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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2016) 182 final
Subject:	COMMISSION STAFF WORKING DOCUMENT Including technical information accompanying the document REPORT FROM THE COMMISSION on the adequacy of national expert resources for complying with the regulatory functions pursuant to Article 27(4) of Directive 2013/30/EU

Delegations will find attached document SWD(2016) 182 final.

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Brussels, 31.5.2016
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COMMISSION STAFF WORKING DOCUMENT

Including technical information

Accompanying the document

REPORT FROM THE COMMISSION

**on the adequacy of national expert resources for complying with the regulatory
functions pursuant to Article 27(4) of Directive 2013/30EU**

{COM(2016) 318 final}

Part 1

Methodology and information base

In a first step, a descriptive of offshore regulatory competences and resources required to carry out specific regulatory functions based on the Offshore Safety Directive (OSD)¹ was drawn on the basis of a thorough analysis of an already existing competent authority taken as a sample. For this purpose, the UK was chosen in view of its already established regulatory practice based on a national legislative framework resembling the regime foreseen by OSD. UK data allowed to draw a generic inventory of skills necessary for competent authorities implementing OSD-based national regulatory regimes.

A link between the size of a Member State's offshore industry and the volume of resources necessary for its competent authority was established on the basis of Commission research² and discussions with the EU Offshore Authorities Group (EUOAG). The developed ratios served subsequently to scale resources needed for individual Member States' competent authorities in accordance with their size of the offshore operations.

A survey of existing offshore operations and a projection of size and structure of the EU's offshore industry by Member States was carried out according to two scenarios for the industry's future development: a "business as now" (baseline scenario) and a "high activity scenario" (reflecting a possible increase of offshore activities). This stocktaking and projection served to estimate and extrapolate the potential resource requirements after the implementation of the OSD by a Member State in line with the current and expected future structure and size of its offshore sector.

To provide a common basis to the estimates of potential shortfalls, the resource requirements for each Member State would always be compared (i) with the current administrative capacity in the Member State and (ii) with the resource planning of the Member State for the year 2016. Data on Member States state of play and plans were gathered via a written survey and interviews with Member States' staff that is competent for resources in the national administrations; its quality largely depends on the adequacy of data provided by Member States.

In the final step the resource requirements were compared with current and planned resource availability to identify any gaps in the provision of expert resource. Based on this analysis, a "balance sheet" by discipline and under different activity scenarios was established. In parallel, the Commission took stock of available Member States' means and tools to make up potential shortfalls in competent authorities' resourcing. This allowed for the formulation of recommendations to Member States.

¹ 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 2004/15/EC.

² JRC Science for Policy report 'National expert resources for overseeing offshore safety in the EU', Stefania Contini, Athina Kokonozi, Michalis Christou.

Part 2

Additional information on chapter 2 of the report on the adequacy of national expert resources

Functions and categories of expertise of Competent Authorities to comply with the provisions of the OSD

Overview on typical regulatory functions, processes and competences

A. Set of regulatory policies, procedures and processes for carrying out the required regulatory functions on offshore oil and gas operations.

Assessment procedure for offshore oil and gas installations reports on major hazards (RoMHs)	Inspection procedure for offshore oil and gas installations
Investigation procedure for offshore oil and gas incidents / accidents	Enforcement procedure for offshore oil and gas activities
notifications of well operations etc. assessment procedure for offshore oil and gas wells	A system of offshore technical and regulatory guidance
A system of training or competence assurance for offshore technical and regulatory personnel	Data storage, handling, reporting and archiving systems (for storage of information on the findings of inspections, investigations, enforcement actions)
Charging regime	Other – to be specified

B. Set of regulatory arrangements for the interaction with offshore oil and gas operations stakeholders in the development of guidance and standards.

Interaction with industry associations – working with industry through initiatives	Interaction with unions and workers’ representation – arrangements for direct contact with workforce and workers’ representatives
Interaction with international and national technical standards committees (from industry and/or competent authorities)	Interaction with other competent authorities / Horizon scanning
	Other – to be specified

C. A set of offshore oil and gas technical and regulatory competences

Regulatory & Safety Management System Specialist	Process Engineering Specialist incl. Fire and Explosion & Risk Assessment
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Mechanical Engineering, Materials & Corrosion Specialist	Diving Specialist
Environmental Protection & Oil Spill Response Specialist	Electrical and Control Systems Specialist
Wells Specialist	Structural Integrity & Verification Specialist
Pipelines Specialist	Evacuation and Emergency Response, Marine & Aviation Operations Specialist
Occupational Health	Naval Architecture & Marine engineering Specialist
Organisational & Human Factors Specialist	Legal
Administrative	Other

Part 3

Additional information on chapter 5 of the report on the adequacy of national expert resources

Actual (2014) and planned (2016) staff numbers (Full Time Equivalents) by discipline over EU and estimates of resource adequacy by discipline per Group of Member States as planned in 2016³

Offshore Expert Discipline	Actual total in EU for 2014	Planned total in EU for 2016	Estimated Gap in 2016 for MS in Group 1	Estimated Gap in 2016 for MS in Group 2	Estimated Gap in 2016 for MS in Group 3
Regulatory	75.7	90.1	1.9 (69)	0.7 (12.1)	8.3 (9.0)
Process	25.1	29.9	-0.1(24.8)	0.7 (4.9)	-0.5 (0.2)
Mech. Eng.	18.1	21.2	-1.7(17.5)	0.3 (3.5)	-0.3 (0.2)
Diving	13.1	15.1	-2.3 (13)	-0.5 2.1)	-0.4 (0)
Env. Protection	29.5	33.6	0.7 (23.7)	5.8 (9.7)	-0.4 (0.2)
Electr. Eng.	10.1	14.4	-1.0(10.5)	1.9 (3.8)	-0.2 (0.1)
Wells	21.5	26.0	4.3 (20.4)	0.4 (2.6)	1.3 (3.0)
Struct. Eng.	16.3	19.8	-3.4(13.9)	0.0 (2.9)	2.5 (3.0)
Pipelines	9.9	12.8	-1.3(10.2)	0.7 (2.6)	-0.3 (0)
Emergency response	9.9	13.4	-2.2(10.3)	1.0 (3.1)	-0.3 (0)
Occ. Health	11.4	14.4	3.5 (11.2)	0.8 (2.1)	0.9 (1.1)
Naval Architecture	4.5	10.1	-3.6 (6.0)	1.5 (3.1)	0.7 (1.0)
Org. and HF.	7.9	12.3	-0.4 (9.2)	0.5 (2.1)	0.7 (1.0)
Legal	13.7	17.9	2.5 (13.4)	1.5 (3.4)	0.8 (1.1)
Admin	28.7	35.7	-4.2(27.4)	0.8 (6.2)	1.3 (2.1)
Other	9.0	13.0	6.0 (6.0)	4.0 (4.0)	3.0 (3.0)
Total	304.4	379.8	-1.2 (286.5)	20.1(68.6)	16.1(25.0)

³ 'Research on Conditions and Design Parameters for Strengthening Offshore Safety Expertise in EU Member States: Stage 1', Bio by Deloitte

Negative figures: shortfall

Positive figures: excess

Planned total available resource for Group 1, 2 and 3 figure in () for 2016

Part 4

Additional information on chapter 7 of the report on the adequacy of national expert resources

Sourcing Options for addressing the resource gaps of a national Competent Authority (CA) in the EU

Options	Name of the option	Sub-options		Brief description of the option
Option 1	Baseline: MS' CAs have a fully resourced CA including offshore expertise, technical and knowledge systems and regulatory systems.	Recruitment needs	Option 1a	Recruitment of discipline specialists from the offshore industry and other relevant sectors to train them to be regulators
			Option 1b	Recruit or develop from within CA persons who are not as yet technically competent to fill the role of the offshore specialist and this will include technical training and development in the specialist field.
		Training needs	Option 1c	Model I: Training collectively organised by the European Commission or other competent body
			Option 1d	Model 2: Shared training organised by specific MS
Option 2	Intra-EU expert transfer and knowledge sharing	Option 2a		Bilateral agreements: Intra-EU expert transfer and knowledge sharing with bilateral agreements between MS
		Option 2b		Multilateral agreements Intra-EU expert transfer and knowledge sharing with multilateral agreements between MS
Option 3	Creation of a network of 3rd party expertise	Option 3a		Scenario 1: Network of 3rd party expertise, with a central facility organized and controlled by a public body (e.g. Commission)

	and a dedicated mutual facility for each authority spread between MS or further afield	Option 3b	Scenario 2: Network of 3rd party expertise in a joint support scheme, with organisms shared by several MS
		Option 3c	Scenario 3: Network of 3rd party expertise based on resource dependence using experts from the industry
		Option 3d	Scenario 4: Network of 3 rd party expertise through self-selection in some technical forums on specific Oil & Gas related topics.
Option 4	A mix of different options to address the resource gaps at different levels	Option 4	Based on the specific resource needs per country group (1, 2 and 3)

Note

The Commission in accordance with Option 3 in the table, has contracted JRC to pilot a Virtual Centre of Offshore Expertise to assist, as required by Member States, in meeting their responsibilities for an adequately resourced Competent Authority.