EU tackles tough security issues

Brian T Petty, Senior Vice President-Government Affairs

Brussels—The European Commission has produced a “green paper” seeking comment on an “European Programme for Critical Infrastructure Protection,” including the E&P industry. IADC is working with the International Association of Oil and Gas Producers (OGP) and Europa, the European downstream trade association, to develop a response to the wide-ranging proposal.

The commission launched the initiative in 2004 as part of the “fight against terrorism.” The commission held two seminars in 2005 involving the industry to refine its goals, and now proposes a formal legislative path to achieve enhanced protection of energy-related facilities.

OGP and Europa organized a joint Security Task Force, including IADC, to meet the commission’s challenge. Informal meetings have been held in Brussels with commission representatives, and now with the publication of the green paper, the formal comment process begins.

The green paper expands the definition of “hazards” beyond terrorism to include crises such as natural disasters. This change in approach was likely precipitated by hurricanes Katrina and Rita and by the avian flu phenomenon. The industry is taking the line that the commission’s initial focus should remain on terrorism threats and that mixing “all hazards” in one approach would be unworkable.

Key elements of the industry position rest on the following arguments:

• Prevention of terrorism focuses on control of access to infrastructure and facility protection (security);

• Prevention of damage from natural and man-made disasters focuses on the physical resilience of infrastructure (safety), i.e. design, maintenance and business continuity;

• Security measures differ fundamentally from safety measures and require different competencies: security/intelligence in the case of security; geologists/climatologists-industrial engineers in the case of safety;

• Security measures differ fundamentally from safety measures and require different competencies: security/intelligence in the case of security; geologists/climatologists-industrial engineers in the case of safety;

• EU legislation already exists for man-made and natural disasters: Overlaps, as well as duplication of effort, should be avoided;

• Crisis management requires a very different approach than prevention;

• For any measure to be cost-effective, risk must be the guiding principle. Some threats, if successfully executed, have potentially significant consequences – yet the risk of damage occurring are extremely remote. Legislative measures applied to energy infrastructure should reflect assessed risks and should also be sufficiently flexible to allow a case-by-case approach for individual infrastructures;

• Confidentiality of information must be assured;

• Protection of critical energy infrastructures requires a consistent cooperative partnership among the operators/dutyholders and the national and EU authorities with clearly defined mutual responsibilities.

EU Commission representatives are expected to consult with the US Department of Homeland Security and industry associations, including API and IADC, as part of planning the way forward for EU-wide security legislation. The European Commission has provided 7 million euros for the initial phase of studies associated with this undertaking. OGP hopes to spur its EU national oil associations to alert their host Member State governments about the implications of this comprehensive EU initiative to avoid unnecessary intrusions into settled and effective national regulatory systems.