



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 31 May 2013 (06.06)  
(OR. fr)**

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**Interinstitutional File:  
2011/0309 (COD)**

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**10197/13  
ADD 1**

**CODEC 1248  
ENER 235  
ENV 474  
MARE 10  
COMAR 24  
PROCIV 69  
OC 332**

**ADDENDUM TO "I/A" ITEM NOTE**

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from: General Secretariat of the Council

to: COREPER / COUNCIL

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Subject: Proposal for a Directive of the European Parliament and of the Council on safety of offshore oil and gas operations and amending Directive 2004/35/EC (**first reading**)  
- Adoption of the legislative act (**LA + S**)  
= Statement  
**COMMON GUIDELINES**  
**Consultation deadline for Croatia: 7.6.2013**

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**STATEMENT BY THE COMMISSION**

1. The Commission regrets that under § 3 and 5 of article 41 some Member States are partially exempted from the obligation to transpose the Directive and considers that such derogations shall not be regarded as a precedent in order not to affect the integrity of EU law.

2. The Commission notes that Member States may use the option not to transpose and apply Article 20 of the Directive because of the current absence of any company registered in their jurisdiction which has offshore activities outside the territory of the Union.

In order to ensure effective enforcement of this Directive, the Commission underlines that it is incumbent on these Member States to ensure that companies already registered with them do not circumvent the aims of the Directive by extending their business objects to include offshore activities without notification of this extension to the competent national authorities so that they can take the necessary steps to ensure full application of Article 20.

The Commission will take all necessary measures against any circumvention which may be brought to its attention.

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