

**Memorandum of Understanding
between the
Commission for Regulation of Utilities
and the
Environmental Protection Agency**

May 2025

1. Objective and Scope of the Memorandum of Understanding

The objective of this Memorandum of Understanding ('MoU') between the Commission for Regulation of Utilities ('CRU') and the Environmental Protection Agency ('EPA') is to facilitate co-operation and mutual assistance between the CRU and the EPA (the 'Bodies') in the discharge of their respective statutory responsibilities in order to:

- Enhance the actions of both Bodies.
- Avoid unnecessary duplication of effort.
- Avoid the imposition of unnecessary regulatory burden.
- Best promote the interests of customers of Uisce Éireann and the efficient provision of water and wastewater services¹.
- Ensure, as far as practicable, consistency between decisions made or measures taken by the CRU and the EPA in relation to water and waste-water services.

Notwithstanding a commitment to co-operate generally, the specific focus of this MoU relates to co-operation and co-ordination of the regulation of the following:

- Public water and wastewater services.
- Electricity generating stations (combustion of fuels and waste incineration).
- Designated petroleum activities, petroleum undertakings, owners, operators or contractors².
- Practices involving radioactive substances, irradiating apparatus or other sources of ionising radiation.

¹ As set out in the Water Services Act 2007, 'water services' here refers to both drinking water and wastewater services.

² As defined in section 13A of the Electricity Regulation Act 1999 (as amended).

2. Statutory Responsibilities of EPA and CRU relevant to the scope of the MoU

a) EPA

The EPA is an independent public body established under the *Environmental Protection Agency Act 1992* as amended, with responsibility for the protection of the environment in Ireland. Its functions are mainly set out in the 1992 Act and the *Waste Management Act 1996* as amended, the *Waste Water Discharge (Authorisation) Regulations 2007* as amended, the *European Union (Drinking Water) Regulations 2023*, the *Radiological Protection Act 1991* as amended, the *Foreshore and Dumping at Sea (Amendment) Act 2009*, the *Water Environment (Abstractions and Associated Impoundments) Act 2022*, the *Water Environment (Abstractions and Associated Impoundments) Regulations 2024*³ and the *European Union (Resilience of Critical Entities) Regulations 2024*. Its mission statement is:

To protect, improve and restore our environment through regulation, scientific knowledge and working with others while living sustainably in a healthy environment that is valued and protected by all.

The EPA is specifically responsible for:

- Licensing.
- National environmental enforcement.
- Waste management and chemicals in the environment.
- Water management.
- Climate science and climate change.
- Environmental monitoring and assessment.
- Environmental research and development.
- Radiological protection.
- Critical Entities Resilience Directive in respect of the drinking water and waste water sectors.
- Guidance, awareness raising and accessible information.
- Partnership and networking.

The specific functions of the EPA which are particularly relevant to the scope of this MoU include:

- The licensing and enforcement of petroleum exploration, extraction activities and electricity generating stations.
- The licensing and enforcement of undertakings involving radioactive substances, irradiating apparatus and other sources of ionising radiation.
- The regulatory oversight of Uisce Eireann in the:
 - Provision of clean and wholesome drinking water.

³ S.I. No. 418/2024 Water Environment (Abstractions and Associated Impoundments) (Licensing Fees) Regulations 2024 and S.I. No. 419/2024 Water Environment (Abstractions and Associated Impoundments) Regulations 2024.

- Licensing and enforcement of Wastewater Discharge Authorisations (WWDA).
- Licensing and enforcement of Abstraction licences.
- Completion of leakage assessments.
- In their role as a critical entity under the European Union (Resilience of Critical Entities) Regulations 2024.

b) CRU Economic Regulation

The CRU was established in 1999 and its role and functions have been expanded over time by legislation including the *Electricity Regulation Act 1999*, the *Gas Act 1976*, the *Gas (Interim) Regulation Act 2002*, the *Energy (Miscellaneous Provisions) Acts 2006 and 2012*, the *Energy Act 2016*, the *Petroleum (Exploration and Extraction) Safety Act 2010*, the *Petroleum (Exploration and Extraction) Safety Act 2015*, the *Water Services (No 2) Act 2013*, the *Water Services Act 2014*, the *Water Services Act 2017*, *Water Services Act 2022* and related secondary legislation. The CRU's purpose is:

'To serve the public interest by enabling the provision of energy and water to Irish homes and businesses, while driving the transformation of the energy sector to net zero'.

The CRU is specifically responsible for:

- Regulation of electricity and gas undertakings.
- Regulation of Uisce Éireann.
- Safety regulation of upstream petroleum activities carried out by petroleum undertakings, operators and owners.
- Safety regulation of gas supply, transmission, distribution, storage and use of gas, and the registration of electrical contractors and gas installers.

The specific functions of the CRU which are particularly relevant to the scope of this MoU in relation to safety are:

- To regulate designated petroleum activities with respect to safety.
- To investigate and report to the Minister of Environment, Climate and Communications on petroleum incidents.
- To monitor and enforce compliance by petroleum undertakings, operators and owners with their obligations.
- To assess, and where relevant accept or reject, safety cases and notifications submitted by operators and owners.
- To issue safety permits.
- To provide safety information to the public when appropriate.
- To carry out its objectives as competent authority, including:
 - To cooperate with other competent authorities and contact points in other Member States.

- To jointly adopt measures with the competent authority of relevant Member States to prevent significant impact on the environment from potential major accident hazards.
- The establishment of mechanisms for the confidential reporting of safety and environmental concerns relating to a designated petroleum activity and the investigation of such reports.
- Reporting to the European Commission on any investigation of petroleum incidents which resulted in an offshore major accident⁴.
- Requesting a report from a petroleum undertaking, operator or owner on the circumstances of any major accident in which they or their subsidiaries have been involved outside the European Union.
- To regulate natural gas undertakings with respect to safety including:
 - The injection of renewable natural gas into the natural gas distribution and transmission system. Gas flaring activities, while not regulated by the CRU, can take place at these injection points, and
 - Demonstration of the management of gas quality risks in the undertakings' safety cases. A change to the natural gas quality specification would require a material change to the undertakings' safety case and can result in differing greenhouse gas emissions.

The specific functions of the CRU which are particularly relevant to the scope of this MoU in relation to water and wastewater services are:

- Review and approval of Uisce Éireann's Revenue Control (RC) and Capital Investment Plans (CIPs), in line with Government Water Services Policy Statement (WSPS) and government approved Strategic Funding Plan (SFP).
- To approve or refuse to approve a water charges plan of Uisce Éireann setting out charges to customers in relation to water and waste water services, taking account of the most recent Uisce Éireann Capital investment plan and the costs likely to be incurred by Uisce Éireann in the performance of its functions.
- To approve or refuse to approve an agreement in relation to water charges made by Uisce Éireann with a customer.
- To approve or refuse to approve a code of practice prepared by Uisce Éireann providing for the standards in relation to the performance by Uisce Éireann of its functions.
- To provide a dispute resolution service to customers of Uisce Éireann regarding unresolved complaints relating to Uisce Éireann.

⁴ Section 13A of the Act (as amended by the Act of 2015) defines major accident in relation to petroleum infrastructure or petroleum activities as ' (a) an event involving an explosion, fire, loss of well control, or release of oil, gas or dangerous substances involving, or with a significant potential to cause, fatalities or serious personal injury, (b) an event leading to serious damage of petroleum infrastructure involving, or with a significant potential to cause, fatalities or serious personal injury, (c) any other event leading to fatalities or serious injury to multiple persons, or (d) any major environmental incident resulting from incidents referred to in paragraphs (a), (b) and (c) and which relates to petroleum activities carried out offshore.

3. Areas for Co-operation and Co-ordination

The EPA and the CRU will co-operate and co-ordinate activities in relation to:

- The performance of their respective functions in so far as they relate to:
 - The provision of public water and wastewater services by Uisce Éireann.
 - The assessment of water leakage and the potential for improvements in water leakage reduction within their distribution network.
 - Findings from EPA/CRU water related audits.
 - Inform and support Ireland's transition to a climate resilient and low carbon economy including decarbonisation of Ireland's economy, energy system regulation, implementation of EU Emissions Trading System (ETS) and EU Carbon Border Adjustment Mechanism (CBAM) and compilation of greenhouse gas emission data.
 - The regulation of activities in the energy sector and the security of supply.
 - The coordination of actions relating to energy demand and the security of supply.
 - National energy security policy, such as *Energy Security in Ireland to 2030* and the *Policy Statement on Security of Electricity Supply*.
- Any facilities of a petroleum undertaking, owners, and operators or contractors that fall within the scope of Part IV of the *Environmental Protection Agency Act 1992 as amended*, including:
 - Onshore extraction facilities.
 - Onshore oil and gas refineries.
 - Electricity generating stations (combustion of fuels and waste incineration).
- Designated petroleum activities or contractors which are subject to Radiological Protection licences issued by the EPA.

In acknowledging each other's respective statutory responsibilities, functions and duties, both the CRU and the EPA will endeavour to liaise closely, and particularly in relation to the areas set out below.

a) Safety Case Assessment

The CRU will consult with the EPA as part of the assessment of safety cases and safety case revisions for designated petroleum activities where the facility is also subject to regulation by the EPA.

b) Audit and Inspections/Investigations

The CRU will inform the EPA of upcoming audits and inspections/investigations for petroleum undertakings and operators where the facility is also subject to regulation by the EPA.

In relation to designated petroleum activities or contractors which are subject to Radiological Protection licences issued by the EPA, inspections will be conducted by EPA.

Opportunities for the CRU to accompany the EPA on audits and inspections of Uisce Éireann drinking water and wastewater treatment plants, as well as offshore inspections, will be identified and availed of, where possible.

c) Communication

The CRU and the EPA agree to maintain a close relationship based on co-operation and consultation. Meetings between senior executives of the CRU and the EPA will be held four times a year. The meetings will be hosted and chaired in rotation by the CRU and the EPA. Operational meetings will be held between the CRU and the EPA twice yearly.

Where through the course of its compliance assurance activities, the CRU becomes aware of a matter which is relevant to the functions of the EPA, it will inform the EPA. Similarly, where the EPA becomes aware of a matter which is relevant to the functions of the CRU, it will inform the CRU.

d) Sharing of Information

Insofar as is possible, and only where it is relevant, the CRU and EPA will share information relating to their respective responsibilities. This will include information regarding Uisce Éireann's performance in the provision of water and wastewater services to its customers as appropriate, and can include but is not limited to:

- The revenue control for Uisce Éireann, including the funding available, the funding model and the prioritisation of projects for investment in water services.
- Uisce Éireann leakage methodology, leakage assessment and the potential for improvements for reports for submission to the European Commission.
- Updates/key messages of CRU/EPA reports as they are being published e.g., EPA Annual Drinking Water Report, CRU Performance Assessment Framework Report.
- Uisce Éireann's complaints and incidents handling processes.
- Sharing of information and provision of updates on Ireland's infringement cases.
- Updates on the Critical Entities Resilience Directive.
- The importance of water services and energy on the delivery of National Policy.

In order to facilitate the purposes of this MoU the Bodies will provide each other with as full and open access as is possible to all information necessary or expedient. These exchanges may be subject to restrictions or requirements such as those relating to confidentiality, data protection or freedom of information requirements. The CRU and the EPA accept that it is for the body providing the information to state what, if any, restriction there is to be on its usage and that each body will treat the information it receives in accordance with any such restriction.

e) General Consultation/Liaison Arrangements

The CRU and the EPA will consult with each other when either is engaged in producing guidelines or procedural documentation which is relevant to the implementation of their respective statutory functions. In developing such guidelines or procedural documentation efforts will be made through consultation to align the work of both Bodies to the greatest extent possible. Where consultation or interaction is required or mutually beneficial in the circumstances, responses will be submitted where possible within the scheduled timescale in order to allow for the orderly progression of the project/document in question.

Where requested by the EPA, and if within the general scope of the CRU's functions and in accordance with legal requirements on the disclosure and sharing of information held by the CRU, the CRU will provide assistance to the EPA on relevant technical matters; and vice versa.

Nominated points of contact will be identified in both Bodies, who will be responsible for managing communications in each of the above identified areas for co-operation and communication.

4. Review of Memorandum of Understanding

It is envisaged that the CRU and EPA representatives will review this MoU every three years and monitor its relevance, effectiveness, operation, and, in particular, the cooperative measures and consultation established in the areas of shared or overlapping responsibility. An earlier review of the MoU may be requested by the Chairperson as an outcome of EPA/CRU meetings, emerging issues or in order to allow for additional opportunities to build on existing cooperative efforts.

This MoU does not override the statutory duties and powers of either organisation. This MoU is effective from the date of signing by the CRU and the EPA. This MoU is not legally binding on the Bodies but rather is an expression of individual and collective commitment to work together in order to realise the shared objectives expressed herein.



Jim Gannon
Chairperson, CRU



Laura Burke
Director General, EPA



Dr. Tanya Harrington
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Fergal Mulligan
Commissioner, CRU

May 2025