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STATUTORY INSTRUMENTS

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**2018 No. 1370**

**The Health and Safety (Amendment)  
(EU Exit) Regulations 2018**

**PART 3**

**AMENDMENT OF RETAINED DIRECT EU LEGISLATION**

**Amendment of Commission Implementing Regulation (EU) No. 1112/2014**

**13.**—(1) Commission Implementing Regulation (EU) No. 1112/2014 determining a common format for sharing of information on major hazard indicators by the operators and owners of offshore oil and gas installations and a common format for the publication of the information on major hazard indicators by the Member States is amended as follows.

- (2) In Article 1 (subject matter and scope)—
- (a) in paragraph (a), for the words from “competent authorities” to the end of the paragraph substitute “ the competent authority in accordance with Annex AI ”;
  - (b) in paragraph (b), for the words from “by Member States” to the end of the paragraph substitute “ by the competent authority in accordance with Annex AI. ”.
- (3) After Article 1 insert—

*“Article 1A*

**Definitions**

**1A.** In this Regulation—

“RIDDOR” means—

- (a) in relation to Great Britain, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 <sup>M1</sup>;
- (b) in relation to Northern Ireland, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997 <sup>M2</sup>;

“SCR” means—

- (a) in relation to Great Britain, the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;
- (b) in relation to Northern Ireland, the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2016 <sup>M3</sup>;

“competent authority” means the Executive and the Secretary of State acting jointly;

“the Executive” means—

- (a) in relation to Great Britain, the Health and Safety Executive;

- (b) in relation to Northern Ireland, the Health and Safety Executive for Northern Ireland;  
“major accident”, “major environmental incident” and “operator” have the same meanings as in SCR.”.
- (4) In Article 2 (reporting reference and remittance dates), in paragraph 2, for “Article 24 of Directive 2013/30/EU” substitute “ Annex AI ”.
- (5) In Article 3 (details of information to be shared), for “point 2 of Annex IX of Directive 2013/30/EU” substitute “ point 1 of Annex AI ”.
- (6) Omit Article 4.
- (7) In the text following Article 4, omit “This Regulation shall be binding its entirety and directly applicable in all Member States.”
- (8) Before Annex I insert—

*“ANNEX AI*

*Sharing of information and transparency*

1. The information to be shared by the competent authority and operators and owners shall include information relating to—
  - (a) unintended release of oil, gas or other hazardous substances, whether or not ignited;
  - (b) loss of well control requiring actuation of well control equipment, or failure of a well barrier requiring its replacement or repair;
  - (c) failure of a safety and environmental critical element;
  - (d) significant loss of structural integrity, or loss of protection against the effects of fire or explosion, or loss of station keeping in relation to a mobile installation;
  - (e) vessels on collision course and actual vessel collisions with an offshore installation;
  - (f) helicopter accidents, on or near offshore installations;
  - (g) any fatal accident;
  - (h) any serious injuries to 5 or more persons in the same accident;
  - (i) any evacuation of personnel;
  - (j) a major environmental incident.
  
2. The annual report prepared by the competent authority shall contain as a minimum the following information—
  - (a) the number, age and location of installations;
  - (b) the number and type of inspections and investigations carried out, any enforcement actions or convictions;
  - (c) incident data pursuant to the common reporting system required in this Regulation;
  - (d) the performance of offshore oil and gas operations in relation to prevention of major accidents and the limiting of consequences of major accidents that do occur.
  
3. The information referred to in point 1 shall consist of both factual information and analytical data regarding oil and gas operations, and shall be unambiguous. The information

and data provided shall be such that the performance of individual operators and owners in the United Kingdom can be compared within the United Kingdom and the performance of the industry as a whole can be compared between the United Kingdom on the one hand and Member States of the European Union on the other.

4. The information collected and assembled referred to in point 1 shall enable the competent authority to provide advanced warning of potential deterioration of safety and environmentally critical barriers, and shall enable the competent authority to take preventive action. The information shall also demonstrate the overall effectiveness of measures and controls implemented by individual operators and owners, and industry as a whole, in particular to prevent major accidents and to minimise risks for the environment.”.

(9) In Annex I (Common data reporting format for incidents and major accidents in the offshore oil and gas industry) —

- (a) immediately after the heading of the Annex omit—
  - (i) “(As required by Article 23 of Directive 2013/30/EU)”;
  - (ii) the heading “General remarks on the details of information to be shared”; and
  - (iii) paragraphs (a) to (c) immediately following;
- (b) in the option headed “Event categorisation”—
  - (i) for the heading substitute “ Event categorisation according to Annex AI ”;
  - (ii) in the option headed “What type of event is being reported?”—
    - (aa) in both options G and H, for “Directive 92/91/EEC” substitute “ RIDDOR ”;
    - (bb) in option J, for “Article 2.1.d and Article 2.37 of Directive 2013/30/EU” substitute “ SCR ”;
- (c) in the part headed “Remarks” —
  - (i) in the first paragraph, for the words from “the Member State” to the end of that paragraph substitute “ the competent authority shall initiate a thorough investigation ”;
  - (ii) in the second paragraph, for “Directive 92/91/EEC” substitute “ RIDDOR ”;
  - (iii) omit the third paragraph;
  - (iv) in the fourth paragraph, for “Member States” substitute “ the ”.

(10) In section F, for “If a helicopter accident occurs in relation to Directive 2013/30/EU,” substitute “ If there is a collision or potential collision between a helicopter and an offshore installation, ”.

(11) For “Sections G and H shall be reported under the requirements of Directive 92/91/EEC” substitute “ Sections G and H shall be reported under the requirements of RIDDOR ”.

(12) In Annex II (Common publication format)—

- (a) immediately after the heading to the Annex omit “(As required by Article 24 of Directive 2013/30/EU)”;
- (b) for Section 1 Profile substitute—

SECTION 1 PROFILE

Information on Reporting Authority

(a) Reporting Period (calendar year).....

(b) Designated Reporting Authority.....

(c) Contact details

Telephone number.....

E-mail address.....

(c) in Section 3 (regulatory functions and framework), for section 3.2 substitute—

Investigations

Number and type of investigations performed during the reporting period—

(a) Major Accidents.....

(b) Safety and environmental concerns reported under SCR .....

- (d) in section 3.3, omit “pursuant to Article 18 of Directive 2013/30/EU”;
- (e) in sections 4.1 and 4.2, for “Annex IX”, in each place where it occurs, substitute “ Annex AI ”;
- (f) in section 4.3, for “92/91/EEC” substitute “ RIDDOR ”.

**Commencement Information**

**I1** [Reg. 13](#) in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**Marginal Citations**

**M1** [S.I. 2013/1471](#).

**M2** [S.R. 1997/455](#).

**M3** [S.R. 2016/406](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Health and Safety (Amendment) (EU Exit) Regulations 2018, PART 3.