

No. 31087

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
IRELAND**

**Agreement relating to the transmission of natural gas by
pipeline between the United Kingdom of Great Britain
and Northern Ireland and the Republic of Ireland (with
annexes and exchange of notes). Signed at Dublin on
30 April 1993**

Authentic text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 19 July 1994.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
IRLANDE**

**Accord relatif à la transmission de gaz naturel par gazoduc
entre le Royaume-Uni de Grande-Bretagne et d'Irlande
du Nord et la République d'Irlande (avec annexes et
échange de notes). Signé à Dublin le 30 avril 1993**

Texte authentique : anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 19 juillet 1994.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF IRELAND RELATING TO THE TRANSMISSION OF NATURAL GAS BY PIPELINE BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE REPUBLIC OF IRELAND

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland,

Recalling the protocol, signed at Dublin on the 8 December 1992,² to the agreement between them signed at Dublin on the 7 November 1988,³ concerning the delimitation of areas of the continental shelf between the two countries;

Further recalling the decision of the 16 December 1991 of the Commission of the European Communities on Community assistance from the European Regional Development Fund in the framework of a Community initiative (REGEN) concerning transmission and distribution networks for energy;

Desiring to facilitate the construction and operation of a pipeline between Moffat in Scotland and Loughshinny in the Republic of Ireland for the transmission of natural gas;

Have agreed as follows:

ARTICLE I

Definitions

In this Agreement unless the context otherwise requires:—

“Authorisation” or “consent” includes any necessary licence (but not any necessary wayleave or easement);

“Commission” means the Irish Sea Interconnector Commission established under Article 14;

“Inspector” means any person authorised by either Government to carry out any inspection of any part of the pipeline;

“Natural gas” means any gas derived from natural strata (whether or not it has been subjected to any process or treatment);

“Operator” means the person referred to in Article 4 and authorised in accordance with Article 2 who organises or supervises the construction or operation of the pipeline or any part thereof;

¹ Came into force on 20 September 1993, the date of the last of the notifications by which the Parties informed each other of the completion of their respective requirements, in accordance with article 18.

² United Nations, *Treaty Series*, vol. 1745, No. A-27204.

³ *Ibid.*, vol. 1564, No. I-27204.

“Owner” means the person referred to in Article 3 and authorised in accordance with Article 2 who is entitled to possession of the pipeline or any part thereof and includes where appropriate any person designated for the purposes of Article 12(1) in accordance with Article 16;

“Pipeline” means the pipe from the natural gas custody transfer point at the British Gas Compressor Station at Beattock near Moffat in Scotland to the pig trap at the Irish Gas Board Shore Station at Ballustree near Loughshinny in the Republic of Ireland and includes part of the pipeline and any apparatus, equipment or other thing which is ancillary to the pipeline and which is between that pig trap and that custody transfer point together with that part of any connecting pipe from the point of connection up to and including the first isolation valve on any such connecting pipe;

“Pig trap” means a pressure vessel at the end of a pipeline to facilitate the entry into or removal from a pipeline of inspection and surveillance tools;

“Standard cubic metre”, when applied to natural gas, shall mean that quantity of natural gas free of water vapour which at fifteen degrees Celsius and at an absolute pressure of one thousand and thirteen decimal two five millibars (1,013.25 mbar) occupies the volume of one cubic metre; and

the singular includes the plural unless the context otherwise requires.

ARTICLE 2

Pipeline Authorisations and Consents

(1) Subject to paragraphs (2) and (3), neither Government shall object to the laying and operation of the pipeline by the operator along the route illustrated on the map at Annex 1 and more particularly identified by the co-ordinates set out in Annex 2 hereto.

(2) Each part of the pipeline shall be laid within the limits of deviation which are permitted by the competent authority in whose jurisdiction that part of the pipeline is laid.

(3) Each Government shall, in accordance with and subject to its laws, issue any necessary authorisation or consent with respect to the laying and operation of the pipeline. A copy of any such authorisation or consent shall be given by the Government issuing it to the other Government.

(4) No authorisation or consent referred to in this Article shall be issued, revoked, altered, modified or reissued by one Government without prior consultation with the other.

ARTICLE 3

Owner of the Pipeline

Any owner or change of owner of the pipeline or any part thereof shall require the approval of the Minister for Transport, Energy and Communications of the Republic of Ireland and that approval shall not, in relation to any part of the pipeline, prejudice any legislative requirements in existence at the time of the entry into force of this Agreement for the consent of the Government in whose jurisdiction that part of the pipeline lies.

ARTICLE 4

Operator of the Pipeline

(1) Any operator or change of operator of the pipeline or any part thereof shall require the approval of the Minister for Transport, Energy and Communications of the Republic of Ireland and that approval shall not, in relation to any part of the pipeline, prejudice any legislative requirements in existence at the time of the entry into force of this Agreement for the consent of the Government in whose jurisdiction that part of the pipeline lies.

(2) The operator shall be subject to the legislative requirements of the United Kingdom of Great Britain and Northern Ireland in respect of that part of the pipeline which is under the jurisdiction of the United Kingdom of Great Britain and Northern Ireland and shall maintain an appropriate place of business in the United Kingdom of Great Britain and Northern Ireland solely to satisfy those requirements.

ARTICLE 5

Safety

(1) Each Government shall have the right to determine, in accordance with its own laws, the safety measures which are to govern the construction and operation of the part of the pipeline under its jurisdiction.

(2) Without prejudice to paragraph (1), the competent authorities of the two Governments shall consult one another with a view to ensuring that there are appropriate safety measures for the pipeline and that the pipeline is subject to uniform safety and construction standards.

(3) The competent authorities of the two Governments shall consult one another from time to time in order to review the implementation of any of the arrangements made under paragraph (2) and shall keep the Commission informed of such consultations and of their outcome.

ARTICLE 6

Environmental Protection

(1) Each Government undertakes to make every endeavour, in accordance with and subject to its laws, to ensure as far as practicable that the laying and operation of the pipeline shall not cause pollution to the marine, coastal or land environment, or damage to facilities onshore or offshore, amenities, vessels or fishing gear.

(2) The competent authorities of both Governments shall consult one another on the manner in which the provisions of this Article are to be implemented including the manner of implementation to apply in an emergency.

ARTICLE 7

Inspections

(1) Each Government shall take steps to ensure that safety or pollution inspectors appointed by one Government have:

- (a) access, in accordance with the procedure specified in paragraph (3), to the part of the pipeline within the jurisdiction of the other, during the time of fabrication and laying of the pipeline as well as subsequently; and
 - (b) access to all necessary information including all reports of inspections.
- (2) The right of access of safety or pollution inspectors appointed by the Government of the Republic of Ireland under paragraph (1) shall extend up to, and include, the pig trap ancillary to the pipeline at the British Gas Compressor Station at Beattock near Moffat in Scotland.
- (3) Each Government affirms that it has sole responsibility for all inspections of the part of the pipeline within its jurisdiction and of the operations carried out within its jurisdiction in relation to such part, and it is responsible for its own inspectors. Following a request by an inspector of one Government (the “visiting inspector”) to the competent authorities of the other Government (the “host Government”) to visit part of the pipeline under the jurisdiction of the host Government, the operator shall be required to give access to the visiting inspector and his equipment provided that he is accompanied by an inspector appointed by the host Government. The operator shall also be required to procure the production to the visiting inspector of such information as he may require to satisfy himself that the fundamental interests of his Government in respect to safety or pollution prevention are met. The host Government shall, in accordance with and subject to its laws, facilitate the task of the visiting inspector.
- (4) Each Government shall ensure that if it is informed or if it becomes apparent to it (whether by or through an inspector or otherwise) that the safe operation of the pipeline may be in doubt or that there may be a risk of damage to persons or property or of pollution arising from the pipeline, this information will be communicated immediately to the operator and immediately thereafter to an inspector of the other Government.
- (5) The competent authorities of the two Governments shall consult one another and agree practical measures for the implementation of paragraph (4) including the manner of implementation to apply in an emergency.

ARTICLE 8

Security Arrangements

The competent authorities for security of each Government shall consult one another with a view to concluding such mutual arrangements in relation to the physical protection of the pipeline as shall from time to time seem appropriate to them.

ARTICLE 9

Connections and Access to the Pipeline

- (1) The two Governments agree that the pipeline is being constructed to satisfy the demand for natural gas in the Republic of Ireland.
- (2) The two Governments recognise the desirability of transporting as economically as possible and with due regard to technical compatibility natural gas discovered below the