

Only the Danish version is authentic

*Order no. 337 of 12 May 2003
issued by the Danish Maritime Authority,
as amended by Order no. 843 of 16 October 2003*

**Order on bunkering operations and ship to ship cargo transfer of oils in the
Danish territorial sea¹⁾**

Pursuant to Section 1(3), Section 3 and Section 32 of the Act on Safety at Sea, cf. Consolidated Act no. 627 of 26 July 2002, and to Section 33, Section 48(1) and Section 61 of Act no. 476 of 30 June 1993 on the Protection of the Marine Environment, as amended, and by authority of the Minister of Economic and Business Affairs as well as of the Minister of the Environment, the following provisions are laid down:

Application, etc.

Section 1. This Order shall apply to Danish and foreign bunker ships delivering bunkers to ships in the Danish territorial sea outside port areas as well as to Danish and foreign ships transferring oil cargoes in the Danish territorial sea.

Section 2. The Danish Maritime Authority shall administer this Order, cf. however Section 10(2) and (3) and Section 11(1), (4) and (5).

Subsection 2. The Danish Maritime Authority shall accept tests performed by approved testing institutes, including testing institutes in other EU member states and countries covered by the EEA agreement, which provide suitable and satisfactory guarantees of a technical, professional and independent nature.

Definitions

Section 3. The following definitions shall apply within the meaning of this Order:

- 1) "Oil": As defined in annex I of MARPOL 73/78, as amended.
- 1a) "Heavy oil": Crude oil with a density at 15° C above 900 kg/m³, fuel oil with a density at 15° C above 900 kg/m³ or a kinematic viscosity at 50° C above 180 mm²/s as well as bitumen and tar and their emulsions.
- 2) "Bunkers": Fuel oils and other petroleum products necessary for the operation of a ship.
- 3) "Bunkering operation": Transfer of bunkers to a ship.
- 4) "Oil tanker": An oil tanker as defined in regulation 1(4) of annex I of MARPOL 73/78, as amended.
- 5) "Bunker ship": An oil tanker which delivers bunkers to a receiving ship.
- 6) "Receiving ship": A ship which receives bunkers or other oils covered by annex I of MARPOL 73/78, as amended.
- 7) "Primary fenders": Large fenders used to absorb the impact energy of berthing and capable of preventing contact between the ships during the operation.

¹⁾ This Order will be reissued with an amendment requiring hydrostatic loading on ships with a deadweight of or above 600 tonnes that have not been constructed with a double bottom when these requirements have been notified to the European Commission in accordance with Directive no. 98/34/EC of the European Parliament and the Council (the information procedure directive). Furthermore, a requirement will be added that ship to ship cargo transfer of oil may be carried out only within areas especially designated for this purpose.

- 8) “Secondary fenders”: Other fenders than primary ones used during the operation.

Requirement for hydrostatic loading

Section 3a. Ships covered by this Order, with a deadweight of 600 tonnes or above, that have not been constructed with a double bottom shall comply with the conditions on hydrostatic loading in accordance with the provisions of regulation 13 F (4 a) of Annex I to MARPOL 73/778 when they carry heavy oil.

Inspection of the bunker ship

Section 4. Bunkering operations may not be carried out if the bunker ship has not been subject to an inspection by the Danish Maritime Authority within the past 12 months verifying that the ship and its equipment complies with these provisions and is suitable for carrying out bunkering operations without any risk to safety or the marine environment. The inspection shall be documented by a declaration from the Danish Maritime Authority.

Control with the bunkering operation

Section 5. The overall control with the bunkering operation shall lie with the master of the receiving ship.

Hoses for bunker transfer operations

Section 6. The hoses used for bunker transfer shall be suitable for handling petroleum products and be of a strength and size which makes them suitable for the actual operation. The hoses shall be of adequate length to allow different movement of the bunker ship and the receiving ship.

Subsection 2. The hoses, including flanges and bolts, shall be pressure-tested in accordance with the specification to which they are manufactured before use, periodically every four months and after the hose has been repaired or exposed to excessive strains. The date of the latest pressure-testing shall be indicated on the hose. A record of inspection and pressure-testing of the hoses and the specifications from the manufacturers shall be kept on board the bunker ship and be available at all times.

Subsection 3. All lifting gear, including support arrangement for the hoses, shall be made for the purpose and kept in a good condition.

Emergency stop

Section 7. It shall be possible to stop the bunkering supply pumps momentarily at a place close to the manifold on the bunker ship.

Measures before the bunkering operation commences

Section 8. Both the bunker ship and the receiving ship shall accept the area in which the bunkering operation is intended to take place, taking into consideration the weather and sea condition as well as the weather forecast.

Subsection 2. A mooring procedure shall be agreed beforehand between the bunker ship and the receiving ship, and the mooring shall be carried out in accordance with this procedure.

Subsection 3. The receiving ship shall be safe at anchor before the bunkering operation commences. Primary fenders of a recognized standard shall be positioned along the side of the bunker ship, and secondary fenders shall be ready for use.

Subsection 4. Direct radio contact via VHF radios shall be established between the responsible persons on the bunker ship and the receiving ship and be kept throughout the operation. If portable radios are used, spare batteries shall be readily available.

Subsection 5. All scuppers on the bunker ship and the receiving ship that are affected by the bunkering shall be plugged.

Subsection 6. The hoses shall be securely connected and a responsible officer both on the bunker ship and the receiving ship shall approve the work done. The hoses shall be rigged in such a way that movements of the ships will not damage them.

Subsection 7. It shall be ensured that all valves on board the receiving ship are set to the right tanks. On both ships, valves that are not used for the operation shall be shut off, and inlet and outlet pipes shall be fitted with blind flanges. Spill trays of adequate size shall be placed on board both ships.

Subsection 8. The bunker ship shall have equipment readily available to combat minor oil spills at sea, which shall include fast-handling booms of a length corresponding at least to the circumference of the bunker ship.

Subsection 9. The responsible officer on the receiving ship shall accept a maximum pump rate, the topping up pump rate and the maximum pump pressure. The bunkering operation may only commence upon a direct order from the receiving ship to the bunker ship to start the pumping.

Subsection 10. An overall contingency plan covering the known risks in connection with the bunkering operation shall be developed by the bunker ship. This plan shall be developed in addition to the Shipboard Oil Pollution Emergency Plan – SOPEP.

Subsection 11. A list of the nearest national contact points to be contacted in case of a pollution accident shall be readily available on both ships.

Subsection 12. Before the bunkering operation commences, a bunkering plan shall be on board the ships and the checklist shown in the appendix shall be satisfactorily completed and signed by the masters of both the bunker ship and the receiving ship. The checklist shall be kept on board the bunker ship and the receiving ship for at least two years and be available at all times.

Measures during the bunkering operation

Section 9. Throughout the bunkering operation, a responsible person trained in the operation shall be stationed at the manifold to observe the hose and connections for leakages on both the bunker ship and the receiving ship. The responsible person on the bunker ship shall have means to immediately stop the operation if leakage is observed or on request from the receiving ship.

Subsection 2. The level in the tanks to be filled shall be carefully observed during the entire bunkering operation.

Subsection 3. If the weather or sea conditions deteriorate to such an extent that there is any doubt regarding the safety of the operation, it shall be terminated.

Subsection 4. The hoses shall be drained and blinded before being brought back to the bunker ship.

Action in case of incidental pollution

Section 10. If any oil spills or other incidental pollution occur in connection with the bunkering operation, the contingency plan shall be brought into operation.

Subsection 2. Both the master of the bunker ship and the master of the receiving ship shall immediately inform the Admiral Danish Fleet hereof in case oil is spilled or discharged into the sea.

Subsection 3. The Admiral Danish Fleet shall immediately inform the Danish Maritime Authority's Division for Investigation of Maritime Accidents hereof in case oil is spilled or discharged into the sea.

Ship to ship oil cargo transfer

Section 11. Before any ship to ship cargo transfer of oil, the Admiral Danish Fleet shall be informed about the operation by both ships involved.

Subsection 2. Any ship to ship cargo transfer of oils shall be carried out in accordance with the latest recommendations contained in the "Ship to Ship Transfer Guide" (Petroleum), issued by the International Chamber of Shipping (ICS) and the Oil Companies International Marine Forum (OCIMF).

Subsection 3. The ship to ship transfer may take place only when one or both ships are safe at anchor. Ship to ship transfer may not take place under ice conditions.

Subsection 4. The masters of both ships shall immediately inform the Admiral Danish Fleet hereof if oil is spilled or discharged into the sea.

Subsection 5. The Admiral Danish Fleet shall immediately inform the Danish Maritime Authority's Division for Investigation of Maritime Accidents hereof if oil is spilled or discharged into the sea.

Management for the safe operation of ships

Section 12. The procedures in Sections 5-11 shall be a part of the safety management system (ISM) on ships. As regards ships not covered by the requirement for ISM, the crew shall have been instructed about the procedures.

Penalty and entry into force clauses, etc.

Section 13. Contraventions of Sections 4-9, Section 10(1-2), Section 11(1-4) or Section 12 shall be punishable by fine or imprisonment for a term not exceeding one year.

Subsection 2. The penalty may be increased to imprisonment for a term not exceeding two years under similar conditions as those stipulated in Section 59(3) of the Act on the Protection of the Marine Environment and Section 32(1) of the Act on Safety at Sea.

Subsection 3. Companies etc. (legal personalities) may be liable to punishment according to the provisions of Chapter 5 of the penal code.

Section 14. This Order shall enter into force on 21 May 2003.

Subsection 2. Order no. 583 of 9 July 1999 on bunkering operations on ships in the Danish territorial sea shall be repealed.

Subsection 3. This Order shall not apply to Greenland.

The Danish Maritime Authority, 12 May 2003

Hans Christensen / Jens Gørtz

Bunkering Checklist

This checklist shall be filled in before a ship receives bunkers from a bunker ship.

Name of bunker ship:	Name of receiving ship:
Place of bunkering:	Date of bunkering:
Estimated time of start:	Estimated time of completion:

<i>For an affirmative answer, please tick the appropriate box <input checked="" type="checkbox"/>.</i>	Bunker ship	Receiving ship	Remarks
1. Do the receiving ship and the bunker ship accept the area for the bunkering operation taking into account weather conditions and weather forecast?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Is the area outside normal shipping traffic?	<input type="checkbox"/>	<input type="checkbox"/>	
3. Is the receiving ship safe at anchor?		<input type="checkbox"/>	
4. Is a mooring plan in place and agreed, and is the mooring of the ships carried out in accordance with this plan?	<input type="checkbox"/>	<input type="checkbox"/>	
5. Are the primary fenders in their proper positions along the hull of the bunker ship and are secondary fenders, if required, in place?	<input type="checkbox"/>		
6. Are safe communications via VHF radios agreed?	<input type="checkbox"/>	<input type="checkbox"/>	
7. Are all scuppers affected by the bunkering operation closed on board the receiving ship and the bunkering ship?	<input type="checkbox"/>	<input type="checkbox"/>	
8. Have the hoses for the bunkering operations been tested during the last four months and are they in a good condition?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Have the receiving tanks been sounded and is the quantity to be transferred agreed?	<input type="checkbox"/>	<input type="checkbox"/>	
10. Have the valves on board the receiving ship been set to their right position?		<input type="checkbox"/>	
11. Have ship to ship connections and shore connections been blanked on both ships, except for the lines in use?	<input type="checkbox"/>	<input type="checkbox"/>	
12. Have the bunkering hoses been satisfactorily connected on board both ships?	<input type="checkbox"/>	<input type="checkbox"/>	
13. Are spill trays of adequate size in place on board both ships?	<input type="checkbox"/>	<input type="checkbox"/>	
14. Are blind flanges for use after disconnection of hoses available?	<input type="checkbox"/>	<input type="checkbox"/>	
15. Is the maximum pump rate and pressure and topping up pump rate agreed by the responsible officers on both ships?	<input type="checkbox"/>	<input type="checkbox"/>	
16. Has the responsible person been instructed and is he on watch close to the emergency stop on the bunkering ship?	<input type="checkbox"/>		
17. Is equipment readily available to combat minor oil spills at sea?	<input type="checkbox"/>		
18. Is an overall contingency plan available and has the correct contact point ashore for oil pollution incidents been checked?	<input type="checkbox"/>	<input type="checkbox"/>	
19. Are navigational signals, indicating bunkering operations, displayed?	<input type="checkbox"/>	<input type="checkbox"/>	

For the bunkering ship

I have checked all the items of the checklist and have satisfied myself that the entries, to the best of my knowledge, are correct. I have also taken measures for repeated checks whenever necessary.

Date:

Signature:

For the receiving ship

I have checked all the items of the checklist and have satisfied myself that the entries, to the best of my knowledge, are correct. I have also taken measures for repeated checks whenever necessary.

Date:

Signature: