

Draft Regulations of [dd.mm.åååå] on the management of hull biofouling

Laid down by the Norwegian Maritime Authority on DD MM YYYY under the Act of 16 February 2007 No. 9 relating to ship safety and security sections 2, 4, 6, 9, 12, 19, 20, 31, 33, 49 and 52, cf. Formal Delegation of 16 February 2007 No. 171, Formal Delegation of 31 May 2007 No. 590 by the Ministry of Trade, Industry and Fisheries, Formal Delegation of 29 June 2007 No. 849 by the Ministry of Climate and Environment and Formal Delegation of 29 August 2017 No. 1317.

Section 1 *Purpose of the Regulations*

The purpose of these Regulations is to prevent the introduction of hazardous invasive species to Norway through hull biofouling resulting from international shipping, and to prevent the further spread of hazardous non-indigenous species in Norwegian waters.

Section 2 *Scope of application*

These Regulations shall apply to Norwegian passenger ships, cargo ships and barges certified for foreign voyages, as well as for mobile offshore units and for fishing vessels with trade area Bank Fishing I or greater trade area when they are:

- a. in Norwegian territorial waters, including waters near Svalbard and Jan Mayen;
- b. in the Economic Zone of Norway;
- c. on the Norwegian Continental Shelf.

Subject to limitations imposed by international law, these Regulations shall apply to foreign ships and mobile offshore units when they are:

- a. in Norwegian territorial waters, including waters near Svalbard and Jan Mayen;
- b. in the Economic Zone of Norway;
- c. on the Norwegian Continental Shelf.

For ships certified for domestic voyages, sections 9 and 10 shall apply.

Section 3 *Definitions*

For the purpose of these Regulations, the following definitions shall apply:

- a. biofouling: the accumulation of aquatic organisms such as microorganisms, plants and animals on surfaces and structures immersed in or exposed to the aquatic environment;
- b. hazardous invasive species: species not native to a particular area and considered to pose a very high or high risk to microorganisms, plants and animals;
- c. anti-fouling system (AFS): a coating, paint, surface treatment, surface or device used on a ship to control or prevent the attachment of organisms. This includes surface coatings synonymous with the terms “anti-fouling coating” (AFC) and “marine growth prevention system” (MGPS). These terms include systems used than coatings used for the prevention of biofouling accumulation in niche areas or other surface areas;
- d. biofouling control and management system: an overall system designed to enable personnel on board the ship or the mobile offshore unit to efficiently control and manage hull biofouling;
- e. biofouling risk parameters: parameters capable of indicating when a ship or mobile offshore unit in operation has an increased risk of biofouling accumulation. This is referred to as “monitoring on biofouling risk parameters”.

Section 4 *Biofouling control and management system*

The shipping company shall ensure the establishment, implementation, further development and documentation of a biofouling control and management system.

The system shall include a biofouling management plan as outlined in section 5 and a biofouling record book as outlined in section 6.

The system may be integrated with the shipping company's and the ship's or the mobile offshore unit's established Safety Management System.

Section 5 *Biofouling management plan*

Ships and mobile offshore units are required to have a biofouling management plan. The content of this plan shall be tailored to the individual ship or mobile offshore unit.

The plan shall be up-to-date and include the following:

- a. information about who is responsible for the AFS and for ensuring that the plan is properly implemented;
- b. details on the AFS and where it is installed;
- c. details on the recommended operating conditions for the AFS, such as temperature, salinity and speed;
- d. details provided by the AFS manufacturer regarding expected efficacy throughout the system's lifetime, including the necessity for inspection or maintenance;
- e. details on both in-water and dry-dock hull cleaning;
- f. details of hull areas particularly susceptible to biofouling growth;
- g. schedule for fixed inspections of the hull as outlined in section 8;
- h. procedures for reactive hull cleaning if required following a fixed inspection;
- i. regime for repairs, maintenance and renewal of the onboard AFS;
- j. information specifying the documentation requirements for anti-biofouling activities.

If the biofouling risk parameters are monitored during operation of the ship or the mobile offshore unit, the plan shall also include:

- a. description of biofouling risk parameters;
- b. contingency action plan outlining measures triggered by the biofouling risk parameters.

If the working language is not Norwegian, the plan shall also be available in English.

Section 6 *Biofouling record book*

A biofouling record book shall be kept for the ship and offshore mobile unit.

The record book shall include the following:

- a. details of repair and maintenance of the AFS, including date, time, location and hull areas affected;
- b. dates, duration and location of in-water inspections, including inspection reports;
- c. dates, duration and location of in-water or dry-dock cleaning operations, including cleaning reports;
- d. details of instances when the ship or mobile offshore unit has operated outside its normal operating profile, including details of any inactive periods;

- e. information regarding measures taken in accordance with the contingency action plan, triggered by the biofouling risk parameters.

Each entry in the record book shall be signed for by the officer in charge, and each completed page shall be signed by the master.

The record book shall be kept on board throughout the lifetime of the ship or mobile offshore unit. If the working language is not Norwegian, the record book shall also be available in English.

Section 7 Alternative to the system and biofouling management plan

As an alternative to the system and plan outlined in sections 4 and 5, the shipping company may provide documentation that biofouling has been removed from the hull less than 30 days prior to entering Norwegian waters.

The documentation shall specify the time and place for the removal of biofouling and the method used.

Section 8 Fixed inspections and self-inspections of hull biofouling

Fixed inspections shall be conducted to assess the amount of biofouling and the condition of the AFS on the ship and the mobile offshore unit. These inspections shall be carried out by organisations or personnel competent to undertake independent assessments.

The frequency of fixed inspections shall be determined based on the specific biofouling risk profile specified in the biofouling management plan outlined in section 5. The last inspection shall be conducted not earlier than 12 months before entering Norwegian waters.

If the biofouling risk parameters are monitored during operation of the ship or the mobile offshore unit, the last inspection, as referred to in the second paragraph, may be conducted less than 18 months before entering Norwegian waters.

Self-inspections, as outlined as a measure in the contingency action plan, may be conducted by the company's own personnel.

Persons conducting fixed inspections and self-inspections shall be capable of using inspection methods and equipment relevant to determine the amount of biofouling and the condition of the ship's or mobile offshore unit's AFS.

Fixed inspections or self-inspections shall be documented in a report. This report shall be available on board and include the following:

- a. ship name and IMO number;
- b. date and place of inspection, including start and end times;
- c. name of inspection company;
- d. list of all inspected hull and niche areas;
- e. inspection equipment used, including list of divers/ROV operators participating in the operation;
- f. inspection conditions;
- g. inspection results, including quantitative assessments of hull biofouling;
- h. condition of the AFC;
- i. photos or videos.

Section 9 Requirements related to hull cleaning in Norwegian waters

When ships and mobile offshore units undergo cleaning in Norwegian waters, a cleaning method shall be employed that can capture biofouling waste and prevent the spread of hazardous non-indigenous species.

If documentary evidence can be provided, demonstrating that hull cleaning without capture will prevent the spread of hazardous non-indigenous species, alternative cleaning methods may be accepted.

The second paragraph is also applicable when other authorities have established local requirements for cleaning methods without capture.

Hull cleaning shall be documented in a report, which shall be available on board and include the following information:

- a. ship name and IMO number;
- b. date and place of inspection, including start and end times;
- c. name of cleaning company;
- d. cleaning of hull and niche areas;
- e. cleaning and inspection equipment used for hull and niche areas;
- f. conditions during cleaning;
- g. cleaning results, including quantitative assessments of hull biofouling;
- h. condition of the AFS;
- i. photos or videos;
- j. description of capture method and treatment of waste material captured during cleaning.

Section 10 Biofouling removal order

The Norwegian Maritime Authority may issue orders and impose conditions for the removal of hull biofouling that presents a particular risk of spreading hazardous non-indigenous species in Norwegian waters.

In determining the existence of a particular risk of spreading hazardous non-indigenous species, factors such as the treatment of hull biofouling, the extent of hull biofouling and the operational areas of the ship or mobile offshore unit shall be taken into consideration.

Section 11 Entry into force

These Regulations enter into force on 01 July 2025.