

FEAD feedback to the draft methodologies for certifying permanent carbon removals

FEAD welcomes the development of methodologies to certify carbon removals, which is a necessary step towards their certification and recognition in markets and EU policies. In relation to the proposed draft, FEAD notes the following:

1. *Limited scope*

The draft is limiting the scope of 'biogenic emissions capture with carbon storage activity' (BioCCS activity) to those cases followed by transport and permanent storage of that biogenic CO₂ by injection at a geological storage site. This is substantially more limited than what is established in the carbon removals framework (CRCF Regulation EU/2024/3012), which applies to the removal of carbon from the atmosphere and its durable storage not only in geological reservoirs, but also in long-lasting products.

It is essential that methodologies are developed to support all possibilities for carbon removals recognised by the CRCF Regulation. In particular, a certification methodology is needed for the capture of biogenic emissions stored in products.

2. *Linkage to Taxonomy Regulation*

The linkage of the sustainability requirements (section 4.1.4) to the do not significant harm provision in Article 17(1)(d) of the Taxonomy Regulation (TR) is very problematic because it is absolutely unclear regarding the incineration of non-hazardous waste. In particular, Article 17(1)(d) TR refers to a significant increase in waste incineration, but it has not been clarified what a 'significant increase' is, nor what is meant by 'incineration'.

In fact, while Article 13(1)(j) TR makes a clear reference to the waste hierarchy, Article 17(1)(d) refers to incineration without defining it and without distinguishing between waste incineration for recovery and waste incineration for disposal. However, a clear difference exists between recovery (R1, waste-to-energy) and disposal (other incineration), and they fall under different sections of the waste hierarchy. Moreover, some Commission documents have already considered that the construction of any new waste-to-energy plant is considered a 'significant increase',¹ thus being wrongly presumed to create significant harm to the circular economy. Such interpretation is deeply concerning and cannot be

¹ Commission Notice C/2023/111

accepted because it disregards that an increase in the thermal recovery of non-hazardous waste is very often directly linked to the avoidance of non-hazardous waste disposal.²

FEAD welcomes that waste-to-energy is explicitly considered in the draft delegated regulation. However, the linkage to the Taxonomy Regulation in the sustainability requirements severely threatens the applicability of the carbon removals framework to this activity as there are serious interpretation challenges. Moreover, the draft imposes the burden and responsibility of interpreting Article 17(1)(d) on the operator, while neither the Commission nor the Platform for Sustainable Finance has been ready to do it so far, despite repeated requests by the sector. It is therefore not possible that operators are here asked to evaluate and address any potential risks to the circular economy following the precepts of the Taxonomy Regulation. **This delegated regulation must define a less controversial and more acceptable requirement to ensure the sustainability of the carbon removals.**

FEAD is the European Waste Management Association, representing the private waste and resource management industry across Europe, including 20 national waste management federations and 3,000 waste management companies. Private waste management companies operate in 60% of municipal waste markets in Europe and in 75% of industrial and commercial waste. This means more than 500,000 local jobs, fuelling €5 billion of investments into the economy every year. For more information, please contact: info@fead.be

² More details about the interpretation challenges of Article 17(1)(d) TR can be found here: <https://fead.be/wp-content/uploads/2024/05/20240528-FEAD-feedback-call-for-evidence-DNSH-SCF.pdf>