

ANNEX III

Provisions relating to the appointment and functioning of the competent authority pursuant to Articles 8 and 9

1. PROVISIONS RELATING TO MEMBER STATES
 - (1) For the purposes of appointing a competent authority responsible for the duties set out in Article 8, Member States shall as a minimum undertake the following:
 - (a) make organisational arrangements which allow for the duties assigned to the competent authority in this Directive to be effectively discharged, including arrangements for regulating safety and environmental protection in an equitable manner;
 - (b) prepare a policy statement describing the aims of oversight and enforcement, and the obligations on the competent authority to achieve transparency, consistency, proportionality and objectivity in its regulation of offshore oil and gas operations.
 - (2) Member States shall make the necessary provisions to bring the arrangements in point 1 into effect, including:
 - (a) funding sufficient specialist expertise available internally or by formal agreements with third parties or both in order that the competent authority may inspect and investigate operations, take enforcement action, and to handle reports on major hazards and notifications;
 - (b) where there is reliance on external sources of expertise, funding the preparation of sufficient written guidance and oversight to maintain consistency of approach and to ensure the legally appointed competent authority retains full responsibility under this Directive;
 - (c) funding essential training, communication, access to technology, travel and subsistence of competent authority personnel for the carrying out of their duties, and to facilitate the active cooperation between competent authorities pursuant to Article 27;
 - (d) where appropriate, requiring operators or owners to reimburse the competent authority for the cost of carrying out its duties pursuant to this Directive;
 - (e) funding and encouraging research pursuant to the competent authority's duties under this Directive;
 - (f) providing funding for reports by the competent authority.
2. PROVISIONS RELATING TO THE FUNCTIONING OF THE COMPETENT AUTHORITY
 - (1) For the purposes of carrying out its duties pursuant to Article 9 effectively, the competent authority shall prepare:
 - (a) a written strategy that describes its duties, priorities for action i.e. in design and operation of installations, integrity management and in emergency preparedness and response, and how it is organised;
 - (b) operating procedures that describe how it will inspect and enforce the execution of the duties of operators and owners under this Directive, including how it will handle, assess and accept reports on major hazards, handle notifications of well operations and

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- how the intervals between inspection of major hazard risk control measures, including to the environment, for a given installation or activity are to be determined;
- (c) procedures for carrying out its duties without prejudice to other responsibilities, for example onshore oil and gas operations, and arrangements pursuant to Directive 92/91/EEC;
 - (d) where the competent authority is comprised of more than one body, a formal agreement establishing the necessary mechanisms for joint operation of the competent authority, including senior management oversight and monitoring and reviews, joint planning and inspection, division of responsibilities for handling reports on major hazards, joint investigation, internal communications, and reports to be published jointly externally.
- (2) The detailed procedures for assessment of reports on major hazards shall require all factual information and other particulars required under this Directive to be provided by the operator or the owner. As a minimum the competent authority shall ensure that the requirements for the following information are clearly specified in guidance to operators and owners:
- (a) all foreseeable hazards with the potential to cause a major accident, including to the environment, have been identified, their risks evaluated and measures identified, including emergency responses, to control the risks;
 - (b) the safety and environmental management system is adequately described to demonstrate compliance with this Directive;
 - (c) adequate arrangements have been described for independent verification, and for audit by the operator or owner.
- (3) In undertaking a thorough assessment of reports on major hazards, the competent authority shall ensure that:
- (a) all factual information required is provided;
 - (b) the operator or the owner has identified all reasonably foreseeable major accident hazards that apply to the installation and its functions, together with potential initiating events, and that the methodology and evaluation criteria adopted for major accident risk management are clearly explained, including factors for uncertainty in the analysis;
 - (c) the risk management have taken into consideration all relevant stages in the lifecycle of the installation and have anticipated all foreseeable situations including:
 - (i) how the design decisions described in the design notification have taken account of risk management so as to ensure inherent safety and environmental principles are incorporated;
 - (ii) how well operations are to be conducted from the installation when operating;
 - (iii) how well operations are to be undertaken and temporarily suspended before production is commenced from a production installation;
 - (iv) how combined operations are to be undertaken with other installation;
 - (v) how the decommissioning of the installation will be undertaken;

- (d) how risk reduction measures identified as part of the risk management are intended to be implemented if necessary to reduce risks to an acceptable level;
- (e) whether, in determining the necessary measures to achieve acceptable levels of risk, the operator or owner has clearly demonstrated how relevant good practice and judgment based on sound engineering, best management practice, and human and organisational factors principles have been taken into account;
- (f) whether the measures and arrangements for the detection of, and the rapid and effective response to, an emergency are clearly identified and justified;
- (g) how escape, evacuation and rescue arrangements and measures to limit escalation of an emergency and reduce its impact on the environment are integrated in a logical and systematic manner, taking account of the likely emergency conditions in which they will be operated;
- (h) how the requirements are incorporated in the internal emergency response plans and whether a copy or an adequate description of the internal emergency response plan has been submitted to the competent authority;
- (i) whether the safety and environmental management system described in the report on major hazards is adequate to ensure control of the major hazard risks at each stage of the installation lifecycle, and ensures compliance with all relevant legal provisions, and provides for auditing and implementing audit recommendations;
- (j) whether the scheme for independent verification is clearly explained.