



Public consultation on the evaluation of the Offshore Safety Directive

Fields marked with * are mandatory.

Public Consultation on the evaluation of the Offshore Safety Directive (2013/30/EU)

This consultation on the evaluation of the Offshore Safety Directive (also referred to as "the OSD") seeks to gather views on the implementation of the Directive in the offshore oil and gas sector, its effectiveness, relevance, coherence, added value and efficiency, as well as any needs for its further development and adjustment. As such, it asks for views of all parties and persons interested in this subject, such as citizens, experts from industry, worker unions, research institutions, NGOs and Member States.

Due to the potentially large variation of expertise levels on offshore safety within the target group, the Commission has structured the questionnaire in a way that facilitates the participation of both experts and non-experts. Part I of the questionnaire includes a general set of questions for participants with various levels and types of experience with the subject, whilst Part II and Part III include questions on certain parts of the Offshore Safety Directive and specific themes. Accordingly, questions in part II and III mainly concern contributors with experience in the field. Participants may submit their views by responding to those parts or sections which they consider relevant to their level of experience.

The evaluation and therefore the public consultation also considers how Member States have implemented the Directive into national rules and legislation, which the Commission has assessed with regard to their completeness and conformity with the OSD.

A Profile Information (mandatory)

*** 1 Personal Data Protection**

By replying to this questionnaire you agree to the Commission's [privacy statement](#) and you confirm that nothing within your response is unlawful or would infringe the rights of any third party in a manner that would prevent publication. The Commission will publish the contributions received from this questionnaire [on the dedicated website of this public consultation](#).

With regards to the handling of your contribution, please select one of the two options below. Note that, whatever option chosen, your answers may be subject to a request for public access to documents under [Regulation \(EC\) N° 1049/2001](#)

- Public. You consent to the publication of your personal information.** In this case your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution. Your contact e-mail address will not be published.
- Anonymous. You do not consent to the publication of your personal information.** In this case only your type, country of origin and contribution will be published. All other personal details (name, contact e-mail address, organisation name and size, transparency register number, country of origin) will not be published.

*** 2 Please select the language of your contribution.**

- Bulgarian
- French
- Maltese
- Croatian
- Gaelic
- Polish
- Czech
- German
- Portuguese
- Danish
- Greek
- Romanian
- Dutch
- Hungarian
- Slovak
- English
- Italian
- Slovenian
- Estonian
- Latvian
- Spanish
- Finnish
- Lithuanian
- Swedish

*** 3 Are you responding on behalf of an organisation or as an individual?**

- Individual (under my capacity as a person)
- Business
- Business organisation (e.g. trade association) or advisory body (e.g. law firm, consultancy)
- Public authority
- Civil society organisation
- Academic/research institution
- International organisation
- Other

4 If other, please specify:

100 character(s) maximum

*** 5 In case you are replying as an individual, please indicate your name. In case you are representing another entity (such as business, organisation, institution etc.), please indicate the name of the entity, your title/position and your name.**

300 character(s) maximum

6 Please provide a contact e-mail address (this will not be published):

7 In case you represent a company, please specify the approximate number of full-time employees:

- More than 250
- Between 51 and 250
- Between 10 and 50
- Less than 10

8 In case you represent a company, please specify the approximate turnover:

- More than € 50 million
- Less than € 50 million

9 If your organisation is registered in the Transparency Register, please provide your Register ID number:

Text of 14 to 14 characters will be accepted

Your Register ID should comprise of 14 numerical characters

If your organisation is not registered, you have the opportunity to register now following this link:

<https://ec.europa.eu/transparencyregister/public/ri/registering.do?locale=en>

In the interests of transparency, organisations, networks, platforms or self-employed individuals engaged in activities aimed at influencing the EU decision making process have been invited to provide the public with relevant information about themselves, by registering in Transparency Register and subscribing to its Code of Conduct.

Please note: If the organisation is not registered, the submission will be published separately from the registered organisations. During the analysis of replies to a consultation, contributions from respondents who choose not to register will be treated as individual contributions (unless the contributors are recognised as representative stakeholders through Treaty provisions, European Social Dialogue, Art. 154-155 TFEU).

* 10 Please indicate your country of residence (for individuals) or headquarters (for companies / organizations / authorities)

- | | | |
|--------------------------------|-------------------------------|---------------------------------------|
| <input type="radio"/> Austria | <input type="radio"/> Germany | <input type="radio"/> Poland |
| <input type="radio"/> Belgium | <input type="radio"/> Greece | <input type="radio"/> Portugal |
| <input type="radio"/> Bulgaria | <input type="radio"/> Hungary | <input type="radio"/> Romania |
| <input type="radio"/> Croatia | <input type="radio"/> Ireland | <input type="radio"/> Slovak Republic |
| <input type="radio"/> Cyprus | <input type="radio"/> Italy | <input type="radio"/> Slovenia |

- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Spain
- Sweden
- United Kingdom
- Norway
- Other

11 If other, please specify:

150 character(s) maximum

12 Please indicate the countries you are familiar with, for matters relevant to the safety of offshore oil and gas operations. It is assumed that these are the jurisdictions you will be referring to while answering the questions of this consultation. You may select as many countries as you consider relevant.

- | | | |
|---|--------------------------------------|--|
| <input type="checkbox"/> Austria | <input type="checkbox"/> Germany | <input type="checkbox"/> Poland |
| <input type="checkbox"/> Belgium | <input type="checkbox"/> Greece | <input type="checkbox"/> Portugal |
| <input type="checkbox"/> Bulgaria | <input type="checkbox"/> Hungary | <input type="checkbox"/> Romania |
| <input type="checkbox"/> Croatia | <input type="checkbox"/> Ireland | <input type="checkbox"/> Slovak Republic |
| <input type="checkbox"/> Cyprus | <input type="checkbox"/> Italy | <input type="checkbox"/> Slovenia |
| <input type="checkbox"/> Czech Republic | <input type="checkbox"/> Latvia | <input type="checkbox"/> Spain |
| <input type="checkbox"/> Denmark | <input type="checkbox"/> Lithuania | <input type="checkbox"/> Sweden |
| <input type="checkbox"/> Estonia | <input type="checkbox"/> Luxembourg | <input type="checkbox"/> United Kingdom |
| <input type="checkbox"/> Finland | <input type="checkbox"/> Malta | <input type="checkbox"/> Norway |
| <input type="checkbox"/> France | <input type="checkbox"/> Netherlands | <input type="checkbox"/> Other |

13 If other, please specify:

150 character(s) maximum

B Part I: General Questions

14 By establishing minimum standards for safety, environmental protection and emergency response, the Directive aims to reduce the risks of major accidents on offshore installations. In your view, did the Directive effectively reduce these risks?

- Yes
- No
- I don't know

15 Please elaborate your answer

2000 character(s) maximum

16 Following your response to the question above, are there grounds for the provisions of the Directive to be adjusted?

- Yes
- No
- I don't know

17 Please elaborate your answer, explaining your suggestions and rationale.

2000 character(s) maximum

18 Following your response to question 1, are there grounds suggesting that Member States should amend their national rules and legislation to bring them fully in line with the OSD?

- Yes
- No
- I don't know

19 Please elaborate your answer, explaining your suggestions and rationale.

2000 character(s) maximum

20 In your opinion, to what extent has the Offshore Safety Directive been effective in achieving the following objectives?

	Very Effective	Somewhat Effective	Neither Effective nor Ineffective	Somewhat Ineffective	Very Ineffective	N /A
Preventing, or reducing the likelihood of, major accidents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preventing, or reducing the likelihood of, major environmental incidents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protecting people and the environment from adverse effects of offshore oil and gas operations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Keeping preventive measures and procedures in line with technological progress and best practices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Achieving consistent standards for the prevention of major accidents and major environmental incidents across the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p>Ascribing clear responsibilities for control of major hazard risks unambiguously between license holders, operators and well operators, and owners of non-production installations.</p>	<input type="radio"/>					
<p>Detecting and reporting relevant incidents, such as injuries, major releases of hazardous substances, major accident precursor events, as well as other parameters relevant to the overall safety status of installations</p>	<input type="radio"/>					
<p>Facilitating effective participation of workers' union in tripartite safety consultations</p>	<input type="radio"/>					
<p>Facilitating public access to information about status of risk levels and controls</p>	<input type="radio"/>					
<p>Providing effective public participation in decision-making for licensing and permitting of oil and gas operations having a bearing on major accident prevention and liability</p>	<input type="radio"/>					

Improving cooperation and knowledge exchange between Member States	<input type="radio"/>					
Improving emergency preparedness and response mechanisms	<input type="radio"/>					
Ensuring that operations are carried out only by financially and technically competent companies	<input type="radio"/>					
Providing adequate whistle-blower protection to people reporting concerns on relevant matters	<input type="radio"/>					
Establishing independent, competent authorities addressing the prevention of major accidents and major environmental incidents in relevant Member States with adequate administrative capacity and expert knowledge	<input type="radio"/>					
Facilitating effective participation of workers unions in safety considerations	<input type="radio"/>					

21 Please elaborate your answer, as appropriate.

2000 character(s) maximum

22 Are you aware of any significant matters related to offshore risk management and control of major safety and environmental risks that the Offshore Safety Directive does not adequately address?

- Yes
- No
- I don't know

23 Please elaborate your answer, explaining your observations and rationale.

2000 character(s) maximum

24 To your knowledge, is the application of the Offshore Safety Directive consistent across all EU Member States?

- Yes
- No
- I don't know

25 Please elaborate your answer

2000 character(s) maximum

26 Are there specific requirements of the Directive, which have led to significantly high implementation costs or significantly high costs for maintaining compliance for you or your organisation, to a level that you would consider disproportionate to the benefits resulting from the reduction in major accident risks and risks to the environment? Please consider both monetary and non-monetary costs and provide explanations, facts and figures in support of your answer as appropriate.

	Yes	No	I don't know
Implementation costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ongoing compliance costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

27 Please elaborate your answer with supportive information as suggested above.

2000 character(s) maximum

28 Are there specific requirements of the Implementing Regulation relating to common formats for incident reporting, which have led to significantly high implementation costs or significantly high costs for

maintaining compliance for you or your organisation, to a level that you would consider disproportionate to the benefits resulting from the reduction in major accident risks and risks to the environment? Please consider both monetary and non-monetary costs and provide explanations, facts and figures in support of your answer as appropriate.

	Yes	No	I don't know
Implementation costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ongoing compliance costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

29 Please elaborate your answer with supportive information as suggested above

2000 character(s) maximum

30 To what extent do you agree with the following statements on the costs and benefits of the Offshore Safety Directive

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	N /A
It has provided greater legal certainty	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It has increased the clarity of safety requirements of offshore operations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It has increased the quality of risk management in offshore operations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It has increased transparency of the policy and activities of the competent authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It has contributed in establishing an effective claim handling systems in case of an accident.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It has contributed in establishing an effective claim handling systems in case of an environmental incident.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It has contributed to enlarge the availability of financial instruments <i>vis a vis</i> insurance mechanisms available to operators and owners.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

It has improved the cooperation between competent Authorities of different Member States.	<input type="radio"/>					
It has facilitated integration of safety and environmental regulators within the Competent Authorities of individual Member States	<input type="radio"/>					
It has facilitated the suitable allocation of responsibilities between licensees, operators, owners of non- production installations, and third party contractors.	<input type="radio"/>					

31 Please elaborate your answers and provide supportive explanations, examples, facts and figures as appropriate.

2000 character(s) maximum

32 To what extent do you agree with the following statements?

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	N /A
The OSD is an effective tool to ensure reduction of major accident risks in offshore oil and gas operations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The OSD is well adapted to technological and scientific progress.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The OSD is well adapted to the development of best practices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The OSD is well adapted to strategic priorities of the Member States.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The OSD is well adapted to EU and global market developments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The OSD supports the EU internal market and the creation of a level playing field for economic operators, including SMEs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Definitions and classifications included in the OSD are clear and unambiguous	<input type="radio"/>					
The implementation of OSD provisions by Member States ensures achievement of the OSD objectives	<input type="radio"/>					
Provisions of the OSD are effective means to achieve its objectives	<input type="radio"/>					
The Implementing Regulation relating to common reporting formats is effective in regulating the reporting of accidents and incidents.	<input type="radio"/>					

33 Please elaborate your answer and provide supportive explanations, examples, facts and figures as appropriate.

2000 character(s) maximum

34 To your knowledge, are there specific gaps, overlaps and/or inconsistencies between the Offshore Safety Directive and other EU or national legislation? For example: Are there areas, which are not sufficiently regulated? Is the link of the OSD to environmental legislation fully consistent? Please explain your observations and provide supportive explanations, examples and justification as appropriate.

2000 character(s) maximum

35 Are there any provisions of the OSD that could be simplified without compromising their objectives?

- Yes
- No
- I don't know

36 Please elaborate your answer, explaining and justifying your suggestions as appropriate.

2000 character(s) maximum

37 Are there any provisions of the Implementing Regulation that could be simplified without compromising their objectives?

- Yes
- No
- I don't know

38 Please elaborate your answer, explaining and justifying your suggestions as appropriate.

2000 character(s) maximum

39 Had the OSD not been adopted (i.e. regulatory actions taken exclusively at national level) and considering the situations in Member States which you are familiar with, how would you rate the conditions as they would now be in the areas below?

	Much Better	Better	Similar	Worse	Much Worse	N /A
Protecting the environment from the effects of a major accident.	<input type="radio"/>					
Reducing the risks of a major accident from occurring.	<input type="radio"/>					
Licensing of offshore operations, in a way that ensures adequate control of risks of major accidents.	<input type="radio"/>					
Providing information on risk levels and safety performance to the general public.	<input type="radio"/>					
Promoting regional cooperation in major accident prevention, emergency response, and mitigation measures.	<input type="radio"/>					
Encouraging relevant best practices across the industry.	<input type="radio"/>					
Providing effective public participation relating to responsible decision making for licensing and permitting of oil and gas operations.	<input type="radio"/>					

40 Please elaborate your answer, providing specific examples where possible.

2000 character(s) maximum

41 Should you have any other views, observations, or concerns which have not been covered in the consultation document that you would like to be taken into account, please present and explain them below.

3000 character(s) maximum

42 You may also upload a file in relation to your response here

The maximum file size is 1 MB

C PART II: Consultation on specific Articles of the Offshore Safety Directive

C.A General principles of risk management in offshore oil and gas operations

Article 3 of OSD ascribes overarching responsibilities on operators for ensuring all suitable measures are taken to prevent major accidents. Notwithstanding owners of non-production installations such as mobile drilling rigs have significant duties under the Directive, Article 3(2) requires: "*Member States shall ensure 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.*"

43 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, do you consider that the measures in place assign clear and suitable responsibilities for risk management between licensees, operators, owners and third party contractors conducting offshore oil and gas operations?

	Yes	No	I don't know
Responsibilities are clear	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Responsibilities are suitable	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

44 In case you have selected 'No' to any of your answers above, to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

45 Please elaborate your answer and explain your observations, using facts and figures as appropriate.

1000 character(s) maximum

C.B Liability, financial security, financial instruments and the handling of compensation claims

Article 4 of the OSD concerns liability, financial security, financial instruments and the handling of compensation claims:

-When authorities assess the technical and financial capability of the applicant they shall take into account the applicant's financial capability to cover liability deriving from offshore oil and gas operations

- Member States shall facilitate the deployment of sustainable financial instruments
- Member States shall as a minimum establish procedures for ensuring prompt and adequate handling of compensation claims.

46 Considering the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, are there suitable measures for ensuring that licensees remain fully liable and financially capable to cope with the consequences of a potential major accident throughout their tenure of the licensed area?

- Yes
- No
- I don't know

47 In case you have selected 'No', to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

48 Please elaborate your answer and explain your observations, using facts and figures as appropriate.

2000 character(s) maximum

49 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, do you consider that the availability of sustainable financial instruments is likely to increase, in order to enhance the financial capacity of the licensees in relation to their liabilities?

- Yes
- No
- I don't know

50 In case you have selected 'No', to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

51 Please elaborate your answer and explain your observations, using facts and figures as appropriate.

1000 character(s) maximum

52 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, is the handling of compensation claims by Member States prompt and adequate?

	Yes	No	I don't know
Handling is prompt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Handling is adequate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

53 In case you have selected 'No' to any of your answers above, to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

54 Please elaborate your answer and explain your observations, using facts and figures as appropriate.

1000 character(s) maximum

55 Would further specific legislation for allocating liabilities and the handling of compensation claims at European level bring improvements to the mitigation of economic loss and environmental damages?

	Yes	No	I don't know
For allocating liabilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
For the handling of compensation claims	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

56 Please elaborate your answer and explain and justify your suggestions as appropriate.

1000 character(s) maximum

C.C Public Participation Relating to the Effects of Planned Offshore Oil and Gas Exploration Operations on the Environment

Article 5 of the OSD concerns the public participation relating to the effects of planned offshore oil and gas exploration operations on the environment:

"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."

57 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, do you consider that public participation in strategic decisions concerning the effects of oil and gas operations is assured and adequate and effective?

	Yes	No	I don't know
Public participation is assured	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public participation is adequate and effective	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

58 In case you have selected 'No' to any of your answers above, to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

59 Please elaborate and justify your answer, providing facts and figures as appropriate

1500 character(s) maximum

C.D Independence of the National Competent Authorities

Article 8 of the OSD concerns the independence of the competent authority: "*(2) Member States shall at all times ensure the independence and objectivity of the competent authority in carrying out its regulatory functions. 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.*"

Furthermore, the Competent Authority is responsible for regulating both major accident prevention, and their effects on the environment, including MATTE's (major accidents to the environment).

60 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, do you consider that Competent Authorities are sufficiently independent from conflicts of interest between economic regulation and regulation of safety and environmental protection?

- Yes
- No
- I don't know

61 In case you have selected 'No', to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

62 Please elaborate and justify your observations and suggestions as appropriate.

1000 character(s) maximum

63 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, do you consider that Competent Authorities are sufficiently integrated or connected, so as to provide coherent regulation of both safety and environmental aspects of major accident prevention?

- Yes
- No
- I don't know

64 In case you have selected 'No', to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

65 Please elaborate and justify your observations and suggestions as appropriate.

1000 character(s) maximum

C.E Independent Verification

Article 17 requires operators and owners to have a scheme of independent verification for installation safety critical elements and wells:

Article 7 (4): The scheme for independent verification shall be established:

- (a) in respect of installations ...
- (b) in respect of notification of well operations...

Annex I.5 lists the information that needs to be submitted to the Competent Authority regarding such schemes.

Annex V describes the conditions that need to be met for the selection of independent verifiers based on their level of independence, as well as the conditions that will ensure the effectiveness of the selected independent verifiers while carrying out their tasks.

According to its definition in Article 2(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."

Independent verification is a core element of the operator's or owner's safety and environmental management system.

66 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, do you consider that schemes of independent verification for installations and well operations are applied as intended and are effective?

	Yes	No	I don't know
schemes are applied as intended (i.e. based on the provisions of the OSD)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
schemes (as applied) are effective	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
schemes (if applied as intended) will be effective	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

67 In case you have selected 'No' to any of your answers above, to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

68 Please elaborate and justify your observations and suggestions as appropriate.

1000 character(s) maximum

C.F Confidential reporting of safety concerns

Article 22 concerns the confidential reporting of safety concerns.

"Member States shall ensure that the competent authority establishes mechanisms:

- for confidential reporting of safety and environmental concerns relating to offshore oil and gas operations from any source; and*
- for investigation of such reports while maintaining the anonymity of the individuals concerned."*

69 Taking into account the provisions of Directive as applied in practice in the Member State(s) you are familiar with, do you consider that the rules on confidential reporting are suitable, adequately enforced in order to protect whistle blowers and accessible and explained to the workforce?

	Yes	No	I don't know
rules are suitable to protect whistle blowers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
rules are adequately enforced to protect whistle blowers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
rules are accessible and explained to the workforce	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

70 In case you have selected 'No' to any of your answers above, to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

71 Please elaborate and justify your observations and suggestions as appropriate.

1000 character(s) maximum

C.G Transparency on offshore accidents and the safety performance of installations

Articles 23 - 26 of the Directive concern transparency in relation to the safety performance of installations and major accident investigations.

Annex IX lists several types of information which need to be reported by operators and owners to the Competent Authorities, as well as those to be reported by the authorities to the Commission. This information covers facts and analysis over issues such as unintended releases of hydrocarbons, loss of well control, failures of critical equipment, serious injuries or fatal accidents, near misses, emergency evacuations, number of inspections and investigations etc.

Commission Implementing Regulation 1112/2014, further explains the details of what information should be reported, such as thresholds for example, as well as the form of reporting.

Member States also need to make the information referred to in Annex IX publicly available. This information shall allow the public to conclude on the safety performance levels of offshore oil and gas operations, especially in relation to the prevention of major accidents and the limiting of consequences of major accidents in case they occur.

72 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, do you consider that:

	Yes	No	I don't know

the information requested in Annex IX is sufficient to portray the safety performance levels of oil and gas operations?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
the operators and owners provide to the competent authorities the information requested in Annex IX correctly and in a manner that reflects reality?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
the interested public has easy access to the information requested in Annex IX?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

73 In case you have selected 'No' to any of your answers above, to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

74 Please elaborate and justify your observations and suggestions as appropriate.

1500 character(s) maximum

C.H Emergency Response

Articles 14, 28, 29 and 30 concern emergency preparedness and response, as well as the preparation of internal and external emergency response plans.

Internal emergency response plans are relevant to the level of installation(s) and must take into account the risks and assessments in relation to the operations taking place. They are prepared by the operators / owners, must be kept updated at all times and must be submitted to the Competent Authority of the Member State. They also entail emergency response equipment and expertise which must be maintained and kept available. Once activated, internal emergency plans should provide immediate response to a serious incident or major accident and avoid their escalation beyond the control of the installation.

External emergency response plans provide additional response measures at a Member State and regional level. They are prepared by the Member States and should take into account the internal emergency response plans prepared by the operators and owners. They also entail cooperation between Member States or third countries in case of incidents with transboundary effects (Articles 31, 32 and 33 are relevant).

Annex I - Part 10, Annex VII and Annex VIII list the necessary information and particulars that have to be included in the internal and external emergency response plans.

75 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, do you consider that the measures of the internal emergency response plans:

	Yes	No	I don't know
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are correctly selected as measures to be applied at operator's and owner's level (i.e. instead of Member State level)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
will be effective in avoiding escalation of an incident beyond the control of the installation concerned?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

76 In case you have selected 'No' to any of your answers above, to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

77 Please elaborate and justify your observations and suggestions as appropriate.

1000 character(s) maximum

78 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, do you consider that the measures of the external emergency response plans:

	Yes	No	I don't know
are correctly selected as measures to be applied at Member State's level (i.e. instead of operator's or owner's level)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
will be able to provide immediate and effective emergency response to a major accident, in case such occurs?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
will be able to provide immediate and effective emergency response to a major accident having transboundary effects to other Member States or third countries?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

79 In case you have selected 'No' to any of your answers above, to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

80 Please elaborate and justify your observations and suggestions as appropriate.

1000 character(s) maximum

81 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, do you consider that the overall capacity of emergency preparedness and response is at an adequate level and likely to be effective, in case of a major accident?

- Yes
- No
- I don't know

82 In case you have selected 'No', to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

83 Please elaborate and justify your observations and suggestions as appropriate.

1000 character(s) maximum

C.I Safety in operations conducted outside the European Union

Article 19(8) and Article 20 concern offshore oil and gas operations conducted outside the European Union:

Operators and Owners are obliged to include their production and non-production installations located outside the Union under their corporate major accident prevention policy. Also, in the case where companies registered within the European Union are involved in an offshore accident outside the European Union, they should submit a report to the competent authority of the Member State they are registered in, or to the European Commission.

84 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, do you consider that:

	Yes	No	I don't know
the operators and owners operating in EU waters apply their corporate major accident prevention policy to their operations and activities outside the Union?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
is it likely that such integration shall lead to the reporting of the details of overseas major accidents to the Member State in which the owner or operator involved is registered?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
the provisions in place are adequate to assist the transfer of knowledge of accidents occurring outside the EU to the competent authorities within EU?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
the provisions in place are adequate to assist the transfer of safety culture and standards existing in the EU offshore industry, to offshore activities outside EU?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

85 In case you have selected 'No' to any of your answers above, to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

86 Please elaborate and justify your observations and suggestions as appropriate.

500 character(s) maximum

C.J Penalties

Article 34 concerns the application of 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."

87 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, do you consider that penalties and/or other deterrent measures applicable to infringements of the national provisions are:

	Yes	No	I don't know
fully in place and adequately cover the important spectrum of possible violations?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
implemented and able to ensure compliance?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
contributing sufficiently into achieving the required levels of safety and environmental protection in offshore oil and gas operations?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
proportionate to the severity of the violation concerned?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
dissuasive enough to deter the occurrence of violations?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

88 In case you have selected 'No' to any of your answers above, to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

89 Please elaborate and justify your observations and suggestions as appropriate, using figures where necessary.

500 character(s) maximum

C.K The Application of Criminal Law to Gross Breaches of Duty in Offshore Operations

Article 39(3) requires the Commission to come forward with a report and, as necessary, proposals for universal application of criminal law to offences relating to offshore oil and gas operations.

"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 Council of 19 November 2008 on the protection of the environment through criminal law (...)"

Currently, there is no consistent policy across EU Member States, with regards to application of criminal law to offshore oil and gas operations.

90 Taking into account the provisions of the Directive as applied in practice in the Member State(s) you are familiar with, do you consider that application of criminal law to gross breaches of duty leading to a major accident, or a near-miss, or a major environmental incident, consistently and across the EU, would enhance the performance of industry in risk management and reduction?

	Yes	No	I don't know
when applied in cases of major accidents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
when applied in cases of major environmental incidents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
when applied in serious cases of near misses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

91 In case you have selected 'No' to any of your answers above, to what cause would you attribute your opinion to?

- to the Directive (e.g. unclear provisions, lack of ambition, etc.)
- to national rules in the Member State(s) I am familiar with.
- to practical application or enforcement of the rules.
- to other reasons (please specify below).
- I don't know

92 Please elaborate and justify your observations and suggestions as appropriate.

1000 character(s) maximum

93 Further to your answers in Part II of the questionnaire, you may provide below any additional comments, observations, information, or suggestions you deem relevant to share with us.

4000 character(s) maximum

94 You may also upload a file in relation to your response here

The maximum file size is 1 MB

D Part III: Consultation on specific areas of the review

D.A Decommissioning

After the depletion of oil and gas fields operators and owners abandon or decommission the fixed production installations and associated fixed non production installations. Art.11(1)(f), 12(5), 13(4) and Annex I(6) specifically address the requirements for risk management of abandonment and decommissioning of wells and installations in line with measures applying to all other activities in the lifecycle of oil and gas operations. Whilst the Directive requires that wells must be permanently sealed, no provisions or practical measures are included that give effect to permanency. The evaluation and review of the OSD aims to examine whether further measures or objectives for the closure of offshore oil and gas installations, the abandonment of wells, future monitoring, and post-decommissioning liability, should become applicable in the EU.

95 Taking note of the existing rules and legislation on decommissioning of offshore installations, do you agree to the following statements:

	Yes	No	N /A
They are adequate to ensure that installations on which production has permanently ceased (i.e. not temporarily discontinued) are subject to effective risk management during the decommissioning and abandonment process.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
They give adequate assurance of major accident prevention and environmental consequences during the decommissioning process.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
They are able to ensure adequate environmental protection for the long term, following the decommissioning or abandonment of the production installations or subsea facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

96 Please elaborate your answer and justify your observations and any suggestions as appropriate.

2000 character(s) maximum

D.B External threats, sabotage and cyber security

The Offshore Safety Directive does not provide specific legislation on the protection from external threats, such as malicious cyber-attacks, terrorist actions or military operations. However, horizontal (not sector specific) legislation and initiatives exist aiming to ensure such protection in the EU.

97 Considering the horizontal legislation and initiatives already in place regarding external threats, sabotage and cyber security, do you consider that additional, sector-specific measures are necessary to adequately protect offshore oil and gas installations from the above-mentioned threats?

- Yes
- No
- I don't know

98 Please elaborate your answer and justify your observations and any suggestions as appropriate.

2000 character(s) maximum

D.C Mutual recognition of Mobile Offshore Drilling Units in Member States' jurisdictions

Although the Mobile Offshore Drilling Units (MODUs) are designated as marine vessels while in transit between locations, under the Offshore Safety Directive they are designated as oil and gas installations when stationed in offshore waters for drilling, production or other activities associated with offshore oil and gas operations.

Being installations, MODUs are required to comply with specific rules and legislation applicable in Member States before receiving authorisation to operate. Facilitating the mutual recognition of consents and submissions pursuant to OSD for MODUs in Member States may deepen the internal market and reduce administrative or nugatory costs of offshore oil and gas operations.

99 The Commission has taken note of the implementation by Member States of all the provisions in OSD pertaining to submission of documents, acceptances by the receiving Competent Authority, and measures for risk management with regards to MODUs. Do you consider that there is adequate mutual recognition of Mobile Offshore Drilling Units across borders between Member States, without undue restrictions and undue administrative burden?

- Yes
- No
- I don't know

100 Please elaborate your answer and justify your observations and any suggestions as appropriate.

2000 character(s) maximum

101 Further to your answers in Part III of the questionnaire, you may provide below any additional comments, observations, information, or suggestions you deem relevant to share with us.

3000 character(s) maximum

102 You may also upload a file in relation to your response here

The maximum file size is 1 MB

We thank you for your contribution.