International Association of Oil & Gas Producers

POSITION STATEMENT | MAY 2021

IOGP input to Roadmap consultation 'Protecting the marine environment – review of EU rules'

Introduction

The International Association of Oil & Gas Producers' (IOGP) member companies account for approximately 70% of the oil and gas produced in Europe. IOGP shares the world's ambition to reach the Paris Agreement's goals and supports the EU's objective of climate neutrality by 2050 upon the implementation of enabling measures. Further, IOGP shares the global ambition to address biodiversity loss in the framework of the UN Convention on Biological Diversity, the 2030 Agenda of Sustainable Development and supports the objectives of the EU's Biodiversity Strategy for 2030.

IOGP represents the upstream oil and gas industry before EU institutions and international organizations including the International Maritime Organization (IMO), the United Nations Environment Programme (UNEP), Regional Seas Conventions (OSPAR, HELCOM), Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), and other groups under the UN umbrella.

Further, in the context of the EU more specifically, IOGP has observer status in the Marine Strategy Coordination Group, the Working Group on Good Environmental Status, and also is an active member in the Technical Group on Noise.

Oceans and seas are important areas of operations for the European oil and gas industry, as more than 80% of its current oil and gas production takes place offshore. To protect the marine environment, all exploration and production activities are conducted according to the highest industry standards and in line with the applicable EU, national, and regional legislation. IOGP also has access to a wealth of technical knowledge and experience with its members operating around the world in many different ocean governance frameworks, supporting goals of the United Nations 2030 Agenda for Sustainable Development, and in particular the Sustainable Development Goal on the Ocean (SDG14 "Life Below Water").

We welcome this opportunity to provide input on the review of the Marine Strategy Framework Directive (MSFD). From the beginning IOGP supported the establishment of the MSFD, and works with specific Member States and national associations to ensure its continued, effective transposition.

We believe that any proposed changes should reflect views of all relevant stakeholders and be based on shared experience and gained knowledge. We wish to outline the following key principles on which the upcoming revision could be based:

- Coherence of measures and methodologies between EU regulations and relevant Regional Sea Conventions, taking also into account regional specifications, is essential. The OSPAR Convention, the Barcelona Convention, HELCOM and Bucharest Convention are all important considerations in this regard.
- Economic operations can be compatible with protection measures, including in sensitive environments, provided that good management of practices are implemented. There is a wealth of experience and knowledge that has been developed over decades within the oil and gas industry, which incorporates commitments to ensure marine protection.

- All actors involved in blue economy initiatives should be considered and consulted throughout the process of reviewing the EU rules on protection of the marine environment.
- There is a need to ensure a stable and predictable framework that is necessary for long-term investments.
- All measures employed to achieve greater protection of the marine environment must be informed by scientific data and built on scientific methods and criteria.
- Industry's collaboration with scientific institutions is a key contributor to ocean science and should be leveraged for data collection/decision-making processes.

In particular, we wish to highlight our position in respect of several key descriptors of relevance for the upstream oil and gas industry:

Descriptor 1: Biodiversity is maintained

IOGP shares the global ambition to address biodiversity loss in the framework of the UN Convention on Biological Diversity, the 2030 Agenda of Sustainable Development and supports the objectives of the EU's Biodiversity Strategy for 2030. IOGP, through the joint IPIECA-IOGP Biodiversity and Ecosystem Services Working Group (BESWG) has been working for 20 years to continuously improve Biodiversity Ecosystem Services (BES) management with the oil and gas industry.

Our industry has demonstrated that it can operate responsibly and in a sustainable manner within or in proximity to sensitive or protected areas (e.g. Flora-Fauna-Habitats areas or Natura 2000 sites). This is based on intensive consultations with project stakeholders, authorities and citizens and has been achieved through the implementation of site-specific BES assessments, mitigation measures, and monitoring activities which are developed based on the sensitivities of the area and that support conservation objectives.

We recommend that any new biodiversity conservation measures should be informed by scale-appropriate ecological assessments to identify welcome marine and terrestrial biodiversity measures. The mitigation hierarchy (avoid, minimise, restore, offset) should then be used to characterize measures to limit potential impacts. Ecological assessments of conservation status and trends for protected species and habitats need to be supported by appropriate data, standard impact assessments, and relevant information, monitored and updated at regular intervals.

Moreover, positive impacts on biodiversity conservation status through man-made infrastructure should also be considered. The industry is involved in several ongoing work programmes (e.g. the INSITE Programme) evaluating the benefits to biodiversity of offshore structures. We would be glad to share the results of the INSITE Programme.

Descriptor 8: Concentrations of contaminants give no effects

The upstream oil and gas industry is committed to ensuring strict adherence to standards and practices aimed at preventing and reducing marine pollution, and adopts a proactive stance on this issue. All EU seas are regulated under the umbrella of Regional Sea Conventions (Oslo Paris Convention-OSPAR, Barcelona Convention, Helsinki Convention-HELCOM, and Bucharest Convention). All these frameworks include non-EU members as well and have shown for decades (examples: OSPAR, HELCOM) their ability to align all state government views with society needs, environmental aspects and various stakeholder interests in the marine areas.

The opportunity provided here to share information and knowledge on best practices plays in important role in achieving better protection for the marine environment. As illustrated through annual reports on spills and discharges, and confirmed through OSPAR assessments[1], there is clear evidence that the trend has been improving in this regard.

Harmonisation across Europe represents a challenge, and the most pragmatic, stable and efficient way to address this is to build on the existing frameworks as provided by the Regional Seas Conventions. Based on the effective and comprehensive approach established by the Regional Seas Conventions, and in light of the trend towards improvement, better implementation of this framework is key to address the aims of Descriptor 8.

[1] Assessment of the OSPAR Report on Discharges, Spills and Emissions from Offshore Installations 2009 – 2018, https://www.ospar.org/documents?v=43787

Over decades of experience, there has been developed a wealth of knowledge and expertise in these various existing international frameworks under IMO that should be taken into account in any proposed changes to the MSFD. For example, the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC)[2] sets out clear and proven requirements for contingency planning for oil spills. Active engagement and interaction with industry through this channel will ensure that any proposed changes to the MSFD can benefit from the extensive expertise developed within the industry over years.

A robust regulatory framework is already in place in respect of marine protection and pollution prevention, supported by several sector guidelines and regional specific regulations, to ensure safe operations and to prevent significant environmental impacts at all phases of operations. Moreover, the industry is continuously aiming to reduce its environmental footprint.

IOGP members commit to adopt and implement the highest operational standards. Whereas IOGP develops international standards and best practice guidelines for the E&P sector. Examples such as those listed below may also be viewed on IOGP website:

- Environmental management in the upstream oil and gas industry
- Risk Based Assessment of Offshore Produced Water Discharges
- Key principles for the protection, care and rehabilitation of oiled wildlife
- Application of Remote Sensing Technologies for Environmental Monitoring, Guidelines on Implementing Spill Impact Mitigation Assessment (SIMA)
- Oil spill monitoring and sampling: Good practice guidelines for incident management and emergency response personnel

Descriptor 11: Underwater Sound

IOGP is an active participant in the EU TG-Noise group since its inception. Having followed the discussion over the years aiming to establish common methodology and threshold values for underwater noise, we would like to make the following recommendations:

- Clarity of definitions and key concepts is essential, so that all the relevant stakeholders have the same understanding of terms such as "exposure" to sound and "impact" due to exposure to sound, "sound" and "noise", "background level" or "reference level" etc.
- Threshold values associated with duration and extent of maritime activities that generate underwater sound will not fully represent GES defined in terms of 'adverse impacts to marine mammal populations. Establishing threshold values to avoid adverse impacts at a population level should be based on current scientific understanding and available data through evaluation of population consequences.
- Support research focused on identifying and quantifying impacts on marine mammal populations - not just individuals - in EU, national, and regional projects.

IOGP is a long-standing member of the ambitious E&P Sound & Marine Life Joint Industry Programme (€50 million invested throughout project lifespan) that aims to support scientific research efforts to better characterise the sounds that our industry produces, to determine the potential impacts of these sounds on marine life and thereby to improve risk assessments and mitigation. IOGP and its member companies have a wealth of operational, technical and science expertise and knowledge related to underwater sound. We would gladly share this experience and any outcomes obtained during scientific programmes.

IOGP has access to a wealth of technical knowledge and experience with its members operating around the world in many different ocean governance frameworks, supporting goals of the United Nations 2030 Agenda for Sustainable Development, and in particular the Sustainable Development Goal on the Ocean (SDG14 "Life Below Water").

We look forward to cooperation with all relevant stakeholders and sharing our experience and knowledge regarding ocean research and the policy framework, as well as the outcomes of our many projects (Annex I).

[2] https://www.imo.org/en/OurWork/Environment/Pages/Pollution-Response.aspx

ANNEX I: Collaboration of industry and science

Several good examples of industry and science collaborations to collect data and scientific research projects:

- ATLAS project – The ATLAS consortium consists of 12 universities, 5 small and medium-sized enterprises (SMES), 3 government agencies and 4 national research centres and focuses on the trans-Atlantic assessment and deepwater ecosystem based spatial management plan.
- E&P Sound and Marine Life Joint Industry Programme – aims to increase understanding of how the sounds generated by oil and gas exploration and production activity – especially by seismic surveys – can affect marine life.
- Environmental Genomics Joint Industry Programme – set up to coordinate research aimed at exploring the application of eDNA-based analyses in environmental assessments and monitoring of oil and gas offshore and onshore operations.
- iAtlantic project – iAtlantic consists of 33 scientific partners and 11 international associate partners aiming to deliver integrated assessment of Atlantic marine ecosystems in space and time.
- INSITE Programme - The INSITE Programme was launched in 2014, with the aim of providing stakeholders with the independent scientific evidence-base needed to better understand the influence of man-made structures on the ecosystem of the North Sea.
- SERPENT project – the "Scientific and Environmental ROV Partnership using Existing iNdustrial Technology" (SERPENT) project aims to make cutting-edge industrial Remotely Operated Vehicle (ROV) technology and data more accessible to the world's science community, share knowledge and progress deep-sea research. The programme interacts with science and conservation groups globally to communicate the project to the public, increasing the awareness of the fragile marine resources.