



An Coimisiún
um Rialáil Fónais
**Commission for
Regulation of Utilities**

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Commission for Regulation of Utilities

Requirements of the Petroleum Safety Framework

Part of the Petroleum Safety Framework

Decision / Information Paper

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Glossary of Terms and Abbreviations

List of Abbreviations

Abbreviation	Meaning
ALARP	As Low As is Reasonably Practicable. See section 5 of this document further information.
AoC	Acknowledgement of Compliance
CRU	Commission for Regulation of Utilities
HAZOP	Hazard and Operability Study
ICB	Independent Competent Body
IRB	Independent Review Body (of a safety case).
IRCG	Irish Coast Guard
MEI	Major Environmental Incident
NSAI	National Standards Authority of Ireland
PIN	Petroleum Incident Notification (form)
PSO	Petroleum Safety Officer
S(E)CE	Safety (and Environmental) Critical Element
S(E)MS	Safety (and Environmental) Management System

List of Defined Terms

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
Acknowledgement of Compliance (AoC)	Following an assessment, an acknowledgement by the CRU that a non-production safety case meets certain aspects of the <i>Safety Case Requirements</i> . This does not amount to safety case acceptance.
ALARP Guidance	The ALARP Guidance document, which is part of the Safety Case Guidelines and may be amended from time to time, describes processes that must be used to determine whether a safety risk is ALARP.
Competent Authority	Commission for Regulation of Utilities
Compliance Assurance System	The Compliance Assurance System document, which is part of the Safety Case Guidelines and may be amended from time to time gives the requirements for independent verification, performance reporting and safety case thorough reviews that have to be carried out by Owners and Operators.
Combined Operations Notification	A notification submitted to the CRU in accordance with the requirements of section 8 of the <i>Safety Case Requirements</i> for the purposes of gaining acceptance by the CRU to carry out the activities described therein.
Decommissioning Safety Case	A safety case submitted to the CRU for acceptance for the purpose of gaining a Decommissioning Safety Permit.
Decommissioning Safety Permit	A safety permit issued by the CRU under 13P of the Act which permits the decommissioning activity as set out in the associated Decommissioning Safety Case.
Designated Petroleum Activities Regulations	The Petroleum Safety (Designation of Certain Classes of Petroleum Activity) Regulations 2013, (S.I. No. 89 of 2013).
Design Notification	A notification submitted to the CRU in accordance with the requirements of section 6 of the <i>Safety Case Requirements</i> for the purpose of gaining acceptance by the CRU
Environmental Liability Regulations	European Communities (Environmental Liability) Regulations 2008 (S.I. No. 547 of 2008), as amended by the European Communities (Environmental Liability) (Amendment) Regulations 2011 (S.I. No. 307 of 2011).
Exclusion Criteria	The content set out in section 13AC(2) of the Act that may be omitted from the copy of an accepted safety case that is to be made available by an Operator.

Abbreviation or Term	Definition or Meaning
Facilities Verification Scheme	A Facilities Verification Scheme is a description of the work carried out by Independent Competent Body(s) to verify whether an Operator or Owner has identified and continues to meet suitable performance standards for S(E)CEs for pipelines and Facilities (except wells).
Framework	The collection of regulations, written regulatory documents and procedures which, taken together, describe the system the CRU 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.
Immediate Danger Notification	A notification by an Owner or Operator of an activity that: <ul style="list-style-type: none"> - it deems poses an immediate danger to human health, or significantly increases the risk of a petroleum incident; and - from which the Operator or Owner has taken suitable measures in accordance with its obligations under the Act.
Independent Competent Body (ICB)	An independent and competent organisation engaged by the petroleum undertaking, under the Compliance Assurance System, to execute a Facilities Verification, or Well Verification Scheme.
Independent Thorough Review	A review carried out in accordance with section 4 of the <i>Compliance Assurance System</i> document either as a condition of a safety permit or as a result of a direction by the CRU.
(the) Minister	Minister for Communications, Climate Action and the Environment.
Non-production Safety Case	A safety case submitted to the CRU for acceptance for the purpose of gaining a Well Work Safety Permit.
Operator	The entity appointed under section 13KA(1) to conduct designated petroleum activities including managing and controlling the functions of petroleum infrastructure (except Non-production Installations) in carrying out petroleum activities.
Owner	A person entitled to control the operation of a Non-production Installation.
Permissioning	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.
Petroleum Incident Notification (PIN)	Notification of a petroleum incident to the CRU via the CRU prescribed Petroleum Incident Notification form
Production Safety Case	A safety case submitted to the CRU for acceptance for the purpose of gaining a Production Safety Permit.

Abbreviation or Term	Definition or Meaning
Production Safety Permit	A safety permit issued by the CRU under 13P of the Act which permits the production activity as set out in the associated Production Safety Case.
Petroleum Safety Officer (PSO)	An officer appointed by the Commission under section 13W of the Act for the purposes of the exercise by the Commission of its functions under Part IIA of the Act.
Report of Safety or Environmental Concern	Defined in Section 10.3 hereof.
Safety Case Guidelines	<p>Guidelines prepared by the CRU under section 13L of the Act relating to the appropriate contents of safety cases. The Safety Case Guidelines comprise the following documents:</p> <ul style="list-style-type: none"> • <i>Safety Case Requirements;</i> • <i>NSAI Petroleum Exploration and Extraction Technical Standards;</i> • <i>Compliance Assurance System ; and</i> • <i>ALARP Guidance.</i>
Safety (and Environmental) Critical Elements – S(E)CE	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.
Verification Scheme	Denotes the Facilities Verification Scheme and/or the Well Verification Scheme.
Well Verification Scheme	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 S(E)CEs and that well integrity is maintained.
Well Work Activity	An activity that constructs or alters the pressure containment boundary of a well whether temporarily or permanently; or introduces wire, cable or pipe into a well. Such an activity is designated and requires a Well Work Safety Permit.
Well Work Safety Case	A safety case submitted to the CRU for acceptance for the purpose of gaining a Well Work Safety Permit.
Well Work Safety Permit	A safety permit issued by the CRU under 13P of the Act which permits the Well Work Activity as per the associated Well Work Safety Case and Non-production Safety Case.

Public Interest Statement

The Commission for Regulation of Utilities (CRU) is the safety regulator for upstream (offshore and onshore) petroleum exploration and extraction activities in Ireland.

The CRU's responsibility is to provide effective safety regulatory oversight and reduce the risk and potential consequences of major accidents onshore and offshore to a level that is as low as is reasonably practicable (ALARP).

This is done through assessing Safety Cases, issuing Safety Permits, and monitoring compliance through an audit and inspection regime. The CRU may also carry out enforcement in instances of non-compliance with the Safety Case.

The Requirements of the Petroleum Safety Framework provides an overview of the Petroleum Safety Framework, specifically; the nature and scope of the petroleum activities, petroleum infrastructure, systems and procedures operated by the CRU for regulating designated petroleum activities.

1 Introduction

1.1 Background

The *Petroleum (Exploration and Extraction) Safety Act 2010* (the “2010 Act”) amended the *Electricity Regulation Act 1999* to give the Commission for Regulation of Utilities (CRU) responsibility for regulating the safety of petroleum undertakings¹ engaging in certain petroleum activities.

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 Parliament² and, amongst other things, identifies the CRU as the “*competent authority*” for offshore³ safety and extends the scope of the Framework to cover the risk and potential consequences of major accidents, (including major environmental incidents).⁴ 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.⁵

This document describes the Petroleum Safety Framework (the “Framework”) following enactment of the 2015 Act and the associated regulatory functions of the CRU. In this document, reference is made to various sections of “the Act”. Such references are to the Electricity Regulation Act 1999 as amended, *inter alia*, by each of the 2010 Act and the 2015 Act.

1.2 Revision History

The Framework was initially described in the *Decision Paper on the High Level Design of the Petroleum Safety Framework* (CER/12/062). Further regulatory and technical detail in respect of the matters set out in this document was contained in the other documents that make up the Framework. Following publication of these documents, the *High Level Design of the Petroleum Safety Framework* was revised and republished (CER/13/304) to reflect the changes made to the Framework through the consultation process that had been completed.

Following the enactment of the 2015 Act, the *High Level Design of the Petroleum Safety Framework* was revised and replaced by this document, the *Requirements of the Petroleum Safety Framework*. This revised document describes the structure (including the various documents comprising the Framework) and essential requirements of the Framework with effect from the commencement of the 2015 Act.

¹ As defined under section 13A of the Act. See also section 3.2.1

² 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>.

³ As defined under section 13A of the Act

⁴ See section 2.4 for further information on ‘major accidents’ and ‘major environmental incidents’.

⁵ See section 3.2 for definitions and further information on Owners, Operators and non-production installations.

1.3 Document Structure

This document is divided into fifteen sections. Sections 2 through to 15 describe the structure and requirements of the Framework as follows:

- CRU Organisation and Function (section **Error! Reference source not found.**)
- Scope and Operation of the Framework (section 3);
- Components of the Framework (section 4);
- ALARP (section 5);
- Permissioning of Designated Petroleum Activities (section 6);
- CRU Audits and Inspection (section 7);
- Compliance Assurance (section 8);
- Tripartite Consultation and Confidential Reporting (section 9);
- Petroleum Incident and 13S(2) Incident Notifications and Investigation (section 10);
- Regulatory Interfaces (section 11);
- Enforcement (section 12);
- CRU Reporting and Published Safety Information (section 13);
- Continuous Improvement (section 14); and
- Recovery of Costs (section 15).

2 CRU Organisation and Function

2.1 Organisation of the CRU as the Competent Authority

The CRU is an independent statutory body with responsibility for regulating the safety of petroleum undertakings, Operator and Owners engaging in certain designated petroleum activities. The commencement of the 2010 Act separated the economic and safety regulatory functions for petroleum activities in Ireland, with the economic functions remaining with the Minister for Environment, Climate and Communications, and the CRU assuming responsibility for the safety regulatory functions.

The Framework was established under the 2010 Act and has been implemented by the CRU since December 2013. With the enactment of the Directive on the Safety of Offshore Oil and Gas Operations, 2013/30/EU (the "Directive"), new requirements have been placed on member states for the regulation of major accident hazards relating to petroleum exploration and extraction offshore. In addition, the Directive required there be an appropriate competent authority responsible for regulating compliance. The 2015 Act transposed the Directive into Irish legislation, with the CRU designated as the competent authority.

The CRU is the sole authority appointed to act as competent authority⁶. In order to avoid duplication of regulatory activities, in line with section 13H(5) of the Act, the CRU will prepare and implement joint procedures with other authorities, where relevant, to carry out its functions as the competent authority. Further details on the joint working arrangements are set out in section 2.4.1.

The updated Framework sets out how each of the functions under the Act is addressed.

2.2 CRU Objectives and Functions

The CRU's **principal objectives** under the Act is to:

- *"Protect the public by fostering and encouraging safety as respects the carrying on of designated petroleum activities^{7,8}".*
- *Provide "the effective safety regulatory oversight of operator and owner compliance with this Part [the Act] to reduce the risk and potential consequences (including major environmental incidents) of major accidents offshore to a level that is as low as is reasonably practicable."⁹*

Without prejudice to the foregoing, the CRU's functions are to:

⁶ Section 13GA(1) of the Act.

⁷ Section 13G of the Act

⁸ "designated petroleum activities" is defined under section 13A of the Act as a "...petroleum activity which is designated by regulations under section 13D" of the Act. They are set out in the Petroleum Safety (Designation of Certain Classes of Petroleum Activity) Regulations 2013.

⁹ Section 13GA(2) of the Act. "major environmental incident" is defined under section 13A of the Act. See sections 2.4 and 5.3 for more information.

- Regulate designated petroleum activities with respect to safety, which may include specifying standards and codes of practice;
- Monitor and enforce compliance by petroleum undertakings, Operators and Owners with their obligations;
- Investigate and report to the Minister in writing on certain petroleum incidents;
- Issue safety permits;
- 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 the objectives of the competent authority including:
 - Regularly exchange knowledge, information and experience with other competent authorities including through the European Union Offshore Oil and Gas Authorities Group;
 - Prepare and submit an annual report to the European Commission;
 - Cooperate with other competent authorities;
 - Establish mechanisms for:
 - the confidential reporting of safety and environmental concerns relating to offshore designated petroleum activities; and
 - the appropriate investigation of such reports;
 - Prepare and send to the European Commission a report of the summary findings of any investigation of petroleum incident which resulted in (or potential for) an offshore major accident;
 - Operate in accordance with the Act and Annex III of the Directive;
 - Prior to acceptance of a safety case which, following consideration, may result in a major accident which is likely to have significant effects on the environment in another member state, forward the relevant information to the “competent authority” of the potentially affected member state for the purposes of endeavouring to adopt joint measures to prevent damage; and
- To establish a mechanism for tripartite consultation on certain matters (see section 9).

2.3 CRU Mission, Vision, Roles and Goals

The CRU's **mission** is to:

Protect the public interest in Water Energy and Energy Safety.

CRU's **vision** is for:

Safe, secure and sustainable supplies of energy and water, for the benefit of customers now and in the future.

The CRU will accomplish this with respect to Petroleum Safety through definition of their role and meeting of defined goals for the Framework. The CRU has four key **roles** under the Framework:

1. *Foster and encourage safety in petroleum exploration and extraction activities.*

The CRU facilitates the development of safer petroleum activities through encouraging good practice in safety regulation, engaging with other regulators nationally and internationally and sharing learnings back to the industry and public.

2. *Actively monitor & enforce compliance of petroleum undertakings, Operators and Owners with their obligations*

The CRU will monitor petroleum undertakings, Operators and Owners to ensure they are operating in compliance with the Act and the Framework. The CRU will take the necessary enforcement action(s) where non compliances are identified.

3. *Develop a regulatory framework that promotes continuous improvement of safety*

The bedrock of the Act and the Framework is the ALARP principle, which engenders continuous improvement in the management of safety by requiring continual awareness of developments and improvements in the understanding of risks and their control. The CRU also subjects the effectiveness of the Framework to frequent review and seeks continually to improve the Framework.

4. *Work with other authorities to achieve our vision*

The CRU recognises that there is considerable international, European and national legislation already in place in Ireland and several statutory agencies with both regulatory and investigative responsibilities both in the petroleum sector and in relation to safety. Where there is potential for overlap of responsibilities with the CRU, regulatory interfaces have been agreed with the relevant agencies to facilitate effective and efficient regulation.

The CRU will seek to achieve 3 regulatory goals under the Framework:

1. *That petroleum undertakings, Operators and Owners reduce the risks of major accident hazards in carrying out designated petroleum activities to ALARP.*

The fundamental obligation placed upon Operators and Owners under the Act is to ensure that the risk of all major accident hazards in carrying out designated petroleum activities is reduced to a level that is ALARP. This is based on the principle that those who create and have control over risks be given responsibility for their management as they are best placed to do so. A key goal of the Framework is to ensure that Operators and Owners fulfil these obligations.

Petroleum undertakings must also, amongst other things, reduce the risks to safety where any petroleum activity is carried out (and petroleum infrastructure is designed, constructed etc.) to ALARP in accordance with section 13K of the Act. Further details are set out in section 5, below.

2. *That Operators and Owners achieve safety performance commensurate with international best practice.*

Petroleum exploration and extraction is an international industry and therefore the performance of Operators and Owners in Ireland can and should be compared with the international best practice. The Framework was developed in line with best international practice and as such, the expectation of regulators, industry and the general public is that the safety performance of petroleum undertakings in Ireland will be commensurate with international best practice. As part of the Framework, the CRU will monitor and compare the safety performance of Operators and Owners in Ireland with those internationally.

3. *Engender confidence that the regulatory framework is protecting the public*

One of the CRU's roles is to provide independent assurance to the general public, industry and other statutory agencies that Operators and Owners have identified and reduced major accident hazard risks to a level that is ALARP for the protection of public safety. The public has a legitimate interest in the safe carrying on of petroleum activities by Operators and Owners and in being confident that the safety regulation of such petroleum activities by the CRU is protecting the public. The CRU ensures the adequate provision of relevant safety information to the public to satisfy this legitimate interest.

For that independent assurance to be meaningful and trusted by the general public, industry and other statutory agencies, there must be confidence both in the Framework itself and that the CRU in discharging its role fully and effectively. To achieve this goal, the CRU will:

- Engage competent staff and ensure they receive appropriate training and continuing professional development;
- Be transparent in discharging its role;
- Publish information on industry safety performance and the outcome of its own regulatory activities; and
- Be as clear as possible in its communications with the public and industry.

2.4 CRU's Regulatory Focus under the Act

The focus of the Act and Framework is on designated petroleum activities that require the acceptance by the CRU of safety cases and the issuance of safety permits in order for those activities to be carried on. Safety cases are principally concerned with the management of major accident hazards, which could give rise to a major accident, being:

- (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 infrastructure¹⁰ 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.

This is consistent with the CRU's principal objective to protect the public, including workers. It is also consistent with best practice and safety case regimes in other jurisdictions. The CRU's approach will also minimise duplication of regulatory activities by other statutory authorities that have existing statutory responsibilities for the safety of all petroleum activities and the risk associated with them in Ireland.

The CRU has no environmental remit onshore. As set out above in part (d) of the definition of major accident, a major environmental incident resulting from incidents referred to in paragraphs (a), (b) and (c) and which relate to petroleum activities carried out offshore are within scope. However, if the environment is affected by an incident and this has an impact on persons' safety (whether the activity is carried out onshore or onshore), then this is within the CRU's remit under Part IIA of the Act.

The CRU will satisfy itself, through the safety case regime, that hazards have been correctly identified (having regard both to the petroleum activity and the relevant petroleum infrastructure), that risks presented by the hazards have been assessed and that appropriate measures are in place for managing those risks.

Under the Act Operators and Owners are charged with ensuring the risk of all major accident hazards related to designated petroleum activities are reduced to a level that is ALARP. Operators also have primary responsibility for inter alia, the control of risks of a major accident that result from carrying on of designated petroleum activities as well as for continuously improving the control of those risks to ensure they are reduced to a level that is ALARP.

Under section 13K of the Act, the duties and obligations of petroleum undertakings include ensuring that— (a) any petroleum activity is carried on in such a manner as to reduce any risk to safety to a level that is ALARP, and (b) any petroleum infrastructure is designed, constructed, installed, maintained, modified, operated and decommissioned in such a manner as to reduce any risk to safety to a level that is ALARP. Under section 13KA of the Act, Petroleum undertakings must also ensure the Operator they appoint has the capacity to meet the requirements of the Act for the carrying out of designated petroleum activities under the appointment.

The Framework and the functions conferred on the CRU provide the regime through which their compliance with their duties is regulated.

¹⁰ "petroleum infrastructure" is defined under section 13A of the Act as "...any facility, structure or installation which is or has been established, maintained or operated, or is intended to be established, for the purpose of carrying on a petroleum activity and includes onshore and offshore facilities, installations and structures or a combination of such facilities, installations and structures."

2.4.1 Other Statutory Authorities

The Act imposes an obligation¹¹ on the CRU, in performing its functions under section 13H(2), to have regard to functions with respect to the safety of petroleum activities as may be performed by the National Standards Authority of Ireland (NSAI), 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), and the Irish Aviation Authority (IAA)¹² and the need to co-operate and consult with these statutory authorities for the purpose of encouraging and fostering safety in the carrying on of petroleum activities and avoiding duplication of activities in the performance of its functions.

The CRU will work in co-operation with these statutory authorities to share relevant information and co-ordinate relevant regulatory activities and will consult with them on matters relating to their statutory responsibilities.

In the performance of its functions (including exercising its powers and performing its duties), the CRU will consult with the aforementioned statutory authorities to identify where regulatory activities are duplicated. Where potential duplicated activities are identified, the CRU can prepare and implement coordinated or joint procedures with these authorities, to carry out its functions under section 13H(5) of the Act.

One such joint procedure has been developed between the CRU and the Irish Coast Guard (IRCG) regarding the assessment of oil spill contingency plans.. While documents such as the oil spill contingency plans have to be submitted to the competent authority, aspects of these will be assessed by the IRCG under the Sea Pollution Act, as amended, and the IRCG decision on this aspect of the assessment will be taken into consideration by the CRU as part of its overall safety case assessment determination.

¹¹ Section 13H(3) and (4) of the Act.

¹² And any other persons prescribed by the Minister; section 13H(4)(f) of the Act.

3 Scope and Operation of the Petroleum Safety Framework

Part IIA of the Act provides that any petroleum undertaking, Operator or Owner that proposes to carry out, or is carrying out, petroleum activities, is subject to regulation by the CRU under the Framework. The Act imposes additional regulatory requirements in respect of designated petroleum activities, such as the submission of a safety case or notification by an Operator and/or Owner, and an application for a safety permit by the petroleum undertaking, to the CRU, to those applicable to petroleum activities more generally. As per section 13E of the Act, designated petroleum activity cannot be carried on by any party without a safety permit.

The Act places the regulation of the safety of petroleum activities within a criminal framework and imposes various duties upon petroleum undertakings, Operators and Owners, contravention of which can give rise to criminal prosecution, leading to fines and, potentially, imprisonment.

The Framework is the entire system that the CRU uses to regulate the safety of petroleum activities, and in particular designated petroleum activities. The Framework is risk-based. It recognises that hazards may be present within regulated activities and it requires that the risks associated with these hazards be reduced to a level that is As Low As is Reasonably Practicable (ALARP).

In the remainder of this section the following are covered:

- The definition of designated petroleum activity (section 3.1);
- The definition of, and relationship between, the different regulated bodies: petroleum undertaking, Operator and Owner (section 3.2); and
- The obligations and duties imposed on petroleum undertakings, Operators and Owners (section 3.3).

3.1 Designated Petroleum Activity

As per section 13D(1) of the Act, the CRU is required, “*where safety considerations render it appropriate,*” to designate certain petroleum activities that will be subjected to a permissioning system based upon the acceptance of safety cases (the ‘safety case regime’).

The CRU published the *Petroleum Safety (Designation of Certain Classes of Petroleum Activity) Regulations 2013* (SI No. 89 of 2013) in March 2013, which defines the activities (and by implication the associated petroleum infrastructure) to be designated and that, consequently, will be subject to the safety case regime. The regulations state that the following are designated petroleum activities:

1. Any petroleum activity or discontinuance of a petroleum activity (whether permanently or temporarily) in relation to a well including:
 - Digging, drilling, boring, or sinking of shafts for the purposes of raising petroleum;
 - Testing and completion of wells;
 - Well interventions and workovers;
 - Re-injection of petroleum, water or any other material into a well; or
 - Plugging, blocking, capping, or abandonment of any well whether temporarily or permanently.
2. Production, excluding the conveyance of petroleum by means other than pipeline.
3. Decommissioning of petroleum infrastructure until such time as:

- In respect of a well, the well is abandoned; and
- In respect of petroleum infrastructure other than a well, any apparatus designed to contain or convey petroleum that comprises or forms part of such petroleum infrastructure is free of hydrocarbon.

The required safety permits, safety cases and notifications for these designated petroleum activities are described in section 6.

3.1.1 Well Work Activities

In the Framework, a Well Work Activity is defined as:

any petroleum activity that:

- Constructs or alters the pressure containment boundary of a well whether temporarily or permanently; or
- Introduces wire, cable or pipe into a well.

Well Work Activities include drilling, completions, interventions, workovers and abandonment and so include, but are not limited to:

- Digging, drilling, boring, or sinking of shafts for the purposes of raising petroleum;
- The addition of well control equipment to allow the safe access of equipment into the well (e.g. to temporarily introduce wire, cable or pipe into the well in order to wireline); and
- Plugging, blocking, capping, or abandonment of any well whether temporarily or permanently.

Petroleum activities that do not meet the above definition are not Well Work Activities. Examples of such designated petroleum activities include, but are not limited to:

- Production through an existing completion;
- Formation stimulation operations where the pressure containment boundary is not altered (e.g. acidizing or chemical injection by bullheading); and
- Well testing through an existing completion on a production installation.¹³

Well testing on a non-production installation falls under the definition of production after 30 days, although a longer period, up to a maximum of 90 days, may be agreed in exceptional cases on representation to the CRU.

3.1.2 Production

Production commences when petroleum or hydrocarbon is first introduced into petroleum infrastructure intended for production either via a pipeline or a well. This includes the introduction of hydrocarbon for the purposes of commissioning.

3.1.3 Combined Operation

¹³ "installation" is defined under section 13A of the Act as "... the class of petroleum infrastructure which includes a stationary, fixed or mobile facility, or combination of facilities permanently inter-connected by bridges or other structures, used for carrying out activities or in connection with such activities."

A “combined operation” is defined under section 13A of the Act as a designated petroleum activity carried out from an installation with another installation for purposes related to the other installation which thereby materially affects the risks to the safety of persons or the protection of the environment on any or all of the installations.

3.1.4 Decommissioning¹⁴

The designated part of decommissioning is defined to include activities to decommission petroleum infrastructure up to the point at which any equipment designed to contain or convey petroleum that comprises or forms part of such petroleum infrastructure is free of hydrocarbon. The process of dismantling an installation is not a designated petroleum activity if there is no petroleum present.

Suspension and abandonment of any well is a designated activity.

3.2 Regulated Bodies

There are now three key duty holders whose role and responsibilities are summarised in this section below.

3.2.1 Petroleum undertaking

The Act defines a petroleum undertaking as “any person to whom a petroleum authorisation has been given or granted”. A petroleum authorisation is then defined by reference to the various authorisations (leases, licences or consents) which may be granted under various statutes concerned with petroleum prospecting, exploration and extraction including a petroleum exploration licence, a petroleum prospecting licence, a reserved area licence, a petroleum lease, or an upstream pipeline consent under section 40 of the Gas Acts.¹⁵

For a designated petroleum activity to be carried out, the Owner or Operator, as applicable, must prepare a safety case and the petroleum undertaking must apply for a safety permit to be issued by the CRU. It is an offence for any party to carry out a designated petroleum activity in the absence of an associated safety permit issued by the CRU.

Petroleum authorisations are often granted to more than one entity, often a number of limited companies, which have come together for the purposes of exploration and exploitation of petroleum. Each of these entities will (generally) be jointly and severally liable to the Minister under the granted authorisations and each is a petroleum undertaking for the purposes of the Act and each has an individual and joint obligation to comply with the Act. With respect to the submission of a safety permit application, two preferred options exist:

- Each petroleum undertaking signing and submitting a single safety permit application; or
- A single safety permit application signed by a disclosed agent for and on behalf of each petroleum undertaking.

¹⁴ ‘decommissioning’ is defined under section 13A of the Act as ‘*in relation to petroleum infrastructure, means taking the facility, structure or installation, or any part of such facility, structure or installation, permanently out of use with a view to its abandonment in situ or removal*’.

¹⁵ ‘petroleum authorisation’ is defined in detail under section 13A of the Act.

However, the CRU will consider on a case-by-case basis, and where appropriate agree, practical mechanisms proposed by petroleum undertakings in applying for safety permits.

For the avoidance of doubt, whatever approach is agreed, this will in no way relieve any petroleum undertaking from its responsibilities or liabilities under the Act.

Where there is any change in one or more of the named petroleum undertakings (e.g. as a result of a change of the joint venture partners under a petroleum authorisation), the new authorisation holder is obliged to comply with all obligations under the Act, including, where required, to hold a safety permit. As such, they will be required to apply for a new safety permit in advance of carrying on any designated petroleum activity.

3.2.2 Operator¹⁶

An Operator is defined under the Act as *“the entity appointed [by a petroleum undertaking] under section 13KA(1) to conduct designated petroleum activities including managing and controlling the functions of petroleum infrastructure (except non-production installations) in carrying out petroleum activities”*.

A petroleum undertaking must appoint an Operator to carry on a designated petroleum activity. A petroleum undertaking may appoint separate Operators to manage and control the well, and to manage and control the production installation.

The Operator has primary responsibility for the control of risks of a major accident that are a result of its carrying on designated petroleum activities. The Operator is also obliged to continuously improve the control of those risks so as to ensure that the risks are reduced to a level that is ALARP.¹⁷

The designated petroleum activity to which the Operator has been appointed must be described in the Operator’s safety case, along with the petroleum infrastructure to be used. The safety case is to be submitted by the Operator to the CRU for acceptance at the same time as the petroleum undertaking submits a safety permit application. The petroleum infrastructure necessary to carry on the designated petroleum activities must be fully described in the Operator’s safety case(s) cited in the safety permit application (see also section 0).

3.2.3 Owner

An Owner is defined under section 13A of the Act as *“a person entitled to control the operation of a non-production installation”*.

“Non-production installations” are defined in the Act to be offshore petroleum infrastructure not used for production, and include, but may not be limited to:

- Installations used to carry out Well Work Activities offshore;
- Jack-ups used for accommodation; and

¹⁶ See section 3.3.1.1 in relation to approval requirements.

¹⁷ Section 13KB(3) of the Act.

- Flotels.

The Operator is the entity that carries on the designated petroleum activities. The Owner is the entity that manages and controls the functions of the non-production installation in carrying out petroleum activities.

An Owner is responsible for submitting a Non-production Safety Case for a non-production installation. An Owner or Operator may submit a combined operations notice, and both will be involved in its preparation (see section 6.3.5.1). All other safety cases and notifications are submitted by an Operator.

Other than a design notification, a safety case or notification is to be submitted to the CRU for acceptance at the same time as the petroleum undertaking submits a safety permit application. However, Owners may seek an earlier level of assurance regarding the suitability of their Non-production safety case via the CRU Acknowledgement of Compliance process (see section 6.3.3).

3.2.4 Non-transferability on Sale

An approved safety case, notification, or an *Acknowledgement of Compliance* cannot be transferred to another party in the event of a possible sale of the installation. A new Operator or Owner will trigger a material change process and the requirement for resubmission of the above documents to the CRU.

3.3 Obligations and Duties Imposed by the Act

3.3.1 On Petroleum Undertakings

Section 13KA of the Act sets out the obligations on petroleum undertakings as described in further detail in this section.

3.3.1.1 Appointment of an Operator

Petroleum undertakings are required to appoint an Operator(s) prior to carrying out the designated petroleum activities. The petroleum undertaking is responsible for ensuring the Operator has the capacity to meet the requirements of the Act. The petroleum undertaking must notify the Minister in advance and seek approval of their proposed appointment of the Operator in question. The Minister may, in turn, seek the CRU's advice in making the decision to approve an Operator. A new Operator cannot be appointed or changed by the petroleum undertaking without the prior written approval of the Minister.

If the proposed Operator is not approved, the Minister will require the nomination of a suitable alternative Operator by the petroleum undertaking, or require the petroleum undertaking to assume the responsibilities of the Operator. The appointment of the Operator will not take effect until approval by the Minister has been given in writing.

If the Minister is notified by the CRU that the Operator no longer has the capacity to meet its obligations under the Act, the Minister will notify the petroleum undertaking in writing and require it

to assume the Operator's responsibilities under the licence, and propose a replacement Operator without delay for the approval of the Minister.

A change of Operator for any reason is a material change to the relevant safety case (see section 6.3.8) and will require a revised safety case and safety permit application to be submitted and assessed by the CRU.

3.3.1.2 *Other Obligations*

The Act places further obligations on petroleum undertakings including the requirements to:

- Take all reasonable steps to ensure that its appointed Operator is discharging their obligations under section 13KB of the Act in carrying on designated petroleum activities; and
- Communicate details of the mechanism established by the CRU for the confidential reporting of safety concerns to its employees (if any) and to ensure that reference to confidential reporting is included in relevant training and notices.

Furthermore, the general duty imposed by section 13K of the Act requires petroleum undertakings to ensure that:

- Any petroleum activity is carried on in such a manner as to reduce any risk to safety to a level that is ALARP;
- Any petroleum infrastructure is designed, constructed, installed, maintained, modified, operated and decommissioned in such a manner as to reduce any risk to safety to a level that is ALARP; and
- The petroleum undertaking is also financially liable for the prevention and remediation of environmental damage caused by offshore petroleum activities.¹⁸

While the requirements on Owners and Operators are primarily in relation to major accident hazards, these requirements are in relation to reducing any risk to safety relating to petroleum activities and petroleum infrastructure to a level that is ALARP. This is within the context of section 13KB(3) of the Act, which states that the Operator has primary responsibility for the control of risks of a major accident that are a result of it carrying on designated petroleum activities.

Under section 13K of the Act, the petroleum undertaking discharges its obligations through the “reasonable steps” taken to ensure its Operator is discharging its responsibilities. Examples of what the CRU views as reasonable steps include, but are not limited to:

- Periodic auditing of the Operator by the petroleum undertaking;
- Operator reporting of key performance indicators to the petroleum undertaking; and
- Rigorous assessment of the Operator prior to appointment (also see section 3.3.1.1).

3.3.2 **On Operators**

The Act places specific obligations and duties on Operators including the requirements to:

¹⁸ Section 13KA(9)

- Submit a safety case with respect to designated petroleum activities for acceptance by the CRU in accordance with Safety Case Guidelines,¹⁹ and the duty to conform with the accepted safety case,²⁰ and combined operations notification where applicable;
- Ensure that the risk of all major accident hazards in carrying out designated petroleum activities, is reduced to a level that is ALARP;²¹
- Take primary responsibility for the control of risks of a major accident resulting from its carrying on designated petroleum activities, and continuously improve such control so as to ensure that they remain at a level that is ALARP;²²
- Make available a copy of the accepted safety case to any member of the public who requests it (see Section 13.4);
- Notify the CRU of reportable petroleum incidents (see Section 10), and to comply with improvement notices and prohibition notices issued by the CRU (see Section 12);
- In case of a major accident, take all suitable measures to prevent its escalation, and to limit the consequences for human health and the environment; and
- Put into action, without delay, the internal emergency response plan described in the accepted safety case.²³

The use of contractors²⁴ by an Operator in carrying out petroleum activities, and any action or omission by contractors that may lead or contribute to a major accident does not relieve the Operator of their duties under the Act.²⁵

3.3.3 On Owners

The Act places specific obligations and duties on Owners including the requirements to:

- Submit a safety case developed in accordance with the CRU Safety Case Guidelines with respect to non-production installations at least 6 months before an Operator proposes to commence a designated petroleum activity, for the acceptance by the CRU, and to conform with an accepted safety case and combined operations notification where applicable;
- Ensure that the risk, from all major accident hazards related to their non-production installation, is reduced to a level that is ALARP;
- In case of a major accident, take all suitable measures to prevent its escalation, and to limit the consequences for human health and the environment; and
- Put into action, without delay, the internal emergency response plan described in the accepted safety case.

The use of contractors by an Owner in carrying out activities, and any action or omission by contractors that may lead or contribute to a major accident does not relieve the Owner of their duties under the Act.

¹⁹ Section 13M of the Act.

²⁰ Section 13P of the Act.

²¹ Section 13KB(1) of the Act.

²² Section 13KB(3) of the Act.

²³ Section 13KB(6) of the Act.

²⁴ “contractor” is defined under section 13A of the Act as “any entity contracted by an Operator or Owner to perform any activity on behalf of the Operator or Owner”.

²⁵ Section 13KB(2) of the Act.

4 Components of the Petroleum Safety Framework

4.1 Framework Components

The Framework is the collection of regulations, published CRU documents and procedures which, taken together, describe the system the CRU uses to regulate petroleum activities under the Act. The Framework comprises of the following components, which are described in the subsequent sections of this document. The published CRU detailed documents that further elaborate on these components are identified by italic text.

ALARP	Explanation of the requirements for risks to safety and major accident hazards (“MAH”) to be ALARP with reference to the <i>ALARP Guidance</i> which is part of the Safety Case Guidelines.
Permissioning of Designated Petroleum Activities	Designated petroleum activities can only be carried on following issuance of a safety permit by the CRU to the petroleum undertaking. This requires the Operator and/or Owner, as appropriate, to have a safety case accepted by the CRU. The <i>Safety Case Requirements</i> , which are part of the Safety Case Guidelines, define the appropriate content for the various safety cases and notifications.
CRU Audit and Inspection	The CRU monitors compliance with accepted safety cases, notifications, safety permits and obligations of part IIA of the Act ²⁶ . The system the CRU uses is described in the <i>CRU Audit and Inspection System</i> document and summarised here. Where appropriate, the monitoring of compliance may lead to enforcement action being taken by the CRU.
Compliance Assurance	The <i>Compliance Assurance System</i> document, which is part of the Safety Case Guidelines and is summarised here, covers the requirement for Operators and Owners to implement verification scheme(s) using Independent Competent Bodies (ICBs), report on safety performance indicators to the CRU on a quarterly basis, and conduct Independent Thorough Reviews ²⁷ .
Tripartite Consultation and Confidential Reporting	A description of the process for tripartite consultation ²⁸ between the CRU, Operators, Owners and workers’ representatives, and the process that the CRU has for confidential reporting of safety concerns ²⁹ . While other CRU documents may reference these topics, the main guidance and requirements sit within this document.

²⁶ Section 13H of the Act

²⁷ Section 13N of the Act

²⁸ ‘‘tripartite consultation’ is defined under section 13A of the Act. See section 9.1 for further information.

²⁹ Section 13GA(3)(e)

<p>Petroleum Incident and 13S(2) Incident Notifications and Investigation</p>	<p>Operators and Owners must report petroleum incidents to the CRU³⁰. The CRU will consider these reports and assess whether further action is required by it or the reportee, including the provision of further information. Where appropriate, the CRU will investigate petroleum incidents³¹ in co-operation and liaison with other relevant statutory authorities. Incident investigations may lead to enforcement action being taken by the CRU.</p> <p>The related public documents are the S.I No. 166 of 2016 <i>Petroleum Safety (Petroleum Incident) Regulations 2016</i> and the <i>Guidance for Notification of Incidents</i> document.</p>
<p>Regulatory Interfaces</p>	<p>A description of the interactions between CRU and other statutory authorities and the Minister in the discharge of their respective regulatory responsibilities.</p> <p>The related public documents are the various Memoranda of Understanding and Joint Procedures between the CRU and relevant statutory authorities as published on the Energy Safety section of the CRU website.</p>
<p>Enforcement and Prosecution</p>	<p>This is the process the CRU will take for enforcement action³² in the event of non-compliance with the Act, an accepted safety case and/or issued safety permit.</p> <p>While other CRU documents may reference the CRUs enforcement powers, the main guidance and requirements sit within this document.</p>
<p>CRU Reporting and Published Information</p>	<p>Reporting of this information provides assurance to the public and industry regarding the operation of the Framework³³.</p> <p>While other CRU documents may reference this topic, the main guidance sits within this document.</p>
<p>Continuous Improvement</p>	<p>The performance and effectiveness of the Framework is subject to review and improvement by the CRU. This occurs through learnings and discussions with other petroleum safety regulators internationally and also through review of internal processes and procedures.</p> <p>While other CRU documents may reference this topic, the main guidance sits within this document.</p>

³⁰ Section 13S of the Act

³¹ Section 13H of the Act

³² Section 13H of the Act

³³ Section 13H of the Act

Recovery of Costs	Under the Act, CRU can impose an annual levy order on petroleum undertakings for the purposes of meeting its expenses. The <i>Petroleum Safety Levy Methodology</i> defines how this is done, The CRU is also enabled by the Act to determine the fee to be paid by an Owner, or Operator relating to the consideration of a safety case or revised safety case. The basis on which the CRU structures such fees is set out in <i>Safety Case Fees Structure and Methodology</i> paper.
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4.2 Framework Documents

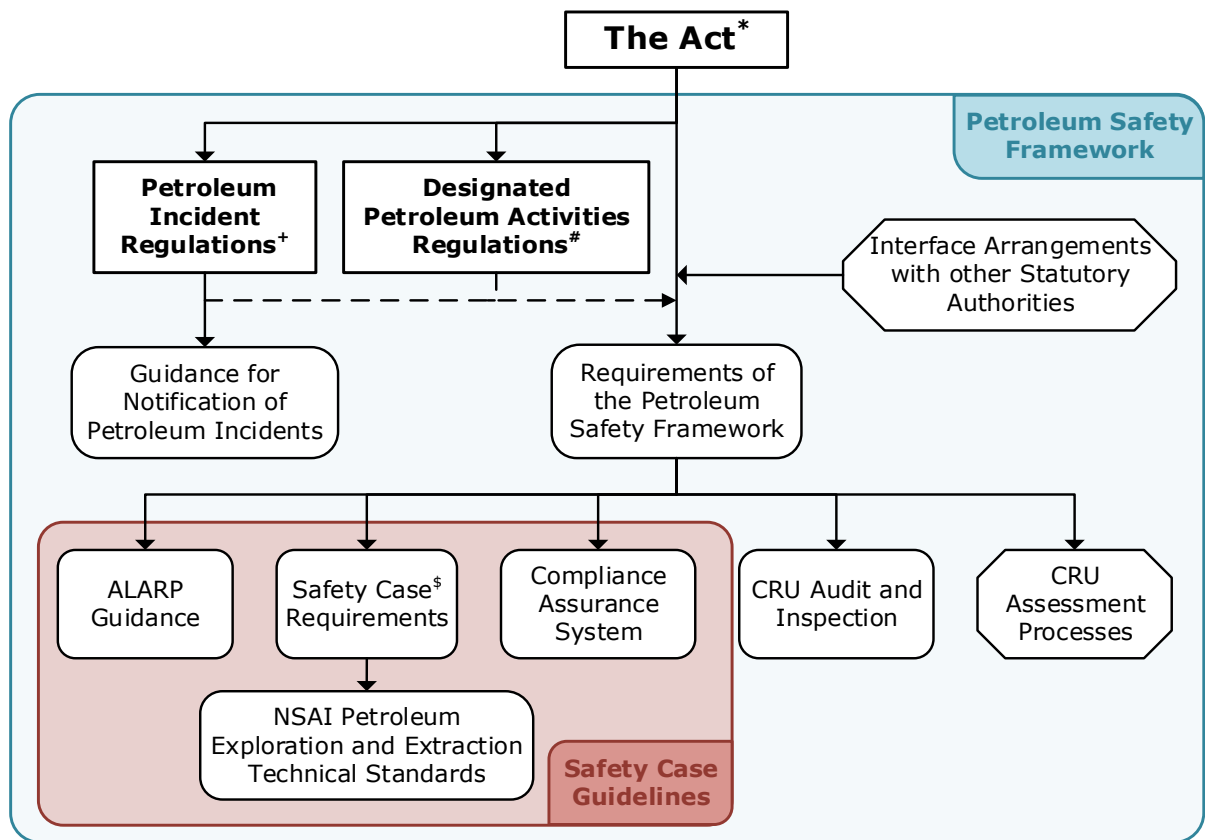
The documents that form the Framework are (i) the Act itself, (ii) the regulations made under the Act, and (iii) the further documents listed below and which are on the CRU website.³⁴

Documents within the Framework
<i>Petroleum Safety (Designation of Certain Classes of Petroleum Activity) Regulations 2013 (S.I. No. 89 of 2013)</i>
<i>Petroleum Safety (Petroleum Incident) Regulations 2016 (S.I. No. 166 of 2016)</i>
<i>ALARP Guidance (part of the Safety Case Guidelines)</i>
<i>Safety Case Requirements (part of the Safety Case Guidelines)</i>
<i>NSAI Petroleum Exploration and Extraction Technical Standards (part of the Safety Case Guidelines)</i>
<i>Compliance Assurance System (part of the Safety Case Guidelines)</i>
<i>CRU Audit and Inspection System</i>
<i>Safety Case Fees Structure and Methodology</i>
<i>Petroleum Safety Levy Methodology</i>
<i>CRU Safety Case Assessment Procedures</i>
Agreed interface arrangements between the CRU and the following statutory authorities: ³⁵ Health and Safety Authority (HSA); Environmental Protection Agency (EPA); An Bord Pleanála; Marine Survey Office (within the Department of Transport); Irish Coast Guard (within the Department of Transport); Irish Aviation Authority (IAA); Air Accident Investigation Unit; Marine Casualty Investigation Board (MCIB); Commissioners of Irish Lights (CIL); and National Standards Authority of Ireland (NSAI).

The documents of the Framework and their interaction are illustrated conceptually in the Overview Diagram (Figure 1).

³⁴ <http://www.cru.ie/>

³⁵ Not all these authorities are specified in the act, but their role is relevant to the CRU and its functions under the Act and Memorandum of Understanding have been put in place.



(*) 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

5 ALARP

5.1 Overview

Under the Act Operators and Owners are charged with ensuring the risk of all major accident hazards related to designated petroleum activities are reduced to a level that is ALARP. Operators also have primary responsibility for inter alia, the control of risks of a major accident that result from its carrying on of designated petroleum activities as well as for continuously improving the control of those risks to ensure they are reduced to a level that is ALARP.

Under section 13K of the Act, the duties and obligations of petroleum undertakings include ensuring that— (a) any petroleum activity is carried on in such a manner as to reduce any risk to safety to a level that is ALARP, and (b) any petroleum infrastructure is designed, constructed, installed, maintained, modified, operated and decommissioned in such a manner as to reduce any risk to safety to a level that is ALARP. Under section 13KA of the Act, Petroleum undertakings must also ensure the Operator they appoint has the capacity to meet the requirements of the Act for the carrying out of designated petroleum activities under the appointment.

The CRU will only accept safety cases and notifications where risks to safety are demonstrated to be ALARP. In addition, for offshore safety cases, the risk from major environmental incidents (MEIs) must also be ALARP.

This section sets out the principal requirements for demonstrating that risks are ALARP under the Framework. The *ALARP Guidance* document which is part of the Framework, provides further details.

5.2 Safety

In order for a risk to be ALARP, all reasonably practicable measures to reduce risks must be implemented. The term 'reasonably practicable' indicates a narrower definition associated with the activities being carried on than all physically possible measures: if the cost of a measure to avert a risk, whether in terms of money, time or trouble, can be demonstrated to be grossly disproportionate to the risk reduction gained from the measure, taking account of the likelihood and degree of harm presented by that risk, then the Operator or Owner may not be required to adopt such a measure.

Where good practice exists, its adoption is the minimum requirement for demonstrating that risks are ALARP as good practice is, *de facto*, reasonably practicable. If good practice is not adopted, it will be necessary to demonstrate why the approach suggested by good practice is not appropriate and that the proposed alternative measures provide an equivalent, or improved level of protection to that which would have been achieved through good practice.

Maintaining risks ALARP requires the implementation of a broad range of measures addressing people, hardware systems and procedural processes. In order to maintain risks ALARP, hazards that an operation or activities presents must be identified, and decisions made on what measures should be adopted to prevent, detect, control and mitigate these hazards.

The *ALARP Guidance* document provides guidance on appropriate techniques for demonstrating ALARP, including the application of quantitative risk assessment and cost benefit analysis under the Framework and what constitutes ‘gross disproportion’. The guidance also details the level of risk that is considered under the Framework to be intolerable, and Operators and Owners must demonstrate that the risk presented by their proposed operations is below the specified level for:

- Individual Risk per Annum (for workers and members of the public); and
- Societal Risk per Annum (for members of the public, excluding workers).

The tolerability assessment will be required to consider all risk contributors including major accidents. The *ALARP Guidance* Document also provides guidance on the risk level below which risks are considered to be broadly acceptable, where it is generally more straightforward to demonstrate whether a risk is ALARP. Risks that exceed the upper tolerability limit will only be permitted if there are exceptional reasons and normally, implementation of risk reduction measures to reduce the risk below this level would be required. It will not be necessary to assess risk to members of the public (excluding workers) for operations that are sufficiently remote that they cannot affect the public, as is likely to be the case for most offshore installations.

While there may be some uncertainty in risk assessment for a petroleum activity, the approach adopted should be such as to give confidence that the results are at least representative, if not conservative, for the operations being considered and this must be shown in an ALARP demonstration. Where there is reason to believe that serious danger could exist, but the scientific evidence is insufficient, inconclusive or uncertain regarding the risk, then Owners / Operators should apply the precautionary principle. In applying the precautionary principle, it is expected that a cautious approach will be adopted to risk management, commensurate with the level of uncertainty in the assessment and the level of danger/risk believed to be possible.

It is the responsibility of the Operator and Owner to decide how best to demonstrate in a safety case, or notification, that the risk from their operations is ALARP.

5.3 Major Environmental Incident (Offshore)

As set out in section 2.4 above, the CRU’s remit under the Act includes major environmental incidents resulting from major accidents. A major environmental incident is defined under 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.*”

The Environmental Liability Regulations came into force in Ireland on 1 April 2009 and transpose EU Directive 2004/35/CE on environmental liability with regard to the prevention and remedying of environmental damage. Environmental damage under the Environmental Liability Regulations means:

- Water damage that has significant adverse effects on water status under the Water Framework Directive (2000/60/EC);
- Land damage that creates a significant risk to human health as a result of the direct or indirect introduction, in, on or under land, of substances, preparations, organisms or micro-organisms.

- Damage to protected species and natural habitats.

The CRU has not written further guidance on this matter as the EPA has produced a guidance Document on the Environmental Liability Regulations from 2011, which provides further information on what constitutes environmental damage as well as criteria for environmental damage assessment and the General Principles of Environmental Risk Assessment³⁶.

³⁶EPA Environmental Liability Regulations Guidance Document³⁷ A Non-production Safety Case can be submitted to the CRU at any time in order to gain an Acknowledgement of Compliance. A resubmission of the safety case is required at the time of application for a safety permit.

6 Permissioning of Designated Petroleum Activities

6.1 Overview

A safety permit is required by a petroleum undertaking to undertake a designated petroleum activity. No designated petroleum activity can commence without an associated safety permit. Issuance of a safety permit is dependent on the relevant safety cases(s) and notifications having been submitted by the Operator or Owner and having been accepted by the CRU.

The table below shows the safety permit, safety case and/or notification that are required for a particular designated petroleum activity.

Designated Petroleum Activity	Safety Permit (Petroleum Undertaking)	Safety Case or Notification (Operator)	Safety Case (Owner) ³⁷
Well Work ³⁸	Well Work	Well Work Safety Case Production Safety Case ³⁹ Decommissioning Safety Case	Non-production Safety Case
Production	Production	Design Notification ⁴⁰ and Production Safety Case	n/a
Combined operation ⁴¹	Production ⁴²	Combined Operations Notification ⁴³	Non-production Safety Case
Relocation of a Production Installation ⁴¹	Covered by a material change to a Production Safety Case and associated Safety Permit		n/a
Decommissioning	Decommissioning	Design Notification ⁴⁴ and Decommissioning Safety Case	n/a

Table 1: Safety Permits, Safety Cases and Notifications

The requirements for safety permit applications, and principal requirements for safety cases and notifications are given below and Figure 2 illustrates the above process.

³⁷ A Non-production Safety Case can be submitted to the CRU at any time in order to gain an Acknowledgement of Compliance. A resubmission of the safety case is required at the time of application for a safety permit.

³⁸ The requirements are outlined for well work offshore. Onshore, there is no concept of an Owner, or a non-production installation and so, as well as a well work safety case, a safety case must be submitted to the CRU that covers relevant parts of the non-production and production safety cases.

³⁹ Not required if the Well Work Activity is carried out from a non-production installation that has an accepted safety case .

⁴⁰ A design notification is required for a material change unless otherwise agreed with the CRU.

⁴¹ This is a subset of production in terms of the *Designated Petroleum Activities Regulations*.

⁴² This is for a revision of the Production Safety Permit to cover the combined operation. Section 130(1) of the Act requires an Operator to follow their safety case and, where relevant, their Combined Operations Notification.

⁴³ Submitted by the Owner or Operator and associated production and non-production safety cases must generically cover combined operations.

⁴⁴ A design notification is required for a Decommissioning Safety Case unless otherwise agreed with the CRU.

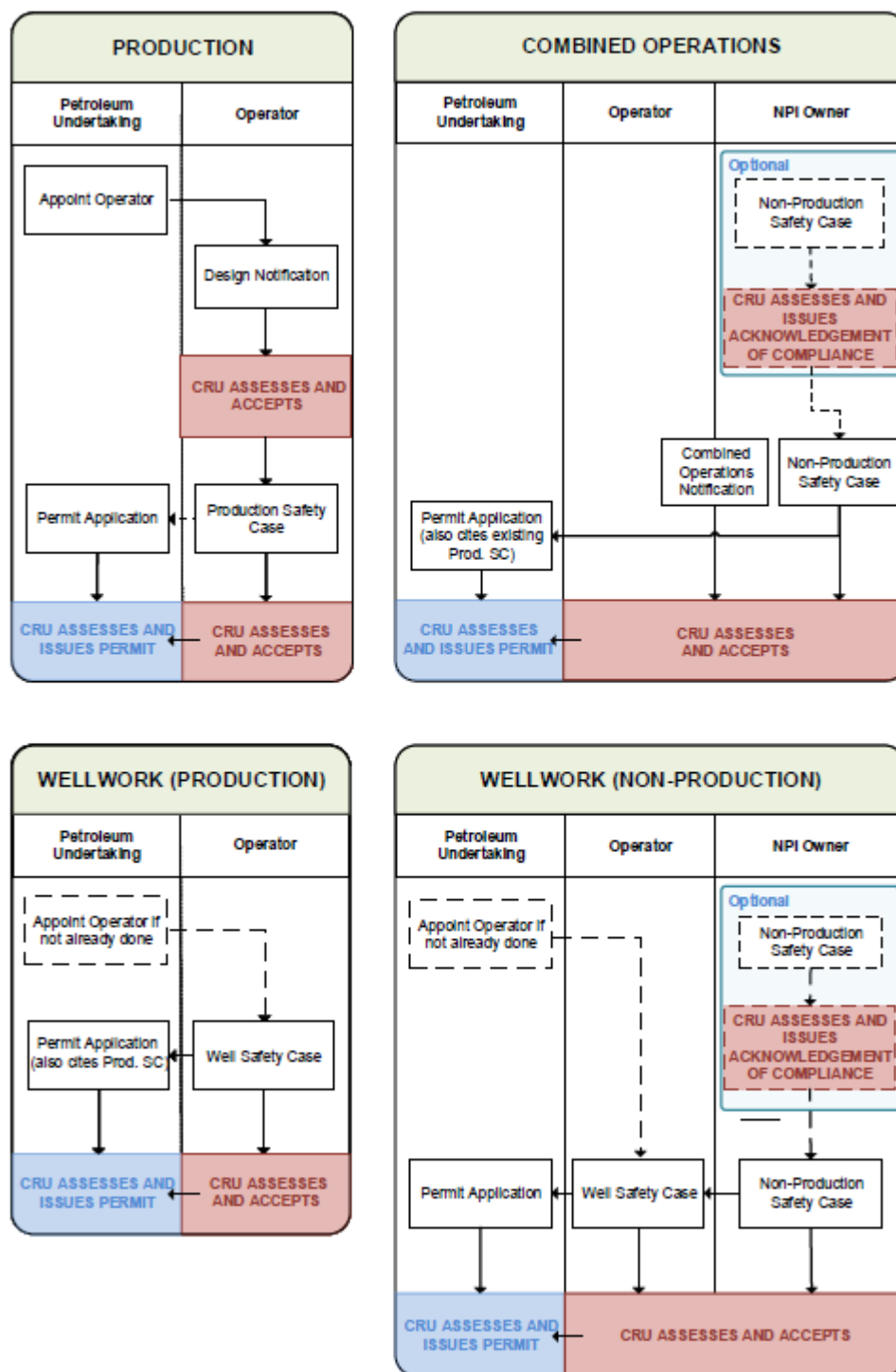


Figure 2: Safety Permit, Safety Case and Notifications

6.2 Safety Permits Requirements

The requirements of a safety permit application are given below:⁴⁵

- Evidence that the applicant has a petroleum authorisation and, in the case of multiple petroleum undertakings included on the authorisation that the applicant is applying for on behalf of all of them;

⁴⁵ Section 13K and 13KA of the Act.

- Citing of the safety case(s) to which the safety permit relates and a statement that identifies any differences between the safety case(s) and those that the CRU have accepted, or are in the process of assessing - see section 6.3.3.1);
- A description of how the petroleum undertaking is:
 - Taking reasonable steps to ensure that the Operator is discharging its duties under section 13KB of the Act;
 - Communicating to its employees the mechanism established by the CRU for the confidential reporting of safety concerns; and
 - Including information on confidential reporting in training and notices.

6.2.1 Citing Safety Cases

Each safety permit application needs to cite the safety cases that are relevant to it and which must be accepted in order for the safety permit to be issued.

As a safety permit covers a designated petroleum activity, such as production of petroleum to such a point that it is fully processed and is no longer petroleum, there is the possibility that the safety permit may have to cite a number of Operators' safety cases. This would occur if a new production installation fed into an existing production installation and the two production installations had separate Operators and safety cases.

6.2.2 Safety Permit Application Assessment by the CRU

The CRU will assess a safety permit application in line with the requirements detailed above. A safety case can only be assessed for acceptance when there is also a safety permit application associated with that safety case and a safety case will only be accepted for the purpose of issuing a safety permit.⁴⁶

Conditions may be included within the safety permit. It will be a condition of each safety permit that the Operator and, where relevant, the Owner operate in accordance with the accepted safety case(s) and combined operations notification where relevant.⁴⁷ If the Operator or Owner do not do this, the safety permit will be breached and can be revoked,⁴⁸ meaning that the designated petroleum activity must immediately cease.

6.3 Safety Cases and Notifications

6.3.1 Requirements for all Safety Cases and Notifications

A number of terms are used in defining the required contents of a safety case and these are:

- | | |
|----------|--|
| Include | The item must be included in the safety case in its entirety. |
| Describe | The item must be described in the safety case, but does not need to be included in its entirety. |

⁴⁶ Section 13P of the Act

⁴⁷ Section 13P(4) and 13P(5) of the Act.

⁴⁸ Section 13Q(1)b(i) of the Act.

Demonstrate The safety case must demonstrate how a certain goal has or will be achieved.

To be accepted, a safety case or notification must be prepared in accordance with the *Safety Case Requirements* (part of the Safety Case Guidelines) including;

- Demonstrate that adequate measures are in place to control the risk(s) of major accident hazards arising from designated petroleum activities in such a manner as to reduce any risk to safety to a level that is ALARP;
- Include a description of the verification scheme(s) and, in some cases, document their completion (see section 2.4 of the *Compliance Assurance System* for details);
- Demonstrate that there is a process whereby any intended combined operation can be planned and executed safely;
- Safety (and environmental) management
 - Include a Corporate Major Accident Prevention Policy (CMAPP);
 - Demonstrate that a Safety Management System is in place, and for offshore a Safety and Environmental Management System is in place;
- Emergency Response
 - Describe and demonstrate the effectiveness of the internal emergency response arrangements in relation to safety consequences;
 - Include the internal emergency response arrangements including an assessment of their effectiveness in relation to oil spill response for an offshore facility;
 - Include a Corporate Major Accident Prevention Policy (CMAPP);
 - Include information on the verification scheme(s) and their execution (see *Compliance Assurance System* document);
 - Demonstrate that a complete inventory of emergency response equipment pertinent to their operation has been prepared and is maintained;
- Employees and workers
 - Describe the worker representation consultation carried out in preparing the safety case;
 - Describe the communication to its employees of the mechanism established by the CRU for the confidential reporting of safety concerns; and
 - Describe the process for the inclusion of confidential reporting in training and notices.

The *Safety Case Guidelines*⁴⁹ is a suite of documents that define how an Operator or Owner has to compile and submit a safety case or notification and include the:

- *Safety Case Requirements*
- *NSAI Petroleum Exploration and Extraction Technical Standards*;
- *Compliance Assurance System* (see section 8); and
- *ALARP Guidance* (see section 5).

The *Safety Case Requirements* define the required contents for safety cases and notifications. Although the Framework is goal setting in nature, the CRU has included some prescriptive requirements within the *Safety Case Requirements* where it is beneficial, including in circumstances such as the following:

⁴⁹ The Safety Case Guidelines are in accordance with section 13L of the Act.

- Where the hazards are well understood and there are established protective or preventive measures adopted in the industry;
- Where it is beneficial to clarify the requirement to adopt current good practice, e.g. the requirement for a good prospect of recovery of personnel from an incident that occurs offshore; or
- Where the CRU recognises some advantage in having a common approach, e.g. all helidecks should comply with the same standard and all navigation aids should be standardised.

In addition to the above list, the principal requirements for each safety case, or notification are set out below.

6.3.1.1 Obligation

Each of the petroleum undertaking, Operator and Owner are required to discharge their duties under the Act. The acceptance of safety cases by CRU in no way shifts this onus away from the Operator or Owner or petroleum undertaking.

6.3.2 Well Work Safety Case

The Well Work Safety Case must provide details of the proposed Well Work Activities, and the proposed well design, and demonstrate that risks arising from operations involved in the well work are ALARP, and that risks arising from the future operation of the well will be maintained at a level that is ALARP. The choice of well location should be addressed within the ALARP demonstration; this will be particularly important for onshore developments that could impact the public.

The Well Work Safety Case covers a “safe envelope” within which a well is designed and drilled. If an Operator decides to change their well design and/or Well Work Activity, where changes are encountered such that operations are outside or impact on the safe envelope of operations, and hence is a change to the basis of the safety as set out in the Well Work Safety Case accepted by the CRU, an Operator must submit a material change (see also section 6.3.8). This would involve changes to the basis on which risk control decisions are made or which necessitate a review of the adequacy of major hazard control measures. Example of these may include, but are not limited to such changes to the:

- Surface location;
- Target location;
- Pore or fracture pressure gradients;
- Reservoir fluid composition;
- Well trajectory;
- Casing Scheme; or
- Well work plan, such as to include coiled tube where this had previously not been included in the safety case.

6.3.2.1 Work on Multiple Wells

For well work on multiple wells in the same field during the same campaign, the CRU may accept a single Well Work Safety Case and permit application describing all of the wells, on prior

representation and then agreement with the Operator. The work on each of the wells and the wells themselves would have to be substantially similar to allow this.

6.3.2.2 *Onshore Well Work*

Onshore there is no concept of an Owner, or a non-production installation and so an Operator, in addition to a well work safety case, must submit a safety case that meets the requirements of a non-production and production safety case since they apply to the well work operation being carried out either on an existing production site, or elsewhere.

6.3.3 Non-production Safety Case including Acknowledgements of Compliance

If a designated petroleum activity is to be carried out by a non-production installation such as a mobile drilling unit, flotel, well intervention vessel, or well test vessel, a Non-production Safety Case is required that addresses the operations that the non-production installation will carry out.

When a non-production installation carries out a designated petroleum activity, another submission (Well Work Safety Case or Combined Operations Notification) is also required. These documents must show that the choice of non-production installation is suitable for the operation and the Non-production Safety Case must cover the relevant designated petroleum activity.

6.3.3.1 *Acknowledgement of Compliance*

While a safety case can only be finally accepted when submitted with a safety permit application, the CRU can issue an “*Acknowledgement of Compliance*” (AoC) for a non-production installation safety case when submitted independently of a safety permit application. An AoC does not permit the carrying on of a designated petroleum activity and is not acceptance of a safety case, but acts as an early assessment of the safety case by the CRU, allowing the CRU to indicate that the safety case appears to satisfy requirements of the Act and the Framework, but in each case is without prejudice to the statutory responsibility of the CRU to assess the safety case in the context of an application for a safety permit. The CRU may include conditions on an AoC as it deems necessary. The conditions must be closed to the satisfaction of the CRU, prior to future operations in Ireland.

The CRU assessment of an AoC is not statutorily time limited in the same way as a safety case assessment as part of a safety permit application, however CRU endeavours to complete the assessments as efficiently as possible. CRU retains the right to cease an assessment where an Owner is not sufficiently engaging with the process. This will be determined by CRU on a case by case basis and the applicant will be liable for the fees reasonably incurred by CRU in carrying out the assessment up to that point. CRU will make best efforts to engage with the applicant prior to cessation of the assessment.

There are four broad requirements for the acceptance of a Non-production Safety Case:

- (a) The safety case meets the requirements of the Safety Case Guidelines and the Act;
- (b) For facilities verification there is:
 - i. An Independent Competent Body accepted by the CRU;

- ii. Where a verification scheme has not previously been in operation, a process that meets the same aims as design and construction verification has been completed (as detailed in section 2.5 of the *Compliance Assurance System* document);
- (c) The Owner is capable of operating its Safety (and where relevant, Environmental) Management System; and
- (d) The Owner can meet the conditions of the associated safety permit.

Requirement (d) above cannot be met unless the safety case is being assessed for a safety permit. Requirements (a), (b) and (c) can be assessed by the CRU for an AoC with (c) requiring a physical inspection of the non-production installation and its personnel. Owners may elect for the CRU to assess against (a) and (b) only, or (a), (b) and (c).

When a Non-production Safety Case is accepted by the issuance of a safety permit, an AoC will automatically be issued to the Owner covering (a), (b) and (c). In all cases the requirement (c) will lapse after three years, and a further inspection will be required.

When a Non-production Safety Case with an AoC is submitted to gain a safety permit, a statement of difference between that safety case and the one that relates to the AoC is required. The CRU will assess the safety case considering, amongst other things, the statement of difference, the safety permit application and may inspect the non-production installation and will do so if the AoC only relates to (a) and (b). For non-production installations that are moving within Ireland the AoC is intended to ensure the re-assessment process is as efficient as possible.

An Owner may submit an application for an AoC at any point. If a safety permit application is received by the CRU which references a Non-production Safety Case which the CRU is in the process of assessing as part of an AoC application, the Owner will be required to submit a Non-production Safety Case application form referencing the safety permit application. The CRU may not require any documentation to be resubmitted as part of this change in application type for the Non-production Safety Case assessment, and the CRU Non-production Safety Case assessment will continue.

The CRU may decide to rescind an *Acknowledgement of Compliance* at any time if it considers that safety considerations make this appropriate. AoCs may be applied for to facilitate future applications for safety permits. This is an administrative process offered by the CRU and is without prejudice to the CRU's statutory obligations. An AoC is valid for 5 years

An Independent Thorough Review of an AoC is required at least every 5 years, as per Section 4.1.1 of the *Compliance Assurance System*. However, if a non-production installation is out of the Irish jurisdiction at the time an Independent Thorough review is due, the CRU will request that an Independent Thorough Review is carried out and report submitted prior to undertaking any future designated petroleum activities in Ireland. More information on Independent Thorough Reviews can be found in the *Compliance Assurance System*.

6.3.4 Design Notification

The acceptance of a Production Safety Case is dependent on a Design Notification having been submitted by the Operator and accepted by the CRU. An accepted Design Notification is also

required prior to the submission of a Decommissioning Safety Case, unless agreed otherwise by the CRU. Acceptance of any material change to a Production Safety Case or Decommissioning Safety Case is also dependent on the prior submission of a Design Notification unless agreed otherwise by the CRU. The CRU will only agree to this if the material change concerns a change for which the associated ALARP demonstration is straightforward. E.g. There are limited options to consider.

Operators will be required to submit a Design Notification at a point in time that any aspect of the design can still be changed such that any CRU comments on the design notification can be considered. The intent of the Design Notification is to allow the CRU to assess the proposed concept and the associated ALARP demonstration underpinning design decisions that could impact the risk generated by the proposed operations. The Design Notification should include the information that is available at the time of submission. It should include an ALARP demonstration for the full range of concepts available for exploitation of a field (e.g. for offshore developments consideration should be given to options such as fixed, floating, bridge-linked structures, normally unattended installations or a subsea development and pipeline options). For onshore developments, options on wells, plant and pipelines, and their locations are likely to need consideration.

It is intended that the acceptance by the CRU of the Design Notification during the design process will help the Operator to discharge its duty to ensure that the risks associated with production or decommissioning have been reduced to a level that is ALARP.

If the design deviates materially from the Design Notification in the interim period between its acceptance and the submission of Production Safety Case or Decommissioning Safety Case, then the Operator will be required to resubmit the Design Notification to the CRU.

The outcome of the CRU's assessment of a Design Notification will be either:⁵⁰

- a) Acceptance;
- b) Acceptance with observations on matters which shall be considered by the Operator when submitting a Production Safety Case or Decommissioning Safety Case; or
- c) Refusal.

In the case of (b), the subsequent Production Safety Case or Decommissioning Safety Case must detail how the issues identified by the CRU have been addressed.

6.3.5 Production Safety Case

All production operations carried out by an Operator will be required to be covered by a Production Safety Case. The Operator for an offshore Facility, pipeline, or onshore Facility must submit a safety case for their designated petroleum activities.

In assessing a Production Safety Case, and in considering whether risk has been reduced to a level that is ALARP, the CRU will consider all matters that influence the safe operation of the Production Installation, including design.

⁵⁰ Section 130A(3) of the Act.

If Well Work Activities are to be carried out from a Production Installation, in addition to the Well Work Safety Case, the Production Safety Case will need to address the Well Work Activities contemplated.

6.3.5.1 Combined Operations Notification

For a combined operation between a Production Installation and non-production installation, each safety case must describe the process whereby risks are managed during such combined operation, but the details of the actual combined operation and the specific way in which risk is managed will be addressed through a Combined Operations Notification.⁵¹

For a combined operation, the non-production installation would not have been contemplated by the Production Safety Permit and so a revised Production Safety Permit is required that cites the Production Safety Case and the Non-production Safety Case. The Combined Operations Notification also needs to be submitted by the Operator or Owner and needs to:

- Show that it has been jointly prepared by the Operator and Owner;
- Describe the combined operation and any associated equipment not described in the Production Safety Case or Non-production Safety Case; and
- In the form of a bridging document authorised by all parties to the document, of how the Safety and Environmental Management Systems and Emergency Response for the installations involved in the combined operation will be coordinated.

As stated in section 13O(1) of the Act, an Operator and Owner must comply each with their safety cases and Combined Operations Notification.

6.3.6 Decommissioning Safety Case

The Decommissioning Safety Case will be required to cover decommissioning activities up to the time that petroleum infrastructure is hydrocarbon free, and the wells are abandoned. Its requirements are the same as for the Production Safety Case, where relevant.

Where there is decommissioning of a part of petroleum infrastructure described in a Production Safety Case, this will be captured and assessed through the material change process in respect of the Production Safety Case. There is no requirement to produce a Decommissioning Safety Case in respect of a partial decommissioning of petroleum infrastructure.

6.3.7 Safety Case and Notification Assessment by the CRU

6.3.7.1 Requirements for Acceptance

For a safety case or notification to be accepted by the CRU:

- The safety case must meet the Safety Case Guidelines;
- The Operator and Owner must be capable of:
 - Implementing the Safety (and where relevant, Environmental) Management System described in the safety case; and

⁵¹ Section 130A of the Act.

- Carrying on the designated petroleum activity (or activities) in compliance with section 13KB or section 13KC of the Act, as relevant.⁵²

6.3.7.2 *Assessment Process*

The CRU assessment process is comprised of a number of stages, which are detailed in CRU internal processes. The key parts of these are:

Administrative Check To confirm whether the safety case, or notification includes all the required parts and the fee has been submitted.

Completeness Check To confirm whether the safety case, or notification has the information required – no assessment of this information is made at this time.

Assessment Process Detailed assessment by discipline experts headed by a Safety Case Lead as to whether the safety case, or notification complies with the requirements of the Act and the Framework. During the assessment process, the CRU may ask an Operator or Owner for additional information relating to, amongst other things:

- Clarifying part of the safety case; or
- Confirming that the Owner or Operator's processes or petroleum infrastructure are consistent with that described in the safety case, and that these are such that the risk is ALARP.

The CRU may consult with other statutory authorities as part of a safety case assessment.

The CRU will inspect (see section 7) the Operator's or Owner's capability of meeting the above criteria as part of the safety case assessment process.

6.3.7.3 *Changes to a Safety Case or Notification*

Following the assessment and acceptance of a safety case or notification, there may be parts of the safety case or notification identified by the CRU that need to be updated. This would normally be identified as a result of the additional information required for clarity (see section 6.3.7.2), or as a result of an inspection. In this instance the Operator or Owner will need to update the safety case in a reasonable timescale, as stated by the CRU.

6.3.7.4 *Assessment Timescale*

The CRU must issue a safety permit no later than 6 months after the date of receipt of the safety case from an Operator or Owner, or of receipt of any additional information requested.⁵³ However, notwithstanding the fact that the requirement for additional information may reset the assessment clock, the estimated timescales for CRU assessment are given below.

⁵² Section 13P(1) of the Act.

⁵³ Section 13P(7) of the Act.

Safety Case	Estimated Assessment Timescale
Well Work Safety Case	3 months
Non-production Safety Case	3 months
Design Notification	6 months
Production Safety Case	6 months
Combined Operations Notification	2 months
Decommissioning Safety Case	6 months
Material change to an Accepted Safety Case	Dependent on the material change

Table 2: Estimated assessment times for safety cases and notifications

A Design Notification must be provided to the CRU at least 6 months before a Production Safety Case or Decommissioning Safety Case is submitted, unless otherwise agreed by the CRU, but it is recognised that for most Design Notifications the timescale for submission prior to a Production Safety Case will be significantly greater than this.

The assessment of an application for an AoC does not have an associated statutory time limit. However, the CRU will normally complete its assessment of a Non-production Safety Case as part of an application for an AoC within 3 months unless the timescale is extended by the requirement for additional information.

If a Non-production Safety Case is submitted to the CRU as part of a Well Work Safety Permit application for which there is a valid AoC and there are no changes from the safety case associated with the AoC, the assessment timescale for the safety case may be significantly shorter than a full Non-production safety case assessment, in particular if an inspection is not required.

6.3.8 Safety Case and Notification Revision

6.3.8.1 General

The safety case is a working document that must be maintained and updated such that all parts of it accurately reflect the actual conditions associated with carrying on designated petroleum activities under a safety permit.⁵⁴

A Production Safety Case and Non-production Safety Case are also subject to Independent Thorough Review every 5 years (see section 8.4).⁵⁵

6.3.8.2 Material Change Definition

This section provides guidance on what constitutes a material change. However, it is the responsibility of the Operator or Owner to form a judgment as to whether a proposed alteration to an activity that is the subject of an accepted safety case is material or not.

⁵⁴Section 13N(1) of the Act

⁵⁵ Section 13N(2) of the Act

A change is material if it affects the basis of an accepted safety case or notification in relation to the operation, design, management, risk, required risk reduction measures or other matter in respect of the designated petroleum activity to which it refers.

Where a Well Work Activity is being carried out on a subsea well which is connected to an existing producing field, the Operator should consider the impact on existing production infrastructure and document whether this constitutes a material change.

Changes that are considered to be material for a notification or a Production Safety Case include, but are not limited to:

- The maximum number of stated persons on board increases;
- The minimum number of persons required to carry on the designated petroleum activity decreases;
- A new jacket is added to an offshore installation;
- A new hydrocarbon pipeline enters or exits an onshore Facility;
- A new hydrocarbon riser enters or exits an offshore Facility;
- The route of a pipeline changes outside of a previously defined pipeline corridor;
- The operating pressure of a pipeline exceeds the pressure originally notified;
- A different hazardous fluid is transported by a pipeline;
- A new major hazard is introduced or has been identified;
- A new Safety and Environmental Critical Element is required or one is removed;
- A new or altered well on an existing site that enters a previously unexploited reservoir;
- There is a change in well use, e.g. the change of status between producing, or water injection;
- Changes to well or formation connection by fracture stimulation;
- Changes in material specification for well components; and
- There is a change to the method of petroleum lift.

Examples of material changes for a well are given in section 6.3.2.

6.3.8.3 Material Change Other than During Design

Where a proposed alteration to a designated petroleum activity is a material change, that alteration shall not be made until a safety case, or notification with the proposed alteration has been submitted and accepted by the CRU and the relevant safety permit reissued.

If a material change is proposed to operations or equipment covered by a safety case or Combined Operations Notification, then the revised safety case or notification will have to be submitted to the CRU for acceptance before it is carried out, preceded by a Design Notification in the case of a Production Safety Case, or Decommissioning Safety Case. A revised safety permit application will also be required. The new Design Notification will only need to cover parts of the designated petroleum activity that are affected by the material change. A design notification is not a document that is maintained over the lifetime of the installation and is only concerned with a proposed material change, or for a new installation.

If the work carried out during a combined operation leads to a material change to the production installation, this requires a design notification and safety case update as well as the safety permit change for the combined operation itself.

The total impact of non-material changes must be monitored by the Operator or Owner so that if a number of non-material changes are proposed and the sum of these is material, the safety case must be resubmitted to the CRU before this occurs. This requirement is to specifically avoid a material change being made in a piecemeal fashion.

Material changes are subject to design verification as described in the *Compliance Assurance System* document.

6.3.8.4 Material Change during Design

As stated in Section 13OA(5) of the Act, if a material change occurs during the design process, a new Design Notification must be submitted to the CRU for acceptance.

6.3.8.5 Addendum to a safety case

In certain circumstances, and only with the prior agreement of the CRU, certain material changes to a safety case may be handled by them being identified and submitted as an addendum to the safety case. This addendum will be valid for a defined period of time only and explains the impact of the material change and how the risks are maintained ALARP in this period. The format and guidance for the addendum is the same as for the full safety case, but with the scope only covering the changes and its impact on the risk of the affected designated petroleum activities and a clear statement of the period for which the addendum is valid.

Such an addendum would be appropriate if the change described in the addendum was temporary in nature such that once the defined period of time for the addendum lapsed, the safety case remains appropriate to the petroleum activities and associated petroleum infrastructure. This would include activities such as extended well testing.

6.3.9 Emergency Response Equipment

Operators and Owners must prepare and maintain a complete and up-to-date inventory of emergency response equipment. Any description of such equipment in a safety case or notification must be consistent with this list. The inventory should be appropriate for the major accident hazards that have been identified and such that this component of the risk is ALARP and the emergency response effective and, for safety, offer a good prospect of recovery.

7 CRU Audit and Inspection

The CRU is required to monitor and enforce compliance by petroleum undertakings, Operators and Owners with their obligations under the Act and this is carried out by a programme of audit and inspection for petroleum undertakings, Operators and Owners.

In general terms audits are based on examination and/or inspection of records, reports and other evidence produced or generated by a petroleum undertaking, Operator or Owner relating to, for example, safety operation, safety performance, the Safety Management System, and designs, including verification records, safety performance reports and Independent Thorough Review reports.

Inspections are physical examinations of petroleum infrastructure, systems and parts of systems and hardware, for the purposes of assessing the integrity, and/or operation of these systems.

For clarity, the use of either term, namely 'audit' or 'inspection' can imply each or both activities.

Inspections will always be led by a petroleum safety officer (PSO) appointed by the CRU for this purpose. Further details are given in Section 12.2 on the role and powers of PSOs.

7.1 Petroleum Undertaking

The CRU will carry out a programme of audits and inspections to assess whether a petroleum undertaking has taken reasonable steps to ensure that it is complying with its duties and obligations under the Act. Audits and inspections will be risk-based, carried out throughout the lifecycle of a development, and will take consideration of the:

- Audits of the Operator by the petroleum undertaking; and
- Audit of the actions taken by the petroleum undertaking if key performance indicators reported by the Operator to the petroleum undertaking are unsatisfactory.

The above is not intended to represent the full scope of audit and inspection activity, but to indicate the CRU's general approach to petroleum undertaking audits.

7.2 Operator and Owner

The CRU will carry out audits and inspections to assess whether an Operator or Owner is managing risks in accordance with its safety case. To do this, the CRU will visit operational sites and locations where records are held and assess hardware, software, people and procedures. The outcome of audits and inspections may form the basis of enforcement action and, where appropriate, prosecutions be taken by the CRU under the Act.

Section 13W of the Act provides the CRU, through its PSOs, with significant scope and powers to enter, inspect, examine or search any place for which he or she has reasonable grounds for believing is used for the purposes of or in connection with a designated petroleum activity. Moreover, the PSOs may inspect, test or examine:

- Petroleum infrastructure;

- Upstream pipeline(s);
- Activities, processes or procedures;
- Plants, vessels or equipment; and
- Records including the inventory of emergency response equipment.

Where petroleum activities are regulated by other statutory authorities as well as the CRU, the CRU will coordinate with such statutory authorities on audits and inspections to reduce the potential for overlap of regulatory activities. Arrangements for such coordination are detailed in agreed interface arrangements (see section 11).

Audits and inspections will be risk-based, structured around the contents of the relevant safety case, including the Facility (against safety case description), documented assessments that the risks are ALARP, the Safety Management System, and emergency procedures and will be carried out throughout the lifecycle of a development including the following:

- Design, Procurement, Construction and Commissioning;
- During the CRU safety case assessment process, inspection of the ability to operate according to the safety case;
- Well Work Activities, including drilling;
- Ongoing operations. Along with regular audits/inspections, this will include the CRU's assessment of:
 - Independent Thorough Reviews; and
 - Material changes.
- Decommissioning (not required for non-production installations).

While a risk-based approach will be adopted for audits and inspections, the CRU will aim to carry out at least one inspection of a Facility every year and to ensure that every Facility is inspected by each relevant technical discipline at least every 5 years.

In addition, specific activities will be included in the audit and inspection plan taken from the requirements described in section 6.3.

The scope of any inspection will be directed by a number of considerations including:

- The review of the safety case and the Independent Thorough Review report, which may have highlighted areas for inspection;
- The results of previous audits,
- Anomalies and reservations raised from the verification system;
- Incidents that have happened;
- The safety performance indicators (see section 8.3);
- The results of confidential reporting to the CRU; and
- Topics/issues of interest.

8 Compliance Assurance

8.1 Introduction

A number of activities, together termed as compliance assurance, must be carried out by the Operator and Owner:

- Verification (section 8.2);
- Performance reporting (section 8.3); and
- Independent Thorough Review (section 8.4).

The *Compliance Assurance System* is in addition to audits, and reviews carried out by Operators and Owners themselves to assess the adequacy of their own Safety (and where applicable Environmental) Management Systems.

The *Compliance Assurance System* requirements are given fully in the *Compliance Assurance System* document, and the general requirements are set out below.

8.2 Verification

Operators and Owners must put into operation a verification scheme carried out by an ICB under the Framework::

- Owner
 - A Facilities Verification Scheme for their Non-production Installation;
- Operator
 - A Well Verification Scheme for any operated wells; and
 - A Facilities Verification Scheme for any Production Installation.

The *Compliance Assurance System* document describes the required approach to the Facilities and Well Verification Schemes.

The *Safety Case Requirements* detail the description of a verification scheme that is required in a safety case.

8.2.1 Independent Competent Body

8.2.1.1 Independence

The ICB's persons carrying out verification activities must:

- Be impartial and free from direct financial or operational pressures, which could affect their judgement;
- Not verify their own work;
- Not be employed directly by the petroleum undertaking, Operator or Owner (or any constituent member thereof), their parent companies or a company in the same group
- Not, if a person is working for a third-party company with a safety related relationship with the petroleum undertaking, Operator or Owner; verify the work of that company.

8.2.1.2 Competence

Requirement on competence is given in the *Compliance Assurance System* document and covers the need for the ICB to use and have individuals available to carry out verification with suitable knowledge, experience and training to carry out the tasks allocated to them for the type of petroleum infrastructure being verified. They must have the competence to critically assess the Operator’s or Owner’s system for ensuring S(E)CEs are suitably designed and operated to meet performance standards that make the risk ALARP.

8.2.1.3 Acceptance and Acceptance Timings

Before commencement of verification, the Operator, or Owner for a non-production installation must submit their choice of ICB for acceptance by the CRU. The submission will detail the competency and independence of the ICB.

The timings required for such submissions are detailed below.

Design notification	The ICB submission must be accepted by the time the Design Notification is submitted to the CRU. In practice this means it should be submitted four weeks before the expected submission of a Design Notification.
Well Work Safety Case	The ICB must be accepted by the CRU by the time the Well Work Safety Case is submitted. In practice this means it should be submitted four weeks before the expected submission of a Well Work Safety Case.
Other safety cases and notifications	For all other safety cases, the ICB must be accepted before the CRU can accept the safety case; The ICB submission can be at the same time as the safety case submission but should not be before the submission of the safety case itself.

Table 3: ICB submission timings to the CRU

8.2.2 Facilities Verification Scheme

Under the Framework, for all petroleum infrastructure used to carry out a designated petroleum activity, for all stages of the lifecycle including design, the Operator or Owner is required to:

- 1) Identify S(E)CEs;
- 2) Determine the required performance of S(E)CEs to maintain risks ALARP;
- 3) Establish performance standards which detail requirements to ensure the initial and ongoing suitability of the S(E)CEs to achieve the desired performance;
- 4) Establish and carry out assurance routines to provide assurance to the undertaking that S(E)CEs are meeting their performance standards; and
- 5) Prepare, operate and maintain a Verification Scheme to provide an independent review of the above activities, through a process of audit, examination and witnessing of assurance routines by an ICB.

If the ICB finds that the obligations under 1–4 above are not being met, the ICB must raise an anomaly, which the Operator or Owner must resolve. If they cannot agree on how or by when this must be resolved, or whether the anomaly should have been raised, the Operator or Owner must raise a reservation in relation to the anomaly, which must be communicated to the CRU which will direct a suitable course of action. Records of this process must be retained.

The Operator or Owner is responsible for developing the verification scheme that will include the nature and frequency of verification activities. The ICB will be required to review the robustness of the verification scheme and the appropriateness of the assurance routines, performance standards and the S(E)CEs. A record must be maintained of all anomalies identified by the ICB, along with the response. A comprehensive justification should be made and recorded by both the ICB and the Operator or Owner as to how the anomalies have been responded to. The said records will be required to be made available, on request, to the CRU.

Where a non-production installation has not previously operated under a verification scheme, the verification requirements will take effect from commencement of the proposed designated petroleum activity. While the verification scheme need not cover design, procurement, construction and commissioning, the Owner must demonstrate a similar process has been carried out that achieves that same goals. Previous class and flag state surveys may help in this respect.

8.2.3 Well Verification Scheme

Under the Framework, an Operator is required to put in place a Well Verification Scheme(s) and appoint an ICB after acceptance of the ICB by the CRU. The verification schemes must cover the design of a well, Well Work Activities, and production, suspension and abandonment of the well.

The ICB must review the Well Verification Scheme and raise anomalies in the same way as for a Facilities Verification Scheme.

If competency considerations allow, the same ICB may carry out the Well Verification Scheme and Facilities Verification Schemes.

8.3 Performance Reporting

8.3.1 Safety

Under the Framework, Operators and Owners must monitor and report on safety performance in relation to control of major accident hazards during designated petroleum activities.

The CRU has defined a set of leading and lagging safety performance indicators taking into account international guidance on reporting. The required safety performance indicators and the frequency and format of reporting are detailed in the *Compliance Assurance System* document. This reporting is in addition to the reporting of petroleum incidents described in section 10. The veracity of the data provided will be confirmed by the CRU through onsite audits, direct examination of reports and/or confidential dialogue with site persons such as safety representatives.

8.3.2 Well Work

The final well programme must be submitted to the CRU before well work activities commence. In addition, any subsequent updates made due to circumstances during the well programme must be provided to the CRU.

During well work activities the Operator must provide daily reports against the final well programme. The required content of these reports is:

- a) the date and reference time of the report, where the reference time shall be a time in the last 6 hours;
- b) the safety permit reference number and well identification;
- c) the names of the grantee(s), the Owner and the Operator as appointed by the grantee(s);
- d) The address of the Operator as appointed by the grantee and the Owner;
- e) the grantee(s) on whose behalf the report is submitted;
- f) the name of the non-production installation;
- g) details that identify the well and association with other installations or connected infrastructure;
- h) the diameter and true vertical and measured depths of: (a) any hole drilled; and (b) any casing installed;
- i) the drilling fluid density at the time of making the report;
- j) in the case of operations relating to an existing well, its current operational state;
- k) the total number of days since commencement of the well work activities, to include days ahead/behind the final program of work;
- l) a short chronological description of activities during the 24 hours preceding the reference time, including a note of any functional/pressure tests carried out on well control equipment, with their results (including blow out preventers and subsea test tree);
- m) the number of persons on board the petroleum infrastructure from which the well work activities are carried out at the reference time;
- n) Operation at the reference time of the report and description of activities forecast for the next 24 hours following the reference time; and
- o) weather and sea conditions at reference time.

8.4 Independent Thorough Review

Section 13N(2)(a) of the Act requires Operators and Owners to review their safety cases at least every 5 years.⁵⁶ This safety case review (the 'Independent Thorough Review') must be carried out by an IRB. The IRB's persons carrying out the review activities must:

- Be impartial and free from direct financial or operational pressures, which could affect their judgement;
- Not review their own work;
- Not be employed directly by the petroleum undertaking (or any constituent member thereof), its parent company or a company in the same group;
- Not, if a person is working for an ICB for the installation being reviewed, or any constituent member of such a company, its parent company or a company in the same group, review the work of that organisation; and
- Not, if a person is working for a third-party company with a safety related relationship with the petroleum undertaking, Operator or Owner; verify the work of that company.

The Independent Thorough Review must thoroughly cover all aspects of the safety case to ensure that it accurately reflects current operations and that the ALARP demonstration remains robust, i.e.

⁵⁶ Section 13N(2) also requires a review of a safety case in certain other circumstances, see paragraph 12.3.4, below.

no changes have occurred, such as wells souring, that would impact the ALARP demonstration and no new knowledge or technology has become available that would impact the ALARP demonstration. The Operator or Owner must submit the Independent Thorough Review report to the CRU. If material change is found to be required to the safety case through the review process, it must be resubmitted for acceptance in accordance with the *Compliance Assurance System* document which describes the requirements for the review.

The CRU may also issue a notice in writing requiring an Owner, or Operator to carry out an Independent Thorough Review (for example, in circumstances where safety concerns render it appropriate following an inspection) (see Section 12.3.4).

9 Tripartite Consultation and Confidential Reporting

9.1 Tripartite Consultations

The Act requires that tripartite consultations⁵⁷ are established by the CRU between the CRU, Operators and Owners, and workers' representatives, to facilitate dialogue and cooperation. 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 CRU.⁵⁸

For Operators carrying out production, meetings will be held between the CRU and Operators, including the Operator's workers representatives to facilitate these tripartite discussions. CRU will facilitate and chair these meetings.

For Owners potentially carrying out drilling in the year ahead or Owners who have non-production installations with a valid AoC, meetings will be held between the CRU and Owners, including the Owner's workers representatives to facilitate these tripartite discussions. CRU will facilitate and chair these meetings.

As well work is not carried out in Ireland to the extent that requires Operators to retain well work employees in Ireland year on year, meetings will be held between CRU, Operator representatives, and well worker representatives from an appropriate petroleum worker association, which can draw on workers with relevant North Sea experience. CRU will facilitate and chair these meetings.

The CRU will generally aim to hold meetings once annually. However, the frequency may be amended as industry activity in Ireland changes.

9.1.1 Preparation and Revision of Standards and Guidance

Operators and Owners are required, in consultation with the CRU, to make use of the exchanges of knowledge, information and experience provided for via the CRU as competent authority and European Union Offshore Authorities Group member, to prepare and revise standards and guidance on best practice in relation to the control of major hazards throughout the design and operational lifecycle of offshore oil and gas operations (as defined in the Directive). As a minimum the following items are to be considered:

- Improving well integrity, well control equipment and barriers and monitoring their effectiveness;
- Improving primary containment;

⁵⁷ 'tripartite consultation' is defined under 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"

⁵⁸ Section 13H(2)(h) of the Act.

- Improving secondary containment that restricts escalation of an incipient major accident, including well blow-outs;
- Reliable decision making;
- Management and supervision of major accident hazard operations;
- Competency of key post holders;
- Effective risk management;
- Reliability assessment for S(E)CEs;
- Key performance indicators; and
- Effectively integrating safety and environmental management systems between Operators and Owners and other entities involved in offshore oil and gas operations (as defined in the Directive).

9.2 Confidential Reporting

The Act requires the CRU to establish mechanisms for the:

- Confidential reporting of safety and environmental concerns relating to offshore designated petroleum activities from any source; and
- Appropriate investigation of such reports while maintaining the anonymity of the individuals concerned.⁵⁹

CRU petroleum safety contact details are made available as follows:

- A. The Petroleum Safety team can be contacted by email at petroleumsafety@cru.ie and this email contact can be used by the public and industry;
- B. During audits and inspections of petroleum undertakings, Operator and Owner offices and/or facilities, CRU employees meet with and issue contact details to safety representatives; and
- C. On issuance of safety permits, the CRU contact details are issued to the Owner/Operator point of contact.

Employees of petroleum undertakings, Operators and Owners may contact the Petroleum Safety team at any point with safety concerns in a fully confidential manner, via email or telephone or via the form supplied by the CRU. Following consideration of the reported concern by the CRU, safety/environmental concerns will be addressed in a manner proportionate to the concern raised. For example, where the confidential report does not relate to an immediate safety concern the topic may be included in an upcoming CRU inspection scope.

Petroleum undertakings, Operators and Owners are required to communicate the details of these CRU mechanisms for the confidential reporting of safety and environmental concerns as applicable to their employees and contractors connected with carrying out designated petroleum activities and ensure that reference to confidential reporting is included in relevant training and notices.

⁵⁹ Section 13GA(3)(e) of the Act.

10 Petroleum Incident and 13S(2) Incident Notifications and Investigation

10.1 Petroleum Incidents

Under the Act, Operators and Owners must notify the CRU of any petroleum incidents without delay and in the form, timeframe and accompanied by such additional information and particulars as may be prescribed by the CRU (a “Petroleum Incident Notification (PIN)”). The PIN must be made as soon as practicable after occurrence of the petroleum incident.⁶⁰ Failure to notify the CRU of such incidents is an offence under the Act⁶¹. Reportable petroleum incidents are defined in the *Petroleum Safety (Petroleum Incident) Regulations 2016*.

10.2 13S(2) Incidents

Under 13S(2) of the Act, where an activity carried out by an Operator or Owner poses an immediate danger to human health, or significantly increases the risk of a petroleum incident (hereafter referred to as ‘immediate danger’, and the Operator or Owner takes suitable measures in accordance with section 13KB(5)/13KC(3), as appropriate,(which may include suspending the activity), then a notification must be sent to the CRU without delay and no later than 24 hours after taking those measures (a “13S(2) Incident Notification”).

10.3 CRU’s Investigations

Upon receipt of a PIN or a 13S(2) Incident Notification, the CRU may:

1. Request the Operator or Owner to furnish a petroleum incident report (section 13S(3) of the Act); and/or
2. Appoint a PSO to investigate the petroleum incident under section 13S(1) or suitable measures taken under section 13S(2) (section 13T(1) of the Act); and/or
3. Issue an improvement notice, prohibition notice, a notice requiring revision of the safety case, or a notice that the CRU intends to revoke the relevant safety permit (section 13T(2) of the Act).

The CRU may also take the actions set out in points 2 and 3 above on receipt of a confidential report under section 13GA(3)(e) of the Act (a “Report of Safety or Environmental Concern”).

Should an investigation occur, its purpose is to:

1. Identify the cause or causes of the petroleum incident (under the PIN) / immediate danger (under the 13S(2) Incident Notification) / concerns (under the Report of Safety or Environmental Concern) (as appropriate);
2. Provide the industry learnings from the petroleum incident / 13(S)2 incident / concerns (as appropriate) to prevent them in the future;

⁶⁰ Section 13S of the Act.

⁶¹ Section 13S(4) of the Act

3. Provide timely and appropriate information to the public, the European Commission, other statutory authorities, other Operators, Owners and stakeholders regarding the nature and cause of the petroleum incident / 13S(2) incident / concerns (as appropriate); and/or
4. Identify appropriate enforcement action for non-compliance with regulatory requirements as detailed in section 12.3.

In carrying out an investigation, the CRU will co-operate with other agencies as described in section 11.1.1.

10.4 CRU's Reporting of Incidents

Under the Act, the CRU is required to prepare and issue a report to the Minister in all circumstances where a petroleum incident results in:

- The loss of human life;
- Serious personal injury being suffered by a person;
- Damage to property not owned by the petroleum undertaking, Operator or Owner; or
- A major accident;⁶²

The CRU may also prepare a report in respect of a petroleum incident other than a petroleum incident referred to above and issue to the Minister whenever the CRU is of the opinion that it is appropriate to do so by reason of the seriousness of the petroleum incident concerned.⁶³

In order to provide timely and appropriate information to the public, other statutory authorities, other petroleum undertakings, Operators, Owners and stakeholders regarding the nature and cause of the petroleum incidents:

- Petroleum incident reports issued to the Minister will be published where possible;⁶⁴ and
- The published Annual Report on the Performance of the Framework (see section 13) will be used to communicate the lessons learned and outcomes of other petroleum incidents which may have occurred in the year.

The CRU will also report a summary of the findings of investigations of petroleum incidents that resulted in an offshore major accident to the European Commission.⁶⁵

10.5 Reporting of Major Accidents outside the European Union

The Act also requires petroleum undertakings, Operators and Owners AoC⁶⁶, where requested, to provide CRU with a report on the circumstances of any major accident in which they have been

⁶² Section 13U(1) of the Act.

⁶³ Section 13U(2) of the Act.

⁶⁴ The report will be published at such time and in such form that potential enforcement proceedings, by the CRU or any other statutory authority, are not compromised and ensuring any issues of confidentiality are protected. Under Section 13U(3) of the Act, Ministerial consent is required for the publication of a non-confidential version of such reports.

⁶⁵ Section 13GA(3)(f) of the Act.

⁶⁶ Sections 13KA, 13KB and 13KC of the Act respectively

involved in, either directly or through a subsidiary, whilst conducting oil or gas operations outside of the European Union.

10.6 Testing of Arrangements

Under section 13HA(a) of the Act, the CRU may:

“at its own behest or following consultation with other agencies, direct Operators and Owners to conduct tests or exercises on their preparedness to respond effectively to major accidents...”

This requirement refers to emergency response exercises and drills that Operators and Owners need to carry out and to describe in the relevant safety cases. Such exercises would normally be carried out in conjunction with other statutory authorities in order to adequately assess emergency preparedness in respect of safety, the environment and the other remits of the statutory authorities.

11 Regulatory Interfaces

11.1 Statutory Agencies

11.1.1 Overview

The CRU recognises that carrying out its functions efficiently and effectively will require it to interface and co-operate with other statutory authorities in Ireland. Parallel to this, section 13H(3) of the Act requires the CRU in performing its functions to have regard to:

- Such functions with respect to the safety of the petroleum activities as may be performed by: the NSAI; the HSA; the EPA; the Minister for Transport, Tourism and Sport, the IAA and any other persons as may be prescribed by the Minister; and
- The need to co-operate and consult with the above statutory authorities for the purposes of:
- Encouraging and fostering safety in the carrying on of petroleum activities; and
- Avoiding duplication of activities by the CRU and the above statutory authorities.

In line with these requirements, the CRU has developed agreed interface arrangements with these statutory authorities that outline how the CRU and each relevant statutory authority will interact during the operation of the Framework. The objectives of these interface arrangements are to:

- Set out the functions each authority will carry out;
- Avoid unnecessary duplication and regulatory burden through co-operation and mutual assistance; and
- Deliver a consistent regulatory system in Ireland for upstream petroleum activities.

All statutory authorities, including the CRU, have a responsibility to carry out their own specific legal functions. To this end, the interface arrangements and the exercise of such arrangements respect and reflect and do not in any way diminish the functions of each statutory authority. Whilst these interfaces represent an important information source in monitoring compliance with the Act and Framework, the CRU will form its own independent judgement on such matters.

The specific areas of interface with the other statutory authorities are detailed below.

11.1.2 Information Sharing

There is merit in the relevant statutory authorities co-operating and sharing information with the CRU in relation to matters such as:

- Workload planning (including the timing of proposed audits/inspections);
- The outcome of audits/inspections;
- Safety issues/ performance trends /concerns, etc.; and
- Standardisation of information provision/reporting requirements.

The CRU has engaged with each of the relevant statutory authorities to clarify the extent to which information can be shared and how each might best perform their respective functions to minimise duplication of activities so that each statutory authority can carry out its functions in an efficient manner. Any co-operation and information sharing is subject to the respective functions, duties and confidentiality obligations of the relevant statutory authorities.

The CRU will also share information with the statutory authorities where safety considerations make it appropriate.

11.1.3 Co-ordinated Audits and Inspections

The CRU will liaise with those statutory authorities who carry out routine audits and/or inspections of petroleum activities to explore where opportunities for coordination of functions may arise.

11.1.4 Incident Investigation

In the interest of avoiding duplication of roles and to increase the effectiveness of the incident investigation process, the CRU will liaise with other relevant statutory authorities in order to:

- Establish lines of communication during each statutory authorities' respective investigative process;
- Share information where possible between statutory authorities to aid the investigation process; and
- Ensure effective co-ordinate the incident investigation processes.

11.2 Interfaces outside Ireland

The Act imposes an obligation on the CRU to⁶⁷:

- Exchange knowledge, information and experience with other competent authorities in other Member States; and
- Co-operate with other competent authorities and contact points under Article 27 of the Directive.

This includes, where the CRU considers that a major accident hazard relating to a designated petroleum activity to be carried out offshore is likely to have significant effects on the environment in another Member State of the European Union, forward the relevant information to the competent authority of the potentially affected Member State prior to making its decision on a safety case of revised safety case.

11.3 Requests from the Minister

Under the Petroleum and Other Minerals Development Act 1960 (as amended), the Minister may consult with the CRU on areas related to the petroleum authorisation process. They are:

- The appointment of the Operator (where the Minister may consult with any person he or she considers necessary); and
- Prospective offshore petroleum authorisations: risk, hazards and other relevant information relating to the licensed area.

11.3.1 Appointment of the Operator

⁶⁷ Section 13GA(3)(b) and (d) of the Act.

Under the Act, the petroleum undertaking must appoint an Operator for the petroleum authorisation. The petroleum undertaking must notify and seek the approval of the Minister⁶⁸ and the Minister may request advice from the CRU “*on the technical capacity of any Operator proposed by a petroleum undertaking to the Minister*”.⁶⁹ The CRU can provide such advice, and the aspects which the CRU is likely to consider are given below for three scenarios.

11.3.1.1 Operator Currently in Ireland

For an Operator that is operating in Ireland at the time the request for advice is received, the CRU would consider the following:

- Whether the petroleum activities were different to that which the Operator was carrying out and there was insufficient evidence of competence in the new area of operation; or
- Enforcement actions issued to the Operators.

In these circumstances a more detailed assessment of competence would be required as per section 11.3.1.2

11.3.1.2 Operator Previously in Ireland

For an Operator that had previously operated in Ireland, but was not doing so at the time the request for advice was received, the CRU would consider, amongst other things, the Operator’s:

- a) Prior safety record in Ireland including any enforcement notices, or the withdrawal of safety permits for the petroleum activity being proposed;
- b) The organisational arrangements that the Operator proposes, with emphasis on technical competency, regardless of whether resources were based in Ireland, in another country working for the Operator or an associated company, or work for a third party; and
- c) Enforcement notices from other jurisdictions where the Operator, or a company within the same group, operates.

11.3.1.3 No Operator History in Ireland

For an Operator that has previously operated in Ireland, but was not doing so at the time of the request for advice was received, the CRU would consider (b) and (c) in section 11.3.1.2.

11.3.2 Prospective Offshore Petroleum Authorisation Holder

A prospective offshore petroleum authorisation holder (as defined in the Petroleum and Other Minerals Development Act 1960 (as amended)) is an entity in respect of whom an application has been made to the Minister, but where that application has not been determined:

- For the grant of an offshore petroleum authorisation to that entity; or
- For consent to a transfer of an offshore petroleum authorisation to that entity (whether or not after the transfer the offshore petroleum authorisation will be held jointly with another entity, including an existing petroleum authorisation holder).

⁶⁸ Section 13KA(2) of the Act.

⁶⁹ Section 13H(6)(b)(ii) of the Act.

Chapter III of part II of the *Petroleum and Other Minerals Development Act 1960* has been amended by the 2015 Act ⁷⁰ to include the need for the Minister, prior to the grant of an offshore petroleum authorisation, to consult, where relevant, with the CRU and others in relation to the risk, hazards and other relevant information relating to the licensed area.

The process is one of consultation and no specific test for the appropriateness of the prospective offshore petroleum authorisation holder is given in the Act.

The CRU can respond to the Minister if their advice is sought and, within this, the likely information that the CRU would assess, or provide to the Minister includes:

- The prior safety record in Ireland of the prospective offshore petroleum authorisation holder, including any enforcement notices, or the withdrawal of safety permits for all petroleum activities including the designated petroleum activity being proposed; and
- Enforcement notices from other jurisdictions where the prospective offshore petroleum authorisation holder, or a company in the same group operates.

⁷⁰ Section 22(2) of the Act.

12 Enforcement and Prosecution

12.1 Overview

12.1.1 Enforcement

The CRU has developed a comprehensive enforcement system to provide the CRU with robust procedures in regard to taking necessary enforcement actions in the event of non-compliance under the Act and/or an accepted safety case or safety permit or where safety considerations make it appropriate.

Under the Act, the CRU has enforcement powers including the power to:

- Require the submission of an improvement plan (section 13Y of the Act);
- Issue an improvement notice (section 13Z of the Act);
- Issue a prohibition notice (section 13AA of the Act);
- Revoke a safety permit (section 13Q of the Act);
- Issue an emergency direction (section 13X(2) of the Act); and
- Apply to the High Court seeking an order restricting or prohibiting petroleum activities where the CRU has concerns that there is a serious risk to safety of human life, petroleum infrastructure or property not owned by a petroleum undertaking, Operator or Owner (section 13AB(1) of the Act).

The CRU retains discretion under the Act to determine the appropriate enforcement response, on a case by case basis, so as to ensure compliance with the Framework and the Act.

The CRU will identify the party or parties in breach and in respect of which enforcement action is to be taken.

Enforcement action against a petroleum undertaking can be taken by the CRU against one or each and every petroleum undertaking on the petroleum authorisation.

The decision as to against whom enforcement action will be taken will be made after due consideration of the facts and circumstances and having regard to the CRU's duties including to act in a manner that is reasonable, proportionate and fair.

Section 12.2 sets out the role of PSOs and section 12.3 sets out how the enforcement regime operates.

12.1.2 Prosecution

The Act provides for offences which may lead to criminal prosecution including summary prosecutions in the District Court and prosecutions on indictment in the Circuit Court. The offences and penalties under the Act are outlined in section 12.4 below.

12.2 The Role of Petroleum Safety Officers

The CRU may appoint one or more PSOs for the purposes of the exercise of the CRU of its functions under Part IIA of the Act (under section 13W of the Act).⁷¹ Section 13W of the Act outlines the role, remit and powers of a PSO. This includes a PSO's right of entry, examination and inspection of a place he or she has reasonable grounds to believe is used for or in connection with a designated petroleum activity and/or petroleum infrastructure, including a range of broad powers to assess compliance.

The PSO will report on its findings to the CRU. The CRU will form a view as to whether to take out enforcement action, if necessary, based on these reports.

In addition, where the PSO is of the opinion that there is a substantial and imminent risk to safety, section 13W(4) of the Act details the actions the PSO may take to manage the risk to safety. For example, this includes interrupting the flow of any oil or gas, or disconnecting any part of the petroleum infrastructure. Where a PSO is of the opinion that the condition of any petroleum infrastructure or any activity carried on with such infrastructure poses such a substantial and imminent risk to safety that it should be ceased until measures have been taken to reduce the risk, the PSO will immediately inform the CRU and it may issue an emergency direction in writing stating that the activity must be ceased immediately along with the measures which must be taken to reduce the associated risk to a level that is ALARP.

12.3 Enforcement Powers

Enforcement actions may be taken by the CRU when it identifies a breach, following activities such as audit and inspection or as a result of any incident and subsequent investigation. The CRU will decide the most appropriate enforcement action to be taken by the CRU in a given set of circumstances depending on the nature and seriousness of the breach. This section sets out a brief synopsis of the enforcement powers available to the CRU.

12.3.1 Improvement Plan

The CRU can require an improvement plan where it is of the opinion that a petroleum undertaking, Operator or Owner (or a person under the control thereof) is:⁷²

- Not operating in accordance with the approved⁷³ safety case or conditions in the safety permit;
- Not operating in a manner to ensure compliance with the duties under sections 13K, 13KA, 13KB or 13KC as relevant; or
- Contravening or has contravened or is failing to comply with or has failed to comply with any other requirement of Part IIA of the Act.

The improvement plan required by the CRU will include details of the remedial action to be taken to rectify the matters set down in the direction to provide the improvement plan.

⁷¹ Section 13T outlines further actions the CRU may take following a report of a petroleum incident or notification of immediate danger.

⁷² Section 13Y(1) of the Act.

⁷³ Section 13Y(1)(a) of the Act refers to "approved" and "accepted" is used in 13Z(1)(b)(i).

12.3.2 Improvement Notice

The CRU can issue an improvement notice for the same reasons as an improvement plan, as set out above, and/or where it is of the opinion that the direction to submit or implement an appropriate improvement plan has not been complied with.⁷⁴ An improvement notice requires the petroleum undertaking, Operator or Owner to remedy the alleged contraventions or the matters occasioning the notice and indicates the consequences of failure to comply with the notice. Failure to comply with an improvement notice is an offence that can be prosecuted summarily or on indictment and that may lead to a fine.

12.3.3 Prohibition Notice

Where the CRU is of the opinion that an activity being or likely to be carried on by, under the control of or on behalf of a petroleum undertaking, Operator or Owner involves a substantial risk to safety, the CRU may issue a prohibition notice which prohibits the carrying on of the specified activity until the matters giving rise to, or likely to give rise to, risk are remedied.⁷⁵ Failure to comply with a prohibition notice is an offence.

12.3.4 Review of a Safety Case

Section 13N of the Act details when a safety case must be reviewed. This includes the requirement to carry out a review at least every 5 years, instances where a review is necessary arising from a report relating to audits or reports on safety performance and compliance and where the CRU issues a notice requiring a review. Where a review results in the requirement for a revision of the safety case, it must be done as soon as practicable.

12.3.5 Revocation of a Safety Permit

A safety permit may be revoked in all or any of the following circumstances:

- Non-compliance with its conditions including the need for the Operator and Owner to follow the safety case and any notifications;
- Failure to comply with an improvement notice; or
- Where the CRU is of the opinion that the petroleum undertaking is not complying with its duties under 13K of the Act.

If the safety permit is revoked the relevant designated petroleum activity will have to cease.

12.3.6 Issue of an Emergency Direction

If a PSO forms the opinion that an activity or the condition of any petroleum infrastructure (or certain other matters specified in section 13X(1) of the Act) poses such a substantial and imminent risk to safety that the activity should be ceased until specified measures have been taken to reduce the risk to a level that is ALARP, the PSO must inform the CRU of this opinion. The CRU may (where satisfied it is necessary to do so for the immediate protection of human life or petroleum

⁷⁴ Section 13Z(1) of the Act.

⁷⁵ Section 13AA(1) of the Act,

infrastructure) issue an emergency direction⁷⁶ requiring the activity to be ceased immediately and that appropriate action be taken to reduce the risk to ALARP.

If non-compliance with an emergency direction issued by the CRU occurs, the CRU may apply *ex parte* to the High Court⁷⁷ for an order restricting or prohibiting that activity.

12.3.7 Immediate Suspension of Petroleum Activities

Where the CRU considers that the risk to the safety of human life, petroleum infrastructure or property not in the Ownership of the petroleum undertaking concerned is so serious that any of the petroleum undertaking's activities should be restricted or immediately prohibited until specified measures have been taken to reduce the risk to a level that is ALARP, the CRU can apply to the High Court for an immediate suspension of a petroleum activity on an *ex parte* basis for an Order restricting or prohibiting the activities concerned under section 13AB(1).

12.4 Criminal Prosecution

The Act creates a number of criminal offences which may be tried summarily or on indictment, in summary these are:⁷⁸

- Carrying on a designated petroleum activity without a safety permit (section 13E);
- Failure to comply with a safety case and safety management system (or where relevant a safety and environmental management system) and where relevant a combined operation notification (section 13O);
- Failure to notify of a petroleum incident and provide full report (section 13S);
- Obstructing a PSO in the exercise of their powers under section 13W of the Act, failing or refusing to comply with any instruction requirement or direction of a PSO, knowingly giving information which is false or misleading in a material respect to a PSO, altering, suppressing or destroying documents, records or materials which have been required to be produced or which the person may reasonably expect to be required to produce, interfering with any action taken by a PSO to interrupt flow of oil or gas or disconnect any part of any petroleum infrastructure, upstream pipeline or plant (section 13W);
- Failure to comply with an improvement notice (section 13Z); and
- Failure to comply with a prohibition notice (section 13AA).

These offences may be prosecuted as summary offences in the District Court or on indictment in the Circuit Court. The maximum potential penalties that may be imposed upon conviction vary depending on the type of offence and whether an offence is prosecuted summarily or on indictment.

Under the Act, individuals may be prosecuted as well as a petroleum undertaking, Operator or Owner. Section 5 of the Act provides that where an offence has been committed by a corporate body and is proven to have been committed with the consent or connivance of or to be attributable to any neglect on the part of the person being a director, manager, secretary or other officer of the

⁷⁶ Section. 13X(2) of the Act.

⁷⁷ Section 13X(3) of the Act.

⁷⁸ The CRU can prosecute summary offences in accordance with section 6 of the Act. Section 5 of the Act deals with offences committed by bodies corporate.

corporate body, or a person who was purporting to act in any such capacity, that person, as well as the corporate body shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

13 CRU Reporting and Published Information

Under the Act the CRU has a function to provide safety information to the public when appropriate as well as providing for the provision of certain other information. This section sets out the CRU's policy for the:

- Content of the Annual Report to the Minister (section 13.1);
- Content of the Annual Report to the European Commission (section 13.2)
- Information the CRU will publish (section 13.3); and
- Publication of safety cases by Operators (section 14.4).

13.1 Annual Report to the Minister

The CRU will report annually to the Minister on the functioning of the Framework. The Annual Report to the Minister will include:

- Statistics on safety performance indicators both of a leading and lagging nature;
- Summaries of:
 - Incident statistics and outcomes of follow up investigations;
 - The outcome of the CRU's compliance assurance activities, such as audit and inspection, along with follow up actions;
 - The CRU permissioning activities; and
 - Enforcement actions carried out by CRU.
- An analysis and assessment of trends in safety performance and a comparison of the safety performance of the Irish petroleum industry with similar industries in other countries.

The Annual Report to the Minister will be published and made available on the CRU's website.

13.2 Annual Report to the European Commission

The CRU will report annually to the European Commission on the offshore petroleum industry. The Annual Report to the European Commission will include:

- The number, age and location of installations;
- The number and type of inspections and investigations carried out, and any enforcement actions or convictions;
- Incident data offshore;
- Any major change in the Framework applying offshore; and
- The performance of Operators and Owners offshore in relation to prevention of major accidents and the limiting of consequences of major accidents that do occur.

The Annual Report to the European Commission will be published and made available on the CRU's website.

13.3 Information the CRU will Publish

The CRU will make the following publicly available:

- The Framework itself and any amendments to it⁷⁹ including the:
 - Safety Case Guidelines;⁸⁰ and
 - Other documents listed in listed in section 0.
- Details of the methodology of fee determination to assess safety cases;⁸¹
- Ministerial directions issued to the CRU;⁸²
- A list of safety cases or notices that have been accepted, or safety cases for which an Acknowledgement of Compliance has been issued; and
- Safety Permits issued.

The CRU will make the following documents publicly available to the extent possible and permitted by law:

- Any enforcement notices issued (including improvement notices and prohibition notices, emergency directions or notices of immediate suspension of petroleum activities);
- Incident investigation reports issued to the Minister; and
- Agreements with other statutory authorities (see section 11), where approval for such publication has been given by the relevant statutory authority.

13.4 Public Availability of safety cases

Under section 13AC(1) of the Act, an Operator is required to make available a copy of its accepted safety case to any member of the public who requests it. Under section 13AC(2), this obligation does not extend to any content of an accepted safety case that relates to the following matters (termed Exclusion Criteria):

- Industrial confidentiality;
- Commercial confidentiality;
- Personal confidentiality;
- Public security; or
- National defence.

However, under section 13AC(3) of the Act written consent must be granted by the CRU before removal of such information.⁸³ Such a version of the safety case is termed the public version of the safety case.

This section of the Framework sets out the following:

- (a) The consent process for the exclusion of information from an accepted safety case (section 13.4.1);
- (b) Guidance on the application of the exclusion criteria (section 13.4.2); and
- (c) A direction by the CRU under section 13AC(4)(b) of the Act in relation to the reasonableness of the fee charged by an Operator to a requestor of the safety case under section 13AC(4)(a) of the Act (section 13.4.3).

⁷⁹ Section 13I(8)(a) and (b) of the Act.

⁸⁰ Section 13L(7) of the Act.

⁸¹ Section 13R(3) of the Act.

⁸² Section 13J(3) of the Act. Ministerial directions must be published in *Iris Oifigiúil* as soon as is practicable after they are given. In the interests of transparency, the CRU will also publish these on its website.

⁸³ Section 13AC(3) of the Act.

Safety cases may contain references to separate documents, for example, policies and procedures, without attaching these documents to the safety case. For the purposes of providing a public version of an accepted safety case, the Operator is required to provide only the safety case accepted by the CRU. Operators are not required to publish referenced documents, regardless of whether the CRU requested to review them during the safety case assessment.

13.4.1 CRU Consent Procedure for Public Version of Accepted safety case

The following procedure should be followed to obtain CRU consent to exclude certain information from the public version of its accepted safety case:

1. Within four weeks of a request being made by a member of the public for a copy of the accepted safety case, the Operator, should it believe any of the exclusion criteria apply, shall submit the following to the CRU:
 - a. The exact content which the Operator proposes to exclude from the public version of its accepted safety case;
 - b. The exclusion criteria on which it proposes excluding this information; and
 - c. A detailed explanation as to why the information falls under section 13AC(2).
2. For each proposed exclusion, the CRU will provide either written consent or refusal of consent with reasons.
3. If the Operator disagrees with the CRU's refusal of the exclusion of certain information, it may make submissions to the CRU outlining its concern(s) within two weeks of receiving the CRU's refusal or part refusal.
4. The CRU will consider the Operator's submission and will revoke, amend or confirm its original decision. The CRU will provide an outline of the reasons for its decision if the refusal to consent, or part of it, stands. Following the CRU's decision and the fee from the requester, the Operator will, as soon as possible, provide the public version of the accepted safety case to the requester.

This procedure shall be followed the first time the Operator receives a request for the safety case from a member of the public. The version of the safety case accepted by the CRU under this procedure will be considered the public version of the accepted safety case for all subsequent requests.

13.4.2 Guidance on the Application of the Exclusion Criteria

When considering a request to exclude content that relates to the exclusion criteria, the CRU will always be mindful of the public interest. The CRU will always balance the importance the legislature has placed on public access with protecting legitimate industrial and commercial confidentiality or personal privacy and ensuring security and defence are not compromised, which are in the interest of both the public and the Operator. That being said, the following sections set out the CRU guidance on each of the exclusion criteria.

13.4.2.1 Industrial and Commercial Confidentiality

For the purposes of reviewing whether to approve the exclusion of information from an aspect of an accepted safety case for the purposes of publication, industrial confidentiality and commercial confidentiality will be taken as interchangeable terms.

The CRU may approve the exemption of certain information from disclosure under section 13AC(2) if that information contains:

- (a) A trade secret;
- (b) Financial, commercial, scientific, technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation; or
- (c) Information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.

In determining whether information constitutes a trade secret in the application of paragraph (a) above, the following criteria may be considered by the CRU:

1. Extent to which the information is known outside the business;
2. Extent to which the information is known to employees and others involved in the business;
3. Protective measures taken to guard the secrecy of the information;
4. Value of the information to the Owners and the Owner's competitors;
5. Amount of money or effort expended by the Owner to develop the information;
6. Ease or difficulty with which the information could be properly acquired or duplicated by others.

In applying paragraph (b) above, the phrase financial, commercial, scientific, technical or other information shall be interpreted broadly by the CRU to relate to all information relevant to the business. The type of information shall not in itself be determinative of whether or not this criteria applies. The test shall be whether disclosure of that information (whether financial, commercial, scientific, technical or other) could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates or could prejudice the competitive position of that person in the conduct of their profession or business or otherwise in their occupation.

13.4.2.2 Personal Confidentiality

The CRU may approve the exemption of certain information from disclosure under section 13AC(2) if that information contains personal information. For the purposes of this exclusion criterion, personal information means information about an identifiable individual that:

- (a) Would in the ordinary course of events, be known only to the individual or members of the family, or friends, of the individual; or
- (b) Is held by the Operator on the understanding that it would be treated as confidential.

13.4.2.3 Public Security

The CRU may approve the exemption of certain information from disclosure under section 13AC(2) if the information could reasonably be expected to:

- (a) Prejudice or impair lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property;

- (b) Prejudice or impair the security of a building or other structure or a vehicle, ship, boat or aircraft;
- (c) Endanger the life or safety of any person;
- (d) facilitate the commission of an offence; or
- (e) In any other way not covered by (a)–(d) above, prejudice public security.

13.4.2.4 National Defence

The CRU may approve the exemption of certain information from disclosure under section 13AC(2) if its publication could reasonably be expected to adversely affect the:

- (a) Security of the State;
- (b) Defence of the State; or
- (c) International relations of the State.

If an Operator requests the exclusion of certain information from publication on the grounds of national defence, then in considering these criteria the CRU must discuss the matter with the Minister for Defence and, if relevant, other ministers and other members of the Department of Defence.

13.4.3 Direction on the Fee for the Public Version of an Accepted Safety Case

Section 13AC(4)(a) entitles Operators to charge the person who requests the accepted safety case a fee in respect of making the copy available. The fee must not exceed an amount which is reasonable having regard to the cost of making it available.

Section 13AC(4)(b) allows the CRU to give the Operator a direction it considers appropriate in relation to what is a reasonable fee.

Once the accepted safety case is modified to reflect exclusions accepted by the CRU under section 13AC(3), this shall be considered the public version for all subsequent requests. Therefore, the majority of the work involved in preparing the public version of the safety case will only have to be done once. The CRU is of the view that it is not reasonable for one member of the public to be burdened with a higher fee than others to cover the cost of this exercise, simply because that person made the request first. However, there is no way to know how many requests there will be in the future and so realistically the actual cost of modifying the accepted safety case for publication cannot be split evenly between all requesters.

It must also be recognised that the principle underpinning the requirement to make available a public version of the accepted safety case is that that public access to this information is in the public interest and any fee charged should be nominal.

On the basis of the above, the CRU is of the view that a standard, nominal fee is appropriate. The CRU directs that an electronic copy of the public version of the accepted safety case should be provided to a member of the public free of charge. The CRU also directs that €100 is reasonable for a paper version, should it be requested, given the cost of production. Given the expense of producing a colour copy, should this be requested, the CRU directs that it is reasonable that the Operator recover the full cost from the requester. Should the requester complain to the Operator

that the price charged is unreasonable, then the Operator shall seek a direction from the CRU as to what constitutes a reasonable fee in the circumstances, and shall charge as per the CRU's direction.

14 Continuous Improvement

The performance and effectiveness of the Framework is subject to review and improvement by the CRU. Inputs to the continuous improvement process include, but are not limited to the following:

- Lessons learned by the CRU through experience of operating Petroleum Safety Framework.
- Information obtained through co-operation and co-ordination of regulatory activities with other statutory authorities;
- Lessons learned from petroleum incident investigations both nationally and internationally;
- The analysis and findings from the Annual Report to the Minister;
- Liaison and information sharing with the NSAI on standards development; and
- Lessons learned from other countries. The CRU proposes to carry out surveillance of the wider, international petroleum industry to ensure that it is aware of the latest developments in petroleum safety regulation. To this end, the CRU will maintain appropriate liaisons with international forums such as the North Sea Offshore Authorities Forum, the European Union Offshore Oil and Gas Authorities Group and the International Regulators' Forum.

In addition, continuous improvement will occur through:

- The CRU being proactive in dissemination of information on technological advances; and
- Continuous professional development of CRU petroleum safety staff in order to ensure the CRU is up to date with developing standards and technology.

The CRU will also give due consideration to all improvement suggestions raised by petroleum undertakings, Owners, Operators and members of the public.

Where it is determined that there may be benefit or a need to amend the Framework, and where appropriate for that component of the Framework, the CRU will publish proposed amendments for public consultation for a suitable period of time prior to making a final decision on any amendments. However, at a minimum, all documents forming part of the Framework will be reviewed every 5 years or where directed by the Minister.

15 Recovery of Costs

Paragraph 16 of Schedule 1 of the Act enables the CRU to impose an annual levy order on petroleum undertakings for the purposes of meeting its expenses. The *Petroleum Safety Levy Methodology* defines how this is done.

Section 13R of the Act enables the CRU to determine the fee to be paid by an Owner, or Operator relating to the consideration of a safety case or revised safety case. The basis on which the CRU structures such fees is set out in *Safety Case Fees Structure and Methodology Decision Paper*. This paper sets out the methodology used to determine the fees to accompany an application for the various types of safety case.