

Meeting Notes

SEPIL/CER meeting, CER Offices, Friday 22nd January 2016.

Attendees:

CER: R. Cullinan, A. Hanly, B. Browne, L. Murphy

IOOA: J. Conroy, J. Trench, N. Lawlor

The meeting was held to discuss Shell Exploration and Production Ireland Limited's (SEPIL) comments submitted to the Commission for Energy Regulation (CER) on January 8th in response to Round 2 of the Petroleum Safety Framework update published in November 2015 for consultation.

SEPIL discussed a selection of points raised in their response. The following is a summary of the discussion.

Compliance Assurance System – Safety Performance Reporting

Section 3.1 *“Number of activations of an Safety (and Environmental) Critical Element (S(E)CE)”*

SEPIL stated it would be useful to clarify the intent as previously provided in CER 14/146 2014 and that the Safety Performance Indicator (SPI) intent should be confined to “genuine activations” only and should not include spurious activations.

CER stated that all genuine and spurious activations were required. CER clarified that activations during maintenance and testing routines were not required and stated that they would consider updating the text to reflect this.

SPI L6 *“Number of live operational risk assessments at the end of the quarter”*

With reference to the query in the SEPIL response, CER clarified their definition of an operational risk assessment as relating to failures of performance standards. For clarity CER stated they would include the definition in the paper.

SPI C2 *“Number of losses or non-availability of S(E)CEs e.g. not meeting their performance standard, not reportable under C1”*

SEPIL stated that this SPI is over and above the requirements of the European Union (EU) Guidance Document and requested consistency with the EU guidance.

CER stated that as an SPI and not a petroleum incident, this is not linked to any EU guidance.

Guidance for Notification of Incidents

3.2c *“ Failure of a safety and environmentally critical element”*

As per SPI C2 – SEPIL requested consistency with the EU guidance

CER stated that it does not think it is appropriate that only a failure of an S(E)CE observed by an Independent Verifier should be reportable. CER is retaining the current text where anyone can

report a failure. The term “anyone” means anyone under the employment of or under contract with the operator / owner. This term includes the independent verifier.

CER stated they would further highlight in the Guidance that all 3 criteria must be met for the S(E)CE failure to be reported.

3.2h Serious Injury Definition – SEPIL requested alignment with the EU guidance and highlighted the differences across the various regulations (Control of Major Accident Hazard Regulations & Safety Health and Welfare at Work Act) regarding the definition of serious injury.

CER stated that the current definition of ‘serious injury’ under the Petroleum Safety (Petroleum Incident) Regulations 2014 will be retained as set out in the consultation paper. This definition was developed following extensive consultation in 2012 and remains appropriate and aligned with a number of international definitions. The CER, as with the Health and Safety Authority, can only adhere to the requirements of their respective legislation which has been drafted for specific and different reasons.

CER stated that the petroleum incident regulations fulfil all reporting requirements for CER under the Petroleum (Exploration and Extraction) Safety Act, 2015 including the new definition of major accidents and the reporting requirements of the CER under 13U – reporting to the Minister.

Additional CER points raised based on SEPIL consultation response:

- CER noted that the definitions of Tier 1,2,3 will be as defined within SEPIL’s own Oil Spill Contingency Plan.
- In event of fatality or fatalities – CER expect SEPIL to notify by phone. The CER will not release any information until next of kin have been notified by the Gardai.