

Safety of offshore oil and gas operations

2011/0309(COD) - 12/06/2013 - Final act

PURPOSE: to reduce the occurrence of major accidents relating to offshore oil and gas operations and to limit their consequences.

LEGISLATIVE ACT: Directive 2013/30/EU of the European Parliament and of the Council on safety of offshore oil and gas operations and amending Directive 2004/35/EC.

CONTENT: the Directive lays down **minimum requirements** for preventing major accidents in offshore oil and gas operations and limiting their consequences, thus increasing the protection of the marine environment and coastal economies against pollution. To this end, it establishes **minimum conditions** for safe offshore exploration and exploitation of oil and gas and improves the **response mechanisms in case of an accident**.

This Directive should apply not only to future offshore oil and gas installations and operations but, subject to transitional arrangements, also to existing installations.

The main provisions of the Directive are as follows:

Prevention of major accidents: offshore oil and gas operations should be conducted only by **operators appointed** by licensees or licensing authorities.

Operators shall be required to ensure that all suitable measures are taken to prevent major accidents in offshore oil and gas operations and that these operations are carried out on the basis of **systematic risk management**.

Technical and financial capability of the licensee: when examining authorisations for operations, the assessment must take account of the financial capability of the applicant, including any financial security, to cover liabilities potentially deriving from the offshore oil and gas operations in question including **liability for potential economic damages** where such liability is provided for by national law.

Applicants shall be required to provide evidence of technical and financial capacity and any other relevant information relating to the area covered by the licence and the particular stage of the offshore oil and gas operations.

Independence of the authorities: the Directive contains provisions that seek to ensure the independence and objectivity of the competent authority. To **prevent conflicts of interest**, Member States shall ensure that there is a clear separation between, on the one hand, regulatory functions and associated decisions relating to offshore safety and the environment and, on the other, regulatory functions relating to economic development, including licensing and revenues management.

Preparing and carrying out offshore operations: the operator or the owner submit to the competent authority documents concerning the **corporate major accident prevention policy, the safety and environmental management system** applicable to the installation, as well as a **report on major accident hazards** before the envisaged start of operations.

Workers' representatives shall be consulted at the relevant stages in the preparation of the report on major hazards.

Internal and external emergency response plans: operators shall prepare internal emergency response plans taking into account the major accident risk assessment undertaken during preparation of the most recent report on major hazards. The plan 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.

Independent verification: operators and owners shall establish schemes for independent verification. They shall respond to and take appropriate action based on the advice of the independent verifier.

Public participation: the Directive stipulates that 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 oil and gas operations on the environment.

Transparency and sharing of information: the Directive also lays down rules on transparency and the sharing of information, cooperation between the Member States, emergency preparedness and response, including in the case of cross-border emergencies.

The Commission shall promote **cooperation with third countries** that undertake offshore oil and gas operations in the same marine regions as Member States and work towards promoting high safety standards for offshore oil and gas operations at international level.

Arctic waters: the Directive stresses that the major environmental problems require special attention to ensure the environmental protection of the Arctic in relation to any offshore oil and gas operation, including exploration, taking into account the risk of major accidents and the need for effective response.

Report and review: the Commission shall, by 31 December 2014, submit to the European Parliament and to the Council a report on the availability of financial security instruments, and on the handling of compensation claims, where appropriate, accompanied by proposals. It shall present its evaluation of the implementation of the Directive no later than 19 July 2019.

ENTRY INTO FORCE: 18/07/2013.

TRANSPOSITION: 19/07/2015.

Landlocked Member States shall not be obliged to bring into force the majority of the provisions of the Directive.

DELEGATED ACTS: the Commission is empowered to adopt delegated acts in order to adapt the Directive to technical progress. The power to adopt such acts is conferred on the Commission for **a period of five years (renewable) from 18 July 2013**. The European Parliament or the Council may express an objection to a delegated act within two months of its notification (this period may be extended by a further two months). The delegated act does not enter into force if Parliament or the Council expresses an objection.