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MEDITERRANEAN ACTION PLAN

Meeting of the MAP Focal Points

Athens, Greece, 10-12 September 2013

Draft Decision on follow up actions regarding the Offshore Protocol Action plan

NOTE BY THE SECRETARIAT

Progress Report of the Ad Hoc Working Group on the Offshore Protocol

Established by decision IG.20/12 the ad hoc working group was tasked to prepare an in depth assessment and stock taking analysis of the existing practical measures in place in the Mediterranean countries with regard to Offshore activities. This first step should logically lead to the drafting of an Action plan based on the gaps identified and with a view to bring an effective implementation of the protocol in the near future.

The first step has started being implemented through a national questionnaire sent to all Contracting Parties with a view to collect as much relevant legal data as possible. However at the first meeting of the ad hoc Working group held in Valletta, Malta on 13-14 June 2014, it was acknowledged that few countries have filled in the questionnaire thus rendering difficult the identification of gaps between the existing legislation and the objectives of the Protocol. Based on the recommendations of the ad hoc Working group, Contracting Parties were also requested to identify strategic issues which could hamper the effective implementation of the Protocol in their countries, the resolution of these difficulties being the core topics to be addressed in the Action Plan.

The Meeting also recognized that there were several types of obligations under the protocol, some of a national dimension, which started by analysing the level of compliance of the national framework with the requirements of the protocol and some which call for regional co-operation. In particular the need to share on a regular basis experience on technical issues and to adopt common approach and standards and to review their implementation was highlighted. In order to address these issues, which may require specific expertise, taking example of the existing structures in other regional seas, the meeting recommended, as a priority, the establishment of a dedicated technical forum, as the ad hoc working group on the Offshore Protocol was not found suitable in view of its specific and limited mandate. The ad hoc Working group has been mandated to draft an action plan with strategic objectives but could not address all specific topics. Consequently the secretariat has drafted the terms of references of the Barcelona Convention Offshore Oil and Gas Group (BARCO OFOG Group), to be discussed by the MAP FP Meeting.

The meeting also acknowledged that compared to other regional instruments, the offshore protocol to the Barcelona Convention was not only addressing environmental concerns but the prevention and safety side of offshore operations and this should be reflected in the regional forum which should tackle both types of issues.

As regards the drafting of the Action Plan, due to administrative constraints, the work has been delayed. Following the first meeting of the ad hoc working group, the updated calendar for the drafting of the Action Plan is tentatively the following:

- **MAP FP meeting September 2013**, validation of the proposed terms of reference for the BARCO OFOG Group;
- **13 September 2013**: Deadline for submission of the Questionnaire on "Offshore Implementation Assessment" (no further deadline extension possible);
- **mid October 2013**: Submission of the reports related to Internationally recognized best practices and analysis of the national questionnaires;
- **November 2013**: MEDEXPOL 2013 (Government and industry workshop on major incident coordination) & 2nd Meeting of the Offshore protocol ad hoc Working Group
- **3-6 December 2013**: Adoption of the BARCO OFOGG ToR by the Contracting Party Focal Point Meeting;

- **First Semester of 2014:** Drafting of the Action Plan and dissemination to MAP Focal points before discussion at the 3rd Meeting of the ad hoc working group;
- **Second semester of 2014 :** final version of the Action Plan ready for circulation to the MAP Focal Points.

Costing estimates:

- BARCO OFOG group: a two days meeting to discuss and decide on a programme of work based on technical priorities identified in the questionnaires; cost estimates based on 1 representative per country, travel, DSA plus interpretation 40,000.00 euros to be mobilized per year;
- Ad hoc working group on Offshore (3rd meeting): a two days meeting for two representatives approximately 60,000.00 euros (through the EC funded EcAp project).

Draft Decision

on follow up actions regarding Offshore Protocol Action plan

The 18th Meeting of the Contracting Parties,

Having regard to Resolution I of the Conference of the Plenipotentiaries on the Protocol concerning the Protection of the Mediterranean Sea Against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil, hereinafter referred to as the "Offshore Protocol", that adopted the Offshore Protocol in Madrid, Spain in 1994,

Recalling Decision IG. 20/12 which urges all Contracting Parties which have not yet done so to ratify the Offshore Protocol as soon as possible (and preferably before the 18th Ordinary Meeting of the Contracting Parties) with the view to having the Protocol entering into force for all the Parties,

Desirous of ensuring that the Protocol shall begin to produce beneficial effects at the earliest possible moment and facilitating its implementation at regional and national levels through coordinated actions with the support of the Coordinating Unit and all MAP Components,

Recognizing the dual nature of the Protocol which not only addresses the safety of processes but also the environmental impact of these activities thus providing a regional holistic approach,

Acknowledging that in order to achieve the goals of the Protocol, all Contracting Parties should co-operate in ensuring that the best available techniques environmentally effective and economically appropriate are used in daily activities,

Having considered the variety of highly specialised techniques and skills required to ensure the safety of the personnel and the fitness of the installation, all along the life cycle of offshore operations from the exploration phase, through the development and production phase to the abandonment of the installation,

Conscious that significant accidents caused by Offshore activities could have long term adverse consequences for the fragile ecosystems and biodiversity of the Mediterranean Sea due to its enclosed nature and special hydrodynamics as well as negative consequences on the economies of the Mediterranean coastal States especially for tourism and fisheries,

Noting the progress made by the Offshore ad hoc Working Group established by Decision IG.20/12 in the preparation of the Offshore Protocol Action Plan, which will define the Mediterranean Offshore Strategy with a view to promoting and ensuring the application of the common best practices over the entire Mediterranean region,

Noting however that the Offshore ad hoc Working Group has a limited scope and mandate, whereas the Offshore Protocol calls for long term co-operation, in particular in specialized technical fields as well as on the monitoring of the impact of offshore activities,

Recognising the need for a regional technical forum to assist the Contracting Parties in dealing with technical issues related to offshore activities and also the monitoring of their impact,

Requests the Secretariat and the ad hoc Working Group to continue the necessary work with a view to achieve the drafting of the Offshore protocol Action Plan by the end of 2014;

Urges all the Contracting Parties who have not yet done so to designate, through the Mediterranean Action Plan (MAP) Focal Point, a senior official having a strong experience of both the technical aspects of offshore activities as well as the regulatory process for these activities in his/her country, who should organise at national level the necessary consultations with other authorities having competencies as regards the various aspects of offshore activities, to facilitate the implementation of the Offshore Protocol;

Encourages all the Mediterranean coastal States as well as the concerned stakeholders of the industry and NGOs to participate actively to the activities aiming at the implementation of the Offshore Protocol with the spirit of common interest for the well-being of the Mediterranean region;

Approves the establishment of the Barcelona Convention Offshore Oil and Gas Group which should support the drafting of the Action plan and serve as a regional technical body to assist in the identification of best practices and to ensure a monitoring and assessment of the impact of these activities consistent with the overall policy adopted within the Mediterranean Action Plan;

Adopt the Terms of Reference of the Barcelona Convention Offshore Oil and Gas Group (BARCO OFOGG) set out in Annex;

Encourages the Secretariat to identify international bodies that might provide specific sources of financing to assist Mediterranean Coastal States in carrying out the obligations arising from the Offshore Protocol;

Invites the oil and gas offshore industry to assist the Barcelona Convention Offshore Oil and Gas Group (BARCO OFOGG), through technical support and financial contributions for the implementation of the program of work that may result from the Offshore Protocol Action Plan.

Annex

Terms of Reference of the Barcelona Convention Offshore Oil and Gas Group BARCO OFOGG

The following are the terms of reference and working procedures for Members serving the Barcelona Convention Offshore Oil and Gas Group, hereinafter referred to as the "OFOG Group".

Background

1. The scope of the Offshore Protocol to the Barcelona Convention compared to other similar Protocols under other Regional Seas is wide encompassing as it does not limit itself to monitoring of the environmental impact of offshore oil and gas activities but also addresses issues related to the safety of processes and the qualification of the staff employed in these activities (human element). Moreover, the Protocol establishes a regional co-operation framework based on the promotion of the best available standards and practices. Therefore in order to adequately answer to the requests of the Protocol, the Offshore ad hoc Working Group recommended at its first Meeting held in Malta in June 2013 that a regional forum should be established, where qualified representatives of the Contracting Parties could share their experience and propose to the Contracting Parties recommendations regarding the more technical aspects of offshore activities.

Scope of Work of the Barcelona Convention Offshore Oil and Gas Group

2. The OFOG Group will mainly serve as forum to exchange best practices, knowledge and experiences between its Members in order to assist the Parties in attaining the objectives set out in article 23.1 of the Protocol.

3. The OFOG Group will serve the Meetings of the Parties to the Offshore Protocol, which shall take place in conjunction with the Ordinary Meetings of the Contracting Parties to the Convention pursuant to Article 18 of the Convention.

4. The OFOG Group should operate under the instructions of and report to the Meetings of the Parties to the Offshore Protocol who should periodically examine and review the Offshore Protocol Action Plan.

Composition

5. The OFOG Group is primarily composed of representatives of the Contracting Parties to the Barcelona Convention who are designated by the MAP Focal Point as National Offshore Focal Point.

6. In view of the range of expertise required for the various topics covered by the Protocol, several OFOG Sub-Groups will be set-up, as need be. These Sub-groups will focus on technical and practical aspect of the Offshore Protocol Action Plan. The Contracting Parties to the Barcelona Convention through their National Offshore Focal Point shall designate, as required, the appropriate national entities and/or officials as contact points for each OFOG Sub-Group

7. The representatives of the OFOG Sub-Groups shall report to their respective National Offshore Focal Point to ensure dissemination, coordination and follow-up at national level.

8. The views expressed by the person/entity nominated by their respective government, during the preparation phase of the work carried out by OFOG Group, do not prejudice the position of their respective government when reaching the stage of the final decision at the Contracting Parties level.

9. Representatives of the oil and gas industry as well as NGO's with a relevant mandate to the topics discussed in the various sub-groups are encouraged to participate as observers.

10. Representatives of other regional fora with a similar mandate to the OFOG Group are invited as observers

11. The composition of the OFOG Group and Sub-Group shall be published and kept up to date on a dedicated website.

Tasks

12. The activities of the OFOG Group will encompass all matters referred to its consideration by the Contracting Parties based on the relevant articles of the Offshore Protocol.

13. In order to fulfil its role, and building upon the work carried out in the framework of other relevant fora, the OFOG Group will provide technical support and guidance, and make recommendations to the Meetings of the Parties to the Offshore Protocol to accomplish its functions as stipulated in Article 30.2 of the Offshore Protocol, and in particular on, but not limited to, the following issues:

- a. identifying priorities for preparation of guidance documents, standards and best practices in the oil and gas sector;
- b. preparing, or initiating and overseeing the preparation of, guidelines on the industry best practices;
- c. in the interest of sharing experience, facilitating rapid information exchange between national authorities through the appropriate information mechanism, regarding e.g. the occurrence and causes of and responses to major incidents, and events which could have led to major accidents
- d. promoting and facilitating consensus between national authorities regarding the best regulatory practice;
- e. exchanging information regarding the application of national legislation and policies relevant to offshore oil and gas activities, and assisting the Secretariat in monitoring the implementation of the Offshore Protocol.
- f. developing and applying common standards as per article 10 of the Protocol
- g. keeping under review the technical content of the annexes to the protocol and make relevant recommendations.
- h. preparing draft measures as necessary to control the use and reduction of discharges of offshore chemicals, the discharges of oil and radioactive substances, and underwater noise levels.
- i. developing appropriate guidelines for monitoring and assessment paying particular attention to ensure consistency with other related monitoring policies adopted by the Contracting Parties;
- j. assisting in defining appropriate relevant targets for Offshore activities within the implementation of the Ecosystem Approach to MAP policies and strategies.

Public access to documents and information

14. The provisional agenda, reports of meetings, official documents and any other non-confidential information documents shall be made available to the public.

Responsibilities of the Secretariat should include:

- a. Making necessary arrangements for meetings of the OFOG Group and providing it with services as required.
- b. Keeping up to date the composition of the OFOG Group and Sub-Groups and the relevant internet page;
- c. supporting the implementation of the work programme of the OFOG Group and Sub-Groups;
- d. consolidating and circulating any document produced by the Sub-Groups,
- e. Preparing with the contribution of the Chair of the OFOG Group and Sub-Groups the progress report on the work carried out by the OFOG Group and Sub-Groups for the Meetings of the Parties to the Offshore Protocol;
- f. Ensuring the translation of the report of the work of the OFOG Group and Sub-Group;
- g. dissemination of the report of the work in both languages to the OFOG Group and Sub-Groups;

15. In addition, the Secretariat shall perform other functions assigned to it by the Meetings of the Parties to the Offshore Protocol with respect to the work of the OFOG Group.

Responsibilities of the Contracting Parties should include:

- a. designation of a person/entity with the corresponding expertise for each issue dealt within the OFOG Group's programme of activities;
- b. Nomination of a Chairman for the OFOG Group and Sub-Groups;
- c. active participation in the work of the OFOG Group and Sub-Groups;
- d. compliance with the deadline established by the Meetings of the Parties to the Offshore Protocol;
- e. relaying to other OFOG Group and Sub-Groups members copies of comments, proposals, etc. submitted to the Secretariat.

Responsibilities of the Chairman for the OFOG Group and Sub-Group should include:

- a. The designated Chairman of the OFOG Group with the support of the Secretariat shall lead the discussion during the Meeting. The Chairman will assist in the preparation of the report of the Meeting of the OFOG Group.
- b. The designated Chairman of the OFOG Sub-Group with the support of the Secretariat shall lead the correspondence Group during the intersessional period and produce a report on the progress of its Group and forward it to the Chair of the OFOG Group, forty five days prior to the OFOG Group Meeting.
- c. The Chairman of the OFOG Group with the support of the Secretariat shall consolidate and introduce the progress report of the Sub-Groups for their consideration and decision as appropriate.

Responsibilities of any third party participating in the OFOG Group and Sub-Group activities should include:

- a. active participation in the work of the OFOG Group and Sub-Group;
- b. compliance with the deadline established by the Meetings of the Parties to the Offshore Protocol;
- c. relaying to other OFOG Group and Sub-Group members copies of comments, proposals, etc. submitted to the Secretariat.

Languages

16. The working languages of the OFOG Group shall be English or French.
 - a. The submissions from the Party concerned shall be provided in English or French. The Secretariat shall make arrangements to translate them into English or French.
 - b. A representative taking part in the Committee proceedings and/or meetings may speak in a language other than the working languages of the Committee if the Party provides for interpretation.
 - c. Findings, measures and recommendations that are final shall be made available in all official languages of the Meetings of the Contracting Parties to the Convention and its related Protocols.

Amendments to the Terms of Reference

17. Any amendments to these Terms of Reference shall be adopted by consensus by the OFOG Group and submitted for consideration by the Bureau, before their approval by the Meeting of the Contracting Parties.

Meetings and correspondence groups

18. The OFOG Group shall normally meet once a year. It may decide to hold additional meetings subject to workload requirements arising from submissions by concerned Contracting Parties and referrals by the Secretariat and subject to availability of resources.
19. At the OFOG Group meeting, the OFOG Group shall decide on the place, dates and duration of its next meeting.
20. The OFOG Sub-Groups shall be maintained as correspondence groups.