

# Legislation, Regulation and Permitting

# Legislation

- International  
(London Convention, 1996 Protocol, OSPAR)
- National  
(Commonwealth and State)



# International Legislation

- London Convention, 1972
  - applies worldwide
  - at least 77 countries are contracting parties
  - only covers disposal in the water column
- 1996 Protocol to the LC
  - would replace London Convention but not yet in force
  - has been ratified by 17 states including UK and Australia
  - extends to sub-soil

“any storage of wastes or other matter in the seabed and the subsoil thereof from vessels, aircraft, platforms or other man-made structures at sea”

# International Legislation

**Commercial use of CO<sub>2</sub> permitted under all treaties (e.g. EOR)**

**The 1996 Protocol to the London Convention could prohibit geological storage unless:**

- Annex I (permitted industrial wastes) includes “inert, inorganic geological material” and “organic material of natural origin” - but unlikely that CO<sub>2</sub> could fall in either category
- Definition of “dumping” at “sea” excludes “sub-seabed repositories accessible only from land” - (i.e. land based sources) could a pipeline be considered to be only accessible from land?



# National Legislation

- Regulates the full chain of CO<sub>2</sub> capture and storage technologies
- Capture and transportation can generally be accommodated within existing regulation (e.g. planning, safety, health and environment)
- Main area for new regulation is the control of storage (site selection, operation and abandonment)
- Also issues connected to property rights and the exploitation of other natural resources (e.g. water)

# National Legislation

- Australia has fairly clear boundaries between Commonwealth and state legislation
- Parallels with EU and UK legislation (EU Water Directive, EU Emission Trading Directive)
- Tensions can arise (e.g. Gorgon)

# Regulation – Gap analysis

Capture and transportation are mainly covered by existing regulations but there are gaps with storage

- Site licensing
- Operation
- Closure

Safety, health, environment, auditing, property rights, inventories, long term liability, monitoring & verification standards, remediation

# Regulation - actions

- Australia has taken the view that many regulatory issues are common to all countries
- Taking an international lead through the CSLF to produce a set of principles for regulatory best practice
- Not all countries agree, some see this as more of a regional issue
- In parallel Australia has established a Domestic Regulatory Working Group





# Regulation – Key issues

- Site acceptance/licensing
- Authorisation and compliance
- Ownership and property rights
- Long term ownership/responsibility
- Terms for transfer of ownership
- Acceptance into market based instruments
- Verification and monitoring
- Trans-frontier movement
- Transparency

# Australia-UK Links

- UK supports the Australian initiative through the CSLF
- UK hosting the next CSLF meeting on legal and regulatory issues in July
- Key area for action is the “gaps” in regulation
- Gap analyses have been made by Australia, Japan, South Africa, Canada, Norway, US and UK
- Next step to improve the knowledge base to plug these gaps