



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.4.2007
SEC(2007) 442 final

RESTREINT UE

RECOMMENDATION FROM THE COMMISSION TO THE COUNCIL

concerning the participation of the European Community in the negotiations on a proposed amendment to the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) of 1992 in relation to carbon capture and geological storage

A. EXPLANATORY MEMORANDUM

1. The European Community is a Contracting Party to the 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic¹, the so-called OSPAR Convention. The Contracting Parties to this Convention are Belgium, Denmark, the European Community, Finland, France, Germany, Iceland, Ireland, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland.
2. Within the OSPAR Convention Contracting Parties co-operate for the protection of the marine environment of the North-East Atlantic. The OSPAR Convention brought together and up-dated the 1972 Oslo Convention for the Prevention of Marine Pollution by Dumping and the 1974 Paris Convention for the Prevention of Marine Pollution from Land-based Sources.
3. **NOT DECLASSIFIED.**
4. **NOT DECLASSIFIED.**
5. **NOT DECLASSIFIED.**
6. **NOT DECLASSIFIED.**

¹ Council Decision of 7 October 1997 on the conclusion of the Convention for the protection of the marine environment of the North-east Atlantic, Official Journal L 104, 03/04/1998

7. **NOT DECLASSIFIED**.

8. **NOT DECLASSIFIED**.

9. The Executive Secretary of the OSPAR Commission circulated, on 21 December 2006, a formal submission by one Contracting Party proposing amendments to Annexes II and III of the OSPAR Convention in relation to carbon capture and geological storage. Annex II to the OSPAR Convention regulates dumping and incineration of wastes in the OSPAR maritime area, and contains a list of substances to which the general ban on dumping does not apply. Annex III to the OSPAR Convention deals with the prevention and elimination of pollution from offshore sources.

10. The substantive changes proposed are to add in Annex II, Article 3(2), carbon dioxide streams from carbon dioxide capture processes for storage, under certain conditions, and to add a similar subparagraph (3) to Article 3 in Annex III. This amendment of the OSPAR Convention would open the possibility for geological carbon dioxide (CO₂) storage in the subsoil of the North-East Atlantic. It would make it legally possible to inject, under certain conditions, carbon dioxide streams in the subsoil of the OSPAR maritime area with a view to their permanent storage. However, such activity should not be permitted unconditionally and an adequate risk management regime, which takes in particular consideration other possible impacts on the environment, including on ecosystems and biodiversity, must be put in place to guide such activity.

11. In its contribution to the Spring European Council, the Environment Council has recognised the need for sustainable heat and power generation from fossil fuels through substantial improvement of generation efficiency, emission reductions of air pollutants and environmentally sound carbon dioxide capture and sequestration (CCS) and of international cooperation, and invites the Member States and the Commission to develop the necessary

technical, economical and regulatory framework to bring environmentally safe CCS to markets, if possible by 2020².

12. The European Commission proposed on 10 January 2007, as part of its Energy Package, that international action should be undertaken with regard to CCS³, especially to enhance CCS acceptance in international regimes, including support to appropriate amendments to the international conventions such as the OSPAR Convention.
13. The intentional disposal of any liquid or gas into the seabed/subsoil as part of the expression of good environmental status for the marine environment⁴ is being also discussed in the context of the proposed Marine Strategy Directive⁵. The European Parliament, in its first reading of this Directive, has proposed amendments in this regard. This issue will continue to be addressed during the legislative co-decision procedure for adoption of the proposed Marine Strategy Directive.
14. It is also expected that, further to the preparatory work being carried out by a correspondence group set out for this purpose, an OSPAR measure setting out an OSPAR risk management framework will also be tabled by the OSPAR Commission for adoption under Article 13 of the OSPAR Convention at the same June 2007 meeting where the amendment to the Convention is on the agenda.
15. The storage into sub-seabed geological formations of carbon dioxide streams from carbon dioxide capture processes, under the conditions laid down in the proposal for amendment, is under consideration as a possibly useful mitigation option to climate change. Such an amendment should be decided in conjunction with a measure of the OSPAR Commission establishing a risk management framework and having analysed all the possible impacts on the environment, including on ecosystems and biodiversity, and having taken into account the scientific understanding of this process and the associated risks.

2 Contribution to the Spring European Council (8-9 March 2007), Council conclusions Document 6629/07, 21 February 2007, § 20

3 COM(2006) 843 final, "Sustainable power generation from fossil fuels: aiming for near-zero emissions from coal after 2020"

4 Amendments 80, 91, 92, 81 and 82 Annex -I (new), subparagraph t.

5 European Parliament legislative resolution on the proposal for a directive of the European Parliament and of the Council establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive), first reading 14 November 2006.

B. RECOMMENDATION

In the light of the above, the Commission recommends:

- a) **NOT DECLASSIFIED**;

- b) **NOT DECLASSIFIED**;

- c) **NOT DECLASSIFIED**;

- d) that the Council issues the appended negotiating directives.

ANNEX
NEGOTIATING DIRECTIVES

NOT DECLASSIFIED