COMMISSION DECISION
of 19 January 2012
on setting up of the European Union Offshore Oil and Gas Authorities Group
(2012/C 18/07)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

(1) Article 191 of the Treaty establishes the objectives of preserving, protecting and improving the quality of the environment and creates an obligation for all Union action to be supported by a high level of protection based on the precautionary principle and preventive action and to prudent and rational utilisation of natural resources.

(2) The Union policy aims at reducing the occurrence of major accidents related to offshore oil and gas activities and to limit their consequences, thus increasing the protection of the marine environment and coastal economies against pollution as well as limiting possible disruptions to indigenous energy production in the Union, and at improving the response mechanisms in case of an accident.

(3) The accidents related to offshore oil and gas activities in 2010, notably the Deepwater Horizon in the Gulf of Mexico, have sparked a review of policies aimed at ensuring the safety of offshore activities. The Commission expressed its initial views on the safety of offshore oil and gas operations in its Communication ‘Facing the challenge of the safety of offshore oil and gas activities’ (1) on 12 October 2010.

(4) The risks of a major offshore oil or gas accident occurring in Union waters are not insignificant. Offshore oil and gas industries are established in a number of regions of the Union, and there are prospects for new regional developments in Union waters. Production of offshore oil and gas is a significant element in EU security of energy supply.

(5) While the Union already has examples of excellence in national regulatory practices related to offshore oil and gas activities, levelling up of the implementation of the regulatory framework for offshore oil and gas operations, can further improve the safety of offshore activities.

(6) The continuous exchange of experience, identification of best practices among regulatory authorities and the industry and improvement of implementation measures are being recognised as key aspects of a well functioning regulatory regime.

(7) The value of collaboration between offshore authorities has been clearly established by the activities of the North Sea Offshore Authorities Forum and the International Regulators Forum. Building on those experiences, it is important to maximise the effectiveness of transfer of experience and knowledge across the Union through a formal Union-wide structure.

(8) Based primarily on the activities of national regulators, the European Union Offshore Oil and Gas Authorities Group should involve in its activities experience from relevant stakeholders including relevant third countries. The Authorities Group should facilitate the transfer of knowledge among stakeholders and assist in the production of formal guidelines relating to best practices.

(9) The objectives of offshore authorities collaborating on matters relating to preventing the occurrence of, and responding to offshore major accidents are also complementary to the objectives of the Standing Working Party of Mining and Other Extractive Industries established under Article 6 of Council Decision 2003/C 218/01 setting up an Advisory Committee on Safety and Health at Work, and complementary to the objectives of the said Committee.

(10) Rules on disclosure of information by members of the Authorities Group and their representatives should be provided for, without prejudice to the Commission’s rules on security as set out in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom.

(11) Personal data relating to the members of the Authorities Group should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (2).


HAS DECIDED AS FOLLOWS:

Article 1
Subject matter
The European Union Offshore Oil and Gas Authorities Group (hereinafter the ‘Authorities Group’) is hereby set up.

Article 2
Task
1. The Authorities Group shall serve primarily as a forum for the exchange of experiences and expertise between national authorities and the Commission.

2. The activities of the Authorities Group may encompass, in coordination with activities of other relevant expert groups, all issues relating to major accident prevention and response in offshore oil and gas operations within the Union, as well as beyond its borders, where appropriate.

3. The Authorities Group shall discuss, assist and give its opinions to the Commission, either at the Commission's request or on its own initiative, in particular on the following issues:

   (a) identifying priorities for preparation of guidance documents, standards and best practices in the oil and gas sector;

   (b) preparing, or initiating and overseeing the preparation of, guidelines on the industry best practices;

   (c) in the interest of sharing experience, facilitating rapid information exchange between the Commission and national authorities, regarding e.g. the occurrence and causes of and responses to major incidents, and events which could have led to major accidents as well as, operational intelligence concerning drilling installations that intend to move between Member States;

   (d) promoting and facilitating consensus between the Commission and national authorities regarding the best regulatory practice;

   (e) promoting exchanges and secondment of staff between national authorities to increase their knowledge and experience;

   (f) exchanging information regarding the application of national and Union legislation and policies relevant to offshore oil and gas activities, including measures to prevent intentional unlawful acts against those activities, and assisting the Commission in monitoring the implementation of relevant Union acquis.

Article 3
Consultation
1. Without prejudice to Article 2 the Commission may consult the Authorities Group on any matter relating to major hazards in offshore oil and gas prospecting, exploration and production.

2. The Authorities Group shall consult with other Commission Expert Groups where there are complementary interests to ensure that relevant matters are brought to the attention of the other groups, and to receive information of interest to the Authorities Group.

Article 4
Membership — Appointment
1. The Authorities Group shall be composed of Member States’ authorities responsible for the regulatory oversight of offshore oil and gas activities and related policy issues.

2. Member States’ authorities shall nominate their representatives.

3. The names of Member States’ authorities shall be published in the Register of Commission expert groups and other similar entities (‘the Register’).


Article 5
Operation
1. The Authorities Group shall be chaired by a representative of the Commission who may appoint a co-chair.

2. In agreement with the Commission services, the Authorities Group may set up sub-groups to examine specific questions, such as the exchange of best practices, on the basis of appropriate terms of reference. Such sub-groups shall be dissolved as soon as their mandates are fulfilled.

3. Representatives from the sectors concerned, including industry, trade unions, academia, research organisations, NGOs, relevant Union Agencies, third countries and other stakeholders may take part in the work of the Authorities Group at the Chairman’s invitation. In addition, observer status may be given to individuals or organisations whose participation may contribute to the work of the Authorities Group.

4. The Authorities Group and its sub-groups shall normally meet on Commission premises in accordance with the procedures and schedule established by it. If not otherwise provided, the Commission shall provide secretarial services.

5. A Member State may seek the opinion of the Authorities Group on documents and published information regarding major hazards in offshore oil and gas activities pursuant to the provisions of applicable Union legislation.
6. The Authorities Group shall regularly report on its activity, notably on the identification and implementation of best practices and the performance of the offshore industry.

7. The Authorities Group shall meet at least once a year.

8. Nominated members of the Authorities Group and the Chair shall meet at least once a year with counterparts from the Standing Working Party for the Mining and Other Extractive Industries to discuss the work of both organisations for the preceding period and to share future work plans.

9. Information obtained by participating in the deliberations of the Authorities Group or its sub-groups shall not be divulged if, in the opinion of the Commission, that information relates to confidential matters.

10. The Authorities Group shall adopt its rules of procedure on the basis of the standard rules of procedure for expert groups.

---

**Article 6**

**Meeting expenses**

1. Participants in the activities of the Authorities Group or its sub-groups shall not be remunerated for the services they render.

2. Travel and subsistence expenses incurred by participants in the activities of the Authorities Group or its sub-groups shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.

3. Those expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resource.

Done at Brussels, 19 January 2012.

*For the Commission*

Günther OETTINGER

*Member of the Commission*