

1. Which changes, in any, would you recommend to the authorisation conditions for offshore prospection or exploration or production activities ? Please specify which authorisations your recommendations concern (all authorisations, those in a specific country, those authorising only a certain stage such as prospection, exploration or production)

The main changes to the authorisation conditions should probably concern exploration and production.

2. European law foresees that the competent national authorities shall ensure that authorisations are granted on the basis of selection criteria which consider, among other things, the financial and technical capability of the companies wishing to carry out offshore oil or gas operations;

a) What key elements should this technical capacity requirement include in your view?

Technical capability should include at least these documents :

- diploma or professional reference of the executive staff in charge of the operations;
- a list of exploration or exploitation works during the past few years;
- a description of human and technical capacity constraints

b) similarly, what key elements should the financial capability requirement include in your view?

Financial capability should include at least these documents :

- the financial balance sheet of the past 3 years
- guarantees and warranties the company has taken out, a description of unresolved litigation procedures and financial risk
- guaranties and warranties the company can benefit from

3. How (such as through legislation or voluntary measures at international, EU or national levels or by industry) should the adoption of state-of-the-art authorisation practices be best achieved throughout the EU? Should neighbouring EU Member States be consulted on the award of authorisations?

Issuing licences and other approvals for the exploration and exploitation of hydrocarbon resources is a member state prerogative, and any suspension of activities is at the discretion of the member State concerned; Nevertheless, reference levels related to safety and environmental concerns should be shared within the EU.

4. Please describe here any recommendations or changes (to the current regulatory framework or practices) – if any – that you consider important to improve the prevention of accidents affecting the health or safety of workers on offshore oil and gas installations in the EU

Working on offshore oil and gas installations already requires a training which can be different depending the place and the company. To develop a rigorous safety-culture should be the priority, including a robust training for disaster-management scenarios. Subcontractors should be involved in the safety culture. International exchange programmes for the staff could be welcomed.

5. Please describe here any recommendations or changes (to the current regulatory framework or practices) – if any – that you consider important in order to better prevent damage to the natural environment from accidents on offshore oil and gas installations

Offshore oil and gas industry could adopt the same approach than other industrial activities, including best practices, incident reporting and lessons learned from incidents and accidents.

6. Please describe here any recommendations you would like to make on how to improve compliance of the offshore oil and gas industry with applicable offshore safety legislation and other regulatory measures in the EU

Minimum standards and best practices shared within the EU would be a good way for the industry to improve compliance of the legislation. Regular and rigorous inspections are also the best way to explain requirements to companies.

7. In your view, which are the key measures to supervise and verify compliance of the industry with offshore health, safety and environment rules and who should do the supervision and verification

The key measures to supervise and verify compliance of the industry with offshore rules is a regular and strong inspectorates system. Cooperation between member states could be a good way to share highly-trained inspectors and improve experience for Member states with limited offshore activity.

8. In your view, should the existing environmental liability legislation (Directive 2004/35/EC) be extended to cover environmental damage to all marine waters under the jurisdiction of the EU Member States?

The “polluter-pays” principle could be indeed extended to offshore oil and gas industry.

9. In your view, is the current legislative framework sufficient for treating compensation or remedial claims for traditional damage caused by accidents on offshore installations? If not, how would you recommend improving it?

The current legislative framework may be improved on that point. But more reflexion is needed to organise financial security systems that would be able to cover the cost for the remediation of an oil spill without discouraging small companies with skilled people to operate.

10. In your view what would be the best way(s) to make sure that the costs for remedying and compensating for the environmental damages of an oil spill are paid even if those costs exceed the financial capacity of the responsible party?

Mandatory insurances may be a way to secure remedying and compensation in relation to environmental damage caused. The amount could be linked to the risk of specific operation. Concerning a communal fund to be set up in each EU sea area (such as OPOL), we suggest to examine really carefully this point. Such system should be commensurate with the risk posed by the activity. Even if OPOL system may appear insufficient in the light of the

Macondo event, it is nevertheless a good starting point that may be extended to other European seas.

11. What information on offshore oil and gas activities do you consider most important to make available to citizens and how?

Drill program should be available, also any pollution detection, and the emergency plan in case of a pollution

12. What is the most relevant information on offshore oil and gas activities that the offshore companies should in your view share with each other and/or with the regulators in order to improve offshore safety across the EU? How should it best be shared?

Best practices could be shared between operators and with the regulators, in relation to regulation, standards, procedures and incidents

13. What information should the national regulators share with each other and how to improve offshore safety across the EU?

Best practices in relation to regulation, standards, procedures and incidents have to be shared. Forum such as the NSOAF are a good place to share such experiences.

14. Which means, if any, would you recommend using to promote, across the EU, the use of state of the art practices to protect occupational health and safety during offshore oil and gas operations?

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15. Which means, if any, would you recommend using to promote, across the EU, the use of state of the art practices to protect the environment against accidents caused by offshore oil and gas operations?

Best practices in relation to regulation, standards, procedures and incidents have to be shared. Forum such as the NSOAF are a good place to share such experiences.

16. In your view what should be the role of the EU in emergency response to offshore oil and gas accidents within the EU?

EMSA's inventories of response resources could be available in each EU sea area (at the request of member states).

17. Please describe any recommendations you may have concerning cooperation with non-EU countries to increase occupational safety and/or environment protection in offshore oil and gas operations internationally?

Forums such as NSOAF in the North Sea are a good place to share experience. Mediterranean, Baltic and Black Sea should also benefit from such a forum, but we think that State Members from these areas don't have the same experience than states from the North

Sea. It would maybe be more effective to associate or to create inside the NSOAF a dedicated section for these countries;

18. Please describe here any recommendations you may have on how to incentivise oil and gas companies with headquarters in the EU to apply European offshore safety standards and practices in all their operations worldwide

It seems difficult, from a legal point of view, to make companies apply European offshore safety standards and practices over the world. Companies are currently using API standards. European standards should be based on the API standards related to technical aspects and improving the training, process and subcontractors part.