

Offshore Energies UK  
4th Floor, Annan House  
33-35 Palmerston Road  
Aberdeen  
AB11 5QP

Telephone +44 (0)1224 577250  
Fax +44 (0)1224 577251  
Email [info@oeuk.org.uk](mailto:info@oeuk.org.uk)  
[www.oeuk.org.uk](http://www.oeuk.org.uk)

Dear Sir / Madam

**Re: NSTA Consultation on proposed regulations for disclosure of carbon storage information and samples.**

Offshore Energies UK is the leading trade body for the UK's integrating offshore energies industry. Our membership includes over 400 organisations with an interest in offshore oil, gas, carbon capture and storage (CCS), hydrogen, and wind. From operators to the supply chain and across the lifecycle from production to decommissioning, they are safely providing cleaner fuel, power, and products to the UK. Working together with our members, we are a driving force supporting the UK in ensuring security of energy supply while helping to meet its net zero commitments.

OEUK and our members are committed to working, together with the UK Government, industry, and regulators, to help deliver net-zero by 2050 in an efficient, affordable and timely manner. As a sector, we are equally committed to producing the cleaner oil and gas that the UK will continue to need in the decades to 2050 and beyond – with lower emissions than imported options. Achieving this will bring huge economic and environmental benefits across the breadth of the UK.

Thank you for the opportunity to respond to the Consultation on proposed regulations for disclosure of carbon storage information and samples.

**1) Do you agree that well information may be disclosed two years following the date on which the well information was due to be reported to the NSTA (as described above)?**

We agree that during the Operational Term and subsequent phases of a CS licence, well information may be disclosed two years after the date it was due to be reported, as this aligns with disclosure rules already in place with regard to petroleum wellbores.

However, during the Appraisal / Initial Term, we regard well information as commercially confidential, as it is during this period that contracts with emitters will be agreed. Accordingly, we propose that no well information should be disclosed during the Appraisal / Initial Term. Disclosure may commence once the Operational Term has commenced, subject to the well information having been kept confidential for a minimum of two years, as set out above.

For example, well information that was due to be reported three years before the start of the Operational Term would be disclosed on commencement of the Operational Term. Well information that was due to be reported one year before the start of the Operational Term would be disclosed one year after the start of the Operational Term.

**2) Do you agree that the above summary well information may be disclosed immediately after it has been obtained by the NSTA?**

We agree that summary well information may be disclosed immediately after it has been obtained by the NSTA, in alignment with disclosure rules already in place for petroleum wellbores.

**3) Do you agree with the proposal above that samples may be disclosed two years following the date on which they were due to be reported (as defined above)?**

We agree that during the Operational Term and subsequent phases of a CS licence, samples may be disclosed two years after the date it was due to be reported, as this aligns with disclosure rules already (or soon to be) in place with regard to petroleum wellbores.

However, during the Appraisal / Initial Term, we regard samples and information arising from them as commercially confidential, as it is during this period that contracts with emitters will be agreed. Accordingly, we propose that samples should not be disclosed during the Appraisal / Initial Term. Disclosure may commence once the Operational Term has commenced, subject to the samples having been kept confidential for a minimum of two years, as set out above, following the same methodology as set out in our response to question 1.

**4) Do you agree that all geophysical survey information acquired under a CS Licence may be disclosed five years after the date the acquisition is complete as stated during the summary information submission process?**

We agree that during the Operational Term and subsequent phases of a CS licence, geophysical survey information may be disclosed five years after the date on which the acquisition is completed, as this aligns with disclosure rules in place with regard to geophysical survey information obtained under a petroleum production licence.

However, during the Appraisal / Initial Term, we regard geophysical survey information as commercially confidential, as it is during this period that contracts with emitters will be agreed. Accordingly, we propose that geophysical survey information should not be disclosed during the Appraisal / Initial Term. Disclosure may commence once the Operational Term has commenced, subject to the information having been kept confidential for a minimum of five years, as set out above, following the same methodology as set out in our response to question 1.

**5) Do you agree with the proposal that geophysical survey information acquired under an exploration licence be subject to the time periods set out above?**

We agree with the proposal that geophysical survey information acquired under an exploration licence be disclosed in accordance with the time periods set out in the consultation document.

However, it would be helpful to clarify that as not all geophysical survey information obtained under an exploration licence need be obtained for the purposes of commercial licensing, these time periods should apply only where that is the case, and hence additional time is needed to enable a satisfactory return on the investment in obtaining the information.

Should geophysical survey information be obtained under an exploration licence held by a Carbon Storage licensee in support of their work under a Carbon Storage licence, for example, such information should be disclosable according to the time periods set out for the Carbon Storage licence, not the exploration licence.

**6) Do you agree that the above summary geophysical survey information may be disclosed immediately after the NSTA has obtained the information?**

We agree, as this disclosure aligns with current practice for petroleum licensees and will be supportive of development of a thriving carbon storage industry.

**7) Do you agree with the proposal that, prior to the end of the Operational Term, injection information may be disclosed after two months from the end of the month to which the injection information relates?**

We agree that injection information may be disclosed two months from the end of the month to which the injection information relates, subject to this disclosure not jeopardising the confidentiality of information relating to the business operations of the contracted emitters.

We note that for carbon stores contracted to a single emitter, disclosure of injection information is likely to lead to the disclosure of information relating to the business activities and performance of that emitter that would be considered commercially sensitive. In these circumstances, the injection information should not be disclosed. Similar circumstances may arise where emitters operate in a cyclical manner, rather than providing a base load, as disclosure would enable the state of the business of such an emitter to be inferred.

We propose that NSTA and each CS Licensee agree up front what injection information may reasonably be disclosed, and after what period of confidentiality, in alignment with reasonable business arrangements with contracted emitters, and considering the time that may be required for a store to reach a stable injection profile, in support of the growth of the carbon storage industry.

**8) Do you agree with the proposal that, prior to the end of the Operational Term injection information should be disclosed at a high granularity (e.g. by total per day and per wellbore)?**

We do not agree that, during the Operational Term, injection information should be disclosed at a high granularity. We regard disclosure on a monthly basis per field to be sufficient to provide confidence, and support continued investment in the carbon storage industry. Disclosure at a more granular level provides a level of insight into store operations that we regard as commercially sensitive.

**9) Do you agree that, after the end of the Operational Term of a CS Licence, injection information of any granularity may be disclosed at any time?**

We agree, as after the end of the Operational Term, the information is no longer commercially sensitive.

**10) Do you agree that the above summary storage site information may be disclosed immediately?**

We agree as this will assist in the development of the carbon storage industry.

**11) Do you agree with the proposal that total storage resources information should be disclosed upon granting of a Storage Permit, at the end of the Operational Term, and at the end of the Post-Closure Period of a CS Licence?**

We do not agree with this proposal. The term “total storage resources information” is not defined, and so it is not clear what is requested to be disclosed.

We regard it as reasonable that permitted volumes be disclosed upon awarding of a Storage Permit and that stored volumes may be disclosed at the end of the Operational Term and at the end of the Post-Closure Period of a CS Licence.

**12) Do you agree with the proposal that total storage resources information should be disclosed upon determination of the licence?**

We do not agree, for the reasons set out in our answer to question 11. We regard it as reasonable that stored volumes be disclosed on determination of the licence.

**13) Do you agree that geotechnical information contained within Storage Permit Applications may be disclosed five years after the date of first injection?**

As Storage Permit Applications are new to the industry, and none have yet been approved or published, we are unable to agree to their disclosure on a routine basis after five years from the date of first injection.

We request that until the form and content of Storage Permit Applications are better understood, any disclosure of the content of the Applications is done with the direct involvement and consent of the CS Licensee.

We regard it as too early in the evolution of the carbon storage industry to capture disclosure practices in this area in legislation. Disclosure in this area should be considered only once the relevant industry norms and practice with regard to the content of Storage Permit Applications are well established.

**14) Do you agree with the proposal that storage formation information may only be disclosed following the determination of the subject licence?**

We agree. We also note that many of the reports detailed in paragraphs 64 and 65 of the consultation document are also expected to be included within the Storage Permit Application, which underlines the need for further detailed consideration of which elements of the Storage Permit Application it may be reasonable to disclose, and at what point.

**15) Do you agree that the proposal that certain computerised model information should be disclosed upon entry into the Operational Term is an appropriate balance of the factors?**

We do not agree that certain computerised model information should be disclosed on entry into the Operational Term.

Firstly, it is not clear what is included in the term “certain computerised model information” and hence what is specifically proposed to be disclosed. Secondly, and in any case, such information is generally regarded as commercially sensitive by the CS Licensees.

Finally, such information is likely to change once development wells are drilled post-entry into the Operational Term, rendering the model inputs out of date.

**16) Do you agree that the monitoring report should be disclosed as soon as it is obtained by the NSTA?**

We are unable to agree that the monitoring report should be disclosed as soon as it is obtained by the NSTA, as there is currently no guidance regarding what the monitoring report is to contain, and, hence, what information would be disclosed.

Moreover, while CS Licensees appreciate the desire for transparency in their operations, full disclosure of the monitoring report is viewed as likely to create issues for the safety, security, and reputation of the storage project.

We would welcome a discussion with the NSTA regarding the expected content of the monitoring report, and how the understandable desire for transparency may be balanced by the legitimate need of the CS Licensees to protect the safety, security, and reputation of their businesses, noting there is also potential for this report to be disclosable under section 9(4)(a) of the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010.

**17) Do you agree that all monitoring information discussed in a monitoring report should be disclosed alongside the monitoring report?**

We do not agree. As the content of the monitoring report is not yet settled, it is not possible to determine which information may then become disclosable as a consequence of this proposal.

Moreover, the proposal that information be disclosed simply because it is referenced in the monitoring report is likely to create a disincentive to mention such information, discouraging the early sharing of the results of monitoring activities.

We would welcome further engagement on disclosure principles regarding monitoring information once the form of the monitoring report, and the types of monitoring information it is expected to contain are better understood.

**18) Do you agree that geophysical survey information that is part of a succession of multiple surveys (4D) should be disclosed alongside the monitoring report in which it is discussed?**

We do not agree. We see no basis for the disclosure of geophysical survey information used for monitoring earlier than the disclosure principles set out in question 4. We do not regard early disclosure of the full original and processed 4D data sets as necessary to provide confidence in the content of the monitoring report.

**19) Do you agree that the above summary information on offshore installations may be disclosed immediately?**

We agree as the disclosure of this information will support safe operation of the offshore installations and the safety of other users of the sea.

**20) Do you agree that the proposal that any more detailed information about offshore installations may only be disclosed after decommissioning is an appropriate balance of the factors?**

We agree.

**21) Do you agree that the proposal that any licence information or sample be able to be disclosed immediately after any of the licence events listed above is an appropriate balance of the factors?**

We agree.

**22) Are there any other pieces of information or samples that have not been discussed in this document that you think there should be provision for the NSTA to disclose?**

We note that disclosure of summary information on offshore installations is limited to installations that are floating structures or devices otherwise maintained on station. This does not appear to include subsea installations. We regard it as important for the reasons set out in our response to question 19 that information regarding infrastructure on the seabed (including pipelines and subsea infrastructure) is also disclosed and we ask the NSTA to give consideration to how this might be achieved.

Also, our members have asked that consideration be given to how requirements for disclosure of information under a CS Licence might interact with requirements for disclosure under a petroleum licence, particularly where carbon storage is used as part of a broader scheme for the Enhanced Recovery of Oil or Gas, or for Gas-to-Wire projects. It is important that disclosure under a CS Licence does not create commercial confidentiality issues for petroleum developments, or vice versa, and we ask that the NSTA provide assurances that it will consider reasonable representations for non-disclosure from Licensees where this may be a risk.

Confusion may also emerge when a hydrocarbon well is repurposed for carbon storage. We would welcome guidance from the NSTA regarding how this repurposing will affect retention and reporting obligations and disclosure periods under petroleum and carbon storage legislation.

Finally, we note that CS Licensees have reporting obligations to other organisations (e.g. the Crown Estate, and the Crown Estate Scotland) that overlap significantly with those expected to be put in place by the NSTA, based on the disclosure proposals referenced in this consultation.

We ask that all governmental organisations with an interest in information and samples created by industry collaborate in data sharing arrangements, so that industry does not need to report the same information more than once. This will ensure that the cost of meeting reporting obligations does not become excessive, and so disincentivize the growth of the carbon storage industry.

We also ask that where other organisations have powers of disclosure, the NSTA works with these organisations to ensure disclosure arrangements are harmonised, to prevent the circumstance where information held in confidence by the NSTA might be published by another organisation earlier than agreed through this consultation.

OEUK would like to thank the NSTA for the opportunity to participate in this consultation. Should the NSTA wish to engage with OEUK and our member forums, such as our CCUS Forum, Information Management Forum, or ISC Special Interest Group, please contact Daniel Brown ([dbrown@oeuk.org.uk](mailto:dbrown@oeuk.org.uk)) or Enrique Cornejo ([ecornejo@oeuk.org.uk](mailto:ecornejo@oeuk.org.uk)).

Yours faithfully,

Offshore Energies UK

# Response coversheet



North Sea Transition Authority

## CONSULTATION ON PROPOSED REGULATIONS FOR DISCLOSURE OF CARBON STORAGE INFORMATION AND SAMPLES

To: NSTA CS Data Disclosure Consultation

### YOUR DETAILS

Name: Daniel Brown  
Company/Organisation: Offshore Energies UK  
Position: Head of Data & Digital  
E-mail address: [dbrown@oeuk.org.uk](mailto:dbrown@oeuk.org.uk)  
Address: [dbrown@oeuk.org.uk](mailto:dbrown@oeuk.org.uk)  
Representing: OEUK Members

### CONFIDENTIALITY

Please tick below if you consider any part of your response is confidential, giving your reasons why:

Nothing	<input checked="" type="checkbox"/>	Name/contact details/position	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Company/organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>		

If there is no separate annex, which parts?

If you want any part of your response, your name or your organisation to be kept confidential, can the **NSTA still** publish a reference to the contents of your response including (for any confidential parts) a general summary that does not disclose the specific information or enable you to be identified?

YES  NO

### DECLARATION

I confirm that the correspondence supplied with this coversheet is a formal consultation response that the NSTA can publish, except as indicated above.

However, in supplying this response, I understand that the NSTA may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations.

If I have sent my response by email, the NSTA can disregard any standard e-mail text about not disclosing email contents and attachments.

Name:

Signed (if hard copy): Daniel Brown