Protection of the marine environment of the North-East Atlantic, OSPAR Convention 1997: storage of carbon dioxide streams in geological formations (amend. Annexes II and III)

2009/0071(CNS) - 25/05/2009 - Legislative proposal

PURPOSE: to approve, on behalf of the European Community, the Amendments of Annex II and Annex III to the Convention for the protection of the marine environment of the North-East Atlantic (OSPAR Convention) in relation to the storage of carbon dioxide streams in geological formations.

PROPOSED ACT: Council Decision.

BACKGROUND: the EC is a Contracting Party to the Convention for the protection of the marine environment of the north-east Atlantic (OSPAR Convention) pursuant to Council Decision 98/249/EC. The aim of the Convention is to prevent and eliminate pollution and to protect the maritime area against the harmful effects of human activities. The Convention entered into force on 25 March 1998.

The Commission Communication of January 2007 on Sustainable Power Generation from Fossil Fuels identified the need for a regulatory framework on carbon capture and sequestration (CCS) and supported the adoption of amendments to the OSPAR Convention to permit environmentally sound geological storage of CO2 under the seabed.

The European Commission also proposed a Directive of the European Parliament and of the Council on the geological storage of carbon dioxide, which will establish a permitting regime covering inter alia composition of the CO2 stream, site selection, monitoring and reporting, site closure, corrective measures in case of leakage, financial security and the conditions for transfer of responsibility to the State.

The European Council, at its March 2007 meeting, urged Member States and the Commission to work towards strengthening R&D and developing the necessary technical, economic and regulatory framework to bring environmentally safe carbon capture and sequestration to deployment with new fossil-fuel power plants, if possible by 2020, as this could be expected to imply removing legal obstacles to CCS from the OSPAR Convention.

CONTENT: the OSPAR Commission adopted by consensus of the Contracting Parties amendments of Annexes II and III to the Convention at its meeting in June 2007 in Ostend (Belgium) in relation to the storage of carbon dioxide streams in subsoil geological formations, with a view to legally enabling Carbon Capture and Storage (CCS) operations in the OSPAR maritime area. The Commission took part in negotiating these amendments, in accordance with the Council Conclusions concerning negotiating directives for the Convention for the protection of the marine environment of the North-East Atlantic, and in the adoption by consensus of the Amendments to Annexes II and III to the Convention.

Through Community coordination in the context of the OSPAR negotiations, there was substantial improvement of the draft OSPAR Decisions on CCS accompanying the amendments to the Annexes, in terms of more explicit requirements for risk management and public participation. The Community delegation at the OSPAR Commission meeting that adopted these instruments stated that, with respect to

matters relating to EC competence, it was pleased to be able to be part of the consensus accepting the package and that it would provide a good basis for the development of European legislation following the conclusions of the European Council on CCS.

Therefore, this proposal is for the Community to approve the Amendments to the OSPAR Convention Annexes II and III, the text of which appears in the Annex to the draft decision.