

CCS and the London Protocol: Options for enabling transboundary CO₂ transfer

4th IEA International CCS Regulatory Network meeting, 9 May 2012
Justine Garrett

CCS Roadmap regulatory actions and milestones

- 2009 IEA CCS Roadmap recommends
 - Existing legal and regulatory frameworks should be reviewed and adapted for CCS demonstration by 2011 in OECD countries and by 2015 in all non-OECD countries with CCS potential
 - All countries should have a legal and regulatory framework suitable for large-scale CCS deployment by 2020
 - International legal issues need to be resolved by 2012
- Includes enabling transboundary CO₂ transfer under the 1996 London Protocol

2011 Clean Energy Ministerial

- Carbon Capture, Use and Storage Action Group
- 8 recommendations to 2011 CEM
- Highlight raising awareness of international marine treaty amendments as key issue

IEA CCS and the London Protocol: Options for enabling transboundary CO₂ transfer

- Released 13 October 2011
- With support from:



*Carbon Capture &
Storage Association*

BAKER & MCKENZIE

Options for enabling transboundary CO₂ transfer

- 5 potential options under international law
- London Protocol governed by international rules of treaty interpretation
 - 1969 Vienna Convention on the Law of Treaties
 - Precedents and commentaries
- Explicit carve out for EOR projects

Five potential options

1. General rule of interpretation
2. Provisional application of amendment
3. Subsequent agreement (bilateral or multilateral)
4. Modification of operation of London Protocol
5. Suspension of operation of London Protocol

Conclusions

- Number of options pending entry into force of 2009 amendment
- Provisional application by agreement of Contracting Parties appears to be best option
- Interpretative resolution desirable but unlikely
- Where Contracting Parties can't reach agreement
 - Subsequent bilateral/ multilateral agreement
 - Modification or suspension of Article 6 to extent prohibits CO₂ export
- IEA presented options to London Protocol contracting parties at their 6th meeting (London, 18-19 October)

justine.garrett@iea.org

www.iea.org/ccs/legal.asp