

Circular recipients: (check box)

- Sdir: Norwegian Maritime Authority
- A: 16 specially authorised employment offices
- U: Selected foreign service missions
- P: Equipment manufacturers, any subgroups
- OFF: Offshore companies / OIM / operators
- Hov: Main organisations
- H.i. Bodies or agencies for their comments
- Others:

No.: RSR 5-2021

Date: 29 April 2021

Journal No.: 2021/8162- NHA

Supersedes:

Reference to: Regulations on ballast water management on ships and mobile offshore units

The Circular should be entered into a special diagram or as appropriate in the latest editions of relevant NMA publications and kept until the next editions.

Amendments to the Regulations on ballast water management on ships and mobile offshore units

Introduction

The Norwegian Maritime Authority (NMA) has laid down amendments to the Regulations of 8 September 2017 No. 1368 on ballast water management on ships and mobile offshore units. These amendments enter into force immediately.

The consultation

The proposal was circulated for review from 17 February to 8 April 2021. The NMA has received six consultative statements.

The Norwegian Environment Agency points out that the exemption from the Regulations for mobile offshore units should be better supported by statistics, incidents and risks. The Norwegian Environment Agency refers to the fact that Appendix 1 of the Regulation sets out three designated ballast water exchange areas. The Norwegian Environment Agency states that “in the consultation letter, the wording “the same waters” does not seem to mean the same exchange area. In our opinion, this seems to be in conflict with the risk handling used in the Regulations.

The exemption currently applies to ships. Accordingly, the proposal makes the exemption more liberal. This is based on an assumption that it will not lead to transfer, but a certain risk remains.

We would like to know what assessments that have been made regarding to what extent such mobile offshore units, which remain in the same place for longer periods more often than ships, would pose a bigger risk of transferring species from one location to another?”

The NMA refers to the current exemption provision in section 1 first paragraph (d) of the Regulations for Norwegian ships, where these may be certified for operation limited to Norwegian territorial water, the Economic Zone of Norway and the open seas. The reason for the proposed amendments is to provide Norwegian mobile offshore units with the same opportunity for exemption as provided for Norwegian ships in section 1 third paragraph (d) of the Regulations. The Norwegian Maritime Authority also refers to the fact that pursuant to section 11 of the Regulations, foreign ships and mobile offshore units operating exclusively in the Norwegian territorial waters, the Economic Zone of Norway and the Norwegian Continental Shelf may be

granted an exemption, “provided that such exemption will not impair or cause harm to life, health, the environment or material values”.

There are currently 21 mobile offshore units (MOUs) flying the Norwegian flag. One unit has already installed a ballast water management system. This means that there are currently 20 mobile offshore units that may be granted the exemption mentioned in section 1 first paragraph (d), provided that they apply for such operational limitations to the Mobile Offshore Unit Certificate of Fitness. Four of the MOUs are or are intended to be permanently anchored, and the uptake and discharge of ballast water will take place at the same location. Therefore, there is no risk involved with these four units. The NMA has no reason to believe that the risk of transfer of unwanted organisms with mobile offshore units exclusively operating in Norwegian territorial waters, the Economic Zone of Norway and the open seas is greater than for ships exclusively operating in the same area.

The Norwegian Bar Association supports the NMA's proposed amendments to the Regulations on ballast water management on ships and mobile offshore units, but none of the other responding consultative bodies made comments to the proposal.

Details of the amendments

It is set out in the Regulations on ballast water management on ships and mobile offshore units section 1 third paragraph (d) that ships certified for operation limited to Norwegian territorial water, the Economic Zone of Norway and the open seas are not covered by these Regulations. The NMA has added “mobile offshore units” to the wording of section 1 third paragraph (d).

A Norwegian mobile offshore unit seeking to apply for the exemption of section 1 third paragraph (d) must submit an application to the Norwegian Maritime Authority and will be issued with operational limitations in the Mobile Offshore Unit Certificate of Fitness for operation in Norwegian territorial water, the Economic Zone of Norway and the open seas only.

The legal basis for the application of the operational limitations to the Mobile Offshore Unit Certificate of Fitness is found the Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) section 13 second paragraph, cf. the Regulations of 26 June 2007 No.706 on the scope of application of the Ship Safety and Security Act for mobile offshore units section 1.

Mobile offshore units that are issued with a remark in the Certificate of Fitness limiting the operation to Norwegian territorial waters, the Economic Zone of Norway and the open seas are not included in the Regulations on ballast water management, and therefore are not required to install a ballast water management system.

In the opinion of the NMA, this possibility for exemption will be in line with exemptions set out in the BWM Convention, and that is already used for ships.

Administrative and financial implications

The Norwegian Maritime Authority presumes that the proposal does not lead to increased investment or operational costs for the industry. The financial implications for the authorities will be minor.

Lars Alvestad
Acting Director General of Shipping and Navigation

Linda Bruås
Acting Head of Department

This document has been electronically approved, and therefore does not contain handwritten signatures.