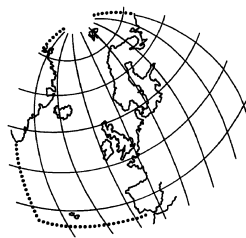


Overview Assessment:

**Implementation Report on
OSPAR Recommendation 2003/5**



**OSPAR Commission
2007**

The Convention for the Protection of the Marine Environment of the North-East Atlantic (the “OSPAR Convention”) was opened for signature at the Ministerial Meeting of the former Oslo and Paris Commissions in Paris on 22 September 1992. The Convention entered into force on 25 March 1998. It has been ratified by Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Netherlands, Norway, Portugal, Sweden, Switzerland and the United Kingdom and approved by the European Community and Spain.

La Convention pour la protection du milieu marin de l'Atlantique du Nord-Est, dite Convention OSPAR, a été ouverte à la signature à la réunion ministérielle des anciennes Commissions d'Oslo et de Paris, à Paris le 22 septembre 1992. La Convention est entrée en vigueur le 25 mars 1998. La Convention a été ratifiée par l'Allemagne, la Belgique, le Danemark, la Finlande, la France, l'Irlande, l'Islande, le Luxembourg, la Norvège, les Pays-Bas, le Portugal, le Royaume-Uni de Grande Bretagne et d'Irlande du Nord, la Suède et la Suisse et approuvée par la Communauté européenne et l'Espagne.

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Background

1. Contracting Parties with offshore installations were required to report by 31 October 2006 on the implementation of Recommendation 2003/5 to Promote the Use and Implementation of Environmental Management Systems.

Response

2. All relevant Contracting Parties, except Ireland and Spain, have submitted information on the means by which OSPAR Recommendation 2003/5 has been implemented. France indicated that they have no data to be reported.

3. From the reporting countries, Norway and Germany have implemented the Recommendation by legislation. In Denmark, the Netherlands and the UK the implementation is part of a negotiated agreement. No reporting Contracting Party holds a reservation and the measure is applicable to these parties.

	Reservation applies	Applicable	Implementation by			
			Legislation	Administrative action	Negotiated agreement	
Denmark	No	Yes	No	Yes	Yes	
France	no data to be reported					
Germany	No	Yes	Yes	No	Yes	
Ireland	no data available					
Netherlands	No	Yes	No	No	Yes	
Norway	No	Yes	Yes	No	No	
Spain	no data available					
United Kingdom	No	Yes	No	Yes	Yes	

Report on effectiveness

4. Denmark, Germany, the Netherlands, Norway and the UK submitted detailed information on the number of operators to which the Recommendation applies and the number of operators, which have an EMS in place.

5. In Denmark 2 out of 4 operators, to which this Recommendation applies, have an EMS in place. These two operators are certified according to ISO 14001.

6. Germany reported that all operators, to which this Recommendation applies, have an EMS in place according to ISO 14001. Operators also use their own standards, which also cover ISO 14001.

7. In the Netherlands 5 out of 9 operators, to which this Recommendation applies, have an EMS in place certified according to ISO 14001. Three operators claim that their EMS is based on ISO 14001 principles. However, no verification has been carried out by a third party. One operator claims to have an EMS in place according to ISO 14001, but some elements are still missing.

8. The UK reported that 45 out of 46 operators, have an EMS in place. Full compliance for all operators is expected at the end of 2007.

9. Norway reported that 8 out of 32 operators have an EMS in place. Norway also reported that the report only counts for the 8 permanently operating companies.

10. Appendix 1 gives detailed information on how the measure has been applied by the Contracting Parties.

11. OIC noted that not all Contracting Parties had yet reported on full compliance with this Recommendation and therefore agreed that there was a value in continuing reporting on implementation and effectiveness of the Recommendation.

Annex 1 – Full implementation Reports

Format for Reporting on Implementation of OSPAR Recommendation 2003/5 to Promote the Use and Implementation of Environmental Management Systems by the Offshore Industry

(Note: In accordance with paragraph 5.1 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Reservation applies

Is measure applicable in your country?

If not applicable, then state why not (e.g. no relevant installation)

.....

.....

.....

.....

Means of Implementation:	by legislation	by administrative action	by negotiated agreement
	No	Yes	Yes

Please provide information on:

- specific measures taken to give effect to this measure;
- any special difficulties encountered, such as practical or legal problems, in the implementation of this measure;
- the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported;
- if appropriate, progress towards being able to lift the reservation.

The goals of this recommendation have been implemented by incorporating them in a national offshore action plan of December 2005.

II. Implementation Report on Effectiveness

NOTE: The following data and information should be reported to the extent possible. Please state the reasons, if some required data and information cannot be provided.

	2003	2004	2005	2006
Total number of operators to which this Recommendation applies	3	3	3	4
Total number of operators with EMS in place	2	2	2	2*
Number with EMS registered according to EMAS	0	0	0	0*
Number with EMS certified according to ISO 14001	2	2	2	2*
Number with EMS according to other standards	0	0	0	0*
Number of operators making annual public statement	1	1	1	2*

* may be changed at the end of the year, but probably not.

Format for Reporting on Implementation of OSPAR Recommendation 2003/5 to Promote the Use and Implementation of Environmental Management Systems by the Offshore Industry

(Note: In accordance with paragraph 5.1 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Reservation applies

Is measure applicable in your country?

If not applicable, then state why not (e.g. no relevant installation)

.....

.....

.....

.....

Means of Implementation:	by legislation	by administrative action	by negotiated agreement
	yes	no	yes

Please provide information on:

- specific measures taken to give effect to this measure;
- any special difficulties encountered, such as practical or legal problems, in the implementation of this measure;
- the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported;
- if appropriate, progress towards being able to lift the reservation.

Ad a) Legislation requires a high level HSE Management system but does not prescribe in detail the system to be chosen by the company.

Ad b) not relevant

Ad c) not relevant

Ad d) not relevant

* Delete whichever is not appropriate.

II. Implementation Report on Effectiveness

NOTE: The following data and information should be reported to the extent possible. Please state the reasons, if some required data and information cannot be provided.

	2003	2004	2005	2006
Total number of operators to which this Recommendation applies			4	4
Total number of operators with EMS in place			4	4
Number with EMS registered according to EMAS			?	?
Number with EMS certified according to ISO 14001			4	4
Number with EMS according to other standards			4 [*]	4 ^{**}
Number of operators making annual public statement			4	4

* Companies use their own standards which cover also ISO 14001

** see 2005

Format for Reporting on Implementation of OSPAR Recommendation 2003/5 to Promote the Use and Implementation of Environmental Management Systems by the Offshore Industry

(Note: In accordance with paragraph 5.1 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Reservation applies

Is measure applicable in your country?

If not applicable, then state why not (e.g. no relevant installation)

.....

.....

.....

.....

Means of Implementation:	by legislation	by administrative action	by negotiated agreement
	No	No	Yes

Please provide information on:

- a. specific measures taken to give effect to this measure;

Implementation was already part of the negotiated agreement "Environmental Covenant", signed between operators and the Dutch Competent Authority in 1995. Six out of nine operators are in compliance with the recommendation, they stated in their yearly environmental report to have implemented their environmental management systems based on ISO 14001 principles or other international standards (EMAS, ISO 18001).

- b. any special difficulties encountered, such as practical or legal problems, in the implementation of this measure

not applicable

- c. the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported;

For three operators, no EMS according to ISO 14001 is yet in place or the EMS is not yet certified by a third party. Special attention will be given to that matter within the process of the coming Environmental Management Plans 2007-2010.

- d. if appropriate, progress towards being able to lift the reservation.

not applicable

II. Implementation Report on Effectiveness

NOTE: The following data and information should be reported to the extent possible. Please state the reasons, if some required data and information cannot be provided.

	2003	2004	2005	2006
Total number of operators to which this Recommendation applies	8	9	9	9 [*]
Total number of operators with EMS in place	3	4	6	9
Number with EMS registered according to EMAS				0
Number with EMS certified according to ISO 14001	3	4	6	6 ^{**}
Number with EMS according to other standards				0
Number of operators making annual public statement	8	9	9	9

* Three out of the nine operators claim there EMS to be based on the ISO 14001 principles but no verification by bodies not connected with the operator has been carried out according to article 3.1 of this recommendation. Some of the elements of the ISO 14001 standard are still missing.

** One operator claims to have an EMS based on the ISO 14001 principles according to article 3.1 of this recommendation. This has been verified in accordance to article 3.1 of this recommendation which means that this operator should be in compliance with this recommendation. However this operator also states in its annual report to not have implemented all elements of the ISO 14001 standard, i.e. the tasks, responsibility and authority with regard to environmental aspects within the organisation has not been defined.

Format for Reporting on Implementation of OSPAR Recommendation 2003/5 to Promote the Use and Implementation of Environmental Management Systems by the Offshore Industry

(Note: In accordance with paragraph 5.1 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Reservation applies

Is measure applicable in your country?

If not applicable, then state why not (e.g. no relevant installation)

.....

.....

.....

.....

Means of Implementation:	by legislation	by administrative action	by negotiated agreement
	Yes	No	No

Please provide information on:

- specific measures taken to give effect to this measure;
Operators are obliged by national regulations to have an Environmental Management System. This is confirmed by audits. Several operators are known to have EMAS or ISO 14001, or systems in compliance with these standards. However, we don't have exact numbers for operators and systems;
- any special difficulties encountered, such as practical or legal problems, in the implementation of this measure;
- the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported;
- if appropriate, progress towards being able to lift the reservation.

II. Implementation Report on Effectiveness

NOTE: The following data and information should be reported to the extent possible. Please state the reasons, if some required data and information cannot be provided.

	2003	2004	2005	2006
Total number of operators to which this Recommendation applies				8 (32*)
Total number of operators with EMS in place				8
Number with EMS registered according to EMAS				1**
Number with EMS certified according to ISO 14001				4
Number with EMS according to other standards				4***
Number of operators making annual public statement				8

*8 operators with "permanent" offshore installations on the NCS and 32 if all licensed operators are counted. These have obligations of to perform exploration drillings on one or more licenses. In this report only information on the 8 permanently operating companies is considered. The national regulations do not require the operator to submit to the authorities any certificates or other information on Environment Management Systems. This information is object to occasional audits.

**The operator has parts of its activity (projects) certified within EMAS.

***3 operators claim to have an EMS in accordance with ISO 14001 and the last one has a management system based on ISO 9001:2000.

Reporting on Implementation of OSPAR Recommendation 2003/5 to Promote the Use and Implementation of Environmental Management Systems by the Offshore Industry

(Note: In accordance with paragraph 5.1 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Reservation applies

Is measure applicable in your country?

If not applicable, then state why not (e.g. no relevant installation)

Means of Implementation:	by legislation	by administrative action	by negotiated agreement
	No	Yes	Yes

Please provide information on:

a. specific measures taken to give effect to this measure;

In recognition of the benefits of EMS, the United Kingdom Offshore Operators Association, through their Sustainability Strategy, set a target that 90% of UKCS oil and gas production would be covered by an independently verified EMS by the end of 2001. Further to this, the UK's Department of Trade and Industry (DTI) requires that all applicants for the operatorship of licensed blocks on the UKCS must have an EMS. The DTI extended that requirement to implement OSPAR Recommendation 2003/5, requiring successful applicants to have an independently verified EMS that met the requirements of the Recommendation. To further strengthen and clarify requirements, and endorse a formal UK Government position statement on EMS, the DTI issued additional Guidance for all new and existing operators. The Guidance incorporated the provisions of OSPAR Recommendation 2003/5 and detailed the implementation, verification and reporting requirements. Please refer to the attached document "OSPAR Recommendation 2003/5 DTI Guidance and Reporting Requirements" which further demonstrates the measures taken to give effect to this measure within the UK.

b. any special difficulties encountered, such as practical or legal problems, in the implementation of this measure;

Difficulties were encountered in the interpretation of the requirements of the Recommendation. It was found that some of the requirements did not fully align with ISO 14001 and/or EMAS and, as a result, the independent certification bodies completing the verification exercises questioned the scope of verification required. In addition, the lack of detail within the Recommendation regarding the depth to which the elements of the EMS had to be identified, defined, established, implemented and maintained resulted in operators and certification bodies being unclear as to what exactly was required to meet the requirements of the Recommendation. As a result of these points, the certification bodies expressed concern that operators may view compliance with OSPAR Recommendation 2003/5 as a less demanding option than gaining certification to ISO 14001 or registration to EMAS. Whether this is the case will only be seen over the next few years. The certification bodies also expressed concern that their accredited status could be compromised through verifying operators' EMS without associated verification guidance and standards. In order to address these points and strengthen the EMS requirements, the DTI developed Guidance as noted in point (a) above and as attached. Although operators were aware of the requirement to comply with the Recommendation from 2003, the DTI did not formally request confirmation of verification and EMS status until 2006, when it had resolved the points raised by the certification bodies and operators had fully developed the procedures required to implement the Guidance requirements.

f. the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported;

The UK has fully implemented this measure, and it is now a requirement for all production licence operators. All applicable operators must therefore have an independently verified EMS in place, and the implementation report confirms that the vast majority are in compliance with OSPAR Recommendation 2003/5 and the associated DTI Guidance. In cases where operators have not fully met the requirements of the Recommendation, the operator has had to provide details of the actions being taken to address the deficiencies of the EMS, and the timescales and persons responsible for completion of those actions required to achieve compliance. DTI Offshore Environmental Inspectors will continue to meet with those operators to review progress and, when applicable, the operators will be required to obtain a further independent verification of the EMS to demonstrate full compliance.

- g. if appropriate, progress towards being able to lift the reservation

Not applicable.

II. Implementation Report on Effectiveness

NOTE: The following data and information should be reported to the extent possible. Please state the reasons, if some required data and information cannot be provided.

	2003 No data refer to I.b.	2004 No data refer to I.b.	2005 No data refer to I.b.	2006
Total number of operators to which this Recommendation applies				46
Total number of operators with EMS in place				46*
Number with EMS registered according to EMAS				0
Number with EMS certified according to ISO 14001				17
Number with EMS according to other standards				28
Number of operators making annual public statement				10**

Additional Information:

* Although all operators had implemented an EMS by the 1st May 2007 one operator notified that an independent verification exercise had concluded that their EMS failed to meet the full requirements set out within OSPAR Recommendation 2003/5 and associated DTI Guidance. This operator has met with the DTI and provided details of the actions being taken to address the deficiencies of the EMS. The operator forecasts that full compliance with OSPAR Recommendation 2003/5 and associated DTI Guidance is expected by the end of 2007.

** All operators have been notified and are required to make publicly available an annual statement for the operators' reporting period ending in 2006 in accordance with OSPAR Recommendation 2003/5 requirements.