

March 2023

## **UK Extractive Industries Transparency Initiative (UK EITI) – Guidance for Oil and Gas Companies**

### **1. Introduction**

The purpose of this guidance is to help oil and gas companies complete templates for the UK's EITI report covering payments relevant material made to, and repayments received from, UK government agencies in calendar year 2022.

Each year the UK EITI multi-stakeholder group (MSG) has assessed if and how best the EITI reporting process can be improved to ensure that its reports are well targeted and to minimise the administrative burden for in-scope companies. Consistent with the 2019 [EITI Standard](#) and the approach taken in previous years, information on the vast majority of the payments made to Government agencies above a materiality threshold will be collected from both Industry and Government agencies. Reported payments and repayments will then be reconciled by the UK EITI's Independent Administrator (IA), BDO UK. It is anticipated that returns will be received by 28 April 2023 with the reconciliation work being performed and finalised by the end of May 2023.

### **2. Background**

The Extractive Industries Transparency Initiative (EITI) is a global standard ensuring transparency of payments from natural resources. It is a voluntary initiative, implemented by countries whose governments sign up to do so. The initiative requires:

- companies to publish the payments they make to Government for their oil, gas and mining activities;
- government to disclose the payments they receive from oil, gas and mining companies for their extractive activities; and

- these figures are to be reconciled by an IA and published in a report.

In May 2013, the Prime Minister committed the UK to implement the EITI. This commitment was intended to help the public hold decision makers to account and to create a more open and transparent global economy which is good for business.

The UK EITI objectives are set out on the [UK EITI website](#).

### 3. Which oil and gas companies will be issued with a reporting template?

Each company (or group, if there is more than one company in a group) which made or received payments in 2022 above the materiality threshold (£86,000, unchanged from previous years) in respect of a revenue stream to any or all of HMRC, The Crown Estate (TCE) and Crown Estate Scotland (CES) will receive a reporting template.

Based on historical results of the reconciliation exercises, the MSG agreed that petroleum license fees and the OGA levy should be disclosed unilaterally by the North Sea Transition Authority (NSTA) for 2022 onwards. Therefore, companies are no longer requested to provide that data.

Company contacts established (or updated since) last year will be the direct recipient of email correspondence from the IA including the reporting template and, where necessary, a waiver of confidentiality form. One person for each company/group will be asked to act as a single contact point to respond to any reconciliation queries for that company/group raised by the IA.

### 4. When will companies receive the data request and what is the reporting deadline?

As in previous years, the data collection process will use an Excel reporting template (available [here](#)). Companies will have until 28 April 2023 to complete and return the template to BDO LLP. If templates are returned on time, reconciliation queries are expected to conclude by the end of May 2023.

BDO LLP have set up a generic inbox ([ukeiti@bdo-ifi.com](mailto:ukeiti@bdo-ifi.com)) from which companies will receive reporting templates and other communications.

## 5. How is taxpayer confidentiality managed?

In previous years, we have used a waiver of confidentiality that companies/groups were asked to sign to enable HMRC (and TCE and CES) to provide certain payment information to the IA that would otherwise be considered taxpayer confidential. These waivers remain valid unless they are revoked by the respective company/group. For the great majority of companies/groups within scope for this year's EITI templates, new waivers will not be required. Depending on the version of waiver that was last used, a new waiver might be needed if there has been a change to the companies comprising the group (for example, if a new company has been added to the group or where the name of a company in a group has been changed). The current version of the waiver copes with such changes by avoiding listing relevant affiliates.

The few companies/groups which do not yet have a confidentiality waiver in place will be asked to sign one. This waiver will accompany the reporting template issued by BDO LLP. As in previous years, a single waiver should be prepared covering all members of a group. Signatories will need to ensure that they are duly authorised to perform this task on behalf of all the relevant legal entities in the group.

Completed waivers should be returned to BDO LLP as soon as possible and no later than the deadline for the completion of the reporting template.

[Waiver forms](#) can also be downloaded.

## 6. What payment information should be reported?

For in-scope oil and gas companies, the payment/repayment streams to be reported and included in/alongside the published UK EITI Report are:

- a combined total for Ring Fence Corporation Tax (RFCT) and the Supplementary Charge (SC);
- Petroleum Revenue Tax (PRT), including any Advance Petroleum Revenue Tax (APRT) repayments received (by field);
- Energy (Oil and Gas) Profits Levy (EPL);
- Payments to The Crown Estate or Crown Estate Scotland in respect of pipelines operated by companies that are engaged in UK extractive activities. Please do not report payments in respect of land and facilities rent; and

- Payments in England and Wales under section 106 of the Town and Country Planning Act 1990 and similar payments elsewhere in the UK under equivalent legislation [section 75 of the Town and Country Planning (Scotland) Act 1997 in Scotland and section 76 of the 2011 Planning Act in Northern Ireland]; these are termed “section 106 (or similar) payments” below.

In each case, the payments for a revenue stream need to be reported only if the total for that revenue stream exceeds £86,000.

Some companies/groups pay both mainstream corporation tax (CT) and RFCT/SC. When combined payments are made under a group payment arrangement (GPA), the company/group can elect to notify HMRC how much of each payment relates to RFCT/SC. If such payments for 2022 have not been flagged, then the total of mainstream CT plus RFCT/SC for the company/group should be reported.

## 7. Complying with the EITI requirements

### A) Reporting template

The [reporting template](#) can be downloaded.

### B) Step by Step Guide

Operating instructions have been prepared to help oil and gas companies with the completion of the reporting template. The guide covers:

- Payment streams;
- Group Reporting;
- Corporation Tax (CT) and the Supplementary Charge (SC);
- Interest;
- Disclosure Threshold; and
- Guidance on the completion of each part of the template.

The guide can be found at Annex 1 below.

### C) Repayments of Advance Petroleum Revenue Tax (APRT)

APRT was charged for the calendar years 1983 to 1986; it was introduced to accelerate PRT payments. APRT repayments are in scope for EITI purposes and should be reported on by

companies/groups as part of their net PRT payments/repayments rather than as a separate revenue stream.

#### **D) Energy (Oil and Gas) Profits Levy (EPL)**

The new Energy Profits Levy (EPL) came into force in May 2022 and is expected to be in place until March 2028. The MSG agreed that the EPL should be included in future EITI reporting.

#### **E) Payments to The Crown Estate (TCE) or Crown Estate Scotland (CES)**

All payments in respect of pipelines operated by companies that are engaged in UK extractive activities to TCE or CES should be reported. Payments collected by agents acting on behalf of TCE or CES should be reported as well.

#### **F) Section 106 (or similar) Payments**

Payments to local government (generally associated with the award of a planning permission) to provide external benefits, including to local communities. This could include, for example, payments to improve the local road network or community facilities. Non-domestic rates should not be included.

#### **G) Interest and penalties**

Any payments or receipts of interest or penalty payments should be included as an element of the payment or repayment with which they are associated. For example, interest payable or repayable that relates to Petroleum Revenue Tax (PRT) should be added to the associated PRT payment or repayment and a single figure reported showing the total.

Payments and repayments of interest and penalties are therefore **not** required to be disclosed separately. This approach is likely to be different from that taken by many companies in their reports under [The Reports on Payments to Governments Regulations 2014](#), since those Regulations do not require the reporting of interest or penalties.

The appropriate treatment of interest and penalties for EITI reporting purposes is summarised in the Step by Step Guide at Annex 1.

#### **H) Materiality threshold**

The £86,000 materiality threshold is applied at the company/group level for each payment stream (as listed in [section 6](#) above). Thus, for UK EITI purposes, Ring Fence Corporation Tax and the Supplementary Charge, Petroleum Revenue Tax (including any repayments of Advance Petroleum Revenue Tax), Energy (oil and gas) Profits Levy and payments to The

Crown Estate or Crown Estate Scotland should be reported only if the total of company/group payments for that payment stream exceeds £86,000.

This approach is likely to be different from that taken by many companies in their reports under [The Reports on Payments to Governments Regulations 2014](#). The approach to the materiality threshold is summarised in the Step by Step Guide at Annex 1.

## 8. What information needs to be provided on the beneficial ownership of companies and politically exposed persons (PEPs)?

### **Beneficial Ownership**

The requirements around beneficial ownership are focused on private, unlisted entities. The approach to beneficial ownership is aligned with the related provisions of the [Small Business, Enterprise and Employment Act 2015](#).

Since listed companies are already required to publish information on beneficial ownership, companies that are listed or are members of a group the parent of which is listed will be asked only to confirm that listed status.

Broadly speaking, private companies will be asked to provide information on any individuals that have a material influence on the company through a direct shareholding, through one or more intermediary entities (e.g., companies, partnerships, trusts) or by other means. Information will also be requested for such individuals with political influence.

Since 30 June 2016, companies are required to submit information to Companies House on people with significant control (PSC) with their confirmation statements. The threshold for beneficial ownership under the UK EITI shadows these requirements. Therefore, companies that have filed this information at Companies House can choose to confirm that they have filed this information and provide a link to the relevant webpage at Companies House.

### **Politically Exposed Persons**

Declarations are also required from private, unlisted entities in respect of politically exposed persons (PEPs) who directly or indirectly ultimately own or control more than five per cent of any company/group that is reporting material payments to the UK Government under the UK EITI.

All private, unlisted entities reporting under UK EITI should complete the PEP declaration **in addition to** the beneficial ownership declaration.

## 9. What happens after the reporting templates are returned to the IA?

The IA, BDO LLP, will analyse the disclosures made by companies and the reports that they receive from government bodies. There may be instances where differences are identified between the payments disclosed by some companies and the receipts reported by the relevant government body. BDO LLP will work with the relevant companies and government bodies to review the unreconciled payments with a view to resolving those differences.

## 10. What information will be included in the UK EITI Report?

The 2022 report will show for each of the in-scope payment streams the amounts paid in calendar year 2022 by each in-scope reporting company that has participated in the reconciliation process. Information will also be included relating to beneficial owners and politically exposed persons. An important part of the report will, like last year, be contextual information on the oil and gas, mining and quarrying sectors. That information will put the payment information into the context of the economic and social benefit of the extractive industries to the UK.

## 11. Contacts

### **BDO LLP (IA)**

Please address queries to the IA's generic e-mail address: [ukeiti@bdo-ifi.com](mailto:ukeiti@bdo-ifi.com)

### **Government**

For more information on EITI, please contact Mike Nash at [BEIS](https://www.beis.gov.uk) (tel. 020 7215 1685; e-mail [ukeiti@beis.gov.uk](mailto:ukeiti@beis.gov.uk)).

### **Step by Step Guide for completion of the template for payments made by oil and gas companies/groups in calendar year 2022**

This guide is designed to help oil and gas companies complete the oil and gas reporting template. All payment disclosures are to be made in £ sterling, to the nearest whole pound. This may contrast with the reporting currency used under [The Reports on Payments to Governments Regulations 2014](#) where other currencies are permitted.

#### Group Reporting

For companies that are part of a group, one template should be completed for all companies that are subsidiaries of a common ultimate parent company. If, for any reason, a group decides to send separate templates to the IA for some/each of the companies in the group, it should explain its reasons. Separate reporting would have no impact on the application of the disclosure threshold, which should continue to be applied at the group level.

#### Corporation Tax and the Supplementary Charge

See [section 6](#), 'What payment information should be reported?', for guidance regarding payments under a GPA covering mainstream CT as well as RFCT/SC.

#### Interest

See [section 7](#), 'Complying with the EITI requirements', regarding the treatment of 'Interest and penalties' ([section 7F](#)).

#### Disclosure Threshold

In general, the requirements of the UK EITI process have been aligned with [The Reports on Payments to Governments Regulations 2014](#), especially the materiality threshold chosen for each payment stream. As in previous years, the materiality threshold for payments/repayments in 2022 is therefore £86,000. For the purposes of UK EITI, this threshold should be applied separately to each payment stream at group level.

Therefore, if a company or group as a whole paid a net total of more than £86,000, or received a total net repayment of more than £86,000, in relation to any individual payment stream, it should include the net total of all payments/repayments for that payment stream made/received in 2022. The in-scope payment streams are listed in [section 6](#), 'What payment information should be reported?', above.



The following examples illustrate how the threshold should be applied in practice:

1. Two companies (henceforth known as A and B) that are subsidiaries of the same parent company make payments of RFCT plus SC in 2022. Company A pays £40,000 and Company B pays £50,000. Both payments should be included on the template because, at £90,000, the total payment of RFCT plus SC is greater than £86,000.
2. Two companies that are subsidiaries of the same parent make payments of RFCT plus SC, with a third company, Company C, receiving a repayment. Company A pays £100,000, Company B pays £60,000 and Company C receives a repayment of £50,000. Both payments and the repayment should be included on the template because, at £110,000, the net payment of RFCT plus SC is greater than £86,000.
3. Two companies that are subsidiaries of the same parent make payments of RFCT plus SC, with a third company receiving a repayment. Company A pays £40,000, Company B pays £40,000 and Company C receives a repayment of £100,000. No payments need to be included on the template because, at £20,000, the net repayment of RFCT plus SC is less than £86,000.
4. Two companies that are subsidiaries of the same parent make payments of RFCT plus SC, with one of those companies also making a payment of mainstream Corporation Tax (CT). Company A pays £50,000 and Company B pays £25,000 of RFCT plus SC, with Company B also making a payment of mainstream CT of £100,000. No payments need to be included on the template because the net payment of RFCT plus SC is less than £86,000.
5. Two companies that are subsidiaries of the same parent each have interests in two oil fields that are liable to Petroleum Revenue Tax (PRT). Each company receives a repayment of PRT of £25,000 for both of the fields in 2022, leading to a total repayment of £100,000. Each of these repayments should be included on the template because the total repayment of PRT is greater than £86,000.

### **Template 1 - Tax and Licence Summary**

This template produces a summary of the detailed payments information contained in the supporting worksheets. Companies should check that the information on the amounts paid to, or repaid by, the UK government in respect of certain payment types in the year ended 31 December 2022 is consistent with the entries in the supporting worksheets. Green cells are read-only and determined by formulae. The blue cells are areas that require entries.

*Reporting group: Enter the name and Companies House number of the company that conducts the operations that give rise to the payments included in the report e.g. either GPA header company or main holding company.*

Where there are several companies within the group, include the highest company in the group.

*Contact Details - Name of contact person, Telephone number and E-mail address: Enter the particulars for the individual who should be contacted if the IA has any questions.*

*Signature: Enter the name of the senior company official who has been appointed as the authorised person for this purpose.*

Diverted Profits Tax (DPT): Although no companies reported DPT in 2021, the MSG agreed that we should continue to monitor this revenue stream from the templates. We are therefore requesting information on any payments or repayments of DPT for the calendar year 2022. This information will not be published but will be used to inform MSG debate about the materiality of DPT for the extractives sectors, for possible inclusion in EITI reporting for 2023 onwards.

### Columns

*Payments (£): Sums all payments of the relevant type made during the reporting period.*

*Repayments (£): Sums all repayments of the relevant type made during the reporting period.*

*Net Payment (£): Net sum representing the sum of all payments and repayments of the relevant type made during the reporting period.*

### Rows

*1. Ring Fence Corporation Tax and Supplementary Charge: Sums the amounts shown for payments and repayments.*

*2. Petroleum Revenue Tax: Sums payments and repayments across all legal entities included in the PRT template. This amount is to be inclusive of any Advance Petroleum Revenue Tax repayments received during calendar year 2022.*

*3. Energy (Oil and Gas) Profits Levy: Sums the amounts shown for payments and repayments*

*4. The Crown Estate: Sums payments and repayments across all legal entities included in the Crown Estate template.*

5. *Crown Estate Scotland*: Sums payments and repayments across all legal entities included in Crown Estate Scotland template.

*Sum of Reported Payments*: Sums payments and repayments shown in 1 to 5 above.

### **Template 2 - Ring Fence Corporation Tax and the Supplementary Charge**

*Reporting Entity (Name)*: Enter the name of the legal entity or the GPA that made the payment or received the repayment. More than one entry might be required.

*UTR*: Enter the Unique Taxpayer Reference for the entity or the GPA that made the payment or received the repayment.

#### **RFCT/SC (£)**

*Payment*: Enter the total amount of all payments made by the reporting entity in the reporting period in sterling, rounded to the nearest pound.

*Repayment*: Enter the total amount of all repayments made by the reporting entity in the reporting period in sterling, rounded to the nearest pound.

*RDEC*: *If the amount of tax reported as paid was reduced by setting off Research and Development Expenditure Credit (RDEC), enter the amount of the adjustment.*

N.B. If the company/group has not 'tagged' its RFCT/SC payments as distinct from its mainstream CT payments under the GPA then they are to enter the total payment made in the period. If tagging has been used, please enter only the total tagged RFCT/SC payment.

### **Template 3 - Petroleum Revenue Tax**

*Reporting Entity (Name):* Enter the names of the legal entities that are participators in the fields for which payments were made or repayments were received during the reporting period.

*Field (Name):* Enter the name of the field to which the payments or repayments relate.

*PRT Reference:* Enter the PRT reference number.

*Payment:* Enter the total amount of all payments made by the reporting entity in the reporting period in sterling, rounded to the nearest pound.

*Repayment:* Enter the total amount of all repayments made by the reporting entity in the reporting period in sterling, rounded to the nearest pound. This is to be inclusive of any amount of Advance Petroleum Revenue Tax received during the calendar year 2022.

*RDEC:* If the amount of tax reported as paid was reduced by setting off Research and Development Expenditure Credit (RDEC), enter the amount of the adjustment.

### **Template 4 - Energy (Oil and Gas) Profits Levy**

*Payment:* Enter the total amount of all payments made by the reporting entity in the reporting period in sterling, rounded to the nearest pound.

### **Template 5 - The Crown Estate (TCE)**

*Reporting Entity (Name):* Enter the name of the legal entity that made a payment to TCE or an agent acting on its behalf in respect of pipelines operated by companies that are engaged in UK extractive activities.

*Licence Number or other reference:* Enter the relevant reference, if appropriate.

*Payment (£):* Enter the amount paid in sterling, rounded to the nearest pound.

If, exceptionally, a refund is received during the year, the amount should be shown as a positive amount.

## **Template 6 - Crown Estate Scotland (CES)**

*Reporting Entity (Name):* Enter the name of the legal entity that made a payment to CES or an agent acting on its behalf in respect of pipelines operated by companies that are engaged in UK extractive activities.

*License Number or other reference:* Enter the relevant reference, if appropriate.

*Payment (£):* Enter the amount paid in sterling, rounded to the nearest pound.

If, exceptionally, a refund is received during the year, the amount should be shown as a positive amount.

## **Template 7 - Section 106 Payments and equivalent payments in Scotland and Northern Ireland**

*Reporting Entity (Name):* Enter the name of any entity that paid (or received a repayment of) section 106 (or similar) payments in 2022.

*Local Authority:* Enter the name of the local authority with responsibility for the location to which the payment or repayment relates.

*Unique Reference:* Enter the reference number relating to the section 106 (or similar) payment.

*Payment (£):* Enter the amount paid in sterling, rounded to the nearest pound.

*Repayment (£):* Enter the total amount of any repayments in sterling, rounded to the nearest pound.

## **Template 7 – Beneficial Ownership**

### **Company identification**

~~*Preliminary questions to assist companies to identify whether the BO template should be completed:*~~

~~1. Is the company a publicly listed company, or a wholly owned subsidiary of a publicly listed company?~~

~~Yes – please provide the parent company name and a link to the stock exchange web page. There is no need to complete the remainder of the form.~~

~~No – please go to the following question~~

~~2. Is the company reporting payments to the UK Government under the UK EITI?~~

~~Yes – please go to the following question~~

~~No – there is no need to complete the remainder of the form~~

~~3. Has the company filed information to Companies House on people with significant control (PSC) as part of its confirmation statement~~

~~Yes – please provide a link to the confirmation statement and go the section ‘Additional identification for Politically Exposed Persons (PEP)’ below~~

**URL to PSC information in confirmation statement:**

~~No – please complete the remainder of the form (Beneficial ownership and PEP identification)~~

*Declaration prepared by: Name, Position, Email address, Telephone number*

Beneficial ownership identification

Identity of the beneficial owner:

*Name:* Enter full name

*Month and year of birth:* Enter mm/yyyy

*Nationality:* Enter nationality

*Country of residence:* Enter country name

*Date when beneficial interest was acquired:* Enter dd/mm/yyyy

*Service address:* Residential addresses are not required. Enter a contact address

*Method of control:* Enter either 1,2,3,4 or 5 from the list shown below

Possible methods of control:

~~1. The individual holds, directly or indirectly, more than 25% of the shares in the company. The 25% threshold is calculated with reference to the nominal value of the shares in the case of a company with share capital. If the company does not have a share capital, the condition is met by an individual holding a right to share in more than 25% of the entity’s capital or profits.~~

- ~~2. The individual holds, directly or indirectly, more than 25% of the voting rights in the company. Voting rights held by the company itself are disregarded for this purpose.~~
- ~~3. The individual holds the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company.~~
- ~~4. The individual has the right to exercise, or actually exercises, significant influence or control over the company. The Secretary of State for Business, Energy and Industrial Strategy is required to issue guidance on the meaning of 'significant influence or control' and regard must be had to that guidance in interpreting this condition.~~
- ~~5. The trustees of a trust or the members of a firm that is not a legal person exercise control over the company through one or more of 1. to 4. in their capacity as such or would do if they were individuals, and the individual has the right to exercise, or actually exercises, significant control or influence over the activities of that trust or firm.~~

Additional identification for Politically Exposed Persons (PEP)

**Identity of the PEP:**

*Name:* Enter full name

*Month and year of birth:* Enter mm/yyyy

*Nationality:* Enter nationality

*Country of residence:* Enter country name

*Date when interest was acquired:* Enter dd/mm/yyyy

*Service address:* Residential addresses are not required. Enter a contact address

**Political Connection**

*Name of public office holder:* Enter name

*Public office position and role:* Enter details

*Date when office was assumed:* Enter dd/mm/yyyy

*Date when office was left, if applicable:* Enter dd/mm/yyyy

*If the PEP beneficial owner is not the public office holder, PEP beneficial owner's connection with the public office holder:* Enter details

Beneficial ownership attestation

The company should select one of the following forms of attestation as appropriate.

~~1. Full Attestation~~

~~“I, undersigned, for and on behalf of [company], confirm that all information provided in the above beneficial ownership declaration is, to the best of my knowledge, accurate and reliable.”~~

~~Attestation prepared by: Name, Position, Signature~~

~~2. Qualified Attestation~~

~~“I, undersigned, for and on behalf of [company], confirm that all information provided in the above beneficial ownership declaration is, to the best of my knowledge, accurate and reliable, subject to the following qualifications:~~

- ~~Information was not received from one or more beneficial owners; and/or~~
- ~~One or more beneficial owners did not give satisfactory consent for the disclosure of information; and/or~~
- ~~Other — please specify.”~~

~~Attestation prepared by: Name, Position, Signature~~