Memorandum of Understanding between the
Health and Safety Authority (the ‘Authority’)
and the
Commission for Regulation of Utilities (‘CRU’)
2nd April 2019

1. Objective of the Memorandum of Understanding
   The objective of this Memorandum of Understanding (“MoU”) between the Authority and the CRU (the ‘Bodies’) is to facilitate cooperation and mutual assistance between the regulators in discharging their respective statutory responsibilities with respect to safety in order to:
   - enhance their actions;
   - avoid unnecessary duplication of effort;
   - avoid unnecessary regulatory burden on regulated entities.

2. Areas of Interface
   The respective statutory responsibilities of the Authority and the CRU interface in the regulation of petroleum undertakings, operators and owners, natural gas undertakings, LPG undertakings, gas installers and electrical contractors (the ‘Regulated Entities’) with respect to safety.

   It is agreed that where appropriate, and where permissible by law, that in the course of carrying out regulatory activities, where either body becomes aware of a matter involving a Regulated Entity which it believes may be relevant to the functions of the other body, best endeavors will be made to make the other body aware of the matter.
   The Authority and the CRU agree to cooperate on matters regarding disclosure of safety-related information on a case-by-case basis recognising that there are restrictions on disclosure of confidential and personal data information that are set out in the Safety, Health and Welfare at Work Act 2005, the Chemicals Act 2008 and 2010, the Electricity Regulation Act 1999 as amended and the General Data Protection Regulation (EU 2016/679).

Notwithstanding the above points, and the general co-operation that exists between the Authority and the CRU, the specific areas of interface between the Authority and the CRU are:

   a) Petroleum exploration and extraction;
   b) COMAH regulated sites;
   c) Natural Gas (undertakings and installers) including Compressed Natural Gas (CNG), Renewable Natural Gas (RNG), Liquefied Natural Gas (LNG) and Offshore Gas Storage;
   d) Liquefied Petroleum Gas (LPG);
   e) Accident and Incident Investigation; and
   f) Competency Assessment of Gas Installers and Electrical Contractors

   In acknowledging each other’s respective statutory responsibilities and obligations and recognising the statutory constraints that apply, both the Authority and the CRU shall endeavour to liaise closely with respect to these above areas. This will specifically involve:

   a) Petroleum Exploration and Extraction
      The CRU may consult with the Authority as part of the assessment of safety cases and safety case revisions with respect to those operators and owners covered by the Safety, Health and Welfare at Work Act, 2005 and other
relevant legislation which the Authority enforces. Opportunities for the co-ordination of audit and inspection of operators and owners will be identified and where possible agreed. Insofar as is possible, and only where it is relevant, the CRU and Authority will share information relating to the outcome of completed audits/inspections. The CRU and the Authority will co-operate generally with respect to emergency planning and preparedness involving operators and owners, where these issues are within their remit.

b) **COMAH Regulated Sites**
The Authority and the CRU agree to communicate and cooperate on their respective review and assessment of a regulated entity's safety report (the Authority) and the Safety Case (the CRU) and to keep each other informed on inspections and investigations conducted at these entities.

c) **Natural Gas**
The Authority and the CRU agree to consult and communicate with each other in issues relating to the safety regulation of the natural gas undertakings including CNG, RNG, LNG and the natural gas sector generally. The CRU and the Authority agree to consult and communicate with each other in order to develop an approach to the safety regulation of LNG and natural gas storage facilities.

d) **Liquefied Petroleum Gas**
The Authority and the CRU agree to consult and communicate with each other on issues relating to the safety regulation of LPG undertakings and the LPG sector more generally.

e) **Accident and Incident Investigations**
The Authority and the CRU agree that incident investigations involving petroleum operators, owners, natural gas or LPG undertakings, gas installers or electrical contractors will be treated on a case-by-case basis. Communication should be established between identified individuals in the CRU and the Authority where a role for both agencies arises, as soon as practicable after such an incident occurs, in order to ensure that mutual cooperation and assistance is provided by both entities, where it is agreed it is necessary for the investigation.

f) **Competency Assessment of Gas Installers and Electrical Contractors.**
The Authority notes the regulatory system that the CRU has put in place for the regulation of gas installers and electrical contractors and it recognises this as an indicator component of demonstrating competency.

3. **Other Areas for Consideration and Cooperation**
In addition to the above, it is agreed that:

(i) the participation by the Authority in gas and electricity forums to be established by the CRU and, similarly, participation by the CRU in relevant forums established by the Authority where appropriate; and

(ii) the CRU and the Authority will facilitate opportunities for consultation with each other when either is engaged in producing guidelines or procedural documentation which is relevant to the implementation of their respective statutory functions and the scope of this MoU. In consulting on these matters, efforts will be made to align the work of both to the greatest extent possible.

4. **Periodic Review of Memorandum of Understanding**
A meeting between the Managers of the Operational Compliance and Prevention and the Chemical and Prevention Divisions of the Authority and the Director of Energy Safety of the CRU will take place periodically where activities in the areas of shared or overlapping safety responsibility and cooperative measures will be reviewed. In addition, the content of this MoU will be reviewed and resigned periodically to ensure that it remains relevant.

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Paul McGowan  
Chairperson  
Commission for Regulation of Utilities

Sharon McGinness  
Chief Executive  
Health and Safety Authority