

Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC (Text with EEA relevance)

CHAPTER III

PREPARING AND CARRYING OUT OFFSHORE OIL AND GAS OPERATIONS

Article 11

Documents to be submitted for carrying out offshore oil and gas operations

1 Member States shall ensure that the operator or the owner submit to the competent authority the following documents:

- a the corporate major accident prevention policy or an adequate description thereof, in accordance with Article 19(1) and (5);
- b the safety and environmental management system applicable to the installation, or an adequate description thereof, in accordance with Article 19(3) and (5);
- c in the case of a planned production installation, a design notification in accordance with the requirements of Annex I, Part 1;
- d a description of the scheme of independent verification in accordance with Article 17;
- e a report on major hazards, in accordance with Articles 12 and 13;
- f in the event of a material change or dismantling of an installation, an amended report on major hazards in accordance with Articles 12 and 13;
- g the internal emergency response plan or an adequate description thereof, in accordance with Articles 14 and 28;
- h in the case of a well operation, a notification of that well operation and information on that well operation in accordance with Article 15;
- i in the case of a combined operation, a notification of combined operations in accordance with Article 16;
- j in the case of an existing production installation which is to be moved to a new production location where it is to be operated, a relocation notification in accordance with Annex I, Part 1;
- k any other relevant document requested by the competent authority.

2 The documents to be submitted under points (a), (b), (d) and (g) of paragraph 1 shall be included with the report on major hazards required under point (e) of paragraph 1. The corporate major accident prevention policy of an operator of a well shall, where not previously submitted, be included with the notification of well operations to be submitted under point (h) of paragraph 1.

3 The design notification required pursuant to point (c) of paragraph 1 shall be submitted to the competent authority by a deadline set by the competent authority before the intended submission of the report on major hazards for the planned operation. The competent authority shall respond to the design notification with comments to be taken into account in the report on major hazards.

4 Where an existing production installation is to enter or leave the offshore waters of a Member State, the operator shall notify the competent authority in writing prior to the date

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on which the production installation is due to enter or leave the offshore waters of the Member State.

5 The relocation notification required pursuant to point (j) of paragraph 1 shall be submitted to the competent authority at a stage that is sufficiently early in the proposed development to enable the operator to take into account any matters raised by the competent authority during the preparation of the report on major hazards.

6 Where there is a material change affecting the design notification or the relocation notification prior to the submission of the report on major hazards, the competent authority shall be notified of that change as soon as possible.

7 The report on major hazards required pursuant to point (e) of paragraph 1 shall be submitted to the competent authority by a deadline set by the competent authority that is before the planned commencement of the operations.

Article 12

Report on major hazards for a production installation

1 Member States shall ensure that the operator prepares a report on major hazards for a production installation, to be submitted pursuant to point (e) of Article 11(1). That report shall contain the information specified in Annex I, Parts 2 and 5 and shall be updated whenever appropriate or when so required by the competent authority.

2 Member States shall ensure that workers' representatives are consulted at the relevant stages in the preparation of the report on major hazards for a production installation, and that evidence is provided to this effect in accordance with Annex I, Part 2, point 3.

3 The report on major hazards for a production installation may be prepared in relation to a group of installations, subject to the agreement of the competent authority.

4 Where further information is necessary before a report on major hazards can be accepted, Member States shall ensure that the operator provides, at the request of the competent authority, such information and makes any necessary changes to the submitted report on major hazards.

5 Where modifications are to be made to the production installation that entail a material change, or it is intended to dismantle a fixed production installation, the operator shall prepare an amended report on major hazards, to be submitted pursuant to point (f) of Article 11(1) by a deadline specified by the competent authority, in accordance with Annex I, Part 6.

6 Member States shall ensure that the planned modifications are not brought into use nor any dismantlement commenced until the competent authority has accepted the amended report on major hazards for the production installation.

7 The report on major hazards for a production installation shall be subject to a thorough periodic review by the operator at least every five years or earlier when so required by the competent authority. The results of the review shall be notified to the competent authority.

Article 13

Report on major hazards for a non-production installation

1 Member States shall ensure that the owner prepares a report on major hazards for a non-production installation, to be submitted pursuant to point (e) of Article 11(1). That report shall contain the information specified in Annex I, Parts 3 and 5 and shall be updated whenever appropriate or when so required by the competent authority.

2 Member States shall ensure that workers' representatives are consulted at the relevant stages in the preparation of the report on major hazards for a non-production installation, and that evidence is provided to this effect in accordance with Annex I, Part 3, point 2.

3 Where further information is necessary before a report on major hazards for a non-production installation can be accepted, Member States shall require the owner to provide, at the request of the competent authority, such information and to make any necessary changes to the submitted report on major hazards.

4 Where modifications are to be made to the non-production installation that entail a material change, or it is intended to dismantle a fixed non-production installation, the owner shall prepare an amended report on major hazards, to be submitted pursuant to point (f) of Article 11(1) by a deadline specified by the competent authority, in accordance with Annex I, Part 6, points 1, 2 and 3.

5 For a fixed non-production installation, Member States shall ensure that the planned modifications are not brought into use nor any dismantlement commenced until the competent authority has accepted the amended report on major hazards for the fixed non-production installation.

6 For a mobile non-production installation, Member States shall ensure that the planned modifications are not brought into use until the competent authority has accepted the amended report on major hazards for the mobile non-production installation.

7 The report on major hazards for a non-production installation shall be subject to a thorough periodic review by the owner at least every five years or earlier when so required by the competent authority. The results of the review shall be notified to the competent authority.

Article 14

Internal emergency response plans

1 Member States shall ensure that operators or owners, as appropriate, prepare internal emergency response plans to be submitted pursuant to point (g) of Article 11(1). The plans shall be prepared in accordance with Article 28 taking into account the major accident risk assessment undertaken during preparation of the most recent report on major hazards. The plan shall include an analysis of the oil spill response effectiveness.

2 In the event that a mobile non-production installation is to be used for carrying out well operations, the internal emergency response plan for the installation shall take into account the risk assessment undertaken during the preparation of the notification of well operations to be submitted pursuant to point (h) of Article 11(1). Where the internal emergency response plan has to be amended due to the particular nature or location of the well, Member States shall ensure that the operator of the well submits the amended internal emergency response plan, or an

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adequate description thereof, to the competent authority to complement the relevant notification of well operations.

3 In the event that a non-production installation is to be used for carrying out combined operations, the internal emergency response plan shall be amended to cover the combined operations and shall be submitted to the competent authority to complement the relevant notification of the combined operations.

Article 15

Notification of and information on well operations

1 Member States shall ensure that the operator of a well prepares the notification to be submitted pursuant to point (h) of Article 11(1) to the competent authority. It shall be submitted by a deadline set by the competent authority that is before the commencement of the well operation. That notification of well operations shall contain details of the design of the well and the proposed well operations in accordance with Annex I, Part 4. This shall include an analysis of the oil spill response effectiveness.

2 The competent authority shall consider the notification and, if deemed necessary, take appropriate action before the well operations are commenced, which may include prohibiting the operation from being commenced.

3 Member States shall ensure that the operator of the well involves the independent verifier in planning and preparation of a material change to the submitted notification of well operations pursuant to point (b) of Article 17(4) and that it immediately informs the competent authority of any material change to the submitted notification of well operations. The competent authority shall consider those changes and, if deemed necessary, take appropriate action.

4 Member States shall ensure that the operator of the well submits reports of well operations to the competent authority in accordance with the requirements of Annex II. The reports shall be submitted at weekly intervals, starting on the day of commencement of the well operations, or at intervals specified by the competent authority.

Article 16

Notification of combined operations

1 Member States shall ensure that operators and owners involved in a combined operation jointly prepare the notification to be submitted pursuant to point (i) of Article 11(1). The notification shall contain the information specified in Annex I, Part 7. Member States shall ensure that one of the operators concerned submits the notification of combined operations to the competent authority. The notification shall be submitted by a deadline set by the competent authority before combined operations are commenced.

2 The competent authority shall consider the notification and, if deemed necessary, take appropriate action before the combined operations are commenced, which may include prohibiting the operation from being commenced.

3 Member States shall ensure that the operator who submitted the notification informs, without delay, the competent authority of any material change to the submitted notification. The competent authority shall consider those changes and, if deemed necessary, take appropriate action.

Article 17

Independent verification

1 Member States shall ensure that operators and owners establish schemes for independent verification and that they prepare a description of such schemes, to be submitted pursuant to point (d) of Article 11(1) and included within the safety and environmental management system submitted pursuant to point (b) of Article 11(1). The description shall contain the information specified in Annex I, Part 5.

2 The results of the independent verification shall be without prejudice to the responsibility of the operator or the owner for the correct and safe functioning of the equipment and systems under verification.

3 The selection of the independent verifier and the design of schemes for independent verification shall meet the criteria of Annex V.

4 The schemes for independent verification shall be established:

- a in respect of installations, to give independent assurance that the safety and environmental critical elements identified in the risk assessment for the installation, as described in the report on major hazards, are suitable and that the schedule of examination and testing of the safety and environmental critical elements is suitable, up-to-date and operating as intended;
- b in respect of notifications of well operations, to give independent assurance that the well design and well control measures are suitable for the anticipated well conditions at all times.

5 Member States shall ensure that operators and owners respond to and take appropriate action based on the advice of the independent verifier.

6 Member States shall require operators and owners to ensure that advice received from the independent verifier pursuant to point (a) of paragraph 4 and records of action taken on the basis of such advice are made available to the competent authority and retained by the operator or the owner for a period of six months after completion of the offshore oil and gas operations to which they relate.

7 Member States shall require operators of wells to ensure that the findings and comments of the independent verifier pursuant to point (b) of paragraph 4 of this Article and their actions in response to those findings and comments are presented in the notification of well operations prepared in accordance with Article 15.

8 For a production installation, the verification scheme shall be in place prior to the completion of the design. For a non-production installation, the scheme shall be in place prior to the commencement of operations in the offshore waters of Member States.

Article 18

Power of the competent authority in relation to operations on installations

Member States shall ensure that the competent authority:

- (a) prohibits the operation or commencement of operations on any installation or any connected infrastructure where the measures proposed in the report on major hazards

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for the prevention or limiting the consequences of major accidents or notifications of well operations or combined operations submitted pursuant to points (h) or (i) of Article 11(1) respectively are considered insufficient to fulfil the requirements set out in this Directive;

- (b) in exceptional situations and where it considers that safety and environmental protection are not compromised, shortens the time interval required between the submission of the report on major hazards or other documents to be submitted pursuant to Article 11 and the commencement of operations;
- (c) requires the operator to take such proportionate measures as the competent authority considers necessary to ensure compliance with Article 3(1);
- (d) where Article 6(4) applies, takes adequate measures to ensure the continuing safety of operations;
- (e) is empowered to require improvements and, if necessary, prohibit the continued operation of any installation or any part thereof or any connected infrastructure where it is shown by the outcome of an inspection, a determination pursuant to Article 6(4), a periodic review of the report on major hazards submitted pursuant to point (e) of Article 11(1) or by changes to notifications submitted pursuant to Article 11, that the requirements of this Directive are not being fulfilled or there are reasonable concerns about the safety of offshore oil and gas operations or installations.