

Subsidiary Legislation made under s. 18.

Subsidiary
2011/174

**ENVIRONMENT (GEOLOGICAL STORAGE OF
CARBON DIOXIDE) REGULATIONS 2011**

(LN. 2011/174)

Commencement **29.9.2011**

Amending enactments	Relevant current provisions	Commencement date
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EU Legislation/International Agreements involved:

Directive 85/337/EEC
Directive 2000/60/EC
Directive 2001/80/EC
Directive 2004/35/EC
Directive 2006/12/EC
Directive 2008/1/EC
Directive 2009/31/EC
Regulation (EC) No 1013/2006

In exercise of the powers conferred upon it by section 18 of the Environment Act 2005 and for the purpose of partly transposing into the law of Gibraltar 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, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Environment (Geological Storage of Carbon Dioxide) Regulations 2011 and come into operation on the day of publication.

Scope.

2. These Regulations apply to—

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- (a) land;
- (b) BGTW;
- (c) any area of sea, the sea bed and subsoil within the limits of the exclusive economic zone adjacent to Gibraltar, when and if that zone is established;
- (d) Gibraltar's continental shelf as defined pursuant to Part VI of the United Nations Convention on the Law of the Sea 1982.

Interpretation.

3. In these Regulations–

““BGTW” means British Gibraltar Territorial Waters which is the area of sea, the sea bed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extends to three nautical miles and to the median line in the Bay of Gibraltar;”

“CO₂” means carbon dioxide;

“CO₂ stream” means a flow of substances that results from CO₂ capture processes;

“geological formation” means a lithostratigraphical subdivision within which distinct rock layers can be found and mapped;

“geological storage of CO₂” means injection accompanied by storage of CO₂ streams in underground geological formations;

“storage complex” means the storage site and surrounding domain which can have an effect on overall storage integrity and security; that is, secondary containment formations;

“storage site” means a defined volume area within a geological formation used for the geological storage of CO₂ and associated surface injection facilities;

“water column” means the vertically continuous mass of water from the surface to the bottom sediments of a water body.

Prohibitions.

4.(1) The geological storage of CO₂ in any of the areas listed in regulation 2 is not permitted.

(2) The storage of CO₂ in the water column in any of the areas listed in regulation 2(b) or (c) is not permitted.

(3) The storage of CO₂ in a storage site with a storage complex extending beyond the areas referred to in regulation 2 is not permitted.

(4) A person who contravenes the provisions of this regulation is guilty of an offence and is liable on conviction on indictment to imprisonment for 2 years, or to a fine or both.