

Extractive Industries
Transparency Initiative
Reconciliation of cash flows from
the petroleum industry in
Norway



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Executive summary

This report summarizes the result of the first reconciliation of cash flows from the petroleum activities as part of the implementation of Extractive Industries Transparency Initiative (EITI) in Norway. The 1st reporting was completed in the autumn of 2009 and included payments made in 2008.

The EITI reporting includes petroleum tax, CO₂ tax, NO_x tax, area fee and other payments. The reporting also includes Petoro's reporting of cash flows associated to the State's Direct Financial Interest (SDFI), including StatoilHydro's reporting of cash flows in the role of marketing and selling the Norwegian State's share of petroleum production from the Norwegian Continental Shelf. The figure below illustrates the relative size of the various revenue streams:

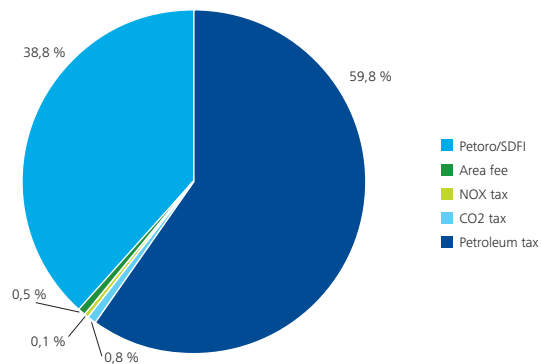


Figure 1 Relative size of revenue stream

Several discrepancies were revealed during the reconciliation. Following an explanation of the discrepancies, reported cash flows from the licensees totaled TNOK 400.489.701.

The discrepancies in the reporting have mainly been explained by timing differences, or amounts initially left out from the reporting from one of the parties. Some discrepancies have occurred as a result of uncertainties among the parties in relation to what to include in the reporting.

This was the first reporting undertaken of its kind in Norway. Irrespective of how much planning is carried out, the first reporting is likely to encounter issues or problems in any country that were never envisaged during the planning stage. In Norway, the issues have mainly been related to:

- uncertainties related to which entities should be included in the reporting
- some uncertainty related to which payments should be reported from the entities
- need for clarification in relation to confidential information

Based on the clarifications made during the reporting for 2008, it is expected that the number of discrepancies will likely come down during next year's reporting. We recommend that more specific guidelines be prepared in cooperation with the entities involved when it comes to reporting from Petoro, The Central Bank of Norway and StatoilHydro.

Table 1 summarizes the reported figures for the 2008 reporting year for the licensees and the Government. The figures are presented in thousand Norwegian kroner (TNOK).

Table 1: Aggregated cash flows from the petroleum industry

Aggregated payments	Initial reporting TNOK	Resolved discrepancies TNOK	Without reporting from counterparty TNOK	Adjusted reporting TNOK
Licensees	398.815.042	1.679.803	-5.143	400.489.701
Government	400.474.742	567	14.392	400.489.701
Discrepancy	-1.659.700	1.679.236	-19.535	-

The table is showing a discrepancy of TNOK 1.659.700 between the licensees and the Government's initial reporting. TNOK 1.679.236 has been explained, whereas TNOK 19.535 is related to amounts reported by Government or licensees, without reporting from the counterparty being obtained (one-sided data). There are no remaining unresolved discrepancies.

Glossary and abbreviations

Administrator	Independent company hired to perform the reconciliation of reported payments and revenues from the licensees and the government
Aggregation	Payments are combined so that the figures are showing totals per revenue stream
CO₂	Carbon dioxide
Disaggregation	Payments are detailed per revenue stream and/ or per licensee
DKK	Danish kroner
EITI	Extractive Industry Transparency Initiative
EUR	Euro
GBP	Pound sterling
Government	Used in this report as a collective term comprising the Norwegian Tax Administration, the Norwegian Petroleum Directorate, the Toll Customs and the Central Bank of Norway
Licensee	Company that has been awarded a license interest in a license permit on the Norwegian Continental Shelf
License permits	Permits awarded by MPE to perform exploration drilling and production on the Norwegian Continental Shelf
MPE	Ministry of Petroleum and Energy
NCS	Norwegian Continental Shelf
NEITI	The regulation in Norway for reporting and reconciliation of cash flows from the petroleum industry ("Regulation regarding reporting and reconciliation of cash flow from the petroleum industry", FOR 2009-26-06-856)
Net Profit Interest	Cash flows from licenses in which SDFI has no direct owner share but is entitled to receive a share of the profit. The share of profit is paid to Petoro by the licensees.
NOK	Norwegian kroner
NOX	Nitrogen dioxide
OECD	Organization for Economic Co-operation and Development
Operator	Company (licensee) appointed by MPD to operate the activity in accordance with the license permit
Pension Fund	Government Pension Fund- Global
Petoro AS	Company 100% owned by the Norwegian state. Petoro AS is responsible for the management of the SDFI portfolio (the state's ownerships in license permits on the Norwegian Continental Shelf) on behalf of the state.
Petroleum	Collective term meaning oil, gas, ngl and condensate
SDFI	State's Direct Financial Interest
StatoilHydro ASA	Company owned 67 % by the Norwegian state (per 30. October 2009)
St. meld.	White paper
TDKK	Thousand Danish kroner
TEUR	Thousand Euro
TGBP	Thousand pound sterling
TNOK	Thousand Norwegian Kroner
USD	US dollar



1. Introduction

1.1 Background

Extractive Industries Transparency Initiative (EITI) has issued a global standard for transparency in the oil, gas and mining industries. Through the principles and criteria within EITI, the objective is a standard for publishing cash flows between companies in the extraction industry and the government.

Norway has, as the 1st OECD country, decided to implement the EITI criteria, and as of February 2009, Norway was accepted as a candidate. This meant that Norway was required to establish an organizational structure for the reporting and reconciliation of the revenue streams in line with the guidelines applicable for EITI.

The implementation of the EITI criteria in Norway is passed through a separate regulation for the reporting and reconciliation of cash flows from the petroleum industry (from now on referred to as "the NEITI regulation"). The regulation came into effect as of July 1st 2009, and instructs licensees on the Norwegian Continental Shelf to report all payments made to the state. Additionally, certain bodies of government are required to report revenues received. These payments and revenues shall be reconciled by an independent administrator. The implementation of the EITI should be overseen by a group comprising all appropriate stakeholders.

The multi- stakeholder group was nominated with effect from July 1st, 2009, following an intermediate group that had already been in place. The group is led by a representative from the Ministry of Energy and Petroleum.

The first reporting of cash flows under the EITI regulation was carried out in the fall of 2009, for cash flows from the 2008 fiscal year. The Ministry of Petroleum and Energy (MPE) appointed Deloitte AS (Deloitte) as administrator.

The administrator's role is to:

- receive reporting from licensees and governmental agencies
- compile the reporting and seek to resolve discrepancies to the extent possible
- prepare and publish a report comprising the reconciled payments and revenues, any discrepancies and other issues of relevance to understand the payments and revenues from the petroleum activity.

The NEITI regulation defines the deadlines for reporting.

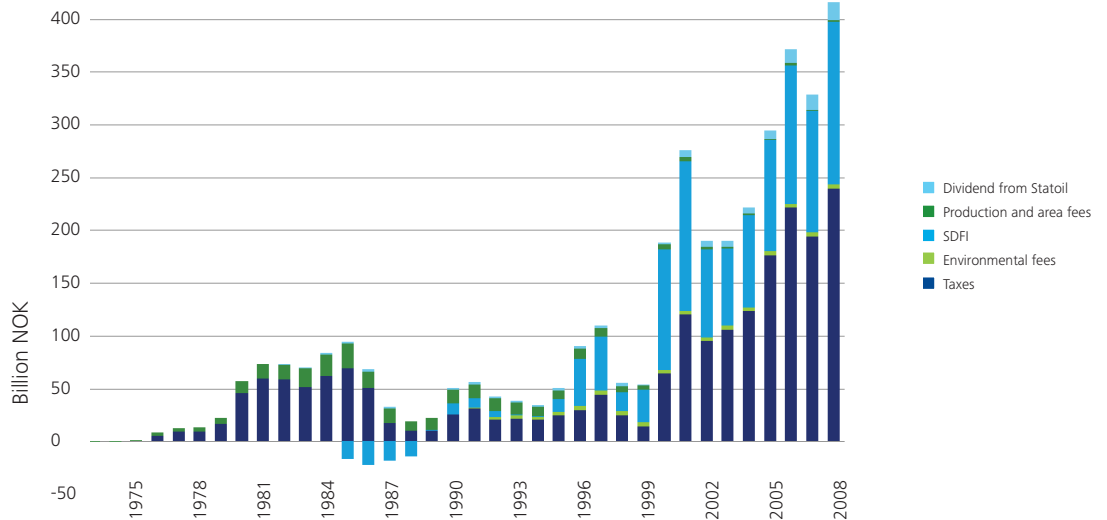
EITI aims to promote transparency in order to prevent corruption and provide citizens with a basis for demanding fair use of revenue. Transparency is also expected to enhance investments.

1.2 Which payments are included

The Norwegian state receives their share of the value created from the petroleum resources through:

- Taxation of oil and gas activities
- Charges/ fees
- Direct ownership of the fields on the Norwegian Continental Shelf (SDFI)
- Dividends from ownership in StatoilHydro

Below is a figure based on data from MPE showing the advancement in net cash flow to the state from the petroleum activity in the period 1973-2008:



Source: Facts 2009, www.npd.no/Documents/Faktaheftet2009, figure 3.1

Figure 2 Net cash flows to the state from the petroleum activity

A further overview of the Norwegian Petroleum industry, including a description of the Norwegian petroleum taxes and fees, can be found in the publication "Facts - The Norwegian petroleum sector", which is published every year by The Ministry of Petroleum and Energy together with the Norwegian Petroleum Directorate ([see http://www.npd.no/en/Publications/Facts/Facts-2009/](http://www.npd.no/en/Publications/Facts/Facts-2009/)).

The NEITI regulation defines the payments to be included in the reporting. Each year the licensees should report all payments made in the previous calendar year in relation to the petroleum industry, based on the following legislation:

- the Petroleum Taxation Act of June 13, 1975 no. 35
- the Act of 21. December 1990 no. 72 relating to CO₂ tax on the petroleum activity on the continental shelf
- the Regulation of 11. December 2001 no. 1451 relating to special duties chapter 3-19 regarding emission of NO_x
- the Petroleum Act § 4-10.

As the manager of the State's Direct Financial Interest (SDFI), Petoro AS (Petoro) shall report all payments made in the previous calendar year to the state in relation to SDFI. StatoilHydro ASA (StatoilHydro) shall report all payments made to the state as a result of their role relating to the sale and marketing of the state's share of the oil and gas production.

The Norwegian Tax Administration, the Norwegian Petroleum Directorate, the Toll Customs, Petoro and the Central Bank of Norway are required to report to the administrator the revenue received on the basis of the payments that the licensees are required to make.

The NEITI regulation also states that the reporting entities should report all other payments made to the government or government officials in the previous calendar year, resulting from petroleum activity. This is included in order to capture payments that are not necessarily required by law.

The reporting can be illustrated as follows:

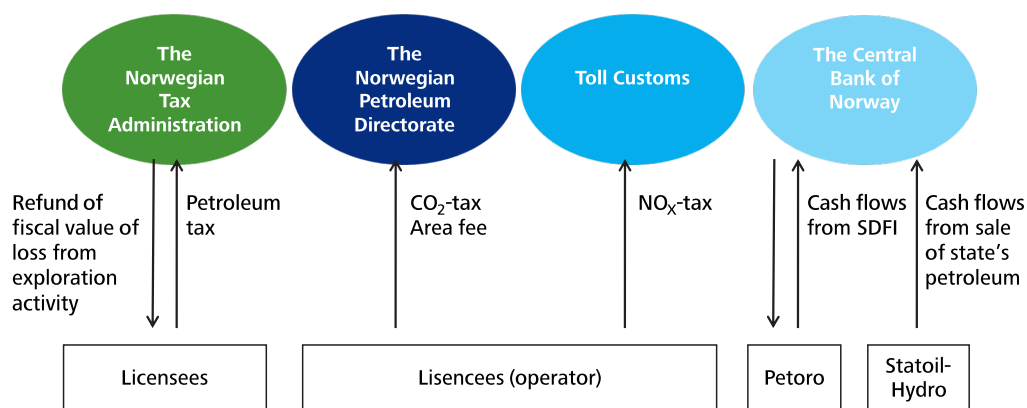


Figure 3 Reporting entities and specified revenue streams

The EITI guidelines provide some flexibility in determining which revenue streams to include in the reporting which depends upon the materiality of the payments in question. In Norway established guidelines have exempt certain payments based on materiality:

- The licensees are not required to report administration fees paid to the Norwegian Petroleum Directorate for processing of applications regarding seismic surveys, exploration permits, and extraction permits. The fees amount to NOK 30.000, 60.000 and 100.000 respectively, and are paid in accordance with the regulation to the Petroleum Act §§ 5 and 9. Deloitte has been informed by MPD that the fees amounted to approximately MNOK 23 in 2008.
- The same applies to the licensee's refund of expenses for supervision of security, work environment, and resource administration in the petroleum industry. Deloitte has been informed by MPD that the refunds in 2008 amounted to approximately MNOK 73.

The reporting also excludes payments that are not directly related to upstream petroleum activity or that are not made to the state. This implies that:

- Indirect fees such as VAT or import duties are not required to be reported. VAT is a general consumer tax and applies to a wide variety of goods and services. Similarly; the import duties are general in nature and apply to all industries.
- Since the NEITI relates to payments to the state only, municipal taxes, property taxes etc. have been exempted. Such fees and taxes are similar for all industries and no special rates apply for oil and gas companies.
- Also, the guidelines to NEITI state that environmental fees levied on products sold from petrol stations are not included. Such fees are levied on the consumption of petroleum and not on the extraction.
- Furthermore, StatoilHydro is not required to report payments of dividend to the state as a shareholder. Based on the state's account, the dividend amounted to TNOK 16.940 during the 2008 fiscal year. The State owns fully or partly several companies in Norway and it was decided that the dividend from StatoilHydro should not have different treatment from other dividends.

The extent and content of the EITI reporting in Norway may be subject to change from year to year based on evaluations made by the stakeholder group.

1.3 Content and objective of the report

This report summarizes the result of the 1st year's reconciliation of cash flows. The reconciliation comprises cash flows of the fiscal year ending December 31, 2008.

The report consists of four chapters. Chapter 1 describes the background and objective of the reporting. The reporting, compilation, and reconciliation processes are presented in chapter 2. In chapter 3, the compilation and reconciliation of payments is presented on an aggregated level. Lessons learned during the 1st year of implementation are summarized in chapter 4, and a conclusion is presented in chapter 5. Reported figures, disaggregated on a company- by-company level, are included as appendices to the report.

The amounts in this report are stated in thousand Norwegian kroner (TNOK) unless otherwise stated. Amounts stated in minus (-) imply payments made from governmental agencies to the licensees.

We have performed our work in accordance with the International Auditing Standards applicable to related services (ISRS 4400 Engagements to perform agreed upon procedures regarding Financial Information). Our procedures are listed in section 2.4.

Our procedures do not represent a limited or full audit. The information presented in our report, or information provided by licensees or governmental agencies, has not been subject to control or verification procedures unless otherwise stated in the report. By performing additional procedures, or a limited or full audit in accordance with auditing standards, other issues may have been detected and reported.

The objective of this report is to enhance transparency within the petroleum industry. Our procedures are not designed to locate fraud or misstatements, but rather to provide information that will assist with accountability.

2. Process

2.1 Reporting templates

The Ministry of Petroleum and Energy has developed standard reporting templates to facilitate the reporting from the licensees and governmental agencies. The templates have been tailored to include the most relevant cash flows. These cash flows are assumed to include petroleum tax, CO₂ tax, NO_x tax and area fees. Other payments are required to be specified separately.

Payments of CO₂ tax, NO_x tax and area fees are made from the operator to the government on behalf of the licensees in each license. The licensees are charged for their portion of the fees through cash calls from the operators. The NEITI guidance clearly states that the operator is responsible for reporting payments made by the operator to the government on behalf of each licensee. Therefore, the reporting should not be seen as a complete picture of the contribution from each licensee with respect to payments.

For further details on reporting templates see appendix 10.

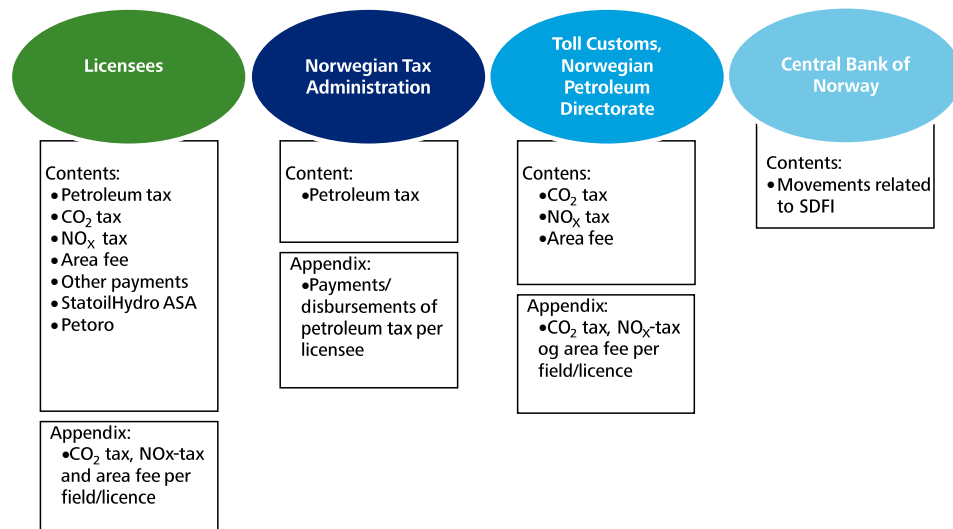


Figure 4: Overview of contents in reporting templates

2.2 Data collection

On July 15th, 2009, the Ministry of Petroleum and Energy issued instructions, including reporting templates, and copies of the regulations and guidelines, requesting licensees and governmental agencies to report according to the NEITI regulation. The entities were required to report directly to the administrator, Deloitte, and direct any questions regarding the reporting templates to Deloitte.

According to the NEITI regulation, August 1st is the deadline for reporting each year. As this was the 1st year of implementation, MPE extended the deadline to August 17th, 2009. Since StatoilHydro is the operator of several fields and also is required to report on the cash flows from the sales and marketing of the state's petroleum, MPE agreed with StatoilHydro to extend the deadline for reporting in 2009 to September 1st.

As of August 17th, 2009, 35 licensees and governmental agencies had reported their cash flows. In addition to this, a significant number of licensees reported the following week. Deloitte notified MPE of the entities that had not yet reported. MPE followed up on these entities, and most of the entities responded immediately. The reason for late reporting was explained mainly to be due to the summer holidays. In addition, issues relating to confidentiality arose and had to be dealt with before Toll Customs and the Norwegian Tax Administration reported (ref section 4.3).

With regards to the compilation of the reporting, it was noted that the Norwegian Tax Administration reported cash flows from nine companies that had not received a request to report from MPE:

- Four of these companies are no longer licensees on the Norwegian Continental Shelf. MPE therefore decided not to request these companies to report.
- Some companies had a corporate relationship with licensees who were requested to report, and Deloitte contacted these licensees in order to obtain the reporting.
- The remainder of the companies received a letter from MPE requiring reporting as of September 15th, 2009.

Similarly, the Toll Customs reported cash flows from ten companies that are not subject to the NEITI regulation, and therefore not required to report. These companies are presented as "Other companies – not licensees" in appendix 4.

Following the above clarification we expected 69 licensees and governmental agencies to report. All entities had reported by the time this report was completed. See appendix 9 for a complete overview of entities.

2.3 The reporting of cash flows to the state from Petoro and StatoilHydro

The State's Direct Financial Interest (SDFI) is an arrangement where the state owns a share of the oil and gas fields, pipelines and onshore construction. The share is determined by the issuing of the license permit, and the size varies from field to field. As an owner, the state covers its part of the investments and expenses, and receives a share of the revenue from the license permits. The management of the SDFI portfolio is provided by the state owned company Petoro. Separate cash accounts are prepared by Petoro for SDFI, which is subject to audit by the Office of the Auditor General of Norway.

StatoilHydro markets and sells the Norwegian state's oil and gas production from the Norwegian Continental Shelf. Cash flows generated from this activity are included in the cash accounts that Petoro prepares on behalf of SDFI.

The Central Bank of Norway receives, on behalf of the state, all cash flows from SDFI including cash flows generated from the sales and marketing of the state's share of oil and gas production managed by StatoilHydro.

Figure 5 below illustrates the flow of transactions between Petoro/SDFI, StatoilHydro and the Central Bank of Norway:

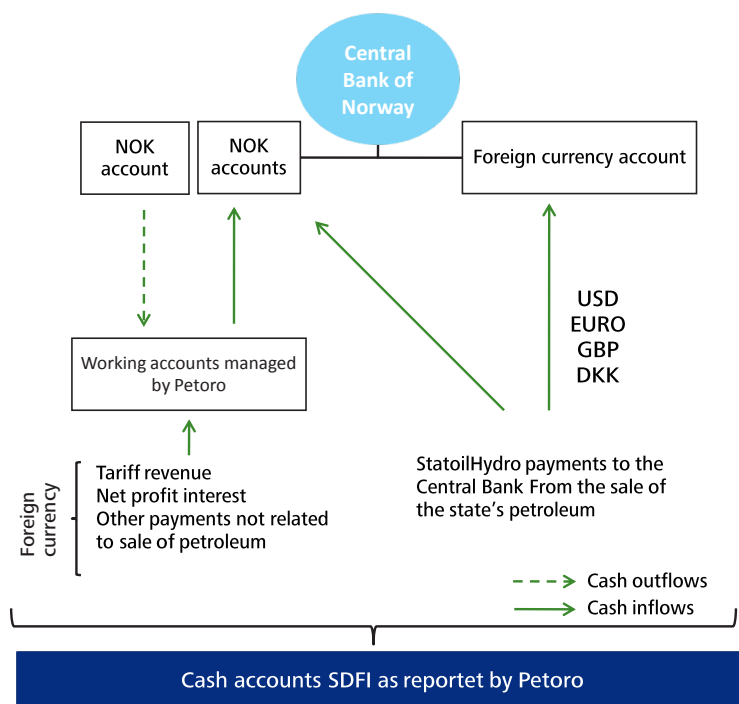


Figure 5: Payments from/to Petoro/SDFI, StatoilHydro and the Central Bank of Norway

In connection with the EITI reporting, some uncertainties arose as to how to report cash flows from SDFI, and what to include in the reporting from the Central Bank of Norway and from StatoilHydro relating to the sale of the state's petroleum. The following was decided for 2008:

- Petoro reports the movements on the SDFI cash accounts for 2008. These cash flows represent a net amount, meaning cash inflows from marketing and sale of petroleum, tariff revenues and other revenues minus cash outflows from operating costs and capital expenditures. The cash flows reported in the cash accounts from SDFI comprise the total activity reflected in the SDFI accounts, including StatoilHydro's payments arising from marketing and selling the state's petroleum.
- The Central Bank of Norway reports the movements on the state's bank accounts for SDFI in the Central Bank of Norway for 2008.
- The administrator reconciles the cash account movements reported from Petoro for SDFI against the movements reported from the Central Bank of Norway. The reconciliation is performed in Norwegian Kroner.
- In addition to this, the administrator prepares a separate sub- reconciliation of gross payments in foreign currencies and NOK from StatoilHydro and Petoro to the Central Bank of Norway. These payments are generated from StatoilHydro's marketing and sale of the state's petroleum together with other payments from Petoro (mainly cash flows from tariff revenues, dividends and net profit interest).

2.4 Compilation of data and resolving discrepancies

The process of compiling the reporting and resolving discrepancies has been performed by Deloitte in the period from July to October 2009 with some follow-up activity.

Deloitte has performed the following procedures on the reported figures:

- Reported figures per licensee have been compiled item by item against reported figures from Government. Based on this compilation, discrepancies have been specified item by item for each licensee.
- If the reporting from governmental agencies agreed with the licensee's reporting, the government figures were considered to be confirmed by the licensee's reporting, and no further follow-up was necessary.
- In those cases where discrepancies appeared, licensees were contacted by phone or e-mail. Deloitte gave information of whether discrepancies were related to taxes or fees. Amounts from the other party were not disclosed.
- The licensees were asked to provide details of the amounts (dates and figures). In most cases this enabled us to explain discrepancies.
- To the extent that we did not succeed in finding the reason for the discrepancy through contact with the licensees, we contacted the governmental agency and asked for details of the cash flows.
- Furthermore, we prepared, for information purposes, a reconciliation of reported cash flows under EITI to cash flows from the petroleum industry as presented in the state accounts of 2008, made publicly available through St. meld. nr 3 (2008-2009).
- Also, we have compared the reporting based on EITI from Petoro and from the Central Bank of Norway to the published Financial Statements from Petoro and the Central Bank of Norway, see Appendix 8.

This process does not confirm that there were no other payments made to the government other than those that were reported, as such amounts may have been omitted in the reporting from licensees or governmental agencies. The current regulations do not require us to perform detailed testing in order to uncover such omissions; and to uncover such omissions would be difficult even through detailed testing of all licensees.

The result of our procedures is presented in chapter 3.

3. Reconciliation of reported payments

3.1 Reconciliation of totals

In total, we received reporting from 69 licensees and governmental agencies. Out of these, 7 of the licensees did not have any amounts to report, 58 licensees reported on petroleum tax, 9 reported on CO₂ tax, 10 reported on NOX tax, and 18 reported on area fee. A total of 9 licensees reported on other payments. Table 2 presents aggregated cash flows as reported. A disaggregated overview company- by- company is presented in appendix 1.

Table 2: Aggregated cash flows from the petroleum industry

Aggregated payments	Initial reporting TNOK	Resolved discrepancies TNOK	Without reporting from counterparty TNOK	Adjusted reporting TNOK
Licensees	398.815.042	1.679.803	-5.143	400.489.701
Government	400.474.742	567	14.392	400.489.701
Discrepancy	-1.659.700	1.679.236	-19.535	-

Initially the licensees reported payments of TNOK 398.815.042 to the Government. The payments reported by the licensees were TNOK 1.659.700 lower than the payments reported by the Government.

- Of this, TNOK 1.679.236 has been explained through the reconciliation work.
- The column "without reporting from counterparty" includes amounts reported by licensee or Government, however, no reporting from the counterparty has been obtained. The amount includes:
 - TNOK 5.143 of "Other payments" to Government reported by licensees. Reporting from Government has not been obtained for these payments in 2008.
 - TNOK 14.392 in net payment from Government to companies that are not regarded as required to report based on NEITI. The amount can be split into tax refund from the Government, TNOK 33.770, paid to 4 companies that are no longer licensees, and therefore, no reporting have been obtained. Further, the Government has reported NO_x fee, TNOK 19.378, received from 10 companies that are not licensees and not required to report based on the NEITI.
- There are no unresolved discrepancies after adjustment for payments where information is only reported by one of the parties for the reasons explained above.

The discrepancies are further analyzed per revenue stream in section 3.2 below.

3.1.1 Transfer of payments to the Government Pension Fund- Global

Net cash flow from the petroleum industry is transferred to the Government Pension Fund – Global (the Pension Fund). This fund is managed by the Central Bank of Norway on behalf of the Ministry of Finance. The purpose of the Government Pension Fund – Global is to support government savings to finance pension expenditure and underpin long-term considerations in the use of Norway's petroleum revenue.

For information purposes we have included a reconciliation of the total reported cash flows according to EITI against the cash flows to be transferred to the Pension Fund, as presented in "St. meld nr 3 (2008-2009) Statsrekningskapen for 2008", published on April 24, 2009. The transfers to the Government Pension Fund- Global appear in the state accounts of 2008 table 3.2 "Resultatrekningskap for Statens pensjonsfond – Utland". Note that the figures in table 3 below are in NOK million:

Table 3: Reconciliation between the EITI reporting and the state accounts

Reconciliation to state accounts of 2008		MNOK
Net cash flows transferred to the Government Pension Fund- Global according to state accounts table 3.2 ¹⁾		415.866
Reported EITI cash flows according to table 2 above		400.474
Discrepancy		15.392
Reported in the state accounts, but not part of EITI regulation		
- Dividends from StatoilHydro		-16.940
- Transferrals to the state's pension insurance fund		1.841
Petroleum tax in state accounts in excess of EITI reporting ²⁾		-113
Movements in outstanding accounts between the state and Petoro, see table 12		-180
Unresolved discrepancy		0

Source: www.regjeringen.no/nr/dep/fin/Dokument/proposisjonar-og-meldingar/stortingsmeldingar/2008-2009/stmeld-nr-3-2008-2009

¹⁾ See appendix 8 for additional reconciliation

²⁾ The discrepancy is due to payments accounted for in the state financial statements in 2007, but disbursed to companies in 2008 and therefore included in Government's and companies' EITI reporting of 2008.

There are no unexplained deviations between the EITI reporting and the numbers published in the state accounts.

3.2 Cash flow per revenue stream

The EITI reporting can be disaggregated into the following cash flows per revenue stream as presented in table 4:

Table 4: Aggregated cash flow per revenue stream

TNOK	Licensee	Government	Discrepancy	Resolved	Without reporting from counterparty	Un-resolved
Petroleum tax	237.932.752	239.528.270	-1.595.518	1.629.288	-33.770	-
CO ₂ tax	3.393.378	3.392.315	1.063	-1.063	-	-
NO _x tax	199.326	291.536	-92.210	72.863	19.378	-
Area fee	1.864.313	1.842.492	21.821	-21.821	-	-
Other payments	5.143	-	5.143	-	-5.143	-
Petoro /SDFI	155.420.129	155.420.129	-	-	-	-
Sum	398.815.042	400.474.742	-1.659.700	1.679.236	-19.535	-

The reported cash flows will be more closely examined in the following sections.

3.2.1 Petroleum tax

Petroleum taxation is based on the Norwegian rules for ordinary corporate tax. Due to the extraordinary profitability associated with production of the Norwegian petroleum resources, a special tax is also levied on income from these activities. The petroleum tax system comprises of an ordinary tax of 28 % on the result that is within the scope and extent of the act, in addition to a special tax of 50 %. Companies may under certain circumstances make an application for a refund of the fiscal value of exploration costs in the companies' tax returns. Such refunds from tax authorities are included in the amounts stated below.

Table 5 includes tax payments on an aggregated level. The table shows the original reporting from the licensees and Government, resolved discrepancies and compilation after resolved discrepancies. For a disaggregated overview of the reported petroleum tax company-by-company, see appendix 2.

Table 5: Aggregated reconciliation of petroleum tax

Aggregated payments	Initial reporting TNOK	Resolved discrepancies TNOK	Without reporting from counterparty TNOK	Adjusted reporting TNOK
Licensee	237.932.752	1.629.288	-	239.562.040
Government	239.528.270	-	33.770	239.562.040
Discrepancy	-1.595.518	1.629.288	33.770	-

26 companies reported tax payments that deviated from the reporting of the Norwegian Tax Administrations. Resolved discrepancies are presented in the table below, categorized based on the nature of the discrepancy.

Table 6: Type of discrepancy – petroleum tax

Type of discrepancy	TNOK
Timing differences	-27.786
Other discrepancies	1.657.075
Rounding	-1
Sum resolved discrepancies	1.620.288
Reported from tax authorities, but exempted EITI reporting	-33.770

Timing differences

Three of the discrepancies were caused by timing differences. This is due to a payment date close to year end causing the payments to have been booked on different years with the company or Government, or reported figures being based on charged tax expenses rather than paid tax.

Other discrepancies

- Eight of the companies have included tax related to onshore activity or tax paid to foreign authorities in their reporting.
- One company has reported tax paid on behalf of another company that is not subject to taxation under the Petroleum Taxation Act.
- One company did not understand from the regulation that the reporting should include refunds relating to the fiscal value of the exploration costs
- One company failed to report a tax refund
- One company reported a tax payment as a tax refund
- Three companies have not included interest on tax in the reporting.
- One company initially reported wrong numbers, but subsequently issued an amendment to the reporting which confirmed the amount reported by the tax authorities.
- One company omitted an adjustment of interest in initial reporting.

Reported from the tax authorities, but exempted EITI reporting

The Norwegian Tax Administration has reported tax refund based on the Petroleum Taxation Act for four companies that no longer are licensees on the Norwegian Continental Shelf. The Ministry of Petroleum and Energy has not demanded reporting from these companies based on an evaluation that they are not subject to the NEITI regulation. The government's reporting of these figures is included in the column "Without reporting from counterparty".

3.2.2 CO₂ tax

CO₂ tax was introduced in 1991 and is an instrument for reducing CO₂ emissions from the petroleum sector. The CO₂ tax is levied at a rate per standard cubic metre (scm) of gas burned or directly released and per litre of petroleum burned. The rate for 2009 is NOK 0.45 per litre of petroleum or scm of gas.

Table 7 below presents reported figures for CO₂ taxes on an aggregated level. A complete disaggregated overview company-by-company is presented in appendix 3.

Table 7: Aggregated reconciliation of CO₂ tax

Aggregated payments	Initial reporting TNOK	Resolved discrepancies TNOK	Adjusted reporting TNOK
Licensee	3.393.378	-1.063	3.392.315
Government	3.392.315	-	3.392.315
Discrepancy	1.063	-1.063	-

The discrepancy is explained by the following:

- One company reported a CO₂ tax figure that after closer examination turned out to be NO_x tax.
- One company failed to report a refund of CO₂ tax.
- One company did not include interests paid relating to CO₂ tax.

The discrepancies for CO₂ taxes have been fully resolved.

3.2.3 NO_x tax

Pursuant to the Gothenburg Protocol of 1999, Norway has an obligation to reduce annual emissions of nitrogen oxides (NO_x). In order to fulfil this obligation, the NO_x tax was introduced from 1 January 2007. NO_x tax for 2008 is NOK 15.39 per kg of NO_x.

The Parliament has decided that companies may be exempted from the NO_x tax if they are subject to an environmental agreement with the state regarding clear measures designed to reduce emissions. Companies that join the arrangement also commit to contribute to the NHO NO_x fund. The tax-exemption applies for three years; 2008, 2009 and 2010 respectively. The reductions should be completed by the end of 2011. If the organisations have fulfilled less than 90 % of the yearly commitment within the deadline, the tax needs to be paid for the year in question.

The licensees are required to report payments of NO_x taxes to the state. Payments from the licensees to the NO_x fund are not reported because the fund is not considered a governmental body. Similarly, the fund is not required to report. Presented below is an aggregated summary of the reported NO_x payments to the Toll Customs. A disaggregated overview of reported NO_x taxes on a company-by-company level is presented in appendix 4.

Table 8: Aggregated reconciliation of NO_x taxes

Aggregated payments	Initial reporting TNOK	Resolved discrepancies TNOK	Without reporting from counterparty TNOK	Adjusted reporting TNOK
Licensee	199.326	73.255	-	272.551
Government	291.536	392	-19.378	272.551
Discrepancy	-92.210	72.832	19.378	-

The discrepancies can be explained by:

- One company did not initially report on NO_x taxes.
- One company initially omitted some transactions in the reporting.
- The Toll Customs included payments for two companies which upon review of the payment details were in fact related to 2007. The Toll Customs also initially included interests that did not relate to the companies.
- One company has adjusted the reporting several times due to identification of errors in the reporting (payments initially not included).
- One company initially omitted two refunds from the reporting.
- The Toll Customs have reported NO_x taxes for ten companies that are not licensees on the Norwegian Continental Shelf. The numbers have been included in the column "Without reporting from counterparty" in the table above.

The discrepancies for NO_x taxes have been fully resolved.

3.2.4 Area fee

The area fee shall contribute to efficient exploitation of the awarded acreage after the initial exploitation period is expired. The initial exploitation period is usually between 4 and 6 years. Accordingly, the area fee normally starts to apply from years 5 to 7 after the initial license was awarded. The area fee is 30.000 NOK per square kilometer the first year, 60.000 NOK per square kilometer the second year, and thereafter 120.000 NOK per square kilometer until submission of the Plan for development and operation.

Aggregated amounts for the area fee are presented in the table below. A disaggregated overview company-by-company is presented in appendix 5.

Table 9: Aggregated reconciliation of area fees

Aggregated payments	Initial reporting TNOK	Resolved discrepancies TNOK	Adjusted reporting TNOK
Licensee	1.864.313	-21.647	1.842.666
Government	1.842.492	174	1.842.666
Discrepancy	21.821	-21.821	-

The resolved discrepancies fall within two categories; timing differences and other discrepancies:

- One company reported payments on an accrual basis rather than on a cash basis.
- For one company the difference was due to timing difference of recording the payment.
- Four companies initially did not include all licenses in their reporting.
- One company included payments made on behalf of another licensee.
- One company initially did not include interest payments.
- In two cases the government reported payments on wrong companies.

The discrepancies have been fully resolved.

3.2.5 Other payments

A total of nine companies have reported on other payments. This amounts to TNOK 5.143. The table below is presenting a specification of other payments. A disaggregated overview company- by- company is presented in appendix 6.

Table 10: Other payments

Specification ³⁾	TNOK
Application fees/administration fees	2.844
Fees on the use of the Discos database ¹⁾	1.654
Force membership ²⁾	220
Annual conference, execution fees, approval Maersk Guardian, Awards in predefined areas	425
Sum	5.143

¹⁾ This fee is for the use of geological data paid to the Norwegian Petroleum Directorate

²⁾ FORCE is a forum run by the NPD and involves collaboration within reservoir characteristics, reservoir engineering and exploration technology cooperation.

Reporting from Government on these amounts has not been requested, and thus Deloitte has not been able to reconcile these amounts. Some companies seem to have reported payments that are exempted from the NEITI, such as administration fees for seismic exploration, exploration permits and extraction permits. We wish to emphasize that such payments have been reported, however we have not performed control procedures of compilation and discrepancy follow-up.

3.2.6 Petoro and the Central Bank of Norway

Cash flows reported from Petoro are associated with the State's Direct Financial Interest (SDFI) in the petroleum industry on the Norwegian Continental Shelf and other activities in relation to this. The reporting consists of net cash inflows and outflows. See section 2.3 for a more thorough description of these cash flows. The cash flows are deposited on accounts in the Central Bank of Norway. Table 11 shows net cash flows reported from Petoro on behalf of SDFI and the Central Bank of Norway accordingly. There are no discrepancies in the reporting.

Table 11: Net cash flow reconciliation between Petoro and the Central Bank of Norway

Net cash flow			TNOK
Petoro			155.420.129
Central Bank of Norway	Payments in foreign currency ¹⁾	212.083.845	
	Payments in NOK ²⁾	17.350.793	
	Disbursements in NOK ³⁾	-74.014.509	
	Sum movements in Central Bank of Norway	155.420.129	155.420.129
	Discrepancy		-

¹⁾ The amount is payments from StatoilHydro from the sales and marketing of the state's petroleum and is reconciled in section 3.2.7.1.

²⁾ The amount is a combination of payments from StatoilHydro and payments from Petoro, and is reconciled in section 3.2.7.2.

³⁾ Cash outflows are mainly field costs and investment related to SDFI. A separate reconciliation of these amounts has not been performed, other than making sure that movements on the accounts in the Central Bank of Norway, TNOK 155.420.120, reconciles to the sum of reported cash flow by Petoro.

Net cash from SDFI is included in the transfer to the Government Pension Fund – Global. We have, for information purposes, included a reconciliation of net cash flows according to EITI against net cash flows from SDFI, as presented in "St. meld nr 3 (2008-2009), Statsrekneskapen for 2008", published on April 24, 2009. The transfers to the Pension Fund appear in the state accounts of 2008 table 3.2 "Resultatregneskap for Statens pensjonsfond – Utland". Note that the figures in table12 are in millions of NOK:

Table 12: Reconciliation of EITI reporting to the state's financial statements

Table and item in the state's accounts 2008			MNOK
		State's Direct Financial Interest	
Table 3.2	Item 24	Operating result	152.576
Table 3.2	Item 30	Depreciation	15.741
Table 3.2	Item 50	Transfer from the state's petroleum insurance fund	708
Table 3.2	Item 80	Interest on state's capital	6.560
Table 3.2	Item 85	Interest on current account	13
Table 3.2	Item 30	Capital investments	-19.998
	Sum		155.600
Table 5.7		Movement on current account, state and Petoro	-180
Ref.table 11 above		Sum = net received from State's Direct Financial Interest	155.420

Source: www.regjeringen.no/nn/dep/fin/Dokument/proposisjonar-og-meldingar/stortingsmeldingar/2008-2009/stmeld-nr-3-2008-2009

There is no deviation between the reporting based on EITI for SDFI and the cash flows as published in the state accounts on April 24, 2009. See appendix 8 for further reconciliation.

3.2.7 StatoilHydro's reporting on the marketing and sales instruction

StatoilHydro markets and sells state-owned oil and gas on behalf of the state. Payments related to this activity are made directly to an account in the Central Bank of Norway. StatoilHydro is obliged by the NEITI to report cash flows from this activity. Note that StatoilHydro's payments related to this activity are also included in the figures for Petoro/Central Bank of Norway displayed above, as these figures are included in the movements on the cash accounts reported by Petoro on behalf of SDFI.

3.2.7.1 Payments in foreign currency

Payments in foreign currency are made to a foreign exchange account in the Central Bank of Norway. We have conducted a separate sub-reconciliation of payments in foreign currency from StatoilHydro against payments in foreign currency as reported by the Central Bank of Norway.

Table 13: Reconciliation between StatoilHydro and the Central Bank of Norway

	TUSD	TEUR	TGBP	TDKK	Sum TNOK see table 11
StatoilHydro	22.815.924	7.459.148	2.417.235	259	
Central Bank of Norway	22.788.366	7.465.862	2.424.528	259	212.083.845
Discrepancy	27.558	-6.714	-7.293	-	
Resolved discrepancy	-27.558	6.714	7.293	-	
Unresolved discrepancy	-	-	-	-	
Translated to NOK	125.082.370	61.845.833	25.155.332	310	212.083.845
Average exchange rate ¹⁾	5,48	8,28	10,37	119,69	

¹⁾ NOK translation is presented based on exchange rates and amounts reported by the Central Bank of Norway.

The discrepancies have been specified transaction by transaction and detailed explanations have been obtained for each discrepancy. The discrepancies are due to:

- Incorrect extraction of data in initial reporting from StatoilHydro resulting in non- cash items being part of the reporting
- Some payments from StatoilHydro have been netted in StatoilHydro' accounts against payments from the state to StatoilHydro. These amounts have been included in net transfers from the Central Bank of Norway to StatoilHydro.
- Further, discrepancies were due to timing differences, or amounts included in initial reporting from StatoilHydro that were not related to the sales and marketing of the state's petroleum.

We have on a test basis agreed the explanations to supporting documentation. There are no remaining unexplained deviations.

3.2.7.2 Payments in NOK

Payments in NOK from StatoilHydro relating to sale of the state's petroleum are made to a separate NOK account in the Central Bank of Norway. This account also includes other payments made from Petoro related to SDFI, mainly tariff revenues and cash inflows from net profit interest. We have performed a sub-reconciliation of cash inflows in NOK from StatoilHydro and Petoro against cash movements in NOK as reported by the Central Bank of Norway. The reconciliation is presented in table 14. There are no remaining unresolved discrepancies.

Table 14: Reconciliation between StatoilHydro, Petoro and the Central Bank of Norway, cash inflows in NOK

Cash inflows, NOK	TNOK
Petoro NOK payments other than from sale of state's petroleum	15.209.190
StatoilHydro NOK payments from sale of state's petroleum	2.141.423
Sum	17.350.613
Central Bank of Norway (ref. table 11)	17.350.793
Discrepancy	-180
The discrepancy is explained as follows:	
Non- cash transactions initially included by StatoilHydro, adjusted in final reporting from company	-21.543
Payments reported by Petoro but relates to sale of state's petroleum and should therefore be reported by StatoilHydro only (double reporting)	-24.287
Payments initially omitted by StatoilHydro, adjusted in final reporting from company	39.461
Payments reported from Norges Bank, not relating to sale of state's petroleum. Agreed to supporting documentation	6.549
Unresolved	0

3.2.8 Licenses with Net Profit Interest

The cash flows reported by Petoro of TNOK 15.209.190 (ref table 14) include cash flows from licenses in which SDFI has no direct ownership but is entitled to receive a share of the profit. The share of profit is paid to Petoro by the licensees. Some of the licensees therefore did report such payments. We have performed a separate sub-reconciliation of such payments.

Table 15: Reconciliation of cash flows from Net Profit Interest

Net profit interests	TNOK
Petoro	2.112.662
Licensees	2.111.716
Discrepancy	946

A company- by company listing is included in appendix 7. The discrepancy of TNOK 946 is mainly due to variations in the exchange rates used by the parties involved.

4. Lessons learned from the first year of reporting

Irrespective of how much planning is carried out, the first reconciliation is likely to encounter issues or problems in any country that were never envisaged in the planning stage. Deloitte has summarized its experiences from the first year of implementation below.

4.1 Reporting templates

Deloitte has received several questions related to the reporting templates:

- The reporting templates were issued in paper to the various reporting entities. Several entities have requested an electronic version that could be edited. The entities prefer an excel template to be prepared to facilitate the reporting.
- One licensee asked for an English version of the instructions and templates.

Since this was the first year of reporting, questions have also been raised as to what to include in the reporting template. These questions have to a large extent been solved by referring to the detailed guidance to the NEITI.

4.2 Reporting deadlines

As it was the 1st year of reporting, the entities did not receive detailed instructions about the EITI reporting until July 15th, 2009. Despite the extended deadline to August 17th, 2009, several companies informed us that they would not be able to report within the deadline. Summer vacation was the main reason given. The last company reported on September 16th, 2009.

4.3 Confidential information

During the process, questions arose regarding whether the confidentiality rules in the Custom Act and the Tax Assessment Act precluded the Norwegian Tax Administration and the Toll Custom reporting based on the NEITI regulation § 4. Based on considerations prepared by the Ministry of Energy and Petroleum to the Ministry of Finance (ref. appendix 11), the Ministry of Finance has concluded that the confidentiality rules should not prevent the entities from reporting. The clarification process resulted in delays in the reporting from the governmental bodies in question. The latest reporting was received on September 25th, 2009. The Ministry of Energy and Petroleum has indicated that they will prepare a proposal to change the Petroleum Act in order to make the NEITI regulation more visible directly in the Petroleum Act. We support this suggestion and recommend finalizing this prior to next year's reporting.

4.4 Uncertainty related to the reporting

The guidance to NEITI gave limited details about the reporting from Petoro, The Central Bank of Norway and StatoilHydro's reporting of the payments from marketing and selling the state's petroleum. Questions arose with respect to what and how these entities should report. A solution was found for 2008. However, we recommend that future reporting is discussed and that separate templates are developed for the 2009 reporting. In particular, it should be clarified whether StatoilHydro and Petoro should report both incoming and outgoing payments. The level of details in the reporting should also be specified. Additionally, further clarification is needed on whether both Petoro and StatoilHydro are required to report payments relating to the sale of the state's petroleum.

4.5 Which entities are included in the reporting

The Government has reported cash flows received from petroleum tax and NO_x tax from more companies than those instructed by MPE to report. These are companies that are no longer licensees on NCS, or drilling companies with NO_x tax liable activity which are not an operator nor licensee. In total, the government reports tax refund of TNOK 33.770 and NO_x tax of TNOK 19.378 for these companies. Regarding the 2008 reporting, a decision on not to obtain reporting from these companies was made. A further clarification on this matter should be made prior to the reporting for 2009.

4.6 Other payments

NEITI § 3 states that “all reporting entities... should also report all other payments made to the government or government officials”. This item is included in order to capture payments that are not necessarily required by law. Uncertainties concerning what to include as “Other payments” have arisen. In the comments to the NEITI it is stated that the licensees are not required to report administration fees for seismic examinations, exploration permits and extraction permits; ref. Regulation of June 27th, 1997 no. 653 regarding Petroleum Activities, §§ 5 and 9 respectively. Some of the licenses still have reported such fees. None of the governmental bodies have reported other payments. In addition, there has been uncertainty associated with including net profit interest payments from the companies to Petoro in the reporting. Prior to the reporting for 2009, it is recommended that the guidelines are even more detailed on this matter, also when it comes to reporting other payments from the government.

4.7 Signatures

Based on the instructions, the reporting templates should be signed by the company’s Chief Executive Officer. Deloitte has not checked that it is the Chief Executive Officer that actually has signed the templates; however we have noticed that some of the templates have been signed by someone other than the Chief Executive Officer.

4.8 Discrepancies

There have been some repetitive categories of discrepancies. These can be categorized accordingly:

Petroleum tax:

- companies included taxes outside the scope of the Petroleum taxation Act (i.e. onshore tax)
- companies included taxes paid to foreign authorities
- timing differences – companies reported tax expenses rather than taxes paid, or the payment date was close to year-end and the company and the Norwegian Tax Administration had included the payments on a different year in their accounts.
- companies did not include interest paid
- company reporting initially omitted some payments or refunds

CO₂ tax:

- companies did not include interest paid, while The Norwegian Petroleum Directorate included interests paid
- company reporting initially omitted some payments

Area fee:

- company reporting initially omitted some payments
- timing difference – companies reported expenses rather than paid area fee
- companies did not include interest paid, while The Norwegian Petroleum Directorate included interests paid

NO_x- tax:

- companies initially omitted some payments
- companies included interests paid, while Toll Custom did not include interests paid
- Toll Custom omitted interest paid

We recommend that the EITI reporting guidance for 2009 consider the experiences from 2008 to make sure that the guidance is even more detailed when it comes to the content of the reporting.

5. Conclusion

Several discrepancies were identified based on the reconciliation work performed. The discrepancies have been explained without great difficulty. The reporting entities have been very cooperative when it comes to investigating deviations.

The aggregated reporting can be summarized as follows:

Table 16: Aggregated cash flows from the petroleum industry

Aggregated payments	Initial reporting TNOK	Resolved discrepancies TNOK	Without reporting from counterparty	Adjusted reporting TNOK
Licensees	398.815.042	1.679.803	-5.143	400.489.701
Government	400.474.742	567	14.392	400.489.701
Discrepancy	-1.659.700	1.679.236	-19.535	-

The table is showing a discrepancy of TNOK 1.659.700 between the licensees and the government's initial reporting. TNOK 1.679.236 has been explained, whereas TNOK 19.535 is related to amounts reported by Government or licensees, without reporting from the counterparty being obtained (one- sided data). There are no remaining unresolved discrepancies.

Appendix

Appendix 1: Total reported payments per company

Licensee	Sum Licensee	Sum Government ¹⁾	Discrepancy	Resolved	Unsolved
4Sea Energy AS	-	-	-	-	-
Aker Exploration AS	-188.953	-188.984	31	31	-
Altinex Oil Norway AS	249.028	249.028	-	-	-
A/S Norske Shell	8.713.096	8.712.811	285	285	-
Bayerngas Norge AS	-52.699	-52.699	-	-	-
Bayerngas Produksjon Norge AS	-287.496	-287.496	-	-	-
BG Norge AS	-740.303	-740.290	-13	-13	-
BP Norge AS	4.830.076	4.772.368	57.708	57.708	-
Bridge Energy AS	-109.015	-109.415	400	400	-
Centrica Resources (Norge) AS	-64.259	-64.259	-	-	-
Chevron Norge AS	366.490	366.567	-77	-77	-
Concedo ASA	-16.651	-17.590	939	939	-
ConocoPhillips Skandinavia AS	19.368.972	19.357.605	11.367	11.367	-
Dana Petroleum Norway AS	51.588	51.587	1	1	-
Det norske oljeselskap ASA (incl NOIL Energy)	-626.291	-624.467	-1.824	-1.824	-
Discover Petroleum AS	-47.196	-47.195	-1	-1	-
DONG E&P Norge AS	35.212	-	1.444	1.444	-
Edison International Spa	-31.639	-31.639	-	-	-
Eni Norge AS	10.280.934	10.280.934	-	-	-
Enterprise Oil Norge AS	975.184	975.184	-	-	-
E.ON Ruhrgas Norge AS	116.756	116.756	-	-	-
ExxonMobil Exploration & Production Norway AS (inkl ExxonMobil Production Norway Inc)	45.288.944	45.264.230	24.714	25.714	-
Faroe Petroleum Norge AS	-45.684	-45.684	-	-	-
GDF SUEZ E&P Norge AS	-300.203	-300.217	14	14	-
Genesis Petroleum Norway AS	-32.943	-32.943	-	-	-
Hess Norge AS	948.821	943.286	5.535	5.535	-
Idemitsu Petroleum Norge AS	1.793.914	1.793.914	-	-	-
Lotos Exploration and Production Norge AS	-	-	-	-	-
Lundin Norway AS	41.068	-295.811	336.879	336.879	-
Maersk Oil Norway AS	-129.395	-155.870	26.475	26.475	-
Maersk Oil PL 018C Norway AS	-1.958	-2.648	690	690	-
Marathon Petroleum Norge AS	-28.257	-28.933	676	676	-
Nexen Exploration Norge AS	-213.152	-213.662	510	510	-
Norske AEDC A/S	5.495	5.495	-	-	-
North Energy AS	-14.434	-14.434	-	-	-
Norwegian Energy Company ASA	-288.429	-288.429	-	-	-
OMV (Norge) AS	-117.139	-117.139	-	-	-
PGNiG Norway AS	-5.302	-5.302	-	-	-

Licensee	Sum Licensee	Sum Government ¹⁾	Discrepancy	Resolved	Unsolved
Petoro AS	155.420.129	155.420.129	-		-
Petro-Canada Norge AS	-160.608	-160.608	-	-	-
Premier Oil Norge AS	-106.423	-106.423	-	-	-
Repsol Exploracion S.A	-9.874	-9.874	-	-	-
Rocksource ASA	-173.600	-175.067	1.467	1.467	-
RWE Dea Norge AS	356.675	356.609	66	66	-
Sagex Petroleum Norge AS	-16.522	-16.522	-	-	-
Skagen 44 AS	-12.372	-14.420	2.048	2.048	-
Skeie Energy AS	-16.200	-16.200	-	-	-
Spring Energy Exploration AS	-	-	-	-	-
Spring Energy Norway AS	-	-	-	-	-
StatoilHydro Petroleum AS inkl StatoilHydro ASA	125.334.386	127.516.188	-2.181.802	-2.181.802	-
Svenska Petroleum Exploration AS	66.918	67.958	-1.040	-1.040	-
Talisman Energy Norge AS	1.473.189	1.498.747	-25.558	-25.558	-
Total E&P Norge AS	26.758.856	26.752.171	6.685	6.685	-
VNG Norge (Operations) AS inkl Endeavour	81.707	81.707	-	-	-
VNG Norge AS	-55.400	-55.400	-	-	-
Wintershall Norge NUF	-188.139	-187.881	-258	-258	-
Wintershall Norge ASA inkl Revus Energy AS	-495.400	-495.380	-20	-20	-
Skeie Oil & Gas AS	-65.822	-65.822	-	-	-
Wintershall Norge AS	-	-	-	-	-
Noble Energy Europe Ltd	-	-336	336	336	-
Norpipe Oil AS	17.331	17.330	1	1	-
Norsea Gas AS	380.958	351.829	29.129	29.129	-
Petrofac Resources Ltf NUF	-	-1.190	1.190	1.190	-
Maersk Oil GB Limited	-	960	-960	-960	-
Total Norge AS	-	6.685	-6.685	-6.685	-
Serica Energy UK Ltd	-	-21.861	21.861	21.861	-
Shell International pipelines Inc	479.962	455.466	24.496	24.496	-
Excel Expro Norge AS	-	-10.383	10.383	10.383	-
Marathon Petroleum Company	21.111	8.525	12.586	12.586	-
Other companies – not licensees ²⁾	-	19.378	-19.378	-19.378	-
Sum	398.815.042	400.474.742	-1.659.700	-1.659.700	-

1) "Governments" include the Central Bank of Norway, the Norwegian Tax Administration, the Toll Customs and the Norwegian Petroleum Directorate

2) Includes reported NOx- fee related to companies that are not required to report based on NEITI.

3) Reporting from the companies have been adjusted for net profit interest to Petoro to avoid double accounting of these amounts which are also included in the reporting from Petoro.

See table 7 for a specification per company of net profit interest paid to Petoro.

Appendix 2: Reported petroleum tax per company

TNOK	Sum Licensee	Sum Government	Discrepancy	Resolved	Unsolved	Comments
4Sea Energy AS	-	-	-	-	-	
Aker Exploration AS	-203.623	-203.624	1	1	-	Rounding
Altinex Oil Norway AS	249.028	249.028	-	-	-	
AVS Norske Shell	8.615.424	8.615.424	-	-	-	
Bayerngas Norge AS	-52.699	-52.699	-	-	-	
Bayerngas Produksjon Norge AS	-287.496	-287.496	-	-	-	
BG Norge AS	-740.563	-740.563	-	-	-	
BP Norge AS	4.671.281	4.659.125	12.156	12.156	-	Company included tax paid to the City of Stavanger
Bridge Energy AS	-109.415	-109.415	-	-	-	
Centrica Resources (Norge) AS	-64.259	-64.259	-	-	-	
Chevron Norge AS	366.490	366.567	-77	-77	-	Company omitted two interest payment and one refund in initial reporting
Concedo ASA	-16.969	-17.590	621	621	-	Company reported accrued tax, not paid tax
ConocoPhillips Skandinavia AS	19.019.622	19.008.663	10.959	10.959	-	Company included onshore tax, and did not include interest on tax
Dana Petroleum Norway AS	51.588	51.587	1	1	-	Rounding
Det norske oljeselskap ASA (incl NOIL Energy)	-641.693	-643.534	1.841	1.841	-	Company included onshore tax
Discover Petroleum AS	-47.196	-47.195	-1	-1	-	Rounding
DONG E&P Norge AS	38.118	38.118	-	-	-	
Edison International Spa	-31.639	-31.639	-	-	-	
Eni Norge AS	10.102.284	10.102.284	-	-	-	
Enterprise Oil Norge AS	975.184	975.184	-	-	-	
E.ON Ruhrgas Norge AS	116.756	116.756	-	-	-	
ExxonMobil Exploration & Production Norway AS /Norway Inc	45.213.215	45.189.149	24.066	24.066	-	Company included onshore tax and tax paid to UK.
Faroe Petroleum Norge AS	-45.684	-45.684	-	-	-	
GDF SUEZ E&P Norge AS	-300.203	-300.217	14	14	-	Company did not include adjustment of interest in initial reporting
Genesis Petroleum Norway AS	-32.943	-32.943	-	-	-	
Hess Norge AS	946.201	940.766	5.435	5.435	-	Company did not include interests in the initial reporting
Idemitsu Petroleum Norge AS	1.793.914	1.793.914	-	-	-	
Lotos Exploration and Production Norge AS	-	-	-	-	-	

TNOK	Sum Licensee	Sum Government	Discrepancy	Resolved	Unsolved	Comments
Lundin Norway AS	-	-339.388	339.388	339.388	-	Company did not include tax refund relating to exploration activity
Maersk Oil Norway AS	-129.395	-155.870	26.475	26.475	-	Timing difference
Maersk Oil PL 018C Norway AS	-1.958	-2.648	690	690	-	Timing difference
Marathon Petroleum Norge AS	-29.391	-29.391	-	-	-	
Nexen Exploration Norge AS	-213.152	-213.662	510	510	-	Onshore tax wrongly included by company
Norske AEDC A/S	5.495	5.495	-	-	-	
North Energy AS	-14.434	-14.434	-	-	-	
Norwegian Energy Company ASA	-288.429	-288.429	-	-	-	
OMV (Norge) AS	-117.139	-117.139	-	-	-	
PGNiG Norway AS	-5.302	-5.302	-	-	-	
Petoro AS	IA	IA		-	-	
Petro-Canada Norge AS	-160.608	-160.608	-	-	-	
Premier Oil Norge AS	-106.423	-106.423	-	-	-	
Repsol Exploracion S.A	-9.874	-9.874	-	-	-	
Rocksource ASA	-175.067	-175.067	-	-	-	
RWE Dea Norge AS	356.675	356.609	66	66	-	Company initially omitted refund in December
Sagex Petroleum Norge AS	-16.522	-16.522	-	-	-	
Skagen 44 AS	-13.272	-14.420	1.148	1.148	-	Onshore tax wrongly included by company
Skeie Energy AS	-16.200	-16.200	-	-	-	
Spring Energy Exploration AS	-	-	-	-	-	
Spring Energy Norway AS	-	-	-	-	-	
StatoilHydro Petroleum AS incl StatoilHydro ASA	120.998.727	123.104.038	-2.105.311	-2.105.311	-	Company reported one payment as a refund
Svenska Petroleum Exploration AS	66.918	67.958	-1.040	-1.040	-	Company initially omitted interest on tax.
Talisman Energy Norge AS	1.412.483	1.412.080	403	403	-	Company included tax paid on behalf of other company in the reporting.
Total E&P Norge AS	26.660.710	26.654.025	6.685	6.685	-	See Total Norge AS, payment made on behalf Total Norge AS.
Total Norge AS	-	6.685	-6.685	-6.685	-	See Total E&P Norge AS above.
VNG Norge (Operations) AS incl Endeavour	81.707	81.707	-	-	-	
VNG Norge AS	-55.400	-55.400	-	-	-	

TNOK	Sum Licensee	Sum Government	Discrepancy	Resolved	Unsolved	Comments
Wintershall Norge NUF	-188.139	-187.881	-258	-258	-	Adjusted reporting received from the company agrees to Government
Wintershall Norge ASA incl Revus Energy AS	-506.409	-506.409	-	-	-	
Skeie Oil & Gas AS	-65.822	-65.822	-	-	-	
Wintershall Norge AS	-	-	-	-	-	
Noble Energy Europe Ltd	-	-336	336	336	-	No longer licensee on NCS, exempted from reporting
Norpipe Oil AS	17.330	17.330	-	-	-	
Norsea Gas AS	380.958	351.829	29.129	29.129	-	Company included onshore tax and UK tax, and initially omitted to report two transactions
Petrofac Resources Ltf NUF	-	-1.190	1.190	1.190	-	No longer licensee on NCS, exempted from reporting
Maersk Oil GB Limited	-	IA	-	-	-	
Serica Energy UK Ltd	-	-21.861	21.861	21.861	-	No longer licensee on NCS, exempted from reporting
Shell International pipelines Inc	479.962	455.466	24.496	24.496	-	Onshore tax wrongly included by company, and one transaction reported as payment rather than refund
Excel Expro Norge AS	-	-10.383	10.383	10.383	-	No longer licensee on NCS, exempted from reporting
Marathon Petroleum Company	-	-	-	-	-	
Sum	237.932.752	239.528.270	-1.595.518	-1.595.518	-	

1) Some companies report net negative tax payments, meaning that they have received a refund from the government. This is because under certain circumstances the companies could apply for a refund of the fiscal value of exploration costs.

Appendix 3: Reported CO₂ tax per company

TNOK	Sum Licensee	Sum Government	Discrepancy	Resolved	Unsolved	Comments
A/S Norske Shell	35.078	34.793	285	285	-	Company initially omitted one refund in the reporting
BP Norge AS	93.203	93.204	-1	-1	-	
ConocoPhillips Skandinavia AS	263.063	263.063	-	-	-	
ExxonMobil Exploration & Production Norway AS	49.616	49.616	-	-	-	
Lundin Norway AS	799	-	799	799	-	Company wrongly included NOx tax as CO ₂ tax
StatoilHydro Petroleum AS incl StatoilHydro ASA	2.905.667	2.905.667	-	-	-	
Talisman Energy Norge AS	29.546	29.546	-	-	-	
Wintershall Norge ASA incl Revus Energy AS	9.449	9.469	-20	-20	-	Company did not include interest in initial reporting
Marathon Petroleum Company	6.957	6.957	-	-	-	
Sum	3.393.378	3.392.315	1.063	1.063	-	

Appendix 4: Reported NOx tax per company

TNOK	Sum Licensee	Sum Government	Discrepancy	Resolved	Unsolved	Comments
AVS Norske Shell	6.912	6.912	-	-	-	
BG Norge AS	3.893	3.893	-	-	-	
BP Norge AS	17.548	17.548	-	-	-	
ConocoPhillips Skandinavia AS	7.301	7.293	8	8		Two credit notes not included in company's reporting
Det norske oljeselskap ASA (incl NOIL Energy)	1.082	1.865	-783	-782		Government included payments for 2007. Considered to be timing difference. Company initially omitted some interest payments.
ExxonMobil Exploration & Production Norway AS (incl ExxonMobil Production Norway Inc)	7.713	8.025	-312	-312		Government initially omitted some interest payments in the reporting
Lundin Norway AS	2.319	917	1.402	1.402-	-	The company adjusted the reporting several times. Government included some payments for 2007. The company included some payments to another company.
StatoilHydro Petroleum AS incl StatoilHydro ASA	141.229	217.438	-76.209	-76.209	-	Company initially omitted some payments of NOx tax. Government initially omitted some payments related to interest.
Talisman Energy Norge AS	7.375	7.375	-	-	-	
Marathon Petroleum Company	3.954	434	3.520	3.520	-	Company initially included payments on behalf of other company which is not required to report based on NEITI.
Marathon Petroleum Norge AS	-	458	-458	-458	-	NOx tax not included in initial reporting from company
Other companies – not licensees ¹⁾	-	19.378	-19.378	-19.378	-	Companies are not licensees and not required to report according to NEITI
Sum	199.326	291.536	-92.210	-92.210	-	

1) Based on the Regulation related to special duties § 5-1 g it is the company that owns or manages the NOx – liable entity that is required to pay the NOx tax. This means that in certain circumstances the NOx tax is paid by other company's than the operators (licensees). Such companies are not required to report based on NEITI 2008

Appendix 5: Reported area fee per company

TNOK	Sum Licensee	Sum Government	Discrepancy	Resolved	Unsolved	Comments
Aker Exploration AS	14.640	14.640	-	-	-	
A/S Norske Shell	55.682	55.682	-	-	-	
BG Norge AS	-3.633	-3.620	-13	-13	-	Company did not include interest payment in initially reporting
BP Norge AS	47.960	2.491	45.469	45.469	-	Company initially omitted some refunds in the reporting
ConocoPhillips Skandinavia AS	78.586	78.586	-	-	-	
Det norske oljeselskap ASA (incl NOIL Energy)	14.320	17.202	-2.882	-2.882	-	Company initially omitted reporting on one license
DONG E&P Norge AS	-4.350	-4.350	-	-	-	
Eni Norge AS	178.650	178.650	-	-	-	
ExxonMobil Exploration & Production Norway AS	18.400	17.440	960	960	-	Company omitted one refund in initial reporting
Hess Norge AS	2.520	2.520	-	-	-	
Lundin Norway AS	37.950	42.660	-4.710	-4.710	-	Company omitted some licenses in initial reporting.
Marathon Petroleum Norge AS	1.134	-	1.134	1.134	-	Included in Marathon Petroleum Company
StatoilHydro Petroleum AS incl StatoilHydro ASA	1.288.763	1.289.045	-282	-282	-	Company omitted some licenses in initial reporting
Talisman Energy Norge AS	23.785	49.746	-25.961	-25.961	-	Timing difference
Total E&P Norge AS	98.146	98.146	-	-	-	
Wintershall Norge ASA incl Revus Energy AS	1.560	1.560	-	-	-	
Maersk Oil GB Limited	-	960	-960	-960	-	Paid from Maersk Oil North Sea Ltd.
Marathon Petroleum Company	10.200	1.134	9.066	9.066	-	Company reported on Marathon Petroleum. Remaining discrepancy explained as timing difference.
Sum	1.864.313	1.842.492	21.821	21.821	-	

Appendix 6: Reported Other payments per company

Other payments		TNOK
Aker Exploration AS	-Norwegian Petroleum Directorate; PL 468 Adm costs AX 0801	30
BP Norge As	-Norwegian Pollution Control Authority , fee relating to discharge permits, Ula and Valhall	84
Bridge Energy AS	-Application fee APA2008 and 20.round Norwegian Petroleum Directorate	400
Concedo ASA	-Force membership Norwegian Petroleum Directorate	60
	-Norwegian Petroleum Directorate, Discos	258
ConocoPhillips Skandinavia AS	-20. round	100
	-Awards in predefined areas 2008	300
DONG E&P Norge AS	Petroleum Safety Authority, Norway	
	-Approval Maersk Guardian	115
	-Executive work Ipswich 1/3-11	2
	-Annual safety conference	2
	Norwegian Petroleum Directorate	
	-Exploration permit	90
	-Administration fee PDO Trym	100
	-Print out fee petr.register	11
	-Well logging PL 274	65
	-Well logging PL208 and PL289	13
	-Force Sub - Basalt consortium	100
	-Seminar, Norwegian petroleum Directorate	6
	-Force membership	60
	-Sand workshop NPD	4
-Discos Joint Costs 2008	776	
-Application fee 20. round	100	
Hess Norge AS	-Norwegian Petroleum Directorate, application fee	100
Rocksourc ASA	-Discos Norwegian Petroleum Directorate	620
	-Timer Gebyrinnt. Prekv	47
	-Application fee APA	200
	-20. round	500
	-Contribution Safari	100
Skagen 44 AS	-License application to the Norwegian Petroleum Directorate	900
Sum		5.143

Appendix 7: Reported net profit interest per company

Licensee	Petoro		Licensee		Discrepancy		Comments
	TNOK	TUSD	TNOK	TUSD	TNOK	TUSD	
Hess Norge AS	27.234	4.876	27.241	4.876	-7	-	Exchange rate difference
BP Norge AS	26.633	4.840	26.793	4.844	-160	4	Exchange rate difference. Difference in USD not material and not further investigated.
Dana Petroleum Norway AS	76.393		76.394	-	-	-	
Enterprise Oil Norge AS	20.074	3.924.431	19.928	3.924.431	146	-	Exchange rate difference
ExxonMobil Exploration & Production Norway AS	1.937.585	-	1.937.585	-	-	-	
Total E&P Norge AS	24.741	3.760.680	23.775	3.760.680	966	-	Exchange rate difference
Sum	2.112.661	7.675.395	2.111.716	3.934.151	946	4	

Appendix 8: Financial Statements from the Central Bank of Norway and Petoro; additional reconciliation

Financial Statements of the Government Pension fund - Global prepared by the Central Bank of Norway

Cash flows from the petroleum activities which are transferred to the Government Pension fund- Global are shown in the Financial Statements prepared by the Central Bank of Norway for the pension fund, see <http://www.norges-bank.no/>. Note 7 to the financial statement for the Government Pension fund - Global (SPU 7) shows that TNOK 385.545 has been transferred to the fund in 2008. The table below explains the relationship between the EITI reporting, the state's financial statements and the financial statements of the pension fund:

		TNOK
Cash flows reported under EITI by Government, ref table 2 and 3		400.474
Dividend received from StatoilHydro		16.940
Transfer to the state's petroleum insurance fund	1)	-1.841
Petroleum tax in state's accounts in excess of EITI reporting		113
Movements in outstanding accounts between the state and Petoro		180
Net cash flow to be transferred from the state to SPF		415.866
Transfer from SPF to the state, ref table 3.2 to the state's account		-8.370
Transfer from SPF to the state for purchase of shares in StatoilHydro ASA, ref table 1.3 to the state's account		-17.136
Net to be transferred to SPF in 2008		390.360
Actual transfer in cash to SPF's NOK account in the Central Bank of Norway, ref page 41 in the white paper no.3 and in SPF 7. Transfers are made based on prognosis and the final transfer for the year is in November 2008	2)	385.545
Transfer in 2008 carried over from 2007		-1.531
Actual transfer in 2008 based on prognosis of net transfer to the fund in 2008		384.014
Cash not yet transferred to SPF in 2008 (accrued in account 848016 in the state's accounts, ref. page 225 in the white paper no 3).		6.346
Net to be transferred to SPF in 2008		390.360

1) From table 2 and 3 in this report

2) Reconciliation prepared by the Ministry of Finance

Financial Statements of SDFI prepared by Petoro

Cash flows from SDFI are published through the annual report from Petoro from 2008 (see www.petoro.no/aarsrapporter/). It can be derived from the annual report note 18 to the Financial Statements of SDFI for 2008 that the transfer to the Central Bank of Norway in 2008 was TNOK 155.420. This is equivalent to the reported amount in the EITI reporting from Petoro on behalf of SDFI:

Note 18 Equity			TNOK
Cash transfer to the Central Bank of Norway	Accumulated	2008	1.013.802
Cash transfer to the Central Bank of Norway	Accumulated	2007	858.382
Movement ref note 18 Equity in SDFI's financial statement	Change		-155.420
Cash transfers according to EITI reporting	Ref table12		155.420
	Discrepancy		-

Appendix 9: Reporting entities

Originally listing of reporting entities received from OED	
1	4Sea Energy AS
2	Aker Exploration AS
3	Altinex Oil Norway AS
4	A/S Norske Shell
5	Bayerngas Norge AS
6	Bayerngas Produksjon Norge AS
7	BG Norge AS
8	BP Norge AS
9	Bridge Energy AS
10	Centrica Resources (Norge) AS
11	Chevron Norge AS
12	Concedo ASA
13	ConocoPhillips Skandinavia AS
14	Dana Petroleum Norway AS
15	Det norske oljeselskap ASA (incl NOIL Energy)
16	Discover Petroleum AS
17	DONG E&P Norge AS
18	Edison International Spa
19	Eni Norge AS
20	Enterprise Oil Norge AS
21	E.ON Ruhrgas Norge AS
22	ExxonMobil Exploration & Production Norway AS (incl ExxonMobil Production Norway Inc)
23	Faroe Petroleum Norge AS
24	GDF SUEZ E&P Norge AS
25	Genesis Petroleum Norway AS
26	Hess Norge AS ³⁾
27	Idemitsu Petroleum Norge AS
28	Lotos Exploration and Production Norge AS
29	Lundin Norway AS
30	Maersk Oil Norway AS
31	Maersk Oil PL 018C Norway AS
32	Marathon Petroleum Norge AS
33	Nexen Exploration Norge AS

Originally listing of reporting entities received from OED	
34	Norske AEDC A/S
35	North Energy AS
36	Norwegian Energy Company ASA
37	OMV (Norge) AS
38	PGNiG Norway AS
39	Petoro AS
40	Petro-Canada Norge AS
41	Premier Oil Norge AS
42	Repsol Exploracion S.A
43	Rocksource ASA
44	RWE Dea Norge AS
45	Sagex Petroleum Norge AS
46	Skagen 44 AS
47	Skeie Energy AS
48	Spring Energy Exploration AS
49	Spring Energy Norway AS
50	StatoilHydro Petroleum AS incl StatoilHydro ASA
51	Svenska Petroleum Exploration AS
52	Talisman Energy Norge AS
53	Total E&P Norge AS
54	VNG Norge (Operations) AS incl Endeavour
55	VNG Norge AS
56	Wintershall Norge AS
57	Norwegian Tax Administration
58	The Norwegian Petroleum Directorate
59	Toll Custom
60	Central Bank of Norway
Reporting received from Government and companies, not originally listed from OED (group companies)	
61	Wintershall Norge NUF
62	Wintershall Norge ASA incl Revus Energy AS
63	Skeie Oil & Gas AS
64	Shell International pipelines Inc
65	Total Norge AS

Originally listing of reporting entities received from OED	
66	Maersk Oil GB Limited
67	Marathon Petroleum Company
Reported from Revenue Inland Service, companies subsequently requested to report by OED	
68	Norpipe Oil AS
69	Norsea Gas AS
Reported from the Norwegian tax administration, no longer licensee, reporting not requested by OED	
70	Excel Expro Norge AS
71	Noble Energy Europe Ltd
72	Petrofac Resources Ltf NUF
73	Serica Energy UK Ltd
Reported from Toll Customs, not licensees and no reporting requested	
74	Other companies included by Toll customs, not licensees and not requested to report based on NEITI (10 companies)

Appendix 10: Reporting templates

SKJEMA FOR INNRAPPORTERING I HENHOLD TIL EITI- FORSKRIFTEN INN-/ UTBETALINGER I KALENDERÅRET 2008 (Beløpene rapporteres i hele tusen)			
Rettighetshaver: _____			
RAPPORTERINGSPOSTER	Innbetalt (+)	Utbetalt (-)	SUM
1. SKATTEBETALING			
1.1 SELSKAPSSKATT/SÆRSKATT (Jf. petroleumsskatteloven)			
2. AVGIFTSBETALING			
2.1 CO ₂ - AVGIFT (Jf. CO ₂ - avgiftsloven)			
2.2 NO _x - AVGIFT (Jf. forskrift 11. desember 2001 nr. 1451 om særavgifter kapittel 3-19 om avgift på utslipp av NO _x)			
2.3 AREALAVGIFT (Jf. petroleumsløven § 4-10)			
3. SPESIFISERING AV EVENTUELLE ANDRE STATLIGE INNBETALINGER (Jf. EITI- forskriften § 3 fjerde ledd)			
3.1			
3.2			
3.3			

<u>4. KUN FOR STATOIL ASA:</u> (Betaling i forbindelse med avsetningsinstruksen jf. EITI- forskriften § 3 tredje ledd)			
<u>5. KUN FOR PETORO AS</u> (Betaling i forbindelse med SDØE, jf. forskriftens § 3 andre ledd)			
SUM			
TOTALEN AV RAPPORTERINGSPLIKTIGE BETALINGER TIL (FRA) STATEN			

Navn på kontaktperson:	
Telefonnummer:	
E- mail adresse:	

Vi bekrefter at ovenstående informasjon reflekterer de betalinger som skal innrapporteres i henhold til forskrift om rapportering og avstemming av pengestrømmer fra petroleumsvirksomheten.

STED

DATO

Underskrift Adm. direktør

**SKJEMA FOR INNRAPPORTERING AV AVGIFTSBETALING I
HENHOLD TIL EITI-FORSKRIFTEN**

INNbetalinger i kalenderåret 2008 til Oljedirektoratet / Toll- og
Avgiftsdirektoratet
(Beløp rapporteres i hele tusen)

OPERATØRER	CO ₂ -AVGIFT	NO _x -AVGIFT	AREALAVGIFT	SUM
Aker Exploration AS				
A/S Norske Shell				
BG Norge AS				
BP Norge AS				
Centrica Resources (Norge) AS				
Chevron Norge AS				
ConocoPhillips Skandinavia AS				
Dana Petroleum Norway AS				
Det norske oljeselskap ASA				
Discover Petroleum AS				
DONG E&P Norge AS				
Eni Norge AS				
E.ON Ruhrgas Norge AS				
ExxonMobil Exploration & Production Norway AS				
GDF SUEZ E&P Norge AS				
Hess Norge AS				
Idemitsu Petroleum Norge AS				
Lotos Exploration and Production Norge AS				
Lundin Norway AS				

Maersk Oil Norway AS				
Marathon Petroleum Norge AS				
Nexen Exploration Norge AS				
North Energy AS				
Norwegian Energy Company ASA				
OMV (Norge) AS				
Petro-Canada Norge AS				
Premier Oil Norge AS				
Rocksource ASA				
RWE Dea Norge AS				
StatoilHydro Petroleum AS				
Talisman Energy Norge AS				
Total E&P Norge AS				
VNG Norge (Operations) AS				
Wintershall Norge AS				
Wintershall Norge AS				
SUM				

Navn på kontaktperson:	
Telefonnummer:	
E- mail adresse:	

Vi bekrefter at ovenstående informasjon reflekterer de betalinger som skal innrapporteres i henhold til forskrift om rapportering og avstemming av pengestrømmer fra petroleumsvirksomheten.

STED

DATO

Underskrift Etatsleder

**SKJEMA FOR INNRAPPORTERING AV SKATTEBETALING I
HENHOLD TIL EITI-FORSKRIFTEN**

Innbetalinger i kalenderåret 2008 til ligningsmyndighetene
(Beløpene rapporteres i hele tusen)

RETTIGHETSHAVERE	INNBETALT SKATT (+)	EVT. UTBETALT SKATT (-)	SUM
4Sea Energy AS			
Aker Exploration AS			
Altinex Oil Norway AS			
A/S Norske Shell			
Bayerngas Norge AS			
Bayerngas Produksjon Norge AS			
BG Norge AS			
BP Norge AS			
Bridge Energy AS			
Centrica Resources (Norge) AS			
Chevron Norge AS			
Concedo ASA			
ConocoPhillips Skandinavia AS			
Dana Petroleum Norway AS			
Dana Petroleum Norway ASA			
Det norske oljeselskap ASA			
Discover Petroleum AS			
DONG E&P Norge AS			
Edison International Spa			
Eni Norge AS			
Enterprise Oil Norge AS			
E.ON Ruhrgas Norge AS			
ExxonMobil Exploration & Production Norway AS			

RETTIGHETSHAVERE	INNBETALT SKATT (+)	EVT. UTBETALT SKATT (-)	SUM
Faroe Petroleum Norge AS			
GDF SUEZ E&P Norge AS			
Genesis Petroleum Norway AS			
Hess Norge AS			
Idemitsu Petroleum Norge AS			
Lotos Exploration and Production Norge AS			
Lundin Norway AS			
Maersk Oil Norway AS			
Maersk Oil PL 018C Norway AS			
Marathon Petroleum Norge AS			
Nexen Exploration Norge AS			
Norske AEDC A/S			
North Energy AS			
Norwegian Energy Company ASA			
OMV (Norge) AS			
PGNiG Norway AS			
Petoro AS			
Petro-Canada Norge AS			
Premier Oil Norge AS			
Repsol Exploracion S.A.			
Rocksource ASA			
RWE Dea Norge AS			
Sagex Petroleum Norge AS			
Skagen 44 AS			
Skeie Energy AS			

RETTIGHETSHAVERE	INNBETALT SKATT (+)	EVT. UTBETALT SKATT (-)	SUM
Spring Energy Exploration AS			
Spring Energy Norway AS			
StatoilHydro Petroleum AS			
Svenska Petroleum Exploration AS			
Talisman Energy Norge AS			
Total E&P Norge AS			
VNG Norge (Operations) AS			
VNG Norge AS			
Wintershall Norge AS			
Wintershall Norge ASA			
SUM			

Navn på kontaktperson:	
Telefonnummer:	
E- mail adresse:	

Vi bekrefter at ovenstående informasjon reflekterer de betalinger som skal innrapporteres i henhold til forskrift om rapportering og avstemming av pengestrømmer fra petroleumsvirksomheten.

STED

DATO

Underskrift Etatsleder

Appendix 11: Letter from OED relating to EITI reporting



DET KONGELIGE
OLJE- OG ENERGIDEPARTEMENT

Finansdepartementet
Postboks 8008 Dep
0030 OSLO

Deres ref

Vår ref
08/01064-56

Dato
14.9.2009

Vedrørende forskrift 26.06.2009 nr. 856 om rapportering og avstemming av pengestrømmer fra petroleumsvirksomheten

Det vises til forskrift 26.06.2009 nr. 856 om rapportering og avstemming av pengestrømmer fra petroleumsvirksomheten (EITI-forskriften). Denne ble fastsatt ved Kronprinsregentens resolusjon etter at det var gjennomført alminnelig høring der bl.a. de selskaper som er rettighetshavere i petroleumsvirksomheten på norsk sokkel, OLF og Finansdepartementet var høringsinstanser. Gjennom deltakelse i interessentgruppen for EITI deltok også OLF og Finansdepartementet i utformingen av forskriften. EITI-forskriften trådte i kraft 1. juli 2009.

Videre vises det til at Finansdepartementet, i møte med Olje- og energidepartementet, har tatt opp at Toll- og avgiftsdirektoratet har reist spørsmål ved hvorvidt etatens plikt til å gi opplysninger i henhold til ovennevnte forskrift er forenelig med taushetsplikt etter tolloven (og tilsvarende etter ligningsloven).

EITI-forskriften er hjemlet i petroleumsløven § 10-18 første ledd som lyder:

"Kongen kan gi forskrifter til utfylling og gjennomføring av denne lov, herunder bl.a. bestemmelser om arbeidsforhold, taushetsplikt, og om rettighetshavers plikt til å gjøre opplysninger om virksomhet etter loven offentlig tilgjengelig. Kongen kan også gi forskrifter om opplysningsplikt for ivaretagelse av Norges plikter etter EØS-avtalen."

Finansdepartementet har bedt om Olje- og energidepartementets vurdering av forholdet mellom petroleumsløven § 10-18 første ledd og EITI-forskriften § 4, som klart pålegger Toll- og avgiftsdirektoratet en rapporteringsplikt for mottatte avgiftsbetalinger

Postadresse
Postboks 8148 Dep
0033 Oslo
<http://www.oed.dep.no/>

Kontoradresse
Einar Gerhardsens plass 1
Telefon
22 24 90 90
Org no.
977 161 630

Petroleumsavdelingen
Telefaks
22 24 27 78

Saksbehandler
Helge Westborg
22 24 67 05

som korresponderer med rettighetshavernes rapporteringsplikt for de samme betalinger etter § 3.


Den plikten rettighetshaverne har etter EITI-forskriften § 3 til å innrapportere til den administrative enheten alle innbetalinger, er klart hjemlet i petroleumsloven § 10-18 første ledd og den plikt rettighetshaver kan pålegges til å gjøre opplysninger om virksomheten offentlig tilgjengelig. Olje- og energidepartementet legger videre til grunn at petroleumsloven § 10-18 første ledd, som i sin ordlyd også nevner taushetsplikt særskilt, er tilstrekkelig hjemmelsgrunnlag for det klare pålegget som følger av EITI-forskriften § 4, der offentlige etater pålegges å gi tilsvarende opplysninger om mottatte betalinger.


Det er helt sentralt for å kunne gjennomføre EITI i Norge, slik EITI-forskriften legger opp til, at den administrative enheten mottar både rapportering fra rettighetshaverne i henhold til forskriften § 3 og fra de relevante offentlige etatene, jf forskriften § 4, slik at den administrative enheten kan sammenholde disse opplysningene. Formålet er altså å se hva den offentlige etaten har mottatt og sammenholde dette med hva rettighetshaveren har innbetalt. Dersom det skulle være en diskrepans mellom dette vil det, etter Olje- og energidepartementets vurdering, ikke være aktverdige grunner til at den offentlige etaten, under henvisning til taushetsplikt, skal kunne holde tilbake denne informasjonen.

Det er derfor Olje- og energidepartementets oppfatning at petroleumsloven § 10-18 første ledd jf EITI-forskriften § 4 er forenlig med taushetspliktsbestemmelsene i tolloven og ligningsloven, jf unntakene fra taushetsplikten i hhv. tolloven § 12-1 annet ledd bokstav h) og ligningsloven § 3-13 nr. 2 bokstav h).

Olje- og energidepartementet legger stor vekt på norsk EITI-implementering og at denne blir så klar og god som mulig. På denne bakgrunn tar departementet sikte på å fremlegge forslag om lovendring som vil synliggjøre EITI-reguleringen på en bedre måte direkte i petroleumsloven.

Med hilsen


Ole Anders Lindseth (e.f.)
ekspedisjonssjef


Helge Westborg
underdirektør

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Extractive Industries
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