



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

**Designated Petroleum Activity Regulations
Consultation Response Paper**

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Related Documents

[CER/12/062](#) Decision on the High Level Design of the Petroleum Safety Framework

[CER/12/183](#) Draft Designated Petroleum Activities Regulations - Consultation Paper

[CER/13/073](#) ALARP Demonstration Guidance Document

[CER/13/071](#) Safety Case Guidelines

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1 Introduction

1.1 Background

The *Electricity Regulation Act 1999*, as amended *inter alia* by the *Petroleum (Exploration and Extraction) Safety Act, 2010* (the ‘Act’) gives the Commission for Energy Regulation (‘CER’) new responsibilities for the safety regulation of petroleum exploration and extraction activities in Ireland, including specifically a requirement for the CER to “establish and implement a risk-based petroleum safety framework”, (collectively referred to in this document as the ‘Framework’). The Framework can be understood as the collection of regulations, written regulatory documents and procedures which, taken together, describe the system the CER uses to regulate safety for petroleum activities and infrastructure in Ireland.

The *Decision Paper on the High Level Design of the Petroleum Safety Framework* (the ‘[High Level Design](#)’), published in June 2012, describes the overall operation of this system at a high level, and frames the key policy aspects and principles of the Framework to be reflected in the underlying guidance, regulations and written regulatory documents.

The Act requires all petroleum undertakings¹ that carry on designated petroleum activities² to submit a safety case to the CER³ with respect to that designated petroleum activity. The Act prescribes elements that have to be included in a safety case⁴ and the minimum conditions that must be satisfied in order for the CER to approve it⁵. All safety cases submitted to the CER under the Act are required to be prepared in accordance with the Safety Case Guidelines⁶. In respect of a designated petroleum activity or activities, each safety case must at least contain the particulars specified in the Safety Case Guidelines that relate to that activity⁷.

1.2 Consultation on the Designated Petroleum Activity Regulations

In accordance with Section 13D(1) of the Act, the CER is required, where safety considerations render it appropriate, by regulation, to designate any petroleum activity or a class or classes of such activity to be a designated petroleum activity. In November 2012, having had regard to the matters set out in Section 13D(2) of the Act, the CER published, a *Consultation Paper on the Draft Designated Petroleum Activities Regulations*⁸ (the ‘Consultation Paper’) in accordance with Section 13D(3)(a) of the Act.

The Consultation Paper enabled the general public, industry and other interested parties to comment on the proposed Designated Petroleum Activity Regulations (the ‘Draft Regulations’). Interested parties were invited to comment on the Consultation Paper by the submission of

¹ As defined in Section 13A(1) of the Act.

² A designated petroleum activity is a petroleum activity designated as such by the CER by regulation pursuant to Section 13D of the Act.

³ Section 13M of the Act.

⁴ Section 13M(4).

⁵ Section 13P(1).

⁶ Section 13M of the Act.

⁷ Section 13M(4).

⁸ See CER/12/183.

written responses by December 21st 2012. In accordance with Section 13D(3) of the Act, the Consultation Paper was issued to the:

- Health and Safety Authority;
- National Standards Authority of Ireland;
- Environmental Protection Agency;
- Irish Aviation Authority; and the
- Minister for Transport, Tourism and Sport.

The CER received submissions from the following nine respondents:

- Sarah Akamine⁹;
- Peter Crossan¹⁰;
- Rahima Sayer¹¹;
- Geraldine Ring¹²;
- Sian Cowman¹³;
- National Standards Authority of Ireland¹⁴;
- Health and Safety Authority of Ireland¹⁵;
- Talamh¹⁶; and
- Shell E&P Ireland Ltd¹⁷.

One respondent (Shell E&P Ireland Ltd) also requested to meet the CER to discuss its submission. The minutes of that meeting¹⁸ and respondent submissions are published alongside this Response Paper on the CER website.

The CER also received a submission from Keane Offshore Integrity Limited (KOIL) on KOIL's current role in offshore oil and gas activities in Ireland. The submission was issued for information by KOIL and did not raise any points on the Draft Regulations themselves. As such it does not feature in this Response Paper, although it is published alongside the other responses received¹⁹. All responses should be read alongside this paper.

1.3 Scope of Response Paper

This Response Paper sets out the CER's response to comments received on the Consultation Paper, noting, when appropriate, changes to the *Designated Petroleum Activities Regulations* from the Draft Regulations. This Response Paper should be read in conjunction with the *Designated Petroleum Activities Regulations*.

⁹ CER/13/065.

¹⁰ CER/13/066.

¹¹ CER/13/067.

¹² CER/13/075.

¹³ CER/13/068.

¹⁴ CER/13/076.

¹⁵ CER/13/078.

¹⁶ CER/13/057.

¹⁷ CER/13/063.

¹⁸ CER/13/083. Respondent meeting minutes are available here: <http://www.cer.ie/en/petroleum-safety-meeting-minutes.aspx>

¹⁹ CER/13/064.

1.4 Structure of this Paper

This Response Paper is divided into three further sections:

- **General Issues Raised by Respondents (Section 2)**
This section addresses issues raised by respondents which do not relate to specific sections of the Draft Regulations.
- **Specific points regarding the Draft Regulations (Section 3)**
This section addresses responses received that make reference to specific sections of the Draft Regulations.
- **Next Steps and Clarification to the High Level Design (Section 4)**
This section outlines the next steps in making the Regulations and the clarifications to be made to the [High Level Design](#).

2 General Issues Raised by Respondents

2.1 *Summary of responses and issues raised*

There were four responses that did not refer to specific sections of the Draft Regulations themselves, but raised a number of more general issues. The CER has considered these responses, and has sought to summarise the high level issues raised. These issues can be grouped as follows:

- Statutory Authority of the CER to draft Statutory Instrument (SI);
- Scope of SI to cover Hydraulic Fracturing Operations;
- Proposal to separate the safety Regulations for offshore and onshore activities;
- Concern on CER's competency to fulfil safety regulatory responsibilities & Hydraulic Fracturing; and
- Safety Cases.

The following paragraphs set out CER's response to each of the issues listed above. The CER has sought to summarise and respond to comments made in good faith. The full text of the comments is published alongside this Response Paper.

2.2 *Statutory Authority of the CER to draft Statutory Instrument*

2.2.1 **Points made by respondents**

One respondent raised the question of whether the CER can provide constitutional authority for drafting a Statutory Instrument, such as the Designated Petroleum Activity Regulations.

2.2.2 **CER's Response**

While Article 15.2.1 of the constitution vests the Oireachtas with exclusive power of legislation, it is nevertheless permissible for the Oireachtas to delegate power to make regulations which will *give effect to the principles and policies* contained in the parent Act²⁰. While such powers are often delegated to Ministers of government, this is not required to be the case, and primary legislation frequently provides for public bodies to prepare Orders and Regulations in respect of specific matters. Section 13D(1) of the Act delegates such a power to the CER insofar as it provides that the CER is required to "where safety considerations render it appropriate, *by regulation*, designate for the purpose of this part any petroleum activity or a class or classes of such activity to be a designated petroleum activity.". In doing so, the CER is required under the Act to have regard to sub-section 13D(2)(a) – (e). The CER is further required, for the purpose of satisfying itself that it is appropriate and in the public interest that the petroleum activity or class or classes of such activity be designated to consult with the persons specified in section 13D(3)(b) and "give interested persons, organisations and other bodies an opportunity to make representations to it concerning the proposed designation." The CER has fulfilled these obligations by means of the publication of the Consultation Paper and through consultation with the specified bodies.

²⁰ See Hogan and Morgan *Administrative Law in Ireland* 4th ed. at pp. 12

2.3 Scope of SI to cover Hydraulic Fracturing Operations

2.3.1 Points made by respondents

One respondent considered that it is inconsistent for the Safety Case Guidelines and the Designated Petroleum Activities Regulations to include hydraulic fracturing given that hydraulic fracturing operations are broader than the activities designated in the Designated Petroleum Activities Regulations.

The same respondent also considered that the designation criteria chosen by the CER in the Designated Petroleum Activities Regulations did not address the 'far greater' risks involved with land-based petroleum activities. It was claimed that the Regulations treat all activities similarly even though the risk factors change dramatically with geographical location.

2.3.2 CER's Response

The Act establishes a permissioning system for petroleum activities that are classed as designated petroleum activities. A petroleum undertaking is prohibited from carrying on a designated petroleum activity unless (i) it has submitted a safety case to the CER (ii) the CER has approved the safety case; and (iii) a safety permit has been issued in respect of the designated petroleum activity. The Designated Petroleum Activities Regulations give effect to this prohibition and bring designated activities within the scope of the permissioning system.

Hydraulic fracturing involves a number of the activities listed in Regulation 4 of the Designated Petroleum Activities Regulations. As such, hydraulic fracturing is a designated petroleum activity where it is carried out pursuant to a petroleum authorisation. The treatment of risks associated with hydraulic fracturing will be governed by the same Petroleum Safety Framework as is applied to all other designated petroleum activities, but the Framework is risk-based and based around a fundamental requirement to reduce all risks from a given activity to a level that is ALARP. By definition, this precludes the treatment of different risks in the same way.

More generally, the CER considers that the Designated Petroleum Activities Regulations capture all significant activities (onshore and offshore) that could plausibly occur during the life of a field, from development through to decommissioning. Under the Act, the CER is required to have regard to the nature and scope of the activities (and the petroleum infrastructure), the risks involved and the safety measures required to reduce the risks. This was carried out in the process of designation.

2.4 Proposal to separate the safety regulations for offshore and onshore activities

2.4.1 Points made by respondents

A number of respondents suggested that there should be separate safety regulations for offshore and onshore activities, seeing as the risks imposed by each location are different. The respondents felt that by regulating both activities under the same system, the CER risks failing to control any of the activities in an appropriate manner.

2.4.2 CER's Response

The purpose of designation is to specify those petroleum activities which safety considerations render it appropriate that they not be carried out without a safety permit from the CER, issued on the basis of an approved safety case. It is within the safety case that the different risks from onshore or offshore activities are identified by the petroleum undertaking and then assessed by the CER. There are similarities and differences between onshore and offshore and the CER will be cognisant of these differences such that onshore and offshore activities are appropriately regulated.

2.5 Concern on CER's Competency to fulfil safety regulatory responsibilities & Hydraulic Fracturing

2.5.1 Points made by respondents

It was raised by a number of respondents that unconventional shale gas extraction is an activity that is inherently so dangerous and polluting that it can never be considered safe, or possible to safely regulate such an activity. It was also questioned whether the CER are competent to regulate unconventional activities.

2.5.2 CER's Response

The CER acknowledges that to discharge its safety function it will require appropriate competent and experienced resources. A key part of the Petroleum Safety Framework Implementation Project is "Internal Readiness", which involves the CER putting in place the people, processes and procedures necessary to operate and enforce the Framework effectively and efficiently on an enduring basis. The CER continues to work towards meeting this objective.

As set out in section 2.3.2, the activities involved in hydraulic fracturing are within the scope of designated petroleum activities where they are carried out pursuant to a petroleum authorisation. It is the CER's responsibility to regulate designated petroleum activities, with regard to safety. The Framework is based on internationally used principles of risk management and requires petroleum undertakings to demonstrate through their safety case(s) that they have suitable measures in place to ensure all risks are reduced to a level that is ALARP, whatever procedures for gas or oil extraction are being proposed. The risk associated with hydraulic fracturing would be considered through the safety case(s) of any petroleum undertaking proposing to carry out associated designated petroleum activities. The demonstration of ALARP by the petroleum undertaking will be assessed against the *ALARP Demonstration Guidance Document*.

2.6 Safety Cases

2.6.1 Points made by respondents

A number of respondents raised the point that given the nature and type of the activity and the multi hazard associated with multi well pads, hazardous waste water storage and chemicals that each well pad facility is subject to individual safety case assessment.

2.6.2 CER's Response

This point raised is not relevant to the Designated Petroleum Activities Regulations, but rather to the Safety Case Guidelines. However each wellpad would have to be assessed as the risk and hazards may be different for each. Each wellpad will need to be in the Production Safety Case, though each wellpad will not necessarily need an individual safety case.

3 Responses with reference to the Draft Regulations

3.1 *Summary of responses and issues raised*

Of the nine responses received, seven respondents made reference to specific sections in the Consultation Paper and the Draft Regulations themselves. This section addresses responses received that make reference to sections of the Draft Regulations and is in the format of a table. Each point raised by a respondent is quoted along with CER's response to that comment. Where applicable, changes to be incorporated into the final Regulations on foot of that comment are noted.

Respondee	Section	Respondent's Comment	CER's Response	Regulations Update?
Peter Crossan	2.2	I agree with the proposal at section 2.2 of the consultation paper of classes of activity to be designated and I welcome the inclusion in these proposals of hydraulic fracturing operations. Also the inclusion of production, conveyancing and processing of hydrocarbons is welcomed.	Noted.	No
Rahima Sayer	2.2	<p>I agree with the proposal at section 2.2 of the consultation document classes of activity to be designated, that hydraulic fracturing operations be classified as a designated activity having regard to sub sections 13D(2) (a) –(e) of the Act 2010.</p> <p>I also agree that production, transport, conveyancing and processing of hydrocarbons be included as a designated activity under the meaning of the Act and render these activities as subject to safety considerations and regulation as set out under the terms of the Act.</p>	Noted.	No

Respondee	Section	Respondent's Comment	CER's Response	Regulations Update?
Sarah Akamine	2.2(d)	<p>“decommissioning: this includes from making the petroleum infrastructure hydrocarbon free to site abandonment”.</p> <p>The <i>Draft of Designated Petroleum Activities</i> does not include any more information with regard to decommissioning.</p> <p>Given that much of the enormous quantity of toxic chemicals used in hydraulic fracking remains underground and can continue to migrate through the rock even after a the “petroleum infrastructure” has been decommissioned and abandoned, the regulations should provide for long-term monitoring of ground and surface water. Methane migration is another possibility that is a significant safety risk, as it can cause water well explosions, and this risk remains even after the decommissioning of a petroleum infrastructure.</p>	<p>The regulations will be clarified to state that decommissioning is designated until such time as in the respect of a well, that the well has been abandoned; and in respect of petroleum infrastructure other than a well, any apparatus designed to contain or convey petroleum that comprises or forms part of such petroleum infrastructure is free of hydrocarbon.</p> <p>After this point the risk is that of (de)-construction. This process will be regulated by other statutory authorities, including the HSA.</p> <p>Once it has been demonstrated that the operation of making the infrastructure free of hydrocarbon has been carried out according to the methods outlined in the safety case and is complete, the petroleum activity is no longer deemed to be a designated petroleum activity.</p>	Yes
NSAI	2.2 a)	<p>..... fracturing operations, routine and non routine work overs/well interventions and well testing; Clarify what is meant by "<i>well interventions</i>" and "<i>well testing</i>". Does this include "wire line" surveying?</p>	Wirelining is a form of well intervention and is therefore designated.	No

Respondee	Section	Respondent's Comment	CER's Response	Regulations Update?
SEPIL	2.2 (a)	<p>Classes of Activity to be Designated Well Work</p> <p>"Well work: this includes drilling (appraisal, exploration, development, production wells), hydraulic fracturing operations, routine and non-routine workovers/well interventions and well testing"</p> <p>Clarify 'non-routine workovers', 'well interventions' and if 'well testing' is considered as a separate activity or a subset of the other activities.</p>	<p>No distinction needs to be made between "routine" and "non-routine" workovers as all workovers are designated activities.</p> <p>Well testing is a designated activity and whether it is undertaken as part of a workover, or intervention activity does not affect its designation.</p>	No
SEPIL	2.2 (c)	<p>Combined operations</p> <p>We agree with the CER's proposal that 'combined operations' will not be a Designated Petroleum Activity, and that 'Combined Operations' should be deleted from Section 6.1 of the Decision Paper on the High Level Design of the Petroleum Safety Framework so that it is aligned with the Designated Petroleum Activities Regulations. The current approach proposed by the CER would seem to be consistent with that of the UK HSE, i.e. a combined operations notification is required when two or more installations (each with a current safety case) interact for a temporary purpose.</p>	<p>A combined operation is a particular type of material change and for all material changes, a revised safety case must be re-submitted to the CER for approval.</p> <p>Note that if a combined operation between a production and non-production installation occurs, then the production safety case has to be resubmitted to the CER and it must include assessment and details of the interaction between the two installations.</p>	No

Respondee	Section	Respondent's Comment	CER's Response	Regulations Update?
NSAI	2.2 d)	Define what is meant by "decommissioning". Does it include deconstruction (post hydrocarbon removal)?	<p>Deconstruction is not a designated petroleum activity.</p> <p>The regulations will be clarified to state that decommissioning is designated until such time as in the respect of a well, that the well has been abandoned; and in respect of petroleum infrastructure other than a well, any apparatus designed to contain or convey petroleum that comprises or forms part of such petroleum infrastructure is free of hydrocarbon.</p>	Yes

Respondee	Section	Respondent's Comment	CER's Response	Regulations Update?
SEPIL	2.2 (d)	<p>Decommissioning</p> <p>It is our view that decommissioning should be defined here as it is defined in the Petroleum Exploration and Extraction Safety (PEES) Act, i.e. decommissioning, in relation to petroleum infrastructure means taking the facility, structure or installation or any part of such facility, structure or installation permanently out of use <u>with a view to</u> its abandonment in situ or removal.”</p> <p>We challenge that the text in the document, i.e. ‘decommissioning: this includes from making the petroleum infrastructure hydrocarbon free with a view to site abandonment,’ reflects the definition in the Act. It is our view that the decommissioning activity (in terms of the Petroleum Safety Framework) should include activities until the petroleum source, i.e. reservoir, is shut off and the infrastructure is free of “petroleum”. Subsequent de-construction/ reinstatement activities should not fall under the Petroleum Safety Framework, and are within the remits of other regulators. We would propose that the text regarding decommissioning in this document and in Section 6.1 of the Decision Paper on the High Level Design of the Petroleum Safety Framework should be modified so that it is aligned with the PEES Act.</p>	<p>The regulations will be clarified to state that decommissioning is designated until such time as in the respect of a well, that the well has been abandoned; and in respect of petroleum infrastructure other than a well, any apparatus designed to contain or convey petroleum that comprises or forms part of such petroleum infrastructure is free of hydrocarbon.</p> <p>Section 6.1 of the High Level Design relating to Decommissioning will be clarified accordingly.</p>	Yes

Respondee	Section	Respondent's Comment	CER's Response	Regulations Update?
SEPIL	3. (1) of Draft Regulations	<p><i>Interpretation</i></p> <p>The definition of "production" seems quite broad and would not necessarily always lead to production from the reservoir.</p> <p><i>We propose that the definition of production should align with that proposed in the EC Proposal for a Regulation of the European Parliament and of the Council on safety of offshore oil and gas prospection, exploration and production activities:</i></p> <p><i>'production of oil and gas' shall mean: extraction, for commercial purposes, of oil and gas from the underground strata of the licensed area including offshore processing of oil and gas and its transportation through connected infrastructure including pipes and structures and well heads on the sea bed and/or storing gas in subsurface formations for the purposes of recovering the gas.</i></p>	<p>The definition is drafted for consistency with the definition of 'working' used in the Petroleum and Other Minerals Development Act 1960, to ensure consistency between activities authorised under a petroleum authorisation and designated petroleum activities.</p> <p>The regulations will provide further clarification on the definition of production, specifically the removal of 'connecting to' which could be interpreted more broadly than intended, and clarification with respect to commissioning.</p>	Yes

Respondee	Section	Respondent's Comment	CER's Response	Regulations Update?
Sarah Akamine	4(1) of Draft Regulations	<p><i>"Designation of certain classes of petroleum activity"</i>, should be split into two sections, one for onshore petroleum activity and the other for offshore petroleum activity.</p> <p>The classes of petroleum activity under the section "Onshore Petroleum Activity" should be a clear list of all the processes associated with onshore petroleum extraction, with the processes involved in hydraulic fracturing as an explicit subsection. The proposed wording of the designated activities (incredibly) makes no mention of hydraulic fracturing, although the explanatory text states that this will be covered. If it is to be included in the regulatory scope, surely the law should make mention of it. Processes that should be explicitly designated include site preparation, well pad construction, transport, storage, management, and disposal of materials (including but not restricted to chemicals, water, and silica), wastewater disposal and treatment, and pipeline construction and management. In short, the designation should clearly describe the actual processes used in unconventional petroleum extraction and should state how they are or are not covered by the regulations. This seems to be the minimum that we should be able to expect from the regulations.</p>	The key aspect of designation is that it captures the main petroleum activities which safety considerations render it appropriate to designate. These activities cannot be carried out without a safety permit from the CER, issued on the basis of an approved safety case. It is at the stage of developing a safety case for a designated activity, that all the risks relevant to that activity are addressed.	No
SEPIL	4. (1) (d) of Draft Regulations	<p><i>Designation of certain classes of petroleum activity</i></p> <p>Does 'any other material' include gas from a transmission pipeline?</p>	Yes	No

Respondee	Section	Respondent's Comment	CER's Response	Regulations Update?
HSA	4(2) of Draft Regulations	While we see very little overlap with our own Regulations for Parts 4.1 and 4.3, we note there is some overlap with Part 4.2 and our COMAH regulations 2006/ Seveso II Safety Report regime and every effort needs to be made in order to minimise overlap on regulated activities.	Agreed.	No
NSAI	4 (2) (a) of Draft Regulations	Need a clearer description of what is intended by " <i>introduction of any hydrocarbon to that infrastructure</i> "	The regulations will be changed to state that this includes on or after the first introduction of any hydrocarbon to any apparatus designed to contain or convey petroleum that comprises or forms part of such petroleum infrastructure will be a designated petroleum activity.	Yes

Respondee	Section	Respondent's Comment	CER's Response	Regulations Update?
Sarah Akamine	4 (2)(a) of Draft Regulations	<p>specifically states that production “shall not be construed as extending to the construction or commissioning of any petroleum infrastructure prior to the introduction of any hydrocarbon to that infrastructure”. The preceding section makes no mention of hydraulic fracturing and the introduction of chemicals and silica into the ground for this purpose. However, the explanatory document states that “well work includes hydraulic fracturing operations”. The problem is that the proposed wording for the regulations does not include the “well work” as a designated activity. If the activity of hydraulic fracturing is included under item 4 (1)(a), the regulations should make this explicitly clear.</p> <p>Also, where is the construction of onshore wellpads covered? And the construction of pipelines? Compressor stations? Wastewater storage facilities? If the regulations are being designed to cover onshore petroleum activities, they must specifically and explicitly state which of the related are or are not regulated. The proposed <i>designation of certain classes of petroleum activity</i> does not make this clear at all.</p>	<p>All well operations are designated and hence all elements of the activity of hydraulic fracturing are designated, if they are carried out pursuant to a petroleum authorisation.</p> <p>Wellpads, pipelines, compressor station, wastewater storage facilities and other similar equipment are all part of the process of producing hydrocarbons. These items become designated from commissioning through to the point at which they become hydrocarbon free during decommissioning.</p>	No

Respondee	Section	Respondent's Comment	CER's Response	Regulations Update?
Talamh	4(2)(b) of the Draft Regulations	It is of concern that there is an absence of recognition in this document that the Draft Regulations do not extend to the construction or commissioning of any petroleum infrastructure, or the conveyance of petroleum by vessels.	<p>When designating a petroleum activity, the CER is required to have regard to subsections 13D(2) (a) - (e) of the Act of which the clause (e) states:</p> <p><i>the extent to which the petroleum activity and petroleum infrastructure is regulated by or under another Act of the Oireachtas.</i></p> <p>Given that construction is regulated by the Health and Safety Authority as a place of work (and through other regulations) and marine transportation is regulated by the Marine Survey Office, to avoid duplication of regulation, the CER has decided that it would not be appropriate to designate these activities. The Draft Regulations do designate the commissioning of certain petroleum infrastructure as a designated petroleum activity. However the Designated Petroleum Activities Regulations have been amended to provide greater clarity on the point at which the commissioning of petroleum infrastructure becomes a designated petroleum activity (see Appendix I).</p>	Yes

4 Next Steps

4.1 Next Steps

The proposed final Designated Petroleum Activities Regulations are set out in Appendix I of this Response Paper. The CER will engage with the Oireachtas Library and Iris Oifigúil as necessary in relation to publishing the statutory instrument. The Regulations will come into operation on November 30 2013.

4.2 Clarifications to High Level Design

The consultation process on the Designated Petroleum Activities has resulted in the need for some clarifications to the High Level Design. These clarifications are summarised below and will be incorporated into an updated version of the High Level Design once all the regulations, written regulatory documents and procedures which comprise the Framework have been completed. This is expected to occur in November 2013.

Section	Change and Rationale
General	Throughout the High Level Design, reference is made to the fact that the Designated Petroleum Activities Regulations will be in place. This will be updated to reflect that the Designated Petroleum Activities Regulations are in place.
6.1	<p>The distinction between routine and non routine workovers in the description of Well Work will be removed as it is unnecessary given that all workovers are designated activities.</p> <p>Under description of Production the word 'hydrocarbon' will be replaced with 'petroleum' to align with the Regulations.</p> <p>Combined Operations will be removed as it is unnecessary to designated it as a separate class of designated petroleum activity given that it will necessarily fall within one of the other three classes of designated petroleum activities.</p> <p>The description of Decommissioning has been clarified to align with the Regulations.</p>
Figure 1	The overview diagram will be updated to reflect the above changes.

Appendix I – Designated Petroleum Activities Regulations

S.I. No. [X] of 2013

PETROLEUM SAFETY (DESIGNATION OF CERTAIN CLASSES OF PETROLEUM ACTIVITY) REGULATIONS 2013

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of []

The Commission for Energy Regulation in exercise of the powers conferred on it by Section 13D(1) of the [Electricity Regulation Act 1999](#) (as inserted by Section 3(c) of the Petroleum (Exploration and Extraction) Safety Act 2010) (No. 4 of 2010) having consulted with those persons specified in section 13D(3) of the [Electricity Regulation Act 1999](#), hereby makes the following regulations:

Citation

1. These Regulations may be cited as the Petroleum Safety (Designation of Certain Classes of Petroleum Activity) Regulations 2013.

Commencement

2. These Regulations shall come into operation on November 30 2013.

Interpretation.

3. (1) In these Regulations, unless the context otherwise requires—

“Act of 1999” means the [Electricity Regulation Act 1999](#) (No. 23 of 1999), as amended;

“production” means:

- (a) getting, raising, taking, carrying away, storing and/or treating petroleum; and/or
- (b) commissioning, operating and maintaining petroleum infrastructure, in each case on or after the first introduction of hydrocarbon to any apparatus designed to contain or convey petroleum that comprises or forms part of such petroleum infrastructure; and

“well” means a boring, borehole or other excavation in the earth’s crust made for the purpose of exploring for or extracting petroleum through it or another boring, borehole or other excavation.

(2) In these Regulations —

(a) a word or expression that is used in these Regulations and is also used in the Act of 1999 has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Act of 1999.

(b) where a word or expression is given a meaning in the Act of 1999 or in these Regulations then, except where the context otherwise requires, any cognate word or expression used in these Regulations shall be construed accordingly.

(c) a reference to an article or schedule is to an Article of, or Schedule to, these Regulations, unless it is indicated that reference to some other provision is intended, and

(d) a reference to a paragraph is a reference to a paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

Designation of certain classes of petroleum activity

4. Any petroleum activity which falls within the following classes of petroleum activity is designated as requiring a safety permit under section 13P of the Act of 1999:

(1) any petroleum activity or discontinuance of a petroleum activity (whether permanently or temporarily) in relation to a well including:

- (a) digging, drilling, boring, or sinking of shafts for the purposes of raising petroleum;
- (b) testing and completion of wells;
- (c) well interventions and workovers;
- (d) re-injection of petroleum, water or any other material into a well; or
- (e) plugging, blocking, capping, or abandonment of any well whether temporarily or permanently.

(2) production, excluding the conveyance of petroleum by means other than pipeline.

(3) decommissioning of petroleum infrastructure until such time as:

- (a) in respect of a well, the well is abandoned; and
- (b) in respect of petroleum infrastructure other than a well, any apparatus designed to contain or convey petroleum that comprises or forms part of such petroleum infrastructure is free of hydrocarbon.