



UK Government

Decommissioning of Offshore Oil and Gas Installations and Pipelines (Petroleum Act 1998)

Consultation on the derogation methodology
under OSPAR Decision 98/3, and associated
policy changes

Closing date: 31 October 2025

September 2025



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General information

Why we are consulting

The UK Government has prepared draft guidance to provide clarity on how proposals for a derogation from OSPAR Decision 98/3 will be considered. This consultation invites stakeholders' comments on this draft guidance. It also invites stakeholders' comments on proposed policy changes on decommissioning offshore oil and gas infrastructure.

This consultation will be of particular interest to those who prepare decommissioning programmes for offshore oil and gas installations and pipelines. Given the wider public interest, the draft guidance and policy changes will also be of interest to other stakeholders including but not limited to consultees of decommissioning programmes.

Consultation details

Issued: 5 September 2025

Respond by: 31 October 2025

Enquiries to: OPRED@Energysecurity.gov.uk

Consultation reference: Consultation on draft supplementary guidance on the methodology for considering derogations under OSPAR Decision 98/3, for decommissioning offshore oil and gas installations

Audiences: Seeking views from all interested persons including the offshore oil and gas sector; industry trade associations; nature conservation bodies; environmental NGOs; other Government Departments / Agencies; Public bodies; the public; academia; and the legal profession.

Territorial extent: Part IV of the Petroleum Act 1998, and thus the proposed draft supplementary guidance, extends to UK waters - including UK territorial waters and the Continental Shelf.

How to respond

Respond online at: energygovuk.citizenspace.com/energy-development/offshore-oil-and-gas-decommissioning/

Email to: OPRED@Energysecurity.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation.

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

Confidentiality and data protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We will process your personal data in accordance with all applicable data protection laws. See our [privacy policy](#).

We will summarise all responses and publish this summary on [GOV.UK](#). The summary will include a list of names or organisations that responded, but not people's personal names, addresses or other contact details.

Quality assurance

This consultation has been carried out in accordance with the [government's consultation principles](#).

If you have any complaints about the way this consultation has been conducted, please email: bru@energysecurity.gov.uk.

Introduction

Decommissioning of offshore oil and gas installations is regulated by the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED), acting on behalf of the Secretary of State, using powers set out in the Petroleum Act 1998.

The UK is a signatory to several international agreements relating to the protection of the marine environment. The most relevant of these is the Convention for the Protection of the Marine Environment of the North-East Atlantic (the OSPAR Convention), and a decision made under that convention, OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations.

Over the past few years, there has been a hiatus in UK decision making for proposals for derogations from OSPAR Decision 98/3. Advances have been made in developing a methodology for considering derogations, resulting in OSPAR Agreement 2024-04, and as such OPRED has taken the opportunity to update its UK guidance. This Draft Supplementary Guidance provides detail on the proposed UK process for considering whether or not a case for derogation from OSPAR Decision 98/3 could be made.

We are also using this opportunity to consult on related policy areas with respect to removal of offshore oil and gas steel jackets.

The intention is to publish finalised guidance later this year taking into account consultation feedback on the revised methodology and policy changes.

Background

OSPAR Decision 98/3

The general rule under OSPAR Decision 98/3 (the Decision) is that the dumping and the leaving wholly or partly in place of disused offshore installations within the maritime area is prohibited. However, the Decision recognises that in exceptional circumstances there may be significant reasons for leaving part or all of an installation in place and sets out a process for permitting a “**derogation**” from the Decision. These are only available for certain categories of installations, including the footings of heavy steel jackets installed before 1999, and gravity based concrete installations. The Decision prescribes the process for considering whether to issue a derogation permit. The Decision also requires the derogation categories to be periodically reviewed, considering advancement in technology development to reduce the scope of possible derogations.

OSPAR Agreement 2024-04

In June 2024, an agreement - OSPAR Agreement 2024-04 (the Agreement – see Annex A) - setting out new guidance on the application of OSPAR Decision 98/3 was adopted. The Agreement applies to installations within scope of Annex 1 of the Decision.

The Agreement seeks to give guidance on how an assessment under the Decision should be undertaken while complementing the UK competent authority practices and requirements.

The Agreement is intended to work to reduce the number of derogations and refocus efforts with respect to technology development to overcome technical challenges to full removal. **It aligns with the UK’s policy of aiming to achieve a clear seabed.**

Draft supplementary guidance on the methodology for considering derogations under OSPAR Decision 98/3

Previously, for derogation proposals, the consideration of full removal was part of the decommissioning options comparative assessment undertaken. **The new methodology requires an initial assessment of whether full removal is reasonably achievable, against five defined criteria. If the assessment shows that full removal is not considered reasonably achievable against the five criteria, a derogation proposal can be progressed.** The Draft Supplementary Guidance that we are consulting on sets out this process.

Operators/owners (past and present) of all categories of an installation in the UKCS that is eligible to apply for a derogation where a derogation has not yet been granted will be affected by the new guidance. It is not our intention to revisit decommissioning programmes that have

already been approved. Where draft decommissioning programmes are still being developed and discussed with OPRED, we will require the new methodology and process to be applied.

The methodology set out in the Draft Supplementary Guidance may also be applicable to other infrastructure, such as pipeline bundles, for which OPRED has a presumption of full removal and requires assessments of relevant technology for their removal.

Once finalised, the Draft Supplementary Guidance will be implemented for all potential derogations going forward, with the methodology applied when considering if a case for derogation can be made.

Policy changes

We are also consulting on some policy areas which have been explored as part of the new methodology for assessing derogation proposals.

Excavation to -3m has been highlighted by operators as one of the main impediments to full removal. We have considered these technical blockers for removal of jacket footings to -3m below the seabed. **We are therefore also consulting on a policy change that full removal could mean a structure being cut at or near to the seabed. We envisage this change affecting jacket footings outside of the category of potential derogation candidates,** with decisions made on a case-by-case basis and depending on the seabed conditions and other relevant factors.

The proposals

Methodology for considering applications for a derogation from OSPAR Decision 98/3

The methodology is essentially a step process which will allow an evaluation of full removal against five defined assessment criteria (technical, safety, environmental, societal, and economic). If this first step results in OPRED determining that full removal is not reasonably achievable, then the potential derogation can move forward to the derogation proposal step, including a Comparative Assessment detailing a range of decommissioning options for OPRED to consider.

OPRED wishes to emphasise:

- The Agreement and the Draft Supplementary Guidance reflect the UK's existing policy that decommissioning should aim to achieve a clear seabed, as set out in the November 2018 Guidance Notes. This is a presumption for all installations in favour of re-use, recycling or final disposal on land (see paragraphs 1.1 and 7.2 of the 2018 Guidance Notes). We continue to expect a substantial reduction in derogations.
- There is also an existing presumption that steel installations weighing more than 10,000 tonnes in air should be totally removed, and this remains the starting point for the consideration of any decommissioning proposals (see paragraph 7.10 of the 2018 Guidance Notes). Consistent with that presumption, only on a case-by-case basis which clearly evidences unacceptable risks, will OPRED consider a derogation for the footings of Heavy Steel Jacket installations. This should be read as a presumption in favour of removal and only instances where this cannot be achieved currently or within reasonable timeframes will a derogation be considered.
- For concrete gravity-based structures, an assessment using this methodology of the removal of the upper concrete legs (above -55m or as low as possible) will be required with particular attention to the future navigational and collision risks. The cell contents will require a hazardous waste assessment and are not subject to the methodology for considering derogations, but will follow an assessment considering impact, and treatment or removal.

Step 1: Full removal evaluation

Case for full removal

Step 1 of the guidance sets out the new upfront requirement of an evaluation of full removal and describes what information and evidence should be included. This information will then be assessed as per the assessment criteria set out.

Question 1(a): Is the guidance comprehensive enough for a case for full removal to be prepared?

Question 1(b): If not, what additional information should be included?

Assessment criteria

This section of the guidance sets out the framework by which the full removal case will be assessed. The intention is that by assessing full removal in isolation rather than in comparison to other options, we can mitigate against any inherent bias towards a leave in situ outcome, and compare the challenges associated with full removal more fully and objectively. Our aim by doing so is to achieve a reduction in the number of derogations.

Question 2(a): Do you agree that the UK's implementation of the Agreement as set out in Step 1 of the guidance is sufficiently clear on the actions required to achieve this aim?

Question 2(b): If not, what alternative wording would more clearly set out the steps within the Agreement to achieve this aim?

Step 2: Derogation proposal

Compiling derogation proposal

Step 2 of the guidance describes the steps to be undertaken if it is agreed that full removal is not reasonable i.e. to proceed with preparing a derogation proposal and decommissioning programme. It sets out at a high level the requirements of the derogation proposal.

Question 3(a): Is there sufficient information to enable the preparation of a derogation proposal?

Question 3(b): If not, what else should be included?

Derogation proposal consultation process

As per the process set out in Annex 3 of the Decision, when OPRED is considering whether to issue a permit under paragraph 3 of the Decision (i.e. to grant a derogation), we are required to consult with the other OSPAR Contracting Parties. The guidance sets out what information will be shared.

Question 4: Is it clear what information and why will be shared as part of the OSPAR derogation consultation?

Step 3: Post decommissioning project knowledge transfer

Step 3 of the guidance details what other information will be shared with the OSPAR Contracting Parties and why.

Question 5(a): Is it clear from the guidance what information and evidence will need to be held and made available?

Question 5(b): Do you have concerns around enabling this information to be held for access by stakeholders?

Policy changes

Cutting of steel jackets

OPRED has reassessed its policy that all steel jackets should be cut and removed to minus 3 metres below the seabed. The -3m was a precautionary cut depth at a very early stage in decommissioning (1980s), put in place using information on potential trawl depth of fishing gear and therefore to mitigate the risk of snagging on infrastructure. With the development of fishing equipment and navigational charts, **we believe that the -3m cut level is no longer proportionate, and that the majority of structures could be cut and removed at the seabed level.** We would also consider proposals for structures to be "shallow cut" or as low as technically possible, i.e. a middle ground between cutting at -3 m and at seabed level.

This change is expected to reduce the potential decommissioning costs and remove some of the technical barriers to full removal. Decommissioning proposals would continue to be considered on a case-by-case basis to ensure safety to other users of the sea, considering the prevailing circumstances of each structure and where the evidence shows, we may still require cuts to be made below the seabed and/or additional monitoring undertaken to mitigate snagging hazards etc. **We wish to consult on this change, to better understand the pros and cons.** We would particularly welcome views from the fishing industry on this policy area.

In the Southern North Sea (SNS) where the seabed is particularly mobile, structures can become exposed, creating hazards to other users of the sea. **We are therefore considering whether allowing structures in the SNS to be cut and removed at seabed level would raise specific additional risks to other users of the sea. We would welcome views on how to address that risk, including the option of retaining the requirement for structures in the SNS to be cut and removed to -3m below the seabed.**

Whilst this policy change is for steel jackets, **we would also welcome views on the consideration of their cuttings piles and the depth at which they could be cut to.** Cuttings piles are not classed as part of the seabed and some installations could have cuttings piles metres thick.

Application of derogation methodology to other infrastructure

Whilst the new methodology for considering applications for a derogation from OSPAR Decision 98/3 is for categories of installations within Annex 1 of OSPAR Decision 98/3, it could also be utilised for other infrastructure. For example, whilst pipeline bundles are not classed as an installation and are not in scope of OSPAR Decision 98/3, the consideration of emerging technologies is required as part of their decommissioning assessment process and decision. **We would therefore welcome views on the applicability of the new derogation methodology to such infrastructure.**

Consultation questions

Methodology for considering applications for a derogation from OSPAR Decision 98/3

Question 1(a): Is the guidance comprehensive enough for a case for full removal to be prepared?

Question 1(b): If not, what additional information should be included?

Question 2(a): Do you agree that the UK's implementation of the Agreement as set out in Step 1 of the guidance is sufficiently clear on the actions required to achieve this aim?

Question 2(b): If not, what alternative wording would more clearly set out the steps within the Agreement to achieve this aim?

Question 3(a): Is there sufficient information to enable the preparation of a derogation proposal?

Question 3(b): If not, what else should be included?

Question 4: Is it clear what information and why will be shared as part of the OSPAR derogation consultation?

Question 5(a): Is it clear from the guidance what information and evidence will need to be held and made available?

Question 5(b): Do you have concerns around enabling this information to be held for access by stakeholders?

Policy changes

Question 6: What are your views on the proposal to change the policy to allow proposals for steel jackets to be cut and removed at the seabed level?

Question 7: What are your views on the risks associated with structures in the SNS being cut and removed at seabed level? We would welcome views on how to address the risk, including the option of retaining the requirement for structures in the SNS to be cut and removed to -3m below the seabed.

Question 8: What are your views on the consideration of the cuttings piles and the depth at which they could be cut to, when considering the cut and removal depth for the associated steel jacket?

Question 9: What are your views on the applicability of the methodology for considering applications for a derogation from OSPAR Decision 98/3 to infrastructure where consideration of emerging technologies is required as part of their decommissioning assessment and decision, such as pipeline bundles?

Next steps

We will review the consultation responses to the questions on the Draft Supplementary Guidance on the methodology for considering applications for a derogation from OSPAR Decision 98/3. We will consider the responses and any impact highlighted and will work with industry organisations and other relevant stakeholders to further explain our intentions before updating the guidance, which we expect to publish in Spring 2026.

We will also review the consultation responses to the questions on the proposed policy changes. These will be used to update the Offshore Oil and Gas Decommissioning Guidance Notes by Spring 2026.

Once published, our intention is to continue to work with operators on applying the guidance to their individual potential derogation decommissioning proposals, as well as the usage of the methodology for other infrastructure removals such as pipeline bundles.

Annex A – Agreement 2024-04

Guidance on the application of OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations (OSPAR Agreement 2024-04)

0. Introduction

0.1 OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations prohibits dumping, and leaving wholly or partly in place, of disused offshore installations within the OSPAR maritime area. However, following assessment, the competent authority of the relevant Contracting Party may give permission to leave installations or parts of installations in place.

0.2 This guidance is the output of the work carried out under Task S2.O3.T7 of the North-East Atlantic Environment Strategy (NEAES) 2030 on developing a 'Harmonised Comparative Assessment Methodology' to support the assessment as required under Annex 2 of OSPAR Decision 98/3.

0.3 The proposed guidance is intended to:

- a. accommodate the national regulatory processes of Contracting Parties and ensure that they include a focus on the delivery of OSPAR Decision 98/3 expectations and aims of reducing the number of derogation applications made, noting that there is nothing to prevent 'alternative' decommissioning (potential derogations) options being developed in parallel.
- b. refocus efforts to deliver the OSPAR Decision 98/3 expectations with respect to technology development to overcome full removal technical challenges whilst reducing any associated risks to As Low as Reasonably Possible (ALARP) with a view to reducing the number of derogation applications.
- c. ensure derogation applications to OSPAR for consultation includes a robust demonstration that 'best endeavours' have been made to deliver OSPAR expectations on reducing the number of derogation applications, thus removing concerns about the failure to date of OSPAR expectations being delivered.
- d. provide guidance to Contracting Parties on how to apply the 'Comparative Assessment' process in Annex 2 of the OSPAR Decision 98/3.

0.4 A flowchart as in Annex 1 is included to illustrate the steps.

1. STEP 1: Full Removal Evaluation

1.1 The competent authority of the relevant Contracting Party undertaking an assessment of an installation, which is within a derogation category, shall consider the full removal in accordance with the expectation and processes detailed in OSPAR 98/3 and will undertake internal national assessment processes using the evaluation criteria in Annex 2 of Decision 98/3.

1.2 The competent authority of the relevant Contracting Party will discuss with the Installation Operator the national regulatory requirements and framework as well as OSPAR Decision 98/3 expectations with regards to any potential derogation proposal, emphasising the need for a high-quality application that demonstrates 'best endeavour efforts' being made to meet Contracting Party obligations and deliver OSPAR Decision 98/3 expectations/aims. The following need to be addressed:

- a. Evaluation of safety risks, and risk of technical failure with full removal using existing technologies.
- b. Identification of safety risks and technical barriers or lack of technology development to enable full removal.
- c. Consideration on where commissioning/conducting appropriate technology development could address and mitigate technical challenges and safety risks of removal operation methodologies that impact risk assessments.
- d. Evaluation and mitigation of the environmental risks with full removal.

1.3 Upon exploration and consideration of technology development the competent authority of the relevant Contracting Party shall evaluate and decide on the need for technology development and safety risk mitigation and determine what they require in terms of the development of a full removal methodology that employs Best Available Technology and reduces risks for the proposed full removal operations to As Low As Reasonably Possible (ALARP) and within acceptable safety parameters.

1.4 Where the competent authority of the relevant Contracting Party concludes that full removal is achievable with the use of existing and/or technology development with acceptable technical failure and safety risk levels, then no derogation need be sought. However, it should be noted that this may need to be revisited if there is a technical failure or accident during execution.

Criteria for the OSPAR Consultation Process

1.5 Prior to submitting any potential derogation application for OSPAR consultation, the competent authority of the relevant Contracting Party should evaluate any proposals against the following criteria:

- a. OSPAR measures e.g. Decision 98/3

- b. Use of up-to-date safety assessments of risk and incidents
- c. Stakeholder engagement/consultation and independent reviews
- d. Access to supporting studies/reports

1.6 Consideration of these initial criteria should be part of the relevant Contracting Party's consultation documents submitted to the OSPAR Executive Secretary.

2. STEP 2: Derogation Proposal Consultation Process

2.1 Where the competent authority of the relevant Contracting Party has completed Step 1 and determined that full removal is not achievable, they will undertake internal national assessment processes using the evaluation criteria in Annex 2 of Decision 98/3 and shall consult OSPAR Contracting Parties as per Annex 3 of Decision 98/3.

Consider impacts of derogation

2.2 The competent authority of the relevant Contracting Party shall evaluate further impacts of a derogation option, including:

- a. Fate modelling of structural integrity of the installation or part of the installation being considered for derogation and factors impacting their lifespan.
- b. Other areas of concern such as different lifespan of materials and how they can be mitigated.
- c. Potential hazards to other users of the sea regarding the installation or part of the installation being left in situ and how they can be mitigated.
- d. Impact on the environment both in the short and long term.

Supporting documentation

2.3 The competent authority of the relevant Contracting Party shall send a notification to the OSPAR Executive Secretary with the relevant supporting documents and related technical reports including a report of the stakeholder engagement/consultation and independent review, supporting technical development or contractor studies, and reports relating to the safety/risk consideration and mitigation.

2.4 The competent authority of the relevant Contracting Party will provide the sufficient level of supporting documentation. A document register should be part of the information, so that Contracting Parties can identify and request documents. This list should as a minimum indicate which documents have been subject to any stakeholder engagement/consultation and reviewed by independent reviewers. The ability to quickly access these documents should also be given appropriate consideration, without placing an undue burden upon Contracting Parties to obtain them.

Monitoring

2.5 The competent authority of the relevant Contracting Party should share the details of the proposed scope and frequency of the monitoring plan for the potential derogation as part of the supporting documentation.

2.6 In the interests of transparency and improving/sharing knowledge ongoing monitoring result reports should be supplied to OIC for information after review by the competent authority of the relevant Contracting Party.

Criteria for consideration of derogation

2.7 Upon receipt of a derogation proposal, OSPAR Contracting Parties will consider whether the criteria for consideration of a derogation are met:

a. OSPAR measures e.g., Decision 98/3

Does the proposed decommissioning activity comply with OSPAR Decision 98/3 and related processes? Is the installation within the derogation categories listed in Annex 1 of Decision 98/3?

b. Use of up-to-date safety assessments of risk and incidents

Are the safety assessments being applied in the decommissioning proposal current and up to date, reflecting industry experience? 4 of 5 OSPAR Commission OSPAR Agreement 2024-04

c. Stakeholder engagement/consultation and independent reviews

Has a stakeholder consultation been undertaken? Has an independent review been undertaken by a competent and relevant group? Have OSPAR Decision 98/3 requirements been considered alongside the requirements of the competent authority's national legislation and guidance? Did the independent review group have access to all supporting background and technical documents? What is the outcome of their review and recommendations?

d. Access to supporting studies/reports

Can back up studies/reports be easily accessed?

Derogation proposal review

2.8 Considering the above criteria and whilst the expectations is that Contracting Parties shall ensure the assessment is in accordance with Annex 2 of Decision 98/3, OSPAR scrutiny will focus on the following:

a. Technical aspects

b. Risk of technical failure

c. Safety assessments/considerations

d. Technical feasibility/safety concerns

Objections

2.9 Where these criteria for consideration of derogation are not met or where the review of the derogation proposal is not acceptable, OSPAR Contracting Parties will send comments or raise objections in accordance with the consultation procedure in Annex 3 of Decision 98/3. Any objections should be 'supported by scientific and technical arguments' as in Annex 3 of Decision 98/3.

2.10 Any comments/objections raised by OSPAR Contracting Parties shall be discussed with the competent authority with a view to resolving them as per the process set out in Annex 3 of Decision 98/3. If appropriate, consideration should be given for further works on technology development/safety risk mitigation to be undertaken by the competent authority of the relevant Contracting Party.

2.11 Following considerations of any objections raised it is accepted that a 'Alternative Disposal' (potential derogation) to 'Full Removal' is appropriate, the competent authority of the relevant Contracting Party will consider issuing a derogation permit in line with OSPAR Decision 98/3. Where a derogation does go forward, as much of the installation as possible should be removed, as required under Decision 98/3.

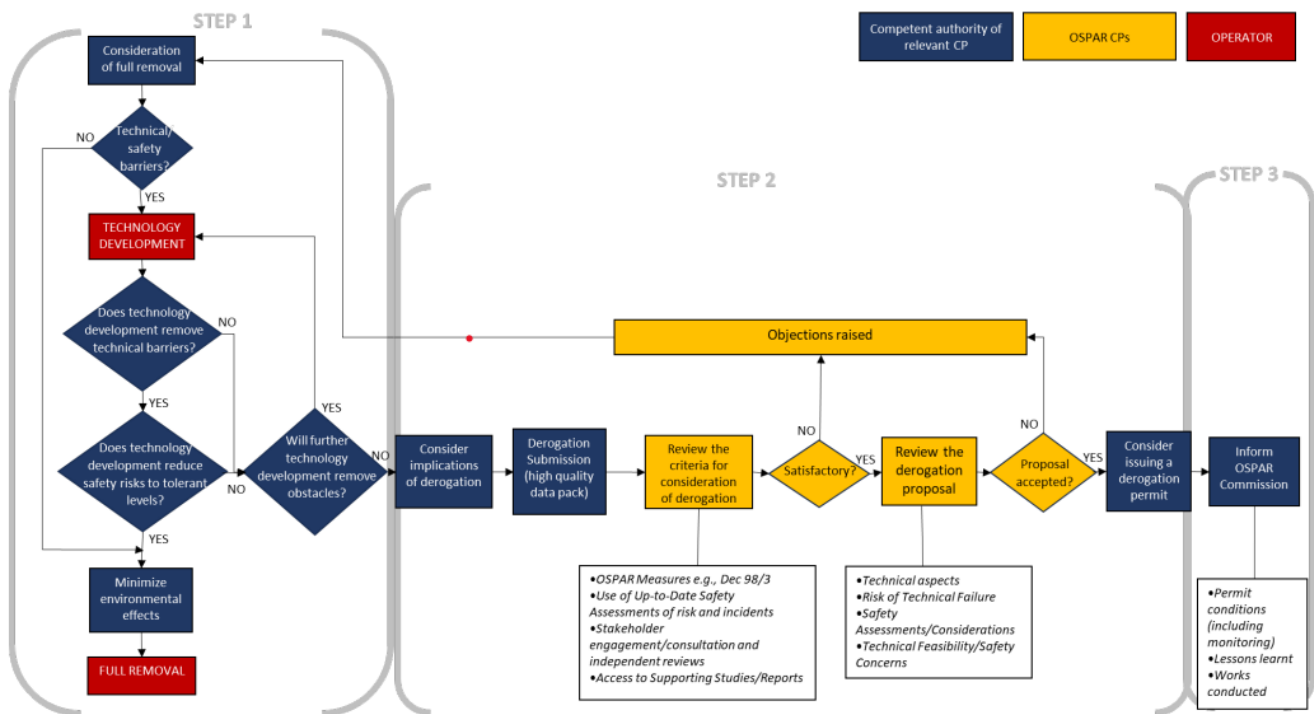
3. STEP 3: Post Decommissioning Project Knowledge Transfer

3.1 Upon approval of any derogation the competent authority of the relevant Contracting Party shall advise the OSPAR Commission of the Permit Conditions agreed, including details of any ongoing monitoring requirements in accordance with OSPAR Decision 98/3.

3.2 Upon project completion, the completion of any remedial works, or following any amendments to the derogation proposal the (if necessary revised) 'Project Close Out Report', including any relevant lessons learnt, may be considered by OSPAR Contracting Parties as part of an assessment of progress towards meeting the OSPAR Decision 98/3 expectations of reducing derogations and removing offshore installations from the marine environment.

Process map

Annex 1



This publication is available from: www.gov.uk/government/consultations/decommissioning-offshore-installations-guidance-and-associated-policy-proposals

If you need a version of this document in a more accessible format, please email alt.formats@energysecurity.gov.uk. Please tell us what format you need. It will help us if you say what assistive technology you use.