

# Safety of offshore oil and gas operations

2011/0309(COD) - 25/03/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Industry, Research and Energy adopted the report by Ivo BELET (EPP, BE) on the proposal for a regulation of the European Parliament and of the Council on safety of offshore oil and gas prospection, exploration and production activities.

The Committee on the Environment, Public Health and Food Safety, exercising its prerogatives as an associated committee in accordance with [Article 50](#) of the Rules of Procedure of the European Parliament, has also been consulted for an opinion on the report.

The two committees recommend that the position of the European Parliament adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

**Legal form:** Members suggest amending the legal basis of the proposed act by replacing the proposed Regulation with a proposed Directive of the European Parliament and of the Council on safety of offshore oil and gas operations and amending Directive 2004/35/EC. This Directive establishes minimum requirements for preventing major accidents and limiting the consequences of major accidents in offshore oil and gas operations.

**Safety and environmental considerations relating to licences:** when assessing the technical and financial capability of the applicant for a licence to carry out offshore oil and gas operations, due account shall be taken of the following:

- the risk, the hazards and any other relevant information related to the applicant and the licensed area concerned;
- the applicant's financial capabilities, including any financial security, to cover **liabilities** potentially deriving from the offshore oil and gas operations in question; this shall include liability for potential economic damages where such liability is provided for by national law;
- the available information relating to safety and environmental performance of the applicant, including with regard to major incidents.

Member States shall ensure that the licensing authority **does not grant a license** unless it is satisfied that the applicant has provided evidence that adequate provision has been or will be made on the basis of arrangements to be decided by Member States, to cover liabilities potentially deriving from its offshore oil and gas operations.

**Public participation** : the drilling of an exploration well from a non-production installation shall not be commenced unless the relevant authorities of the Member State have previously ensured that early and effective public participation on the possible effects of planned offshore operations.

**Liability for environmental damage** : without prejudice to the existing scope of liability relating to the prevention and remediation of environmental damage pursuant to Directive 2004/35/EC, Member States shall ensure that the licensee is **financially liable for the prevention and remediation of environmental damage** as defined in that Directive, caused by offshore oil and gas operations carried out by, or on behalf of, the licensee or the operator.

**Independence of authorities** : Members consider that it is crucial it is to ensure the independence of the authorities responsible for assessing the safety and environmental risks of operations, from those competent for issuing the drilling authorisations.

**Implications of the European Maritime Security Agency (EMSA)** : the Agency has the obligation to ensure a high and effective level of maritime safety, maritime security, prevention of, and response to, pollution caused by ships as well as response to marine pollution caused by oil and gas installations. In order to secure this objective, the Agency should assist Member States and the Commission in detecting and monitoring the extent and environmental impact of an oil spill and safety risks from installations or vessels operating around them; upon request from Member States, assist those Member States with remediation and clean-up efforts and coordinate transboundary emergency response following a major accident, including in the case of transboundary impacts beyond Union waters.

**Documents to be submitted for undertaking offshore oil and gas operations and operating installations:** according to the amended text, Member States shall ensure that the operator or the owner of a non-production installation submits to the competent authority a copy or an adequate description of the **corporate major accident prevention policy**, the company safety and environmental management system applicable to the installation, a **report on major hazards** before the planned commencement of the operations.

Member States shall ensure that **workers' representatives** are consulted at the relevant stages in the preparation of the report on major hazards for a production installation, and that evidence is provided to this effect.

**Internal and external emergency response plans:** Member States shall ensure that operators prepare internal emergency response plans taking into account the major accident risk assessment undertaken during preparation of the most recent report on major hazards. This shall include an **analysis of the oil spill response effectiveness**.

Member States shall prepare external emergency response plans covering all offshore oil and gas installations or connected infrastructure and potentially affected areas within their jurisdiction. Member States shall specify the role and financial obligation of licensees and operators in the external emergency response and include reference to such information in the external emergency response plans.

**Independent verification:** Member States shall ensure that the operator or the owner of a non-production installation submits to the competent authority a description of the scheme of independent verification. Member States shall ensure that operators and owners of non production installations respond to and take appropriate action based on the advice of the independent verifier.

**Major accident prevention by operators and owners of non-production installations** : the major accident prevention policy shall take account of the operators' primary responsibility for, inter alia, the control of major hazard risks, which are a result of its operations and for continuously improving control of said risks so as to ensure a high level of protection at all times. Operators should ensure they have access to **sufficient physical, human and financial resources** to minimise and rectify the impact of a major accident. The major accident prevention policy shall be in **writing and shall establish the overall aims and organisation for control of major accident hazards**, and how these arrangements are put into effect at corporate level. Member States shall ensure that operators and owners of non-production installations prepare and maintain a complete inventory of emergency response equipment pertinent to their offshore oil and gas operation.

**Cross-border effects** : in the event of a major accident, the competent authority of the Member State in whose waters the accident has occurred shall, without delay, notify the Commission, other concerned Member States and their competent authorities and the public concerned about the accident and the steps being taken to limit the effects on the environment and human health. It shall submit, **before the start of the operation**, useful information to the Member States likely to be affected.

**Cooperation between Member States:** the Member State shall ensure that its competent authority regularly exchanges knowledge, information and experience with other competent authorities inter alia through the **European Union Offshore Oil and Gas Authorities Group (EUOAG)**, and that it engages in consultations on the application of relevant national and Union legal frameworks with the industry, other stakeholders and the Commission.

**Coordinated approach at international level:** the Commission should : (i) encourage cooperation with third countries that undertake offshore oil and gas operations in the same marine regions as Member States ; (ii) facilitate the exchange of information in order to promote preventive measures and regional emergency response plans ; (iii) promote high safety standards for offshore oil and gas operations at international level in relevant global and regional fora.