

CCS Legislative Perspective – The EU Storage Directive

UK – Texas Carbon Technical Workshop - December 2009

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BACKGROUND AND PROCESS OF ADOPTION

- **Directive forms a part of the EU's Climate Change Package**
 - Seeks to achieve GHG reductions of 30% by 2020
 - Estimates that 160 M/tonnes of CO₂ could be stored
 - CCS to be a 'bridging technology'
- **Definitively adopted on the 6 April 2009**
 - Published in the Official Journal 5 June 2009
 - Entered into force 20 days later
- **Transposition by Member States**
 - 25 June 2011

SCOPE

- **Applies to the geological storage of CO₂**
 - In the territory of the Member States
 - Exclusive Economic Zones (EEZ)
 - Continental shelves under UNCLOS
- **Removal of barriers to CCS**
 - Amendments to EU water and waste legislation
- **Utilisation of existing environmental legislation**
 - Incorporation of CCS within EIA and IPPC Directives

PERMITTING AND REGULATORY FRAMEWORK

- **Selection of suitable storage sites**
 - M/S sovereignty over sites
 - Annex I 'site characterisation'
 - 'No significant risk of leakage' and 'No significant environmental or health risks'
 - Exploration permits
- **Permitting of storage activities**
 - Priority for those holding exploration permits
 - Criteria for application process and contents of permits
 - Plans
 - Commission Review of permits
- **Operational phase**
 - CO₂ stream composition
 - Monitoring and inspection

LIABILITY

- **Liability Regime**
 - 'Permit compliance'
 - Requirements under Environmental Liability Directive
 - Financial liability under EU Emissions Trading Scheme
- **Operator's obligations**
 - 'Corrective measures'
 - Reporting
- **Competent Authority**
 - Necessary corrective action(s)
 - Review of plans/permit
 - Costs

POST-CLOSURE AND TRANSFER OF RESPONSIBILITY

- **Closure of a storage site**
 - Conditions for site closure
 - Obligations for operators and competent authority
- **Transfer of responsibility**
 - Conditions for transfer
 - Obligations for operator and competent authority
 - Role of the Commission
- **What is transferred?**
 - Limitations within Directive?
 - Liability in perpetuity?

INCENTIVISING CCS

- **EU Emissions Trading Scheme**
 - 'non-emitting installation'
 - No free allocation to CCS installations
 - Monitoring and reporting guidelines
 - Allowances under the New Entrant Reserve
- **European Energy Programme for Recovery (EEPR)**

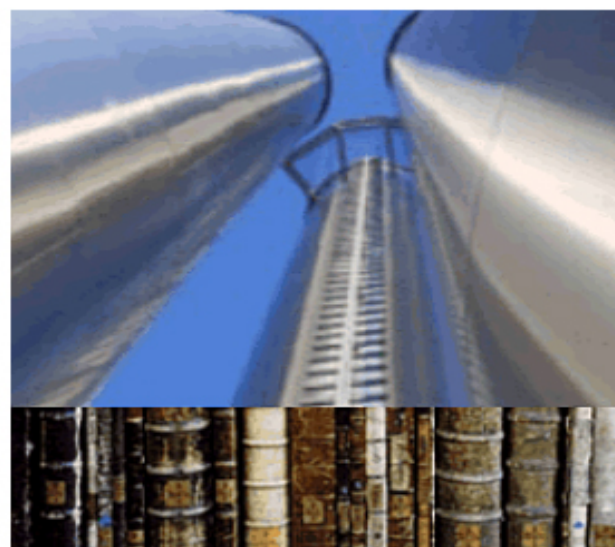
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- IEA
- LINKS

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This site aims to provide a dedicated, up to date, open access and independent resource base on Carbon Capture and Storage (CCS), and is focussed on legal and regulatory issues, together with associated policy material. The site covers various arenas and jurisdictions with a view to promoting informed discussion and analysis by decision-makers in government, industry and the wider community. CCS is a new technology, which may well play a significant role in strategies for dealing with climate change.



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CCS News

19 November 2009

UK Energy Bill Announced

The new UK Energy Bill was introduced on 19th November 2009.

[Read more..](#)

19 November 2009

Hatfield Granted EU Cash

The Hatfield Energy Centre has been granted...

What's New

12 November 2009

Legal Resources Update - Offshore section update - Adoption of the Amendment to Article 6 of the London Protocol

29 September 2009

Project News - Sound files from CCS Public Perception & Law added to the

Project News

18 November 2009

Third Annual European Carbon Capture and Storage Summit

Professor Richard Macrory, Director of the CCLP spoke at this event in London.

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9 November 2009