

## **Appendix 1**

### **Response Paper**

**CER/08/125-A**

#### **Consultation Comment and Commission's Response – Accompanying the publication of the “Gas Safety Supervisory Criteria Document (Version 1.0)” (CER/08/130)**

The Commission received detailed responses from the following parties further to its consultation on its proposed Criteria Document (reference: CER/08/069 (Parts 1 – 5)):

- Blueflame
- Bord Gáis
- BrodMac Heating & Plumbing Specialists
- CORGI
- John Doyle
- John Kealy
- Michael Baker
- RECI
- The Installer Representative Panel

The Commission welcomes the considered responses from the above parties and has attempted to respond to each comment received.

The comments from the above responses have been inputted into the tables below in accordance with the section to which that comment relates. In doing so, the Commission has re-produced the comments from Respondents. The Commission has also provided its response to each such comment.

Please note that section references in the “Section” column of the table below refers to the section reference in the Criteria Consultation Document (CER/08/069).

# **GENERAL COMMENTS**

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General Comments			
Section	From:	Comments/Proposal	CER Response
Consultation Document	CORGI	We propose the document details the format of the Body and clarifies that it is an NPO.	The Commission's decision on the "Economic Regulation of the Gas Safety Supervisory and any Electrical Safety Bodies to be designated by the Commission" (CER/08/108) sets out that the Body will operate on a not-for profit basis. The Commission has amended Section B 1.1 to reflect this and clarify that the Body will operate as a not-for-profit organisation.
1.3	CORGI	<p>"works which <b>is</b> related to the..." should read "<b>are</b>".</p> <p>We propose "<i>Installation, removal, repair or replacement</i>", should include "<i>servicing</i>" too.</p> <p>We propose it is explicitly stated that the scheme will expand to include LPG at a date to be specified within the criteria, including the factors influencing the implementation of this.</p> <p>The scope of the criteria seems to identify other aspects, rather than gas safety, such as monitoring aesthetics and customer satisfaction. We propose the document limits regulation to gas Safety. Other aspects could be introduced to the scheme at a later date.</p>	<p>The Commission has amended the drafting of the relevant paragraph to read "are" instead of "is".</p> <p>The Commission notes the comment made. The Commission has amended the drafting of the relevant paragraph to include "servicing".</p> <p>Section 14 of the 2006 Energy (Miscellaneous Provisions) Act (the '2006 Act') does provide for an extension of gas safety provisions to LPG. The Commission will be publishing an implementation study in the very near future seeking comment on how the Commission should dispense its duties in this area. Post completion of this study the Criteria Document will be amended to reflect its outcome.</p> <p>It is always the Commission's intention that its primary regulatory focus is on gas safety and the Commission has amended elements of the drafting to reflect this.</p>

General Comments			
Section	From:	Comments/Proposal	CER Response
3.1(viii)	CORGI	Start up funds for the scheme may be sought through levy on energy suppliers, the legal powers to do so, and the Commissions intent, should be referenced as part of this framework.	The Commission considers it inappropriate that the Criteria Document include such details. The Criteria Document is the rules of operation of the regime it does not set how bodies will be funded and nor should it. This will be a function of the Designation process and the subsequent Revenue Reviews.
	CORGI	The criteria should specify the type of accounts and also the audit procedures to be in place. We propose the current Irish legal requirements for company reporting and audit procedures will allow transparency and further reporting may not be necessary.	The Commission's decision on the "Economic Regulation of the Gas Safety Supervisory and any Electrical Safety Bodies to be designated by the Commission" (CER/08/108) provides details regarding the type of accounts and their subsequent audit that will be required of the designated body. Such details will be enshrined in the Terms and Conditions of Appointment. Furthermore, the Commission considers that the Company Registration Office (CRO) requirements are not adequate for the purposes of its monitoring of the performance of the Body – the Commission needs to be able to request regulatory reports and accounts etc outside of the usual CRO accounting periods. Unlike normal companies, the Body will be operating in a regulated industry and subject to requirements of the 1999 Act and supervision of CER. Therefore wider than normal reporting requirements are required to ensure that the statutory obligations are being met- particularly in view of the important public policy goal underlying the regulatory system.
3.1 (ix)	CORGI	Accounts will need to be published in line with legislation. Any further detail will need to be agreed between the body and the Commission. It is important to bear in mind that this will be a "not for profit" organisation and minimum cost must be applied in order to benefit members. A rigorous system of reporting will absorb the Body's resources.	The Commission refers to its decision on the "Economic Regulation of the Gas Safety Supervisory and any Electrical Safety Bodies to be designated by the Commission" (CER/08/108) as it explicitly deals with the Respondent's concerns.

# SECTION A COMMENTS

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Section A - Overview of Gas Safety Supervision, Roles and Definitions			
Section	From:	Comments/Proposal	CER Response
GID	Blueflame	A GID qualification can be achieved also via an Assessment event resulting in a Certificate of Competence. Should not the definition also include this?	The Commission's decision regarding its "Vision for the Regulation of Gas Installers with respect to Safety – a Decision Document" (reference: CER/07/225, dated 17 <sup>th</sup> December 2007) which states that, though the training course offered by independent training providers is similar to that provided by Fás, there is no current mechanism for these providers to issue GID awards. To overcome this, the independent training providers ensure that an independent competency assessment associated with the GID course is conducted. The competency assessment is designed to ensure that those completing a training course are capable of applying what they have learned in a practical environment. These assessments are accepted by Bord Gáis Networks instead of the GID award to become a member of the current BGE RGI. The Commission will ensure that this practice is continued for the new regulatory regime until such time as appropriate new arrangements are agreed upon and established.
2	CORGI	We propose the structure of the CRP be clarified and inclusion of the Body explicitly stated. Any review should be in consultation with the Body to ensure the scheme develops and additional changes, that will be beneficial to the scheme, are introduced.	The exact structure of the CRP will be clarified post publication of Version 1 of the Criteria Document and designation of the Body. However, it is envisaged that the CRP will meet quarterly and that the Body will be represented on the CRP.
4	CORGI	<i>"It is important, from a public safety viewpoint, that such an installer is technically competent and that he/she is registered with the Body which has in place Rules of Registration that ensure competence, or the Body has itself inspected <b>examples of</b> gas work to ensure that it is in compliance with the Relevant Industry Technical Standards."</i> – We propose this is changed to read " <b>and</b> ", add " <b>examples of</b> ", not all gas work will be inspected.	The Commission notes the Respondents comment and has amended the wording to reflect its intention.

Section A - Overview of Gas Safety Supervision, Roles and Definitions			
Section	From:	Comments/Proposal	CER Response
	John Kealy	Little if any mention is made in the documents about unregistered gas installers performing gas work. Will the body have any powers or ambitions to chase and prosecute unregistered installers? If so, can these be detailed?	The Commission considers that the respondent makes a valid point. The prosecution of non registered parties is outside the remit of the Criteria Document as the 2006 Act clearly makes this the Commission's responsibility. The Criteria Document deals explicitly with Registered Gas Installers. The document "Vision for the Regulation of Gas Installers with respect to Safety – a Decision Document" (reference: CER/07/225, dated 17 <sup>th</sup> December 2007) outlines the Commission's intentions and the Body's responsibilities in that regard (see Section 6.1.4 of that document). This is enshrined in Section B 6.4 of the Criteria Document Version 1.0.
6	RECI  CORGI	<p>We accept that it is a good idea to have agreement with the Body and the industry generally for the procedures that need to be developed. However if agreement cannot be reached with all parties the CER will have to make a decision on the matter. Might it be better to use a title such as Operational Procedures rather than Agreed Procedures.</p> <p>Instead of referring to the IS813 directly throughout the document, this should be clarified in the definitions as the "<b>relevant technical standard</b>" and then that phrase used throughout, in order to limit any changes that may be necessary in the future, should the standard be reviewed.</p> <p><b>Brand</b> - needs to assign ownership.</p>	<p>The Commission notes and accepts the respondent's comment. The Commission has amended its drafting accordingly.</p> <p>The Commission is of the view that it is appropriate to use the term IS 813 throughout the document. The Commission understands that changes which occur as result of review of this standard are incorporated under its current title.</p> <p>The Commission considers that it will detail matters such as the branding arrangements once it has confirmed which party is to be designated as the Body. The Commission considers, however, that it will retain overall ownership of the brand and that this will be enshrined in the Body's Terms and Conditions.</p>

Section A - Overview of Gas Safety Supervision, Roles and Definitions			
Section	From:	Comments/Proposal	CER Response
		<p><b>Sub Contractor</b> – this person is also required to be an RGI, this should form part of the definition.</p> <p>We propose definitions for <b>Customer</b> and <b>Gas Safety incident</b> are included.</p>	<p>The Commission agrees with this point and has amended the drafting accordingly.</p> <p>The Commission has amended the drafting to include a definition for customer. A definition for Gas Safety Incident has not been included as the Body's role in this regard will only be finalised post designation.</p>
GEN	BGN	We agreed with the scope of the general objectives for the Criteria Document as set out in Section A.	The Commission welcomes this comment.



# SECTION B COMMENTS

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**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
1	<p>CORGI</p> <p>IRP</p>	<p>Applicable Corporate Governance arrangements regarding the Brand should be specified as part of the criteria.</p> <p>The C.E.R. should retain ownership of the RGI brand, data and computer systems used by the body. The setting up cost should not be directly or indirectly charged to installers or the cost of the Declarations of Conformances.</p>	<p>The Commission considers that Applicable Corporate Governance arrangements regarding the Brand will be specified in the Terms and Conditions of Appointment. The Commission considers, however, that it will retain overall ownership of the brand and that this will be enshrined in the Body's Terms and Conditions of Appointment.</p> <p>The Commission notes the comment regarding ownership of the brand and advises that it will specify such arrangements in the Body's Terms and Conditions of Appointment. However, the Commission agrees with the respondent that it should retain overall ownership of the brand and considers that this will be enshrined in the Body's Terms and Conditions of Appointment.</p> <p>The Commission also notes the comments regarding set up costs. While the treatment of set up costs will be a function of the competitive process to designate the Body, the Commission accepts the respondent's point and signals its intention to consider the effects on gas installers when determining the appropriate method of dealing with set up costs.</p>
Specific comment	IRP	<p>The Commission agrees with the sentiment contained in the respondent's comments. The Commission has included a new clause under Section B 1.2.5 (v) to cater for the Respondent's concerns.</p>	<p>A procedure is required where a customer contacts the Body seeking information or a referral on which RGI to use for gas work. The procedure must ensure that no preferential treatment be given to one RGI over another. The customer should be referred to a complete list of all RGI's or referred to the online database only.</p>
1.2	RECI	<p>The Body should be restricted from acting as a Trade Association or providing commercial services to installers as this could be a conflict of interest.</p>	<p>The Commission refers to Section B 1.2.5 which explicitly states that <i>"the Body shall not act in the capacity of a trade organisation"</i>. In relation to the provision of commercial services to installers, the Commission will consider any proposals for "Permitted Activities" made by the Body designated. However, in making its decision the Commission will adhere to a further sub clause of Section B 1.2.5 which states that <i>"The Body shall not provide any other products or services, which could compromise the confidentiality, objectivity or impartiality of its registration or certification process and decisions"</i>.</p>

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
1.1.1	John Kealy	Has the commission defined a 'Domestic' installation? For example, is an installation in a former private house that has since been converted to office use to be considered a Domestic or a Commercial installation? (I wish them better luck than I have had in getting a solid answer to this question!)	<p>The Commission agrees with this comment regarding the complexity involved in defining gas works. The Commission refers to a public consultation process in relation to the categories of gas works to include in regulations which it plans to initiate in the very near future. Once a decision is published regarding the scope of works to be covered in the new regime this will subsequently be translated into regulations. As the Act provides that Domestic Categories of gas works <b>must</b> be covered under regulations, the initial version of the Criteria Document will solely focus on the below categories of membership:</p> <ul style="list-style-type: none"> <li>• Domestic – Installation and Commissioning; and/or</li> <li>• Domestic – Servicing</li> </ul> <p>Following the completion of the public consultation process on the categories of gas works, the membership categories outlined in the Criteria Document will be amended to include those non-domestic gas works deemed appropriate for inclusion.</p>
1.2.1	CORGI	<p>This clause intimates the responsibility of the Body will be wider than that of pure gas safety. We propose this is limited to gas safety issues, as if the scope is too wide this could have a significant impact on training and resources for the Body.</p> <p>It is also important to ensure public perception of the Body's roles and responsibilities reflects the scope of the scheme.</p>	<p>The Commission's drafting here directly reflects the Commission's functions as set out under the 2006 Act. The Commission will leave this clause as drafted as it reflects the spirit of the 2006 Act.</p> <p>The Commission will liaise with the Body, and all interested, regarding an appropriate publicity campaign with respect to the scope of the scheme once designation occurs.</p>

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
1.2.2	CORGI	We propose technical support is also provided as part of the Body's core activities, to offer added benefit to RGIs. For instance, a technical helpline or regular bulletins.	The Commission considers that the Core Activities as stated are appropriate for the purpose of Version 1. Post designation further Core Activities may be proposed.
1.2.2(iv)	CORGI	Further clarification is needed as to the scope of complaints, these should be confined to gas safety issues.	The Commission agrees with these comments and has amended its drafting accordingly.
1.2.2 (v)	CORGI	"Disciplining of RGIs" ; legislation granting this power and defining it's remit should be referenced.	The Commission considers it unnecessary to include such a reference here. The 2006 Act states that the Commission shall publish criteria outlining how the system for the regulation of gas installers will operate and be governed. The Commission further considers that Section D of Version 1 of the Criteria defines the Body's remit in relation to the disciplining of RGI's.
1.2.2 (ix)	CORGI	<p>The Body would be expected to interact with stakeholders as necessary as part of their remit. Direction from the Commission should not be necessary.</p> <p>Participation in the gas safety committee should also be included as part of the Body's remit.</p>	<p>The Commission accepts the respondents point, however deems it prudent to retain this power as the Body will be dispensing its duties on behalf of the Commission.</p> <p>The Commission considers that full implementation of the requirements of its Natural Gas Safety Regulatory Framework for Ireland (CER/07/172) (the 'Framework') will include the transfer of sole responsibility for the current role and activities of the Gas Safety Committee (the 'Committee') to the Commission. It is envisaged under the Framework that the current activities of the Committee are best discharged under new governance arrangements and that the Committee will no longer be required. As part of the full implementation of the 2006 Act, the Commission has put in place a suite of new governance arrangements in its stead. The Body will be represented in these new arrangements, as considered appropriate. It is expected that the Committee will continue on a temporary basis in its current guise until such time as the new governance arrangements are fully in place.</p>
1.2.2 (8)	BGN	We propose the inclusion of gas appliance suppliers in the list of parties which the Body will interact. This would have the benefit of giving the Body an overview of the level and range of activities in the market, including 'gas to gas' works.	The Commission considers this a useful suggestion and has amended the drafting accordingly.

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
1.2.2. (9)	IRP	The cost of Public and Industry awareness activities should not be directly or indirectly charged to installers or the cost of the Declarations of Conformances	The Commission notes the comment made and advises that under the Framework a <b>Gas Safety Promotion and Public Awareness Group</b> will be set up comprising appropriate stakeholders and the Commission. The purpose of this group will be to develop proposals for the focusing of coordinated customer safety promotion and awareness strategies. The cost issue will be considered at this juncture. However, the Commission does accept the respondents point and recognises that promotion and awareness is a public good and that some provision should therefore be made by industry with respect to funding.
1.2.2 (xi)	IRP	“Interaction and co-ordination of activities with” Please add Installers Representative, Appliance manufactures & Gas Suppliers	The Commission has outlined a non exhaustive list of entities which the Body must interact with from time to time. The Commission agrees with the sentiment of the respondent’s comment and will include such interactions as set out once the Body is designated and those specific activities are defined.
1.2.2	CORGI	Requirements, with respect to the operation and use of the brand, should be clarified.	These requirements will be confirmed in the Terms and Conditions of Appointment.
1.2.3	John Kealy	Has the commission considered a requirement for those installers already holding a GID to be retrained/updated on a regular basis?	The Commission has considered this point and advises that at a minimum, it will be a condition of membership of the Body that an RGI undertakes a re-assessment of competence every 5 years as set out in its decision regarding its “Vision for the Regulation of Gas Installers with respect to Safety – a Decision Document” (reference: CER/07/225, dated 17 <sup>th</sup> December 2007).
	CORGI	<p>With respect to Permitted Activities we recommend the following be included and agree they should be carried out in accordance with approval from the Commission;</p> <ul style="list-style-type: none"> <li>• A publication to support operatives and increase communication</li> <li>• Gas Safety Incident Investigation (1.2.3 (ii) )</li> <li>• Technical Events</li> <li>• Data Verification Services</li> </ul>	The Commission will leave the Permitted Activities as set out for the purposes of Version 1 of the Criteria Document. The Commission have set out procedures for the Body to propose Permitted Activities once designated and will consider such proposals post designation.

Section B – The Body			
Section	From:	Comments/Proposal	CER Response
1.2.3 (ii)	CORGI	We propose the definition of <b>Gas Safety incidents</b> is clearly defined.	The Commission has amended its drafting under Section B 1.2.3 in order to provide clarity in relation to this clause.
1.2.4	CORGI	These factors need to be measured through <b>SLA's</b> and <b>KPI's</b> .	The Commission agrees with this point.
1.2.5 (iii)	CORGI	The Body will have a wealth of knowledge and be in the best position to provide support and <b>consultancy</b> in certain situations, therefore this should be included as a permitted activity.	The Commission refers the Respondent to Section B 1.2.5 (iii) which states that the Body shall not “engage in gas work and/or consultancy with respect to gas work”.
1.3.1 (iii)	CORGI	Inclusion of the <b>procurement regulations and directive</b> should be reviewed, as this may not be reasonable for an organisation of this size and structure.	The Commission notes the Respondent’s comment and have reviewed and taken out this clause.
1.3.3	CORGI	We propose the Commission be clearly defined as the Data owner for purposes of this document and the Body the data controller and processor to satisfy Data Protection. Due to the nature of the role, <b>the Body will have to be classed as a controller</b> , otherwise DP issues may arise, giving the network operators info on RGI's and communicating with other stakeholders.	<p>The responsibility for regulating the activities of RGIs with respect to safety rests with the Commission in terms of 9F of the Act. It is open to the Commission to delegate these responsibilities to a designated body. The Body is exercising statutory powers and duties on behalf of the Commission. Accordingly any data collected is collected on behalf of the Commission.</p> <p>Under the Data Protection Acts 1988 and 2003, the data controller determines the purpose and manner in which any personal data is to be processed, while the data processor processes the personal data on behalf of the data controller. As the Commission has control as to the purposes for which the information is kept, for the purposes of the Data Protection Acts, the Commission is accordingly the “Data Controller”, while the Body is “Data Processor”. The Commission and Body will have the corresponding rights and duties in respect of the personal data as set out in the Data Protection Acts.</p> <p>The Commission has reflected the relevant requirements in this regard in the drafting of Section B.1 of the Criteria Document Version 1.0.</p>
1.4.2	CORGI	<b>Certification procedure</b> should be included as a requirement.	The Commission notes the comments received and the drafting of the Criteria Document has been amended to reflect this proposal.

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
1.6	Blueflame  RECI  CORGI	<p>After... quality management system... add ,...at least to the principles of ISO 9001'....,</p> <p>An ISO 9000 type Quality Management system would be suitable</p> <p>We agree that QMS should be in place. The timeline needs to be decided by the Commission before designation of any new Body. Process' and procedures are key to the scheme, specific ISO standards would need to be met, and these should be included as part of the Criteria. E.g. <b>ISO 9000</b> and <b>ISO 27001</b>. Having these in place will ensure appropriate management systems and accountability and will result in improved service to customers.</p> <p><u>ISO9000</u> The reasons we would recommend that any registration body has <b>ISO9000</b> accreditation are;</p> <ul style="list-style-type: none"> <li>• This standard shows an on-going, top management, commitment to the continual improvement of the organisation and the quality of service offered to both members of the public and members of the registration scheme.</li> <li>• It shows that the organisation has a robust management system in place.</li> <li>• Ensures that the processes that are employed to meet the requirements of registration are regularly assessed through a stringent audit program and any deficiencies addressed through a documented and verified corrective action process</li> <li>• Ensures that a method is in place to review, and action as necessary, any complaints received against the organisation.</li> <li>• Ensures there is a regular review process in place, by top management, of the performance of all areas of the organisation, and actions are identified and committed to at a top level</li> <li>• Ensures the competence of members of staff, who conduct work that may affect the quality or service level of the organisation, is defined and assessed and that staff meet these requirements.</li> <li>• That regular training is identified and assessed to help the organisation improve the effectiveness of the work force and its performance.</li> </ul> <p>Continued on next page</p>	<p>The Commission notes and has considered respondent's comments in relation to Section B 1.6. The Commission has amended its drafting (please see Section B 1.6.2) to take into account such comments and also to provide a degree of flexibility to the Commission with respect to the directions it may issue to the Body regarding requirements relating to its Quality Management System.</p>

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
		<ul style="list-style-type: none"> <li>Is externally assessed to ensure that it is implemented effectively and completely</li> </ul> <p><u>ISO27001</u> The reasons we would recommend that any registration body has <b>ISO27001</b> accreditation are;</p> <ul style="list-style-type: none"> <li>Although the data protection act will ensure that body doesn't misuse any installer or public details that it receives, or that it doesn't share it with any other organisation or person without prior permission, it does not ensure the integrity of security of the data.</li> <li>ISO27001 means that, similarly to ISO9000, processes and procedures are in place to assess the risks to, and the security of, such data and implement necessary controls to ensure that such risks are mitigated to a degree that is acceptable to the organisation.</li> <li>Ensures that robust controls are in place to prevent data loss through either malicious attack, theft of systems and deliberate sabotage</li> </ul> <p>We would also consider ISO 1800 and 1400 to be introduced in the future, supporting Health and Safety and the Environment.</p>	As per above response
1.6.1	CORGI	There will need to be provision in funding to allow for certification of appropriate management systems to be achieved.	The Commission considers requests for funding will be a function of the competitive Designation Process and will consider this issue as part of that process.
1.6.2	CORGI	Provision for business continuity is very important for the safety scheme and there should be appropriate plans in place, this could be supported through ISO 27001.	The Commission concurs with the comment.
1.7.1	CORGI	We propose an overview of any financial requirements the Body could face, be included as part of the criteria document.	The Commission has included broad principles with respect to the financial and insurance requirements in the Criteria Document which are consider sufficient. The Economic Framework in which the Body will operate has been outlined by the Commission (CER/08/108) and the detailed financial requirements of the Body will be determined by the Designation process and confirmed through the Terms and Conditions of Appointment as stated.



**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
1.7.4	CORGI	If revenue from the Core activities can't be used to support permitted activities, this limits the scheme being able to grow and adapt, to introduce other facilities in response to the needs of the market.	The Commission disagrees with this comment as its intention is that central focus for the Body should be on their Core Activities. Permitted Activities are seen as non essential by the Commission for the successful operation of the scheme. In the event that an activity which is not currently identified is required in order to achieve the safety objectives of the system the Commission would make this activity, a Core Activity.
1.7.6	CORGI	We propose the type of accounts and frequency of audit detailed in the Companies Act is appropriate to monitor the Body. If reporting is too arduous, it will require extra resource/cost to satisfy.	The Commission considers that the Company Registration Office (CRO) requirements are not adequate for the purposes of its monitoring of the performance of the Body – the Commission needs to be able to request regulatory reports and accounts etc outside of the usual CRO accounting periods. Unlike normal companies, the Body will be operating in a regulated industry and subject to requirements of the 1999 Act and supervision of the Commission. Therefore wider than normal reporting requirements are required to ensure that the statutory obligations are being met- particularly in view of the important public policy goal underlying the regulatory system.
1.9.1	CORGI	Changes could have a significant operational and/or financial implication on the Body, there must be provision for recourse for the Body.	The Commission is committed to engaging with any all interested parties with respect to any directions or determinations that it issues to the Body. This will be reflected in the Terms and Conditions of Appointment. With regard to the provision for financial recourse for the Body, the Commission also refers to its Decision and Response to Comments Received Document on the Economic Regulation of the Gas Safety Supervisory Body and any Electrical Safety Bodies to be designated by the Commission (CER/08/108), which states that <i>“in the event that the net earnings (i.e. revenues less operational costs; or in other words, earnings before depreciation, interest and taxes), deviate from the annual agreed net earnings by <b>15%</b> (in either direction) during the designation period (without any corresponding change in the obligations faced by the SSB), the SSB may provide, or the Commission may request, information on the reasons for that deviation”</i> .
1.9.2	CORGI	We propose accreditation of the Body against European standards, alongside procedures agreed by the Commission would reduce the requirements for audits. The audit/inspection regime imposed should reflect this.	The Commission must satisfy itself that the Body is acting in accordance with the Terms and Conditions of Appointment and the Criteria Document and will obtain this confidence via an auditing and inspection approach.

Section B – The Body			
Section	From:	Comments/Proposal	CER Response
2.1	CORGI	The Criteria includes 3 main types of membership Full, Trainee and Business employing operatives. We are comfortable with the proposed membership categories.	The Commission welcomes this comment.
2.1.1	RECI	It will be necessary to carefully define the scope of “commissioning” as opposed to elements of “servicing”. Perhaps commissioning can be constrained to adjusting gas inlet pressures, checking flow rates, etc. But it could be difficult to define this in a formal document.	The Commission notes this comment and advises that IS 813 defines the scope of “commissioning” therefore it is considered unnecessary to include such a definition in the Criteria Document.
2.1.2	Blueflame	Should there not be .....three (3) membership categories of registration with the Body- Full Membership, Trainee Membership and Provisional Membership. Move clause 2.1.5 to become 2.1.3 3)	The Commission is of the view that this proposed amendment is not appropriate. The Commission have intentionally not included Provisional Membership along with Trainee and Full Membership as it is a transitional category of Membership.
2.1.3	Blueflame	Full Membership - Domestic. The Clause states ‘Hold a GID award or equivalent or have.....’ should read ‘Hold a GID Certificate of Training or a GID Certificate of Competence, or have .....	In the Commission’s decision regarding its “Vision for the Regulation of Gas Installers with respect to Safety – a Decision Document” (reference: CER/07/225, dated 17 <sup>th</sup> December 2007) it was acknowledged that, though the training course offered by independent training providers is similar to that provided by Fás, there is no current mechanism for these providers to issue a GID award. To overcome this, the independent training providers ensure that an independent competency assessment associated with the GID course is conducted. The competency assessment is designed to ensure that those completing a training course are capable of applying what they have learned in a practical environment. These assessments are accepted by Bord Gáis Networks instead of the GID award to become a member of the current BGE RGI. The Commission will ensure that this practice is continued for the new regulatory regime until such time as appropriate new arrangements are agreed upon and established.

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
	BGN	<p>It is specified that Full Membership – Domestic must “Hold a GID award or equivalent or have been a member of the Bord Gáis Register of Gas Installers on 1st January 2009.” We propose this is amended to “Hold a GID award or equivalent or have been a member of the Bord Gáis Register of Gas Installers in a domestic category on 1st January 2009.”</p> <p>The reason for this proposed clarification is because the Non-domestic category is outside the scope of the Criteria Document.</p> <p>Bord Gáis Networks support the proposal to include membership of the Bord Gáis Register of Gas Installer in the domestic categories in the specific requirements for Full Membership as this gives installers the opportunity to prepare for the new scheme under the Gas Safety Supervisory Body. Membership to the Bord Gáis scheme to open to all qualified installers meeting the Bord Gáis published criteria.</p>	<p>The Commission agrees with this comment and have amended the drafting accordingly.</p> <p>The Commission welcomes this comment as it is consistent with its intentions with respect to this clause.</p>
2.1.3 1.	CORGI	<p>We propose the existing RGI’s that transfer across will fall into a risk rating determined from the records held by BG, they would then be inspected as their level of risk warranted.</p> <p>Equivalents to the GID award need to be clearly detailed, including international qualifications.</p>	<p>The Commission considers this comment sensible and a prudent course of action to take in relation risk management which will be considered as part of the transition to the new Regulatory System.</p>

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
2.1.3 2. C	CORGI	<p>This clause allows gas work to be signed-off by a suitably competent RGI. This system is fully reliant on the integrity of those involved and may leave the gas user at risk. The level of supervision required and the process of verifying this activity needs to be fully defined. The certified work should contain trainee membership details and fall into a higher inspection risk rating.</p> <p>There should be a specified time constraint for trainee status, within which to sit a test.</p> <p>We propose the maximum number of trainees that can be supervised by a full member is detailed</p>	<p>The Commission accepts this point and considers that the wording proposed in this clause is appropriate as while the work is carried out by a Trainee, the responsibility for its supervision and certification is with the Full Member who oversees the work. The Full Member could be subject to disciplinary proceedings if the gas work is unsatisfactory and this threat should be sufficient to ensure that he/she verifies the work to the same level as if he/she carried out the work him/herself. Notwithstanding this, the Commission will consult with the Body once designated regarding the level of supervision required and the process of verifying Trainee’s gas work.</p> <p>The Commission accepts this point and will review this issue post designation.</p> <p>The Commission does not see the need to define a specific maximum of trainees at this stage but will keep this issue under review post designation of the Body.</p>
2.1.4	CORGI	<p>Under company registration a “responsible person” should be nominated. They could be a first line of contact between the Body and the firm, being responsible for ensuring safe gas work is being certified by their operatives and appropriate documentation and insurance held by the firm. This would be the person made available in Section C 3.4.10 (ii)</p> <p>We propose the criteria explicitly states, that if an operative under company membership wants to work outside of this, then they must obtain their own personal membership and insurance.</p>	<p>The Commission agrees with this suggestion and indeed it seems a sensible approach for both the Body and the Installer. The Commission has amended its drafting to include such a clause.</p> <p>The Criteria Document already explicitly states this under Section B 2.1.4 (d).</p>
	IRP	<p>Company Registration: Only the <b>names</b> and no other details of the individuals on a company registration should be listed on the RGI public database</p>	<p>The Commission accepts this comment and has amended its drafting accordingly.</p>

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
2.1.5	CORGI	<p>d) Does this apply to existing operatives who have been working in the industry, but aren't qualified when the scheme goes live?</p> <p>There needs to be a clear time limit placed on provisional members, considering likely numbers and training capacities. We propose an operative should have proof of a training and assessment day prior to being issued with provisional membership.</p> <p>We propose this process be reviewed against the requirements of the European Services Directive and Professional Qualifications Directive, to ensure the scheme satisfies requirements.</p>	<p>The intention of the this category is to allow individuals who are deemed to have satisfactory experience in the gas industry but who do not meet the specified qualification requirements to obtain Provisional Membership for a strictly limited time period prior to them obtaining the relevant qualifications.</p> <p>The Commission agrees with this comment and refers to Section B 2.1.5 (b) which gives the Body the power to set the time limit period placed on provisional members and within which time limit period the installer must obtain the necessary requirements for Full Membership.</p> <p>European Services Directive and Professional Qualifications Directive 2006/123 and 2005/36</p> <p>Key provisions:</p> <p>Together these Directives provide for:</p> <ul style="list-style-type: none"> <li>- Free movement of Services</li> <li>- freedom of establishment</li> <li>- ability for those with professional qualifications to have access to same profession in another member state.</li> </ul> <p>Any provisions for the registration of gas installers must ensure that there are no barriers in place preventing installers from other member states becoming registered. This does not mean that there must be no restrictions to entry as RGI- the conditions for being registered must be non-discriminatory- apply equally to all- and are objectively justified.</p> <p>Having considered the conditions for provisional membership, it does not appear that there are any barriers to entry that would result in any unfair prejudice against installers from other countries. The Commission notes that the GID qualifications requirement provides for "<i>or equivalent</i>". This should be adequate to meet the obligations under the directive.</p> <p>Note that any barriers to entry must also be objectively justified as well as being non-discriminatory. The principle of proportionality is important here- must not impose barriers to entry that exceed the purposes of the aim they are trying to achieve. The Commission considers that the 4 year requirement to ensure that installers have sufficient experience to carry out the job safely is proportionate.</p>

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
2.1.6	CORGI	We propose there is provision for all training centres to be registered, in a similar manner to Installer Businesses, thus placing appropriate responsibility upon training providers. As part of this, operatives would be registered under their centre.	The Commission considers that this proposal is constructive and has amended the drafting of the relevant clause accordingly.
2.3	CORGI	We propose the criteria explicitly reference the source legislation in relation to the rules of registration, to support its legal grounding.	The Commission considers that this proposal is unnecessary on the basis that that Section A of the Criteria Document sets out the legal basis of the entire Criteria Document.
2.5.2	CORGI	Indicates that proof of registration can be provided through a choice of documentation e.g. ID card, Certificate, or letter, yet later in the document refers to an ID card (4.2.4)	The Commission determines that each RGI must be provided with an ID card and has amended the drafting in the Criteria Document accordingly.
2.5.3	CORGI	We propose the regime for re-assessment of competency every 5 years is detailed. How is competency to be assessed?	<p>The Commission refers to its decision regarding its “Vision for the Regulation of Gas Installers with respect to Safety – a Decision Document” (reference: CER/07/225, dated 17<sup>th</sup> December 2007) which determined that re-assessment of competency must occur every 5 years at a minimum.</p> <p>The Commission will establish an industry working group later this year which will examine and recommend the appropriate criteria for the competency assessment of natural gas installers. This Competency Assessment Working Group (CAWG) will make recommendations to the Commission which it will review and approve as required. It is intended that the competency assessment criteria will adapt and evolve as the relevant standards change. This group will be made up of appropriate industry participants at the discretion of the Commission.</p>
2.5.4.(1)	Blueflame	The sentence... ‘The RGI has a personal Competence Certificate, issued by an INAB accredited body,’ should read, ‘The RGI holds a valid, current ISO 17024 Personnel Certificate of Competence issued by INAB or equivalent Accreditation Body,.....’	The Commission agrees with the comment and has amended its drafting accordingly.

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
3.	CORGI	<ul style="list-style-type: none"> <li>• We propose the number of inspections be reduced following risk ratings being established.</li>   <li>• Potentially, competency assessments could be carried out alongside inspections, as RGIs are proving their competency at inspections. This would reduce costs for RGIs and make the scheme more streamlined.</li>   <li>• It would ease the resource pressure for the inspectorate, if businesses could be inspected as a whole, under business memberships. All operatives representing that business could be deemed to be working safely if appropriate controls are in place and quality of work is satisfied.</li> </ul> <p>Specifying explicit frequencies, such as a minimum of 1 inspection per year, will limit the implementation of a risk based approach. If an RGI can demonstrate competency and poses a lower risk, then we feel this time limit could be extended.</p>	<p>The Commission has stated minimum requirements in relation to the number of inspections. Any move away from the stated minimum will be based upon evidence gleaned from the operation of the inspection regime.</p> <p>Competency Assessment is specifically outside the remit of the Body. In this regard, the Commission refers to its decision regarding the “Vision for the Regulation of Gas Installers with respect to Safety – a Decision Document” (reference: CER/07/225, dated 17<sup>th</sup> December 2007) which states that “<i>the Body shall not engage in or have a vested interest in the provision of training or formal competency assessment procedures</i>”.</p> <p>The Commission refers to Section B 2.1.4 which states that each gas installer operating under company registration will have to be individually registered. Therefore, each RGI under company registration will be subject to the minimum inspection criteria as set out in Section 3.1.6.</p> <p>The Commission has stated minimum requirements in relation to the number of inspections. Any move away from the stated minimum will be based upon evidence gleaned from the operation of the inspection regime.</p>
3.1.4	RECI	<p>We fully support a risk based approach to the Body’s audit and inspection plan. This type of plan prioritises safety and is cost efficient.</p>	<p>The Commission welcomes this comment.</p>
	CORGI	<p>Any new Body should have access to existing records and risk ratings, this could be built into the criteria. It is important to establish risk ratings as soon as possible and concentrate resources on operatives who pose most danger.</p>	<p>The Commission notes this comment and will consider it as part of the transition into the new regime once the Body is designated.</p>
3.1.5	CORGI	<p>Under the framework, will all corrective actions be subject to re-inspection or just immediately dangerous and at risk categories?</p>	<p>The Commission confirms that under the framework, all immediately dangerous and at risk categories will be subject to re-inspection. All other non-conformances will be closed off via re-inspection or other means and such details will be confirmed post designation.</p>

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
3.1.6	RECI  CORGI	<p>The inspection frequency proposed is reasonable with the possible exception that installers who have a record of satisfactory inspections over an agreed period could be inspected say every two years.</p> <p>The resource requirement to cope with initial demand will be high through the first 12 months under this regime. It would be beneficial to the scheme if existing metre suppliers, as used by BGN, could be made available in the interim to support this initiative.</p> <p>One inspection per annum for all full members will demand high inspectorate resources. We propose, following their first year, operatives should fall into a risk based regime, similar to the competency assessment, e.g. 5 yearly maximum.</p> <p>Existing RGIs could be transferred into this regime based on existing records.</p>	<p>The Commission has stated minimum requirements in relation to the number of inspections. Any move away from the stated minimum will be based upon evidence gleaned from the operation of the inspection regime.</p> <p>The Commission has stated its requirements regarding the frequency of inspection. It is up to parties interested in becoming the Body to provide resources to comply with these requirements. The Commission will evaluate the merit of any proposals provided by interested parties in this regard.</p> <p>The Commission has stated minimum requirements in relation to the number of inspections. Any move away from the stated minimum will be based upon evidence gleaned from the operation of the inspection regime.</p> <p>The Commission notes this comment and will consider it as part of the transition into the new regime once the Body is designated.</p>
3.1.7	CORGI	<p>A minimum of 3 inspections seems too many for a provisional member. They will have already been assessed upon application and will be previously experienced, so the Body could treat them as a new RGI and assess them twice in the first year. Again resource impact on the Body will be dependent on the volume of applicants in this category.</p>	<p>The Commission notes the Respondent's comment but has decided to leave the stated minimum at 3 inspections for Provisional Members.</p>
3.1.8	CORGI  IRP	<p>We agree with direct inspection fees chargeable for any extra inspections required by high risk operatives, to be approved by the Commission. This would avoid low risk RGIs subsidising higher risks, and act as a deterrent for higher risk operatives.</p> <p>This paragraph should be removed as it could be used as a way for the body to increase revenue. It is not necessary as it is already allowed for in a more controlled way in Section D Disciplinary Process Page 12 10.2 (5)</p>	<p>The Commission welcomes this comment.</p> <p>The Commission considers this clause valid and appropriate to include as it ensures that the cost of extra inspections required for those RGI's who require a higher level of monitoring will not be imposed on those RGI's who are compliant. Nevertheless, the Commission accepts the Respondent's comment and advises that the arrangements the Commission has in place to monitor charges will ensure that only efficient charging will be allowed.</p>



**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
3.2.1	RECI	<p>We would suggest that the skills mix needed by an Inspector are different to those of sub-clauses(i) and (ii). On a technical level, an Inspector must be competent to check an installation's compliance with the Standard. The purpose of the inspection, and the primary focus of the Standard (IS 813 ) is safety.</p> <p>We would suggest that this competency skillset is not aligned well with those holding a GID award ( assuming here that the primary route and prerequisite to a GID award is via a trade apprenticeship. The GID accredited person is trained and experience, essentially to install equipment. On the other hand, the core competency of an Inspector would lie in the following:</p> <ul style="list-style-type: none"> <li>• A thorough understanding of the safety standard including the theoretical background to their requirements.</li> <li>• The ability to construct objective reports bearing in mind that he may be called on to present the findings in a court of law.</li> <li>• The formal skillset required by clauses (iv) and 3.2.2 (which make sense ).</li> <li>• The ability to decide by inspection if an installation conforms to the standard. Whilst the skills of an experienced installer are relevant here, we would suggest it is not a requirement –the Inspector can be trained in such aspects as assessing the integrity of a pipe joint or the routing of piping.</li> <li>• As regards the inspection of “Servicing installers” the skillset of an Inspector will have to be muchbroader. The Inspector must have a grounding in control technology, which on modern appliances is electronic based.</li> </ul>	<p>While agreeing with many of the sentiments expressed by the Respondent, the Commission considers the minimum qualification requirements as set out in Section B 3.2.1 reasonable.</p>

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
3.2.1 (ii)	CORGI	<p>Whilst a gas installer may well attain/have the above skillset, his training/experience provides only one element in the overall skillset required. The other elements are not normally part of the training/experience profile of an installer. In cognisance of the above and with a focus on ensuring the highest possible quality of inspection we would suggest that requirements (i) and (ii) be substituted by a qualification which ensures that Inspectors have a broad theoretical understanding of the technologies involved: combustion, control systems etc. This technical foundation will equip the Inspector to understanding and stay updated with the ever complex technical innovations in the industry. Also sufficient experience to be in a position to inspect an installation. In summary we would suggest that the requirements of clauses (i) and ( ii) might constitute an exclusion to persons who would be more suited to the broad role of an inspector</p> <p>To specify the number of years required to gain experience may need to be reviewed to ensure it satisfies European employment law.</p>	<p>The Commission notes that the European Services Directive and Professional Qualifications Directive 2006/123 and 2005/36 provides that any barriers to entry must be objectively justified as well as being non-discriminatory. The principle of proportionality is important here- must not impose barriers to entry that exceed the purposes of the aim they are trying to achieve. The Commission considers that the requirement that any person engaged by the Body as an Inspector have experience of/responsibility for gas work for not less than three years is both objective and proportionate.</p>
3.2.2	Blueflame	<p>The sentence commencing ..... ‘should have completed an Audit course run by a Quality System accrediting body,’ should read ‘.....must have completed a course in Audit techniques run by an organisation Certificated in Quality Systems by INAB or equivalent Accreditation Body.’</p>	<p>The Commission accepts the Respondent’s comments and have amended its drafting accordingly.</p>
3.4.2	RECI	<p>We fully agree with the necessity for a performance marking scheme. This gives consistency of evaluation of installers by the Body’s Inspectors.</p>	<p>The Commission welcomes this comment.</p>

Section B – The Body			
Section	From:	Comments/Proposal	CER Response
3.4.3	CORGI	We propose all reports be forwarded to the RGI, in order to remain transparency and allow them to understand their current situation and level.	The Commission agrees with this comment and has amended its drafting accordingly.
3.4.6	CORGI	We propose the RGI be charged for further inspections if initial sites don't meet criteria.	The Commission refers to Section B 3.1.8 which grants the Body this power.
3.6.5	CORGI	Specifically analysis of defects, complaints and unsafe work.	The Commission agrees that such analysis will be included in the advice provided by the Body, however the Commission has intentionally kept this statement broad to allow the Body the flexibility to provide advice in relation to any identified safety concerns in the interests of safe gas work.
3.6.6	CORGI	Technical Bulletins appear to focus on raising <i>Public</i> awareness of safety issues. We propose these are aimed at RGIs and other activities used to raise public awareness of safety issues.	The Commission agrees with this comment and has amended its drafting accordingly.
4.1.1 (i)	CORGI	This clause requires the Commission to be notified of changes to registration statuses. This creates an extra data stream for the Body, rather we propose a number breakdown of activity as part of annual reporting to the Commission would suffice.	The Commission notes the comment made by the Respondent. It should be noted that the Commission considers the drafting of this Section B 4.1.1 (i) appropriate on the basis that both the Commission and the Network Operator will require specific details on each RGI who voluntarily de-registers as that RGI will no longer be eligible to carry out gas works.
4.2.1	IRP	Please insert "without delay" after "Suspension will be lifted and entitlements restored"	The Commission notes the Respondents comment and has amended the relevant drafting in light of this comment.
4.2.4	CORGI	We propose certain <b>revocations</b> of membership could be published with reasons, in order to support the process.	The Commission notes this comment and agrees that the provision of such information by the Body on their database could add legitimacy to the process amongst the public and installers alike. Insofar as such data is personal data, RGI's would have to agree that their details can be published in this way. Otherwise, provision of such information could be interpreted as a breach of Data Protection Laws. The Commission will discuss this idea further with the Body post designation.
4.2.4 (iv) 1.	CORGI	A card is explicitly specified here, but a choice in proof of registration was previously specified (2.5.2)	The Commission determines that the Body must issue an ID card and has amended its drafting in Section B 2.5.2 to reflect this. The drafting in Section B 4.2.4 is therefore appropriate.
4.2.4 (iv) 3.	CORGI	This process requires maintenance and tracking of certs. Certification in an electronic format, which could be satisfied online or over the phone, could allay this requirement.	The Commission notes the comment made by the Respondent.

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
4.3.4 (f) 2.	CORGI	We propose appropriate penalties are put in place for non-returned certificates.	The Commission notes this comment but as the Gas Installer will have been de-registered, the Commission will no longer have specific direct power to fine the Installer for not returning his/her certificates. The Commission does have power under Section 9G (4) of the Act, however, to take action against a gas installer who has been de-designated and attempts to carry out gas work. This includes the imposition of a fine up to €15,000.
4. 3	Blueflame	A procedure must be put in place when revocation is invoked such that Bodies issuing Certificates of Competence are notified of the circumstances for revocation (for example an incompetence/unsafe situations issue highlighted during an Inspection of the RGI), so that the Body may consider the withdrawal of the Certificate of Competence held by the individual.	Such an arrangement will be for the parties concerned to arrange and is outside of the Commission's direct remit. The Respondent should, however, note Section B 1.2.2 (ix) in relation to their proposal.
5.2.2	CORGI	The Body as <b>data controller</b> should be responsible for publishing and maintaining the register	The Body as <b>data processor</b> will have responsibility for publishing and maintaining the register while the Commission as <b>data controller</b> will be responsible for approving the form and type of information published by the Body in its register.
5.3.1	CORGI	The scope of the Body's safety function needs to be clearly defined.	The Commission agrees with this comment and amended the wording as appropriate.
5.3.3	CORGI	In this section and throughout the document, safety regulation should explicitly state, gas safety regulation. This needs to be clarified as it may have an impact on training and skills required by Inspectors and any technical support in relation to the scope of the SSBs responsibility.	The Commission notes the Respondents comments.
5.4	IRP	The cost of public awareness, websites, or advertising campaigns should not be directly or indirectly charged to installers or the cost of the Declarations of Conformances	The Commission notes the comment made and advises that under the Framework a <b>Gas Safety Promotion and Public Awareness Group</b> will be set up comprising appropriate stakeholders and the Commission. The purpose of this group will be to develop proposals for the focusing of coordinated customer safety promotion and awareness strategies. The cost issue will be considered at this juncture. However, the Commission does accept the respondents point and recognises that promotion and awareness is a public good and that some provision should therefore be made by industry with respect to funding.
5.4.1	CORGI	We propose the Commission states high level requirements of the website, but the format and operation of this is left to the Body to determine. This will allow it to be more responsive.	The Respondents comments reflect the Commission's intention in this regard.

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
5.4.2 (iii)	CORGI	Technical Bulletins appear to focus on raising <i>Public</i> awareness of safety issues. We propose these are aimed at RGIs and other activities used to raise public awareness of safety issues.	As per the Commission’s response to Section B 3.6.6
5.4.3	CORGI	Is the expectation that these public awareness activities will be funded by the Body or on a commercial basis supported by the Commission?	The Commission notes the comment made and advises that under the Framework a <b>Gas Safety Promotion and Public Awareness Group</b> will be set up comprising appropriate stakeholders and the Commission. The purpose of this group will be to develop proposals for the focusing of coordinated customer safety promotion and awareness strategies. The cost issue will be considered at this juncture. However, the Commission does accept the respondents point and recognises that promotion and awareness is a public good and that some provision should therefore be made with respect to funding.
6.5.1	RECI	We are in favour of a bonding system but think that it should be confined to covering the cost of rectifying faults in a system carried out by a registered installer who will not or cannot carryout the instructions of the Body to correct the faults. The “ provision of support and/or compensation for loss/damage” seems like too wide a scope and should be covered by the installers insurance	<p>The Commission included the Section B 6.5 in order to generate a degree of debate in relation to the idea of introducing a customer protection bond system. The Commission does agree with the Respondent that the idea of a customer bonding system has ideological merits from the point of view providing compensation to parties who have been subject to loss/damage as a result of the activities of an RGI. However, the Commission is concerned that the establishment of such a system could be interpreted as the Commission stepping out of the gas safety sphere into the commercial sphere. The Commission determines that new regulatory regime should focus solely on safety in the first instance. The Commission also accepts that the scope of the system as drafted by the Commission is too wide and plans for its introduction too vague. Therefore, the Commission has decided to delete reference to the Customer Protection Bond System from Version 1 of the Criteria Document.</p> <p>The Commission notes a similar provision is included in Version 1 of the Electrical Criteria Document. This will be reviewed post designation of the Electrical Safety Supervisory Body/Bodies and the formation of the Electrical Criteria Review Panel.</p>

**Section B – The Body**

Section	From:	Comments/Proposal	CER Response
	CORGI	<p>We propose the operation of a bonding system falls outside of the safety remit of the Body.</p> <p>If in place, how will initial funding for the Bond be obtained? Is the Body expected to have this in place when the scheme goes live? What sort of capital investment is envisaged?</p> <p>If the provision of support/compensation is necessary, we propose an installer warranty scheme may be a simpler and more effective option.</p>	Please refer to the above comment.
	IRP	<p>As RGI's are required to carry insurance. This section should be removed RGI's should not have to pay into a bonding scheme or sinking fund.</p>	Please refer to the above comment.
7.1.1	CORGI	<p>We propose the current Irish legal requirements for company reporting and audit procedures will allow transparency and further reporting may not be necessary, with regards to financial and annual reporting.</p>	<p>The Commission considers that the Company Registration Office (CRO) requirements are not adequate for the purposes of its monitoring of the performance of the Body – the Commission needs to be able to request regulatory reports and accounts etc outside of the usual CRO accounting periods. Unlike normal companies, the Body will be operating in a regulated industry and subject to requirements of the 1999 Act and supervision of the Commission. Therefore wider than normal reporting requirements are required to ensure that the statutory obligations are being met- particularly in view of the important public policy goal underlying the regulatory system.</p>
		<p>Reports to be submitted “from time to time”, this schedule needs to be clarified, as the amount of reporting will affect the efficiency of the scheme.</p>	<p>The Commission retains the authority to request such reports as set out in Section B 7.1.1. from time to time if deemed absolutely necessary, however the frequency of regular reporting will be set out in the Terms and Conditions of Appointment.</p>
7.1.3	CORGI	<p>This passage requires further clarification.</p>	<p>This passage refers to the specific reports set out in Section B 7.1.1.</p>

# SECTION C COMMENTS

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Section C – The Registered Gas Installer			
Section	From:	Comments/Proposal	CER Response
1.2.1 b	IRP	The CER should ensure that the membership fee is kept to a minimum	The Commission accepts the Respondent's comment and this has been a consideration throughout the development of the Commission's decision's on its Vision, Economic Regulation and Criteria Document regarding the Regulation of Gas Installers. The Commission has stressed in its decision on the "Economic Regulation of the Gas and Electrical Safety Functions of the Commission" (CER/08/108) that the Body will operate on a not-for-profit basis. The Commission is also embarking on a competitive designation process to ensure that charges are decided on a competitive basis.
1.2.1 c	IRP	The Rules of Registration should be discussed and agreed in advance with Installer Representatives	The Commission considers that installer representation is key and will confirm such details once governance arrangements are confirmed. The Commission is mindful of ensuring the rights of installers as customers are protected.
1.2.2	Blueflame	Should there not be .....three (3) membership categories of registration with the Body- Full Membership, Trainee Membership and Provisional Membership. Move clause 2.1.5 to become 2.1.3 3)	The Commission has intentionally separated Provisional Membership as it is a temporary membership category which will only be in place for a strictly time period at the commencement of the new regulatory regime.



Section C – The Registered Gas Installer			
Section	From:	Comments/Proposal	CER Response
1.2.2	CORGI	(b) We are happy with this aspect. (c) Work should be certified by a full member and include the details and signature of the trainee member.	The Commission welcomes these comments.
1.2.2(1)	Michael Baker	All competent installers from the older generation will not have GID awards and therefore be excluded from registration. These will be generally the most experienced and hands on qualified, though not holding GID or other certification. An exception should be made, to allow these competent installers to continue working in the industry.	The Commission's function in the new regulatory regime is to <i>“regulate the activities of natural gas installers with respect to safety”</i> . Therefore, the Commission considers it best practice in this regard that <b>all</b> installers have appropriate qualifications. However, the Commission does accept the respondent's assertion that there are experienced installers who don't have the relevant qualifications and it is desirable that such workers be allowed to continue working in the industry. Version 1 of the Criteria Document published by the Commission allows for this under its Provisional Membership category. This membership category caters for those gas installers who do not have the specified qualification requirements but are deemed to meet the criteria set out in Section B 2.1.5. Also, Version 1 of the Criteria Document outlines that members of the Bord Gais register on 1 <sup>st</sup> January 2009 will <b>automatically</b> transfer into the new regulatory regime. Therefore, gas installers who satisfy the requirements of Bord Gais's RGI will automatically transfer into the new regulatory regime. Such gas installers are recommended to register with the Bord Gais RGI before the end of the year.
1.2.2	Blueflame	The wording for requirements for full membership are not the same as Section B clause 2.1.3	The Commission agrees with this comment and has amended the wording to ensure consistency.
1.2.4 (a)	CORGI	To specify the number of years required to gain experience may need to be reviewed to ensure it satisfies European employment law.	The Commission considers that the 4 year requirement to ensure that installers have sufficient experience to carry out the job safely is proportionate.
1.2.5	CORGI	Further clarification with regards to equivalents to GID from other European jurisdictions is necessary.	The Commission notes this comment and will address it post designation.
1.3.3	CORGI	The company must notify the Body <i>“of any new RGI who has been granted their status under company registration by the Body”</i> .	The Commission's intention in drafting this clause is to ensure that any material changes to an applicants application will be submitted to the Body on an <b>ongoing</b> basis.

Section C – The Registered Gas Installer			
Section	From:	Comments/Proposal	CER Response
1.4.5	IRP	Company Registration: Only the <b>names</b> and no other details of the individuals on a company registration should be listed on the RGI public database	The Commission notes the respondent's comment and will take it into consideration when approving the content of the Body's publication of a Register of Gas Installers. The Commission specifically refers to its powers under Section B 5.2.3 in this regard.
2.1.5	Blueflame	Does business documentation include marketing material eg: calendars, diaries, marketing brochures/flyers etc?	The Commission's intention in drafting this clause was to be deliberately broad and not specify exact business documentation. This will be clarified and specified in the Rules of Registration.
2.2.3/2.2.6	CORGI	Unannounced inspections of work will generate more reliable results. The inspector should be able to request the Installers presence if he deems it necessary.	The Commission agrees that unannounced inspections are prudent. They have not been mentioned here on the basis that an RGI cannot be given prior notice of an unannounced inspection. Particular arrangements relating to the Audit and Inspection procedure will be agreed with the Body post designation and will be set out as part of the start up pack set out in section C 2.1.4.
2.2.5	IRP	The Audit Procedure should be discussed and agreed in advance with Installer Representatives	The Respondent should note that the Audit and Inspection Procedure shall be subject to the approval of the Commission. The Commission will in its approval of the procedure ensure that the Audit Procedure is fair and takes Installers concerns into consideration. The Commission will ensure that formal arrangements to include Installer Representation are concluded post designation.
3	CORGI	Title should read "Responsibilities"	The Commission welcomes this comment and has revised its drafting accordingly.
3.2.3	CORGI  IRP	The period for returning certs needs to be specified.  The system for returning of certificates issued for gas works should be quick, simple and easy to use	The Commission notes and agrees with both of these comments. As previously stated, the Certification system will be developed post designation.
3.2.6	CORGI	Where an RGI identifies an unsafe situation, it should explicitly state they should notify the body as well, to ensure awareness of any operatives carrying out unsafe work. (as detailed in 3.4.3)	The Commission considers that this is explicitly and satisfactorily stated in Section 3.4.3.

Section C – The Registered Gas Installer			
Section	From:	Comments/Proposal	CER Response
3.3.1 (i)	CORGI	Stated earlier, the Body can choose the form of Identification for RGIs, this states that operatives must have an <i>Identity Card</i> . This should remain constant through out the document. (see 3.4.2)	The Commission agrees with this comment and has amended drafting to ensure consistency throughout.
3.3.1 (4)	IRP	“Informing the customer on the safe use and maintenance of the installation concerned and relevant appropriate action that can be undertaken by the customer if the appliance ever poses a safety risk and must be made safe.” Bord Gais should provide all customers with a meter box key and an instruction label and or leaflet on how in the event of an emergency to turn off the gas at the meter.	The Commission notes that Bord Gáis currently have a process in place whereby they will all customers with a meter box key and an instruction label and or leaflet on how in the event of an emergency to turn off the gas at the meter. Please contact Bord Gáis Network Services in this regard.
3.3.1	CORGI	It should be stated explicitly that an RGI should supply the customer with all manufacturers’ instructions relating to the appliances being installed.	The Commission agrees with this comment and has amended its drafting to allow for its inclusion. The Commission also notes that this is stated in IS 813.
3.4.3 (i)	CORGI	All unsafe situations should be notified. Normal appliance operation which is not safe should be notified to the Body so that, if necessary, the manufacturer can be informed. If an installation is unsafe due to normal operation, this may be indicative of a generic problem with the appliance and needs to be investigated.	The Commission agrees with this comment and considers that the current drafting of this clause reflects this intention.
3.4.3 (1)	IRP	“Notifying the Body of any unsafe gas works encountered as a result of poor workmanship or negligence, but not as a result of normal appliance operation;” The meaning of the last line of this paragraph is unclear,	The Commission intention in its drafting is to reflect the reality that servicing of gas appliances by an RGI will discover faults brought about by normal appliance “wear and tear” which will need to be fixed by the RGI. The RGI will be able to use his/her judgement to decide if the fault warrants reporting to the Body i.e., if it a serious fault or a trend that an RGI has observed it would be important that the Body is advised in the case of such instances.
3.4.4	IRP	Please change “any other relevant industry technical standards” to “any other relevant industry technical <b>safety</b> standards” as the existing term is too broad	The Commission notes that the official safety standard covering the domestic installation of natural gas for Ireland is IS 813. The Commission has amended its drafting throughout the document to read “ <i>IS 813 and any other relevant industry standard referenced therein</i> ”.
3.4.9	CORGI	We propose this includes “ <i>within the specified timeframe</i> ” for clarification, as in 3.4.13	The Commission agrees with the Respondent’s comment and has amended its drafting accordingly.

Section C – The Registered Gas Installer			
Section	From:	Comments/Proposal	CER Response
3.4.10 to 3.4.13	CORGI	If material and information is not available then there should be a charge for the resultant delays. There should be a charging mechanism in the event that extra work is required where corrective actions have not been carried out	The Commission considers that it will be a function of the Competitive Designation Process that parties interested in becoming the Body shall be required to submit its proposed Charging Methodology. Any party interested in becoming the Body shall have the freedom to submit a Charging Methodology it deems appropriate once it adheres to the Charging Methodology Principles set down by the Commission. Further details in relation to these Principles are available in the Commission's decision on the "Economic Regulation of the Gas and Electrical Safety Functions of the Commission" (CER/08/108).
3.5.1	CORGI	Will this be reported via an emergency helpline hosted by the Network operators?	This will be reported via the Network Operator's emergency helpline.
4.1.1 a.	Blueflame	Should read, The RGI holds a valid, current ISO 17024 Personnel Certificate of Competence issued by INAB or equivalent Accreditation Body.	The Commission agrees with this comment and has amended its drafting accordingly. The Commission agrees with the Respondent's comments and has amended its drafting accordingly.
4.1.2	CORGI	We propose competency should be risk based, with no minimum time for re-assessment. An RGI's competence could be measured through inspections by the Body and if deemed fit, they could refer any RGI's back into the competency assessment cycle. This would still provide the appropriate amount of responsibility and save the RGI further expense if they consistently present good work.	The Commission has stated minimum requirements in relation to the re-assessment of competency. Any move away from the stated minimum will be based upon evidence gleaned from the operation of the inspection regime.
4.1.2	Blueflame	There is no definition of Competency Assessment in Definitions Page 5 Section A	The Commission agrees with this comment and has included an appropriate Definition in Section A.
4.2.3	BGN	The Network Operator should be included in the parties to be indemnified by the insurance policies. Currently such policies generally include this indemnity.	The Commission notes this comment and will revisit this issue post designation.
4.3.3	Blueflame	What mechanism will be in place for notification to the Body if the RGI fails his 5 yearly Competence Assessment?- will that be the RGI or the responsibility of the Certificate issuing Certification Body?	Such an arrangement will be for the parties concerned to arrange and is outside of the Commission's direct remit. The Respondent should, however, note Section B 1.2.2 (ix) in relation to their proposal.

# SECTION D COMMENTS

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Section D – Disciplinary Process			
Section	From:	Comments/Proposal	CER Response
1	CORGI	We propose the complaints officer be given the <b>right to immediately suspend</b> an RGI upon inspection of work. Following this, report should be compiled over the next few days and targets set for the RGI to have the suspension lifted, or following this the RGI could be struck off the register.	The Commission notes the proposal and refers the Respondent to the Body's powers under Section D 3.3 and 7.10.
		There needs to be a clear procedure in place for gathering purely factual information and submitting reports in a generic format. This report can then be submitted to the Body and the RGI.	This point is noted. The Commission will clarify such procedural arrangements in consultation with the Body post designation.
2	CORGI	We propose the disciplinary committee be removed, as to set up the panel and resource external members will create a much longer process for the RGI. The RGI, rather, should have the right to appeal and be heard in front of an internal appeals panel if necessary, following a decision by the complaints officer.	This clause notwithstanding, the Commission considers it appropriate on the basis of fairness and transparency that the Disciplinary Committee has the final decision regarding suspension of an RGI's rights to undertake gas works. Suspending an RGI involves suspending their livelihood therefore it is crucial that an RGI receives a fair hearing and due process is adhered to. The Commission considers that the Disciplinary Committee as constituted in Section D is best suited to adjudicate fairly and impartially on any complaint. The Disciplinary Committee will ensure that such complaints are dealt with promptly.
	CORGI	The proposed membership of the appeals panel seems reasonable.	The Commission welcomes this comment.

Section D – Disciplinary Process			
Section	From:	Comments/Proposal	CER Response
3.	CORGI	The timescales involved with this may need to be reviewed in order to allow resources to be allocated and the RGI to have appropriate notice to make arrangements to travel.	The Commission have consulted prior to the setting of the timescales involved in the Disciplinary Process and consider them appropriate. They will be subject to change based on evidence gleaned during the operation of the procedures.
	John Kealy	What are the criteria to be satisfied before the Body will pursue a RGI for prosecution? Will there be a series of polite warnings or can the defaulting RGI expect the full force of the Act to be used against them? What are the maximum punishments (fines or imprisonment) that can be handed out?	The Body can't undertake prosecutions The Commission has this power and the specific circumstances in which it can undertake prosecutions are set out in the 2006 Act. The maximum punishments are also set out in 2006 Act.
4.	CORGI	The complaints officer could recommend adjustments be made, in order to make work safe, and then not escalate the complaint. If this is the case, it needs to be logged and if this occurs multiple times the complaint needs to be escalated and the RGI automatically suspended pending inspection.	The Commission notes the Respondent's proposal and considers it reasonable.
4.1.2	CORGI	Should read "they" not "it"  The consequence of not complying with this clause should be clearly defined in order to empower the scheme.	The Commission welcomes this comment. The Commission considers that the clause should read "he/she".  The consequence of not complying with Section D 4.1.2 is that clause 4.1.3 is imposed. Such an installer will not be permitted to act as an RGI. If the RGI does attempt to carry out gas works he/she will be guilty of an offence and liable to the measures set out (See Section 13(9)(F)(25) of the 2006 Act). Such measures are outside the sphere of the Criteria Document hence specific reference to such measures is deemed inappropriate.
5.3/5.4	CORGI	The criteria states the Body should have the power to set up the disciplinary body, but the following paragraph says the Commission can overrule this. We propose, if this requirement still remains, this duty is left to the Body.	The Commission considers this proposal inappropriate.

Section D – Disciplinary Process			
Section	From:	Comments/Proposal	CER Response
7.6	IRP	Please change “any other relevant industry technical standards” to “any other relevant industry technical <b>safety</b> standards” as the existing term is too broad	The Commission notes that the official safety standard covering the domestic installation of natural gas for Ireland is IS 813. The Commission has amended its drafting throughout the document to read “ <i>IS 813 and any other relevant industry standard referenced therein</i> ”.
9.2 (3)	IRP	Please add trade representation	The Commission accepts this point and has amended it as appropriate.
9.10	RECI	We do not consider directors of the Body to be permanent employees. We think that there should be no permanent employees of the Body on the disciplinary committee. The committee should be composed of directors of the Body and perhaps one totally independent member. The clause needs to be clarified.	The Commission considers this proposal inappropriate on the basis that, by limiting the Disciplinary Committee to directors of the Body there could be issues with convening the Disciplinary Committee promptly. The Commission does, however, consider that the wording may need to be amended so as not to preclude directors who are not permanent employees of the Body from taking their place on the Disciplinary Committee. The Commission will review wording of this clause post designation of the Body.
12	Blueflame	If after the Complaint and Appeals procedures have been expunged and removal of an RGI from the Register is confirmed, what mechanism is in place for the Certification Body to be informed of the circumstances( which may have been unsafe work) to be able to come to a decision regarding the withdrawal of the RGI’s Certificate of Competence or otherwise	Such an arrangement will be for the parties concerned to arrange and is outside of the Commission’s direct remit. The Respondent should, however, note Section B 1.2.2 (ix) in relation to their proposal.
11.5/11.10	CORGI	The appeals hearing must be held within 14 calendar days of notice received, however, if any party wants to introduce new evidence, they must submit this to both parties 14 days before the hearing, under these timelines it isn’t possible.	The Commission welcomes this comment and has amended its drafting accordingly.



# SECTION E COMMENTS

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**Section E – Appeals Process**

<b>Section</b>	<b>From:</b>	<b>Comments/Proposal</b>	<b>CER Response</b>
	CORGI	The proposed process for the handling of an Appeal made by an RGI to the Commission seems reasonable.	The Commission welcomes this comment.

# SECTION F COMMENTS

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**Section F – Authorised Officer**

Section	From:	Comments/Proposal	CER Response
	CORGI	This is a high level responsibility and will require investment, as authorised officers may need specific training from the Commission, with regards to this function and the use of their legal powers. Does the Commission envisage all inspectors will need training in order that they can be utilised as authorised officers?	The Commission notes the Respondents comments. The Commission considers that it will further specify the procedure and requirements for the appointment of an Authorised Officer to the Body once designated.
3.1.2 (3)	IRP	Please change “any other relevant industry technical standards” to “any other relevant industry technical <b>safety</b> standards” as the existing term is too broad	The Commission notes that the official safety standard covering the domestic installation of natural gas for Ireland is IS 813. The Commission has amended its drafting throughout the document to read “ <i>IS 813 and any other relevant industry standard referenced therein</i> ”.

# **OPERATIONAL PROCEDURES COMMENTS**

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**Operational Procedure No. 1 - Certification**

<b>Section</b>	<b>From:</b>	<b>Comments/Proposal</b>	<b>CER Response</b>
4	CORGI	Is this procedure the sole responsibility of the Body to develop, or does the Commission wish to control this process. If so, are they going to develop and fund the IT required? The criteria states the Commission will define the format of any system developed, this may remove the autonomy of the Body to act independently	The Commission notes Respondent's comments. The Commission has omitted Operational Procedures from Version 1 of the Criteria Document. They will be finalised post designation of the Body. The Respondent's comment will be considered in due course.
2	IRP	The Installers Representatives Panel would like all servicing and repairs of heating boilers and appliances to be excluded from certification. Due to the sheer volume of calls undertaken by service companies, the administration of and actual cost to certify each and every call would make it impractical if not impossible.	The Commission notes Respondent's comments. The Commission has omitted Operational Procedures from Version 1 of the Criteria Document. They will be finalised post designation of the Body. The Respondent's comment will be considered in due course.
4	IRP	It should also be made possible to purchase certificate numbers which could be placed on Installers own computer generated certificates. Once these certificates comply with all requirements.	The Commission notes Respondent's comments. The Commission has omitted Operational Procedures from Version 1 of the Criteria Document. They will be finalised post designation of the Body. The Respondent's comment will be considered in due course.

**Operational Procedure No. 2 – Inspection Performance Criteria**

Section	From:	Comments/Proposal	CER Response
	CORGI	We propose inspections relate directly to gas safety, other factors surrounding the installation would fall outside of that remit, including aesthetics of the installation	The Commission notes Respondent's comments. The Commission has omitted Operational Procedures from Version 1 of the Criteria Document. They will be finalised post designation of the Body. The Respondent's comment will be considered in due course.
2 (Code Blue)	IRP	This should be removed from the procedure as it is not a safety matter. The customer should be told to contact their installer.	The Commission notes Respondent's comments. The Commission has omitted Operational Procedures from Version 1 of the Criteria Document. They will be finalised post designation of the Body. The Respondent's comment will be considered in due course.
User safety information	IRP	"User not advised (in writing) of location of gas isolation valve Code:070b" This should be the responsibility of Bord Gais Networks and BGN should supply all customers with a meter box key.	The Commission notes Respondent's comments. The Commission has omitted Operational Procedures from Version 1 of the Criteria Document. They will be finalised post designation of the Body. The Respondent's comment will be considered in due course.
13/14	John Kealy	While some of the items mentioned in the "Risks From Overpressurisation of Hot Water" and "Customer Information" relate to the safety of the heating system in general, they do not relate specifically to gas safety and, as such, should not be a part of the procedures for this Body.	The Commission notes Respondent's comments. The Commission has omitted Operational Procedures from Version 1 of the Criteria Document. They will be finalised post designation of the Body. The Respondent's comment will be considered in due course.

**Operational Procedure No. 3 – Modification Process**

Section	From:	Comments/Proposal	CER Response
	CORGI	Quarterly meetings of the CRP seem appropriate. We propose the Body is also explicitly included as a member of the CRP.	The Commission notes Respondent's comments. The Commission has omitted Operational Procedures from Version 1 of the Criteria Document. They will be finalised post designation of the Body. The Respondent's comment will be considered in due course.