



Miscellaneous No. 9 (2009)

Amendments

to Annex II and Annex III to the OSPAR Convention for the Protection
of the Marine Environment in the North-East Atlantic in Relation to the
Storage of Carbon Dioxide Streams in Geological Formations

Ostend, 25-29 June 2007

[The Amendments have not been ratified by the United Kingdom]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 2009*

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AMENDMENTS OF ANNEX II AND ANNEX III TO THE CONVENTION IN RELATION TO THE STORAGE OF CARBON DIOXIDE STREAMS IN GEOLOGICAL FORMATIONS

Recalling the general obligations in Article 2 of the Convention for the Protection of the Marine Environment of the North-East Atlantic¹;

Being Seriously Concerned by the implications for the marine environment of climate change and ocean acidification due to elevated concentrations of carbon dioxide in the atmosphere;

Emphasising the need to further develop renewable and low carbon forms of energy generation and use;

Recalling that carbon dioxide capture and storage is not a mandatory obligation for the Contracting Parties to the Convention but an option which the individual Contracting Parties can choose to allow the use of;

Recognising that carbon dioxide capture and storage is one of a portfolio of options to reduce levels of atmospheric carbon dioxide, and that it represents an important interim supplement to measures for the reduction or prevention of carbon dioxide emissions and should not be considered as a substitute for other means to reduce carbon dioxide emissions;

Noting that, since the adoption of the Convention, developments in technology have made it possible to capture carbon dioxide from industrial and energy-related sources, transport it and inject it into sub-seabed geological formations for long-term isolation from the atmosphere and the sea;

Noting also that regulating such activity is within the scope of the Convention;

Welcoming the work of the Intergovernmental Panel on Climate Change and in particular its Special Report on Carbon Dioxide Capture and Storage;

Emphasizing the need for the storage of carbon dioxide streams to be environmentally safe;

Welcoming further the adoption of the amendment to include carbon dioxide streams from carbon dioxide capture processes for sequestration in sub-seabed geological formations in Annex I to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol)²;

¹ Treaty Series No. 14 Cm 4278 (1999)

² Miscellaneous Series No. 11 Cm 4078 (1998)

Recognising the work of the Intersessional Technical Working Group on Carbon Dioxide Sequestration of the Scientific Group established under the London Convention and its Protocol and its conclusions, as set out in its report LC/SG-CO2 1/7;

Recognising also the work of the Offshore Industry Committee, the Biodiversity Committee and the Intersessional Correspondence Group on the placement of carbon dioxide in sub-seabed geological formations;

Desiring to regulate under this Convention the storage of captured carbon dioxide streams in sub-soil geological formations to ensure protection of the maritime area;

Recalling Article 15 and Article 17 of the Convention relating to the amendment of annexes to the Convention;

Confirming that these amendments are restricted to the storage of carbon dioxide streams in geological formations;

Stressing that such amendments may not be interpreted as legitimising the disposal of any other waste or other matter for the purpose of their mere disposal;

Recognising that a regulatory framework and guidance on the storage of carbon dioxide streams in geological formations will contribute to the short-term and long-term protection of the maritime area. Recognizing the need for rules to be developed to establish clear rights and responsibilities relating to access to the property and that clarify the responsibilities during pre- and post-closure. The guidance will be integral to the subsequent pursuit of activities relating to the storage of carbon dioxide streams in geological formations;

THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC ADOPT THE FOLLOWING AMENDMENTS OF THE ANNEXES II AND III TO THE CONVENTION:

In annex ii article 3 paragraph 2 a new sub-paragraph “f” is added as follows:

- f. carbon dioxide streams from carbon dioxide capture processes for storage, provided:
 - i. disposal is into a sub-soil geological formation;
 - ii. the streams consist overwhelmingly of carbon dioxide. They may contain incidental associated substances derived from the source material and the capture, transport and storage processes used;
 - iii. no wastes or other matter are added for the purpose of disposing of those wastes or other matter;

- iv. they are intended to be retained in these formations permanently and will not lead to significant adverse consequences for the marine environment, human health and other legitimate uses of the maritime area.

In annex iii article 3 new paragraphs 3 and 4 are added as follows:

3. The prohibition referred to in paragraph 1 of this Article does not apply to carbon dioxide streams from carbon dioxide capture processes for storage, provided

- a. disposal is into a sub-soil geological formation;
- b. the streams consist overwhelmingly of carbon dioxide. They may contain incidental associated substances derived from the source material and the capture, transport and storage processes used;
- c. no wastes or other matter are added for the purpose of disposing of those wastes or other matter;
- d. they are intended to be retained in these formations permanently and will not lead to significant adverse consequences for the marine environment, human health and other legitimate uses of the maritime area.

4. The Contracting Parties shall ensure that no streams referred to in paragraph 3 shall be disposed of in sub-soil geological formations without authorisation or regulation by their competent authorities. Such authorisation or regulation shall, in particular, implement the relevant applicable decisions, recommendations and all other agreements adopted under the Convention.



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