

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 2

### SELECTION OF STORAGE SITES AND EXPLORATION PERMITS

#### *Article 4*

##### **Selection of storage sites**

- 1 Member States shall retain the right to determine the areas from which storage sites may be selected pursuant to the requirements of this Directive. This includes the right of Member States not to allow for any storage in parts or in the whole of their territory.
- 2 Member States which intend to allow geological storage of CO<sub>2</sub> in their territory shall undertake an assessment of the storage capacity available in parts or in the whole of their territory, including by allowing exploration pursuant to Article 5. The Commission may organise an exchange of information and best practices between those Member States, in the context of the exchange of information provided for in Article 27.
- 3 The suitability of a geological formation for use as a storage site shall be determined through a characterisation and assessment of the potential storage complex and surrounding area pursuant to the criteria specified in Annex I.
- 4 A geological formation shall only be selected as a storage site, if under the proposed conditions of use there is no significant risk of leakage, and if no significant environmental or health risks exist.

#### *Article 5*

##### **Exploration permits**

- 1 Where Member States determine that exploration is required to generate the information necessary for selection of storage sites pursuant to Article 4, they shall ensure that no such exploration takes place without an exploration permit.

Where appropriate, monitoring of injection tests may be included in the exploration permit.

- 2 Member States shall ensure that the procedures for the granting of exploration permits are open to all entities possessing the necessary capacities and that the permits are granted or refused on the basis of objective, published and non-discriminatory criteria.
- 3 The duration of a permit shall not exceed the period necessary to carry out the exploration for which it is granted. However, the Member States may extend the validity of the permit where the stipulated duration is insufficient to complete the exploration concerned and

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where the exploration has been performed in accordance with the permit. Exploration permits shall be granted in respect of a limited volume area.

4 The holder of an exploration permit shall have the sole right to explore the potential CO<sub>2</sub> storage complex. Member States shall ensure that no conflicting uses of the complex are permitted during the period of validity of the permit.