Marine pollution: disused offshore oil and gas installations, removal

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OBJECTIVE: to establish a Community position with a view to combatting the disposal of disused offshore oil and gas installations in European waters. CONTENT: following the decision by Shell to dispose of its "Brent Spar" oil storage platform by sinking it in a deep area of the North Atlantic and the outrage which this decision provoked, several international initiatives have been taken with a view to changing current methods of disposing of large disused offshore installations. They include the initiative taken by OSPAR or the Convention for the Protection of Marine Environment of the North East Atlantic, which has planned a ministerial level meeting in July 1998 in order to debate this question. Initial debates with a view to finding a unanimous position in this area have been unsuccessful, with the United Kingdom and Norway (the main countries affected by offshore installations) refusing to accept the Commission's proposal to dispose of offshore oil and gas installations by reusing them or bringing them ashore for recycling. The Commission considers, for its part, that there is an overriding Community interest in the question of dismantling or disposing of offshore installations and that there is Community jurisdiction which warrants action in this area. It is most important to avoid allowing the question of dismantling and residual responsibilities from becoming a competitive factor between the Member States. Under these circumstances, the Commission document considers that the Community should take measures. The idea is not to restrict action to the adoption of internal regulations which only affect the fifteen Member States (and would only apply to Norway following a decision by the EEA Joint Committee) but to negotiate and implement a policy for dismantling and disposing of offshore bases at Community level through multilateral agreements which would be concluded in international fora such as OSPAR and would be compatible with Community policies. The OSPAR decision therefore needs to be based on a number of basic principles which at least include the following: - it should be prohibited to dispose of offshore installations at sea; - all disused installations, with the exception of a small number to be identified under certain circumstances (safety, cost, technical and environmental problems) should be completely dismantled and brought ashore for recycling and the safe disposal of the unavoidable scrap; - large concrete installations should be exempt from certain dismantling and recycling requirements in that there is at present no valid technology; - decisions to leave all or part of the installation in place or to dispose of all or part of it at sea should be taken in the context of full consultation with all parties concerned; - the OSPAR decision should ensure that new disused installations (erected after 1 January 1998) are completely dismantled and brought ashore for recycling. The OSPAR decision should also: 1) make provision for the decision to be reviewed at least every 5 years in order to take full account of new scientific and technological methods for dismantling and recycling; 2) make provision for unambiguous title deeds to installations and structures not fully dismantled on the sea bed and for liability for future damage to be clearly established.