Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil. Accession to the Offshore Protocol of the Barcelona Convention

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PURPOSE: to allow the European Union to accede to the Protocol for the Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil.

NON-LEGISLATIVE ACT: Council Decision 2013/5/EU on the accession of the European Union to the Protocol for the Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil.

BACKGROUND: the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, also known as the "Barcelona Convention" came into force on 9 July 2004. The European Union is Contracting Party to the Convention, as are Italy, Greece, Spain, France, Slovenia, Malta and Cyprus, together with 14 other Mediterranean countries which are not Member States of the European Union. Article 7 of the amended Convention specifically obliges Parties to take all appropriate measures to **prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area** resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil.

One of the Protocols to the Barcelona Convention deals with protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil (the "**Offshore Protocol**"). It entered into force on 24 March 2011. To date, Albania, Cyprus, Libya, Morocco, Syria and Tunisia have ratified it. In addition to Cyprus, some other Member States that are Contracting Parties to the Barcelona Convention have announced recently their intention to also ratify the Protocol.

It is estimated that there are more than 200 active offshore platforms in the Mediterranean and more installations are under consideration. Hydrocarbon exploration and exploitation activities are expected to increase after the discovery of large fossil fuels reserves in the Mediterranean. Due to the semi-enclosed nature and special hydrodynamics of the Mediterranean Sea, an accident of the kind that occurred in the Gulf of Mexico in 2010 could have immediate adverse transboundary consequences on the Mediterranean economy and fragile marine and coastal ecosystems. It is likely that in the medium term other mineral resources contained in the deep sea, seabed and subsoil will be the subject of exploration and exploitation activities.

Failure to address effectively the risks emanating from such activities could gravely compromise the efforts of all the Member States having the obligation to take the necessary measures to achieve and maintain good environmental status in their marine waters in the Mediterranean, as required by the Marine Strategy Framework Directive. In addition, taking the necessary action would contribute to meeting the commitments and respecting the obligations into which Greece, Spain, France, Italy, Cyprus, Malta, Slovenia and the Union itself have entered as Contracting Parties of the Barcelona Convention.

The Council in its Conclusions on safety of offshore oil and gas activities, adopted on 3 December 2010, stated that the Union and its Member States should continue to play a prominent role in striving for the highest safety standards in the framework of international initiatives and fora and regional cooperation such as in the Mediterranean.

The European Parliament, in its resolution of 13 September 2011, stressed the importance of bringing fully into force the unratified Offshore Protocol, targeting protection against pollution resulting from exploration and exploitation

The Union should therefore accede to the Offshore Protocol as provided for in this Decision.

CONTENT: with this Decision, the accession of the European Union to the Protocol for the Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil is hereby approved on behalf of the Union.

Main objectives of the Protocol: the Offshore Protocol covers a wide range of exploration and exploitation activities, permit requirements, removal of abandoned or disused installations, use and removal of harmful substances, liability and compensation requirements and coordination with other Parties of the Barcelona Convention at regional level.

Basic principles: from a technical point of view, the Parties to the Protocol shall take, individually or through bilateral or multilateral cooperation, all appropriate measures to **prevent, abate, combat and control pollution in the Protocol Area resulting from activities**, inter alia by ensuring that the best available techniques, environmentally effective and economically appropriate, are used for this purpose.

With a view to the application of these basic general principles, the Protocol provides for the following:

- all activities in the Protocol Area, including erection on site of installations, shall be subject to the prior written authorization for exploration or exploitation from the competent authority;
- the strict respect of the highest environmental standards and requirements by operators and of international standards regarding waste, as well as the use, the storage and the disposal of harmful or noxious substances and materials in order to reduce to a minimum the risk of pollution;
- **the application of safety measures**: to ensure that activities undertaken observe the highest possible safety standards with regard to the design, construction, placement, equipment, marking, operation and maintenance of installations;
- the operator has to ensure on the installations adequate equipment and devices, maintained in good working order, for protecting human life, preventing and combating accidental pollution and facilitating prompt response to an emergency;
- the drawing up of contingency plans ensuring that the parties can cooperate in combating accidental pollution in the Mediterranean by oil and other harmful substances and provide mutual assistance in cases of emergency;
- the undertaking of scientific and technological research for the purpose of developing new methods to reduce the risk of pollution in the Mediterranean;
- measures for liability and compensation in the event of damage to the marine environment.

Area covered: the geographical coverage of the Protocol is the Mediterranean Sea area as defined in the Barcelona Convention, including the continental shelf, the seabed and its subsoil.

Implementation: the provisions of the Offshore Protocol will need to be implemented by different levels of administration and economic operators. The Member States and their relevant competent authorities will be responsible for the design and implementation of certain detailed measures laid down in the Offshore Protocol, such as the establishment of a national monitoring system and the adoption and

enforcement of appropriate rules and procedures for the determination of liability and compensation for damage.

ENTRY INTO FORCE: the Decision shall enter into force on 17 December 2012. The date of entry into force of the Offshore Protocol will be published in the Official Journal of the European Union by the General Secretariat of the Council.