

Order no. 734 of 25 June 2007

Order on the transfer of oil cargo between ships in Danish territorial waters (STS operations)

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 as amended, and on the authority of the Danish Minister for Economic and Business Affairs, the following provisions are laid down:

Scope etc.

Section 1. This Order applies to Danish and foreign ships that transfer oil cargo in Danish territorial waters (STS operations).

(2) The Order implies no restriction on other provisions of the legislation to be observed in connection with STS operations.

(3) The Order shall not apply to the transfer of bunker oil intended for operation of the receiving ship.

Administrative conditions

Section 2. The Danish Maritime Authority may carry out checks on STS operations and on STS operators with a view to ensuring compliance with the provisions of this Order.

(2) Where the provisions of this Order are not complied with, the Danish Maritime Authority may prohibit an STS operation from being performed or may demand that an STS operation that is in progress must be stopped.

(3) The Danish Maritime Authority shall accept tests which are carried out by recognised test institutes, including test institutes in other EU Member States, in EFTA states that are contracting parties to the EEA Agreement and in Turkey, which provide suitable and satisfactory guarantees of the technical, expert and independent nature of the testing.

(4) Where this Order requires certificates or other documents to be able to be produced or checklists 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 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) "Oil tanker": A ship as defined in MARPOL 73/78, with later amendments, Annex I, Regulation 1 (5).
- 3) "STS operation": An operation during which all or part of an oil cargo is transferred from one oil tanker to another oil tanker. The operation shall encompass both the arrival and departure of the ships involved as well as the transfer of the actual cargo. Operations in which oil is transferred between ships approved in accordance with the Danish Maritime Authority's order on the bunkering of ships in Danish territorial waters shall not, however, be regarded as STS op-

erations provided the quantity transferred is less than 5000 m³ and the oil is to be used for the operation of other ships.

- 4) "Receiving ship": An oil tanker that is receiving oil.
- 5) "Supplying ship": An oil tanker that is supplying oil.
- 6) "STS operator": The person or enterprise responsible for guidance and supervision of the STS operation.
- 7) "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.
- 8) "Ship to Ship Transfer Guide (petroleum)": The latest edition of the "Ship to Ship Transfer Guide (petroleum)" published by the International Chamber of Shipping (ICS) and the Oil Companies International Marine Forum (OCIMF).

The STS operator

Section 4. STS operations shall be carried out under the guidance and supervision of an STS operator who has been approved by the Danish Maritime Authority. Approval shall be granted only to persons meeting the qualification criteria in paragraphs (3) and (4) and to enterprises having at their disposal personnel meeting the requirements in paragraphs (3) and (4).

(2) Persons approved as an STS operator may not put other persons in charge of guidance and supervision of STS operations on their behalf. Enterprises approved as an STS operator shall only allow personnel meeting the requirements in paragraphs (3) and (4) to be responsible for guidance and supervision of STS operations. Approved STS operators shall use a quality assurance system that ensures that their tasks are performed in accordance with this Order.

(3) Persons performing guidance and supervision of STS operations shall:

- 1) have internationally recognised skills and experience corresponding to that of a senior officer on a tanker,
- 2) be in possession of a valid medical certificate,
- 3) have completed a training programme in STS operations that is based on the recommendations in the "Ship to Ship Transfer Guide (petroleum)", and
- 4) have attended a suitable ship handling course focusing particularly on STS operations.

(4) The person guiding and supervising an STS operation shall have been responsible for guidance and supervision of at least one independent STS operation within the past 6 months, either on his or her own or under the supervision of a trained STS operator.

(5) When applying for approval as an STS operator documentation showing that the conditions stated in paragraphs (2) – (4) are met shall be submitted to the Danish Maritime Authority.

(6) The approval or a copy thereof shall be able to be presented to the Danish authorities on demand.

(7) Approval shall be granted for a period of up to 2 years. The approval shall lapse if the conditions stated in paragraphs (2)–(4) are no longer met.

(8) The Danish Maritime Authority may revoke an approval if an approved STS operator participates in STS operations in which the provisions of this Order are grossly or repeatedly breached.

Management of the STS operation

Section 5. It is the responsibility of the ship's masters of both the receiving and the supplying ship to ensure that the STS operator has been approved by the Danish Maritime Authority.

(2) It is the responsibility of the ship's masters of both the receiving and the supplying 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.

Hoses for transfer of oil in STS operations

Section 6. The recommendations concerning hoses in the “Ship to Ship Transfer Guide (petroleum)” shall be followed. In addition, the hoses shall be pressure-tested with flanges and bolts fitted in accordance with their specification

- 1) before being taken into use,
- 2) periodically every four months, and
- 3) after the hoses have been repaired or subjected to unusually large loads.

(2) 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 able to be produced on demand.

Measures for the STS operation

Section 7. Transfer of oil cargo between ships shall take place in accordance with the “Ship to Ship Transfer Guide (petroleum)”.

(2) In addition to what follows from the abovementioned recommendations, the following conditions shall be met:

- 1) STS operations shall not be carried out in icy conditions;
- 2) the largest ship shall lie securely at anchor before the other ship arrives. In special situations, however, the STS operator and the 2 ship’s masters may decide in consultation to allow the smallest ship to lie securely at anchor before the other ship arrives;
- 3) the anchored ship shall be held in position by a tugboat aft during the arrival and departure of the other ship. In special situations, however, the pilot and the 2 ship’s masters may decide in consultation that this tugboat shall instead be attached aft of the arriving ship;
- 4) arrival at the anchored ship shall be assisted by tugboats which nudge the other ship into position;
- 5) the tugboats shall have sufficient tractive force that arrival and uncoupling of the ships can be carried out with complete safety;
- 6) provided the STS operation can be carried out safely, at least one of the ships is approved as a bunker ship and this ship has a gross tonnage of less than 8000, the use of assistance from tugboats may be reduced or omitted entirely. A decision on this shall be made by agreement between the 2 ship’s masters based on an overall assessment of the entire operation, including the sizes of the ships, their manoeuvrability, the crews’ experience of STS operations, the weather conditions and other relevant circumstances;
- 7) all relevant scuppers on the supplying and receiving ships shall be closed;
- 8) the hoses shall be securely connected and both the supplying ship and the receiving ship shall have 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;
- 9) on both ships it shall be ensured that all valves are set correctly and that the pipes on the manifolds that are not used during the operation are provided with blind flanges;
- 10) the drip-pans under the manifolds shall be drained of water etc. before the operation is commenced;
- 11) equipment for collecting up minor oil leaks in the ship as laid down in OCIMF’s Ship Inspection Report (SIRE) Programme section 5, subsection 6.14 shall be present and ready for use on both ships;
- 12) a list of the nearest national bodies to be contacted in the event of a pollution accident shall be immediately available on both ships;

- 13) a copy of the checklists included in the "Ship to Ship Transfer Guide (petroleum)" shall be stored on board the ships involved for at least 2 years and shall be able to be presented to the Danish authorities on demand; and
- 14) both ships shall have good manoeuvrability such that it is possible to separate the ships in a situation in which one of the ships has lost its propulsion machinery. If this is not the case, an auxiliary vessel shall be available throughout the STS operation that can assist with the separation of the 2 ships at short notice

Measures during the transfer of oil

Section 8. In the immediate vicinity of the supplying ship's manifold there shall be a means of stopping the pumps that deliver the oil (an emergency stop).

(2) The level in the tanks that are to be filled shall be monitored carefully throughout transfer of the oil.

Area in which the STS operation is to be performed

Section 9. STS operations shall only be carried out in an area and in weather conditions that are fit for the purpose.

Notification of an STS operation

Section 10. At least 48 hours before the scheduled performance of an STS operation the supplying ship shall inform the Admiral Danish Fleet of the operation, including details of:

- 1) the supplying ship's and the receiving ship's names, IMO numbers and call signs,
- 2) the quantity of oil that it is wished to transfer,
- 3) more details of the oil product,
- 4) the location where the STS operation is to be performed,
- 5) the time at which the STS operation will be commenced and the expected time of completion of the operation,
- 6) the agent for the operation, and
- 7) the approved STS operator, cf. Section 4.

Penalties, entry into force, etc.

Section 11. (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 12.** (1) This Order shall enter into force on 4 July 2007, but cf. (2).
(2) The provisions of Section 4 (1) and Section 5 (1) shall enter into force on 1 November 2007.
(3) This Order shall not apply in the territorial waters of Greenland.

The Danish Maritime Authority, on 25 June 2007

CHRISTIAN BREINHOLT

/Palle Kristensen