1.0 The Competent Authority Arrangements in UK

1.1 Article 8 of Directive 2013/30/EU, the Offshore Safety Directive (the Directive), requires the appointment of a Competent Authority responsible for regulating offshore major hazards.

1.2 In Great Britain, the Competent Authority is fulfilled by a partnership between the Health and Safety Executive (HSE) and the Department of Energy and Climate Change (DECC).

1.1 A separate legislative regime applies in Northern Ireland, where the CA is DECC and the Health and Safety Executive Northern Ireland (HSENI). HSENI and HSE are separate regulatory bodies. It is agreed that, for relevant activities in the NI territorial sea, HSE will provide operational support to HSENI. For practical purposes the DECC HSE partnership provides resource to enable the respective CAs in Great Britain and Northern Ireland to deliver the Directive's CA requirements across the UK.

1.2 The partnership formed by DECC and HSE for this purpose is named the Offshore Safety Directive Regulator (OSDR). The scope of the partnership's responsibilities is documented in a Memorandum of Understanding (MOU) agreed between the organisations. HSE (or HSENI supported by HSE) regulates health and safety components of the Directive and the DECC regulates the environmental matters.

1.3 DECC and HSE collaborate with the Maritime and Coastguard Agency, which contributes within the CA in respect of its functions associated with offshore major hazard emergency response.

2.0 Senior Oversight Board – Role, Responsibilities and Functions

Senior Civil Servants direct and maintain an overview of the performance of the Competent Authority. The forum for this is called the Senior Oversight Board. The role, responsibilities and functions of the Board are defined by these Articles and the Memorandum of Understanding between DECC and HSE.

2.1 The Senior Oversight Board is accountable at all times to parent government organisations and oil and gas industry stakeholders for:

a) Periodically reviewing the effectiveness of the arrangements to implement the Directive, including the activities of the OSDR partnership Competent Authority pursuant to Article 8(9) of the Directive.

b) Allocating appropriate resource to enable effective functioning of the Competent Authority pursuant to Article 8(5) of the Directive; and enabling proper independence between it and bodies regulating UK offshore oil and gas economic development, licensing and collection of revenues pursuant to Articles 8(2) and (3) of the Directive;

c) Taking decisions to resolve or avoid any problems which arise or are foreseen, including dealing with relevant appeals.

d) Considering matters of common interest to the OSDR partners, and particularly those raised by the Operational Management Team (refer to Article 3.0 of this document).

e) Agreeing such changes as are decided necessary to the Memorandum of Understanding and these Articles.

3.0 Operational Management Team - Role, Responsibilities and Functions

3.1 The Operational Management Team is the principal body to which the Senior Oversight Board delegates the day-to-day management of OSDR business and other cooperation under the Memorandum of Understanding. The Operational Management Team is the focal
point for the OSDR partnership and has general responsibility for the management of its operations.

3.2 The Operational Management Team’s responsibilities and functions, in regard to delivering ongoing compliance with requirements in the Directive, the Memorandum of Understanding and the operation of the OSDR partnership, are to implement and periodically review:

a) An OSDR strategy, pursuant to Article 9 of the Directive

b) The OSDR partnership's duties, organisation, priorities; and the principles of targeting and allocating its resources;

c) The Competent Authority's arrangements for ensuring that installation operators and owners comply with safety cases and plans referred to in notifications of wells and combined operations pursuant to Article 21 of the Directive;

d) The arrangements for ensuring transparency in respect of OSDR's operations and discharging the partnership's joint statutory duties and functions.

e) Principles of proportionality, targeting, consistency, transparency and accountability in discharging the OSDR partnership’s statutory functions; and arrangements for taking appropriate, timely action to deal with relevant concerns or appeals.

f) The adequacy of the OSDR partnership’s available human and financial resource and the efficiency of their deployment for the Competent Authority to remain capable of carrying out its duties effectively and in proportion to the extent of UK offshore oil and gas operations, pursuant to Article 8(5) of the Directive;

g) The Competent Authority’s independence from the economic development and licensing of, and the collection and management of revenues from, the UK’s natural offshore oil and gas resources and operations, pursuant to Articles 8(2) and (3) of the Directive;

h) Mechanisms for participation in tripartite consultation between the competent authority, offshore installation operators and owners, and worker representatives for major accident prevention and control, pursuant to Article 8(8) of the Directive.

i) The effectiveness of the OSDR partnership’s arrangements to exchange knowledge, information and experience with other competent authorities, inter alia, through the European Offshore Authorities Group pursuant to Article 27 of the Directive; and for advising other authorities, including the UK’s Oil and Gas Authority, pursuant to Article 8(1)(c) of the Directive.

j) OSDR's arrangements for taking account of and assessing the relevancy of information received from the EU Offshore Authorities Group (EUOAG), International Regulators Forum (IRF), North Sea Offshore Authorities Forum (NSOAF) and International Offshore Petroleum Environment Regulators (IOPER);

k) The effectiveness of the operation of the OSDR partnership and the wider partnership working between DECC and HSE, and with other organisations;

l) The Memorandum of Understanding and these Articles, and to make proposals to the Senior Oversight Board for such changes to it as are decided necessary, subject to legal advice if appropriate;

m) Arrangements, within available resources, for identifying, evaluating and appropriately managing relevant matters of common interest and mutually owned or affecting risks, and taking decisions to resolve or avoid any problems which arise or are foreseen.
4.0 Decision-making by the Operational Management Team and Senior Oversight Board

4.1 Decisions require agreement by consensus.

4.2 Failure to reach a consensus decision could arise for reasons including, inter alia, differences of professional opinion. If the Operational Management Team or Senior Oversight Board cannot reach a consensus decision, or cannot resolve an appeal concerning an earlier decision, the matters will be referred:

a) by the Operational Management Team to the Senior Oversight Board, to be resolved by it and, where it cannot be resolved by the Senior Oversight Board;

b) by the Senior Oversight Board to HSE’s Chief Executive and DECC’s Director General for Markets and Infrastructure Group, to be resolved by them.

4.3 The Operational Management Team and the Board should provide, either proactively or on request, reasons for decisions taken; for example which have significant impacts on other regulatory bodies and oil and gas industry stakeholders, or are contrary to advice and representation it seeks and receives from them.

5.0 Delegation

5.1 To assist the Board to discharge its responsibilities it may delegate tasks to such an extent and on such terms and conditions as it decides fit. Delegation by the Board will normally be to the OSDR Operational Management Team.

5.2 Any delegation by the Operational Management Team will normally be to such individuals or Operational Working Groups as it decides are required to assist it to effectively conduct its business. Operational Working Groups will normally comprise DECC and HSE staff drawn from operational and support posts. For example, a Working Group was tasked to operationally implement the OSDR partnership, define its business processes and prepare the UK industry for regulatory transition by the date for compliance.

5.3 Those to whom the Operational Management Team or the Board delegates any responsibilities must follow procedures or terms of reference, which are based as far as they are applicable on the provisions of these Articles and the Memorandum of Understanding. The Board and Operational Management Team may revoke any delegation they make in whole or part, or alter its terms and conditions.

6.0 Senior Oversight Board and Operational Management Team - Composition

6.1 The Senior Oversight Board is to consist of:

Director of Regulation HSE Co chair
Director of Energy Development Unit DECC Co chair
Director of Maritime Operations MCA
Head of Energy Division HSE
Head of Oil & Gas Environment & Decommissioning DECC

6.2 The Operational Management Team comprises the relevant Head of Energy Division for HSE and the Head of OGED for DECC (or their delegates) and such other staff these representatives decide from time-to-time are required to assist them.
6.3 The Board and the Operational Management Team can invite participation and presentation during meetings by such persons as are agreed by them as necessary. Such persons may not take decisions.

7.0 Meetings

7.1 The Operational Management Team will meet as often as its business requires is appropriate but, in any case, at least on a quarterly basis.

7.2 The Board will meet by exception at any time it considers necessary to discuss the business of the OSDR partnership and working of the DECC\HSE Memorandum of Understanding. Board meetings require a quorum of one third of the total number of members, with DECC and HSE both represented and at least one co-chair present.

7.3 Regardless of any requirement to meet, the Board will consider an annual report from the Operational Management Team on the functioning of the OSDR partnership.

7.4 DECC or HSE may give notice of a Board or Operational Management Team meeting. Notice of any meeting must indicate its proposed date, starting time, venue, agenda, proposed attendees; and how it is intended that those not be in the same place during the meeting will participate (e.g. video & teleconference arrangements).

7.5 Participation in a meeting, or part of a meeting, happens when the meeting has been called and takes place and attendees can each communicate any information or opinions they have on any particular item of the business of the meeting. Board or Operational Management Team meetings should be chaired alternately by DECC and HSE.

7.6 In the conduct of their business, the Operational Management Team and the Board must ensure they consider what other regulatory bodies and oil and gas industry stakeholders it needs to occasionally involve, communicate with, and consult. These may include, but are not restricted to: the Department for Transport (DFT), the Department for Environment, Food & Rural Affairs (DEFRA), the Civil Aviation Authority (CAA); the Health & Safety Executive for Northern Ireland (HSENI); The Oil and Gas Authority (OGA); oil and gas industry and workforce stakeholder representatives and the tri-partite body that is separately established as a requirement of the Directive.

8.0 Records of Meetings, Decision Recording; and Secretariat

8.1 Minutes will be taken to record Operational Management Team or Board meeting discussions and proceedings, with responsibility and timescales for actions identified where appropriate.

8.2 Decisions, and the reasons for decisions, should be identified and recorded in the minutes, with sufficient supporting information for later reference.

8.3 Meeting minutes and related records will be kept in accordance with DECC and HSE record retention policies.

8.4 A joint DECC/HSE secretariat will coordinate and share functions to support the Operational Management Team and the Board for the administration of its meetings and records.

9.0 Review and Amendment

DECC and HSE may at any time, and by agreement, review and amend these Articles and the working arrangements made under it.