

## **Progress Report on Legal Issues Taskforce**

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## Background

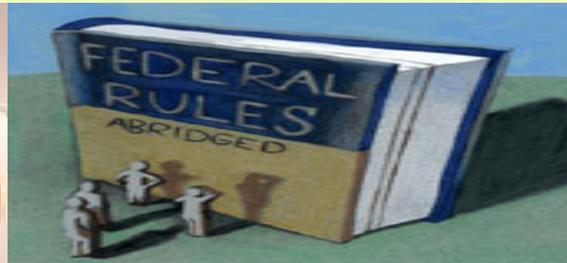
- 1<sup>st</sup> Workshop on Legal Aspects of Storing CO<sub>2</sub> (July 2004, Paris) and IEA publication *Legal Aspects of Storing CO<sub>2</sub>* (2005)
- 2<sup>nd</sup> Workshop on Legal Aspects of Storing CO<sub>2</sub> (October 2006, Paris)
- Five priority areas of work were identified:
  - National legal and regulatory frameworks
  - Intellectual property
  - International environment protection instruments
  - Creating a level playing field for CCS
  - Public awareness





## National Legal and Regulatory Frameworks

- Key requirements for development of a regulatory framework
- Regulation for the life of a project
- Key areas for regulation
  - Access, ownership and property rights, site closure, monitoring and verification, long term ownership, financial issues
- Role of the regulator
- Case studies illustrating work done in several jurisdictions
- Issues to be better defined in publication
  - Pre and post-closure definitions
  - Deeper analysis of liability





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## Intellectual Property

- Motivation for sharing or protecting Intellectual Property (IP)
- IP systems in developing countries
- Harmonisation of IP laws
- Approaches to managing IP - case studies
- Technology transfer and capacity building - information networks, education, licensing/contractual arrangements, joint ventures
- Issues to be better addressed in publication
  - IP rights in CCS projects – life cycle approach
  - Recognition that IP in Capture is well established
  - New IP in storage





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## International Environmental Protection Instruments

- Inventory of international treaties and conventions – UNCLOS, London Convention, Basel Convention, OSPAR and other regional treaties and conventions
- Contracting parties to instruments have been proactive in clarifying the status of CO<sub>2</sub> storage
- Amending treaties and conventions – London Protocol and OSPAR – so there is no obvious barrier
- Amendments to London Protocol appeared in November 2006 and entered into force 9 February 2007.
- Clarify questions about the purity of CO<sub>2</sub>

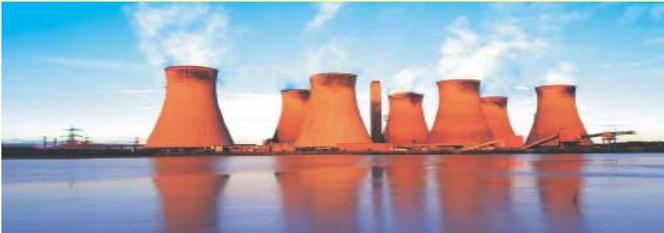


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## Creating a Level Playing Field

- Reasons for CCS being treated differently under schemes
- Variety of other incentives countries are using to support CCS
- Legal and regulatory issues affecting CCS in emissions trading schemes
  - baselines and allocation
  - monitoring, reporting and verification rules required
  - energy penalties
  - legislative and regulatory requirements
  - storage liabilities
  - accounting for leakage





## Public Awareness

- A regulatory framework for CCS requires public confidence and participation
- Key public concerns:
  - Unknown future impacts of new technology such as possibility of leakage
  - Unproven effectiveness of CCS
- Prerequisites to be met before acceptance of CCS increases:
  - Understanding of climate change and CCS as part of portfolio of solutions to reduce carbon emissions
  - Dissemination of balanced information from independent source
  - Transparent, inclusive and open process in developing regulations
- Developing guidelines for public involvement in developing legislation and assessing projects

Outstanding Issue: How to better engage NGO's and Developing countries



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## Status

- Successful joint IEA/CSLF Workshop held in Paris on 17 October 2006
- Discussion paper revised following workshop
- Discussion paper signed off by the Legal Issues Taskforce and forwarded to IEA in January 2007.
- IEA currently finalising the document
- IEA/CSLF will jointly launch the 2<sup>nd</sup> publication of *Legal Aspects of Storing CO<sub>2</sub>* at the G8-IEA-CSLF Assessment Workshop in Oslo, Norway in June 2007





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**THANK YOU!**