



## Questionnaire

### NORWAY

The following questions are intended to highlight areas of analysis to be used as guidance in drafting the country study on the implementation of the EU CO<sub>2</sub> Storage Directive. Contractors are welcome to expand such analysis.

Also included is an analysis of the Directive which highlights provisions that give some discretion to Member States in choices to make – either explicitly, or because they are ambiguous or silent on the issue. Our particular interest is knowing what decisions have been made (or are likely to be made) where there is such discretion and whether there is an expressed justification of the choice or discussion of options.

#### Context for CCS

1. Is there an explicit role for CCS within the country's climate change mitigation strategy?
2. Is there a national CCS roadmap for its deployment?
3. What types of financial incentives are available for CCS?
4. Is there a policy preference for onshore storage or offshore storage or for transportation to another country?

#### Legal process for the implementation of the Directive

5. What legal process is being undertaken to implement the Directive?
  - a) Inclusion in existing legislation by way of amendment;
  - b) Dedicated CCS legislation combined with amendment of existing legislation, if proven to constitute a barrier to CCS; or
  - c) Mixture
6. We understand that to be implemented in Norway, the Directive has to be incorporated in the EEA Agreement. What is the state of this process? Is the incorporation of this Directive encountering any particular difficulties not found in the national approach to transposition of other EU environmental directives? What kind of tensions can be identified in this context?

### **Administrative arrangements**

7. Who are the main administrative bodies involved in the implementation of the Directive (e.g. Ministries, specialized agencies, regional/local authorities) and what tasks do they perform?
8. Will regional governments play a significant role in the implementation of CCS law? If so, in which areas are they most likely to have influence?
9. Would a regional government have the legal power to ban the capture, transportation, or storage of CO<sub>2</sub> within its territory? If so, is this a political possibility?

### **Ownership of pore space**

10. Is the national law clear on who owns the pore space suitable for CO<sub>2</sub> storage (a) onshore and (b) offshore?

### **Liability and transfer of responsibility**

11. How will the long-term liability requirements be implemented?
12. How will the transfer of responsibility be regulated?

### **Financial security**

13. How will the financial security requirement be regulated during the operation phase? What issues might arise from its implementation?
14. How will the financial contribution for long-term stewardship be regulated? What issues might arise from its implementation?

### **Conflicting uses of the storage site**

15. How will the interaction between CCS activities and other potential or existing uses (e.g. EOR, natural gas storage) of the sub-surface be regulated?

### **Public engagement**

16. What is the national procedure to ensure public participation in the decision-making and access to information concerning CCS projects?
17. Is there a dedicated public body in charge of dealing with public engagement with respect to CCS projects?

### **Integration with existing environmental law generally**

18. Is the Directive considered to raise novel legal issues not yet encountered in existing national environmental/energy law?
19. Even where there are dedicated national laws transposing the Directive, to what extent is it still necessary to take into account existing national environmental/energy laws to understand how the nature of implementation is in practice (e.g. linkages with existing laws on environmental liability, public participation procedures)?

### **Specific circumstances**

20. To date, Norway is the only contracting party to the London Protocol that has ratified the amendment to Article 6 to allow export of CO<sub>2</sub>. Do you see any problem arising for CCS deployment in Norway if this amendment does not enter into force due to insufficient ratifications? Do you think it could affect EOR activities as well?