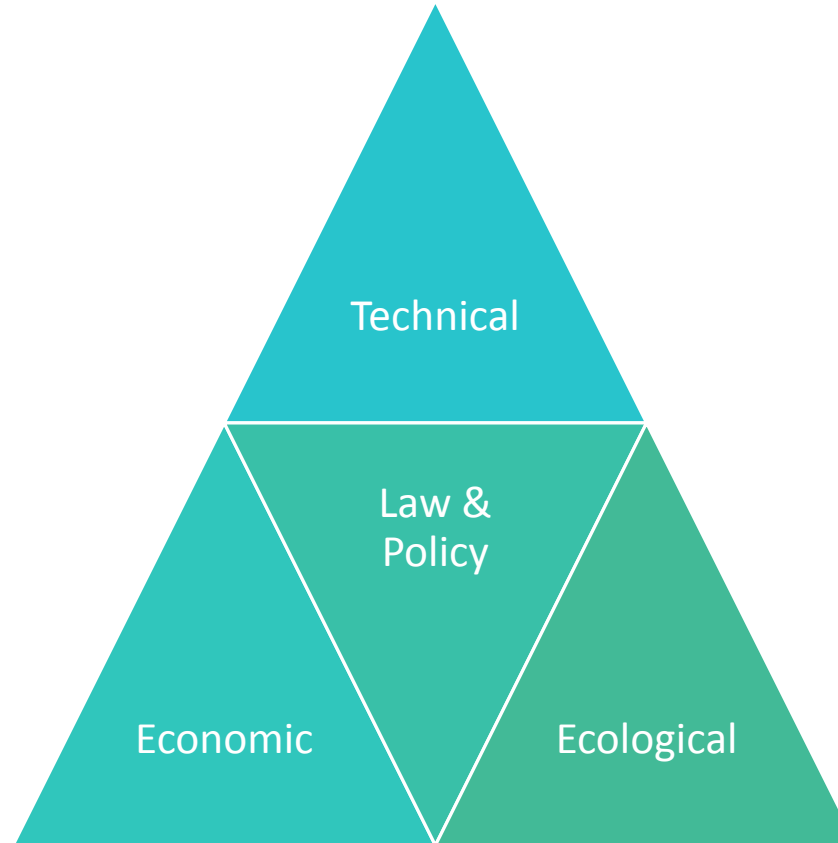


Transboundary CCS in the EU – Law and Policy Challenges

LAUREN DOWNES, J.D., LL.M.

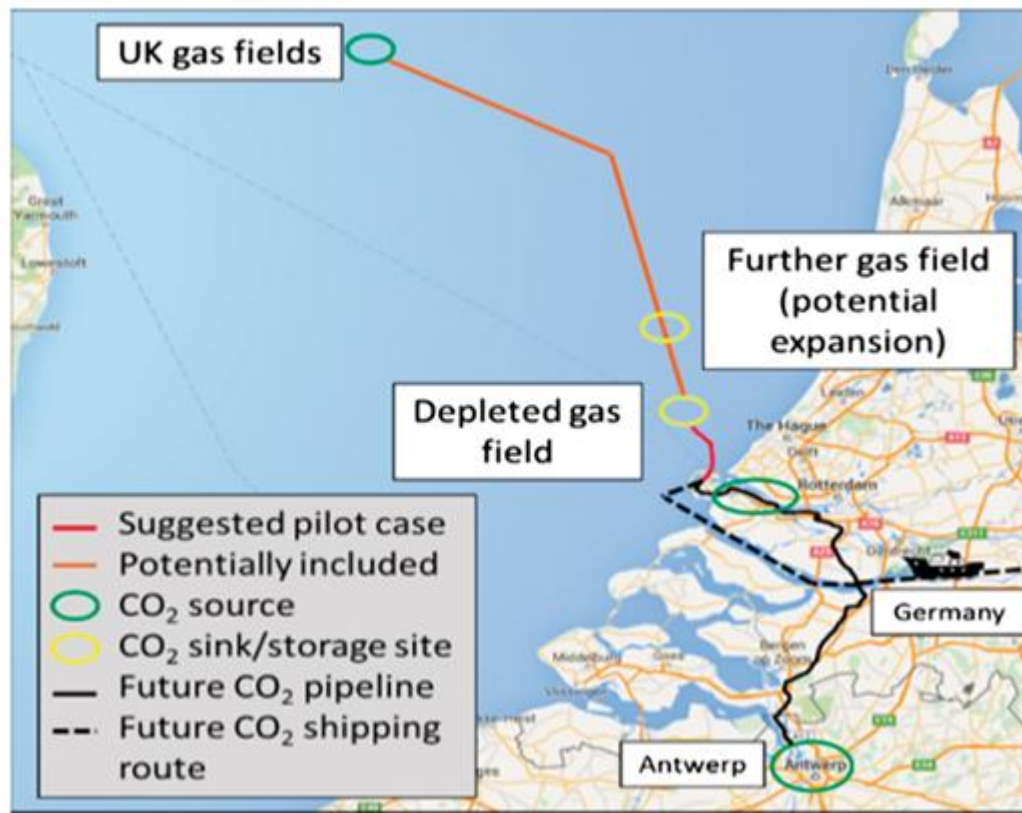
RESEARCH ASSOCIATE
CENTRE FOR COMMERCIAL LAW STUDIES, QUEEN MARY UNIVERSITY OF
LONDON

Role of Law and Policy – in Context of CEP mandate



Gateway Project – Horizon 2020

Figure 1.

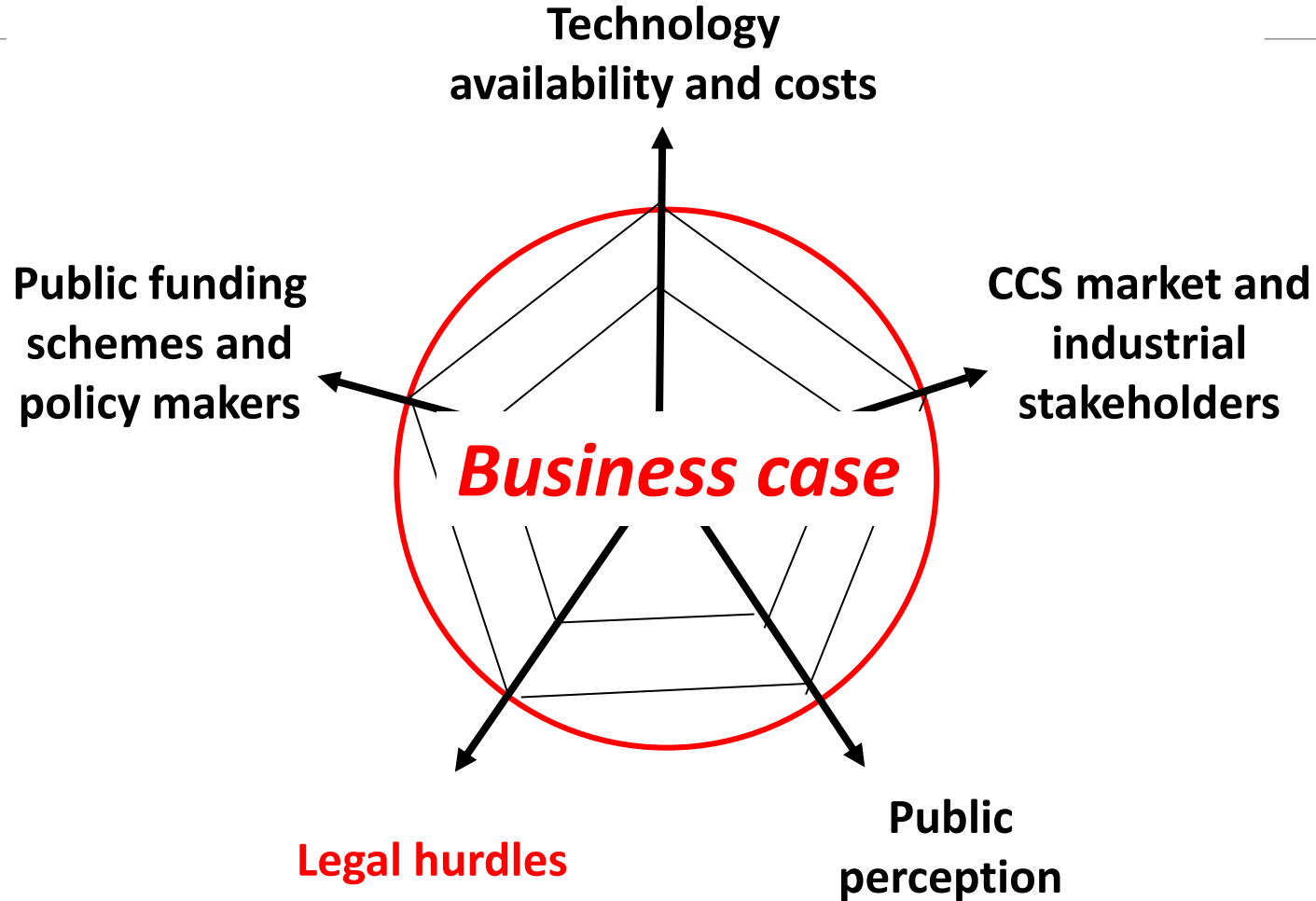


Rotterdam Nucleus

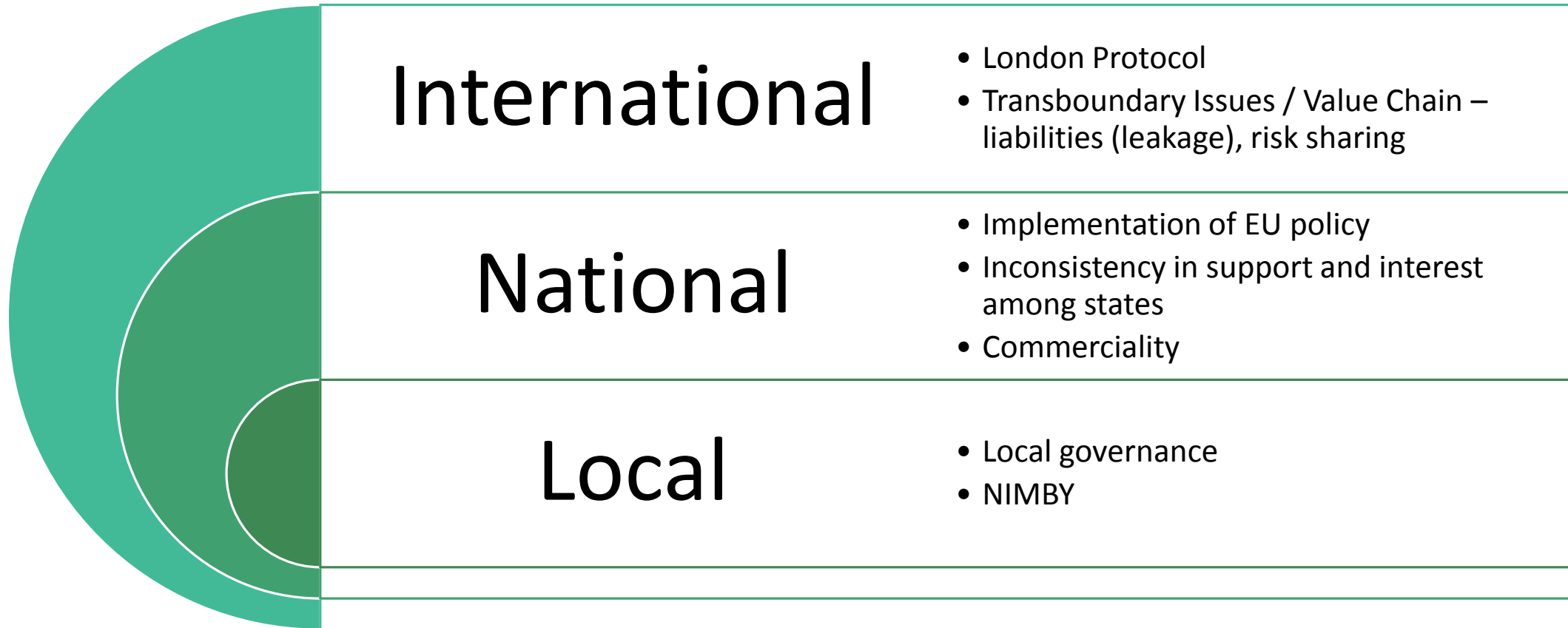


Figure source: <https://academic.oup.com/jwelb/article/11/2/93/4718110>

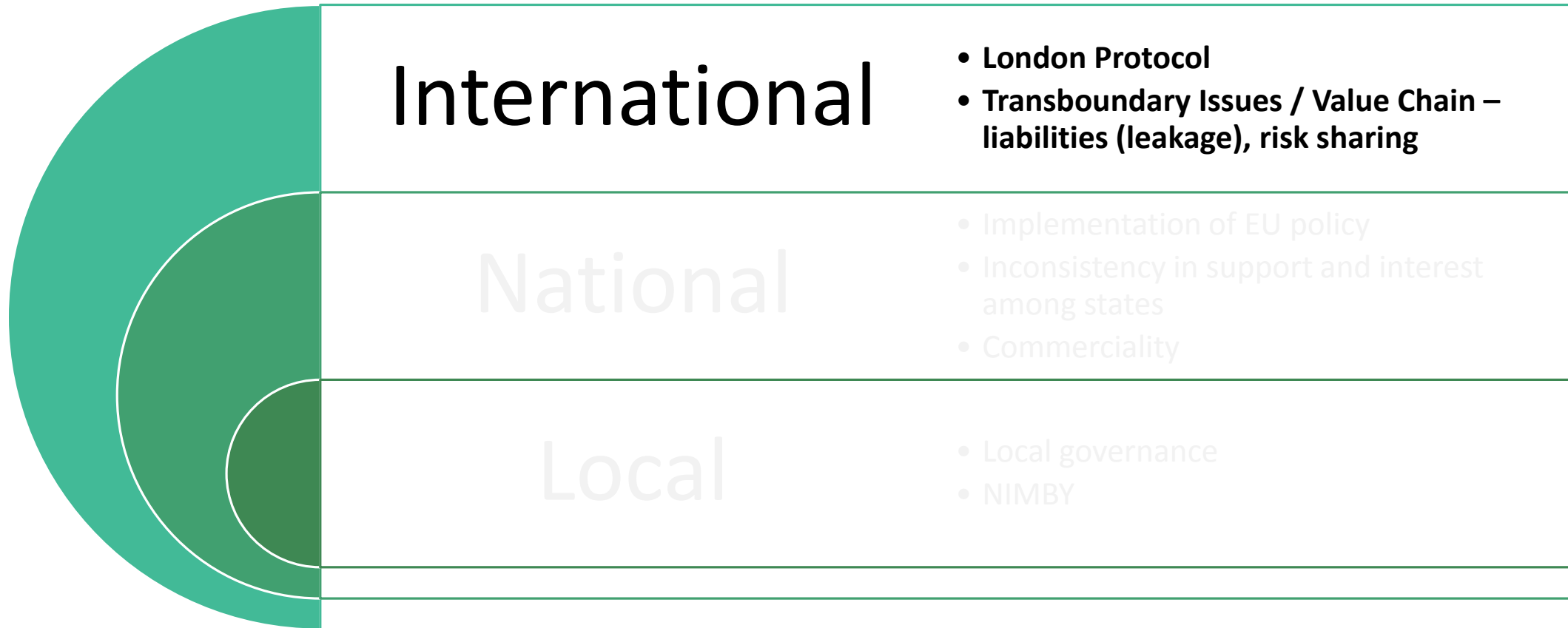
CCS Faces Many Challenges



Layers of Law – Challenges and Opportunities for CCS in EU



Layers of Law – Challenges and Opportunities for CCS in EU



London Protocol – Article 6

ARTICLE 6

EXPORT OF WASTES OR OTHER MATTER

Contracting Parties shall not allow the export of wastes or other matter to other countries for dumping or incineration at sea.

2/3

Difficulties:

Not issue of interest to all LP signatories
Manage legal uncertainty in project agreements – investors, insurers

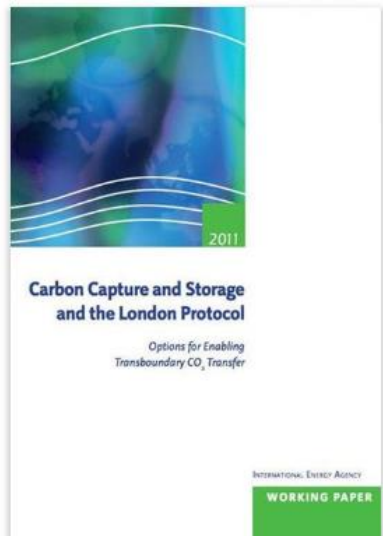
Solutions?

Resolutions: Interpretative or provisional

Separate bilateral or multilateral agreement

Operation of LP: modification or suspension of it by contracting parties

What does this mean? Requires action by Contracting Parties – state level.



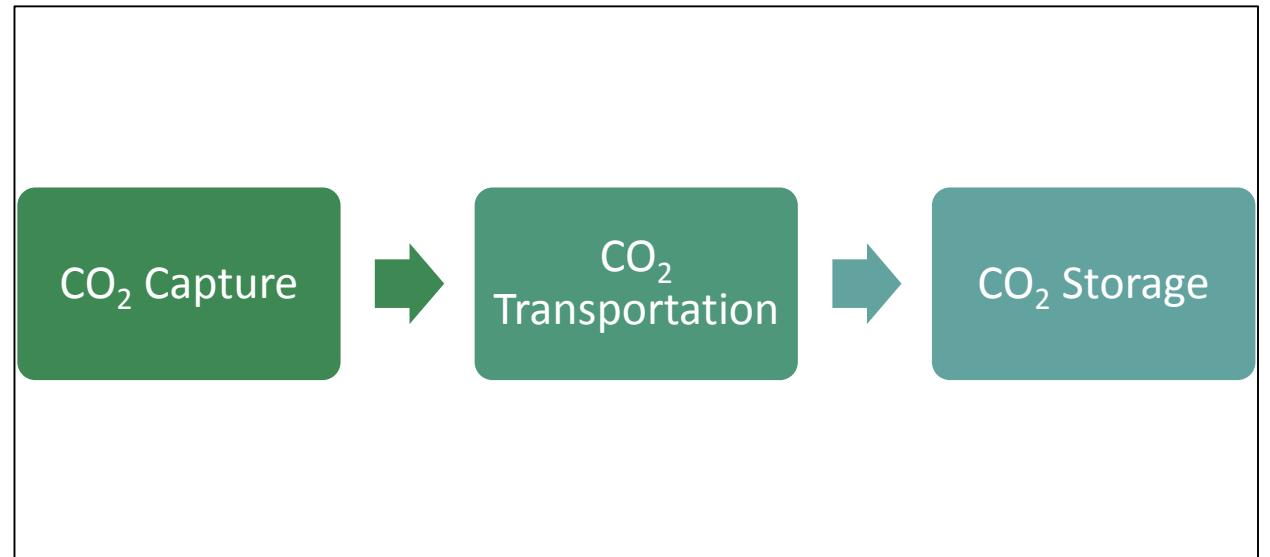
https://www.iea.org/publications/freepublications/publication/CCS_London_Protocol.pdf

International issue: Transboundary Issues

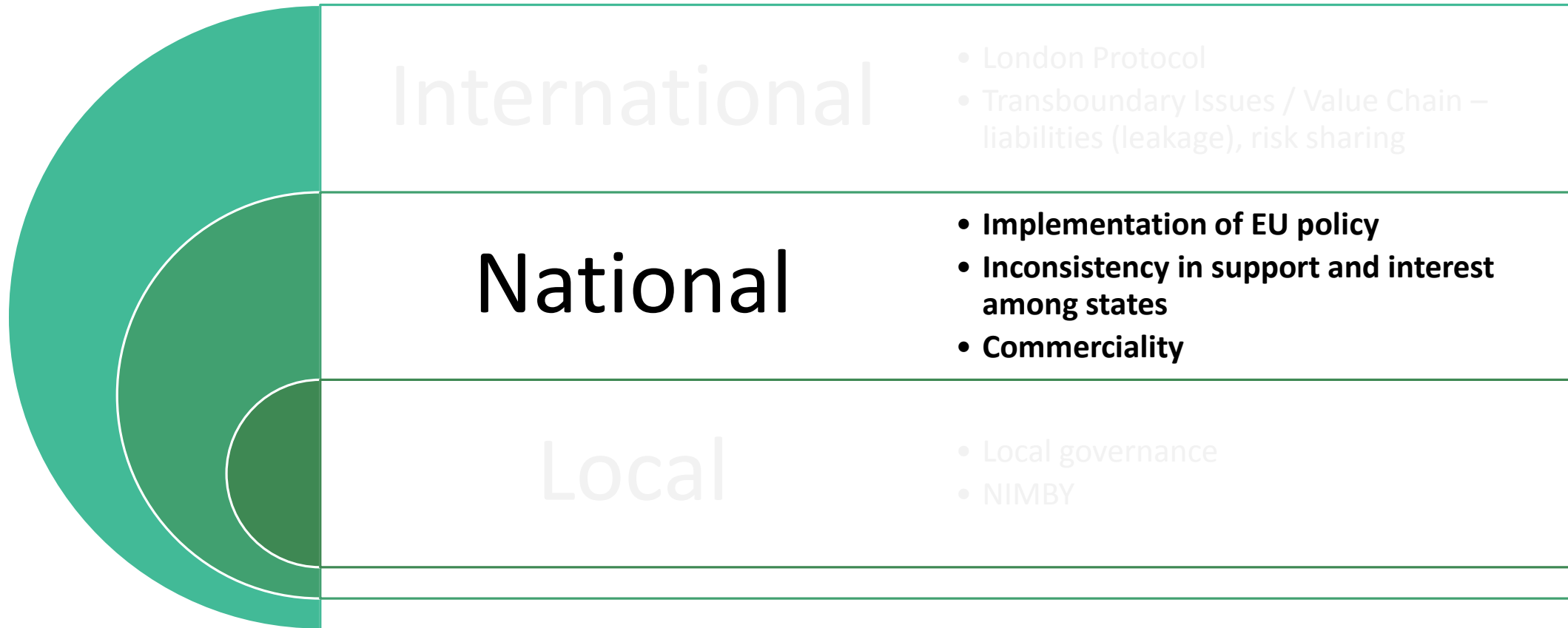
Establishing transboundary value chain

Leakage

Long-term liability – Operator? Emitter? Insurance? Learnings from nuclear sector?



Layers of Law – Challenges and Opportunities for CCS in EU



National Issue: EU Policy Implementation

Inconsistent policy support for CCS in MS – sources, sinks, neutral

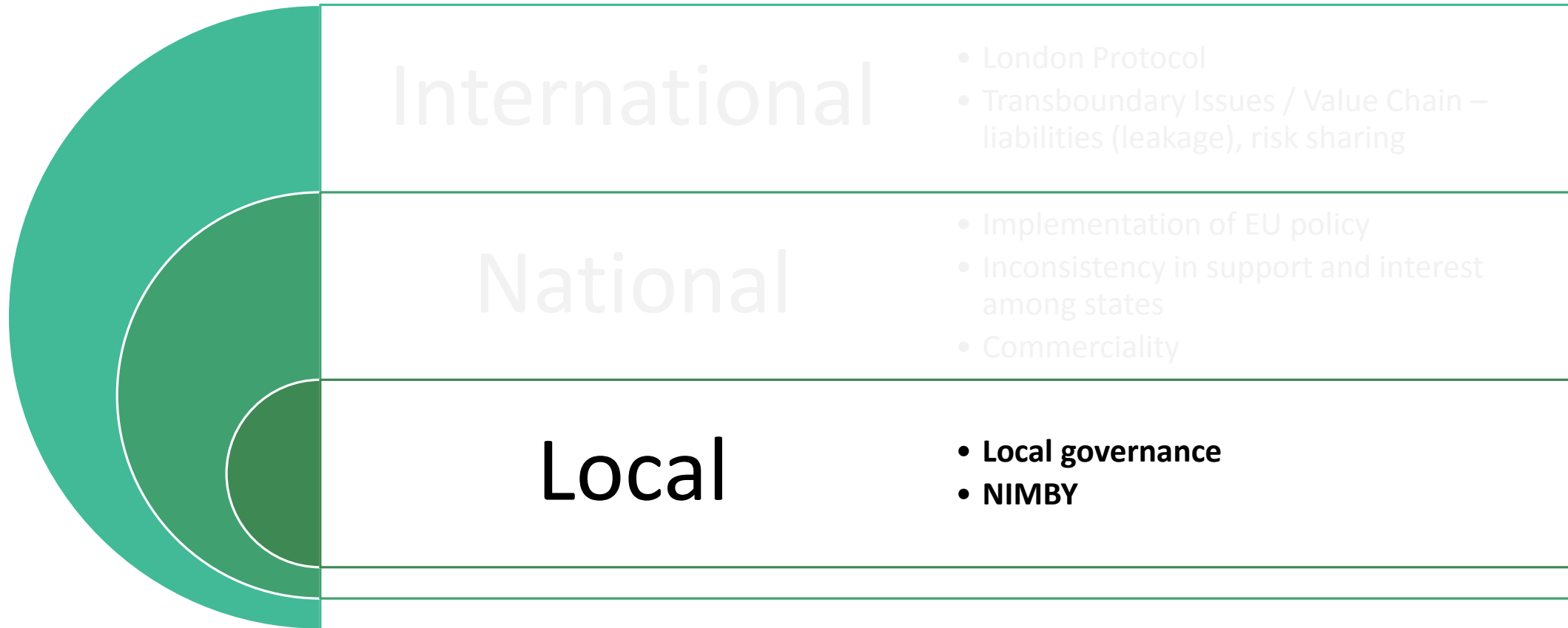
Policy uncertainty

- UK CCS Commercialisation Competition – White Rose and Peterhead
- Norway budget 2016 and 2018

Commerciality

- Allocation of public funds?

Layers of Law – Challenges and Opportunities for CCS in EU



Local issues

NIMBY

- Barendrecht
- Vattenfall

Energy justice

Local Permitting

Some publications from the Gateway Project

Heffron, R. J., Downes, L., Bysveen, M., Brakstad, E. V., Tom Mikunda, T., Neele, F., Eickhoff, C., Hanstock, D. and Schumann, D. 2018. [Ownership, risk and the law for a CO2 transport network for carbon capture and storage in the European Union](#). *Journal of Energy & Natural Resources Law*, DOI: 10.1080/02646811.2018.1442215

Heffron, R. J., Downes, L., Bysveen, M., Brakstad, E. V., Tom Mikunda, T., Neele, F., Eickhoff, C., Hanstock, D. and Diana Schumann, D. 2018. [Three Layers of energy law for examining CO2 transport for carbon-capture storage](#). *Journal of World Energy Law & Business* <https://doi.org/10.1093/jwelb/jwx035>

Heffron, R. J., Downes, L., Bysveen, M., Brakstad, E. V., Tom Mikunda, T., Neele, F., Eickhoff, C., Hanstock, D. and Schumann, D. 2018. Reducing legal risk for CO2 transport for carbon capture and storage in the EU. *International Energy Law Review*, 6, 192-205.

J. Jakobsen, M. Bysveen, E. Vågenes, Ch. Eickhoff, T. Mikunda, F. Neele, L. Brunner, R. Heffron, D. Schumann, L. Downes, D. Hanstock 2017. [Developing a Pilot Case and Modelling the Development of a Large European CO2 Transport Infrastructure -The GATEWAY H2020 Project](#). *Energy Procedia*, 6835-6843.

Thank you for listening



Centre for Commercial Law Studies



I.downes@qmul.ac.uk