



European
Commission



EU legislation related to Offshore Safety

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Action Plan
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This presentation reflects the views of its author but does not constitute a commitment on behalf of the European Commission.

The Offshore Directive Synopsis

- 1. Goals and contents of the proposed legislation**
- 2. Changes brought by proposal**
- 3. Timetable**
- 4. Building capacity in the offshore sector**

1. Goals of the proposal

<i>Problem part</i>	<i>General objectives</i>	<i>Specific objectives</i>
1. Risks can be lowered (i.e. too high to accept)	1. To prevent a major incident from occurring	<i>1. Attain best industry practices in the EU based on primary duty of control of major accident risks; leverage global standards</i>
		<i>2. Implement best regulatory practices for major accident prevention and mitigation by independent expert regulators in each Member State</i>
2. Response measures need improvement	2. To deal with a major emergency should preventive measures fail	<i>3. Implement fully joined-up emergency preparedness and response in all EU offshore regions</i>
3. Liability provisions incomplete		<i>4. Improve and clarify existing EU liability and compensation provisions</i>

1. Contents of the proposal

- **General measures to prevent major accident**
- **Risk-based planning and operations**
- **Best practices by operators and regulators**
- **Transparency/sharing of information**
- **Co-ordination and co-operation amongst regulators, and with non-EU countries**
- **Emergency preparedness and response**
- **Environmental liability**



2. Changes - Industry (i)

- **Technical and financial capacity begins at licensing**
- **Licensee 'fully liable' for environmental damage**
- **Primary duty of licensee/operator to 'see to it' that risks controlled**
- **Company global major accident (MA) prevention policy → regulator**
- **Report on major hazards will include major S & E consequences**
- **RoMH accepted by regulator prior to starting operations**
- **Every installation to have emergency response plan for immediate response**

2. Changes - Industry (ii)

- **Well notification → regulator before well operations**
- **Weekly well reports → regulator**
- **Comprehensive safety/environment management system**
- **Includes independent verification schemes and well plans**
- **EU-based operators to report on overseas MAs**
- **Secure cooperation of workforce and protect whistle-blowers**
- **Engage in tripartite consultation**
- **Cooperate with EUOAG on improving standards**
- **Report incidents and near-misses in EU standard format**

2. Changes - Regulator (i)

- **Scrutiny of technical and financial capacity at licensing**
- **Public participation before new areas drilled**
- **Independent competent authority for SH & E**
- **Adequate resources to CA – costs recovery and independent external support possible**
- **CA with powers/duties of enforcement & investigation**
- **CA to 'accept' reports of major hazards**
- **CA to publish procedures for industry to follow**
- **CA to report offshore performance annually to Commission**

2. Changes - Regulators (ii)

- **CA to cooperate with EUOAG on raising standards**
- **EUOAG supports Commission by:**
 - **Exchanging best practices**
 - **Asserting priorities for industry standards**
 - **Cooperating on future regulatory improvement**
- **European Maritime Safety Agency to provide support to Member states in planning and responding to emergencies**
- **Coastal MS without offshore operations to cooperate in emergency response with neighboring MS and vice versa**
- **All MS to require parent companies registered to furnish reports on major accidents outside EU waters**

Timetable

- **First reading agreement in Parliament 22 May**
- **Adoption by Council/TTE 10 June**
- **Signed in Strasbourg 12 June**
- **Publication in official journal end June**
- **Member States transpose in 2 years (June 2015)**
- **Fully operational (including industry) in 3 years (June 2016)**
- **All existing installations (c.1000) to comply in 5 years (June 2018)**



4. Capacity- what is needed?

Industry - Capacity for:

- ***Formal safety assessments***
- ***Localised emergency response planning***
- ***Scheme of independent verification***
- ***Standardised reporting***
- ***Integrating response assets and capability with national arrangements***

Regulators - Capacity for:

- ***Technical expertise***
- ***Stakeholder management***
- ***Quality Systems***
- ***Cost recovery***

Both:

- ***Cooperating with EU offshore authorities group (EUOAG) on priorities for guidance and standards***



The Offshore Protocol

- *On 17 December 2012 the Council of the EU approved EU accession to the Offshore Protocol, thus underlining EU commitment to reducing environmental impacts of offshore activities in the Mediterranean through efficient regional cooperation.*
- *The legal consequence of this Council act is that the Offshore Protocol now becomes part of EU legislation*

The Offshore Protocol

- *In order to assist the Mediterranean EU Member States in jointly and efficiently implementing both abovementioned legislative measures, the Commission services have also launched a study; the final report is available*
- *Extensive information on national activities and legislative approaches has been gathered*
- *Low response from stakeholders, underlines need for public participation*

The Offshore Protocol

- *Difference of focus between Directive (safety) and Protocol (protection from pollution) but ultimately sharing same objectives (environmental protection)*
- *Complementarities (authorisations , reporting, liability) and need for careful parallel transposition and implementtaion of both texts by Merditerranean EU MS*
- *Legal form of Directive gives more leeway to MS by transposition*
- *Other international commitments (UNCLOS, Aarhus, Espoo) must be taken into account*

Other relevant EU legislation

- *Hydrocarbons authorisation Directive*
- *Product safety Directives (pressure equipment, explosive atmospheres)*
- *Environmental Liability Directive*
- *Marine Strategy Framework Directive*
- *Water Framework directive*
- *Environmental Impact Assessment*
- *Habitats Directive*
- *Chemicals legislation*
- *Waste legislation*

Other relevant EU legislation

- *Civil protection cooperation*
- *Health and safety of workers*
- *European Maritime Safety Agency*

- *Thank you for your attention*
- *More info in :*
- *http://ec.europa.eu/environment/marine/international-cooperation/regional-sea-conventions/barcelona-convention/index_en.htm*
- *http://ec.europa.eu/energy/oil/offshore/standards_en.htm*