

TRANSPOSITION NOTE

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 2004/35/EC (see <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0030>).

Article 38 of the Directive 2013/30/EU is transposed into Scots law by the Environmental Liability (Scotland) Amendment Regulations 2015 (S.S.I. 2015/214) which amend the Environmental Liability (Scotland) Regulations 2009 (as amended) (S.S.I. 2009/266, as amended by S.I. 2011/1043, S.I. 2011/2131 and S.S.I. 2011/116).

Provision in Directive 2004/35/EC as amended by Directive 2013/30/EU	Provision in Environmental Liability (Scotland) Regulations 2009 as amended by Environmental Liability (Scotland) Amendment Regulations 2015
<p>The aim of the OSD is to reduce the potential for major accidents relating to offshore oil and gas activities and limit their impacts on the environment and coastal economies. Article 38 of the OSD amends Directive 2004/35/EC (the Environmental Liability Directive (ELD)) by extending the existing definition of “water damage” by including additional descriptors used under the Directive 2008/56/EC (the Marine Strategy Framework Directive (MSFD)) and broadening the geographical scope of the definition of “water damage” in the ELD to make it consistent with the MSFD. Article 38 of the OSD ensures that the liability of licensees under the ELD applies to marine waters of Member States, as defined in MSFD.</p>	<p>Regulation 4 of the 2015 Regulations amends regulation 4 of the 2009 Regulations to extend the application of the 2009 Regulations to include damage that significantly adversely affects the environmental status of marine waters as defined in Directive 2008/56/EC, in so far as particular aspects of the environmental status of the marine environment are not already addressed through Directive 2000/60/EC.</p>