



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

## **Petroleum Safety Framework Detailed Implementation Project Plan - Update 2**

<b>DOCUMENT TYPE:</b>	<b>Information Paper</b>
<b>REFERENCE:</b>	<b>CER/13/136</b>
<b>DATE PUBLISHED:</b>	25 <sup>th</sup> June 2013

*The Commission for Energy Regulation,  
The Exchange,  
Belgard Square North,  
Tallaght,  
Dublin 24.  
[www.cer.ie](http://www.cer.ie)*

## Table of Contents

<b>1</b>	<b>Introduction.....</b>	<b>1</b>
<b>2</b>	<b>Project Progress to Date .....</b>	<b>2</b>
<b>3</b>	<b>Remaining Phases and Deliverables of Project.....</b>	<b>3</b>
3.1	Phase C: Detailed Design.....	3
3.1.1	<i>Changes from Detailed Implementation Plan – Update 1.....</i>	<i>4</i>
3.2	Phase D: Internal Readiness .....	6
3.3	Phase E: Implementation.....	6
3.4	Agreements with other Agencies .....	7
<b>4</b>	<b>Overview of Project Implementation Timeline .....</b>	<b>8</b>
<b>5</b>	<b>Review of Implementation Timeline.....</b>	<b>10</b>

## Information Page

The CER gave a commitment in the [Petroleum Safety Framework Project Overview](#) to publish a Detailed Implementation Plan for Phases C, D, and E of the Project following the Decision Paper on the [High Level Design of the Petroleum Safety Framework](#) under Phase B. The [Detailed Implementation Plan](#) was published in October 2012. The [Detailed Implementation Plan – Update 1](#) was published in February 2013. This document is the second update to the [Detailed Implementation Plan](#) for the Project, and gives clarity to stakeholders on the timeline for the full implementation of the Framework. It sets out a detailed publication timeline for the remaining papers in Phase C, the Detailed Design Phase, of the project as well as setting out timelines for Phase D and E. The overall objective of the project is to ensure that the CER is in a position to begin the assessment of submitted of safety cases from petroleum undertakings in November 2013.

### Queries

Any queries related to this Detailed Implementation Plan – Update 2 should be directed to the contact details below:

Liam Murphy  
Commission for Energy Regulation,  
The Exchange,  
Belgard Square North,  
Tallaght,  
Dublin 24.

**E-mail:** [lmurphy@cer.ie](mailto:lmurphy@cer.ie)

## Related Documents

<a href="#">CER/11/138</a>	Petroleum Safety Framework Project Overview.
<a href="#">CER/12/172</a>	Petroleum Safety Framework Detailed Implementation Project Plan
<a href="#">CER/12/062</a>	Decision on the High Level Design of the Petroleum Safety Framework.
<a href="#">CER/11/058</a>	Report on the Existing Legislative and Regulatory Framework for Petroleum Exploration and Extraction in Ireland.
<a href="#">CER/11/015</a>	Review and Comparison of International Petroleum Safety Regulatory Regimes.
<a href="#">CER/13/071</a>	Safety Case Guidelines – Decision Paper
<a href="#">CER/13/073</a>	ALARP Demonstration Guidance Document - Decision Paper
<a href="#">CER/13/104</a>	Petroleum Safety Levy Methodology - Decision Paper
<a href="#">S.I. No. 89/2013</a>	Petroleum Safety (Designation of Certain Classes of Petroleum Activity) Regulations 2013.

# 1 Introduction

In August 2011 the CER, published the Petroleum Safety Framework Project Overview<sup>1</sup> (the '[PSF Project Overview](#)') which set out the scope and timeline for the design and implementation of the Petroleum Safety Framework (the 'Framework') under the Electricity Regulation Act 1999, as amended inter alia by the *Petroleum (Exploration and Extraction) Safety Act 2010* (the 'Act'). The PSF Implementation Project requires the CER to:

- implement the provisions of the Act in full;
- put in place the people, processes and procedures to enable the effective operation and enforcement of the PSF once implemented.

As set out at that time, the PSF Implementation Project involves 5 overlapping phases:

- Phase A: Initial Scoping and Planning;
- Phase B: High Level Design;
- Phase C: Detailed Design;
- Phase D: Internal Readiness; and
- Phase E: Implementation.

The CER also gave a commitment in the [PSF Project Overview](#) to publish a [Detailed Implementation Plan](#) for Phases C, D and E of the Project following the Decision Paper on the High Level Design of the Petroleum Safety Framework<sup>2</sup> (the '[High Level Design](#)') under the Phase B. The [Detailed Implementation Plan](#) was published in October 2012. The objective of the CER is for the Framework to be operational from November 2013, at which stage the CER expects to be in a position to take receipt of safety cases. The CER outlined in the [Detailed Implementation Plan](#) that it would assess the possibility to bring forward the November 2013 timeline if substantive progress was made on the Detailed Design and Internal Readiness Phases of the Project. The CER has examined the possibility of bringing forward the timeline and concluded that the November 2013 remains appropriate.

The first update to the [Detailed Implementation Plan](#) was published in February 2013. This document is the second update to that [Detailed Implementation Plan](#) and gives clarity to stakeholders on the timeline for the full implementation of the framework.

This Detailed Implementation Plan – Update 2 is divided into the following sections:

- Progress to date (Section 2);
- Remaining Phases and Deliverables of Project (Section 3);
- Overview of the Project Implementation Timeline (Section 4): and
- Review of Implementation Timeline (Section 5).

---

<sup>1</sup> See CER/11/138

<sup>2</sup> See CER/12/062

## 2 Project Progress to Date

Phase A and Phase B of the PSF Implementation Project are complete.

Phase A, Initial Scoping and Planning, was completed in March 2012 and involved an analysis of how petroleum activities are regulated internationally as well as the current regulation of such activities in Ireland. This analysis is captured in the following documents:

- a) [Report on the Existing Legislative and Regulatory Framework for Petroleum Exploration and Extraction in Ireland](#)<sup>3</sup>; and
- b) [Review and Comparison of International Petroleum Safety Regulatory Regimes](#)<sup>4</sup>.

Phase B was completed in June 2012 with the publication of the [High Level Design](#) following an extensive public consultation process. The [High Level Design](#) sets out the operation of the Framework and is comprised of the following components:

- a. a Statement of Strategic Intent;
- b. ALARP Demonstration;
- c. a Permissioning System;
- d. a Compliance Assurance System;
- e. an Incident Investigation System;
- f. Agreed Interfaces, Co-operation & Co-ordination with Regulatory Authorities;
- g. an Enforcement System;
- h. a Safety Reporting and Published Safety Information System; and
- i. a Continuous Improvement System.

Significant progress has been made on Phases C, D and E of the project. This is discussed in Section 3.

---

<sup>3</sup> CER/11/058

<sup>4</sup> CER/11/015

## 3 Remaining Phases and Deliverables of Project

The following sections set out the scope and schedule for the deliverables of:

- Phase C: Detailed Design (Section 3.1);
- Phase D: Internal Readiness (Section 3.2): and
- Phase E: Implementation (Section 3.3).

As set out in Section 9 of the [High Level Design](#), the CER will develop agreed interface, coordination, and co-operation arrangements with relevant regulatory agencies. These interface arrangements will outline how the CER and each relevant authority will interact during the operation of the Framework. These are discussed in section 3.4.

### 3.1 Phase C: Detailed Design

The [High Level Design](#) refers to a number of detailed regulations, documents and procedures which comprise the Framework. These include:

- a. Designated Petroleum Activities Regulations;
- b. ALARP Demonstration Guidance Document;
- c. Safety Case Guidelines;
- d. Safety Case Assessment Procedures;
- e. Compliance Assurance Procedures;
- f. Petroleum Incident Regulations;
- g. Petroleum Incident Investigation Procedures;
- h. Enforcement Procedures;
- i. Permissioning Process Map; and
- j. Recovery of Costs:
  - Annual Petroleum Safety Levy Order Decision Paper;
  - Safety Case Fees Structure Decision Paper.

Phase C, Detailed Design, involves determining the appropriate policy/content of each of the above. The CER will publish various papers on the above in a logical order to ensure that:

- stakeholders will have sufficient opportunity to participate in the consultation process.
- the timelines do not place an unmanageable burden on stakeholders.

The majority of documents will be subject to public consultation prior to final decision. However, a number of the documents are not suitable for consultation (e.g. documents which relate to CER's enforcement procedures) and therefore consultation papers will not be published.

To date, three decision Papers have been published as part of Phase C. These papers are:

- a. [Designated Petroleum Activities Regulations](#);
- b. [ALARP Demonstration Guidance Document](#);
- c. [Safety Case Guidelines](#);

The Decision Papers for the ALARP Demonstration Guidance Document and the Safety Case Guidelines were published in February 2013. The Designated Petroleum Activities Regulations are set out in [S.I. 89/2013](#).

A consultation paper on the Safety Case Publication Policy was published in May 2013.

Regarding the Levy and Charging Policy, the CER published the Decision Paper on the Petroleum Safety Levy Methodology in February 2013. The CER issued the 2013 Levy Order in April 2013. Separately a consultation paper on the Safety Case Fees was published in May 2013, with a Decision Paper following in September 2013.

Table 1 outlines the anticipated publication dates for consultation papers and decision papers relating to the Permissioning System, Compliance Assurance System and Incident Investigation components of the Framework

### **3.1.1 Changes from Detailed Implementation Plan – Update 1**

The dates for publication for the following 2 papers have been pushed back following reprioritisation of document publication dates:

- The Permissioning Process Map publication date has moved from May '13 to July '13. The Safety Case Assessment Procedures publication date has moved from May '13 to July '13.

The dates for publication for the following 2 papers have advanced following reprioritisation of document publication dates:

- The Safety Case Publication Policy Consultation Paper was published in May '13, brought forward from June '13.
- The Safety Case Fees Policy Consultation Paper was published in May '13, brought forward from June '13.

The Compliance Assurance Procedures publication dates remains as November 2013, however there are some structural changes to the paper. The Compliance Assurance Procedures were originally envisaged as four separate consultation papers with one decision paper setting out the CER's decision on each of the four components. These procedures will now be published as one consultation paper and will also include the Safety Case Thorough Review Policy which was previously scheduled to be a separate consultation paper. As a result, the Safety Case Thorough Review Policy publication date will now be aligned with the Compliance Assurance Procedures publication date.



Document		Consultation Paper Date	Decision Paper Date
Permissioning System	<b>Designated Petroleum Activities Regulations</b>	<i>Published</i> Nov '12	<i>Published</i> Feb '13
	<b>ALARP Demonstration Guidance Document</b>	<i>Published</i> Nov '12	<i>Published</i> Feb '13
	<b>Safety Case Guidelines</b>	<i>Published</i> Nov '12	<i>Published</i> Feb '13
	<i>Safety Case Publication Policy</i>	<i>Published</i> May '13	Nov '13
	<b>Safety Case Assessment Procedures</b>	-	July '13
	<b>Permissioning Process Map Guidance Document</b>	-	July '13
Compliance Assurance	<b>Compliance Assurance Procedures</b>	Jul '13	Nov '13
	<i>Audit and Inspections</i>	-	-
	<i>Verification - Facilities Verification</i>	-	-
	<i>Verification - Well Examination</i>	-	-
	<i>Performance Reporting Policy Document</i>	-	-
	<i>Safety Case 5 Year Thorough Review Policy</i>	-	-
Incidents	<b>Petroleum Incident Regulations</b>	Jul '13	Nov '13
	<b>Petroleum Incident Investigation Procedures</b>	-	Nov '13

Table 1 - Publication dates for paper relating to the Permissioning System, Compliance Assurance System and Investigation Components of the Framework

To provide understanding on the structure and general conditions of Safety Permits, the CER intends to publish proformas<sup>5</sup> of each of the Safety Permit types in November 2013.

Finally, the CER expects to publish an update on its Enforcement Procedures in November 2013.

<sup>5</sup> It should be noted that each Safety Permit will be unique to each Petroleum Undertaking.

### **3.2 Phase D: Internal Readiness**

The Internal Readiness phase involves the CER putting in place the people, processes and procedures to enable the effective and efficient operation and enforcement of the Framework on an on-going basis.

A key element of Phase D is ensuring that the CER has sufficient and appropriate resources in place to begin the assessment of Safety Cases from November 2013. The CER continues to work towards meeting this objective.

### **3.3 Phase E: Implementation**

The Implementation Phase of the PSF Project involves:

- i. The CER being in position to take submission of Safety Cases;
- ii. Conducting assessment of Safety Cases and, where appropriate, the issuance of Safety Permits to Petroleum Undertakings; and subsequently
- iii. Monitoring and enforcing compliance by petroleum undertakings with their obligations under the Act.

The CER expects that the Petroleum Safety Framework will come into full effect in November 2013, and the CER will be in a position to take submission of Safety Cases from that time.

To ensure that the transition to the Framework occurs only when the CER is in a position to discharge its new petroleum safety responsibilities the following must be in place:

- Phase C and Phase D of the PSF Project must be complete; and
- The relevant petroleum safety provisions of the Act must be fully commenced.

To date three Commencement Orders have published. These are:

- [S.I. No. 227 of 2010](#)
- [S.I. No. 367 of 2010](#)
- [S.I. No. 471 of 2012](#)

A final order commencing the remaining sections of the Act is anticipated to be made by the Minister in November 2013. This is aligned with the full implementation of the project.

Although the CER expects to be in a position to take submission of safety cases from November 2013, it does not expect that all petroleum undertakings will submit safety cases at that time (i.e. those petroleum undertakings carrying out established petroleum activities<sup>6</sup>). The CER will engage with petroleum undertakings in 2013 to put in place a specific plan for that petroleum undertaking which enables the transition to their safety regulation under the Framework. These individual transition plans for each petroleum undertaking will also include when the submission of safety cases are required. This process has already commenced with some petroleum undertakings.

---

<sup>6</sup> See section 13M of the Act.

Finally, the CER recognises that as it goes through the process of developing the above documentation in the Detailed Design Phase of the Project, some aspects of [High Level Design](#) may require further clarification. The [High Level Design](#) also references regulations, documents, and procedures that 'will' be in place. There is merit in referencing the actual documents within the [High Level Design](#) once the Detailed Design Phase is completed. Therefore, the CER proposes to publish an updated version of the [High Level Design](#) in November 2013 once the Detailed Design Phase is completed. In the interim, where proposals and/or decisions on any documents developed and consulted upon as part of the Detailed Design necessitate a clarification to the [High Level Design](#) this will be specifically highlighted as part of the consultation process for that part of the Detailed Design Phase. The updated [High Level Design](#), to be published in November 2013, will involve a collation of all such clarifications.

### **3.4 *Agreements with other Agencies***

In the interests of transparency and regulatory certainty, the CER aims to put in place high-level agreements with the agencies listed below. The CER will, subject to the agreement of the other agency, publish the high-level agreements. To date, high-level agreements with six agencies have been published:

- the HSA;
- National Standards Authority of Ireland;
- Marine Casualty Investigation Board;
- The Commissioners of Irish Lights;
- An Bord Pleanála; and
- the Air Accident Investigation Unit.

It is expected that all remaining high-level agreements will be concluded before November 2013:

- Environmental Protection Agency;
- Irish Aviation Authority;
- Department of Transport, Tourism and Sport (Marine Survey Office, Irish Coast Guard);
- Radiological Protection Institute of Ireland;
- Relevant Local Authorities (within which petroleum activities will take place); and
- An Garda Síochana.

## 4 Overview of Project Implementation Timeline

The table below illustrates the timeline for publication of papers by the CER. The overall aim of the project is for the Framework to be fully operational from November 2013, at which stage the CER will be in a position to accept safety cases in November 2013. In the table below, red diamonds represent dates for publication of consultation papers, while blue diamonds represent dates for publications of Decision Papers.

Phases & Milestones	Completion Date	2010				2011				2012				2013				2014				
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
<b>Phase A - Initial Scoping and Planning</b>	Mar-11			█	█																	
<b>Phase B - High Level Design of Framework</b>	Jun-12					█	█	█	█	█												
<b>Phase C - Detailed Design</b>	Nov-13																					
<b>Permissioning System</b>																						
Designated Petroleum Activities Regulations	Feb-13												◆	◆								
ALARP Demonstration Guidance	Feb-13												◆	◆								
Safety Case Guidelines	Feb-13												◆	◆								
➔ Safety Case Publication Policy	Nov-13																◆			◆		
Safety Case Assessment Procedures	Jul-13																◆					
Permissioning Process Map Guidance Document	Jul-13																◆					
<b>Levy and Charges Policy</b>																						
Petroleum Safety Levy Methodology Decision	Dec-12											◆		◆								
Safety Case Fees Policy Paper	Sep-13																◆		◆			
<b>Compliance Assurance</b>																						
Audit & Inspection Consultation Paper	Nov-13																◆			◆		
Verification - Facilities Verification Consultation Paper	Nov-13																◆			◆		
Verification - Well Examination Consultation Paper	Nov-13																◆			◆		
Performance Reporting Policy Consultation Paper	Nov-13																◆			◆		
Safety Case 5 Year Thorough Review	Nov-13																◆			◆		
General Duty Policy Document	Nov-13																◆			◆		
<b>Petroleum Incident</b>																						
Petroleum incident Regulation	Nov-13																		◆			
Petroleum Incident Notification and Investigation Procedures	Nov-13																			◆		
<b>Enforcement</b>																						
Enforcement Procedures	Nov-13																				◆	
<b>Phase D - Internal Readiness</b>	Nov-13																					
<b>Phase E - Implementation</b>																						
Amended High Level Design Publication	Nov-13																				◆	
CER ready to accept safety cases	Nov-13																				◆	
Safety Case Assessments																						➔

Table 2: Project Implementation Timeline

## **5 Review of Implementation Timeline**

The scope and timelines set out in this Detailed Implementation Project Plan – Update 2 are based on the information currently available to the CER and are dependent on the assumption that the CER will obtain the necessary resources to carry out the Project and implement the Framework.

The CER will publish a further update to the PSF Implementation Plan in August 2013.