



2020-IP22 – The Adopted Provisional Application of the London Protocol's CCS Export Amendment

The London Protocol Parties at their 2019 annual meeting (LC41/LP14 on 11 October 2019) approved a Resolution for Provisional Application of the 2009 CCS Export Amendment. This means that CO₂ can be transported across international borders to offshore storage. This arose from a formal proposal from Norway and the Netherlands, joined by the UK (see Information Paper IEAGHG 2019-IP11). This was needed for the Norwegian government to be able to proceed with their formal proposal in September 2020 for their Longship project and Northern Lights transport and storage facility, which plans to receive CO₂ from across Northern Europe (see IEAGHG Greenhouse News Issue 138 pages 1-3, October 2020). It is also helping enable new interest in further transboundary CCS projects in the North Sea region.

The final text of Resolution LP.5(14) on the Provisional Application of the 2009 Amendment to Article 6 of the London Protocol was subsequently published in the LC41/LP14 meeting report in 2020. It has the following operative clauses.

- 1. DECIDES to allow for the provisional application of the 2009 amendment pending its entry into force by those Contracting Parties which have deposited a declaration on provisional application of the 2009 amendment;*
- 2. INVITES Contracting Parties to deposit with the Depositary a declaration on provisional application of the 2009 amendment of the London Protocol pending its entry into force;*
- 3. FURTHER RECALLS the obligation to notify the Depositary of agreements or arrangements mentioned in article 6, paragraph 2 of the London Protocol (as amended by resolution LP.3(4));*
- 4. AFFIRMS that the export of carbon dioxide under the provisional application of article 6 of the London Protocol (as amended by resolution LP.3(4)), and in compliance with the requirements of paragraph 2 of the article (as amended by resolution LP.3(4)) will not be in breach of article 6 as in force at the time of the export; and*
- 5. URGES Contracting Parties to consider accepting the amendment to article 6 of the London Protocol adopted through resolution LP.3(4).*

The full text of the adopted decision is attached to this Information Paper as Appendix 1.

This Provisional Application then allows countries to agree to export and receive CO₂ for offshore geological storage. To do so, they are required to submit a declaration with the IMO secretariat. To note that the environmental protection aspects were already in place - the guidance documents for permitting offshore storage and for export agreements were revised and finalised for transboundary activities in 2012 (CO₂ Specific Guidelines) and 2013 (Agreements and Arrangements) (See IEAGHG 2013-IP26).

A press release from Norway is available at <https://www.regjeringen.no/no/aktuelt/eksport-av-co2-for-offshore-lagringformal-tillates/id2673809/> (in Norwegian). A press briefing from



the IMO is available at <http://www.imo.org/en/MediaCentre/PressBriefings/Pages/22-CCS-LP-resolution-.aspx> .

IEAGHG are the only CCS organisation present in the London Convention meetings. IEAGHG actively supported the Norwegian and Netherlands proposal by providing evidence-base in the meeting relating to offshore CCS developments and also the new IPCC Ocean and Cryosphere report to re-emphasise the need for CO₂ reductions. IEAGHG also facilitated a presentation to be given to delegates by the STEMM-CCS project on marine monitoring advancements. IEAGHG were active in both the Plenary and in the Drafting Group that worked on the details of the Resolution. It took some four hours of Drafting Group meetings to finalise the details, which took into account a range of views by Parties and by Observers such as Greenpeace and IEAGHG (see IEAGHG Blog 22 October 2019).

Background

For background and a fuller description of the justification for Norway's proposal see IEAGHG Information Paper 2019-IP11 <http://documents.ieaghg.org/index.php/s/5PFjfx8GPRZ9I1P> (note the Resolution wording changed from the proposal). This includes the need for this Provisional Application for the Northern Lights project.

As a reminder, the London Convention and Protocol are the global treaties that protect the marine environment. A CCS amendment proposed by UK and others was approved in 2006 to allow CO₂ storage in sub-seabed formations, it came with guidance on permitting in the 'CO₂ Specific Guidelines' (2007). As the London Protocol also prohibits exports of wastes for dumping elsewhere, an amendment was proposed by Norway and approved in 2009 to allow export of CO₂ for geological storage. The detailed work on the guidance on transboundary CCS and export of CO₂ was completed in 2012 and 2013 (see IEAGHG 2013-IP26 and 2014-IP19). However for this CCS export amendment to come into force, two thirds of the then 51 Parties to the London Protocol need to ratify the amendment (ie 34). In terms of ratification progress, this had been extremely slow, with just Norway, UK, Netherlands, Iran, Finland and Estonia having ratified over the ten years since, whilst the number of Parties has grown by 14 over the same period. This means there remained this legal barrier to exporting CO₂ from one country to another for offshore storage projects. In 2011 the IEA produced a Working Paper "CCS and the London Protocol: Options for Enabling Transboundary CO₂ Transfer", with IEAGHG input. This described options to waiting for ratification, and these options were presented and discussed at the 3rd Offshore CCS workshop in June 2018 (IEAGHG Report 2018-TR02) and at GHGT-14 session 11C. One of these options was Provisional Application.



Appendix 1 – Full text of the adopted decision

ANNEX 2

RESOLUTION LP.5(14) ON THE PROVISIONAL APPLICATION OF THE 2009 AMENDMENT TO ARTICLE 6 OF THE LONDON PROTOCOL (Adopted on 11 October 2019) THE FOURTEENTH MEETING OF CONTRACTING PARTIES TO THE 1996 PROTOCOL TO THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972

RECALLING the objectives of the 1996 Protocol to the London Convention ("London Protocol") that include the protection and preservation of the marine environment from all sources of pollution;

REITERATING the serious concern regarding the implications for the marine environment of climate change and ocean acidification, as a result of elevated levels of carbon dioxide in the atmosphere;

RECALLING the adoption and entry into force of the amendment which included the sequestration of carbon dioxide streams in sub-seabed geological formations in annex 1 to the London Protocol made through resolution LP.1(1) (2006);

REITERATING that resolution LP.1(1) recognizes that carbon dioxide capture and sequestration should not be considered as a substitute to other measures to reduce carbon dioxide emissions, but considered such sequestration as one of a portfolio of options to reduce levels of atmospheric carbon dioxide and as an important interim solution, also as referred to in paragraph 1.5 of the *2012 Specific Guidelines for the assessment of carbon dioxide for disposal into sub-seabed geological formations*;

STRESSING that the disposal of carbon dioxide streams into sub-seabed geological formations does not remove the obligation under the London Protocol to reduce the need for such disposal and the commitments under UNFCCC to reduce greenhouse gas emissions, taking into account the recent special reports of IPCC;

EMPHASIZING the need to further develop low carbon forms of energy;

NOTING that not all States have suitable sub-seabed geological formations for the sequestration of carbon dioxide streams;

RECALLING the work of the Legal and Technical Working Group on Transboundary CO₂ Sequestration Issues and its conclusions, as set out in its report (document LP/CO₂ 1/8), and the work of the Intersessional Correspondence Group on Transboundary CO₂ Sequestration Issues and its conclusions, as set out in its report (document LC 31/5);

REITERATING the conclusion of Contracting Parties in 2008 (document LP 30/16) that the London Protocol should not constitute a barrier to the transboundary movement of carbon dioxide streams to other States for disposal as a measure to mitigate climate change and ocean acidification; LC 41/17/Add.1 Annex 2, page 2

REFERRING to the adoption of the amendment to article 6 of the London Protocol at the meeting of the Contracting Parties on 30 October 2009 through resolution LP.3(4) (2009 amendment), to allow for the export of carbon dioxide for the purpose of permanent storage in geological formations below the seabed;



ENCOURAGING further acceptances of the amendment to article 6 of the London Protocol in accordance with article 21 of the London Protocol;

STRESSING the need of the deployment of carbon capture and sequestration in order to reach the climate targets in the Paris Agreement, repeated by IPCC in its recent special reports;

RECALLING that national acceptance processes of the 2009 amendment have shown to be time consuming and that, despite great efforts, only a few acceptances have been made;

WELCOMING the proposal for a preliminary solution suggesting provisional application of the 2009 amendment pending further acceptances and formal entry into force;

EMPHASIZING that neither the 2009 amendment nor this resolution should be interpreted as legitimizing the export of any other waste or other matter to other States for disposal;

EMPHASIZING ALSO that provisional application of the 2009 amendment of the London Protocol does not set any precedent as to the use of provisional application within the London Convention or London Protocol;

URGING States to share the information on the provisional application of the amendment, including agreements or arrangements entered into between exporting and receiving States and experience with the application of the *2012 Specific Guidelines for the assessment of carbon dioxide for disposal into sub-seabed geological formations* within that context,

1 DECIDES to allow for the provisional application of the 2009 amendment pending its entry into force by those Contracting Parties which have deposited a declaration on provisional application of the 2009 amendment;

2 INVITES Contracting Parties to deposit with the Depositary a declaration on provisional application of the 2009 amendment of the London Protocol pending its entry into force;

3 FURTHER RECALLS the obligation to notify the Depositary of agreements or arrangements mentioned in article 6, paragraph 2 of the London Protocol (as amended by resolution LP.3(4));

4 AFFIRMS that the export of carbon dioxide under the provisional application of article 6 of the London Protocol (as amended by resolution LP.3(4)), and in compliance with the requirements of paragraph 2 of the article (as amended by resolution LP.3(4)) will not be in breach of article 6 as in force at the time of the export; and

5 URGES Contracting Parties to consider accepting the amendment to article 6 of the London Protocol adopted through resolution LP.3(4).

Reference: (2020) Resolution LP.5(14) on the Provisional Application of the 2009 Amendment to Article 6 of the London Protocol (2019) available as Annex 2 in the report of the meeting LC41 on the IMO website <http://www.imo.org/en/OurWork/Environment/LCLP/Pages/default.aspx> under "IMODOCs" and "Public Account" and the LC41 meeting document LC41/17/Add.1 Report of the Forty-first Consultative Meeting and the Fourteenth Meeting of Contracting Parties [with annexes]