

15 December 2014

Note for Northern Ireland Readers

CONSULTATION ON THE IMPLEMENTATION OF DIRECTIVE 2013/30/EU ON THE SAFETY OF OFFSHORE OIL AND GAS OPERATIONS AND AMENDING DIRECTIVE 2004/35/EC, AND ON THE REVIEW OF OFFSHORE APPROVED CODES OF PRACTICE AND THE UPDATING OF ONSHORE UK OIL AND GAS SAFETY LEGISLATION TO COVER EMERGING ENERGY TECHNOLOGIES

Introduction

1. This note is intended to be read with the Great Britain (GB) consultation document (CD) on the implementation of Directive 2013/30/EU on the safety of offshore oil and gas operations and amending Directive 2004/35/EC, and on the review of offshore approved codes of practice.
2. The purpose of this note is to announce parallel proposals for Northern Ireland and enable Northern Ireland readers to set the GB proposals in the Northern Ireland context.

Background

3. Following the Deepwater Horizon incident in the Gulf of Mexico in April 2010, the European Commission (EC) expressed its initial views on the safety of offshore oil and gas operations in its communication "[Facing the challenge of the safety of offshore oil and gas activities](#)". The EC concluded that the existing divergent and fragmented regulatory framework applying to the safety of offshore oil and gas operations in Europe, along with current industry safety practices did not provide adequate assurance that risks from offshore accidents were minimised throughout the Union.
4. On 28th June 2013, the EC published the [Directive on the safety of offshore oil and gas operations](#). The objective of this Directive is to reduce as far as possible the occurrence of major accidents related to offshore oil and gas operations and to limit their consequences. The Department of Energy and Climate Change (DECC) and the Health and Safety Executive in GB (HSE) are jointly leading the transposition of the Directive as it contains requirements relating to licensing, environmental protection, emergency response and liability, in addition to safety. The Directive has to be implemented by 19th July 2015.
5. DECC and HSE have recently consulted on how best to implement the Directive and are proposing to introduce new regulations, or amend existing legislation, and to introduce new regulatory enforcement arrangements to transpose this Directive. In addition HSE are also consulting on the steps they are taking to update UK oil and gas health and safety legislation and relevant Approved Codes of Practice (ACoPs). The full CD can be found in the [HSE website](#) using

this link. The Great Britain consultation was broadly accepted and HSE and DECC are in discussion with industry on a multi operatorship model rather than the single operatorship model which was originally consulted on. The requirement for safety and environmental management systems is likely to be placed in the new Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2015. The International reporting requirement will be limited to licensees and operators registered in the UK. Although these issues may ultimately change the proposed regulations as consulted on, as stated in paragraph 6 below, Northern Ireland does not at present have any offshore oil and gas operations within its territorial seas so this will have no bearing on the final Regulations.

Northern Ireland Proposals

6. Although Northern Ireland has the equivalent offshore health and safety legislation to that referred to in the GB CD, there are not at present any offshore oil and gas operations within Northern Ireland territorial seas. Nevertheless in order for the UK to comply fully with the EU Directive Northern Ireland is required to introduce equivalent legislation. The Northern Ireland health and safety legislation in question is:-
 - the Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007 (S.R. 2007 No.247) which will be revoked and replaced with a new set of Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2015;
 - amendments to the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 345) and
 - amendments to the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 340).
 - The environmental legislation referred to in the GB CD applies to the UK as a whole and the responsibility for it lies with DECC.
7. In addition to the legislative changes above, Articles 8 and 9 of Directive 2013/30/EU (the Directive) require the UK to set up a Competent Authority (CA) by 19 July 2015 to oversee industry compliance with the Directive and to undertake certain related functions such as accepting and/or assessing reports and other required notifications. (see Chapter 1 page 15 of the GB CD). The intention is that DECC and HSE will work in a partnership CA to deliver the functions specified in the Directive. HSENI will sign a memorandum of understanding with DECC and HSE to allow the CA to act within Northern Ireland territorial seas.

Reading the CD

8. The comments and arguments in the CD can be applied directly to Northern Ireland. Where a legislative provision, document or institution does not apply, or have relevance, throughout the UK, there are corresponding Northern Ireland provisions, documents or institutions.

Equality impact assessment

9. The proposals have been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified. Annex 1 contains the screening document.

Regulatory impact assessment

10. The detailed GB Regulatory Impact Assessment relating to the proposed regulations is at Annex 6 (pages 184 – 280) of the GB CD. In GB, it is estimated that the preferred implementation approach would impose a ten year present value cost on society of between £75.5 million and £220 million, with the best estimate at around £143 million. All of this cost would be borne by industry, either directly or through cost recovery by the CA. Given that Northern Ireland does not have any offshore oil and gas operations within its territorial seas the cost of transposing this Directive would be negligible, with only minor administration costs.

Invitation to comment

11. The Health and Safety Executive for Northern Ireland would welcome your comments on all aspects of the proposals. Comments are particularly welcome on the conclusions of the equality impact assessment and regulatory impact assessment. Consultees should note that, because the Regulations are to implement a European Directive, the scope for change is extremely limited. Comments in whatever format you choose to use, should be sent to:

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So as to arrive no later than **noon on 6 February 2015**

DETI EQUALITY SCREENING FORM

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

- The Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007 (S.R. 2007 No.247) which will be revoked and replaced with a new set of Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2015;
- amendments to the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 345) and
- amendments to the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 340).

Is this an existing, revised or a new policy?

Revised

What is it trying to achieve? (intended aims/outcomes)

The main aims and objectives of the proposals are to transpose for Northern Ireland European Directive 2013/35/EC on the safety of offshore oil and gas operations and amending Directive 2004/35/EC.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

The Benefits from the policy will apply equally to S75 categories and to others affected by the policy.

Who initiated or wrote the policy?

European Directive 201330/EU provides for the policy changes to be made by Member States. HSENI is responsible for devising and delivering the proposals for the NI implementing legislation to DETI. If DETI accepts the proposals, it is responsible for enacting the legislation.

Who owns and who implements the policy?

HSENI

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they

financial

legislative

other, please specify _____

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

staff

service users

other public sector organisations

voluntary/community/trade unions

other, please specify – As Northern Ireland does not have any offshore oil and gas operations within its territorial seas there are no stakeholders impacted upon.

Other policies with a bearing on this policy

• what are they?

• who owns them?

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

| Section 75 category | Details of evidence/information |
|----------------------------|--|
| Religious belief | Although there is no available data the policy changes apply equally beneficially to all Section 75 categories and others. |
| Political opinion | As above. |
| Racial group | As above. |
| Age | As above. |
| Marital status | As above. |
| Sexual orientation | As above. |
| Men and women generally | As above. |
| Disability | As above. |
| Dependants | As above. |

| | |
|--|--|
| | |
|--|--|

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

| Section 75 category | Details of needs/experiences/priorities |
|----------------------------|--|
| Religious belief | Although there is no available data the policy changes apply equally beneficially to all Section 75 categories and others. |
| Political opinion | As above. |
| Racial group | As above. |
| Age | As above. |
| Marital status | As above. |
| Sexual orientation | As above. |
| Men and women generally | As above. |
| Disability | As above. |
| Dependants | As above. |

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 detailed below.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions detailed below and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

| 1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none | | |
|--|---|--|
| Section 75 Category | Details of policy impact | Level of impact? minor/major/none |
| Religious belief | The introduction of legislation to comply with the European Directive should reduce as far as possible the occurrence of major accidents related to offshore oil and gas operations and limit their consequences. | None. The policy has no bearing on equality of opportunity |
| Political opinion | As above | As above |
| Racial group | As above | As above |
| Age | As above | As above |
| Marital status | As above | As above |
| Sexual orientation | As above | As above |
| Men and women generally | As above | As above |
| Disability | As above | As above |
| Dependants | As above | As above |

2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

| Section 75 category | If Yes , provide details | If No , provide reasons |
|---------------------|---|--|
| Religious belief | The introduction of legislation to comply with the European Directive should reduce as far as possible the occurrence of major accidents related to offshore oil and gas operations and limit their consequences. | The policy will apply equally beneficially to all of the Section 75 Groups and to other groups and has no relevance to the promotion of equality of opportunity. |
| Political opinion | | As above |
| Racial group | | As above |
| Age | | As above |

| | | |
|-------------------------|--|----------|
| Marital status | | As above |
| Sexual orientation | | As above |
| Men and women generally | | As above |
| Disability | | As above |
| Dependants | | As above |

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

| Section 75 category | Details of policy impact | Level of impact minor/major/none |
|---------------------|---|--|
| Religious belief | The introduction of legislation to comply with the European Directive should reduce as far as possible the occurrence of major accidents related to offshore oil and gas operations and limit their consequences. | None. The policy has no bearing on good relations between the relevant people / groups. |
| Political opinion | As above | As above |
| Racial group | As above | As above |

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

| Good relations category | If Yes , provide details | If No , provide reasons |
|-------------------------|---|---|
| Religious belief | The introduction of legislation to comply with the European Directive should reduce as far as possible the occurrence of major accidents related to offshore oil and gas operations and limit their consequences. | The policy will apply equally beneficially to all of the Section 75 Groups and to other groups and has no relevance to the promotion of good relations. |
| Political opinion | | As above |

| | | |
|--------------|--|----------|
| | | |
| Racial group | | As above |

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Although there is no available data the policy will apply equally to all of the Section 75 Groups and adverse impact on people with multiple identities is not anticipated.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The provisions of the proposed regulations will apply universally and would be expected to benefit, rather than adversely impact, all of the Section 75 groups equally and to the same extent as other groups.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced.

The provisions of the proposed regulations will apply universally and would be expected to benefit, rather than adversely impact, all of the Section 75 groups equally. There are therefore no grounds for mitigation or alternative policies.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

All public authorities' equality schemes must state the authority's


arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

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Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

| Priority criterion | Rating (1-3) |
|--|-------------------------|
| Effect on equality of opportunity and good relations | |
| Social need | |
| Effect on people's daily lives | |
| Relevance to a public authority's functions | |

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5. Disability Duties

Under the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (Northern Ireland) Order 2006), public authorities, when exercising their functions, are required to have due regard to the need:

- **to promote positive attitudes towards disabled people; and**
- **to encourage participation by disabled people in public life.**

5. Does this policy/legislation have any potential to contribute towards promoting positive attitudes towards disabled people or towards encouraging participation by disabled people in public life? If yes, please give brief details.
