

MEMORANDUM OF UNDERSTANDING

between the

COMMISSION FOR ENERGY REGULATION

and the

NATIONAL STANDARDS AUTHORITY OF IRELAND

1. Objective and Scope of the Memorandum of Understanding

The objective of this Memorandum of Understanding ("MoU") between the Commission for Energy Regulation ("CER") and the National Standards Authority of Ireland (the "NSAI") is to facilitate co-operation and mutual assistance between the CER and NSAI in the discharge of their respective statutory responsibilities in order to:

- enhance the actions of each body,
- avoid unnecessary duplication of effort by either body;
- avoid the imposition of unnecessary regulatory burdens on businesses.

The purpose of this MoU is to clearly identify the roles and responsibilities of the CER and the NSAI ('the Bodies') as they may relate to each other and to set out the areas where both will co-operate and co-ordinate their activities.

Both Bodies are committed to a policy of ongoing cooperation and interaction with respect to the discharge of their respective statutory responsibilities. Notwithstanding this commitment to co-operate generally, the specific focus of this MoU relates to:

the working arrangements of the Bodies in relation to the development and use of standards for the safety regulation of electrical contractors, gas installers, natural gas undertakings, LPG undertakings and petroleum undertakings.

This MoU is an expression of individual and collective commitment of the Bodies to work together in order to realise the shared objectives outlined above and nothing in this MoU legally binds either of both Bodies.

2. Statutory Responsibilities of the NSAI and the CER relevant to the scope of the MoU

a) NSAI

The NSAI is Ireland's official standards body which operates under the National Standards Authority of Ireland Act 1996. The NSAI is accountable to the Minister of Jobs, Enterprise and Innovation and is empowered under the Act to adopt Irish standards with the Minister's consent. This function is supported by the advice of Consultative Committees. The NSAI is also a Notified body for CE Marking under certain EU Directives and provides a certification service to enable business demonstrate that Irish goods and services conform to applicable standards.

Of particular relevance to the scope of this MoU is the NSAI work in developing and publishing Irish Standards, European Standards and International Standards with the aim of improving the quality, the design, the performance, the safety and the environmental impact of goods and services produced and sold in Ireland and the wider European market. In this regard the work of the following Consultative Committees is particularly relevant:

- Petroleum Exploration and Extraction Technical Standards Committee (PEETSC)
- Gas Technical Standards Committee (GTSC)

Similarly, the work of the Electro Technical Council Ireland Ltd. (ETCI) is relevant to the scope of this MoU insofar as NSAI exercises relevant functions in the matter of electrical technical standards development.

The NSAI also provides information and technical support to government, consumers and industry in relation to standardization and standards. Further information on the other functions of the NSAI is available at www.nsai.ie

b) CER

The CER was established in 1999 and its role and functions have been expanded over time by legislation including the *Electricity Regulation Act 1999*, *Gas Act 1976*, *Gas (Interim) Regulation Act 2002*, *Energy (Miscellaneous Provisions) Acts 2006 & 2012* and *Petroleum (Exploration and Extraction) Act 2010* (as are amended from time to time) and related secondary legislation. The CER has various safety and economic functions including the regulation of electricity and gas undertakings and ensuring the competitive, sustainable and reliable supply of electricity and natural gas at reasonable cost to Irish energy customers. The CER is also responsible for the safety regulation of upstream petroleum activities by petroleum undertakings, the safety regulation of gas supply, transmission, distribution, storage and use of gas, and the registration of electrical contractors and gas installers. In carrying out this safety role, the CER is cognisant of the important role within safety regulation of relevant Irish, European and international standards.

The specific functions of the CER which are particularly relevant to the scope of this MoU are to:

- regulate the activities of electrical contractors with respect to safety
- regulate the activities of natural gas undertakings, holders of LPG safety licences for the purposes of making LPG available via a piped LPG distribution network and natural gas installers and LPG installers with respect to safety
- promote the safety of:
 - natural gas customers and the public generally with respect to the supply, storage, transmission, distribution and use of natural gas, and
 - LPG customers and the public generally as respects the supply and use of LPG
- to consult with the NSAI regarding standards and specifications relating to gas safety; and
- regulate designated petroleum activities of petroleum undertakings with respect to safety.

Further information on the other functions of the CER is available at www.cer.ie

3. Areas for Co-operation and Co-ordination

While acknowledging each body's respective statutory responsibilities, functions and duties, in regard to the objectives of this MoU, the Bodies agree to co-operate and work closely, particularly in relation to the areas set out below:

a) Standards and Codes of Practice

Upon a request by the CER, the NSAI agrees to advise the CER of standards, codes of practice and EU standardisation developments with particular regard to safety relevant to the safety regulation by CER of electrical contractors, natural gas installers, LPG installers, natural gas undertakings, holders of LPG safety licences and petroleum undertakings.

b) Technical Opinion

From time to time, the CER may seek the technical opinion of the NSAI, or more particularly one of its technical consultative committees on matters relating to the CER's safety regulatory functions. The NSAI agrees to respond and provide such technical opinion as appropriate to the CER within a reasonable time.

c) NSAI Consultative Committees

The CER recognises the independence of NSAI in its role of adopting Irish standards and the important work of the NSAI Consultative Committees which build consensus. In particular the CER recognises the essential work in the national interest of the PEETSC, GTSC, ETCI and their interface with European and International Standardization Organizations.

The Bodies hereby agree to engage on and discuss matters of mutual interest through the work of the PEETSC, GTSC, ETCI and any other relevant Consultative Committee established by the NSAI.

d) NSAI/Consultative Committees representatives on CER groups

The CER has established a number of working groups to support it in discharging its regulatory responsibilities. Where relevant and appropriate, the CER agrees to invite nominated representatives of the NSAI (or from its Consultative Committees) to participate in such working groups.

e) Promoting Public Safety

Taking account of their respective statutory responsibilities the Bodies agree to co-operate and work closely to promote public safety.

f) Sharing of Information

Insofar as is possible, and only where it is relevant to the objectives of this MoU, the Bodies agree to share information relating to their respective responsibilities.

Subject to legal restrictions or requirements relating to information confidentiality, data protection or freedom of information or any other legal requirement relating to information exchange, the Bodies agree to provide each other with such information and allow access to such information as necessary in order to facilitate the objectives of this MoU. The Bodies accept that it is for the body providing the information to state what, if any, restriction applies to its usage and that each body will treat the information it receives in accordance with any such restriction.

g) General Consultation/Liaison Arrangements

The Bodies agree to 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. In developing such guidelines or procedural documentation each body agrees to align the work of the Bodies through consultation to the greatest extent possible.

Where consultation or interaction is required or considered mutually beneficial in the circumstances, the Bodies agree that every effort will be made to submit responses within the scheduled timescale in order to allow for the orderly progression of the project/document in question.

To facilitate the operation of this MoU each body will nominate a person as point of contact who will be responsible for managing the agreed areas of co-operation and co-ordination and information sharin between the Bodies.

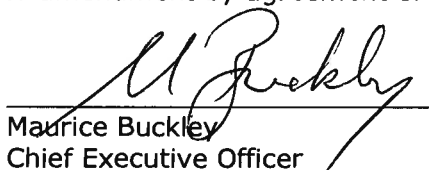
4. Review of Memorandum of Understanding

It is agreed that this MoU is effective for twelve months from the date of signing by the representatives of the Bodies and will be subject to review on an annual basis.

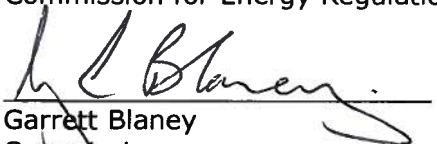
This MoU may be subject to review, modification or amendment by agreement of the Bodies at any time.



Dermot Nolan
Chairperson
Commission for Energy Regulation



Maurice Buckley
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National Standards Authority of Ireland



Garrett Blaney
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Paul McGowan
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19 March 2013

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