

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 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.

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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⁽¹⁾. 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.

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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.

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(1) [OJ L 328, 6.12.2008, p. 28.](#)