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*Committee on Industry, Research and Energy*

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**2011/0309(COD)**

21.6.2012

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## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
on safety of offshore oil and gas prospection, exploration and production  
activities  
(COM(2011)0688 – C7-0392/2011 – 2011/0309(COD))

Committee on Industry, Research and Energy

Rapporteur: Ivo Belet

Rapporteurs for the opinions (\*):  
Justas Vincas Paleckis, Committee on the Environment, Public Health and  
Food Safety  
Eva Lichtenberger, Committee on Legal Affairs

(\* ) Associated committees - Rule 50 of the Rules of Procedures

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on safety of offshore oil and gas prospection, exploration and production activities (COM(2011)0688 – C7-0392/2011 – 2011/0309(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0688),
  - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0392/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 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 the Environment, Public Health and Food Safety and the Committee on Legal Affairs (A7-0000/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

**Amendment 1**  
**Proposal for a directive**  
**Title**

*Text proposed by the Commission*

Proposal for a **regulation** of the European Parliament and of the Council on safety of offshore oil and gas prospection, exploration and production activities

*Amendment*

Proposal for a **directive** of the European Parliament and of the Council on safety of offshore oil and gas prospection, exploration and production activities

Or. en

*(This amendment applies throughout the text. adopting it will necessitate corresponding*

*changes throughout.)*

## **Amendment 2**

### **Proposal for a regulation**

#### **Recital 4**

##### *Text proposed by the Commission*

(4) The accidents related to offshore oil and gas activities in 2010, notably the Gulf of Mexico, have sparked a review of policies aimed at ensuring the safety of offshore activities. The Commission launched a review of and expressed its initial views on the safety of offshore oil and gas operations in its Communication "Facing the challenge of the safety of offshore oil and gas activities" on 13 October 2010. The European Parliament adopted resolutions on the topic on 7 October 2010 and 13 September 2011. Energy Ministers of the Member States expressed their views in Energy Council Conclusions on 3 December 2010.

##### *Amendment*

(4) The accidents related to offshore oil and gas activities in 2010, notably the Gulf of Mexico, have ***painfully demonstrated the risks entailed by offshore oil and gas activities and have*** sparked a review of policies aimed at ensuring the safety of offshore activities. The Commission launched a review of and expressed its initial views on the safety of offshore oil and gas operations in its Communication "Facing the challenge of the safety of offshore oil and gas activities" on 13 October 2010. The European Parliament adopted resolutions on the topic on 7 October 2010 and 13 September 2011. Energy Ministers of the Member States expressed their views in Energy Council Conclusions on 3 December 2010.

Or. en

## **Amendment 3**

### **Proposal for a regulation**

#### **Recital 7**

##### *Text proposed by the Commission*

(7) Offshore oil and gas industries are established in a number of regions of the Union, and there are prospects for new regional developments in Union waters. Production of offshore oil and gas is a significant element in EU security of energy supply.

##### *Amendment*

(7) Offshore oil and gas industries are established in a number of regions of the Union, and there are prospects for new regional developments in Union waters ***with technological developments allowing for drilling into more challenging environments.*** Production of offshore oil and gas is a significant element in EU

security of energy supply.

Or. en

#### Amendment 4

##### Proposal for a regulation Recital 9

###### *Text proposed by the Commission*

(9) Pursuant to Directive 1994/22/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 offshore oil and gas activities in the Union may be performed subject to the obtainment of an authorisation. In this context the competent authority is required to consider the technical and financial risks, and where appropriate, the previous record of responsibility, of applicants seeking exclusive exploration and production licenses. There is the need to ensure that when examining the technical and financial capability of the licensee the competent authorities thoroughly examine also its capability for ensuring continued safe and effective operations under all foreseeable conditions.

###### *Amendment*

(9) Pursuant to Directive 1994/22/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 offshore oil and gas activities in the Union may be performed subject to the obtainment of an authorisation. In this context the competent authority is required to consider the technical and financial risks, and where appropriate, the previous record of responsibility, of applicants seeking exclusive exploration and production licenses. There is the need to ensure that when examining the technical and financial capability of the licensee the competent authorities thoroughly examine also its capability for ensuring continued safe and effective operations under all foreseeable conditions. ***Financial guarantee mechanisms and insurance rates should be based on the real risks arising from production and non-production operations and there is a need for project-based insurance products.***

Or. en

## Amendment 5

### Proposal for a regulation

#### Recital 21

##### *Text proposed by the Commission*

(21) Union best operating practices require owners and/or operators of installations, including mobile drilling rigs, to establish effective corporate policy and suitable arrangements for major accident prevention and to comprehensively and systematically identify all major hazard scenarios relating to all hazardous activities that may be carried out on that installation. These best practices require also assessing the likelihood and consequences and the necessary controls of such scenarios, within a comprehensive safety management system. Such policy and arrangements should be clearly described in a document ("the Major Hazard Report – MHR"). The MHR should be comparable and complementary to the safety and health document referred to in Directive 92/91/EC and it should also include provisions on environmental risk assessment, emergency plans. The MHR should be required to be submitted the competent authority for consenting procedure.

##### *Amendment*

(21) Union best operating practices require owners and/or operators of installations, including mobile drilling rigs, to establish effective corporate policy and suitable arrangements for major accident prevention and to comprehensively and systematically identify all major hazard scenarios relating to all hazardous activities that may be carried out on that installation. These best practices require also assessing the likelihood and consequences and the necessary controls of such scenarios, within a comprehensive safety management system. Such policy and arrangements should be clearly described in a document ("the Major Hazard Report – MHR"). The MHR should be comparable and complementary to the safety and health document referred to in Directive 92/91/EC and it should also include provisions on environmental risk assessment, emergency plans. The MHR should be required to be submitted the competent authority for consenting procedure. ***Workers should be involved throughout the preparation of the MHR, for example through the involvement of an elected safety representative.***

Or. en

## Amendment 6

### Proposal for a regulation

#### Recital 36 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(36a) Against this background, the***



*European Union Offshore Oil and Gas Authorities Group (the "EU Authorities Group") was set up by Commission Decision of 19 January 2012 to serve as a forum for exchange of experiences and expertise relating to major accident prevention and response in offshore oil and gas operations.*

Or. en

## **Amendment 7**

### **Proposal for a regulation**

#### **Recital 48**

##### *Text proposed by the Commission*

48. As no existing financial security instruments, including risk pooling arrangements, can accommodate all possible consequences of extreme accidents, the Commission should proceed with further analysis and studies of the appropriate measures to ensure adequately robust liability regime for damages related to offshore oil and gas operations, requirements on financial capacity including availability of appropriated financial security instruments or other arrangements.

##### *Amendment*

48. As no existing financial security instruments, including risk pooling arrangements, can accommodate all possible consequences of extreme accidents, the Commission should proceed with further analysis and studies of the appropriate measures to ensure adequately robust liability regime for damages related to offshore oil and gas operations, requirements on financial capacity including availability of appropriated financial security instruments or other arrangements ***and report on the findings and proposals within 1 year after adoption.***

***In order to provide a safety-net, mutual oil pollution compensation schemes should be established in each EU sea area, with mandatory membership for operators.***

Or. en

## Amendment 8

### Proposal for a regulation Recital 49 a new

*Text proposed by the Commission*

*Amendment*

***(49a) The Commission shall ensure that the industry adheres to at least Union environmental and safety standards or their equivalent wherever in the world they are operating.***

Or. en

## Amendment 9

### Proposal for a regulation Article 2 – point 1

*Text proposed by the Commission*

*Amendment*

1. 'acceptable' shall mean: ***rendering*** a risk of a major accident ***tolerable to the furthest extent beyond which no significant reduction of the risk is derived from the input*** of further time, resources or cost;

1. '***tolerable***' shall mean: a ***level of*** risk of a major accident ***that is reduced as far as reasonably practicable, the residual risk being insignificant in relation to the amount of*** further ***input*** of time, resources or cost ***required to avert it;***

Or. en

## Amendment 10

### Proposal for a regulation Article 2 – point 6

*Text proposed by the Commission*

*Amendment*

6. 'competent authority' shall mean: ***the*** authority appointed ***pursuant*** to this Regulation ***and responsible for*** duties ***related to its scope;***

6. 'competent authority' shall mean: ***a public authority or body governed by public law*** appointed to ***fulfil the*** duties ***assigned to it under*** this Regulation.

Or. en

## Amendment 11

### Proposal for a regulation Article 2 – point 8 a (new)

*Text proposed by the Commission*

*Amendment*

***8a. 'entity' shall mean any natural or legal person or any group of such persons;***

Or. en

## Amendment 12

### Proposal for a regulation Article 2 – point 10

*Text proposed by the Commission*

*Amendment*

***10. 'exploration license' shall mean: an authorisation granted by the Member State to explore for oil and gas in the underground strata of the licensed area, but not to produce oil and gas for commercial purposes;***

***deleted***

Or. en

### *Justification*

*Separation of licensing procedures (for exploration and production) goes against common practice. The objective that information that is collected pursuant to exploration activity can be considered by the licensing authority prior to production operations being authorised is covered in the amended text of Article 4.3.*

## Amendment 13

### Proposal for a regulation Article 2 – point 13

*Text proposed by the Commission*

*Amendment*

13. 'industry' shall mean: ***private***

13. 'industry' shall mean: ***entities*** that are

*companies* that are directly involved in offshore oil and gas activities pursuant to this regulation or whose activities are closely related to those operations;

directly involved in offshore oil and gas activities pursuant to this regulation or whose activities are closely related to those operations;

Or. en

#### Amendment 14

##### Proposal for a regulation Article 2 – point 18

###### *Text proposed by the Commission*

18. 'major accident' shall mean: an occurrence such as fire or explosion, **significant** loss of well control or significant **escape** of hydrocarbons **to the environment**, **significant** damage to the installation or equipment thereon, **loss of structural integrity of the installation**, and any other event **involving** death or **major** injury to **five or more** persons **on or** working in connection with **the** installation;

###### *Amendment*

18. 'major accident' shall mean: an occurrence such as fire or explosion, loss of well control or significant **release** of hydrocarbons **or dangerous substances and involving casualties; an incident leading to serious** damage to the installation or equipment thereon, **with imminent risk of casualties**; any other event **leading to multiple** death or **serious personal** injury to persons working **on the offshore** installation or **engaged in an activity** in connection with **it; a significant release of hydrocarbons or dangerous substances with a major impact on the environment**;

Or. en

#### Amendment 15

##### Proposal for a regulation Article 2 – point 21

###### *Text proposed by the Commission*

21. 'offshore oil and gas operations' shall mean: all activities related to exploring for, producing or processing of oil and gas offshore. This includes transport of oil and gas through **offshore** infrastructure

###### *Amendment*

21. 'offshore oil and gas operations' shall mean: all activities related to exploring for, producing or processing of oil and gas offshore. This includes transport of oil and gas through **connected** infrastructure to **or**

*connected* to an installation or subsea installation;

*from* an *offshore* installation or subsea installation;

Or. en

## Amendment 16

### Proposal for a regulation Article 2 – point 22

*Text proposed by the Commission*

22. 'operator' shall mean: the operator of a production installation or the *owner* of a non-production installation *and the* well operator of a well *operation. Operator and licensee both come under the definition of Article 2(6) of Directive 2004/35/EC;*

*Amendment*

22. 'operator' shall mean: the operator of a production installation, the *operator* of a non-production installation or a well operator.

Or. en

## Amendment 17

### Proposal for a regulation Article 2 – point 23

*Text proposed by the Commission*

23. 'operator of production installation' shall mean: *a person* appointed by the licensee to manage and control the main functions of a production installation;

*Amendment*

23. 'operator of production installation' shall mean: *an entity* appointed by the licensee to manage and control the main functions of a production installation;

Or. en

## Amendment 18

### Proposal for a regulation Article 2 – point 24

*Text proposed by the Commission*

24. '*owner*' shall mean: *a person* legally

*Amendment*

24. '*operator of a non-production*

entitled to control the operation of a non-production installation;

*installation'* shall mean: **an entity** legally entitled to control the operation of a non-production installation;

Or. en

## Amendment 19

### Proposal for a regulation Article 2 – point 27

*Text proposed by the Commission*

*Amendment*

27. '*production license*': shall mean: **an authorisation granted by the Member State for production of oil and gas.**

*deleted*

Or. en

### *Justification*

*Separation of licensing procedures (for exploration and production) goes against common practice. The objective that information that is collected pursuant to exploration activity can be considered by the licensing authority prior to production operations being authorised is covered in the amended text of Article 4.3.*

## Amendment 20

### Proposal for a regulation Article 2 – point 30

*Text proposed by the Commission*

*Amendment*

30. 'risk' shall mean: **the likelihood of a specific effect occurring within a specific period or in specified circumstances;**

30. 'risk' shall mean: **the combination of the probability of an event and the consequences of the event;**

Or. en

## Amendment 21

### Proposal for a regulation Article 2 – point 33

*Text proposed by the Commission*

33. 'well operator' shall mean: the **person** appointed **by the licensee** to plan and execute a well operation.

*Amendment*

33. 'well operator' shall mean: the **entity** appointed to plan and execute a well operation.

Or. en

## Amendment 22

### Proposal for a regulation Article 2 – Point 33 a (new)

*Text proposed by the Commission*

*Amendment*

**33a. 'oil spill response gap' shall mean: a situation in which activities that may cause an oil spill are conducted during times when an effective response cannot be achieved, either because technologies available will not be effective or because their deployment is precluded due to environmental conditions or other limiting factors.**

Or. en

## Amendment 23

### Proposal for a regulation Article 4 – Paragraph 2

*Text proposed by the Commission*

2 In particular, **when assessing** the technical and financial capacity of the entities that apply for authorisation for offshore oil and gas activities, due account shall be taken of the risk, hazards and any other relevant information related to the

*Amendment*

2. In particular, **licensing authorities shall assess whether** the technical and financial capacity of the entities that apply for authorisation for offshore oil and gas activities **are proportionate to the risks,** hazards and any other relevant information

area concerned and the particular stage of exploration and production operations **and also** of the applicants' financial **capacities, including any** financial security and capacity to cover liabilities potentially deriving from offshore oil and gas activities in question, in particular liability for environmental damages.

related to the area concerned and the particular stage of exploration and production operations. **Due** account shall be taken of the applicants' financial security and capacity to cover liabilities potentially deriving from offshore oil and gas activities in question, in particular liability for environmental damages.

***They shall also take into account reports concerning global incidents in which the applicant was involved.***

Or. en

#### **Amendment 24**

##### **Proposal for a regulation Article 4 – Paragraph 3**

*Text proposed by the Commission*

3. Authorisations for for offshore oil and gas exploration operations, and for production operations shall be granted **separately**.

*Amendment*

3. Authorisations for offshore oil and gas exploration operations, and for production operations **relating to the same licensed area** shall be granted **in such a way that information collected pursuant to exploration activity can be considered by the licensing authority prior to production operations being authorised**.

Or. en

#### **Amendment 25**

##### **Proposal for a regulation Article 4 - Paragraph 4**

*Text proposed by the Commission*

**4. Licensing authorities pursuant to Directive 94/22/EC shall, when assessing the technical and financial capacity of the entities that apply for authorisation for offshore oil and gas activities, take into**

*Amendment*

**deleted**



*account the risks, hazards and any other relevant information related to the location concerned and the particular stage of exploration and production operations.*

Or. en

## **Amendment 26**

### **Proposal for a regulation Article 5 – Paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that the public shall be given early and effective opportunities to participate in procedures ***concerning licensing procedures in their jurisdiction*** in accordance with the requirements of Annex I to this Regulation. The procedures shall be those laid down in Annex II of Directive 2003/35/EC.

*Amendment*

1. Member States shall ensure that the public shall be given early and effective opportunities to participate in ***authorisation procedures for offshore oil and gas activities*** in accordance with the requirements of Annex I to this Regulation. The procedures shall be those laid down in Annex II of Directive 2003/35/EC.

Or. en

## **Amendment 27**

### **Proposal for a regulation Article 5 – Paragraph 3**

*Text proposed by the Commission*

3. Public participation shall be organised so as to ensure that disclosure of information and involvement of the public shall not pose risks to safety and security of offshore oil an gas installations and their operation.

*Amendment*

3. Public participation shall be organised so as to ensure that disclosure of information and involvement of the public shall not pose risks to safety and security of offshore oil an gas installations and their operation ***and shall not harm the commercial interests of the applicant.***

Or. en

## Amendment 28

### Proposal for a regulation

#### Article 9 – Paragraph 1 – point d a (new)

*Text proposed by the Commission*

*Amendment*

***(da) evidence of the operator's membership of a mutual oil pollution compensation scheme;***

Or. en

## Amendment 29

### Proposal for a regulation

#### Article 9 – Paragraph 3

*Text proposed by the Commission*

*Amendment*

3. The Major Hazard Report shall be notified to the competent authority within a deadline set out by the competent authority and no later than 12 weeks before the planned commencement of operation.

3. The Major Hazard Report shall be notified to the competent authority within a deadline set out by the competent authority and no later than 12 weeks before the planned commencement of operation. ***The operations shall not be commenced until the competent authority has accepted the Major Hazard Report.***

Or. en

## Amendment 30

### Proposal for a regulation

#### Article 10 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. The Major Hazard Report for a production installation shall contain the details specified in Annex II, parts 2 and 5.

1. The Major Hazard Report for a production installation shall contain the details specified in Annex II, parts 2 and 5. ***Workers' representatives shall be involved in the preparation of the Major Hazard Report.***

### Amendment 31

#### Proposal for a regulation Article 10 – paragraph 4

*Text proposed by the Commission*

4. Where further information is necessary before a Major Hazard Report can be accepted, the competent authority shall request **further** information **or changes to the documents submitted**.

*Amendment*

4. Where further information is necessary before a Major Hazard Report can be accepted, the **operator** shall, **at the** request **of** the competent authority, **provide such** information **and make any necessary changes to the submission of the Major Hazard Report**.

Or. en

### Amendment 32

#### Proposal for a regulation Article 11 – paragraph 1

*Text proposed by the Commission*

1. The Major Hazard report for a non-production installation shall contain the details specified in Annex II, parts 3 and 5.

*Amendment*

1 The Major Hazard report for a non-production installation shall contain the details specified in Annex II, parts 3 and 5. **Workers' representatives shall be involved in the preparation of the Major Hazard Report**.

Or. en

### Amendment 33

#### Proposal for a regulation Article 11 – paragraph 5

*Text proposed by the Commission*

5. Where further information is necessary

*Amendment*

5. Where further information is necessary

before a Major Hazard Report can be accepted, the *competent authority* shall request *further information or changes to the documents submitted*.

before a Major Hazard Report can be accepted, the *operator* shall, *at the request of the competent authority, provide such information and make any necessary changes to the submission of the Major Hazard Report*.

Or. en

#### Amendment 34

##### Proposal for a regulation Article 12 – paragraph 2

*Text proposed by the Commission*

2. For production and non-production installations, the internal emergency response plan shall *be submitted to the competent authority* as part of the Major Hazard Report.

*Amendment*

2. For production and non-production installations, the *operator* shall *submit to the competent authority the* internal emergency response plan as part of the Major Hazard Report.

Or. en

#### Amendment 35

##### Proposal for a regulation Article 12 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

*3a. Equipment for capping all potential spills shall be available in proximity to installations to allow for timely deployment in the event of a major accident.*

Or. en

## Amendment 36

### Proposal for a regulation Article 13 – paragraph 2

*Text proposed by the Commission*

2. The competent authority shall consider the notification and take action it considers necessary before the well operation may commence.

*Amendment*

2. The competent authority shall consider the notification and take action it considers necessary, ***such as prohibiting the start of operation if need be***, before the well operation may commence.

Or. en

## Amendment 37

### Proposal for a regulation Article 14 – paragraph 2

*Text proposed by the Commission*

2. The competent authority shall consider the notification and take action it considers necessary before combined operation may commence.

*Amendment*

2. The competent authority shall consider the notification and take action it considers necessary, ***such as prohibiting the start of operation if need be*** before the well operation may commence.

Or. en

## Amendment 38

### Proposal for a regulation Article 15 – paragraph 2

*Text proposed by the Commission*

2. The selection of the independent third party verifier and the design of schemes for independent third party verification and for independent well examination shall meet the criteria of Annex II, part 5.

*Amendment*

2. The selection of the independent third party verifier and the design of schemes for independent third party verification and for independent well ***design*** examination shall meet the criteria of Annex II, part 5.

Or. en

## Amendment 39

### Proposal for a regulation Article 15 – paragraph 7

*Text proposed by the Commission*

7. Non-production installations operated in Union waters shall meet the requirements of relevant international conventions as defined in Regulation 391/2009/EC of the European Parliament and of the Council of 23 April 2009 or the equivalent standards of the Code for the construction and equipment of mobile offshore drilling units (**2009** MODU CODE). They shall be certified by an organisation that is recognised by the Union in accordance with the aforementioned Regulation.

*Amendment*

7. Non-production **mobile** installations operated in Union waters shall meet the requirements of relevant international conventions as defined in Regulation 391/2009/EC of the European Parliament and of the Council of 23 April 2009 or the equivalent standards of the Code for the construction and equipment of mobile offshore drilling units (MODU CODE). They shall be certified by an organisation that is recognised by the Union in accordance with the aforementioned Regulation.

Or. en

## Amendment 40

### Proposal for a regulation Article 15 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

***7a. The Commission shall, in collaboration with EMSA, draw up and regularly update a list of organisations recognised as independent third party verifiers for production installations in accordance with Article 35.***

Or. en

## Amendment 41

### Proposal for a regulation Article 16 – title

*Text proposed by the Commission*

*Amendment*

Power to *prohibit activity*

Power *of competent authority in relation to activities on installations*

Or. en

## Amendment 42

### Proposal for a regulation Article 16 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. The competent authority shall prohibit the operation or bringing into operation of any installation or any *part thereof* where the measures proposed *by the operator* for the prevention *and* mitigation of major accidents pursuant to Articles 10, 11, 13 and 14 are considered *seriously deficient*.

1. The competent authority shall prohibit the operation or bringing into operation of any installation or any *connected infrastructure* where the measures proposed *in the Major Hazards Report* for the prevention *or* mitigation of major accidents pursuant to Articles 10, 11, 13 and 14 are considered *insufficient to comply with this Directive*.

Or. en

## Amendment 43

### Proposal for a regulation Article 16 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. The competent authority shall prohibit the use of any installation or any part thereof where the outcome of an inspection, periodic review of Major Hazards Report pursuant to Article 10 and 11 or changes to notifications pursuant to Articles 13 and 14 show that the

4. The competent authority shall prohibit the use of any installation or any part thereof *or any connected infrastructure* where the outcome of an inspection, periodic review of Major Hazards Report pursuant to Article 10 and 11 or changes to

requirements of this Regulation are not met or there are reasonable concerns about the safety of operations or installations.

notifications pursuant to Articles 13 and 14 show that the requirements of this Regulation are not met or there are reasonable concerns about the safety of operations or installations.

Or. en

#### **Amendment 44**

##### **Proposal for a regulation Article 17 – paragraph 1**

*Text proposed by the Commission*

1. Where a Member State considers that a well operation or the operation of an installation may have significant negative effects on waters of another Member State in the case of an accident, or where a Member State likely to be significantly affected so requests, the Member State in whose jurisdiction the operations are to take place, shall forward to the affected Member State the relevant information and shall endeavour to adopt joint preventive measures to prevent damages.

*Amendment*

1 Where a Member State or competent authority considers that a ***major accident relating to an offshore oil and gas operation under its jurisdiction is likely to*** have significant effects on ***the environment in*** another Member State, or where a Member State or competent authority in another Member State likely to be significantly affected so requests, the Member State or competent authority in whose jurisdiction the operations take place, shall forward ***the relevant information*** to the affected Member State or competent authority and shall, ***pursuant to Articles 27 and 32***, adopt ***agreed*** measures to prevent damages.

Or. en

#### **Amendment 45**

##### **Proposal for a regulation Article 18 – paragraph 1**

*Text proposed by the Commission*

1. Operators shall ***prepare*** a document setting out their major accident prevention policy, and ensure that it is implemented

*Amendment*

1. Operators shall ***have in their possession*** a document setting out their major accident prevention policy and ensure that it is



throughout *the organisation of* their offshore operations, *including by setting up* appropriate monitoring arrangements to assure effectiveness of the policy.

implemented throughout their *organisation, including* offshore operations, *along with* appropriate monitoring arrangements to assure effectiveness of the policy.

Or. en

## Amendment 46

### Proposal for a regulation Article 18 – paragraph 2

#### *Text proposed by the Commission*

2. The document pursuant paragraph 1 shall be submitted to competent authorities as a part of the Major Hazard Report pursuant to Articles 10 and 11 or as the notification of well operations pursuant to Article 13.

#### *Amendment*

2. The document pursuant paragraph 1 shall be submitted to competent authorities as a part of the Major Hazard Report pursuant to Articles 10 and 11 or as *part of* the notification of well operations pursuant to Article 13.

Or. en

## Amendment 47

### Proposal for a regulation Article 18 – paragraph 5

#### *Text proposed by the Commission*

5. *Operators* shall establish, and regularly consult with *the representatives of the relevant Member States* pursuant to Article 27, the industry priorities for preparing and/or revising standards and guidance for best practice in control of offshore major accident hazards throughout the design and operation lifecycle of offshore operations, and as a minimum shall follow the outline in Annex IV.

#### *Amendment*

5. *Competent authorities* shall establish, and regularly consult with *industry* pursuant to Article 27, the industry priorities for preparing and/or revising standards and guidance for best practice in control of offshore major accident hazards throughout the design and operation lifecycle of offshore operations, and as a minimum, shall follow the outline in Annex IV.

Or. en

## Amendment 48

### Proposal for a regulation Article 18 – paragraph 6

*Text proposed by the Commission*

6. Licensees, operators and major contractors based in the Union shall ***endeavour to*** conduct their offshore oil and gas operations when outside the Union in accordance with the principles set out in this ***Regulation***.”

*Amendment*

6. Licensees, operators and major contractors based in the Union shall conduct their offshore oil and gas operations when outside the Union in accordance with the principles set out in this ***Directive and pursuant to Article 21***.”

Or. en

## Amendment 49

### Proposal for a regulation Article 18 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***6a. Where an activity carried out by an operator poses an immediate danger to human health or significantly increases the risk of a major accident, operators shall suspend the operation of the installation of the subject activity until the threat of, or actual, imminent danger is brought under control.***

Or. en

## Amendment 50

### Proposal for a regulation Article 18 – paragraph 6 b (new)

*Text proposed by the Commission*

*Amendment*

***6b. Where measures are taken as referred to in paragraph 7 of this Article, the***

*operator shall, without delay, notify the competent authority accordingly.*

Or. en

## **Amendment 51**

### **Proposal for a regulation Article 19 – paragraph 1**

*Text proposed by the Commission*

1. *The competent authority* shall make suitable arrangements to ensure *its* independence from conflicts of interest between regulation of safety and environmental protection, and functions relating to economic development of the Member State, in particular licensing of offshore oil and gas activities, and policy for and collection of related revenues.

*Amendment*

1. *Member States with offshore oil and gas activities under their jurisdiction* shall make suitable arrangements to ensure *the* independence *of the competent authorities* from conflicts of interest between regulation of safety and environmental protection, and functions relating to economic development of the Member State, in particular licensing of offshore oil and gas activities, and policy for and collection of related revenues.

Or. en

## **Amendment 52**

### **Proposal for a regulation Article 20 – paragraph 1a (new)**

*Text proposed by the Commission*

.

*Amendment*

*1a. Operators shall provide the competent authorities, or any other persons acting under the direction of the competent authorities, with transport to or from an installation (including the conveyance of their equipment) at any reasonable time, and with accommodation, meals, and other subsistence in connection with the visits to the installations, for the purpose of oversight, including inspections, investigations and enforcement of*

*compliance with this Directive.*

Or. en

### **Amendment 53**

#### **Proposal for a regulation Article 20 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Where non compliance with the provisions of paragraph 1 to this Article poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon safety and/or the environment, the operation of the installation or operation of relevant part thereof shall be suspended by the operator, until compliance is restored.**

*deleted*

Or. en

#### *Justification*

*Whenever an activity carried out by an operator poses an immediate danger to human health or significantly increases the risk of a major accident, it has to be suspended. Whether this risk relates to non compliance with the provisions of this directive is not relevant. The text is therefore moved to Article 18.*

### **Amendment 54**

#### **Proposal for a regulation Article 20 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Where measures are taken as referred in paragraph 2 to this Article, the operator shall, without delay, notify the competent authority accordingly.**

*deleted*

Or. en

### *Justification*

*Whenever an activity carried out by an operator poses an immediate danger to human health or significantly increases the risk of a major accident, it has to be suspended. Whether this risk relates to non compliance with the provisions of this directive is not relevant. The text is therefore moved to Article 18.*

### **Amendment 55**

#### **Proposal for a regulation**

#### **Article 20 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Member States with offshore oil and gas activities under their jurisdiction shall monitor the effectiveness of the competent authority and shall take any necessary measures to effect improvements thereto.***

Or. en

### **Amendment 56**

#### **Proposal for a regulation**

#### **Article 23 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The information pursuant Annex VI shall ***be made*** publicly available without a need for request pursuant to applicable provisions of Union legislation on access to environmental information.

1. The ***competent authorities*** shall ***make*** the information pursuant to Annex VI publicly available without a need for request pursuant to applicable provisions of Union legislation on access to environmental information.

Or. en

## Amendment 57

### Proposal for a regulation Article 23 – paragraph 3

*Text proposed by the Commission*

3. When publishing ***their national emergency response plans pursuant to Article 30 the*** Member States shall ensure that disclosed information does not pose risks to safety and security of offshore oil and gas installations and their operation.

*Amendment*

3. When publishing ***information pursuant to Annexes I, V, VI*** Member States shall ensure that disclosed information does not pose risks to safety and security of offshore oil and gas installations and their operation.

Or. en

## Amendment 58

### Proposal for a regulation Article 24 – Title

*Text proposed by the Commission*

Reporting on safety and environmental impact ***of*** offshore oil and gas activities

*Amendment*

Reporting on safety and environmental impact ***with respect to Member States with*** offshore oil and gas activities ***under their jurisdiction***

Or. en

## Amendment 59

### Proposal for a regulation Article 24 – paragraph 1– introductory part

*Text proposed by the Commission*

1. The Member States shall prepare an annual report concerning:

*Amendment*

1. The Member States ***concerned*** shall prepare an annual report concerning:

Or. en

## Amendment 60

### Proposal for a regulation

#### Article 24 – paragraph 1– point e a (new)

*Text proposed by the Commission*

*Amendment*

***(ea) the result of the monitoring pursuant to Article 20(4a) and on the independence of the competent authority;***

Or. en

## Amendment 61

### Proposal for a regulation

#### Article 24 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Member States shall designate an authority to be responsible for exchanging information pursuant to Article 22 and publication of information pursuant to Article 23 and shall inform the Commission accordingly.

2. Member States ***concerned*** shall designate an authority to be responsible for exchanging information pursuant to Article 22 and publication of information pursuant to Article 23 and shall inform the Commission accordingly.

Or. en

## Amendment 62

### Proposal for a regulation

#### Article 24 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Every two years, the Commission shall publish reports on the ***safety of offshore operations across the Union*** based on the information reported to it by Member States and the European Maritime Safety Agency. The Commission shall be assisted in this task by relevant Member States pursuant Article 26.

3. Every two years, the Commission shall publish reports based on the information reported to it by Member States ***pursuant to paragraph 1*** and the European Maritime Safety Agency. The Commission shall be assisted in this task by relevant Member States ***and the EU Authorities group*** pursuant Article 27.

### Amendment 63

#### Proposal for a regulation Article 25 – paragraph 2

*Text proposed by the Commission*

2. Member States shall **conduct** thorough investigations of major accidents **involving significant damage (to persons and environment) or involving major loss of assets. The report of the investigation shall include an assessment of the effectiveness of the competent authority's regulation of the installation concerned in the time preceding the accident and recommendations for adequate changes to the relevant regulatory practices where needed.**

*Amendment*

2. Member States shall **ensure that** thorough investigations of major accidents **are conducted.**

### Amendment 64

#### Proposal for a regulation Article 25 – paragraph 2 a (new)

*Text proposed by the Commission*

**2a. Member States shall make an assessment of the effectiveness of the competent authority's oversight of the installation concerned in the time preceding the accident and recommendations for adequate changes to the relevant regulatory practices where needed.**

*Amendment*



## Amendment 65

### Proposal for a regulation Article 25 – paragraph 3

*Text proposed by the Commission*

3. A summary of the investigation report prepared pursuant to **paragraph 2 and 2a** of this Article shall be made available to the Commission at the conclusion of the investigation or at the conclusion of legal proceedings, whichever is the later. A specific version of the report, that takes into account possible legal limitations, shall be made available publicly with regard to Articles 22 and 23.

*Amendment*

3. A summary of the investigation report **and the assessment report** prepared pursuant to **paragraphs 2 and 2a** of this Article shall be made available to the Commission **and the EU Authorities Group** at the conclusion of the investigation or at the conclusion of legal proceedings, whichever is the later. A specific version of the report, that takes into account possible legal limitations, shall be made available publicly with regard to Articles 22 and 23.

Or. en

## Amendment 66

### Proposal for a regulation Article 25 – paragraph 4

*Text proposed by the Commission*

4. Following **its** investigations pursuant to paragraph 2, the competent authority shall implement any recommendations of the investigation that are within its powers to act.

*Amendment*

4. Following **the** investigations pursuant to paragraph 2, the competent authority shall implement any recommendations of the investigation that are within its powers to act.

Or. en

## Amendment 67

### Proposal for a regulation Article 27 – paragraph 1

*Text proposed by the Commission*

1. The competent authorities shall regularly

*Amendment*

1. The competent authorities shall regularly

exchange knowledge, information and experience between themselves and shall **engage in consultations on the application** of relevant national and Union legal framework **with** the industry, other stakeholders and the Commission.

exchange knowledge, information and experience between themselves **within the EU Authorities Group** and shall **verify the implementation and enforcement** of relevant national and Union legal framework, **having regard to the views of** the industry, other stakeholders and the Commission, **in order to strengthen the enforcement and implementation of the highest standards across the Union.**

Or. en

### Amendment 68

#### Proposal for a regulation Article 27 – paragraph 3

*Text proposed by the Commission*

3. Clear priorities and procedures should be established for the preparation and updating of guidance documents in order to identify and facilitate the implementation of the best practices in areas pursuant to paragraph 2.

*Amendment*

3. Clear priorities and procedures should be established **by competent authorities in cooperation with the industry** for the preparation and updating of guidance documents in order to identify and facilitate the implementation of the best practices in areas pursuant to paragraph 2.

Or. en

### Amendment 69

#### Proposal for a regulation Article 28 – paragraph 3

*Text proposed by the Commission*

3. The Commission shall promote high safety standards for offshore oil and gas operations at international level at appropriate global and regional fora, **including** those related to Arctic waters.

*Amendment*

3. The Commission shall promote high safety standards for offshore oil and gas operations at international level at appropriate global and regional fora, **in particular** those related to Arctic waters.

Or. en

## Amendment 70

### Proposal for a regulation

#### Article 29 – paragraph 1 – point a

*Text proposed by the Commission*

(a) *be initiated to contain an incipient major accident within the installation, or* within *the* exclusion zone established by the Member State around the perimeter of the installation, or subsea wellhead;

*Amendment*

(a) *prevent escalation or limit consequences of an accident related to offshore oil and gas operations* within *an* exclusion zone established by the Member State around the perimeter of the installation, subsea wellhead or pipeline;

Or. en

## Amendment 71

### Proposal for a regulation

#### Article 29 – paragraph 5

*Text proposed by the Commission*

The operator shall periodically test the *effectiveness of the* internal emergency response plans.

*Amendment*

The operator shall annually test the internal emergency response plan *to demonstrate the effectiveness of their response equipment and capabilities in order to guarantee a high level of safety and performance in evacuation, containment and control, recovery, clean-up and disposal operations.*

Or. en

## Amendment 72

### Proposal for a regulation

#### Article 30 – paragraph 1

*Text proposed by the Commission*

1. Member States shall prepare external

*Amendment*

1. Member States shall prepare external

emergency plans covering all offshore oil and gas installations and potentially affected areas within their jurisdiction.

emergency *response* plans covering all offshore oil and gas installations *or connected infrastructure* and potentially affected areas within their jurisdiction. *The external emergency response plans shall specify the role of operators in the external emergency response, and the operators' share for the costs of external emergency response.*

Or. en

### Amendment 73

#### Proposal for a regulation Article 30 – paragraph 2

##### *Text proposed by the Commission*

2. External emergency response plans shall be prepared with the cooperation of relevant operators and, as appropriate, licensees, and aligned with the internal emergency response plans of the installations *stationed* or planned in the subject area. Any update to the internal plans advised by an operator should be taken into account.

##### *Amendment*

2. External emergency response plans shall be prepared with the cooperation of relevant operators and, as appropriate, licensees, and aligned with the internal emergency response plans of the *existing or planned installations or connected infrastructure* in the subject area. Any update to the internal plans advised by an operator should be taken into account.

Or. en

### Amendment 74

#### Proposal for a regulation Article 30 – paragraph 3

##### *Text proposed by the Commission*

3. External emergency response plans shall be prepared in accordance with the provisions of Annex I and V, and made available to the Commission., and to the public as appropriate.

##### *Amendment*

3. External emergency response plans shall be prepared in accordance with the provisions of Annex V, and made available to the Commission, *to EMSA* and to the public as appropriate. *The procedures adopted for informing the public shall be*

*those laid down in Annex II of Directive 2003/35/EC. When making available their external emergency response plans, Member States with offshore oil and gas activities under their jurisdiction shall ensure that disclosed information does not pose risks to safety and security of offshore oil and gas installations and their operation.*

Or. en

## **Amendment 75**

### **Proposal for a regulation Article 30 – paragraph 6**

*Text proposed by the Commission*

6. Member States shall keep updated records of emergency response resources available in their territory or jurisdiction by both public and private entities. Those records shall be made available to the other Member States and, on a reciprocal basis, with neighbouring third countries, and to the Commission.

*Amendment*

6. Member States shall keep updated records of emergency response resources available in their territory or jurisdiction by both public and private entities. Those records shall be made available to the other Member States, *to EMSA* and, on a reciprocal basis, with neighbouring third countries, and to the Commission.

Or. en

## **Amendment 76**

### **Proposal for a regulation Article 31 – paragraph 2**

*Text proposed by the Commission*

2. In the event of an accident, the *relevant authorities*, in cooperation with *operators* concerned, shall take all measures necessary to prevent escalation of the accident and to mitigate its consequences.

*Amendment*

2. In the event of an accident, the *operators* in cooperation with *relevant authorities* concerned, shall take all measures necessary to prevent escalation of the accident and to mitigate its consequences.

Or. en

## Amendment 77

### Proposal for a regulation Article 32 – paragraph 1

#### *Text proposed by the Commission*

1. Where transboundary effects of offshore oil and gas accidents are foreseeable, Member States shall make information available to the Commission and potentially affected Member States or third countries on a reciprocity basis and take identified risks into account when preparing the external emergency plan. The Member States in question shall coordinate their emergency plans to facilitate joint response to an accident.

#### *Amendment*

1. Where transboundary effects of offshore oil and gas accidents are foreseeable, Member States shall make information available to the Commission, **EMSA** and potentially affected Member States or third countries on a reciprocity basis and take identified risks into account when preparing the external emergency plan. The Member States in question shall coordinate their emergency plans to facilitate joint response to an accident.

Or. en

## Amendment 78

### Proposal for a regulation Article 32 – paragraph 3

#### *Text proposed by the Commission*

3. Member States shall regularly test their preparedness to respond effectively to accidents in cooperation with potentially affected Member States, relevant EU Agencies or third countries. **The Commission may contribute to** exercises focused on the test of cross-border and Union emergency mechanisms.

#### *Amendment*

3. Member States shall regularly test their preparedness to respond effectively to accidents in cooperation with potentially affected Member States, relevant EU Agencies or third countries. **EMSA shall initiate** exercises focused on the test of cross-border and Union emergency mechanisms.

Or. en

**Amendment 79**

**Proposal for a regulation  
Article 34 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. The Commission shall be empowered to adopt delegated acts in accordance with Article 35 of this Regulation to adapt the requirements to the latest development of relevant technologies and procedures in Annex I-VI.**

*deleted*

Or. en

**Amendment 80**

**Proposal for a regulation  
Article 34 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The Commission may *also* adopt delegated acts in accordance with Article 35 of this Regulation to precise application of the requirements of Regulation in relation to:

2. The Commission may adopt delegated acts in accordance with Article 35 of this Regulation to precise application of the requirements of Regulation in relation to:

Or. en

**Amendment 81**

**Proposal for a regulation  
Article 34 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) requirements related to verification by independent third party verification as specified in Annex II, point 5 (d) requirements for functioning and organisation of competent authorities as specified in Annex III and;**

*deleted*

**Amendment 82**

**Proposal for a regulation**

**Article 34 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) requirements relating to emergency preparedness and response as specified in Annex V.***

Or. en

**Amendment 83**

**Proposal for a regulation**

**Article 37 a (new)**

*Text proposed by the Commission*

*Amendment*

***Amendment to Directive 2008/99/EC on the protection of the environment through criminal law***

***Directive 2008/99/EC is hereby amended as follows:***

***(1) in Article 3, the following point is added :***

***‘(j) a major oil pollution accident.’;***

***(2) In Annex A, the following indent is added:***

***‘– Directive XX/XX/EU of the European Parliament and of the Council on safety of offshore oil and gas prospection, exploration and production activities’***

Or. en



## **Amendment 84**

### **Proposal for a regulation Article 37 b (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Report and review***

***37b. No later than 3 years following the completion of transitional periods as defined by Article 38, the Commission shall, taking due account of the efforts and experiences of competent authorities and in close cooperation with the EU Authorities Group, assess the experience of the implementation of this Directive.***

***The Commission shall submit a report to the European Parliament and to the Council with the result of that assessment. That report shall include any appropriate proposals for amending this Directive.***

Or. en

## **Amendment 85**

### **Proposal for a regulation Article 38 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) Where the competent authority identifies existing installations presenting lower risks, these can be subject to longer transition periods to be notified to the Commission by the relevant competent authority.***

Or. en

## Amendment 86

### Proposal for a regulation Article 39 – paragraph 1

*Text proposed by the Commission*

1. **This Regulation** shall enter into force on the day following that of its publication in the Official Journal of the European Union.

*Amendment*

1. **Member States** shall **bring** into force **the laws, regulations and administrative provisions necessary to comply with this Directive by [18 months after the publication on the Official Journal] at the latest. They shall forthwith communicate to the Commission the text of those provisions.**

**When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.**

Or. en

## Amendment 87

### Proposal for a regulation Article 39 – paragraph 2

*Text proposed by the Commission*

2. This Regulation shall be binding in its entirety and directly applicable in all Member States.

*Amendment*

2. **Member States** shall **communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.**

Or. en

## Amendment 88

### Proposal for a regulation Article 39 a (new)

*Text proposed by the Commission*

*Amendment*

***39a. This Directive shall enter into force on the twentieth day following its publication in the Official Journal of the European Union.***

Or. en

## Amendment 89

### Proposal for a regulation Article 39 b (new)

*Text proposed by the Commission*

*Amendment*

***39b. This Directive is addressed to the Member States.***

Or. en

## Amendment 90

### Proposal for a regulation Annex 1 – Paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that:

(a) the public is informed, whether by public notices or other appropriate means such as electronic media where available, about ***submission of licensing applications to Member States***, and that relevant information about such proposals is made available to the public including inter alia information about the right to participate,

1. ***For the authorisations defined pursuant to Article 5(2)*** Member States shall ensure that:

(a) the public is informed, whether by public notices or other appropriate means such as electronic media where available, about ***application for authorisations*** and that relevant information about such proposals is made available to the public including inter alia information about the right to participate, and to whom comments

and to whom comments or questions may be submitted;

(b) the public is entitled to express comments and opinions *when all options are open before decisions on the licensing applications are made*;

(c) in *making* those *decisions*, due account shall be taken of the results of the public participation;

(d) having examined the comments and opinions expressed by the public, the Member State makes reasonable efforts to inform the public about the decisions taken and the reasons and considerations upon which those decisions are based, including information about the public participation process.

or questions may be submitted;

(b) the public is entitled to express comments and opinions *according to timelines and procedures defined by Member States or competent authorities and before authorisations are granted*;

(c) in *granting* those *authorisations*, due account shall be taken of the results of the public participation;

(d) having examined the comments and opinions expressed by the public, the Member State makes reasonable efforts to inform the public about the decisions taken and the reasons and considerations upon which those decisions are based, including information about the public participation process.

Or. en

## Amendment 91

### Proposal for a regulation Annex 2 – Paragraph 2 – Point 4

#### *Text proposed by the Commission*

(4) demonstration that all the major hazards have been identified, their likelihood and consequences assessed, and that their control measures are suitable so as to reduce risks of a major hazard event to persons and the environment to an acceptable extent;

#### *Amendment*

(4) demonstration that all the major hazards have been identified, their likelihood and consequences assessed, *including any environmental, meteorological and sea-bed limitations on safe operations* and that their control measures are suitable so as to reduce risks of a major hazard event to persons and the environment to an acceptable extent; *this demonstration shall include an assessment of the oil spill response gap*;

Or. en

## Amendment 92

### Proposal for a regulation Annex 2 – Paragraph 3 – Point 5

*Text proposed by the Commission*

(5) demonstration that all the major hazards have been identified, their likelihood and consequences assessed, and that their control measures are suitable so as to reduce risks of a major hazard event to persons and the environment to an acceptable extent;

*Amendment*

(5) demonstration that all the major hazards have been identified, their likelihood and consequences assessed, ***including any environmental, meteorological and sea-bed limitations on safe operations*** and that their control measures are suitable so as to reduce risks of a major hazard event to persons and the environment to an acceptable extent; ***this demonstration shall include an assessment of the oil spill response gap;***

Or. en

## Amendment 93

### Proposal for a regulation Annex 3 – Paragraph 2 – Point (d)

*Text proposed by the Commission*

(d) where appropriate, to require operators and/or installation owners to ***idemnify*** the competent authority for the costs of its functions carried out pursuant to this regulation.

*Amendment*

(d) where appropriate, to require operators and/or installation owners to ***compensate the competent authority for services (e.g. inspectors' visits) rendered on fees or rates which are calculated on basis of objective, transparent and proportionate criteria.***

Or. en

## EXPLANATORY STATEMENT

On the 20th of April 2010, the explosion on the Deepwater Horizon killed 11 men working on the platform and caused an oil spill of about 4.9 million barrels (780,000 m<sup>3</sup>) of crude oil. It took 3 months before the well was capped and 2 more months before the relief well was successfully completed and the well was declared "effectively dead". US investigations concluded that the "disaster was almost the inevitable result of years of industry and government complacency and lack of attention to safety. ... As drilling pushes into ever-deeper and riskier waters where more of America's oil lies, only systemic reforms of both government and industry will prevent a similar, future disaster." (William K. Reilly, Co-Chair of the Oil Spill Commission, Landmark Report).

The accident also sparked a review of EU policies: the European Commission immediately launched an assessment of safety in offshore oil and gas activities in European waters. It concluded that further action was needed to ensure the spread of best practices, already-existing in some EU Member States' regulatory regimes, throughout the EU by a clear state-of-the-art framework at EU level.

The Commission's proposal for a Regulation on the safety of offshore oil and gas prospecting, exploration and production activities, presented to Parliament in October 2011, focuses on concrete measures which should counter the overall disparities and fragmentation amongst the practices and legislation of the Member States in the field of offshore oil and gas activities.

The proposal intends to respond to the increased risks by ensuring that industry throughout the Union uses the best practices for major hazard control, by strengthening the Union's preparedness and response capacity and by clarifying the existing legal framework on liability and compensation.

Your Rapporteur distinguishes the following main issues:

### *Legal form*

While a *Regulation* has the advantage of its direct applicability and thus creating a level playing field, questions have been raised about the significant revocation and amendments of existing equivalent national legislation and guidance this might entail. Such redrafting would divert scarce resources from the safety assessments and inspections on the field. Your Rapporteur believes in this context it is better to change the legal form and to concentrate the work on establishing a robust legal framework within a Directive.

### *Independence of authorities*

"The government must establish an independent agency responsible for regulating all aspects of offshore drilling safety to make the US the international leader on this issue... Only a truly independent federal safety agency—totally separated from leasing practices and politics—can provide certainty that the regulators do not again become captive to the industry." (Bob Graham, Co-Chair of the Oil Spill Commission, Landmark Report)

One of the main lessons learned from the Macondo accidents is how crucial it is to ensure the

independence of the authorities responsible for assessing the safety and environmental risks of operations, from those competent for issuing the drilling authorisations.

*Involvement of the European Union Offshore Oil and Gas Authorities Group (EU Authorities Group) and EMSA*

Building upon Parliament's Resolution of 13 September 2011 on facing the challenges of the safety of offshore oil and gas activities (the Ford Report), your Rapporteur believes that cooperation and exchange of information between Member States should be reinforced. The recently-established EU Authorities Group should be "exploited" to the full. It is the ideal forum for exchange of experiences and expertise on major accident prevention and response and it also has to play a role in verifying the implementation and enforcement of the relevant national and EU legal framework.

Also, account has to be taken of the enlarged mandate of the European Maritime Safety Agency (EMSA): it is necessary to include EMSA in the emergency response preparedness and interventions when cross-border effects of offshore oil and gas activities are foreseeable. Details on the emergency response plans and resources of Member States should be made available to EMSA and EMSA should initiate periodical exercises which test the cross-border emergency mechanisms.

*Third party verification*

Parliament also clearly insisted on third party verification. Your Rapporteur is aware of the established practices within the industry for independent verification, and believes this issue certainly deserves further attention.

*EU standards for global operations*

Although enforcement issues exist, there is an apparent expectation towards EU-based companies to operate globally according to EU safety standards. Not only should these high standards be promoted at international level at appropriate global and regional fora, but also mechanisms to ensure that they are applied should be further examined.