

Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (Text with EEA relevance)

## CHAPTER 8

### FINAL PROVISIONS

#### *Article 38*

##### **Review**

1 The Commission shall transmit to the European Parliament and to the Council a report on the implementation of this Directive within nine months of receiving the reports referred to in Article 27.

2 In the report transmitted by 31 March 2015, the Commission shall assess in particular, on the basis of experience with the implementation of this Directive, in light of the experience with CCS and taking into account technical progress and the most recent scientific knowledge:

- whether permanent containment of CO<sub>2</sub> in such a way as to prevent and reduce as far as possible negative effects on the environment and any resulting risk to human health and the environmental and human safety of CCS has been sufficiently demonstrated,
- whether the procedures regarding the Commission's reviews of the draft storage permits, referred to in Article 10, and the draft decisions on transfer of responsibility, referred to in Article 18, are still required,
- experience with the provisions on CO<sub>2</sub> stream acceptance criteria and procedure referred to in Article 12,
- experience with the provisions on third-party access referred to in Articles 21 and 22 and with the provisions on transboundary cooperation pursuant to Article 24,
- the provisions applicable to combustion plants with a rated electrical output of 300 megawatts or more referred to in Article 9a of Directive 2001/80/EC,
- prospects for geological storage of CO<sub>2</sub> in third countries,
- further development and updating of the criteria referred to in Annex I and Annex II,
- experience with incentives for applying CCS on installations combusting biomass,
- the need for further regulation on environmental risks related to CO<sub>2</sub> transport,

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

3 Where permanent containment of CO<sub>2</sub> in such way as to prevent and, where this is not possible, eliminate as far as possible negative effects and any risk to the environment and human health, and the environmental and human safety of CCS have been sufficiently demonstrated, as well as its economic feasibility, the review shall examine whether it is needed and practicable to establish a mandatory requirement for emission performance standards for new electricity-generating large combustion installations pursuant to Article 9a of Directive 2001/80/EC.