

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Storage of Carbon Dioxide (Licensing etc.) (Scotland) Regulations 2011 (“the 2011 Regulations”) and form part of the implementation of Directive [2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide (OJ No L 140, 5.6.2009, p.114.) (“the Directive”). In particular, they implement Article 15 of the Directive, which deals with the inspection of carbon dioxide storage complexes.

Regulation 4 inserts new regulations 14 to 18 into the 2011 Regulations. Regulation 14 provides for routine inspections of carbon dioxide storage complexes and for additional inspections. Regulation 15 and Schedule 3 deal with the powers and duties of inspectors appointed under the Energy Act 2008. Regulation 16 imposes a duty on Scottish Ministers, as the licensing authority, to prepare inspection reports. Regulation 17 deals with admissibility of evidence. Regulation 18 creates offences concerning the obstruction of inspectors, failure to comply with the requirements of an inspector and the provision of false information in connection with an investigation. Regulation 6 inserts the new Schedule 3 which is referred to in the new regulation 15.

Regulation 5 amends Schedule 2 to the 2011 Regulations, which sets out the provisions to be included in a storage permit. It is amended to add to the list of obligations for which financial security must be provided, the operator’s obligation to make financial contribution to Scottish Ministers for costs incurred by them after a site is closed.

A regulatory impact assessment has not been produced for this instrument as no impact on the costs of business or the voluntary sector is foreseen.