

**Memorandum of Understanding  
between the  
Health and Safety Authority and the Commission for Energy Regulation**

**June 25, 2008**

**1. Objective of the Memorandum of Understanding**

The objective of this Memorandum of Understanding between the Authority and the Commission is to facilitate cooperation between both regulators in discharging their respective statutory responsibilities for the regulation of natural gas undertakings, gas installers and electrical contractors (the 'regulated entities') with respect to safety in order to enhance the actions of both regulators and to avoid duplication of effort by both regulators and the imposition of an unnecessary regulatory burden on the regulated entities.

**2. Areas of Shared or Overlapping Safety Responsibility**

In acknowledging each others respective statutory responsibilities and obligations and recognising the statutory constraints that apply, both the Authority and the Commission shall endeavour to liaise closely particularly in relation to the issues set out below:

- i. Liquefied Petroleum Gas
- ii. COMAH Regulations/Seveso II Sites
- iii. Accident and Incident Investigations
- iv. Disclosure of Information
- v. Offshore Petroleum Exploration and Extraction

**i. Liquefied Petroleum Gas**

The Authority and the Commission agree to consult and communicate with each other on issues relating to the future safety regulation of the LPG sector. The Authority will provide input to the Commission's LPG Implementation Study and the Commission will take into account the Authority's current enforcement responsibilities under the Dangerous Substances Act (DSA) and any future developments on this front which may arise from the current DSA review.

**ii. COMAH Regulations Seveso II Sites**

The Authority and the Commission agree that there will be communication and cooperation between the Authority and the Commission in relation to the contents and scrutiny of the Authority's Pre-Operation Safety Report and the Commission's requirement for a Safety Case for LNG undertakings. A formal procedure will be developed to facilitate this approach.

**iii. Accident and Incident Investigations**

The Authority and the Commission agree that incident investigations will be treated on a case-by-case basis and that communication should be established between identified individuals in the Commission and the Authority where a role for both agencies arises as soon as practicable after such an incident occurs in order to ensure mutual cooperation and assistance where agreed as necessary with regard to the investigation. A formal procedure will be developed to facilitate this approach.

**iv. Disclosure of Information**

The Authority and the Commission agree to cooperate on matters regarding disclosure of safety-related information on a case-by-case basis recognising that there are restrictions on disclosure of confidential information that are set out in the Safety, Health and Welfare at Work Act 2005.

**v. Offshore Petroleum Exploration and Extraction**

The Commission and the Authority agree to consult and communicate with each other in order to develop an approach to the safety regulation of the southwest Kinsale offshore gas storage facility and other offshore exploration and extraction facilities that satisfies the statutory requirements of both regulators. It is also agreed that there should be interaction between both regulators on the development of future safety legislation on the Petroleum Exploration and Extraction Industries.

**3. Other Areas for Consideration and Cooperation**

In addition to the above, it is agreed that:

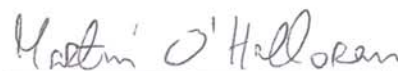
- (i) a secretariat with respect to meetings between the Commission and the Authority will be established; and
- (ii) the participation by the Authority in gas and electricity fora to be established by the Commission and, similarly, participation by the Commission in relevant fora established by the Authority where appropriate.

**4. Annual Review of Memorandum of Understanding**

A meeting between the Programme Managers – Workplace Compliance Unit of the Authority and the Safety Director and Manager of the Commission will be held no less than once annually where activities in the areas of shared or overlapping safety responsibility and cooperative measures will be reviewed. In addition, the content of this MoU will be reviewed to ensure that it remains relevant.



Tom Reeves  
Chairperson  
Commission for Energy Regulation



Martin O'Halloran  
Chief Executive  
Health and Safety Authority



Michael G. Tutty  
Commissioner  
Commission for Energy Regulation

25 June, 2008