

Title	Arrangements for Reporting of Offshore Incidents		
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1. Introduction

Changes are now in operation associated with the administrative arrangements for statutory reporting of incidents in relation to: an offshore workplace; a well (other than a well sunk for the purpose of the abstraction of water); an offshore pipeline or pipeline works and diving operations. The changes also affect voluntary reporting of information concerning releases of hydrocarbons in relation to an offshore workplace.

- 1.1 Following the Deepwater Horizon incident in the Gulf of Mexico in April 2010, the European Commission [EC] published Directive [2013/30/EU] on the Safety of Offshore Oil and Gas Operations [the Directive]. The Directive is implemented in the UK by the Offshore Installations (Offshore Safety Directive)(Safety Case etc) Regulations 2015 [SCR2015].
- 1.2 Associated with the Directive and SCR2015 is EU Commission Implementing Regulation No 1112/2014 [the Implementing Regulation]. This acts directly on EU member states and specifies a common reporting format for the sharing of information on major hazard indicators by operators and owners of offshore oil and gas installations.
- 1.3 Regulation 29 and 33 of SCR2015 and the Implementing Regulation require offshore installation owners and operators to notify and report certain events and potential events. Installation owners and operators must comply with the new EU reporting requirements on an installation-by-installation basis on the date a relevant installation transitions to the 2015 Safety Case Regulations.

- 1.4 Regulation 34 of SCR2015 requires a UK-registered company to report (only when requested by OSDR) the circumstances of any major accident in which it or its subsidiary has been involved when it is conducting offshore oil and gas operations as a licensee, operator or well operator outside the European Union.
- 1.5 Many of the EU reporting requirements are in addition to, or overlap with, existing incident reporting required under relevant UK law, for example: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR); Regulation 9 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996 (DCR) and Regulation 21B of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 (MAR).
- 1.6 To avoid duplication of reporting in relation of offshore events, and thus minimise the burden on industry, a single tool has been made available to use for reporting under the various relevant pieces of legislation. Additionally, this tool also covers the reporting of incidents associated with onshore borehole sites and all diving operations, and so replaces HSE forms OIR8, OIR9B and OIR12.
- 1.7 Owners and operators (Duty Holders) of offshore installations that transition to SCR2015 Regulations before 31 December 2016, and well operators associated with these installations are required to report now against the new arrangements. All other Duty Holders, Well Operators, Pipeline Operators and Diving Contractors will be notified when to begin using the new arrangements.

2.0 Incident Reporting Considerations

- 2.1 Details associated with the changes relating to these requirements can be found at <http://www.hse.gov.uk/osdr/reporting/incidents-to-osdr.htm>. This site also provides the means for access to the online reporting tool required for reporting of such incidents. The ROGI form should be submitted within the required time using the best information available at that time. If information is not available by the required time a partially completed form must be submitted and a final re-submitted once that information is available.
- 2.2 There are several aspects related to incident reporting arrangements which, if not followed, could lead to enforcement action.
- 2.3 Several regulations require that **the responsible person notifies OSDR (HSE/DECC) by the quickest practicable means**; for example in the event of any major injuries, fatal accidents and incidents with the potential to be, or escalate to, a major incident. In practice, **the quickest practicable means is to notify by phone**. Further details can be sourced within L154 Guidance :Offshore Installations (offshore Safety Directive)(Safety Case etc) Regulations 2015 – Guidance on Regulations.

- 2.4 There is a requirement to follow up a telephone notification with the respective Reporting of Oil and Gas Incidents Form (ROGI) within 10 working days. RIDDOR has been amended to align with the Implementing Regulation and has, for offshore activity, changed the reporting requirement to be within 10 working days. A working day means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of Great Britain).

3.0 Offshore Hydrocarbon Releases – Voluntary Reporting Scheme

- 3.1 As part of implementing Lord Cullen's recommendations after the Piper Alpha disaster, a voluntary reporting scheme has operated for many years to maintain and share data on HCRs. The data is administered by HSE.
- 3.2 Some of the voluntary reporting requirements for the reporting of data on hydrocarbon release are made mandatory by the Implementing Regulation. Other voluntary aspects remain unaltered. It is important to be aware of these changes. The relevant reporting procedure and the reporting form (ROGI) identifies within the form what is mandatory and what is voluntary.

4.0 Responsibility for Reporting - Subsea Wells

- 4.1 The Application Outside Great Britain Order defines an offshore installation. All wells connected to an offshore installation, including subsea wells are part of the installation. Dangerous occurrences at a well, including hydrocarbon releases from a subsea well connected to an installation, are therefore reportable incidents under the Implementing Regulation and RIDDOR.
- 4.2 Article 2(1) of the Implementing Regulation makes operators and owners of offshore oil and gas installations responsible for submitting reports. In the UK, a multi-operator model applies, which includes Well Operators. A well operation is at all times undertaken under the control of a well operator, and so the person responsible for reporting a dangerous occurrence at a well is the well operator rather than the installation operator if the two are different. This is consistent with the duty to report, which is imposed under RIDDOR Regulation 3

5.0 Responsibility for Reporting - Pipeline and Diving Operations

- 5.1 The operator of a pipeline has the duty to report incidents and dangerous occurrences in relation to that pipeline.
- 5.2 A diving contractor has the duty to report incidents and dangerous occurrences in relation to a diving project.

6.0 Responsibility for Reporting - Offshore Installations

- 6.1 The operator of an offshore production installation or the owner (the person controlling the operation) of an offshore non-production installation is the duty holder and must report a death or injury, regardless of the company that employs the worker. If the death or injury is to the employee of a contractor working on an offshore installation, the duty holder must make suitable enquiries in order to discharge their duty to report. The contractor must co-operate with these enquiries in line with the requirements of Regulation 8 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 and Regulation 11 of the Management of Health and Safety at Work Regulations 1999.
- 6.2 Offshore workers are commonly accommodated offshore in between their work shifts. RIDDOR Regulation 2(3) provides that injuries to workers while off-shift when offshore are reportable in the same way as injuries during work shifts. For the purposes of the Regulations a person at an offshore workplace is deemed to be at work at all times when the person is there in connection with his/her work.
- 6.3 In relation to an offshore installation, the owner or operator must also report a major accident, a dangerous occurrence; or danger to the installation.

7.0 Reporting Significant Increased Risk – Offshore Installations

- 7.1 Regulation 29 of SCR 2015 states: *“Where an activity carried out by a duty holder significantly increases the risk of a major accident the duty holder must take suitable measures to ensure that the risk is reduced as low as is reasonably practicable.”* It is recognised that full information regarding any event may not be available in the early stages; however the duty holder should not delay reporting such events.

8.0 Reports Relating to Representations by Offshore Safety Representatives

- 8.1 Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 at Reg 17(4) stipulates: *“Where two or more safety representatives consider there is an imminent risk of serious personal injury arising from an activity carried out on the installation–
(a) they shall make representations to the installation manager who shall prepare and send a report in writing on the matter to an inspector appointed under section 6(4) of the 1971 Act as soon as is reasonably practicable; and
(b) a safety representative may make a report in writing by the fastest practicable means to an inspector appointed under section 6(4) of the 1971 Act.*

9.0 Duty Not to Disturb the Site of an Incident – Offshore Installations

- 9.1 If there is a reportable incident offshore involving an injury or death under RIDDOR regulations 4,5, or 6, then Regulation 13 requires that the place where it happened must not be disturbed or anything at that place tampered with for three days after notification, or the place has been visited by an inspector if that is sooner. The exception to this is if it is necessary to do so to ensure the safety or integrity of the workplace or any person, plant vessel or well.
- 9.2 These arrangements are without prejudice to the requirements to report to the police where a death has occurred offshore and with the requirement that a body should not normally be moved without their consent.

10.0 Petroleum Operations Notices (PONs)

- 10.1 There are various PON reporting obligations, which all relate to legislation regulated by the Department of Energy and Climate Change. **All** PON incident reporting arrangements are unchanged (PON1, PON2 & PON10). However, there are circumstances in which PON reports and ROGI reports may both be necessary in parallel, including notification by the quickest practicable means.
- 10.2 These parallel reporting circumstances cannot be avoided in law. They relate to:
- Circumstances of a possible “major environmental incident” as defined in SCR2015, which results, or is likely to result, in significant adverse effects on the environment in accordance with the Environmental Liability Directive (ELD) 2004/35/EC. In this instance you would require to undertake the PON1 notification but also complete the relevant Part(s) within the ROGI form. Details associated with PON 1 notification can be found at (https://itportal.decc.gov.uk/eng/fox/live/PORTAL_LOGIN/login)
 - Dropped object reporting where the object has dropped into the sea and may impact other users of the sea. In this instance you would require to undertake the PON2 notification but also complete the relevant Part(s) within the ROGI form in relation to Dropped Objects (Part K). Details associated with PON 2 notification can be found at <https://www.gov.uk/guidance/oil-and-gas-petroleum-operations-notices>.
 - Reporting non-compliances with the Energy Act 2008, part 4a Consent to Locate, including the failure of aids to navigation where the Aids to Navigation may also be an SECE. In this instance you would require to undertake the PON10 notification should there be a non-compliance with the Consent to Locate and you may also need to complete the relevant Part(s) within the ROGI form in relation to Failure of a Safety & Environmental Critical Element (Part C). Details associated with PON 10 notification can be found at <https://www.gov.uk/guidance/oil-and-gas-petroleum-operations-notices>.

11.0 How to Notify and Report an Offshore Incident

11.1 Major injuries, fatal accidents and incidents with potential to be or escalate to major incident

- During Office Hours : HSE has an incident contact centre to offer a facility for such reporting. You can telephone : **0345 300 9923** (Monday to Friday - 08.30 to 17.00) or alternatively contact your HSE focal point inspector directly.
- Out of Office Hours : HSE has an out of office number, **0151 922 9235**, which automatically connects callers with an HSE Duty Officer. We would typically only expect you to make contact out of hours in the event of a Major Injury, Fatal Accident or incident with the potential to be a major incident. The Duty Officer will take some basic details but will then make contact with a Duty Inspector from the Energy Division (ED). An ED Inspector will call back to obtain further information, to make any necessary arrangements for an investigation, or to give permission for the site of the accident to be disturbed.
- Follow on : The extent of information required by the inspector in the above circumstances is unlikely to fulfil the full UK and EU incident reporting requirements. It does, however, mean that the 'forthwith' reporting requirement has been met. It will then be necessary for the responsible person to complete the ROGI online reporting form (see link on Bullet 2)

11.2 Non Major Accidents and dangerous occurrences

- Non major accidents and dangerous occurrences should be reported via the ROGI form. The over-seven-day incapacitation of a worker is still within the 15 day specification as detailed within RIDDOR (see link on Bullet 2)

12.0 Further Guidance

12.1 The following publications/guidance contain further information on the arrangements for reporting of Oil and Gas Incidents :

- [EU Commission Implementing Regulation No. 1112/2014](#) 
- [EU guidance document on Commission Implementing Regulation No. 1112](#)
- [Guidance on reporting offshore hydrocarbon releases](#) 
- <http://www.hse.gov.uk/riddor/index.htm>
- <http://www.legislation.gov.uk/ukxi/2013/1471/contents/made> (RIDDOR 2013)
- <http://www.legislation.gov.uk/ukxi/1989/971/regulation/17/made> (Safety Reps)
- <http://www.legislation.gov.uk/ukxi/2015/398/contents/made> (SCR2015)
- <http://www.legislation.gov.uk/all?title=safety%20case> (SCR2005)

Offshore Safety Directive Regulator



- 12.2 This guidance is issued by the Offshore Safety Directive Regulator (OSDR). Following the guidance is not compulsory and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance as illustrating good practice