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Environmental NGOs challenge the Commission on EU carbon removal methodologies

A coalition of environmental NGOs is requesting the European Commission to review methodologies for biogenic emissions capture with carbon storage (Bio-CCS) and biochar carbon removal (biochar) under a Delegated Act for the Carbon Removals and Carbon Farming (CRCF) Regulation. The challenge, submitted as a request for internal review, argues the approaches proposed in the delegated act will not deliver permanent removal of carbon dioxide from the atmosphere as required under the CRCF Regulation, and are thus not fit for purpose.

This request is brought by NGOs [Carbon Market Watch](#), [WWF EU](#), [Fern](#), [Robin Hood](#), [Protect the Forest](#), [Association Workshop for All Beings](#), [Save Estonia's Forests](#), [The Clean Air Committee](#) and [2Celsius](#). The NGOs are represented by Ben Mitchell of [11KBW](#) and Clémentine Baldon of [Baldon Avocats](#), with legal and scientific support by the [Lifescape Project](#) and the [Partnership for Policy Integrity operating jointly as the Forest Litigation Collaborative \(FLC\)](#).

The request for internal review lays out evidence that the Commission's methodologies disregard current science and international norms for quantification, monitoring and sustainability of bio-CCS and biochar, ignoring impacts on forests and agricultural lands.

It further warns the Commission's approach weakens the integrity of the EU's carbon removal framework and undermines EU climate targets by promoting activities that could actually increase CO₂ emissions, instead of removing CO₂ from the atmosphere. This will divert investment away from more reliable carbon removals just as the Commission is assessing whether to use these removals to offset fossil emissions in the EU Emissions Trading System (ETS).

The European Commission has up to 22 weeks to reply to the request, according to article 10(3) of the [Aarhus Regulation](#), providing reasons as to why it is refusing or accepting the proposed grounds for review of its act. If refused, an action for annulment of that decision can be brought by the NGOs before the EU General Court.

Marlène Ramón Hernández, Policy expert in carbon removals at Carbon Market Watch: “Both within and outside of the expert group, environmental organisations have consistently put forward recommendations to improve the design of these methodologies. Yet the Commission took a different approach, leaving us with flawed methodologies that do not even comply with the original CRCF mandate. We hope that this request for internal review will help bring the integrity these methodologies so desperately need.”

Elsie Blackshaw-Crosby, Director of Legal at The Lifescape Project said: “The Request for Internal Review procedure is an important tool for NGOs to raise concerns over Commission legislation which affects the environment, such as the Carbon Removals and Carbon Farming Delegated Regulation. By filing this Request, the claimants are holding the Commission to account by challenging an approach that risks enabling the very greenwashing the Regulation was intended to prevent.”

Sofia Ghezzi, Climate and Land Use Policy Officer at WWF EU said: “These methodologies are not grounded in science, and it is possible they might end up doing the opposite of what they should do: taking CO₂ out of the air. By ignoring their broader impact on forests and ecosystems, these rules might effectively certify activities which undermine climate, biodiversity, clean air, and water. Even worse is that they might end up offsetting fossil emissions in the EU ETS. Our ecosystems are the strongest buffer against the impacts of climate change, we should not be putting them at risk.”

Martin Pigeon, Forest and Climate Campaigner at Fern said: “Repeating its bioenergy policy mistakes, the European Commission's Delegated Act incentivises the burning of unlimited amounts of wood in the name of climate action without looking at what this is doing to forests. By trying too much to make things as easy as possible for Bio-CCS and biochar project developers, the Commission has sacrificed climate integrity and trustworthiness. Rewarding the burying of some CO₂ emissions from wood burning, or charcoal, without looking at what the additional wood demand is doing to forests or rewarding the application of charcoal to soils without subsequent monitoring, is likely to worsen, not improve, the climate crisis. Let's hope investors do not fall for this hot air.”

Mary Booth, PhD, Director at the Partnership for Policy Integrity: “The Commission's own studies recognise that burning trees and storing the carbon belowground removes carbon from forests, not the atmosphere. The public and the planet deserve climate policies based on science and reality, not wishful thinking.”

Notes to Editor

The Carbon Removals and Carbon Farming Regulation

The CRCF aims to create an EU-wide voluntary framework of permanent carbon removals, carbon farming, and carbon storage in products to assist the EU in achieving Paris Agreement temperature goals and European carbon neutrality by 2050. The purpose of the CRCF is to encourage voluntary financing of *high-quality* carbon removals by setting rigorous, *science-based standards* that result in an *unambiguous positive* climate impact, while *preventing greenwashing*. The criteria for activities are set out in delegated acts, the first of which set out the criteria for [certification of three types of permanent carbon dioxide removals activities](#): direct air capture with carbon storage (DACCS), Bio-CCS, and biochar carbon removal. “Permanent” carbon removals are technologies that remove CO₂ from the atmosphere and ensure its storage for centuries.

Process

The NGOs' request for internal review of the Delegated Act for carbon removals is permitted under the Aarhus Regulation, which allows NGOs to challenge administrative acts that appear to contravene environmental legislation. The request follows three years of sustained NGO engagement with the European Commission, within the [Carbon Removals Expert Group](#), and through external advocacy efforts and participation in the Commission's consultation exercise. A [briefing](#) to European decision-makers warning that the proposed methodologies risk undermining the integrity of EU climate action was co-signed by 43 organisations. In the European Parliament,

several political groups active in the Environmental Committee proposed a [resolution](#) to object to the Delegated Act on the grounds that it did not respect the CRCF Regulation as finalised.

Summary of the grounds for review

The applicants request that the Commission reviews its Delegated Act to rectify the following unlawful inconsistencies with the CRCF Regulation:

- Ground 1: unlawfulness in erroneously counting the storage of biogenic carbon as a removal of GHGs from the atmosphere, while also failing to account for emissions associated with changes in biogenic carbon stocks in the quantification.
- Ground 2: unlawfulness in including in the scope of the quantification methodology for Bio-CCS certification only those emissions that arise from additional biomass used specifically for the operation of the carbon capture process.
- Ground 3: unlawfulness in excluding methane emissions from storage from the quantification of an activity's associated GHG emissions when biomass is stored under certain conditions, in breach of Art. 4 CRCF.
- Ground 4: unlawfulness in failing to account for indirect land use change (ILUC) in the quantification certification methodologies in breach of Art. 4 CRCF.
- Ground 5: unlawfulness in failing to set monitoring rules (or lawful monitoring rules) in respect of biochar activities in breach of Art. 6 CRCF.
- Ground 6: unlawfulness in failing to adhere to the sustainability requirements in respect of biomass harvesting and use in breach of Art 7 CRCF.

Contact

Jana Ballenthien
ROBIN WOOD
wald@robinwood.de
+49(0)40 38089211

Ute Bertrand
ROBIN WOOD
presse@robinwood.de
+49 (0)171 835 95 15

Florian Cassier
Climate Communications Officer at WWF EU
fcassier@wwf.eu
+32 479 33 92 11

Greta Hirschberg
Communications Specialist at Carbon Market Watch
greta.hirschberg@carbonmarketwatch.org
+32 2 669 43 19

Nola Donachie
Managing Lawyer – Litigation at The Lifescape Project
Nola.donachie@Lifescapeproject.org
+44 7876 582 824

Mary Booth, PhD
Director, Partnership for Policy Integrity
mbooth@pfi.net
+1 413 404 6324

Martin Pigeon
Forests & Climate Campaigner (Bioenergy, Carbon Removals)
martin@fern.org
+32 484 671 909