



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 13 February 2013**

**6105/13**

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**Interinstitutional File:  
2011/0309 (COD)**

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**ENER 31  
ENV 92  
MARE 4  
COMAR 6  
PROCIV 19  
CODEC 254**

**NOTE**

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from : General Secretariat of the Council  
to : Council

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No. Cion prop. : 16175/11 ENER 344 ENV 832 MARE 1 COMAR 1 PROCIV 144 CODEC 1871

Subject : Proposal for a Regulation of the European Parliament and of the Council on safety of offshore oil and gas prospection, exploration and production activities  
- Information from the Presidency

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1. The Commission adopted the above proposal on 27 October 2011, proposing as legal basis Article 192(1) TFEU. A presentation was provided by the Commission at the TTE (Energy) Council meeting on 24 November 2011. A progress report<sup>1</sup> was presented at the TTE (Energy) Council meeting on 15 June 2012, providing guidance for the further examination of the file.
2. On 9 October 2012, the European Parliament's ITRE Committee voted on the proposal and provided the rapporteur Mr. Ivo Belet with a mandate to negotiate with the Council.

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<sup>1</sup> See doc.10205/12

3. Agreement at first reading between the two Institutions on the draft offshore safety Directive should be reached as soon as possible. The Presidency and the rapporteur have therefore hold two informal trilogues on 29 November 2012 and 29 January 2013 - complemented by several technical meetings. Important concessions were already made by both sides, and with the help of the Commission, a final compromise is being developed.
4. In the negotiations with the Parliament so far, much time was devoted to finding compromises on issues such as the financial security in relation to licenses and liability for environmental damage, public participation, the competent authority, the tasks of EMSA, the extraterritorial aspects and the addressees to the Directive. Also issues like the protection of the environment through criminal law, the deadlines for transposition, the reference to MODU CODEs and the protection of the Arctic marine environment were thoroughly addressed.
5. A final informal trilogue is scheduled for 21 February 2013; should an agreement be reached, Coreper will be invited to confirm the agreement at its session on 27 February 2013.
6. At the TTE (Energy) Council meeting on 22 February 2013, the Presidency will inform Ministers on the state of play of these negotiations.