

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 7

AMENDMENTS

^{F1}Article 31

[^{F1}Amendment of Directive 85/337/EEC]

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Textual Amendments

- F1** Deleted by [Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment \(codification\)](#) (Text with EEA relevance).

Article 32

Amendment of Directive 2000/60/EC

In Article 11(3)(j) of Directive 2000/60/EC, the following indent shall be inserted after the third indent:

- injection of carbon dioxide streams for storage purposes into geological formations which for natural reasons are permanently unsuitable for other purposes, provided that such injection is made in accordance with Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide⁽¹⁾ or excluded from the scope of that Directive pursuant to its Article 2(2);

Article 33

Amendment of Directive 2001/80/EC

In Directive 2001/80/EC, the following Article shall be inserted:

Article 9a

1 Member States shall ensure that operators of all combustion plants with a rated electrical output of 300 megawatts or more for which the original construction licence or, in the absence of such a procedure, the original operating licence is granted after the entry into force of Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide⁽¹⁾, have assessed whether the following conditions are met:

- suitable storage sites are available,

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- transport facilities are technically and economically feasible,
- it is technically and economically feasible to retrofit for CO₂ capture.

2 If the conditions in paragraph 1 are met, the competent authority shall ensure that suitable space on the installation site for the equipment necessary to capture and compress CO₂ is set aside. The competent authority shall determine whether the conditions are met on the basis of the assessment referred to in paragraph 1 and other available information, particularly concerning the protection of the environment and human health.

Article 34

Amendment of Directive 2004/35/EC

In Annex III to Directive 2004/35/EC, the following paragraph shall be added:

14. The operation of storage sites pursuant to Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide⁽¹⁾;

Article 35

Amendment of Directive 2006/12/EC

Article 2(1)(a) of Directive 2006/12/EC shall be replaced by the following:

- (a) gaseous effluents emitted into the atmosphere and carbon dioxide captured and transported for the purposes of geological storage and geologically stored in accordance with Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide⁽¹⁾ or excluded from the scope of that Directive pursuant to its Article 2(2);

Article 36

Amendment of Regulation (EC) No 1013/2006

In Article 1(3) of Regulation (EC) No 1013/2006, the following point shall be added:

- (h) shipments of CO₂ for the purposes of geological storage in accordance with Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide⁽¹⁾;

Article 37

Amendment of Directive 2008/1/EC

In Annex I to Directive 2008/1/EC, the following point shall be added:

- 6.9. Capture of CO₂ streams from installations covered by this Directive for the purposes of geological storage pursuant to Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide⁽¹⁾.

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(1) [^{F1}OJ L 140, 5.6.2009, p. 114.'];]

Textual Amendments

- F1** Deleted by [Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment \(codification\)](#) (Text with EEA relevance).