliable geographical information provided by paying agencies through the identification system for agricultural parcels set out in Regulation (EU) 2021/2116 of the European Parliament and of the Council¹³.** To that end, the Commission should adopt implementing acts to set out the structure, format and technical details of an activity plan and of a monitoring plan, and of the certification audit and re-certification audit reports.

¹³ Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 187).

- (30) Providing *carbon farming operators* with improved knowledge, tools and methods for a better assessment and the optimisation of *certified* carbon removals *and soil emission reductions* is essential for the cost-efficient implementation of mitigation actions and for securing their engagement in carbon farming. This is particularly relevant for Union small farmers or small forest owners and managers that often lack the know-how and the expertise required to implement carbon *farming* activities and to comply with the required quality criteria and related certification methodologies. Therefore, it is appropriate to require that producer organisations facilitate the provision of relevant advisory services to their members. The common agricultural policy and national State aid, *inter alia*, can be a means of providing financial support for interactive innovation projects involving farmers and forest owners and managers, and the provision of advisory services, knowledge exchange, training, and information actions.

- (31) *In its communication of 6 February 2024 entitled 'Securing our future – Europe's 2040 climate target and path to climate neutrality by 2050 building a sustainable, just and prosperous society', the Commission indicates that it is crucial to create further business opportunities for a sustainable agrifood value chain and leverage private funds in synergy with public funding. This could be done with new market-based mechanisms to boost sustainable food, as this could result both in a better food price to reflect sustainability, as well as a fair reward for farmers and new source of funding for investments. Only firm coordination with all industrial actors in the entire food value chain and focus on fair trading practices across that chain can unlock the right incentives for sustainable farming practices, ensure a decent and sustainable income for farmers and generate revenues to support the transition.*

- (32) To ensure that verification is accurate, robust and transparent, certification bodies responsible for performing the certification *process* should have the required competences and skills and should be accredited by a national accreditation body pursuant to Regulation (EC) No 765/2008 of the European Parliament and of the Council¹⁴ *or be recognised by a national competent authority*. To avoid possible conflicts of interest, the certification bodies should also be completely independent of the operator or of the group of operators carrying out the ■ activity that is subject to the certification. In addition, Member States should contribute towards ensuring the correct implementation of the certification process by supervising the operation of certification bodies that are accredited by national accreditation authorities, and by informing the certification bodies and the relevant certification schemes about relevant non-conformity findings.

¹⁴ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

- (33) Certification schemes should be used by operators to demonstrate compliance with this Regulation. Therefore, certification schemes should operate on the basis of reliable and transparent rules and procedures and should ensure the non-repudiation of the origin of, and protection against fraud relating to, information and data submitted by operators, as well as the accuracy, reliability and integrity of such information and data. They should also ensure that there is correct accounting of the *certified* carbon removal *or soil emission reduction* units, in particular by avoiding double counting. To that end, the Commission should adopt implementing acts *setting out technical harmonised rules on certification*, including adequate standards of reliability, transparency and accounting and of independent auditing to be applied by certification schemes, so as to ensure the necessary legal certainty as regards the rules applicable to operators and to certification schemes. To ensure a cost-effective certification process, those technical harmonised rules on certification should also have the objective of reducing an unnecessary administrative burden on operators, or groups of operators, in particular on small and medium enterprises¹, including small farmers and small forest owners and managers.

- (34) In order to ensure that the control of certification is reliable and harmonised, the Commission should be able to adopt decisions recognising certification schemes that meet the requirements set out in this Regulation, including with respect to technical competence, reliability, transparency and independent auditing. Such recognition decisions should be limited in time ***and should be made publicly available***. To that end, the Commission should adopt implementing acts on the content and processes of Union recognition of certification schemes.
- (35) The provisions of the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ■ (the 'Aarhus Convention'), ***approved by means of Council Decision 2005/370/EC¹⁵***, relating to public participation and to access to justice are applicable, where relevant.

¹⁵ ■ ***Council Decision 2005/370/EC of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters (OJ L 124, 17.5.2005, p. 1).***

- (36) ■ In order to ensure transparency and full traceability of *certified units*, and to avoid the risk of fraud and double counting, *the Commission should establish within four years of the date of entry into force of this Regulation and thereafter maintain a Union registry for permanent carbon removals, carbon farming and carbon storage in products (the ‘Union registry’). The Commission should take into account the reports referred to in Article 30(5), point (a), of Directive 2003/87/EC and Article 17(3) of Regulation (EU) 2018/841. Where a concern related to fraud is raised, the Commission should investigate the matter and take appropriate action, including by repealing relevant decisions or cancelling the affected units. For example, fraud could be deemed to have been committed if more than one certificate of compliance is issued for the same ■ activity because the activity has been registered under two different certification schemes or has been registered twice under the same scheme. Fraud could also be deemed to have been committed when the same certificate of compliance is used several times to make the same claim based on an ■ activity or a certified unit. The Union registry should use automated systems, including electronic templates, to make publicly accessible, as a minimum, the information set out in an Annex to this Regulation. The operation of the Union registry should be financed by annual fixed fees payable by users, proportionate to their use of the Union registry, and sufficient to contribute to the coverage of its establishment costs and its annual operating costs, such as those for staff or IT tools. Resources from such fees should constitute external assigned revenue for the purpose of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council¹⁶. They should, in particular, cover the costs of IT tools, services and security, including the operation and licensing systems, and the costs of staff working on the management of the Union registry.*

¹⁶ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

The Commission should, by means of delegated acts, set out the necessary requirements concerning the Union registry and the factors to be considered for determining the level of user fees and their recovery. When setting out those requirements, the Commission should also consider the need to ensure sufficient oversight of the trading of certified units. During each last quarter of the year preceding the calendar year of application, the Commission should adopt one or more implementing acts to set out or revise the individual amounts of user fees to be applied for that calendar year. Until the establishment of the Union registry, certification schemes recognised by the Commission should establish and maintain interoperable certification registries. In order to ensure that there is transparency and full traceability in relation to certified units, and to avoid the risk of fraud and double counting, the certification schemes should also use automated systems, including electronic templates, to make publicly available, as a minimum, the information set out in an Annex to this Regulation. In order to ensure a level playing field within the **internal** market, the Commission should adopt implementing acts setting out standards and technical rules on the functioning and the interoperability of those **certification** registries.

Certified units should be issued by certification registries or, once established, by the Union registry only after the generation of a net carbon removal benefit or net soil emission reduction benefit, based on a valid certificate of compliance resulting from a re-certification audit. To avoid double issuance and double use, any certified unit should not be issued more than once and should not be used by more than one natural or legal person at any point in time. Permanent carbon removal units, carbon farming sequestration units, carbon storage in product units and soil emission reduction units should remain distinct from one another. In order to account for the inherent risk of reversal of removed carbon, carbon farming sequestration units and carbon storage in product units should expire at the end of the monitoring period for the relevant activity, and be cancelled in the certification registry or, once established, in the Union registry, unless the operator or the group of operators commits to prolonging the monitoring period, in accordance with the rules set out in the applicable certification methodology.

- (37) Certification schemes play an important role in demonstrating compliance with *this Regulation*. Therefore, *certification schemes should report to the Commission* regularly on their activity. Such reports should be made publicly available, in full or, where appropriate, in an aggregated form, in order to increase transparency and to improve supervision by the Commission. Furthermore, such reporting would provide the necessary information for the Commission to report on the operation of the certification schemes with a view to identifying best practices and submitting, if appropriate, a legislative proposal to further promote such best practices. In order to ensure comparable and consistent reporting, the Commission should adopt implementing acts setting out the technical details on the content and format of the reports drawn up by the certification schemes.

- (38) *In order to amend or supplement non-essential elements of* this Regulation ■ , the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of *establishing* detailed certification methodologies for different types of ■ activities, *setting out standards and technical rules on the functioning of the Union registry, and amending Annexes I and II*. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (39) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁸. In order to exercise the implementing powers laid down in this Regulation, the Commission should be assisted in its tasks under this Regulation by *the* Climate Change Committee established *by* Regulation (EU) 2018/1999 of the European Parliament and of the Council¹⁹.

¹⁷ OJ L 123, 12.5.2016, p. 1.

¹⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

¹⁹ Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council **Directives 2009/119/EC** and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).

- (40) The Commission should review the application of this Regulation by ... *[three years from date of its entry into force or 31 December 2028, whichever comes first]*, and subsequently within six months of the outcome of each global stocktake agreed under Article 14 of the Paris Agreement. *This Regulation should be kept under review in all aspects, taking into account: relevant developments concerning Union legislation, including its consistency with Regulation (EU) 2018/841, Regulation (EU) 2018/842 of the European Parliament and of the Council²⁰ and Regulation (EU) 2021/1119, as well as Directives 2003/87/EC and (EU) 2018/2001; relevant developments concerning the UNFCCC and the Paris Agreement, including rules and guidelines related to the implementation of Article 6 of that Agreement; technological and scientific progress, best practices and market developments in the field of carbon removals; the potential for permanent carbon storage in third countries, subject to the existence of international agreements referred to in Chapter III of Regulation (EU) 2024/1735 of the European Parliament and of the Council²¹, while providing for conditions equivalent to those laid down in Directive 2009/31/EC to ensure that geological storage of CO₂ that is captured is permanently secure and environmentally safe; the environmental impact of increased biomass use resulting from the application of this Regulation, including the impact on land degradation and ecosystem restoration; the impact on Union food security and land speculation; and the cost of the certification process.*

²⁰ Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26).

²¹ Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724 (OJ L, 2024/1735, 28.6.2024, ELI: <http://data.europa.eu/eli/reg/2024/1735/oj>).

(41) *By 31 July 2026, the Commission should review the inclusion of the IPCC source category of agriculture, subcategories of 3.A enteric fermentation and 3.B manure management, as determined pursuant to Regulation (EU) 2018/1999 and the implementing acts adopted pursuant to that Regulation, in the emission reductions covered by this Regulation, taking into consideration opportunity costs, the evolution of the regulatory framework, possible negative effects leading to a greenhouse gas-emission increase, and the Union 2040 climate target as proposed in accordance with Regulation (EU) 2021/1119, should submit a report to the European Parliament and to the Council and, where appropriate, should submit a legislative proposal. In the context of that review, it is appropriate to consider how the potential units generated by such activities should be categorised. It is also appropriate to accelerate the development of a pilot certification methodology for activities that reduce agricultural emissions from enteric fermentation and manure management, in preparation of the 2026 review by the Commission.*

- (42) *It is appropriate that certificates of compliance and certified units underpin different end-uses, such as the proof of climate-related and other environmental corporate claims, including in relation to biodiversity, or the exchange of certified units through voluntary carbon markets. To that end, the Commission should assess and, where appropriate, present a legislative proposal on the need for additional requirements to align this Regulation with the rules and guidance in Article 6(2) and (4) of the Paris Agreement and with best practices in the voluntary carbon markets. That assessment should compare methodological requirements, including baselines, monitoring periods, activity periods, additionality, leakage, non-permanence and liability, as well as address requirements related to authorisation and corresponding adjustments. It should also determine whether it is appropriate to differentiate end-uses for each type of unit, as well as identify the corresponding requirements for the use of units by private actors or third parties, including for the voluntary carbon markets and international compliance schemes, ensuring consistency with relevant Union legal acts such as Regulations (EU) 2018/1999 and (EU) 2021/1119, and Directive (EU) 2022/2464 of the European Parliament and of the Council²², the registry for internationally transferred mitigation outcomes pursuant to Article 6 of the Paris Agreement referred to in Article 40 of Regulation (EU) 2018/1999 and a future directive on substantiation and communication of explicit environmental claims.*

²² Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting (OJ L 322, 16.12.2022, p. 15).

(43) *Since* the objective of this Regulation, namely to promote the deployment of high-quality carbon removals *and soil emission reductions* while minimising the risk of greenwashing, cannot be sufficiently achieved by the Member States *but can rather*, by reason of the scale and effects of the action, **■** be better achieved at Union level **■** , the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective,

HAVE ADOPTED THIS REGULATION:

Chapter 1

GENERAL PROVISIONS

Article 1

Subject matter and scope

1. The objective of this Regulation is to facilitate ***and encourage*** the deployment of ***permanent*** carbon removals, ***carbon farming and carbon storage in products*** by operators or groups of operators, ***as a complement to sustained emission reductions across all sectors to meet the objectives and targets laid down in Regulation (EU) 2021/1119***. To that end, this Regulation establishes a voluntary Union framework for the certification of carbon removals ***and soil emission reductions*** by laying down:
 - (a) quality criteria for **■** activities that take place in the Union;
 - (b) rules for the verification and certification of carbon removals ***and soil emission reductions generated by activities***;
 - (c) rules for the functioning and recognition by the Commission of certification schemes;
 - (d) ***rules on the issuance and use of certified units.***

2. *This Regulation aims to support the achievement of the Union objectives under the Paris Agreement, in particular the collective achievement, at the latest by 2050, of the climate-neutrality objective laid down in Regulation (EU) 2021/1119. Accordingly, all carbon removals and soil emission reductions generated under this Regulation shall contribute to the achievement of the Union's NDC and its climate objectives and not to third-party-NDCs or international compliance schemes.*

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3. This **Regulation** does not apply to emissions falling within the scope of Directive 2003/87/EC, with the exception of the capture and storage of **CO₂** emissions from *biofuels, bioliquids and biomass fuels that meet the sustainability and greenhouse gas emissions saving criteria established under Article 29 of Directive (EU) 2018/2001, with any necessary adjustments for application under Directive 2003/87/EC, as set out in the implementing acts referred to in Article 14 of Directive 2003/87/EC*, in accordance with Annex IV to **Directive 2003/87/EC**.

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Article 2
Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) ‘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;***
- (2) ‘soil emission reduction’ means ***the reduction of net greenhouse gas emissions from biogenic carbon pools as listed in Section B, points (e) and (f), of Annex I to Regulation (EU) 2018/841 or the reduction of greenhouse gas emissions from the IPCC source category of agriculture, subcategory of 3.D agricultural soils, as determined pursuant to Regulation (EU) 2018/1999 and the implementing acts adopted pursuant to it, where the relevant activity, overall, reduces the emission of carbon from soil carbon pools or increases carbon removals in biogenic carbon pools;***

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- (3) *‘activity’ means one or more practices or processes carried out by an operator, or a group of operators, resulting in a permanent carbon removal, a temporary carbon removal through carbon farming or through carbon storage in products, or soil emission reductions through carbon farming where such carbon farming, overall, reduces the emissions of carbon from soil carbon pools or increases carbon removals in biogenic carbon pools;*
- (4) *‘biogenic carbon pool’ means **living** biomass, **litter, deadwood, dead organic matter, mineral soils and organic soils** as listed in Section B, points (a) to (f), of Annex I to Regulation (EU) 2018/841;*
- (5) *‘operator’ means any **natural** or legal person **or public entity** that operates or controls an activity, or to whom or to which decisive economic power over the technical functioning of the activity has been delegated; **in the case of a carbon farming activity, ‘operator’ means a farmer as defined in Article 3, point (1), of Regulation (EU) 2021/2115, any other manager of an activity in a terrestrial or coastal environment, a forest owner or manager as defined by national law, or a competent public entity;***

- (6) ‘group of operators’ means a legal entity that represents *at least two operators* and is responsible for ensuring that those operators comply with this Regulation;
- (7) ‘*activity period*’ means a period *during which the activity generates a net carbon removal benefit or a net soil emission reduction benefit, and which is determined in the applicable certification methodology*;
- (8) ‘monitoring period’ means a period *during which the soil emission reduction or storage of carbon is monitored by an operator or a group of operators, which covers at least the activity period, and which is determined in the applicable certification methodology*;
- (9) ‘permanent carbon *removal*’ means *any practice or process* that, under normal circumstances and using appropriate management practices, *captures and* stores atmospheric or biogenic carbon for several centuries, including *permanently chemically bound* carbon *in products, and which is not combined with enhanced hydrocarbon recovery*;

- (10) ‘carbon farming’ means *any practice or process carried out over an activity period of at least five years, related to the management of a terrestrial or coastal environment and resulting in the capture and temporary storage of atmospheric or biogenic carbon in biogenic carbon pools, or in the reduction of soil emissions;*

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- (11) ‘carbon storage in products’ means *any practice or process that captures and stores atmospheric or biogenic carbon for at least 35 years in long-lasting products, allows on-site monitoring of the carbon stored and is certified throughout the monitoring period;*
- (12) ‘permanently chemically bound carbon in products’ means *carbon chemically stored within a product with the result that it does not enter the atmosphere under normal use of the product, including any normal activity taking place after the end of life of the product, in accordance with Article 12(3b) of Directive 2003/87/EC;*

- (13) *‘geological storage of CO₂’ means geological storage of CO₂ as defined in Article 3, point 1, of Directive 2009/31/EC;*
- (14) ‘certification body’ means an accredited or recognised independent conformity assessment body that has concluded an agreement with a certification scheme to carry out certification audits and issue certificates *of compliance*;
- (15) ‘certification scheme’ means *an* organisation that *certifies the compliance of activities and* operators *with the quality criteria and certification rules set out in* this Regulation;

- (16) ‘certification audit’ means an audit carried out by a certification body;
- (17) ‘re-certification audit’ means an audit carried out in the process of renewing a certificate of compliance issued by a certification body;
- (18) ‘certificate *of compliance*’ means a conformity statement issued by a certification body certifying that an activity complies with this Regulation;
- (19) ‘*permanent* carbon removal unit’ means one *metric* tonne of *CO₂ equivalent* of certified *permanent* net carbon removal benefit generated by a *permanent* carbon removal activity and registered by a certification scheme *in its certification registry or, as applicable, in the Union registry provided for in Article 12*;
- (20) ‘*soil emission reduction unit*’ means one *metric tonne* of *CO₂ equivalent* of certified *net soil emission reduction benefit* generated by a *carbon farming* activity and registered by a certification scheme *in its certification registry or, as applicable, in the Union registry provided for in Article 12*;

- (21) *‘reversal’ means, in the case of geological storage of CO₂, leakage as defined in Article 3, point 5, of Directive 2009/31/EC and, for other activities, the voluntary or involuntary release back into the atmosphere of carbon captured and stored by an activity;*
- (22) *‘carbon farming sequestration unit’ means one metric tonne of CO₂ equivalent of certified temporary net carbon removal benefit generated by a carbon farming activity and registered by a certification scheme in its certification registry or, as applicable, in the Union registry provided for in Article 12;*
- (23) *‘carbon storage in product unit’ means one metric tonne of CO₂ equivalent of certified temporary net carbon removal benefit generated by a carbon storage in product activity and registered by a certification scheme in its certification registry or, as applicable, in the Union registry provided for in Article 12.*

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Article 3

Eligibility for certification

Carbon removals *and soil emission reductions* shall be eligible for certification under this Regulation where they meet both of the following conditions:

- (a) they are generated by *an* activity that complies with the quality criteria set out in Articles 4 to 7;

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- (b) they are independently verified in accordance with Article 9.

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Chapter 2

QUALITY CRITERIA

Article 4

Quantification

1. A **permanent** carbon removal activity shall provide a **permanent** net carbon removal benefit, which shall be quantified using the following formula:

$$\text{permanent net carbon removal benefit} = \text{CR}_{\text{baseline}} - \text{CR}_{\text{total}} - \text{GHG}_{\text{associated}} > 0,$$

where:

- (a) $\text{CR}_{\text{baseline}}$ is the amount of carbon removals under the baseline;
- (b) CR_{total} is the total amount of carbon removals of the **■** activity;
- (c) $\text{GHG}_{\text{associated}}$ is the increase in direct and indirect greenhouse gas emissions **over the entire lifecycle of the activity which are attributable to its implementation, including indirect land use change, calculated, where applicable, in accordance with the protocols set forth in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories and any further refinement to these 2006 IPCC Guidelines.**

2. *A carbon farming activity shall provide a temporary net carbon removal benefit or a net soil emission reduction benefit, which shall be quantified using the following formulas:*

(a) *temporary net carbon removal benefit = $CR_{baseline} - CR_{total} - GHG_{associated} > 0$,*

where:

(i) *$CR_{baseline}$ is the amount of carbon removals under the baseline;*

(ii) *CR_{total} is the total amount of carbon removals of the activity;*

(iii) *$GHG_{associated}$ is the increase in direct and indirect greenhouse gas emissions over the entire lifecycle of the activity which are attributable to its implementation, including indirect land use change, calculated, where applicable, in accordance with the protocols set forth in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories and any further refinement to these 2006 IPCC Guidelines;*

(b) *net soil emission reduction benefit* = $LSE_{baseline} - LSE_{total} + ASE_{baseline} - ASE_{total} - GHG_{associated} > 0$,

where:

- (i) *LSE_{baseline}* is the amount of LULUCF soil emissions under the baseline;
- (ii) *LSE_{total}* is the total amount of LULUCF soil emissions of the activity;
- (iii) *ASE_{baseline}* is the amount of agricultural soil emissions under the baseline;
- (iv) *ASE_{total}* is the total amount of agricultural soil emissions of the activity;

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- (v) *GHG_{associated}* is the increase in direct and indirect greenhouse gas emissions over the entire lifecycle of the activity which are attributable to its implementation, including indirect land use change, calculated, where applicable, in accordance with the protocols set forth in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories and any further refinement to these 2006 IPCC Guidelines.

The scope of the quantities referred to in $CR_{baseline}$ and CR_{total} corresponds to the net greenhouse gas removals included in the scope of Regulation (EU) 2018/841.

The scope of the quantities referred to in $LSE_{baseline}$ and LSE_{total} corresponds to the net greenhouse gas emissions from biogenic carbon pools as listed in Section B, points (e) and (f), of Annex I to Regulation (EU) 2018/841.

The scope of the quantities referred to in $ASE_{baseline}$ and ASE_{total} corresponds to the emissions from the IPCC source category of agriculture, subcategory of 3.D agricultural soils.

3. *The applicable certification methodologies shall require a breakdown by greenhouse gas of all quantities referred to in paragraph 2.*

4. *If soil emissions increase as a consequence of an activity that results in a temporary carbon removal through carbon farming, they shall be quantified and accounted for in the net carbon removal benefit. In particular, emissions from biogenic carbon pools as listed in Section B, points (e) and (f), of Annex I to Regulation (EU) 2018/841 shall be quantified and reported as part of CR_{total} , and emissions from the IPCC source category of agriculture, subcategory of 3.D agricultural soils, shall be quantified and reported as $GHG_{associated}$.*

If soil emissions decrease as a consequence of an activity that results in a temporary carbon removal through carbon farming, they shall be quantified, reported and accounted for as a net soil emission reduction benefit.

Where an activity results in both a temporary net carbon removal benefit and a net soil emission reduction benefit, the relevant methodology shall specify the allocation rules for the associated direct and indirect greenhouse gas emissions which are attributable to that activity.

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5. *A carbon storage in product activity shall provide a temporary net carbon removal benefit, which shall be quantified using the following formula:*

$$\text{temporary net carbon removal benefit} = CR_{\text{baseline}} - CR_{\text{total}} - GHG_{\text{associated}} > 0,$$

where:

- (a) CR_{baseline} is the amount of carbon removals under the baseline;*
 - (b) CR_{total} is the total amount of carbon removals of the activity;*
 - (c) $GHG_{\text{associated}}$ is the increase in direct and indirect greenhouse gas emissions over the entire lifecycle of the activity which are attributable to its implementation, including indirect land use change, calculated, where applicable, in accordance with the protocols set forth in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories and any further refinement to these 2006 IPCC Guidelines.*
6. Quantities referred to in paragraphs 1 to 5 shall be attributed a negative sign (-) if they are net **greenhouse gas** removals and a positive sign (+) if they are net **greenhouse gas** emissions ■ ; they shall be expressed in tonnes of CO_2 equivalent.

7. ***Permanent*** carbon removals, ***temporary carbon removals through carbon farming and carbon storage in products, soil emission reductions and associated greenhouse gas emissions*** shall be quantified in a relevant, ***conservative***, accurate, complete, consistent, transparent and comparable manner, ***in accordance with the latest available scientific evidence. The monitoring shall be based on an appropriate combination of on-site measurements with remote sensing or modelling in accordance with the rules set out in the applicable certification methodologies.***
8. The ***baseline referred to in paragraphs 1, 2 and 5*** shall ***be highly representative of the standard*** ■ performance of comparable ***practices and processes*** in similar social, economic, environmental, ***technological and regulatory*** circumstances and take into account the geographical context, ***including local pedoclimatic and regulatory conditions ('standardised baseline')***.

9. *The standardised baseline shall be established by the Commission in the applicable certification methodologies set out in the delegated acts adopted pursuant to Article 8.*

The Commission shall review at least every five years and update, where appropriate, the standardised baseline in light of evolving regulatory circumstances and of the latest available scientific evidence. The updated standardised baseline shall apply only to an activity for which the activity period starts after the entry into force of the applicable certification methodology.

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10. By way of derogation from paragraph 8, where duly justified *in the applicable certification methodology, including due to the lack of data or the absence of sufficient comparable activities, an operator shall use a baseline that corresponds to the individual performance of a specific activity ('activity-specific baseline').*

11. The *activity-specific baselines* shall be periodically updated, *at the beginning of each activity period, unless otherwise stated in the applicable certification methodologies set out in the delegated acts adopted pursuant to Article 8.*
12. The quantification of *permanent carbon removals, temporary carbon removals through carbon farming and carbon storage in products, and soil emission reductions* shall account for uncertainties in *a conservative manner and in* accordance with recognised statistical approaches. *Uncertainties in the quantification of carbon removals and soil emission reductions shall be duly reported.*
13. To support the quantification of *temporary carbon removals and soil emission reductions* generated by a carbon farming *activity*, the operator or group of operators shall, *where feasible*, gather data on carbon removals and *greenhouse gas emissions based on the use of tier 3 methodologies in accordance with the 2006 IPCC Guidelines for National Greenhouse Gas Inventories and the refinements to these 2006 IPCC Guidelines, and* in a manner compatible with national *greenhouse gas* inventories under Regulation (EU) 2018/841 and Part 3 of Annex V to Regulation (EU) 2018/1999.

Article 5
Additionality

1. **Any** activity shall be additional. To that end, **it** shall meet both of the following criteria:

- (a) it goes beyond Union and national statutory requirements ***at the level of an individual operator***;
- (b) ■ the incentive effect of the certification under this Regulation ***is needed for the activity to become financially viable***.

2. Where a ***standardised*** baseline ■ ***is used***, additionality as referred to in paragraph 1 shall be considered to be complied with.

Where an ***activity-specific*** baseline is ***used***, additionality as referred to in paragraph 1 of this Article shall be demonstrated through specific ***additionality*** tests ***in accordance with the applicable certification methodologies set out in the delegated acts adopted pursuant to Article 8***.

Article 6

Storage, monitoring and liability

1. An operator or group of operators shall demonstrate that ***an activity stores carbon permanently or is aimed at storing carbon over the long-term.***

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2. For the purposes of paragraph 1, an operator or group of operators shall be:
 - (a) ***subject to*** monitoring rules and rules on the mitigation of any ***identified risks of reversal*** occurring during the monitoring period;
 - (b) ***liable to address any reversal of the carbon captured and stored by an activity*** which occurs during the monitoring period for that activity ***through appropriate liability mechanisms in accordance with the applicable certification methodologies set out in the delegated acts adopted pursuant to Article 8.***

3. *The monitoring rules referred to in paragraph 2, point (a), shall:*
- (a) for permanent carbon removals, be consistent with the rules set out in Articles 13 to 16 of Directive 2009/31/EC;*
 - (b) for permanently chemically bound carbon in products, be consistent with the rules adopted pursuant to Article 12(3b) of Directive 2003/87/EC;*
 - (c) for carbon farming and carbon storage in products, be set out and duly justified in accordance with the rules laid down in the applicable certification methodologies set out in the delegated acts adopted pursuant to Article 8.*

4. *The liability mechanisms referred to in paragraph 2, point (b), shall:*
- (a) for permanent carbon removals, be consistent with the rules set out in Articles 17 and 18 of Directive 2009/31/EC;*
 - (b) for permanently chemically bound carbon in products, be consistent with the rules adopted pursuant to Article 12(3b) of Directive 2003/87/EC;*
 - (c) for carbon farming and carbon storage in products, be set out and duly justified in the applicable certification methodologies set out in the delegated acts adopted pursuant to Article 8 and may include collective buffers or up-front insurance mechanisms.*

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5. *The carbon removed and subsequently stored by a carbon removal activity shall be considered released into the atmosphere at the end of the monitoring period, **unless that monitoring period is prolonged through a new certification of the activity or the carbon is stored permanently pursuant to paragraph 3, points (a) and (b), and paragraph 4, points (a) and (b).***
6. *Soil emission reduction activities shall be subject to appropriate monitoring rules and liability mechanisms as set out in the delegated acts adopted pursuant to Article 8.*

Article 7
Sustainability

1. *An* activity shall do no significant ***harm to the environment and may*** generate co-benefits for ***one or more of*** the following sustainability objectives:
 - (a) climate change mitigation beyond the net carbon removal benefit ***and net soil emission reduction benefit*** referred to in Article 4(1) ***and (2)***;
■
 - (b) climate change adaptation;
 - (c) the sustainable use and protection of water and marine resources;
 - (d) transition to a circular economy, ***including the efficient use of sustainably sourced bio-based materials***;
 - (e) pollution prevention and control;
 - (f) protection and restoration of biodiversity and ecosystems, ***including soil health as well as avoidance of land degradation***.

2. *A carbon farming activity shall at least generate co-benefits for the sustainability objective referred to in paragraph 1, point (f).*
■

3. For the purposes of paragraph 1 *of this Article*, an activity shall comply with the minimum sustainability requirements laid down in the applicable certification methodologies **■** set out in the delegated acts adopted pursuant to Article 8.

The minimum sustainability requirements shall:

- (a) *take into account the impact both within and outside the Union and local conditions;*
- (b) *where appropriate, be consistent with the technical screening criteria for the ‘do no significant harm’ principle;*
- (c) *promote the sustainability of forest and agriculture biomass raw material in accordance with the sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels laid down in Article 29 of Directive (EU) 2018/2001.*

4. Where an operator or group of operators *reports* co-benefits that contribute to the sustainability objectives referred to in paragraph 1 *of this Article* beyond the minimum sustainability requirements referred to in paragraph 3 *of this Article*, that operator or group of operators shall comply with the applicable certification methodologies set out in *the* delegated acts *adopted pursuant* to Article 8. Those certification methodologies shall *include elements to* incentivise as much as possible the generation of co-benefits going beyond the minimum sustainability requirements, in particular for the objective referred to in paragraph 1, point (f), *of this Article*.

■

Article 8

Certification methodologies

1. An operator or a group of operators shall use the applicable certification **methodology** to comply with the quality criteria laid down in Articles 4 to 7 ('certification methodology').
2. The Commission **shall** adopt delegated acts in accordance with Article 16 to **supplement this Regulation by establishing** certification methodologies, **which shall specify, for each activity, the elements set out in Annex I.**

The Commission shall prioritise the development of certification methodologies for those activities that are the most mature, that have the potential to provide the largest co-benefits or for which Union law relevant for the development of those methodologies has already been adopted.

In the case of carbon farming activities, as part of its prioritisation the Commission shall take into account whether the activities contribute to the sustainable management of agricultural land, forests and the marine environment.

In the case of carbon storage in products, the Commission shall prioritise certification methodologies for wood-based and bio-based construction products.

3. *Delegated acts adopted pursuant to paragraph 2 shall make a distinction between activities related to permanent carbon removal, carbon farming and carbon storage in products and further differentiate the activities on the basis of their characteristics.*

The certification methodologies shall:

- (a) ensure the robustness and transparency of carbon removals and soil emission reductions;*
- (b) promote the protection and restoration of biodiversity and ecosystems;*
- (c) contribute to ensuring the Union's food security and avoiding land speculation;*
- (d) take into account the competitiveness of farmers and forest owners and managers in the Union in a sustainable manner, in particular for small-scale operators;*

- (e) promote the sustainability of biomass in accordance with the sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels laid down in Article 29 of Directive (EU) 2018/2001;*
- (f) ensure the consistency of the application of the principle of the cascading use of biomass as per national authorities in accordance with Article 3(3) of Directive (EU) 2018/2001;*
- (g) ensure the avoidance of unsustainable demand for biomass raw material;*
- (h) minimise the administrative and financial burden on operators, in particular on small-scale operators, and keep the certification process as simple as possible, and easy to use;*
- (i) ensure that cases of reversal are addressed through appropriate liability mechanisms such as collective buffers or up-front insurance mechanisms and, as a last resort, direct cancellation of units.*

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4. When preparing *the* delegated acts *referred to in paragraph 2*, the Commission shall take into account: ■

■

- (a) relevant Union and national law;
- (b) relevant Union, ***national*** and international certification methodologies and standards;
and
- (c) *best available scientific evidence.*

■

Chapter 3

CERTIFICATION

Article 9

Certification of compliance

1. To apply for certification of compliance with this Regulation, an operator or a group of operators shall submit an application to a certification scheme.

Upon acceptance of that application, the operator or group of operators shall submit to a certification body *an activity plan that includes evidence of compliance with Articles 4 to 7 and the expected net carbon removal benefit or the expected net soil emission reduction benefit generated by the activity, and a monitoring plan.*

Groups of operators shall also specify how advisory services *are provided, in particular to small-scale carbon farming operators.*

For carbon farming activities, Member States may provide advice to farmers in the framework of the farm advisory services referred to in Article 15 of Regulation (EU) 2021/2115.

In order to promote the interoperability of relevant databases on carbon farming, where applicable, Member States may include, in the identification system for agricultural parcels referred to in Article 68 of Regulation (EU) 2021/2116, key information listed in Annex II to this Regulation, including management practices related to the carbon farming activity, the start date and end date of the activity, the unique number or code of the certificate of compliance, the name of the certification body and the name of the certification scheme.

2. The certification *scheme shall appoint a certification body, which* shall conduct a certification audit to verify *that* the information submitted in accordance with paragraph 1 *of this Article is accurate and reliable*, and to confirm compliance of █ the activity with Articles 4 to 7.

When, as a result of that certification audit, the *compliance of the information submitted in accordance with paragraph 1 of this Article has been verified, the* certification body shall issue a certification audit report █ that includes a summary, █ and shall issue a certificate *of compliance that* contains, as a minimum, the information set out in Annex II.

The certification scheme shall *review* the certification audit report and the certificate *of compliance*, and make the *certification audit report, in full or, where necessary to preserve the confidentiality of commercially sensitive information, in a summarised form*, and the certificate *of compliance* publicly available in *its certification registry or, once established, in the Union* registry provided for in Article 12 (*the ‘Union registry’*).

3. *At least every five years, or more frequently where so specified in the applicable certification methodology based on the characteristics of the relevant activity*, the certification body shall carry out re-certification audits to reconfirm compliance of the [] activity with Articles 4 to 7 and verify the *net* carbon removal benefit *or the net soil emission reduction benefit generated by the activity*. As a result of that re-certification audit, the certification body shall issue a re-certification audit report [] that includes a summary, and, where appropriate, shall issue an updated certificate *of compliance*.

The certification scheme shall *review* the re-certification audit report and the updated certificate *of compliance*, and make the [] re-certification audit report, *in full or, where necessary to preserve the confidentiality of commercially sensitive information, in a summarised form, and the updated certificate of compliance* publicly available in its *certification registry or, once established, in the Union registry*.

The certification registry of the certification scheme or, once established, the Union registry shall issue certified units based on the updated certificate of compliance resulting from the re-certification audit.

4. The operator or ■ group of operators shall support the certification body during the certification audit and re-certification audit, in particular by giving access to the premises of the activity and providing *any* data and documentation *required* by that certification body.
5. The Commission *shall* adopt implementing acts to set out the structure, format and technical details of the *activity plan and of the monitoring plan* referred to in paragraph 1 of this Article, and of the certification audit and re-certification audit reports referred to in paragraphs 2 and 3 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17.

Article 10

Certification bodies

1. Certification bodies appointed by certification schemes shall be accredited by a national accreditation *body* pursuant to Regulation (EC) No 765/2008 *or be recognised by a national competent authority as being competent to cover the scope of this Regulation or the specific scope of the certification scheme.*

2. Certification bodies shall **■** :
- (a) *be* competent to carry out the certification audit and re-certification audit;
 - (b) be *legally and financially* independent of an operator or of a group of operators; and
 - (c) *carry out in the public interest the activities required under this Regulation.*
3. For the purpose of paragraph 2, point (b), certification bodies or any part thereof shall not:
- (a) be an operator or a group of operators, the owner of an operator or of a group of operators, or be owned by them;
 - (b) have relations with an operator or with a group of operators that could affect their independence and impartiality.

4. Member States shall supervise the operation of certification bodies.

Certification bodies shall submit, upon request by the national competent authorities, all relevant information necessary to supervise their operation, including the date, time and location of the certification audit and re-certification audit.

Where Member States find issues of non-conformity, they shall inform the certification body and the relevant certification scheme thereof without delay.

The information on issues of non-conformity shall be published in the certification registry or, once established, in the Union registry.

Chapter 4

CERTIFICATION SCHEMES

Article 11

Operation of certification schemes

1. In order to demonstrate compliance with this Regulation, an operator or a group of operators shall ***participate in*** a certification scheme recognised by the Commission pursuant to Article 13.
2. Certification schemes shall operate ***in an independent manner*** on the basis of reliable and transparent rules and procedures, in particular with regard to internal management and monitoring, handling of complaints and appeals, stakeholder consultation, transparency and publication of information, appointment and training of certification bodies, addressing non-conformity issues, and development and management of ***certification*** registries.

Certification schemes shall set transparent fees and make information about those fees easily accessible to operators, including by publishing them on their websites.

Certification schemes shall put in place easily accessible complaint and appeal procedures. Information about those procedures shall be made publicly available in the certification registry or, once established, in the Union registry.

3. Certification schemes shall verify whether the information and data submitted by an operator or a group of operators for the certification of compliance pursuant to Article 9 were subject to independent auditing and whether the certification of compliance, ***including the re-certification audit reports***, was carried out in an accurate, reliable and cost-effective manner.
4. Certification schemes shall at least annually publish ***in their certification registries or, once established, in the Union registry*** a list of the appointed certification bodies, stating for each certification body by which ***national accreditation body it was accredited or by which*** national ***competent*** authority it was ***recognised*** and which national ***competent*** authority is monitoring it.
5. The Commission shall adopt implementing acts setting out the structure, format, technical details and process required for the purposes of paragraphs 2, 3 and 4 ***of this Article*** which are to apply to all certification schemes ***recognised by the Commission***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17 **■** .

Article 12

***Union registry for permanent carbon removals, carbon farming
and carbon storage in products, and certification registries***

- 1. The Commission shall establish by... [four years from the date of entry into force of this Regulation] and thereafter duly maintain a Union registry for permanent carbon removals, carbon farming and carbon storage in products, to make publicly available the information related to the certification process in an accessible way, containing, as a minimum, the information set out in Annex III.***

When establishing the Union registry, the Commission shall take into account the reports referred to in Article 30(5), point (a), of Directive 2003/87/EC and Article 17(3) of Regulation (EU) 2018/841.

The Union registry shall use automated systems, including electronic templates, to make publicly accessible in a secure way the information related to the certification process, including the certificates of compliance and updated certificates of compliance, to enable the tracing of the quantity of certified units and avoid double counting.

The Union registry shall be financed by annual fixed fees payable by users. Those fees shall be proportionate to the use of the Union registry and sufficient to contribute to the coverage of the establishment costs and annual operating costs of the Union registry, such as those for staff or IT tools.

Resources from such fees shall constitute external assigned revenue for the purpose of Article 21(5) of Regulation (EU, Euratom) 2018/1046. That revenue shall, in particular, cover the costs of IT tools, services and security, including the operation and licensing systems, and the costs of staff working on the management of the Union registry.

2. *The Commission shall adopt delegated acts in accordance with Article 16 to supplement this Article by laying down the necessary requirements concerning the Union registry, including rules to ensure sufficient oversight of the trading of certified units, and the factors to be considered for determining the level of fees referred to in paragraph 1 of this Article and their recovery.*

During each last quarter of the year preceding the calendar year of application, the Commission shall adopt one or more implementing acts to set out or revise the individual amounts of the fees referred to in paragraph 1 of this Article to be applied for that calendar year.

3. *Until the establishment of the Union registry, a certification scheme shall establish and duly maintain a **certification** registry to make publicly accessible **in a secure way** the information **related to** the certification process, including the certificates **of compliance** and updated certificates **of compliance, containing, as a minimum, the information set out in Annex III, to enable the tracing of the quantity of** units certified in accordance with Article 9.*

*A **certification registry** shall use automated systems, including electronic templates, and shall be interoperable **with registries of other recognised certification schemes in order to avoid double counting.***

The Commission shall adopt implementing acts setting out the structure, format and technical details of the certification registries and of the recording, holding or use of certified units, including as referred to in this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17.

4. *Certified units shall be issued by certification registries or, once established, by the Union registry only after the generation of a net carbon removal benefit or net soil emission reduction benefit, based on a valid certificate of compliance resulting from a re-certification audit.*

Any certified unit shall not be issued more than once and shall not be used by more than one natural or legal person at any point in time.

Permanent carbon removal units, carbon farming sequestration units, carbon storage in product units and soil emission reduction units shall remain distinct from one another.

5. *Carbon farming sequestration units and carbon storage in product units shall expire at the end of the monitoring period for the relevant activity, and be cancelled in the certification registry or, once established, in the Union registry, unless the long-term storage of the removed carbon is proven through continued monitoring, in accordance with the rules set out in the applicable certification methodology.*

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Article 13

Recognition of certification schemes

1. Only a certification scheme recognised by the Commission by means of a decision may be used by an operator or a **group** of operators to demonstrate compliance with this Regulation. Such decision shall be valid for a period of no more than five years ***and shall be made publicly available in the Union registry.***
2. A Member State shall notify to the Commission an application for recognition of a public certification scheme.

The legal representative of a private certification scheme shall notify to the Commission an application for recognition of that private certification scheme.

3. The Commission may, *after appropriate consultation with the certification scheme*, repeal a decision recognising that scheme pursuant to paragraph 1 of this Article where the certification scheme fails to implement the rules set out in the implementing acts referred to in Article 11(5).

Where a Member State *or any other interested party* raises *duly substantiated* concerns that a certification scheme does not operate in accordance with the rules set out in the implementing acts referred to in Article 11(5) which constitute the basis for decisions under paragraph 1 of this Article, the Commission shall investigate the matter and take appropriate action, including repealing the relevant decision.

4. The Commission *shall* adopt implementing acts setting out the structure, format and technical details of the recognition and notification processes referred to in paragraphs 1 and 2 of this Article. ■ Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17.

Article 14
Reporting requirements

1. Every year by 30 April, each certification scheme recognised by the Commission that has operated for at least 12 months shall submit to the Commission an annual report about its operations, including a description of any cases of fraud and related remediation measures, which covers the preceding calendar year.

The Commission shall make the reports referred to in the first subparagraph publicly available, in full or, where necessary to preserve the confidentiality of commercially sensitive information, in an aggregated form.

2. The Commission ***shall*** adopt implementing acts setting out ***the*** structure, format and technical details of the reports referred to in paragraph 1 ***of this Article***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17.

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Chapter 5

FINAL PROVISIONS

Article 15

Amendment to Annexes

1. The Commission is empowered to adopt delegated acts in accordance with Article 16 to amend Annex *I* in order to adapt *it to new and emerging types of activities and to scientific and technical progress*.
2. *The Commission is empowered to adopt delegated acts in accordance with Article 16 to amend Annex II in order to adapt it to technical progress.*

Article 16
Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles 8, **12** and 15 shall be conferred on the Commission for an indeterminate period of time from ... [date of entry into force of this Regulation].
3. The delegation of power referred to in Articles 8, **12** and 15 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the ***Official Journal of the European Union*** or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.
5. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
6. A delegated act adopted pursuant to Article 8, **12** or 15 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 17
Committee procedure

1. The Commission shall be assisted by the Climate Change Committee established by Article 44(1), point **(a)**, of Regulation (EU) 2018/1999. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this Article, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 18

Review

- I.** This Regulation shall be kept under review in all aspects, taking into account:
- (a)** relevant developments concerning Union law, *including its consistency with Regulations (EU) 2018/841, (EU) 2018/842 and (EU) 2021/1119 and Directives 2003/87/EC and (EU) 2018/2001;*
 - (b)** *relevant developments concerning the UNFCCC* and the Paris Agreement, *including rules and guidelines related to the implementation of Article 6 of that Agreement;*
 - (c)** technological and scientific progress, *best practices and* market developments in the field of carbon removals;

- (d) *the potential for permanent carbon storage in third countries, subject to the existence of international agreements referred to in Chapter III of Regulation (EU) 2024/1735, while providing for conditions equivalent to those laid down in Directive 2009/31/EC to ensure that geological storage of CO₂ that is captured is permanently secure and environmentally safe;*
- (e) *the environmental impact of increased biomass use resulting from the application of this Regulation, including the impact on land degradation and ecosystem restoration;*
- (f) *the impact on Union food security and land speculation; and*
- (g) *the cost of the certification process.*

2. *By ... [three years from **the date of** entry into force of this Regulation **or 31 December 2028, whichever comes first**], and subsequently within six months of the outcome of each global stocktake agreed under Article 14 of the Paris Agreement, the Commission shall report to the European Parliament and to the Council on the application of this Regulation.*

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3. *By 31 July 2026, the Commission shall review the application of this Regulation to emissions reduction from the IPCC source category of agriculture, subcategory of 3.A enteric fermentation and subcategory of 3.B manure management, as determined pursuant to Regulation (EU) 2018/1999 and the implementing acts adopted pursuant to that Regulation, taking into consideration opportunity costs, the evolution of the regulatory framework, possible negative effects leading to an increase in greenhouse gas emissions, and the Union 2040 climate target as proposed in accordance with Article 4(3) of Regulation (EU) 2021/1119, and submit a report to the European Parliament and the Council. That report shall be based, inter alia, on a pilot certification methodology for activities that reduce agricultural emissions from enteric fermentation and manure management.*

The Commission shall, where appropriate, submit a legislative proposal accompanying that report to extend the scope of the activities covered under this Regulation to emissions reduction from the IPCC source category of agriculture, subcategory of 3.A enteric fermentation and subcategory of 3.B manure management, as determined pursuant to Regulation (EU) 2018/1999.

4. *By 31 July 2026, the Commission shall assess additional requirements needed to align this Regulation with Article 6 of the Paris Agreement and best practices, including corresponding adjustments, host party authorisation and methodologies. In that assessment, the Commission shall review the use of certified units to compensate for emissions generated outside of the Union's NDC and the Union's climate objectives. That assessment shall be accompanied, where appropriate, by a legislative proposal.*

Article 19

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at █ ,

For the European Parliament

The President

For the Council

The President

Annex I

Elements of the certification methodologies referred to in Article 8

When adopting delegated acts pursuant to Article 8, the Commission shall include ■ the following elements in the certification methodologies, *taking into consideration the specificities of each activity*:

- (a) the *type of activity and a* description of the *practices and processes* covered, including the *activity period and* monitoring period;
-
- (b) rules for identifying all carbon removal sinks and greenhouse gas emission sources within the meaning of Article 4(1), *(2) and (5)*;
- (c) rules for calculating the *baseline referred to in Article 4(1), point (a)*, in Article 4(2), *point (a)(i)*, in Article 4(2), *points (b)(i) and (iii)*, or in Article 4(5), point (a);
- (d) rules for calculating the total carbon removals referred to in Article 4(1), *point (b)*, in Article 4(2), *point (a)(ii)*, or in Article 4(5), point (b);

- (e) *rules for calculating LULUCF soil emissions referred to in Article 4(2), point (b)(ii);*
- (f) *rules for calculating agricultural soil emissions referred to in Article 4(2), point (b)(iv);*
- (g) rules for calculating *GHG_{associated} emissions referred to in Article 4(1), point (c), in Article 4(2), point (a)(iii), in Article 4(2), point (b)(v) or in Article 4(5), point (c);*
- (h) *rules for updating the standardised baseline referred to in Article 4(9), and for updating the activity-specific baseline referred to in Article 4(11);*
- (i) rules to account for uncertainties in *a conservative manner in* the quantification of permanent carbon removals, *temporary carbon removals through carbon farming and carbon storage in products, and soil emission reductions* referred to in Article 4(12);
- (j) rules to carry out the specific additionality tests referred to in Article 5(2);
- (k) monitoring rules and rules on the mitigation of any identified risks of reversal of the stored carbon referred to in Article 6(2), point (a);
- (l) rules on appropriate liability mechanisms referred to in Article 6(2), point (b), *and Article 6(4), including rules on the risk of failure of the relevant liability mechanism;*

- (m) rules for implementing the requirement referred to in Article 6(5);*
- (n) rules on the monitoring of soil emission reductions referred to in Article 6(6);*
- (o) rules on the minimum sustainability requirements referred to in Article 7(3);
- (p) rules on the monitoring and reporting of *the* co-benefits referred to in Article 7(4).

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Annex II

Minimum information to be included in the certificate of compliance referred to in Article 9

The certificate *of compliance* shall include the following minimum information:

- (a) the name and type of the ■ activity, including *practices and processes, and* the name and contact details of the operator or group of operators;
- (b) the location of the ■ activity, including the geographically explicit location of the activity boundaries, respecting 1:5000 mapping scale requirements for the Member State;

■

- (c) the *duration of the activity period, including the start date and end date*;
- (d) the name of the certification scheme;
- (e) the name, *address and logo* of the certification body;
- (f) ■ the unique ■ number or code *of the certificate of compliance*;
- (g) the place, date of issuance *and validity period* of the certificate *of compliance*;
- (h) a reference to the applicable certification methodology referred to in Article 8;

■

- (i) the *permanent* net carbon removal benefit referred to in Article 4(1), *the temporary net carbon removal benefit referred to in Article 4(2), point (a), the net soil emission reduction benefit referred to in Article 4(2), point (b), or the temporary net carbon removal benefit referred to in Article 4(5)*;
- (j) carbon removals under the baseline referred to in Article 4(1), point (a), *in Article 4(2), point (a)(i), or in Article 4(5), point (a); or soil emissions under the baseline referred to in Article 4(2), points (b)(i) and (iii)*;
- (k) total carbon removals referred to in Article 4(1), point (b), *in Article 4(2), point (a)(ii), or in Article 4(5), point (b); or total soil emissions referred to in Article 4(2), points (b)(ii) and (iv)*;
- (l) the increase in direct and indirect **GHG_{associated}** emissions referred to in Article 4(1), point (c), *in Article 4(2), point (a)(iii), in Article 4(2), point (b)(v), and in Article 4(5), point (c)*;
- (m) a breakdown by gases, sources, carbon sinks and stocks with regard to the information referred to in points (j), (k) and (l); ■
- (n) the duration of the monitoring period of the activity;

- (o) *the amount of biomass used and proof of its compliance with the minimum sustainability requirements referred to in Article 7(3);*

■

- (p) any sustainability co-benefits referred to in Article 7;

- (q) *for carbon farming, co-benefits referred to in Article 7(2);*

■

- (r) a reference to any other *international or national certification, including the unique number or code of the certificate of compliance;*
- (s) *the type of liability mechanism, contribution of the activity to the mechanism and the liable natural or legal person;*
- (t) *the quantity and validity of certified units;*
- (u) *any uncertainties in the quantification of carbon removals and soil emission reductions in accordance with Article 4(12).*

Annex III

Minimum information to be contained in the Union registry and certification registries referred to in Article 12

The Union registry and certification registries shall include the following minimum information for each activity and each certified unit:

- (a) the name and type of the activity, and the name and contact details of the operator or group of operators;***
- (b) the location of the activity, including the geographically explicit location of the activity boundaries, respecting 1:5000 mapping scale requirements for the Member State;***
- (c) the duration of the activity period, including the start date and end date;***
- (d) the name of the certification scheme, the Commission decision recognising that scheme referred to in Article 13, the certification scheme's rules and procedures and the list of appointed certification bodies referred to in Article 11, and its annual reports referred to in Article 14;***

- (e) *a reference to the applicable certification methodology referred to in Article 8;*
 - (f) *the permanent net carbon removal benefit referred to in Article 4(1), the temporary net carbon removal benefit referred to in Article 4(2), point (a), the net soil emission reduction benefit referred to in Article 4(2), point (b), or the temporary net carbon removal benefit referred to in Article 4(5);*
 - (g) *any sustainability co-benefits referred to in Article 7;*
 - (h) *certification status, including certificates of compliance and certification and re-certification audit reports referred to in Article 9; quantity and status of the certified units, for example whether they are issued, retired, expired, cancelled or allocated to a buffer, and end-use of the certified units, and the entity that uses the certified units.*
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Commission statement on the occasion of the adoption of Regulation (EU) .../...⁺ of the European Parliament and of the Council establishing a Union certification framework for permanent carbon removals, carbon farming and carbon storage in products

The Commission intends to adopt the first delegated act, within one year after the entry into force of the Regulation, and to publish on its website, within six months after the entry into force of the Regulation, a forward planning document on the development of certification methodologies, which will be updated every year.

In addition, the Commission intends to organise appropriate opportunities to comment on the delegated acts, including through public feedback.

The Commission will comply with its commitments related to ensuring the Parliament's and Council's involvement in the process of preparation of delegated acts, including through systematic access for experts from the Parliament and Council to the meetings of the Commission expert groups as laid down in point 28 and the Annex to the Inter-institutional Agreement on Better Lawmaking of 2016.

⁺ OJ: Please insert the reference number of the document in 2022/0394(COD) and add the publication details in a footnote.