

The Petroleum And Natural Gas Regulatory Board (Procedure For Development Of Technical Standards And Specifications Including Safety Standards) Regulations, 2009

UNION OF INDIA

India

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Rule

THE-PETROLEUM-AND-NATURAL-GAS-REGULATORY-BOARD-PROC of 2009

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The Petroleum And Natural Gas Regulatory Board (Procedure For Development Of Technical Standards And Specifications Including Safety Standards) Regulations, 2009Published vide G.S.R. 323(E), dated 14.5.2009, published in the Gazette of India, Extraordinary, Part II, Section 3(i), Sl. No. 278, dated 14.5.2009.

19.

/863In exercise of the powers conferred by section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:-

1. Short title and commencement .-(1) These regulations may be called The Petroleum and Natural Gas Regulatory Board (Procedure for Development of Technical Standards and Specifications including Safety Standards) Regulations, 2009.

(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions .-(1) In these regulations, unless the context otherwise requires,--

(a)"Act" means the Petroleum and Natural Gas Regulatory Board Act, 2006;(b)"Board" means the Petroleum and Natural Gas Regulatory Board established under sub-section (1) of section 3 of the Act;(c)"standard development organization (SDO)" means a nationally or internationally established body recognized by the Board for developing standards;(d)"technical committee" means a committee constituted by the Board or SDO with the approval of the Board to contribute in respect to all functional aspects of the subject standard and this committee shall have wide participation including, but not limited to, multi stakeholders, industry, statutory bodies, suppliers, service providers, academia, and NGOs.(2)Words and expressions used and not defined in these regulations, but defined in the Act or in the rules or regulations made thereunder, shall have the meanings respectively assigned to them.

3. Application .-These regulations shall apply to--

(a)all stakeholders associated with development of standard including, but not limited to, the technical committees or SDOs.(b)developing any standard, practices, and codes or modifying such standard, practices and codes.

4. Scope .-These regulations shall cover the procedures for development of draft standards by the technical committees or SDOs in the areas mentioned in clause (i) of section 11 of the Act and the finalisation, adoption and notifications of these by the Board.

5. General provisions .-(1) The Board may either develop standards for the purpose of regulation under the Act itself or utilise the services of any Standards Development Organization (SDO).

(2)The Board, when it decides to develop any standard itself, shall constitute an appropriately named technical committee of independent experts in the relevant technical areas, stakeholders, consumer groups, oil and natural gas and other energy related bodies, Government organisations and representatives of industry bodies and the committee may co-opt experts to assist it in its work.(3)Any technical committee constituted under sub-regulation (2) shall have a chairman and a member-secretary besides nominated members and it shall be ensured that balance of interests is maintained and no single interest dominates.(4)The technical committee may appoint ad hoc expert groups for specific tasks and such expert groups shall have tenure as decided by the technical committee.(5)The technical committee shall have defined scope of work as specified by the Board.(6)The Board may reconstitute the technical committee from time to time and the Board shall have the power to dissolve a committee.(7)In case an SDO is developing a standard for the Board, it shall constitute the technical committee with the approval of the Board.(8)All members of the technical committees and ad hoc expert groups shall be bound by the code of conduct at Annexure

I.(9)The procedures employed in formulation of the standards shall be designed in a manner so as to provide opportunities to all interested parties to communicate their views.(10)The technical committees and SDOs responsible for standards development activities shall maintain written records and follow procedures in accordance with the provisions contained in these regulations and the codes of good practices as per WTO agreement on Technical Barriers to Trade, Annex 3 codes of good practice for the preparation, adoption and application of Standards.

6. Procedure for formulation of standards .-(1) Any interested party may submit a proposal to the Board for formulation of a standard or updating or amending or cancelling an existing standard in activities relating to petroleum, petroleum products and natural gas including the construction and operation of pipeline and infrastructure projects related to downstream petroleum and natural gas sector in the form at Annexure II alongwith an application fee as specified under the Petroleum and Natural Gas Regulatory Board (Levy of Fees and Other Charges) Regulations, 2007 as amended from time to time.

(2)Notwithstanding anything in sub-regulation (1), the Board on its own may also decide to develop, update, amend or cancel an established standard.(3)If the Board on examining any existing standards is satisfied that such standards have been developed by an SDO following the international best practices and such SDO has been credited for development of substantial number of standards, the Board may refer or adopt such standards.(4)The intent to formulate, update, amend or cancel any standard by the Board shall be published for a period of thirty days on the web site of the Board or publicised by any other means for inviting views from the stakeholders.(5)The views received shall be considered by the Board itself or by referring them to SDO for comments and the final decision in this regard shall lie with the Board.(6)The work of formulation of new standards and modification and revision of existing standards on any specific subject shall be undertaken when the Board is satisfied that the necessity for formulation, modification ore revision, as the case may be, of a standard has been established.(7)A preliminary draft standard shall be prepared by the SDO, either by engaging any consultant, experts, specialised organisation or by the technical committee.(8)The draft standard so prepared shall be put up to the technical committee for deliberation.(9)After deliberations, technical committee shall prepare a final draft and shall submit the same to the Board and the Board shall consider and approve the final draft standard and put it on its website for public consultation for sixty days.(10)In cases where the final draft is modified by the Board, it may refer it back to the technical committee for its comments on the modifications and the technical committee shall give its comments within a period of forty five days to the Board for its consideration and the Board shall consider the comments of the technical committee and finalise the final draft and put it on its website for public consultation for a period of sixty days.(11)The technical committee shall take into account the comments received during the period for public consultation and shall thereafter finalise the draft standard which shall be submitted to the Board for adoption through SDO, if any.(12)The draft standard after deliberation of the Board with the changes, if any, incorporated at appropriate places shall be hosted in the website of the Board for

thirty days for comments of stakeholders and the general public.(13)The comments received shall be forwarded to the technical committee for deliberations and the final draft standard after deliberations with or without modifications shall be submitted to the Board for its adoption and if no comments have been received, then, the Board may adopt the final draft standard placed on its website for public consultation.(14)In case the finalized standard draws assistance or reproduces text from any other standard where some other person has intellectual property right, the responsibility for seeking concurrence of such person shall lie with the SDO, if any, preparing the draft standard.(15)Technical committee shall finalize the draft by consensus in the committee and if consensus is not reached, the standard shall be finalised by voting and acceptance by two-third majority of members and the detailed reasons for lack of consensus, if any, shall be conveyed to the Board for its consideration while adopting the standard.(16)All standards so developed shall be reviewed periodically at least once in five years, and revised, reaffirmed or withdrawn, as considered necessary by the Board.(17)Proposals for revising or amending published standards shall be considered by the technical committee concerned in a manner similar to proposals for development of new standards with the final decision resting with the Board.

7. Multi-stakeholder consultation .-(1) Participation shall be open to all persons who are directly and materially affected by the activity in question as provided in a sub-regulation (3) of regulation 5.

(2)The standards development process shall not be dominated by any single interest category whether individual or organisation as a means of its position or strength and the development process shall have a balance of interests and participants from diverse interest categories shall be sought with the objective of achieving balance.(3)The procedure employed in formulation of the standard shall be designed as to allow all interested parties the opportunity to communicate their views.

8. Time period for preparation of standards .-(1) The technical committee or SDO shall submit the draft standard to the Board for adoption within the period specified by the Board and the time period specified by the Board may be reduced depending upon the urgency and the requirements as decided by the Board in specific cases.

(2)In case it is anticipated that the process will take more than the specified time, the technical committee or SDO shall seek approval of the Board by submitting due justification at least two months in advance of last date.

9. Publication .-The standard shall be published by the Board immediately after it has been adopted.

10. Price of standard .-The price of a standard may be decided by the Board from time to time on a case to case basis.

11. Revenue model for development/amending/cancelling and existing standard .-SDO shall be compensated by the Board for the development or the draft standards on such terms and conditions as may be specified by the Board in general or on a case to case basis.

12. Recognition of other standards .-(1) The technical committee or SDO may recommend to the Board any standard established by any other SDO complying with these regulations on the basis of applicability to a specific area within the jurisdiction of the Board.

(2)The responsibility for seeking concurrence for adoption of any standard with the original owner of the standard shall rest with the technical committee or SDO as the case may be.(3)In a case, the standard to be recognized has been developed in a manner not complying with these regulations, the process of adoption shall follow the WTO agreements on Technical Barrier to Trade (TBT), Annex 3 code of good practice for preparation, adoption and application of standards.

13. Handling enquiries and complaints .-(1) The Board shall set a unit to handle the enquiries in terms of explanation or interpretation required by any entity with respect to technical standards and provisions of the regulations of the Board.

(2)In case any complaint about the standard development process is received, the Board shall refer it to the technical committee or SDO for resolution and in a case the complaint is not resolved, the matter shall be referred back to the Board and the Board may seek help of ombudsman or technical experts appointed by the Board or both to resolve the complaint.

14. Miscellaneous .-If any dispute arises with regards to the interpretation of any of the provisions of this regulation, the decision of the Board shall be final.

ANNEXURE I Petroleum And Natural Gas Regulatory Board Code Of Conduct For The Members Of The Technical Committees Or Expert Groups This Code of Conduct is for all the members of the technical committees or expert groups who are responsible for development of Technical Standards for Petroleum and Natural Gas Regulatory Board as per the general provisions contained at regulation 5(8). Principles and procedures to be followed :-(i) Meeting with respect to development of standards or any matter related to standard development process shall be conducted with the prior notice and adequate records for the committee meetings and other relevant deliverable, decisions and action taken thereof shall be maintained by the Member-Secretary.(ii) The Chairman or the

Member-Secretary of the technical committee shall ensure that that standard development process will not give any privilege to or favour the interests of a particular supplier, country or region.(iii)A structural mode of exchange of information shall be maintained among the members or between members and SDO so that standard developing process is transparent.(iv)Every member shall be given equal opportunity to express his views and the chairman of the technical committee shall ensure that no discrimination prevails against any of the member of the technical committee or expert groups.(v)Procedure shall be established so that adequate time and opportunities are provided to all the members for written comments.(vi)Misutilisation of information for individual gain or organisational gain shall be avoided.(vii)The standard developed shall not be intended to discriminate any product on the basis of place of origin and shall take care or remove the potential for future instances.(viii)Technical committee shall take all efforts to harmonize the standards with balancing approach giving equal opportunities to all interested parties including the members of the Technical Committees and the Expert Groups.(ix)The standards shall be drafted in plain language to improve clarity and simplicity, to reduce uncertainty and discrepancies and to enable to have better understanding of the implications of the standards.(x)Use of name for any patent or copyright item shall be avoided in writing the technical standard. Standard shall not incorporate any copyrighted material, in whole or in part, without prior permission from the copyright holder.(xi)All the members of the technical committee or expert groups can take advice or seek information from any other sources as deemed fit within the jurisdiction decided by the SDO or the Board.(xii)All members of the technical committee or expert group shall respond to any request made by the SDO or the Board for any clarification and information related to Standard Development process.(xiii)Any complaint concerning the technical committee or the members of the technical committee or expert groups shall be resolved by the concerned authority.(xiv)If the above steps of complaint redressal fail, the matter shall be referred to the Board with detailed supporting documents. Decision of the Board in such cases shall be final and binding.(xv)Any members found for misconduct and not following the standard practices defined in this code or any international mandatory practices can be replaced with a new member with the approval of the Board.(xvi)Each member shall submit his professional engagement including membership of other professional bodies and also clarify the conflict of interests due to his being nominated to the technical committee.ANNEXURE II [Refer regulation 6(1)]Form For Submitting Proposal To The Petroleum And Natural Gas Regulatory BoardforFormulation of a standard or revising, amending, or cancelling an established standard

1. Name of the party:

2. Type of entity:

3. Business profile:

4. Address including telephone numbers/mobile no./e-mail/fax:

5. Name, e-mail, mobile No. of contact person for any clarification required by Petroleum and Natural Gas Regulatory Board:

6. Standard proposed to be developed/revised/ amending/cancelling:

7. Reason in support of the serial No. 6

8. Payment details:

(a) Draft Nodate.....for Rs.....(DD shall be made in favour of "Petroleum and Natural Gas Regulatory Board" payable at New Delhi).....Signature of the authorised representative of the PartyNameDesignationOrganisationNote-A letter of authorisation for the above mentioned representative from CEO of the entity/party may also be enclosed.