

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 8

FINAL PROVISIONS

Article 38

Review

^{F1}

2 In the report transmitted by 31 March 2015, the Commission shall assess in particular, on the basis of experience with the implementation of this Directive, in light of the experience with CCS and taking into account technical progress and the most recent scientific knowledge:

- whether permanent containment of CO₂ in such a way as to prevent and reduce as far as possible negative effects on the environment and any resulting risk to human health and the environmental and human safety of CCS has been sufficiently demonstrated,
- whether the procedures regarding the Commission's reviews of the draft storage permits, referred to in Article 10, and the draft decisions on transfer of responsibility, referred to in Article 18, are still required,
- experience with the provisions on CO₂ stream acceptance criteria and procedure referred to in Article 12,
- experience with the provisions on third-party access referred to in Articles 21 and 22 and with the provisions on transboundary cooperation pursuant to Article 24,
- the provisions applicable to combustion plants with a rated electrical output of 300 megawatts or more referred to in Article 9a of Directive 2001/80/EC,
- prospects for geological storage of CO₂ in third countries,
- further development and updating of the criteria referred to in Annex I and Annex II,
- experience with incentives for applying CCS on installations combusting biomass,
- the need for further regulation on environmental risks related to CO₂ transport,

and shall present a proposal for revision of the Directive if appropriate.

3 Where permanent containment of CO₂ in such way as to prevent and, where this is not possible, eliminate as far as possible negative effects and any risk to the environment and human health, and the environmental and human safety of CCS have been sufficiently demonstrated, as well as its economic feasibility, the review shall examine whether it is needed and practicable to establish a mandatory requirement for emission performance standards for new electricity-generating large combustion installations pursuant to Article 9a of Directive 2001/80/EC.

Textual Amendments

F1 Deleted by [Regulation \(EU\) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations \(EC\)](#)

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (Text with EEA relevance).

Article 39

Transposition and transitional measures

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 25 June 2011. They shall forthwith communicate to the Commission the text of those measures.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

3 Member States shall ensure that the following storage sites falling within the scope of this Directive are operated in accordance with the requirements of this Directive by 25 June 2012:

- a storage sites used in accordance with existing legislation on 25 June 2009;
- b storage sites authorised in accordance with such legislation before or on 25 June 2009, provided that the sites are used not later than one year after that date.

Articles 4 and 5, Article 7(3), Article 8(2) and Article 10 shall not apply in these cases.

Article 40

Entry into force

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 41

Addressees

This Directive is addressed to the Member States.