



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

**Petroleum Safety Framework  
Update for the Petroleum (Exploration and  
Extraction) Safety Act 2015**

**Consultation**

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## Glossary of Terms and Abbreviations

Words and phrases defined in Section 13A of the Act shall, unless the context otherwise requires, have the same meanings when used in this document.

Abbreviation or Term	Definition or Meaning
<b>Acknowledgement of Compliance</b>	Following an assessment, an acknowledgement by the CER that a non-production safety case meets certain aspects of the <i>Safety Case Requirements</i> . This does not amount to safety case acceptance.
<b>Combined Operations Notification</b>	A notification submitted to the CER in accordance with the requirements of section 8 of the <i>Safety Case Requirements</i> for the purposes of gaining acceptance by the CER to carry out the activities described therein.
<b>Decommissioning Safety Case</b>	A safety case submitted to the CER for acceptance for the purpose of gaining a Decommissioning Safety Permit.
<b>Decommissioning Safety Permit</b>	A safety permit issued by the CER under 13P of the Act which permits the decommissioning activity as set out in the associated Decommissioning Safety Case.
<b>Design Notification</b>	A notification submitted to the CER in accordance with the requirements of section 6 of the <i>Safety Case Requirements</i> for the purpose of gaining acceptance by the CER
<b>Framework</b>	The collection of regulations, written regulatory documents and procedures which, taken together, describe the system the CER will use to regulate the activities of petroleum undertakings, operators and owners with respect to safety, including, without limitation the petroleum safety framework established under section 13I of the Act.
<b>Independent Competent Body (ICB)</b>	An independent and competent organisation engaged by the operator or owner to execute a Verification Scheme.
<b>(the) Minister</b>	Minister for Communications, Energy and Natural Resources
<b>Non-production Safety Case</b>	A safety case submitted to the CER for acceptance for the purpose of gaining a Well Work Safety Permit.
<b>Permissioning</b>	A legislative regime is permissioning if the start or continuation of a particular work activity is conditional upon a consent, licence or acceptance of a safety case or safety report by the regulator.

Abbreviation or Term	Definition or Meaning
<b>Production Installation</b>	A Production Installation is equipment used in the extraction and/or processing of reservoir fluids and includes fixed and floating offshore installations, onshore installations and associated pipelines. A floating production storage and offloading vessel is a Production Installation due to its connection to the reservoir whereas a shuttle tanker is not.
<b>Production Safety Case</b>	A safety case submitted to the CER for acceptance for the purpose of gaining a Production Safety Permit.
<b>Production Safety Permit</b>	A safety permit issued by the CER under 13P of the Act which permits the production activity as set out in the associated Production Safety Case.
<b>Safety Case Guidelines</b>	<p>The Safety Case Guidelines comprise the following documents:</p> <ul style="list-style-type: none"> <li>• <i>Safety Case Requirements;</i></li> <li>• <i>NSAI Petroleum Exploration and Extraction Technical Standards;</i></li> <li>• <i>ALARP Guidance; and</i></li> <li>• <i>Compliance Assurance System</i></li> </ul>
<b>Safety (and Environmentally) Critical Elements – S(E)CE</b>	Safety (and Environmental) Critical Elements S(E)CE are such parts of an installation and its plant, including computer programs, a purpose of which is to prevent or limit the effect of a major accident, or the failure of which could cause or contribute substantially to a major accident. The environmental term is only applicable offshore and relates to the definition of a major hazard, which includes major environmental incidents offshore.
<b>Well Verification Scheme</b>	A Well Verification Scheme is a description of the work carried out by Independent Competent Body(s) to verify whether a petroleum undertaking has identified and continues to meet suitable performance standards for well-related SCEs and that well integrity is maintained.
<b>Well Work Activity</b>	An activity that alters the pressure containment boundary of a well; or introduces wire, cable or hollow pipe into a well. Such an activity is designated and requires a Well Work Safety Permit.
<b>Well Work Safety Case</b>	A safety case submitted to the CER for acceptance for the purpose of gaining a Well Work Safety Permit.

Abbreviation or Term	Definition or Meaning
<b>Well Work Safety Permit</b>	A safety permit issued by the CER under 13P of the Act which permits the Well Work Activity as per the associated Well Work Safety Case and Non-production Safety Case.
<b>Verification Scheme</b>	Denotes the Facilities Verification Scheme and/or the Well Verification Scheme.

# 1 Introduction

## 1.1 Background

The *Petroleum (Exploration and Extraction) Safety Act 2010* (the ‘2010 Act’) amended the *Electricity Regulation Act 1999* (the ‘Act’) to give the Commission for Energy Regulation (CER) responsibility for regulating the safety of petroleum undertakings<sup>1</sup> engaging in certain petroleum activities.

The Act requires the CER to establish and implement a risk based petroleum safety framework (the Framework). The *High Level Design of the Petroleum Safety Framework* (CER/13/304) provides an overview of this Framework which is currently in operation. The Framework includes a number of other documents, including but not limited to: the *Safety Case Guidelines* (CER/14/145); the *ALARP Guidance* (CER/13/282); the *Compliance Assurance System* (CER/14/146); and *S.I. No. 004 the Petroleum Safety (Petroleum Incident) Regulations 2014* and *S.I. 89 Petroleum Safety (Designation of Certain Classes of Petroleum Activity) Regulations 2013*.

The *Petroleum (Exploration and Extraction) Safety Act 2015* (the “**2015 Act**”) further amends the *Electricity Regulation Act 1999* (as amended by the 2010 Act) to give effect to Directive 2013/30/EU of the European Parliament<sup>2</sup> and, amongst other things, identifies the CER as the “*competent authority*” for offshore<sup>3</sup> safety and extends the scope of the Framework to cover the risk and potential consequences of major accidents<sup>4</sup>, (including major environmental incidents). Certain responsibilities for the safety of petroleum activities being carried on offshore are also transferred from petroleum undertakings to operators and owners of non-production installations<sup>5</sup>.

While the existing Framework broadly aligns with the requirements of the 2015 Act, the Framework requires updates to reflect the new and amended provisions and these updates will impact the majority of the published Framework documents. To facilitate early input into the update process, CER has split the document updates into consultation groups. This consultation period is the first in the process and focuses on a number of priority documents. The CER has also taken this opportunity to restructure some Framework documents for improved readability.

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<sup>1</sup> As defined under section 13A of the Act

<sup>2</sup> Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC, Official Journal of the European Union, No L178, 2013, p. 66.

This is available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:178:0066:0106:en:PDF>.

<sup>3</sup> As defined under section 13A of the Act

<sup>4</sup> As defined under section 13A of the Act

<sup>5</sup> As defined under section 13A of the Act: ‘owner’, ‘operator’ and ‘non-production installation’

## 1.2 Purpose of this Paper

The purpose of this paper is to inform and seek comments from the public and the CER's stakeholders with regard to the updates to the Framework pursuant to the requirements of the 2015 Act on four Framework documents. They are the:

1. High Level Design of the Framework (now called the *Requirements of the Petroleum Safety Framework*);
2. *Safety Case Guidelines* (now called the *Safety Case Requirements*);
3. *Compliance Assurance System*; and
4. *CER Audit and Inspection System*

While the CER invites respondent views on the updates, in forming their comments, respondents should take into consideration that the majority of updates, aside from the structural updates to improve readability, are required by the 2015 Act. Referencing provided within the documents should assist readers in identifying such requirements.

## 1.3 Consultation Process and Framework Document updates

### 1.3.1 Consultation process

This document provides an overview of the main changes to all aspects of the Framework to incorporate the provisions of the 2015 Act and improve readability. Additionally, it provides further details on the four consultation documents listed above.

The remaining published Framework documents<sup>6</sup> will be reviewed to reflect the new legislation and, where required, updated via separate consultation processes. It is envisaged that the full update process will conclude in the first quarter of 2016.

### 1.3.2 Framework document updates

The changes to the Framework are twofold:

1. Updates required by the Act; and
2. Updates proposed by CER to improve streamline existing documents and improve readability.

The main changes are summarised below.

Document in Framework for 2010 Act	Document in Framework for 2015 Act	Reason for Change
<i>Petroleum Safety (Designation of Certain Classes of Petroleum Activity) Regulations 2013</i>	Unchanged	no change

<sup>6</sup> Available to view on the Petroleum Safety section of the CER website: <http://www.cer.ie/energy-safety/petroleum>

Document in Framework for 2010 Act	Document in Framework for 2015 Act	Reason for Change
<i>Petroleum Safety (Petroleum Incident) Regulations 2014</i>	To be updated in line with Regulation (EU) 1112/2014 and subject to consultation at a future date.	Update in response to the EU Commission Implementing Regulation (EU) No 1112/2014 of 13 October 2014 required under Directive 2013/30/EU.
<i>Guidance on the Notification of Petroleum Incidents</i>	To be updated in line with the Guidance Document on Regulation (EU) 1112/2014 and subject to consultation at a future date.	Update in response to the EU Commission Implementing Regulation (EU) No 1112/2014 of 13 October 2014 required under Directive 2013/30/EU.
<i>High Level Design</i>	Renamed: <i>Requirements of the Petroleum Safety Framework</i>	Updated in line with the 2015 Act. Describes the structure and requirements of the Framework and makes other documents self-contained.
<i>ALARP Guidance</i>	<i>ALARP Guidance</i> (part of the Safety Case Guidelines <sup>7</sup> ) Consultation process will be managed by the Gas Safety Regulatory Framework team at the CER and will be published in September.	The previous version was part of the CER's Petroleum Safety Framework alone. The new document is now also applicable to the CER's Gas Safety Regulatory Framework. Document update timeline is coincidental with Framework update. No changes were made resulting from the 2015 Act.
<i>Safety Case Guidelines</i>	Renamed: <i>Safety Case Requirements</i>	Updated in line with the 2015 Act. Streamlined document now contains the mandatory safety case <sup>8</sup> requirements.
<i>Compliance Assurance System</i>	Split into 2 documents:  <i>Compliance Assurance System</i> ; and  <i>CER Audit and Inspection System</i>	Updated in line with the 2015 Act. Document split to place the requirements on the petroleum undertaking, operator, owner within the Safety Case Guidelines and the CER audit and inspection function separately.  Compliance Assurance System Requirements on the petroleum undertaking, operator or owner. Now forms part of the Safety Case Guidelines.  CER Audit and Inspection CER audit and inspection of the compliance of petroleum undertakings, operators and owners with their obligations under the Act.

<sup>7</sup> 'safety case guidelines' are defined in section 13A of the Act as '*guidelines prepared under section 13L*'.

<sup>8</sup> 'safety case' is defined in section 13A of the Act as '*a document, in accordance with the safety case guidelines, describing the components of the safety management system relating to designated petroleum activity concerned, or the safety and environmental management system with respect to designated petroleum activities carried out offshore (and all petroleum infrastructure associated with carrying out that designated petroleum activity)*'.

Document in Framework for 2010 Act	Document in Framework for 2015 Act	Reason for Change
<i>Safety Case Fees Structure and Methodology</i>	<i>Safety Case Fees Structure and Methodology</i>	Operators and owners are now liable for safety case fees, not the petroleum undertaking. The estimated safety case fees will be removed from this document to a separate information document.
<i>Petroleum Safety Levy Methodology</i>	<i>Petroleum Safety Levy Methodology</i>	no change
Safety Permit Application Procedures	None – document removed	Previous document was repetitious of other Framework documents. Required information is now contained in the <i>Requirements of the Petroleum Safety Framework</i> .

#### 1.4 **Transition to the updated Framework**

The updated Framework will go live in line with the commencement of the 2015 Act by the Minister for Communications, Energy and Natural Resources. Until such a time as the 2015 Act is commenced, the existing Framework will remain in place.

With respect to timelines for industry compliance with the new legislation, the Act states that where a petroleum undertaking currently holds an accepted safety case and a safety permit with respect to production prior to 19 July 2015, or is currently carrying out established petroleum activities in accordance with section 13M(3)(b) of the Act, an operator appointed by that petroleum undertaking must submit a revised safety case in accordance with the requirements of the 2015 Act, by 19 July 2018 at the latest. For well work activities the date for compliance is July 19<sup>th</sup> 2016.

The CER will notify the public of the commencement of the 2015 Act and the changeover to the updated Framework documents.

#### 1.5 **Responding to this Paper**

Interested parties are invited to provide written responses to the accompanying *Requirements of the Petroleum Safety Framework*, *Safety Case Requirements*, *Compliance Assurance System* and *CER Audit and Inspection System* papers.

Respondents are requested to clearly mark their responses as relevant to either the:

1. *Requirements of the Petroleum Safety Framework*;
2. *Safety Case Requirements*;
3. *Compliance Assurance System*; or
4. *CER Audit and Inspection*.

The closing date for submissions is October 2<sup>nd</sup> 2015. The CER commits to considering all responses and representations affording each respondent the opportunity to clarify any issue raised.

As responses will be published in full on the CER's website, respondents should include any

confidential information in a separate document, clearly identifying such information as confidential. Submissions should be forwarded, preferably in electronic format, to:

Róisín Cullinan  
Regulatory Manager  
Commission for Energy Regulation,  
The Exchange, Belgard Square North,  
Tallaght,  
Dublin 24.  
**E-mail:** [rcullinan@cer.ie](mailto:rcullinan@cer.ie)

The CER will be available to meet with respondents to discuss their submissions from Monday October 12<sup>th</sup> to Friday October 16<sup>th</sup> 2015. Respondents wishing to meet with the CER to discuss their submission should include such a request with their submission by October 2<sup>nd</sup>.

## **1.6 Document Structure**

The structure of the remainder of this document is:

Section 2 – Overall changes to the Framework summarised;

Section 3 –Detailed changes to the *Requirements of the Petroleum Safety Framework* (formerly the *High Level Design*) outlined;

Section 4 –Detailed changes to the *Safety Case Requirements* (formerly *Safety Case Guidelines*) outlined; and

Section 5 –Detailed changes to the *Compliance Assurance System* and *CER Audit and Inspection System* (formerly *Part 1 and Part 2 of the Compliance Assurance System*) outlined.

## 2 Overall Changes to the Petroleum Safety Framework

This section sets out the main changes to the overall Framework under the following headings:

- Structure changes to Framework documents;
- Changes resulting from the 2015 Act:
  - Safety Cases and Permits;
  - Major Hazard Definition and the associated environment consequences;
  - Verification;
  - Competent Authority; and
  - Tripartite Consultation and Confidential Reporting.

Sections 3, 4 and 5 set out the changes in more detail for the individual papers published as part of this consultation process.

### 2.1 Framework documents – Structural changes

Three documents have undergone significant structural changes which readers should be aware of prior to review. They are:

1. *High Level Design of the Petroleum Safety Framework*;
2. *Safety Case Guidelines*; and
3. *Compliance Assurance System*.

The structural changes were made to improve readability of the Framework documents and to provide clarity to the public and industry on the operation of the Framework. They are not linked to the requirements of the 2015 Act and have no effect in and of themselves on the operation of the Framework. The reasoning for these structural changes is provided below.

#### 2.1.1 High Level Design of the Petroleum Safety Framework

Previously this document comprised a high level summary of the various components of the Framework, the majority of which has associated detailed documents published on the topic. In the proposed updated version, these summary sections remain and additional sections have been added. These new sections are not elaborated on in other documents. Consequently, the title '*High Level Design*' has changed to '*Requirements of the Petroleum Safety Framework*', to emphasise that the document now comprises mandatory requirements. As such the document should be consulted by all petroleum undertakings, operators and owners submitting safety permit<sup>9</sup> applications and safety cases to the CER.

See section 3 of this document for further details.

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<sup>9</sup> 'safety permit' is defined in section 13A of the Act as '*...a permit issued under 13P*'.

### 2.1.2 **Safety Case Guidelines**

Section 13L of the Act sets out what the safety case guidelines may comprise. The CER has taken this opportunity to incorporate a number of documents under the title 'Safety Case Guidelines' as they fall within the items set out in 13L. Consequently, the CER Safety Case Guidelines now comprise a number of documents:

- *Safety Case Requirements*;
- *ALARP<sup>10</sup> Guidance*;
- *Compliance Assurance System* (see below); and
- *National Standards Authority of Ireland (NSAI) Petroleum Exploration and Extraction Technical Standards*.

The single document previously published as the *Safety Case Guidelines* has been renamed the *Safety Case Requirements* to emphasise that they are mandatory requirements. The scope of the document has also been clarified to solely address the requirements for a safety case which has led to some text being removed. Where the legislative requirement remained under the new 2015 Act, the removed text has been moved to the *Requirements of the Petroleum Safety Framework* document.

See section 4 of this document for further details.

### 2.1.3 **Compliance Assurance System**

The Compliance Assurance System document which was previously comprised 2 parts, has now been split into two separate documents:

#### 1. Compliance Assurance System

Sets out the requirements of the Compliance Assurance System that are the responsibility of the petroleum undertaking, operator or owner.

Now forms part of the Safety Case Guidelines.

#### 2. CER Audit and Inspection

Sets out CER processes to audit and inspect the compliance of petroleum undertakings, operators and owners with the Framework.

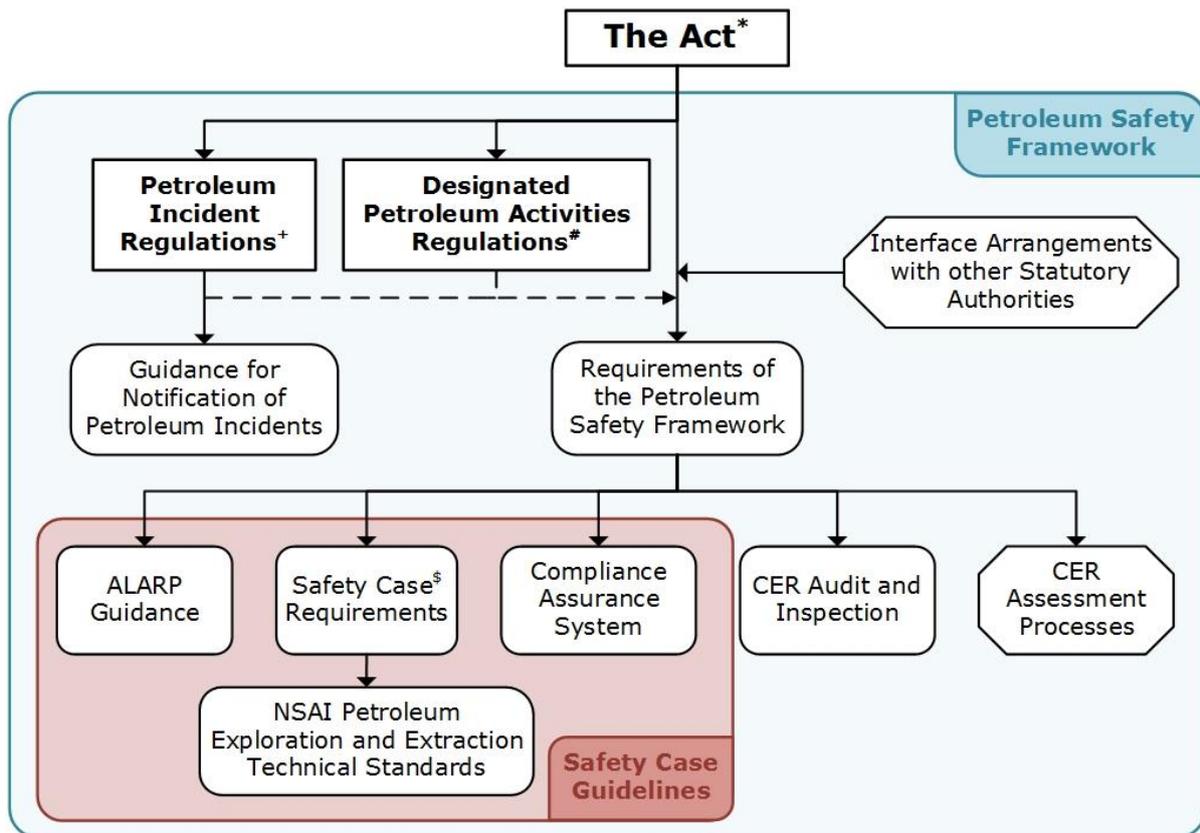
See section 5 of this document for further details.

## 2.2 **Operation of the Framework**

The full set of Framework documents are illustrated conceptually in **Figure 1** below. This also illustrates the proposed new make up of the Safety Case Guidelines.

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<sup>10</sup> As Low As is Reasonably Practicable



(\*) The *Electricity Regulation Act 1999 as Amended by the PEES Act 2010 and PEES Act 2015*  
 (#) *Petroleum Safety (Designation of Certain Classes of Petroleum Activity) Regulations 2013*  
 (+) *Petroleum Safety (Petroleum Incident) Regulations 2013*  
 (\$) and notifications

**Figure 1: Overview diagram of Petroleum Safety Framework**

## 2.3 Changes Resulting from the 2015 Act

### 2.3.1 Petroleum Undertaking, Owner and Operator

Under the 2010 Act, all responsibilities were placed on a petroleum undertaking. However, the 2015 Act introduces the concept of operators and owners. While this does not change the requirements of a safety case, it changes the entity that submits them and changes who has primary responsibility for safety.<sup>11</sup>

A petroleum undertaking must appoint an operator to carry on a designated petroleum activity<sup>12</sup>, for example, production from a well with a production installation.

<sup>11</sup> Note that many parts of the documents covered by this consultation have had petroleum undertaking changed to include, or be replaced by operator and/or owner. Each instance of this is not noted in this paper.

<sup>12</sup> 'designated petroleum activity' is defined in section 13A of the Act as '...a petroleum activity which is designated by regulations under 13D'.

An operator is defined by the Act as “*the entity appointed under section 13KA(1) to conduct designated petroleum activities*”. The operator’s responsibility includes “*managing and controlling the functions of petroleum infrastructure (except non-production installations) in carrying out petroleum activities*”.<sup>13</sup> An operator has primary responsibility for the control of risks of a major accident<sup>14</sup> that are a result of its carrying on designated petroleum activities.

An owner is defined by the Act as “*a person entitled to control the operation of a non-production installation*”. Non-production installations are broadly defined in the Act to be offshore petroleum infrastructure not used for production. The concept of an owner only exists offshore.

This change is as a result of the 2015 Act.

### **2.3.2 Safety Cases and Permits**

Under the 2015 Act, a petroleum undertaking still applies for a safety permit, operators and owners are required to submit the associated safety case(s), or a notification to the CER. It is still the case that no designated petroleum activity can commence without an associated safety permit.

Under the 2015 Act, the concept of a Combined Operation is introduced. Under the existing Framework this is addressed via the material change process to an offshore Production Safety Case. The new process under the 2015 Act includes the requirements for a Combined Operations notification which was not required previously, however the end result is similar in relation to the safety case documents being assessed by the CER.

This change is as a result of the 2015 Act. In terms of safety case and notification submission, it brings the Framework into closer alignment with other jurisdictions while still requiring a safety permit.

### **2.3.3 Major Hazard Definition and the Environment**

The definition of a major accident hazard (MAH) is now included in the 2015 Act and thereby replaces the definition in the previous *High Level Design*. A MAH is defined in the 2015 Act as:

- (a) An event involving an explosion, fire, loss of well control, or release of oil, gas or dangerous substances involving, or with a significant potential to cause, fatalities or serious personal injury;
- (b) An event leading to serious damage of petroleum infrastructure involving, or with a significant potential to cause, fatalities or serious personal injury;
- (c) Any other event leading to fatalities or serious injury to multiple persons; or
- (d) Any major environmental incident resulting from incidents referred to in paragraphs (a), (b) and (c) and which relate to petroleum activities carried out offshore.

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<sup>13</sup> Section 13KB of the Act.

<sup>14</sup> As defined in section 13A of the Act.

The CER has an environmental remit offshore for a major environmental incident<sup>15</sup> (MEI) that follows (a), (b), or (c) above, which are safety related major accidents. The CER has no environmental remit onshore. However, if the environment is affected by a petroleum incident<sup>16</sup> and this has an impact on persons' safety, then this is within the CER's remit.

This change is as a result of the 2015 Act. The definition is very similar to the current CER definition of a major accident, with both including serious injury to multiple persons, though the inclusion of (d) increases the CER's offshore remit to be regulation of major environmental incidents following a safety major accident hazard.

The 2015 Act also makes it clear that the focus of a safety case is on major hazards prevention.

#### **2.3.3.1 Irish Coast Guard**

In order to regulate the environmental aspect of major accident hazards offshore, the CER will work with the Irish Coast Guard (IRCG) to discharge aspects of the safety case assessment, specifically the assessment of the environmental aspects of the Internal Emergency Response Plan, according to agreed interfaces between the CER and IRCG. The assessment of such information is already carried out by the IRCG as part of the Oil Spill Contingency Plan assessment and acceptance.

This change is possible as the 2015 Act allows for the CER to prepare joint procedures with other authorities, offshore and onshore, to carry out its functions under the Act. The preparation and implementation of these agreements ensures duplication of regulatory efforts are minimised.

#### **2.3.4 Verification**

Under the 2010 Act, responsibilities for verification were placed on the petroleum undertaking. However, the 2015 Act introduces the concept of operators and owners, and while this does not change the requirements for verification at any point in the lifecycle of the petroleum infrastructure, it does change the entity that appoints the Independent Competent Body (ICB), and the entity responsible for the verification schemes themselves.

Note that the stringent independence requirements of the ICB have not changed.

This change is as a result of the 2015 Act.

#### **2.3.5 Regulatory Interfaces**

Under the 2010 Act, the CER was required to have regard to functions with respect to the safety of petroleum activities of:

- the National Standards Authority of Ireland (NSAI);

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<sup>15</sup> 'major environmental incident is defined in section 13A of the Act as '*...an incident which results, or is likely to result, in significant adverse effects on the environment in accordance with the Environmental Liability Regulations*'.

<sup>16</sup> 'petroleum incident' is defined in section 13A of the Act as '*...an event or occurrence in, at or in the precincts of petroleum infrastructure which is an event or occurrence of a class prescribed by regulations made by the Commission under section 13V and includes all major accidents*'.

- Health and Safety Authority (HSA);
- Environmental Protection Agency (EPA);
- Minister for Transport, Tourism and Sport (including the Marine Survey Office (MSO) and the Irish Coast Guard (IRCG));
- Irish Aviation Authority (IAA)<sup>17</sup>; and
- Any other persons prescribed by the Minister.

The CER was also required to cooperate and consult with the above authorities for the purpose of avoiding duplication of activities between the CER and the authorities. However, the responsibility for the discharge of the CER functions under the 2010 Act rested with the CER alone and the CER could not rely on the opinion or decision of another authority in the discharge of its functions.

Under section 13H(5) of the 2015 Act, in the performance of its functions the CER will continue to consult with the aforementioned statutory authorities to identify where regulatory activities are duplicated. However, where potential duplicated activities are now identified, the CER can prepare and implement coordinated or joint procedures with these authorities, to carry out these functions and avoid duplication by the CER.

As an example, one such joint procedure will be developed between the CER and the Irish Coast Guard (IRCG) to regulate environmental aspects of major hazard offshore. While documents such as the emergency response plans have to be submitted to the CER, aspects of these will be assessed by the IRCG alone and the IRCG decision on that aspect of the assessment will be adopted in full by the CER as part of its overall safety case assessment determination.

### **2.3.6 Competent Authority**

The 2015 Act appoints the CER as the competent authority with respect to the requirements of the Directive. The Act also sets out the additional functions on the CER as competent authority under section 13GA.

### **2.3.7 Tripartite Consultation and Confidential Reporting**

The 2015 Act requires that tripartite consultation<sup>18</sup> is established by the CER to facilitate dialogue and cooperation between the CER, operators and owners, and workers' representatives. This dialogue will cover:

- i. The Petroleum Safety Framework;
- ii. The Safety Case Guidelines;
- iii. Matters set out in Annex VI to the Directive; and
- iv. Any other matter considered necessary by the CER.<sup>19</sup>

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<sup>17</sup> And any other persons prescribed by the Minister; section 13H(4)(f) of the Act.

<sup>18</sup> 'tripartite consultation' is defined in section 13A of the Act as 'a formal arrangement established by the Commission under section 13H(2)(h) to enable dialogue and cooperation between the Commission, operators and owners, and workers' representatives.'

<sup>19</sup> Section 13H(2)(h) of the Act.

The 2015 Act further requires the CER to establish mechanisms for the:

- i. Confidential reporting of safety and environmental concerns relating to offshore designated petroleum activities from any source; and
- ii. Appropriate investigation of such reports while maintaining the anonymity of the individuals concerned.<sup>20</sup>

## **2.4 Detailed changes**

Sections 3, 4 and 5 set out the changes in more detail for the individual papers published as part of this consultation process.

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<sup>20</sup> Section 13GA(3)(e) of the Act.

### 3 Changes to the High Level Design of the Petroleum Safety Framework

This section sets out in more detail the changes to the existing *High Level Design of the Petroleum Safety Framework* document. Please note that where changes are identified for papers outside of this consultation process, they will be consulted upon where required, as part of a separate and future consultation process.

Current Section	Proposed Section	Change	Reason for Change	Impact of Change
Executive Summary	n/a	Section has been removed	Elements of the <i>Requirements of the Petroleum Safety Framework</i> are a summary of other documents within the Framework (e.g. <i>ALARP Guidance</i> ) and this acted as a summary of a summary with little benefit.	None
1. Introduction and Background	1 Introduction	Minor Update	Some text has been removed to aid clarity and to remove generic information available on the CER website.	None
2. Scope of Framework & 4. Strategic Intent of the Framework	2 Scope and Operation of the Framework	Removal of repetition of definitions of petroleum and petroleum activity	Removal of definitions only where it does not aid clarity over that which is already defined in the Act and is not essential to understanding the document.	None
		Inclusion of definition of Well Work Activity	Was previously in the <i>Safety Case Guidelines</i> .	None
		Inclusion of definition of Combined Operations	Change brought about by the 2015 Act (see section 2.3.2).	
		Change to definition of major hazard	This term is now defined in the 2015 Act and now includes a major environmental incident following a safety major accident hazard (see section 2.3.3).	
		Description of CER organisation	Requirement for description brought about by the 2015 Act.	None
		CER is now the offshore Competent Authority	Change brought about by the 2015 Act (see section 2.3.5).	

Current Section	Proposed Section	Change	Reason for Change	Impact of Change
		Inclusion of definition of operator and owner and their requirements under the Act and changes to petroleum undertaking requirements	Change brought about by the 2015 Act (see section 2.3.1).	
		CER objectives made consistent with the Act	To provide consistency and clarity.	None
3 Components of the Framework		Minor change to text	As the <i>Requirements of the Petroleum Safety Framework</i> is now a source document, shorter summaries of the components assist clarity.	None
		Framework diagram altered	Diagram altered to show how the various documents in the Framework fit together. Note the additional diagram under the safety case section that shows the flow of information and regulatory activity between the petroleum undertaking, operator and owner.	None (diagram reflects other changes)
5 (old), 4 (new) ALARP		Streamlined text and minor update to be consistent with updated <i>ALARP Guidance</i>	Given that the Framework includes separate documents on ALARP, a streamlined description is more appropriate in the <i>Requirements of the Petroleum Safety Framework</i> . Improved <i>ALARP Guidance</i> has been issued by Oil and Gas UK and this document reflects this change.	Better clarity for entities needing to make ALARP decisions
6 (old), 5 (new) Permissioning of Designated Petroleum Activities		Made consistent with Operator and Owner structure and further detail added that used to be in other documents.	Information has been added to the <i>Requirements of the Petroleum Safety Framework</i> that means that other than a content of a safety case or notification, all information regarding safety cases, notifications and permits is contained in this document.	None, (Content from between documents)

Current Section	Proposed Section	Change	Reason for Change	Impact of Change
		Acknowledgement of Compliance introduced	Allows an offshore non-production installation <sup>21</sup> owner to have their safety case assessed against requirements in Ireland before a safety permit application.	Allows greater competition in Ireland
		Combined Operations Notification introduced	Change brought about by the 2015 Act (see section 3.2.2).	New requirement
		Inclusion of CER process for assessment	Information relating to timescales for assessment of safety cases and notifications in the existing Safety Permit Assessment Procedure document are now in this section.	None
7 (old), 6 (new) Compliance Assurance		Minor changes	To improve clarity and consistency with Directive. Some text concerning definition of a petroleum undertaking also moved from this section to section 2 to aid clarity.	None
		Addition of well work reporting	This requirement used to be included in each well work safety permit, but is clearer to add to the <i>Requirements of the Petroleum Safety Framework</i> .	None
None	8. Tripartite Consultation and confidential reporting	New section	Change brought about by the 2015 Act (see Section 2.3.7).	New requirement
8 Petroleum Incidents etc.		Change to definition of an incident and requirement for reporting of immediate danger	Prescriptive change brought about by the 2015 Act.	A change to incidents that need to be reported
		Reporting to EU	New requirement as a result of the 2015 Act.	New CER reporting to the EU
		Testing of emergency response arrangements	New requirement as a result of the 2015 Act.	

<sup>21</sup> As defined in section 13A of the Act

Current Section	Proposed Section	Change	Reason for Change	Impact of Change
9 Agreed Regulatory Interfaces and Co-operation	9 Regulatory Interfaces	Minor changes	Some repetitive text has been removed from this section to aid clarity.	None
		Interfaces outside Ireland	New requirement as a result of the 2015 Act.	New CER communication within the EU
		Requests from the Minister	New requirement as a result of the 2015 Act.	New CER function
10 Enforcement		Minor changes	Reflect the 2015 Act and the change to the regulated bodies (petroleum undertaking, operator and owner).	See Section 2.3.1
11 CER Reporting and Published Information and Section 9 from the SCG	11 CER Reporting and Published Information	Inclusion of information on publication of safety cases from the <i>Safety Case Guidelines</i> and simplification of this text	With the <i>Safety Case Requirements</i> (formerly the <i>Safety Case Guidelines</i> ) purely describing the required contents of a safety case, information in relation to the publication of a safety case has been moved to the <i>Requirements of the Petroleum Safety Framework</i> . The text has also been clarified in places.	None
		Reduction in fee for electronic safety case	Reduction in fee appropriate to the effort required to provide the safety case versus the burden of collecting such a fee.	None
		New annual report to the EU	New requirement as a result of the 2015 Act.	New CER communication with the EU
12 Continuous Improvement		No change	n/a	n/a
13 Recovery of Costs		<i>Petroleum Safety Levy Methodology</i> reference added	Improves clarity.	None

## 4 Changes to the Safety Case Requirements

This section sets out in more detail the proposed changes to the existing *Safety Case Guidelines* document.

The table below sets out the changes to the document by section. For ease of review, it should be noted upfront that the structure of the updated *Safety Case Requirements* is changed from the previous *Safety Case Guidelines* document in order to place requirements on the following sections in separate sections of the document:

- Performance standards, safety critical elements and verification;
- S(E)MS including C-MAPP;
- ALARP; and
- Emergency Response;

These sections are then referenced from each safety case type, or notification in order to make cross-referencing in the Safety Case Requirements more straightforward. Comment regarding these aspects is made against the new section rather than against each safety case.

The prescriptive requirements for safety cases are largely unchanged save for the additional requirements prescribed by the 2015 Act.

Current Section	Proposed Section	Change	Reason for Change	Impact of Change
Introduction	1 Introduction	Minor Update	Some text has been removed to aid clarity and to remove information moved to the <i>Requirements of the Petroleum Safety Framework</i> .	None
2 Guidelines on the Preparation of All Safety Cases		Section removed	The information has been moved to the <i>Requirements of the Petroleum Safety Framework</i> .	None

Current Section	Proposed Section	Change	Reason for Change	Impact of Change
3 Prescriptive Requirements	2 Prescriptive Requirements	Clarification on the safety criticality of AIS and NavAids. Text of safe refuge altered to account for normally unmanned offshore installations.	Technical clarification as a result of safety case assessments	Requirement for performance standards and verification of these systems.
4 Requirements for Production Safety Cases	3 Requirements for Production Safety Cases	<p>Safety case requirements are now aligned with the 2015 Act.</p> <p>Operators must additionally demonstrate management of major environment incidents.</p> <p>Requirements for description of arrangements for Combined Operations (ComOps) have been added. ComOps exist when two installations are operated in close proximity, and additional controls are required to ensure the operation is carried out safely.</p> <p>CMAPP, S(E)MS, ALARP, S(E)CE and emergency response requirements are included in separate sections (and commented on below).</p>	Required by the 2015 Act	The safety case will now need to describe the management of ComOps if envisaged and cover major environmental incidents.
5 Requirements for Well Work Safety Cases	4 Requirements for Well Work Safety Cases	As above other than ComOps not relevant for this safety case type.	Required by the 2015 Act	As above.
8 Requirements for Non-production Safety Cases	5 Requirements for Non-Production Safety Cases	As for a production safety case	Required by the 2015 Act	As for a production safety case.
6 Requirements for Design/ Notification	6 Requirements for Design Notifications for a Production Installation	<p>Clarification of information required in a design safety case in relation to wells on the production facility to which the design safety cases will relate.</p> <p>Requirements are now aligned with the 2015 Act</p>	Required by the 2015 Act	Minor changes only.

Current Section	Proposed Section	Change	Reason for Change	Impact of Change
7 Requirements for Decommissioning Safety Cases	7 Requirements for Decommissioning Safety Cases	Clarified to completely mirror a production safety case.	Required by the 2015 Act	Simplification by making the requirements the same as the preceding production safety case.
n/a	8 Requirements for Combined Operations Notifications	Combined Operations Notifications are a new requirement under PEES 2015 to comply with the 2015 Act.	Required by the 2015 Act	Information needed on the proposed ComOps to the CER, though this information is broadly similar to what would have been required under the previous material change consideration of ComOps.
4 Requirements for Production Safety Cases (and referenced for other safety cases)	9 ALARP Demonstration (Safety)	Previously the requirements for demonstrating ALARP were sub-section 4.4 of Section 4 – “Requirements for Production Safety Cases.” Section 9 is a new section containing the text previously forming sub-section 4.4.	Previously requirements for Non-production safety cases and well work safety cases cross referenced to the sub-section 4.4. Now the sections for all the safety case types reference the new ALARP Demonstration section.	Those preparing well-work safety cases, Non-production Installation safety cases, etc., should find it is more straightforward to locate the requirements of what to include in their safety cases.

Current Section	Proposed Section	Change	Reason for Change	Impact of Change
	10 Safety (and Environmental) Critical Elements, Performance Standards, Assurance and Verification	<p>A new section formed from the corresponding sub-section previously in Section 4.</p> <p>Operators and owners of offshore installations must extend their performance standards to include management of MEIs.</p> <p>Verification scheme and performance standards now required to be in the safety case (suggested as an appendix).</p>	<p>Environmental aspects are required by the 2015 Act.</p> <p>The verification scheme and performance standards have been requested as additional information for all non-material change safety cases assessed by the CER to date. Various requirements of the 2015 Act mean that significant parts of these documents have to be in the safety case. It is deemed that to comply with this, the most efficient approach is to place them as an appendix to the safety case.</p>	<p>Performance standards for installations now need to cover the management of MEIs.</p>
	11 Safety (and Environment) Management System	<p>A new section formed from the previous contents of the SMS sub-section in Section 4.</p> <p>The policy guidance is replaced by guidance on the content of a CMAPP</p> <p>SMS requirements extended for offshore installations to include environmental management.</p>	<p>A safety case must include the CMAPP and management of MEIs to comply with the 2015 Act.</p>	<p>Operators and owner must ensure that their HS&amp;E policies comply with the requirements for a CMAPP and their SMS include management of MEIs.</p>
4 Requirements for Production Safety Cases (and referenced for other safety cases)	12 Emergency Response (Safety)	<p>A new section formed from the previous contents of the Emergency Response sub-section in Section 4.</p> <p>Additional clarification included on describing responsibilities, drills and exercises.</p>	<p>The new section also include minor changes according to the requirements of the 2015 Act</p>	<p>Further clarification on the information required on emergency response arrangements</p>

Current Section	Proposed Section	Change	Reason for Change	Impact of Change
	13 Emergency Response (Offshore Major Environmental Incident)	Additional requirement to demonstrate the operator's / owner's capability to manage environmental emergency response.	To comply with the 2015 Act	Operators and owners of offshore installations must submit their plans for managing environmental emergency response
9 Publication of Accepted Safety Cases by Petroleum Undertakings	n/a	Contents moved to <i>Requirements of the Petroleum Safety Framework</i> .	This section did not define the requirements for the contents of a safety case and so is better placed in the <i>Requirements of the Petroleum Safety Framework</i> .	None

## 5 Changes to the Compliance Assurance System

Aside from minor updates to reflect the requirements of the 2015 Act which move responsibility for compliance assurance wholly from the petroleum undertaking to now being focused on the operator and owner, with limited compliance assurance focus on the petroleum undertaking, the contents of the existing Compliance Assurance System document (containing parts 1+2) are almost entirely unchanged.

Current Section	Proposed Section	Change	Reason for Change	Impact of Change
1 Introduction		Minor Update	The Legal Context section has been removed as this was repetitious of other documents.	None
2 Verification		Responsibility for verification activities transfers from the petroleum undertaking to the operator and owner	Change brought about by the 2015 Act.	None
		The independence requirements of the ICB have been clarified	Changes to the contents of the <i>Safety Case Guidelines</i> (now the <i>Safety Case Requirements</i> ) necessitated the elimination of a cross-reference in this section.	None
3 Safety Performance Reporting		Responsibility for safety performance reporting transfers from the petroleum undertaking to the operator and owner	Change brought about by the 2015 Act.	
		Lagging indicators updated in line with scheduled new Petroleum Safety (Petroleum Incident) Regulations	CER reportable petroleum incidents must align with European common reporting legislation: REGULATIONS COMMISSION IMPLEMENTING REGULATION (EU) No 1112/2014 of 13 October 2014 and the associated Guidance Document.	Change to the petroleum incidents that must be reported to CER. Existing petroleum incidents broadly align. No significant change anticipated.

Current Section	Proposed Section	Change	Reason for Change	Impact of Change
4 Independent Safety Case Review		Responsibility for the Independent Safety Case Review transfers from the petroleum undertaking to the operator and owner	Change brought about by the 2015 Act.	None
		The independence requirements of the Independent Review Body have been clarified	Changes to the contents of the <i>Safety Case Guidelines</i> (now the <i>Safety Case Requirements</i> ) necessitated the elimination of a cross-reference in this section.	None
5 Audit and inspection of Petroleum Undertakings by the CER	<b>New Paper:</b> <i>CER Audit and Inspection System</i>	<b>New Paper:</b> The subjects of the CER's audit and inspection activities transfers from the petroleum undertaking to the operator and owner, while remaining unchanged	Clarity of the structure of the PSF.	None
	Audit and inspection of Petroleum Undertakings, Operators and Owners by the CER	<b>New Paper:</b> An additional section (2.3) defines the new audit and inspection activities of the petroleum undertaking	Clarity of the structure of the PSF.	None
Appendix A Example Operational Performance Standard and Facilities Verification Scheme		None	n/a	None

## 6 Next Steps

The CER will consider all responses to this consultation in the development of the subsequent decision papers which are scheduled to be published in November. Consultation responses papers will also be published at this time.

It should be noted that the papers will not come into effect until the relevant sections of the *Petroleum (Exploration and Extraction) Safety Act 2015* are commenced. The existing Petroleum Safety Framework will continue to operate until this time. The CER will notify the public and industry of the date the updated Petroleum Safety Framework comes into operation