



INTERNATIONAL ENVIRONMENT PROTECTION INSTRUMENTS

Recommendation from 1st IEA-CSLF Workshop on Legal Aspects of Storing CO₂:

- Contracting parties to international instruments should take, and continue to take a proactive approach to clarifying the legal status of carbon storage in the marine environment protection instruments;
- For this workshop we have looked at the definition of CO₂ ,the international environment protection instruments, and steps to amend treaties/conventions.

Is CO₂ a waste or industrial resource

- Definition of CO₂ and the process is important, determines type of the regulations covering CCS activities;
- In general stored CO₂ can be classified as an industrial waste or an industrial product (industrial resource);
- In most jurisdictions, waste classification triggers the application of a set of rules that have been designed for other substances and might not be appropriate to CO₂;
- The discussion is still ongoing but should be resolved.

Multilateral conventions

- Looked at UNCLOS, London Convention, London Protocol 1996, Basel Convention UN Framework Convention on Climate Change and Kyoto Protocol.
- Conclusions:
 - Existing legal frameworks applicable to CCS were established before CCS became an environmental policy option and before climate change mitigation. Therefore they do not handle the possibility of CCS activities;
 - Important to decide whether CCS activities fall within the scope of these conventions;
 - Within London Convention and London Protocol CCS activities are discussed and a amendment to the protocol will be discussed at the first meeting of the protocol.

Regional conventions and treaties

- Looked at several regional conventions covering different regions like Europe (Ospar, Helcom, Mediterranean sea), Africa (Bamako and Abidjan), Middle East (Kuwait), South Pacific (Noumea), South-East Pacific (Lima) and the Caribbean region (Cartagena);
- Existing regional conventions and treaties applicable to CCS were established before CCS became an environmental policy option and before climate change mitigation. Therefore they do not handle the possibility of CCS activities;
- The definition of the convention area may vary. Does not always include seabed or subsoil;
- Question to be answered is, is it necessary to explicitly facilitate CCS activities in these conventions?

amending conventions and treaties

- Discussions within London Protocol and Ospar convention;
- First week of November 1st meeting of London Protocol. Discussion on amendment of protocol to make CCS activities possible;
- Ospar: Beginning of November both a technical and legal working group looking at the possibilities of amending the convention to make CCS activities possible;
- Ongoing discussion about technical implications of CCS and a waste assessment guidance in both conventions.

conclusions

- Definitions are important for determining jurisdiction and legal instruments;
- London protocol and Ospar first to discuss CCS activities;
- If London Protocol and/or Ospar are amended to facilitate CCS activities this will most probably have effect on other treaties and national laws.