Transboundary CCS in the EU – Law and Policy Challenges

LAUREN DOWNES, J.D., LL.M.
RESEARCH ASSOCIATE
CENTRE FOR COMMERCIAL LAW STUDIES, QUEEN MARY UNIVERSITY OF LONDON
Role of Law and Policy – in Context of CEP mandate
Gateway Project – Horizon 2020

Figure 1.

Rotterdam Nucleus

Figure source: https://academic.oup.com/jwelb/article/11/2/93/4718110
CCS Faces Many Challenges

- Public perception
- CCS market and industrial stakeholders
- Public funding schemes and policy makers
- Technology availability and costs
- Business case
- Legal hurdles
- Public perception
Layers of Law – Challenges and Opportunities for CCS in EU

- **International**
  - London Protocol
  - Transboundary Issues / Value Chain – liabilities (leakage), risk sharing

- **National**
  - Implementation of EU policy
  - Inconsistency in support and interest among states
  - Commerciality

- **Local**
  - Local governance
  - NIMBY
Layers of Law – Challenges and Opportunities for CCS in EU

International

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London Protocol – Article 6

**ARTICLE 6**

**EXPORT OF WASTES OR OTHER MATTER**

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

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

**Solutions?**

Resolutions: Interpretative or provisional
Separate bilateral or multilateral agreement
Operation of LP: modification or suspension of it by contracting parties

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

International issue: Transboundary Issues

Establishing transboundary value chain

Leakage

Layers of Law – Challenges and Opportunities for CCS in EU

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National Issue: EU Policy Implementation

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

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

Commerciality
- Allocation of public funds?
Layers of Law – Challenges and Opportunities for CCS in EU

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Local issues

NIMBY
- Barendrecht
- Vattenfall

Energy justice

Local Permitting
Some publications from the Gateway Project


Thank you for listening

l.downes@qmul.ac.uk