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Legal aspects of the implementation of geological storage of CO₂ in Poland

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Storage of CO₂ for scientific and investigative purposes

Geological works related with the exploration and recognition of the carbon dioxide storage complexes in the trial storages for scientific and investigative purposes to 100 000 tones can be conducted according to valid regulations of the *Geological and mining law*

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The legislator imposes in the light of the current regulations the obligation of implementation of the following activities:

1. Preparation of the project of geological works

The obligation to accomplish the project is imposed in the 4 February 1994 act – “Geological and mining law” art.32 act 1

Project of the geological works is prepared according to the Environment ministry ordinance of 19 December 2001. Implementation of the project’s aim would be conducted by the method of borehole drilling.

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2. Approval of the geological works project by the Environment Ministry

3. Preparation of the action plan by the institution responsible for the geological works and approval by the relevant public body of the mining control

(Article 64 of the 4 February 1994 act- Geological and mining law (Journal of Laws from 2005, No 228, item 1947) ordinance of the Ministry of Interior and Administration of 14 June 2002 *in the case of plans of the activity of mining association*)

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The action plan of an institution responsible for mining works includes :

- Range of measuring and investigative works (in particular geophysical, hydrogeological and technical) and other works designed to do in the boreholes during and after the drilling
- Procedure of conducting the investigations after the drilling and expected period of the production testing in the boreholes (for example trial storage of carbon dioxide)
- Projects in order to ensure the environment protection.

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Conduction of the activities based on the project of geological works, action plan and ordinance of the Ministry of Economy of 28 June 2002 *in the case of security and industry safety, conduction of activities and technical fire safety in the mining industry that mine minerals in boreholes* respecting the specification of the works related to pressing the substance in the formation.

Implemented geological works would let to achieve goal set in the project of geological works by determination/definition of the perspective locations of underground storage and conduction of the trial CO₂ storage.

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND COUNCIL

2009/31/WE of 23 April 2009 in the case of geological carbon dioxide storage and changing directive of the Council 85/337/EWG, Euratom, directive of the European Parliament and Council 2000/60/WE, 2001/80/WE, 2004/35/WE, 2006/12/WE, 2008/1/WE and regulation (WE) No 1013/2006

Published in the EU Official Journal of 05.06.2009

Implemented on the 25.06.2009

Obligation of the transposition to the local regulations till 25.06.2011

Storage of CO₂ for the commercial purposes

Storage of CO₂ for the commercial purposes will be possible only after transposition of the regulations of the 2009/31/WE directive

Member states have to transposition the directive in 2 years after its publication.

The full transposition of the 2009/31/WE directive should occur only after we elicit areply whether CCS technology is secure, what can be done by making bore tests

There is an urgent need for testing the borehole for the CO₂ high pressure pumping

In the formation of the national regulations concerning underground CO₂ storage, we should use the experience gained during the preparations, activation and initial demonstration projects in the framework of the Flagship EU Programme.

Storage of CO₂ for commercial purposes

Adaptation of the national regulations should proceed through the modification of the current regulations, first of all geological and mining law- act of the economic activity freedom. Energetic law and others by implementation of the following issues:

- geological storage of CO₂,
- proceeding in the case of searching for the local CO₂ storages,
- forms of permissions for the CO₂ storage (concession),
- technical terms of the CO₂ high pressure pumping, control and monitoring of the storage,
- scope/range of the geological documentation for the CO₂ storage.

Storage of CO₂ for commercial purposes

- adaptation of the regulations in the case of the industrial safety of activities and specialist fire safety in the establishments mining minerals from the boreholes,
- development of the different type of action plan for the company conducting geological mining works in order to define location for the storage of the CO₂,
- determination of characteristics of the organs responsible for the storage (in the case of retraction of the concession after the closure of the storage and termination of the monitoring period),
- creation of the new system of the financial protection, guarantee of the collection of financial resources and establishment of procedure of payments.



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THANK YOU FOR YOUR ATTENTION

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