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Andrew Shipp
Senior Enforcement Manager
Ofgem
9 Millbank
London
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Via email: prosecution.consultation@ofgem.gov.uk

Dear Andrew

REMIT: Ofgem Prosecution Policy Statement Consultation

Thank you for the opportunity to comment in response to this consultation (dated 2nd July). This brief response is offered on behalf of Shell Energy Europe Ltd (SEEL), the holder of gas shipper licence.

SEEL's substantive comments are in relation to the first question, namely the proposed approach when deciding on the possible prosecution of a criminal offence. However, answers to all four questions in the consultation paper are set out below.

1. Do you agree with our proposed approach to the decision to prosecute criminal offences?

We would appreciate further clarification on the basis of prosecution and whether we should understand that the default position will be that regulation and prosecution will be carried out on a civil law basis, with criminal enforcement powers considered and exercised in more exceptional circumstances, taking into account the criteria at paragraph 3.10 of the draft statement.

Alternatively, will enforcement under both the civil and criminal powers be an issue for consideration in every case of a potential breach of REMIT? We hope that the default position would be to follow the former approach, i.e. criminal liability being considered in more exceptional circumstances, with civil regulation and enforcement being the route normally employed, but would be grateful for guidance on this point.

2. Do you agree that the additional factors set out for consideration in relation to REMIT market abuse offences are relevant and appropriate?

Yes, we agree that they are both relevant and appropriate.

3. Are there any other additional factors you feel we should set out in this policy statement?

Please see our comment in response to Question 1.

4. Do you have any other comments on this policy statement?

We have no further comments to make.

I trust that you have found the comments contained in this response useful. However, should you require further clarification of SEEL's views, please do not hesitate to contact me.

Yours sincerely

Amrik Bal

Commercial & Regulatory Affairs Manager
Shell Energy Europe Limited

Due to electronic transfer, this letter is unsigned.