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Committee on the Environment, Public Health and Food Safety

2008/0015(COD)

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AMENDMENTS
208 - 338 – Part II

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

The geological storage of carbon dioxide and amending Council Directives

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

AM_Com_LegReport

Amendment 208
Adam Gierek

Proposal for a directive – amending act
Article 4 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States retain the right to determine the areas from which storage sites may be selected pursuant to the requirements of this Directive.	1. Member States retain the right to determine ***and monitor*** the areas from which storage sites may be selected pursuant to the requirements of this Directive ***and on the basis of a full geological survey***.

Or. pl

Justification

The amendment adds the important element of a full geological survey.

Amendment 209
Richard Seeber

Proposal for a directive – amending act
Article 4 - paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States retain the right to determine the areas from which storage sites may be selected pursuant to the requirements of this Directive.	1. Member States retain the right to determine the areas from which storage sites may be selected pursuant to the requirements of this Directive. ***This includes the right of Member States not to allow any storage in parts or in the whole of their territory.***

Or. en

Justification

This sentence has to be included for the purpose of clarifying the rights of Member States.

Amendment 210
Evangelia Tzampazi

Proposal for a directive – amending act
Article 4 - paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Member States shall submit to the Commission by 1 January 2011 detailed information on their current CO_2 storage capacity.

Or. en

Justification

When considering the future use of the CCS technology, it is vital to base all decisions on detailed and accurate information, among others on the actual storage capacity at the different MS. Therefore, the MS should submit relevant information to the Commission by 1st January 2011.

Amendment 211
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 4 - paragraph 2

Text proposed by the Commission	*Amendment*
2. A geological formation shall only be selected as a storage site, if under the proposed conditions of use there is no ***significant*** risk of leakage, ***and*** if no ***significant negative*** environmental or health impacts ***are likely to occur***.	2. A geological formation shall only be selected as a storage site, if under the proposed conditions of use there is no risk of leakage, if no ***risk of adverse*** environmental or health impacts ***exists, in particular with regard to water quality, and if its use to store CO_2 does not directly compete with other actual or potential water or energy-related uses, including strategic ones for the security of the Community energy supply (e.g. gas storage) or the use of renewable (e.g. geothermal) energy sources.***

Or. en

Justification

CO2 storage should not directly compete with other energy-related uses, such as the use of geothermal sources.

Amendment 212
Jerzy Buzek

Proposal for a directive – amending act
Article 4 - paragraph 2

Text proposed by the Commission	*Amendment*
2. A geological formation shall only be selected as a storage site, if under the proposed conditions of use ***there is*** no significant risk of leakage***, and if no significant negative environmental or health impacts are likely to occur.***	2. A geological formation shall only be selected as a storage site, if under the proposed conditions of use no significant risk of leakage ***is anticipated that could have a significant negative impact on human health or the environment***

Or. en

Justification

Vattenfall in principle supports Amendment 21 tabled by Chris Davies because it is much clearer than the Commissions proposal. Although one should know that there will never be a 100 % certainty of no leakage. Therefore the Commissions proposal to qualify the risk of leakage should be reintroduced into the text (underlined).

Amendment 213
Bairbre de Brún, Umberto Guidoni

Proposal for a directive – amending act
Article 4 - paragraph 2

Text proposed by the Commission	*Amendment*
2. A geological formation shall only be selected as a storage site, if ***under the proposed conditions of use there is*** no ***significant*** risk of leakage, and ***if no significant*** negative environmental or health impacts ***are likely to occur***.	2. A geological formation shall only be selected as a storage site, if ***application of the criteria specified in Annex I demonstrates*** no risk of leakage and ***the absence of*** negative environmental or health impacts***, under the proposed conditions of use***.

Or. en

Justification

Risk assessment is mentioned in Articles 4&3 and it is a very important element for the selection of a geological formation as a storage site. This provision should therefore explicitly refer to criteria specified in Annex I as regards the selection of storage site. The risk of even a minor leakage is unacceptable.

Amendment 214
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 4 - paragraph 2

Text proposed by the Commission	*Amendment*
2. A geological formation shall only be selected as a storage site, if under the proposed conditions of use there is no significant risk of leakage, and if ***no significant negative environmental or health impacts are likely to occur***.	2. A geological formation shall only be selected as a storage site, if under the proposed conditions of use there is no significant risk of leakage, and if ***there are no significant risks for the environment or human health***.

Or. de

Justification

The addition of 'no significant risks' serves to tighten up the rather vague overall wording of Article 2, which would seem hard to apply. Accordingly the amendment is not only a linguistic clarification but also helps ensure a high level of safety from leaks when selecting the storage site, thus protecting the environment and human health.

Amendment 215
Evangelia Tzampazi

Proposal for a directive – amending act
Article 4 - paragraph 2

Text proposed by the Commission	*Amendment*
2. A geological formation shall only be selected as a storage site, if under the	2. A geological formation shall only be selected as a storage site, if under the

proposed conditions of use there is no ***significant*** risk of leakage, and if no ***significant*** negative environmental or health impacts are likely to occur.	proposed conditions of use there is no risk of leakage, and if no negative environmental or health impacts are likely to occur.

Or. en

Justification

The selection of a storage site plays a very important role in order to ensure that the CO2 will remain safely stored without any adverse impacts to the environment or human health. It is therefore necessary to ensure that there is no risk of leakage presumed under the proposed conditions and no negative environmental or health impacts are likely to occur.

Amendment 216
Lambert van Nistelrooij

Proposal for a directive – amending act
Article 4 - paragraph 2

Text proposed by the Commission	*Amendment*
2. A geological formation shall only be selected as a storage site, if under the proposed conditions of use there is no ***significant*** risk of leakage, and if no ***significant*** negative environmental or health impacts are likely to occur.	2. A geological formation shall only be selected as a storage site, if under the proposed condition of use there is no risk of leakage, and if no negative environmental or health impacts are likely to occur.

Or. en

Justification

The requirement must be more definite than proposed by the Commission. "Significant" leaves room for risks.

Amendment 217
Péter Olajos

Proposal for a directive – amending act
Article 4 - paragraph 2

Text proposed by the Commission	*Amendment*
2. A geological formation shall only be selected as a storage site, if under the proposed conditions of use there is no significant risk of leakage, ***and*** if no significant negative environmental or health impacts are likely to occur.	2. A geological formation shall only be selected as a storage site, if under the proposed conditions of use there is no significant risk of leakage, if no significant negative environmental or health ***risks exist, and the site can be monitored accurately.***

Or. en

Justification

Monitoring is equally important in selecting the site so that we suggest to insert a new text at the end of the paragraph.

Amendment 218
Richard Seeber

Proposal for a directive – amending act
Article 4 – paragraph 2

Text proposed by the Commission	*Amendment*
2. A geological formation shall only be selected as a storage site, if under the proposed conditions of use there is no significant risk of leakage, ***and*** if no significant negative environmental or health impacts are likely to occur.	2. ***Without prejudice to paragraph 1,*** a geological formation shall only be selected as a storage site, if under the proposed conditions of use there is no significant risk of leakage, if no significant negative environmental or health impacts are likely to occur ***and if the suitability of the formation for use as a storage site has been determined in accordance with paragraph 3***.

Or. en

Justification

The links between these two paragraphs on the one hand and the link to paragraph 1 should be made more explicit.

Amendment 219
Jerzy Buzek

Proposal for a directive – amending act
Article 4 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The suitability of a geological formation for use as a storage site shall be determined through a characterisation and assessment of the potential storage complex and surrounding area pursuant to the criteria specified in Annex I.	3. The suitability of a geological formation for use as a storage site shall be determined through a characterisation and assessment of the potential storage complex and surrounding area pursuant to the criteria specified in Annex I ***and by following best practice and guidelines that shall be developed by the Commission***.

Or. en

Justification

As much as we think that such a best practice manual could be a helpful tool to assist competent authorities in the Member States, Vattenfall rejects the idea of making it binding before it even exists. In order not to create additional risks for delay it must be made sure that the Commission would deliver in due time. Vattenfall therefore suggests either to introduce a certain deadline to ensure that the commission will get the job done or not to vote for the Amendment 22 by Chris Davies.

Amendment 220
Péter Olajos

Proposal for a directive – amending act
Article 4 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The suitability of a geological formation for use as a storage site shall be determined through a characterisation and assessment	3. The suitability of a geological formation for use as a storage site shall be determined through a characterisation and assessment

of the potential storage complex and ***surrounding*** area pursuant to the criteria specified in Annex I.	of the potential storage complex and ***affected or impact*** area pursuant to the criteria specified in Annex I.

Or. en

Justification

The term 'surrounding area' is not well defined while 'affected/impact area' is commonly used in other environmental legislation. Hungary suggests changing 'surrounding area' to any of the two alternatives.

Amendment 221
Richard Seeber

Proposal for a directive – amending act
Article 4 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. This Directive does not affect essential economic interests of Member States related to hydrocarbon reservoirs.

Or. en

Justification

This paragraph has to be included for the reasons of clarifying the rights of MS.

Amendment 222
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 4 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Member States shall make a realistic assessment of the storage capacity available within their territory. Member States shall send these assessments to the Commission before 2012. This

information shall be made public.

Or. en

Justification

So far we do not know how much storage capacity is available in Europe. There are different estimations but they are not really precise. It is important to know how much CO2 we can really store.

Amendment 223
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 4 a (new)

Text proposed by the Commission	*Amendment*
	Article 4a
	Mapping
	The Member States shall draw up by 2010 maps showing the real CO2 storage capacities in their respective territories.

Or. de

Justification

To speed up implementation, Member States should draw up maps of CO2 storage capacities.

Amendment 224
Adam Gierek

Proposal for a directive – amending act
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall ensure that the ***procedures for*** the granting of exploration permits are open to all entities possessing the necessary capacities and that the	2. Member States shall ensure that the ***tender procedure and*** the granting of exploration permits ***for potential CO_2 storage sites*** are open to all entities

permits are granted on the basis of ***objective,*** published criteria.	possessing the necessary ***authorisation and*** capacities and that the permits are granted on the basis of ***prior scientific studies and research including a full geological survey and*** published ***technological and ecological*** criteria.

Or. pl

Justification

The Member States' role also includes launching tender procedures for exploration work, ensuring that all authorised persons can take part and that the criteria selected take due account of a scientific geological survey.

Amendment 225
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall ensure that the procedures for the granting of exploration permits are open to all entities possessing the necessary capacities and that the permits are granted on the basis of objective, published criteria.	2. Member States shall ensure that the procedures for the granting of exploration permits are open to all entities possessing the necessary capacities and that the permits are granted on the basis of objective, published ***and non-discriminatory*** criteria.

Or. de

Justification

Objective and published criteria are not sufficient to ensure non-discrimination, which is nevertheless an important criterion needing to be guaranteed in the internal market.

Amendment 226
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall ensure that the procedures for the granting of exploration permits are open to all entities possessing the necessary capacities and that the permits are granted on the basis of objective, published criteria.	2. Member States shall ensure that the procedures for the granting of exploration permits are open to all entities possessing the necessary capacities and that the permits are granted on the basis of objective, ***non-discriminatory and*** published criteria.

Or. en

Justification

Permits have to be granted of the basis of non-discriminatory criteria.

Amendment 227
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 5 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Member States shall ensure that the views of the public are duly taken into account during the process of granting an exploration permit. For this purpose, Member States shall ensure that the public and its members have adequate and effective access to information, participation rights and access to justice, according to the relevant provisions of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in

respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC, as well as Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information.

Or. en

Justification

The public should have adequate and effective access to information, participation rights and access to justice with regard to both exploration and storage permit granting procedures.

Amendment 228
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Exploration permits shall be granted for a limited volume area ***and for a maximum of two years, renewable once for a maximum of two***.	3. Exploration permits shall be granted for a limited volume area.
	The period of validity of an exploration permit shall not exceed the time required to carry out the activity for which it was issued. The competent authorities may extend an exploration permit if its period of validity is not sufficient to complete the activity in question and the activity has been carried out in accordance with the exploration permit.

Or. de

Justification

It is clear from many years' experience of exploring the subsoil for raw materials and gas

storage possibilities that the proposed period of validity is not sufficient. It is not feasible in so short a time to collect the extensive data necessary, particularly given the new technical challenges involved and the need to come to an agreement with landowners and clear up a wide range of legal issues relating to permits.

Amendment 229
Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act
Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Exploration permits shall be granted for a limited volume area and for ***a maximum of two years, renewable once for a maximum of two years.***	3. Exploration permits shall be granted for a limited volume area and for ***the period needed to carry out the activities for which the exploration permit is granted. The exploration permit may be prolonged. Before granting exploration permits, Member States shall make arrangements to ensure that the permit is not illegally used to prevent investments.***

Or. en

Justification

Debureaucratization of the exploration permit procedure and indemnification of investments.

Amendment 230
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Exploration permits shall be granted for a limited volume area and for a maximum of ***two years,*** renewable ***once for a maximum of two years.***	3. Exploration permits shall be granted for a limited volume area and for a maximum of ***three years***, renewable ***for three years at a time, and for as long as is necessary to carry out the exploration of the prospective storage site.***

Or. en

Justification

Two(plus two) years is not enough time to effectively explore CO2 storage.

Amendment 231
Péter Olajos

Proposal for a directive – amending act
Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Exploration permits shall be granted for a limited volume area and for a maximum of ***two years***, renewable ***once*** for a maximum of two years.	3. Exploration permits shall be granted for a limited volume area and for a maximum ***duration*** of ***four years***, renewable ***twice*** for a maximum of two years.

Or. en

Justification

Selection of a potential storage site requires a long and meticulous exploration in order to avoid potential risks of leakage and negative environmental and health impacts which are likely to occur.

Amendment 232
Richard Seeber

Proposal for a directive – amending act
Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Exploration permits shall be granted for a limited volume area and for a maximum of ***two years***, renewable once for a maximum of two years.	3. Exploration permits shall be granted for a limited volume area and for a maximum of ***five years***, renewable once for a maximum of two years.

Or. en

Justification

A longer term of the exploration permit is required under all circumstances. The present directive proposal does not take into consideration at all existing permits or permits to be eventually granted for the exploration, production or geological storage of hydrocarbons. It should therefore be provided, that in case of a valid permit for hydrocarbons, the owner of the permit will also be granted the right for exploration of CO2 storage sites.

Amendment 233
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 5 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***The*** holder of an exploration permit ***shall have the sole right to explore the potential CO_2 storage complex. Member States shall ensure that no conflicting uses of the complex are permitted during the period of validity of the permit.***	4. ***Where the*** holder of an exploration permit ***applies for a storage permit in respect of the storage site he is exploring, he shall be given preferential treatment over all other applicants provided that the permit conditions set out in Article 6 are met.***

Or. de

Justification

The proposed wording ensures that the explorer, who will as a rule have made substantial investments, is given precedence over competitors in the award of a storage permit. The wording of the draft proposal at this point, which provides for the 'conversion' of the exploration permit into a storage permit, could be misunderstood as meaning that this conversion will take place irrespective of whether the conditions for a storage permit are met. That wording should consequently be dropped.

Amendment 234
Norbert Glante

Proposal for a directive – amending act
Article 5 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The holder of an exploration permit shall	4. The holder of an exploration permit shall

have the sole right to explore the potential CO2 storage complex. Member States shall ensure that no conflicting uses of the complex are permitted during the period of validity of the permit.	have the sole right to explore the potential CO2 storage complex. Member States shall ensure that no conflicting uses of the complex are permitted during the period of validity of the permit. ***Where the holder of the exploration permit, on completion of a successful exploration, applies for a storage permit, his application shall be given preferential treatment.***

Or. de

Justification

Exploration firms invest substantial resources in exploring the subsoil and bear the risk of an unsuccessful outcome. This amendment seeks to encourage a willingness to carry out exploration of the subsoil with a view to its suitability for CO2 storage.

Amendment 235
Jerzy Buzek

Proposal for a directive – amending act
Article 5 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The holder of an exploration permit shall have the sole right to explore the potential CO_2 storage complex. Member States shall ensure that ***no conflicting uses*** of the complex ***are permitted*** during the period of validity of the permit.	4. The holder of an exploration permit shall have the sole right to explore the potential CO_2 storage complex. Member States shall ensure that ***the use*** of the complex during the period of validity of the permit ***does not adversely affect the authorised use of the area for the purpose of exploring, producing, developing, or storing hydrocarbons, coal, or other mineral resources***.

Or. en

Justification

This amendment further clarifies the Rapporteur's proposal in amendment 25. makes the text consistent with amendment 19 by the rapporteur. The EU should ensure that the rights and interests of oil, gas, coal, and other mineral resource operators and license holders have sufficient protection in this regard, as energy security remains a critical issue for all

countries and the companies that are operating within those titles.

Amendment 236
Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act
Article 5 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The holder of an exploration permit shall have the sole right to explore the potential CO_2 storage complex. Member States shall ensure that no conflicting uses of the complex are permitted during the period of validity of the permit.	4. The holder of an exploration permit shall have the sole right to explore the potential CO_2 storage complex. Member States shall ensure that no conflicting uses of the complex are permitted during the period of validity of the permit. ***After this period, the CO_2 storage exploration permit shall either be converted into a CO_2 storage permit or else be relinquished for the total area covered.***

Or. en

Justification

Exploration is linked to high costs. In order to create incentives for investments, it is necessary to ensure that the successful carrying out of the exploration is connected with a CO_2 storage permit.

Amendment 237
Richard Seeber

Proposal for a directive – amending act
Article 5 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. The holder of a permit for exploration, production or storage of hydrocarbons may be granted the exclusive right to explore the geological complex with a view to the storage of CO_2 in the area covered by the permit for exploration,

production or storage of hydrocarbons, without being bound by the restrictions and conditions of paragraph 2. Member States shall ensure that the use of the storage complex during the period of validity of the exploration permit for CO_2 storage does not adversely affect the authorised use of the area for the purpose of exploring, producing, developing, or storing hydrocarbons.

Or. en

Justification

A longer term of the exploration permit is required under all circumstances. The present directive proposal does not take into consideration at all existing permits or permits to be eventually granted for the exploration, production or geological storage of hydrocarbons. It should therefore be provided, that in case of a valid permit for hydrocarbons, the owner of the permit will also be granted the right for exploration of CO2 storage sites.

Amendment 238
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 5 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. Pre-injection monitoring should be proposed and included in the exploration permit.

Or. en

Justification

Pre-injection monitoring is very important to ensure that there is relevant data available, and thus proper monitoring later.

Amendment 239
Evangelia Tzampazi

Proposal for a directive – amending act
Article 5 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. Pre-injection monitoring should be considered an integral part of the exploration permit and be proposed accordingly.

Or. en

Justification

In order to achieve a high level evaluation of a specific storage site it is essential to collect the necessary background data during a lengthy period of time. For that reason the time during the exploration can provide with valuable data that can be used as basis for the pre-injection monitoring.

Amendment 240
Anders Eijkman

Proposal for a directive – amending act
Article 5 a (new)

Text proposed by the Commission	*Amendment*
	Article 5a
	Prohibition of new electricity generating capacity emitting high levels of CO_2
	Member States shall not authorise new electricity generating installations where such an installation would, during its operation, lead to atmospheric CO_2 emissions in excess of 400 grams per kilowatt hour produced.

Or. en

Justification

To limit CO2 emissions from power generation is the most critical challenge ahead. All efforts must be made to encourage low-carbon power generation. When new installations are planned, based on fossil fuels, the most efficient use possible must be encouraged, such as co-generation.

Amendment 241
Adam Gierek

Proposal for a directive – amending act
Article 6 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall ensure that the procedures for the granting of storage permits are open to all entities possessing the necessary capacities and that the permits are granted on the basis of objective, published criteria.	***deleted***

Or. pl

Justification

The substance of this paragraph is already included in new paragraph 5(2).

Amendment 242
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 6 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall ensure that the procedures for the granting of storage permits are open to all entities possessing the necessary capacities and that the permits are granted on the basis of objective, published criteria.	2. Member States shall ensure that the procedures for the granting of storage permits are open to all entities possessing the necessary capacities and that the permits are granted on the basis of objective, ***non-discriminatory and*** published criteria. ***Storage site operators shall be fully unbundled from users (i.e.***

power generators).

Or. en

Justification

Power generators should have equal access to the storage capacity.

Amendment 243
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 6 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall ensure that the procedures for the granting of storage permits are open to all entities possessing the necessary capacities and that the permits are granted on the basis of objective, published criteria.	2. Member States shall ensure that the procedures for the granting of storage permits are open to all entities possessing the necessary capacities and that the permits are granted on the basis of objective, published ***and non-discriminatory*** criteria.

Or. de

Justification

Objective and published criteria are not sufficient to ensure non-discrimination, which is nevertheless an important criterion needing to be guaranteed in the internal market.

Amendment 244
Vitoria Prodi

Proposal for a directive – amending act
Article 6 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Member States shall ensure the correct transfer of charcoal to soil and the appropriate calculation of resulting

emission credits.

Or. en

Amendment 245
Norbert Glante

Proposal for a directive – amending act
Article 6 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Member States shall ensure that the storage site is not run by two or more operators simultaneously. Access for potential users to the storage site on equal terms must be guaranteed.

Or. de

Justification

Serves to ensure that a storage site is used by only one operator, in order to avoid demarcation disputes over responsibility and liability.

Amendment 246
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 6 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. For the period of validity of the storage permit, its holder shall have the sole right of storage in the storage site.

Or. de

Justification

In line with the amendment to Article 5(4), this amendment ensures that the holder of the storage permit will be granted exclusive rights to storage in the storage site.

Amendment 247
Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act
Article 6 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The holder of a storage permit shall have the sole right to store CO_2 in the storage site. Member States shall ensure that no conflicting uses of the storage site are permitted during the validity of the storage permit.

Or. en

Justification

Necessity to classify competences and the responsibility for risks.

Amendment 248
Richard Seeber

Proposal for a directive – amending act
Article 6 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The holder of a permit for exploration, production or storage of hydrocarbons may be granted a storage permit in the area covered by the permit for exploration, production or storage, without being bound by the restrictions and conditions of paragraph 2. Member States shall ensure that the use of the storage complex does not adversely affect the authorised use of the area for the purpose of exploring, producing, developing, or storing hydrocarbons.

Or. en

Justification

The present directive proposal does not take into consideration at all existing permits or permits to be eventually granted for the exploration, production or geological storage of hydrocarbons. It should therefore be provided, that in case of a valid permit for hydrocarbons, the owner of the permit may also obtain a storage permit for CO2. Furthermore, when granting storage permits, the holder of an exploration permit according to Art. 5 is to be preferred.

Amendment 249
Richard Seeber

Proposal for a directive – amending act
Article 6 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2b. The holder of an exploration permit according to Article 5 shall be granted a storage permit, without being bound by the restrictions and conditions of paragraph 2, if he has met the requirements of the exploration permit.

Or. en

Justification

The present directive proposal does not take into consideration at all existing permits or permits to be eventually granted for the exploration, production or geological storage of hydrocarbons. It should therefore be provided, that in case of a valid permit for hydrocarbons, the owner of the permit may also obtain a storage permit for CO2. Furthermore, when granting storage permits, the holder of an exploration permit according to Art. 5 is to be preferred.

Amendment 250
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 7 – introductory part

Text proposed by the Commission	*Amendment*
Applications to the competent authority for	Applications to the competent authority for

storage permits shall include the following information:	storage permits shall include ***at least*** the following information:

Or. de

Justification

The addition is based on the wording of the Landfill Directive: it ensures that the directive sets merely the minimum requirements for the permit application and that the Member States may if necessary require further documentation.

Amendment 251
Norbert Glante

Proposal for a directive – amending act
Article 7 – introductory part

Text proposed by the Commission	*Amendment*
Applications to the competent authority for storage permits shall include the following information:	Applications to the competent authority for storage permits shall include ***at least*** the following information:

Or. de

Justification

The addition ensures that the directive sets merely the minimum requirements for the permit application and that the Member States may if necessary require further documentation.

Amendment 252
Bairbre de Brún – Umberto Guidoni

Proposal for a directive – amending act
Article 7 – point 3 a (new)

Text proposed by the Commission	*Amendment*
	(3a) a financial assessment of the cost of capturing and safely storing CO_2. This will take into account alternative means of supplying the required energy through measures such as demand-side energy

efficiency improvements and renewable energy;

Or. en

Justification

A financial assessment of carbon capture and storage is required for all new plants to send clear signals of the true cost of power from CO2 fossil fuel plants to investors. This should be compared against other means of meeting the energy need from demand-side energy efficiency improvements and/or renewable energy supply.

Amendment 253
Evangelia Tzampazi

Proposal for a directive – amending act
Article 7 – point 3 a (new)

Text proposed by the Commission	*Amendment*
	(3a) a financial assessment of the cost of capturing and safely storing CO_2. This will take into account alternative means of supplying the required energy through measures such as demand-side energy efficiency improvements and renewable energy;

Or. en

Justification

A financial assessment of CCS would help raise awareness on the real cost of power from fossil fuel plants. Moreover, when compared against other means of meeting the energy need such as demand-side energy efficiency improvements and/or renewable energy supply, it will help improve the overall energy production and consumption planning.

Amendment 254
Richard Seeber

Proposal for a directive – amending act
Article 7 – point 4

Text proposed by the Commission	*Amendment*
(4) the total quantity of CO_2 to be injected and stored as well as the prospective ***sources***, composition of CO_2 streams and injection rates;	(4) the total quantity of CO_2 to be injected and stored as well as the prospective composition of CO_2 streams and injection rates;

Or. en

Justification

The prospective sources are irrelevant for granting a storage permit, if the quality and acceptance criteria are determined.

Amendment 255
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 7 – point 4 a (new)

Text proposed by the Commission	*Amendment*
	(4a) Description of measures to prevent significant irregularities;

Or. de

Justification

The documents which the applicant is currently required to supply do not include any details of advance measures to prevent significant irregularities in normal operation. In the interest of uniform standards throughout Europe, and to bring the text into line with the Landfill Directive, Article 7 should be extended to include these details. Thanks to the new definition of 'significant irregularities', this addition covers both leakages and other risks to the environment and human health.

Amendment 256
Kathalijne Maria Buitenweg – Jill Evans

Proposal for a directive – amending act
Article 7 – point 4 a (new)

Text proposed by the Commission	*Amendment*
	(4a) the availability of transport linking the site with prospective capture points, as well as its economic viability, having regard to the distance of the storage site from such points;

Or. en

Justification

It is important for the competent authorities to know, where the actual storage could take place.

Amendment 257
Kathalijne Maria Buitenweg – Jill Evans

Proposal for a directive – amending act
Article 7 – point 6

Text proposed by the Commission	*Amendment*
(6) a proposed corrective measures plan pursuant to Article 16(2);	(6) a proposed corrective measures plan pursuant to Article 16(2), ***including emergency evacuation measures;***

Or. en

Justification

There needs to be a good plan for evacuation in cases of emergency.

Amendment 258
Valdo Tudor Panayiotis

Proposal for a directive – amending act
Article 7 – point 6 a (new)

Text proposed by the Commission	*Amendment*
	(6a) a proposed emergency action plan;

Or. en

Justification

To increase public confidence in CCS safety; For example, nevertheless that CCS complexes will be constructed in seismically stable formations, an earth quake can not be predicted for long time ahead at the present science status; human errors can not be avoided at 100 %.

Amendment 259
Jerzy Buzek – Bogusław Sonik

Proposal for a directive – amending act
Article 8 – point 1 - introductory parts

Text proposed by the Commission	*Amendment*
(1) the competent authority is satisfied that:	(1) the competent authority, ***on the basis of the application submitted pursuant to Article 7***, is satisfied that:

Or. en

Justification

Process of reviewing draft storage permits would result in delay and complexity in the application process. We suggest that national regulations shall require to inform the Commission when new permits are issued. Simultaneously Member States shall have the option of getting a second non – binding opinion on a draft permit from the Commission for overall assistance in implementing this Directive

Amendment 260
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 8 – point 1 – point a

Text proposed by the Commission	*Amendment*
(a) all relevant requirements of this Directive are met;	(a) all relevant requirements of this Directive ***and of relevant Community law*** are met;

Or. de

Justification

This reference makes it clear that Community law applies.

The wording of Article 8 as a whole is rather vague as to whether it guarantees that refusal of a storage permit will be mandatory if particular requirements are not met.

Amendment 261
Jerzy Buzek – Bogusław Sonik

Proposal for a directive – amending act
Article 8 – point 1 – point b

Text proposed by the Commission	*Amendment*
(b) the management of the storage site will be in the hands of a ***natural person who is technically competent and reliable to manage the site; professional and technical development and training of this person and all staff are provided;***	(b) the management of the storage site will be in the hands of a ***financially sound and technically competent legal person;***

Or. en

Justification

Process of reviewing draft storage permits would result in delay and complexity in the application process. We suggest that national regulations shall require to inform the Commission when new permits are issued. Simultaneously Member States shall have the option of getting a second non – binding opinion on a draft permit from the Commission for overall assistance in implementing this Directive

Amendment 262
Richard Seeber

Proposal for a directive – amending act
Article 8 – point 1 – point b

Text proposed by the Commission	*Amendment*
(b) ***the management of*** the storage site will be ***in the hands of a natural person who is technically competent and reliable to manage the site; professional and technical development and training of this person and all staff are provided;***	(b) the storage site will be ***operated by a legal entity which has adequate technical competence and resources to operate the site as well as sufficient financial security;***

Or. en

Justification

The condition, that the storage site shall be managed by a natural person does not make sense. Rather companies and legal entities will be operators of storage sites. However, it is certainly common, that responsible persons are appointed for certain installations that have responsibilities for operating the installations in accordance with permits. The submission of every permit in the permitting process and the right of the Commission to comment will lead to unnecessary bureaucracy and delays.

Amendment 263
Christian Ehler –Dragoş Florin David – Rumiana Jeleva – Jan Březina – Werner Langen – Herbert Reul – Jerzy Buzek – Thomas Ulmer

Proposal for a directive – amending act
Article 8 – point 1 – point b

Text proposed by the Commission	*Amendment*
(b) the management of the storage site will be in the hands of a natural person who is technically competent and reliable to manage the site; professional and technical development and training of this person and all staff are provided;	(b) the management of the storage site will be in the hands of a natural ***or legal*** person who is technically competent and reliable to manage the site; professional and technical development and training of this person and all staff are provided;

Or. en

Justification

Also legal persons can be responsible.

Amendment 264
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 8 – point 1 – point b

Text proposed by the Commission	*Amendment*
(b) the management of the storage site will be in the hands of a natural person who is technically competent and reliable to manage the site; professional and technical development and training of this person and all staff are provided;	(b) the management of the storage site will be in the hands of a natural person ***or legal entity*** who is technically competent and reliable to manage the site; professional and technical development and training of this person and all staff are provided;

Or. de

Justification

It needs to be made clear that legal entities may also be responsible.

Amendment 265
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 8 – point 1 – point b a (new)

Text proposed by the Commission	*Amendment*
	(bad) no other storage permits have been issued within the same hydraulic unit;

Or. de

Justification

Given that simultaneous injection operations within a hydraulic unit may have a significant impact upon each other (cf. definition in new Article 3(6a)), storage permits should be allocated to only one operator at a time. This is essential for the clear allocation of cause and

effect in storage operations and of the obligations which storage entails (liability, monitoring, aftercare, etc.). However, third party access to storage facilities remains possible under Article 20.

Amendment 266
Richard Seeber

Proposal for a directive – amending act
Article 8 – point 1 – point b a (new)

Text proposed by the Commission	*Amendment*
	(bad) a responsible person has been appointed for the management of the storage site who can show the required qualification, training and reliability;

Or. en

Justification

The condition, that the storage site shall be managed by a natural person does not make sense. Rather companies and legal entities will be operators of storage sites. However, it is certainly common, that responsible persons are appointed for certain installations that have responsibilities for operating the installations in accordance with permits. The submission of every permit in the permitting process and the right of the Commission to comment will lead to unnecessary bureaucracy and delays.

Amendment 267
Christian Ehler –Dragoş Florin David – Rumiana Jeleva – Jan Březina – Werner Langen – Herbert Reul – Jerzy Buzek – Thomas Ulmer

Proposal for a directive – amending act
Article 8 – point 1 – point b a (new)

Text proposed by the Commission	*Amendment*
	(bad) no other storage permits have been issued within 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 268
Richard Seeber

Proposal for a directive – amending act
Article 8 – point 2

Text proposed by the Commission	*Amendment*
(2) the Commission has issued its opinion on the draft permit pursuant to Article 10(1);	***deleted***

Or. en

Justification

The submission of every permit in the permitting process and the right of the Commission to comment will lead to unnecessary bureaucracy and delays.

Amendment 269
Jerzy Buzek, Bogusław Sonik

Proposal for a directive – amending act
Article 8 – point 2

Text proposed by the Commission	*Amendment*
(2) the Commission has issued its opinion on the draft permit pursuant to Article 10(1);	***deleted***

Or. en

Justification

Process of reviewing draft storage permits would result in delay and complexity in the application process. We suggest that national regulations shall require to inform the

Commission when new permits are issued. Simultaneously Member States shall have the option of getting a second non – binding opinion on a draft permit from the Commission for overall assistance in implementing this Directive

Amendment 270
Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act
Article 8 – point 2

Text proposed by the Commission	*Amendment*
(2) the Commission ***has issued*** its opinion on the draft permit pursuant to ***Article 10(1)***;	(2) the Commission ***may issue, on request of the Member States,*** its opinion on the draft permit pursuant to ***Article 10(2)***;

Or. en

Justification

Debureaucratization and subsidiary.

Amendment 271
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 8 – point 2

Text proposed by the Commission	*Amendment*
(2) the Commission has issued its opinion on the draft permit pursuant to Article 10(1);	(2) the Commission has issued***, at the request of the Member State,*** its opinion on the draft permit pursuant to Article 10(1);

Or. de

Justification

Under the subsidiary principle it is for the Member States to issue the storage permits on their own initiative. An opinion from the Commission is only necessary when the Member States have requested it.

Amendment 272
Richard Seeber

Proposal for a directive – amending act
Article 8 – point 3

Text proposed by the Commission	*Amendment*
(3) the competent authority has considered this opinion pursuant to Article 10(2).	***deleted***

Or. en

Justification

The submission of every permit in the permitting process and the right of the Commission to comment will lead to unnecessary bureaucracy and delays.

Amendment 273
Jerzy Buzek, Bogusław Sonik

Proposal for a directive – amending act
Article 8 – point 3

Text proposed by the Commission	*Amendment*
(3) the competent authority has considered this opinion pursuant to Article 10(2).	***deleted***

Or. en

Justification

Process of reviewing draft storage permits would result in delay and complexity in the application process. We suggest that national regulations shall require to inform the Commission when new permits are issued. Simultaneously Member States shall have the option of getting a second non – binding opinion on a draft permit from the Commission for overall assistance in implementing this Directive

Amendment 274
Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act
Article 8 – point 3

Text proposed by the Commission	*Amendment*
(3) the competent authority has considered this opinion pursuant to Article 10(2).	***deleted***

Or. en

Justification

Debureaucratization and subsidiarity.

Amendment 275
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 8 – point 3

Text proposed by the Commission	*Amendment*
(3) the competent authority has considered this opinion pursuant to Article 10(2).	***deleted***

Or. de

Amendment 276
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 9 – introductory part

Text proposed by the Commission	*Amendment*
The permit shall contain the following:	The permit shall contain ***at least*** the

following:

Or. de

Justification

By analogy with the Landfill Directive, this addition seeks to ensure that the directive sets merely the minimum requirements as to the content of the permit and that the Member States may if necessary impose further conditions.

Amendment 277
Norbert Glante

Proposal for a directive – amending act
Article 9 – introductory part

Text proposed by the Commission	*Amendment*
The permit shall contain the following:	The permit shall contain ***at least*** the following:

Or. de

Justification

This addition seeks to ensure that the directive sets merely the minimum requirements for the permit application and that the Member States may if necessary add further items.

Amendment 278
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 9 – point 2

Text proposed by the Commission	*Amendment*
(2) precise location and delimitation of the storage site ***and*** storage complex;	(2) precise location and delimitation of the storage site ***the*** storage complex ***and the hydraulic unit***;

Or. de

Justification

Adjustment in line with amendments creating new Article 3(6a) and new Article 8(1).

Amendment 279
Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act
Article 9 – point 2

Text proposed by the Commission	*Amendment*
(2) precise location and delimitation of the storage site ***and*** storage complex;	(2) precise location and delimitation of the storage site***, the*** storage complex ***and 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 280
Adam Gierek

Proposal for a directive – amending act
Article 9 – point 2

Text proposed by the Commission	*Amendment*
(2) precise location and delimitation of the storage site and storage complex;	(2) precise location and ***external*** delimitation of the storage site ***and protection zone*** and ***diagram of the underground part of the*** storage complex;

Or. pl

Justification

The site project must make provision for a protection zone in case there is a violent CO_2

explosion in the external area.

Amendment 281
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 9 – point 3

Text proposed by the Commission	*Amendment*
(3) the total quantity of CO_2 authorised to be geologically stored and maximum injection rates;	(3) ***rules governing the start-up and operation of the storage site,*** the total quantity of CO_2 authorised to be geologically stored and maximum injection rates ***and pressures***;

Or. de

Justification

The first addition serves to harmonise the text with the requirements of Article 9 of the Landfill Directive; the inclusion of injection pressures results from the addition to Article 7(4).

Amendment 282
Péter Olajos

Proposal for a directive – amending act
Article 9 – point 3

Text proposed by the Commission	*Amendment*
(3) the total quantity of CO_2 authorised to be geologically stored ***and*** maximum injection rates;	(3) the total quantity of CO_2 authorised to be geologically stored, maximum injection rates ***and reservoir pressure limits****;*

Or. en

Justification

The report of international risk governance council 'Policy Brief' in the chapter of regulation of CCS contains the following: „Regulatory requirements regarding injection will shape the industry by specifying parameters such as injection well design, allowed injection quantities,

reservoir pressure limits, purity of CO_2 stream, and financial responsibility standards."

Amendment 283
Richard Seeber

Proposal for a directive – amending act
Article 9 – point 4

Text proposed by the Commission	*Amendment*
(4) requirements for the composition of the CO_2 ***stream*** and the CO_2 acceptance procedure pursuant to Article 12, and, if necessary, further requirements for injection and storage;	(4) requirements for the composition of the CO_2 ***which may be stored*** and the CO_2 acceptance procedure pursuant to Article 12, and, if necessary, further requirements for injection and storage;

Or. en

Justification

It is not necessary to determine the composition of the respective CO2 stream in the storage permit, rather the composition of CO2, which may be stored in the respective storage site, is to be determined.

Amendment 284
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 9 – point 4

Text proposed by the Commission	*Amendment*
(4) requirements for the composition of the CO_2 stream and the CO_2 acceptance procedure pursuant to Article 12, and, if necessary, further requirements for injection and storage;	(4) requirements for the composition of the CO_2 stream and the CO_2 acceptance procedure pursuant to Article 12, and, if necessary, further requirements for injection and storage***, in particular to prevent significant irregularities***;

Or. de

Justification

Follows on from amendment to Article 7(4).

Amendment 285
Vladko Todorov Panayotov

Proposal for a directive – amending act
Article 9 – point 5

Text proposed by the Commission	*Amendment*
(5) the approved monitoring ***plan***, the obligation to implement the ***plan*** and requirements for updating ***it*** pursuant to Article 13 as well as reporting requirements pursuant to Article 14;	(5) the approved monitoring ***and emergency plans***, the obligation to implement the ***plans*** and requirements for updating ***them*** pursuant to Article 13 as well as reporting requirements pursuant to Article 14;

Or. en

Justification

To increase public confidence in CCS safety

Amendment 286
Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act
Article 10 –title

Text proposed by the Commission	*Amendment*
Commission review of draft storage permits	***Notification of storage permit awards and storage permit rejections***

Or. en

Justification

Debureaucratization and subsidiarity.

Amendment 287
Jerzy Buzek, Bogusław Sonik

Proposal for a directive – amending act
Article 10 – title

Text proposed by the Commission	*Amendment*
Commission review of ***draft*** storage permits	***Notification*** of storage permits

Or. en

Justification

Process of reviewing draft storage permits would result in delay and complexity in the application process. We suggest that national regulations shall require to inform the Commission when new permits are issued. Simultaneously Member States shall have the option of getting a second non – binding opinion on a draft permit from the Commission for overall assistance in implementing this Directive.

Amendment 288
Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act
Article 10 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall inform the Commission ***of all draft storage permits, the permit applications and any other material taken into consideration by the competent authority when adopting its draft decision. Within six months of their submission to the Commission, the Commission may issue an opinion on the draft permits.***	1. Member States shall inform the Commission ***about granted CO_2 storage permits or rejected applications for storage permits.***

Or. en

Justification

Debureaucratization and subsidiarity.

Amendment 289
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 10 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall inform the Commission of all draft storage permits, the permit applications and any other material taken into consideration by the competent authority when adopting its draft decision. Within six months of their submission to the Commission, the Commission may issue an opinion on the draft permits.	1. ***Where*** Member States ***request the Commission's opinion on the draft storage permit pursuant to Article 8(2) they*** shall inform the Commission of all draft storage permits, the permit applications and any other material taken into consideration by the competent authority when adopting its draft decision. Within six months of their submission to the Commission, the Commission may issue an opinion on the draft permits.

Or. de

Justification

Under the subsidiarity principle it is for the Member States to issue the storage permits on their own initiative. An opinion from the Commission is only necessary where Member States have requested it.

Amendment 290
Jerzy Buzek, Bogusław Sonik

Proposal for a directive – amending act
Article 10 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall inform the Commission of all ***draft storage permits, the permit applications and any other material taken into consideration by the competent authority when adopting its draft decision. Within six months of their submission to the Commission, the Commission may issue an opinion on the***	1. Member States shall inform the Commission of all ***exploration and storage permits awarded by their competent authorities pursuant to the requirements of this Directive as soon as possible and no later than one month after those permits have been issued.***

draft permits.

Or. en

Justification

Process of reviewing draft storage permits would result in delay and complexity in the application process. We suggest that national regulations shall require to inform the Commission when new permits are issued. Simultaneously Member States shall have the option of getting a second non – binding opinion on a draft permit from the Commission for overall assistance in implementing this Directive.

Amendment 291
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 10 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall inform the Commission of all draft storage permits, the permit applications and any other material taken into consideration by the competent authority when adopting its draft decision. Within ***six*** months of their submission to the Commission, the Commission ***may*** issue an opinion on the draft permits.	1. Member States shall inform the Commission of all draft storage permits, the permit applications and any other material taken into consideration by the competent authority when adopting its draft decision. Within ***three*** months of their submission to the Commission, the Commission ***shall*** issue an opinion on the draft permits.

Or. de

Justification

Under the subsidiarity principle it is for the Member States to issue the storage permits on their own initiative. An opinion from the Commission is only necessary when the Member States have requested it. The opinion should be delivered promptly, since a prolonged interruption of the proceedings is disproportionate from the point of view of combating climate change and for financial reasons.

Amendment 292
Evangelia Tzampazi

Proposal for a directive – amending act
Article 10 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall inform the Commission of all draft storage permits, the permit applications and any other material taken into consideration by the competent authority when adopting its draft decision. Within six months of their submission to the Commission, the Commission ***may*** issue an opinion on the draft permits.	1. Member States shall inform the Commission of all draft storage permits, the permit applications and any other material taken into consideration by the competent authority when adopting its draft decision. Within six months of their submission to the Commission, the Commission ***shall*** issue an opinion on the draft permits.

Or. en

Justification

In order to ensure that a further assessment of the permit applications is done based on uniform criteria at EU-level the Commission should issue an opinion at all times.

Amendment 293
Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act
Article 10 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The competent authority shall notify the final decision to the Commission, stating the reasons if it deviates from the Commission opinion.	***2. Member States may inform the Commission of draft storage permits, permit applications and any other material taken into consideration by the competent authority when adopting its draft decision.***

Or. en

Justification

Debureaucratization and subsidiarity.

Amendment 294
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 10 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The competent authority shall notify the final decision to the Commission, ***stating the reasons if it deviates from the Commission opinion.***	2. The competent authority shall notify the final decision to the Commission.

Or. de

Justification

Under the subsidiarity principle it is for the Member States to issue the storage permits on their own initiative. It is not essential for the Commission opinion to be taken into account.

Amendment 295
Jerzy Buzek, Bogusław Sonik

Proposal for a directive – amending act
Article 10 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Before issuing a storage permit the competent authority may request a non-binding opinion from the Commission on the draft permit.

Or. en

Justification

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

option of getting a second non – binding opinion on a draft permit from the Commission for overall assistance in implementing this Directive.

Amendment 296
Jerzy Buzek

Proposal for a directive – amending act
Article 10 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. 60 million allowances annually, up to a maximum of 600 million allowances, from the new entrants reserve shall be awarded to large-scale demonstration facilities that are undertaking the capture and geological storage of carbon dioxide in the territory of the EU or in developing countries and countries with economies in transition outside the EU that ratify the future UNFCCC international agreement.
	The allowances will be awarded to projects that shall proceed on the basis of arrangements to be proposed by the Commission and that shall ensure that a wide range of technologies are developed at best value cost. Their award shall be dependent upon the actual geological storage of CO_2. Allowances not required to meet the terms of awards shall remain available in the reserve for new entrants. The Commission shall strive to ensure that contracts for the construction of 12 large-scale demonstration facilities are let before the opening of the Copenhagen meeting of the UNFCCC in November 2009.

Or. en

Amendment 297
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 11 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall ensure that no substantial change is implemented without a new storage permit issued in accordance with this Directive.	2. Member States shall ensure that no substantial change is implemented without a new storage permit issued in accordance with this Directive. ***The provisions of Directive 85/337/EEC shall also apply in this case.***

Or. en

Justification

In case of transboundary CO2-transport and/or storage, all requirements of the Directive on the assessment of environmental effects should apply.

Amendment 298
Jerzy Buzek, Bogusław Sonik

Proposal for a directive – amending act
Article 11 – paragraph 3 – introductory part

Text proposed by the Commission	*Amendment*
3. The competent authority shall review and where necessary update or withdraw the ***storage*** permit:	3. The competent authority shall review and where necessary update or withdraw the permit ***without indemnification:***

Or. en

Justification

Added the words "without indemnification" in order to avoid situation in which competent authorities as required by the provisions in the Directive and the following national provisions aimed at the protection of the environment and human health will have to pay indemnification to the operators in view of necessary amendments to be introduced in the relevant permits they hold.

Amendment 299
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 11 – paragraph 3 – point a

Text proposed by the Commission	*Amendment*
(a) if it has been notified of significant irregularities ***or leakages*** pursuant to Article 16(1);	(a) if it has been notified ***or made aware*** of ***any leakage or*** significant irregularities pursuant to Article 16(1);

Or. en

Justification

If a competent authority finds out that there are significant irregularities or leakages, then the permit has to be updated or withdrawn.

Amendment 300
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 11 – paragraph 3 – point a

Text proposed by the Commission	*Amendment*
(a) if it has been notified of significant irregularities or leakages pursuant to Article 16(1);	(a) if it has been notified ***or become aware*** of significant irregularities or leakages pursuant to Article 16(1);

Or. de

Justification

The addition ensures that knowledge of irregularities will suffice to permit the competent authority to take action.

Amendment 301
Evangelia Tzampazi

Proposal for a directive – amending act
Article 11 – paragraph 3 – point a

Text proposed by the Commission	*Amendment*
(a) if it has been notified of ***significant*** irregularities or leakages pursuant to Article 16(1);	(a) if it has been notified of ***any*** irregularities or leakages pursuant to Article 16(1);

Or. en

Justification

In order to prevent negative effects to the environment or human health the competent authority should be able to review or withdraw the storage permits if it has been notified of any irregularities or leakages.

Amendment 302
Richard Seeber

Proposal for a directive – amending act
Article 11 – paragraph 3 – point d

Text proposed by the Commission	*Amendment*
(d) without prejudice to points (a) to (c), every five years.	***deleted***

Or. en

Justification

There is no need and justification for a regular review of the storage permit, with regard to withdrawing the storage permit every 5 years independent of any specific cause, but such shall be conducted on specific cases or reasons.

Amendment 303
Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act
Article 11 – paragraph 3 – point d

Text proposed by the Commission	*Amendment*
(d) without prejudice to points (a) to (c), every five years.	***deleted***

Or. en

Justification

Debureaucratization.

Amendment 304
Norbert Glante

Proposal for a directive – amending act
Article 11 – paragraph 3 – point d

Text proposed by the Commission	*Amendment*
(d) without prejudice to points (a) to (c), every ***five*** years.	(d) without prejudice to points (a) to (c), every ***ten*** years.

Or. de

Justification

A review of the storage permit as frequently as every five years would create unnecessary uncertainty for the operator of the storage complex.

Amendment 305
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 11 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***After a permit has been withdrawn pursuant to paragraph 3, the competent authority shall either issue a new storage permit or close*** the storage site pursuant to point (c) of Article 17(1). ***Until a new storage permit has been issued***, the competent authority shall take over the responsibility for the storage site, including all ensuing legal obligations. ***To the extent possible***, ***the*** competent authority shall recover any costs incurred from the former operator.	4. ***Until a new storage permit is issued or*** the storage site ***is closed*** pursuant to point (c) of Article 17(1), ***the existing operator shall retain responsibility for the storage site, including all ensuing legal obligations. Where the operator does not meet his obligations under Article 17(1)(c),*** the competent authority shall take over the responsibility for the storage site, including all ensuing legal obligations. ***The*** competent authority shall recover any costs incurred from the former operator. ***Where this is not possible, recourse shall be had to the financial security pursuant to Article 19(2).***

Or. de

Justification

The provision as it stands could become a loophole and create undesirable opportunities for abuse, enabling operators to evade their responsibilities through inactivity, non-compliance with rules and/or bankruptcy, thus passing on the costs and obligations relatively cheaply to the public authorities.

Amendment 306
Norbert Glante

Proposal for a directive – amending act
Article 11 – paragraph 4

Text proposed by the Commission	*Amendment*
4. After a permit has been withdrawn pursuant to paragraph 3, the competent authority shall either issue a new storage permit or close the storage site pursuant to point (c) of Article 17(1). Until a new	4. After a permit has been withdrawn pursuant to paragraph 3, the competent authority shall either issue a new storage permit or close the storage site pursuant to point (c) of Article 17(1). Until a new

storage permit has been issued, the ***competent authority*** shall ***take over*** the responsibility for the storage site, including all ensuing legal obligations. To the extent possible, the competent authority shall recover any costs incurred from the former operator.	storage permit has been issued ***or the storage site closed***, the ***operator*** shall ***retain*** the responsibility for the storage site, including all ensuing legal obligations. ***If the operator fails to meet his obligations under the second sentence, the competent authority shall assume responsibility for the storage site, including all ensuing legal obligations.*** To the extent possible, the competent authority shall recover any costs incurred from the former operator.

Or. de

Justification

Serves to transfer responsibility as far as possible to the operator and reduce the burden on the public authorities.

Amendment 307
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 11 – paragraph 4

Text proposed by the Commission	*Amendment*
4. After a permit has been withdrawn pursuant to paragraph 3, the competent authority shall either issue a new storage permit or close the storage site pursuant to point (c) of Article 17(1). Until a new storage permit has been issued, the competent authority shall take over the responsibility for the storage site, including all ensuing legal obligations. ***To the extent possible,*** the competent authority shall recover any costs incurred from the former operator.	4. After a permit has been withdrawn pursuant to paragraph 3, the competent authority shall either issue a new storage permit or close the storage site pursuant to point (c) of Article 17(1). Until a new storage permit has been issued, the competent authority shall take over the responsibility for the storage site, including all ensuing legal obligations. The competent authority shall recover any costs incurred from the former operator.

Or. en

Justification

The competent authority shall recover any costs incurred from the former operator. Naturally, the terms of such recovery will be defined by each national legal system.

Amendment 308
Bairbre de Brún, Umberto Guidoni

Proposal for a directive – amending act
Article 11 – paragraph 4

Text proposed by the Commission	*Amendment*
4. After a permit has been withdrawn pursuant to paragraph 3, the competent authority shall either issue a new storage permit or close the storage site pursuant to point (c) of Article 17(1). Until a new storage permit has been issued, the competent authority shall take over the responsibility for the storage site, ***including all ensuing legal obligations. To the extent possible,*** the competent authority shall recover any costs incurred from the former operator.	4. After a permit has been withdrawn pursuant to paragraph 3, the competent authority shall either issue a new storage permit or close the storage site pursuant to point (c) of Article 17(1). Until a new storage permit has been issued, the competent authority shall take over the responsibility for ***the management and the immediate safety of*** the storage site, ***while overall liability shall remain with the operator.*** The competent authority shall ***be entitled to*** recover any costs incurred from the former operator.

Or. en

Justification

When the operator fails to meet the permit conditions, should remain liable. The transfer of all ensuing legal obligations to the competent authority gives a bad signal to potential operators.

Amendment 309
Duarte Freitas

Proposal for a directive – amending act
Article 11 a (new)

Text proposed by the Commission	*Amendment*
	Article 11a

Export of CO_2

1. Where CO_2 is to be exported from the Community to a third country for the purpose of geological storage, the holder of the CO_2 shall submit an application for authorisation of the export to the competent authority of the Member State of origin.

2. The competent authority of the Member State of origin shall notify for consent the competent authority of the country of destination.

3. The competent authority of the Member State of origin may only authorise the export if:

(a) the consent of the competent authority of the country of destination has been given;

(b) it can be ensured that the geological storage of the CO_2 in the country of destination takes place in line with the requirements laid down in this Directive;

(c) the geological storage of CO_2 is covered by an emission trading system in the country of destination, which is linked to the EU Emission Trading Scheme established pursuant to Directive 2003/87/EC.

4. The export of CO_2 shall not be authorised without the specific assent of the Commission.

5. The authorisation for the export may cover several export acts for a previously stipulated quantity of CO_2 and for a period of time not longer than one year, provided they are made under the same operational conditions of capture, transport and storage.

Or. en

Justification

The objective of this proposal is alleviate the bureaucratic burden and streamlining the export authorisation procedure which may cover several acts of export. A limit on the period of the authorisation is imposed which gives the possibility of regular monitoring of the operations and regular updating of the conditions stipulated in the export authorisation

Amendment 310
Evangelia Tzampazi

Proposal for a directive – amending act
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A CO_2 stream ***shall*** consist ***overwhelmingly*** of carbon dioxide. To this end, no waste and other matter may be added for the purpose of disposing of that waste or other matter. ***However, a CO_2 stream may contain incidental associated substances from the source, capture or injection process. Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the environment or breach the requirements of applicable Community legislation.***	1. A CO_2 stream ***should*** consist of ***no less than 99,9 %*** carbon dioxide***.*** To this end no waste and other matter may be added for the purpose of disposing of that waste or other matter. ***This level may be revised under the review procedure provided for in Article 36a in the light of future scientific evidence.***

Or. en

Justification

Risks to the integrity of long-term storage projects could increase markedly if substantial quantities of impurities are co-disposed with the CO_2. Impurities like SOx increase leakage risks and thus jeopardise the stated primary purpose of CCS. Additionally, impurities in the CO_2 stream can have practical impacts on CO_2 transport and storage, as well as potential health, safety and environmental effects. Established technologies, applied either pre- or post-combustion are capable of purifying CO_2 streams to greater than 99.9%, as confirmed by the IPCC Special Report on CCS.

Amendment 311
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A CO_2 stream shall consist ***overwhelmingly*** of carbon dioxide. To this end, no waste and other matter may be added for the purpose of disposing of that waste or other matter. ***However, a CO_2 stream may contain incidental associated substances from the source, capture or injection process. Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the environment or breach the requirements of applicable Community legislation.***	1. A CO_2 stream shall consist of ***at least 98%*** carbon dioxide ***and shall not contain corrosive substances such as H_2S and SO_2.*** To this end, no waste and other matter may be added for the purpose of disposing of that waste or other matter.

Or. en

Justification

CO2 streams should be as pure as possible and should not contain corrosive substances, as these as these entail increased risks, both during transport and during storage

Amendment 312
Chris Davies

Proposal for a directive – amending act
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A CO_2 stream shall consist overwhelmingly of carbon dioxide. To this end, no waste and other matter may be added for the purpose of disposing of that waste or other matter. However, a CO_2 stream may contain incidental associated substances from the source, capture or	1. A CO_2 stream shall consist overwhelmingly, ***and within the territory of the European Union not less than 90%,*** of carbon dioxide. To this end, no waste and other matter may be added for the purpose of disposing of that waste or other matter. However, a CO_2 stream may

injection process. Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a ***significant*** risk to the environment or breach the requirements of applicable Community legislation.	contain incidental associated substances from the source, capture or injection process***, and trace elements may be added to assist in monitoring and verifying CO_2 migration.*** Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a risk to the environment or breach the requirements of applicable Community legislation.

Or. en

Justification

Revised version of Rapporteur's original amendment 44 to ensure consistency with the London Convention. The word 'overwhelmingly' is retained but a stricter definition inserted to apply solely within the EU. A higher figure than 90% would prevent the development of some of the most promising oxy-combustion technologies. It should be noted that the most significant addition gases will be argon, nitrogen and oxygen which are inert and in this context effectively harmless.

The word 'significant' is unacceptable. A concentration of contaminants that might pose some kind of threat cannot be tolerated.

Amendment 313
Jerzy Buzek, Bogusław Sonik

Proposal for a directive – amending act
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A CO_2 stream shall consist ***overwhelmingly*** of carbon dioxide. To this end, no waste and other matter may be added for the purpose of disposing of that waste or other matter. However, a CO_2 stream may contain incidental associated substances from the source, capture or injection process. Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the	1. A CO_2 stream shall consist of ***not less than 90%*** carbon dioxide. To this end, no waste and other matter may be added for the purpose of disposing of that waste or other matter. However, a CO_2 stream may contain incidental associated substances from the source, capture or injection process. Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the

environment or breach the requirements of applicable Community legislation.

environment or breach the requirements of applicable Community legislation.

Or. en

Justification

Concentrations of contaminants should have concrete established limits in stream of CO_2 for injection in the underground storage. Without explicitness qualitative and quantitative characteristics of CO_2 stream article 12 leaves much to doubt in interpretation it composition analysis. This fact in practice may have negative influence on priority condition – safety on environment or human health.

Unification this article thought directors concrete established limits of concentrate of stream CO_2 is necessary in order equally interpretation stream of CO_2 for injection in the underground storage.

Amendment 314
Richard Seeber

Proposal for a directive – amending act
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A CO_2 stream ***shall consist overwhelmingly of carbon dioxide. To this end,*** no waste and other matter may be added for the purpose of disposing of that waste or other matter. However, a CO_2 stream may contain incidental associated substances from the source, capture or injection process. Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the environment or breach the requirements of applicable Community legislation.	1. A CO_2 stream ***may only be accepted if the following requirements are met:*** no waste and other matter may be added for the purpose of disposing of that waste or other matter; however, a CO_2 stream may contain incidental associated substances from the source, capture or injection process. Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the environment or breach the requirements of applicable Community legislation***. The maximum allowable concentration levels for those substances shall be determined in accordance with the regulatory procedure with scrutiny referred to in Article 28(2).***

Or. en

Justification

The very general criteria and the stipulation that the CO2 stream is to consist 'overwhelmingly of carbon dioxide' are not sufficient to ensure the cleanliness of the CO2 stream. The maximum allowable concentrations of pollutants should be determined under the comitology procedure.

Amendment 315
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A CO_2 stream shall consist overwhelmingly of carbon dioxide. To this end, no waste and other matter may be added for the purpose of disposing of that waste or other matter. However, a CO_2 stream may contain incidental associated substances from the source, capture or injection process. Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the environment or breach the requirements of applicable Community legislation.	1. A CO_2 stream shall consist overwhelmingly of carbon dioxide. To this end, no waste and other matter may be added for the purpose of disposing of that waste or other matter. However, a CO_2 stream may contain incidental associated substances from the source, capture or injection process ***and substances necessary for transport on safety grounds.*** Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the environment or breach the requirements of applicable Community legislation.

Or. de

Amendment 316
Christian Ehler, Dragoş Florin David, Rumiana Jeleva, Jan Březina, Werner Langen, Herbert Reul, Jerzy Buzek, Thomas Ulmer

Proposal for a directive – amending act
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A CO_2 stream shall consist overwhelmingly of carbon dioxide. To this end, no waste and other matter may be added for the purpose of disposing of that waste or other matter. However, a CO_2 stream may contain incidental associated substances from the source, capture or injection process. Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the environment or breach the requirements of applicable Community legislation.	1. A CO_2 stream shall consist overwhelmingly of carbon dioxide. To this end, no waste and other matter may be added for the purpose of disposing of that waste or other matter. However, a CO_2 stream may contain incidental associated substances from the source, capture or injection process ***and substances necessary for the transport on safety grounds.*** Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the environment or breach the requirements of applicable Community legislation.

Or. en

Justification

Necessary completion.

Amendment 317
Jerzy Buzek, Bogusław Sonik

Proposal for a directive – amending act
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A CO_2 stream shall consist ***overwhelmingly*** of carbon dioxide. To this end, no waste and other matter may be added for the purpose of disposing of that waste or other matter. However, a CO_2 stream may contain incidental associated	1. A CO_2 stream shall consist of ***not less than 90%*** carbon dioxide. To this end, no waste and other matter may be added for the purpose of disposing of that waste or other matter. However, a CO_2 stream may contain incidental associated substances

substances from the source, capture or injection process. Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the environment or breach the requirements of applicable Community legislation.	from the source, capture or injection process. Concentrations of those substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the environment or breach the requirements of applicable Community legislation.

Or. en

Justification

Concentrations of contaminants should have concrete established limits in stream of CO_2 for injection in the underground storage. Without explicitness qualitative and quantitative characteristics of CO_2 stream article 12 leaves much to doubt in interpretation it composition analysis. This fact in practice may have negative influence on priority condition – safety on environment or human health.

Unification this article thought directors concrete established limits of concentrate of stream CO_2 is necessary in order equally interpretation stream of CO_2 for injection in the underground storage.

Amendment 318
María Sornosa Martínez, Teresa Riera Madurell, Inés Ayala Sender

Proposal for a directive – amending act
Article 13 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Member States shall ensure that the operator carries out monitoring of the injection facilities, the storage complex ***(including where possible*** the CO_2 plume***)***, and where appropriate the surrounding environment for the purpose of:	1. Member States shall ensure that the operator carries out monitoring of the injection facilities, the storage complex**,** ***especially*** the CO_2 plume, and where appropriate the surrounding environment for the purpose of:

Or. en

Justification

The most import task related to safety in a storage complex is the monitoring of the position and movements of the injected CO_2

Amendment 319
Evangelia Tzampazi

Proposal for a directive – amending act
Article 13 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Member States shall ensure that the operator carries out monitoring of the injection facilities, the storage complex (including where possible the CO_2 plume), and ***where appropriate*** the surrounding environment for the purpose of:	1. Member States shall ensure that the operator carries out ***real-time*** monitoring of the injection facilities, the storage complex (including where possible the CO_2 plume), and the surrounding environment for the purpose of:

Or. en

Justification

Real time monitoring is required to enable the competent authority to ensure that the operator complies with the requirement of the Directive.

Amendment 320
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 13 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) comparison between the actual and modelled behaviour of CO_2 in the storage site;	(a) comparison between the actual and modelled behaviour of CO_2 ***and formation water*** in the storage site;

Or. de

Justification

In addition to the behaviour of the CO2, any changes in the formation water in the storage site should be monitored, partly in order to observe any displacement effects.

Amendment 321
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 13 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) detecting leakage of CO_2;	(c) detecting leakage of CO_2 ***and of substances set in motion by it;***

Or. de

Justification

The detection of substances set in motion in the sub-seabed by CO2 leakages is one of the monitoring and supervision obligations under Annex 4 of the Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London Protocol). Since the directive will apply in areas also covered by the London Protocol, international law requires the extension of the monitoring obligation to cover such substances.

Amendment 322
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 13 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) detecting ***significant*** adverse effects for the surrounding environment, human populations, or users of the surrounding biosphere;	(d) detecting adverse effects for the surrounding environment, ***water forming part of the hydrological cycle,*** human populations, or users of the surrounding biosphere;

Or. de

Justification

The existing wording of point (d) is too general. The new wording is more precise and includes water forming part of the hydrological cycle in the scope of the directive.

Amendment 323
Adam Gierek

Proposal for a directive – amending act
Article 13 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) detecting significant adverse effects for the surrounding environment, ***human populations***, or users of the surrounding biosphere;	(d) detecting significant adverse effects for the surrounding environment, ***the local population***, or users of the ***external part of the storage complex and of the*** surrounding biosphere***, as well as the underground part of its geosphere***;

Or. pl

Justification

A more precise definition of the surrounding environment is required.

Amendment 324
María Sornosa Martínez, Teresa Riera Madurell, Inés Ayala Sender

Proposal for a directive – amending act
Article 13 – paragraph 1 – point f

Text proposed by the Commission	*Amendment*
(f) ***assessing whether the stored CO_2 will be completely contained for the indefinite future***.	(f) ***updating the assessment of the safety and integrity of the storage site in the short and long term based on quantitative assessment criteria to be determined in the guidelines referred to in Article 4(3).***

Or. en

Justification

The text proposed by the Commission is too ambiguous. Specific quantitative assessment criteria is needed.

Amendment 325
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 13 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. In the case of geological storage under the seabed, the monitoring requirements set out in paragraph 1 shall further be adapted to the uncertainty and operational difficulties associated with managing CCS technology in the marine environment.

Or. en

Justification

All necessary measures to avoid that CO2 storage causes harm to the marine environment, should be taken.

Amendment 326
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 13 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The monitoring shall be based on a monitoring plan designed by the operator pursuant to the requirements laid out in Annex II, submitted to and approved by the competent authority pursuant to Articles 7(5) and 9(5). The plan shall be updated pursuant to the requirements laid down in Annex II and in any case every five years to take account of technical developments. Updated plans shall be re-submitted for approval to the competent authority.	2. The monitoring shall be based on a monitoring plan designed by the operator pursuant to the requirements laid out in Annex II, submitted to and approved by the competent authority pursuant to Articles 7(5) and 9(5). ***The latter should also carry out the validation and verification.*** The plan shall be updated pursuant to the requirements laid down in Annex II and in any case every five years to take account of technical developments. Updated plans shall be re-submitted for approval to the competent authority.

Or. en

Justification

Monitoring should be accompanied by a verification and validation procedure, in order to ensure that storage is carried out safely.

Amendment 327
Bairbre de Brún, Umberto Guidoni

Proposal for a directive – amending act
Article 14 – introductory part

Text proposed by the Commission	*Amendment*
At a frequency to be determined by the competent authority, and in any event at least once a year, the operator shall submit to the competent authority:	At a frequency to be determined by the competent authority, and in any event at least once a year, the operator shall submit to the competent authority***, in a harmonised reporting format so as to ensure consistency and transparency of the information reported***:

Or. en

Justification

A common reporting format is necessary in order to ensure consistency and transparency

Amendment 328
María Sornosa Martínez, Teresa Riera Madurell, Inés Ayala Sender

Proposal for a directive – amending act
Article 15 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Routine inspections shall be carried out ***at least*** every year. They shall examine the relevant injection and monitoring facilities as well as the full range of relevant environmental effects from the storage complex.	3. Routine inspections shall be carried out every year ***in the first ten years after the injection has started and thereafter as often as deemed necessary by the competent authority***. They shall examine the relevant injection and monitoring

facilities as well as the full range of relevant environmental effects from the storage complex.

Or. en

Amendment 329
María Sornosa Martínez, Teresa Riera Madurell, Inés Ayala Sender

Proposal for a directive – amending act
Article 16 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall ensure that in case of significant irregularities or leakages, the operator immediately notifies the competent authority and takes the necessary corrective measures.	1. Member States shall ensure that in case of significant irregularities or leakages ***that could have a negative impact on human health or the environment, as defined by the criteria to be determined in the guidelines referred to in Article 4(3)***, the operator immediately notifies the competent authority and takes the necessary corrective measures.

Or. en

Justification

Concrete measurable criteria and guidelines of reference are needed

Amendment 330
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 16 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The corrective measures referred to in paragraph 1 shall be taken on the basis of a corrective measures plan submitted to and approved by the competent authority pursuant to Articles 7(6) and 9(6);	2. The corrective measures referred to in paragraph 1 shall be taken on the basis of a corrective measures plan submitted to and approved by the competent authority ***and the Commission*** pursuant to Articles 7(6) and 9(6)***. Those measures shall be made***

public.

Or. en

Justification

The binding review at Community level is necessary to ensure consistency in implementation of the requirements. Citizens should have full access to this information.

Amendment 331
Lambert van Nistelrooij

Proposal for a directive – amending act
Article 16 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The competent authority may at any time ***request*** the operator to take additional or different corrective measures than those laid out in the corrective measures plan. It may also at any time take corrective measures itself and shall then recover the costs from the operator.	3. The competent authority may at any time ***require*** the operation to take additional or different corrective measures than those laid out in the corrective measures plan. It may also at any time take corrective measures itself and shall then recover the costs from the operator.

Or. en

Justification

There is a significant difference between request and require. Require will strengthen the competent authority's behaviour.

Amendment 332
Adam Gierek

Proposal for a directive – amending act
Article 17 – paragraph 2

Text proposed by the Commission	*Amendment*
2. After a storage site has been closed pursuant to paragraph 1 points (a) or (b), the operator remains responsible for	2. After a storage site has been closed pursuant to paragraph 1 points (a) or (b), the operator remains responsible for

maintenance, monitoring, control, reporting, and corrective measures pursuant to the requirements laid down in this Directive, as well as for all ***ensuing*** obligations ***under*** other relevant provisions of Community legislation, until the responsibility for the storage ***site*** is transferred to the competent authority pursuant to Article 18(1) to (4). The operator shall also be responsible for sealing the storage site and removing ***the injection*** facilities.	maintenance, monitoring, control, reporting, and corrective measures pursuant to the requirements laid down in this Directive, as well as for all ***measures deriving from*** obligations ***and*** other relevant provisions of Community legislation, until the responsibility for the storage ***complex*** is transferred to the competent authority ***of the Member State*** pursuant to Article 18(1) to (4). The operator shall also be responsible***, prior to this transfer,*** for sealing the storage site, making it safe and removing ***all*** facilities.

Or. pl

Justification

Once they are closed, responsibility for geological storage sites for CO_2 should lie with a (national) local authority, in accordance with Community law and the law of the relevant Member State.

Amendment 333
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 17 – paragraph 2

Text proposed by the Commission	*Amendment*
2. After a storage site has been closed pursuant to paragraph 1 points (a) or (b), the operator remains responsible for maintenance, monitoring, control, reporting, and corrective measures pursuant to the requirements laid down in this Directive, as well as for all ensuing obligations under other relevant provisions of Community legislation, until the responsibility for the storage site is transferred to the competent authority pursuant to Article 18(1) to (4). The operator shall also be responsible for sealing the storage site and removing the injection facilities.	2. After a storage site has been closed pursuant to paragraph 1 points (a) or (b), the operator remains responsible for maintenance, monitoring, control, reporting, and corrective measures pursuant to the requirements laid down in this Directive, as well as for all ensuing obligations under other relevant provisions of Community legislation, until the responsibility for the storage site is transferred to the competent authority pursuant to Article 18(1) to (4). The operator shall also be responsible for sealing the storage site and removing the injection facilities. ***The operator should***

remain responsible for at least 100 years after the closure of a site.

Or. en

Justification

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

Amendment 334
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 17 – paragraph 2

Text proposed by the Commission	*Amendment*
2. After a storage site has been closed pursuant to paragraph 1 points (a) or (b), the operator remains responsible for maintenance, monitoring, control, reporting, and corrective measures pursuant to the requirements laid down in this Directive, as well as for all ensuing obligations under other relevant provisions of Community legislation, until the responsibility for the storage site is transferred to the competent authority pursuant to Article 18(1) to (4). ***The operator shall also be responsible for sealing*** the storage site and ***removing*** the injection facilities.	2. After a storage site has been closed pursuant to paragraph 1 points (a) or (b), the operator remains responsible for maintenance, monitoring, control, reporting, and corrective measures pursuant to the requirements laid down in this Directive, as well as for all ensuing obligations under other relevant provisions of Community legislation, until the responsibility for the storage site is transferred to the competent authority pursuant to Article 18(1) to (4). ***Closure shall not be complete until the operator has*** sealed the storage site and ***removed*** the injection facilities**.**

Or. de

Justification

This amendment is needed on the one hand to enable Art. 18(1) to be applied, and on the other to prevent responsibility for the closed storage site being transferred to the competent authority before the storage site has been completely sealed and all the injection facilities removed pursuant to Article 18(1).

Amendment 335
Adam Gierek

Proposal for a directive – amending act
Article 17 – paragraph 4

Text proposed by the Commission	*Amendment*
4. After a storage site has been closed pursuant to paragraph 1 point (c), the competent authority shall remain responsible for maintenance, monitoring**,** control, and corrective measures pursuant to the requirements laid down in this Directive ***as well as*** for all ensuing obligations under other relevant provisions of Community legislation. The post-closure requirements pursuant to this Directive shall be fulfilled on the basis of the provisional post-closure plan submitted to and approved by the competent authority pursuant to Articles 7(7) and 9(7), which shall be updated as necessary.	4. After a storage site has been closed pursuant to paragraph 1 point (c), the competent authority ***of the Member State*** shall remain responsible for maintenance, monitoring ***and*** control, ***as well as*** *reporting* and corrective measures pursuant to the requirements laid down in this Directive***.*** ***It shall also be responsible*** for all ensuing obligations under other relevant provisions of Community ***and national*** legislation***, including monitoring of the long-term process of chemical neutralisation of CO_2 in geological structures***. The post-closure requirements pursuant to this Directive shall be fulfilled on the basis of the provisional post-closure plan submitted to and approved by the competent authority ***of the Member State*** pursuant to Articles 7(7) and 9(7), which shall be updated as necessary.

Or. pl

Justification

Information is needed on the progress of the chemical neutralisation of CO_2, bearing in mind future interests relating to exploitation of areas earmarked for storage sites.

Amendment 336
Bairbre de Brún, Umberto Guidoni

Proposal for a directive – amending act
Article 17 – paragraph 4

Text proposed by the Commission	*Amendment*
4. After a storage site has been closed pursuant to paragraph 1 point (c), the	4. After a storage site has been closed pursuant to paragraph 1 point (c), the

competent authority shall remain responsible for maintenance, monitoring, control, and corrective measures pursuant to the requirements laid down in this Directive ***as well as for all ensuing obligations*** under other relevant provisions of Community legislation. The post-closure requirements pursuant to this Directive shall be fulfilled on the basis of the provisional post-closure plan submitted to and approved by the competent authority pursuant to Articles 7(7) and 9(7), which shall be updated as necessary.	competent authority shall remain responsible for maintenance, monitoring, control, and corrective measures pursuant to the requirements laid down in this Directive ***and*** under other relevant provisions of Community legislation***, while the overall liability shall remain with the operator***. The post-closure requirements pursuant to this Directive shall be fulfilled on the basis of the provisional post-closure plan submitted to and approved by the competent authority pursuant to Articles 7(7) and 9(7), which shall be updated as necessary.

Or. en

Justification

The transfer of all ensuing legal obligations to the competent authority gives a bad signal to potential operators. Other provisions of Community legislation, especially those of Directive 2004/35/CE, should apply so as to create a system of liability closer to the polluter-pays principle.

Amendment 337
Karsten Friedrich Hoppenstedt

Proposal for a directive – amending act
Article 17 – paragraph 4

Text proposed by the Commission	*Amendment*
4. After a storage site has been closed pursuant to paragraph 1 point (c), the competent authority shall remain responsible for maintenance, monitoring, control, and corrective measures pursuant to the requirements laid down in this Directive as well as for all ensuing obligations under other relevant provisions of Community legislation. The post-closure requirements pursuant to this Directive shall be fulfilled on the basis of the provisional post-closure plan submitted to and approved by the competent authority	4. After a storage site has been closed pursuant to paragraph 1 point (c), the competent authority shall remain responsible for maintenance, monitoring, control, and corrective measures pursuant to the requirements laid down in this Directive as well as for all ensuing obligations under other relevant provisions of Community legislation. The post-closure requirements pursuant to this Directive shall be fulfilled on the basis of the provisional post-closure plan submitted to and approved by the competent authority

pursuant to Articles 7(7) and 9(7), which shall be updated as necessary.	pursuant to Articles 7(7) and 9(7), which shall be updated as necessary. ***Where the competent authority takes these measures itself, it shall reclaim the costs from the operator. Where this is not feasible, recourse shall be had to the financial security pursuant to Article 19(2).***

Or. de

Justification

Under paragraph 4, in the case of early withdrawal of a storage permit (for significant irregularities or unreliability of the operator), the duty of aftercare would pass to the competent authority. Where a site is closed under the regular procedure, the operator remains responsible for it (Article 17(2)). It is therefore necessary that, in the event of closure for non-compliance with obligations, the operator should also remain liable and that the authority should have recourse to legal remedies against it (as in the case of Art. 16) or that the financial security should be used for this purpose.

Amendment 338
Kathalijne Maria Buitenweg, Jill Evans

Proposal for a directive – amending act
Article 17 – paragraph 4

Text proposed by the Commission	*Amendment*
4. After a storage site has been closed pursuant to paragraph 1 point (c), the competent authority shall remain responsible for maintenance, monitoring, control, and corrective measures pursuant to the requirements laid down in this Directive as well as for all ensuing obligations under other relevant provisions of Community legislation. The post-closure requirements pursuant to this Directive shall be fulfilled on the basis of the provisional post-closure plan submitted to and approved by the competent authority pursuant to Articles 7(7) and 9(7), which shall be updated as necessary.	4. After a storage site has been closed pursuant to paragraph 1 point (c), the competent authority shall remain responsible for maintenance, monitoring, control, and corrective measures pursuant to the requirements laid down in this Directive as well as for all ensuing obligations under other relevant provisions of Community legislation. The post-closure requirements pursuant to this Directive shall be fulfilled on the basis of the provisional post- closure plan submitted to and approved by the competent authority pursuant to Articles 7(7) and 9(7), which shall be updated as necessary. ***The operator shall still be legally and financially responsible for the site, and should keep financial security or other***

equivalent pursuant to Article 19(2)(b)(ii).

Or. en

Justification

The operator covers the costs if eventual damage occurs after closure of the site.