



Commission for Energy Regulation  
An Coimisiún um Rialáil Fuinnimh



**Memorandum of Understanding between the  
Health and Safety Authority (the 'Authority')  
and the  
Commission for Energy Regulation ('CER')**

**5<sup>th</sup> September 2012**

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

The objective of this Memorandum of Understanding ("MoU") between the Authority and the CER (the 'Bodies') is to facilitate cooperation and mutual assistance between both regulators in discharging their respective statutory responsibilities with respect to safety in order to:

- enhance the actions of both,
- avoid unnecessary duplication of effort by both; and
- avoid the imposition of an unnecessary regulatory burden.

**2. Areas of Interface**

The respective statutory responsibilities of the Authority and the CER interface in the regulation of petroleum undertakings, natural gas undertakings, LPG undertakings, gas installers and electrical contractors (the 'Regulated Entities') with respect to safety.

It is agreed that where appropriate, and where permissible by law, that in the course of carrying out regulatory activities, where either Body becomes aware of a matter involving a Regulated Entity which it believes may be relevant to the functions of the other Body, best endeavors will be made to make the other Body aware of the matter. The Authority and the CER 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.

Notwithstanding the above points, and the general co-operation that exists between the Authority and the CER, the areas of interface between the Authority and the CER are:

- a) Petroleum exploration and extraction;
- b) Natural Gas and Offshore Gas Storage;
- c) Liquefied Petroleum Gas (LPG);
- d) COMAH Regulations/SEVESO Sites
- e) Accident and Incident Investigation;
- f) Competency Assessment of Gas Installers and Electrical Contractors.

In acknowledging each other's respective statutory responsibilities and obligations and recognising the statutory constraints that apply, both the Authority and the CER shall endeavour to liaise closely with respect to these above areas. This will specifically involve

**a) *Petroleum Exploration and Extraction***

The CER will formally consult with the Authority as part of the assessment of safety cases, safety case revisions and the approval of safety case thorough reviews with respect to petroleum undertakings. Opportunities for the co-ordination of audit and inspection of petroleum undertakings will be identified and where possible agreed. Insofar as is possible, and only where it is relevant, the CER and Authority will share

information relating to the outcome of audits/inspections carried out. The CER and the Authority will co-operate generally with respect to emergency planning and preparedness involving petroleum undertakings, where these issues are within their remit.

**b) *Natural Gas Undertakings***

The Authority and the CER agree to consult and communicate with each other on issues relating to the safety regulation of the natural gas undertakings and the natural gas sector generally. The CER 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 future developed facilities.

**c) *Liquefied Petroleum Gas***

The Authority and the CER agree to consult and communicate with each other on issues relating to the safety regulation of the LPG undertakings and the LPG sector more generally.

**d) *COMAH Regulations Seveso Sites***

The Authority and the CER agree to communicate on and cooperate on their review and assessment of the Authority's Pre-Operation Safety Report and the CER's requirement for a Safety Case for relevant undertakings.

**e) *Accident and Incident Investigations***

The Authority and the CER agree that incident investigations involving petroleum undertakings, natural gas or LPG undertakings, gas installers or electrical contractors will be treated on a case-by-case basis. Communication should be established between identified individuals in the CER and the Authority where a role for both agencies arises, as soon as practicable after such an incident occurs, in order to ensure that mutual cooperation and assistance is provided by both entities, where it is agreed is necessary for the investigation.

**f) *Competency Assessment of Gas Installers and Electrical Contractors.***

The Authority notes the regulatory system that the CER has put in place for the regulation of gas installers and electrical contractors and it recognises this as an indicator component of demonstrating competency.

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

In addition to the above, it is agreed that:

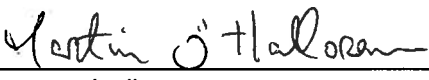
- (i) a secretariat with respect to meetings between the Commission and the Authority will be established;
- (ii) the participation by the Authority in gas and electricity fora to be established by the CER and, similarly, participation by the CER in relevant fora established by the Authority where appropriate; and
- (iii) the CER and the Authority will consult with each other when either is engaged in producing guidelines or procedural documentation which is relevant to the implementation of their respective statutory functions and the scope of this MoU. In developing such guidelines or procedural documentation efforts will be made through consultation to align the work of both to the greatest extent possible

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

A meeting between the Managers of the Workplace Compliance and Chemical Business Services Divisions of the Authority and the Director of Safety of the CER 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 and resigned at least every 3 years to ensure that it remains relevant.

  
Dermot Nolan  
Chairperson, Commission for Energy Regulation

  
Garrett Blaney  
Commissioner, Commission for Energy Regulation

  
Martin O'Halloran  
Chief Executive, Health and Safety Authority