



UK Government

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

Second consultation on the derogation
methodology under OSPAR Decision 98/3

Closing date: 6th December 2026



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General information

Why we are consulting

In 2025, the UK government consulted on draft supplementary guidance on the methodology for considering 'derogations' under OSPAR Decision 98/3¹ for the decommissioning of offshore oil and gas installations, and associated policy changes. Following that consultation, the draft guidance has been revised to account for the feedback. Given the changes and additions to the draft guidance, we are holding a second consultation, and we invite stakeholders' comments on these changes and additions. We are not re-consulting on the policy questions included in the previous consultation, which are now closed. The government response to the first consultation is at: [Decommissioning offshore installations: guidance and associated policy proposals - GOV.UK](#).

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 Given the wider public interest, the draft guidance will also be of interest to other stakeholders including - but not limited to - consultees of decommissioning programmes.

Consultation details

Issued: 12th October 2026

Respond by: 6th December 2026, 11:59pm

Enquiries to: OPRED@Energysecurity.gov.uk

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

Audiences: We are 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.

¹ OSPAR is the mechanism by which 15 governments and the European Union cooperate to protect the marine environment of the North-East Atlantic. The fifteen are: Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the UK. OSPAR started in 1972 with the Oslo Convention against dumping and was broadened to cover land-based sources of marine pollution and the offshore industry by the Paris Convention of 1974. These two conventions were unified, updated and extended by the 1992 OSPAR Convention. For further information see the OSPAR website at: <https://www.ospar.org/about>.

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: <https://energygovuk.citizenspace.com/energy-security/decommissioning-offshore-regulations-guidance>

or

Email to: OPRED@Energysecurity.gov.uk

When responding, please state whether you are doing so 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 may 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

This consultation, published by the UK government, is the second one to be held on draft supplementary guidance on the derogation methodology under OSPAR Decision 98/3 with respect to decommissioning of offshore oil and gas installations. The first consultation was held between September and November 2025.² The government response to the first consultation is at: [Decommissioning offshore installations: guidance and associated policy proposals - GOV.UK](https://www.gov.uk/government/consultations/decommissioning-offshore-installations-guidance-and-associated-policy-proposals).

Following our evaluation of the responses to that consultation, the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED), part of the Department for Energy Security & Net Zero (DESNZ), has made changes and additions to the draft guidance. To summarise, we have:

- clarified the scope of the guidance (for example, the derogation categories).
- separated out what the operator is responsible for (preparing the full removal case), versus OPRED (assessing the full removal case).
- added more detail on what should be included in an operator's full removal case.
- added a substantial new annex containing the assessment criteria OPRED will use when reviewing the full removal case; our decision-making framework for assessing whether full removal is reasonably achievable; and a clearer definition of what we mean by 'reasonably achievable'.

We are now re-consulting on the changes and additions to the draft guidance. We are not consulting on the overall step methodology of requiring an upfront case of full removal (as it is in line with OSPAR Agreement 2024-04), nor are we re-consulting on the policy questions as these are now closed. The government response to the first consultation and our refreshed Decommissioning Guidance Notes provide further information on the policy changes and clarifications.

This consultation will be open for eight weeks. It closes on **6th December 2026**. The final supplementary guidance will be published after that.

² See consultation at: <https://www.gov.uk/government/consultations/decommissioning-offshore-installations-guidance-and-associated-policy-proposals>.

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. It 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) – was adopted. The Agreement applies to installations within scope of Annex 1 of OSPAR Decision 98/3. It seeks to give guidance on how an assessment under the Decision should be undertaken while complementing Contracting Parties’ specific regulatory processes. 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: safety, technology, environmental, economic, and societal.** Please note that the detail in the guidance on the assessment criteria is not exhaustive and additional aspects within the five overarching criteria may be considered. **If the assessment shows that full removal is not considered reasonably achievable against these five criteria, a derogation proposal can be progressed.** The revised draft supplementary guidance that we are re-consulting on sets out this process in more detail. The derogation methodology will only apply to installations in scope of OSPAR Decision 98/3.

Operators / owners (past and present) of all categories of installations in the UK Continental Shelf that are eligible to apply for a derogation permit under OSPAR Decision 98/3 where one 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.

Once finalised, the supplementary guidance will be implemented for all potential derogations, with the methodology applied when considering if a case for derogation can be made.

The proposals

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

The methodology is a three-step process which will allow an evaluation of full removal against five defined assessment criteria (technical, safety, environmental, economic, and societal). The steps are:

- full removal evaluation;
- derogation proposal; and:
- post-decommissioning project knowledge transfer.

If the 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.

This step process has not changed since the first consultation.

OPRED wishes to emphasise that:

- 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 Offshore Oil and Gas Decommissioning Guidance Notes, at: <https://www.gov.uk/guidance/oil-and-gas-decommissioning-of-offshore-installations-and-pipelines>. This is a presumption for all installations in favour of re-use, recycling or final disposal on land.
- there is also an existing presumption that for derogation candidates under OSPAR Decision 98/3, including heavy steel jackets weighing more than 10,000 tonnes in air and concrete gravity-based structures, the starting point for the consideration of any decommissioning proposals should be full removal. Consistent with that presumption, and on a case-by-case basis which clearly evidences that full removal is not reasonably achievable, OPRED will consider a derogation for these installations (or parts of them).
- we are proceeding with the first of the policy proposals we set out in our previous consultation, whereby full removal of an installation could mean a steel jacket structure being cut at or near to the seabed (to be decided on a case-by-case basis). There will be no change to our policy on cuttings piles or pipeline bundles.

Introduction

OPRED has, in the revised guidance, set out how it aligns with OSPAR Decision 98/3 and Agreement 2024-04, being clear that it is to be implemented in line with the UK's regulatory processes. We have reconfirmed that none of the supplementary measures introduced through this guidance conflicts with our existing obligations under the OSPAR framework.

- 1. Is it now clear how the draft supplementary guidance aligns with the requirements of OSPAR Decision 98/3, the step methodology of OSPAR Agreement 2024-04, and Part IV of the Petroleum Act 1998?**

Scope of the guidance

The guidance applies only to the installations set out in Annex 1 of OSPAR Decision 98/3. It will not apply to any other infrastructure, and we are therefore not consulting on the scope. We have, however, added detail on OPRED's assessment and decision-making criteria, which we are consulting on – please see section “OPRED's assessment of whether full removal is reasonably achievable” and pages 12-17 of the revised guidance.

Step 1: Full removal evaluation

OPRED has, in the revised guidance:

- added context on the requirements for heavy steel jackets and concrete gravity-based installations.
 - clarified key terms and provided more specificity on what should be included in the full removal case.
 - removed the requirement for information to be independently verified or for information from the supply chain to be included.
 - moved the section on how OPRED will assess the full removal case, to help provide clarity on what the operator is responsible for (preparing the full removal case) and what OPRED is responsible for (assessing the full removal).
- 2. Does the guidance now provide sufficient detail on what the operator should include in their full removal case? If not, what additional information do you think is required / would be useful?**
 - 3. Is it now clearer what the operator is responsible for in preparing their full removal case versus what OPRED is responsible for?**

Step 2: Derogation proposal

Compiling derogation proposal

OPRED has further clarified what should be in a case for derogation and made clear that such cases should align with OSPAR Decision 98/3 Annex 2 requirements. We have set out the additional information that should be included in the derogation proposal, including the Comparative Assessment and stakeholder engagement.

Derogation proposal consultation process

In this section, the guidance has been updated to clarify that the information will be shared with both OSPAR Contracting Parties and observers and should therefore be considered as being in the public domain. We have been clear that commercially sensitive information will not be shared.

Detail on the OSPAR consultation process has not been expanded on, including on resolving objections, as the process is set out in Annex 3 of the Decision.

4. **Is the guidance now sufficiently clear on what information should be in a derogation proposal, and how it aligns with OSPAR Decision 98/3 requirements?**
5. **Is the guidance sufficiently clear as to how OPRED will handle commercially sensitive information?**

Step 3: Post decommissioning project knowledge transfer

We have clarified in the revised guidance what information will need to be shared with the OSPAR Executive Secretary and the OSPAR Offshore Industry Committee (OIC), and that it remains the operator's responsibility to make this information available.

We are not seeking feedback on this section as we feel it is sufficiently clear.

OPRED's assessment of whether full removal is reasonably achievable

This is a substantial new section to the guidance, with information not previously shared, and as such one of the key reasons for running a second consultation on the draft guidance. The Annex contains details of the criteria that OPRED will be using when assessing the full removal case, and its decision-making framework.

Assessment criteria

We have set out the five criteria OPRED will be using when assessing the full removal cases: safety, technical, environmental, economic, and societal. We have outlined that these are based on the criteria within Annex 2 of OSPAR Decision 98/3 and included aspects under each of the criteria that OPRED may consider. We have also stated where our 'red lines' are in terms of considering whether full removal is reasonably achievable, i.e. within the safety and technical considerations, and clarified that we may get these independently verified.

- 6. Is it sufficiently clear what criteria OPRED will use to evaluate whether full removal is reasonably achievable? If not, what additional information do you think is required / would be useful?**
- 7. Do you agree with the red lines we have set out for the safety and technology criteria of our assessment process? Are they sufficiently detailed to be helpful and are there any you feel we have missed?**

Decision making framework

This section describes:

- OPRED's evaluation of the five assessment criteria;
- the process for determining whether full removal is reasonably achievable; and
- our definition of reasonably achievable.

Within this, we have set out that OPRED's decisions will balance on the facts of the case, with the knowledge that the individual circumstances of the installation may require further or differing sub-criteria (within the overarching five criteria). This new section in the guidance emphasises that our assessment will be concerned with making rational decisions, looking at the complete and possible cumulative picture and using the evidence provided, on a case-by-case basis, against the OSPAR Decision 98/3 criteria.

We have set out in detail the process that will be followed in assessing the full removal cases, and in determining whether full removal is reasonably achievable. The steps include on-going engagement with the operator, at which points outcomes will be communicated, and Ministerial decision making. It also includes what happens after the Secretary of State's decision on whether full removal is reasonably achievable.

Finally, the guidance now includes detail on our consideration of what is meant by reasonably achievable, within the context of assessing full removal cases.

- 8. Is it sufficiently clear on how OPRED will assess the full removal cases across all five criteria, to reach a conclusion of whether full removal is 'reasonably achievable'? If not, what additional information do you think is required / would be useful?**
- 9. Are the steps that have been set out to describe the process for determining whether full removal is reasonably achievable clear? Are there steps that you think may be missing or are unclear?**
- 10. Is OPRED's description of what we mean by 'reasonably achievable' comprehensive enough?**

Consultation questions

- 1. Is it now clear how the draft supplementary guidance aligns with the requirements of OSPAR Decision 98/3, the step methodology of OSPAR Agreement 2024-04, and Part IV of the Petroleum Act 1998?**
- 2. Does the guidance now provide sufficient detail on what the operator should include in their full removal case? If not, what additional information do you think is required / would be useful?**
- 3. Is it now clearer what the operator is responsible for in preparing their full removal case versus what OPRED is responsible for?**
- 4. Is the guidance now sufficiently clear on what information should be in a derogation proposal, and how it aligns with OSPAR Decision 98/3 requirements?**
- 5. Is the guidance sufficiently clear as to how OPRED will handle commercially sensitive information?**
- 6. Is it sufficiently clear what criteria OPRED will use to evaluate whether full removal is reasonably achievable? If not, what additional information do you think is required / would be useful?**
- 7. Do you agree with the red lines we have set out for the safety and technology criteria of our assessment process? Are they sufficiently detailed to be helpful and are there any you feel we have missed?**
- 8. Is it sufficiently clear on how OPRED will assess the full removal cases across all five criteria, to reach a conclusion of whether full removal is reasonably achievable? If not, what additional information do you think is required / would be useful?**
- 9. Are the steps that have been set out to describe the process for determining whether full removal is reasonably achievable clear? Are there steps that you think may be missing or are unclear?**
- 10. Is OPRED's description of what we mean by 'reasonably achievable' comprehensive enough?**

Next steps

Whilst the consultation is open, we will engage with interested parties on the draft guidance. Once the consultation has closed, we will review the responses we receive and publish the final guidance in due course.

Any changes to the final derogation methodology guidance will also be aligned with the Offshore Oil and Gas Decommissioning Guidance Notes, an interim refreshed version of which will be published shortly; these notes will include policy updates from the previous consultation.

Once the final derogation guidance has been published, we will work with operators to apply it to their individual potential derogation decommissioning proposals.

This publication is available from: www.gov.uk/desnz

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