The EU Directive on Offshore Safety: what does it mean for the development of professional oiled wildlife response preparedness in Europe?

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ABSTRACT

On 28 June 2013, the EU Directive on Safety of Offshore Oil and Gas Operations (2013/30/EU) was published in the Official Journal of the European Union. This Directive was developed following the 2010 Macondo incident in an attempt to issue a set of stronger regulations to prevent and mitigate the consequences of incidents on offshore platforms in European waters (including EEZs). Currently Member States are transposing the Directive into national legislation – a process that must be completed within two years (by 19 July 2015).

The implementation of the Directive must ultimately result in the development of "internal emergency response plans" by the operators/owners of a platform and related infrastructure, and "external emergency response plans" by Member States. The Directive specifies information that must be provided in external emergency response plans (Article 29), including "arrangements for the mitigation of the negative impacts on wildlife both onshore and offshore including the situations where oiled animals reach shore earlier than the actual spill" (Annex VII, point h). This provision of the Directive is a firm and binding statement that the issue of oiled wildlife preparedness and response must form part of the package of operational standards and guaranteed systems to be put in place by operators/owners and Member States in order to achieve the result intended by the Directive.

This paper analyses operators/owners of installations and Member States responsibilities in the effective implementation of this provision of the Directive, and will explore its importance in a historic context of European wildlife preparedness and response. For the latter, the paper will refer to guidance and concepts from relevant published standards, the work undertaken in regional agreements for European sea areas, and various ongoing projects and programmes.

INTRODUCTION

The field of oiled wildlife response (OWR) has recently gained growing interest and recognition by both the industry and governments. Recently the oil industry has identified OWR as one of the 15 main topics in any oil spill response[1]. Whereas already a decade ago OWR planning was encouraged by the oil industry via the publication of a dedicated guideline in an international oil spill response report series[2], recently a so called "good practice guide" for OWR was published as a new industry standard[3].
Governments are increasingly becoming interested in the integration of oiled wildlife in their existing OWR and preparedness programmes. In different regional seas areas in Europe this has become clearly eminent via various published arrangements (see table 1). Also at a pan-European level significant investments have been made to strengthen the Union's oiled wildlife response and preparedness (OWR & P) (see table 2).

[1] OGP-IPIECA, 2014. Tiered preparedness and response. pp.5-6. http://oilspillresponseproject.org/sites/default/files/uploads/tpr-glance-scan-product_9-19-14.pdf
[2] IPIECA, 2004. A guide to oiled wildlife response planning. http://www.ipieca.org/publication/guide-oiled-wildlife-response-planning
[3] OGP-IPIECA, 2014. Wildlife response preparedness – Good practice guidelines for incident management and emergency response personnel. OGP Report Number 516. http://oilspillresponseproject.org/sites/default/files/uploads/Wildlife%20response%20preparedness.pdf

Region	Arrangements	Details	References
Mediterranean Sea	Barcelona Convention	• An MoU with Sea Alarm Foundation	REMPEC (2011)[4]
North Sea/NE Atlantic	Bonn Agreement	• Chapter on wildlife response in the Bonn Response Manual • Wildlife section in the PolRep	Bonn (2015)[5]
Baltic Sea	Helsinki Commission (HELCOM)	• Chapter on wildlife response in the Helcom Response Manual • Wildlife section in the PolRep • Recommendation 31E/6 on Integrated oiled wildlife response planning • Established Expert Working Group on Oiled Wildlife Response	HELCOM (2015)[6] [7] [8]

Table 1: Overview of existing instruments for facilitating mutual assistance and planning for OWR under European Regional Sea Conventions.

Project (years)	Budget line	Achievements	Reference
European Oiled Wildlife Response Planning (2006-2007)	Community framework for cooperation in the field of accidental or deliberate marine pollution	• Workshop with EU Member States' authorities on OWR and planning • Guideline for the development of integrated response planning and preparedness in Europe • Website www.oiledwildlife.eu	OWEU (2015)[9]
Impact Assessment (2006-2007)	Community framework for cooperation in the field of accidental or deliberate marine pollution	• Workshop with seabird scientists from Europe and N-America to discuss good practices with regards to collection and analysis of oiled seabird corpses, drift experiments. • Guideline for oiled seabird population impact assessment	OWEU (2015)[10]

[4] REMPEC, 2011. REMPEC and Sea Alarm MoU signed. http://www.rempec.org/rempecnews.asp?NewsID=194
[5] Bonn, 2015. Bonn Agreement Counter-Pollution Manual. Chapter 34 Wildlife response. http://www.bonnagreement.org/site/assets/files/3946/bonn_agreement_counter_pollution_manual.pdf
[6] HELCOM, 2015. HELCOM Manual on Cooperation in Response to Marine Pollution within the framework of the Convention on the Protection of the Marine Environment of the Baltic Sea Area. Volume 1. Chapter 11: Oiled Wildlife Response. http://www.helcom.fi/Documents/Action%20areas/Monitoring%20and%20assessment/Manuals%20and%20Guidelines/Response%20Manual%20Vol%201.pdf
[7] HELCOM, 2015. Integrated Wildlife Response Planning the Baltic Sea Area. HELCOM Recommendation 31E/6. http://www.helcom.fi/Recommendations/Rec%2031E-6.pdf
[8] HELCOM, 2015. Expert Working Group on Oiled Wildlife Response. http://helcom.fi/helcom-at-work/groups/response/ewg-owr
[9] OWEU, 2015. EU Sponsored projects. http://www.oiledwildlife.eu/capacity-building/eu-sponsored-projects
[10] See footnote 9.

Project (years)	Budget line	Achievements	Reference
Oiled Bird Rehabilitation Best Practices (2006-2007)	Community framework for cooperation in the field of accidental or deliberate marine pollution	• Workshop with European oiled wildlife rehabilitation expert groups to discuss good practice in oiled seabird response. • Guideline to good practice regarding oiled seabird response	OWEU (2015)[11]
RIOS (2008-2009)	FP7, Seventh Framework Programme for Research and Technological Development	• Workshop of scientists from Europe and N-America to identify key areas for scientific research in the field of oiled wildlife response and preparedness. • End report with recommendations	OWEU (2015)[12]
POSOW (2012-2013)	Civil Protection Financial Instrument	• Development of an oiled wildlife response course for convergent volunteers	POSOW (2015)[13]
EUROWA (2015-2016)	Union Civil Protection Mechanism	• Development of Standard Operating Procedure, training courses, equipment stockpile and pool of expertise for an international tier-3 team that can be mobilised for European and international oiled wildlife response.	OWEU (2015)[14]

Table 2: Investments into European OWR & P via the European co-funding mechanisms.

Despite the increased interest, it was only recently that the issue of OWR became recognised in EU law. The Offshore Safety Directive (2013/30/EU - EU OSD or "Directive" in what follows) of 28 June 2013[15] is currently being transposed into national legislation of EU Member States. This process needs to be completed by July 2015. The Directive provides an obligation to Member States to develop external emergency response plans, including "arrangements for the mitigation of the negative impacts on wildlife both onshore and offshore including the situations where oiled animals reach shore earlier than the actual spill" (Annex VII, point h). This paper explores the impact of this provision for OWR in practical terms and analyses the importance of the EU OSD as a whole for European OWR & P.

The paper is divided as follows:

Section 1: Assessment of EU OSD obligations for operators and Member States
Section 2: Analysing Annex VII (h) of the EU OSD
Section 3: Standards on OWR & P via the EU OSD

Finally the paper discusses the findings and draws some conclusions regarding the interpretation and implementation of the EU OSD.

[11] See footnote 9.
[12] See footnote 9.
[13] POSOW, 2015. Preparedness for Oil-Polluted Shoreline cleanup and Oiled Wildlife interventions. www.posow.org
[14] See footnote 9.
[15] http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0030

Section 1: Assessment of EU OSD obligations

This section will focus on understanding what the requirements on governments and industry are as regards OWR & P in the framework of the EU OSD. Firstly the paper will consider the general requirements of the Directive to then explore the specific requirements in the context of the so-called internal and external emergency response plans.

General requirements of the EU OSD

Table 3 provides an overview of the key relevant texts from the EU OSD that together provide a summary of the Directive as far as its relevance for oiled wildlife response is concerned. In the paragraphs below we provide our interpretation of the requirements of the EU OSD, implicitly using various definitions from the Directive that were not included in the table.

The EU OSD covers "major accidents" on offshore oil and gas platforms in European waters which include incidents that cause the release of oil or dangerous substances. It obliges Member States with offshore platforms in their waters and operators/owners of these platforms to establish two key emergency response plans:

- "Internal Emergency Response Plans", which must be developed, maintained and operated by Operators or Owners[16] of offshore oil and gas installations and connecting infrastructure
- "External Emergency Response Plans" which must be developed, maintained and operated by the Member State.

The philosophy of working at two levels seems to be that both categories would seamlessly have to work together, where the operators and owners via the Internal Plan concentrate on trying to limit the consequences of a major accident at and near to the installations (e.g. life-saving action, preventing or minimizing pollution via mobilising expertise and equipment) whereas the Member State concentrates on preventing and minimizing the consequences of the major accident between the source and places where impacts can be expected. It should be noted that impacts to marine wildlife can occur in the context of both internal and external plans.

Developing plans and preparedness

Whereas the Member States "shall prepare external emergency response plans", they "shall specify the role and financial obligation of licensees and operators in the external emergency response plans". (Article 28.1, see table 3). Also in Article 28.2 (see table 3) there is an explicit reference that suggests that Member States will liaise with operators and owners in developing the external emergency response plans.
This means that Annex VII, which provides the criteria for the external emergency response plans, is de facto not only relevant for Member States but also for operators and owners.

Polluter pays

As regards the liability of Operators and Owners, importantly the OSD (Article 38) extends the scope of the EU Environmental Liability Directive (2004/35/EU)[17] to also cover damage to the marine environment resulting from offshore incidents. In this context, damage is defined by referring to the EU Marine Strategy Framework Directive (2008/56/EC)[18] and the Water Framework Directive[19], and the definition of environmental status thereunder, which also refers to biodiversity. Here it is also important to note that Operators and Owners will be required to demonstrate financial capability under the EU OSD (Article 4), including as regards response to damage to the marine environment.

The EU OSD therefore places full liability on to the Operators and Owners for environmental damage within an area that includes a Member State's territorial sea, Exclusive Economic Zone (EEZ) and continental shelf, extending to the limit of the area where a Member State exercises jurisdictional rights based on the United Nations Convention on the Law of the Sea.
This extension of the polluter pays principle being applied to offshore incidents means that responsible owners and operators should be interested in the quality of the Member States' external emergency

[16] Defined in the OSD as "the entity appointed by the licensee or licensing authority to conduct offshore oil and gas operations, including planning and executing a well operation or managing and controlling the functions of a production installation".
[17] http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32004L0035
[18] http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0056
[19] http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0060

Response Plans too, as these Plans will influence the cost and effectiveness of the response. Also, if the Member State is able to work effectively to prevent or reduce environmental impacts via well trained and exercised planning and preparedness systems, the likelihood that environmental costs can be avoided will be increased.
Apart from the polluter pays principle that will encourage planning and preparedness, any company will be sensitive to the damage that an oil spill, or the response to that oil spill could cause to its international reputation. This should also encourage dialogue between the oil industry and Member States in order to agree on the identification, development and use of international standards and good practice for both internal and external emergency response plans. The EU Offshore Authorities Group (EUOAG)[20] could provide a platform for such discussions.

Specific requirements of the EU OSD as regards wildlife response

Annex VII of the EU OSD provides an overview of information to be provided in external emergency response plans. Under point (h) it reads: "arrangements for the mitigation of the negative impacts on wildlife both onshore and offshore, including the situations where oiled animals reach shore earlier than the actual spill" (see Table 3).
This part of the EU OSD therefore makes it explicit that arrangements for wildlife response should be included as an integrated part of external emergency response plans. In Section 2 it is explored how the term "arrangements" should be interpreted.

Implementing the EU OSD

The EU Member States with offshore installations must transpose the Directive into their national legislation by 19 July 2015. Operators/owners will then gradually have to comply with the relevant requirements set at national level (new installations by July 2016, and existing installations by July 2018).

[20] European Union, 2015. EU Offshore Authorities Group. http://euoag.jrc.ec.europa.eu/

Table 3: Key texts in the EU OSD[21] with regards to the issue of oiled wildlife response and preparedness.

Chapter	Article	Clause	Content
CHAPTER I Introductory Provisions	2 Definition	1	**'major accident' means**, in relation to an installation or connected infrastructure: a) an incident involving an explosion, fire, loss of well control, or **release of oil**, gas or **dangerous substances** involving, or with a significant potential to cause, fatalities or serious personal injury;
	2 Definitions	28	**'internal emergency response plan'** means **a plan prepared by the operator or owner** pursuant to the requirements of this Directive concerning the measures to prevent escalation or limit the consequences of a major accident relating to offshore oil and gas operations;
	2 Definitions	36	**'external emergency response plan'** means **a local, national or regional strategy to prevent escalation or limit the consequences of a major accident** relating to offshore oil and gas operations **using all resources available to the operator** as described in the relevant internal emergency response plan, **and any supplementary resources** made available **by Member States**;
CHAPTER III Preparing and carrying out offshore oil and gas operations	14 Internal emergency response plans	1	**Member States shall ensure that operators or owners**, as appropriate, **prepare internal emergency response plans** to be submitted. The plans shall be prepared **in accordance with Article 28** taking into account the major accident risk assessment undertaken during preparation of the most recent report on major hazards. The plan shall include and analysis of the oil spill response effectiveness.
CHAPTER VII Emergency preparedness and response	28 Requirements for internal emergency response plans	1	**Member States shall ensure that the internal emergency response plans** to be prepared **by the operator or the owner** in accordance with Article 14 and submitted **are**: (a) put into action without delay to respond to any major accident or a situation where there is an immediate risk of a major accident; and (b) **consistent with the external emergency response plan referred to in Article 29**
		2	**Member States shall ensure that the operator and the owner maintain equipment and expertise relevant to the internal emergency response plan** in order for that equipment and expertise to be **available at all times** and to be made available as necessary **to the authorities responsible for the execution of the external emergency response plan** of the Member State where the internal emergency response plan applies.
	29 External emergency response plans and emergency preparedness	1	**Member States shall prepare external emergency response plans** covering all offshore oil and gas installations or connected infrastructure and potentially affected areas within their jurisdiction. **Member States shall specify the role and financial obligation of licensees and operators in the external emergency response plans**.
		2	**External emergency response plans shall be prepared by the Member State in cooperation with relevant operators and owners** and, as appropriate, licensees and the competent authority, and **shall take into account the most up to date version of the internal emergency response plans** of the existing or planned installations or connected infrastructure **in the area covered by the external emergency response plan**.
		3	**External emergency response plans shall be prepared in accordance with Annex VII,** and shall be made available to the Commission, other potentially affected Member States and the public.
		4	Member States shall take suitable measure so achieve a high level of compatibility and interoperability of response equipment an expertise between all Member States in a geographical region, and further afield where appropriate. Member States shall encourage industry to develop response equipment and contracted services that are compatible and interoperable throughout the geographical region.
		6	**Member States shall ensure that operators and owners regularly test their preparedness** to respond effectively to major accidents in close cooperation with the relevant authorities of the Member States.
Annexes	Annex VII Information to be provided in external emergency response plans pursuant to Article 29	(h)	**Arrangements for the mitigation of the negative impacts on wildlife both onshore and offshore including the situations where oiled animals reach shore earlier than the actual spill.**
	Annex VIII Particulars to be included in the preparation of external emergency response plans pursuant to Article 29	(d)	**A description of the general arrangements for responding to major accidents, including competencies and responsibilities of all involved parties and the bodies responsible for maintaining such arrangements.**
		(e)	**Measures to ensure that equipment, personnel and procedures are available and up to date and sufficient members of trained personnel are available at all times.**

[21] http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0030

Section 2: Analysing Annex VII (h) of the EU OSD

Annex VII point (h) of the EU OSD explicitly requires the external emergency response to include arrangements for oiled wildlife response (see table 3). But what does it mean? And does it bring anything new?
The text of Annex VII point (h) has some key wording, which is analysed in table 4

Terminology in Annex VII (h)	**Authors' Analysis**
Arrangements	On first sight the term "arrangements" is not well defined and could mean anything, from contracted services (strong) to letters of intent (weak), and much seems to have been left to the interpretation of individual Member States in order to achieve the result intended by the Directive. However, the term "arrangements" is used throughout Annex VII (see Table 3) to describe essential operational elements of oil spill response initiation, mobilisation and coordination, which should be included in external emergency response plans. The nature of these activities in an oil spill emergency situation requires that detailed procedures are in place. Therefore there is no room to deflate the meaning of this term by relying on very basic or low quality procedures, or an unwritten agreement. The term is also used in Annex VIII (see Table 3), and from this text it becomes clear that (descriptions of general) arrangements for responding to major accidents include: (descriptions of) competencies and responsibilities of all involved parties and the bodies responsible for maintaining such arrangements. Therefore the term in Annex VII point (h), as a requirement for inclusion in external emergency response plans, indicates that Member States must identify which parties are competent to deal with wildlife, which responsibilities in a wildlife response need to be taken care of and by whom. Also bodies must be identified who take responsibility for maintaining the arrangements. The fact that point (h) is included in Annex VII means that the issue of wildlife is fully integrated into external emergency plans and therefore will have to comply with all requirements for these plans described in the Directive, including those listed in Annex VIII.
Mitigation of the negative impacts on wildlife	In the field of oil spill response, it is generally accepted that in defining "wildlife", a distinction should be made between any wild animal (from lower invertebrates to mammals) that would benefit from general response measures taken in the combat of oil, and a few animal groups (birds, mammals, reptiles) that would benefit from additional measures via a dedicated wildlife response plan. Good practice within the international oil spill response community[22] considers mitigation to include prevention measures (keeping oil away from animals; keeping animals away from the oil, collecting/capture animals or their offspring from areas that may become oiled), collecting oiled animals for stabilisation/cleaning/recovery/release, euthanasia), and population impact analysis (collecting carcasses for counting, analysis).
Both onshore and offshore	Whereas the scope of the Directive is largely focused on risks and events that may happen offshore (which includes Territorial Sea, EEZ and Continental Shelf), the terminology here makes an important extension of this geographical area to the onshore.
Including the situations where oiled animals reach the shore earlier than the actual spill	This text also makes an important statement. It is signified here that oiled animals may come ashore first before an oil spill has been reported by the polluter or by surveillance activities. That means that arrangements for wildlife response must have an independent activation, so that this part response can start before and, if needed, independent of the formal activation of the wider oil spill response plan.

Table 4: An analysis of the wording in Annex VII point (h) of the EU OSD.

The authors' analysis in Table 4 shows that the text on wildlife response and its location (in Annex VII) mean that the implication of this inclusion is potentially considerable. It would mean that oiled wildlife response and preparedness is firmly incorporated in "external emergency plans", and will have to be treated by Member States at the same level as any other issue that these plans should incorporate.

[22] See footnote 3.

Section 3: Standards on OWR & P

Before exploring if and how standards on OWR & P can be implemented through the EU OSD we look at existing examples where public authorities have implemented such standards.

Initiatives of public authorities on OWR & P

Over the last 15 years there have been significant efforts to address oiled wildlife preparedness in Europe which were initiated by a series of major oil spill incidents in EU waters between 2000 and 2002[23]. Moreover, a few examples exist outside of Europe were OWR was successfully integrated into national and regional oil spill planning. These examples are described below.

Europe

EU funding for projects to explore wildlife planning on a Europe-wide level, gather data on wildlife impact and define animal care protocols provided a basis from which practical activities to establish regional and national preparedness systems was explored[24]. The focus and discussions on developing these activities has largely taken place through three Regional Seas agreements in Europe, namely the Bonn Agreement, Helsinki Convention (HELCOM) and Barcelona (REMPEC) Convention covering the North Sea, Baltic Sea and Mediterranean Sea respectively. A number of non-governmental organisations, including the Sea Alarm Foundation have helped to maintain and build momentum for more effective oiled wildlife preparedness measures at the Regional Seas level, also serving as a partner on a number of significant projects including the project for Preparedness for Oil-polluted Shoreline clean-up and Oiled Wildlife interventions (POSOW), coordinated by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC)[25].
According to Nijkamp and Sessions[26] "the strategic reasoning behind pursuing the results of the European projects through this route was that, if accepted at International level, there would be a strong incentive for governments to take this issue into account at national levels; and eventually leading to integrated response planning for oiled wildlife incidents".
Evidence of the efficacy of this strategy can be seen in the recent developments in the Baltic Sea region.

Europe – HELCOM (Baltic Sea)

It could be argued that most significant advances within the Regional Seas programs[27] have been developed and supported by the Member States party to the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea (HELCOM). As part of the activities of the HELCOM RESPONSE working group, and in conjunction with non-governmental partners, member states have initiated a series of measures acknowledging and supporting the need for integration of oiled wildlife preparedness and response into their collective oil spill planning and response activities. This intention and commitment to integrate wildlife mitigation measures has culminated in a decision by the contracting parties under the preparedness and response section of the 2013 HELCOM Copenhagen Ministerial Declaration to "develop and adopt national wildlife response plans by 2016; agree to strengthen the work on OWR under HELCOM RESPONSE through a targeted expert working group and by enhancing cooperation with NGOs and the private sector, inter alia in order to accommodate the involvement of volunteers"[28].

United States

In the US, the Oil Pollution Act of 1990 was implemented in response to the Exxon Valdez spill with the intention of providing the necessary resources required to effectively respond to oil spills. This included establishing the Oil Spill Liability Trust Fund as well as improving contingency planning and the scaling up of resources[29]. The Act requires trustee agencies to "(1) return injured natural resources

[23] Nijkamp, H. and Sessions, S., 2011. Oiled wildlife response: Structural planning and response boosted by regional agreements. International Oil Spill Conference Proceedings, 2011-356. (pp.9). http://ioscproceedings.org/doi/pdf/10.7901/2169-3358-2011-1-356
[24] See above.
[25] See footnote 13.
[26] See footnote 23, pp.5.
[27] UNEP, 2015. United Nations Environment Programme. Regional Seas Programme. http://www.unep.org/regionalseas/about/default.asp
[28] HELCOM, 2013. HELCOM Copenhagen Ministerial Declaration. 2 October 2013. pp. 17 http://www.helcom.fi/Documents/Ministerial2013/Ministerial%20declaration/2013%20Copenhagen%20Ministerial%20Declaration%20w%20cover.pdf
[29] EPA, 2015. Summary of the oil pollution act. http://www2.epa.gov/laws-regulations/summary-oil-pollution-act

and services to the condition they would have been in, if the incident had not occurred, and (2) recover compensation for interim losses of such natural resources and services through the restoration, rehabilitation, replacement, or acquisition of equivalent natural resources or services"[30]. Subsequently, oiled wildlife planning was integrated into contingency planning activities and wildlife operations became part of the environmental unit within the ICS structure for spill response[31].

US - California

Wildlife response measures were further implemented at a state level, most notably and comprehensively in California, where the Lempert-Keene-Seastrand Act of 1990 mandated the development of permanent rescue facilities for oiled wildlife and the coordination of resources via a state-wide network, funded through interest on the State's oil spill preparedness fund[32]. Today, California's Oiled Wildlife Care Network includes over 30 member organisations working collaboratively with both government and industry[33].

New Zealand

Other multi-stakeholder preparedness models exist including in New Zealand, where Maritime New Zealand has a long established history of incorporating wildlife response planning and response via a contract with Massey University to manage a National Oiled Wildlife Response Team[34]. A multi-annual program of exercises and trainings contributed to the effectiveness of the wildlife response following the Rena Spill in 2011; the only aspect of the spill response effort to attract consistently positive media coverage[35].

Oil industry initiatives on OWR & P

While individual oil operators integrated wildlife mitigation measures in certain countries or regions as a result of national and state requirements, the first attempt to define good practice for oiled wildlife planning industry-wide was the publication of Volume Thirteen of the IPIECA Report Series, *A Guide to Oiled Wildlife Response Planning*, published in 2004[36]. This document has been used by governments and industry, and provided the benchmark for wildlife planning that underlies the national wildlife planning activities that have been committed to under HELCOM RESPONSE (HELCOM, 2015).

Following the Macondo Spill in the Gulf of Mexico in 2010, the International Association of Oil and Gas Producers (OGP) formed a Global Industry Response Group (GIRG) to address questions related to the industry's operational response capacity in the event of a major incident, such as a well blowout[37]. A multi-year Oil Spill Response Joint Industry Project (OSR-JIP) was initiated, to manage 19 projects, which included the development of a collectively defined common operating picture for tiered preparedness and response[38]. This common operating picture identified 15 core capabilities considered integral to effective tiered preparedness and response for oil spill incidents, which includes oiled wildlife response. The guidelines state that, "these capabilities may not be provided by oil spill response organisations for mutual aid, but must be considered by operators in planning. Operators must combine internal and external resources to meet the capability required to respond to potential incidents"[39].

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[30] NOAA, 2013. Oil Pollution Act Guidance. Para. 1. http://www.darrp.noaa.gov/library/1_d.html

[31] Roland, R.G. and Cameron, K.H., 1991. Adaptation of the Incident Command System for oil spill response during the American Trader spill. In: International Oil Spill Conference Proceedings: 1991(1): 267-272. http://www.ioscproceedings.org/doi/pdf/10.7901/2169-3358-1991-1-267

[32] Mazet, J.A.K., Tseng, F., Holcomb, J. and Jessup, D.A., 1999. Oiled Wildlife Care Network development for integrated emergency response. In: International Oil Spill Conference Proceedings: 1999(1): 229-231. http://ioscproceedings.org/doi/abs/10.7901/2169-3358-1999-1-229

[33] Oiled Wildlife Care Network, 2015. http://www.vetmed.ucdavis.edu/owcn/about_us/index.cfm

[34] Morgan, K., Gartrell, B., McConnell, H. and Quinn, N., 2009. A downunder approach to oiled wildlife preparedness. In: Effects of Oil on Wildlife Conference Proceedings: 2009. http://www.eowconference09.org/wp-content/uploads/03-2-morgan-nz.pdf

[35] Chilvers, B.L., Low, S.W., Pearson, H.S., Finlayson, G.R., White, B.J. and Morgan, K.J, 2015. Oil spill response and public/media perception. In: Interspill Conference Proceedings: 2015. http://interspill.org/previous-events/2015/WhitePapers/Interspill2015ConferenceProceedings/24-MARCH-2015/Stakeholder%20Engagement%20-%20Communications/Oil-Spill-Response-and-Public-Media-Perception-L-Chilvers-Massey-University-New-Zealand.pdf

[36] See footnote 2.

[37] OGP-IPIECA, 2014. http://oilspillresponseproject.org/about-us

[38] See footnote 1.

[39] See footnote 1. pp.5-6.

To further outline what could be considered as current 'good practice' for oiled wildlife planning, the development of a new IPIECA publication to replace Volume Thirteen of the previous IPIECA report series was initiated as part of a comprehensive revision of the report series as the 12th Joint Industry Project. The new Good Practice Guidelines on *Wildlife Response Preparedness* were published in October 2014. The document is available as a free PDF download to all stakeholders[40]. As well as continuing to emphasize the importance of developing formal, written wildlife response plans, this document places this activity within the broader context of developing preparedness, recognizing that only through multi-annual programs including exercises, training and equipment investment can operational readiness be achieved.
As an industry-wide expression of good practice it can be assumed that major oil operators actively support this operating model and will look to develop wildlife preparedness for their operations worldwide. In a significant step towards this, the oil industry has agreed funding for a two-year project in conjunction with leading oiled wildlife response organisations to develop the concept for a global oiled wildlife response system. This project aims to align animal care standards and operating procedures to develop a Tier 3 (global) wildlife response mechanism, provided collectively by oiled wildlife response organisations from around the world[41].
These industry developments represent a major milestone in the acknowledgement of oiled wildlife preparedness on a global scale. Furthermore, the documents created provide a detailed roadmap of multi-stakeholder activities for the implementation of such measures, which can be used by governments and industry alike. As such, the work of defining on paper what could be considered sufficient 'arrangements' for wildlife mitigation has already been done. The question now remains of how member states in Europe can begin the process of implementation as an aspect of their responsibilities to transpose the EU OSD.

DISCUSSION AND CONCLUSION

As highlighted above, the impact of the EU OSD on oiled wildlife response and preparedness is potentially large. The text of Annex VII (h) adds wildlife response planning to the scope of work of Member States in the development of their external emergency response plans.
It is interesting to see that the oil industry has been promoting oiled wildlife response planning for over 10 years, and recently updated its definition of good practice for oiled wildlife response and preparedness. This is where Member States should expect to find Operators and Owners as partners in an attempt to develop professional wildlife response resources at both international and national levels, according to the identified industry standards as a minimum.
Also the European Commission has a track record of investing into projects in which vision, standards and capacity building are developed. Also the Regional Agreements have picked up the issue successfully, HELCOM being the most advanced at this moment.
The Directive therefore provides a new basis for the continuation of a wide range of promising activities, many of which have already delivered valuable achievements. The Directive however adds a strong legislative incentive for Member States to further explore cost efficient solutions to develop, train and exercise professional resources for oiled wildlife response, and invite Operators/Owners to support such solutions on a reasonable basis.

The impact of the EU Offshore Safety Directive on oiled wildlife response preparedness is potentially high but will depend on the completeness of the transposition into national legislation and the strength at which Member States will work individually and together to implement its requirements.
The EU OSD seems to reflect that oiled wildlife response and preparedness is an important issue that is highly valued by the people of the European Union. The European Commission, in its role as the guardian of the EU legislation, will also have a role to play towards ensuring the adequate transposition of the Directive by the Member States.
The speed and thoroughness by which Member States agree to develop oiled wildlife response capabilities according to a common standard in Europe further will depend on whether common interpretations of the Directive by Member States will be developed, perhaps in the framework of the EU Offshore Authorities Group (EUOAG).

[40] See footnote 3.
[41] Kelway, P., Holland, R., Sessions, S. and Nijkamp, H., 2014. Towards a Tier 3 infrastructure for Oiled Wildlife Response. In: International Oil spill Conference Proceedings: 2014(1): 972-985. http://ioscproceedings.org/doi/pdf/10.7901/2169-3358-2014.1.972