



PUBLIC CONSULTATION
Improving offshore safety, health and environment in Europe

Questions for the public

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Authorisations

As described in the consultation document, the competent authorities of the EU Member States define the concrete regulatory requirements and conditions for starting, pursuing and terminating offshore activities within the broader boundaries of EU legislation. These authorities govern also the authorisations for offshore activities in a given area (both in terms of access to exploit a certain geographical area, and in terms of approval to perform concrete activities), regulatory requirements on ongoing activities and closing of operations.

1. Which changes, if 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(s) such as prospection, exploration or production etc) (Please limit your response to maximum 1000 words)

Europe must urgently shift to a “low-carbon” economy and decarbonise its energy mix by promoting renewable energies and moving away from oil and gas sources. For that reason, offshore drilling should not be considered as an option, and Oceana argues the EU needs a moratorium on new offshore oil and gas exploration coupled with a comprehensive strengthening of safety and environmental regularity framework for existing rigs.

Having said that, we believe the authorisation process for offshore oil/gas activities lacks independence, harmonization, strict environmental and safety criteria and above all transparency. The licensing exercise is the key step where prevention should be emphasised when operators request to carry out dangerous and risky activities such as offshore hydrocarbon developments. The explosion of the Deepwater Horizon rig in the Gulf of Mexico last year, and the massive spill of oil into the ocean (4.9 million barrels) caused major environmental, economic and social damages which might affect future generations even more as the long term impacts are difficult to evaluate. As a result, EU countries should review to strengthen their legislation with the objective to introduce strict safety requirements to avoid a similar accident, minimize threats from offshore activities and more importantly anticipate future developments to better regulate them (e.g. deep-sea drilling).

Thus prior to any consideration to drill, operators should have an obligation to undertake a comprehensive Environmental Impact Assessment (EIA) in order to request license/permit



covering all stages of projects: exploratory, operational, and decommissioning. This assessment must include robust criteria on impacts on seabed integrity, underwater noise effects, contaminants or disturbances of deep-sea communities and marine life. This is particularly valid for exploratory activities which have huge impacts (e.g. devastating effects of seismic tests on cetaceans) but do fall through the gap of the EIA Directive. There must also be an obligation to implement mitigation measures to avoid and reduce significantly harmful effects on the marine environment.

If the EIA outcomes is unsatisfactory or reveals risks which cannot be reduced or technology that limits safety of operations; the applicant should not be granted a license to operate. Consequently National Authorities should be able to withdraw permits and prohibit activities when appropriate, fully in line with the precautionary principle.

Another crucial element to be approved when granting license, is the emergency plan with the contingency measures which should: identify hazards; assess potential pollution sources and effects; outline a response strategy for the site, outline drilling plans for potential relief wells; present scenarios of responses according to weather conditions, assess the use of chemical dispersants. Operators should submit their contingency plans when requesting licence; for complex wells, or challenging drill conditions, the contingency plan should be assessed, consulted and approved contemporaneously with other regulatory approval processes (e.g. environmental, those linked to well-design). In all cases, operations must not commence until a contingency plan has been approved; with due regard for data protection, contingency plans should be published by the national competent authority;

The European offshore oil and gas industry has not been immune to important accidents in the past and we must keep in mind that exploration is moving towards more complex environments, in ever-deeper waters and/or extreme climatic conditions that will create challenging operational circumstances and complicate the control of subsea installations and incident response.

Oceana recalls that in these challenging conditions, where we do not have the capacity to intervene in case of emergency and there is high risk on the marine environment, operators should not be allowed to drill in risky waters, such as deep-sea. This is particularly true for fragile ecosystem, such as in the Arctic region, where half of existing petroleum industry standards is inapplicable or unsuitable¹ and where response, rescue, and clean-up capabilities are virtually nonexistent.

The European Commission must acknowledge that as long as high EU safety standards and emergency capabilities are not developed, no drilling activities should be authorized in the Arctic.

2. European law² 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 elements³ should this technical capacity requirement include in your view?

¹ Barents 2020; "Assessment of international standards for safe exploration, production and transportation of oil and gas in the Barents Sea", <http://viewer.zmags.com/publication/810da62a#/810da62a/1>

² Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons

³ Focus is only on the main elements of this capability as opposed to detailed requirements which vary



Please limit your response to maximum 500 words

As said before, the move towards more complex environments is requiring operators to race for technology, techniques and know-how that they do not necessarily manage or control. Consequently technological risks are increased and put activities in danger. An example of this was the Deepwater Horizon accident which put under light the absence of proper response (capping system; containment, technology, procedures etc) to stop the oil spill.

As the EU has an interest in maintaining its oil and gas production we should work comprehensively on the safety and integrity of operations, and must guarantee maximum protection of European citizens and the environment. Europe needs a complete regulatory regime which ensures that company wishing to carry out offshore activities complies with strict and binding rules allowing only safe and sustainable operations. This regime must provide a high level of transparency enabling the industry and public authorities to demonstrate that offshore oil and gas activities are appropriately managed and controlled.

Minimum technical requirements should include:

- Use of Best Available Techniques (BAT), with regular maintenance which includes requirements for upgrading of installations as technology evolves. Oceana recalls that oil and gas platforms generate immense amounts of waste from their general operations (discharges of produced water, cuttings contaminated with toxic drilling muds/fluids) which contaminate water and affect the vicinity of the installations including biodiversity communities, fish and marine environment at large. The use of BAT must address this source of contamination and make sure strict discharge requirements are in place as the current technology is available and effective to reduce emission levels.
- Assessment of emergency response plans to verify the capacity and rapidity of the operators to mobilize/deploy safety measures (e.g. containment cap, skimming vessels)
- Investigation of the operator's experience in the market and records of activities (e.g. past responsibilities in oil leaks or spill, sanctions for negligence or misbehaviour etc.)
- Safety-case approach, reviewed at least every 2 years with any material changes subject to approval to ensure that the safety-case becomes a living and evolving document. Oceana warns that a significant number of platforms in EU waters are ageing and welcomes attempts to improve asset integrity of existing platforms;

Oceana recognises the potential lying in the significant experience of EMSA in dealing with prevention of oil accident, monitoring and detection activities, as well as inspections and audit of vessels. Consequently we contend that EMSA should be the EU body dealing with offshore activities in EU waters, monitoring and oversight of national regulatory bodies when it comes to licenses granting, prevention, inspections and emergency response.

b) Similarly, what key elements should the financial capability requirement include in

according to the different geological, geophysical, technical and other circumstances of each individual case.



your view? (Please limit your response to maximum 500 words)

The industry should bear the primary and entire responsibility for engaging in offshore drilling, and consequently operators must give an unequivocal top priority to safety and sustainability in their activities. Additionally, past disasters (BP 2010) have shown that financial guarantees must be a necessity if we want to make sure operators have the ability to satisfy their responsibilities. As an illustration, the total costs of the Gulf of Mexico's oil spill are expected to exceed 50 billion dollars!

Oceana calls on the European Commission to consider compulsory financial guarantee arrangements as a fundamental part of the licensing process, to ensure that licensees prove their ability to pay for the consequences of an incident (clean-up, remediation, justice etc.). This means operators must have enough financial capacity to cover and respond to any unforeseen events (accidents, spills, leakages etc.). The EU, through EMSA, has to ensure that operators can assume their potential financial obligations, and consequently should not allow operators which do not prove sufficient resources to apply for permits, based on the worst case scenario (considering the estimated costs of the recent Deepwater Horizon incident at around 50 Billion US Dollars)

Ultimately financial guarantee must be a safety-net mechanism to assure Member States and taxpayers, who often ended-up paying the bill oil spills in past.

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? (Please limit your response to maximum 1000 words)

Offshore oil and gas operations in European waters are regulated by a complex regulatory framework in which most of EU legislation in the field is in the form of directives which have to be transposed into the national legislation of Member States.

Each Member States has the right to determine the conditions to exploit their energy resources, and thus offshore oil and gas operations in European waters are nationally regulated, with little EU commonalities. Furthermore the EU legislation either does not cover various relevant aspects of the sector or provides only performance minima. This results in licensing, operational safety and environmental protection regimes which vary from one Member State to another. This heterogeneity complicates the understanding and management of health, safety and environmental risks in Europe.

Oceana calls on an EU wide approach, under an independent body (supposedly EMSA) to bring in consistence, coherence and transparency across varied Member State's approaches and establish minimum standards (e.g. common methodologies for licensing, sectoral guidances, best practices sharing etc.). An issue we are facing at national level is often the conflict of interests which lies between National Regulatory bodies and the industry, as the former must at the same time promote offshore drilling in its national waters (attract investments), and regulate it!

It is of the utmost importance to have an independent EU oversight of offshore regulations in Member States, as a way to mainstream an EU culture of safety across uneven EU regions, and to reduce risks for EU citizens.



In the meantime it is clear that decisions of individual Member States in approving activities off their coasts may have a direct and significant impact on other riparian Member States. Oil spills do not recognize political or geographical borders and can equally affect the shores of others countries, being or not EU Member States. Therefore Oceana stresses the need to consult neighbouring countries when granting licences to enhance cooperation and better take into account transnational aspects. Beside it could further spread best practices and promote high standards in countries where drilling occurs (e.g. Mediterranean, Black Sea).

Prevention of accidents

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: (Please limit your response to maximum 1000 words)
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: (Please limit your response to maximum 1000 words)

(Answers / Question 4 &5)

With regards to prevention of oil spills, Oceana wishes to stress that the best way to avoid oil disaster is to establish a moratorium on hydrocarbon exploration. As recognized by several US officials after the Gulf of Mexico disaster, the “*if you drill, you spill*” moto cannot be more of a reality. Until weaknesses and gaps in EU legislation (safety standards, accident prevention and response, liability and compensation rules, transparency etc) are not addressed properly, the best way to prevent accidents on offshore installations is to enforce a moratorium on all EU waters. This is mostly true for deepwater and hazardous waters where drillings should simply be forbidden, as Oceana believes the risks are too high for the society and often underestimated by the industry, often driven by short term profit (for instance in the Arctic region).

For existing platforms, Oceana contends that health/safety of workers and environment prevention should be reinforced by extending minimum standards across all EU waters by:

- regular, varied, unannounced and rigorous inspections carried out by trained specialists acquainted with local conditions. EMSA could play a role in trainings inspectors and insuring an adequate number of them are available to meet the demand (economies of scale at EU level).
- further investments on safety trainings for workers must be made compulsory, with specific elements on detection of incidents together with early warning procedures.
- conducting regular “stress tests” for installation, equipments and procedures in order to reduce risks of accidents. The continuous development of offshore drilling technology



will require regular updates of minimal technical requirements (in particular containment machinery to help deal with all possible blowouts).

- levelling-up safety and environmental minimum standards at EU level, creating added-value as regards uniformity of practices and procedures of offshore oil drilling.
- applying strict prior assessments on activities carried-out within emergency response plans, such as the use of chemical dispersants, to minimize public health implications and further environmental damages.
- recommending the obligation for companies to set aside 7% of their total R&D spending for Research on prevention and accident remediation technologies.
- scaling-up disaster response plans at EU level with regional coordination and full inclusion of neighbouring countries into the decision making processes (establishing emergency information channels, information sharing on exploration and production plans, promotion of high levels of safety and prevention, joint enforcement measures as inspections of installations and adopt transparent and binding obligations on operators). The focus should be on strengthening the EU instruments for civil and environment protection and humanitarian assistance.
- promote the ratification by all EU Member State of the 1994 Offshore Protocol of the Barcelona convention

Verification of compliance and liability for damages

The enforcement of offshore health and safety regulations is the general responsibility of national public authorities. The enforcement measures include various activities such as on-site inspections, safety audits and reporting requirements for companies. The organisation, scope and frequency of these measures vary in the different Member States depending on national practices, laws and the local conditions.

While focus on compliance should prevent accidents, a robust liability regime needs also to be in place as accidents resulting in major oil spills may cause extensive environmental, economic and social damage. The financial consequences on the entities found liable for the accident may be significant. EU legislation defines the common principles (e.g. 'polluter pays - principle') and goals for ensuring liability for environmental damages while national laws and courts put them in practice. Concerning environmental liability, the applicable EU law (Directive 2004/35/EC) addresses pure ecological damage in terms of protected species and natural habitats (biodiversity damage), water pollution damage and land damage. As regards affected waters, the ELD covers the territorial waters (up to 12 nautical miles off the shoreline), but not all marine waters under the jurisdiction of EU Member States (up to 200 or 370 nautical miles).

Responsibilities for traditional damage (such as loss of life; personal injury, health defects; damage to property and economic loss affecting for example fishermen) are usually determined by civil courts or tribunals in accordance with national laws and/or case law following goals and principles defined at national level.

Closely linked with the liability is the competence of the liable parties to actually stand up to their obligations. Insurance coverage in the offshore oil and gas sector is partial, with some companies insuring risks to a certain degree and others not. The insurance market does not currently provide



products sufficient to cover damages of the magnitude seen in the Deepwater Horizon accident. Moreover, there are no international or EU-wide funds similar to those in maritime transport that would cover environmental or traditional liability.

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. (Please limit your response to maximum 1000 words)
7. In your view, which are the key measures to supervise and verify compliance of the industry with offshore health, safety and environmental rules and who should do the supervision and verification? (Please limit your response to maximum 1000 words)

(Answers / Question 6&7)

Oceana strongly supports a common integrated framework approach at EU level, setting up common standards and guidelines, which national regulators would then apply at national level. This would be the most cost-effective manner to ensure uniform application of high standards across EU.

A natural solution to this governance issue in offshore activities in Europe would be to give this responsibility to EMSA. Its competences should quickly be extended to cover offshore activities, as oils rigs must be controlled and regulated in a similar way to ships. Building on the experience of the agency, better enforcement through regional monitoring, control, reporting and transparency would significantly help the implantation of EU rules. Oceana urges the Commission to undertake a cost-benefits analysis of extending the coverage of EMSA to offshore activities. We believe that using all tools the agency has developed to deal with oil spills and safety of vessels (detection, audits, inspections), EMSA could bring good value for an independent EU “controller of controllers” with the aim of harmonizing practices and standards and ultimately improving compliance with legislation in Member States.

Oceana considers that Europe needs a specific legislation for offshore activities with a more coherent legal framework covering exploration, production and decommissioning activities. The new Directive must cover all different areas as licensing procedures (strict common criteria with severe rules to environmental protection obligation), improved controls on platforms already existing and with the same criterion (actually several drilling rigs operated by the same company in the waters of different Member States may each conform to different regulatory requirements), closing gaps in legislation (EIA), reinforcing EU disaster response through a robust liability regime and insurance coverage (strict liability, not only for damage caused to protected species, natural habitats and to the waters but also to all marine areas under the jurisdiction of Member States) and also reinforce international cooperation. This single piece of law must comprehensively cover not only territorial waters but all the European waters.

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? (Please limit your response to maximum 1000 words)

Oceana fully supports the extension and strengthening of the polluter pays principle, enshrined in the Environmental Liability Directive (ELD), to cover damages to all marine water and not only to existing EU legislation. Liability of offshore operators must be compatible with the geographical provisions of the Marine Strategy Framework Directive (2008/56/EC) too.

Besides damage thresholds need to be materially lowered and ceilings eliminated in order to trigger a strict liability regime for both direct and indirect marine water damage.

Oceana encourages the Commission to make operators accountable for all stages of operations; and particularly recommends to consider adopting and strengthening disincentives for negligence such as fines, removals of licenses, and criminal liability for employees and employers (at management levels).

Finally Oceana raises attention to the necessity of introducing provisions to oblige European firms operating outside of European waters, to apply uniformly high standards of offshore safety and environment practices when operating abroad. Europe needs a strong 'safety culture' framework, to be recognized as an example when undertaking exploration and exploitation in other parts of the world. In short, all EU platforms and rigs must apply EU laws, in terms of working conditions, safety on installations, environmental and liability legislations, no matter where they are located.

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? (Please limit your response to maximum 1000 words)
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? (Please limit your response to maximum 1000 words)

(Answers / Question 9&10)

The current legislative framework needs a stronger liability regime on remediation and compensation. Thresholds to trigger liability must be lowered so that any negligence or incidents creating damage to the marine environment, even in the course of regular operations such as water cut discharges, be covered by the ELD. Similarly the financial ceilings within liability regimes must be reviewed in light of the Gulf of Mexico tragedy. Most of current industry funds have insufficient financial ceilings that will not secure compensation for the full range of environmental damages and remediation costs of an offshore spill. (e.g. OPOL has a ceiling of \$ 250 million, whereas the BP Oil Spill bill is expected to be \$ 50 billion!) Finally operators or competent authorities should be able to mobilize funds quickly after a disaster to cover immediate costs associated with the spill and compensate



victims.

If an operator does not have the financial capability to operate offshore, it should simply not be allowed to drill (no permits). This would avoid a situation where taxpayers' money is eventually used to pay the clean-up of shores instead of the responsible company.

Oceana calls on the European Commission to explore the appropriateness of requiring mandatory communal or industry funds for firms operating in the same water region. Oceana believes that the industry shares a common risk and should be collectively and proportionally responsible if an operator is not able to compensate for environmental damages. That is the reason why industry funds should additionally be legally binding with mandatory membership for operators, and under the administration of an independent EU body. This would avoid the situation where the costs associated with an accident exceed the financial capacity of an operator.

Transparency, sharing of information and state-of-the-art practices

Transparency of an offshore regulatory regime means the policy and practices on how the regulatory authorities and offshore industry share information with each other, between peers or with the civil society. The degree of transparency affects the awareness of the public authorities, the industry and the civil society, i.e. on offshore oil and gas activities and the way they are managed and controlled. It may also affect the nature of communication, commercial interests of companies, spreading of technologies, lessons learned and cross-border cooperation. An example of transparency in the offshore sector is the practice of some EU national regulatory authorities to publish information such as accident statistics and license award decisions concerning offshore operations.

11. What information on offshore oil and gas activities do you consider most important to make available to citizens and how? (Please limit your response to maximum 1000 words)

Oceana considers that transparency for such risky operations must be reinforced, as the current level of obscurantism in the oil and gas sector is high.

The industry should have clear transparency rules and an obligation to communicate data on incidents and spills but also inspections reports, so that any citizen can easily find information about: rig location, accident type, firms involved, technical elements, scale of damages, ecosystems affected, level of contamination, remediation measures etc.

Accidents and inspections reports and details of Environmental Impacts Assessments should be disclosed online too, and include all potential danger to personnel, machinery failure, level of hydrocarbon releases. Oceana suggests that the EU body in charge of offshore activities, possibly EMSA collate and share information, administrates and update a centralized webpage with all relevant information. EMSA should also develop a Risk Scale for oil spill, based on the Richter magnitude scale for earthquake, to enable citizen to better understand the level of gravity and risks of incidents.



Due to years of non-transparency in offshore installations, it is today difficult to sincerely assess the sector in Europe. Oceana thinks it is urgent to have a comprehensive independent evaluation of the oil and gas sector in EU waters, to have a sort of 'baseline', in terms of state of installations, safety measures and environmental impacts and also current prospections and future developments.

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? (Please limit your response to maximum 1000 words)

The industry should provide easy access to this information (see above), but also share information between companies and operators on accidents, safety measures, risk management and contingency plans. Cross fertilization is needed in the sector so that best practices and knowledge in regulation, standards, procedures, and incidents is disseminated along the industry/supply chain. The objective being that lessons from the ones can be learnt by others. The IPCC bureau would be an excellent platform to organize this exchange of information between Member States and industry on Best Available Techniques (BAT), associated monitoring and developments in them.

This information should be accessible to public authorities, stakeholders and general public potentially affected by their activities too.

13. What information should the national regulators share with each other and how to improve offshore safety across the EU? (Please limit your response to maximum 1000 words)

National regulators, with the help of EMSA, should share information about EIA criteria, inspections process and methodologies, shared training of inspectors, compliance mechanisms and sanctions. Coordination at EU level between all Member State and EU experts if highly relevant, and should be done through EMSA. National regulators would be in charge of applying EU designed standards at national level.

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? (Please limit your response to maximum 1000 words)

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? (Please limit your response to maximum 1000 words)

(Answers / Question 14 to 15)

As mentioned in the prevention section (4), regional trainings on safety for workers, inspections or EIA are one of the means to improve safety and environmental conditions



on offshore installations. The involvement of the IPPC bureau and EMSA at regional level, together with national bodies are potential effective ways to mainstream sectoral state-of-art practices, and ultimately reduce activity's risks.

These EU standards must also be disseminated to all relevant third countries such as regional seas conventions, bilateral agreements and in developments and cooperation instruments.

Emergency response and International activities

The emergency response capacity at present consists of resources and contingency plans on the level of the industry, national administrations and of the EU. In general, contingency plans are required for all offshore installations and are complemented by national and EU contingency plans to respond to large scale accidents. Adequacy of resources and their coordination, both affect the effectiveness of response to offshore accident. In response to recent accidents, particularly the one of the Deepwater Horizon drilling rig in the Gulf of Mexico, the emergency capacities are being strengthened. For instance, new response devices are being developed for use in deepwater conditions.

In the Mediterranean and the Black Sea offshore, oil and gas activities are underway both on EU and adjacent non-EU waters. This causes a risk for cross-border environmental damages from a possible offshore accident, not only across internal EU borders, but also across EU's external border. Apart from an interest in promoting high offshore safety practices also in adjacent regions, the EU participates in international activities to increase safety of offshore activities.

In response to the differing regulatory requirements both within the EU and internationally, some oil and gas companies have adopted company practices or standards that they apply to their activities in the EU and outside. Others adjust their practices more substantially to suit local conditions in the given country.

16. In your view what should be the role of the EU in emergency response to offshore oil and gas accidents within the EU? (Please limit your response to maximum 1000 words)

We must acknowledge that operators are the primary responsible, but emergency plans are under the guidance of national regulators, themselves acting under the framework of the EU (EMSA). The EU should have a coordinating role in emergency situation, particularly when there are transboundaries impacts. It should therefore facilitate safety measures and actions between national regulatory bodies, coordinate interventions, clean-up and remediation actions.

17. Please describe any recommendations you may have concerning cooperation with non-EU countries to increase occupational safety and/or environmental protection in offshore oil and gas operations internationally? (Please limit your response to maximum 1000 words)

Additionally, the EU has the responsibility to reinforce Member States' emergency



response capacities and promote international cooperation of offshore safety worldwide, diffusing best practices and safety standards to third countries. The EU must pay close attention to offshore areas adjacent to its territory where offshore drilling is growing fast and where an accident with any oil spill could damage the environment and economies of several coastal Member States. To Oceana, EMSA appears to be a natural body to catalyze actions, both in term of prevention, but also reactions to accidents.

The EU should progressively engage discussions in with third countries to reduce regulatory gaps relating to health, safety and environmental legislations, and spread the “EU safety culture”. This includes close collaboration with the industry as it is crucial that operators maintain state of the art safety and environmental practices regardless of jurisdictions under which they operate. Again Oceana stresses the role of Regional Seas Convention to foster cooperation emergency situations, in particular OSPAR who is well advanced in this regards. The Barcelona Convention is particularly relevant too, with its Offshore Protocol which was only ratified by a single EU Member State.

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: (Please limit your response to maximum 1000 words)

Oceana acknowledges that risks inherent to offshore hydrocarbon activities extend beyond Community waters, and for that reason recommends that EU oil and gas drilling standards should apply to all EU oil drilling companies operating both in and outside of Community waters.

To achieve this, first of all, the EU must be able to enforce its own regulations with European companies operating abroad, as EU regulation must apply to all EU platforms and rigs owned by EU companies. Thus monitoring and control of these installations should be done by national regulatory bodies, and inspections abroad could even be considered under the guidance of EMSA. The EU must show authority and be able to take sanctions in European markets if an EU firm would neglect EU offshore provisions in developing countries for instance.

This challenging task though, could be facilitated by providing financial incentives (R&D facilities for partnerships, tax deductions) to companies applying EU standards and performing well in terms of safety and environmental consideration. Oil and gas companies should also be concerned about their branding and image, as western markets are more likely to react to an oil spill (boycott). Therefore promoting companies with good safety and environmental records (e.g. via labels, advertising banners) could also be explored. However such system would involve an immense work of monitoring and verification scheme.

For more information, please contact:

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