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| cid:image001.png@01D27AFB.3D00AC80 | **Offshore Petroleum Regulator for Environment & Decommissioning**  **Department for Energy Security & Net Zero**  AB1 Building  Crimon Place  Aberdeen AB11 1BJ  **E:** [opred@energysecurity.gov.uk](mailto:opred@energysecurity.gov.uk)  [**www.gov.uk/beis**](http://www.gov.uk/beis) |
| **11/09/2023** |  |

**THE OFFSHORE ENVIRONMENTAL CIVIL SANCTIONS REGULATIONS 2018**

**Post Implementation Review Survey 2023**

Dear operator/owner

Thank you for your time in responding to our call for information. As you may be aware, OPRED is required to undertake a periodic post implementation review of The Offshore Environmental Civil Sanctions Regulations 2018.

As part of this review, we are seeking information from industry about the effectiveness of the regulations and have sought to do so using the following questionnaire.

We would appreciate as comprehensive a response as possible to better inform the review but would request that responses are sent back by **02 October 2023**.

Please send responses to [opred@energysecurity.gov.uk](mailto:opred@energysecurity.gov.uk).

# Introduction

The Offshore Environmental Civil Sanctions Regulations 2018 (“the Regulations”) came into force on 1 October 2018 and were subsequently amended in December 2020[[1]](#footnote-2). The Regulations provide DESNZ’s[[2]](#footnote-3) Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) with powers to impose, where appropriate, fixed or variable monetary penalties on those responsible for operating offshore installations and vessels (“offshore facilities”) engaged in hydrocarbon-related activities (on the United Kingdom Continental Shelf and in relevant UK territorial waters) where they have breached the requirements of the**:**

* Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998;
* Offshore Chemicals Regulations 2002;
* Offshore Installations (Emergency Pollution Control) Regulations 2002;
* Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005;
* Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013; and
* Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020.

The Regulations also provide OPRED with powers to impose a non-compliance penalty where failure to comply with an accepted variable monetary penalty undertaking occurs.

The policy objective of the Regulations is to provide OPRED with a sufficient and proportionate deterrent to regulatory non-compliance which is consistent with onshore environmental regulators and offers an alternative to time consuming and costly prosecutions through the Courts. Prosecutions can still be pursued, where deemed necessary, for breaches associated with the abovementioned Regulations.

# Demographic Questions

1. Organisation name

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2. Organisation size

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| --- | --- | --- |
| a. | < 50 employees |  |
| b. | 50-99 employees |  |
| c. | 100-249 employees |  |
| d. | 250 + employees |  |

3. Organisation type

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| --- | --- | --- |
| a. | Production Installation / Vessel Operator & Well Operator |  |
| b. | Well Operator only |  |
| c. | Non-Production Installation / Vessel Owner |  |
| d. | Other |  |

If other, please specify the type of organisation you belong to

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4. How many offshore facilities does your organisation own or operate?

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5. Would you be willing to be contacted by OPRED to discuss any of your responses for purposes of clarification?

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| No |  |
| Yes |  |

If yes, contact details required (name, e-mail, phone number).

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# Effectiveness of the Regulations

The following questions are intended to inform an assessment of the effectiveness of the Regulations.

1. The powers in the Regulations to impose fixed or variable monetary penalties for regulatory non-compliance provides an effective and proportionate alternative to the pursuance of prosecutions through the Courts.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide supporting comments.

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1. Have there been any unintended consequences, effects or outcomes which have come about as a result of the Regulations? If so, please set them out below:

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1. What are the approximate average annual costs to your organisation of complying with the Regulations, excluding the amount of any civil penalty imposed? Please feel free to indicate an approximate band rather than provide a specific figure if you would prefer.

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1. Are there any further changes you feel need to be made in relation to the implementation of the Regulations?

Yes

No

If Yes, please provide supporting comments.

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1. If your organisation has been subject to the imposition by OPRED of a fixed or variable monetary penalty in accordance with the Regulations, what were the main challenges faced by your organisation in complying with this?

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1. The published [guidance](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/948367/The_Offshore_Environmental_Civil_Sanctions_Regulations_2018_Guidance_Document__002_.pdf) on the Regulations is clear about the use by OPRED of the powers available under the Regulations to impose fixed monetary penalties, variable monetary penalties and non-compliance penalties.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide supporting comments.

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1. Are there any other aspects relating to the Regulations that are not covered in this survey but on which you would like to raise points?

Yes

No

If Yes, please raise them here.

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1. The Offshore Environmental Civil Sanctions Regulations 2018 were amended by regulation 27 of the Offshore Oil & Gas Exploration, Production, Unloading & Storage (Environmental Impact Assessment) Regulations 2020. [↑](#footnote-ref-2)
2. Department for Energy Security & Net Zero [↑](#footnote-ref-3)