

ABSTRACT

Conserving the marine environment of the EU: A critical appraisal of the European Parliament's Resolution 2015/2352 as it concerns the establishment of a new legislative compensation mechanism for offshore accidents

On the 1st of December, 2016, the European Parliament passed Resolution 2015/2352 calling on the Commission to consider establishing a legislative compensation mechanism for offshore accidents. This resolution is one of the many efforts aimed at protecting the European marine environment from the harmful effects that might be caused by offshore oil and gas activities. It stems from the understanding that one aspect of securing this environmental protection is the existence of a regime that adequately provides remedies for losses arising from offshore oil and gas operations. Indeed, compensation for offshore pollution arising from these operations is a necessary part of any regime looking to ensure sustainable offshore resource extraction. Sustainable offshore resource extraction requires the integration of environmental protection concerns in development decisions. This resolution also clearly aligns with the polluter pays principle, one of the fundamental principles of environmental law. On the face of it therefore, the European Parliament's resolution is commendable. However, it is important to critically assess the resolution and its potential for securing protection of the marine environment. It is also important to find out whether it is necessary or desirable to have a Europe-wide compensation mechanism for offshore accidents. Is it rather preferable to have individual States determine what compensation mechanism is suitable for their jurisdictions? What therefore are the advantages of having a Europe-wide compensation scheme as opposed to individual schemes? These are the questions that this paper will address. In addressing them, this paper will analyse the compensation mechanism utilised in Norway, as the European Parliament noted this as a model for best practice and for the prospective future legislative compensation scheme. In analysing the Norwegian model, it will compare how this differs from that used by some other European States, for example, the UK. This paper will also consider what enforcement issues might arise from developing a Europe-wide compensation scheme.

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