

Order on the transfer of bunker products between ships, etc. in Danish and Greenland territorial waters

Pursuant to section 1(3), section 3(1) (i)-(iii), (vi), (viii) and (x), section 6, section 24(2) and section 32(10) of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 72 of 17 January 2014, as amended by act no. 374 of 1 May 2018 and section 1(3), section 3(1) (i)-(iii), (vi), (viii) and (x), section 6, section 24(2) and section 32(2) of the act on safety at sea (*lov om sikkerhed til søs*) as enacted for Greenland by royal decree no. 1674 of 16 December 2015, the following provisions are laid down:

Scope of application, etc.

Section 1. This order applies to Danish, Greenland and foreign bunkering units carry out bunkering operations in Danish and Greenland territorial waters outside port areas.

Subsection 2. This order does not limit any other provisions of law that must be observed in connection with bunkering operations.

Definitions

Section 2. For the purposes of this order, the following definitions shall apply:

- 1) "Bunker products": Fuel oils, other types of oil products, combustible gas, methanol and ethanol, etc. used for ships' energy supply and propulsion.
- 2) "Bunkering unit": A gas-, oil- or other type of tanker, a barge, etc. delivering bunker products to a receiving ship.
- 3) "Bunkering operation":
 - a) transfer of bunker products to a ship where the product is to be used for the operation of the ship concerned, or
 - b) transfer of bunker products between two tankers both of which have been approved as bunkering units in pursuance of this order if the quantity transferred amounts to less than 5,000 m³ and it is solely intended to be used for the operation of other ships.
- 4) "Gas product": As defined in the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), chapter 1, regulation 1.1.1.
- 5) "Gas tanker": A ship as defined in the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), chapter 1, regulation 1.3.16.

- 6) "Port area": Quays or the like, including anchorages, covered by the jurisdiction of a port and from where persons, goods, liquid cargoes, etc. are to be transferred or where port services are to be performed.
- 7) "Receiving ship": The ship that receiver bunker products.
- 8) "Oil": As defined in MARPOL 73/78, as amended, Annex I, regulation 1(1).
- 9) "Oil tanker": A ship as defined in MARPOL 73/78, as amended, Annex I, regulation 1(5).
- 10) "Primary fenders": Large fenders that absorb the impact when the ship is berthing and which are capable of preventing contact between the ships during the operation.
- 11) "Secondary fenders": Fenders other than primary fenders used during the operation.

Administrative conditions

Section 3. The Danish Maritime Authority may control bunkering operations with a view to ensuring that the provisions of this order are met.

Subsection 2. If the provisions of this order are not met, the Danish Maritime Authority may issue a prohibition against the bunkering operation being carried out or an ongoing bunkering operation may be required to be stopped.

Subsection 3. The Danish Maritime Authority shall accept tests 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, providing suitable and satisfactory guarantees of the technical, expert and independent nature of the tests.

Subsection 4. Where this order requires that it must be possible to present certificates or other documents or that checklists must be used, a copy of the documents on electronic media shall also be accepted. If the document in question is to be signed, electronic documents furnished with a digital signature with a security level equivalent to or greater than the OCES standard shall be accepted. In both cases, the necessary equipment for displaying the documents shall be present on board the ship/unit concerned.

Approval of the bunkering unit

Section 4. Bunkering operations shall take place only if the bunkering unit has been approved for carrying out bunkering operations in Danish and Greenland territorial waters within the past 12 months.

Subsection 2. An approval shall be issued on the basis of an inspection by the Danish Maritime Authority verifying that the bunkering unit and its equipment comply with the provisions of this order and are fit to perform bunkering operations without presenting a risk to either safety or the marine environment.

Subsection 3. It shall be possible to present documentation for the approval of a bunkering unit or a copy hereof to the Danish authorities upon request.

Subsection 4. The master of both the bunkering unit and the receiving shall be responsible for ensuring that the bunkering unit has been approved, cf. subsection 2.

Management of the bunkering operation

Section 5. Unless agreed otherwise between the receiving ship and the bunkering unit, overall management of the bunkering operation shall be the responsibility of the receiving ship's master.

Hoses for transfer of bunker products

Section 6. Hoses used to transfer bunker products shall be suitable for the handling of these and shall, in this connection, be of a strength and size suitable for the operation. The hoses shall be of sufficient length to take account of the movements of the bunkering unit and the receiving ship.

Subsection 2. 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) when the hose has been repaired or subjected to unusually large loads.

Subsection 3. 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 manufacturer's specifications shall be kept on board the bunkering unit and shall be available at any time.

Subsection 4. 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 bunkering unit's manifold, there shall be a means of stopping the pumps delivering the bunker products.

Measures prior to the bunkering operation

Section 8. Bunkering operations shall be carried out only in areas and in weather conditions that are suitable for the purpose.

Subsection 2. The master of both the bunkering unit and the receiving ship shall be responsible for ensuring that the operation can take place without presenting any risk of injury to the persons on board, damage to the ships or units involved or shipping in the area, and that the operation is planned with a view to protecting the sea from pollution.

Subsection 3. The bunkering unit and the receiving ship shall agree on the mooring procedure in advance and mooring shall be carried out in accordance with this procedure.

Subsection 4. The largest ship shall lie safely at anchor before the bunkering operation is commenced. Primary fenders of a recognised standard shall be placed along the side of the bunkering unit and secondary fenders shall be ready for use. In special situations, however, the pilot and the two masters may decide to allow the smallest ship/unit to lie securely at anchor.

Subsection 5. As regards operations carried out in Greenland territorial waters, in situations where anchoring is not possible, the operation shall be planned in maximum consideration of the ships avoiding direct contact with each other and with a view to preventing the bunker hose from bursting.

Subsection 6. Direct and effective radio contact via VHF radios shall be established between the persons responsible on the bunkering unit 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.

Subsection 7. All relevant scuppers on the bunkering unit and on the receiving ship shall be closed during the transfer of oil products.

Subsection 8. The hoses shall be securely connected and on both the bunkering unit and the receiving ship a responsible officer shall approve the coupling on own ship/unit. The hoses shall be placed in such a manner that the movements of the ships will not damage them.

Subsection 9. It shall be ensured that all the valves on the receiving ship are set to the right tanks. On both the receiving ship and the bunkering unit the valves on the manifold pipes and on the bunker connections that are not used during bunkering operations shall be closed and provided with blind flanges.

Subsection 10. The drip-pans under the manifolds and bunker connections shall have been drained of water, etc. before the bunkering operation is commenced.

Subsection 11. Equipment for dealing with minor spills shall be immediately available for use on both the receiving ship and the bunkering unit.

Subsection 12. Bunkering units transferring oil products shall be equipped with rapidly deployed containment booms with a length at least equal to the circumference of the bunkering unit.

Subsection 13. The officer in charge on the receiving ship shall accept the maximum pump rate, the topping up pump rate and the maximum pump pressure. The bunkering operation shall not be commenced until the receiving ship has notified that it is ready to receive the bunker product.

Subsection 14. The bunkering unit 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).

Subsection 15. A list of the nearest national bodies to be contacted in the event of a pollution accident shall be immediately available on both ships.

Subsection 16. Before the bunkering operation is commenced, there shall be a bunkering plan on board both the receiving ship and the bunkering unit and the checklist shown in Annex 1 shall have been satisfactorily completed and signed by the officer in charge on both the bunkering unit and the receiving ship. The checklist shall be kept on board the bunkering unit and the receiving ship for at least one year and shall be available for control by the authorities.

Measures during bunkering operations

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

Subsection 2. The level in the tanks that are being filled shall be monitored carefully throughout the bunkering operation.

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

Subsection 4. The hoses shall be drained and blinded before being returned to the bunkering unit.

Notification of bunkering operations

Section 10. At least six hours before a scheduled bunkering operation, the transferring ship/bunkering unit shall inform about this. The information shall be given to the following authorities:

- 1) For scheduled operations in Danish territorial waters:
Joint Operations Centre, Operational Staff, Defence Command Denmark.
- 2) For scheduled operations in Greenland territorial waters:

Arctic Command.

Subsection 2. The information mentioned in subsection 1 shall contain the following information about the operation:

- 1) The names, call signs and IMO numbers of the transferring ship/bunkering unit and the receiving ship.
- 2) The place where the bunkering operation is to take place.
- 3) The time when the bunkering operation will be started and the expected time for its finalisation.
- 4) The type and quantity of bunkers to be transferred.

Subsection 3. It shall be possible to provide more detailed information about the product being transferred upon request.

Subsection 4. If major changes are being made to the information provided in pursuance of subsection 2, including a deviation of more than six hours in the starting time of the operation, the bunkering unit shall, as soon as possible, inform the authorities mentioned in subsection 1 about this.

Management with a view to safe ship operation

Section 11. The procedures mentioned in sections 5-10 shall form part of the safety management system (ISM) on both the bunkering unit and the receiving ship. As regards ships/bunkering units not covered by the requirement for ISM, the crew shall have been instructed in the procedures prior to the start of the bunkering operation.

Penalties and entry into force, etc.

Section 12. Contraventions of this order shall be liable to punishment by fine or imprisonment for a term of up to one year.

Subsection 2. The penalty may be increased to imprisonment for a term of up to 2 years if:

- 1) the contravention has caused harm to life or health, or brought about a risk thereof,
- 2) an prohibition or order has been issued previously for the same or an equivalent circumstance, or
- 3) the contravention has achieved or was intended to achieve financial advantage for the contravener or others.

Subsection 3. It shall be considered a particularly aggravating circumstance if the contravention has caused harm to the life or health of persons under 18 years of age, or brought about a risk thereof, cf. subsection 2(i).

Subsection 4. If the proceeds gained through the contravention are not confiscated, consideration shall be paid to the size of the financial advantage gained or sought when setting any fine, including any supplementary fine.

Subsection 5. Companies etc. (legal persons) may be liable to punishment in accordance with the provisions of part 5 of the penal code (*straffeloven*).

Section 13. If the condition is covered by the royal decree on the entry into force for Greenland of acts amending the act on safety at sea (*lov om sikkerhed til søs*), measures may be laid down in accordance with the penal code for Greenland.

Subsection 2. The conditions referred to in section 12(2) shall be considered aggravating circumstances.

Subsection 3. If the benefit obtained through the contravention is not confiscated, cf. part 37 of the penal code (*kriminalloven*), the size of such financial benefit obtained or sought shall be taken into account when determining the fine, including additional fines.

Subsection 4. Companies etc. (legal persons) may be liable to punishment in accordance with the provisions of part 5 of the penal code of Greenland (kriminalloven).

Subsection 5. If the relevant party is not resident in Greenland, or if his connection to Greenland society is otherwise so remote that the prerequisites for measures to be taken do not exist, legal proceedings may be instigated or the case may be referred for trial in Denmark.

Section 14. This order shall enter into force on 1 January 2019.

Subsection 2. Order no. 733 of 25 June 2007 on the bunkering of ships in Danish territorial waters shall be repealed.

Subsection 3. Declarations of the suitability of bunker ships to carry out bunkering operations in Danish waters issued in accordance with the order mentioned in subsection 2 shall remain valid until the date of expiry stamped on them.

Danish Maritime Authority, 28 August 2018

Martin John

/ Per Sønderstrup

Annex 1

Checklist in connection with bunkering operations

(This checklist must be filled in before a ship receives bunkers from a bunkering unit)

Name of bunkering unit: _____

Name of receiving ship: _____

Place of bunkering: _____

Date of bunkering operation: _____

Estimated start time : _____

Estimated end time: _____

<i>Tick off the relevant box <input type="checkbox"/></i>		Bunkering unit	Receiving ship	Remarks
1.	The bunkering unit and the receiving ship accept the bunkering area in consideration of the weather conditions and the weather forecast for the period concerned.	<input type="checkbox"/>	<input type="checkbox"/>	
2.	The bunkering area chosen is outside normal ship traffic.	<input type="checkbox"/>	<input type="checkbox"/>	
3.	The receiving ship is lying safely at anchor.	<input type="checkbox"/>	<input type="checkbox"/>	
4.	There is agreement about the mooring plan and the ships' mooring arrangements are in accordance with this.	<input type="checkbox"/>	<input type="checkbox"/>	
5.	Primary fenders are in place along the bunkering unit and secondary fenders are ready if they should become necessary.	<input type="checkbox"/>	<input type="checkbox"/>	
6.	There is agreement about a safe means of communication between the two ships via VHF radios for the performance of the bunkering operation.	<input type="checkbox"/>	<input type="checkbox"/>	
7.	During transfer of oil-products scuppers affected by the bunkering operation are closed on board the bunkering unit and the receiving ship.	<input type="checkbox"/>	<input type="checkbox"/>	
8.	The hoses for the bunkering operation have been tested during the last four months and are in a good condition.	<input type="checkbox"/>	<input type="checkbox"/>	
9.	The receiving tanks have been sounded and there is agreement about the quantity of bunkers to be transferred.	<input type="checkbox"/>	<input type="checkbox"/>	
10.	The valves on board the receiving ship have been set for the right position.	<input type="checkbox"/>	<input type="checkbox"/>	
11.	The manifold piping and the bunkers connections not to be used during the bunkering operation have been closed and fitted with blind flanges.	<input type="checkbox"/>	<input type="checkbox"/>	
12.	The bunkering hoses are safely connected on board both ships.	<input type="checkbox"/>	<input type="checkbox"/>	
13.	The drip-pans under the manifold and at the bunkering connections have been drained of water.	<input type="checkbox"/>	<input type="checkbox"/>	
14.	Blind flanges are ready for use when the hose connection is disconnected.	<input type="checkbox"/>	<input type="checkbox"/>	
15.	The responsible officers on both ships/the unit have agreed on the starting, maximum and topping pumping speed as well as the pressure during the operation.	<input type="checkbox"/>	<input type="checkbox"/>	
16.	The responsible person has received sufficient instructions and is in the immediate vicinity of the emergency stop on the bunkering unit.	<input type="checkbox"/>	<input type="checkbox"/>	
17.	Equipment for preventing minor oil spills is immediately ready for use.	<input type="checkbox"/>	<input type="checkbox"/>	
18.	An overall contingency plan is available, and it has been checked who is the correct contact body ashore in case of oil pollution.	<input type="checkbox"/>	<input type="checkbox"/>	

For the bunkering unit

I have checked all the items in the checklist, and it is my firm belief that all the recordings are correct. I have also taken steps for repeated checks when this may be necessary.

For the receiving ship

I have checked all the items in the checklist, and it is my firm belief that all the recordings are correct. I have also taken steps for repeated checks when this may be necessary.

Date: _____

Date: _____

Signature: _____

Signature: _____