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Committee on the Environment, Public Health and Food Safety

2008/0015(COD)

24.7.2008

AMENDMENTS 339 - 436 – Part III

Draft report
Chris Davies
(PE407.716v01-00)

The geological storage of carbon dioxide and amending Council Directives 85/337/EEC, 96/61/EC, Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC and Regulation (EC) No 1013/2006

Proposal for a directive – amending act
(COM(2008)0018 – C6-0040/2008 – 2008/0015(COD))

Amendment 339

Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act Article 18 – paragraph 1

Text proposed by the Commission

1. Where a storage site has been closed pursuant to points (a) or (b) of Article 17(1), the responsibility for the closed site, ***including all ensuing legal obligations***, shall be transferred to the competent authority ***on its own initiative or upon request from the operator, if and when all available evidence indicates that the stored CO₂ will be completely contained for the indefinite future***. To this end, the operator shall prepare a report documenting that this criterion has been met and submit it to the competent authority for the latter to approve the transfer of responsibility.

Amendment

1. Where a storage site has been closed pursuant to points (a) or (b) of Article 17(1), the responsibility for the closed site shall be transferred to the competent authority ***after expiry of a 100-year period, and after all the conditions set out in the storage permit for the transfer of responsibility have been met***. To this end, the operator shall prepare a report documenting that this criterion has been met and submit it to the competent authority for the latter to approve the transfer of responsibility.

Or. en

Justification

According to geologists, problems could still occur more than 100 years after closure of a storage site.

Amendment 340

Evangelia Tzampazi

Proposal for a directive – amending act Article 18 – paragraph 1

Text proposed by the Commission

1. Where a storage site has been closed pursuant to points (a) or (b) of Article 17(1), the responsibility for the closed site,

Amendment

1. Where a storage site has been closed pursuant to points (a) or (b) of Article 17(1), the responsibility for the closed site,

including all ensuing legal obligations, shall ***be transferred to the competent authority on its own initiative or upon request from the operator***, if and when all available evidence indicates that the stored CO₂ will be completely contained for the indefinite future. To this end, the operator shall prepare a report documenting that ***this criterion has*** been met and submit it to the competent authority for the latter to approve the transfer of responsibility.

including all ensuing legal obligations, shall ***remain with the operator for a post-closure interim period of at least 50 years. Transfer to the competent authority shall occur at the end of the initial 50-year period, only*** if and when all available evidence indicates that the stored CO₂ will be completely contained for the indefinite future ***and the criteria laid down in the storage permit for transferring responsibility have been met***. To this end, the operator shall prepare a report documenting that ***the criteria have*** been met and submit it to the competent authority for the latter to approve the transfer of responsibility.

Or. en

Justification

A minimum post-closure interim period where operators retain responsibility for a storage site will protect the competent authority from assuming responsibility for stored CO₂ prematurely. It will also provide additional incentive for proper site management and maintenance during site operation and the closure period as operators will retain responsibility for a fixed period of time and not be relieved of that responsibility until it is indicated that stored CO₂ will be contained and all requirements of the storage permit for transferring responsibility have been met.

Amendment 341

Bairbre de Brún, Umberto Guidoni

Proposal for a directive – amending act Article 18 – paragraph 1

Text proposed by the Commission

1. Where a storage site has been closed pursuant to points (a) or (b) of Article 17(1), the responsibility for the closed site, including all ensuing legal obligations, shall be transferred to the competent authority on its own initiative or upon request from the operator, if and when all available evidence indicates that the stored

Amendment

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CO₂ will be completely contained for the indefinite future. To this end, the operator shall prepare a report documenting that this criterion has been met and submit it to the competent authority for the latter to approve the transfer of responsibility.

CO₂ will be completely contained for the indefinite future. To this end, the operator shall prepare a report documenting that this criterion has been met and submit it to the competent authority for the latter to approve the transfer of responsibility. ***The operator shall remain liable for any damage due to his fault or negligence, even if this damage only occurs after the transfer referred to in this Article.***

Or. en

Justification

Since risks remain substantial over a long period after the closure of a storage site, the transfer of responsibility for the site to the competent authority, is not fair. Where there is fault or negligence the responsibility should remain with the operator.

Amendment 342

Richard Seeber

Proposal for a directive – amending act Article 18 – paragraph 1

Text proposed by the Commission

1. Where a storage site has been closed pursuant to points (a) or (b) of Article 17(1), the responsibility for the closed site, including all ensuing legal obligations, shall be transferred to the competent authority on its own initiative or upon request from the operator, if and when all available evidence indicates that the stored CO₂ will be ***completely contained for the indefinite future***. To this end, the operator shall prepare a report documenting that ***this criterion has*** been met and submit it to the competent authority for the latter to approve the transfer of responsibility.

Amendment

1. Where a storage site has been closed pursuant to points (a) or (b) of Article 17(1), the responsibility for the closed site, including all ensuing legal obligations, shall be transferred to the competent authority on its own initiative or upon request from the operator, if and when all available evidence indicates that ***all integrity criteria as set out in this Directive or in the storage permit have been fulfilled so that*** the stored CO₂ will be contained. To this end, the operator shall prepare a report documenting that ***these criteria have*** been met and submit it to the competent authority for the latter to approve the transfer of responsibility.

Or. en

Justification

"For the indefinite future" is an unclear term, it is a requirement that criteria for storage integrity and the transfer of the responsibility are set out in the directive or in the storage permit itself.

Amendment 343

Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

**Proposal for a directive – amending act
Article 18 – paragraph 2**

Text proposed by the Commission

Amendment

2. Member States shall inform the Commission of all draft decisions of approval prepared by the competent authority pursuant to paragraph 1, including the reports submitted by the operator and any other material taken into consideration by the competent authority when arriving at its conclusion. Within six months of their submission to the Commission, the Commission may issue an opinion on the draft decisions of approval.

deleted

Or. en

Justification

Debureaucratization and subsidiarity.

Amendment 344

Richard Seeber

**Proposal for a directive – amending act
Article 18 – paragraph 2**

Text proposed by the Commission

Amendment

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the competent authority pursuant to paragraph 1, including the reports submitted by the operator and any other material taken into consideration by the competent authority when arriving at its conclusion. Within six months of their submission to the Commission, the Commission may issue an opinion on the decisions of approval.

Or. en

Amendment 345
Jerzy Buzek, Bogusław Sonik

Proposal for a directive – amending act
Article 18 – paragraph 2

Text proposed by the Commission

2. Member States shall inform the Commission of all **draft** decisions of approval prepared by the competent authority pursuant to paragraph 1, **including the reports submitted by the operator and any other material taken into consideration by the competent authority when arriving at its conclusion. Within six months of their submission to the Commission, the Commission may issue an opinion on the draft decisions of approval.**

Amendment

2. Member States shall inform the Commission of all decisions of approval prepared by the competent authority pursuant to paragraph 1.

Or. en

Justification

Process of reviewing draft storage permits would result in delay the application process. We suggest that national regulations shall require to inform the Commission when new permits are issued.

Amendment 346
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 18 – paragraph 2

Text proposed by the Commission

2. Member States shall inform the Commission of all **draft** decisions of approval **prepared** by the competent authority pursuant to paragraph 1, **including the reports submitted by the operator and any other material taken into consideration by the competent authority when arriving at its conclusion. Within six months of their submission to the Commission, the Commission may issue an opinion on the draft decisions of approval.**

Amendment

2. Member States shall inform the Commission of all decisions of approval **taken** by the competent authority pursuant to paragraph 1.

Or. de

Justification

Under the subsidiarity principle, the Member States are responsible for the transfer of responsibility from the operator to the competent authority.

Amendment 347
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 18 – paragraph 2

Text proposed by the Commission

2. Member States shall inform the Commission of all draft decisions of approval prepared by the competent authority pursuant to paragraph 1, including the reports submitted by the operator and any other material taken into consideration by the competent authority when arriving at its conclusion. Within six months of their submission to the Commission, the Commission **may** issue

Amendment

2. Member States shall inform the Commission of all draft decisions of approval prepared by the competent authority pursuant to paragraph 1, including the reports submitted by the operator and any other material taken into consideration by the competent authority when arriving at its conclusion. Within six months of their submission to the Commission, the Commission **shall** issue **a**

an opinion on the draft decisions of approval.

binding opinion on the draft decisions of approval. ***The provisions of Article 6(2a) shall also apply to the draft decisions of approval.***

Or. en

Justification

The binding review at Community level is necessary to ensure consistency in implementation of the requirements.

Amendment 348
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. The competent authority shall notify the final decision to the Commission, stating the reasons if it deviates from the Commission opinion.

deleted

Or. de

Justification

De-bureaucratisation and subsidiarity.

Amendment 349
Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act
Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. The competent authority shall notify the final decision to the Commission, stating the reasons if it deviates from the

deleted

Commission opinion.

Or. en

Justification

Debureaucratization and subsidiarity.

Amendment 350

Jerzy Buzek, Bogusław Sonik

**Proposal for a directive – amending act
Article 18 – paragraph 3**

Text proposed by the Commission

Amendment

3. The competent authority shall notify the final decision to the Commission, ***stating the reasons if it deviates from the Commission opinion.***

3. The competent authority shall notify the final decision to the Commission.

Or. en

Justification

Process of reviewing draft storage permits would result in delay the application process. We suggest that national regulations shall require to inform the Commission when new permits are issued.

Amendment 351

Jerzy Buzek, Bogusław Sonik

**Proposal for a directive – amending act
Article 18 – paragraph 5**

Text proposed by the Commission

Amendment

5. After the transfer of responsibility pursuant to paragraphs 1 to 4, monitoring ***may cease. However, if any leakages or significant irregularities are identified, monitoring shall be reactivated as required to assess the scale of the problem and the effectiveness of corrective***

5. After the transfer of responsibility pursuant to paragraphs 1 to 4, monitoring ***shall continue on a permanent basis for a period of at least 30 years from the day the permit was issued.***

measures.

Or. en

Justification

The permanent monitoring should be kept to minimum 30 years period to ensure that storage of CO₂ complexes are safe and to enable possibly rapid take a corrective measures in case any leakage.

*Period after withdrawn of storage CO₂ is the most important because after totality sealing may to negative activate in the rock grounds (rock pressure, migration of CO₂, leakage etc.)
Amendment to protect Member State from fraudulent or negligent operator*

Amendment 352
Evangelia Tzampazi

Proposal for a directive – amending act
Article 18 – paragraph 5

Text proposed by the Commission

5. After the transfer of responsibility pursuant to paragraphs 1 to 4, ***monitoring may cease. However, if any leakages or significant irregularities are identified, monitoring shall be reactivated as required to assess the scale of the problem and the effectiveness of corrective measures.***

Amendment

5. After the transfer of responsibility, pursuant to paragraphs 1 to 4, ***regular inspections should be allowed to cease and monitoring could be reduced to a level which allows for identification of leakages or significant irregularities. If any leakages or significant irregularities are identified, the necessary corrective measures shall be taken by the competent authority. In the event that the closure of the storage site and/or transfer of responsibility has been based on inaccurate or false information, the operator shall remain liable for the costs of corrective measures and any damage caused to human health or the environment. In all other cases, the relevant costs as well as the monitoring costs shall be covered by the fund referred to in Article 19a, financed by the operators' contributions and managed by the competent authority.***

Or. en

Justification

Monitoring after the transfer of responsibility provides additional security to ensure that storage sites continue to behave as predicted.

The current proposal for a Directive allows for the costs for monitoring and remediation measures after the transfer of responsibility to be borne in the long-term entirely by the MS (and by definition the taxpayers), unless proven fault or negligence on behalf of the operator. In order to cover the monitoring and remediation costs after the transfer of responsibility it is only fair to provide for a fund, financed by the operator's contributions.

Amendment 353

Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act Article 18 – paragraph 5

Text proposed by the Commission

5. After the transfer of responsibility pursuant to paragraphs 1 to 4, monitoring may *cease*. **However, if** any leakages or significant irregularities are identified, monitoring shall be **reactivated** as required to assess the scale of the problem and the effectiveness of corrective measures.

Amendment

5. After the transfer of responsibility pursuant to paragraphs 1 to 4, monitoring may **be reduced to a level at which the identification of leakages or significant irregularities is still possible**. **If** any leakages or significant irregularities are identified, monitoring shall be **stepped up** as required to assess the scale of the problem and the effectiveness of corrective measures.

Or. de

Justification

If monitoring were allowed to cease after the transfer of responsibility, this might mean that leakages requiring the resumption of monitoring would only be detected once the damage had already been done. Instead a monitoring system should be retained at least at a minimum level.

Amendment 354
Péter Olajos

Proposal for a directive – amending act
Article 18 – paragraph 5

Text proposed by the Commission

5. After the transfer of responsibility pursuant to paragraphs 1 to 4, monitoring may *cease*. However, if any leakages or significant irregularities are identified, monitoring shall be *reactivated* as required to assess the scale of the problem and the effectiveness of corrective measures.

Amendment

5. After the transfer of responsibility pursuant to paragraphs 1 to 4, monitoring may ***be reduced to a level which allows for identification of any leakages or significant irregularities***. If any leakages or significant irregularities are identified, monitoring shall be ***intensified*** as required to assess the scale of the problem and the effectiveness of corrective measures.

Or. en

Justification

Monitoring is needed after the responsibility has been transferred to the competent authority.

Amendment 355
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 18 – paragraph 5

Text proposed by the Commission

5. After the transfer of responsibility pursuant to paragraphs 1 to 4, monitoring ***may cease***. However, if any leakages or significant irregularities are identified, monitoring shall be reactivated as required to assess the scale of the problem and the effectiveness of corrective measures.

Amendment

5. After the transfer of responsibility pursuant to paragraphs 1 to 4, monitoring ***shall continue for the next 100 years. Upon expiry of this period, it may be substantially reduced***. However, if any leakages or significant irregularities are identified, monitoring shall be reactivated as required to assess the scale of the problem and the effectiveness of corrective measures.

Or. en

Justification

According to geologists, problems could still occur more than 100 years after closure of a storage site.

Amendment 356

Bairbre de Brún, Umberto Guidoni

Proposal for a directive – amending act

Article 18 – paragraph 5

Text proposed by the Commission

5. After the transfer of responsibility pursuant to paragraphs 1 to 4, monitoring may *cease*. However, if any leakages or significant irregularities are identified, monitoring shall be reactivated as required to assess the scale of the problem and the effectiveness of corrective measures.

Amendment

5. After the transfer of responsibility pursuant to paragraphs 1 to 4, monitoring may *be reduced*. However, if any leakages or significant irregularities are identified, monitoring shall be *fully* reactivated as required to assess the scale of the problem and the effectiveness of corrective measures.

Or. en

Justification

It is important that a certain level of monitoring is maintained on the storage site after its closure and until the injected CO₂ is fully stabilised.

Amendment 357

Jerzy Buzek, Bogusław Sonik

Proposal for a directive – amending act

Article 18 – paragraph 6

Text proposed by the Commission

6. There shall be no recovery of costs incurred from the former operator after the transfer of responsibility to the competent authority pursuant to paragraphs 1 to 4.

Amendment

6. The period of monitoring after transfer of responsibility may be extended or reactivated if any leakages or significant irregularities are identified.

Or. en

Justification

The permanent monitoring should be kept to minimum 30 years period to ensure that storage of CO₂ complexes are safe and to enable possibly rapid take a corrective measures in case any leakage.

Period after withdrawn of storage CO₂ is the most important because after totality sealing may to negative activate in the rock grounds (rock pressure, migration of CO₂, leakage etc.)

Amendment to protect Member State from fraudulent or negligent operator

Amendment 358

Kathalijne Maria Buitenweg, Jill Evans

**Proposal for a directive – amending act
Article 18 – paragraph 6**

Text proposed by the Commission

6. There shall be no recovery of costs incurred from the former operator after the transfer of responsibility to the competent authority pursuant to paragraphs 1 to 4.

Amendment

6. If any leakages or significant irregularities are identified, the necessary corrective measures shall be taken by the competent authority. In the event that the closure of the storage site has been based on inaccurate or false information, the operator shall cover the costs of the corrective measures and remain liable for any damage caused to human health or the environment. In all other cases, the costs shall be covered by the fund established under Article 19a, financed by the operators' contributions and managed by the competent authority.

Or. en

Justification

If the transfer of responsibility took place on the basis of false information, then site operators have to pay the costs for remedying eventual damage to the environment and public health.

Amendment 359
Evangelia Tzampazi

Proposal for a directive – amending act
Article 18 – paragraph 6

Text proposed by the Commission

6. There shall be no recovery of costs incurred from the former operator after the transfer of responsibility to the competent authority pursuant to paragraphs 1 to 4.

Amendment

6. There shall be no recovery of costs incurred from the former operator after the transfer of responsibility to the competent authority pursuant to paragraphs 1 to 4.
This will not apply where, due to the fault or negligence of the operator, the closure of a storage site is based on inaccurate or false information. In this case the operator shall remain liable for the costs of corrective measures to remedy any damage to human health or the environment. In all other cases, the relevant costs as well as the monitoring costs shall be covered by the fund referred to in Article 19a, financed by the operators' contributions and managed by the competent authority.

Or. en

Justification

The current proposal for a Directive allows for the costs for monitoring and remediation measures after the transfer of responsibility to be borne in the long-term entirely by the MS (and by definition the taxpayers), unless proven fault or negligence on behalf of the operator. In order to cover the monitoring and remediation costs after the transfer of responsibility it is only fair to provide for a fund, financed by the operator's contributions.

Amendment 360
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 18 – paragraph 6

Text proposed by the Commission

6. There shall be no recovery of costs incurred from the former operator after the

Amendment

6. There shall be no recovery of costs incurred from the former operator after the

transfer of responsibility to the competent authority pursuant to paragraphs 1 to 4.

transfer of responsibility to the competent authority pursuant to paragraphs 1 to 4.

This shall not apply in cases of incorrect statements, failure to disclose relevant information, negligence, deliberate deception or abuse. The above shall be without prejudice to Article 19(2a).

Or. de

Justification

This wording ensures that recourse is still possible against the operator, even after the transfer of responsibility to the public authorities, where the circumstances referred to in the second sentence apply. The third sentence makes clear that it is also possible to meet costs incurred using the fund set up under the new Art. 19(2a).

Amendment 361

Bairbre de Brún, Umberto Guidoni

**Proposal for a directive – amending act
Article 18 – paragraph 6**

Text proposed by the Commission

6. There shall be no recovery of costs incurred from the former operator after the transfer of responsibility to the competent authority pursuant to paragraphs 1 to 4.

Amendment

6. There shall be no recovery of costs incurred from the former operator after the transfer of responsibility to the competent authority pursuant to paragraphs 1 to 4, ***except where there is damage due to the fault or negligence of the operator, even if this damage only occurs after the transfer referred to in Article 18.***

Or. en

Justification

Since risks remain substantial over a long period after the closure of a storage site, the transfer of responsibility for the site to the competent authority, is not fair. Where there is fault or negligence the responsibility should remain with the operator.

Amendment 362
Jerzy Buzek, Bogusław Sonik

Proposal for a directive – amending act
Article 18 – paragraph 7

Text proposed by the Commission

7. Where a storage site has been closed pursuant to point (c) of Article 17(1), transfer of responsibility shall be deemed to take place if and when all available evidence indicates that the stored CO₂ will be completely contained for the indefinite future, and after the site has been sealed and the injection facilities have been removed.

Amendment

7. There shall be recovery of costs incurred from the former operator after the transfer of responsibility to the competent authority pursuant to paragraphs 1 to 4 if a significant irregularity occurs due to the fault of the operator.

Or. en

Justification

The permanent monitoring should be kept to minimum 30 years period to ensure that storage of CO₂ complexes are safe and to enable possibly rapid take a corrective measures in case any leakage.

Period after withdrawn of storage CO₂ is the most important because after totality sealing may to negative activate in the rock grounds (rock pressure, migration of CO₂, leakage etc.) Amendment to protect Member State from fraudulent or negligent operator

Amendment 363
Adam Gierek

Proposal for a directive – amending act
Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that adequate provisions, by way of financial security or any other equivalent, on the basis of modalities to be decided by the Member States, are made by the applicant prior to the submission of the application for a storage permit to ensure that all obligations *arising under the permit issued pursuant to* this Directive,

Amendment

1. ***The Commission and the*** Member States shall ensure that adequate ***financial*** provisions, by way of financial security or any other equivalent, on the basis of modalities to be decided by ***the Commission and*** the Member States, are made by the applicant prior to the submission of the application for a storage permit to ensure that all obligations

including closure procedures and post-closure provisions, as well as any obligations arising from inclusion under Directive 2003/87/EC can be met.

deriving from the implementation of this Directive can be met.

Or. pl

Justification

The financial resources needed for the application of CSC technology may be derived from emissions payments.

Amendment 364

Christian Ehler, Jan Březina, Herbert Reul, Thomas Ulmer

Proposal for a directive – amending act Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that adequate provisions, by way of financial security or any other equivalent, ***on the basis of modalities to be decided by the Member States***, are made by the applicant ***prior to the submission of the application for a storage permit*** to ensure that all obligations arising under the permit issued pursuant to this Directive, including closure procedures and post-closure provisions, as well as any obligations arising from inclusion under Directive 2003/87/EC can be met.

Amendment

1. Member States shall ensure that adequate provisions, by way of financial security or any other equivalent, are made by the applicant ***in accordance with a transparent procedure for establishing his creditworthiness and a risk-based assessment of the potential level of damage, to be carried out at the commencement of storage***, to ensure that all obligations arising under the permit issued pursuant to this Directive, including closure procedures and post-closure provisions, as well as any obligations arising from inclusion under Directive 2003/87/EC can be met.

Or. de

Justification

The amendment seeks to ensure that an appropriate level of security is provided.

Amendment 365
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that adequate provisions, by way of financial security or any other equivalent, on the basis of modalities to be decided by the Member States, are made by the applicant prior to the **submission of the application for a** storage permit to ensure that all obligations arising under the permit issued pursuant to this Directive, including closure procedures and post-closure provisions, as well as any obligations arising from inclusion under Directive 2003/87/EC can be met.

Amendment

1. Member States shall ensure that adequate provisions, by way of financial security or any other equivalent, on the basis of modalities to be decided by the Member States, are made by the applicant prior to the **issue of** a storage permit to ensure that all obligations arising under the permit issued pursuant to this Directive, including closure procedures and post-closure provisions, as well as any obligations arising from inclusion under Directive 2003/87/EC can be met.

Or. de

Justification

Requiring a financial security to be supplied before the submission of the application is unnecessarily stringent and costly. However, such security must be provided before the permit is issued.

The amount of the financial security must be specified at EU level and set sufficiently high.

Amendment 366
Holger Kraemer

Proposal for a directive – amending act
Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that adequate provisions, by way of financial security or any other equivalent, on the basis of modalities to be decided by the Member States, are made by the applicant prior to the **submission of the application for a** storage permit to ensure that all obligations arising under the permit issued

Amendment

1. Member States shall ensure that adequate provisions, by way of financial security or any other equivalent, on the basis of modalities to be decided by the Member States, are made by the applicant prior to the **issue of the** storage permit to ensure that all obligations arising under the permit issued pursuant to this Directive,

pursuant to this Directive, including closure procedures and post-closure provisions, as well as any obligations arising from inclusion under Directive 2003/87/EC can be met.

including closure procedures and post-closure provisions, as well as any obligations arising from inclusion under Directive 2003/87/EC can be met.

Or. de

Justification

Requiring a financial security to be supplied before the submission of the application is unnecessarily stringent and costly. However, such security must be provided before the permit is issued.

Amendment 367

Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

**Proposal for a directive – amending act
Article 19 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that adequate provisions, by way of financial security or any other equivalent, on the basis of modalities to be decided by the Member States, are made by the applicant **prior to the submission of the application for** a storage permit to ensure that all obligations arising under the permit issued pursuant to this Directive, including closure procedures and post-closure provisions, as well as any obligations arising from inclusion under Directive 2003/87/EC can be met.

Amendment

1. Member States shall ensure that adequate provisions, by way of financial security or any other equivalent, on the basis of modalities to be decided by the Member States, are made by the applicant **after the granting of** a storage permit to ensure that all obligations arising under the permit issued pursuant to this Directive, including closure procedures and post-closure provisions, as well as any obligations arising from inclusion under Directive 2003/87/EC can be met.

Or. en

Justification

Prevention of unnecessary high costs.

Amendment 368
Evangelia Tzampazi

Proposal for a directive – amending act
Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that adequate provisions, by way of financial security or any other equivalent, on the basis of modalities to be decided by the Member States, are made by the applicant prior to the submission of the application for a storage permit to ensure that all obligations arising under the permit issued pursuant to this Directive, including closure procedures and post-closure provisions, as well as any obligations arising from inclusion under Directive 2003/87/EC can be met.

Amendment

1. Member States shall ensure that adequate provisions, by way of financial security or any other equivalent, on the basis of modalities to be decided by the Member States, are made by the applicant prior to the submission of the application for a storage permit to ensure that all obligations arising under the permit issued pursuant to this Directive, including closure procedures and post-closure provisions, as well as any obligations arising from inclusion under Directive 2003/87/EC can be met. ***The Commission shall provide guidelines according to which Member States will decide on the amount of the financial security as well as provide for a minimum amount of the financial security.***

Or. en

Justification

In order to ensure a level playing field for all operators EU-wide and avoid any distortion of competition, the Commission should provide the MS with guidelines regarding the calculation of the appropriate financial security as well as set a minimum amount for the financial security.

Amendment 369
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that adequate provisions, by way of financial

Amendment

1. Member States shall ensure that adequate provisions, by way of financial

security or any other equivalent, on the basis of modalities to be decided by the Member States, are made by the applicant prior to the submission of the application for a storage permit to ensure that all obligations arising under the permit issued pursuant to this Directive, including closure procedures and post-closure provisions, as well as any obligations arising from inclusion under Directive 2003/87/EC can be met.

security or any other equivalent, on the basis of modalities to be decided by the Member States, are made by the applicant prior to the submission of the application for a storage permit to ensure that all obligations arising under the permit issued pursuant to this Directive, including closure procedures and post-closure provisions, as well as any obligations arising from inclusion under Directive 2003/87/EC **and Directive 2004/35/EC** can be met. ***The financial security should be set at such a level as to cover liability for any damage caused to third parties, as well as the costs of remediation of environmental damage, and at any rate no less than EUR [x] billion.***

Or. en

Justification

The necessary measures have to be taken to ensure financial security.

Amendment 370
Jerzy Buzek, Bogusław Sonik

Proposal for a directive – amending act
Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The financial security shall be periodically adjusted to take account of changes to the assessed risk of leakage including the possible extension of the validity of the financial security even after the transfer of responsibility to the competent authority pursuant to Article 18.

Or. en

Justification

Regardless of risk of leakage the financial security shall be validation after the transfer of

responsibility to the competent authority. This financial security shall provide covering of upkeep of monitoring and possibly corrective measures into account amendment article 18.

Amendment 371

Jerzy Buzek, Boguslaw Sonik

Proposal for a directive – amending act

Article 19 – paragraph 2 – introductory part and point a

Text proposed by the Commission

2. The financial security or any other equivalent referred to in paragraph 1 shall **be kept**:

(a) after a storage site has been closed pursuant to Article 17 paragraph 1 points (a) or (b), until the responsibility for the storage site is transferred to the competent authority pursuant to Article 18(1) to (4);

Amendment

2. The financial security or any other equivalent referred to in paragraph 1 shall **remain valid and effective**:

(a) after a storage site has been closed pursuant to Article 17 paragraph 1 points (a) or (b), until the responsibility for the storage site is transferred to the competent authority pursuant to Article 18(1) to (4), **taking into account paragraph 1a if appropriate**;

Or. en

Justification

Regardless of risk of leakage the financial security shall be validation after the transfer of responsibility to the competent authority. This financial security shall provide covering of upkeep of monitoring and possibly corrective measures into account amendment article 18.

Amendment 372

Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act

Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. From the commencement of CO₂ injection until the closure of the storage site, the operator shall pay into a fund at the end of each year 2% of the value of the allowances which operators of plants covered by Directive 2003/87/EC were not required to surrender in that year thanks to storage of CO₂ at that site. This fund shall serve to finance expenditure arising

following the transfer of responsibility to the competent authority. This fund shall be established by the Member States.

Or. de

Justification

Even after the transfer of responsibility to the competent authority, funds will be needed for staffing, monitoring, any repairs, ongoing maintenance, compensation in the event of leakages and possibly other damage. Monitoring, and in particular 3-D seismic studies, are labour- and cost-intensive, and the surveillance of boreholes and new boring and resealing where necessary may entail significant costs. In accordance with the precautionary principle and the polluter-pays principle, safeguards need to be introduced to take account of this.

Amendment 373 **Evangelia Tzampazi**

Proposal for a directive – amending act **Article 19 a (new)**

Text proposed by the Commission

Amendment

Article 19a

Reserve fund

In each Member State, a segregated reserve fund shall be established and maintained through annual contributions paid by storage site operators upon commencement of CO₂ injection. This fund shall be held and administered by the competent authority. The operators' contributions shall be related to the capacity of the storage site in volume units of CO₂, past performance of the operator and the risk profile of the site according to the parameters set out in Annex I. Contributions shall continue until the transfer of responsibility to the competent authority is completed. The fund shall be used to cover the costs for monitoring, oversight and remediation incurred by the competent authority after transfer of responsibility, and exceptionally also before such a transfer,

when liability is not covered by Directive 2004/35/EC or Directive 2003/87/EC, and/or if financial security is inadequate or unavailable.

Or. en

Justification

The creation of a segregated reserve fund will provide additional financial security to Member States to cover the costs of monitoring, oversight and remediation once responsibility for storage sites is transferred from the operators. It will also provide a supplementary revenue source for Member States in instances of financial insolvency on the part of operators or unforeseen liability issues not covered by Directive 2004/35/EC or Directive 2003/87/EC.

Amendment 374

Kathalijne Maria Buitenweg, Jill Evans

**Proposal for a directive – amending act
Article 19 a (new)**

Text proposed by the Commission

Amendment

Article 19a

In each Member State, a segregated reserve fund shall be established and maintained through annual contributions jointly paid by storage site operators and power generators. This fund shall be held and administered by the competent authority. The operators' contributions shall be proportional to the capacity of the storage site in volume units of CO₂, past performance of the operator and the risk profile of the site according to the parameters set out in Annex I. Contributions shall cease after the transfer of responsibility to the competent authority. The fund shall be used to cover the costs for monitoring and corrective measures, as well as costs for remedying traditional damage (e.g. damage to health, property etc.) and environmental damage after the transfer of responsibility, and exceptionally also before such a transfer, when liability is not covered by Directive 2004/35/EC or Directive 2003/87/EC,

and/or if financial security is inadequate or unavailable.

Or. en

Justification

Power generators and site operators should jointly contribute to a fund which is destined to cover the costs for monitoring and corrective measures, as well as costs for remedying damage, after the transfer of responsibility.

Amendment 375

Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act

Article 20 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that potential users are able to obtain access to CO₂ transport networks and to storage sites for the purposes of geological storage of the produced and captured CO₂, in accordance with paragraphs 2 to 4.

Amendment

1. Member States shall take the necessary measures to ensure that potential users are able to obtain access to CO₂ transport networks and to storage sites for the purposes of geological storage of the produced and captured CO₂, in accordance with paragraphs 2 to 4. ***To that end, pipelines for which new permits are issued shall as a rule be designed in such a way that they are suited to take any CO₂ stream of a given minimum quality, to be determined under the comitology procedure.***

Or. de

Justification

This amendment makes it possible to prevent restriction of access and discrimination on the grounds of alleged technical incompatibility. It also gives every plant builder in Europe the assurance that their own CO₂ – provided they prepare it to a given quality standard – will not be excluded from the transport network on the grounds of technical incompatibility.

Amendment 376
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 20 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that potential users are able to obtain access to CO₂ transport networks and to storage sites for the purposes of geological storage of the produced and captured CO₂, in accordance with paragraphs 2 to 4.

Amendment

1. Member States shall take the necessary measures to ensure that potential users are able to obtain access to CO₂ transport networks and to storage sites for the purposes of geological storage of the produced and captured CO₂, in accordance with paragraphs 2 to 4. ***However, users shall bear the full costs of access to such networks and sites.***

Or. en

Justification

Power generators should cover the costs of transporting (and eventually storing) their CO₂ emissions.

Amendment 377
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 20 – paragraph 2 – introductory part

Text proposed by the Commission

2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State. The Member State shall apply the objectives of fair and open access, taking into account:

Amendment

2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State ***and shall be carried out by transport operators who shall be fully unbundled from both storage site operators and users (i.e. power generators)***. The Member State shall apply the objectives of fair and open access, taking into account:

Or. en

Justification

To ensure free competition and equal access, transport operators should be fully unbundled from both storage sites operators and power generators.

Amendment 378

Dimitrios Papadimoulis, Umberto Guidoni

Proposal for a directive – amending act

Article 20 – paragraph 2 – introductory part

Text proposed by the Commission

2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State. The Member State shall apply the objectives of fair and open access, taking into account:

Amendment

2. The access referred to in paragraph 1 shall be provided in a **transparent, objective and non-discriminatory** manner determined by the Member State. The Member State shall apply the objectives of fair and open access, taking into account:

Or. en

Justification

Open access must be guaranteed by transparent and objective criteria by the Member States.

Amendment 379

Richard Seeber

Proposal for a directive – amending act

Article 20 – paragraph 2 – introductory part

Text proposed by the Commission

2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State. The Member State shall apply **the objectives of fair and open access**, taking into account:

Amendment

2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State. The Member State shall apply **the principle of open access under non-discriminatory conditions** taking into account:

Or. en

Justification

The notion "fair" in a legal text may cause problems of interpretation, as it contains a subjective and a moral element, the term "non-discriminating" is common.

Amendment 380

Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act

Article 20 – paragraph 2 – introductory part

Text proposed by the Commission

2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State. The Member State shall apply the ***objectives of fair and*** open access, taking into account

Amendment

2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State. The Member State shall apply the ***principle of open and non-discriminatory*** access, taking into account

Or. de

Justification

Open and non-discriminatory access under fair conditions is absolutely crucial for each operator.

Amendment 381

Riitta Myller

Proposal for a directive – amending act

Article 20 – paragraph 2 – introductory part

Text proposed by the Commission

2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State. The Member State shall ***apply the objectives of*** fair and open access, taking into account:

Amendment

2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State. The Member State shall ***ensure*** fair and open access, taking into account:

Or. fi

Amendment 382
Richard Seeber

Proposal for a directive – amending act
Article 20 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the storage capacity which is ***or can reasonably be made*** available within the areas determined under Article 4, and the transport capacity which is ***or can reasonably be made*** available;

(a) the storage capacity which is available within the areas determined under Article 4, and the transport capacity which is available;

Or. en

Justification

Deletion of making available under reasonable conditions proposed – this would, according to our estimation, correspond with an obligation of extension. In the sense of economic viability with regard to the high investment costs it must be possible to conclude long-term contracts with customers on the access to transportation/storage site.

Amendment 383
Richard Seeber

Proposal for a directive – amending act
Article 20 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the proportion of its CO₂ reduction obligations pursuant to international legal instruments and to Community legislation that it intends to meet through CO₂ capture and geological storage,

deleted

Or. en

Justification

Deletion of the full phrase. The inclusion of the specific obligation for reduction under international and European agreements or standards in the implementation of the access regulations into national law does not lead anywhere and may cause unequal treatment of the operators in the different member states.

Amendment 384
Richard Seeber

Proposal for a directive – amending act
Article 20 – paragraph 2 – point d

Text proposed by the Commission

(d) the need to respect the duly substantiated reasonable needs of the owner or operator of the storage site or of the CO₂ transport network and the interests of all other users of the storage or the network or relevant processing or handling facilities who may be affected; **and**

Amendment

(d) the need to respect the duly substantiated reasonable needs of the owner or operator of the storage site or of the CO₂ transport network and the interests of all other users of the storage or the network or relevant processing or handling facilities who may be affected. ***These reasonable needs of the owner or operator of the storage site or of the CO₂ transport network are primarily the secure opportunity for transportation/storage of the own produced/sequestered CO₂ stream with regard to the available capacity as well as maintaining the necessary financial security for the development of the infrastructure or operation of the installations;***

Or. en

Justification

It should be the primary goal that the operators of CO₂ storage sites/transportation networks themselves are entitled to use the CCS facilities resp. storage capacities for their own CO₂ stream and to reach their own mandatory CO₂ reduction goals, in order to have strong incentives for the necessary high investments for the construction resp. development of the necessary installations.

Amendment 385
Chris Davies

Proposal for a directive – amending act
Article 20 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the need to ensure that adequate provisions are made to establish conditions for cross-border and transit flows of CO₂ in a manner that avoids distortions of competition resulting from the geographical location of potential users within the EU.

Or. en

Justification

It is important to ensure that operators in Member States such as Greece are not unduly disadvantaged by their geographic location or potential limitations on development of storage sites.

Amendment 386
Richard Seeber

Proposal for a directive – amending act
Article 20 – paragraph 3

Text proposed by the Commission

Amendment

3. CO₂ transport network operators and operators of storage sites may refuse access on the basis of lack of capacity. Duly substantiated reasons shall be given for any refusal.

3. CO₂ transport network operators and operators of storage sites may refuse access on the basis of lack of capacity ***or when economically unreasonable***. Duly substantiated reasons shall be given for any refusal.

Or. en

Justification

Comparable European and national regulations of the Member States in the area of the gas market/gas transportation in principle provide for similar exemptions which are reasonable

and justifiable.

Amendment 387
Jerzy Buzek

Proposal for a directive – amending act
Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Exemptions

1. Major new CCS infrastructure may, upon request, be exempted, for a specified period of time, from the provisions of Article 20 under the following conditions:

(a) the risk attached to the investment is such that the investment would not take place unless an exemption was granted;

(b) the exemption is not detrimental to competition or the effective functioning of the CCS market.

2. Member State competent authorities may, on a case by case basis, decide on the exemptions referred to in paragraph 1. Where the infrastructure in question is located in the territory of more than one Member State, the competent authorities of the Member States shall come to a joint decision. The following conditions shall apply to the granting of exemptions:

(a) an exemption may cover all or part of the capacity of the new infrastructure;

(b) in deciding to grant an exemption consideration shall be given, on a case by case basis, to the need to impose conditions regarding the duration of the exemption and non-discriminatory access to the infrastructure. When deciding on the conditions account shall, in particular, be taken of the duration of contracts, the additional capacity to be built, the time horizon of the project and

national circumstances;

(c) when granting an exemption the competent authority may decide upon the rules and mechanisms for management and allocation of capacity insofar as this does not prevent the implementation of long-term contracts;

(d) the exemption decision, including any conditions, shall be duly reasoned and published.

3. Member State competent authorities shall put in place a clear and robust procedure for the appeal of decisions under this Article.

4. Conditions of an exemption approval under this Article shall not be changed retrospectively without the agreement of all parties.

Or. en

Justification

The Directive should introduce a provision allowing Member State's to grant under well-defined conditions exemptions from regulated Third Party Access to CCS infrastructure. The deployment of carbon dioxide capture and storage will require large investments in infrastructure. In order to attract sufficient capital investors must have confidence that they will be able to secure a return on their investment. This amendment is based on Article 22 of Directive 2003/55/EC (Second Gas Directive).

Amendment 388

Richard Seeber

**Proposal for a directive – amending act
Article 20 a (new)**

Text proposed by the Commission

Amendment

Article 20a

Exemptions

1. Major new CCS infrastructure may, upon request, be exempted, for a defined period of time, from the provisions of

Article 20 under the following conditions:

(a) the risk attached to the investment is such that the investment would not take place unless an exemption was granted;

(b) the exemption is not detrimental to the effective functioning of the CCS market.

2. Member State competent authorities may, on a case by case basis, decide on the exemptions referred to in paragraph 1. Where the infrastructure in question is located in the territory of more than one Member State, the competent authorities of the Member States shall come to a joint decision. The following conditions shall apply to the granting of exemptions:

(a) an exemption may cover all or part of the capacity of the new infrastructure or an amended or enhanced capacity in total or in part;

(b) in deciding to grant an exemption consideration shall be given, on a case by case basis, to the need to impose conditions regarding the duration of the exemption and non-discriminatory access to the infrastructure. When deciding on the conditions account shall, in particular, be taken of the duration of contracts, the additional capacity to be built, the time horizon of the project and national circumstances;

(c) when granting an exemption the competent authority may decide upon the rules and mechanisms for management and allocation of capacity insofar as this does not prevent the implementation of long-term contracts;

(d) the exemption decision, including any conditions, shall be duly reasoned and published.

Or. en

Justification

We support the amendment proposal of OGP regarding Art. 20a (new) with some minor changes. Since there exists no infrastructure for CO2 capture, transportation and sequestration, it is considered adequate that Member States can grant exemptions for regulated Third Party access. Comparable regulations exist also in the European respectively national gas market (gas transportation) regulations.

Amendment 389

Adam Gierek

Proposal for a directive – amending act

Article 21 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The settlement of cross-border disputes relating to relations between Member States and third countries shall be governed by international law.

Or. pl

Justification

The part of the geosphere including the storage complex may prove larger than suggested to date by geological surveys and may extend beyond frontiers into the territory of third countries.

Amendment 390

Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act

Article 23

Text proposed by the Commission

Amendment

In cases of transboundary transport of CO₂, transboundary storage sites or transboundary storage complexes, the competent authorities of the Member States concerned shall meet the requirements of this Directive and of other relevant Community legislation jointly.

In cases of transboundary transport of CO₂, transboundary storage sites or transboundary storage complexes, the competent authorities of the Member States concerned shall meet the requirements of this Directive and of other relevant Community legislation jointly. ***For***

transboundary storage sites, the national competent authority responsible for granting permits shall be that of the Member State in which the larger part of the storage site is likely to be situated.

Or. de

Justification

Serves to provide certainty concerning responsibility and liability.

Amendment 391

Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

**Proposal for a directive – amending act
Article 23**

Text proposed by the Commission

In cases of transboundary transport of CO₂, transboundary storage sites or transboundary storage complexes, the competent authorities of the Member States concerned shall meet the requirements of this Directive and of other relevant Community legislation jointly.

Amendment

In cases of transboundary transport of CO₂, transboundary storage sites or transboundary storage complexes, the competent authorities of the Member States concerned shall meet the requirements of this Directive and of other relevant Community legislation jointly. ***For transboundary storage sites, the national authority responsible for granting permits shall be that of the Member State on whose territory the foreseeably largest part of the storage site is located.***

Or. en

Justification

Clarification of the responsibilities.

Amendment 392
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 24 – paragraph 1

Text proposed by the Commission

1. The competent authority shall establish and maintain a register of all closed storage sites and surrounding storage complexes, including maps of their spatial extent.

Amendment

1. The competent authority shall establish and maintain a register of all closed storage sites and surrounding storage complexes, including maps of their spatial extent ***as well as other information relevant to determining that the stored CO₂ is permanently and completely contained.***

Or. de

Justification

The register should serve to provide all necessary information making it possible to estimate and evaluate risks posed by the storage complex and activities which might endanger it. Maps alone are not sufficient for this purpose.

Amendment 393
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 28 a (new)

Text proposed by the Commission

Amendment

Article 28a

Support for the introductory phase

The Commission shall draw up, no later than the end of 2008, a financing plan to support the introductory phase of CCS. From 2008 to 2012 this financing instrument may be funded by unspent monies from the EU budget, and from 2013 may use some of the proceeds from the auctioning of EU emissions trading allowances.

Or. de

Justification

Some concrete way of financing CCS is necessary to secure the very feasibility of the project, so as to ensure its use throughout Europe and the widespread implementation of these technologies.

Amendment 394

Péter Olajos

Proposal for a directive – amending act

Article 29 - point 1 - point a

Directive 85/337/EEC

Annex I – point 16

Text proposed by the Commission

Amendment

16. Pipelines for the transport of gas, oil, chemicals **and pipelines for the transport of carbon dioxide streams** for the purposes of geological storage **with a diameter of more than 800 mm and a length of more than 40 km, including associated booster stations.**

16. Pipelines, **with a diameter of more than 800 mm and a length of more than 40 km,** for the transport of:

(a) gas, oil **or** chemicals;

(b) carbon dioxide streams, **including associated booster stations,** for the purposes of geological storage.

Or. en

Justification

The proposed definition needs to be clarified. Our interpretation is that booster stations adjoined and pipelines characterised in the definition are in the scope of the EIA Directive no matter which stream is transported. So that we suggest the following text.

Amendment 395
Richard Seeber

Proposal for a directive – amending act
Article 29 – paragraph 1 – point a
Directive 85/337/EEC
Annex I – point 16

Text proposed by the Commission

Amendment

16. Pipelines for the transport of gas, oil, chemicals and pipelines for the transport of carbon dioxide streams for the purposes of geological storage with a diameter of more than 800 mm and a length of more than 40 km, **including associated booster stations.**

16. Pipelines for the transport of gas, oil or chemicals and pipelines for the transport of carbon dioxide streams for the purposes of geological storage with a diameter of more than 800 mm and a length of more than 40 km.

Or. en

Justification

By the amendment “including associated booster stations” without any capacity thresholds the scope of application of the environmental impact assessment is extended without any justification. Booster stations shall, as up to now, only be subject to environmental impact assessment if certain size categories are met and not irrespective of any thresholds.

Amendment 396
Chris Davies

Proposal for a directive – amending act
Article 30 - point - 1 (new)
Directive 96/61/EC
Article 9 - paragraph 3 - subparagraphs 3 to 6

Text proposed by the Commission

Amendment

In Article 9(3) of Directive 96/61/EC, the third, fourth, fifth and sixth subparagraphs are deleted.

Or. en

Justification

The 2003 ETS Directive banned the use of the 1996 IPPC directive to regulate CO2 emissions from large industrial installations, save in certain specific circumstances. The increasing urgency to cut GHG emissions and therefore the need to use other instruments in addition to ETS, for example output-based emissions performance standards, makes this ban no longer appropriate and therefore it should be removed.

Amendment 397

Kathalijne Maria Buitenweg – Jill Evans

Proposal for a directive – amending act

Article 30 - point - 1 (new)

Directive 96/61/EC

Article 9 - paragraph 3 - subparagraphs 3 to 6

Text proposed by the Commission

Amendment

In Article 9(3) of Directive 96/61/EC, the third, fourth, fifth and sixth subparagraphs are deleted.

Or. en

Justification

The 2003 ETS Directive banned the use of the 1996 IPPC directive to regulate CO2 emissions from large industrial installations, save in certain specific circumstances. The increasing urgency to cut GHG emissions and therefore the need to use other instruments in addition to ETS, for example output-based emissions performance standards, makes this ban no longer appropriate and therefore it should be removed.

Amendment 398

Péter Olajos

Proposal for a directive – amending act

Article 31

Directive 2000/60/EC

Article 11 – paragraph 3 – point j – indent 3 a

Text proposed by the Commission

Amendment

- injection of carbon dioxide streams for storage purposes into geological formations which for natural reasons are permanently unsuitable for other purposes, provided that such injection is authorised under Directive XX/XX/EC of the European Parliament and of the Council.(*);

- injection of carbon dioxide streams for storage purposes into geological formations which for natural reasons are permanently unsuitable for other purposes, ***and which are considered as isolated formations as regards the migration of CO₂***, provided that such injection is authorised under Directive XX/XX/EC of the European Parliament and of the Council(*).

Or. en

Justification

In favour of the “precautionary principle”, Article 31 of the draft should be modified.

Amendment 399

Holger Kraemer

Proposal for a directive – amending act

Article 32

Directive 2001/80/EC

Article 9 a

Text proposed by the Commission

Amendment

In Directive 2001/80/EC, the following Article 9a is inserted:

deleted

‘Article 9a

Member States shall ensure that all combustion plants with a capacity of 300 megawatts or more for which the original construction license or, in the absence of such a procedure, the original operating licence is granted after the entry into force of Directive XX/XX/EC of the European Parliament and of the Council, have suitable space on the installation site for the equipment necessary to capture

and compress CO2 and that the availability of suitable storage sites and suitable transport facilities, and the technical feasibility of retrofitting for CO2 capture have been assessed.

Or. de

Justification

CCS is currently still at the research and development stage. There are at present no foreseeable full-scale technical solutions either for the capture or CO2 or for the transport and storage of captured CO2. Consequently such technology cannot yet be made the subject of regulatory obligations. Logically the 'capture readiness' obligation should also be excluded until there is evidence for the sustainable applicability of the whole CCS technology chain.

Amendment 400
Péter Olajos

Proposal for a directive – amending act
Article 32
Directive 2001/80/EEC
Article 9 a

Text proposed by the Commission

Amendment

Article 32

deleted

Amendment of Directive 2001/80/EC

In Directive 2001/80/EC, the following Article 9a is inserted:

"Article 9a

Member States shall ensure that all combustion plants with a capacity of 300 megawatts or more for which the original construction licence or, in the absence of such a procedure, the original operating licence is granted after the entry into force of Directive XX/XX/EC of the European Parliament and of the Council. (), have suitable space on the installation site for the equipment necessary to capture and compress CO₂ and that the availability of suitable*

storage sites and suitable transport facilities, and the technical feasibility of retrofitting for CO₂ capture have been assessed.

Or. en

Justification

The technology is not well established on industrial scale so we think it is premature to have this obligation now. Hungary suggests to discuss this measure in the framework of the revision of the IPPC directive that will incorporate the directive on large combustion plants and may have in its scope the CO₂ capture technology. Not all types of capture techniques are worth to be added to existing combustion plants. For example, integrated gasification combined cycle (IGCC) or even oxy-firing techniques are better built together with CO₂ capture incorporated at the outset. In consequence, the capture ready obligation cannot be considered technology neutral because it clearly favours the post combustions techniques.

Amendment 401

Jerzy Buzek – Bogusław Sonik

Proposal for a directive – amending act

Article 32

Directive 2001/80/EEC

Article 9 a

Text proposed by the Commission

Amendment

Article 32

Deleted

Amendment of Directive 2001/80/EC

In Directive 2001/80/EC, the following Article 9a is inserted:

"Article 9a

Member States shall ensure that all combustion plants with a capacity of 300 megawatts or more for which the original construction license or, in the absence of such a procedure, the original operating licence is granted after the entry into force of Directive XX/XX/EC of the European Parliament and of the Council.(), have suitable space on the installation site for the equipment necessary to capture and compress CO₂*

and that the availability of suitable storage sites and suitable transport facilities, and the technical feasibility of retrofitting for CO₂ capture have been assessed."

Or. en

Justification

Poland raises general objections to the proposal of imposing an obligation of “capture ready” on combustion plants. Implementation of the new technology should take into account the results of planned CCS operational demonstration facilities. Present knowledge on the subject of capture and geological storage of carbon dioxide concerns only small or even microscale undertakings, MSs cannot propose reliable assessment of possible CO₂ storages and plans concerning CO₂ networks, so we think it is premature to have this obligation now and similarly suggest deleting Article 32 and discuss this measure in the Article 35 a. Early imposition of the provision as formulated in the current text of Article 32 could even block plans of construction of newly planned coal fired power plants due to lack of sufficiently reliable information on possible CO₂ storage and transport conditions.

Amendment 402 **Iles Braghetto**

Proposal for a directive – amending act
Article 32
Directive 2001/80/EEC
Article 9 a

Text proposed by the Commission

Article 9a

Member States shall ensure that all combustion plants with a capacity of 300 megawatts or more for which the original construction licence or, in the absence of such a procedure, the original ***operating*** licence is granted after the entry into force of Directive XX/XX/EC of the European Parliament and of the Council(*), ***have*** suitable space on the installation site for the equipment necessary to capture and compress CO₂ ***and that*** the availability of suitable storage sites and suitable transport

Amendment

Article 9a

Member States shall ensure that, ***for*** all combustion plants with a capacity of 300 megawatts or more for which the original construction licence or, in the absence of such a procedure, the original licence is granted after the entry into force of Directive XX/XX/EC of the European Parliament and of the Council(*), ***a proper assessment is made regarding the availability of*** suitable space on the installation site for the equipment necessary to capture and compress CO₂,

facilities, and the technical feasibility of retrofitting for CO₂ capture **have been assessed**.

the availability of suitable storage sites and suitable transport facilities and the technical feasibility of retrofitting for CO₂ capture. **The additional capital costs involved and the estimated time required for retrofitting will be taken into account when assessing whether to proceed with the above-mentioned measures. In the case of licences granted for the repowering or fuel-switching of existing plants, the above-mentioned assessment shall not be required.**

Or. en

Justification

L'art. 32 sancisce l'obbligo di prevedere che gli impianti di combustione autorizzati dopo l'entrata in vigore della nuova direttiva sul deposito geologico della CCS abbiano abbastanza spazio per alloggiare le necessarie apparecchiature per cattura e compressione della CO₂ e che siano stati valutati la disponibilità di idonei siti di deposito e la fattibilità tecnica della CCS.

L'obbligatorietà della tecnologia per le autorizzazioni all'esercizio degli impianti può invece paradossalmente ritardare l'entrata in esercizio di nuovi impianti più efficienti. Si propone pertanto, nella direttiva CCS, di sopprimere l'obbligo di capture readiness, oltre ad escludere i casi di potenziamenti e modifiche di impianti esistenti per i quali è particolarmente critica.

Questa disposizione assume, infatti, aspetti critici se si tiene conto che la maturità industriale delle tecnologie in esame è ancora lontana e, di fatto, contraddice l'orientamento di non introdurre l'obbligo della CCS per gli impianti di combustione.

Amendment 403

Kathalijne Maria Buitenweg – Jill Evans

Proposal for a directive – amending act

Article 32

Directive 2001/80/EEC

Article 9 a

Text proposed by the Commission

Amendment

Article 9a

Member States shall ensure that **all**

Article 9a

1. Member States shall ensure that **no**

combustion plants with a capacity of **300** megawatts or more for which the original construction *licence* or, in the absence of such a procedure, the original operating licence is granted after the entry into force of Directive XX/XX/EC of the European Parliament and of the Council.(*), ***have suitable space on the installation site for the equipment necessary to capture and compress CO₂ and that the availability of suitable storage sites and suitable transport facilities, and the technical feasibility of retrofitting for CO₂ capture have been assessed.***

combustion plants with a capacity of **200** megawatts or more for which the original construction *licence* or, in the absence of such a procedure, the original operating licence is granted after the entry into force of Directive XX/XX/EC of the European Parliament and of the Council(*), ***will be authorised where, during their operation, they would lead to atmospheric CO₂ emissions in excess of 350 grams per kilowatt hour of energy output.***

Or. en

Justification

In order to reach our climate ambitions, maximum emission levels have to be set for power generators.

Amendment 404 **Norbert Glante**

Proposal for a directive – amending act
Article 32
Directive 2001/80/EEC
Article 9 a

Text proposed by the Commission

In Directive 2001/80/EC, the following Article 9a is inserted:

‘Article 9a

Member States shall ensure that all combustion plants with a capacity of 300 megawatts or more for which the original construction licence or, in the absence of such a procedure, the original operating licence is granted after the entry into force of Directive XX/XX/EC of the European Parliament and of the Council, have suitable space on the installation site for the equipment necessary to capture and

Amendment

In Directive 2001/80/EC, the following Article 9a is inserted:

‘Article 9a

Member States shall ensure that all combustion plants with a capacity of 300 megawatts or more for which the original construction licence or, in the absence of such a procedure, the original operating licence is granted after the entry into force of Directive XX/XX/EC of the European Parliament and of the Council, have suitable space on the installation site for the equipment necessary to capture and

compress CO₂ and that the availability of suitable storage sites and suitable transport facilities, and the technical feasibility of retrofitting for CO₂ capture have been assessed.

compress CO₂ and that the availability of suitable storage sites and suitable transport facilities, and the technical feasibility of retrofitting for CO₂ capture have been assessed. ***High-efficiency cogeneration plants within the meaning of Directive 2004/8/EEC shall be exempted from these obligations.***

Or. de

Justification

High-efficiency cogeneration plants have to be built as close as possible to consumers of heat. The spatial needs of CO₂ capture plants give rise to particularly high costs when they are located close to residential areas, which means that high-efficiency cogeneration plants have a distinct competitive disadvantage. This is not in the interest of combating climate change, an objective to which cogeneration plant make a major contribution through their high level of efficiency.

Amendment 405

Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act

Article 32

Directive 2001/80/EEC

Article 9 a

Text proposed by the Commission

In Directive 2001/80/EC, the following Article 9a is inserted:

‘Article 9a

Member States shall ensure that all combustion plants with a capacity of 300 megawatts or more for which the original construction license or, in the absence of such a procedure, the original operating licence is granted after the entry into force of Directive XX/XX/EC of the European Parliament and of the Council.(*), have suitable space on the installation site for the equipment necessary to capture and compress CO₂ and that the availability of suitable storage sites and suitable transport

Amendment

In Directive 2001/80/EC, the following Article 9a is inserted:

‘Article 9a

Member States shall ensure that all combustion plants with a capacity of 300 megawatts or more for which the original construction license or, in the absence of such a procedure, the original operating licence is granted after the entry into force of Directive XX/XX/EC of the European Parliament and of the Council.(*), have suitable space on the installation site for the equipment necessary to capture and compress CO₂ and that the availability of suitable storage sites and suitable transport

facilities, and the technical feasibility of retrofitting for CO₂ capture have been assessed.

facilities, and the technical *and financial* feasibility of retrofitting for CO₂ capture have been assessed.

Or. de

Justification

It also needs to be considered whether CO₂ capture is not only technically but also financially feasible.

Amendment 406

Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act

Article 32

Directive 2001/80/EEC

Article 9 a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Paragraph 1 shall cover the entirety of the combustion plant.

Or. en

Justification

In order to reach our climate ambitions, maximum emission levels have to be set for power generators.

Amendment 407

Bairbre de Brún – Umberto Guidoni

Proposal for a directive – amending act

Article 32

Directive 2001/80/EEC

Article 9 a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that all electricity-generating combustion

plants designed with a rated output capacity of 200 megawatts or more, and that are expected to emit in excess of 350g CO₂/Kwh, for which the original construction licence is applied for on or after 1 January 2015, are operated such that at least 90% of their CO₂ emissions are captured then transported and stored in a suitable geological formation, or an equivalent reduction of emissions into the atmosphere is achieved by other means. In the absence of a construction licence the original operating licence shall apply.

Or. en

Justification

Introduction of this mandatory requirement will give a clear signal to investors of the need to deal with emissions whether through CCS development or by another means. In relation to CCS development, it will take at least 5 years to construct a CCS-equipped combustion plant together with the associated transport network so this amendment in fact requires new plants commencing operations from 2020 to be CCS-equipped. Power plant manufacturers Alstom have now declared that CCS-equipped plants will be commercially available from 2015 if the planned demonstration projects are approved shortly, and other manufacturers are voicing similar confidence.

Amendment 408

John Bowis

Proposal for a directive – amending act

Article 32

Directive 2001/80/EEC

Article 9 a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that all electricity-generating combustion plants designed with a rated output capacity of 300 megawatts or more, and that are expected to emit in excess of 500g CO₂/Kwh, for which the original construction licence is applied for on or after 1 January 2015, are operated such

that at least 90% of their CO₂ emissions are captured then transported and stored in a suitable geological formation, or that an equivalent reduction of emissions into the atmosphere is achieved by other means.

In the absence of a construction licence the original operating licence shall apply.

Or. en

Justification

An Emission Performance Standard of 500 CO₂/Kwh should be established for all electricity-generating combustion plants approved from 2015. This will ensure that all future plants have the equivalent CO₂ emissions of a modern gas-fired power plant (currently the most efficient and lowest emitting of the hydro-carbon technologies). This figure should be reduced in the future to further encourage greater cuts in emissions.

Amendment 409

Chris Davies

Proposal for a directive – amending act

Article 32

Directive 2001/80/EEC

Article 9 a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In 2012 the Commission shall make an assessment of the current state of technological progress and the latest scientific evidence, and, if this suggests that the mandatory requirements for the prohibition of the use of coal-fired power stations not equipped with carbon capture and storage facilities cannot be introduced within the timescales agreed except at disproportionate cost to one or more Member States, shall bring forward proposals for exceptional financing arrangements or for the deferment of the dates set in paragraphs 1a and 1b.

Or. en

Justification

CCS needs to be made mandatory for power plants authorised from 2015 to avoid the spectre of conventional coal-fired power stations still being opened in the 2020s, negating many other efforts to reduce CO2 emissions. A mandatory requirement will stimulate technological development and bring down costs, just as it has done in so many other fields of environmental policy. However, we must ensure that the lights are kept on! This amendment provides an "emergency stop" mechanism if particular problems are encountered in one or more Member States.

Amendment 410

Kathalijne Maria Buitenweg – Jill Evans

Proposal for a directive – amending act

Article 33

Directive 2004/35/EC

Annex III – paragraph 14

Text proposed by the Commission

Amendment

14. The operation of storage sites pursuant to Directive XX/XX/EC of the European Parliament and of the Council.(*);

14. The ***transport of CO₂ for geological storage purposes, as well as the*** operation of storage sites pursuant to Directive XX/XX/EC of the European Parliament and of the Council.(*);

Or. en

Justification

Transport of CO2 should also be included in the environmental liability Directive (Directive 2004/35/EC).

Amendment 411

Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act

Article 33

Directive 2004/35/EC

Annex III – paragraph 14

Text proposed by the Commission

In Annex III to Directive 2004/35/EC, the following paragraph 14 is added:

‘14. The operation of storage sites pursuant to Directive XX/XX/EC of the European Parliament and of the Council.

Amendment

In Annex III to Directive 2004/35/EC, the following paragraph 14 is added:

‘14. The operation of storage sites pursuant to Directive XX/XX/EC of the European Parliament and of the Council ***until the transfer of responsibility to the competent authority.***

Or. de

Justification

The current wording, which is confined to the operation of storage sites, could mean that environmental damage occurring after closure would not be covered by the liability scheme under the Environmental Liability Directive. The proposed amendment makes it clear that the operator remains responsible for eliminating environmental damage until liability has been transferred to the competent authority.

Amendment 412

Kathalijne Maria Buitenweg – Jill Evans

**Proposal for a directive – amending act
Article 35 a (new)**

Text proposed by the Commission

Amendment

Article 35a

Review

A review of safe geological storage of CO₂ will be conducted by 30 June 2011. Provided there is evidence that CO₂ can be managed safely and in a predictable way, the emission limit set out in Article 9a of Directive 2001/80/EC will be applied to all existing plant by 2020.

Or. en

Justification

By June 2011 there will be sufficient real-life data on the ability to predict and manage stored CO₂. This will enable the emission limit of 350gCO₂/kWh to be applied to all existing power generation plant that are above this limit.

Amendment 413

Bairbre de Brún - Umberto Guidoni

Proposal for a directive – amending act

Article 35 a (new)

Text proposed by the Commission

Amendment

Article 35a

Review

A review of safe geological storage of CO₂ will be conducted by 30 June 2011. Provided there is evidence that CO₂ can be managed safely and in a predictable way, the emission limit set out in Article 9a of Directive 2001/80/EC will be applied to all existing plant by 2020.

Or. en

Justification

By June 2011 there will be sufficient real-life data on the ability to predict and manage stored CO₂. This will enable the emission limit of 350gCO₂/kWh to be applied to all existing power generation plant that are above this limit.

Amendment 414

Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act

Article 35 a (new)

Text proposed by the Commission

Amendment

Article 35a

Review and further developments

1. On the basis of experience with the application of this directive, including the reports referred to in Article 25, and particularly in the light of experience with CCS demonstration plants, taking into account technical progress and the most recent scientific knowledge, the Commission shall draw up a report by 2016 on the application of this directive, taking account inter alia of:

(a) whether the permanent capture of CO₂ in this way has as far as possible prevented or reduced any negative effects on the environment and has ruled out any resulting danger to human health;

(b) the provisions applicable to power-producing combustion plants with a rated output of 300 MW or more, with reference to Article 32;

(c) the provisions concerning third-party access (Articles 20 and 21).

2. The Commission shall submit its report to the European Parliament and the Council, accompanied where necessary by legislative proposals.

Or. de

Justification

In the light of technical progress and the most recent state of scientific knowledge, the Commission should carry out a review of the directive.

Amendment 415

Jerzy Buzek – Bogusław Sonik

**Proposal for a directive – amending act
Article 35 a (new)**

Text proposed by the Commission

Amendment

Article 35 a

1. The Commission shall, within nine months of receiving the reports referred to

in Article 25, submit to the European Parliament and to the Council a report on the implementation of this Directive.

2. In its report, the Commission shall assess, in particular:

- the procedures for informing the Commission regarding storage permits (Article 10) and the decisions on transfer of responsibility (Article 18);

- experience with the provisions on third-party access referred to in Articles 20 and 21;

- the possibility of introducing an obligation applicable to projects of new large combustion plants concerning capture and storage of emitted CO₂ or developing of the project as CO₂ capture ready and the scope of such an obligation;

- the further development and updating of the criteria set out in Annexes I and II,

and shall present a proposal for revision of the Directive if appropriate.

Or. en

Justification

Present knowledge on the subject of geological storage of carbon dioxide is too inadequate to have this obligation now. We suggest to consider the imposition of “capture ready” obligation but not before the directive review stage in accordance with the article 35a. Energy sector should not be put risk of bearing costs related to CCS until the technology is completely tested within demonstration projects. Only costs related to R&D (Research and Development) in scope of CO₂ capture, transport and geological storage seem to be justified.

Amendment 416

Jerzy Buzek –Bogusław Sonik

Proposal for a directive – amending act

Article 36 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. Member States shall bring into force the

1. Member States shall bring into force the

laws, regulations and administrative provisions necessary to comply with this Directive by [**1 year** after publication] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

laws, regulations and administrative provisions necessary to comply with this Directive by [**2 years** after publication] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Or. en

Justification

Present knowledge on the subject of geological storage of carbon dioxide is too inadequate to have this obligation now. We suggest to consider the imposition of “capture ready” obligation but not before the directive review stage in accordance with the article 35a. Energy sector should not be put risk of bearing costs related to CCS until the technology is completely tested within demonstration projects. Only costs related to R&D (Research and Development) in scope of CO₂ capture, transport and geological storage seem to be justified.

Amendment 417

Péter Olajos

Proposal for a directive – amending act Article 36 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**1 year** after publication] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Amendment

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**2 years** after publication] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Or. en

Justification

A one-year transposition period is too short, therefore suggests providing for a two-year period for transposition to Member States.

Amendment 418
Chris Davies

Proposal for a directive – amending act
Article 36 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**1 year** after publication] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Amendment

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**2 years** after publication] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Or. en

Amendment 419
Evangelia Tzampazi

Proposal for a directive – amending act
Article 36 a (new)

Text proposed by the Commission

Amendment

Article 36a

Review

After completion of the 12 demonstration projects and in the light of the technological advances, the Commission shall, by 1 January 2016, evaluate the functioning and viability of those projects and report thereon. On the basis of this report, the Commission shall present a proposal to the European Parliament and the Council to amend this Directive, as appropriate, and specify its technical elements in order to include the environmental and safety evaluation results.

Justification

The demo projects will help acquire the necessary technical experience for the safe and viable use of CCS technology. After the completion of the projects the Commission should evaluate them and then present a proposal in order to modify the current proposal for a Directive according to the new scientific elements and the technological developments.

Amendment 420

Anders Wijkman

Proposal for a directive – amending act

Article 36 a (new)

Text proposed by the Commission

Amendment

Article 36a

Commission reporting

1. On the basis of experience acquired with the capture, geological sequestration and transport of carbon and in the light of changes in the international situation, the Commission shall, by 31 December 2012, publish a report on progress with the development and deployment of technology enabling the capture and storage of CO₂ produced in association with power generation from fossil fuel sources.

2. This report shall include, but not be limited to, consideration of the following:

- **progress with the deployment, through commercial-scale demonstration projects, of the technology within the Member States;**
- **progress with the development of the technology, including the energy efficiency of the capture process (the "energy penalty"); and its likely timescale for commercial availability;**
- **latest estimates of the costs associated with constructing and**

operating a combustion plant fitted with such technology; and

- *latest estimates of the availability and capacity of suitable infrastructure for the transport and geological storage of CO₂ within Member States.*

3. On the basis of this report the Commission shall, if necessary, present a legislative proposal amending the Directive.

Or. en

Justification

This amendment requires the Commission to review the directive and make a revised proposal by no later than 31 December 2012. This is in order to give some time for additional demonstration projects to come forward within Member States while also giving the Commission an early opportunity to re-consider the important issue of mandating CCS technology for new fossil-fuel power plant. This will be important not only to ensure that all possible measures to reach the 2020 targets are used but also to help maintain the industrial competitiveness of the EU in developing and deploying new technologies on a global scale.

Amendment 421 **Karsten Friedrich Hoppenstedt**

Proposal for a directive – amending act **Annex I – introductory part**

Text proposed by the Commission

The characterisation and assessment of storage sites referred to in Article 4 shall be carried out in four steps according to the following criteria. Derogations from one or more of these criteria are permitted so long as the capacity of the characterisation and assessment to enable the determinations pursuant to Article 4 is not affected.

Amendment

The characterisation and assessment of storage sites referred to in Article 4 shall be carried out, ***in the light of the state of the art***, in four steps according to the following criteria. Derogations from one or more of these criteria are permitted so long as the capacity of the characterisation and assessment to enable the determinations pursuant to Article 4 is not affected.

Or. de

Justification

Not all the work listed in Annex I is state-of-the-art: some of it borders on research and development or is wholly at the R+D stage. (e.g. Step 3.1., letter b). In order to keep the number of application documents and the time needed to issue them within manageable limits, it needs to be stipulated that application documents can only be issued for state-of-the-art applications.

Amendment 422

Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act Annex I – paragraph 1

Text proposed by the Commission

The characterisation and assessment of storage sites referred to in Article 4 shall be carried out in four steps according to the following criteria. Derogations from one or more of these criteria are permitted so long as the capacity of the characterisation and assessment to enable the determinations pursuant to Article 4 is not affected.

Amendment

The characterisation and assessment of storage sites referred to in Article 4 shall be carried out in four steps according to the following criteria ***and on the basis of best available techniques***. Derogations from one or more of these criteria are permitted so long as the capacity of the characterisation and assessment to enable the determinations pursuant to Article 4 is not affected.

Or. en

Justification

Completion.

Amendment 423

María Sornosa Martínez, Teresa Riera Madurell, Inés Ayala Sender

Proposal for a directive – amending act Annex I – Step 1 – introductory sentence

Text proposed by the Commission

Sufficient data shall be accumulated to construct a volumetric and

Amendment

Sufficient data shall be accumulated to construct a volumetric and dynamic three-dimensional (3-

dynamic three-dimensional (3-D)-*earth* model for the storage site and storage complex including the caprock, *and* the surrounding area including the hydraulically connected areas. This data shall cover at least the following intrinsic complex characteristics:

D) model for the storage site and storage complex including the caprock, the surrounding area including the hydraulically connected areas, *and sufficient data for generating the corresponding future evolution scenarios for the site*. This data shall cover at least the following intrinsic complex characteristics:

Or. es

Justification

This requisite is especially necessary from the viewpoint of assessing leakage risks.

Amendment 424

Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act Annex I – Step 1 – point (h)

Text proposed by the Commission

(h) Domains surrounding the storage complex that may be affected by the storage of CO₂ in the storage site;

Amendment

(h) Domains surrounding the storage complex that may be affected by the storage of CO₂ in the storage site, *as well as the delimitation of the hydraulic unit;*

Or. en

Justification

The operation of different storage facilities within the same hydraulic unit necessarily impacts the other facilities operated in the hydraulic unit. Within one hydraulic unit, storage permits may be issued to only one operator at any one time.

Amendment 425
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Annex I – Step 1 – point (h)

Text proposed by the Commission

(h) Domains surrounding the storage complex that may be affected by the storage of CO₂ in the storage site;

Amendment

(h) Domains surrounding the storage complex that may be affected by the storage of CO₂ in the storage site, **and where appropriate the borders of the hydraulic unit;**

Or. de

Justification

Adjustment to take account of the new Article 3(6a) and a new Article 8(1).

Amendment 426
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Annex I – Step 1 – point (k)

Text proposed by the Commission

(k) Possible interactions with other activities (e.g. exploration, production and storage of hydrocarbons, geothermal use of aquifers);

Amendment

(k) Possible interactions with other activities (e.g. exploration, production and storage of hydrocarbons), **especially competition with renewable energy sources (e.g. geothermal use of aquifers) and underground water reserves;**

Or. en

Justification

During the evaluation of storage sites there should be special attention for competition between CO₂ storage and renewable energy sources, such as geothermal use of aquifers.

Amendment 427

Kathalijne Maria Buitenweg, Jill Evans

**Proposal for a directive – amending act
Annex I – Step 1 – point (l)**

Text proposed by the Commission

(l) Proximity to the potential CO₂ source(s) (including estimates of the total potential mass of CO₂ economically available for storage).

Amendment

(l) Proximity to the potential CO₂ source(s) (including estimates of the total potential mass of CO₂ economically available for storage, ***since transport over long distances can become prohibitively expensive***), ***as well as availability of a safe and adequate transport network***.

Or. en

Justification

Long distance transport of CO₂ can become very expensive and therefore competent authorities need to know if there is enough storage capacity available in a certain area.

Amendment 428

Vladko Todorov Panayotov

**Proposal for a directive – amending act
Annex I – Step 3 – point 3.1 (a)**

Text proposed by the Commission

(a) Possible injection rates ***and*** CO₂ properties;

Amendment

(a) Possible injection rates, CO₂ properties ***and their change according to temperature and pressure***;

Or. en

Justification

Change in physical and chemical properties of CO₂ with temperature and pressure may influence security characterization and modelling results

Amendment 429
Vladko Todorov Panayotov

Proposal for a directive – amending act
Annex I – Step 3 – point 3.1 (e)

Text proposed by the Commission

(e) Short and long-term simulations (to establish CO₂ fate and behaviour over decades and millennia including the *solution velocity* of CO₂ in water).

Amendment

(e) Short and long-term simulations (to establish CO₂ fate and behaviour over decades and millennia including the *dissolution rate* of CO₂ in water).

Or. en

Justification

For technical clarification purposes.

Amendment 430
Vladko Todorov Panayotov

Proposal for a directive – amending act
Annex I – Step 3 – point 3.1 (f)

Text proposed by the Commission

(f) Pressure volume behaviour vs. time of the storage formation;

Amendment

(f) Pressure *and* volume behaviour vs. time of the storage formation;

Or. en

Justification

For technical clarification purposes.

Amendment 431
Vladko Todorov Panayotov

Proposal for a directive – amending act
Annex I – Step 3 – point 3.1 (o)

Text proposed by the Commission

(o) The rate of migration (in *open-ended* reservoirs);

Amendment

(o) The rate of migration (in reservoirs);

Or. en

Justification

Open-ended reservoirs should not be allowed because they can pose danger to the human and environment

Amendment 432
Vladko Todorov Panayotov

Proposal for a directive – amending act
Annex I – Step 3 – point 3.3 (c)

Text proposed by the Commission

(c) Critical parameters affecting potential leakage (e.g. maximum reservoir pressure, maximum injection rate, sensitivity to various assumptions in the static geological Earth model(s) etc.);

Amendment

(c) Critical parameters affecting potential leakage (e.g. maximum reservoir pressure, maximum injection rate, **temperature**, sensitivity to various assumptions in the static geological Earth model(s) etc.);

Or. en

Justification

For technical clarification purposes.

Amendment 433
Bairbre de Brún – Umberto Guidoni

Proposal for a directive – amending act
Annex I – Step 4 – point (a)

Text proposed by the Commission

(a) *Exposure assessment* – based on the characteristics of the environment and distribution of human population above the storage complex, and the potential behaviour and fate of leaking CO₂ from potential pathways identified under Step 3;

Amendment

(a) *Exposure assessment* – based on the characteristics of the environment, and **the** distribution **and activities** of **the** human population above the storage complex, and the potential behaviour and fate of leaking CO₂ from potential pathways identified under Step 3;

Or. en

Justification

The assessment should not only be based on the environment and the population but also on the surrounding activities.

Amendment 434
Vladko Todorov Panayotov

Proposal for a directive – amending act
Annex I – Step 4 – point (b)

Text proposed by the Commission

(b) *Effects assessment* – based on the sensitivity of particular species, communities or habitats linked to potential leakage events identified under Step 3. Where relevant it shall include effects of exposure to elevated CO₂ concentrations in the biosphere (including soils, marine sediments and benthic waters (asphyxiation; hypercapnia) and **reduced** pH in those environments as a consequence of leaking CO₂). It shall also include an assessment of the effects of other substances that may be present in leaking CO₂ streams (either impurities present in the injection stream or new substances

Amendment

(b) *Effects assessment* – based on the sensitivity of particular species, communities or habitats linked to potential leakage events identified under Step 3. Where relevant it shall include effects of exposure to elevated CO₂ concentrations in the biosphere (including soils, marine sediments and benthic waters (asphyxiation; hypercapnia) and **decreased** pH in those environments as a consequence of leaking CO₂). It shall also include an assessment of the effects of other substances that may be present in leaking CO₂ streams (either impurities present in the injection stream or new substances

formed through storage of CO₂). These effects shall be considered at a range of temporal and spatial scales, and linked to a range of different magnitudes of leakage events.

formed through storage of CO₂). These effects shall be considered at a range of temporal and spatial scales, and linked to a range of different magnitudes of leakage events.

Or. en

Justification

For technical clarification purposes. “Reduced” has another meaning in professional literature (a chemical reaction where a chemical species accept electrons).

Amendment 435 Lambert van Nistelrooij

Proposal for a directive – amending act Annex II – paragraph 1 – point 1.1 – subparagraph 3 - introductory part

Text proposed by the Commission

The choice of monitoring technology shall be based on best practice available at the time of design. The following options shall be considered and used as appropriate:

Amendment

The choice of monitoring technology shall be based on best practice available at the time of design, ***and will be updated according to development of the best practices available***. The following options shall be considered and used as appropriate:

Or. en

Justification

Technological developments are fast, it is important to use the best practices available.

Amendment 436
Vladko Todorov Panayotov

Proposal for a directive – amending act
Annex II – paragraph 1 – point 1.1 (k)

Text proposed by the Commission

(k) technologies that provide information about ***pressure volume*** behaviour and areal/vertical saturation distribution of CO₂-plume by applying numerical 3-D-simulation to the 3-D-geological models of the storage formation established pursuant to Article 4 and Annex I;

Amendment

(k) technologies that provide information about ***pressure - volume*** behaviour and areal/vertical saturation distribution of CO₂-plume by applying numerical 3-D-simulation to the 3-D-geological models of the storage formation established pursuant to Article 4 and Annex I;

Or. en

Justification

For technical clarification purposes.