

**SPANISH MLA ANSWER TO THE OFFSHORE ACTIVITIES  
QUESTIONNAIRE**

1. QUESTION:

Is your country a party to any of the instruments listed under 1 to 3 above or, in the case of OPOL, are the offshore operators in your country parties to that agreement? If so, please advise whether issues of liability and compensation are adequately addressed by the instrument itself or by any subsidiary national legislation.

ANSWER:

Spain signed and ratified "the OSPAR Convention" as a Contracting Party in 1992.

Spain also signed and ratified the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean ("the Barcelona Convention") of 1976. The Barcelona Convention was last amended in 1995, and Spain ratified the amended version as well.

However, Spain did NOT ratify the 1994 Protocol for the Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil, in force since 2011 ("the Offshore Protocol"). Yet, on 17.12.12 the Council eventually decided to approve the adherence of the UE to the Offshore Protocol (DOUE L 4/13, 9 Jan. 2013).

Ultimately, Spain did not ratify the Abidjan Convention.

Turning to the issues of liability and compensation, Spain has not passed any law or rule which deal specifically with offshore activity, as prescribed by Articles 7 and 27 of the Offshore Protocol. Such issues are mainstreamed through general rules and on tort or criminal liability, and dealt with under the environmental laws and by the Criminal Code.

2. QUESTION:

If your country is not a party to any of the instruments listed under 1 to 3 above, is it party to any other form of regional or bilateral agreements which address the issues of liability and compensation?

ANSWER:

No regional or bilateral agreements have been ratified by Spain other than those referred to in Answer 1 above for offshore activities.

3. QUESTION:

Please identify the national regulations which are applied to offshore oil and gas exploration and exploitation operations by the authorities in your country.

ANSWER:

There is no specific regulation on offshore oil and gas exploration. The issues of liability and compensation arising thereof are ruled generally by environmental protection rules. Namely:

- Spanish Constitution (article 45)
- Criminal Code (Chapter XVI).
- Act 34/1998, of 7th October, regarding hydrocarbons.
- Organic Act 5/2010 of 22nd June, which revised Organic Act 10/1995, of 23<sup>rd</sup> November (Criminal Code).
- Act 42/2007, of 13th December, on National Heritage and Biodiversity.
- Act 26/2007, of 23rd October, on Environmental Liability.
- Act 20/2009, of 4th December, on the Prevention and environmental control of activities, which abrogated and replaced Act 3/1998, of 27th February, on the Environmental Administration's actions..
- Act of 21st July, on Mining industry.
- Royal Decree 484/1995, on measures to regulate and to control dumping.
- Act 22/1988, on Coast, and Royal Decree of 1st December 1989, developing said Act.
- Act 3/1998, on the protection of the Basque Country's environment.
- Royal Decree 258/1989, regarding the dumping of dangerous substances from land to sea.

With my best regards,

**Rodolfo A. González-Lebrero**  
President



**ASOCIACIÓN ESPAÑOLA DE DERECHO MARÍTIMO**

c/ Jorge Juan, 19/ 6º

28001 Madrid

Tel + 34 91 3573384

Fax + 34 91 3573531

[rodolfo.glebrero@aedm.es](mailto:rodolfo.glebrero@aedm.es)