

Title: The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 PIR No: BEIS009(PIR)-18-ED Original IA/RPC No: N/A Lead department or agency: BEIS Other departments or agencies: n/a Contact for enquiries: Andrew Taylor; andrew.taylor@beis.gov.uk ; 01224 254080	Post Implementation Review
	Date: 07/02/2018
	Type of regulation: Domestic
	Type of review: Statutory
	Date measure came into force: 19/05/2013
	Recommendation: Keep
RPC Opinion: n/a	

1. What were the policy objectives of the measure? (Maximum 5 lines)

The principal policy objective of the measure (the '2013 Regulations'), was to transpose relevant provisions of EU Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) (Recast), referred to as 'IED'. The 2013 Regulations revoked and recast the Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001 (as amended), and added the new requirements of the recast IED. The changes to the existing regime which were introduced by the 2013 Regulations were new obligations to produce inspection plans and publicly available inspection reports, as well as mandatory inspection requirements, which fell on DECC (now BEIS/OPRED) as the environmental regulator.

Further information is detailed in the Explanatory Memorandum of the 2013 Regulations, which is available at: http://www.legislation.gov.uk/ukxi/2013/971/pdfs/ukxiem_20130971_en.pdf

2. What evidence has informed the PIR? (Maximum 5 lines)

This PIR has focussed on the new obligations transposed into the 2013 Regulations. A light touch approach has been taken as the 2013 Regulations are in the process of being amended to include the requirements of the Medium Combustion Plant Directive (MCPD) and Part III of the IED. These amendments will change many of the requirements in the Regulations and, as such, undertaking a full review just before amendment would have limited value. The review considered evidence from an industry survey carried out in January 2018 as well as data already held by the Department.

3. To what extent have the policy objectives been achieved? (Maximum 5 lines)

Overall the policy objectives have been achieved. Transposition of relevant provisions of IED was met by the implementation of the 2013 Regulations. Annual inspection plans were developed from 2014 onwards and publicised on the BEIS website along with information relating to inspections undertaken and letters issued (information on the website provided up to April 2017). The mandatory inspection activity was incorporated into OPRED's wider inspection planning in order to minimise any additional regulatory inspection impact on business and all qualifying installations are being inspected on at least a three yearly basis. This information is available from here: <https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation#the-offshore-combustion-installations-pollution-prevention-and-control-regulations-2013>.

Next Steps:

Following OPRED's review it is concluded that the original objectives remain appropriate and there are no grounds for amending the 2013 Regulations insofar as they implemented the requirements of IED and provided effective regulation of atmospheric emissions in the UK offshore oil and gas sector. The 2013 Regulations will be amended later in 2018 to incorporate the requirements of the MCPD and to limit pollutant emissions to air from large combustion plant as per Chapter III of IED which was not relevant for the offshore sector when the 2013 Regulations were implemented.

Sign-off for Post Implementation Review: Minister

I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.

Signed:

A rectangular box containing a handwritten signature in black ink, which appears to be the initials 'CB' followed by a flourish.

Date:

29th March 2018

Further information sheet

Please provide additional evidence in subsequent sheets, as required.

4. What were the original assumptions?(Maximum 5 lines)

The original assumptions were that the IED provisions that the 2013 Regulations were implementing did not place any additional administrative or compliance burdens on offshore operators over and above what was already required under the existing offshore integrated pollution prevention and control regime. The extra obligations in the IED were to produce annual inspection plans, undertake mandatory inspections and make publicly available inspection reports all of which fell to OPRED. These additional requirements were not onerous as qualifying installations were already routinely inspected. Time spent developing the inspection plans, drafting inspection reports and making the information public were minimal (<£10k per year). Responses from the January 2018 industry survey also did not indicate any new cost implications as a result of the introduction of the 2013 Regulations.

5. Were there any unintended consequences? (Maximum 5 lines)

There were limited changes as a result of the 2013 Regulations so it was not expected that there would be many, if any, unintended consequences. Responses to the industry survey indicated that there were no unexpected consequences that were a result of the new requirements brought in by the 2013 Regulations.

6. Has the evidence identified any opportunities for reducing the burden on business? (Maximum 5 lines)

The evidence did not identify any opportunities for further reducing the burden on business as the 2013 Regulations implemented the IED obligations which the UK must apply. In transposing the IED the UK looked to continue to minimise the burden on business by using the option in Article 15(4) which allows the setting of less strict emission limit values than those described in Article 15(3) where it can be demonstrated that geographical location and technical issues associated with the application of BAT would lead to disproportionately higher costs.

7. For EU measures, how does the UK's implementation compare with that in other EU member states in terms of costs to business? (Maximum 5 lines)

Limited information is publicly available on the implementation of IED in other EU Member States and no information could readily be found in terms of costs to business. The IED requires that Member States report certain information to the Commission, including confirmation of implementation, and the Commission must submit a report reviewing the implementation of the Directive to the European Parliament. The review of implementation published on 4 December 2017 only covered the period up to the end of 2013 and focussed on transposition of the Directive, so any relevant information on emission reductions and / or costs was not included in the report. Information from 2014 onwards is not readily available.

On 23 June 2016, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.