



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Environment, Public Health and Food Safety

2011/0309(COD)

14.08.2012

DRAFT OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Industry, Research and Energy

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))

Rapporteur for opinion (*): Justas Vincas Paleckis

(*): Associated Committee - Rule 50 of the Rules of Procedure

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SHORT JUSTIFICATION

The Deepwater Horizon oil spill in the Gulf of Mexico and more recently the gas leak from the Elgin oil and gas platform in the North Sea, have brought into sharp focus the need to tackle issues surrounding the safety of offshore oil and gas installations and to ensure the protection of the EU's marine environment in the event of major accidents.

Your Rapporteur therefore welcomes the Commission proposal as a vital instrument in securing the necessary safety and environmental standards across the EU. Nevertheless your Rapporteur believes that the proposal can be strengthened in a number of ways, so as to ensure that these aims will in reality be delivered.

The proposal should more clearly require operators to put in place the financial guarantees necessary to cover the costs of clean up and compensation in the event of a major accident. Your Rapporteur believes that this is in line with a key principle of EU environmental legislation - that the polluter should pay.

Furthermore, the provisions regarding public participation need to be reinforced in line with existing international and EU legislation in this area, and provision should be made so that the public concerned are informed about major accidents and the steps being taken to limit damage to the environment and human health.

Licensing authorities should also be required to pay special attention to ecologically sensitive marine and coastal environments when considering whether to grant authorisations for offshore oil and gas activities, and employees should be afforded greater protection in the anonymous reporting of safety and environmental concerns.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Article 191 of the TFEU establishes the objectives of preserving, protecting and improving the quality of the environment and creates an obligation for all Union action to be supported by a high level of protection based on the precautionary principle and preventive action **and to prudent and rational utilisation of natural resources**.

Amendment

(1) Article 191 of the TFEU establishes the objectives of preserving, protecting and improving the quality of the environment and **the prudent and rational utilisation of natural resources**. **It** creates an obligation for all Union action to be supported by a high level of protection 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**.

Or. en

Amendment 2

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) The risks of a major offshore oil or gas accident are significant. By reducing the risk of pollution of marine waters, this **initiative** should therefore contribute to the protection of the marine environment and in particular to **the achievement of** good environmental status by 2020 at the latest, as set out in Article 1(1) of Directive

Amendment

(5) The risks of a major offshore oil or gas accident are significant. By reducing the risk of pollution of marine waters, this **Regulation** should therefore contribute to **ensuring** the protection of the marine environment and in particular to **achieving or maintaining** good environmental status by 2020 at the latest, as set out in Article

2008/56/EC of the European Parliament and the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive).

1(1) of Directive 2008/56/EC of the European Parliament and the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive).

Or. en

Amendment 3

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) The Marine Strategy Framework Directive, **which requires addressing** the cumulative impacts from all activities on the marine environment, is the environmental pillar of the Integrated Maritime Policy. This Policy is relevant to offshore oil and gas operations as it requires linking **the** particular concerns from each economic sector with the general aim **of** a comprehensive understanding of the oceans, seas and coastal areas, with the objective **to develop** a coherent approach to the seas taking into account all economic, environmental and social aspects through the use of **Maritime** spatial planning and **Marine** knowledge.

Amendment

(6) The Marine Strategy Framework Directive **aims to address, as one of its central purposes,** the cumulative impacts from all activities on the marine environment, **and** is the environmental pillar of the Integrated Maritime Policy. This Policy is relevant to offshore oil and gas operations as it requires **the** linking **of** particular concerns from each economic sector with the general aim **to ensure** a comprehensive understanding of the oceans, seas and coastal areas, with the objective **of developing** a coherent approach to the seas taking into account all economic, environmental and social aspects through the use of **maritime** spatial planning and **marine** knowledge.

Or. en

Amendment 4

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In accordance with Directive

Amendment

(12) In accordance with Directive

85/337/EEC, as amended, which applies to exploration and exploitation of oil and gas activities, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to an assessment with regard to their effects and a requirement for development consent. In line with Directive 85/337/EEC when an activity is subject to development consent **an** effective public participation should be **provided** in accordance with the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

85/337/EEC, as amended, which applies to exploration and exploitation of oil and gas activities, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to an assessment with regard to their effects and a requirement for development consent. In line with Directive 85/337/EEC when an activity is subject to development consent, **early and** effective public participation should be **guaranteed** in accordance with the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

Or. en

Amendment 5

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) Within the Union, there are already examples of good standards in national regulatory practices related to offshore oil and gas activities. However, these are inconsistently applied throughout the Union and no Member State has yet incorporated all of the best regulatory practices in their legislation for preventing major offshore accidents or limiting their consequences to **persons** and the environment. Best regulatory practices are to **secure** effective regulation **on** safety and environment by integrating related functions into a joint competent authority ("the competent authority") that may draw resources from one or more national agencies.

Amendment

(13) Within the Union, there are already examples of good standards in national regulatory practices related to offshore oil and gas activities. However, these are inconsistently applied throughout the Union and no Member State has yet incorporated all of the best regulatory practices in their legislation for preventing major offshore accidents or limiting their consequences to **human life and health,** and the environment. Best regulatory practices are **necessary to deliver** effective regulation **which secures the highest** safety **standards** and **protects the** environment, **and can be achieved, inter alia** by integrating related functions into a joint competent authority ("the competent authority") that may draw resources from one or more national agencies.

Amendment 6**Proposal for a regulation****Recital 14***Text proposed by the Commission*

(14) After the licensed operator is granted rights to explore for, or extract oil and gas, the competent authority should be legally empowered and adequately resourced by the Member State to take enforcement action, including cessation of operations in order to ***attain suitable workers and environment protection***.

Amendment

(14) After the licensed operator is granted rights to explore for, or extract oil and gas, the competent authority should be legally empowered and adequately resourced by the Member State to take enforcement action, including cessation of operations in order to ***secure the protection of the workforce or to protect the environment or human life and health***.

Amendment 7**Proposal for a regulation****Recital 15***Text proposed by the Commission*

(15) The effectiveness of the competent authority in verifying adequacy of major hazard controls by the licensee or operator is directly related to the major hazard regulatory policy, systems, and expertise of the competent authority. Notwithstanding the licensed operators' rights to explore for, or extract oil and gas, the competent authority should be empowered to take enforcement action, including cessation of operations in order to attain suitable workers and environment protection. In order to perform these functions the competent authority needs adequate resources to be provided by the Member State.

Amendment

(15) The effectiveness of the competent authority in verifying ***the*** adequacy of major hazard controls by the licensee or operator is directly related to the major hazard regulatory policy, systems, and expertise of the competent authority. Notwithstanding the licensed operators' rights to explore for, or extract oil and gas, the competent authority should be empowered to take enforcement action, including cessation of operations in order to ***secure the protection of the workforce or to protect the environment or human life and health***. In order to perform these functions the competent authority needs adequate resources to be provided by the

Amendment 8

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) Risk assessment in the MHR should take into account **risk** to the environment, including the **impacts** climatic conditions and climate change **have** on the long term resilience of the installations; and given that offshore oil and gas activities in one Member State can have significant adverse environmental effects in another Member State, it is necessary to establish and apply specific provisions in accordance with the Convention on Environmental Impact Assessment in a Transboundary Context.

Amendment

(28) Risk assessment in the MHR should take into account **risks to human life and health, and** the environment, including the **impact of** climatic conditions and climate change on the long term resilience of the installations; and given that offshore oil and gas activities in one Member State can have significant adverse environmental effects in another Member State, it is necessary to establish and apply specific provisions in accordance with the **UNECE** Convention on Environmental Impact Assessment in a Transboundary Context **(known as the Espoo Convention)**.

Amendment 9

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) To facilitate public confidence in the authority and integrity of EU wide offshore activity, Member States should provide reports of activity and incidents and shall inform the Commission of major accidents **without delay**, and the Commission should publish reports periodically on levels of EU activity and trends in safety and **environment** performance of the offshore

Amendment

(34) To facilitate public confidence in the authority and integrity of EU wide offshore activity, Member States should provide reports of activity and incidents and shall, **without delay**, inform the Commission, **and any other Member State whose territory or waters are affected, and the public concerned**, of major accidents, and the Commission should publish reports

sector.

periodically on levels of EU activity and trends in *the* safety and *environmental* performance of the offshore sector.

Or. en

Amendment 10

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) The implementation of the obligations under this Regulation should consider that marine waters covered by the sovereignty or jurisdiction of Member States form an integral part of the four marine regions identified in the Article 4(1) of Directive 2008/56, namely the Baltic Sea, the North-east Atlantic Ocean, the Mediterranean Sea and the Black Sea. For this reason, coordination should be strengthened with third countries having sovereignty or jurisdiction over waters in such marine regions. Appropriate cooperation frameworks include regional sea conventions, *as defined* in Article 3(10) of Directive 2008/56.

Amendment

(38) The implementation of the obligations under this Regulation should consider that marine waters covered by the sovereignty or jurisdiction of Member States form an integral part of the four marine regions identified in the Article 4(1) of Directive 2008/56, namely the Baltic Sea, the North-east Atlantic Ocean, the Mediterranean Sea and the Black Sea. For this reason, coordination should be strengthened with third countries having sovereignty or jurisdiction over waters in such marine regions. Appropriate cooperation frameworks include regional sea conventions, *as provided for* in Article 3(10) *and Article 4* of Directive 2008/56.

Or. en

Amendment 11

Proposal for a regulation Recital 39

Text proposed by the Commission

(39) In relation to the Mediterranean Sea, in *conjunction* to the *current* Regulation, the necessary *actions are* being undertaken *for* the accession of the European Union to the Protocol for the Protection of the

Amendment

(39) In relation to the Mediterranean Sea, *and in addition* to the *obligations contained in this* Regulation, the necessary *action has or is* being undertaken *to secure* the accession of the European Union to the

Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil ('the Offshore Protocol') to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean ('the Barcelona Convention'), which was approved by Council Decision 77/585/EEC.

Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil ('the Offshore Protocol') to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean ('the Barcelona Convention'), which was approved by Council Decision 77/585/EEC.

Or. en

Amendment 12

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) The *serious environmental concerns relating to the* Arctic waters, a neighbouring marine environment of *particular* importance *for the Community, require special* attention to ensure the *environmental protection* of the Arctic in relation to any offshore activities, including exploration.

Amendment

(40) The Arctic waters *are* a neighbouring marine environment of *unique and exceptional* importance *to the European Union. It is evident that serious and potentially irreversible damage is occurring to the environment and fragile ecosystem of the Arctic waters. Special attention therefore requires to be paid* to ensure the *protection of the environment* of the Arctic in relation to any offshore activities, including *in particular,* exploration *activities.*

Or. en

Amendment 13

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) As no existing financial security

Amendment

(48) *Member States should ensure that*

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.

operators in their jurisdiction demonstrate that financial guarantees are in place to ensure the full cost of clean-up and compensation in the case of a major accident, through the provision of financial security, and should decide what instruments (such as funds, bank guarantees, insurance and/or risk pooling) are appropriate for this purpose.

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.

Or. en

Amendment 14

Proposal for a regulation

Article 1 – paragraph 6

Text proposed by the Commission

6. This Regulation shall apply without prejudice to Directives **85/337/EC**, 2008/1/EC and Directive 2003/4/EC.

Amendment

6. This Regulation shall apply without prejudice to Directives **2011/92/EU**, 2008/1/EC and Directive 2003/4/EC.

Or. en

Amendment 15

Proposal for a regulation Article 2 – point 1

Text proposed by the Commission

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;

Amendment

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

Or. en

Amendment 16

Proposal for a regulation Article 2 – point 13

Text proposed by the Commission

13. 'industry' shall mean: private companies that are directly involved in offshore oil and gas activities pursuant to this regulation or whose activities are closely related to those operations;

Amendment

13. 'industry' shall mean: private **or public** companies that are directly involved in offshore oil and gas activities pursuant to this regulation or whose activities are closely related to those operations;

Or. en

Amendment 17

Proposal for a regulation Article 2 – point 17

Text proposed by the Commission

17. 'licensee' shall mean: the holder of authorisation to carry out offshore **operation** pursuant to Directive 94/22/EC;

Amendment

17. 'licensee' shall mean: the holder of **an** authorisation to carry out offshore **oil and gas operations** pursuant to Directive 94/22/EC;

Or. en

Amendment 18

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 **a** fire or explosion, loss of well control or **a** significant **release** of hydrocarbons **or other chemicals** 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;

Or. en

Amendment 19

Proposal for a regulation Article 2 – point 20

Text proposed by the Commission

20. 'non-production installation' shall mean: an installation other than a production installation used both for exploratory drilling and as a support installation for production;

Amendment

20. 'non-production installation' shall mean: an installation other than a production installation used both for exploratory drilling and as a support installation for production **of oil and gas**;

Or. en

Amendment 20

Proposal for a regulation Article 2 – point 21

Text proposed by the Commission

21. 'offshore oil and gas operations' shall

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 offshore infrastructure connected to an installation or subsea installation;

mean: all activities related to exploring for, producing or processing of oil and gas offshore **or to the decommissioning of an offshore oil or gas installation**. This includes transport of oil and gas through offshore infrastructure connected to an installation or subsea installation;

Or. en

Amendment 21

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' **means any natural or legal person who operates or controls an installation, or to whom the decisive economic or decision-making power over the technical functioning of the installation has been delegated;**

Or. en

Amendment 22

Proposal for a regulation Article 2 – point 25

Text proposed by the Commission

25. 'production of oil and gas' shall mean: extraction, for commercial purposes, of oil and gas from the underground strata of the licensed area including offshore processing of oil and gas and its transportation through connected infrastructure including pipes and structures and well heads on the sea bed and/or storing gas in subsurface formations for the purposes of recovering the gas;

Amendment

25. 'production of oil and gas' shall mean: extraction, for commercial purposes, of oil and gas from the **offshore** underground strata of the licensed area including offshore processing of oil and gas and its transportation through connected infrastructure including pipes and structures and well heads on the sea bed and/or storing gas in subsurface formations for the purposes of recovering the gas;

Amendment 23

Proposal for a regulation Article 2 – point 28a (new)

Text proposed by the Commission

Amendment

28a. "public concerned" means the public affected or likely to be affected by, or having an interest in, the matters covered by this Regulation; for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any applicable requirements under national law shall be deemed to have an interest;

Or. en

Amendment 24

Proposal for a regulation Article 2 – point 29

Text proposed by the Commission

Amendment

29. 'relevant authority' shall mean (in the context of emergency response to an offshore accident): primary emergency responder organisation of a Member State, responsible for initiating the emergency response to a major offshore oil and gas accident;

29. 'relevant authority' shall mean (in the context of emergency response to an offshore accident): primary emergency responder organisation of a Member State, responsible for initiating **and coordinating** the emergency response to a major offshore oil and gas accident;

Or. en

Amendment 25

Proposal for a regulation Article 2 – point 32

Text proposed by the Commission

32. 'well operation' shall mean: the drilling of a well for exploration or production purposes, including suspension of operations, repairing or modifying wells, permanent abandonment, or any operation concerning a well that can result in the accidental release of fluids or risk of major accident;

Amendment

32. 'well operation' shall mean: the drilling of a well for exploration or production purposes, including suspension of operations, repairing, modifying, ***sealing or closure of*** wells, permanent abandonment, or any operation concerning a well that can result in the accidental release of fluids or risk of major accident;

Or. en

Amendment 26

Proposal for a regulation Article 2 – point 33a (new)

Text proposed by the Commission

Amendment

33a. “extreme operating conditions” shall mean conditions found in the operating area that increase risk levels for offshore drilling and production activities and limit the capacity of emergency response equipment or personnel to intervene, clean up or remove spilled oil or hazardous substances. These include but are not limited to physical, geological, ecological and social conditions of the area.

Or. en

Amendment 27

Proposal for a regulation Article 3 – paragraph 3

Text proposed by the Commission

3. Should a major accident nonetheless occur, operators and competent authorities shall take all suitable measures to limit their consequences for human health and the environment and where possible to avoid serious disruptions of oil and gas production *withing* the Union.

Amendment

3. Should a major accident nonetheless occur, operators and competent authorities ***from Member States affected by the accident*** shall take all suitable measures to limit their consequences for human health and the environment and where possible to avoid serious disruptions of oil and gas production *within* the Union.

Or. en

Amendment 28

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

Text proposed by the Commission

Amendment

3a. In the event of a major accident, the competent authority of the Member State in whose waters the accident has occurred shall, without delay, notify the Commission, other concerned Member States and their competent authorities and the public concerned about the accident and the steps being taken to limit the effects on the environment and human health.

Or. en

Amendment 29

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

4. Offshore oil and gas activities covered by this Regulation shall be performed on the basis of a systematic assessment of the likelihood of hazardous events and their consequences, and the implementation of control measures so that the risks of major accidents to people, the environment, and offshore assets are acceptable.

Amendment

4. Offshore oil and gas activities covered by this Regulation shall be performed on the basis of a systematic assessment of the likelihood of hazardous events and their consequences, and the implementation of control measures so that the risks of major accidents to people, the environment, and offshore assets are **reduced to a minimum acceptable level**.

Or. en

Amendment 30

Proposal for a regulation

Article 4 – paragraph 3a (new)

Text proposed by the Commission

Amendment

3a. Without prejudice to paragraph 3, in granting an authorisation for an exploitation or production operation, the competent authority shall have due regard to any application from the applicant who conducted the offshore oil and gas exploration operation.

Or. en

Amendment 31

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. Licensing authorities pursuant to Directive 94/22/EC shall, when assessing

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

the technical and financial capacity of the entities that apply for authorisation for offshore oil and gas activities, take into account the risks, hazards and any other relevant information related to the location concerned and the particular stage of exploration and production operations, ***and shall ensure that financial provision for potential liabilities associated with inter alia, a major accident or incident, are proportionate to the risks involved in the activities and are at a level sufficient to ensure the full cost of clean-up and compensation in the case of a major accident, or incident.***

Or. en

Amendment 32

Proposal for a regulation Article 4 – paragraph 4a (new)

Text proposed by the Commission

Amendment

4 a. Licensing authorities shall, when considering whether to grant authorisation for offshore oil and gas activities pursuant to Directive 94/22/EC, pay special attention to ecologically sensitive marine and coastal environments, in particular ecosystems which play an important role in mitigation and adaptation to climate change, such as salt marshes and seagrass beds; and marine protected areas, such as special areas of conservation pursuant to the Habitats Directive or the Birds Directive.

Or. en

Amendment 33

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 ***receive, as early as possible, information about applications for licensing authorisations covered by Article 4 and*** 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.

Or. en

Amendment 34

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

1. Installations shall only be operated in licensed areas by licensees, or entities they contract and appoint for that purpose and that are approved by Member States.

Amendment

1. Installations shall only be operated in licensed areas by licensees, or entities they contract and appoint for that purpose and that are approved by ***the competent authority of the Member States concerned.***

Or. en

Amendment 35

Proposal for a regulation Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) performing inspections, conducting

Amendment

(b) ***overseeing or*** performing inspections,

investigations and taking enforcement action;

conducting investigations and taking enforcement action;

Or. en

Amendment 36

Proposal for a regulation

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. Subject to the transitional provisions in **Article 39**, the operator of a production or a non-production installation shall submit to the competent authority the following documents:

Amendment

1. Subject to the transitional provisions in **Article 38** the operator of a production or a non-production installation shall submit to the competent authority the following documents:

Or. en

Amendment 37

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Major Hazard Report for a production installation shall contain the details specified in Annex II, parts 2 and 5, **and shall contain evidence that there has been consultation with the personnel.**

Or. en

Amendment 38

Proposal for a regulation Article 10 – paragraph 3

Text proposed by the Commission

3. Where significant modifications are made to the production installation, or it is intended **to dismantle** the installation, the Major Hazard Report for a production installation shall be amended in accordance with Annex II, part 6 and submitted to the competent authority.

Amendment

3. Where significant modifications are made to the production installation, or it is intended **that** the installation **be dismantled and/or decommissioned**, the Major Hazard Report for a production installation shall be amended in accordance with Annex II, part 6 and submitted to the competent authority.

Or. en

Amendment 39

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, **and shall contain evidence that there has been consultation with the personnel.**

Or. en

Amendment 40

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. Where significant modifications are made to the non-production installation, or it is intended **to dismantle the installation**, the Major Hazard Report for a non-production installation shall be amended in accordance with Annex II, part 6

Amendment

2. Where significant modifications are made to the non-production installation, or it is intended **that the installation be dismantled and/or decommissioned**, the Major Hazard Report for a non-production installation shall be amended in accordance

(excluding paragraph 4) and submitted to the competent authority.

with Annex II, part 6 (excluding paragraph 4) and submitted to the competent authority.

Or. en

Amendment 41

Proposal for a regulation Article 15 – paragraph 5

Text proposed by the Commission

5. Operators shall ensure that the findings and comments of the independent well examiner pursuant to this Article under paragraph 3(b) are included in the well notification pursuant to Article 13.

Amendment

5. Operators shall ensure that the findings and comments of the independent well examiner pursuant to this Article under paragraph 3(b) ***as well as responses and actions taken by the operator in response to the findings of the independent verifier*** are included in the well notification pursuant to Article 13.

Or. en

Amendment 42

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 considers that a well operation or the operation of an installation may have significant negative effects on ***the environment or*** 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.

Upon the request of the affected Member State, the Member State in whose jurisdiction the operations are to take place, shall allow for a joint inspection of the well operation, or installation to take place by the Member States concerned and shall endeavour to adopt joint preventive measures to prevent damage to the environment and to human health.

Or. en

Amendment 43

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. Where non-compliance with the **requirements laid down in** paragraph 1 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 **parts** thereof shall be suspended by the operator, until **the operator has demonstrated that** compliance **with the requirements laid down in paragraph 1** is restored.

Or. en

Amendment 44

Proposal for a regulation Article 20 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Where paragraph 2 **applies**, the operator shall, without delay, notify the competent authority accordingly **of the measures it**

authority accordingly.

has taken to secure compliance with the requirements laid down in paragraph 1.

Or. en

Amendment 45

Proposal for a regulation Article 20 – paragraph 4

Text proposed by the Commission

4. The competent authority shall develop annual plans for effective oversight, **including inspections**, of major hazard activities based **on risk** and **paying** particular regard to, **and** verifying, compliance with the documents submitted to it pursuant to Article 9, **and shall monitor its** effectiveness **and** shall take any necessary measures to effect improvements thereto.

Amendment

4. The competent authority shall develop **and prepare** annual plans for effective oversight of major hazard activities. **Those plans shall make provision for regular monitoring and inspection of such activities. Those plans shall also be risk-based and pay** particular regard to verifying compliance with the documents submitted to it pursuant to Article 9. **The effectiveness of the plans shall be regularly reviewed and the competent authority shall** take any necessary measures to effect improvements thereto.

Or. en

Amendment 46

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. Competent authorities shall establish procedures for allowing anonymous reporting of safety **and/or** environmental concerns **related** to offshore oil and gas operations. Competent authorities shall also establish procedures to investigate these reports **while maintaining** anonymity of the individuals concerned.

Amendment

1. **The** competent authorities shall establish procedures for allowing anonymous reporting of safety **or** environmental, concerns **relating to the** offshore oil and gas operations **covered by this Regulation**. Competent authorities shall also establish procedures to investigate these reports **whilst ensuring that the** anonymity of the individuals concerned **is maintained**.

Amendment 47

Proposal for a regulation Article 21 – paragraph 2

Text proposed by the Commission

2. Operators shall communicate details of the national arrangements pursuant to paragraph 1 to their employees, and to employees to relevant subcontractors, and ensure that reference to anonymous reporting is included in relevant training and notices.

Amendment

2. Operators shall communicate details of the national arrangements ***established by the competent authorities*** pursuant to paragraph 1, to their employees, and to ***the*** employees ***of any*** relevant subcontractors, and ***shall*** ensure that reference to anonymous reporting is included in relevant training and notices ***and in an employee's contract of employment.***

Amendment 48

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

1. Immediately following a major accident, the operator shall notify the competent authority of relevant information, including the circumstances of the accident, and its consequences.

Amendment

1. Immediately following a major accident, the operator shall notify the competent authority of ***all*** relevant information, including the circumstances of the accident, and its consequences. ***If the accident may affect the territory (including the waters) of another Member State, the competent authority of the Member State in whose waters or on whose territory the accident took place shall without delay, inform the competent authority of the concerned Member State and the public concerned about the accident and the steps being taken to limit damage to the environment and human health.***

Amendment 49

Proposal for a regulation Article 29 – paragraph 5

Text proposed by the Commission

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

Amendment

5. The operator shall periodically test the effectiveness of the internal emergency response plans ***and shall in particular, test the effectiveness of their response equipment and capabilities, in accordance with Annex V - section 1 - point 2a.***

Or. en

Amendment 50

Proposal for a regulation Article 31 – paragraph 1

Text proposed by the Commission

1. The operator shall immediately notify the relevant authorities of a major accident or of a situation with immediate risk of major accident. Where necessary, relevant authorities shall assist the operator concerned with a view to preventing escalation of the risk or accident.

Amendment

1. The operator shall immediately notify the relevant authorities of a major accident, ***including its origin and possible impacts on the environment and human life and health,*** or of a situation with ***an*** immediate risk of ***a*** major accident. Where necessary, relevant authorities shall assist the operator concerned with a view to preventing escalation of the risk or accident.

Or. en

Amendment 51

Proposal for a regulation Annex II – part 1 – point 1

Text proposed by the Commission

(1) the name and address of the operator of the installation;

Amendment

(1) the name and address of the operator **and if different, the owner** of the installation;

Or. en

Amendment 52

Proposal for a regulation Annex II – part 1 – point 5

Text proposed by the Commission

(5) a description of the installation and the conditions at its intended location;

Amendment

(5) a description of the installation and the conditions at its intended location, **including any potential physical, geographical, meteorological or environmental limitations for operation at this location;**

Or. en

Amendment 53

Proposal for a regulation Annex II – part 2 – point 13

Text proposed by the Commission

(13) a description of the aspects of the environment likely to be significantly affected, an assessment of the identified potential environmental effects, in particular releases of pollutants to the environment, and a description of the technical and non-technical measures envisaged to prevent, reduce or offset them, including

Amendment

(13) a description of the aspects of the environment likely to be affected, an assessment of the identified potential environmental effects, in particular releases of **chemicals, other hazardous substances and** pollutants to the environment, and a description of the technical and non-technical measures envisaged to prevent, reduce or offset them, including

monitoring.

monitoring.

Or. en

Amendment 54

Proposal for a regulation Annex II – part 3 – point 1

Text proposed by the Commission

Amendment

(1) the name and address of the operator of the installation;

(1) the name and address of the operator **and if different, the owner** of the installation;

Or. en

Amendment 55

Proposal for a regulation Annex II – part 3 – point 14

Text proposed by the Commission

Amendment

(14) a description of the aspects of the environment likely to be significantly affected, an assessment of the identified potential environmental *effets*, in particular releases of pollutants to the environment, and a description of the technical and non-technical measures envisaged to prevent, reduce or offset them, including monitoring.

(14) a description of the aspects of the environment likely to be affected, an assessment of the identified potential environmental *effects*, in particular releases of **chemicals, other hazardous substances and** pollutants to the environment, and a description of the technical and non-technical measures envisaged to prevent, reduce or offset them, including monitoring.

Or. en

Amendment 56

Proposal for a regulation Annex II – part 4 – point 11 – point b

Text proposed by the Commission

(b) details of environmental conditions that have been ***taken into account within*** the internal emergency plan for the installation;

Amendment

(b) details of environmental conditions that have been ***incorporated into*** the internal emergency plan for the installation;

Or. en

Amendment 57

Proposal for a regulation Annex II – part 4 – point 11 – point c

Text proposed by the Commission

(c) details of the provisions for emergency response including in the case of a major accident ***to*** the environment that are not described in the major hazards report, and;

Amendment

(c) details of the provisions for emergency response - including in the case of a major accident ***or incident affecting*** the environment ***or human health*** - that are not described in the major hazards report, and;

Or. en

Amendment 58

Proposal for a regulation Annex II – part 6 – point 1

Text proposed by the Commission

1. the name and address of the operator of the installation;

Amendment

1. the name and address of the operator ***and if different, the owner*** of the installation;

Or. en

Amendment 59

Proposal for a regulation Annex III – paragraph 3 – point i

Text proposed by the Commission

(i) an assessment of the availability of emergency response equipment and adequacy of procedures to effectively put it in use;

Amendment

(i) an assessment of the availability **and the adequacy and proper functioning** of emergency response equipment and adequacy of procedures to effectively put it in use;

Or. en

Amendment 60

Proposal for a regulation Annex IV – paragraph 4

Text proposed by the Commission

4. Operators shall ensure that hazardous substances are at all times contained within the pipelines, vessels and systems intended for their safe confinement. In addition, operators shall ensure that no single failure of a barrier to loss of containment can lead to a major hazard incident.

Amendment

4. Operators shall ensure that **chemicals and other** hazardous substances are at all times contained within the pipelines, vessels and systems intended for their safe confinement. In addition, operators shall ensure that no single failure of a barrier to loss of containment can lead to a major hazard incident **which affects in particular the environment or human life or health.**

Or. en

Amendment 61

Proposal for a regulation Annex V – part 1 – paragraph 1 – point ca (new)

Text proposed by the Commission

Amendment

(ca) a worst case discharge scenario, detailing the potential daily volume, trajectory, and impacted areas in a worst-case discharge spill from an uncontrolled

blowout. In addition, this scenario must include information on the potential response and possible delay to the worst-case discharge scenario in extreme operating conditions.

Or. en

Amendment 62

Proposal for a regulation Annex V – part 1 – paragraph 1 – point g

Text proposed by the Commission

(g) arrangements that coordinate with the recovery arrangements described in the major hazards report for example as described in Annex II, part (2) (7), and part (3) (7) to secure a good prospect of survival for persons on the installation during a major accident;

Amendment

(g) arrangements that coordinate with the recovery arrangements described in the major hazards report for example as described in Annex II, part (2) (7), and part (3) (7) ***to minimise environmental damage and*** to secure a good prospect of survival for persons on the installation during a major accident;

Or. en

Amendment 63

Proposal for a regulation Annex V – part 1 – paragraph 2a (new)

Text proposed by the Commission

Amendment

2a. Operators shall regularly test their emergency plans 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

