

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 3

STORAGE PERMITS

Article 6

Storage permits

- 1 Member States shall ensure that no storage site is operated without a storage permit, that there shall be only one operator for each storage site, and that no conflicting uses are permitted on the site.
- 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 transparent criteria.
- 3 Without prejudice to the requirements of this Directive, priority for the granting of a storage permit for a particular site shall be given to the holder of the exploration permit for that site, provided that the exploration of that site is completed, that any condition set in the exploration permit has been complied with, and that the application for a storage permit is made during the period of validity of the exploration permit. Member States shall ensure that no conflicting uses of the complex are allowed during the permit procedure.

Article 7

Applications for storage permits

Applications to the competent authority for storage permits shall include at least the following information:

1. the name and address of the potential operator;
2. proof of the technical competence of the potential operator;
3. the characterisation of the storage site and storage complex and an assessment of the expected security of the storage pursuant to Article 4(3) and (4);
4. the total quantity of CO₂ to be injected and stored, as well as the prospective sources and transport methods, the composition of CO₂ streams, the injection rates and pressures, and the location of injection facilities;
5. a description of measures to prevent significant irregularities;
6. a proposed monitoring plan pursuant to Article 13(2);
7. a proposed corrective measures plan pursuant to Article 16(2);

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

8. a proposed provisional post-closure plan pursuant to Article 17(3);
9. the information provided pursuant to Article 5 of Directive 85/337/EEC;
10. proof that the financial security or other equivalent provision as required under Article 19 will be valid and effective before commencement of the injection.

Article 8

Conditions for storage permits

The competent authority shall issue a storage permit only if the following conditions are met:

1. the competent authority, on the basis of the application submitted pursuant to Article 7 and of any other relevant information, is satisfied that:
 - (a) all relevant requirements of this Directive and of other relevant Community legislation are met;
 - (b) the operator is financially sound and technically competent and reliable to operate and control the site and that professional and technical development and training of the operator and all staff are provided;
 - (c) in the case of more than one storage site in the same hydraulic unit, the potential pressure interactions are such that both sites can simultaneously meet the requirements of this Directive;
2. the competent authority has considered any opinion of the Commission on the draft permit issued pursuant to Article 10.

Article 9

Contents of storage permits

The permit shall contain at least the following:

1. the name and address of the operator;
2. the precise location and delimitation of the storage site and storage complex, and information concerning the hydraulic unit;
3. the requirements for storage operation, the total quantity of CO₂ authorised to be geologically stored, the reservoir pressure limits, and the maximum injection rates and pressures;
4. the requirements for the composition of the CO₂ stream and the CO₂ stream acceptance procedure pursuant to Article 12, and, if necessary, further requirements for injection and storage in particular to prevent significant irregularities;
5. the approved monitoring plan, the obligation to implement the plan and requirements for updating it pursuant to Article 13 as well as the reporting requirements pursuant to Article 14;
6. the requirement to notify the competent authority in the event of leakages or significant irregularities, the approved corrective measures plan and the obligation to implement

- the corrective measures plan in the event of leakages or significant irregularities pursuant to Article 16;
7. the conditions for closure and the approved provisional post-closure plan referred to in Article 17;
 8. any provisions on changes, review, updating and withdrawal of the storage permit pursuant to Article 11;
 9. the requirement to establish and maintain the financial security or any other equivalent pursuant to Article 19.

Article 10

Commission review of draft storage permits

1 Member States shall make the permit applications available to the Commission within one month after receipt. They shall also make available other related material that shall be taken into account by the competent authority when it seeks to make a decision on the award of a storage permit. They shall inform the Commission of all draft storage permits and any other material taken into consideration for the adoption of the draft decision. Within four months after receipt of the draft storage permit, the Commission may issue a non-binding opinion on it. If the Commission decides not to issue an opinion, it shall inform the Member State within one month of submission of the draft permit and state its reasons.

2 The competent authority shall notify the final decision to the Commission, and where it departs from the Commission opinion it shall state its reasons.

Article 11

Changes, review, update and withdrawal of storage permits

1 The operator shall inform the competent authority of any changes planned in the operation of the storage site, including changes concerning the operator. Where appropriate, the competent authority shall update the storage permit or the permit conditions.

2 Member States shall ensure that no substantial change is implemented without a new or updated storage permit issued in accordance with this Directive. Annex II, point 13, first indent of Directive 85/337/EEC shall apply in such cases.

3 The competent authority shall review and where necessary update or, as a last resort, withdraw the storage permit:

- a if it has been notified or made aware of any leakages or significant irregularities pursuant to Article 16(1);
- b if the reports submitted pursuant to Article 14 or the environmental inspections carried out pursuant to Article 15 show non-compliance with permit conditions or risks of leakages or significant irregularities;
- c if it is aware of any other failure by the operator to meet the permit conditions;
- d if it appears necessary on the basis of the latest scientific findings and technological progress; or
- e without prejudice to points (a) to (d), five years after issuing the permit and every 10 years thereafter.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

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 Article 17(1)(c). Until a new storage permit has been issued, the competent authority shall temporarily take over all legal obligations relating to acceptance criteria where the competent authority decides to continue CO₂ injections, monitoring and corrective measures pursuant to the requirements laid down in this Directive, the surrender of allowances in cases of leakage pursuant to Directive 2003/87/EC and preventive and remedial action pursuant to Articles 5(1) and 6(1) of Directive 2004/35/EC. The competent authority shall recover any costs incurred from the former operator, including by drawing on the financial security referred to in Article 19. In case of closure of the storage site pursuant to Article 17(1)(c), Article 17(4) shall apply.