

Subsidiary Legislation made under s.18.

## **Environment (Offshore Oil and Gas) Regulations 2015**

### **LN.2015/122**

*Commencement (rr. 1-4, 34, 46-49)* **19.7.2015**  
*(rr. 5 - 33, 35 - 45 & Schs)* **5.1.2017<sup>1</sup>**

Amending enactments	Relevant current provisions	Commencement date
LN. 2017/004	rr. 6(7)-(8), (10), 16, 34(4), 41(5), Sch. 10	11.1.2017

**Transposing:**

Directive 2004/35/EC

Directive 2013/30/EU

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<sup>1</sup> Notice of Commencement (LN.2017/003)

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**Environment (Offshore Oil and Gas) Regulations 2015 2015/122**

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*In exercise of the powers conferred upon it by section 18 of the Environment Act 2005 and for the purpose of transposing into the law of Gibraltar 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, the Government has made the following Regulations—*

**Title.**

1. These Regulations may be cited as the Environment (Offshore Oil and Gas) Regulations 2015.

**Commencement and application.**

2.(1) These Regulations come into operation in accordance with the provisions of this regulation.

(2) Regulations 1, 2, 3, 4, 34, 46, 47, 48 and 49 come into operation on 19 July 2015.

(3) Save for the regulations referred to in subregulation (2) these Regulations come into operation on the date specified by the Government by Notice in the Gazette and different days may be appointed for different purposes.

(4) These regulations apply to owners, operators of planned production installations and operators planning or executing well operations as from 19 July 2016.

**Subject matter and scope.**

3.(1) These Regulations establish the minimum requirements for preventing major accidents in offshore oil and gas operations and limiting the consequences of such accidents.

(2) These Regulations shall not prejudice anything undertaken in accordance with any Gibraltar law which transposes any of the following European Union measures-

- (a) any law concerning safety and health of workers at work, in particular Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work and Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- (b) Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons;

- (c) Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment;
- (d) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information;
- (e) Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC;
- (f) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control); and
- (g) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

**Interpretation.**

## 4.(1) In these Regulations-

“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;

“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 these Regulations, acceptance does not imply any transfer of responsibility for control of major hazards to the competent authority;

“BGTW” means British Gibraltar Territorial Waters which is the area of sea, the sea bed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extends to three nautical miles and to the median line in the Bay of Gibraltar;

“Civil Contingencies Committee” means the Committee established under section 17 of the Civil Contingencies Act 2007;

“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;

“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;

“competent authority” means the public authority, appointed pursuant to regulation 18;

“connected infrastructure” means, within the safety zone or within a nearby zone of a greater distance from the installation at the discretion of the Government:

- (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;

“contractor” means any entity contracted by the operator or owner to perform specific tasks on behalf of the operator or owner;

“Directive 94/22/EC” means Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons;

“entity” means any natural or legal person or any group of such persons;

“exploration” means drilling into a prospect and all related offshore oil and gas operations necessary prior to production-related operations;

“external emergency response plan” means a Gibraltar 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 Member States;

“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;

“industry” means entities that are directly involved in offshore oil and gas operations covered by these Regulations or whose activities are closely related to those operations;

“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;

“internal emergency response plan” means a plan prepared by the operator or owner pursuant to the requirements of these Regulations concerning the measures to prevent escalation or limit the consequences of a major accident relating to offshore oil and gas operations;

“licence” means an authorisation for offshore oil and gas operations pursuant to Directive 94/22/EC;

“licensee” means the holder or joint holders of a licence;

“licensed area” means the geographical area covered by the licence;

“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;

“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 paragraphs (a), (b) and (c),

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

“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.

“major hazard” means a situation with the potential to result in a major accident;

“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;

“Member State” includes a State part to the Agreement on the European Economic Area;

“Minister” means the Minister with responsibility for the Environment;

“non-production installation” means an installation other than an installation used for production of oil and gas;

“offshore” means situated in BGTW or the continental shelf of Gibraltar within the meaning of the United Nations Convention on the Law of the Sea, and the term “offshore waters” shall be construed accordingly;

“Offshore Oil and Gas Directive” means 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, as the same may be amended from time to time;

“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;

“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;

“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;

“owner” means an entity legally entitled to control the operation of a non-production installation;

“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;

“production installation” means an installation used for production;

“the public” means one or more entities and, in accordance with national legislation or practice, their associations, organisations or groups;

“risk” means the combination of the probability of an event and the consequences of that event;

“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;

“safety zone” means the area within a distance of 500 metres from any part of the installation, established by the Government;

“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;

“tripartite consultation” means a formal arrangement to enable dialogue and cooperation between the competent authority, operators and owners, and workers’ representatives;

“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.

(2) Where these regulations refer to a duty being imposed on an owner or operator, both the owner and the operator shall be deemed to be under that duty unless one party proves that the other undertook to discharge that duty.

*Prevention of major accidents relating to  
offshore oil and gas operations*

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

5.(1) It shall be the duty of an operator to ensure that all suitable measures are taken to prevent major accidents in offshore oil and gas operations.

(2) An operator remains liable for the observance of the duties imposed on it under these Regulations where the actions or omissions leading or contributing to a major accident were carried out by its contractors.

(3) In the case of a major accident, an operator must ensure that it takes all suitable measures to limit its consequences for human health and for the environment.

(4) An operator must 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.

(5) The competent authority may, for the purposes of enforcing the provisions of this regulation, issue a Direction under regulation 47.

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

6.(1) Where the grant or the transfer of a licence to carry out offshore oil and gas operation is being considered, before a decision is taken, the capability of the applicant to meet the requirements for operations within the framework of the licence as required by the relevant provisions of European Union law and these Regulations, must be taken into account.

(2) When considering the grant or transfer of a licence in the circumstances set out in subregulation (1), and 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 Article 8(1)(c) of Directive 2008/56/EC on establishing a framework for community action in the field of marine environmental policy;
- (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.

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

(4) The licensing authority may 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 such arrangements as may be decided by the competent authority, to cover liabilities potentially deriving from the applicant's offshore oil and gas operations and such provision shall be valid and effective from the start of offshore oil and gas operations.

(5) The competent authority shall require applicants to provide it, in an appropriate manner, with 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.

(6) The competent authority shall assess the adequacy of provisions referred to in subregulation (1) 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.

(7) For the purposes of assisting applicants for licences to demonstrate evidence of their financial capacity pursuant to the subregulation (1) the competent authority shall be satisfied where the applicant demonstrates-

- (a) membership of the Offshore Pollution Liability Association Limited;

(b) a body performing equivalent functions to that set out in paragraph (a),

but where by virtue of the geographical location of the intended operation the rules of such bodies preclude admission, the competent authority shall apply such guidance as is applicable in the United Kingdom, with such modifications as the circumstances of Gibraltar require.

(8) For the purposes of ensuring the prompt and adequate handling of compensation claims including in respect of compensation payments for transboundary incidents, the procedures applicable in the United Kingdom shall be applied by the competent authority with such modifications as the circumstances of Gibraltar require.

(9) It shall be a condition of every licence that the licensee at all times maintains sufficient capacity to meet its financial obligations resulting from liabilities for offshore oil and gas operations.

(10) In this regulation “Offshore Pollution Liability Association Limited” means the association of that name registered in England with number 01182588.

#### **Appointment of operator.**

7.(1) The licensing authority or the licensee shall appoint the operator.

(2) Where the operator is to be appointed by the licensee, the licensing authority shall be notified of the appointment in advance and in such cases, the licensing authority, if necessary in consultation with the competent authority, may object to the appointment of the operator.

(3) Where the licensing authority objects to the appointment of the proposed operator, the licensing authority shall require the licensee to appoint a suitable alternative operator but in the absence of the appointment of an operator which the licensing authority deems is suitable, the licensing authority may assume the responsibilities of the operator under these Regulations.

#### **Organisation of licensing procedures.**

8. The licensing authority must ensure that 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 Government prior to production commencing.

#### **Special attention to environment.**

9. 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, special protection areas pursuant to Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, and marine protected areas as agreed by the European Union or Member States concerned within the framework of any international or regional agreements the application of which has been extended to Gibraltar.

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

10.(1) The drilling of an exploration well from a non-production installation shall not be commenced unless the relevant competent authority has 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 European Union legal acts, in particular Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment or Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment as appropriate, has been undertaken.

(2) Where public participation has not been undertaken pursuant to subregulation (1), the competent authority 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 paragraph (d) are taken, due account is taken of the results of the public participation; and

- (f) the competent authority 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,

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

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

11.(1) Production installations and connected infrastructure may only be operated in licensed areas and only by operators appointed for that purpose under regulation 7.

- (2) A person who contravenes the provisions of subregulation (1) commits an offence.

#### **Licensee requirements.**

12.(1) It shall be the duty of a licensee to ensure that the operator has the capacity to meet the requirements for specific operations within the framework of the licence.

- (2) Throughout all offshore oil and gas operations, the licensee must take all reasonable steps to ensure that the operator meets the requirements, carries out its functions and discharges its duties under these Regulations.

#### **Determination operator does not meet requirements.**

13.(1) Where the competent authority determines that the operator no longer has the capacity to meet the relevant requirements under these Regulations, the competent authority must inform the licensing authority and once informed the licensing authority shall then notify the licensee thereof.

- (2) When a licensee is informed of the matters in subregulation (1) the licensee shall assume responsibility for the discharge of the duties concerned and shall, without delay, propose a replacement operator to the licensing authority.

#### **Report on major hazards**

14.(1) Operations relating to production and non-production installations must not commence or be continued until the report on major hazards has been accepted by the competent authority in accordance with these Regulations.

(2) Subject to subregulation (3), well operations or combined operations must not commence or be continued until the report on major hazards for the installations involved has been accepted in accordance with these Regulations.

(3) In addition to the matters provided for in subregulation (1), 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 regulation 25(1)(h) or (i) respectively to the competent authority or where the competent authority expresses objections to the content of a notification.

(4) A person who commences or continues an operation in breach of the provisions of this Regulation commits an offence.

**Safety zones.**

15.(1) The Government may by Notice in the Gazette establish a safety zone around an installation.

(2) Subject to subregulation (3) all vessels are prohibited from entering or remaining in a safety zone established under subregulation (1).

(3) The prohibition referred to in subregulation (2) does 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 Government;
- (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 Government.

**Oil and Gas Advisory Committee.**



16.(1) There is established the Oil and Gas Advisory Committee.

(2) The Oil and Gas Advisory Committee shall be comprised of the members set out in Part 1 of Schedule 10 and shall abide by the terms of reference set out in Part 2 of that Schedule.

(3) The Oil and Gas Advisory Committee shall determine its own rules and procedures.

(4) The Oil and Gas Advisory Committee must meet at least twice a year.

**Liability for environmental damage.**

17. Without prejudice to the existing scope of liability relating to the prevention and remediation of environmental damage pursuant to the Environmental Liability Regulations 2008 a licensee is financially liable for the prevention and remediation of environmental damage as defined in those Regulations, caused by offshore oil and gas operations carried out by, or on behalf of, the licensee or the operator.

**Appointment of the competent authority.**

18.(1) The Government must, by Notice in the Gazette, appoint a competent authority.

(2) The competent authority is 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 these Regulations, including inspections, investigations and enforcement actions;
- (c) advising other authorities or bodies, including the licensing authority;
- (d) making annual plans pursuant regulation 35;
- (e) producing reports;
- (f) cooperating with the competent authorities or contact points pursuant to regulation 41.

(3) The competent authority shall at all times act independently and with objectivity when carrying out its regulatory functions and particularly in respect of subregulation (2)(a), (b) and (c).

(4) The Government shall ensure that conflicts of interest 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 Gibraltar and the collection and management of revenues from those operations.

(5) In order to achieve the objectives set out in subregulations (3) and (4), the Government 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 Government relating to the economic development of the offshore natural resources and licensing of offshore oil and gas operations within Gibraltar and the collection and management of revenues from those operations.

(6) Where the total number of normally attended installations is below 6, the Government may elect whether or not to apply subregulation (5) and where it does so, that election shall be without prejudice to its obligations under subregulations (3) and (4).

**Competent authority resources etc.**

19.(1) The Government shall ensure that the competent authority has adequate human and financial resources to carry out its duties under these Regulations.

(2) The resources referred to in subregulation (1) shall be commensurate with the extent of offshore oil and gas operations undertaken in BGTW and the continental shelf of Gibraltar.

(3) The Government may enter into formal agreements with appropriate European 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 but a body shall not be deemed suitable where its objectivity may be compromised by conflicts of interest.

**Organisation of competent authority to be made public.**

20. The Government shall make available to the public a description of how the competent authority is organised, including why it has established the competent authority in such a way, and how it has ensured that the regulatory functions set out in regulation 18(2) are carried out and that the obligations set out in regulation 18(3) and (4) are complied with.

**Competent authority: recovery of financial costs.**

21. The Government may establish mechanisms according to which the financial costs to the competent authority in carrying out its duties under these Regulations may be recovered from licensees, operators or owners.

**Multiple competent authorities.**

22. Where the competent authority is comprised of more than one body, the Government shall make every effort to avoid duplication of regulatory functions between the bodies and the Government may designate one of the constituent bodies as the lead body with responsibility for the coordination of the regulatory functions under these Regulations and for reporting to the European Commission.

**Review.**

23. The Government shall, in accordance with Article 8(9) of the Offshore Oil and Gas Directive, 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 regulation 18(2).

**Functioning of the competent authority.**

24. The Government must ensure that the competent authority-

- (a) acts independently of policies, regulatory decisions or other considerations unrelated to its duties under these Regulations;
- (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 these Regulations;
- (c) establishes a policy, process and procedures for thorough assessment of reports on major hazards and notifications submitted pursuant to regulation 25 as well as for overseeing compliance with these Regulations in BGTW and the continental shelf of Gibraltar, including inspection, investigation and enforcement actions;
- (d) makes the policy, process and procedures pursuant to paragraph (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 Gibraltar to undertake the duties under these Regulations; and
- (f) bases its policy, organisation and operational procedures on the principles set out in Annex III of the Offshore Oil and Gas Directive (which is reproduced in Schedule 3).

*Preparing and carrying out offshore oil and gas operations*

**Documents to be submitted for carrying out offshore oil and gas operations.**

25.(1) The operator or the owner must submit the following documents to the competent authority-

- (a) the corporate major accident prevention policy or an adequate description thereof, in accordance with regulation 33(1), (2) and (7);
- (b) the safety and environmental management system applicable to the installation, or an adequate description thereof, in accordance with regulation 33(4), (5) and (7);
- (c) in the case of a planned production installation, a design notification in accordance with the requirements of Part 1 of Schedule 1;
- (d) a description of the scheme of independent verification in accordance with regulation 31;
- (e) a report on major hazards, in accordance with regulations 26 and 27;
- (f) in the event of a material change or dismantling of an installation, an amended report on major hazards in accordance with regulations 26 and 27;
- (g) the internal emergency response plan or an adequate description thereof, in accordance with regulations 28 and 42;
- (h) in the case of a well operation, a notification of that well operation and information on that well operation in accordance with regulation 29;
- (i) in the case of a combined operation, a notification of combined operations in accordance with regulation 30;
- (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 Part 1 of Schedule 1;
- (k) any other relevant document requested by the competent authority.

(2) The documents to be submitted under subregulation (1) (a), (b), (d) and (g) shall be included with the report on major hazards required under subregulation (1)(e).

(3) 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 subregulation (1)(h).

(3) The design notification required pursuant to subregulation (1)(c) 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.

(4) The competent authority shall respond to the design notification with comments to be taken into account in the report on major hazards.

(5) Where an existing production installation is to enter or leave the offshore waters of Gibraltar, the operator shall notify the competent authority in writing prior to the date on which the production installation is due to enter or leave those offshore waters.

(6) The relocation notification required pursuant to subregulation (1)(j) 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.

(7) 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.

(8) The report on major hazards required pursuant to subregulation (1)(e) shall be submitted to the competent authority by a deadline set by the competent authority that is before the planned commencement of the operations.

#### **Report on major hazards for a production installation.**

26.(1) The operator must prepare a report on major hazards for a production installation, to be submitted pursuant to regulation 25(1)(e) containing the information specified in Parts 2 and 5 of Schedule 1 and shall be updated whenever appropriate or when so required by the competent authority.

(2) The owner must 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 Part 2, subparagraph (3) of Schedule 1.

(3) With the prior approval of the competent authority the report on major hazards for a production installation may be prepared in relation to a group of installations.

(4) Where further information is necessary before a report on major hazards can be accepted, the competent authority may require, and upon such being so informed the operator must provide, 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 regulation 25(1)(f) by a deadline specified by the competent authority, in accordance with Part 6 of Schedule 1.

(6) The planned modifications must not be brought into use nor any dismantling 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 5 years or earlier when so required by the competent authority and the results of the review shall be notified to the competent authority.

**Report on major hazards for a non-production installation.**

27.(1) The owner must prepare a report on major hazards for a non-production installation which-

- (a) is to be submitted pursuant to regulation 25(1)(e);
- (b) contains the information specified in Parts 3 and 5 of Schedule 1; and
- (c) is updated whenever appropriate or when so required by the competent authority.

(2) The owner must 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 Part 3, subparagraph (2) of Schedule 1.

(3) Where further information is necessary before a report on major hazards for a non-production installation can be accepted, the competent authority may require, and upon being so informed the owner must provide, such information and make any necessary changes to the submitted report.

(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 regulation 25(1)(f) by the deadline specified by the competent authority, in accordance with Part 6, subparagraphs (1), (2) and (3) of Schedule 1.

(5) For a fixed non-production installation, the planned modifications must not be brought into use nor any dismantling 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, the planned modifications must not be 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 must be subject to a thorough periodic review by the owner at least every 5 years, or earlier when so required by the competent authority and the results of the review shall be notified to the competent authority.

#### **Internal emergency response plans.**

28.(1) An owner or where appropriate, the operator, must prepare an internal emergency response plans to be submitted pursuant to regulation 25(1)(g) which-

- (a) must be prepared in accordance with regulation 42, taking into account the major accident risk assessment undertaken during preparation of the most recent report on major hazards; and
- (b) includes 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 regulation 25(1)(h) but where the internal emergency response plan has to be amended due to the particular nature or location of the well, the operator of the well must submit 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.

#### **Notification of and information on well operations.**

29.(1) The operator of a well must prepare the notification to be submitted pursuant to regulation 25(1)(h) to the competent authority and-

- (a) submit the notification by a deadline set by the competent authority that is before the commencement of the well operation; and

(b) that notification shall contain details of the design of the well and the proposed well operations in accordance with, Part 4 of Schedule 1 and include an analysis of the oil spill response effectiveness.

(2) The competent authority shall consider the notification under subregulation (1) and, if it deems it to be necessary, take appropriate action before the well operations are commenced, and such action may include prohibiting the operation from being commenced by issuing a notice to that effect.

(3) The operator of the well must involve the independent verifier in planning and preparation of a material change to the submitted notification of well operations pursuant to regulation 31(5)(b) and the operator must immediately inform the competent authority of any material change to the submitted notification of well operations.

(4) The competent authority shall consider those changes referred to under subregulation (3) and, if deemed necessary, take appropriate action.

(5) The operator of the well must submit reports of well operations to the competent authority in accordance with the requirements of Schedule 2-

(a) at weekly intervals, starting on the day of commencement of the well operations;  
or

(b) at intervals specified by the competent authority.

#### **Notification of combined operations.**

30.(1) Operators and owners involved in a combined operation must jointly prepare the notification to be submitted pursuant to regulation 25(1)(i).

(2) The notification referred to in subregulation (1) must contain the information specified in Part 7 of Schedule 1.

(3) It shall be the responsibility of all the operators to ensure that one of the operators concerned submits the notification of combined operations under subregulation (1) to the competent authority.

(4) The notification shall be submitted by a deadline set by the competent authority before combined operations are commenced.

(5) 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.



(6) The operator who submitted the notification under subregulation (1) must inform, without delay, the competent authority of any material change to the submitted notification and upon receipt of such notification the competent authority shall consider those changes and, if deemed necessary, take appropriate action.

**Independent verification.**

31.(1) Operators and owners must establish schemes for independent verification and for that purpose they must prepare a description of such schemes, to be submitted pursuant to regulation 25(1)(d) and included within the safety and environmental management system submitted pursuant to paragraph (b) of that regulation.

(2) The description referred to in subregulation (1) shall contain the information specified in Part 5 of Schedule 1.

(3) 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.

(4) The selection of the independent verifier and the design of schemes for independent verification shall meet the criteria of Schedule 5.

(5) 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.

(6) Operators and owners must respond to and take appropriate action based on the advice of the independent verifier.

(7) Operators and owners must ensure that advice received from the independent verifier pursuant to subregulation (5)(a) 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 6 months after completion of the offshore oil and gas operations to which they relate.

(8) Operators of wells must ensure that the findings and comments of the independent verifier pursuant to subregulation (5)(b) and their actions in response to those findings and comments are presented in the notification of well operations prepared in accordance with regulation 29.

(9) For a production installation, the verification scheme shall be in place prior to the completion of the design.

(10) For a non-production installation, the verification scheme shall be in place prior to the commencement of operations in offshore waters.

**Power of the competent authority in relation to operations on installations.**

32. The following are duties of the competent authority -

- (a) to prohibit 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 regulation 25(1) (h) or (i) respectively are considered insufficient to fulfil the requirements set out in these Regulations;
- (b) in exceptional situations and where it considers that safety and environmental protection are not compromised, shorten the time interval required between the submission of the report on major hazards or other documents to be submitted pursuant to regulation 25 and the commencement of operations;
- (c) require the operator to take such proportionate measures as it considers necessary to ensure compliance with regulation 5;
- (d) where regulation 13 applies, take adequate measures to ensure the continuing safety of operations;
- (e) 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 regulation 13, a periodic review of the report on major hazards submitted pursuant to regulation 25(1)(e) or by changes to notifications submitted pursuant to regulation 25, that the requirements of these Regulations are not being fulfilled or there are reasonable concerns about the safety of offshore oil and gas operations or installations.

*Prevention policy*

**Major accident prevention by operators and owners.**

33.(1) Operators and owners must prepare a document setting out their corporate major accident prevention policy which is to be submitted pursuant to regulation 25(1)(a), 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.

(2) The document referred to in subregulation (1) shall contain the information specified in Part 8 of Schedule 1.

(3) 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.

(4) Operators and owners must prepare a document setting out their safety and environmental management system which is to be submitted pursuant to regulation 25(1)(b).

(5) The document referred to in subregulation (4) 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 these Regulations; and
- (c) schemes for independent verification established pursuant to regulation 31.

(6) The competent authority shall create opportunities for operators and owners to contribute to mechanisms for effective tripartite consultation established pursuant to regulation 16 and when appropriate, an operator's and owner's commitment to such mechanisms may be outlined in the corporate major accident prevention policy.

(7) The corporate major accident prevention policy and the safety and environmental management systems shall be prepared in accordance with Parts 8 and 9 of Schedule 1 and Schedule 4 and 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.

(8) Operators and owners must prepare and maintain a complete inventory of emergency response equipment pertinent to their offshore oil and gas operation.

(9) Operators and, owners in consultation with the competent authority and making use of the exchanges of knowledge, information and experience provided for in regulation 41(1) and (2), must 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 Schedule 6.

(10) Operators and owners must ensure that their corporate major accident prevention policy document referred to in subregulation (1) also covers their production and non-production installations outside of the European Union.

(11) 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, the competent authority 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.

(12) Where the measures referred to in subregulation (11) are taken, the operator or the owner must notify the competent authority accordingly without delay and no later than 24 hours after taking those measures.

(13) The competent authority must 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.

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

34.(1) Companies registered in Gibraltar and conducting, themselves or through subsidiaries, offshore oil and gas operations outside the European Union as licence holders or operators must report to the competent authority, on request, the circumstances of any major accident in which they have been involved.

(2) In the request for a report pursuant to subregulation (1), the competent authority must specify the details of the information required.

(3) Reports obtained under this regulation shall be exchanged in accordance with regulation 41(1) and (2).

(4) *Deleted.*

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

35.(1) Operators and owners must 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 regulation 25(1)(e), (h) and (i) respectively.

(2) Operators and owners must 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 these Regulations.

(3) The competent authority must develop 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 regulation 25.

(4) The effectiveness of the plans referred to in subregulation (3) shall be regularly reviewed and the competent authority shall take any necessary measures to improve them.

**Confidential reporting of safety concerns.**

36.(1) The competent authority must establish 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) Operators and owners must communicate details of the arrangements for the mechanisms referred to in subregulation (1) to their employees and contractors connected with the operation and their employees, and must ensure that reference to confidential reporting is included in relevant training and notices.

*Transparency and sharing of information*

**Sharing of information.**

37. Operators and owners must provide the competent authority, as a minimum, with the information described in Schedule 9.

**Transparency.**

38. The competent authority shall make the information referred to in Schedule 9 publicly available.

**Reporting on safety and environmental impact.**

39.(1) The Minister shall ensure that the European Commission receives an annual report containing the information specified in subparagraph (3) of Schedule 9.

(2) The competent authority is responsible for exchanging information pursuant to regulation 37 and for publication of information pursuant to regulation 38.

**Investigation following a major accident.**

40.(1) The Minister shall initiate thorough investigations of major accidents occurring in BGTW or over the continental shelf of Gibraltar.

(2) The Minister shall ensure that a summary of the findings pursuant to subregulation (1) is available to the European Commission either at the conclusion of the investigation or at the conclusion of legal proceedings as appropriate.

(3) The Minister shall make a non-confidential version of the findings publicly available.

(4) The Minister shall ensure, if necessary by issuing directions, that following the investigations pursuant to subregulation (1), the competent authority implements any recommendations of the investigation that are within its powers to act.

*Cooperation***Cooperation between Gibraltar and Member States.**

41.(1) The competent authority must-

- (a) regularly exchange knowledge, information and experience with competent authorities from Member States, inter alia, through the European Union Offshore Oil and Gas Authorities Group (EUOAG);

(b) engage in consultations on the application of relevant Gibraltar and European Union law with the industry, other stakeholders and the European Commission.

(2) Where there are no oil and gas operations being undertaken in BGTW or the continental shelf of Gibraltar, the information referred to in subregulation (1) shall be received by the contact point designated under regulation 46(1).

(3) The knowledge, information and experience exchanged pursuant to subregulation (1) shall concern, in particular, the functioning of the measures for risk management, major accident prevention, and verification of compliance and emergency response relating to offshore oil and gas operations within the European Union, as well as outside of the European Union where appropriate.

(4) The competent authority must participate 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.

(5) *Deleted.*

*Emergency preparedness and response*

**Requirements for internal emergency response plans.**

42.(1) The competent authority shall ensure that the internal emergency response plans to be prepared by the operator or the owner in accordance with regulation 28 and submitted pursuant to regulation 25(1)(g) 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 regulation 43.

(2) The operator and the owner must 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.

(3) The internal emergency response plan shall be prepared in accordance with Part 10 of Schedule 1, and updated as a consequence of any material change to the report on major hazards or notifications submitted pursuant to regulation 25.

(4) The updates referred to in subregulation (3) shall be submitted to the competent authority pursuant to regulation 25(1)(g) and notified to the relevant authority or authorities responsible for preparing the external emergency response plans.

(5) 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.

**External emergency response plans and emergency preparedness.**

43.(1) The competent authority shall prepare external emergency response plans covering all offshore oil and gas installations or connected infrastructure and potentially affected areas within BGTW and the continental shelf of Gibraltar and such plans shall specify the role and financial obligation of licensees and operators.

(2) External emergency response plans shall be prepared 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 Schedule 7, and shall be made available to the European Commission, potentially affected Member States and the public.

(4) When making external emergency response plans available, the competent authority 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 Gibraltar or Member States or the personal safety and well-being of officials from Gibraltar or from Member States.

(5) The Minister shall take suitable measures to achieve a high level of compatibility and interoperability of response equipment and expertise between all Member States in Gibraltar's geographical region, and further afield where appropriate.

(6) The Government shall encourage industry to develop response equipment and contracted services that are compatible and interoperable throughout the geographical region.

(7) The competent authority shall keep records of emergency response equipment and services in accordance with subparagraph (1) of Schedule 8, and make them available to the potentially affected Member States and the European Commission and, on a reciprocal basis, to neighbouring third countries.



(8) Operators and owners must regularly test their preparedness to respond effectively to major accidents in close cooperation with the relevant authorities.

(9) The competent authority or, where appropriate, contact point shall develop cooperation scenarios for emergencies, and such scenarios shall be regularly assessed and updated as necessary.

### **Emergency response.**

44.(1) An operator or, if appropriate, an owner must notify, without delay, the relevant authorities of a major accident or of a situation where there is an immediate risk of a major accident and that notification shall describe the circumstances, including, where possible, the origin, the potential impacts on the environment and the potential major consequences.

(2) In the event of a major accident, the operator or the owner must take all suitable measures to prevent its escalation and to limit its consequences.

(3) In the circumstance described in subregulation (2) the competent and any other relevant authority may assist the operator or owner, including with the supply of additional resources.

(4) In the course of the emergency response, the competent authority shall collect the information necessary for thorough investigation pursuant to regulation 40(1).

### *Transboundary effects*

### **Transboundary emergency preparedness and response when offshore oil and gas operations are to be undertaken.**

45.(1) Where the competent authority 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 a 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.

(2) If the Government considers that Gibraltar is likely to be potentially affected, the Government may request the Member State in whose jurisdiction the offshore oil and gas operation is to take place, to forward all relevant information to it.

(3) The Government and the Member State in question 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 regulation 18(2)(a), (b) and (c).

(4) The major hazards identified pursuant to subregulation (1) to (3) shall be taken into account in internal and external emergency response plans to facilitate joint effective response to a major accident.

(5) Where there is a risk of the foreseeable transboundary effects of major accidents affecting third countries, the Government shall, on a reciprocal basis, make information available to the third countries.

(6) The Government and Member States shall coordinate between themselves measures relating to areas outside of the European Union in order to prevent potential negative effects of offshore oil and gas operations.

(7) The competent authority shall regularly test the preparedness to respond effectively to major accidents in cooperation with potentially affected Member States, relevant European Union agencies and, on a reciprocal basis, potentially affected third countries.

(8) In the event of a major accident, or of an imminent threat thereof, which has or is capable of having transboundary effects, the Government shall, without delay, notify the European 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.

**Transboundary emergency preparedness and response when no offshore oil and gas operations are being undertaken.**

46.(1) Whilst no offshore oil and gas operations are being undertaken in BGTW or the continental shelf of Gibraltar, the Minister shall be the contact point for the purposes of Article 32(1) of the Offshore Oil and Gas Directive, in order to exchange information with the adjacent Member State.

(2) The Minister shall apply regulation 43(5), (6) and (9) so as to ensure that adequate response capacity is in place in the event that Gibraltar is affected by a major accident.

(3) Where no offshore oil and gas operations are undertaken in BGTW or the continental shelf of Gibraltar the Civil Contingencies Committee shall coordinate 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 no offshore oil and gas operations are undertaken in BGTW or the continental shelf of Gibraltar and Gibraltar is affected by a major accident, the Government shall ensure that-

- (a) all suitable measures are taken in line with the contingency planning referred to in subregulation (3); and

- (b) any information which is under its control and available 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 regulation 40.

*Enforcement provisions*

**Directions.**

47.(1) The Government, the Minister and the competent authority may each issue written Directions to any person on whom these Regulations impose a duty to act or refrain from undertaking any action.

(2) The written Direction must state what is required of the person named in the Direction, and where appropriate, the time by which the Direction must be complied with.

(3) Where the Direction relates to more than one matter the Direction may contain more than one date by which compliance is required.

(4) A person who, without reasonable excuse fails to comply with a Direction commits an offence.

**Penalty.**

48. A person who commits an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 12 months or both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or both.

**Corporate liability.**

49.(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate; or
- (b) any person who was purporting to act in any such capacity, that person is guilty of the offence as well as the body corporate.

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(2) For the purposes of subregulation (1), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

## SCHEDULE 1

Information to be included in documents submitted to the competent authority pursuant to Article regulation 25.

**Part 1****1. INFORMATION TO BE SUBMITTED IN A DESIGN OR RELOCATION NOTIFICATION FOR A PRODUCTION INSTALLATION**

The design notification and the relocation notification for a production installation to be submitted pursuant to regulation 25(1)(c) and (j) respectively shall contain at least the following information:

- (1) the name and address of the operator of the installation;
- (2) a description of the design process for the production operations and systems, from an initial concept to the submitted design or selection of an existing installation, the relevant standards used, and the design concepts included in the process;
- (3) a description of the selected design concept in relation to the major hazard scenarios for the particular installation and its location, and the primary risk control features;
- (4) a demonstration that the concept contributes to reducing major hazard risks to an acceptable level;
- (5) a description of the installation and the conditions at its intended location;
- (6) a description of any environmental, meteorological and seabed limitations on safe operations, and the arrangements for identifying risks from seabed and marine hazards such as pipelines and the moorings of adjacent installations;
- (7) a description of the types of major hazard operations to be carried out;
- (8) a general description of the safety and environmental management system by which the intended major accident risk control measures are to be maintained in good effect;
- (9) a description of the independent verification schemes and an initial list of safety and environmental critical elements and their required performance;
- (10) where an existing production installation is to be moved to a new location to serve a different production operation, a demonstration that the installation is suitable for the proposed production operation;

(11) where a non-production installation is to be converted for use as a production installation, a justification demonstrating that the installation is suitable for such conversion.

### **Part 2**

## **2. INFORMATION TO BE SUBMITTED IN A REPORT ON MAJOR HAZARDS FOR OPERATION OF A PRODUCTION INSTALLATION**

Reports on major hazards for a production installation to be prepared in accordance with regulation 26 and submitted pursuant to regulation 25(1)(e) shall contain at least the following information:

- (1) a description of the account taken of the competent authority's response to the design notification;
- (2) the name and address of the operator of the installation;
- (3) a summary of any worker involvement in the preparation of the report on major hazards;
- (4) a description of the installation and any association with other installations or connected infrastructure, including wells;
- (5) demonstration that all the major hazards have been identified, their likelihood and consequences assessed, including any environmental, meteorological and seabed limitations on safe operations, and that their control measures including associated safety and environmental critical elements are suitable so as to reduce the risk of a major accident to an acceptable level; this demonstration shall include an assessment of oil spill response effectiveness;
- (6) a description of the types of operations with major hazard potential to be carried out, and the maximum number of persons that can be on the installation at any time;
- (7) a description of equipment and arrangements to ensure well control, process safety, containment of hazardous substances, prevention of fire and explosion, protection of the workers from hazardous substances, and protection of the environment from an incipient major accident;
- (8) a description of the arrangements to protect persons on the installation from major hazards, and to ensure their safe escape, evacuation and rescue, and arrangements for the maintenance of control systems to prevent damage to the installation and the environment in the event that all personnel are evacuated;

- (9) relevant codes, standards and guidance used in the construction and commissioning of the installation;
- (10) information, regarding the operator's safety and environmental management system, that is relevant to the production installation;
- (11) an internal emergency response plan or an adequate description thereof;
- (12) a description of the independent verification scheme;
- (13) any other relevant details, for example where two or more installations operate in combination in a way which affects the major hazard potential of either or all installations;
- (14) the information relevant to other requirements under these Regulations obtained pursuant to the major accident prevention requirements of Directive 92/91/EEC;
- (15) in respect of operations to be conducted from the installation, any information relating to the prevention of major accidents resulting in significant or serious damage to the environment relevant to other requirements under these Regulations, obtained pursuant to Directive 2011/92/EU;
- (16) an assessment of the identified potential environmental effects resulting from the loss of containment of pollutants arising from a major accident, and a description of the technical and non-technical measures envisaged to prevent, reduce or offset them, including monitoring.

### Part 3

#### **3. INFORMATION TO BE SUBMITTED IN A REPORT ON MAJOR HAZARDS FOR A NON-PRODUCTION INSTALLATION**

Reports on major hazards for a non-production installation to be prepared in accordance with regulation 27 and submitted pursuant to regulation 25(1)(e) shall contain at least the following information:

- (1) the name and address of the owner;
- (2) a summary of any worker involvement in the preparation of the report on major hazards;
- (3) a description of the installation and, in the case of a mobile installation, a description of its means of transfer between locations, and its stationing system;

- (4) a description of the types of operations with major hazard potential that the installation is capable of performing, and the maximum number of persons that can be on the installation at any time;
- (5) demonstration that all the major hazards have been identified, their likelihood and consequences assessed, including any environmental, meteorological and seabed limitations on safe operations and that their control measures including associated safety and environmental critical elements are suitable so as to reduce the risk of a major accident to an acceptable level; this demonstration shall include an assessment of any oil spill response effectiveness;
- (6) a description of the plant and arrangements to ensure well control, process safety, containment of hazardous substances, prevention of fire and explosion, protection of the workers from hazardous substances, and protection of the environment from a major accident;
- (7) a description of the arrangements to protect persons on the installation from major hazards, and to ensure their safe escape, evacuation and rescue, and arrangements for the maintenance of control systems to prevent damage to the installation and the environment in the event that all personnel are evacuated;
- (8) relevant codes, standards and guidance used in the construction and commissioning of the installation;
- (9) demonstration that all the major hazards have been identified for all operations the installation is capable of performing, and that the risk of a major accident is reduced to an acceptable level;
- (10) a description of any environmental, meteorological and seabed limitations on safe operations, and the arrangements for identifying risks from seabed and marine hazards such as pipelines and the moorings of adjacent installations;
- (11) information, regarding the safety and environmental management system, that is relevant to the non-production installation;
- (12) an internal emergency response plan or an adequate description thereof;
- (13) a description of the independent verification scheme;
- (14) any other relevant details, for example where two or more installations operate in combination in a way which affects the major hazard potential of either or all installations;
- (15) in respect of operations to be conducted from the installation, any information obtained pursuant to Directive 2011/92/EU relating to the prevention of major accidents resulting in



significant or serious damage to the environment relevant to other requirements under these Regulations;

(16) an assessment of the identified potential environmental effects resulting from the loss of containment of pollutants arising from a major accident, and a description of the technical and non-technical measures envisaged to prevent, reduce or offset them, including monitoring.

#### **Part 4**

#### **4. INFORMATION TO BE SUBMITTED IN A NOTIFICATION OF WELL OPERATIONS**

Notifications of well operations to be prepared in accordance with regulation 29 and submitted pursuant to regulation 25(1)(h) shall contain at least the following information:

- (1) the name and address of the operator of the well;
- (2) the name of the installation to be used and the name and address of the owner or, in the case of a production installation, the contractor undertaking drilling activities;
- (3) details that identify the well and any association with installations and connected infrastructure;
- (4) information on the well work programme, including the period of its operation, details and verification of barriers against loss of well control (equipment, drilling fluids and cement etc.), directional control of the well path, and limitations on safe operations in keeping with the risk management;
- (5) in the case of an existing well, information regarding its history and condition;
- (6) any details concerning safety equipment to be deployed that are not described in the current report on major hazards for the installation;
- (7) a risk assessment incorporating a description of:
  - (a) the particular hazards associated with the well operation including any environmental, meteorological and seabed limitations on safe operations;
  - (b) the subsurface hazards;
  - (c) any surface or subsea operations which introduce simultaneous major hazard potential;

- (d) suitable control measures;
- (8) a description of the well configuration at the end of operations – i.e. permanently or temporarily abandoned; and whether production equipment has been placed into the well for future use;
- (9) in the case of a modification to a previously submitted notification of well operations, sufficient details to fully update the notification;
- (10) where a well is to be constructed, modified or maintained by means of a non-production installation, additional information as follows:
- (a) a description of any environmental, meteorological and seabed limitations on safe operations, and arrangements for identifying risks from seabed and marine hazards such as pipelines and the moorings of adjacent installations;
  - (b) a description of environmental conditions that have been taken into account within the internal emergency response plan for the installation;
  - (c) a description of emergency response arrangements including arrangements for responding in cases of environmental incidents that are not described in the report on major hazards; and
  - (d) a description of how the management systems of the operator of the well and the owner are to be coordinated to ensure effective control of major hazards at all times;
- (11) a report with findings of the independent well examination, including a statement by the operator of the well that, after considering the report and findings of independent well examination by the independent verifier, the risk management relating to well design and its barriers to loss of control are suitable for all anticipated conditions and circumstances;
- (12) the information relevant to these Regulations obtained pursuant to the major accident prevention requirements of Directive 92/91/EEC;
- (13) in respect of the well operations to be conducted, any information relevant to other requirements under these Regulations obtained pursuant to Directive 2011/92/EU relating to the prevention of major accidents resulting in significant or serious damage to the environment.

## **Part 5**

### **5. INFORMATION TO BE SUBMITTED RELATING TO A VERIFICATION SCHEME**

Descriptions to be submitted pursuant to regulation 25(1)(d) in relation to schemes of independent verification to be established pursuant to regulation 31(1) and (2) shall include:

- (a) a statement by the operator or owner, made after considering the report of the independent verifier, that the record of safety critical elements and their scheme of maintenance as specified in the report on major hazards are or will be suitable;
- (b) a description of the verification scheme including the selection of independent verifiers, the means of verification that safety and environmental critical elements and any specified plant in the scheme remain in good repair and condition;
- (c) a description of the means of verification referred to in subparagraph (b) that shall include details of the principles that will be applied to carry out the functions under the scheme and to keep the scheme under review throughout the lifecycle of the installation including:
  - (i) the examination and testing of the safety and environmental critical elements by independent and competent verifiers;
  - (ii) verification of the design, standard, certification or other system of conformity of the safety and environmental critical elements;
  - (iii) examination of work in progress;
  - (iv) the reporting of any instances of non-compliance;
  - (v) remedial actions taken by the operator or owner.

### **Part 6**

#### **6. INFORMATION TO BE PROVIDED IN RESPECT OF A MATERIAL CHANGE TO AN INSTALLATION, INCLUDING REMOVAL OF A FIXED INSTALLATION**

Where material changes are to be made to the installation as referred to in regulation 26(5) and regulation 27(4), the amended report on major hazards incorporating the material changes to be submitted pursuant to regulation 25(1)(f) shall contain at least the following information:

- (1) the name and address of the operator or the owner;
- (2) a summary of any worker involvement in the preparation of the revised report on major hazards;

(3) sufficient details to fully update the earlier report on major hazards and associated internal emergency response plan for the installation and to demonstrate major hazard risks are reduced to an acceptable level;

(4) in the case of taking a fixed production installation out of use:

- (a) means of isolating all hazardous substances and in the case of wells connected to the installation, the permanent sealing of the wells from the installation and the environment;
- (b) a description of major hazard risks associated with the decommissioning of the installation to workers and the environment, the total exposed population, and the risk control measures;
- (c) emergency response arrangements to secure safe evacuation and rescue of personnel and to maintain control systems for preventing a major accident to the environment.

### **Part 7**

#### **7. INFORMATION TO BE SUBMITTED IN A NOTIFICATION OF COMBINED OPERATIONS**

The notification of combined operations to be prepared pursuant to regulation 30 and submitted pursuant to regulation 25(1)(i) shall contain at least the following information:

- (1) the name and address of the operator submitting the notification;
- (2) in the event that other operators or owners are involved in the combined operations their names and addresses, including a confirmation that they agree with the contents of the notification;
- (3) a description, in the form of a bridging document authorised by all parties to the document, of how the management systems for the installations involved in the combined operation will be coordinated so as to reduce the risk of a major accident to an acceptable level;
- (4) a description of any equipment to be used in connection with the combined operation but which is not described in the current report on major hazards for any of the installations involved in the combined operations;
- (5) a summary of the risk assessment carried out by all operators and owners involved in the combined operations, which shall include:

- (a) a description of any operation during the combined operation which may involve hazards with the potential to cause a major accident on or in connection with an installation;
  - (b) a description of any risk control measures introduced as a result of the risk assessment;
- (6) a description of the combined operation and a programme of work.

### Part 8

#### **8. INFORMATION TO BE SUBMITTED IN RESPECT OF A CORPORATE MAJOR ACCIDENT PREVENTION POLICY**

The corporate major accident prevention policy to be prepared in accordance with regulation 33(1) and (2) and submitted pursuant to regulation 25(1)(a) shall include but not be limited to:

- (1) the responsibility at corporate board level for ensuring, on a continuous basis, that the corporate major accident prevention policy is suitable, implemented, and operating as intended;
- (2) measures for building and maintaining a strong safety culture with a high likelihood of continuous safe operation;
- (3) the extent and intensity of process auditing;
- (4) measures for rewarding and recognising desired behaviours;
- (5) the evaluation of the company's capabilities and goals;
- (6) measures for maintenance of safety and environmental protection standards as a corporate core value;
- (7) formal command and control systems that include board members and senior management of the company;
- (8) the approach to competency at all levels of the company;
- (9) the extent to which particulars (1)-(8) are applied in the company's offshore oil and gas operations conducted outside the European Union.

### Part 9

**9. INFORMATION TO BE PROVIDED IN RESPECT OF A SAFETY AND ENVIRONMENTAL MANAGEMENT SYSTEM**

The safety and environmental management system to be prepared pursuant to regulation 33(4) and (5) and submitted pursuant to regulation 25(1)(b) shall include but not be limited to:

- (1) organisation structure and personnel roles and responsibilities;
- (2) identification and evaluation of major hazards as well as their likelihood and potential consequences;
- (3) integration of environmental impact into major accident risk assessments in the report on major hazards;
- (4) controls of the major hazards during normal operations;
- (5) management of change;
- (6) emergency planning and response;
- (7) limitation of damage to the environment;
- (8) monitoring of performance;
- (9) audit and review arrangements; and
- (10) the measures in place for participating in tripartite consultations and how actions resulting from those consultations are put into effect.

**Part 10****10. INFORMATION TO BE PROVIDED IN AN INTERNAL EMERGENCY RESPONSE PLAN**

Internal emergency response plans to be prepared pursuant to regulation 28 and submitted pursuant to regulation 25(1)(g) shall include but not be limited to:

- (1) names and positions of persons authorised to initiate emergency response procedures and the person directing the internal emergency response;
- (2) name or position of the person with responsibility for liaising with the authority or authorities responsible for the external emergency response plan;

- (3) a description of all foreseeable conditions or events which could cause a major accident, as described in the report on major hazards to which the plan is attached;
- (4) a description of the actions that will be taken to control conditions or events which could cause a major accident and to limit their consequences;
- (5) a description of the equipment and the resources available, including for capping any potential spill;
- (6) arrangements for limiting the risks to persons on the installation and the environment, including how warnings are to be given and the actions persons are expected to take on receipt of a warning;
- (7) in the case of combined operation, arrangements for coordinating escape, evacuation and rescue between the installations concerned, to secure a good prospect of survival for persons on the installations during a major accident;
- (8) an estimate of oil spill response effectiveness. Environmental conditions to be considered in this response analysis shall include:
- (i) weather, including wind, visibility, precipitation and temperature;
  - (ii) states, tides, and currents;
  - (iii) presence of ice and debris;
  - (iv) hours of daylight; and
  - (v) other known environmental conditions that might influence the efficiency of the response equipment or the overall effectiveness of a response effort;
- (9) arrangements for providing early warning of a major accident to the authority or authorities responsible for initiating the external emergency response plan, the type of information which shall be contained in an initial warning and the arrangements for the provision of more detailed information as it becomes available;
- (10) arrangements for training personnel in the duties they will be expected to carry out, and where necessary coordinating this with external emergency responders;
- (11) arrangements for coordinating internal emergency response with external emergency response;

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(12) evidence of prior assessments of any chemicals used as dispersants that have been carried out to minimise public health implications and any further environmental damage.



## SCHEDULE 2

**Reports of well operations to be submitted pursuant to regulation 29(5)**

The reports to be submitted to the competent authority pursuant to regulation 29(5) shall contain at least the following information:

- (1) the name and address of the operator of the well;
- (2) the name of the installation and the name and address of the operator or owner;
- (3) details that identify the well and any association with installations or connected infrastructure;
- (4) a summary of the operations undertaken since the commencement of operations or since the previous report; (5) the diameter and true vertical and measured depths of:
  - (a) any hole drilled; and
  - (b) any casing installed;
- (6) the drilling fluid density at the time of making the report; and
- (7) in the case of operations relating to an existing well, its current operational state.

**SCHEDULE 3****Provisions relating to the appointment and functioning of the competent authority pursuant to regulations 18 to 24****1. PROVISIONS RELATING TO THE GOVERNMENT**

(1) For the purposes of appointing a competent authority responsible for the duties set out in regulations 18 to 23, the Government shall as a minimum undertake the following:

- (a) make organisational arrangements which allow for the duties assigned to the competent authority in these Regulations to be effectively discharged, including arrangements for regulating safety and environmental protection in an equitable manner;
- (b) prepare a policy statement describing the aims of oversight and enforcement, and the obligations on the competent authority to achieve transparency, consistency, proportionality and objectivity in its regulation of offshore oil and gas operations.

(2) The Government shall make the necessary provisions to bring the arrangements in subparagraph (1) into effect, including:

- (a) funding sufficient specialist expertise available internally or by formal agreements with third parties or both in order that the competent authority may inspect and investigate operations, take enforcement action, and to handle reports on major hazards and notifications;
- (b) where there is reliance on external sources of expertise, funding the preparation of sufficient written guidance and oversight to maintain consistency of approach and to ensure the legally appointed competent authority retains full responsibility under these Regulations;
- (c) funding essential training, communication, access to technology, travel and subsistence of competent authority personnel for the carrying out of their duties, and to facilitate the active cooperation between competent authorities pursuant to regulation 41;
- (d) where appropriate, requiring operators or owners to reimburse the competent authority for the cost of carrying out its duties pursuant to these Regulations;
- (e) funding and encouraging research pursuant to the competent authority's duties under these Regulations;

- (f) providing funding for reports by the competent authority.

## **2. PROVISIONS RELATING TO THE FUNCTIONING OF THE COMPETENT AUTHORITY**

(1) For the purposes of carrying out its duties pursuant to regulation 24 effectively, the competent authority shall prepare:

- (a) a written strategy that describes its duties, priorities for action i.e. in design and operation of installations, integrity management and in emergency preparedness and response, and how it is organised;
- (b) operating procedures that describe how it will inspect and enforce the execution of the duties of operators and owners under these Regulations, including how it will handle, assess and accept reports on major hazards, handle notifications of well operations and how the intervals between inspection of major hazard risk control measures, including to the environment, for a given installation or activity are to be determined;
- (c) procedures for carrying out its duties without prejudice to other responsibilities, for example onshore oil and gas operations, and arrangements pursuant to Directive 92/91/EEC;
- (d) where the competent authority is comprised of more than one body, a formal agreement establishing the necessary mechanisms for joint operation of the competent authority, including senior management oversight and monitoring and reviews, joint planning and inspection, division of responsibilities for handling reports on major hazards, joint investigation, internal communications, and reports to be published jointly externally.

(2) The detailed procedures for assessment of reports on major hazards shall require all factual information and other particulars required under these Regulations to be provided by the operator or the owner. As a minimum the competent authority shall ensure that the requirements for the following information are clearly specified in guidance to operators and owners:

- (a) all foreseeable hazards with the potential to cause a major accident, including to the environment, have been identified, their risks evaluated and measures identified, including emergency responses, to control the risks;
- (b) the safety and environmental management system is adequately described to demonstrate compliance with these Regulations;

- (c) adequate arrangements have been described for independent verification, and for audit by the operator or owner.

(3) In undertaking a thorough assessment of reports on major hazards, the competent authority shall ensure that:

- (a) all factual information required is provided;
- (b) the operator or the owner has identified all reasonably foreseeable major accident hazards that apply to the installation and its functions, together with potential initiating events, and that the methodology and evaluation criteria adopted for major accident risk management are clearly explained, including factors for uncertainty in the analysis;
- (c) the risk management have taken into consideration all relevant stages in the lifecycle of the installation and have anticipated all foreseeable situations including:
  - (i) how the design decisions described in the design notification have taken account of risk management so as to ensure inherent safety and environmental principles are incorporated;
  - (ii) how well operations are to be conducted from the installation when operating;
  - (iii) how well operations are to be undertaken and temporarily suspended before production is commenced from a production installation;
  - (iv) how combined operations are to be undertaken with other installation;
  - (v) how the decommissioning of the installation will be undertaken;
- (d) how risk reduction measures identified as part of the risk management are intended to be implemented if necessary to reduce risks to an acceptable level;
- (e) whether, in determining the necessary measures to achieve acceptable levels of risk, the operator or owner has clearly demonstrated how relevant good practice and judgment based on sound engineering, best management practice, and human and organisational factors principles have been taken into account;
- (f) whether the measures and arrangements for the detection of, and the rapid and effective response to, an emergency are clearly identified and justified;

- (g) how escape, evacuation and rescue arrangements and measures to limit escalation of an emergency and reduce its impact on the environment are integrated in a logical and systematic manner, taking account of the likely emergency conditions in which they will be operated;
- (h) how the requirements are incorporated in the internal emergency response plans and whether a copy or an adequate description of the internal emergency response plan has been submitted to the competent authority;
- (i) whether the safety and environmental management system described in the report on major hazards is adequate to ensure control of the major hazard risks at each stage of the installation lifecycle, and ensures compliance with all relevant legal provisions, and provides for auditing and implementing audit recommendations;
- (j) whether the scheme for independent verification is clearly explained.

**SCHEDULE 4****Provisions by operators and owners for prevention of major accidents pursuant to regulation 33**

1. The competent authority shall ensure that operators and owners:
  - (a) pay particular attention to evaluation of the reliability and integrity requirements of all safety and environmental critical systems and base their inspection and maintenance systems on achieving the required level of safety and environmental integrity;
  - (b) take appropriate measures to ensure as far as reasonably practicable that there is no unplanned escape of hazardous substances from pipelines, vessels and systems intended for their safe confinement. In addition, operators and owners shall ensure that no single failure of a containment barrier can lead to a major accident;
  - (c) prepare an inventory of available equipment, its ownership, location, transport to and mode of deployment at the installation and any entities relevant to the implementation of the internal emergency response plan. The inventory shall identify measures in place to ensure equipment and procedures are maintained in operable condition;
  - (d) ensure they have a suitable framework for monitoring compliance with all relevant statutory provisions by incorporating their statutory duties in respect of major hazards control and environmental protection into their standard operating procedures; and
  - (e) pay particular attention to building and maintaining a strong safety culture with a high likelihood of continuous safe operation, including with regard to securing cooperation of the workers through, inter alia:
    - (i) visible commitment to tripartite consultations and actions arising therefrom;
    - (ii) encouraging and rewarding reporting of accidents and near-misses;
    - (iii) working effectively with elected safety representatives;
    - (iv) protecting whistleblowers.
2. The Government shall ensure that industry cooperates with competent authorities to establish and implement a priority plan for the development of standards, guidance and rules

which will give effect to best practice in major accident prevention, and limitation of consequences of major accidents should they nonetheless occur.

**SCHEDULE 5****Selection of the independent verifier and the design of schemes for independent verification pursuant to regulation 31(4)**

1. The competent authority shall require the operator or owner to ensure the following conditions are fulfilled with regard to the verifier's independence from the operator and the owner:

- (a) the function does not require the independent verifier to consider any aspect of a safety and environmental critical element or any part of an installation or a well or a well design in which the verifier was previously involved prior to the verification activity or where his or her objectivity might be compromised;
- (b) the independent verifier is sufficiently independent of a management system which has, or has had, any responsibility for any aspect of a component covered by the scheme for independent verification or well examination so as to ensure objectivity in carrying out his or her functions under the scheme.

2. The competent authority shall require the operator or the owner to ensure that, in respect of the scheme for independent verification relating to an installation or a well, the following conditions are fulfilled:

- (a) the independent verifier has suitable technical competence, including where necessary, suitably qualified and experienced personnel in adequate numbers who fulfil the requirements of paragraph (1);
- (b) tasks under the scheme for independent verification are appropriately allocated by the independent verifier to personnel qualified to undertake them;
- (c) suitable arrangements are in place for the flow of information between the operator or owner and the independent verifier;
- (d) the independent verifier is given suitable authority to be able to carry out the functions effectively.

3. Material changes shall be referred to the independent verifier for further verification in accordance with the scheme for independent verification, and the outcomes of such further verification shall be communicated to the competent authority, if requested.



## SCHEDULE 6

**Information relating to priorities for cooperation between operators and owners and competent authorities pursuant to regulation 33(9)**

The matters to be considered for establishing priorities for the development of standards and guidance shall give practical effect to major accident prevention and limitation of their consequences. The matters shall include:

- (a) improving well integrity, well control equipment and barriers and monitoring their effectiveness;
- (b) improving primary containment;
- (c) improving secondary containment that restricts escalation of an incipient major accident, including well blow-outs;
- (d) reliable decision making;
- (e) management and supervision of major hazard operations;
- (f) competency of key post holders;
- (g) effective risk management;
- (h) reliability assessment for safety and environmental critical systems;
- (i) key performance indicators;
- (j) effectively integrating safety and environmental management systems between operators and owners and other entities involved in oil and gas operations.

## SCHEDULE 7

**Information to be provided in external emergency response plans pursuant to regulation 43**

External emergency response plans prepared pursuant to regulation 43 shall include but not be limited to:

- (a) names and positions of persons authorised to initiate emergency procedures, and of persons authorised to direct the external emergency response;
- (b) arrangements for receiving early warning of major accidents, and the associated alert and emergency response procedures;
- (c) arrangements for coordinating resources necessary to implement the external emergency response plan;
- (d) arrangements for providing assistance to the internal emergency response;
- (e) a detailed description of the external emergency response arrangements;
- (f) arrangements for providing persons and organisations that may be affected by the major accident with suitable information and advice relating to it;
- (g) arrangements for the provision of information to the emergency services of Member States and the European Commission in the event of a major accident with possible transboundary consequences;
- (h) arrangements for the mitigation of the negative impacts on wildlife both onshore and offshore including the situations where oiled animals reach shore earlier than the actual spill.

## SCHEDULE 8

**Particulars to be included in the preparation of external emergency response plans pursuant to regulation 43**

1. The authority or authorities responsible for coordinating emergency response shall make the following available:

- (a) an inventory of available equipment, its ownership, location, means of transport to and mode of deployment at the site of the major accident;
- (b) a description of the measures in place to ensure equipment and procedures are maintained in operable condition;
- (c) an inventory of industry-owned equipment that can be made available in an emergency;
- (d) a description of the general arrangements for responding to major accidents, including competencies and responsibilities of all involved parties and the bodies responsible for maintaining such arrangements;
- (e) measures to ensure that equipment, personnel and procedures are available and up to date and sufficient members of trained personnel are available at all times;
- (f) evidence of prior environment and health assessments of any chemicals foreseen for use as dispersants.

2. External emergency response plans shall clearly explain the role of the authorities, emergency responders, coordinators and other subjects active in emergency response, so that cooperation is ensured in responding to major accidents.

3. Arrangements shall include provisions for responding to a major accident that potentially overwhelms Gibraltar or exceeds its boundaries by:

- (a) sharing external emergency response plans with the adjacent Member State and the European Commission;
- (b) compiling at cross-border level the inventories of response assets, both industry and publicly owned and all necessary adaptations to make equipment and procedures compatible between the adjacent country and Member State;
- (c) procedures for invoking the European Union Civil Protection Mechanism;

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(d) arranging transboundary exercises of external emergency response.

## SCHEDULE 9

**Sharing of information and transparency**

1. The common data reporting format for major hazard indicators shall make it possible to compare information from competent authorities and to compare information from individual operators and owners.

2. The information to be shared by the competent authority and operators and owners shall include information relating to:

- (a) unintended release of oil, gas or other hazardous substances, whether or not ignited;
- (b) loss of well control requiring actuation of well control equipment, or failure of a well barrier requiring its replacement or repair;
- (c) failure of a safety and environmental critical element;
- (d) significant loss of structural integrity, or loss of protection against the effects of fire or explosion, or loss of station keeping in relation to a mobile installation;
- (e) vessels on collision course and actual vessel collisions with an offshore installation;
- (f) helicopter accidents, on or near offshore installations;
- (g) any fatal accident;
- (h) any serious injuries to 5 or more persons in the same accident;
- (i) any evacuation of personnel;
- (j) a major environmental incident.

3. The annual reports to be submitted pursuant to regulation 39 shall contain as a minimum the following information:

- (a) the number, age and location of installations;
- (b) the number and type of inspections and investigations carried out, any enforcement actions or convictions;

- (c) incident data pursuant to the common reporting system required in regulation 37;
- (d) any major change in the offshore regulatory framework;
- (e) the performance of offshore oil and gas operations in relation to prevention of major accidents and the limiting of consequences of major accidents that do occur.

4. The information referred to in paragraph 2 shall consist of both factual information and analytical data regarding oil and gas operations, and shall be unambiguous. The information and data provided shall be such that the performance of individual operators and owners can be compared within Gibraltar and the performance of the industry as a whole can be compared between Gibraltar and Member States.

5. The information collected and assembled referred to in paragraph 2 shall enable Member States to provide advanced warning of potential deterioration of safety and environmentally critical barriers, and shall enable them to take preventive action. The information shall also demonstrate the overall effectiveness of measures and controls implemented by individual operators and owners, and industry as a whole, in particular to prevent major accidents and to minimise risks for the environment.

6. In order to meet the requirements of regulation 38, a simplified format shall be developed to facilitate publication of relevant data pursuant to paragraph 2 and preparation of reports pursuant to regulation 39 in a way that is easily accessible to the public and facilitates transboundary comparison of data.

**SCHEDULE 10**

Regulation 16

**OIL AND GAS ADVISORY COMMITTEE**

**Part 1**

1. The Oil and Gas Advisory Committee is comprised of-
  - the Competent Authority, who shall be the chair;
  - one representative of the owners or operators;
  - one representative of the workers, which may be a trade union;
  - any such other persons as the Minister may by appoint by notice in the Gazette.
2. A meeting of the chair and two members shall constitute a quorum.

**Part 2**

**Terms of reference**

The Oil and Gas Advisory Committee's terms of reference are-

- (a) enabling dialogue and cooperation between the competent authority, employers, operators, workers and other relevant stakeholder groups regarding the management and control of offshore major accident hazards;
- (b) bringing together all the regulators with an influence on the management and control of major accident hazards associated with the offshore extraction of oil and gas, with a view to coordinating their regulatory approaches and priorities;
- (c) providing the competent authority with a mechanism to consult stakeholders on issues bearing on the management and control of offshore major accident hazards and, from time to time, in exceptional circumstances wider occupational health and safety issues;
- (d) providing the competent authority with the stakeholder's independent assessment of the standard of the management and control of offshore major accident hazards;

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- (e) considering the regulatory approaches taken to establish the effective management and control of offshore major accident hazards; and
- (f) reviewing periodically the quality and effectiveness of the standards and policies available for the management and control of offshore major accident hazards, advice where improvements are required and, by exception, coordination of research or the production of guidance.