



Staatstoezicht op de Mijnen
*Ministerie van Economische Zaken
en Klimaat*

EU commission workshop

Dutch view on topics

19-09-2018



Topics to discuss

1. Changes before versus after
2. Overarching responsibility of operator
3. SodM as unitary Authority
4. Independent verification
5. Protection of whistleblowers
6. EU reporting system for incidents
7. Cyber security
8. MODU's with an accepted RoMH



Introduction



Changes before versus after

- ❑ more detailed view of risks and risk management (technical & organisational measures);
- ❑ more detailed overview SECE's and their acceptance criteria;
- ❑ The RoMH's form a good instrument for carrying out inspections;
- ❑ During the review process of RoMH's, the following issues/shortcomings were identified:
 - Discussions with operators on the implementation of the ALARP principle;
 - Issues concerning the description of the schemes for independent verification;
 - Issues concerning the QRA and acceptance criteria with some operators;
 - Limited workforce involvement when drafting the RoMH.



Changes before versus after

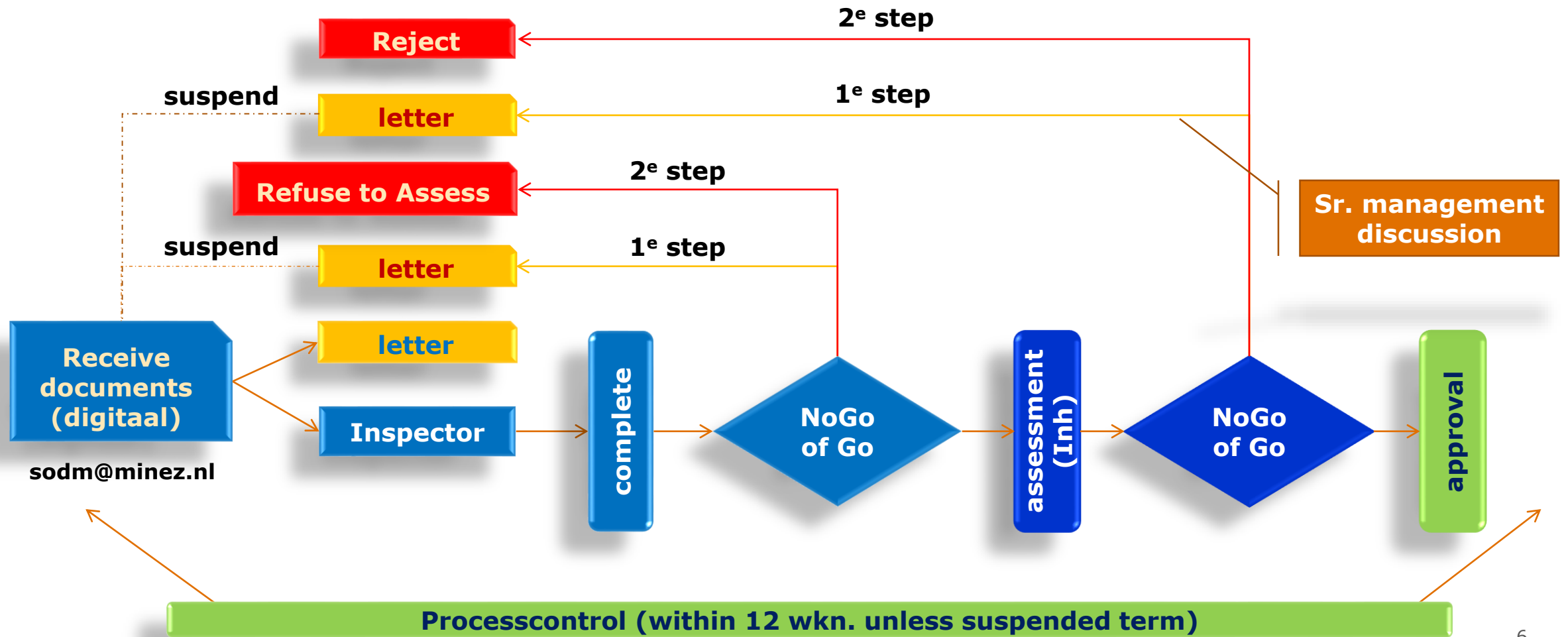
- ❑ The review, assessment and acceptance of the RoMH's (125 documents) was a considerable strain on the SSM organisation;

- ❑ Frequent discussions with industry:
 - on the required content of the RoMH;
 - the assessment process and
 - criteria that SSM would implement.

- ❑ The assumption that SSM would assess the submitted RoMH's with a number of iterations;
 - the legal framework does not allow iterations in the assessment process but max two stages (check on completeness and assessment of contents) -> see following slide
 - Leading to aversion by operators to be one of the first to submit their RoMH.



Legal framework for assessment





Changes before versus after

- ❑ The first documents were submitted during Q3 of 2017, with a 'bow wave' of RoMH's being submitted during Q1 and Q2 of 2018;
- ❑ Field inspections had to be reduced considerably;
- ❑ Additional experts and support staff were contracted-in for the review process.



Overarching responsibility of operator

- ❑ has in fact been strengthened (Article 2, item 8 of the OSD);
 - Operators implement the most effective risk management principles;
 - demonstration of the ALARP principle in the RoMH.

- ❑ Legal framework also include requirements for employers, to protect their workers from harm of serious injuries (operators & owners):
 - Injuries to one worker or just a few is not within definition of a Major Accident.



SodM as unitary Authority

- a **great** benefit during the review and acceptance process:
 - avoided sharing review (and acceptance) between organisations.



Independent verification (IV)

- ❑ A new legal requirement for NL;
- ❑ Proved to be challenging for operators and owners of land based drilling rigs;
 - owners of offshore drilling rigs were already more familiar;
- ❑ Schemes for IV were not in accordance with the requirements in the OSD, initially preventing acceptance of the RoMH's:
 - External IV not sufficiently independent;
 - Scheme for internal IV -> assurance instead of IV;
 - Insufficient review by the IV;
 - Tasks of the IV not sufficiently specified.



Independent verification (IV)

- ❑ Intervention SSM:
 - Senior management was invited;
 - Operators changed IV -> only one operator successful in arrangement for internal IV!

- ❑ The implementation of the IV be a priority topic for SSM during (field) inspections in the coming months.



Protection of whistleblowers

- ❑ A legal framework & national organisation already exists in NL, aiming to protect 'whistle-blowers':
 - whistle-blowers can turn to this organisation for advice and support;
 - for all companies in NL;
 - requires companies to draft their own guidelines:
 - presence of such a guideline was a specific review item in RoMH's.

- ❑ SSM has procedures in place for dealing with reports or complaints of whistle-blowers or in general workers in the oil and gas industry:
 - SSM will not reveal the identity of a whistle-blowers when investigating a complaint;
 - Including secure and confidential archiving.



EU reporting system for incidents

- ❑ SSM has no comments or suggestions for the EU-wide reporting system (web portal);
- ❑ A common reporting format of incidents
 - is beneficial for analysing and comparing incidents across the industry;
 - further professionalization of SSM analysis is necessary.



Cyber security

- ❑ NL is currently implementing Directive (EU) 2016/1148 of 6 July 2016:
 - companies/industries can be appointed as critical services for society (deadline 09/11/2018);
 - Indication: oil and gas industry/companies in NL will not be appointed as critical services under this legislation.
 - SSM has approached industry (branch organisation NOGEPA) to establish an industry-wide working group on cybersecurity;
 - SSM will conduct a pilot project/review together with the appointed competent authority in NL for cybersecurity.



MODU's with an accepted RoMH

- ❑ In general: SSM supports the philosophy for free movement of MODU's with an accepted RoMH. However we're currently not in that position, because there some concerns to deal with:
 - Country specific requirements lead to possible gaps;
 - GAP analyses -> through a EU Portal or
 - a limited assessment of the RoMH, confirming that national requirements additional to the OSD are implemented/included in the RoMH.



Questions?