ANNEX 5

RESOLUTION LP.3(4) ON THE AMENDMENT TO ARTICLE 6 OF THE LONDON PROTOCOL (Adopted on 30 October 2009)

THE FOURTH MEETING OF CONTRACTING PARTIES TO THE 1996 PROTOCOL TO THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER 1972,

RECALLING the objectives of the 1996 Protocol to the London Convention ("London Protocol") that include the protection and preservation of the marine environment from all sources of pollution;

REITERATING the serious concern regarding the implications for the marine environment of climate change and ocean acidification, as a result of elevated levels of carbon dioxide in the atmosphere;

WELCOMING the adoption and entry into force of the amendment to include the sequestration of carbon dioxide streams in sub-seabed geological formations in Annex 1 to the London Protocol, as set out in Resolution LP.1(1);

RECALLING that Resolution LP.1(1) recognized that carbon dioxide capture and sequestration should not be considered as a substitute to other measures to reduce carbon dioxide emissions, but considered such sequestration as one of a portfolio of options to reduce levels of atmospheric carbon dioxide and as an important interim solution;

NOTING that not all countries have suitable sub-seabed geological formations for the sequestration of carbon dioxide streams;

WELCOMING the work of the Legal and Technical Working Group on Transboundary CO_2 Sequestration Issues and its conclusions, as set out in its report LP/CO2 1/8;

WELCOMING FURTHER the work of the Intersessional Correspondence Group on Transboundary CO_2 Sequestration Issues and its conclusions, as set out in its report LC 31/5;

REITERATING the agreement of Contracting Parties in 2008 that the London Protocol should not constitute a barrier to the transboundary movement of carbon dioxide streams to other countries for disposal as a measure to mitigate climate change and ocean acidification;

EMPHASIZING that this resolution should not be interpreted as legitimizing the export of any other waste or other matter to other countries for disposal;

EMPHASIZING ALSO that Contracting Parties should ensure that the long distance export of carbon dioxide streams between UN regions is reduced to the minimum consistent with the protection and preservation of the marine environment from all sources of pollution, taking into account the special position of developing countries;

STRESSING that the accountability for compliance with the provisions of the Protocol will rest with the Contracting Party in the case of export to non-Contracting Parties;

NOTING that the transboundary movement of carbon dioxide after injection (migration) is not export for dumping and therefore not prohibited by Article 6; and

STRESSING that management of shared formations is an important issue that should be addressed to ensure appropriate environmental protection;

1. **ADOPTS** the following amendment to Article 6 of the London Protocol, in accordance with Article 21 of the Protocol, as set out in the Annex to this resolution; and

2. **INVITES** the Scientific Group under the London Protocol in collaboration with the Scientific Group under the London Convention to consider the need for amendments to the *Specific Guidelines for Assessment of Carbon Dioxide Streams for Disposal into Sub-seabed Geological Formations*, to provide further specific guidance in cases of export of such streams to other countries for disposal and issues related to the management of transboundary movement of carbon dioxide after injection.

ANNEX

AMENDMENT TO ARTICLE 6 OF THE LONDON PROTOCOL

Add "**1**" before: Contracting Parties shall not allow the export of wastes or other matter to other countries for dumping or incineration at sea.

Add a new paragraph **2** as follows:

"2 Notwithstanding paragraph 1, the export of carbon dioxide streams for disposal in accordance with annex 1 may occur, provided that an agreement or arrangement has been entered into by the countries concerned. Such an agreement or arrangement shall include:

2.1 confirmation and allocation of permitting responsibilities between the exporting and receiving countries, consistent with the provisions of this Protocol and other applicable international law; and

2.2 in the case of export to non-Contracting Parties, provisions at a minimum equivalent to those contained in this Protocol, including those relating to the issuance of permits and permit conditions for complying with the provisions of annex 2, to ensure that the agreement or arrangement does not derogate from the obligations of Contracting Parties under this Protocol to protect and preserve the marine environment.

A Contracting Party entering into such an agreement or arrangement shall notify it to the Organization."

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