



STATUTORY INSTRUMENTS.

**S.I. No. 293 of 2015**



EUROPEAN COMMUNITIES (ENVIRONMENTAL LIABILITY)  
(AMENDMENT) REGULATIONS 2015

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I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Article 38 of Directive 2013/30/EU<sup>1</sup> of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC hereby make the following Regulations:

*Citation*

1. (1). These Regulations may be cited as the European Communities (Environmental Liability) (Amendment) Regulations 2015.

(2). These Regulations and the European Communities (Environmental Liability) Regulations 2008 to 2011 may be cited together as the European Communities (Environmental Liability) Regulations 2008 to 2015, and shall be construed together as one.

*Interpretation*

2. In these Regulations, “the Regulations” means the European Communities (Environmental Liability) Regulations 2008 (S.I. No. 547 of 2008) as amended by the European Communities (Environmental Liability) (Amendment) Regulations 2011 (S.I. No. 307 of 2011).

*Amendment of the Regulations*

3. Regulation 2 (1) of the Regulations is hereby amended by—

(a) the insertion of the following definition;

“ ‘Marine Strategy Framework Directive’ means Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008<sup>2</sup> establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)”

and

(b) the substitution of the following definition for the definition of “water damage”,

“ ‘water damage’ means any damage that significantly adversely affects:

<sup>1</sup>O.J. No. L178, 28.06.2013, p.66.

<sup>2</sup>O.J. No. L164, 25.06.2008, p.19.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 17th July, 2015.*

- (i) the ecological, chemical or quantitative status or the ecological potential, as defined in the Water Framework Directive, of the waters concerned, with the exception of adverse effects where Article 4(7) of that Directive applies; or
- (ii) the environmental status of the marine waters concerned, as defined in the Marine Strategy Framework Directive, in so far as particular aspects of the environmental status of the marine environment are not already addressed through the Water Framework Directive. ”



GIVEN under my Official Seal  
2 July 2015.

ALAN KELLY,  
Minister for the Environment, Community and Local  
Government.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations transpose Article 38 of Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC (Text with EEA relevance).

Article 38 of Directive 2013/30/EU requires that the definition of water damage in Directive 2004/35/EC be replaced so that the definition is extended to include damage that significantly adversely affects the environmental status of marine waters as defined in Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy (the Marine Strategy Framework Directive).

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