

Directive 2009/31/EC (CCS) transposition and implementation in Romania

CCS Directive

Directive 2009/31/EC of European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) nr. 1013/2006 was published in the Official Journal of the European Union L series no.140 dated 05 June 2009 and was due for transposition into national law by 25 June 2011.

Transposition

A Ministerial working group for transposition of Directive CCS was set up by Order MEF no. 323 of 03/10/2010 : MEF, NEPA, NEG, METBE, NAMR, NRAE, MI, DEA and as appropriate, to clarify technical issues, representatives of the Institute for Studies and Power Engineering, National Institute for Research - Development of Marine Geology and Geoecology and University of Bucharest - Faculty of Geology and Geophysics.
The WG developed a draft GEO document

- **Initiator**

MEF - Ministry of Environment and Forests

- **Co-initiator**

**METBE - Ministry of Economy, Trade and Business
Environment**

- **Advised**

NAMR - National Agency for Mineral Resources

NRAE - National Regulatory Authority for Energy

DEA - Department for European Affairs

MPF - Ministry of Public Finance

MLFSP - Ministry of Labour, Family and Social Protection

MJ - Ministry of Justice

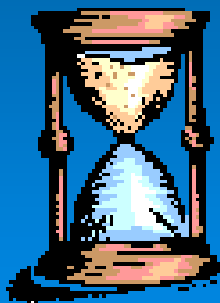
Transposition

The Governmental Emergency Ordinance no. 64 on the geological storage of carbon dioxide (GEO), which represents the transposition of the EU CCS Directive into Romanian national legislation, was published in the Official Gazette of Romania no. 461 on 30 June 2011.

In the future the following actions are expected to be undertaken:

- Parliament of Romania:

Romanian Parliament will approve the Emergency Ordinance no. 64 of 2011 by law. The Senate passed the law. Currently the law is final stage in the Chamber of Deputies.





National Agency for Mineral Resources:

As the geological storage of carbon dioxide is a new activity, but based on similarities and experience in geology and petroleum activities regulation the GEO provides for further responsibilities for the National Agency for Mineral Resources, the Competent Authority, by establishing a specialized structure for CO₂ storage.



The **GEO no. 64/ 2011** specifies the relevant competent authorities responsible for fulfilling the obligations under the CCS directive

It empowered, the **National Agency for Mineral Resources to undertake:**

- ☐ Selection of storage sites (areas at the national level which may be selected for storage sites and assessment of the available storage capacity).
- ☐ Granting/ updating/withdrawing exploration permits and storage permits.
- ☐ Checking compliance with legal requirements during the operation, closure and post closure periods.
- ☐ Reporting and notification to the European Commission.
- ☐ Establishing and maintaining a register of granted storage permits.
- ☐ Third party access to storage sites (specific procedures will be developed).
- ☐ Specific procedures for CO2 storage activity.
- ☐ Approval of the transfer of responsibility.
- ☐ Checking the operator's financial contribution.

Key actors as per GEO



NAMR, competent authority :

exploration permit/ CO₂ storage permit issuing
planned / unplanned storage complex inspections;

MEF: coordination of reporting and notification to EC;
together with the Competent Authority

NEG: planned / unplanned storage complex inspections ;

NEPA: Monitoring Plan approval;

METBE:

establishing support schemes for the development of CCS technologies.

NRAE:

issuing CO₂ transport license

Reporting

At the of June 2011 the first Reporting and notification to the European Comission was made



Implementation of CCS

European Commission – in order to facilitate the implementation of Directive 2009/31 / EC on CO₂ geological storage (CCS) published in late March 2011 guidance documents:

- **GD1: CO₂ Storage Life Cycle Risk Management Framework**
- **GD2: Site Characterisation, CO₂ Stream Composition, Monitoring and Corrective Measures**
- **GD3: Criteria for Transfer of Responsibility to the Member State**
- **GD4: „Article 19 Financial Security and Article 20 Financial Contribution”**

http://ec.europa.eu/clima/policies/lowcarbon/ccs_implementation_en.htm

Implementing



According to the GEO No. 64/2011, the National Agency for Mineral Resources has to issue secondary legislation for implementation:

- Adoption of specific procedures for issuing exploration permits
- Adoption of specific procedures for issuing storage permits

These procedures are to be endorsed by the Ministry of Environment and Forests.



Legislative changes

The GEO no. 64/ 2011 also amends a number of other pieces of national legislation, in order to establish requirements on capture and transport operation and to remove existing barriers to the geological storage of CO₂.

Legislative changes

Directive 85/337/EEC (EIA Directive)

Note: the EIA Directive provisions are already in place – GD no. 17/2012 amending and supplementing GD no. 445/2009 on the assessment of the impact on the environment of certain public and private projects

Legislative changes

Directive 2000/60/EC (EU Water Framework Directive)

**Law no. 107/1996 - Water Law with modification
and completion by Law no. 310/2004**

Legislative changes

Directive 2001/80/EC (LCP Directive)

Note: the LCP Directive provisions are already in place – GD no. 440/2010 concerning the establishment of measures to limit air emissions of certain pollutants from large combustion plants –

Legislative changes

Directive 2004/35/EC (Environmental Liability Directive)

GEO no. 68/2007 on environmental liability with regard to the prevention and remedying of environmental damage, as amended and supplemented by Law no. 15/2009

Legislative changes

Directive 2006/12/EC (Waste Management Directive)

GEO no. 78/2000 on waste, as amended and supplemented (Law no. 426/2001, Law no. 101/2006, GEO no.61/2006, Law no. 27/2007)

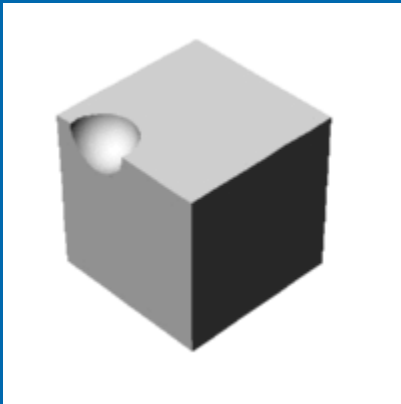
Legislative changes

Directive 2008/1/EC (IPPC Directive)

**Note: the IPPC Directive provisions are already in place -
GEO no. 152/2005, concerning integrated pollution
prevention and control, modified by GEO no. 40/2010
(approved by Law no. 205/2010)**

Legislative changes

**Regulation (EC) no. 1013/2006 of the
European Parliament and of the Council
of 14 June 2006 on shipments of waste**



Thank you for your attention !

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