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Safety of offshore oil and gas activities
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European Parliament resolution of 13 September 2011 on facing the challenges of the safety of offshore oil and gas activities (2011/2072(INI))

The European Parliament,

- having regard to Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons⁽¹⁾,
- having regard to Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling⁽²⁾,
- having regard to Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (the IPPC Directive)⁽³⁾,
- having regard to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (the Environmental Impact Assessment Directive)⁽⁴⁾, as amended by Directives 97/11/EC⁽⁵⁾, 2003/35/EC⁽⁶⁾ and 2009/31/EC⁽⁷⁾,
- having regard to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (the Environmental Liability Directive, or ELD)⁽⁸⁾,
- having regard to Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency⁽⁹⁾, as amended,
- having regard to Regulation (EC) No 2038/2006 of the European Parliament and of the Council of 18 December 2006 on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and amending Regulation (EC) No 1406/2002/EC⁽¹⁰⁾,
- having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)⁽¹¹⁾,
- having regard to its resolution of 7 October 2010 on EU action on oil exploration and extraction in Europe⁽¹²⁾,
- having regard to the Commission communication entitled 'Facing the challenge of the safety of offshore oil and gas activities' (**COM(2010) 0560**),
- having regard to Article 194 of the Treaty on the Functioning of European Union,
- having regard to Article 11 and Article 191 of the Treaty on the Functioning of the European Union,
- having regard to the Deepwater Horizon incident that led to a tragic loss of life and significant environmental damage,
- having regard to the final report of the US National Commission on the BP Deepwater Horizon spill and offshore drilling,
- having regard to Council Directive 92/43/EEC of 21 May 1992 on the conservation of habitats and of wild fauna and flora (the Habitats

Directive)⁽¹³⁾ ,

– having regard to Rule 48 of its Rules of Procedure,

– having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety and the Committee on Legal Affairs (**A7-0290/2011**),

A. whereas Article 194 of the TFEU specifically upholds a Member State's right to determine the conditions for exploiting its energy resources, whilst also upholding regard for solidarity and environmental protection,

B. whereas Article 191 of the TFEU enshrines the fact that Union environmental policy must aim at a high level of protection and be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay,

C. whereas indigenous sources of oil and gas contribute significantly to Europe's current energy needs and are crucial at present for our energy security and energy diversity,

D. whereas offshore activity is growing in areas adjacent to EU territory, which are not subject to EU law but where any incident could impact on EU territory, whereas many of these areas are currently politically unstable,

E. whereas there is already an extensive body of international law and international conventions which govern the seas, including European waters,

F. whereas the United Nations Convention on the Law of the Sea (UNCLOS) sets out the legal framework within which activities in the oceans and seas must be carried out, including the delimitation of the continental shelf and the exclusive economic zone (EEZ),

G. whereas the security and integrity of oil and natural gas exploration and maximum protection for Europe's citizens and the environment must be guaranteed,

H. whereas the effects of an accident could be transboundary in nature and therefore justify a pre-prepared EU pollution response capacity, which takes into account accidents outside EU waters,

I. whereas the Deepwater Horizon oil spill has demonstrated the potentially devastating environmental and human consequences of oil exploitation in extreme environments and the enormous economic costs associated with such environmental impacts,

J. whereas some of the recommendations of the US National Commission on the BP Deepwater Horizon spill and offshore drilling reflect a number of practices that have been prevalent in parts of the EU for 20 years or more,

K. whereas the Deepwater Horizon oil spill in the Gulf of Mexico must lead the EU urgently, and where necessary, to carry out an in-depth review of its relevant legislation and regulation with regard to the precautionary principle and the principle that preventive action should be taken, to all aspects of offshore oil and gas extraction and exploration, including safe transfer by underwater pipelines located on/under the seabed in its territories; whereas in this context Parliament welcomes the Commission's will to remedy gaps in existing EU legislation as a matter of urgency,

L. whereas the Gulf of Mexico disaster has prompted industry and the competent authorities to establish fora, such as GIRG⁽¹⁴⁾ and OSPRAG⁽¹⁵⁾ , to draw lessons from the disaster, and whereas many of these initiatives have already produced concrete results,

M. whereas National Oil Companies accounted for 52 % of global oil production and controlled 88 % of proven oil reserves in 2007, and whereas their importance relative to international oil companies is increasing dramatically,

N. whereas the different regulatory mechanisms of the Member States make it much more difficult to ensure the integrity of security measures, put an extra financial burden on businesses and impair the proper, smooth operation of the internal market,

O. whereas evidence suggests that separating the licensing process from health and safety assessments can avoid any potential conflicts of interest, or a confusion of goals,

P. whereas national regulators must assess financial viability and capability prior to awarding a license and final drilling consent, ensuring sufficient funds exist, including through third-party insurance and communal funds,

Q. whereas various international fora already exist where regulators can exchange best practice, including the NSOAF⁽¹⁶⁾ ,

R. whereas the Commission, on behalf of the EU, is already a contracting party to OSPAR⁽¹⁷⁾ , a regional convention to protect the marine environment of the North-East Atlantic,

S. whereas there are existing mechanisms for incident reporting, including OSPAR's annual discharges, spills and emissions report, and whereas non-regulatory channels such as NSOAF's 'safety bulletins' can be used to disseminate lessons learnt from such incidents,

T. whereas numerous existing agreements already elaborate procedures for international response to spills of international significance, such as the OCES agreement⁽¹⁸⁾,

U. whereas the EU Machinery Directive applies in general to equipment in offshore oil and gas facilities but excludes mobile offshore drilling units and equipment thereon,

V. whereas the European Maritime Safety Agency already provides technical assistance to the Commission in the development and implementation of EU legislation on maritime safety and has been given operational tasks in the field of oil pollution response, satellite monitoring and the long-range identification and tracking of vessels,

W. whereas responsibility for the clean-up of any oil spill and liability for damages is based on Article 191 of the TFEU, which establishes the 'polluter pays' principle and is reflected in secondary legislation such as the Environmental Liability Directive (ELD) and the Waste Directive,

X. whereas a voluntary oil pollution compensation scheme already exists in the North Sea,

Regulatory approach

1. Acknowledges that issuing licences and other authorisations for the exploration and exploitation of hydrocarbon resources is a Member State prerogative, and that any suspension of activities is at the discretion of the Member State concerned; stresses, however, that licensing procedures must conform to certain common EU criteria and highlights the fact that Member States should apply the precautionary principle when issuing authorisation for the exploration and exploitation of hydrocarbon resources;

2. Insists, therefore, that the introduction of an EU-wide moratorium on all new deep-sea oil drilling in EU waters would be a disproportionate reaction to the need to secure high safety standards across the EU;

3. Stresses that each Member States' legislative and regulatory regime must ensure that all operators submit a risk-based, site-specific 'safety case' requiring them to demonstrate fully to their relevant national health, safety and environmental authorities that all site-specific, and other, risks have been considered and controls implemented for each installation;

4. Stresses that all Member States' legislative and regulatory frameworks should adopt a robust regime in line with the current best practice where all drilling proposals are accompanied by a safety case, which must be approved before operations can begin, including independent third-party verification procedures and reviews at regular and appropriate intervals by independent experts; stresses that regulatory 'hold points' prior to drilling will further ensure that all risks have been considered and mitigated, and reviews by independent experts implemented at appropriate intervals for each installation;

5. Calls for all safety cases to become a living and evolving document so that material, technical or equipment changes are subject to approval by the relevant competent authority, and stresses that all safety cases should be reviewed at least every five years, including by the independent regulators; stresses that all on-site procedures and equipment available to deal with possible blow-outs must be included in the safety case;

6. Acknowledges that a network of regimes and best practices already exists, and believes that a single new piece of specific EU legislation may risk destabilising the current network of regimes, moving them away from the proven safety case approach, and stresses that the new legislation must not seek to duplicate or compromise existing best practice;

7. Supports the Commission's desire to level up minimum standards within the EU, in cooperation with the Member States; believes that safety and environmental concerns should be embedded in all legislation and the highest safety and environmental standards applied in all areas of offshore oil and gas activities; calls for an independent third party to increase the level of coordination in the event of an accident; recommends that EMSA be designated for this role;

8. Calls for an extension of the Environmental Impact Assessment (EIA) Directive⁽¹⁹⁾ to cover all offshore projects phases (exploratory and operational) and calls for specific requirements for EIAs in the case of deep water, complex wells, challenging drilling conditions, and transfer of oil/gas by underwater pipelines located on/under the seabed; considers, furthermore, that the Commission should ensure that EIAs for offshore projects approved by national authorities also cover the procedures operators must follow during decommissioning; calls on the Commission to reassess the legal provisions on EIAs and lay down therein that environmental impact assessment procedures must be entrusted to experts who are independent of the client;

9. Calls on the Commission to examine the current regulatory framework regarding the decommissioning of existing drilling infrastructure, and to clarify, if necessary by way of legislation, the responsibility of operators for ensuring safe removal and liability for any environmental damage resulting from the decommissioning or from a drilling site after it has been decommissioned;

10. Calls on the Commission to consider the case for extending the sound principles contained within its legislation for the control of onshore hazards (SEVESO II⁽²⁰⁾ and III⁽²¹⁾) to legislation aimed at offshore oil and gas activities; in the meantime, and in the event that the Commission does not propose such new specific legislation, calls on the Commission to re-examine its SEVESO III proposal in order to extend its scope to oil rigs and underwater pipelines located on/under the seabed to all phases of exploration for oil and gas reserves up until the decommissioning of the well; welcomes the Commission's explanatory memorandum concerning the revision of the SEVESO II Directive, in which the Commission states that it will assess the appropriate way to strengthen environmental legislation;

11. Notes that offshore oil and gas activities are excluded from the key provisions of the Industrial Emissions Directive⁽²²⁾; suggests that the Commission add under Annex I point 1.5 'offshore oil and gas activities' as part of the first scope review to be carried out by 31 December

2011, and suggests that the European IPPC Bureau define Best Available Practices (BAT) for offshore oil and gas activities;

12. Welcomes the fact that the Commission intends to review Directive 92/91/EEC, and calls for an approach based on common standards, in order to avoid disparities in treatment between workers within the same company, depending on their place of work; calls, furthermore, for a transparent, efficient, consistent set of rules applying to all employees working in the offshore sector, and for an assessment of both the effectiveness of existing legislation and the possibilities for future harmonisation of legislation;

13. Calls on the European Union to promote the application of the ILO Guidelines on Occupational Safety and Health Management Systems (ILO-OSH 2001) across the oil and gas industry;

14. Warns, however, that the effectiveness of legislation ultimately depends on the quality of its implementation by the relevant European and national authorities and bodies which implement, manage and enforce relevant legislation; believes that the Commission should be active in ensuring compliance by Member State authorities;

15. Emphasises that some Member States already have excellent security mechanisms as compared with the international and European level;

16. Stresses the importance of regular, varied and rigorous inspections carried out by independent, trained specialists acquainted with local conditions; believes that an operator's inspection regimes must also be subject to third-party verification; supports the efforts already undertaken by certain Member States to increase the number of rigorous inspections; stresses the importance of the independence of the national authorities, and of the transparent handling of possible conflicts of interests faced by inspectors with potential future employers;

17. Notes that resources are finite in terms of experienced inspectors, and calls for further investment to develop a more qualified inspection network across the Member States; calls on the Commission to examine ways in which it can help Member States develop their own inspectorates;

18. Emphasises the need for systems providing for effective checks by inspection bodies, using innovative methods such as specific audits of working time or rescue operations, and for the possibility of applying sanctions in the event of violations of worker health and safety;

19. Notes that an operator's inspection regimes must be subject to third-party verification as well as EU-level inspections and that audit of vessels must be extended to offshore oil and gas platforms;

20. Recognises that in some less extensive operations there may be economies of scale if Member States share inspectorates;

21. Points out that any potential extension of EU product legislation to equipment on offshore installations should acknowledge that, given the high rate of technological progress, overly prescriptive specifications can fast become redundant;

22. Is concerned that an EU-level 'controller of controllers' will not bring sufficient added-value to justify draining scarce regulatory resources from national competent authorities; nevertheless recognises the potential lying in the significant experience of EMSA in dealing with oil-accident prevention, monitoring and detection activities, and that gathering data, sharing best practices and coordinating response resources should be coordinated throughout the EU; calls on the Commission to investigate whether a European regulatory body for offshore operations which brings together national regulators on the lines of BEREC in the telecommunications sector could bring added value and strengthen enforcement and implementation of the highest standards across the EU;

Prevention, Exchange of information and best-practice

23. Stresses the importance of regional initiatives as a first tier of multilateral action, and believes that fora akin to the NSOAF in the North Sea should be established for Member States around the Mediterranean, Baltic and Black Seas to oversee the adoption and enforcement of minimum standards; in this regard welcomes the Commission's initiative to establish the Mediterranean Offshore Authorities Forum (MOAF) and encourages the participation of non-EU countries; takes the view that standards and rules adopted for the EU should take account of environmental considerations relating to hydrocarbon exploration in non-EU areas;

24. Recognises the variety of conditions in different sea areas but believes there should be inter-fora coordination between regional initiatives, where appropriate, to ensure best practice at EU level; stresses that the Commission should play an active role within these fora;

25. Welcomes the Commission's initiative to establish joint EU/NSOAF meetings as an opportunity to exchange best practices across the EU; stresses that these meetings should be valued by the participants;

26. Welcomes the decision by the International Association of Oil and Gas Producers to establish the Global Industry Response Group (GIRG) in the aftermath of the Gulf of Mexico disaster; urges them to work transparently when sharing information and working with authorities;

27. Underlines the safety benefits from workforce engagement programmes; advocates strong links, and joint initiatives, between industry, the workforce and national competent authorities in the field of health, safety and environmental protection;

28. Stresses that offshore oil and gas production involves extremely high risks for worker health and safety, owing to the at times extreme environmental conditions, the 12-hour shift patterns and the isolated working environment, and recognises that these specific working conditions, especially the psychological stress, are and must continue to be regulated in order to minimise human error and protect workers; therefore recommends that workers be provided with an insurance commensurate with the risks incurred;

29. Believes that a preventive health and safety culture needs to be developed by engaging employers and trade unions and securing the

active participation of workers, in particular by consulting them, involving them in devising and applying safety procedures and informing them of the potential risk involved; highlights the importance of testing and monitoring these procedures throughout the command chain so as to ensure that senior management is also trained and liable in the event of accidents or safety failures;

30. Calls on the industry to commit to a true safety culture throughout their organisations, whether offshore or within an office environment; therefore promotes regular training programmes for all permanent and contract employees as well as employers;

31. Calls on the Commission to consider the possibility of laying down common high safety standards and systems to counter and limit threats in order to minimise the risks and, when necessary, enable a swift and effective response; calls also for training requirements to be established in the EU Member States for workers, including contractors and subcontractors, involved in high-risk tasks, and for them to be harmonised so as to ensure coherent implementation in all European waters; calls on the Commission to engage positively with international partners to explore the possibility of achieving a global initiative on workers' health and safety rules and for these to be updated regularly to meet the latest state of technology;

32. Calls on the Member States to allow only certified in-house or external training;

33. Welcomes international exchange and common training programmes for the staff of competent national authorities and asks the Commission and the Member States to propose initiatives to encourage them;

34. Calls for strict safety, health protection and training rules to be applied to subcontractors, who must have the necessary qualifications to carry out maintenance and construction work in their field of responsibility; calls for workers, including contractors and subcontractors, and workers' organisations to be informed of all the risks involved in the work before it is actually carried out;

35. Stresses that employees in the further processing chain off shore or on shore are also exposed to extremely high health and safety risks; asks the Member States to include these employees in their regulating activities;

36. Calls for the provision of regular, specific medical follow-up care for workers exercising their activities within the offshore oil and gas sector; recommends that a medical examination covering workers' physical and psychological health should be carried out at least once a year;

37. Calls for approval of a mechanism to evaluate the risks incurred by workers, and for this evaluation to be taken into account in calculating workers' remuneration;

38. Calls on the industry to follow best practice on safety representatives; employees should be able to elect a safety representative who is involved in safety issues at all levels of the operational and decision-making process; believes also that employees should be able to declare security failures or risks to competent authorities on an anonymous basis whilst being protected from harassment;

39. Supports stronger efforts to share best practices amongst Member States in relation to regulation, standards and procedures, and in the reporting and management of incidents, including scientific opinions, operational safety and environmental protection regimes, risk management, response procedures, etc.;

40. Recognises that information is already shared, whether through regulatory groups or commercial partnerships and joint ventures; believes that safety is not proprietary;

41. Calls on national competent authorities to collate, share and publicise information from incident-reporting, with due regard for commercial sensitivities, so that lessons can be learned; recognises that consolidation and extra coordination of existing practices and incident-reporting could help to ensure transparency and consistency across the EU; this information should be shared as promptly as is feasible after an incident has occurred and include, inter alia, personnel incidents, machinery failure, hydrocarbon releases and other incidents of concern; welcomes international initiatives, including the G20 working group, to assist at global level with ensuring there is widespread knowledge of incidents and any necessary remedial action;

42. Believes the Commission should assess: the efficacy of the various existing information channels, the case for rationalisation and/or the case for establishing new international regimes, with due regard for the ensuing administrative burden;

Licensing and consent to drill

43. Notes the difference between licensing and consenting to drill and that the licensee may not be the drilling organisation; believes there should be regulatory 'hold points' after award of a licence and prior to drilling;

44. Recommends that licensing and health and safety functions should be separated in all Member States; believes that the Commission should work with Member States to establish common, transparent, objective licensing criteria ensuring that licensing and health and safety functions are separated in order to reduce the risk of a conflict of interest;

45. Notes that a significant number of installations in EU waters are ageing; welcomes attempts to improve the asset integrity of existing platforms;

46. Considers that oil and gas operators must be required, in the licensing procedure and throughout the operational period and at all phases of offshore projects (exploratory, operational and decommissioning), to demonstrate that they have sufficient financial capacity in place to secure remediation in relation to environmental damage caused by the specific activities they carry out, including those caused by high-impact, low-probability incidents – whether through mandatory industry mutual schemes, through mandatory insurance, or through a mixed scheme which guarantees financial security;

Contingency planning

- 47. Advocates the use of site-specific contingency plans that identify hazards, assess potential pollution sources and effects, outline a response strategy and outline drilling plans for potential relief wells; recommends that operators who obtain a licence should, as a condition for obtaining consent to drill, conduct an environmental impact assessment and submit their contingency plans at least two months before the start of operations; for complex wells, or challenging drill conditions, the contingency plan should be assessed, consulted and approved contemporaneously with other regulatory approval processes (e.g. those related to environmental impacts or well design); in all cases, operations must not commence until a contingency plan has been approved by the Member State in which they are to be conducted; contingency plans should be published by the national competent authority with due regard for data protection;
- 48. Calls on Member States to draft, amend, or update National Contingency Plans detailing command channels and mechanisms to deploy national assets alongside industry resources in the event of a spill; calls on Member States to cooperate with each other and with EU neighbouring countries on drafting regional contingency plans; calls for these plans to be transmitted to EMSA;
- 49. Notes that recent events have highlighted the risks of offshore oil and gas exploration and production activities for maritime transport and the marine environment; takes the view that the use of the EMSA's response capabilities should be explicitly extended to cover prevention and response to pollution originating from such activities;
- 50. Suggests that EMSA's inventories of response resources should collate all relevant public and industry resources so that EMSA is well placed to provide a coordinating role, where necessary, in the event of a major incident;
- 51. Suggests that available equipment for capping all potential spills should be an essential part of contingency plans and that such equipment should be available in proximity to installations to allow for timely deployment in the event of a major accident;
- 52. Urges companies to continue to set aside funds for research and development relating to new prevention and accident remediation technologies; stresses that before any disaster response technologies are added to an approved contingency plan they should be independently tested, assessed and authorised;
- 53. Considers it essential to conduct targeted and innovative scientific research with a view to making it possible to use automatic systems to monitor drilling rig operations and shut-downs and thereby increase the reliability of drilling and exploitation operations and fire-safety systems in extreme weather conditions;
- 54. Advocates strict control and continued testing and assessment of the environmental impact of chemical dispersants (and emergency response plans involving the use of chemical dispersants) both to ensure their suitability in the event of a spill and to avoid public health and environmental implications; calls for the Commission to provide for more detailed research into the impacts of such chemicals through EU research programmes if necessary;

Disaster response

- 55. Recognises that industry bears the primary responsibility for reacting to disasters; welcomes joint industry initiatives to develop, mobilise and deploy resources to counter oil spills; stresses that the public sector has an important role in the regulation, safety and coordination of a disaster response;
- 56. Recommends that more emphasis should be placed on systematic training, particularly on the practical application of disaster response equipment;
- 57. Calls on the Member States and the Commission to ensure that the licensing system includes protection financing instruments apt to ensure that in the event of major incidents the necessary financial resources can be urgently mobilised to compensate for the economic, social and environmental losses occasioned by an oil spill or gas leak;
- 58. Welcomes the Commission's efforts to extend the scope of the mandate of the European Agency for Maritime Safety to cover not only vessels but also offshore installations;
- 59. Notes that the deployment of EMSA expertise and resources will be determined by the revised EMSA regulation, but should be explicitly extended to cover response to pollution originating from oil and gas exploration and should be available across the EU and neighbouring countries if required;
- 60. Believes that response and monitoring tools developed at EU level, respectively the network of standby EMSA oil recovery vessels and CleanSeaNet (CSN) oil-spill monitoring and detection, can be used for incidents/accidents with offshore installations;
- 61. Recommends the use of the EMSA CleanSeaNet Service to monitor oil platforms and illegal discharges from vessels; recognises that 50 % of the images currently provided to CleanSeaNet can be used to monitor oil platforms;
- 62. Recommends, therefore, the use of the Service Network of Stand-by EMSA Oil Spill Respond Vessels (SOSRV) after review of the following items:
 - (a) not all vessels can work in atmospheres with a flashpoint below 60°;
 - (b) contracts need to be improved to allow longer oil recovery operations;
 - (c) gaps in the current network need to be covered;

(d) new techniques need to be explored such as working with oil nets;

63. Reiterates its calls to the Commission to bring forward proposals as soon as possible for establishing an EU Civil Protection Force based on the EU Civil Protection Mechanism and to draw up a European action plan, together with the Member States, that integrates specific mechanisms setting out how the EU can respond to massive pollution caused by oil offshore installations including underwater oil/gas pipelines located on/under the seabed;

64. Acknowledges the role of the MIC⁽²³⁾ in complementing the emergency response mechanisms of the Member States and industry;

65. Supports innovative services directed towards the maritime sector; welcomes the discussion by the Commission and the Member States on a new e-maritime initiative building on the SafeSeaNet project and believes it could offer further safety benefits to the offshore oil and gas industry;

66. Stresses that each sea area must always have access to sufficient available equipment to deal with large, worst-case-scenario spills for the specific sea area, not just EU waters;

67. Calls on the Commission to ensure that the better management of marine data proposed in the 'Marine Knowledge 2020' Communication⁽²⁴⁾ and the proposed Regulation establishing a Programme to support the further development of an Integrated Maritime Policy⁽²⁵⁾ takes account of the need to guarantee appropriate monitoring of pollution threats in order to determine the appropriate course of action in a timely manner;

68. Asks the Commission to prepare a proposal for scientific knowledge generated by off-shore operators who work under a public licence to be made available to the competent authorities using standards and protocols developed within the context of 'Marine Knowledge 2020', in order to facilitate public scrutiny and to further understanding of the marine environment;

Liability

69. Urges Member States, when considering financial guarantee mechanisms, including the necessity of third-party insurance, to pay due attention to set insurance rates on the basis of the real risk arising from drilling and exploitation difficulties, so as not to price small-and medium-sized operators out of the market whilst ensuring that liability coverage is maintained;

70. Stresses that while in principle financial guarantees can be provided through either insurance or industry mutualisation, it is important to ensure that operators demonstrate that financial guarantees are in place to cover the full cost of clean-up and compensation in the case of a major disaster, and that risks and liabilities are not externalised to smaller companies that are more likely to declare insolvency in the event of an accident; calls for any joint schemes to be established in a manner that maintains incentives for avoiding risks and adheres to the highest possible safety standards in individual operations;

71. Recognises the merit of communal funds such as OPOL in the North Sea and calls for such funds to be established in each EU sea area; calls for membership to be mandatory for operators and for legal certainty to be ensured so as to provide a safety-net mechanism designed to reassure the Member States, the maritime sector, in particular fishermen, and taxpayers;

72. Stresses that the voluntary nature of schemes such as OPOL limit their legal control and therefore believes that these funds would be strengthened by being a mandatory licence requirement;

73. Stresses that contributions should be based on, and consistent with, both the level of risk at the site concerned and contingency plans;

74. Considers that the scope of the Environmental Liability Directive⁽²⁶⁾ should be extended so that the 'polluter pays' principle and strict liability apply to all damage caused to marine waters and biodiversity, so that oil and gas companies can be held accountable for any and all environmental damage they cause, and can assume full liability;

75. Calls for a revision of the Environmental Liability Directive to extend its coverage to all EU marine waters in line with the Marine Strategy Framework Directive⁽²⁷⁾ ;

76. Calls on the Commission, under the Environmental Liability Directive, to lower damage thresholds and to enforce a strict liability regime covering all damage to marine waters and biodiversity;

77. Takes the view that the Commission should examine whether a compensation fund for oil disasters can be created within the framework of environmental liability, which would contain binding financial security provisions;

78. Recommends that Member States consider adopting and strengthening deterrents against negligence and non-compliance such as fines, withdrawal of licences, and criminal liability for employees; points out however, that such a regime existed in the USA prior to the Deepwater Horizon spill;

79. Stresses that the financially liable parties should be established without ambiguity prior to drilling;

Relationship with third countries

80. Urges the industry to employ at least EU environmental and safety standards or their equivalent wherever in the world they are operating; is aware of the enforcement issues of mandating EU-based companies to operate globally according to EU standards, but calls on the Commission to examine what mechanisms might be appropriate to ensure that EU-based companies operate globally according to at least EU safety standards; believes corporate responsibility should also be a key driver in this area and that Member State licensing regimes could take global incidents involving companies into consideration when awarding licenses, provided these incidents are accompanied by thorough reviews; calls on the Commission to promote the use of these high standards along with global partners;
81. Urges the Commission and the Member States to continue to contribute to offshore initiatives within the framework of the G20, while taking into consideration the United Nations Convention on the Law of the Sea (UNCLOS);
82. Notes the importance of existing legislation initiated by the United Nations Environment Programme, through the OSPAR, Barcelona and Helsinki Conventions, but recognises that current international law does not provide a complete or consistent framework for safety and environmental standards in offshore drilling, and can be difficult to enforce;
83. Stresses the importance of bringing fully into force the un-ratified 1994 Mediterranean Offshore Protocol, targeting protection against pollution resulting from exploration and exploitation;
84. Urges the Commission to engage actively with other states bordering EU sea areas to ensure that regulatory frameworks and supervision provide equally high levels of safety;
85. Calls on the EU to collaborate with relevant countries outside the EU, including their workers' and employers' organisations, whose nationals carry out services in the EU offshore oil and gas industry, in order to ensure that companies based outside the EU but operating in EU waters are bound by EU working conditions and OSH legislation;
86. Calls on the Commission to launch a debate on regulations in the areas of liability for environmental damage and financial guarantees that would also include third countries;
87. Urges the Commission to work with partners and neighbours to achieve a special regime for any operations in the Arctic, having careful regard for sustainability and the necessity of offshore activities in such a vulnerable and unique environment;
88. Advocates international bilateral partnerships through the European Neighbourhood Policy Action Plans which, inter alia, encourage third-party countries to adopt high safety standards; encourages countries that have not yet fully activated the ENP to do so;
89. Supports industry-led schemes to transfer expertise, especially to those countries with less developed regulatory frameworks;

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90. Instructs its President to forward this resolution to the Council, the Commission and the Member States.

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- (1) OJ L 164, 30.6.1994, p. 3.
 (2) OJ L 348, 28.11.1992, p. 9.
 (3) OJ L 24, 29.1.2008, p. 8.
 (4) OJ L 175, 5.7.1985, p. 40.
 (5) OJ L 73, 14.3.1997, p. 5.
 (6) OJ L 156, 24.6.2003, p. 17.
 (7) OJ L 140, 5.6.2009, p. 114.
 (8) OJ L 143, 30.4.2004, p. 56.
 (9) OJ L 208, 5.8.2002, p. 1.
 (10) OJ L 394, 30.12.2006, p. 1.
 (11) OJ L 162, 21.6.2008, p. 11.
 (12) Texts adopted, **P7_TA(2010)0352**.
 (13) OJ L 206, 22.7.1992, p. 7.
 (14) Global Industry Response Group.
 (15) Oil Spill response group.
 (16) North-Sea Offshore Authorities forum.
 (17) The OSPAR Convention is the current legal instrument guiding international cooperation on the protection of the marine environment of the North-East Atlantic.
 (18) Offshore Cooperative Emergency Services, brings together the national associations of Denmark, Germany, Ireland, Netherlands, Norway and the UK.
 (19) Council Directive of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (as amended); (OJ L 175, 5.7.1985, p. 40).
 (20) Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances; (OJ L 10, 14.1.1997, p. 13).
 (21) Proposal for a Directive of the European Parliament and of the Council on control of major-accident hazards involving dangerous substances, **COM(2010)0781**.
 (22) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control); (OJ L 334, 17.12.2010, p. 17).
 (23) Monitoring and Information Centre, operated by the Commission.
 (24) Commission Communication entitled 'Marine Knowledge 2020', marine data for smart and sustainable growth (COM 2010)0461.

(25) COM(2010)0494.

(26) Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage; (OL 143, 30.4.2004, p. 56).

(27) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive), (OJ L 164, 25.6.2008, p. 19).

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