

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 I

INTRODUCTORY PROVISIONS

*Article 1*

**Subject and scope**

- 1 This Directive establishes minimum requirements for preventing major accidents in offshore oil and gas operations and limiting the consequences of such accidents.
- 2 This Directive shall be without prejudice to Union law concerning safety and health of workers at work, in particular Directives 89/391/EEC and 92/91/EEC.
- 3 This Directive shall be without prejudice to Directives 94/22/EC, 2001/42/EC, 2003/4/EC<sup>(1)</sup>, 2003/35/EC, 2010/75/EU<sup>(2)</sup> and 2011/92/EU.

*Article 2*

**Definitions**

For the purpose of this Directive:

- (1) ‘major accident’ means, in relation to an installation or connected infrastructure:
  - (a) an incident involving an explosion, fire, loss of well control, or release of oil, gas or dangerous substances involving, or with a significant potential to cause, fatalities or serious personal injury;
  - (b) an incident leading to serious damage to the installation or connected infrastructure involving, or with a significant potential to cause, fatalities or serious personal injury;
  - (c) any other incident leading to fatalities or serious injury to five or more persons who are on the offshore installation where the source of danger occurs or who are engaged in an offshore oil and gas operation in connection with the installation or connected infrastructure; or
  - (d) any major environmental incident resulting from incidents referred to in points (a), (b) and (c).

For the purposes of determining whether an incident constitutes a major accident under points (a), (b) or (d), an installation that is normally unattended shall be treated as if it were attended;

- (2) ‘offshore’ means situated in the territorial sea, the Exclusive Economic Zone or the continental shelf of a Member State within the meaning of the United Nations Convention on the Law of the Sea;

- (3) ‘offshore oil and gas operations’ means all activities associated with an installation or connected infrastructure, including design, planning, construction, operation and decommissioning thereof, relating to exploration and production of oil or gas, but excluding conveyance of oil and gas from one coast to another;
- (4) ‘risk’ means the combination of the probability of an event and the consequences of that event;
- (5) ‘operator’ means the entity appointed by the licensee or licensing authority to conduct offshore oil and gas operations, including planning and executing a well operation or managing and controlling the functions of a production installation;
- (6) ‘suitable’ means right or fully appropriate, including consideration of proportionate effort and cost, for a given requirement or situation, based on objective evidence and demonstrated by an analysis, comparison with appropriate standards or other solutions used in comparable situations by other authorities or industry;
- (7) ‘entity’ means any natural or legal person or any group of such persons;
- (8) ‘acceptable’, in relation to a risk, means a level of risk for which the time, cost or effort of further reducing it would be grossly disproportionate to the benefits of such reduction. In assessing whether the time, cost or effort would be grossly disproportionate to the benefits of further reducing the risk, regard shall be had to best practice risk levels compatible with the undertaking;
- (9) ‘licence’ means an authorisation for offshore oil and gas operations pursuant to Directive 94/22/EC;
- (10) ‘licensed area’ means the geographical area covered by the licence;
- (11) ‘licensee’ means the holder or joint holders of a licence;
- (12) ‘contractor’ means any entity contracted by the operator or owner to perform specific tasks on behalf of the operator or owner;
- (13) ‘licensing authority’ means the public authority which is responsible for granting authorisations or for monitoring the use of authorisations as provided for in Directive 94/22/EC;
- (14) ‘competent authority’ means the public authority, appointed pursuant to this Directive and responsible for the duties assigned to it in this Directive. The competent authority may be comprised of one or more public bodies;
- (15) ‘exploration’ means drilling into a prospect and all related offshore oil and gas operations necessary prior to production-related operations;
- (16) ‘production’ means offshore extraction of oil and gas from the underground strata of the licensed area including offshore processing of oil and gas and its conveyance through connected infrastructure;
- (17) ‘non-production installation’ means an installation other than an installation used for production of oil and gas;
- (18) ‘the public’ means one or more entities and, in accordance with national legislation or practice, their associations, organisations or groups;
- (19) ‘installation’ means a stationary, fixed or mobile facility, or a combination of facilities permanently inter-connected by bridges or other structures, used for offshore oil and

- gas operations or in connection with such operations. Installations include mobile offshore drilling units only when they are stationed in offshore waters for drilling, production or other activities associated with offshore oil and gas operations;
- (20) ‘production installation’ means an installation used for production;
- (21) ‘connected infrastructure’ means, within the safety zone or within a nearby zone of a greater distance from the installation at the discretion of the Member State:
- (a) any well and associated structures, supplementary units and devices connected to the installation;
  - (b) any apparatus or works on or fixed to the main structure of the installation;
  - (c) any attached pipeline apparatus or works;
- (22) ‘acceptance’, in relation to the report on major hazards, means the communication in writing by the competent authority to the operator or the owner that the report, if implemented as set out therein, meets the requirements of this Directive. Acceptance does not imply any transfer of responsibility for control of major hazards to the competent authority;
- (23) ‘major hazard’ means a situation with the potential to result in a major accident;
- (24) ‘well operation’ means any operation concerning a well that could result in the accidental release of materials that has the potential to lead to a major accident, including the drilling of a well, the repair or modification of a well, the suspension of well operations and the permanent abandonment of a well;
- (25) ‘combined operation’ means an operation carried out from an installation with another installation or installations for purposes related to the other installation(s) which thereby materially affects the risks to the safety of persons or the protection of the environment on any or all of the installations;
- (26) ‘safety zone’ means the area within a distance of 500 metres from any part of the installation, established by the Member State;
- (27) ‘owner’ means an entity legally entitled to control the operation of a non-production installation;
- (28) ‘internal emergency response plan’ means a plan prepared by the operator or owner pursuant to the requirements of this Directive concerning the measures to prevent escalation or limit the consequences of a major accident relating to offshore oil and gas operations;
- (29) ‘independent verification’ means an assessment and confirmation of the validity of particular written statements by an entity or an organisational part of the operator or the owner that is not under the control of or influenced by, the entity or the organisational part using those statements;
- (30) ‘material change’ means:
- (a) in the case of a report on major hazards, a change to the basis on which the original report was accepted including, inter alia, physical modifications, availability of new knowledge or technology and operational management changes;

- (b) in the case of a notification of well operations or combined operations, a change to the basis on which the original notification was submitted including, inter alia, physical modifications, replacement of one installation with another, availability of new knowledge or technology and operational management changes;
- (31) ‘commencement of operations’ means the point in time when the installation or connected infrastructure is involved for the first time in the operations for which it is designed;
- (32) ‘oil spill response effectiveness’ means the effectiveness of spill response systems in responding to an oil spill, on the basis of an analysis of the frequency, duration, and timing of environmental conditions that would preclude a response. The assessment of oil spill response effectiveness is to be expressed as a percentage of time that such conditions are not present and is to include a description of the operating limitations placed on the installations concerned as a result of that assessment;
- (33) ‘safety and environmental critical elements’ means parts of an installation, including computer programmes, the purpose of which is to prevent or limit the consequences of a major accident, or the failure of which could cause or contribute substantially to a major accident;
- (34) ‘tripartite consultation’ means a formal arrangement to enable dialogue and cooperation between the competent authority, operators and owners, and workers’ representatives;
- (35) ‘industry’ means entities that are directly involved in offshore oil and gas operations covered by this Directive or whose activities are closely related to those operations;
- (36) ‘external emergency response plan’ means a local, national or regional strategy to prevent escalation or limit the consequences of a major accident relating to offshore oil and gas operations using all resources available to the operator as described in the relevant internal emergency response plan, and any supplementary resources made available by the Member States;
- (37) ‘major environmental incident’ means an incident which results, or is likely to result, in significant adverse effects on the environment in accordance with Directive 2004/35/EC.

## CHAPTER II

### **PREVENTION OF MAJOR ACCIDENTS RELATING TO OFFSHORE OIL AND GAS OPERATIONS**

#### *Article 3*

#### **General principles of risk management in offshore oil and gas operations**

1 Member States shall require operators to ensure that all suitable measures are taken to prevent major accidents in offshore oil and gas operations.

2 Member States shall ensure that operators are not relieved of their duties under this Directive by the fact that actions or omissions leading or contributing to major accidents were carried out by contractors.

3 In the case of a major accident, Member States shall ensure that operators take all suitable measures to limit its consequences for human health and for the environment.

4 Member States shall require operators to ensure that offshore oil and gas operations are carried out on the basis of systematic risk management so that the residual risks of major accidents to persons, the environment and offshore installations are acceptable.

#### *Article 4*

### **Safety and environmental considerations relating to licences**

1 Member States shall ensure that decisions on granting or transferring licences to carry out offshore oil and gas operations take into account the capability of an applicant for such a licence to meet the requirements for operations within the framework of the licence as required by the relevant provisions of Union law, in particular this Directive.

2 In particular, when assessing the technical and financial capability of the applicant for a licence, due account shall be taken of the following:

- a the risk, the hazards and any other relevant information relating to the licensed area concerned, including, where appropriate, the cost of degradation of the marine environment referred to in point (c) of Article 8(1) of Directive 2008/56/EC;
- b the particular stage of offshore oil and gas operations;
- c the applicant's financial capabilities, including any financial security, to cover liabilities potentially deriving from the offshore oil and gas operations in question including liability for potential economic damages where such liability is provided for by national law;
- d the available information relating to the safety and environmental performance of the applicant, including in relation to major accidents, as may be appropriate to the operations for which the licence was requested.

Before granting or transferring a licence for offshore oil and gas operations, the licensing authority shall consult, where appropriate, the competent authority.

3 Member States shall ensure that the licensing authority does not grant a licence unless it is satisfied with evidence from the applicant that the applicant has made or will make adequate provision, on the basis of arrangements to be decided by Member States, to cover liabilities potentially deriving from the applicant's offshore oil and gas operations. Such provision shall be valid and effective from the start of offshore oil and gas operations. Member State shall require applicants to provide, in an appropriate manner, evidence of technical and financial capacity and any other relevant information relating to the area covered by the licence and the particular stage of offshore oil and gas operations.

Member States shall assess the adequacy of provisions referred to in the first subparagraph in order to establish whether the applicant has sufficient financial resources for the immediate launch and uninterrupted continuation of all measures necessary for effective emergency response and subsequent remediation.

Member States shall facilitate the deployment of sustainable financial instruments and other arrangements to assist applicants for licences in demonstrating their financial capacity pursuant to the first subparagraph.

Member States shall, as a minimum, establish procedures for ensuring prompt and adequate handling of compensation claims including in respect of compensation payments for trans-boundary incidents.

The Member States shall require the licensee to maintain sufficient capacity to meet their financial obligations resulting from liabilities for offshore oil and gas operations.

4 The licensing authority or the licensee shall appoint the operator. Where the operator is to be appointed by the licensee, the licensing authority shall be notified of the appointment in advance. In such cases, the licensing authority, if necessary in consultation with the competent authority, may object to the appointment of the operator. Where such an objection is raised, the Member States shall require the licensee to appoint a suitable alternative operator or assume the responsibilities of the operator under this Directive.

5 The licensing procedures for offshore oil and gas operations relating to a given licensed area shall be organised in such a way that information collected as a result of exploration can be considered by the Member State prior to production commencing.

6 When assessing the technical and financial capabilities of an applicant for a licence, special attention shall be paid to any environmentally sensitive marine and coastal environments, in particular ecosystems which play an important role in mitigation and adaptation to climate change, such as salt marshes and sea grass beds, and marine protected areas, such as special areas of conservation pursuant to the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora<sup>(3)</sup>, special protection areas pursuant to the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds<sup>(4)</sup>, and marine protected areas as agreed by the Union or Member States concerned within the framework of any international or regional agreements to which they are a party.

#### *Article 5*

### **Public participation relating to the effects of planned offshore oil and gas exploration operations on the environment**

1 The drilling of an exploration well from a non-production installation shall not be commenced unless the relevant authorities of the Member State have previously ensured that early and effective public participation on the possible effects of planned offshore oil and gas operations on the environment pursuant to other Union legal acts, in particular Directive 2001/42/EC or 2011/92/EU as appropriate, has been undertaken.

2 Where public participation has not been undertaken pursuant to paragraph 1, Member States shall ensure that the following arrangements are made:

- a the public is informed, whether by public notices or other appropriate means such as electronic media, where it is planned to allow exploration operations;
- b the public concerned is identified, including the public affected or likely to be affected by, or having an interest in, the decision to allow exploration operations, including relevant non-governmental organisations such as those promoting environmental protection, and other relevant organisations;
- c relevant information about such planned operations is made available to the public including, inter alia, information about the right to participate in decision-making, and to whom comments or questions may be submitted;
- d the public is entitled to express comments and opinions at a time when all options are open before decisions to allow exploration are taken;

- e when decisions under point (d) are taken, due account is taken of the results of the public participation; and
- f the Member State in question promptly informs the public, after examining the comments and opinions expressed by them, about the decisions taken and the reasons therefor and considerations upon which those decisions are based, including information about the public participation process.

Reasonable time-frames shall be provided allowing sufficient time for each of the different stages of public participation.

- 3 This Article does not apply in respect of areas licensed before 18 July 2013.

### *Article 6*

#### **Offshore oil and gas operations within licensed areas**

1 Member States shall ensure that production installations and connected infrastructure are operated only in licensed areas and only by operators appointed for that purpose pursuant to Article 4(4).

2 Member States shall require the licensee to ensure that the operator has the capacity to meet the requirements for specific operations within the framework of the licence.

3 Throughout all offshore oil and gas operations, Member States shall require the licensee to take all reasonable steps to ensure that the operator meets the requirements, carries out its functions and discharges its duties under this Directive.

4 Where the competent authority determines that the operator no longer has the capacity to meet the relevant requirements under this Directive, the licensing authority shall be informed. The licensing authority shall then notify the licensee thereof and the licensee shall assume responsibility for the discharge of the duties concerned and shall, without delay, propose a replacement operator to the licensing authority.

5 Member States shall ensure that operations relating to production and non-production installations are not commenced or continued until the report on major hazards has been accepted by the competent authority in accordance with this Directive.

6 Member States shall ensure that well operations or combined operations are not commenced or continued until the report on major hazards for the installations involved has been accepted in accordance with this Directive. Furthermore, such operations shall not be commenced or continued where a notification of well operations or a notification of combined operations has not been submitted pursuant to point (h) or (i) of Article 11(1) respectively to the competent authority or where the competent authority expresses objections to the content of a notification.

7 Member States shall ensure that a safety zone is established around an installation and that vessels are prohibited from entering or remaining in that safety zone.

However, that prohibition shall not apply to a vessel entering or remaining in the safety zone:

- a in connection with the laying, inspection, testing, repair, maintenance, alteration, renewal or removal of any submarine cable or pipeline in or near that safety zone;
- b to provide services for or to transport persons or goods to or from any installation in that safety zone;

- c to inspect any installation or connected infrastructure in that safety zone under the authority of the Member State;
- d in connection with saving or attempting to save life or property;
- e owing to stress of weather;
- f when in distress; or
- g if there is consent from the operator, owner or the Member State in which the safety zone is located.

8 Member States shall establish a mechanism for effective participation in tripartite consultation between the competent authority, operators and owners, and worker representatives in the formulation of standards and policies dealing with major accident prevention.

#### *Article 7*

### **Liability for environmental damage**

Without prejudice to the existing scope of liability relating to the prevention and remediation of environmental damage pursuant to Directive 2004/35/EC, Member States shall ensure that the licensee is financially liable for the prevention and remediation of environmental damage as defined in that Directive, caused by offshore oil and gas operations carried out by, or on behalf of, the licensee or the operator.

#### *Article 8*

### **Appointment of the competent authority**

1 Member States shall appoint a competent authority responsible for the following regulatory functions:

- a assessing and accepting reports on major hazards, assessing design notifications, and assessing notifications of well operations or combined operations, and other similar documents that are submitted to it;
- b overseeing compliance by operators and owners with this Directive, including inspections, investigations and enforcement actions;
- c advising other authorities or bodies, including the licensing authority;
- d making annual plans pursuant to Article 21;
- e producing reports;
- f cooperating with the competent authorities or contact points pursuant to Article 27.

2 Member States shall at all times ensure the independence and objectivity of the competent authority in carrying out its regulatory functions and particularly in respect of points (a), (b) and (c) of paragraph 1. Accordingly, conflicts of interest shall be prevented between, on the one hand, the regulatory functions of the competent authority and, on the other hand, the regulatory functions relating to the economic development of the offshore natural resources and licensing of offshore oil and gas operations within the Member State and the collection and management of revenues from those operations.

3 In order to achieve the objectives set out in paragraph 2, Member States shall require the regulatory functions of the competent authority to be carried out within an authority that is independent of any of the functions of the Member State relating to the economic development of the offshore natural resources and licensing of offshore oil and gas operations within the Member State and the collection and management of revenues from those operations.



However, where the total number of normally attended installations is below six, the Member State concerned may decide not to apply the first subparagraph. Such a decision shall be without prejudice to its obligations under paragraph 2.

4 Member States shall make available to the public a description of how the competent authority is organised, including why they have established the competent authority in such a way, and how they have ensured that the regulatory functions set out in paragraph 1 are carried out and that the obligations set out in paragraph 2 are complied with.

5 Member States shall ensure that the competent authority has adequate human and financial resources to carry out its duties under this Directive. Those resources shall be commensurate with the extent of offshore oil and gas operations of the Member States.

6 Member States may enter into formal agreements with appropriate Union agencies or other suitable bodies where available for the provision of specialist expertise to support the competent authority in carrying out its regulatory functions. For the purposes of this paragraph a body shall not be deemed suitable where its objectivity may be compromised by conflicts of interest.

7 Member States may establish mechanisms according to which the financial costs to the competent authority in carrying out its duties under this Directive may be recovered from licensees, operators or owners.

8 Where the competent authority is comprised of more than one body, Member States shall make every effort to avoid duplication of regulatory functions between the bodies. Member States may designate one of the constituent bodies as the lead body with responsibility for the coordination of the regulatory functions under this Directive and for reporting to the Commission.

9 Member States shall review the activities of the competent authority and shall take any necessary measures to improve its effectiveness in carrying out the regulatory functions set out in paragraph 1.

### *Article 9*

#### **Functioning of the competent authority**

Member States shall ensure that the competent authority:

- (a) acts independently of policies, regulatory decisions or other considerations unrelated to its duties under this Directive;
- (b) makes clear the extent of its responsibilities and the responsibilities of the operator and the owner for the control of major accident risks under this Directive;
- (c) establishes a policy, process and procedures for thorough assessment of reports on major hazards and notifications submitted pursuant to Article 11 as well as for overseeing compliance with this Directive within the jurisdiction of the Member State, including inspection, investigation and enforcement actions;
- (d) makes the policy, process and procedures pursuant to point (c) available to operators and owners and makes summaries thereof available to the public;
- (e) where necessary, prepares and implements coordinated or joint procedures with other authorities in the Member State to undertake the duties under this Directive; and

- (f) bases its policy, organisation and operational procedures on the principles set out in Annex III.

### *Article 10*

#### **Tasks of the European Maritime Safety Agency**

1 The European Maritime Safety Agency (EMSA, hereinafter ‘Agency’) shall provide the Member States and Commission with technical and scientific assistance in accordance with its mandate under Regulation (EC) No 1406/2002.

2 Within the framework of its mandate, the Agency shall:

- a assist the Commission and the affected Member State, on its request, in detecting and monitoring the extent of an oil or gas spill;
- b assist Member States, at their request, with the preparation and execution of external emergency response plans, especially when there are transboundary impacts within and beyond offshore waters of Member States;
- c on the basis of the Member States’ external and internal emergency response plans, develop with Member States and operators a catalogue of emergency equipment and services available.

3 The Agency may, if requested:

- a assist the Commission in assessing the external emergency response plans of Member States to check whether the plans are in conformity with this Directive;
- b review exercises that focus on testing transboundary and Union emergency mechanisms.

## 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 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 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 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.

## CHAPTER IV

## PREVENTION POLICY

*Article 19***Major accident prevention by operators and owners**

1 Member States shall require operators and owners to prepare a document setting out their corporate major accident prevention policy which is to be submitted pursuant to point (a) of Article 11(1), and to ensure that it is implemented throughout their offshore oil and gas operations, including by setting up appropriate monitoring arrangements to assure effectiveness of the policy. The document shall contain the information specified in Annex I, Part 8.

2 The corporate major accident prevention policy shall take account of the operators' primary responsibility for, inter alia, the control of risks of a major accident that are a result of its operations and for continuously improving control of those risks so as to ensure a high level of protection at all times.

3 Member States shall ensure that operators and owners prepare a document setting out their safety and environmental management system which is to be submitted pursuant to point (b) of Article 11(1). That document shall include a description of the:

- a organisational arrangements for control of major hazards;
- b arrangements for preparing and submitting reports on major hazards, and other documents as appropriate, pursuant to this Directive; and
- c schemes for independent verification established pursuant to Article 17.

4 Member States shall create opportunities for operators and owners to contribute to mechanisms for effective tripartite consultation established pursuant to Article 6(8). When appropriate, an operator's and owner's commitment to such mechanisms may be outlined in the corporate major accident prevention policy.

5 The corporate major accident prevention policy and the safety and environmental management systems shall be prepared in accordance with Annex I, Parts 8 and 9 and Annex IV. The following conditions shall apply:

- a the corporate major accident prevention policy shall be in writing and shall establish the overall aims and arrangements for controlling the risk of a major accident, and how those aims are to be achieved and arrangements put into effect at corporate level;
- b the safety and environmental management system shall be integrated within the overall management system of the operator or owner and shall include organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the corporate major accident prevention policy.

6 Member States shall ensure that operators and owners prepare and maintain a complete inventory of emergency response equipment pertinent to their offshore oil and gas operation.

7 Member States shall ensure that operators and, owners in consultation with the competent authority and making use of the exchanges of knowledge, information and experience provided for in Article 27(1), prepare and revise standards and guidance on best practice in relation to the control of major hazards throughout the design and operational lifecycle of offshore oil and gas operations, and that as a minimum they follow the outline in Annex VI.



8 Member States shall require operators and owners to ensure that their corporate major accident prevention policy document referred to in paragraph 1 also covers their production and non-production installations outside of the Union.

9 Where an activity carried out by an operator or an owner poses an immediate danger to human health or significantly increases the risk of a major accident, Member States shall ensure that the operator or the owner takes suitable measures which may include, if deemed necessary, suspending the relevant activity until the danger or risk is adequately controlled. Member States shall ensure that where such measures are taken, the operator or the owner notifies the competent authority accordingly without delay and no later than 24 hours after taking those measures.

10 Member States shall ensure that, where appropriate, operators and owners take suitable measures to use suitable technical means or procedures in order to promote the reliability of the collection and recording of relevant data and to prevent possible manipulation thereof.

#### *Article 20*

### **Offshore oil and gas operations conducted outside the Union**

1 Member States shall require companies registered in their territory and conducting, themselves or through subsidiaries, offshore oil and gas operations outside the Union as licence holders or operators to report to them, on request, the circumstances of any major accident in which they have been involved.

2 In the request for a report pursuant to paragraph 1 of this Article, the relevant Member State shall specify the details of the information required. Such reports shall be exchanged in accordance with Article 27(1). Member States which have neither a competent authority nor a contact point shall submit the reports received to the Commission.

#### *Article 21*

### **Securing compliance with the regulatory framework for major accident prevention**

1 Member States shall ensure that operators and owners comply with the measures established in the report on major hazards and in the plans referred to in the notification of well operations and notification of combined operations, submitted pursuant to points (e), (h) and (i) of Article 11(1) respectively.

2 Member States shall ensure that operators and owners provide the competent authority, or any other persons acting under the direction of the competent authority, with transport to or from an installation or vessel associated with oil and gas operations, including the conveyance of their equipment, at any reasonable time, and with accommodation, meals and other subsistence in connection with the visits to the installations, for the purpose of facilitating competent authority oversight, including inspections, investigations and enforcement of compliance with this Directive.

3 Member States shall ensure that the competent authority develops annual plans for effective oversight, including inspections, of major hazards based on risk management and with particular regard to compliance with the report on major hazards and other documents submitted pursuant to Article 11. The effectiveness of the plans shall be regularly reviewed and the competent authority shall take any necessary measures to improve them.

*Article 22***Confidential reporting of safety concerns**

- 1 Member States shall ensure that the competent authority establishes mechanisms:
  - a for confidential reporting of safety and environmental concerns relating to offshore oil and gas operations from any source; and
  - b for investigation of such reports while maintaining the anonymity of the individuals concerned.
- 2 Member States shall require operators and owners to communicate details of the national arrangements for the mechanisms referred to in paragraph 1 to their employees and contractors connected with the operation and their employees, and to ensure that reference to confidential reporting is included in relevant training and notices.

## CHAPTER V

**TRANSPARENCY AND SHARING OF INFORMATION***Article 23***Sharing of information**

- 1 Member States shall ensure that operators and owners provide the competent authority, as a minimum, with the information described in Annex IX.
- 2 The Commission shall by means of an implementing act determine a common data reporting format and the details of information to be shared. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 37(2).

*Article 24***Transparency**

- 1 Member States shall make the information referred to in Annex IX publicly available.
- 2 The Commission shall by means of an implementing act determine a common publication format that enables easy cross-border comparison of data. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 37(2). The common publication format shall allow for a reliable comparison of national practices under this Article and Article 25.

*Article 25***Reporting on safety and environmental impact**

- 1 Member States shall submit an annual report to the Commission containing the information specified in Annex IX, point 3.

2 Member States shall designate an authority to be responsible for exchanging information pursuant to Article 23 and for publication of information pursuant to Article 24.

3 The Commission shall publish an annual report based on the information reported to it by Member States pursuant to paragraph 1.

#### *Article 26*

### **Investigation following a major accident**

1 Member States shall initiate thorough investigations of major accidents occurring in their jurisdiction.

2 A summary of the findings pursuant to paragraph 1 shall be made available to the Commission either at the conclusion of the investigation or at the conclusion of legal proceedings as appropriate. The Member States shall make a non-confidential version of the findings publicly available.

3 Member States shall ensure that, following the investigations pursuant to paragraph 1, the competent authority implements any recommendations of the investigation that are within its powers to act.

## CHAPTER VI

### **COOPERATION**

#### *Article 27*

### **Cooperation between Member States**

1 Each Member State shall ensure that its competent authority regularly exchanges knowledge, information and experience with other competent authorities, inter alia, through the European Union Offshore Oil and Gas Authorities Group (EUOAG), and that it engages in consultations on the application of relevant national and Union law with the industry, other stakeholders and the Commission.

For Member States without offshore oil and gas operations under their jurisdiction, the information referred to in the first subparagraph shall be received by the contact points appointed pursuant to Article 32(1).

2 Knowledge, information and experience exchanged pursuant to paragraph 1 shall concern, in particular, the functioning of the measures for risk management, major accident prevention, verification of compliance and emergency response relating to offshore oil and gas operations within the Union, as well as outside of the Union where appropriate.

3 Each Member State shall ensure that its competent authority participates in establishing clear joint priorities for the preparation and updating of standards and guidance in order to identify and facilitate the implementation and consistent application of best practices in offshore oil and gas operations.

4 By 19 July 2014, the Commission shall present to the Member States a report on the adequacy of national expert resources for complying with the regulatory functions pursuant to

this Directive which, if necessary, shall include proposals for ensuring all Member States have access to adequate expert resources.

5 By 19 July 2016, the Member States shall notify the Commission of the national measures they have in place regarding access to knowledge, assets and expert resources, including formal agreements pursuant to Article 8(6).

## CHAPTER VII

### EMERGENCY PREPAREDNESS AND RESPONSE

#### *Article 28*

##### **Requirements for internal emergency response plans**

1 Member States shall ensure that the internal emergency response plans to be prepared by the operator or the owner in accordance with Article 14 and submitted pursuant to point (g) of Article 11(1) are:

- a put into action without delay to respond to any major accident or a situation where there is an immediate risk of a major accident; and
- b consistent with the external emergency response plan referred to in Article 29.

2 Member States shall ensure that the operator and the owner maintain equipment and expertise relevant to the internal emergency response plan in order for that equipment and expertise to be available at all times and to be made available as necessary to the authorities responsible for the execution of the external emergency response plan of the Member State where the internal emergency response plan applies.

3 The internal emergency response plan shall be prepared in accordance with Annex I, Part 10, and updated as a consequence of any material change to the report on major hazards or notifications submitted pursuant to Article 11. Any such updates shall be submitted to the competent authority pursuant to point (g) of Article 11(1) and notified to the relevant authority or authorities responsible for preparing the external emergency response plans for the area concerned.

4 The internal emergency response plan shall be integrated with other measures relating to protection and rescue of personnel from the stricken installation so as to secure a good prospect of personal safety and survival.

#### *Article 29*

##### **External emergency response plans and emergency preparedness**

1 Member States shall prepare external emergency response plans covering all offshore oil and gas installations or connected infrastructure and potentially affected areas within their jurisdiction. Member States shall specify the role and financial obligation of licensees and operators in the external emergency response plans.

2 External emergency response plans shall be prepared by the Member State in cooperation with relevant operators and owners and, as appropriate, licensees and the competent authority, and shall take into account the most up to date version of the internal emergency

response plans of the existing or planned installations or connected infrastructure in the area covered by the external emergency response plan.

3 External emergency response plans shall be prepared in accordance with Annex VII, and shall be made available to the Commission, other potentially affected Member States and the public. When making available their external emergency response plans, the Member States shall ensure that disclosed information does not pose risks to the safety and security of offshore oil and gas installations and their operation and does not harm the economic interests of the Member States or the personal safety and well-being of officials of Member States.

4 Member States shall take suitable measures to achieve a high level of compatibility and interoperability of response equipment and expertise between all Member States in a geographical region, and further afield where appropriate. Member States shall encourage industry to develop response equipment and contracted services that are compatible and interoperable throughout the geographical region.

5 Member States shall keep records of emergency response equipment and services in accordance with Annex VIII, point 1. Those records shall be available to the other potentially affected Member States and the Commission and, on a reciprocal basis, to neighbouring third countries.

6 Member States shall ensure that operators and owners regularly test their preparedness to respond effectively to major accidents in close cooperation with the relevant authorities of the Member States.

7 Member States shall ensure that competent authorities or, where appropriate, contact points develop cooperation scenarios for emergencies. Such scenarios shall be regularly assessed and updated as necessary.

### *Article 30*

#### **Emergency response**

1 Member States shall ensure that the operator or, if appropriate, the owner notifies without delay the relevant authorities of a major accident or of a situation where there is an immediate risk of a major accident. That notification shall describe the circumstances, including, where possible, the origin, the potential impacts on the environment and the potential major consequences.

2 Member States shall ensure that in the event of a major accident, the operator or the owner takes all suitable measures to prevent its escalation and to limit its consequences. The relevant authorities of the Member States may assist the operator or owner, including with the supply of additional resources.

3 In the course of the emergency response, the Member State shall collect the information necessary for thorough investigation pursuant to Article 26(1).

## CHAPTER VIII

**TRANSBOUNDARY EFFECTS***Article 31***Transboundary emergency preparedness and response of Member States with offshore oil and gas operations under their jurisdiction**

1 Where a Member State considers that a major hazard relating to offshore oil and gas operations that are to take place under its jurisdiction is likely to have significant effects on the environment in another Member State, it shall, prior to the commencement of operations, forward the relevant information to the potentially affected Member State and shall endeavour, jointly with that Member State, to adopt measures to prevent damage.

Member States that consider themselves to be potentially affected may request the Member State in whose jurisdiction the offshore oil and gas operation is to take place, to forward all relevant information to them. Those Member States may jointly assess the effectiveness of the measures, without prejudice to the regulatory functions of the competent authority with jurisdiction for the operation concerned under points (a), (b) and (c) of Article 8(1).

2 The major hazards identified pursuant to paragraph 1 shall be taken into account in internal and external emergency response plans to facilitate joint effective response to a major accident.

3 Where there is a risk of the foreseeable transboundary effects of major accidents affecting third countries, Member States shall, on a reciprocal basis, make information available to the third countries.

4 Member States shall coordinate between themselves measures relating to areas outside of the Union in order to prevent potential negative effects of offshore oil and gas operations.

5 Member States shall regularly test their preparedness to respond effectively to major accidents in cooperation with potentially affected Member States, relevant Union agencies and, on a reciprocal basis, potentially affected third countries. The Commission may contribute to exercises focused on testing transboundary emergency mechanisms.

6 In the event of a major accident, or of an imminent threat thereof, which has or is capable of having transboundary effects, the Member State under whose jurisdiction the situation occurs shall, without delay, notify the Commission and those Member States or third countries which may be affected by the situation and shall continuously provide information relevant for an effective emergency response.

*Article 32***Transboundary emergency preparedness and response of Member States without offshore oil and gas operations under their jurisdiction**

1 Member States without offshore oil and gas operations under their jurisdiction shall appoint a contact point in order to exchange information with relevant adjacent Member States.

2 Member States without offshore oil and gas operations under their jurisdiction shall apply Article 29(4) and (7) so as to ensure that adequate response capacity is in place in the event that they are affected by a major accident.

3 Member States without offshore oil and gas operations under their jurisdiction shall coordinate their national contingency planning in the marine environment with other relevant Member States to the extent necessary to ensure the most effective response to a major accident.

4 Where a Member State without offshore oil and gas operations under its jurisdiction is affected by a major accident, it shall:

- a take all suitable measures, in line with the national contingency planning referred to in paragraph 3;
- b ensure that any information which is under its control and available within its jurisdiction and which may be relevant for a full investigation of the major accident is provided or made accessible on request to the Member State conducting the investigation pursuant to Article 26.

#### *Article 33*

### **Coordinated approach towards the safety of offshore oil and gas operations at international level**

1 The Commission shall, in close cooperation with the Member State and without prejudice to relevant international agreements, promote cooperation with third countries that undertake offshore oil and gas operations in the same marine regions as Member States.

2 The Commission shall facilitate the exchange of information between Member States with offshore oil and gas operations and adjacent third countries with similar operations in order to promote preventive measures and regional emergency response plans.

3 The Commission shall promote high safety standards for offshore oil and gas operations at international level in relevant global and regional fora, including those relating to Arctic waters.

## CHAPTER IX

### FINAL PROVISIONS

#### *Article 34*

### **Penalties**

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 19 July 2015 and shall notify it without delay of any subsequent amendment affecting them.

### Article 35

#### **Delegated powers of the Commission**

The Commission shall be empowered to adopt delegated acts in accordance with Article 36 in order to adapt Annexes I, II, VI and VII to include additional information which may become necessary in light of technical progress. Such adaptations shall not result in substantial changes in the obligations laid down in this Directive.

### Article 36

#### **Exercise of the delegation**

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 35 shall be conferred on the Commission for a period of five years from 18 July 2013. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than four months before the end of each period.

3 The delegation of power referred to in Article 35 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5 A delegated act adopted pursuant to Article 35 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

### Article 37

#### **Committee procedure**

1 The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.



### *Article 38*

#### **Amendment to Directive 2004/35/EC**

1 In Article 2(1) of Directive 2004/35/EC, point (b) shall be replaced by the following:

- (b) “water damage”, which is any damage that significantly adversely affects:
- (i) the ecological, chemical or quantitative status or the ecological potential, as defined in Directive 2000/60/EC, of the waters concerned, with the exception of adverse effects where Article 4(7) of that Directive applies; or
  - (ii) the environmental status of the marine waters concerned, as defined in Directive 2008/56/EC, in so far as particular aspects of the environmental status of the marine environment are not already addressed through Directive 2000/60/EC;.

2 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with paragraph 1 by 19 July 2015. They shall forthwith inform the Commission thereof.

### *Article 39*

#### **Reports to the European Parliament and to the Council**

1 The Commission shall, by 31 December 2014, submit to the European Parliament and to the Council a report on the availability of financial security instruments, and on the handling of compensation claims, where appropriate, accompanied by proposals.

2 The Commission shall, by 19 July 2015, submit to the European Parliament and to the Council a report on its assessment of the effectiveness of the liability regimes in the Union in respect of the damage caused by offshore oil and gas operations. That report shall include an assessment of the appropriateness of broadening liability provisions. The report shall be accompanied, where appropriate, by proposals.

3 The Commission shall examine the appropriateness of bringing certain conduct leading to a major accident within the scope of Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law<sup>(6)</sup>. The Commission shall, by 31 December 2014, submit a report on its findings to the European Parliament and the Council, accompanied, where appropriate, by legislative proposals, subject to appropriate information being made available by Member States.

### *Article 40*

#### **Report and review**

1 No later than 19 July 2019, the Commission shall, taking due account of the efforts and experiences of competent authorities, assess the experience of implementing this Directive.

2 The Commission shall submit a report to the European Parliament and to the Council with the result of that assessment. That report shall include any appropriate proposals for amending this Directive.

### *Article 41*

#### **Transposition**

1 Member States shall bring into force the laws, regulations, and administrative provisions necessary to comply with this Directive by 19 July 2015.

They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2 Member States shall communicate to the Commission the texts of the main measures of national law which they adopt in the field covered by this Directive.

3 By way of derogation from the first subparagraph of paragraph 1 and subject to paragraph 5, Member States with offshore waters that do not have offshore oil and gas operations under their jurisdiction, and which do not plan to license such operations, shall inform the Commission thereof and shall be obliged to bring into force, by 19 July 2015, only those measures which are necessary to ensure compliance with Articles 20, 32 and 34. Such Member States may not license such operations until they have transposed and implemented the remaining provisions of this Directive and have informed the Commission thereof.

4 By way of derogation from the first subparagraph of paragraph 1 and subject to paragraph 5, landlocked Member States shall be obliged to bring into force, by 19 July 2015, only those measures which are necessary to ensure compliance with Article 20.

5 Where, on 18 July 2013, no company conducting operations covered by Article 20 is registered in a Member State falling within paragraph 3 or 4, that Member State shall be obliged to bring into force those measures which are necessary to ensure compliance with Article 20 only as from 12 months following any later registration of such a company in that Member State or by 19 July 2015, whichever is the later.

### *Article 42*

#### **Transitional provisions**

1 In relation to owners, operators of planned production installations and operators planning or executing well operations, Member States shall apply the laws, regulations and administrative provisions adopted pursuant to Article 41 by 19 July 2016.

2 In relation to existing installations, Member States shall apply the laws, regulations and administrative provisions adopted pursuant to Article 41 from the date of scheduled regulatory review of risk assessment documentation and no later than by 19 July 2018.

### *Article 43*

#### **Entry into force**

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

*Article 44*

**Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 12 June 2013.

*For the European Parliament*

*The President*

M. SCHULZ

*For the Council*

*The President*

L. CREIGHTON

---

*Status: This is the original version (as it was originally adopted).*

---

- (1) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information ([OJ L 41, 14.2.2003, p. 26](#)).
- (2) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) ([OJ L 334, 17.12.2010, p. 17](#)).
- (3) [OJ L 206, 22.7.1992, p. 7](#).
- (4) [OJ L 20, 26.1.2010, p. 7](#).
- (5) [OJ L 328, 6.12.2008, p. 28](#).