



INFORMAL COMMISSION EXPERT GROUP ON THE GEOLOGICAL STORAGE OF CARBON DIOXIDE

TERMS OF REFERENCE

1. BACKGROUND

Directive 2009/31/EC on the geological storage of carbon dioxide ('CCS Directive') establishes the overall legal framework for the environmentally safe geological storage of CO₂ to contribute to the fight against climate change, focusing on permitting of CO₂ storage sites, from exploration to transfer of responsibility, as well as related provisions on CO₂ capture and transport parts of the value chain. Not only the European Union's long-term strategy on climate neutrality, but also organisations like the Intergovernmental Panel on Climate Change (IPCC)¹ and the International Energy Agency² underline that carbon removal techniques, partly based on CCS, are needed to keep the temperature levels indicated in the Paris Agreement. In view of the EU's objective of reaching climate neutrality by 2050, and as CCS is increasingly gaining momentum, it is pertinent to establish an expert group to formalise cooperation with and between Member States, further facilitate the sharing of information and best practices and to enhance discussion.

In Article 27(2) of the CCS Directive, the European Commission is called upon to organise an exchange of information between the competent authorities of the Member States concerning the implementation of the Directive. Furthermore, Article 4(2) of the CCS Directive adds the exchange of best practices to the scope of the exchange between the competent authorities, which has become even more essential in view of the need to ensure a level playing field between storage operators in different Member States.

The Commission so far has organised exchanges of information between the competent authorities of the Member States on an ad-hoc basis through an Information Exchange Group, when needed.

Given the recently increasing number of activities and projects in the field of carbon capture and storage across the EU Member States and EEA/EFTA countries, and in accordance with the objective in Article 27 (2) of the CCS Directive, the Commission's Directorate-General for Climate Action ('DG CLIMA') now undertakes to set up an Informal Commission Expert Group between the Commission and the respective competent authorities of the EU Member States and EEA/EFTA countries.

¹ Intergovernmental Panel on Climate Change, <https://www.ipcc.ch/>

² International Energy Agency, <https://www.iea.org/>

This expert group will serve the purpose of, regularly and in a structured manner, exchanging information and best practices, facilitating coordination and cooperation between its members, ensuring a coherent application of the Directive in the internal market for CO₂ storage, as well advising the Commission in developing guidance documents and assisting the Commission on aspects related to the implementation of the Directive 2009/31/EC, including for the review of the Guidance Documents on the Implementation of the Directive in 2023-24.

2. SUBJECT MATTER

The informal Commission Expert Group on the geological storage of carbon dioxide ('the group') is set up.

3. TASKS

The group's tasks shall be:

1. to assist and advise the Commission in the preparation of legislative proposals and policy initiatives in the field of carbon capture and storage.
2. assist the Commission on aspects related to the implementation of the Directive 2009/31/EC and the related guidance documents;
3. to establish cooperation and coordination between the Commission, Member States and EEA/EFTA countries on questions relating to other aspects of Union legislation, programmes and policies in the field of carbon capture and storage;
4. bring about an exchange of experience and good practice in the field of carbon capture and storage and thereby enhance coordination between the national competent authorities.

4. CONSULTATION

DG CLIMA may consult the group on any matter relating to carbon capture and storage.

5. MEMBERSHIP

1. Members shall be the competent Member States' authorities in accordance with Article 23 of Directive 2009/31/EC.
2. Members shall also be other public entities from EEA/EFTA countries competent in implementing provisions of Directive 2009/31/EC.
3. Member States' authorities and other public entities shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise.
4. Members shall appoint one permanent representative each with at least one and up to three deputies of the permanent representative. In addition, Member States will be invited to appoint one representative of a relevant authority that is in charge of supporting the capturing of CO₂ in the Member State, if this is not part of the remit of the authority competent in accordance with Article 23 of Directive 2009/31/EC.

6. CHAIR

The group shall be chaired by a representative of DG CLIMA.

7. OPERATION

1. The group shall act at the request of DG CLIMA, in compliance with the horizontal rules³.
2. Meetings of the group shall, in principle, be held on Commission premises or virtually, depending on the circumstances.
3. DG CLIMA shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG CLIMA, the group may, by simple majority of its members, decide that deliberations shall be public.
5. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
6. As far as possible, the group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members who have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

8. SUB-GROUPS

DG CLIMA may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG CLIMA. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.

9. INVITED EXPERTS

DG CLIMA may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an *ad hoc* basis.

10. OBSERVERS

1. Individuals, organisations and public entities other than Member States' authorities may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
2. Organisations or public entities appointed as observers shall nominate their representatives.
3. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and sub-groups and provide expertise. However, they shall

³ C(2016) 3301, Article 13.1.

not have voting rights and shall not participate in the formulation of recommendations or advice of the group and sub-groups.

11. RULES OF PROCEDURE

On a proposal by and in agreement with DG CLIMA, the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules⁴. Sub-groups shall operate in compliance with the group's rules of procedure.

12. PROFESSIONAL SECRECY AND HANDLING OF CLASSIFIED INFORMATION

The members of the group and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443⁵ and 2015/444⁶. Should they fail to respect these obligations, the Commission may take all appropriate measures.

13. TRANSPARENCY

1. The group and sub-groups shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups').
2. As regards the group and sub-groups composition, the following data shall be published on the Register of expert groups:
 - (a) the name of Member States' authorities;
 - (b) the name of other public entities, including the name of third countries' authorities;
 - (c) the name of observers.
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available either on the Register of expert groups or *via* a link from the Register to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, DG CLIMA shall publish the agenda and other relevant background documents in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be possible where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001⁷.

⁴ See Article 17 of the horizontal rules.

⁵ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁶ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

⁷ These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.

14. MEETING EXPENSES

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the group and sub-groups shall not be reimbursed by the Commission.