



## Guidance for Approval Requirements under the Subsoil Act for Work on Existing Offshore Wells

**Office/department**

Center for Geoenergi og lagring/Indvinding og miljø

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This guidance sets out criteria for when an approval from the Danish Energy Agency is required pursuant to Section 28(3) of the Subsoil Act.<sup>1</sup> In addition, this guidance lays down the requirements for environmental assessments for work carried out on existing offshore production and injection wells covered by licenses for exploration and production of raw materials. Most often these are referred to as workovers and well interventions.

### Legal basis

Work carried out on existing offshore wells covered by licenses for exploration and production of raw materials is subject to Section 28(3) of the Subsoil Act:

*The Subsoil Act*

*(Unofficial translation. In case of discrepancy, the original Danish text shall prevail.)*

*Section 28*

*[...]*

*(3) Works in connection with drilling or modifying wells in the offshore area covered by licenses for exploration and production of raw materials, including hydrocarbons, may not be initiated until the approval of the Minister for Climate, Energy and Utilities has been obtained for resource-related issues concerning equipment, working programme and working methods in each individual case.*

*[...]*

The Danish Energy Agency may lay down conditions in decisions pursuant to Section 28, cf. Section 28(4) of the Subsoil Act.

Where work on offshore wells entails substantial changes to the approved development and production plan, such changes must be processed in accordance with Section 10(3) of the Subsoil Act beforehand.

The proposed work must be assessed in accordance with the nature protection directives (the Habitats Directive<sup>2</sup> and the Birds Directive<sup>3</sup>), which for offshore projects are implemented in Section 28a of the Subsoil Act and the Offshore Habitats Executive Order.<sup>4</sup>

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<sup>1</sup> Lov om anvendelse af Danmarks undergrund, jf. lovbekendtgørelse nr. 1461 af 29. november 2023 med senere ændringer (the Subsoil Act).

<sup>2</sup> Council Directive 92/43/EEC of the 21<sup>st</sup> of May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206 22.7.1992 (the Habitats Directive)

<sup>3</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, OJ L 20, 26.1.2010 (the Birds Directive)

<sup>4</sup> Bekendtgørelse nr. 846 af 26. juni 2024 om administration af internationale naturbeskyttelsesområder og beskyttelse af visse arter ved videnskabelige undersøgelser,

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Furthermore, the proposed work must be assessed pursuant to Section 18 of the Marine Strategy Act.<sup>5</sup>

In certain cases, work approved under Section 10 or Section 28 of the Subsoil Act will be subject to environmental assessment (screening or a full environmental impact assessment) in accordance with the Environmental Assessment Act<sup>6</sup> before the Danish Energy Agency may grant approval.

### **Approval of work on existing offshore wells**

As a general rule, a distinction is made between:

- (A) Well operations (work) involving modification of the well, requiring approval from the Danish Energy Agency pursuant to Section 28 of the Subsoil Act; and
- (B) Operations that do not involve modification of the well and therefore, as a general rule, do not require approval from the Danish Energy Agency.

In each individual case, a specific assessment must be made as to whether the work falls within category (A) or (B). The information necessary for this assessment will be obtained from the licensee.

- A. Below is a (non-exhaustive) list exemplifying work involving the modification of wells requiring approval pursuant to Section 28(3) of the Subsoil Act regarding resource-related matters concerning equipment, programme and working methods):
  - Operations requiring pulling of the upper completion (workover).
  - Perforation jobs that alter the purpose / functionality of the well or establish communication with new reservoir units.
  - Stimulation of wells or zones not previously planned for stimulation.
  - Cementing jobs, including cement plugs or other barrier materials, and conformance treatments using cement or similar materials.
  - Installation of permanent barriers in the well.
  - Plug and abandonment (P&A) operations.

It is further noted that well operations resulting in a substantial change to the approved development and production plan - for example, conversion of a production well to injection, or permanent shut-in or suspension of a development well with cement barriers/plugs or similar - is also subject to approval by the Danish Energy Agency pursuant to Section 10(3) of the Subsoil Act.

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forundersøgelser, efterforskning og indvinding af kulbrinter, lagring i undergrunden, rørledninger, m.v. offshore (the Offshore Habitats Executive Order)

<sup>5</sup> Lovbekendtgørelse nr. 123 af den 01. februar 2024 om lov om havstrategi (the Marine Strategy Act).

<sup>6</sup> Lovbekendtgørelse nr. 4. af 03. januar 2023 om lov om miljøvurdering af planer og programmer og af konkrete projekter (VVM) (the Environmental Assessment Act).



## B. Operations covered by Category B

Category B comprises operations that, as a general rule, do not require approval from the Danish Energy Agency pursuant to Section 28(3) of the Subsoil Act, but where the planned execution must be notified to the Danish Energy Agency.

Such operations do not involve modification of the well and its planned functionality and do not result in substantial changes to the approved development and production plan, nor direct changes to the approved reservoir recovery mechanism or production strategy for the well. Category B typically includes activities related to operations, maintenance, routine testing, etc.

Examples of Category B operations are set out in Appendix I.

The Danish Energy Agency must be informed of Category B operations in reasonable time prior to execution. This may be done by email and in connection with the Agency's general supervision of the license, including license meetings, annual meetings, and annual reporting/work programmes.

## **Environmental Assessments of Work on Existing Offshore Wells**

### *The Environmental Assessment Act*

Where proposed work requires approval pursuant to Section 28(3) (and/or Section 10(3)) of the Subsoil Act, it must also be assessed whether the work and the specific project are subject to the Environmental Assessment Act.

Well operations on existing wells will generally constitute a modification of an already approved project, which may also qualify as a project under the Environmental Assessment Act.

If the work (i.e. the modification) is considered likely to result in a risk of significant adverse environmental effects, it constitutes a project subject to the Environmental Assessment Act. In such cases, the applicant must prepare a screening report addressing the project's potential environmental impacts in accordance with Annex 6 of the Environmental Assessment Act.

On the basis of the screening report, the Danish Energy Agency will decide whether the project requires a full environmental impact assessment (EIA), or whether it is not subject to environmental assessment requirements.

If the well operation in question has already been environmentally assessed in connection with a previous decision pursuant to Section 10 or Section 28 of the Subsoil Act, and this assessment is considered accurate and adequate, the proposed work need not be reassessed under the Environmental Assessment Act, provided



that the proposed work and its impacts remain unchanged compared to the previous assessment.

In each case, the licensee should consult the Danish Energy Agency to clarify whether the specific work is subject to the Environmental Assessment Act.

#### *The Offshore Habitats Order*

Where proposed work requires approval pursuant to Section 28(3) (and/or Section 10(3)) of the Subsoil Act, its potential impact on international nature protection areas (NATURA 2000 sites) and certain species (Annex IV species) must in all cases be assessed, cf. Section 28a of the Subsoil Act and the Offshore Habitats Order.

With regard to potential impacts on NATURA 2000 sites, the Danish Energy Agency must initially screen whether the proposed activity, alone or in combination with other projects, may be assumed to have a significant effect on NATURA 2000 sites within or outside Danish territory (screening for significance). If the Danish Energy Agency concludes that the project may significantly affect a NATURA 2000 site, an Appropriate Assessment of the project's implications for the site must be carried out. The Danish Energy Agency will inform the applicant whether such an Appropriate Assessment is required.

With regard to Annex IV species, the Danish Energy Agency must assess whether the proposed work would deliberately disturb animal species listed in Annex IV of the Habitats Directive or damage or destroy breeding sites or resting places of such species.

In connection with the application, the applicant must submit the necessary information and assessments under the habitat rules for evaluation by the Danish Energy Agency, cf. Sections 3(2) and 5(3) of the Offshore Habitats Order.

#### *The Marine Strategy Act*

The proposed work must also be assessed pursuant to Section 18 of the Marine Strategy Act, under which the Danish Energy Agency must determine whether the proposed activity would prevent the achievement or maintenance of good environmental status and thereby fail to comply with the established environmental targets and programmes of measures for the 11 descriptors set out in Annex 2 to the Marine Strategy Act.

The applicant must submit the necessary information and assessments under the Marine Strategy Act for evaluation by the Danish Energy Agency.



Danish Energy Agency

### **Other Approvals**

Please note that an approval of work referred to in this guidance concerns only matters covered by the Subsoil Act. No position has been taken as to whether approval under other legislation may be required.



## Appendix I

Examples of typical Category B operations generally not requiring approval under Section 28(3) of the Subsoil Act, but for which the Danish Energy Agency must be notified in advance. The examples below are indicative.

- Various logging operations, including sampling in the well and production/injection logging.
- Caliper surveys and drift runs.
- Installation and removal of temporary barriers (mechanical plugs).
- Installation and removal of side pocket valves in existing side pocket mandrels (dummy valves, gas-lift valves, etc.).
- Installation of straddles in production tubing.
- Replacement of wireline retrievable subsurface safety valves.
- Sand clean out operations.
- Removal and clean out of wax deposits.
- Removal and cleanout (including milling) of scale deposits.
- Fishing operations.
- Stimulation of wells or zones already planned and approved for stimulation, including restimulation of previously stimulated zones.
- Perforation jobs in wells of reservoir units from which the well already produces and which do not alter the purpose / functionality of the well.
- Opening/closing of sliding side doors (SSDs) in multi-zone wells, provided the zones are within the same reservoir and/or production is covered by an approved development plan (Section 10 (3)).
- Nitrogen lifting in wells.
- Maintenance and replacement of electrical submersible pumps (ESPs).
- Maintenance of Christmas trees (Xmas trees) and wellheads.
- SCSSSV (Surface Controlled Subsurface Safety Valve) inflow/function testing.
- Testing with tracers in the well.
- Pressure testing of the well (tubing/casing, including gas-lift valves, etc.).
- Replacement of annular fluids.