

**Memorandum of Understanding  
between the  
Commission for Energy Regulation  
and  
The Commissioners of Irish Lights**

**August 2016**

**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 Commissioners of Irish Lights (“Irish Lights”) is to facilitate co-operation and mutual assistance between the CER and Irish Lights in the discharge of their respective statutory responsibilities in order to:

- enhance the actions of both,
- avoid unnecessary duplication of effort by both; and
- avoid the imposition of unnecessary regulatory burden.

The purpose of this MoU is to clearly identify the roles and responsibilities of the CER and Irish Lights 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 the CER and Irish Lights 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 co-operation and co-ordination of the regulation of petroleum undertakings, operators and owners within an offshore environment.

**2. Statutory Responsibilities of CER and Irish Lights relevant to the scope of the MoU**

**a) *Irish Lights***

Irish Lights is the General Lighthouse Authority for Ireland. Irish Lights has responsibility for the superintendence and management of all lighthouses, buoys and beacons throughout Ireland and

the adjacent seas and islands and for the provision of Aids to Navigation (AtoN) for general navigation. Irish Lights provide General Aids to Navigation and through Local Lighthouse Authorities, superintend, manage and inspect local aids to navigation. Irish Lights also have responsibilities in relation to wreck outside of Statutory Harbour areas.

Irish Lights operate an all island network of 66 Lighthouses, 22 Beacons, 116 Buoys, 23 Radar Beacons, 3 Differential GPS stations, 100 Automatic Identification systems and 8 Helipads. In addition to navigation information a number of Irish Lights station provide live sea state, wind and other data. This infrastructure is supported by offices and engineering / maintenance facilities at Dun Laoghaire and an 80 metre DP1 service vessel ILV Granuaile. See map at Appendix 1.

In addition to its statutory role Irish Lights provide a range of added commercial and added value services utilising their infrastructure and expertise.

Further information on the role and responsibilities of Irish Lights is available on [www.irishlights.ie](http://www.irishlights.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* (the Act), *Gas Act 1976*, *Gas (Interim) Regulation Act 2002*, *Energy (Miscellaneous Provisions) Acts 2006 & 2012* and *Petroleum (Exploration and Extraction) Act 2010* (Act of 2010) and *Petroleum (Exploration and Extraction) Act 2015* (Act of 2015) (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, operators and owners, the safety regulation of gas supply, transmission, distribution, storage and use of gas, and the registration of electrical contractors and gas installers.

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

- to regulate designated petroleum activities with respect to safety;
- to investigate and report to the Minister of Communications, Energy and Natural Resources on petroleum incidents;
- to monitor and enforce compliance by petroleum undertakings, operators and owners with their obligations;
- to issue safety permits;
- to provide safety information to the public when appropriate;
- to assess, and where relevant accept or reject, safety cases and notifications submitted by operators and owners;
- to carry out its objectives as competent authority, including:

- to cooperate with other competent authorities and contact points in other Member States;
- to jointly adopt measures with the competent authority of relevant Member States to prevent significant impact on the environment from potential major accident hazards;
- the establishment of mechanisms for the confidential reporting of safety and environmental concerns relating to a designated petroleum activity and the investigation of such reports;
- reporting to the European Commission on any investigation of petroleum incidents which resulted in an offshore major accident<sup>1</sup>;
- requesting a report from a petroleum undertaking, operator or owner on the circumstances of any major accident in which they or their subsidiaries have been involved outside the European Union.

The principal objective of the CER in carrying out its functions is to protect the public by fostering and encouraging safety as respects the carrying on of designated petroleum activities, with the duty to perform its functions in the public interest and to do all things necessary and reasonable to further its objectives and exercise its powers. How the CER discharges this petroleum safety regulatory role is set out in the regulatory document, the High Level Design of the Petroleum Safety Framework.

Specific to its role as competent authority under Directive 2013/30/EU on the Safety of Offshore Oil and Gas Operations, the CER's principal objective is the effective safety regulatory oversight of operator and owner compliance with the Act in reducing the risk and potential consequences (including major environmental incidents) of major accidents offshore to a level that is as low as is reasonably practicable.

The other functions of the CER are set out at [www.cer.ie](http://www.cer.ie)

### 3. Areas of Interface

Irish Lights and CER both operate in the same offshore environment. Irish Lights are responsible for ensuring proper Aids to Navigation (AtoN) marking of sites and offshore installations. The respective

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<sup>1</sup> Section 13A of the Act (as amended by the Act of 2015) defines major accident in relation to petroleum infrastructure or petroleum activities 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 relates to petroleum activities carried out offshore;

statutory responsibilities of the CER and Irish Lights interface with respect to AtoN for operators and owners and associated petroleum infrastructure operating in an offshore environment.

#### **4. Areas for Cooperation and Co-ordination**

In acknowledging each other's respective statutory responsibilities, functions and duties, both the CER and Irish Lights will endeavour to liaise closely particularly in relation to the areas set out below:

##### ***a) Safety Case Assessment***

The CER will formally consult with Irish Lights as part of the assessment of safety cases, safety case revisions and the approval of safety cases through reviews with respect to operators or owners operating in an offshore environment. Irish Lights observations and any notifications are particularly relevant to the CER function to monitor and enforce compliance of operators and owners with their obligations under the Act<sup>2</sup>.

##### ***b) Audit and Inspections***

Where appropriate, the CER will inform the Irish Lights at the earliest opportunity of upcoming audits and inspections of operators and owners operating offshore. Where relevant, Irish Lights will inform the CER of upcoming audits and inspection of relevant operators and owners. Opportunities for the co-ordination of audit and inspection will be identified and where possible agreed.

Insofar as is possible, and only where it is relevant, the CER and Irish Lights will share information relating to the outcome of audits/inspections carried out. This is particularly relevant to the CER function to monitor and enforce compliance of petroleum undertakings, operators and owners with their duties and obligations<sup>3</sup> under the Act.

##### ***c) Communication with respect to Operators and Owners***

Where through the course of its compliance assurance activities, the CER becomes aware of a matter which it believes is relevant to the functions of Irish Lights, it will inform the Irish Lights. Similarly where Irish Lights becomes aware of a matter which believes is relevant to the functions of the CER, it will inform the CER.

##### ***d) Sharing of Information***

Insofar as is possible, and only where it is relevant, the CER and Irish Lights will share information relating to their respective responsibilities. In order to facilitate the purposes of this MoU the Bodies will provide each other with as full and open access as is possible to all information necessary or expedient. These exchanges may be subject to restrictions or requirements such as those relating to confidentiality, data protection or freedom of

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<sup>2</sup> As set out in sections 13KB and 13KC in the Act (as amended by the 2015 Act).

<sup>3</sup> The general duties and obligations on petroleum undertakings are set out in section 13K and 13KA of the Act respectively

information requirements. The CER and Irish Lights accept that it is for the body providing the information to state what, if any, restriction there is to be on its usage and that each body will treat the information it receives in accordance with any such restriction.

**e) General Consultation/Liaison Arrangements**

The CER and Irish Lights will 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 efforts will be made through consultation to align the work of both Bodies to the greatest extent possible. Where consultation or interaction is required or mutually beneficial in the circumstances, responses will be submitted where possible within the scheduled timescale in order to allow for the orderly progression of the project/document in question.

Nominated points of contact will be identified in both Bodies, who will be responsible for managing communications in each of the above identified areas for co-operation and communication.

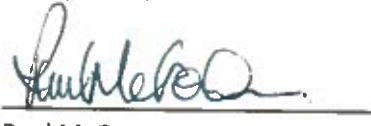
**5. Review of Memorandum of Understanding**

It is envisaged that the CER and Irish Lights representatives review this MoU on an annual basis and monitor its relevance, effectiveness, operation, and in particular, the cooperative measures and consultation established in the areas of shared or overlapping responsibility.

This MoU is effective from the date of signing by the CER and the Irish Lights. This MoU is not legally binding on the Bodies but rather is an expression of individual and collective commitment to work together in order to realise the shared objectives expressed herein.

  
Garrett Blaney  
Chairperson, CER

  
Yvonne Shields  
Chief Executive, Irish Lights

  
Paul McGowan  
Commissioner, CER

  
Aoife MacEvilly  
Commissioner, CER

August 2016

# Irish Lights Network of Coastal & Marine Infrastructure

