

MEMORANDUM OF UNDERSTANDING (MoU)
BETWEEN
THE MINISTER FOR ENVIRONMENT OF THE FLEMISH REGION
AND
THE FEDERAL MINISTER FOR THE NORTH SEA OF BELGIUM
AND
THE MINISTER FOR ENERGY AND CLIMATE OF THE WALLOON REGION
AND
THE MINISTER OF ENERGY OF NORWAY
ON
CROSS-BORDER TRANSPORTATION OF CO₂ WITH THE PURPOSE OF
PERMANENT GEOLOGICAL STORAGE

The Minister for Environment of the Flemish Region, the Federal Minister for the North Sea of Belgium, the Minister for Energy and Climate of the Walloon Region and the Minister of Energy of Norway (hereinafter referred to individually as a “Participant” and collectively as the “Participants”),

In pursuit of the long-term temperature goal of the Paris Agreement on climate change adopted at the 21st Conference of the Parties to the UNFCCC in Paris on 12th December 2015, hereinafter the “Paris Agreement”,

Taking into account the precautionary approach stated in Principle 15 of the Rio Declaration, adopted at the 1992 United Nations Conference on Environment and Development,

Recalling the Convention for the Protection of the Marine Environment of the North-East Atlantic of 1992, hereinafter the “OSPAR Convention”, Annex II and Annex III, recognizing that permanently stored CO₂ in sub-seabed geological formations is not prohibited,

Also recalling the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972, hereinafter the London Protocol, as amended in 2006 by Resolution LP 1(1) recognizing that carbon dioxide streams from carbon dioxide capture processes may be considered for dumping,

Further recalling Resolution LP.3(4) to the London Protocol, allowing for the export of CO₂ for the purpose of permanent geological storage in sub-seabed geological formations,

Emphasizing Resolution LP.5(14) to the London Protocol, adopted on 11th October 2019, allowing provisional application of Resolution LP.3(4) to the London Protocol,

Confirming that the Participants have declared such provisional application,

Underlining the willingness of the Participants to share information on their provisional application of the amendment,

Emphasising the importance of carbon capture and storage (CCS) in achieving Norwegian and EU climate goals,

Stating that both Participants are also parties to the Agreement on the European Economic Area of 1992 (EEA Agreement), and that this MoU is without prejudice to any EEA processes,

Mindful of 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, hereinafter the “CCS Directive”,

Also mindful of Directive 2003/87/EC of the European Parliament and of the Council of 13th October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, hereinafter the “EU ETS Directive”,

Conscious of Commission Regulation (EU) 2018/2066 of 19th December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to the EU ETS Directive,

Acknowledging the requirements of the London Protocol, other international law, and the applicable EU law, regarding the CO₂ streams, and the CO₂ transport and storage activities between the territories of the Participants, the permitting responsibilities and the issuing of permits and authorisations, and the relevant monitoring plans,

Recognizing the importance of relevant international framework and the compatibility of this MoU with relevant commitments undertaken pursuant to international law and applicable EU legislation,

Have reached the following understanding:

Section 1 – Scope

This MoU is an arrangement in the sense of Article 6 paragraph 2 of the London Protocol, as amended by Resolution LP 3(4). Any definitions used should be understood as they are understood in the context of the London Protocol and applicable EU/EEA legislation.

This MoU applies to cross-border transportation of CO₂ between the territories of the Participants with the purpose of permanent geological storage.

Section 2 – Allocation of permits

The Participants confirm that necessary permitting procedures for the activities will be in place and the permits can be granted by the competent authorities of the Participants to safeguard the provisions of the London Protocol Annex 2, and other applicable international law.

The Participants recognise that all necessary permit responsibilities will be allocated to the relevant authorities of each Participant’s country in accordance with the London Protocol. A current list of relevant permitting authorities is:

For Belgium:

- Provincial Executive(s) of the Provincial Council(s) are responsible for the issuance of (amongst other) ETS permits. ETS permits are issued based on an obligatory advice issued by the Flemish Energy and Climate Agency (Vlaams Energie-en Klimaatagentschap), which is also responsible for the implementation of ETS.

Flemish Energy and Climate Agency (Vlaams Energie-en Klimaatagentschap)
Koning Albert II-laan 20, box 17
1000 Brussels
veka@vlaanderen.be

- Municipalities or Permit and Authorization Department are responsible for the issuance of (amongst other) ETS permits. ETS permits are issued based on an obligatory advice issued by

the Air & Climate Agency of Wallonia (Agence wallonne de l'Air et du Climat) which is also responsible for the implementation of ETS.

Air & Climate Agency of Wallonia (Agence wallonne de l'Air et du Climat)
Avenue du Prince de Liège 7,
5100 Jambes
ets.awac@spw.wallonie.be

- The Flemish and Walloon governments are responsible for the issuance of CO₂ storage permits.
- The Belgian federal maritime authorities are responsible for determining the technical rules and regulations a seagoing vessel has to comply with when shipping CO₂.
- The federal public service Economy, S.M.E 's, Self-employed and Energy, Directorate General Energy, Department Molecules, Offshore & Permits, is responsible for the offshore cable-laying permits.
- The federal public service Health, Food Chain Safety and Environment, DG Environment, Marine Environment, Directorate General Environment, Marine Environment Department and the Scientific Service Management Unit of the North Sea Mathematical Models (MUMM) of the Royal Belgian Institute of Natural Sciences are responsible for the offshore marine environment permits.

For Norway

- The Norwegian Ministry of Energy is responsible for the issuance of exploration permits and exploitation permits for developing CO₂ storage sites.
- The Norwegian Environment Agency is responsible for the issuance of CO₂ storage permits as well as ETS permits
- The Norwegian Ministry of Energy is responsible for granting consent to start injection and storage of CO₂.

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The Norwegian Environment Agency
Grensesvingen 7
0661 Oslo

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Post@Miljodir.no

Section 3 – Reporting of CO₂ in National Greenhouse Gas Inventories

The Participants recognize the importance of ensuring consistent reporting of CO₂ emissions related to carbon capture, transportation, and storage operations, including cross-border transportation for storage covered by this MoU.

The Participants will report in their greenhouse gas inventories on cross-border CCS operations and related CO₂ emissions in accordance with the 2006 IPCC Guidelines and further refinements or iterations for the reporting in the national greenhouse gas inventories as agreed under the UNFCCC Relevant EU/EEA legislation, and future amendments thereof, will be used as a basis for monitoring and reporting of emissions.

The Participants will ensure that the competent authorities under the EU ETS and the national entities responsible for reporting on the greenhouse gas inventories will exchange relevant information for complete and transparent reporting.

Section 4 – Arrangements of the Participants

This MoU does not create any rights or obligations under international law and does not impose any financial obligations on the Participants. This MoU does not affect or interfere with existing or future national, regional, or international obligations with regards to transportation and storage of CO₂.

Each Participant intends to conduct the cooperation under this MoU subject to all applicable laws and regulations.

Section 5 – Amendment procedures and mutual understanding

This MoU may be amended at any time in writing by the Participants. The Participants will inform and consult each other should they foresee any necessary amendments.

At any time, the Participants will consult, at the request of any of them, on any matter relating to this MoU, in the spirit of cooperation, good faith and mutual trust, to quickly resolve any difficulties or misunderstandings that may arise.

The Participants will convene at least once a year to evaluate the MoU, unless they decide not to convene by joint written consent. The Participants will convene alternatively in Brussels and Oslo, or in any other place decided upon by the Participants by joint written consent.

Section 6 – Final provisions

This MoU will come into effect upon signature.

This MoU may be terminated by either Participant giving three (3) months' written notice to the other Participant. The termination of this MoU will not affect any on-going activities under this MoU, unless otherwise decided by the Participants.

The Participants will notify the International Maritime Organization of this MoU.

Signed in duplicate in Brussels on the 15th of April 2024 each in the English language.

*The Minister of Justice and Enforcement,
Environment, Energy and tourism of the
Flemish Region*

Demir Zuhal

Zuhal Demir

*On behalf of
The Minister of Energy of Norway*

Elisabeth Johnson

Terje Aasland

*The Minister for Climate, Energy, Mobility, and
Infrastructure of the Walloon Region*

Philippe Henry

*On behalf of
The Minister of the North Sea of Belgium*

A. Tiggelt
Paul Van Tiggelt