

**GAP-analysis on the Legal Aspects of Underground Geological Storage of CO<sub>2</sub> from an International and European Perspective**

Date: 2004-05-05

Authors: Caroline Wall (SwedPower AB)

ID: Vattenfall Utveckling AB, Serial No. U 04:39

Distribution: Restricted distribution, internal Vattenfall Group

Further: English language, 9 pages, 40 appending pages

**Abstract**

The international and European legal rules surrounding the concept of CO<sub>2</sub> storage is fragmentary. This causes legal uncertainty and is bound to slow investments down. Some of the existing rules, such as the OSPAR and London conventions implies that CO<sub>2</sub> storage in sub seabed geological formations is not allowed for climate change mitigating purposes according to the current definitions of dumping of wastes. Even if absolute certainty about the exact application of a legal rule is not possible, it is necessary to know if an activity is lawful.

There must be no doubt about this. The concept of CO<sub>2</sub> capture and storage is suitable for international or regional regulation firstly because the issue of climate change is global and secondly because the geological formations suitable for storage covers vast areas underground and does not follow state boundaries. If an accident would occur it could therefore not be ruled out that the consequences would be trans boundary. In these cases trans boundary cooperation is necessary.