

**Reply of the Hellenic MLA****to the****QUESTIONNAIRE CMI****Offshore activities – pollution liability****GREECE**

*Introductory remarks:* The CMI is assisting a project initiated by the Government of Indonesia and aiming at developing guidelines for the negotiation of interstate agreements on liability issues arising from offshore oil exploration and exploitation. The objective of the questionnaire is to collect information about existing regional and bilateral agreements on transboundary oil pollution from offshore activities. The answers regarding the legal regime in Greece are provided below:

1. Greece is not a Party to any of the international instruments mentioned under points 1-3 of the Questionnaire (i.e. 1992 OSPAR Convention, 1994 Protocol-Barcelona Convention, 1981 Abijan Convention and 1985 Protocol).

2. Regarding regional cooperation, one should note the European directive on *safety of offshore oil and gas operations* amending Directive 2004/35/EC on *environmental liability with regard to the prevention and remedying of environmental damage*, which has been adopted on June 12<sup>th</sup> 2013. Although it is not a *stricto sensu* regional agreement from a pure legal point of view, it produces legal effects, once incorporated, in all Member States.

Liability issues relating to offshore oil and gas operations, requirements on financial capacity including availability of appropriated financial security instruments are foreseen therein.

Our country has not transported yet the aforementioned directive into our national legislation.

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Greece is not a Party to any bilateral agreement wherein issues of liability and compensation are being addressed.

3. As far as national legislation is concerned, there is not a single and comprehensive instrument dealing specifically and exclusively with the issues dealt with in the present Questionnaire. However, aspects of the offshore oil and gas exploration and exploitation activities are addressed in various internal provisions. More particularly:

(a) Laws 1650/1986 & 4014/2011 & on environmental license of works and activities are applicable, *inter alia*, to offshore exploration activities, as clearly stated in Ministerial Decision 1958/2012.

(b) Law No 2252/1994 (Official Gazette Issue No: 192) *on the ratification of the International Convention on Oil Pollution Preparedness, Response and Co-operation-HNS Protocol*, as well as the Presidential Decree No 11/2002 (Official Gazette Issue no: 6 A/21.01.2002) *on National Contingency Planning against oil or other harmful substances pollution*, equally apply. Pursuant to the provisions of those legal instruments gas or offshore installation should dispose an approved by the Administration Contingency Pollution Response Plan. Each Plan comprises a detailed emergency procedures along with data, on pollution emergency response equipment and other spatial data, together with a contact detail list of all authorities, public and private organizations which could be potentially involved or affected by a pollution incident.

(c) Finally, Presidential Decree 55/1998 (codifying law 743/77 on the protection of marine environment) deals with liability issues in case of environmental pollution. The scope of application of this instrument is wide enough to cover offshore installations. According to art. 1, the law applies, *inter alia*, in cases of pollution of the Greek ports, coasts and territorial waters from installations, or ships and tankers, under Greek or foreign flag, or from any other source of pollution. Liability to pay damages lies with any party, which intentionally or by negligence caused the pollution (fault liability) and jointly and severally with the owner, master, operator and manager in Greece, as well as the chairman of the board and the managing director (CEO) of the shipowning company and/or the owner, operator and chairman of the board of the Installation (Strict liability). The law provides also for penal, administrative and disciplinary sanctions (article 13).

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