

Original text	Compromise text
(6) BCR activities produce a quantifiable fraction of stable biochar with negligible risk of reversal that can generate permanent carbon removal units. The use of biochar should be monitored up to one year after the point it is applied to soils or incorporated in products for the uses permitted under the BCR methodology. Considering the low risk of reversal of the fraction of biochar that has been identified as stable, no further monitoring should be required beyond one year after the biochar is demonstrated to have been applied to the land or incorporated into a product.	(6) BCR activities produce a quantifiable fraction of stable biochar with minimal risk of reversal that can generate permanent carbon removal units. However, given that biochar may behave differently under varying climate and soil conditions, it is appropriate that permanent carbon removals from BCR activities are quantified on a conservative basis. Such conservatism is intended to serve as a safety margin against the risk of over-crediting, reflecting only the lowest quantifiable fraction of stable biochar that can be robustly demonstrated through recognised scientific models. To support this approach, operators are expected to provide sufficient information on the field and/or product in which biochar is to be applied to demonstrate its suitability for long-term storage. Permanent carbon removal units should not be issued for biochar applied to in situ peatland soils or for use in retail consumer potting soils.
(10) BCR activities in which biochar is the primary product of the activity, accounting for 50 % or more of the total energy outputs of the co-products, can only use feedstocks coming from waste or residue as defined in Article 2, points (23) and (43), respectively, of Directive (EU) 2018/2001 of the European Parliament and of the Council ⁸ for the production of biochar.	(10) For the purposes of the BCR methodology, biochar carbon removal activities should only use feedstocks coming from waste or residue, as defined in Article 2, points (23) and (43) of Directive (EU) 2018/2001 of the European Parliament and of the Council, for the production of biochar.
(12) In order to enhance transparency and to recognise best practices in the sourcing of biomass feedstocks, operators of DACCS, BioCCS and BCR activities should report on the biomass feedstocks consumed by their activities. This information should feed into the assessment of how permanent carbon removal activities could affect ecosystems, the availability of feedstocks for other sectors, and the risk that feedstocks are sourced beyond local availability in the context of the review of the certification methodologies and for the purposes of their potential amendments.	(12) In order to enhance transparency and to recognise best practices in the sourcing of biomass feedstocks, operators of DACCS, BioCCS and BCR activities should report on the biomass feedstocks consumed by their activities, including in particular their type, geographical origin, amounts and supply chains. This information should feed into the assessment of how permanent carbon removal activities could affect ecosystems, the availability of feedstocks for other sectors, and the risk that feedstocks are sourced beyond local availability in the context of the review of the certification methodologies and for the purposes of their potential amendments. In view of the review of Regulation (EU) 2024/3012 scheduled to be carried out by the end of 2027, it is appropriate that the Commission, when preparing its evaluation, takes into account the reported data together with observed trends in primary production, in order to assess the contribution of biomass-based carbon removal pathways to overall biomass demand and associated emissions, including potential indirect land-use change effects.
(13) In order to preserve soil health, it is important to recall that biochar produced through BCR activities is to comply with Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁹ , Directive 2008/98/EC of the European Parliament and of the Council ¹⁰ , Regulation (EC) No 1069/2009 of the European Parliament and of the Council ¹¹ , and Regulation (EU) 2019/1021 of the European Parliament and of the Council ¹² ,	(13) In order to preserve soil health, it is important to recall that biochar produced through BCR activities is to comply with Regulation (EC) No 1907/2006 of the European Parliament and of the Council, Directive 2008/98/EC of the European Parliament and of the Council, Regulation (EC) No 1069/2009 of the European Parliament and of the Council, Regulation (EU) 2019/1021 of the European Parliament and of the Council, and Regulation (EU) 2019/1009 of the European Parliament and of the Council.
New recital →	(14) Acknowledging that it is currently not practically possible to directly identify reversals after the point of application or incorporation of biochar in the field, the methodology for biochar carbon removal should initially operate under a buffer period during which operators should contribute to buffer arrangements equivalent to 7% of issued units, in order to insure against any risk of reversal or unforeseen activity. Such arrangements may take the form of common pools or project-level accounts, at the discretion of registries, provided that buffer credits remain locked and non-fungible until their release. For biochar incorporated into products, monitoring should continue until evidence indicates that the products no longer present a relevant risk of reversals, and for biochar applied to non-

	moveable soils such as agricultural fields, monitoring should extend up to the point of application. To ensure that buffer requirements remain scientifically robust and can evolve without the need to amend this Delegated Act, the buffer percentage set out herein should apply only until superseded by the most recent Commission-endorsed technical reference, which should prevail without further amendment. The Commission should mandate the Joint Research Centre, as its independent scientific body, to carry out reviews of buffer adequacy at least every three years, drawing on neutral and peer-reviewed evidence, such as field trials and laboratory stress tests, while retaining flexibility to add other recognised methodologies, and including research aimed at reducing uncertainties on the risk of reversal of the recalcitrant fraction of biochar under surface conditions, demonstrating the fate of biochar in agricultural fields through the use of tracers or isotopic marking, and exploring innovations to improve monitoring. When the Joint Research Centre issues a revised assessment, the Commission should adopt it through an Implementing Decision, and when the European Committee for Standardization (CEN) updates a relevant standard, the Commission should endorse it by citing the new version in the Official Journal, in both cases ensuring that the buffer requirement automatically updates to reflect the most recent endorsed technical reference, which should determine whether the percentage is to be maintained, reduced or increased. These provisions should aim to develop monitoring and liability mechanisms for biochar carbon removal that reflect, insofar as practicable, the principles underpinning Directive 2009/31/EC, while recognising the distinct characteristics of biochar.
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ANNEX to the Commission Delegated Regulation

Original text	Compromise Text
1.1.2.2. Eligible forms of biochar applications a) Biochar applied in soils Biochar application shall be eligible for certification if it has been, either directly without first intermixing it with any other product, or after intermixing with a matrix consisting of soil or one or more additional soil amendment products in compliance with Article 5 of Regulation (EU) 2019/1009 of the European Parliament and of the Council¹, or after feeding to animals and recovery as manure: (i) applied to agricultural soils; (ii) applied to forest soils; (iii) used in landscaping, for daily cover at landfill sites or for filling holes, including disused mines and oil wells; (iv) applied to urban soils, including planting media used in flowerbeds or for urban tree planting and in public parks and public or private gardens, or in soil in greenhouses. Operators of activities that produce biochar that is used for landscaping, landfill or hole filling shall intermix the biochar with at least one other material prior to application and shall ensure that the intermixture cannot self-sustain combustion. Operators of activities where biochar is applied to soils shall ensure that there is no significant risk that the net climate benefit of the BCR is offset by heat absorption due to albedo decreases. Total application of biochar to soil shall be limited to 50 tonnes per hectare [t/ha].	1.1.2.2. Eligible forms of biochar applications a) Biochar applied in soils Biochar application shall be eligible for certification if it has been applied either directly, without first intermixing it with any other product, or after intermixing with a matrix consisting of soil or one or more additional soil amendment products, provided that both the biochar and each such product comply with Article 5 of Regulation (EU) 2019/1009 of the European Parliament and of the Council, and with the threshold of 6 mg/kg dry matter for the sum of polycyclic aromatic hydrocarbons (PAHs) laid down for CMC14 materials under that Regulation. Compliance with this threshold shall be demonstrated using harmonised European standards for PAH determination, such as EN 17503:2022 (GC-MS or HPLC-FLD with extraction and clean-up as described therein) or ISO 18287, or equivalent methods demonstrating at least equal performance on this matrix or after feeding to animals and recovery as manure: (i) applied to agricultural soils; (ii) applied to forest soils; (iii) used in landscaping, for daily cover at landfill sites or for filling holes, including disused mines and oil wells; (iv) applied to urban soils, including planting media used in flowerbeds or for urban tree planting and in public parks and public or private gardens, or in soil in greenhouses. Biochar applied to in situ peatland soils or used in retail consumer potting soils shall not be eligible for certification.

b) Biochar incorporated in products Only BCR activities that incorporate biochar in cement, concrete or asphalt shall be eligible for certification.	Operators of activities that produce biochar that is used for landscaping, landfill or hole filling shall intermix the biochar with at least one other material prior to application and shall ensure that the intermixture cannot self-sustain combustion. Operators of activities where biochar is applied to soils shall ensure that there is no significant risk that the net climate benefit of the BCR is offset by heat absorption due to albedo decreases. Total application of biochar to soil shall be limited to 50 tonnes per hectare [t/ha] over any ten-year period. b) Biochar incorporated in products Only BCR activities that incorporate biochar in construction and building materials, such as cement, concrete or asphalt, shall be eligible for certification, provided that the certification bodies demonstrate that the incorporation ensures irreversibility of the carbon storage and that the resulting material is not capable of sustaining self-combustion.
1.2.2.2. Monitoring period The monitoring period for BCR activities shall be: (a) for activities that use biochar by application to the land, the period up until one year after the end of the certification period during which it is demonstrated that the biochar has been applied to the land; (b) for activities that use biochar by incorporation in products, the period up until the point at which it is demonstrated that the biochar has been incorporated.	1.2.2.2. Monitoring period The monitoring period for BCR activities shall be: (a) for activities that use biochar by application to the land, the period up until the point at which it is demonstrated that the biochar has been applied to the land; (b) for activities that use biochar by incorporation in products, the period up until the point at which it is demonstrated that the biochar has been incorporated.
2.2.5.4. Quantification of associated GHG emissions Falloc = allocation fraction for biochar, calculated in accordance with equation [47]. The biochar shall be treated as a residue of another process if the chemical energy in the biochar produced (LHV) is less than 10 % of the total energy of the produced output, and in that case Falloc = 0 and it is not necessary for the terms GHGfacility and GHGinputs to be calculated;	2.2.5.4. Quantification of associated GHG emissions Falloc = allocation fraction for biochar, calculated in accordance with equation [47].
3.2. BCR activity The H/Corg ratio of each batch of biochar shall be measured. No carbon removal units may be issued in respect of any batch of biochar that is measured to have an H/Corg ratio greater than 0.7. The use of produced biochar shall be monitored up to the point of application to soil or incorporation in a product, and carbon removal units shall be issued in relation to the quantity of biochar applied or incorporated. Biochar from certified activities shall be segregated in the supply chain from any biochar produced by non-certified activities until reaching the point of application or incorporation. Certified and non-certified biochar may be mixed at that point and then applied or incorporated. If biochar from multiple production batches produced by certified activities is mixed together prior to application or incorporation it shall be well mixed, and the mixed material shall be treated as consisting of fractions of the original batches in proportion to the quantities originally mixed. A segregated supply for each batch is mandatory unless batches can be demonstrated to be well mixed. The chain of custody shall in	3.2. BCR activity The H/Corg ratio of each batch of biochar shall be measured. No carbon removal units may be issued in respect of any batch of biochar that is measured to have an H/Corg ratio greater than 0.7. The use of produced biochar shall be monitored up to the point of application to soil or incorporation in a product, and carbon removal units shall be issued in relation to the quantity of biochar applied or incorporated. Biochar from certified activities shall be segregated in the supply chain from any biochar produced by non-certified activities until reaching the point of application or incorporation. Certified and non-certified biochar may be mixed at that point and then applied or incorporated. If biochar from multiple production batches produced by certified activities is mixed together prior to application or incorporation it shall be well mixed, and the mixed material shall be treated as

particular ensure that biochar is only used in ways that are appropriate to its production and characteristics. Where biochar is applied to soils and this application is not directly overseen by a certification body, operators shall grant access to the location of application to certification schemes, certification bodies or relevant competent national authorities upon request, during the monitoring period, to allow the soil to be tested in order to confirm that biochar has been applied. Operators are not subject to further monitoring requirements after the end of the monitoring period as the risk of reversals is characterised through the assessment of the permanence fraction of the biochar and it is not practically possible to directly identify reversals after the point of application or incorporation.	consisting of fractions of the original batches in proportion to the quantities originally mixed. A segregated supply for each batch is mandatory unless batches can be demonstrated to be well mixed. The chain of custody shall in particular ensure that biochar is only used in ways that are appropriate to its production and characteristics. Where biochar is applied to soils and this application is not directly overseen by a certification body, operators shall grant access to the location of application to certification schemes, certification bodies or relevant competent national authorities upon request, during the monitoring period, to allow the soil to be tested in order to confirm that biochar has been applied. Carbon removals from BCR activities shall in all cases be quantified on a conservative basis, reflecting only the stable fraction of biochar that can be robustly demonstrated through recognised scientific models. Operators shall contribute 7% of issued units to a buffer arrangement. Registries shall administer such buffer arrangements, which may be structured as common pools or project-level accounts, provided that buffer credits remain locked and non-transferable until released. For biochar incorporated into products, monitoring shall continue until evidence shows that the products no longer present a relevant risk of reversals. For biochar applied to soils, monitoring shall extend up to the point of application. The buffer percentage set in this Delegated Act shall apply until superseded by the most recent Commission-endorsed technical reference, which shall prevail without further amendment. To ensure requirements remain scientifically robust and up to date, the European Commission shall mandate the Joint Research Centre to conduct scientific reviews of buffer adequacy at least every three years. The Joint Research Centre shall establish and periodically update a list of recognised methods for assessing the risk of reversal, which may include field applications and laboratory stress tests, while retaining flexibility to add other recognised methodologies, and shall coordinate research aimed at reducing uncertainties on the risk of reversal of the recalcitrant fraction of biochar under surface conditions (including exposure to biological activity, water, oxygen and radiation), further demonstrating the fate of biochar in a variety of agricultural fields through the use of tracers or isotopic marking, and exploring innovations that could enhance monitoring. The Commission shall endorse each revised JRC assessment as the applicable technical reference by adopting it through an Implementing Decision, or, in the case of relevant European standards developed by the European Committee for Standardization (CEN), by citing the updated version in the Official Journal. The most recent endorsed technical reference shall determine whether the buffer percentage is to be maintained, reduced or increased, and registries shall apply the updated percentage in line with their approved methodologies. Where the buffer percentage is reduced, the new requirement shall apply to new issuances from the date of endorsement, while previously contributed buffer units shall remain locked unless released either on the basis of monitoring results confirming permanence or under conditions explicitly set out in the endorsed technical reference.
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	Units shall be cancelled where scientific evidence indicates reversal risk or instability, and may be released for issuance where permanence is confirmed under diverse field conditions. Where evidence is inconclusive, buffer requirements shall continue in force until further review. Certification bodies shall verify compliance with these provisions, which are intended to reflect, insofar as practicable, the principles of permanence, monitoring and liability established under Directive 2009/31/EC while recognising the distinct characteristics of biochar.
4.2. Biomass sustainability (a) All biomass or biomass-derived fuel that is used to generate the CO₂ captured by the activity or as a feedstock for biochar production and any additional biomass or biomass derived fuel consumed to produce energy for the activity shall comply with the sustainability requirements detailed in Article 29 of Directive (EU) 2018/2001, as further specified in the following points: (i) where Article 29 of Directive (EU) 2018/2001 sets requirements that are to be met in order for biofuels, bioliquids and biomass fuels to be taken into account for the purposes referred to in Article 29(1), points (a), (b) and (c), of that Directive, those requirements shall be applied by the certification body also to biomass or biomass derived fuel consumed in relation to an activity that seeks to generate carbon removal units, even if the activity does not generate renewable energy that is taken into account under Directive (EU) 2018/2001; (ii) operators shall report all biomass or biomass-derived fuel used by sustainability characteristics: feedstock; biomass fuel type and the related production systems as listed in Annex V or VI to the Directive (EU) 2018/2001; whether the biomass or biomass-derived fuel constitutes a waste or residue under Directive (EU) 2018/2001; the GHG intensity assigned to the supply of the biomass or biomass derived fuel; (iii) Article 29(1) of Directive (EU) 2018/2001 shall apply only in the case of a capture activity taking place at a facility producing heat or electricity or a biofuel or biogas and with regard to heat, electricity, biofuel or biogas produced; (iv) in the event that the biomass or biomass-derived fuel is produced from wastes or residues other than agricultural, aquaculture, fisheries and forestry residues, is not subject to the requirements set out in Article 29(2) to (7b) of Directive (EU) 2018/2001. Voluntary schemes approved by the Commission in accordance with Article 30(4) of Directive (EU) 2018/2001 shall be treated as providing accurate data for the demonstration of compliance with the biomass sustainability requirements for permanent carbon removal activities of this Regulation. Similarly, any other schemes that have been recognised by competent national authorities in the state where the capture facility is located shall be treated as providing accurate data in relation to the demonstration of compliance with these requirements. With regard to facilities regulated under Directive (EU) 2018/2001, periodic assessments of the compliance with sustainability requirements by Member State competent authorities shall not prevent certification bodies approving the issuance of units. However, if such assessment subsequently results in any non-conformity with Article 29 of that Directive, the non-conformity shall be notified to the certification bodies.	4.2. Biomass sustainability (a) All biomass or biomass-derived fuel that is used to generate the CO₂ captured by the activity or as a feedstock for biochar production and any additional biomass or biomass derived fuel consumed to produce energy for the activity shall comply with the sustainability requirements detailed in Article 29 of Directive (EU) 2018/2001, as further specified in the following points: (i) where Article 29 of Directive (EU) 2018/2001 sets requirements that are to be met in order for biofuels, bioliquids and biomass fuels to be taken into account for the purposes referred to in Article 29(1), points (a), (b) and (c), of that Directive, those requirements shall be applied by the certification body also to biomass or biomass derived fuel consumed in relation to an activity that seeks to generate carbon removal units, even if the activity does not generate renewable energy that is taken into account under Directive (EU) 2018/2001; (ii) operators shall report all biomass or biomass-derived fuel used by sustainability characteristics: feedstock; biomass fuel type and the related production systems as listed in Annex V or VI to Directive (EU) 2018/2001; whether the biomass or biomass-derived fuel constitutes a waste or residue under Directive (EU) 2018/2001; the GHG intensity assigned to the supply of the biomass or biomass-derived fuel; the geographical origin (country and, where applicable, region); the location of the production facility; and the location of sequestration, identified by means of geo-localisation rather than by reference to individual customers or companies. Documentation of this information shall be linked to the certificate and retained for a minimum of ten years. (iii) Article 29(1) of Directive (EU) 2018/2001 shall apply only in the case of a capture activity taking place at a facility producing heat or electricity or a biofuel or biogas and with regard to heat, electricity, biofuel or biogas produced; (iv) in the event that the biomass or biomass-derived fuel is produced from wastes or residues other than agricultural, aquaculture, fisheries and forestry residues, is not subject to the requirements set out in Article 29(2) to (7b) of Directive (EU) 2018/2001. Voluntary schemes approved by the Commission in accordance with Article 30(4) of Directive (EU) 2018/2001 shall be treated as providing accurate data for the demonstration of compliance with the biomass sustainability requirements for permanent carbon removal activities of this Regulation. Similarly, any other schemes that have been recognised by competent national authorities in the state where the capture facility is located shall be treated as providing accurate data in relation to the demonstration of compliance with these requirements.

(b) where the process that generates the CO₂ captured by the activity generates energy that is taken into account under Directive (EU) 2018/2001: (i) the certification body shall verify that the national implementation of Directive (EU) 2018/2001 applies to the operator, and that the operator complies with this national implementation. (ii) the certification body shall verify that the operator complies with any measures in national implementations of Directive (EU) 2018/2001 that are introduced to ensure that woody biomass is used according to the list of priorities established in Article 3(3) of Directive (EU) 2018/2001, including any derogations introduced by Member States under Article 3(3) of Directive (EU) 2018/2001. (iii) the certification body shall verify that the operator does not receive direct financial support from Member States to process saw logs, veneer logs, industrial grade roundwood, stumps and roots. (c) the biomass from which emitted CO₂ is captured shall not be identified as a high indirect land use change-risk feedstock under Directive (EU) 2018/2001; (d) if biomass is sourced from areas designated by the national competent authority for conservation, including areas covered by the national restoration plan pursuant to Regulation (EU) 2024/1991, or in habitats that are protected, the sourcing shall be in accordance with the conservation and restoration objectives for those areas.	With regard to facilities regulated under Directive (EU) 2018/2001, periodic assessments of the compliance with sustainability requirements by Member State competent authorities shall not prevent certification bodies approving the issuance of units. However, if such assessment subsequently results in any non-conformity with Article 29 of that Directive, the non-conformity shall be notified to the certification bodies. (b) where the process that generates the CO₂ captured by the activity generates energy that is taken into account under Directive (EU) 2018/2001: (i) the certification body shall verify that the national implementation of Directive (EU) 2018/2001 applies to the operator, and that the operator complies with this national implementation. (ii) the certification body shall verify that the operator complies with any measures in national implementations of Directive (EU) 2018/2001 that are introduced to ensure that woody biomass is used according to the list of priorities established in Article 3(3) of Directive (EU) 2018/2001, including any derogations introduced by Member States under Article 3(3) of Directive (EU) 2018/2001. (iii) the certification body shall verify that the operator does not receive direct financial support from Member States to process saw logs, veneer logs, industrial grade roundwood, stumps and roots. (c) the biomass from which emitted CO₂ is captured shall not be identified as a high indirect land use change-risk feedstock under Directive (EU) 2018/2001; (d) if biomass is sourced from areas designated by the national competent authority for conservation, including areas covered by the national restoration plan pursuant to Regulation (EU) 2024/1991, or in habitats that are protected, the sourcing shall be in accordance with the conservation and restoration objectives for those areas.
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EU LEGAL INSTRUMENTS FOR BUFFER POOL GOVERNANCE WITHIN THE CRCF: OPTIONS FROM MOST TO LEAST STRINGENT

	Instrument	How it would work	Precedent	Considerations	Recommended Instrument
Primary hard law	Delegated Act (Article 290 TFEU)	The buffer percentage would be set directly in the delegated act that defines the biochar methodology, for example at 7%. To change the number later, the Commission would need to adopt an amending delegated act.	EU Taxonomy Regulation: The Commission regularly updates technical screening criteria via delegated acts, ensuring scientific alignment	+ Highest legal certainty, binding at EU level + Uniform application across registries + Politically and legally credible - Heavy process: each % change requires reopening DA - Trigger consultations and scrutiny every time	
	Implementing Act (Article 291 TFEU)	The buffer percentage could be fixed or adjusted through an implementing act adopted with Member State agreement in a comitology committee, provided the delegated act on methodologies explicitly gives that empowerment. This would allow the Commission to propose changes as new evidence emerges and secure Member State support for updates, without having to reopen the delegated act itself.	EU ETS Union Registry: Commission Regulation 389/2013 (an implementing act) set detailed operational rules for the EU carbon market registry, ensuring uniform implementation.	+ Faster than a Delegated Act while still binding and uniform + Member State oversight via comitology increases legitimacy - Needs very clear empowerment in Delegated Act or parent Regulation - Meroni risk if empowerment is vague - Each change still requires formal Implementing Act procedure.	
Derived hard law	Delegated or Implementing Act with Automatic Triggers	The buffer percentage could be linked to a formula set out in a delegated or implementing act, so that it adjusts automatically when certain conditions are met, for example increasing if a permanence index falls below a threshold. The Commission's role would be limited to publishing the relevant data, such as the measured permanence value, while the change in the buffer happens by operation of the rule itself.	EU ETS Market Stability Reserve: The ETS Directive sets a rule that if the surplus of allowances exceeds a threshold, 24% of allowances are withheld automatically. The Commission only publishes the Total Number of Allowances in Circulation each year; the rest follows mechanically.	+ Predictable, transparent, automatic + No political discretion in adjustments + No need to reopen Delegated Act for routine updates - Rigid: indicators/formula must be scientifically robust from the start - Changing triggers later requires reopening Delegated Act/Implementing Act	
	Recognition Conditions for Certification Schemes	Buffer % required as a condition of EU recognition (e.g. schemes must apply ≥7% to be approved). The Commission can raise or lower the requirement by updating recognition criteria through a delegated or implementing act, or at the 5-year renewal of each scheme. Schemes that do not adjust lose recognition, and their credits are not valid under the CRCF.	Renewable Energy Directive (RED II): The Commission recognises voluntary biofuel sustainability schemes by decision, provided they meet detailed EU criteria. Recognition lasts 5 years and can be withdrawn.	+ Strong leverage over schemes; binding in practice + Flexibility: conditions can tighten at renewal + Proven model in sustainability governance - Enforcement mechanism is nuclear (withdraw recognition) - Creates risk of fragmentation across schemes - Renewal cycle may be too slow for urgent updates	
	Registry Mandate or Service Contract	If the EU creates a central registry for carbon removal, the buffer % is enforced directly in the registry's IT system (e.g. automatic withholding). The CRCF would empower the Commission to define registry operations. Adjustments are made by the Commission, either by amending the implementing act that governs registry rules or by updating the mandate/contract with the operator. The registry itself only executes what the Commission prescribes.	EU ETS Union Registry: The Commission, acting as Central Administrator, enforces rules directly through the registry IT system, including cancellation or transfer restrictions.	+ Very direct and fast once mandate exists + Ensures uniformity if central registry - Only viable if CRCF centralises registry - Not applicable if multiple private registries continue to operate	
	Reference to Technical Standards or Commission/JRC Reports	EU legislation can reference evolving technical documents (e.g. JRC reports or CEN standards). The initial buffer % would be fixed in the first delegated act, which would also state that future updates must follow "the latest Commission-endorsed technical reference." When the JRC issues a revised assessment, the Commission adopts it through an Implementing Decision; when CEN updates a standard, the Commission endorses it by citing it in the Official Journal. In either case, the buffer % updates accordingly.	Industrial Emissions Directive (IED): Industrial permits must follow "Best Available Techniques (BAT) conclusions," developed by expert groups led by the Commission's JRC and adopted in implementing decisions. These are binding without amending the Directive.	+ Anchors updates in science/standards + Avoids reopening the Delegated Act each time - Expert/standards process can be slow - Still requires the Commission to formally endorse each update, either through an Implementing Decision (JRC references) or by citing the new standard in the Official Journal (CEN references).	
Soft law	Commission Recommendation ("comply or explain")	A Recommendation under Article 292 TFEU is non-binding. The Commission could recommend a 7% buffer and update this figure at any time by issuing a new Recommendation. Registries or schemes that deviate would be expected to explain publicly, creating reputational pressure but no legal obligation.	Energy Union Governance Regulation: Commission recommendations to Member States require them to "make every effort to comply" or justify non-compliance.	+ Quick and flexible + Transparent; deviations visible + Familiar model in EU governance - Not legally binding and relies on reputational pressure - Risk of uneven implementation across registries	
	Commission Guidance or Staff Working Document	Guidance or Staff Working Documents are non-binding clarifications of how the Commission interprets objectives. The Commission could state that 7% is expected, and revise the document whenever new evidence emerges. Schemes may follow it for credibility, but updates depend entirely on the Commission's discretion and carry no legal force.	EU ETS Guidance Notes: Detailed Commission documents interpret ETS rules for operators and regulators.	+ Very fast to issue + Adaptive and easy to update + Signals Commission's view clearly - Pure soft law: no enforceability - Registries free to ignore - Weak credibility if permanence assurance is critical.	
	Self-Regulation / Informal Coordination	Industry and schemes agree voluntarily to apply a 7% buffer, often with the Commission convening or endorsing the process. The buffer level changes whenever the group decides, typically through a code of conduct or coordination forum. Compliance depends on peer enforcement and market reputation, with no EU legal obligation.	Code of Practice on Disinformation (2018): The Commission convened platforms like Facebook, Google, and Twitter to adopt a voluntary code, without binding law.	+ Easiest to launch + Maximum flexibility for registries. - Zero legal certainty - High fragmentation risk	