

MEMORANDUM OF UNDERSTANDING (MoU)
BETWEEN
THE MINISTER FOR CLIMATE, ENERGY AND UTILITIES OF DENMARK
AND
THE MINISTER FOR CLIMATE AND ENERGY POLICY OF THE NETHERLANDS
ON CROSS BORDER TRANSPORTATION OF CO₂ WITH THE PURPOSE OF
PERMANENT GEOLOGICAL STORAGE

The Minister for Climate, Energy and Utilities of Denmark and the Minister for Climate and Energy Policy of the Netherlands (hereinafter referred to individually as a “Participant” and collectively as the “Participants”);

Bearing in mind the MoU between the Participants on cooperation on carbon capture utilisation and storage (CCUS), particularly section 2b on the intent of the Participants to consider and explore the need for a bilateral agreement or arrangement between the Participants enabling cross-border transportation and storage of CO₂;

Emphasising the importance of carbon capture and storage (CCS) in achieving national and European climate goals;

Have reached the following understanding:

Section 1 – Scope

This MoU is an arrangement in the sense of Article 6 paragraph 2 of the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, 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 European Union law.

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

Section 2 – Allocation of permits

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 non-exhaustive list of relevant permitting authorities are as follows;

For Denmark:

- The Danish Energy Agency (Energistyrelsen) is responsible for the issuance of CO₂ storage permits as well as ETS permits:

Danish Energy Agency (Energistyrelsen) Danish Energy Agency (Energistyrelsen), Esbjerg

Carsten Niebuhrs Gade 43
1577 København V

Tlf: 33 92 67 00
ens@ens.dk

Niels Bohrs Vej 8D
6700 Esbjerg

Tlf: 33 92 67 00
ens@ens.dk

For the Netherlands:

- The Dutch Ministry of Economic Affairs and Climate Policy is responsible for the issuance of CO₂ storage permits whilst the Dutch Emissions Authority (NEa) is responsible for the issuance of ETS (Emissions Trading System) permits.

Ministerie van Economische Zaken & Klimaat
Bezuidenhoutseweg 73
2594 AC Den Haag
mijnbouwvergunning@minezk.nl

Nederlandse Emissieautoriteit (NEa)
Koningskade 4
2596 AA Den Haag
info@emissieautoriteit.nl

Section 3 – Arrangements of the Participants

This MoU does not create any rights and obligations under international law and does not impose any financial obligations on the Participants. This MoU does not affect or interfere with existing national or regional 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 4 – Amendment procedures and mutual understanding

This MoU may be amended at any time by jointly written consent of the Participants.

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 resolve quickly 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 jointly written consent. The Participants will convene alternatively in Copenhagen and The Hague, or in any other place decided upon by the Participants by jointly written consent.

Section 5 – Final provisions

This MoU will come into effect upon signature and upon the date of provisional application of the 2009 Amendment of the London Protocol, in accordance with the national rules of both Participants, whichever date is the latest.

This MoU may be terminated by either Participant giving three (3) month's 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.

Signed in duplicate in Luxembourg on the 16th of October 2023 each in the English language.

*The Minister for Climate, Energy and Utilities
of Denmark*

*The Minister for Climate and Energy Policy of
the Netherlands*

Lars Aagaard

Rob Jetten