

**PUBLIC CONSULTATION**  
**Improving offshore safety, health and environment in Europe**

**Questions for the public**

Please use this response form for your replies. Thank you for respecting the maximum length for the replies as indicated after each question. This will ensure that your responses are taken into account in their entirety.

Please send the filled response form to the [ENER-CONSULT-OFFSHORE mailbox](#)

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What & whom we represent:

PLATFORM is a renowned centre of expertise on the oil & gas industry, providing in-depth research and analysis on environmental protection, health and safety, economic changes and development, human rights and conflict.

We work with, support and represent communities within England, Scotland, Wales, the wider EU and beyond Europe. These include communities and individuals directly affected by the activities of European oil & gas companies, and wider stakeholders. PLATFORM focuses on issues of domestic, European community and foreign energy policy, safety and workers rights, public and private financing of energy, contracts and treaties and cultural engagement with the oil sector.

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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)

\* All authorizations (including seismic prospecting, exploration drilling or extraction) should take into account a company's past health and safety record and environmental impacts, both within and outside the EU, to assess the company's wider corporate performance and management ability to maintain standards. This should be an independent assessment not reliant solely on data provided by the applicant company. It should be focused on actual incidents, not on policies and promises.

\* Companies with egregious records of safety and project management, that have been repeatedly found in violation of basic standards and their duty of care towards workers, environment or local communities should not be allowed to drill within EU waters, to avoid endangering EU workers, environment, communities and resources.

\* Companies which have tried to avoid or refused to accept responsibility for liabilities resulting from safety breaches, despite clear and independently assessed evidence, should not be held to be responsible players and entrusted with the safety of EU seas.

\* Public consultations should allow specific input for each license award and not be restricted to overall comments on licensing rounds. Just as approval of a major industrial venture requires public consultation, so all oil and gas projects should follow public deliberations on permit applications. This should include specific comments on the applicant company and its suitability. There have been some moves towards increasing consultation in relation to oil & gas exploration of recent, including in France in relation to shale gas.<sup>1</sup>

2. European law <sup>2</sup>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<sup>3</sup> should this technical capacity requirement include in your view?  
Please limit your response to maximum 500 words

b) Similarly, what key elements should the financial capability requirement include in your view? (Please limit your response to maximum 500 words)

Oil companies should not be allowed to conduct exploratory drilling or extraction in EU waters if they can't demonstrate the capability to run requisite clean-up operations *and* pay commensurate compensation following a spill. There should be a mandatory requirement to provide necessary financial security in the event of an accident. If companies cannot provide this guarantee to cover liabilities, the technical risk of failure is ultimately transferred from the company onto the local and national governments. This provides false incentives for corporations to take risks they would not do otherwise, as they can avoid the full consequences.

BP's liabilities following the Macondo spill were in the multiple tens of billions of euros. This is significantly out of the range of many oil companies operating within EU waters.

The British Parliamentary Energy & Climate Change Select Committee concluded that taxpayers

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<sup>1</sup> <http://www.bloomberg.com/news/2011-03-23/france-plans-changes-to-oil-gas-exploration-license-rules.html>

<sup>2</sup> 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 prospecting, exploration and production of hydrocarbons

<sup>3</sup> Focus is only on the main elements of this capability as opposed to detailed requirements which vary according to the different geological, geophysical, technical and other circumstances of each individual case.

could end up paying for a major oil spill in the North Sea, with a lack of clarity surrounding liability issues.<sup>4</sup>

The report also warned that a lack of clarity surrounding liability rules in the UK "could see taxpayers pick up the tab for a major oil spill in the North Sea".

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)

As the Commission correctly stated, "[Self-regulation by industry is not enough to protect citizens and the environment.](#)"<sup>5</sup> Legislation should ensure that neighbouring member states whose water, soil or air could be polluted through a leak are consulted during the authorisation process, prior to award of licenses.

However, a state-of-the-art authorization practice within the EU would not only be limited to neighbouring member states, but include those countries that could be affected through a major oil spill, even if they are not neighbouring. Especially with the natural movement of both water and wildlife, this should include countries that share resources, such as fish.

### **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)

Voluntary measures leave the ball in the court of the oil companies, who are financially driven to cut corners and take socially and environmentally unacceptable risks. [Preventing environmental disasters like the Deepwater Horizon relies on EU standards counter-acting this pressure, to prevent such unacceptable risks from being taken.](#)

Stronger legislation, increased monitoring and stronger fines and legal consequences for violations and breaches of standards are essential to improve the prevention of accidents affecting worker safety.

The oil industry and the British government present the UK regulatory regime as strict and well-performing, especially after the Piper Alpha incident in which 167 workers were killed. British standards are supposedly both light-touch and robust, with no need for improvement. However, the actual record to date has been disappointing in many respects, with major concerns raised by both outside experts and oil workers' organizations.<sup>6</sup>

There was been a marked increase in the number of 'Notices of Improvement' issued by the Health and Safety Executive to offshore platform operators in 2009-2010. In that time period, BP was served with 14 notices – 7 for its West of Shetland operation in Schiehallion alone, just 18 months after a fire required the evacuation of staff there. In the past few years, serious concerns have been

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<sup>4</sup> <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmenergy/450/45002.htm>

<sup>5</sup> [http://ec.europa.eu/energy/oil/offshore/doc/2010\\_10\\_13\\_offshore\\_oil\\_citizen\\_summary.pdf](http://ec.europa.eu/energy/oil/offshore/doc/2010_10_13_offshore_oil_citizen_summary.pdf)

<sup>6</sup> <http://www.oilc.org/>

raised about the safety culture of companies operating in the North Sea.

In 2003, the cost-cutting measures of Shell were held to be responsible for the death of two workers and the near explosion from a gas leak at the Brent Bravo platform in the East of Shetland region. "Shell's negligence came close to destroying the platform that day and killing another 105 souls who were on board," remarked Jake Molloy from the Oil Industry Liaison Committee/Rail, Maritime and Transport union.<sup>7</sup> Despite the negative publicity and record fine of £900,000, the company's safety record has consistently been among the worst in the industry as it has continued to insist on deep cost-cutting measures.

According to industry journal Upstream Online, in 2008 Shell had been "by far the worst performer", receiving six out of a total of 18 legal notices issued by the HSE over a two-and-a-half year period.<sup>8</sup> The article revealed that Shell had received more notices than any other operator working in the UK North Sea.

A recent investigation by The Press and Journal, found that between 2006 and 2008 the HSE was involved in 1,042 incidents offshore. Among these were 841 'dangerous occurrences' and 192 accidents.<sup>9</sup> According to Carlo von Bernem, marine biologist and expert on oil pollution and coastal zone management at the German Institute for Coastal Research, "it is a wonder that an oil spill of the dimensions of the present one in the Gulf of Mexico has not occurred here."<sup>10</sup>

This lax approach to worker safety continues today. The UK Health & Safety Executive's offshore injury, ill health and incident statistics for 2009/2010 showed 50 major injuries, 20 more than the year before, and the highest recorded rate since 2005/6. The report also noted that "hydrocarbon releases" – oil or gas escaping, and that means potential explosions – rose by 19% year on year.<sup>11</sup>

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)

## BACK-UP RIGS

\* Oil companies drilling wells in water deeper than 50 metres should have potential access to a second rig best suited to drilling a relief well in the local conditions. This second rig should be within 1-2 days travel of the exploration site.

Delays in delivery of back-up rigs have contributed significantly to the large scale of spills in recent years. For example, the West Triton jackup drilling rig only reached PTT's Montara oil field off Australia 21 days after the initial blowout, causing significantly higher volumes of crude to be spilled. Although the depth of 50 metres may appear cautious, it should be borne in mind that the issue of blowouts and need for relief wells is not limited to deepwater exploration. The Montara disaster itself was located in only 77 metres of water.

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<sup>7</sup> Jake Molloy, 'The High Price of Cost Cutting (again)', OILC, <http://www.oilc.org/oilcorg/the-high-price-of-cost-cut.html>

<sup>8</sup> Chris Hopson, 'Under fire: Shell is feeling the heat over its Brent Bravo safety record', Upstream Online, 14 March 2008.

<sup>9</sup> Julio Godoy, 'Oil Spill Will Devastate the North Sea Warn Experts', IPS, 14 May 2010

<sup>10</sup> *ibid*

<sup>11</sup> <http://www.hse.gov.uk/offshore/statistics/stat0910.htm>

## SLOW LEAKS

The UK Health & Safety Executive does not currently monitor what happens to abandoned wells in UK waters. By 2010, 10,972 wells had been drilled in UK waters since the 1960s. Several thousand of these have been abandoned by the companies. According to studies in the United States, a high percentage of such wells will rupture and leak over time due to poor cement work, erosion/corrosion, and subtle shifts in geology.<sup>12</sup> A recent six kilometre oil slick in the Danish North Sea baffled the Environmental Protection Agency in Denmark, leading some to suggest that the oil slick could be caused by a leaking abandoned well.<sup>13</sup> PLATFORM's freedom of information requests have revealed that the UK offshore regulator does not monitor abandoned wells, recommended instead: "The best source for this information is most probably going to be the individual licensees."<sup>14</sup>

The lack of oversight of abandoned wells is cause for serious alarm. US studies have indicated that *onshore* well failure rates can be over 17%, and warned that offshore wells probably have a higher failure rate due to the harsher conditions. A similar rate applied to the offshore wells in the North Sea would indicate several hundred abandoned wells that are continuously leaking and poisoning the local environment and wildlife, with not monitoring.

Leaks can go undetected due to the way hydrocarbons interact with the cold waters of the North Sea. A study by risk-analysts Det Norske Veritas (DNV) found that subsea plumes could form in the local thermo-climes and travel great distances before any oil appears on the surface. If a re-pressurised abandoned well in UK waters were to rupture, it could cause a major environmental and economic disaster for the region.<sup>15</sup>

\* These abandoned wells need to be regularly monitored by national and/or EU regulators, precisely because they receive less attention from the individual licensees.

\* Where leaks are found, the current or past licensees should be responsible with rapidly sealing them.

## AGEING INFRASTRUCTURE

There remain concerns about the continued reliance on decades-old technology and infrastructure. Of the 282 installations active in the UK Continental Shelf, 93 are older than 30 years old, of which 43 are older than 40 years.<sup>16</sup> The typical design life of a platform is between 20 – 25 years.<sup>17</sup> This suggests that between a third and a half of all installations are operating beyond their planned design life.<sup>18</sup>

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<sup>12</sup> US Government Accountability Office, 'Offshore Oil and Gas Resources: Interior Can Improve Its Management of Lease Abandonment', GAO, RCED-94-82 May 11, 1994.

<sup>13</sup> Anthea Pitt, 'New spill in Danish North Sea', Upstream Online, 23 June 2010.

<sup>14</sup> Freedom of Information request to Health and Safety Executive Reference No. VBRY-876DPY, 8 July 2010.

<sup>15</sup> Jesse Uzzell and Aage Bjørn Andersen 'A Response Plan For Deep Sea Blowouts In The North Sea: Monitoring The Subsea Plume', Det Norske Veritas AS, #110, International Oil Spill Conference.

<sup>16</sup> DECC, 'Existing UKCS Installations', September 2010.

<sup>17</sup> Alexander Stacey, 'HSE Research Initiatives on Ageing Offshore Installations in the UK', The International Committee on Regulatory Authority Research and Development (ICRARD).

[http://www.icrard.org/templates/Page\\_\\_\\_\\_464.aspx](http://www.icrard.org/templates/Page____464.aspx)

<sup>18</sup> *ibid*

A 2008 report by Norwegian industry researchers SINTEF expressed serious concerns over the ability of companies and regulators to cope with ageing installations in the North Sea due to a lack of knowledge, absence of coherent standards and procedures, and lack of sufficient regulatory capacity to provide comprehensive scrutiny.<sup>19</sup> The group called for a root-and-branch assessment of ageing platforms.

\* There should be an urgent, thorough and independent assessment of ageing platforms and their current viability to continue operating safely.

#### END TO LEGAL WASTE-DUMPING

The constant waste from offshore oil operations is routinely and legally dumped into the surrounding waters. The result is that each year, an estimated 10,000 tonnes of waste hydrocarbons are released into the North Sea from oil & gas platforms,<sup>20</sup> contributing to making the North Sea “one of the most contaminated maritime areas of the world.”<sup>21</sup> Leaks of this magnitude pose a major threat to marine ecosystems including fish stocks and the economic livelihoods that depend on them. Over a twenty-year period the amount of pollution would be roughly equivalent to the Gulf of Mexico spill in volume.

Further, the number of non-permissible hydrocarbon releases into UK waters has seen a sharp increase on previous years. Compared with the year before, the number of minor and ‘significant’ hydrocarbon releases into the sea in 2009-10 increased by 20%, and major incidents doubled.<sup>22</sup> This despite the fact that the industry together with the HSE committed to making 10% reductions in hydrocarbon releases year on year. Such voluntary commitments mean little if the reality is increased spills.

\* “Permissible” dumping of such large quantities of waste hydrocarbons should be brought into question.

\* Oil companies should be compelled to reduce already non-permissible spills rapidly. The recent increase in spills indicates that the current regulatory regime is lax and is not incentivising improvements. Fines need to be increased alongside stronger legal consequences.

#### **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.

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<sup>19</sup> “Aging oil platforms focus minds in Norway”, Scandinavian Oil & Gas Magazine, 26 November 2008.

<sup>20</sup> ‘Oil Spill Will Devastate the North Sea Warn Experts’, May 2010  
<http://ipsnews.net/news.asp?idnews=51437>

<sup>21</sup> ‘Oil Spill Will Devastate the North Sea Warn Experts’, May 2010  
<http://ipsnews.net/news.asp?idnews=51437>

<sup>22</sup> Health and Safety Executive, ‘All Offshore Hydrocarbon Releases’, Database, HSE, Accessed 20 July 2010.

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)

Oil and gas companies should be compelled to produce site-specific response plans to deal with oil spills and other major incidents. The harsh and windy conditions of the North Sea would make an oil spill clean-up extremely difficult – far more so than in the Gulf of Mexico. Especially because of this, there must be an end to generic response plans that are cut and pasted from elsewhere.

Further, rig operators need to enable staff to raise concerns about dangerous practices or safety failures, without fear of intimidation. Even the British Parliamentary Select Committee on Energy and Climate Change concluded that commercial pressures to keep drilling are so great that workers who point out safety problems "may be - or feel - intimidated by their managers".<sup>23</sup>

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)

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<sup>23</sup> <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmenergy/450/45002.htm>

In Britain, with its supposedly “strict” regulations, the supervision and verification of standards is conducted by the chronically under-funded Health & Safety Executive, which is unable to fully monitor and enforce existing standards, let alone best practice. The HSE could now face a further £80 million of budget cuts by 2014. If EU countries cannot ensure adequate monitoring to guarantee compliance with health, safety & environmental rules by the industry, EU monitors should assist.

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)

Existing environmental liability legislation should be extended to cover all EU marine waters. Given the movement of both water and wildlife, as well as the continuity of natural habitats, limiting environmental standards to the 12 nautical miles of territorial waters is not logical. Where offshore oil extraction is taking place within EU jurisdiction, it should be subject to the same standards, including on environmental liability. This is particularly important as member states extend their jurisdiction further out to sea through the UN Commission on the Limits of the Continental Shelf process. This loophole should be fixed.

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)

Firstly, companies should only be allowed to acquire licences if they can provide guarantees of ability to cover costs to remedy and compensate for a large scale oil spill. The “polluter pays” principle must be maintained, and liabilities caused by corporate failure should not be offloaded onto EU tax-payers.

However, given the nature of oil spills to be unexpectedly large, as evidenced by Deepwater Horizon, companies operating in a particular area (eg the UK Continental Shelf) should be required to make contributions and commitments to a Joint Fund as a condition of drilling in the region. If fully remedying and compensating for an oil spill is beyond the financial capability of the responsible party (despite previous guarantees), additional costs should be covered by the Joint Fund.

The Joint Fund should encourage the collective improvement of actual best practice and efforts to minimise damage. Oil companies are clearly capable of such collective organising, with the lobby efforts of Oil & Gas UK demonstrating this well.

### **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)

- Plans for any onshore infrastructure (these should be up for consultation)
- The volume of oil and/or gas extracted.
- Full reports on environmental monitoring carried out at each installation, including emissions released, purposeful release of hydrocarbons or other chemicals, and accidental spills.
- Health and safety records, including accident statistics
- The numbers of wells, both active and abandoned. The condition of disused wells, as well as dates of latest check-ups;
- Emergency response plans, including (approximate) locations from where relief would be obtained, and forms of relief available. We have witnessed the inadequacy of those prepared by even major oil companies for large-scale and high-profile projects (BP – Macondo, Shell – Chukchi Sea in Arctic). Public access is essential to preventing such lazy project management. Oil Spill Response Plans are not and should not be considered matters of commercial confidentiality. Yet for example, Cairn Energy has refused to disclose its oil spill response plans for drilling in Arctic waters off the west coast of Greenland, despite widespread public concerns over their potential inadequacy.<sup>24</sup> There is no legitimate reason for such a refusal to be transparent.
- The demonstration of the company's technical ability to take all reasonable measures to prevent and respond to dangerous events must be made public. European citizens must be able to see how disasters will be responded to.
- The financial amount guaranteed to cover liabilities in case of disaster, and any contribution to a Joint Fund [See question 10].
- All official payments made to the host government, and profits made on each field. When improved and evolved health & safety regulations are suggested, we hear oil companies threaten to leave, claiming that they are barely breaking even. Yet history has shown the companies tend to stay, and that some of the fiscal terms in Europe are in fact highly lucrative. Companies should be required to publish the taxes they pay and the profits they make on each field. This data is collected anyhow, and making it public will not create a commercial disadvantage.

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<sup>24</sup> <http://www.bbc.co.uk/news/uk-scotland-11788122>

- Any contributions in kind, expenses, benefits or payments made to government officials at all levels.

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)

Every health, safety or environmental incident, the cause, if and how it could have been prevented, and what action will be taken to prevent a re-occurrence should be reported to both national and EU regulators.

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)

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)

### **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)
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)

The EU should aim to sign agreements ensuring that no oil or gas operations are conducted at weaker-than-EU standards in bodies of water shared with non-EU countries, including especially the Mediterranean, the Black Sea and the Arctic.

This is particularly important in extreme conditions such as deepwater (e.g. Egypt, Libya, Black Sea) and the Arctic. In the latter conditions, damage from a potential accident would be proportionally greater than in warmer waters: an oil spill would be much more persistent (low temperatures hamper the processes of evaporation and bacterial degradation), and the interaction between an oil slick and sea ice could have severe and unpredictable effects. It would be impossible here to rely solely on existing technologies of oil spill response (chemical dispersants, in-situ burning and containment booms). BOEMRE (US offshore resource regulator) estimates that mechanical containment and recovery methods are only effective on 1 to 20% of spilled oil in broken ice.<sup>25</sup> In addition, the prevalence of extreme weather means a much larger response gap (i.e. time lag between an accident and the possibility of relief).

Drilling in the Arctic, especially off Norway and Greenland, could carry major consequences for the EU. Drilling in the Arctic is extremely dangerous, and a wide range of groups have demanded a moratorium.<sup>26</sup> If the dangers are ignored, far more robust oil spill response plans are essential.<sup>27</sup>

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)

Oil and gas companies registered in the EU should apply EU standards when they operate abroad. EU citizens, organizations and governments, as well as non-EU individuals, civil society organizations or governments should be able to raise violations of EU standards in European courts, wherever the company committed the violation. This is necessary to improve offshore safety standards globally.

Companies should be required to demonstrate to the relevant authorities in their country of origin their capacity to adequately deal with possible accidents, before being allowed to drill in extreme conditions (i.e. deepwater, or in extreme climates). This particularly applies to drilling

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<sup>25</sup> U.S. Dept. of the Interior, Minerals Management Service, Arctic Oil Spill Response Research and Development Program, A Decade of Achievement at 14 (2009), <http://www.boemre.gov/tarprojectcategories/PDFs/MMSArcticResearch.pdf>.

<sup>26</sup> Sixteen organisations in Greenland, Norway, Russia, Canada, Denmark, USA demand moratorium <http://www.ienearth.org/news/foreign-ministers-attending-arctic-council-meeting-told-to-leave-it-in-the-ground.html> WWF calls for moratorium on oil exploration in Arctic <http://afp.google.com/article/ALeqM5gtbuGGDjdies7ey0zljSf-MUMI-Q>

<sup>27</sup> Pew Trust, "Oil Spill Prevention and Response in the U.S. Arctic Ocean: Unexamined Risks, Unacceptable Consequences" [http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Protecting\\_ocean\\_life/PEW-1010\\_ARTIC\\_Report.pdf](http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Protecting_ocean_life/PEW-1010_ARTIC_Report.pdf)

by EU-based companies in the Arctic High North, where offshore oil installations experience extra risks related to sea ice and extreme weather conditions.

Separately, companies that don't adhere to EU standards abroad should not be awarded exploration or extraction licenses inside the EU. This is important also to protect EU citizens and environment and not a punitive measure, as a company that applies one set of principles abroad and another set within the EU is not implementing comprehensive best practice. Without such a safeguard, the regular rotation of staff, equipment and management practices would lead to lower and inadequate standards being brought to bear within EU waters.

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