

FORTY-FIRST CONSULTATIVE MEETING  
OF CONTRACTING PARTIES TO THE  
LONDON CONVENTION  
&  
FOURTEENTH MEETING OF  
CONTRACTING PARTIES TO THE LONDON  
PROTOCOL  
7-11 October 2019  
Agenda item 6

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**CO<sub>2</sub> SEQUESTRATION IN SUB-SEABED GEOLOGICAL FORMATIONS**

**Report of the Drafting Group on the Proposed Resolution on the Provisional Application of the 2009 Amendment to Article 6 of the London Protocol**

**Introduction**

1 The Drafting Group on the Proposed Resolution on the Provisional Application of the 2009 Amendment to Article 6 of the London Protocol met on 8 October 2019, chaired by Ms. Linda Porebski (Canada), and was attended by delegations from Australia, Belgium, Canada, Chile, China, Finland, France, Germany, Ghana, Italy, Japan, Marshall Islands, Netherlands, New Zealand, Nigeria, Norway, Republic of Korea, Saudi Arabia, Sweden, United Kingdom, United States, Vanuatu and observers from ACOPS, Greenpeace International, IMarEST and OECD.

**Terms of reference**

2 The Group was instructed to:

- .1 finalize the text of proposed resolution on the provisional application of the 2009 amendment to article 6 of the London Protocol (LC 41/6, annex 1), taking into account the following decisions made in plenary:
  - .1 to ensure that priority is given to reduction and control of CO<sub>2</sub>;
  - .2 to encourage information-sharing;
  - .3 to address the reference to the IPCC report; and
- .2 present a written report to plenary on Friday morning, 11 October 2019.

## **Development of the draft resolution**

### ***Prioritization of CO<sub>2</sub> reduction and control***

3 The Group noted that the draft resolution already included a preambular paragraph which recognizes that carbon dioxide capture and sequestration should not be considered as a substitute to other measures to reduce carbon dioxide emissions, but considers such sequestration as one of a portfolio of options to reduce levels of atmospheric carbon dioxide and as an important interim solution. In this regard, the Group agreed to strengthen the language of this text, thus replacing the word "Recalling" with "Reiterating". Furthermore, the Group agreed to include a reference to paragraph 1.5 of the *2012 Specific Guidelines for assessment of carbon dioxide for disposal into sub-seabed geological formations*, which also stresses that this technology is not to be used as an alternative to reduction and control at source.

### ***Information-sharing***

4 With respect to information sharing, the Group agreed to include a preambular paragraph to urge States to share information on the provisional application of the 2009 amendment to article 6 of the London Protocol (LP.3(4)) (2009 amendment), including information on the agreements or arrangements for export, and to share experience of the application of the *2012 Specific Guidelines for assessment of carbon dioxide for disposal into sub-seabed geological formations* within that context.

### ***Reference to the IPCC report***

5 In order to recognize the relevance of recent special reports by IPCC, the Group agreed to the following text:

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

### ***Unavoidable emissions***

6 Several delegations were of the view that the provisional application of article 6 of the London Protocol should only apply to the carbon capture and sequestration of unavoidable emissions from primary industry and recommended the revision as follows:

"RECOGNIZING the need of the deployment of carbon capture and sequestration of emissions that cannot be prevented otherwise in order to reach our climate targets in the Paris Agreement, repeated by IPCC in its recent special reports"

7 However, other delegations expressed that this revision could potentially narrow the scope of such provisional application and were not in agreement. It was suggested that such a revision could be considered substantive and, therefore, was beyond the terms of reference of the Group and should not be included in the resolution.

8 The Group resolved the issue by including language from resolution LP.1(1) (2006) as follows:

"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".

### ***Editorial changes***

9 The Group conducted a paragraph-by-paragraph review of the draft resolution and made editorial amendments for clarification and consistency. Furthermore, the Group agreed to the inclusion of an additional operative paragraph to emphasize that the export of carbon dioxide under the provisional application of the amended article 6 of the London Protocol will not be in breach of article 6 as in force, at the time of export.

### **Action requested of the governing bodies**

10 The governing bodies are invited to approve the report in general, and in particular, to adopt the draft resolution on the provisional application of the 2009 amendment to article 6 of the London Protocol (LP.3(4)), as set out in the annex.

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**ANNEX**

**DRAFT RESOLUTION LP.X(Z)**

**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 CO<sub>2</sub> Sequestration Issues and its conclusions, as set out in its report (document LP/CO<sub>2</sub> 1/8), and the work of the Intersessional Correspondence Group on Transboundary CO<sub>2</sub> 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;

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).