

Order no. 733 of 25 June 2007

## Order on the transfer of bunker oil between ships in Danish territorial waters

Pursuant to Sections 1, 3, 6, 24, 28 and 32 of the Danish Act on Safety at Sea, cf. consolidated Act No 627 of 26 July 2002 with later amendments, and on the authority of the Danish Minister for Economic and Business Affairs, the following is laid down:

### *Scope etc.*

**Section 1.** This Order is applicable to Danish and foreign bunker ships that carry out bunkering operations in Danish territorial waters outside of harbour areas.

**Section 2.** The Order implies no restriction on other provisions of the legislation to be observed in connection with bunkering operations.

(2) The Danish Maritime Authority shall accept tests which are carried out by recognised test institutes, including test institutes in other EU Member States and in countries which are covered by the EEA Agreement and in Turkey, which provide suitable and satisfactory guarantees of their technical, expert and independent nature.

(3) Where this Order requires certificates or other documents to be able to be produced or check-lists to be used, a copy of the documents on electronic media will also be accepted. If the document in question is to be signed, electronic documents that are provided with a digital signature with a level of security equivalent to or greater than the OCES standard will be accepted. In both cases the necessary equipment for displaying of the documents shall be present on board the ship concerned.

### *Definitions*

**Section 3.** The following definitions shall apply in this Order:

1. "Oil": As defined in MARPOL 73/78, with later amendments, Annex I, Regulation 1 (1).
2. "Bunker oil": Fuel oils and other types of oil product to be used for the operation of the ship to which the oil is transferred.
3. "Bunkering operation": Transfer of bunker oil to a ship where the oil is to be used for the operation of the ship in question, as well as transfer of oil between 2 tankers both of which are approved as bunker ships in accordance with this Order, provided the quantity of oil transferred is less than 5000 m<sup>3</sup> and the oil is to be used for the operation of other ships.
4. "Oil tanker": A ship as defined in MARPOL 73/78, with later amendments, Annex I, Regulation 1 (5).
5. "Bunker ship": An oil tanker that delivers bunker oil to a receiving ship.
6. "Receiving ship": The ship that receives bunker oil.
7. "Primary fenders": Large fenders that absorb impact on berthing and that are capable of preventing contact between the ships during the operation.
8. "Secondary fenders": Fenders other than primary fenders that are used during the operation.

### *Inspection of the bunker ship*

**Section 4.** Bunkering operations shall only take place if the bunker ship has been inspected by the Danish Maritime Authority within the past 12 months to verify that the ship and its equipment comply with the provisions of this Order and are fit to perform bunkering operations without risk to safety or the marine environment. The inspection shall be documented by a declaration from the Danish Maritime Authority.

### *Management of the bunkering operation*

**Section 5.** Overall management of the bunkering operation shall be the responsibility of the receiving ship's master.

### *Hoses for transfer of bunker oil*

**Section 6.** Hoses used to transfer bunker oil shall be suitable for the handling of oil products, including being of a suitable strength and size for the operation. The hoses shall be of sufficient length to take account of the movements of the bunker ship and the receiving ship.

(2) The hoses shall be pressure-tested with flanges and bolts fitted in accordance with their specification before being taken into use, periodically every four months and after the hose has been repaired or subjected to unusually large loads. The date of the last pressure test shall be stated on the hose. A list of the inspections and pressure tests performed on the hoses as well as the producer's specifications shall be kept on board the bunker ship and shall be available at all times.

(3) All lifting gear, including arrangements for supporting the hoses, shall be designed for the purpose and kept in good condition.

### *Emergency stop*

**Section 7.** In the immediate vicinity of the bunker ship's manifold there shall be a means of stopping the pumps that deliver the bunker oil.

### *Measures prior to the bunkering operation*

**Section 8.** The bunkering operation shall only be carried out in an area and in weather conditions that are suitable for the purpose. It is the responsibility of the ship's masters of both the bunker ship and the receiving ship to ensure that the operation can take place without risk of injury to the persons on board or damage to the ships involved or other shipping in the area, and that the operation is planned with a view to protecting the sea from pollution.

(2) The bunker ship and the receiving ship shall agree the mooring procedure in advance and mooring shall be carried out in accordance with this procedure.

(3) The receiving ship shall lie securely at anchor before the bunkering operation is commenced. Primary fenders of a recognised standard shall be placed along the side of the bunker ship and secondary fenders shall be ready for use. In special situations, however, the pilot and the two ship's masters may decide to allow the smallest ship to lie securely at anchor.

(4) Direct radio contact via VHF radios shall be established between the persons responsible on the bunker ship and the receiving ship respectively, and such contact shall be maintained throughout the operation. If portable radios are used, spare batteries shall be immediately available.

(5) All relevant scuppers on the bunker ship and on the receiving ship shall be closed.

(6) The hoses shall be securely connected and on both the bunker ship and the receiving ship there shall be a responsible officer who shall approve the coupling on their own ship. The hoses shall be placed in such a way that the movements of the ships will not damage them.

(7) It shall be ensured that all the valves on the receiving ship are set to the right tanks. On both ships the valves on the pipes on the manifolds and on the bunker connections that are not used during the bunkering operation shall be closed and provided with blind flanges.

(8) The drip-pans under the manifolds and bunker connections shall be drained of water etc. before the bunkering operation is commenced.

(9) Equipment for dealing with minor oil spills shall be immediately available for use on both ships.

(10) The bunker ship shall be equipped with rapidly deployed containment booms with a length at least equal to the circumference of the bunker ship.

(11) The officer in charge on the receiving ship shall accept a maximum pump rate, a topping up pump rate and the maximum pump pressure. The bunkering operation must not be commenced until the receiving ship has notified that it is ready to receive the oil.

(12) The bunker ship shall prepare an overall contingency plan covering the known risks in connection with the bunkering. This plan shall be drawn up in addition to the Shipboard Oil Pollution Emergency Plan (SOPEP).

(13) A list of the nearest national bodies to be contacted in the event of a pollution accident shall be immediately available on both ships.

(14) Before the bunkering operation is commenced there shall be a bunkering plan on board the ships and the checklist shown in the annex shall have been satisfactorily completed and signed by the officer in charge on both the bunker ship and the receiving ship. The checklist shall be stored on board the bunker ship and the receiving ship for at least 1 year and shall be available at all times.

#### *Measures during the bunkering operation*

**Section 9.** Throughout the bunkering operation a responsible person who is practised in the operation shall be stationed by the manifold on both the bunker ship and the receiving ship to watch the hose and the connections for leaks. The responsible person on the bunker ship shall be able to stop the operation immediately if a leak is observed or if the receiving ship notifies a leak.

(2) The level in the tanks that are to be filled shall be monitored carefully throughout the bunkering operation.

(3) If the weather or sea conditions deteriorate to such a degree that doubts arise concerning safety, the operation shall be stopped.

(4) The hoses shall be drained and blinded before being returned to the bunker ship.

#### *Notification of the bunkering operation*

**Section 10.** At least 6 hours before the scheduled performance of a bunkering operation the bunker ship shall inform the Admiral Danish Fleet of the operation, including details of:

1. the bunker ship's and the receiving ship's names, IMO numbers and call signs,
2. the location where the bunkering operation is to be performed, and
3. the time at which the bunkering operation is expected to be commenced and completed.

(2) Once the bunkering operation has been completed the bunker ship shall inform the Admiral Danish Fleet of the quantity of oil transferred. More details of the oil product transferred shall be able to be provided on request.

*Management with a view to safe ship operation*

**Section 11.** The procedures in Sections 6-10 shall form part of the safety management system (ISM) on the ships. In the case of ships not covered by the requirement of ISM the crew shall be instructed in the procedures.

*Penalties, entry into force, etc.*

**Section 12.** (1) Infringement of this Regulation shall be punished by fining or imprisonment for up to 1 year.

(2) The penalty may increase to imprisonment for up to 2 years if:

1. the infringement caused harm to life or health, or brought about a risk thereof,
2. an injunction or order has been issued previously for the same or an equivalent circumstance, or
3. the infringement achieved or was intended to achieve financial advantage for the person concerned or for others.

(3) If the infringement caused harm to the life or health of persons under 18 years of age, or brought about a risk thereof, this shall be regarded as a particularly aggravating circumstance, cf.

(2) No 1.

(4) If the proceeds gained through the infringement are not confiscated, the size of the financial advantage gained or sought shall be particularly taken into consideration when setting any fine, including any supplementary fine.

(5) Companies etc. (legal persons) may be liable to punishment in accordance with the provisions of Chapter 5 of the Danish Penal Code.

**Section 13.** (1) The Order shall enter into force on 4 July 2007.

(2) Order No 337 of 12 May 2003 on the bunkering of ships and transfer of oil cargo between ships in Danish territorial waters shall be repealed.

(3) Declarations of the suitability of bunker ships to carry out bunkering operations in Danish waters issued in accordance with the order mentioned in (2) are valid until the date of expire.

(4) This Order shall not apply in the territorial waters of Greenland.

The Danish Maritime Authority, on 25 June 2007

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