1. Does the Hydrocarbons BREF have a legal basis? If not, what are the implications?

- The Hydrocarbons BREF does not have a legal basis. It differs in this respect from all other BREFs developed so far by the European Commission that are based either on Directive 2012/75/EU on industrial emissions or Directive 2006/221/EC on the management of waste from extractive industries. The absence of a direct legal basis is not an obstacle for the development of a BREF facilitating the identification of BAT.

- The Hydrocarbons BREF, will have the status of a non-binding reference document for the permitting of installations for the exploration and production of hydrocarbons. In the case that such an installation requires a permit according to the Industrial Emissions Directive, competent authorities have to give special consideration to the HC BREF for the permitting of non-IED activities.

2. Hydrocarbons exploration and production activity in Europe is subject to a number of variables including sub-surface, infrastructure, social, commercial and national legal frameworks, and meteorological conditions that exist across Europe. How will the Hydrocarbons BREF take into account such variables?

- The Hydrocarbons BREF will be developed bearing in mind a broad applicability.

- The Hydrocarbons BREF will identify best available techniques to manage key environmental issues and, where possible, will identify constraints in applicability in relation to the types of variables highlighted above. Member States will ultimately be responsible for ensuring that the environment is sufficiently protected from hydrocarbons extraction activities at the local level – the Hydrocarbons BREF should assist in identifying the key environmental issues and mitigating measures when such local decisions are taken.

3. How was the Hydrocarbons BREF announced?

- The development of the Hydrocarbons BREF was announced in the 'Communication on exploration and production of hydrocarbons (such as shale gas) using high volume hydraulic fracturing'\(^1\) and in the Communication on Energy Security\(^2\).

4. How will stakeholders be involved in the development of the Hydrocarbons BREF?

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\(^2\) [http://ec.europa.eu/energy/doc/20140528_energy_security_communication.pdf](http://ec.europa.eu/energy/doc/20140528_energy_security_communication.pdf)
Consultation of stakeholders regarding the BREF will take place as part of the work of the relevant Technical Working Group, which will gather representatives from the industry, Member States and civil society. The Commission has issued an Expression of Interest (EOI) for membership of the group that can be accessed on the Hydrocarbons BREF website.

5. What will be the relationship between the Hydrocarbons BREF and the Offshore Safety Directive?

- The Offshore Safety Directive establishes minimum requirements for preventing major accidents linked with offshore oil and gas operations and limiting the consequences of such accidents. In particular, this Directive aims to prevent incidents killing five or more persons, incidents leading to serious damage to the installation and releases of oil and gas into the environment.

- The Hydrocarbons BREF addresses risks and impacts on the environment and aims to protect human health. The BREF tender specifications stipulate that best available risk management measures identified for offshore oil and gas activities should be compatible with, and complementary to, the risk management framework of the Offshore Safety Directive. No duplication of efforts taken under the Offshore Safety Directive is foreseen in the development of the Hydrocarbons BREF.

6. What will be the relationship between the Hydrocarbons BREF and the Commission Recommendation on exploration and production of shale gas and other unconventional fuels using hydraulic fracturing?

- The Recommendation on exploration and production of shale gas and other unconventional fossil fuels using hydraulic fracturing provides overarching principles and calls on Member States to, inter alia, ensure that operators use BAT. Yet, as it does not specify BAT, these two documents are complementary.

7. What if Member States want to make BAT identified in the Hydrocarbons BREF as legally binding at national level.

- According to the Treaty, Member States are entitled to adopt stricter environmental standards if they wish, provided that the functioning of the internal market is not impeded.

- The possibility of giving a Commission reference document a legally binding effect at national level is at the discretion of individual Member States. However, this does not mean that the Commission cannot prepare such documents.

8. The oil and gas sector are already using BAT. What is the added value of the Hydrocarbons BREF?

- The Commission is aware that companies have developed their own techniques and some of them have set themselves high safety standards. The BREF process will both take those initiatives into account and bring added value by establishing EU-wide BAT that are based on an assessment of the most advanced industry practices and their application.

- The approach developed for identifying BAT in industrial installations will be adjusted to the specifics of the extractive hydrocarbons industry. In addition to BAT for the avoidance and mitigation of unacceptable impacts, the Hydrocarbons BREF will emphasise the identification of BAT for risk management in order to avoid or minimise effects on the environment and human health resulting from incidents and accidents.
9. Will the identification of BAT for the management of impacts and risks in the Hydrocarbons BREF stifle innovation by preventing the development of other, potentially superior techniques in the future?

- In the identification of ‘techniques’ under the Hydrocarbons BREF the focus will be on outcomes i.e. what is the intended outcome of applying a specific technique or technology? The Hydrocarbons BREF should identify intended outcomes and levels of performance that relate to those outcomes in the relevant industrial sector, under economically and technically viable conditions. Whilst techniques will be included in the BREF in relation to such outcomes, the techniques will be neither prescriptive nor exhaustive and industry will be able to continue to develop new novel techniques in the years to come. The Hydrocarbons BREF will be able to be used as a reference by industry in the development of such new and novel techniques by providing a clear picture of what can be considered BAT for the management of impacts and risks of hydrocarbons exploration and production at the time of its publication against which new techniques may be judged.

10. What is the relationship between the Hydrocarbons BREF and the EU’s Energy Security Strategy and, in particular, the aim to increase security of supply in the EU through more indigenous production of energy?

- The EU is developing strategies for further diversification of its energy supply including from renewable and other indigenous sources. Offshore oil and gas operations are moving towards more technically challenging formations and environments. Member States are currently assessing the potential for the development of unconventional oil and gas sources using hydraulic fracturing that may take place in densely populated areas.

- Addressing public concerns and environmental impacts are a key element of the development of the enabling framework for the EU’s energy supply. The Hydrocarbons BREF will address such elements for hydrocarbons extraction activities.

11. Could there be a risk that the Hydrocarbons BREF jeopardise workers' safety by, for example, requiring the use of less steel for the construction of offshore platforms in order to reduce the environmental and climate footprint?

- The Hydrocarbons BREF will be complementary to the risk management framework of the Offshore Safety Directive 2013/30/EU. This Directive establishes minimum requirements for preventing major accidents linked with offshore oil and gas operations and limiting the consequences of such accidents. The Hydrocarbons BREF cannot undermine the safety standards set by the Offshore Safety Directive including those for workers' health.

- A representative of the trade unions will be invited to the TWG in order to ensure that the aspects of workers' safety are considered in identifying BAT.