

4th IEA International CCS Regulatory Network Meeting

Assessing Risk and Managing Liability: Framing Liability

Paris 9-10 May 2012

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Outline

1. What sort of potential harm generates what sort of potential liability?
2. The traditional approaches to, and issues with, liability management
3. Balancing environmental risks:
 - should “typical” environmental liability models apply?
 - is another approach worth examining for CCS projects?

Harm and liability

- liability accrual is usually driven by who has title or who has acted negligently.
- “obvious” plaintiffs are those who can demonstrate that foreseeable harm or losses have been suffered.
- less obvious – general (and long term) environmental harm.

Traditional liability management issues

- contracts
- insurance
- statutory protections/caps
- “pooled” liability/industry funds
- causation
- liability in international waters

Are we looking at CCS correctly?

- is CCS just another form of "waste disposal" or is it an expensive but essential public service agreed to or imposed upon power generators and other key industries?
- what level of risk is acceptable with terrestrial sequestration compared to atmospheric "storage"?
- what should State actors do to facilitate CCS and assist essential (but transitional) waste producers?
- is there a case for a global, liability management framework for long term environmental risks?



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