**Meeting on UK EITI contract and licence transparency, Wednesday 7th February 2024 via Microsoft Teams**

**Attendees:**

Mark Burnett (EITI International) Helen Day (Coal Authority)

Mike Earp (NSTA) Nick Everington (TCE)

Mark Wilson (DfENI) Mark Wrigley (TCE)

Mike Nash (DESNZ, UK EITI Secretariat, Chair)

**Main points and actions from the September meeting:**

* ***Nick Everington to provide report back on discussions with TCE legal*.** TCE have held initial discussions with competition specialist colleagues and are awaiting a response. The new requirements under 3.2 of the Standard around disclosure of tonnages has also raised concerns. The compliance subgroup are already looking at this. **(Action: TCE).**
* ***Helen Day to consider where to add information on new mining licences.*** There are still concerns around the sensitivity of information being disclosed. Currently with CA legal team. **(Action: Coal Authority).**
* ***Mike Earp agreed to check with colleagues whether the NSTA system records the date of application for each licence. If not it was agreed that the closing date for applications can be used as the date for all licensing and out of round applications****.* Follow-up with NSTA colleagues to take place shortly. **(Action: NSTA).**
* ***UK EITI Secretariat to upload the contract and licence matrix onto the UK EITI website.***Matrix uploaded onto website in November 2023.

**The latest position for each licensing authority are as follows:**

**North Sea Transition Authority**

* Licences are currently published on their website, application dates are not yet included in the register and signatures are redacted.
* Checking whether the NSTA system records the date of application for each licence. If not it was agreed that the closing date for applications can be used as the date for all licensing and out of round applications.

**The Crown Estate**

* There are several areas where licences are awarded. There are still concerns around complying with The Crown Estate Act and the impact of disclosure on commercial confidentiality and customer perception.
* TCE will write to customers seeking feedback on disclosure plans if advised by legal colleagues that there are no barriers to disclosure.
* Agreed that the application date for all licenses should be the closing date for applications.

**Crown Estate Scotland**

* Only a half a dozen exploration contracts that are all small amounts (£10,000-£15,000 over four-year period). Big challenge in terms of the amount of work which outweighs the demand.

**Scottish Government**

* There has been no change in the licensing situation in Scotland: there have been no significant changes to the existing licences and there are no significant changes currently expected in the near future.

**Department for the Economy Northern Ireland**

* Only one mining licence for salt extraction. GDPR is also an issue, but will redact commercially sensitive data on website. Can provide application dates as they don’t hold licence bidding rounds.

**Coal Authority**

* All statutory licences now available online. Signatures are redacted.

**Next Steps**

* Gather a summary opinion from the legal advisors for each regulatory authority about the commercial confidentiality issue of contract disclosure. This has been discussed in general terms at working group meetings but should come to conclusion in preparing a paper for the MSG to review and consider and see if they agree there are bona fide legal barriers to full contract disclosure. It is hoped that this paper will be ready for the MSG in the Summer.
* However, even if the MSG agree there are legitimate barriers, they would still need a plan to try to address them to be fully compliant with Requirement 2.4.
* There was general agreement of this way forward. Helen Day agreed to provide background on how the CA legal team came to their position. **(Action: Helen Day).**
* The EITI International Secretariat are arranging a meeting with colleagues from other European implementing countries on 19th March to look at issues around legal barriers. If subgroup members would like to attend they should let the UK Secretariat know. The notes from the meeting will be circulated to the subgroup for information. **(Action: Subgroup members and UK Secretariat).**

**New requirements of the EITI Standard – Mark Burnett**

* Mark Burnett took the subgroup through the main requirements for the UK regarding contract and licence transparency again. The two most relevant requirements for the UK are:
  + Requirement 2.4 – MSGs are required to determine which exploration contracts should be disclosed based on materiality and practical considerations.
  + Requirement 6.1 – countries are expected to disclose the contracts or other documents that mandate social and environmental payments.
  + Requirement 2.2 - is important as the Standard brings in provisions for transparency on the fast-tracking of licence awards.
* Subgroup members were encouraged to provide Mark with any questions on any of the new provisions.

**AOB:**

* It was agreed that the UK Secretariat should arrange a further meeting for the Spring to discuss progress on legal barriers, commercial confidentiality etc. **(Action: UK Secretariat).**