



MEDITERRANEAN ACTION PLAN (MAP) REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR THE MEDITERRANEAN SEA (REMPEC)

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OFFSHORE QUESTIONNAIRE ANALYSIS

Note by the Secretariat

SUMMARY

Executive Summary: Based on the outcome of the questionnaire, this document provides a comparative analysis of existing legislative and administrative framework in the region and highlights the gaps between the Offshore Protocol requirements and the existing laws or practices. This document is completed by the document REMPEC/WG.34/19 providing an overview of the international best practices and regulations relevant to the implementation of the Offshore Protocol.

Action to be taken: As indicated under each agenda item.

Related documents: REMPEC/WG.34/19

CHAPTER 4.0 NATIONAL QUESTIONNAIRE ANALYSIS

4.1 METHODS

One of the objectives of this study was to compare the Offshore Protocol (OP) with the existing national framework of the Contracting Parties (i.e., entity who enters into a binding agreement with one or more other Contracting Parties and thus accepts the benefits and obligations specified therein) and identify convergence and divergence.

Task 2 focused on national-level implementation of the OP. Stock-taking of the existing regulatory framework among the Contracting Parties was accomplished mainly through the analysis of the responses in questionnaires provided to Competent Authorities (i.e., the official organization that has the legally delegated or invested authority, capacity, or power to perform a designated function) of the Contracting Parties, the online reports of the Contracting Parties under the Barcelona Convention Reporting System (BCRS) and a study prepared by Milieu Ltd. for the Director General (DG) Environment of the European Commission (EC study)¹.

In order to achieve this task's objective, the aforementioned questionnaire was prepared with the goal of defining the existing legislative and administrative framework in the Mediterranean region. The questionnaire covered, in a thematic approach, all issues raised in the different sections, articles, and annexes of the OP (authorization system, disposal and discharges [i.e., wastes and hazardous and noxious substances and materials; oil and oily mixtures, drilling fluids, and cuttings; sewage; garbage; reception facilities, instructions and sanctions; and exceptions], safety measures, monitoring of environment-related issues, and preparedness and response [i.e., contingency planning; cooperation and liability; and compensation]). Following the First Offshore Protocol Working Group Meeting held in Valletta on the 13 and 14 June 2013, during which several Contracting Parties made comments on the format of the questionnaire, a finalized questionnaire was prepared and sent to the Contracting Parties.

The analysis of the completed questionnaires and the information obtained from the other sources (BCRS and EC studies) allowed us to conduct a comparative analysis of the existing national legislative and administrative framework in the Mediterranean region (**Section 4.2.2**) and highlight potential gaps and differences between the OP provisions and requirements relative to the existing national laws and practices (**Section 4.3**), presented through comparative tables.

4.2. RESULTS

4.2.1 Completed Responses

The extent of the analysis was dependent on the number of responsive questionnaires received. Unfortunately, the number of the questionnaires received was less than satisfactory because only 10 Contracting Parties (Algeria, Cyprus, France, Greece, Israel, Italy, Libya, Morocco, Spain, and Turkey) out of the 22 queried actually responded. Of these 10 respondents, six sent the first and four reviewed questionnaire.

Under the BCRS, online reports from five countries were extracted (Bosnia-Herzegovina, Cyprus, Israel, Italy, and Spain), and from the EC Study, information for five Contracting Parties were taken (Croatia, European Union [EU], France, Italy, and Spain). For nine Contracting Parties (Albania, Croatia, Egypt, Lebanon, Malta, Monaco, Montenegro, Syria, and Tunisia), we have no information from any source. A summary of the information sources available for each Contracting Party is provided in **Table 4.1**.

¹ EC study: "Safety of offshore exploration and exploitation activities in the Mediterranean: creating synergies between the forthcoming EU Regulation and the Protocol to the Barcelona Convention."
<http://ec.europa.eu/environment/marine/international-cooperation/regional-sea-conventions/barcelona-convention/pdf/Final%20Report%20Offshore%20Safety%20Barcelona%20Protocol%20.pdf> (last accessed Nov. 15, 2013)

To date, the OP has been signed by 12 Contracting Parties to the Barcelona Convention, but has been ratified only by Albania, Cyprus, the European Union, Morocco, Libya, Tunisia, and Syria (**Table 4.2**). The OP entered into force on 24 March 2011, after its ratification by Syria.

4.2.2 Existing National Legislative and Administrative Framework
(Measures in Place that Satisfy the Offshore Protocol Requirements and their Transposition in National Legislation)

The aim of this section was to identify the points of convergence between the existing national legislative and administrative framework applicable to the exploitation of mineral resources of the Contracting Parties and the provisions of the OP. This was achieved mainly by analyzing the received questionnaires and to a lesser extent by analyzing the online reports of the BCRS and the EC Study.

In the sections that follow, results from individual countries are summarized in tables and text. For Croatia and Bosnia-Herzegovina, for which our sources of information were the online reports of the BCRS and/or EC Studies, the available content of those reports did not permit us to prepare an in-depth assessment of the existing practical measures in place with respect to offshore activities.

Table 4.1 Summary of the information sources available for each Contracting Party.

Contracting Party	Sources			
	Questionnaire		Barcelona Reporting System (BCRS)	Convention European Commission (EC) Study
	First	Reviewed		
Albania	-	-	-	-
Algeria	-	X	-	-
Bosnia and Herzegovina	-	-	X	-
Croatia	-	-	X	X
Cyprus	X	-	X	-
European Union	-	-	-	X
Egypt	-	-	-	-
France	-	X	-	X
Greece	X	-	-	-
Israel	X	-	X	-
Italy	-	X	X	X
Lebanon	-	-	-	-
Libya	X	-	-	-
Malta	-	-	-	-
Monaco	-	-	-	-
Montenegro	-	-	-	-
Morocco	X	-	-	-
Slovenia	-	-	-	-
Spain	X	-	X	X
Syria	-	-	-	-
Tunisia	-	-	-	-
Turkey	-	X	-	-

Table 4.2. Signature and ratification of the Offshore Protocol by the Contracting Parties.

Contracting Party	1994 Offshore Protocol		
	Signature	Ratification	Entered into Force
Albania	-	26 January 2001	24 March 2011
Algeria	-	-	-
Bosnia and Herzegovina	-	-	-
Croatia	14 October 1994	-	-
Cyprus	14 October 1994	16 May 2006	24 March 2011
European Union	17 December 2012/AC	27 February 2013	-
Egypt	-	-	-
France	-	-	-
Greece	14 October 1994	-	-
Israel	14 October 1994	-	-
Italy	14 October 1994	-	-
Lebanon	-	-	-
Libya	-	16 June 2005	24 March 2011
Malta	14 October 1994	-	-
Monaco	14 October 1994	-	-
Montenegro	-	-	-
Morocco	-	01 July 1999	24 March 2011
Slovenia	10 October 1995	-	-
Spain	14 October 1994	-	-
Syria	20 September 1995	22 February 2011	24 March 2011
Tunisia	14 October 1994	01 June 1998	24 March 2011
Turkey	-	-	-

AC = Accession

ALGERIA

Even though Algeria is the largest natural gas producer and second largest oil producer in Africa after Nigeria, offshore exploration has been limited. In 2012, Algeria began revising its hydrocarbon law in an attempt to attract foreign investors to new projects in order to increase oil and gas reserves and explore new territories, such as offshore the Mediterranean.

Algeria has neither signed nor ratified the OP (**Table 4.2**). However, according to the Algerian authorities' response to the questionnaire, Algeria has an existing national legislative and administrative framework that covers a significant number of provisions of the OP.

Specifically, Algeria has a legislative and administrative framework that covers the following:

- **The requirements and granting of authorizations (Section II of the OP):** Under Law n°05-07 on hydrocarbons (HC), Law n°03-10 on the environment within the framework of sustainable development, Executive Decree (ED) n°10-31 on the protection of the shoreline seabed, ED n°07-294 laying down the procedures and conditions of authorization for oil prospection, ED n°06-198 stating the regulation to be applied for classified facilities for environmental protection, ED n°08-312 laying down the conditions for EIA approval for HC activities, ED n°07-184 on operator's qualifications, ED n°02-143 on title, patents and maritime navigation certificate, and permit conditions, ED n°06-198 on safety management and assistance means system, Law 04-20 on implementation of the Internal Intervention Plan (PII), Law 11-02 on protected area, Law 01-19 on waste, and Law 02-02 on the shoreline protection. A gap between the OP and the existing national legislative framework is in removal of installations (see **Section 4.3** of this report);
- **The disposal of garbage (Article 12, Section III of the OP):** Under Law n°01-19 on waste and implementing provisions and MARPOL 73/78 Convention ratified by ED n°88-108;
- **Safety measures (Article 15, Section IV of the OP):** Under Law n°05-07, ED n°06-198, ED n°09-335 (PII), ED n°02-143, ED n°02-202 on the regulations related to the minimum safety workforce on site on merchant vessel exceeding 500TX, the Algerian maritime code, and safe mining requirements;
- **Contingency planning (Article 16, Section IV of the OP):** Under the MARPOL 73/78 Convention ratified by ED n°88-108, Law 04-20 and ED n°09-335 (PII). A limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report;
- **Cooperation (Articles 22 and 24, Section V of the OP):** Positive ("Yes") responses were provided by the respondent; however, no laws or regulations were cited; and
- **Liability and compensation (Article 27, Section V of the OP):** Under Law n°05-07.

There are some laws that could apply to the disposal of waste and HNS&M and the disposal of oil and oily mixtures and drilling fluids and cuttings; however, they are not comprehensive or adequate to cover all or the majority of the OP provisions.

Table 4.3 presents a summary of responses to the questionnaire provided by the Offshore Focal Point of Algeria.

Table 4.3. Summary of responses to the reviewed questionnaire from Algeria.

Offshore Protocol Provision	No. of Answers*	No. of "Yes" Responses**	Legislative/Regulatory/Contractual Reference
I. AUTHORIZATION SYSTEM	26/29	25/26	<ul style="list-style-type: none"> • Law n°05-07 • Law n°03-10 • Executive Decree (ED) n°10-31 • ED n° 07-294 • ED n°06-198 • ED n°08-312 • ED n°07-184 • ED n°02-143 • ED n°06-198 • Law n°04-20 • Law n°11-02 • Law n°01-19 • Law n°02-02
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	37/46	8/37	<ul style="list-style-type: none"> • ED n°08-312 • PD 04-477 on the International Convention on the Prohibition of the Development, Production and Stockpiling of Chemical Weapons and on their Destruction • ED n°05-08, on the Applicable Provisions for Substances, Products or Dangerous Mixtures at Work • Law n°03-10 • ED n°88-108 (ratification of MARPOL 73/78 Convention) • Law n°01-19 • ED n°06-141 • Law n° 02-02 • Law n°11-02 • Law n°03-10
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	18/19	9/18	<ul style="list-style-type: none"> • ED n°88-108 • ED n°80-14 (ratification of Barcelona Convention) • Law n°05-07 • ED n°08-312 • Algerian standards on concentration of HC in water
C. SEWAGE	0/9	-	No response available
D. GARBAGE	4/4	4/4	<ul style="list-style-type: none"> • Law n°01-19 • ED n°88-108

Offshore Protocol Provision	No. of Answers*	No. of "Yes" Responses**	Legislative/Regulatory/Contractual Reference
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	5/5	<ul style="list-style-type: none"> • Law n°01-19 • ED n°04-409 • ED n°04-410
F. EXCEPTIONS	4/4	4/4	No laws/regulations cited
III. SAFETY MEASURES	19/19	19/19	<ul style="list-style-type: none"> • Law n°05-07 • ED n°06-198 • ED n°09-335 • ED n°02-143 • ED n°02-202 • Algerian maritime code • Safe mining requirements
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	1/4	No laws/regulations cited
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	31/32	29/31	<ul style="list-style-type: none"> • ED n°88-108 • Law n°04-20 • ED n°09-335
B. COOPERATION	3/3	3/3	No laws/regulations cited
C. LIABILITY AND COMPENSATION	2/3	2/2	<ul style="list-style-type: none"> • Law n°05-07

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of positive responses out of the total "yes" or "no" responses. Indication whether a national legislation is in place for the specific section of the Offshore Protocol.

CROATIA

The history of hydrocarbon exploration in the entire Croatian area of the Adriatic Sea started in 1968 when the *Vez*, the ship for marine seismic surveying, performed the first exploration. Today about 45,000 km of 2D seismic lines and 6,200 km² of 3D seismic areas exist in this region, as well as 135 wells. In the northern Adriatic, INAgiip (a joint venture company between INA [Croatia] and ENI [Italy]) developed 9 gas fields with 105 gas reservoirs, drilled more than 40 production wells, and installed 19 production platforms since 1996.

Unfortunately, the level of precision of the available information for Croatia (**Table 4.2**: BCRS and EC Study) does not allow us to prepare an in-depth assessment and stock-taking analysis of the existing practical measures in place in Croatia with regard to offshore activities. Nonetheless, **Table 4.4** presents remarks and comments from the available sources on certain provisions of the OP and the existing Croatian legislative framework.

Table 4.4. Remarks and comments on certain provisions of the Offshore Protocol (OP) and the existing Croatian legislative framework.

Offshore Protocol Provision	Remarks/Comments from BCRS	Remarks/Comments from EC Study
I. AUTHORIZATION SYSTEM	<ul style="list-style-type: none"> Articles 4, 5, 6: The prior written authorization is required by the Mining Act (OG No. (75/09 and 49/2011), Ordinance on the exploitation of mineral resources (OG No. 125/1998) and the Ordinance on the Main Technical Requirements, Safety and Protection during Offshore Exploration and Exploitation of Hydrocarbons in the Republic of Croatia (OG No. 52/2010) Article 20 (removal of installations): EIA studies give the procedure in the case of closing of operations and removal of installations 	<ul style="list-style-type: none"> Article 5(1)(a): EIA is required for exploitation Article 7 (Sanctions): Fines are established as well as prohibition of further works Article 20 (removal of installations): Rehabilitation of the area is required after cessation of activities Article 21 (special protected areas): EIA study includes special provisions on protected areas
II. DISPOSAL AND DISCHARGES		
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	<ul style="list-style-type: none"> Article 9(5)(6)(7): The prior written authorization is required by the Mining Act (OG No. (75/09 and 49/2011), Ordinance on the exploitation of mineral resources (OG No. 125/1998) and the Ordinance on the Main Technical Requirements, Safety and Protection during Offshore Exploration and Exploitation of Hydrocarbons in the Republic of Croatia (OG No. 52/2010) 	
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS		<ul style="list-style-type: none"> Measures to enforce standards on oil and oily mixtures are covered in Ordinance on the Main Technical Requirements, Safety and Protection during Offshore Exploration and Exploitation of Hydrocarbons in the Republic of Croatia (OG No. 52/2010)
C. SEWAGE	<ul style="list-style-type: none"> Article 11(1): All activities of exploration, exploitation and the closing of platforms, including testing of materials, equipment and procedures have to be performed in accordance with the relevant national and international legislation (in particular the MARPOL 73/78 Convention with its annexes and the Barcelona Convention with its Offshore Protocol). All the platforms are equipped with all the facilities necessary for production management control either in normal or emergency conditions 	
D. GARBAGE		<ul style="list-style-type: none"> Discarding solid waste in the seas during mining activities is prohibited

Offshore Protocol Provision	Remarks/Comments from BCRS	Remarks/Comments from EC Study
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS		
F. EXCEPTIONS		
III. SAFETY MEASURES	<ul style="list-style-type: none"> Article 15(3)(4): EIA studies determine the safety measures with regard to the design, construction, placement, equipment, marking, operation and maintenance of installations 	<ul style="list-style-type: none"> Article 15(2): No risk assessments (accidents) are required
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	<ul style="list-style-type: none"> Article 19: The permit requests the development of the monitoring programme for the broader area of the gas field and such a plan has to include measurements and observations of physical parameters of the sea and atmosphere, chemical parameters, in particular measurements of hydrocarbons, and biological parameters, in particular bacteriological tests of the toxicity and genotoxicity 	<ul style="list-style-type: none"> Article 19(1): monitoring is not obliged (however the operator is obliged to records during mining activities)
V. PREPAREDNESS AND RESPONSE		
A. CONTINGENCY PLANNING	<ul style="list-style-type: none"> Article 16 & Annex VII: Contingency plans to combat accidental pollution were developed. These plans were harmonised with the provisions of the National Contingency Plan for Accidental Marine Pollution in the Republic of Croatia (OG No. 92/2008) 	<ul style="list-style-type: none"> Article 16(2): The operator is required to have an emergency plan
B. COOPERATION		
C. LIABILITY AND COMPENSATION		<ul style="list-style-type: none"> Article 27(1): Operators are liable for environmental damage (strict and fault-based) and are required remediate environmental damage Article 27(2): Operators are required to establish a financial guarantee

CYPRUS

The Republic of Cyprus has recently begun oil and natural gas exploration and drilling in the eastern Mediterranean. Following the first successful bidding round for hydrocarbon reserves in Cyprus' Exclusive Economic Zone (EEZ), the Republic of Cyprus awarded one exploration license (Block No.12) to Noble Energy International Ltd (Noble Energy) in late 2008. In January 2012, the Republic of Cyprus announced a second licensing round. The areas open for bidding included Exploration Blocks 1 to 11 and 13 within the EEZ of Cyprus. On 24 January 2013, the Republic of Cyprus signed contracts granting the licenses for the exploration of Blocks 2, 3, and 9 to the consortium ENI International BV and Korea Gas Corporation (KOGAS). On 6 February 2013, the contracts for the granting of licenses for the exploration of Blocks 10 and 11 were signed with Total E & P Activites Petrolieres S.A.

Cyprus is the only EU country that ratified the OP with Law No. 20(III)/2001 (**Table 4.2**). The importance of the recently discovered hydrocarbon reserves for Cyprus, together with ratification of the OP and the adoption of relevant EU regulations and directives into national law, provides a existing comprehensive national legislative and administrative framework. This framework covers a large and significant number of provisions of the OP.

Specifically, Cyprus has a legislative and administrative framework that covers the following:

- **The requirements and granting of authorizations (Section II of the OP):** Under Law No. 20(III)/2001, Environmental Impact Assessment Law No. 140 (I)/2005, which harmonizes EU EIA Directive 2011/92/EU, Safety and Health at Work Laws of 1996 to 2011, and Law No. 153(I)/2003 for the Protection of Nature and Wildlife (Habitats Directive 92/43/EEC). The only gap between the OP and the existing national legislative framework is in the removal of installations (see **Section 4.3** of this report);
- **The disposal of HNS&M (Article 9, Section III of the OP):** Under Law No. 20(III)/2001, Chemical Substances Law No. 78(I)/2010 Registration, Evaluation, Authorization, and Restriction of Chemicals (REACH) Regulation and Classification, Labeling, and Packaging (CLP) Regulation, Waste Law 185(I)/2011, which harmonizes the EU Waste Framework Directive (2008/98/EC), and Water and Soil Pollution Control Law 106(I)/2002;
- **The disposal of garbage (Article 12, Section III of the OP):** In accordance with the provisions of MARPOL 73/78 Annex V;
- **Reception facilities, instructions, and sanctions (Article 13, Section III of the OP):** Under Waste Law 185(I)/2011;
- **Safety measures (Article 15, Section IV of the OP):** Under relevant IMO (International Maritime Organization) requirements, Safety and Health at Work Laws of 1996 to 2011, Minimum Requirements for Safety and Health at Work (Extractive Industries through Drilling) Regulations of 2002, Management of Safety and Health Issues at Work Regulations of 2002 (No. 173/2002), and Minimum Requirements for Safety and Health (Use of Work Equipment at Work) Regulations of 2001 (No. 444/2001). The limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report;
- **Contingency planning (Article 16, Section IV of the OP):** Under Law No. 20(III)/2001; and
- **Liability and compensation (Article 27, Section V of the OP):** Under Law No. 20(III)/2001.

There are some laws that could apply to the disposal of oil and oily mixtures and drilling fluids and cuttings, disposal of sewage, and monitoring of environment-related issues; however, they were not comprehensive or adequate to cover all or the majority of the OP provisions.

Table 4.5 presents a summary of responses to the questionnaire provided by the Offshore Focal Point of Cyprus.

Table 4.5. Summary of responses to the questionnaire from Cyprus.

Offshore Protocol Provision	No. of Answers*	No. of Responses**	“Yes”	Legislative/Regulatory/Contractual Reference
I. AUTHORIZATION SYSTEM	28/29	26/28		<ul style="list-style-type: none"> • Law No. 20(III)/2001 ratifying the OP • Environmental Impact Assessment Law No. 140 (I)/2005 • Safety and Health at Work Laws of 1996 to 2011 • Law No. 153(I)/2003 for the Protection of Nature and Wildlife (Habitats Directive 92/43/EEC)
II. DISPOSAL AND DISCHARGES				
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	46/46	46/46		<ul style="list-style-type: none"> • Law No. 20(III)/2001 • Chemical Substances Law No. 78(I)/2010 • Waste Law 185(I)/2011 • Water and Soil Pollution Control Law 106(I)/2002
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	10/19	5/10		<ul style="list-style-type: none"> • MARPOL 73/78 Annex I provisions • Hydrocarbons Law No. 4(I)/2007 • Law No. 20(III)/2001 • Waste Law 185(I)/2011 • Water and Soil Pollution Control Law 106(I)/2002
C. SEWAGE	7/9	4/7		<ul style="list-style-type: none"> • MARPOL 73/78 Annex IV provisions
D. GARBAGE	4/4	4/4		<ul style="list-style-type: none"> • Provisions of MARPOL 73/78 Annex V
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	5/5		<ul style="list-style-type: none"> • Waste Law 185(I)/2011
F. EXCEPTIONS	4/4	4/4		No laws/regulations cited
III. SAFETY MEASURES	13/15	12/13		<ul style="list-style-type: none"> • IMO requirements • Safety and Health at Work Laws of 1996 to 2011 • Minimum Requirements for Safety and Health at Work (Extractive Industries through Drilling) Regulations of 2002 • Management of Safety and Health Issues at Work Regulations of 2002 (No. 173/2002) • Minimum Requirements for Safety and Health (Use of Work Equipment at Work) Regulations of 2001 (No. 444/2001)
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	2/4	1/2		<ul style="list-style-type: none"> • Law No. 20(III)/2001
V. PREPAREDNESS AND RESPONSE				
A. CONTINGENCY PLANNING	22/32	22/22		<ul style="list-style-type: none"> • Law No. 20(III)/2001
B. COOPERATION	3/3	1/3		No laws/regulations cited
C. LIABILITY AND COMPENSATION	2/3	2/2		<ul style="list-style-type: none"> • Law No. 20(III)/2001

* Number of responses with either “yes” or “no” out of the total questions for the specific section of the Offshore Protocol.

** Number of positive responses out of the total “yes” or “no” responses. Indication whether a national legislation is in place for the specific section of the Offshore Protocol.

IMO = International Maritime Organization; MARPOL = International Convention for the Prevention of Pollution from Ships

FRANCE

Offshore France in the Mediterranean, TGS Nopec, Noble Energy, and Melrose Mediterranean Limited in consortium started exploring for oil and gas in 2002. In 2010, the renewal of the permit for the next 5 years was requested, but the decision is still pending.

France has neither signed nor ratified the OP (**Table 4.2**). However, according to the French authorities' response to the questionnaire, France has a comprehensive existing national legislative and administrative framework. This framework covers a significant number of provisions of the OP.

Specifically, France has a legislative and administrative framework that covers the following:

- **The requirements and granting of authorizations (Section II of the OP):** Under Law n° 68-1181, 30 December 1968, L. 123-1 of the Mining Code (CM) related to the substances research at sea, and L. 133-1 of the CM regarding at sea exploitation, L. 162-3 of the CM on authorization principles for the works presenting hazards and serious inconvenience for the interests mentioned in article L. 161-1 of the CM, Decree 2006-649; Decree 2011-2019 related to the impact assessment, Environmental Code (EC) article R. 122-4 and R. 122-5, Decree 2000-278 on qualification, personnel training, and ratification of the International Convention on Oil Pollution Preparedness, Response, and Cooperation (OPRC 90) Convention. The limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report;
- **The disposal of garbage (Article 12, Section III of the OP):** Under Decree 83-874 of 27 September 1983 for the prevention of pollution from ships (MARPOL 73/78 Convention);
- **Safety measures (Article 15, Section IV of the OP):** Under Decree 2000-278, Decree 2006-649, L.162.5 of the CM and Decree 71-360 (6 May 1971) on the enforcement of Law 68-1181 dated 30 December 1968, on exploration of the continental shelf and exploitation of its natural resources. A gap between the OP and the existing national legislative framework is presented in **Section 4.3** of this report;
- **Monitoring of environment-related issues (Article 19, Section IV of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited;
- **Contingency planning (Article 16, Section IV of the OP):** Under ratification of OPRC 90 Convention, Decree 2000-278, Decree 2006-649, Decree 2005-1157 related to ORSEC plan (French generic emergency plan in case of a disaster) and Law 2004-811 on civil protection modernization. A gap between the OP and the existing national legislative framework are presented in **Section 4.3** of this report;
- **Cooperation (Articles 22 and 24, Section V of the OP):** Positive ("Yes") responses were provided by the respondent; however, no laws or regulations were cited; and
- **Liability and compensation (Article 27, Section V of the OP):** Under Decree 2006-648 and L.155.3 of the CM.

There are some laws that could apply to the disposal of waste and HNS&M and the disposal of oil and oily mixtures and drilling fluids and cuttings; however, they are not comprehensive or adequate to cover all or the majority of the OP provisions.

Table 4.6 presents a summary of responses to the questionnaire provided by the Offshore Focal Point of France.

Table 4.6. Summary of responses to the reviewed questionnaire from France.

Offshore Protocol Provision	No. of Answers*	No. of "Yes" Responses**	Legislative/Regulatory/Contractual Reference
I. AUTHORIZATION SYSTEM	29/29	26/29	<ul style="list-style-type: none"> • Law n° 68-1181 • L. 123-1 of the CM • L. 133-1 of the CM • L. 162-3 of the CM • Decree 2006-649 • Decree 2011-2019 • EC R. 122-4 • EC R. 122-5 • Decree 2000-278 • OPRC 90 Convention
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	39/46	30/39	<ul style="list-style-type: none"> • REACH regulations • EC L.218-32 • Decree 83-874 (MARPOL 73/78 Convention)
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	13/19	8/13	<ul style="list-style-type: none"> • EC L.218-32
C. SEWAGE	0/8	---	No response available
D. GARBAGE	4/4	4/4	<ul style="list-style-type: none"> • Decree 83-874 (MARPOL 73/78 Convention)
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	4/5	4/4	<ul style="list-style-type: none"> • EC articles L541-22 to L541-30-1 • EC art L541-40
F. EXCEPTIONS	4/4	4/4	No laws/regulations cited
III. SAFETY MEASURES	14/19	13/14	<ul style="list-style-type: none"> • Decree 2000-278 • Decree 2006-649 • L. 162.5 of the CM • Decree 71-360
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	4/4	No laws/regulations cited
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	28/32	27/28	<ul style="list-style-type: none"> • OPRC 90 Convention • Decree 2000-278 • Decree 2006-649 • Decree 2005-1157 • Law 2004-811
B. COOPERATION	3/3	3/3	No laws/regulations cited
C. LIABILITY AND COMPENSATION	3/3	3/3	<ul style="list-style-type: none"> • Decree 2006-648 • CM art L. 155-3

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of positive responses out of the total "yes" or "no" responses. Indication whether a national legislation is in place for the specific section of the Offshore Protocol.

EC = Environmental Code; OPRC = International Convention on Oil Pollution Preparedness, Response, and Cooperation; REACH = Regulation on Registration, Evaluation, Authorization, and Restriction of Chemicals.

GREECE

Greek territorial seas seem promising for both oil and gas reserves. The Ministry of Environment, Energy, and Climate Change (YPEKA) published an international call for proposals for participation in non-exclusive seismic survey off the coasts of Western and Southern Greece, which was eventually awarded to the Norwegian company, Petroleum Geo Services (PGS). At the same time, the granting of the State's oil and gas exploration and exploitation rights in three regions (Patraikos Gulf, Ioannina, and Western Katakolo) is currently under public consultation. Today in Greece, the principal company engaged in oil extraction is Kavala Oil (now Energean Oil & Gas) – with facilities in New Karvali and mining platforms in Prinos in the North Aegean Sea.

Greece has signed but not ratified the OP (**Table 4.2**). However, according to the response of the Greek authorities to the questionnaire, Greece has an existing national legislative and administrative framework that covers only a limited number of provisions of the OP.

Specifically, Greece has a legislative and administrative framework that covers the following:

- **The requirements and granting of authorizations (Section II of the OP):** Under Environmental Impact Assessment for Projects/Activities Law (L) 4014/2011, Ministerial Decision (MD) 1958/2012, Presidential Decree (PD) 177/1997 on the Safety of Workers in the Mineral Extracting Industries, PD 11/2002 on National Contingency Plan to address Pollution from Oil and Other Harmful Substances, Strategic Environmental Assessment for Plans/Programs (MD 107017/2006), PD 148/2009 for Environmental Liability, Hydrocarbons Law (L) 4001/2011, and Regulatory Framework for Nature, Habitats, Birds, Biodiversity and Cetaceans Conservation. The limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report;
- **The disposal of garbage (Article 12, Section III of the OP):** Under Law (L) 743/1977 on the Protection of Marine Environment and Law (L) 1269/1982 (ratification of MARPOL 73/78 Convention);
- **Safety measures (Article 15, Section IV of the OP):** Under various legislative acts, including Hydrocarbons Law (L) 4001/2011, Law (L) 2252/1994 that ratifies the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC) 1990, and PD 11/2002 (Greek National Contingency Plan). The limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report;
- **Contingency planning (Article 16, Section IV of the OP):** Under Law (L) 3497/2006 that ratifies the Prevention and Emergency Protocol, OPRC requirements (L) 743/1977, and PD 11/2002 (Greek National Contingency Plan). The limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report; and
- **Liability and compensation (Article 27, Section V of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited.

There are some laws that could apply to the disposal of waste and HNS&M, the disposal of oil and oily mixtures and drilling fluids and cuttings, and disposal of sewage; however, they are not comprehensive or adequate to cover all or the majority of the OP provisions.

Table 4.7 presents a summary of responses to the questionnaire provided by the Offshore Focal Point of Greece.

Table 4.7. Summary of responses to the questionnaire from Greece.

Offshore Protocol Provision	No. of Answers*	No. of Responses**	“Yes”	Legislative/Regulatory/Contractual Reference
I. AUTHORIZATION SYSTEM	29/29	24/29		<ul style="list-style-type: none"> Environmental Impact Assessment for Projects/Activities Law (L) 4014/2011 Ministerial Decision (MD) 1958/2012 Presidential Decree (PD) 177/1997 PD 11/2002 MD 107017/2006 PD 148/2009 for Environmental Liability Hydrocarbons Law (L) 4001/2011 Regulatory Framework For Nature, Habitats, Birds, Biodiversity, and Cetacean Conservation
II. DISPOSAL AND DISCHARGES				
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	45/46	11/45		<ul style="list-style-type: none"> L 743/1977 on the Protection of Marine Environment
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	18/19	2/18		<ul style="list-style-type: none"> L 743/1977 Environmental Legislation for Habitats and Birds
C. SEWAGE	9/9	1/9		<ul style="list-style-type: none"> L 743/1977
D. GARBAGE	4/4	4/4		<ul style="list-style-type: none"> L 743/1977 L 1269/1982 (ratification of MARPOL 73/78 Convention)
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	4/5		No laws/regulations cited
F. EXCEPTIONS	4/4	0/4		
III. SAFETY MEASURES	15/15	12/15		<ul style="list-style-type: none"> Hydrocarbons Law (L) 4001/2011 Law (L) 2252/1994 PD 11/2002
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	1/4		No laws/regulations cited
V. PREPAREDNESS AND RESPONSE				
A. CONTINGENCY PLANNING	32/32	28/32		<ul style="list-style-type: none"> L 3497/2006 OPRC requirements L 743/1977 PD 11/2002
B. COOPERATION	3/3	0/3		
C. LIABILITY AND COMPENSATION	3/3	2/3		No laws/regulations cited

* Number of responses with either “yes” or “no” out of the total questions for the specific section of the Offshore Protocol.

** Number of positive responses out of the total “yes” or “no” responses. Indication whether a national legislation is in place for the specific section of the Offshore Protocol.

MARPOL 73/78 = International Convention for the Prevention of Pollution from Ships; OPRC = International Convention on Oil Pollution Preparedness, Response, and Cooperation.

ITALY

Italy has one of the largest numbers of offshore installations in the Mediterranean area. The offshore installations mainly produce gas and are located in the Adriatic Sea, the Ionian Sea, and the Sicily Channel. As of the beginning of 2013, 117 exploration permits had been granted in Italy, out of which 95 were located onshore and 22 offshore. Of 200 exploitation licenses that were granted, 134 were located onshore and 66 offshore.

Italy has signed but not ratified the OP (**Table 4.2**). However, according to the response of the Italian authorities to the questionnaire, Italy has a comprehensive existing national legislative and administrative framework. This framework covers a large and significant number of provisions of the OP.

Specifically, Italy has a legislative and administrative framework that covers the following:

- **The requirements and granting of authorizations (Section II of the OP):** Under Presidential Decree n. 886 dated 24 May 1979, Law n. 9 dated 9 January 1991, Legislative Decree n. 152 dated 3 April 2006, Law n. 979 dated 31 December 1982, Law n. 394 dated 6 December 1991, and Law Decree n. 221 dated 17 December 2012. The only gap between the OP and the existing national legislative framework is in the removal of installations (see **Section 4.3** of this report);
- **The disposal of HNS&M (Article 9, Section III of the OP):** Under Law n. 979 dated 31 December 1982, Presidential Decree n. 886 dated 24 May 1979, and Legislative Decree n. 182 dated 24 June 2003;
- **The disposal of garbage (Article 12, Section III of the OP):** In accordance with the provisions of the International Convention for the Prevention of Pollution From Ships, 1973 as modified by the Protocol of 1978 (MARPOL 73/78), Annex V and Presidential Decree n. 886 dated 24 May 1979;
- **Reception facilities, instructions, and sanctions (Article 13, Section III of the OP):** Under Legislative Decree n. 182 dated 24 June 2003 and Regulation (EC) No. 1013/2006 dated 14 June 2006;
- **Safety measures (Article 15, Section IV of the OP):** Positive (“Yes”) responses were provided; however, no laws or regulations were cited. A limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report;
- **Monitoring of environment-related issues (Article 19, Section IV of the OP):** In accordance with guidelines issued by the Italian Institute for Environmental Protection and Research (ISPRA) and authorization decrees for production of water discharge. A gap between the OP and the existing national legislative framework is in transboundary pollution (see **Section 4.3** of this report);
- **Contingency planning (Article 16, Section IV of the OP):** Under Presidential Decree n. 886 dated 24 May 1979, Ministerial Decree dated 28 July 1994 and Law n. 979 dated 31 December 1982; and
- **Cooperation (Articles 22 and 24, Section V of the OP):** Positive (“Yes”) responses were provided by the respondent; however, no laws or regulations were cited.

There are some laws that could apply to the disposal of oil and oily mixtures and drilling fluids and cuttings, and disposal of sewage; however they were not comprehensive or adequate to cover all or the majority of the OP provisions.

Table 4.8 presents a summary of responses to the reviewed questionnaire provided by the Offshore Focal Point of Italy.

Table 4.8. Summary of responses to the reviewed questionnaire from Italy.

Offshore Protocol Provision	No. of Answers*	No. of "Yes" Responses**	Legislative/Regulatory/Contractual Reference
I. AUTHORIZATION SYSTEM	27/29	24/27	<ul style="list-style-type: none"> • Presidential Decree n. 886 dated 24 May 1979 • Law n. 9 dated 9 January 1991 • Legislative Decree n. 152 dated 3 April 2006 • Law n. 979 dated 31 December 1982 • Law n. 394 dated 6 December 1991 • Law Decree n. 221 dated 17 December 2012
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	15/46	15/15	<ul style="list-style-type: none"> • Law n. 979 dated 31 December 1982 • Presidential Decree n. 886 dated 24 May 1979 • Legislative Decree n. 182 dated 24 June 2003
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	12/19	9/12	<ul style="list-style-type: none"> • Presidential Decree n. 886 1979 • MARPOL 73/78 Annex I provisions • Legislative Decree n. 182 dated 24 June 2003 • Ministerial Decree dated 28 July 1994
C. SEWAGE	7/9	4/7	<ul style="list-style-type: none"> • Provisions of MARPOL 73/78 Annex V • Legislative Decree n. 182 dated 24 June 2003
D. GARBAGE	4/4	4/4	<ul style="list-style-type: none"> • Provisions of MARPOL 73/78 Annex V • Presidential Decree n. 886 dated 24 May 1979
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	5/5	<ul style="list-style-type: none"> • Legislative Decree n. 182 dated 24 June 2003 • Regulation (EC) No. 1013/2006 dated 14 June 2006
F. EXCEPTIONS	1/4	1/1	No laws/regulations cited
III. SAFETY MEASURES	19/19	17/19	No laws/regulations cited
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	3/4	<ul style="list-style-type: none"> • Guidelines issued by ISPRA • Authorization decrees for production of water discharge
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	32/32	32/32	<ul style="list-style-type: none"> • Presidential Decree n. 886 dated 24 May 1979 • Ministerial Decree dated 28 July 1994 • Law n. 979 dated 31 December 1982
B. COOPERATION	3/3	3/3	No laws/regulations cited
C. LIABILITY AND COMPENSATION	3/3	1/3	No laws/regulations cited

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of positive responses out of the total "yes" or "no" responses. Indication whether a national legislation is in place for the specific section of the Offshore Protocol.
MARPOL 73/78 = International Convention for the Prevention of Pollution from Ships; ISPRA = Institute for Environmental Protection and Research.

ISRAEL

Offshore exploration in Israel started as early as the late 1960s, although the main exploration period came when private companies became involved. The first large offshore find was for natural gas in the Tamar-1 site in January 2009, discovered by a partnership that included Noble Energy of the U.S. and Israeli companies, Avner, Delek Drilling, Isramco, and Dor. This was followed in March 2009 by the gas discovery at the Dalit 1 site. The next major find, and the biggest in the region to date, was the discovery in October 2010 of a giant gas field in the Leviathan block by a consortium comprising Noble Energy, Delek Drilling, Avner Oil, and Ratio Oil.

Israel has signed but not ratified the OP (**Table 4.2**). However, according to the Israeli authorities' response to the questionnaire, Israel has an existing national legislative and administrative framework that covers a significant number of provisions of the OP.

Specifically, Israel has a legislative and administrative framework that covers the following:

- **The requirements and granting of authorizations (Section II of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited. A limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report;
- **The disposal of HNS&M (Article 9, Section III of the OP):** Under Hazardous Substances Law of 1993;
- **The disposal of oil and oily mixtures and drilling fluid and cuttings (Article 10, Section III of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited. A limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report;
- **The disposal of garbage (Article 12, Section III of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited;
- **Safety measures (Article 15, Section IV of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited; and
- **Contingency planning (Article 16, Section IV of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited. The only gap between the OP and the existing national legislative framework is in special measures for special protected areas (see **Section 4.3** of this report).

Table 4.9 presents a summary of responses to the questionnaire provided by the Offshore Focal Point of Israel.

Table 4.9. Summary of responses to the questionnaire from Israel.

Offshore Protocol Provision	No. of Answers*	No. of "Yes" Responses**	Legislative/Regulatory/Contractual Reference
I. AUTHORIZATION SYSTEM	29/29	26/29	No laws/regulations cited
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	45/46	44/45	• Hazardous Substances Law of 1993
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	19/19	16/19	No laws/regulations cited
C. SEWAGE	8/9	5/8	No laws/regulations cited
D. GARBAGE	3/4	3/3	No laws/regulations cited
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	4/5	No laws/regulations cited
F. EXCEPTIONS	4/4	3/4	No laws/regulations cited
III. SAFETY MEASURES	15/15	15/15	No laws/regulations cited
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	1/4	Under process (1/4) Under discussions (1/4)
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	32/32	31/32	No laws/regulations cited
B. COOPERATION	3/3	1/3	No laws/regulations cited
C. LIABILITY AND COMPENSATION	2/3	1/2	No laws/regulations cited

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of positive responses out of the total "yes" or "no" responses. Indication whether a national legislation is in place for the specific section of the Offshore Protocol.

LIBYA

The offshore Pelagian basin sits to the northwest of Tripoli and contains seven oil and gas concessions. Production from the basin is dominated by the Bouri field. It is jointly operated by Italy's Eni and National Oil Corporation (NOC), through the Mellitah Oil & Gas venture. Another major contributor to offshore production is Mabruk Oil Operations, a joint venture of NOC and France's Total, operating the Al-Jawf field. The offshore portion of oil and gas production is expected to grow.

Libya has ratified the OP (**Table 4.2**). According to the Libyan authorities' response to the questionnaire, Libya has an existing national legislative and administrative framework that covers a limited number of provisions of the OP.

Specifically, Libya has a legislative and administrative framework that covers the following:

- **The disposal of oil and oily mixtures and drilling fluid and cuttings (Article 10, Section III of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited;
- **The disposal of garbage (Article 12, Section III of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited; and
- **Safety measures (Article 15, Section IV of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited. A limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report.

There are some laws that could apply to the requirements and granting authorizations; however, they are not comprehensive or adequate to cover all or the majority of the OP provisions.

Table 4.10 presents a summary of responses to the questionnaire provided by the Offshore Focal Point of Libya.

Table 4.10. Summary of responses to the questionnaire from Libya.

Offshore Protocol Provision	No. of Answers*	No. of Responses** "Yes"	Legislative/Regulatory/Contractual Reference
I. AUTHORIZATION SYSTEM	21/29	19/21	<ul style="list-style-type: none"> • Law 8 of 1973 on Prevention of Pollution of the Sea by Oil • Law 7 of 1982 on Environmental Protection • Law 14 of 1989 on Utilizing Marine Wealth • Resolution 263 of 1999 on Establishing the General Authority for the Environment • Law 15 of 2003 on Protecting and Improving the Environment • National EIA Guidelines
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	29/46	29/29	No laws/regulations were cited
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	17/19	17/17	No laws/regulations were cited
C. SEWAGE	4/9	3/4	No laws/regulations were cited
D. GARBAGE	3/4	3/3	No laws/regulations were cited
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	3/5	1/3	No laws/regulations were cited
F. EXCEPTIONS	0/4	-	No response available
III. SAFETY MEASURES	13/15	12/13	No laws/regulations were cited
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	1/4	1/1	No laws/regulations were cited
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	20/32	19/20	No laws/regulations were cited
B. COOPERATION	3/3	0/3	
C. LIABILITY AND COMPENSATION	0/3	---	No response available

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of positive responses out of the total "yes" or "no" responses. Indication whether a national legislation is in place for the specific section of the Offshore Protocol.

MOROCCO

Even though the oil and gas sector in Morocco is relatively small and underdeveloped compared to its North African neighbours (i.e., Algeria, Libya and Egypt), the Moroccan authorities are hoping for greater investor interest in Morocco's hydrocarbon potential, especially offshore.

Morocco has ratified the OP. However, according to the response of the Moroccan authorities to the questionnaire, Morocco has an existing national legislative and administrative framework that covers a limited number of provisions of the OP.

Specifically, Morocco has a legislative and administrative framework that covers:

- The requirements and granting of authorizations (Section II of the OP) under Law No. 11-03 on the protection and enhancement of the environment, Law No. 12-03 on studies of environmental impact, Law No. 21-90 as amended and supplemented by Law No. 27-99 (Hydrocarbons Code) and Law No. 10-95 on water. A limited number of gaps between the OP and the existing national legislative framework are presented in Section 4.3 of this report;
- Cooperation (Articles 22 and 24, Section V of the OP) – response was positive however, there were no laws/regulations that were cited; and
- Liability and compensation (Article 27, Section V of the OP) under Hydrocarbons Code (Article 32). A gap regarding liability and compensation on transboundary pollution is presented in Section 4.3 of this report.

There are some laws that could apply to the disposal of waste and hazardous and noxious substances and material (HNS&M), safety measures and contingency planning however, they are not comprehensive/adequate to cover all or the majority of the OP provisions.

Table 4.11 presents a summary of responses to the questionnaire provided by the Offshore Focal Point of Morocco.

Table 4.11. Summary of responses to the questionnaire from Morocco.

Offshore Protocol Provision	No. of Answers*	No. of Responses**	“Yes”	Legislative/Regulatory/Contractual Reference
I. AUTHORIZATION SYSTEM	27/29	24/27		<ul style="list-style-type: none"> • Law No. 11-03 • Law No. 12-03 • Law No. 21-90 as amended and supplemented by Law No. 27-99 (hydrocarbons code) • Law No. 10-95
II. DISPOSAL AND DISCHARGES				
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	30/46	21/30		<ul style="list-style-type: none"> • Law No. 11-03 (Article 51) • Law No. 28-00 (Articles 4, 29)
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	3/19	0/3		
C. SEWAGE	9/9	0/9		
D. GARBAGE	3/4	1/3		<ul style="list-style-type: none"> • Law 28-00
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	4/5		<ul style="list-style-type: none"> • Law 28-00 (Articles 1, 8, 29, 70)
F. EXCEPTIONS	0/4	-		No response available
III. SAFETY MEASURES	4/15	4/4		<ul style="list-style-type: none"> • Law No. 12-03 • Labour Code
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	3/4	0/3		
V. PREPAREDNESS AND RESPONSE				
A. CONTINGENCY PLANNING	20/32	20/20		<ul style="list-style-type: none"> • Hydrocarbons Code (Article 33, Chapter III) • Law 12-03
B. COOPERATION	3/3	3/3		No laws/regulations cited
C. LIABILITY AND COMPENSATION	3/3	2/3		<ul style="list-style-type: none"> • Hydrocarbons Code (Article 32)

* Number of responses with either “yes” or “no” out of the total questions for the specific section of the Offshore Protocol.

** Number of positive responses out of the total “yes” or “no” responses. Indication whether a national legislation is in place for the specific section of the Offshore Protocol.

SPAIN

Spain granted offshore permits in the Mediterranean (e.g., offshore Cadiz, Tarragona, and Granada) and in the Atlantic (e.g., Gulf of Biscay and Canary Islands). These installations are for oil, gas, and, to a lesser extent, storage. Currently, there are 19 projects operating offshore Spain – six of the projects concern gas operations, three are currently engaged in production activities, two obtained valid permits for offshore exploration, and one is still awaiting such a permit. Additionally, one operator has applied for a permit for storage which is currently being examined.

Spain has signed but not ratified the OP (**Table 4.2**). However, according to the response of the Spanish authorities to the questionnaire, Spain has an existing national legislative and administrative framework that covers only a limited number of provisions of the OP.

Specifically, Spain has a legislative and administrative framework that covers the following:

- **The requirements and granting of authorizations (Section II of the OP):** Under Law 34/1998 dated 7 October 1998, Legislative Royal Decree 1/2008, dated 11 January 2008, approving the consolidated text of the Environment Impact Assessment of Projects Law (RDL 1/2008), and Royal Decree 1695/2012, on 21 January approving the National Response System (RD 1695/2012). The only gap between the OP and the existing national legislative framework is in additional measures for specially protected areas (see **Section 4.3** of this report); and
- **Contingency planning (Article 16, Section IV of the OP):** Under RD 1695/2012. A gap in the requirement for the operator's contingency plan is presented in **Section 4.3** of this report.

There are some laws that could apply to safety measures; however, they are not comprehensive or adequate to cover all or the majority of the OP provisions.

Table 4.12 presents a summary of responses to the questionnaire provided by the Offshore Focal Point of Spain.

Table 4.12. Summary of responses to the questionnaire from Spain.

Offshore Protocol Provision	No. of Answers*	No. of "Yes" Responses**	Legislative/Regulatory/Contractual Reference
I. AUTHORIZATION SYSTEM	29/29	25/29	<ul style="list-style-type: none"> • Law 34/1998 • Legislative Royal Decree (RDL) 1/2008 • Royal Decree 1695/2012
II. DISPOSAL AND DISCHARGES			No response available (See Section 4.3)
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	0/46	-	
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	0/19	-	
C. SEWAGE	0/9	-	
D. GARBAGE	0/4	-	
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	0/5	-	
F. EXCEPTIONS	0/4	-	
III. SAFETY MEASURES	6/15	5/6	<ul style="list-style-type: none"> • Royal Decree 2362/1976 • Industry Act 21/1992 • Royal Decree 150/1996
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	0/4	
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	32/32	31/32	<ul style="list-style-type: none"> • Royal Decree 1695/2012
B. COOPERATION	0/3	-	No response available
C. LIABILITY AND COMPENSATION	0/3	-	No response available (See Section 4.3)

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of positive responses out of the total "yes" or "no" responses. Indication whether a national legislation is in place for the specific section of the Offshore Protocol.

TURKEY

Turkey has conducted extensive deepwater exploration with other partners in the Black Sea. However, to date, there have not been any significant discoveries, and in December 2011, ExxonMobil and the state-owned Turkish Petroleum Corporation (TPAO) ceased exploration activities. The focus of Turkish authorities appears to be shifting to the Mediterranean. In the Mediterranean area, the TPAO has conducted 2D and 3D seismic surveys in offshore Antalya, Mersin, and İskenderun. TPAO signed an agreement with Royal Dutch Shell in November 2011 for exploration offshore Antalya. TPAO is also planning exploration in the Mersin and İskenderun Bays northeast of Cyprus.

Turkey has neither signed nor ratified the OP (**Table 4.2**). However, according to the Turkish authorities' response to the questionnaire, Turkey has an existing national legislative and administrative framework that covers a significant number of provisions of the OP.

Specifically, Turkey has a legislative and administrative framework that covers the following:

- **The requirements and granting of authorizations (Section II of the OP):** Under the Turkish Environment and Marine Legislation and Turkish Environmental Impact Assessment Legislation. A limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report;
- **The disposal of HNS&M (Article 9, Section III of the OP):** Under TPAO standards and Turkish Environmental Legislation. A limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report;
- **The disposal of oil and oily mixtures and drilling fluid and cuttings (Article 10, Section III of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited. A limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report;
- **The disposal of sewage (Article 11, Section III of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited;
- **The disposal of garbage (Article 12, Section III of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited;
- **Safety measures (Article 15, Section IV of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited. A limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report;
- **Contingency planning (Article 16, Section IV of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited. A limited number of gaps between the OP and the existing national legislative framework are presented in **Section 4.3** of this report; and
- **Liability and compensation (Article 27, Section V of the OP):** Positive ("Yes") responses were provided; however, no laws or regulations were cited.

Table 4.13 presents a summary of responses to the questionnaire provided by the Offshore Focal Point of Turkey.

Table 4.13. Summary of responses to the reviewed questionnaire from Turkey.

Offshore Protocol Provision	No. of Answers*	No. of Responses** "Yes"	Legislative/Regulatory/Contractual Reference
I. AUTHORIZATION SYSTEM	29/29	24/29	<ul style="list-style-type: none"> Turkish Environment and Marine Legislation Turkish Environmental Impact Assessment Legislation
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	46/46	41/46	<ul style="list-style-type: none"> TPAO standards Turkish Environmental Legislation
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	18/19	15/18	No laws/regulations cited
C. SEWAGE	8/9	7/8	No laws/regulations cited
D. GARBAGE	4/4	4/4	No laws/regulations cited
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	5/5	No laws/regulations cited
F. EXCEPTIONS	4/4	0/4	
III. SAFETY MEASURES	15/19	12/15	No laws/regulations cited
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	3/4	No laws/regulations cited
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	32/32	30/32	No laws/regulations cited
B. COOPERATION	3/3	2/3	No laws/regulations cited
C. LIABILITY AND COMPENSATION	3/3	3/3	No laws/regulations cited

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of positive responses out of the total "yes" or "no" responses. Indication whether a national legislation is in place for the specific section of the Offshore Protocol.

TPAO = Turkish Petroleum Corporation.

4.3 DISCUSSION – POTENTIAL GAPS BETWEEN THE OFFSHORE PROTOCOL PROVISIONS AND REQUIREMENTS RELATIVE TO THE EXISTING LAWS OR PRACTICES

Offshore activities, including oil and gas exploration and exploitation activities, are taking place on an increasingly large scale in the Mediterranean Sea. The sea hosts more than 200 active offshore platforms, with more under consideration due to the discovery of large fossil fuels reserves. Hydrocarbon spills arising from accidents in association with offshore oil or gas installations can have direct, severe, and potentially irreversible effects in the Mediterranean Sea due to its semi-closed configuration, special hydrodynamics, and the significant seismic activity in the region. In order to reduce the risk of such accidents, regulatory initiatives have been undertaken at both the regional (OP) and the EU level (EU Directive 2013/30/EU on safety of offshore oil and gas operations).

The aim of this section was to highlight gaps and differences between the OP provisions and requirements relative to the existing national laws and practices. The section is divided into EU Mediterranean Contracting Parties (i.e., EU, Cyprus, Greece, Italy, Spain, and France) and other non-EU Mediterranean Contracting Parties (i.e., Israel, Turkey, Libya, Algeria, and Morocco) for the purpose of better analysis of the obtained information and presentation of the results.

4.3.1 EU Mediterranean Contracting Parties

The EC reacted to the *Deepwater Horizon* accident in the Gulf of Mexico (2010) by adopting a directive for offshore safety in the EU, which aimed to ensure that production throughout Europe would embrace the world's highest safety, health and environmental standards. The OP and EU Directive 2013/30/EU on safety of offshore oil and gas operations (Directive) are two highly related instruments, both aiming at regulating offshore oil and gas activities. It is considered likely that the prospect of the EU's accession to the OP will further stimulate the ratification process for EU Mediterranean Contracting Parties. Also the EU Mediterranean Contracting Parties are obliged to transpose the EU Directive 2013/30/EU into national law. Therefore, the EU Mediterranean Contracting Parties will probably need to implement both instruments at the same time.

The lack of a comprehensive legal framework at the EU level led to the development of different regulatory frameworks and practices by the Member States, particularly in regard to licensing practices, safety, and environment protection regimes. Therefore, the Directive was intended to overcome these differences by providing a clear, comprehensive, and transparent system through which the safety and sustainability of offshore operations can be planned and measured.

While the ultimate objectives are often similar, the OP and Directive have different focuses – the OP, negotiated and adopted in 1994, aimed to protect the Mediterranean against pollution from offshore activities and focused on day-to-day operation guidelines; whereas the recent Directive was intended to ensure the safety of offshore activities through the prevention of major accidents.

Table 4.14 provides a summary of the most important synergies and differences between the OP and the Directive on safety of offshore oil and gas operations. **Tables 4.15 to 4.19** highlight gaps and differences between the OP provisions and requirements relative to the existing national laws and practices of each of the EU Mediterranean Contracting Party.

Table 4.14. Summary of the most important synergies and differences between the Offshore Protocol (OP) and European Union (EU) Directive 2013/30/EU on safety of offshore oil and gas operations (from European Commission [EC] study).

Offshore Protocol Provision	Synergies and Differences between the OP and EU Directive 2013/30/EU on Safety of Offshore Oil and Gas Operations
I. AUTHORIZATION SYSTEM	<ul style="list-style-type: none"> • A general comment is that there is a difference in scope between the two legal documents when discussing “authorizations”. The OP concerns the so-called “work authorization” (exploration and exploitation), whereas the Directive covers the licensing (building upon Directive 94/22/EC described as the exclusive right to prospect or explore for or produce hydrocarbons in a geographical area). • Article 5 (Requirements for authorizations): Both the OP and the Directive require a screening (and not a compulsory/systematic EIA) of the environmental effects of proposed activities. In the Directive, the requirements for a screening of the environmental effects are part of the risk assessment in the Major Hazard Report (MHR), which includes, among others, the risk to the environment. The Directive does not provide that operators of production or non-production installations need to submit to the Competent Authority information on the professional and technical qualifications of the candidate operator, personnel, and the composition of the crew. This “gap” can be explained by the different scope of the two legal documents. The OP focuses on daily operations laying down more general requirements, whereas the Directive is more specific with its aim to reduce major accidents related to offshore oil and gas activities. • Article 6 (Granting of authorizations): The OP and the Directive adopt a different approach concerning their Members’ obligation to inform the Organization and the Commission, respectively. Whereas under the OP, there is an obligation of Parties to inform the Organization as soon as authorizations are granted or renewed, and an obligation of the Organization to keep a register, under the Directive, the Competent Authorities in each Member State are responsible for preparing an annual report, which includes information on the number, age, and location of installations in their jurisdiction that will be made publicly available. Then, the Commission will publish a report on the safety of offshore installations based on the reports of the Member States and the European Maritime Safety Agency (EMSA) every year. • Article 7 (Sanctions): Both the OP and the Directive provide for the imposition of sanctions if their provisions are violated. The OP provides that sanctions must be imposed also when the specific conditions attached to the authorization are not complied with, a requirement which is not explicitly found in the Directive.

Offshore Protocol Provision	Synergies and Differences between the OP and EU Directive 2013/30/EU on Safety of Offshore Oil and Gas Operations
II. DISPOSAL AND DISCHARGES	<ul style="list-style-type: none">• A general comment in relation to Disposal and Discharges Section is that this section became outmoded as the text of the OP was negotiated and adopted before the 1995 revision of the Barcelona Convention. Through its Annexes I and II, the OP introduces a black and gray list, providing differentiating control systems – either prohibiting disposal or requiring a special permit. The disposal of the harmful and noxious substances and materials not listed in Annexes I and II requires a prior general permit. Annex III lists the factors that need to be considered for the issuing of these permits. Revising the Barcelona Convention, the system of black and gray lists was replaced by an “integrating management system”. It is, therefore, not likely that the EU Mediterranean Contracting Parties need to transpose the provisions provided by Annexes I, II and III in their national legislation.

Offshore Protocol Provision	Synergies and Differences between the OP and EU Directive 2013/30/EU on Safety of Offshore Oil and Gas Operations
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	<ul style="list-style-type: none"> Article 9(1): The OP imposes an obligation on operators to obtain an approval from the Competent Authority to use and store chemicals for their activities. The use and storage of chemicals for the purpose of offshore activities is not regulated by the Directive. Directive 2008/98/EC regulates the management of (hazardous) waste and provides that Member States must ensure that its production, collection, transportation, storage, and treatment are conducted in conditions providing protection for the environment and the human health – this however only applies to the chemicals after their use. Further, the use, handling, and disposal of chemicals is covered by the Registration, Evaluation, Authorization, and Restriction of Chemicals (REACH) Regulation. However, approval by the Competent Authority of the use and storage of chemicals is not covered. Article 9(2): No specific regulation on the use of chemicals is provided by the Directive. The option for the Member States to “regulate, limit or prohibit” the use of chemicals can be based on Directive 94/22/EC (license) that provides the Member State with the option to impose conditions and requirements on the exercise of offshore activities. More importantly, the REACH Regulation sets restrictions and authorizations procedures for specific hazardous substances and mixtures. Article 9(3): The need to provide a description to each substance and material used for the offshore activities is not regulated by the Directive. However, under the Regulation 1272/2008 on the classification, labeling, and packaging (CLP) of substances and mixtures which also applies to the substances and mixtures falling under REACH, specific chemical substances or mixture need to be accompanied by a safety data sheet which will identify the substance/mixture and the company/undertaking providing it. Article 9(4): No specific regulation on disposal of harmful or noxious substances and materials is provided by the Directive. General obligations to avoid pollution of the marine environment are provided by Directive 2008/98/EC and Directive 2008/56/EC, in combination with the Water Framework Directive. Further the London Convention (on the prevention of marine pollution by dumping of waste and other matter) prohibits disposal of harmful or noxious substances and materials in the oceans and seas. Article 9(5): The need to obtain a “prior special permit” from the Competent Authorities for the disposal of “harmful or noxious substances and materials resulting from the activities” is not regulated by the Directive. In principle, disposal of waste is prohibited according to the London Convention and Marine Framework Strategy Directive. Member States should however ensure that the materials listed in Annex II to the OP are covered by Annex I to the London Convention. Likewise under the Waste Framework Directive, waste must be properly treated. Therefore, the overall aim of the OP appears to be covered. Article 9(6): The need to obtain a permit from the Competent Authorities for the disposal of “other harmful or noxious substances and materials resulting from the activities” is not regulated by the Directive. Similarities can be found in the International Convention for the Prevention of Pollution from Ships 73/78 (MARPOL 73/78). Article 9(7) & Annex III: Annex III to the OP sets out the factors to be considered for the issuing of a disposal permit. As the OP refers to “waste” in this regard – although a comparable permit system does not exist in the EU <i>acquis</i> – general obligations can be sought in the Waste Directive. Also MARPOL 73/78 does not explicitly refer to elements indicated in Annex III of the OP; however, it provides that arrangements for the discharge should be based on standards developed by the Organization.

Offshore Protocol Provision	Synergies and Differences between the OP and EU Directive 2013/30/EU on Safety of Offshore Oil and Gas Operations
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	<ul style="list-style-type: none"> Article 10 & Annex V: Annex V to the OP provides further guidance to Article 10, which requires the Contracting Parties to formulate and adopt common standards for the use and disposal of oil and oily mixtures and drilling fluids and cuttings. No specific regulation on disposal of oil or oily mixtures and drilling fluid and cuttings is provided by the Directive. A general obligation to avoid pollution of the marine environment is provided by Directive 2008/56/EC.
C. SEWAGE	<ul style="list-style-type: none"> Article 11: The specific regulation of sewage disposal falls outside the scope of the Directive. A general obligation to avoid pollution of the marine environment is provided by Directive 2008/56/EC.
D. GARBAGE	<ul style="list-style-type: none"> Article 12: The regulation of garbage disposal falls outside the scope of the Directive. No specific regulation on disposal of garbage is provided by the Directive.
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	<ul style="list-style-type: none"> Article 13: Synergies exist with Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues that implement the MARPOL 73/78 Convention.
F. EXCEPTIONS	<ul style="list-style-type: none"> Article 14(1)(a): The specific reasons for force majeure referred to in sub-paragraph (a) are not reflected in the Directive.
•	
III. SAFETY MEASURES	<ul style="list-style-type: none"> A general comment is that the relevant provisions of the Directive are not directly referring to the elements stipulated by Annex VI of the OP. However, as they require operators of the installations to ensure that the installations are designed and operated in such manner as not to pose risk of major hazard to persons and environment, they are considered to cover, in general terms, the scope of the provision of the OP and as such are applicable. Article 15(1): The OP and the Directive follow a different approach concerning the adoption of safety measures. According to the OP, Contracting Parties must ensure that safety measures are taken with regard to activities of offshore oil and gas installations. The Directive emphasizes the responsibility of operators to develop safety measures. This is mainly formulated as part of accident prevention policy. The emphasis of the safety measures is on the design of the installation. Article 15(2): The OP requires adequate equipment and devices for protecting human life, preventing and combating accidental pollution, and facilitating prompt response to an emergency. No similar requirement has been identified in the Directive. However, the Directive, as part of the requirements on the content of the emergency plan, calls for arrangements for the survival of persons, the description and maintenance of equipment and the procedures for response to an emergency. Further, measures aimed at the protection of human life (health and safety of workers) are provided by Directive 92/91/EC, which contains detailed provisions to ensure that the equipment used during the operations does not pose any danger to workers' health and safety. Article 15(3): The OP imposes upon operators an obligation to acquire a certificate of fitness from a recognized body. Such requirement cannot be identified in the Directive.
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Offshore Protocol Provision	Synergies and Differences between the OP and EU Directive 2013/30/EU on Safety of Offshore Oil and Gas Operations
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	<ul style="list-style-type: none"> Article 19(1): Monitoring requirements as established in the OP are not required by the Directive or the EU <i>acquis</i>. Directive establishes the obligation of monitoring for operators on their prevention policy, which is not the same as the effects on the environment as mentioned in the OP. Article 19(2): The OP imposes upon Member States' Competent Authorities an obligation to monitor the installations and the impacts of their activities on the environment. Even though a similar provision has not been identified in the Directive, it is worth noting that the Marine Strategy Framework Directive obliges Member States to implement monitoring programs to assess the environmental status of their marine waters on the basis of the indicative lists of elements contained in Annex III.
V. PREPAREDNESS AND RESPONSE	
A. CONTINGENCY PLANNING	<ul style="list-style-type: none"> Article 16 & Annex III: Annex VII to the OP sets out the requirements for the operator's contingency plan as well as the requirements for national coordination and direction to the competent authorities. The obligations set for the operator under the OP are covered by the Directive and Directive 91/92/EC concerning the minimum requirements for improving the safety and health protection of workers in the mineral extracting industry. The requirements to the competent authorities are covered by the EU draft Regulation, including requirements to the MHR.
B. COOPERATION	<ul style="list-style-type: none"> Article 22 (Studies and Research Programs): The focus of the scientific cooperation between the Parties to the OP is on minimizing the risk of pollution and to prevent, abate, combat and control pollution, specifically in emergencies. The Directive foresees cooperation between Member States, which focuses on information exchange regarding knowledge, information and experience among themselves, through the European Union Offshore Oil and Gas Authorities Group (EUOAG), and shall engage in consultations on the application of relevant national and Union law with the industry, other stakeholders and the Commission. Article 24 (Scientific and technical assistance to developing countries): No such requirement has been identified in the Directive.

Offshore Protocol Provision	Synergies and Differences between the OP and EU Directive 2013/30/EU on Safety of Offshore Oil and Gas Operations
C. LIABILITY AND COMPENSATION	<ul style="list-style-type: none"> Article 27(1): Whereas the OP requires parties to “cooperate in formulating and adopting” a regime on rules and procedures for liability and compensation, the Directive builds upon the existing liability scheme under Directive 2004/35/EC. Article 27(2): Although the objective of both legal documents is to put in place mechanism to cover potential damage, a significant difference is that the OP mentions mandatory financial security measures to do so, whereas the Directive (and EU <i>acquis</i>²) does not impose a certain tools or methods to ensure sufficient financial capacity (which is left to the Member State). Another difference is that the Environmental Liability Directive (ELD) requires remediation of environmental damage whereas payment of compensation for environmental damage is expressly prohibited. The ELD aims at natural restoration of damage (primary, complementary and compensatory remediation). Article 26(4): No such requirement has been identified in the Directive.

² <http://ec.europa.eu/enlargement/policy/conditions-membership/chapters-of-the-acquis/>

Table 4.15. Gaps and differences between the Offshore Protocol (OP) provisions and requirements relative to the existing national laws and practices of Cyprus.

CYPRUS			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
I. AUTHORIZATION SYSTEM	28/29	2/28	<ol style="list-style-type: none"> Article 5(1)(a) & Annex IV (EIA requirements): The OP requires a screening (and not a compulsory/systematic EIA) of the environmental effects of proposed activities. In Cyprus, an EIA is required for exploitation activities according to Annex I of the EU EIA Directive 2011/92/EU. A preliminary EIA is required for exploration drilling according to Annex II of the same Directive. Article 5(1)(g) & Article 20(1) (removal of installations): defining the standards for the removal of abandoned and disused installations is under examination.
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	46/46	0/46	
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	10/19	5/10	<ol style="list-style-type: none"> Article 10(1) & Annex V, A: there is <u>no</u> legislation in Cyprus on requirements establishing common standards for the disposal of oil and oily mixtures from installations. Article 10(2) & Annex V, B: there is <u>no</u> legislation in Cyprus on requirements establishing common standards for the use and disposal of drilling fluids and drill cuttings. However, some provisions of the OP standards are satisfied through different laws: <ul style="list-style-type: none"> The use and disposal of water-based drilling fluids are subject to the Chemical Use Plan (mainly subject to the Offshore Discharge Program, which is requested during the authorization issued under the Hydrocarbons Law No. 4(I)/2007). The disposal of water-based drilling fluids is made on land or into the sea in an appropriate site or area as specified by the Competent Authority. The disposal into the sea of oil-based drilling fluids is prohibited (Law No. 20(III)/2001, which ratifies the OP of the Barcelona Convention, Waste Law 185(I)/2011, Water and Soil Pollution Control Law 106(I)/2002). The disposal of drill cuttings in specially protected areas is prohibited.

CYPRUS			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
			<ul style="list-style-type: none"> The disposal of drill cuttings is allowed under certain conditions. <p>3. The OP Competent Authority has <u>not</u> yet decided if permits for the use of oil and oily mixture and drilling fluids and cuttings shall be issued over and above the Permit issued under the OP, which includes the approval of Chemical Use Plan.</p>
C. SEWAGE	7/9	3/7	Article 11(1)(a)(b)(c): Cypriot law prohibits the discharge of sewage of installations permanently manned by 10 or more persons but <u>no</u> exceptions are defined.
D. GARBAGE	4/4	0/4	
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	0/5	
F. EXCEPTIONS	4/4	0/4	
III. SAFETY MEASURES	13/15	1/13	<p>Article 15 & Annex VI concerns the adoption of safety measures: The following provision is <u>not</u> covered by the Cyprus legislative framework:</p> <ul style="list-style-type: none"> In the case of authorized not permanently manned installations, the permanent availability of a specialized crew shall be ensured. <p>There are <u>no</u> available information yet regarding the provisions:</p> <ul style="list-style-type: none"> the installations must be indicated on charts and notified to those concerned; and in order to secure observance of the foregoing provisions, the person and/or persons having the responsibility for the installation and/or the activities, including the person responsible for the blow-out preventer, must have the qualifications required by the Competent Authority, and that sufficient qualified staff must be permanently available. Such qualifications shall include, in particular, training, on a continuing basis, in safety and environmental matters.

CYPRUS			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
IV. MONITORING ENVIRONMENT-RELATED ISSUES OF	2/4	1/2	<ol style="list-style-type: none"> Article 19(2) on national monitoring system: The Cyprus Competent Authority has <u>not</u> yet established a national monitoring system to support decision making process for granting authorizations. There are <u>no</u> available information regarding: <ul style="list-style-type: none"> If the national monitoring system takes into account any adverse environment effects of activities within the limits or beyond the country jurisdiction; and the Competent Authority in charge of establishing monitoring procedures.
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	22/32	0/22	
B. COOPERATION	3/3	2/3	<ol style="list-style-type: none"> Article 22 (studies and research programs): the government is <u>not</u> engaged in any cooperation in research and development program to minimize risk of pollution. Article 24 (scientific and technical assistance to developing countries): the government is <u>not</u> implementing any program of assistance to developing countries in the field of science, law, education and technology to prevent, combat, and control pollution (e.g. trainings and acquisition, utilization and production of appropriate equipment).
C. LIABILITY AND COMPENSATION	2/3	0/2	Article 26(4) (transboundary pollution): <u>No</u> available information on the issue of granting equal access to and treatment in administrative proceedings to persons in other States affected by pollution or other adverse effect of offshore activities.

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of negative responses out of the total "yes" or "no" responses.

Table 4.16. Gaps and differences between the Offshore Protocol (OP) provisions and requirements relative to the existing national laws and practices of France.

FRANCE			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
I. AUTHORIZATION SYSTEM	29/29	3/29	<ol style="list-style-type: none"> 1. Article 5(1)(a) & Annex IV (EIA requirements): The OP require a screening (and not a compulsory/systematic EIA) of the environmental effects of proposed activities. In France, an EIA is compulsory for exploration and exploitation of more than a 100-m depth. 2. Article 5(1)(g) & Article 20(1) (removal of installations): there are <u>no</u> standards for the removal of abandoned and disused installations by the Competent Authority. 3. Article 5(1)(i) & Article 27(2)(b) (insurance and financial security): there are <u>no</u> requirements for insurance/financial security for operators.
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	39/46	9/39	<ol style="list-style-type: none"> 1. Article 9(1): there are <u>no</u> measures in place to approve the use of chemicals, on the basis of the Chemical Use Plan. 2. Article 9(2): <u>No</u> guidelines are adopted that regulates, limits, or prohibits the use of chemicals for the activities (the OP states that the Contracting Party <i>may</i> regulate, limit or prohibit the use of chemicals for the activities in accordance with guidelines to be adopted by the Contracting Parties). 3. Article 9(4) & Annex I: the disposal of the following HNS&M are <u>not</u> prohibited: <ul style="list-style-type: none"> • Mercury and mercury compounds • Cadmium and cadmium compounds • Organotin compounds and substances which may form such compounds in the marine environment • Organophosphorus compounds and substances which may form such compounds in the marine environment • Organohalogen compounds and substances which may form such compounds in the marine environment; and • Crude oil, fuel oil, oily sludge, used lubricating oils and refined products

FRANCE			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
			4. Article 9(6): there is <u>no</u> requirement for prior general permit for the disposal of other HNS&M resulting from offshore activities which may cause pollution.
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	13/19	5/13	<p>Article 10(1)(c): there is <u>no</u> method defined to analyze the oil content</p> <p>Article 10(2) & Annex V, B: there is <u>no</u> legislation in FR on requirements establishing common standards for the use and disposal of drilling fluids and drill cutting. However, some provisions of the OP standards are satisfied through different laws:</p> <ul style="list-style-type: none"> • The disposal of water-based drilling fluids is made on land or into the sea in an appropriate site or area as specified by the Competent Authority; • The disposal into the sea of oil-based drilling fluids is prohibited; • The disposal of drill cuttings subject to a permit delivered with the conditions that efficient solids control equipment is installed and properly operated, that the discharge point is well below the surface of the water and that the oil content is less than 100 grams of oil per kilogram dry cuttings (Foreseen in the authorization prefect order); • In case of production and development drilling, a program of seabed sampling and analysis relating to the zone of contamination must be undertaken (L218-32 of the European Commission[EC]); • The disposal of drill cuttings in specially protected areas is prohibited (L218-32 of the EC); and • The use of diesel-based drilling fluids is prohibited.
C. SEWAGE	0/8	-	
D. GARBAGE	4/4	0/4	
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	4/5	0/4	
F. EXCEPTIONS	4/4	0/4	
III. SAFETY MEASURES	14/19	1/14	2. Annex VI(f). <i>"That, in order to secure observance of the foregoing provisions, the person and/or persons having the responsibility for the installation and/or the activities, including the person</i>

FRANCE			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
			<i>responsible for the blow-out preventer, must have the qualifications required by the competent authority, and that sufficient qualified staff must be permanently available. Such qualifications shall include, in particular, training, on a continuing basis, in safety and environmental matters</i> ". The operator's technical capacities are checked by the Competent Authority. The Competent Authority can then hire qualified professionals.
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	0/4	
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	28/32	1/28	1. Article 16(3) & Annex VII, A2 (operator's contingency plan): There is <u>no</u> requirement for the operator to cooperate, on an institutional basis, with other operators or entities capable of rendering necessary assistance, so as to ensure that, in cases where the magnitude or nature of an emergency create a risk which assistance is or might be required, such assistance can be rendered.
B. COOPERATION	3/3	0/3	
C. LIABILITY AND COMPENSATION	3/3	0/3	

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of negative responses out of the total "yes" or "no" responses.

Table 4.17. Gaps and differences between the Offshore Protocol (OP) provisions and requirements relative to the existing national laws and practices of Greece.

GREECE			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
I. AUTHORIZATION SYSTEM	29/29	5/29	<ol style="list-style-type: none"> Article 5(1)(a) & Annex IV (EIA requirements): The OP require a screening (and not a compulsory/systematic EIA) of the environmental effects of proposed activities. In Greece, an EIA is required for exploration and exploitation activities. Law (L) 4014/2011 and Ministerial Decision (MD) 1958/2012 set slightly different requirements for EIA related to exploration drilling than the ones related to exploitation activities. Article 5(1)(c) (requirements of authorization): composition of the crew and their qualifications is <u>not</u> a requirement in the application for authorization or for the renewal of an authorization for Greece. Article 5(1)(g) & Article 20(1) (removal of installations): there are <u>no</u> provisions in the law regarding: <ul style="list-style-type: none"> the Competent Authority requiring the operator to remove abandoned and disused (even when authorization withdrawn or suspended) installations; and defining the standards for the removal of abandoned and disused installations by the Competent Authority. The Competent Authority in charge of supervising the removal operations of offshore installations has <u>not</u> been identified yet.
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	45/46	34/45	<ol style="list-style-type: none"> Article 9(1)(2)(3) (use and store of chemicals): there is <u>no</u> legislative framework regarding: <ul style="list-style-type: none"> an obligation on operators to obtain an approval from the Competent Authority to use and store chemicals for their activities, on the basis of the Chemical Use Plan; defining the limitation and prohibition for the use of chemicals; and the need to provide a description to each HNS&M used for the offshore activities. Article 9(5)(6)(7) & Annex II & III (permits for disposal): <u>no</u> special or general permit is required for the disposal of the HNS&M listed in Annex II or may cause pollution resulting from the offshore activities since Law No. 743/1977

GREECE			
Offshore Protocol Provision	No. Answers*	of No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
			<p>on the Protection of Marine Environment, as stands, prohibits the disposal in the sea of all substances that may cause pollution. Only in case when definitely there is <u>no</u> possibility of pollution from the disposal may require a special permit (<u>no</u> further information is provided).</p> <p>3. The Competent Authority in charge of issuing and registering the special and general permits for the use of HNS&M has <u>not</u> been identified.</p>
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	18/19	16/18	<p>1. Article 10(1) & Annex V, A: there is <u>no</u> legislation in Greece on requirements establishing common standards for the disposal of oil and oily mixtures from installations.</p> <p>2. Article 10(2) & Annex V, B: there is <u>no</u> legislation in Greece on requirements establishing common standards for the use and disposal of drilling fluids and drill cutting. However, some provisions of those standards are satisfied through different laws:</p> <ul style="list-style-type: none"> • The disposal of oil-based drilling fluids into the sea is prohibited (Law No. 743/1977 imposes general prohibition. Furthermore, any such disposal is strongly discouraged by the EIA results). • The disposal of drill cuttings in specially protected areas is prohibited (Imposed by the environmental legislation for habitats and birds). <p>3. The Competent Authority in charge of issuing and registering the permits for the use of oil and oily mixture and drilling fluids and cuttings has <u>not</u> been identified.</p>
C. SEWAGE	9/9	8/9	Article 11. No specific requirements to prohibit the discharge of sewage from installations have been identified in the legislation of Greece. Law No. 743/1977 imposes general prohibition. Furthermore, any such discharge is strongly discouraged by the EIA results.
D. GARBAGE	4/4	0/4	
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	1/5	Article 13(a): The monitoring of the disposal of waste and HNS&M in designated onshore reception facilities is <u>not</u> satisfactory.
F. EXCEPTIONS	4/4	4/4	Article 14(1)(a): There are <u>no</u> exceptions to the provisions of the disposal and discharges section.

GREECE			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
III. SAFETY MEASURES	15/15	3/15	<ol style="list-style-type: none"> Article 15(3): There is <u>no</u> requirement for the operator to acquire a certificate of safety and fitness from a recognized body. The Competent Authority in charge of issuing the certificate of safety and fitness has <u>not</u> been identified. The Competent Authority in charge of inspections to ensure that activities safety measures are carried by the operators has <u>not</u> been identified.
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	3/4	<ol style="list-style-type: none"> Article 19(2) on national monitoring system: The Greek competent authorities have <u>not</u> yet established a national monitoring system to support the decision making process for granting authorizations. The Competent Authority in charge of establishing monitoring procedures has <u>not</u> been identified.
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	32/32	4/32	<ol style="list-style-type: none"> Article 16(3) & Annex VII, B (national contingency plans): Greece has a National Contingency Plan in accordance with the provisions of Annex VII, B of the OP except the provision of collection and ready availability of all necessary information concerning the existing activities. Article 26(1) (transboundary pollution): Greece's National Contingency Plan does <u>not</u> include measures to avoid pollution beyond the limits of the country jurisdiction. Article 21 (Specially Protected Areas): Greece has <u>not</u> taken special measures in conformity with international law, in particular, with the Protocol concerning Mediterranean Specially Protected Areas, either individual or through multilateral or bilateral cooperation to prevent, abate, combat, and control pollution arising from activities in specially protected areas. The Competent Authority in charge of the coordination and direction of offshore contingency plan and national plan has <u>not</u> been identified.

GREECE			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
B. COOPERATION	3/3	3/3	<ol style="list-style-type: none"> Article 22 (studies and research programs): the government is <u>not</u> engaged in any cooperation in research and development program to minimize risk of pollution. Article 22 (studies and research programs): the government is <u>not</u> engaged in any cooperation in research and development program to prevent and respond to pollution. Article 24 (scientific and technical assistance to developing countries): the government is <u>not</u> implementing any program of assistance to developing countries in the field of science, law, education, and technology to prevent, combat, and control pollution (e.g. trainings and acquisition, utilization and production of appropriate equipment).
C. LIABILITY AND COMPENSATION	3/3	1/3	Article 26(4) (transboundary pollution): There is <u>no</u> consideration granting equal access to and treatment in administrative proceedings to persons in other States affected by pollution or other adverse effect of offshore activities. According to the Greek authorities, there hasn't been such discussion at the State level. However, European Union and international laws in force, can give ground to claims for access to and treatment in administrative proceedings.

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of negative responses out of the total "yes" or "no" responses.

Table 4.18. Gaps and differences between the Offshore Protocol (OP) provisions and requirements relative to the existing national laws and practices of Italy.

ITALY			
Offshore Protocol Provision	No. of Answers *	No. of "No" Responses **	Gaps and Differences between the OP and Existing National Legislative Framework
I. AUTHORIZATION SYSTEM	27/29	3/27	1. Article 5(1)(g) & Article 20(1) (removal of installations): there are <u>no</u> provisions in the law regarding: <ul style="list-style-type: none"> the Competent Authority requiring the operator to remove abandoned and disused (even when authorization withdrawn or suspended) installations; and defining the standards for the removal of abandoned and disused installations by the Competent Authority.
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	15/46	0/15	1. Articles 9(5)(6)(7) & Annexes II, III (permit for disposal HNS&M): It is <u>not</u> allowed any spillage of fluids and solid materials, except the production water.
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	12/19	4/12	1. Article 10(1)(a) & Annex V, A: the following provision is <u>not</u> prescribed in the common standards for the disposal of oil and oily mixtures from installations: <ul style="list-style-type: none"> Spills of high oil content in processing drainage and platform drainage shall be contained, diverted and then treated as part of the product, but the remainder shall be treated to an acceptable level before discharge, in accordance with good oilfield practice (any spillage of fluids and solid materials is not allowed, except the production water on the basis of DPR 886 1979). 2. Article 10(1)(b): the common standards for the disposal of oil and oily mixtures from installations does <u>not</u> meet the following thresholds: <ul style="list-style-type: none"> Machinery space drainage (max oil content 15m/L while undiluted): any spillage of fluids and solid materials is not allowed, except the production water. Except for mobile drilling unit, at which the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) Annex I could be applied. Production water (max. 40mg/L as average in monthly calendar and always less than 100mg/L): the threshold is less than 40 mg/L in any case. Ministerial Decree dated on 28 July 1994 "Determination of the preliminary activities for the granting of the discharge into the sea of

ITALY			
Offshore Protocol Provision	No. of Answers *	No. of "No" Responses **	Gaps and Differences between the OP and Existing National Legislative Framework
			the materials resulting from the prospecting, exploration and production of oil and gas deposits.” 3. Article 10(2) & Annex V, B: the following provision is <u>not</u> prescribed in the common standards for the disposal of drilling fluids and drill cuttings: • The use of diesel-based drilling fluids is prohibited: Italy has never received similar requests.
C. SEWAGE	7/9	3/7	Article 11(1)(a)(b)(c): Italian law prohibits the discharge of sewage from installations permanently manned by 10 or more persons (under 73/78 Annex V provision) but <u>no</u> exceptions are defined.
D. GARBAGE	4/4	0/4	
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	0/5	
F. EXCEPTIONS	1/4	0/1	Article 14(1)(a): Italy apply only the discharge exceptions under MARPOL 73/78 provision.
III. SAFETY MEASURES	19/19	2/19	1. Article 15(3): There is <u>no</u> requirement for the operator to acquire a certificate of safety and fitness from a recognized body. 2. The Competent Authority in charge of issuing a certificate of safety and fitness has <u>not</u> been identified.
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	1/4	Article 26(2) (transboundary pollution): the national monitoring system does <u>not</u> take into account any adverse environmental effects of activities within the limits or beyond the country jurisdiction.
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	32/32	0/32	
B. COOPERATION	3/3	0/3	

ITALY			
Offshore Protocol Provision	No. of Answers *	No. of "No" Responses **	Gaps and Differences between the OP and Existing National Legislative Framework
C. LIABILITY AND COMPENSATION	3/3	2/3	<ol style="list-style-type: none"> Article 27(2)(b): there are <u>no</u> measures in place to ensure that operators have and maintain insurance cover or other financial security to compensate damages. Article 26(4) (transboundary pollution): there is <u>no</u> consideration granting equal access to and treatment in administrative proceedings to persons in other States affected by pollution or other adverse effect of offshore activities.

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of negative responses out of the total "yes" or "no" responses.

Table 4.19. Gaps and differences between the Offshore Protocol (OP) provisions and requirements relative to the existing national laws and practices of Spain.

SPAIN			
Offshore Protocol Provision	No. of Answers*	No. of “No” Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
I. AUTHORIZATION SYSTEM	29/29	4/29	<p>Article 21 (Specially Protected Areas): In addition to measures referred to the Protocol concerning Mediterranean Specially Protected Areas for the granting of authorization, Spain has <u>no</u> measures in place for:</p> <ul style="list-style-type: none"> • Preparation and evaluation of an EIA; • Elaboration of a special provision concerning monitoring and removal of installations and prohibition of any discharge; and • Intensified exchange of information among operators, the competent authorities, Parties, and the Organization
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	0/46	-	
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	0/19	-	In Spain, all oil and oily mixtures and drilling fluids and cuttings should be discharged onshore***
C. SEWAGE	0/9	-	In Spain, sewage should be discharged onshore***
D. GARBAGE	0/4	-	In Spain, garbage should be discharged onshore***
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	0/5	-	
F. EXCEPTIONS	0/4	-	
III. SAFETY MEASURES	6/15	1/6	Certificates of safety and fitness are issued by third parties (and not by a Competent Authority), according to the Industry Act 21/1992, dated 16 July
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	4/4	Article 19 & Article 26(2): There is <u>no</u> legislative framework regarding the monitoring of environment-related issues
V. PREPAREDNESS AND RESPONSE			

SPAIN			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
A. CONTINGENCY PLANNING	32/32	1/32	Article 16(3) & Annex VII, A2 (operator's contingency plan): There is <u>no</u> requirement for the operator to cooperate, on an institutional basis, with other operators or entities capable of rendering necessary assistance, so as to ensure that, in cases where the magnitude or nature of an emergency create a risk which assistance is or might be required, such assistance can be rendered
B. COOPERATION	0/3	-	
C. LIABILITY AND COMPENSATION	0/3	-	In Spain, operators are liable for environmental damage (strict and fault-based) and are required remediate environmental damage***

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of negative responses out of the total "yes" or "no" responses.

*** information from EC study.

4.3.2 Other Non-EU Mediterranean Contracting Parties

The Mediterranean Sea borders 21 countries from 3 continents. Excluding Europe, the Mediterranean Sea is bounded by northern Africa (i.e., Egypt, Libya, Morocco, and Tunisia) and southwestern Asia (i.e., Israel, Lebanon, Syria, Turkey, and Algeria). This is why regulations on offshore oil and gas activities in non-EU Mediterranean Contracting Parties have the same significance as regulations of EU Mediterranean Contracting Parties regarding the safety of the Mediterranean Sea.

The comparative assessment for the non-EU Mediterranean Contracting Parties was conducted mainly on the basis of the responses in questionnaires provided by the Competent Authorities of the Contracting Parties (i.e., Israel, Turkey, Libya, Algeria, and Morocco).

Tables 4.20 to 4.24, highlights gaps and differences between the Offshore Protocol provisions and requirements relative to the existing national laws and practices of each non-EU Mediterranean Contracting Party.

Table 4.20. Gaps and differences between the Offshore Protocol (OP) provisions and requirements relative to the existing national laws and practices of Algeria.

ALGERIA			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses**	Gaps and Differences between the OP Existing National Legislative Framework
I. AUTHORIZATION SYSTEM	26/29	1/26	1. Article 5(1)(g) & Article 20(1) (removal of installations): there are <u>no</u> standards for the removal of abandoned and disused installations by the Competent Authority.
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	37/46	29/37	<ol style="list-style-type: none"> Article 9(4) & Annex I: the disposal of HNS&M resulting from the offshore activities listed in Annex I of the OP are <u>not</u> prohibited. Article 9(6): there is <u>no</u> requirement for prior general permit for the disposal of other HNS&M resulting from offshore activities which may cause pollution. Article 9(7) & Annex III: the procedure for issuing special permit for the disposal of HNS&M does <u>not</u> take into account the following factors: <ul style="list-style-type: none"> Characteristics and composition of the waste; Characteristics of the waste constituents with respect with their harmfulness; and Characteristics of discharges site and receiving marine environment.
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	18/19	9/18	<ol style="list-style-type: none"> Article 10(1)(b): the common standards for the disposal of oil and oily mixtures from installations does <u>not</u> meet the following thresholds: <ul style="list-style-type: none"> machinery space drainage (max oil content 15m/L while undiluted); and production water (max. 40mg/L as average in monthly calendar and always less than 100mg/L). Article 10(2) & Annex V, B: there is <u>no</u> legislation in Algeria on requirements establishing common standards for the use and disposal of drilling fluids and drill cutting except the prohibited use of diesel-based drilling fluids.
C. SEWAGE	0/9	-	
D. GARBAGE	4/4	0/4	

ALGERIA			
Offshore Protocol Provision	No. of Answers*	No. of “No” Responses**	Gaps and Differences between the OP Existing National Legislative Framework
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	0/5	
F. EXCEPTIONS	4/4	0/4	
III. SAFETY MEASURES	19/19	0/19	
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	3/4	Article 19: There is <u>no</u> legislative framework regarding the monitoring of environment-related issues.
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	31/32	2/31	<ol style="list-style-type: none"> Article 14(1)(b): There is <u>no</u> exception in the provisions of disposal and discharges section in case of discharging into the sea of substances containing oil or HNS&M which, subject to the prior approval of the Competent Authority, are being used for the purpose of combating specific pollution incidents in order to minimize the damage due to the pollution. The Competent Authority in charge of the pre-approval of discharge of substances containing oil or HNS&M for their use in combating pollution incidents has <u>not</u> been identified yet.
B. COOPERATION	3/3	0/3	
C. LIABILITY AND COMPENSATION	2/3	0/2	

* Number of responses with either “yes” or “no” out of the total questions for the specific section of the Offshore Protocol.

** Number of negative responses out of the total “yes” or “no” responses.

Table 4.21. Gaps and differences between the Offshore Protocol (OP) provisions and requirements relative to the existing national laws and practices of Israel

ISRAEL			
Offshore Protocol Provision	No. of Answers	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
I. AUTHORIZATION SYSTEM	29/29	3/29	<ol style="list-style-type: none"> Article 5(1)(a) & Annex IV (EIA requirements): The OP require a screening (and not a compulsory/systematic EIA) of the environmental effects of proposed activities. In Israel, an EIA is required for exploration and exploitation activities. Article 21 (special protected areas): there is <u>no</u> requirement but request according to a case for precautions for specially protected areas. Article 5(1)(g) & Article 20(1) (removal of installations): there are <u>no</u> standards for the removal of abandoned and disused installations by the Competent Authority. The Competent Authority in charge of supervising the removal operations of offshore installations has <u>not</u> being identified yet (either the Ministry of Environmental Protection [MoEP], or the Ministry of Energy and Water Resources [MEWR]). Article 7: Sanctions (criminal offences and/or administrative sanctions and/or imprisonment) for non-compliance are partly in place.
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	45/46	1/45	Article 9(2): <u>No</u> guidelines are adopted that regulate, limit, or prohibit the use of chemicals for the activities (the OP states that the Contracting Party <i>may</i> regulate, limit, or prohibit the use of chemicals for the activities in accordance with guidelines to be adopted by the Contracting Parties).

ISRAEL			
Offshore Protocol Provision	No. of Answers	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	19/19	3/19	<ol style="list-style-type: none"> Article 10(1)(b): the common standards for the disposal of oil and oily mixtures from installations does <u>not</u> meet the following threshold: <ul style="list-style-type: none"> production water (max. 40 mg/L as average in monthly calendar and always less than 100 mg/L): Max 42 mg/L grab sample and average concentration less than 29 mg/L. Article 10(2) & Annex V, B: the following requirements are <u>not</u> prescribed in the common standards for the disposal of drilling fluids and drill cuttings: <ul style="list-style-type: none"> the threshold of the toxicity level that an oil-based drilling fluid requires permit for the use; and the prohibition of disposal of drill cuttings in specially protected areas is case based.
C. SEWAGE	8/9	3/8	<p>Article 11(1): the discharge of sewage from installations permanently manned by 10 or more persons is <u>not</u> prohibited. There are <u>no</u> exceptions in cases in which:</p> <ul style="list-style-type: none"> The installation is discharging treated sewage at least 4 nautical miles from the nearest land or fixed fisheries installation; and The sewage is not treated, but the discharge is carried out in accordance with international rules and standards.
D. GARBAGE	3/4	0/3	
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	1/5	Article 26 (transboundary pollution): there is <u>no</u> regulation foresee transboundary movement of these waste and HNS&M.
F. EXCEPTIONS	4/4	1/4	Article 14(1): There is <u>no</u> exception in the provisions of disposal and discharges section in case of damage to the installation or its equipment.
III. SAFETY MEASURES	15/15	0/15	

ISRAEL			
Offshore Protocol Provision	No. of Answers	No. of “No” Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	3/4	<ol style="list-style-type: none"> Article 19(2): the establishment of a national monitoring system to support decision-making process for granting authorizations is under process regarding the exclusive economic zone (EEZ) area. The identification of the Competent Authority in charge of establishing monitoring procedures is under discussion.
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	32/32	1/32	Article 21 (special protected areas): <u>no</u> special measures have been taken in conformity with international law, in particular with the Protocol concerning Mediterranean Specially Protected Areas, either individual or through multilateral or bilateral cooperation to prevent, abate, combat and control pollution arising from activities in specially protected areas.
B. COOPERATION	3/3	2/3	<ol style="list-style-type: none"> Article 22 (studies and research programs): the government is <u>not</u> engaged in any cooperation in research and development program to minimize risk of pollution. Article 24 (scientific and technical assistance to developing countries): the government is <u>not</u> implementing any program of assistance to developing countries in the field of science, law, education, and technology to prevent, combat and control pollution (e.g. trainings and acquisition, utilization, and production of appropriate equipment).
C. LIABILITY AND COMPENSATION	2/3	1/2	Article 27(2)(a): there are <u>no</u> measures in place to ensure liability is imposed on operators to require the payment of prompt and adequate compensations for damage resulting from offshore activities.

* Number of responses with either “yes” or “no” out of the total questions for the specific section of the Offshore Protocol.

** Number of negative responses out of the total “yes” or “no” responses.

Table 4.22. Gaps and differences between the Offshore Protocol (OP) provisions and requirements relative to the existing national laws and practices of Libya.

LIBYA			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
I. AUTHORIZATION SYSTEM	21/29	2/21	<ol style="list-style-type: none"> Article 7 (Sanctions): there are <u>no</u> measures in place to impose sanctions for breach of obligations arising out of the Protocol, or for non-observance of the national laws or regulations implementing the Protocol, or for non-fulfillment of the specific conditions attached to the authorizations. However, the Environmental Law is under updating. There is <u>no</u> differentiation of permit authorizations for exploration activities from exploitation activities. Incomplete response regarding Article 19 (monitoring procedure) and Article 20 (removal of installation).
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	29/46	0/29	Incomplete response regarding Articles 9(2) and 9(5) and provisions of Articles 9(4) and 9(7).
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	17/19	0/17	
C. SEWAGE	4/9	1/4	Article 11(1): there is <u>no</u> exception (from the prohibition of the discharge of sewage from installations permanently manned by 10 or more persons) in case where the sewage is not treated, but the discharge is carried out in accordance with international rules and standards.
D. GARBAGE	3/4	0/3	
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	3/5	2/3	<ol style="list-style-type: none"> Article 13(a): there are <u>no</u> onshore reception facilities for disposal of waste and HNS&M. Disposal services are outsourced to specialized contractors. Article 26 (transboundary pollution): there is <u>no</u> regulation foresee transboundary movement of these waste and HNS&M.
F. EXCEPTIONS	0/4	-	Incomplete response regarding Article 14 (exceptions).

LIBYA			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
III. SAFETY MEASURES	13/15	1/13	The Competent Authority in charge of inspections to ensure that activities safety measures are carried by the operators has <u>not</u> being identified.
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	1/4	0/1	Incomplete response regarding Article 19(2) (national monitoring system).
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	20/32	1/20	Article 16(2): there is <u>no</u> requirement for the operators to have contingency plans coordinated with the national contingency plan. The coordination is responsibility of the Competent Authority.
B. COOPERATION	3/3	3/3	<ol style="list-style-type: none"> Article 22 (studies and research program): the government is <u>not</u> engaged in any cooperation in research and development program to minimize risk of pollution or to prevent and respond to pollution. Article 24 (scientific and technical assistance to developing countries): the government is <u>not</u> implementing any program of assistance to developing countries in the field of science, law, education and technology to prevent, combat and control pollution (e.g., trainings and acquisition, utilization, and production of appropriate equipment).
C. LIABILITY AND COMPENSATION	0/3	-	Article 27(2)(a): measures to ensure liability is imposed on operators to require the payment of prompt and adequate compensations for damage resulting from offshore activities will be review with coordination with the National Oil Company and other companies.

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of negative responses out of the total "yes" or "no" responses.

Table 4.23. Gaps and differences between the Offshore Protocol (OP) provisions and requirements relative to the existing national laws and practices of Morocco.

MOROCCO			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses*	Gaps and Differences between the OP and Existing National Legislative Framework
I. AUTHORIZATION SYSTEM	27/29	3/27	<ol style="list-style-type: none"> 1. The requirements for authorization related to exploration and exploitation activities are the same 2. Article 5(1)(g) & Article 20(1) (removal of installations): there are no standards for the removal of abandoned and disused installations by the competent authority 3. Article 7 (Sanctions): there are no measures in place to impose sanctions for breach of obligations arising out of the Protocol, or for non-observance of the national laws or regulations implementing the Protocol, or for non-fulfillment of the specific conditions attached to the authorizations.
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	30/46	9/30	<ol style="list-style-type: none"> 1. Article 9(1)(2) (use and store of chemicals): there is no framework legislation for the management of chemicals in Morocco. Legislative provisions on chemicals management are scattered in a variety of texts which often refer to "harmful substances", "hazardous substances", "dangerous substances", "toxic substances" 2. Article 9(4) & Annex I: the disposal of HNS&M resulting from the offshore activities listed in Annex I of the OP are not prohibited 3. Article 9(5) & Annex II: the disposal of HNS&M resulting from the offshore activities listed in Annex II of the OP are not required special permit
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	3/19	3/3	<ol style="list-style-type: none"> 1. Article 10(1) & Annex V, A: there is no legislation on requirements establishing common standards for the disposal of oil and oily mixtures from installations 2. Article 10(2) & Annex V, B: there is no legislation on requirements establishing common standards for the use and disposal of drilling fluids and drill cuttings
C. SEWAGE	9/9	9/9	Article (11): there is no legislation regarding the discharge of sewage

MOROCCO			
Offshore Protocol Provision	No. of Answers*	No. of "No" Responses*	Gaps and Differences between the OP and Existing National Legislative Framework
D. GARBAGE	3/4	2/3	1. Article 12(1)(a): the disposal of plastics, including synthetic ropes, synthetic fishing nets and plastic garbage bags is not prohibited 2. Article 12(1)(b): the disposal of other non-biodegradable garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials is not prohibited
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	1/5	Article 13(b): there is no request for instructions be given to all personnel concerning proper means of disposal
F. EXCEPTIONS	0/4	-	
III. SAFETY MEASURES	4/15	0/4	
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	3/4	3/3	Article 19: There is no legislative framework regarding the monitoring of environment related issues
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	20/32	0/20	
B. COOPERATION	3/3	0/3	
C. LIABILITY AND COMPENSATION	3/3	1/3	Article 26(4) (transboundary pollution): there is no consideration on granting equal access to and treatment in administrative proceedings to persons in other States affected by pollution or other adverse effect of offshore activities

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of negative responses out of the total "yes" or "no" responses.

Table 4.24. Gaps and differences between the Offshore Protocol (OP) provisions and requirements relative to the existing national laws and practices of Turkey.

TURKEY			
Offshore Protocol Provision	No. of Answers	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
I. AUTHORIZATION SYSTEM	29/29	5/29	<ol style="list-style-type: none"> Article 5(1) & Annex IV (EIA requirements): the requirements for the EIA do <u>not</u> contain the geographical area where the activity is envisaged, including safety zone Article 5(1)(g) & Article 20(1) (removal of installations): there are <u>no</u> standards for the removal of abandoned and disused installations by the Competent Authority. The Competent Authority in charge of supervising the removal operations of offshore installations has <u>not</u> being identified yet. Article 7: there are <u>no</u> measures in place to impose sanctions for breach of obligations arising out of the Protocol, or for non-observance of the national laws or regulations implementing the Protocol, or for non-fulfillment of the specific conditions attached to the authorizations.
II. DISPOSAL AND DISCHARGES			
A. WASTE AND HAZARDOUS AND NOXIOUS SUBSTANCES & MATERIAL (HNS&M)	46/46	5/46	<p>Article 9(7) & Annex III: the procedure for issuing a special permit for the disposal of HNS&M does <u>not</u> take into account the following factors:</p> <ul style="list-style-type: none"> • Accumulation in biological materials or sediments; • Biochemical transformation producing harmful compounds; • Adverse effects on the oxygen content and balance; and • Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other seawater constituents which may produce harmful biological or other effects on any uses listed in the section E of Annex III (Potential impairment of marine ecosystem and seawater uses).
B. OIL AND OILY MIXTURES AND DRILLING FLUID AND CUTTINGS	18/19	3/18	<p>Article 10(2) & Annex V, B: the following requirements are <u>not</u> prescribed in the common standards for the disposal of oil-based drilling fluids and drill cuttings:</p> <ul style="list-style-type: none"> • The disposal of the drill cuttings into the sea is only permitted on condition that efficient solids control equipment is installed and properly operated, that the discharge point is well below the surface of the water, and that the oil content is less than 100 grams of oil per kilogram dry cuttings; • In case of production and development drilling, a program of seabed sampling and analysis relating to the zone of contamination must be

TURKEY			
Offshore Protocol Provision	No. of Answers	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
			undertaken; and <ul style="list-style-type: none"> The prohibition of the use of diesel-based drilling fluids.
C. SEWAGE	8/9	1/8	Article 11(1): there is <u>no</u> exception (from the prohibition of the discharge of sewage from installations permanently manned by 10 or more persons) in case where the sewage is not treated, but the discharge is carried out in accordance with international rules and standards.
D. GARBAGE	4/4	0/4	
E. RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS	5/5	0/5	
F. EXCEPTIONS	4/4	4/4	Article 14(1): There are <u>no</u> exception in the provisions of disposal and discharges section.
III. SAFETY MEASURES	15/19	3/15	Article 15 and Annex VI concerns the adoption of safety measures: The following provisions are <u>not</u> covered by the legislative framework: <ul style="list-style-type: none"> the requirement for the operator to apply a monitoring system for all activities; the requirement that the installation and, where necessary, the established safety zone is marked so as to give adequate warning of its presence and sufficient details for its identification; and the requirement that the installations must be indicated on charts and notified to those concerned.
IV. MONITORING OF ENVIRONMENT-RELATED ISSUES	4/4	1/4	Article 19(1): operators do <u>not</u> report periodically to the competent authorities monitoring data to assess the effects of activities on the environment.
V. PREPAREDNESS AND RESPONSE			
A. CONTINGENCY PLANNING	32/32	2/32	Article 16 & Annex VII, B: the following measures to assist the Competent Authority for emergencies to ensure: <ul style="list-style-type: none"> direction to the operator to take any action it may specify in the course of preventing, abating or combating pollution or in the preparation of further action for that purpose, including placing an order for relief drilling rig, or to prevent the operator from taking any specified action; and the coordination of actions in the course of preventing, abating or

TURKEY			
Offshore Protocol Provision	No. of Answers	No. of "No" Responses**	Gaps and Differences between the OP and Existing National Legislative Framework
			combating pollution or in the preparation of further action for that purpose within the national jurisdiction with such action undertaken within the jurisdiction of other States or by international organizations; are <u>not</u> in place
B. COOPERATION	3/3	1/3	Article 24 (scientific and technical assistance to developing countries): the government is <u>not</u> implementing any program of assistance to developing countries in the field of science, law, education and technology to prevent, combat and control pollution (e.g., trainings and acquisition, utilization, and production of appropriate equipment).
C. LIABILITY AND COMPENSATION	3/3	0/3	

* Number of responses with either "yes" or "no" out of the total questions for the specific section of the Offshore Protocol.

** Number of negative responses out of the total "yes" or "no" responses.

4.3 CONCLUSION

This review of EU Directive 2013/30/EU on safety of offshore oil and gas operations and existing legislative and administrative framework of the EU Mediterranean Contracting Parties shows that for some of the identified issues additional measures are required. In particular, additional guidance is needed for managing the removal of offshore installations, the delineation of national monitoring systems, disposal requirements of oil and oily mixtures and drilling fluids and cuttings and monitoring and mitigation of transboundary pollution. However, in other cases, such as liability, disposal requirements governing waste and hazardous and noxious substances and materials (HNS&M), safety measures, contingency planning, EU Mediterranean Contracting Parties in general have legislation in place.

We conclude that, although the provisions of the OP have not yet been adopted by all the EU Mediterranean Contracting Parties, the majority of the provisions are covered by the existing EU *acquis*. However, the *acquis* not only covers the majority of the OP's requirements; in many cases it provides more detailed (and more recent) provisions that could be used to strengthen implementation of the OP in the Mediterranean Sea. The parallel adoption of the OP and the EU Directive 2013/30/EU on safety of offshore oil and gas operations provides a unique opportunity to align actions and improve measures undertaken to implement the OP core requirements.

Regarding the non-EU Mediterranean Contracting Parties, the review of the existing national legislative and administrative framework shows that in some issues related to the OP additional measures are required, such as concrete regulation on the removal of offshore installations, on national monitoring systems, disposal requirements of waste and hazardous and noxious substances and materials (HNS&M), oil and oily mixtures and drilling fluids and cuttings, and garbage and measures to impose sanctions. However, in other cases, such as safety measures and contingency planning, non-EU Mediterranean Contracting Parties, in general, have legislation in place.