



Offshore Petroleum Regulator
for Environment & Decommissioning

Offshore Petroleum Regulator for
Environment & Decommissioning
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3rd October 2023

THE OFFSHORE CHEMICALS REGULATIONS 2002 No. 1355

Post Implementation Review Survey 2023

Dear operator/owner

As part of its regulatory requirements in respect to the Offshore Chemicals Regulations 2002 (as amended), the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) is required to undertake a periodic post implementation review of the Regulations.

As part of this review, we are seeking information from industry, and in particular holders of chemical permits, through responses to the attached Survey relating to the Regulations.

We would appreciate comprehensive responses to better inform the review and request that they be submitted by **31st October 2023** to opred@energysecurity.gov.uk.

Offshore Chemicals Regulations Post Implementation Review Survey

Introduction and background

A Post Implementation Review (PIR) is the requirement to undertake a periodic review (usually every five years) of a set of Regulations. The review must assess the extent to which the objectives of the Regulations have been achieved and whether those objectives remain appropriate.

The information below on the Offshore Chemicals Regulations 2002 (including historical information and the Regulations' various amendments) may be beneficial to read prior to answering the PIR Survey.

The Offshore Chemicals Regulations 2002 ("the 2002 OCR") implement a permitting regime which applies to the United Kingdom (UK) offshore oil and gas industry in respect to the use and discharge of offshore chemicals. The 2002 OCR established and maintains a regime for the purpose of implementing the UK's obligations under the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) Decision 2000/2 on a Harmonised Mandatory Control System (HMCS) for the Use and Reduction of the Discharge of Offshore Chemicals in relation to offshore activities ("the Decision"). The Decision operates in conjunction with two OSPAR Recommendations, which are fundamental to the implementation of the Decision. These Recommendations are: **(a)** OSPAR Recommendation 2000/4 (as amended) on a Harmonised Pre-Screening Scheme for Offshore Chemicals and **(b)** OSPAR Recommendation 2000/5 (as amended) on a Harmonised Offshore Chemical Notification Format (HOCNF).

The 2002 OCR require operators of offshore installations to apply for a permit(s) which controls and limits (through conditions attached to the permit granted in accordance with the Regulations) the use and discharge of offshore chemicals to sea during offshore activities - including well operations, production operations, pipeline operations, and decommissioning operations.

The 2002 OCR were amended in 2011 by the Offshore Chemicals (Amendment) Regulations 2011 ("the 2002 OCR (as amended)") to: **(i)** update several definitions, some of which included updating the definition of "discharge", "offshore chemical", and "offshore installation"; **(ii)** extend the provisions to take enforcement action in the event of any unpermitted offshore chemical release; **(iii)** simplify the process for varying permits or transferring them to other operators; and **(iv)** more closely align the Regulations with the Offshore Petroleum (Oil Pollution Prevention and Control) Regulations 2005 (as amended).

The fee charging provisions of the 2002 OCR (as amended) relate to a Charging Scheme for the Regulations which has been separately updated, in more recent years, to reflect changes introduced by subsequent amendments (from 2016 onwards) to the Pollution Prevention and Control (Fees) (Miscellaneous Amendments and Other Provisions) Regulations 2015 plus the fee charging provisions of other specific regulations.

The 2002 OCR were also amended in 2005, 2010, 2016, and 2020 by:

- The Offshore Petroleum Activities (Oil Pollution, Prevention and Control) Regulations 2005 which introduced provisions relating to enforcement and prohibition notices.
- The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 which extended the provisions of the 2002 OCR (as amended) to offshore gas and carbon dioxide unloading and storage operations (in addition to oil and gas activities).

- The Energy (Transfer of Functions, Consequential Amendments and Revocation) Regulations 2016 which introduced provisions recognising the functions undertaken by the Oil and Gas Authority and a requirement to review the 2002 OCR (as amended).
- The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 which made consequential amendments to the 2002 OCR (as amended).

WITHDRAWN

The Survey

Demographic Questions

1. Organisation name

2. Organisation size

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

3. Organisation type

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

If Other, please describe the type of organisation you belong to.

4. How many of the following does your organisation own or operate?

- | | Production Installations | Non-Production Installations |
|-------------------|--------------------------|------------------------------|
| a. 1 | <input type="checkbox"/> | <input type="checkbox"/> |
| b. 2-4 | <input type="checkbox"/> | <input type="checkbox"/> |
| c. 5-9 | <input type="checkbox"/> | <input type="checkbox"/> |
| d. 10-15 | <input type="checkbox"/> | <input type="checkbox"/> |
| e. 16-20 | <input type="checkbox"/> | <input type="checkbox"/> |
| f. 21-30 | <input type="checkbox"/> | <input type="checkbox"/> |
| g. 30+ | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Not Applicable | <input type="checkbox"/> | <input type="checkbox"/> |

5. Would you be willing to be contacted by DESNZ's¹ Offshore Petroleum Regulator for Environment & Decommissioning (OPRED) to discuss any of your responses for the purposes of clarification?

- Yes
- No

If Yes, please provide contact details (name, e-mail, phone number).

¹ DESNZ - The Department for Energy Security & Net Zero

PART A - Policy Objective Questions

The following questions / statements relate to the policy objectives of the 2002 OCR (as amended).

Question 1

Statement: The current definition* of an 'offshore chemical' in regulation 2 of the 2002 OCR (as amended) covers all relevant discharges of offshore chemicals from offshore installations.

Please state to what extent you agree or disagree with the above statement.

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

If you Disagree or Strongly Disagree:

- i. What chemicals are being discharged that are presently excluded under the definition of an offshore chemical?
- ii. Do you think that these excluded chemicals should be included within the definition of an offshore chemical?

* **Key definitions** from the 2002 OCR (as amended) are below:

- "offshore chemical" means any chemical, whether comprising a substance or a preparation, used or intended to be used in connection with offshore activities;
- "offshore activities" means any activities in respect of which the Secretary of State exercises functions under the Petroleum Act 1998, being activities carried out in the relevant area;
- "use", in relation to an offshore chemical, means any intentional application of the chemical in the carrying out of offshore activities under normal operating conditions;
- "discharge", in relation to an offshore chemical, means any intentional emission of the chemical, or any of its degradation or transformation products, from an offshore installation into the relevant area;
- "release", in relation to an offshore chemical, means the emission (other than by way of discharge) of the chemical, or any of its degradation or transformation products, from an offshore installation into the relevant area;
- "offshore installation" means an installation or pipeline which is used for the purposes of, or in connection with, offshore petroleum activities or offshore storage and unloading activities.

Question 2

Statement: The other definitions in the 2002 OCR (as amended) remain appropriate and are clearly enough understood. Please see [Regulation 2 - Offshore Chemicals Regulations 2002](#) and [Regulation 4 - Offshore Chemicals \(Amendment\) Regulations 2011](#).

Please state to what extent you agree or disagree with the above statement.

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

Question 3

Statement: There are no unintended consequences or unexpected outcomes to the way in which the 2002 OCR (as amended) have been introduced and are being applied.

Please state to what extent you agree or disagree with the above statement.

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

Question 4

Statement: The current 2002 OCR (as amended) encourage a reduction in chemical discharges / releases and the maintenance of systems for the prevention of pollution.

Please state to what extent you agree or disagree with the above statement.

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

Question 5

Do you believe that meeting the objectives of the 2002 OCR (as amended) for controlling the use on, and limiting the discharge or release to sea from, offshore hydrocarbon installations of chemicals could be achieved effectively via a system that imposes less regulation?

- | | |
|-----|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |

If Yes, please provide supporting comments.

PART B - Permitting System

The 2002 OCR introduced and maintains a system to permit the use and discharge of offshore chemicals in connection with offshore activities. The Regulations were amended in 2011 by the Offshore Chemicals (Amendment) Regulations 2011) which, amongst other things, extended the scope of the 2002 OCR to prohibit unpermitted (unlawful) chemical releases.

Question 6

Statement: The current permitting system and 'release prohibition' provisions under the 2002 OCR (as amended) control and limit the amount of offshore chemicals used and discharged or released to sea in connection with offshore activities – thereby minimising the risk of harm to the environment from such discharges or releases.

Please state to what extent you agree or disagree with the above statement.

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

WITHDRAWN

Question 7

Statement: The current permitting system and prohibition on releases are the best approaches for controlling the use on, and limiting the discharge or release to sea from, offshore installations of chemicals - thus ensuring compliance with the obligations of OSPAR Decision 2000/2 on a Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Offshore Chemicals in relation to offshore activities as amended by OSPAR Recommendations 2000/4 and 2000/5 (as respectively amended).

Please state to what extent you agree or disagree with the above statement.

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

If you Disagree or Strongly Disagree, please provide supporting comments or other options for controlling the use and limiting the discharge or release to sea of offshore chemicals.

WITHDRAWN

PART C - Inspection Powers

The 2002 OCR (as amended) contain wide-ranging powers for OPRED's Offshore Environmental Inspectors ("Inspectors") to monitor and investigate all uses on, and discharges or releases to sea from, offshore installations of offshore chemicals whether lawful or unlawful.

Question 8

Regulation 16 of the 2002 OCR (as amended) details the powers of Inspectors (as appointed by the Secretary of State) to:

- monitor;
- investigate and
- enforce

the legislative requirements relating to the use and discharge or release of offshore chemicals.

Statement: These powers remain appropriate for enforcing the 2002 OCR (as amended).

Please state to what extent you agree or disagree with the above statement.

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

PART D - Impact Assessment Questions - Costs

The Regulatory Impact Assessment (RIA) in 2002 estimated the costs of introducing the permitting system under the 2002 OCR for controlling the use and limiting the discharge to sea of chemicals both for the Government and offshore industry. No Impact Assessment was required for the Offshore Chemicals (Amendment) Regulations 2011 for the reasons explained in the Explanatory Memorandum. The industry costs in the 2002 RIA took account of, amongst other factors, the costs for preparing / submitting initial permit applications and the subsequent annual costs for preparing / submitting applications for varying existing permits. The following questions ask about the costs to your organisation for submitting applications for new permits as well as applications for varying existing permits and complying with the requirements in the 2002 OCR (as amended) to provide assistance to OPRED Inspectors. We're only asking here for the **costs you incurred directly rather than any fees** charged by OPRED.

Question 9

What is the average cost to your organisation for **each new** Offshore Chemicals Regulations **Life Permit** (OCR LP) application submitted to OPRED for review and approval?

- Less than £1,500 per OCR LP
- £1,500 - £4,000 per OCR LP
- £4,001 - £8,000 per OCR LP
- £8,001 - £12,000 per OCR LP
- Greater than £12,000 per OCR LP

Any further details? Please provide here.

Question 10

What is the average cost to your organisation for submitting an application for varying each existing OCR LP?

- Less than £1,500 per OCR LP
- £1,500 - £4,000 per OCR LP
- £4,001 - £8,000 per OCR LP
- £8,001 - £12,000 per OCR LP
- Greater than £12,000 per OCR LP

Any further details? Please provide here.

Question 11

For the average costs given in Questions 9 & 10, how many OCR LPs does that cost apply to annually?

Question 12

What is the average cost to your organisation for **each new** OCR Term Permit (OCR TP) application submitted to OPRED for review and approval?

- Less than £1,500 per OCR TP
- £1,500 - £4,000 per OCR TP
- £4,001 - £8,000 per OCR TP
- £8,001 - £12,000 per OCR TP
- Greater than £12,000 per OCR TP

Any further details? Please provide here.

Question 13

What is the average cost to your organisation for submitting an application for varying each existing OCR TP?

- Less than £1,500 per OCR TP
- £1,500 - £4,000 per OCR TP
- £4,001 - £8,000 per OCR TP
- £8,001 - £12,000 per OCR TP
- Greater than £12,000 per OCR TP

Any further details? Please provide here.

Question 14

For the average costs given in Question 12 & 13, on average how many OCR TPs does that cost apply to annually?

Question 15

What is the average annual cost to your organisation in complying with the requirements in regulation 16(3)(i) to (k) [Appointment of inspectors] of the 2002 OCR (as amended) which relate to the provision of assistance to OPRED Inspectors?

- Less than £1,500
- £1,500 - £4,000
- £4,001 - £8,000
- £8,001 - £12,000
- Greater than £12,000

Any further details? Please provide here.

WITHDRAWN

PART E - Specific questions relating to regulations 3A - 18 of the 2002 OCR (as amended)

The following questions / statements relate to specific provisions within the 2002 OCR (as amended).

Question 16

Regulation 3A [Prohibition on the release of offshore chemicals] of the 2002 OCR (as amended) states:

No person shall-
(a) release an offshore chemical; or
(b) allow such a release to continue

Statement: The prohibition on releases in this regulation is sufficiently clear.

Please state to what extent you agree or disagree with the above statement.

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

Question 17

Regulation 5 [Conditions of permits] of the 2002 OCR (as amended) allows for the Secretary of State to attach conditions to permits to ensure that offshore chemical discharges from offshore installations are appropriately monitored, that such discharges are minimised and that measures are taken to prevent incidents affecting the environment or where they occur to minimise the consequences.

Statement: The requirements of this regulation concerning permit conditions remain appropriate for both permit compliance and the prevention of pollution.

Please state to what extent you agree or disagree with the above statement.

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

Question 18

Regulation 7 [Publicity for permit applications] of the 2002 OCR (as amended) describes public notice requirements whereby the permit applicant shall make available to the public a copy of the chemical permit application during business days at an address in the UK. During the Covid-19 pandemic this process was temporarily amended via legislation to allow the applicant to make the application available on a publicly accessible website and made provision for a copy of the permit to be made available by post free of charge or electronically. This amendment was time limited and fell away on 4th September 2021 at which point the previous public notice arrangements came back into effect.

Statement: The current process for the publicity of chemical permit applications, which has reverted to the pre-Covid (2011) regulations, remains appropriate for the provision of information to the public for relevant proposed offshore oil and gas activities involving the use and discharge of offshore chemicals.

Please state to what extent you agree or disagree with the above statement.

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

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

Question 19

Regulation 12 [Reconsideration of permits and permit conditions] of the 2002 OCR (as amended) sets out the process whereby the Secretary of State can review the conditions attached to a permit.

Statement: The requirements of this regulation remain appropriate in respect to the reviewing of a permit's conditions.

Please state to what extent you agree or disagree with the above statement.

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

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

Question 20

Regulation 15 [Provision of information to the Secretary of State] of the 2002 OCR (as amended) sets out provisions for the Secretary of State to gather information following: **(i)** an incident resulting in the use and discharge of offshore chemicals that breach the conditions of a permit; **(ii)** an incident resulting in a release; or **(iii)** any other incident involving an offshore chemical where there has been, or may be, any significant effect on the environment by means of pollution.

Statement: The requirements of this regulation remain appropriate in relation to the gathering of all necessary information resulting from a permit non-compliance or a release.

Please state to what extent you agree or disagree with the above statement.

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

If you Disagree or Strongly Disagree, what additional requirements do you think there should be?

Question 21

Regulation 16A [Enforcement notices] and **Regulation 16B [Prohibition notices]** of the 2002 OCR (as amended) describe the processes for the serving of Enforcement and Prohibition Notices.

Statement: It is clear from these regulations who Enforcement Notices and Prohibition Notices can be served on.

Please state to what extent you agree or disagree with the above statement.

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

If you Disagree or Strongly Disagree, what additional clarification is required?

PART F - Additional Questions

Question 22

Are there any other observations that you would like to offer in relation to the 2002 OCR (as amended)?

- Yes
No

If Yes, then please provide supporting comments.

Question 23

Is there anything else you would like to raise relating to the 2002 OCR (as amended) that has not been covered in this Survey?

- Yes
No

If Yes, then please raise them here.

WITHDRAWN