

# 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?

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.

