Title: Offshore Activities: Mind the Gap between Prevention and Liability!

Abstract:

This presentation is intended to cover some of the most recent developments in the area of offshore installations and liability arising therefrom. References will also be included to existing legal instruments having a global as well as a regional scope of application with a view to assessing, in particular, any loophole in need to be addressed by the international community.

Specific attention will be devoted to the position under European Union law and to the role of Directive 2013/30/EU “on safety of offshore oil and gas operations”. The point will be made, in this respect, that preventive rules, in order to work properly, should always be accompanied by adequate liability regimes, as the former, depending on the circumstances, may well fall short from reaching the objective of precluding any damage from occurring.

Given the setting in which this presentation is delivered, a number of remarks will touch upon the contribution of the CMI to the ongoing debate on the subject and to the related efforts of some IMO Member States which have recently led to the compilation of a document entitled “Guidance for bilateral/regional arrangements or agreements on liability and compensation issues connected with transboundary oil pollution damage resulting from offshore exploration and exploitation activities”.