

# Legal issues of CCS in Poland

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# How CCS directive is implemented locally?

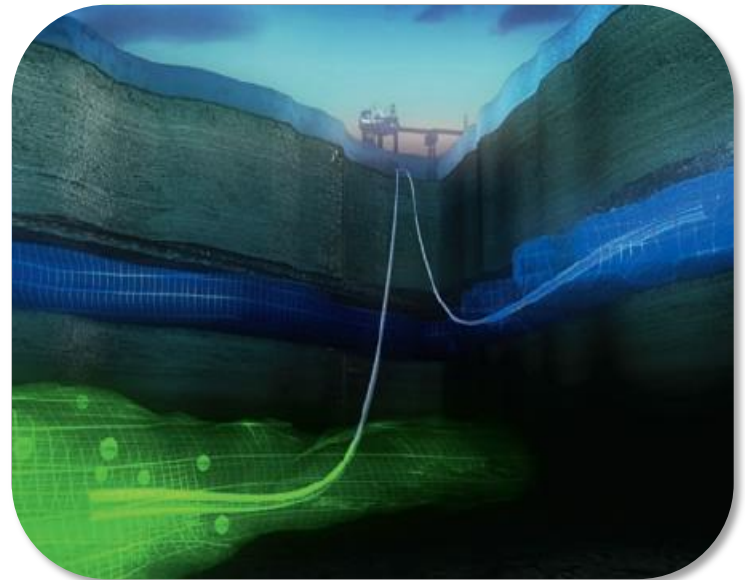
- Geological and Mining Law
- Energy Law
- Only demonstration projects
- No specific legislation
- Mixture of authorities to manage CCS obligations



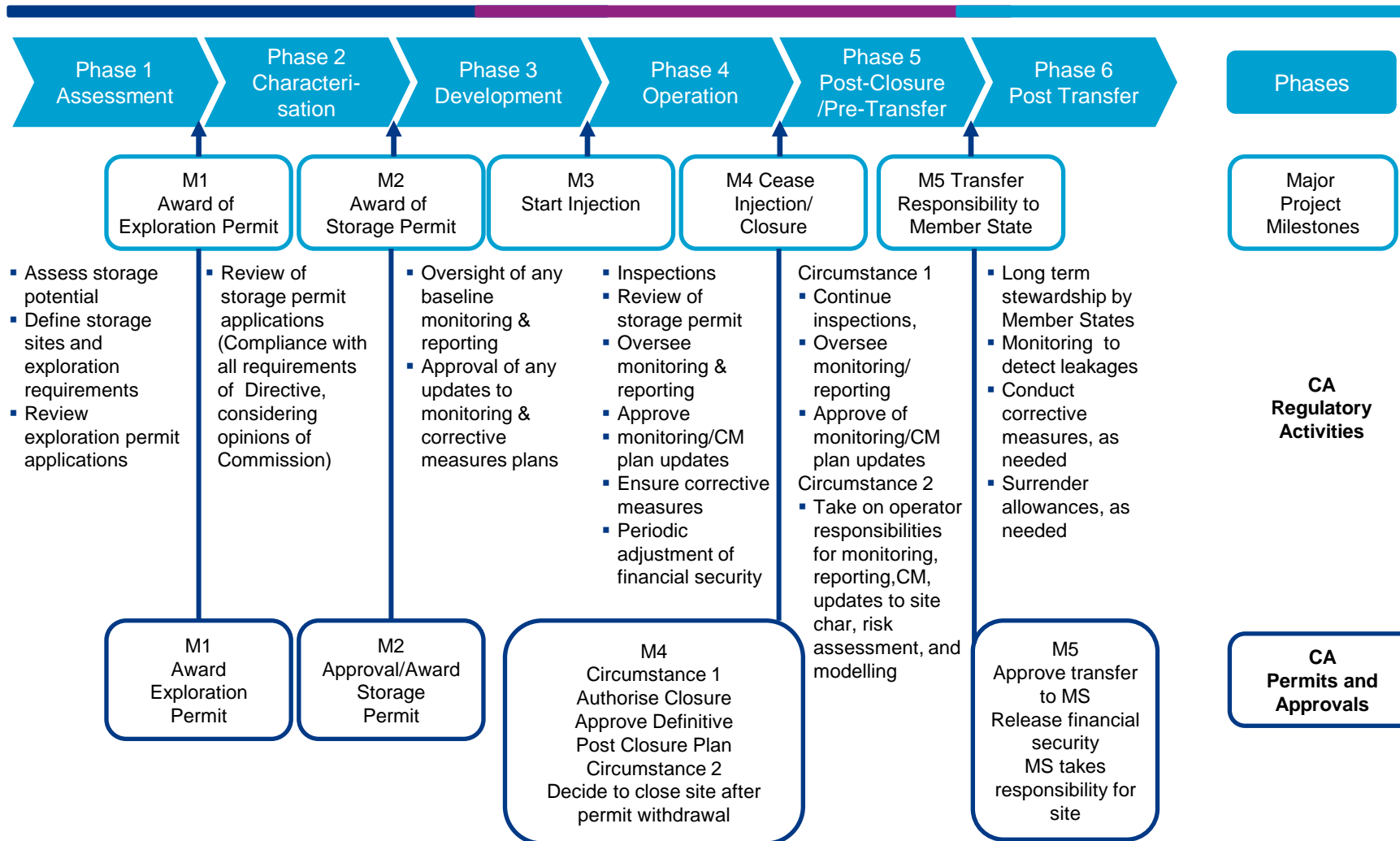
# Specific legal environment

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- Concession - administrative law
- Mining usufruct – civil law
- Is there a priority right?



# Summary of CO<sup>2</sup> Storage Life Cycle



Source: Guidance Document, CO<sub>2</sub> Storage Life Cycle Risk Management Framework

# Corporate structure

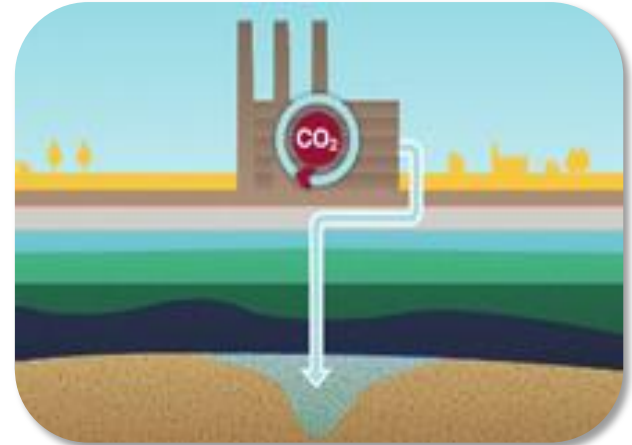
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- Is there a possibility to obtain joint permit for CCS in Poland?
- Is the CCS permit transfer allowed?



# Financial securities

- Directive - Competent Authority shall recover all costs including drawing of financial security
- Poland – two forms of security:
  - Zabezpieczenie finansowe
  - Zabezpieczenie środków
- Accepted securities:
  - Cash deposit
  - Bank guarantee
  - Insurance guarantee
  - Civil liability insurance



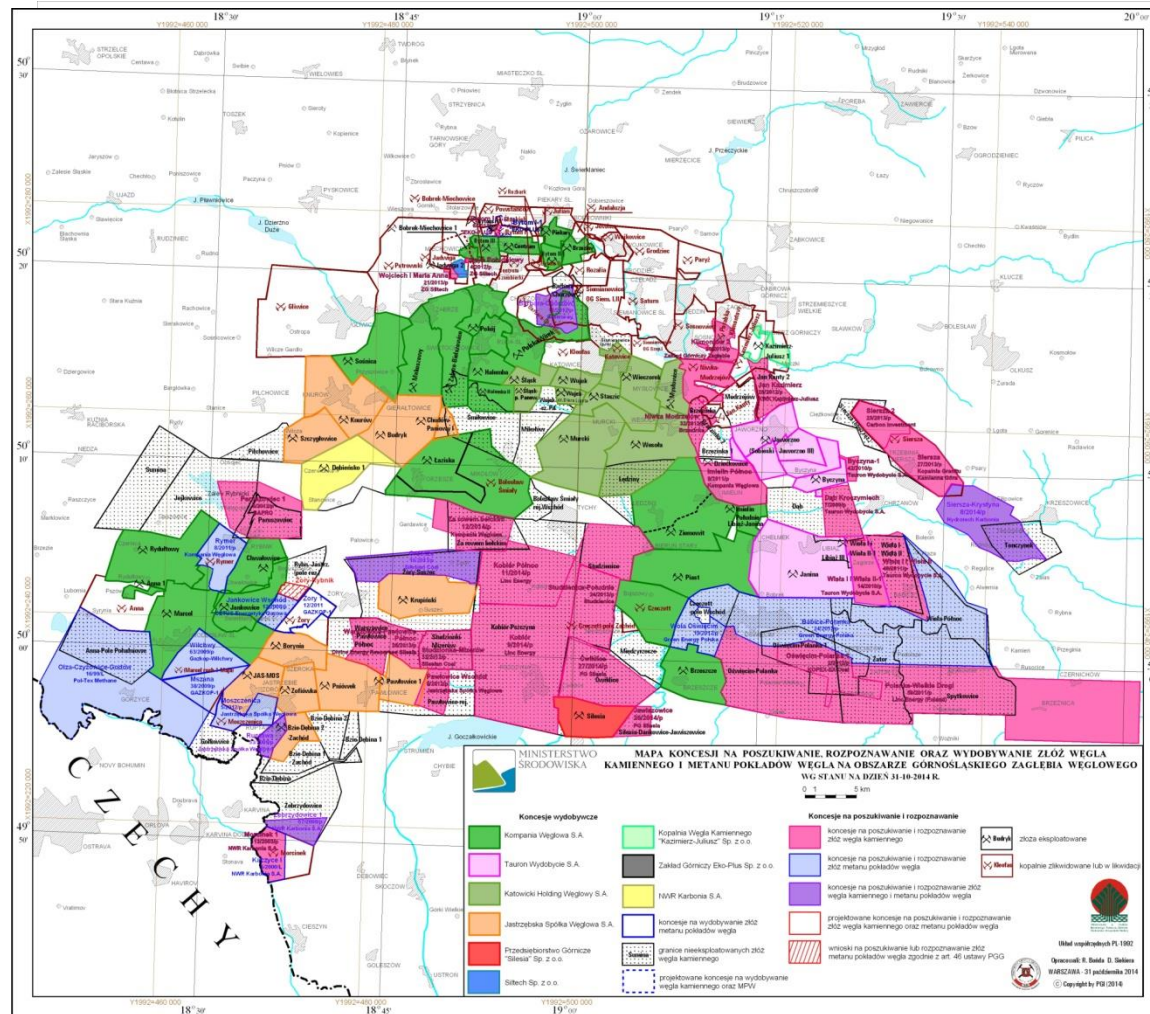
# Fees

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- Concession fee (separate for exploration and storage)
- Mining usufruct fee (separate for exploration and storage)
- Costs of geological information
- Real estate tax (debate on taxation of the mining infrastructure)
- Costs related to financial securities



# Exploration maps – natural resources Poland v. CCS activity



# Real estate

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- Access to real estate
- Expropriation rights of an investor
- Transfer of ownership to the State



# Mining damages

- Specific regulation in the GML concerning damages claims
- The entrepreneur performing activity in the mining area is deemed responsible for such a damage
- Regulations apply also to preventive measures
- The restoration of the initial state shall be performed unless the party who suffered the damage agrees to compensation in cash



# Contact

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