

## Circular - Series R

Circular Series R (Regulations) supersedes previous Series F. In the new Series R, relevant legal amendments and amendments to conventions are also published.

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**No.:** **RSR 06-2022**

**Date:** 21 March 2022

**Journal No.:** 2021/153348-20/TVI

**Supersedes:**

**Reference to:** Regulations for vessels used in oil recovery operations

*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.*

## Regulation concerning amendments to the Regulations of 8 February 2011 No. 130 on vessels used in oil recovery operations

The proposed amendments to the Regulations of 8 February 2011 No. 130 on vessels used in oil recovery operations were circulated for review by the Norwegian Maritime Authority (NMA) on 25 October 2021.

The deadline for comments was 22 January 2022. A total of 12 consultative statements were received, whereof 5 included comments to the proposal.

### Entry into force

These amendments enter into force on 1 April 2022.

### Background for the amendments

Resources for oil recovery operations along the coast are primarily regulated by the national provisions of the Regulations of 8 February 2011 No. 130 on vessels used in oil recovery operations, issued under the Act of 16 February 2007 on ship safety and security (Ship Safety and Security Act). These Regulations entered into force on 8 February 2011.

Following the implementation of the Regulations on vessels used in oil recovery operations, there has been a development of the legislation for many relevant vessel types that have a contract with the Norwegian Coastal Administration and the Norwegian Clean Seas Association for Operating Companies as vessels used in oil recovery operations, and are therefore also included in the regulations on vessels used in oil recovery operations.

Requirements for the construction of vessels, inspections and surveys, qualification requirements for masters, etc. are examples of legislation that has been amended in the period from 2011 until 2021. In collaboration with the Norwegian Coastal Administration and the Norwegian Clean Seas Association for Operating Companies, the NMA has proposed a revised regulation on vessels used in oil recovery operations. The aim is to harmonise it as closely as possible with the legislation applicable to vessels used in oil recovery operations.

The Regulations laid down by this circular amend the Regulations on vessels used in oil recovery operations. The amendments include specifications, while at the same time aiming to remove duplicate requirements. Since the entry into force of the Regulations on vessels used in oil recovery operations in 2011, new regulations have been adopted on fishing vessels of less than 15 metres in overall length and on small cargo ships. These regulations also incorporate towing requirements.

Below are comments to the amendments of individual sections in the Regulations on vessels used in oil recovery operations.

### **Section 1 Scope of application and Section 5 Fire safety measures – operations in gas-hazardous areas**

In the scope of application, the Regulations specify their applicability to vessels used in oil recovery operations in areas contaminated by liquids emitting gases with a flashpoint above 60 °C. As a consequence of the amendments to section 1, section 5, which pertains to vessels intended to operate in areas where the flashpoint is lower than 60 °C, has been repealed.

We are removing the restriction for vessels permitted to participate in oil recovery drills and operations through their ordinary certificates. For example, if a cargo ship has an OILREC certificate, there is no need to ascertain separately that the vessel may participate in oil recovery drills and operations. If the vessel will operate in areas with a flashpoint of less than 60 °C, the authorisation to operate in such areas must be covered by the vessel's other certificates.

The amendments to section 1 first paragraph do not include a material change to current law and, therefore, have no financial or administrative consequences for the industry or the authorities.

The changes align with the intentions behind the legislation and how the legislation is currently used, focusing on operations in areas with a flashpoint above 60 °C.

Except for section 13, these Regulations will not apply to vessels that, during oil recovery drills and operations, are used solely for carrying persons and equipment, performing simple work operations, or towing lightweight (coastal) booms in trade area 2, cf. Regulations of 4 November 1981 No. 3793 on trade areas section 8 (Trade Area Regulations).

This amendment will expand the scope of action for vessels in trade area 2, allowing simple work operations without applying the other provisions of the Regulations. Examples of simple work operations include the application of bark, the use of pressure washers or leaf blowers, or the use of mooring equipment that can be handled by hand.

In section 1 second paragraph the exemption for «small vessels» is deleted. Instead, the exception is linked to the activities of the vessel rather than its size, while the scope of application of the exception now clearly points to trade area 2 (protected waters) in the Regulations concerning trade areas.

This amendment has no financial or administrative consequences for the industry or the authorities.

### **Section 2 Definitions**

In a new subparagraph i, we are incorporating a reference to the Regulations of 22 December 2014 No. 1893 on certificates etc. for Norwegian ships and mobile offshore units concerning the definition of towing.

This amendment has no changed financial or administrative consequences for the industry or

the authorities.

#### **Section 4 first paragraph requirement for valid certificates or vessel instructions**

Following the entry into force of the Regulations on vessels used in oil recovery operations, new requirements have been introduced regarding vessel instructions for vessels that may be used in oil recovery operations. All vessels with an oil recovery certificate have a different certificate as a basis. The requirement is therefore changed in line with the other amendments that have occurred after the entry into force of the Regulations on vessels used in oil recovery.

This amendment has no financial or administrative consequences for the industry or the authorities.

#### **Section 6 New fourth paragraph**

A new provision has been laid down in section 6 fourth paragraph concerning equipment on board vessels intended to take aboard oil emulsion in the vessel's cargo spaces. For further details and arguments, reference is made to NSK Ship Design's report (attached).

This amendment has no changed financial or administrative consequences for the industry or the authorities.

#### **Section 7 Title changed to: Instruments for measuring hydrocarbon gas concentrations during oil recovery operations**

The title of section 7 has been changed to reflect that these are instruments taken aboard in the case of oil recovery operations.

Typically, the leader of the operation, along with the master of the vessel, is primarily responsible for ensuring the availability of equipment to measure hydrocarbon gas concentrations on at least one vessel.

The new second sentence stipulates that vessels intended to take aboard oil emulsion in the vessel's cargo spaces shall be fitted with a gas meter pursuant to recommendations in the report from NSK Ship Design.

This amendment has no changed financial or administrative consequences for the industry or the authorities.

#### **Section 8 third and fourth paragraphs, towing requirements**

The NMA permits vessels to operate with a towing winch as an alternative to the towing hook in line with the requirements of Regulations of 19 December 2014 No. 1853 on the construction and supervision of small cargo ships. This allows for greater flexibility and aligns more closely with the current legislation applicable to cargo ships. A towing winch is generally considered to provide a higher level of safety in towing operations. Vessels certified as towing vessels will meet the requirements set out in the Regulations concerning towing connection and stability.

The fourth paragraph specifies that the requirement for additional towing connection applies to greater trade areas than trade area 2, cf. Trade Area Regulations section 8.

This amendment has no changed financial and administrative consequences for the industry or the authorities.

#### **Section 9 first paragraph (e) and fifth paragraph, stability requirements**

The NMA establishes that the stability calculations in the first paragraph must account for loading conditions representing the least favourable stability steps during filling/drainage of the cargo spaces or tanks, including any water ballast tanks, for vessels intended for interim storage of oil emulsion in the vessel's cargo spaces or tanks to balance out the free surface effect. For vessels not intended for interim storage of oil emulsion in the vessel's cargo spaces or tanks,

conditions in accordance with the first paragraph may be omitted (see the fifth paragraph).

Furthermore, the NMA explicitly permits the use of the stability criteria for “vessels having a special hull design” pursuant to IMO Res. A 749(18) paragraphs 4.5.6.2.1–4.5.6.2.4, as has been done for both small fishing and cargo vessels, as well as larger vessels complying with the IMO’s International Code on Intact Stability (IS Code). This allowance is only found indirectly in the wording of the current Regulations. However, it does not involve any material change.

This amendment has no changed financial or administrative consequences for the industry or the authorities.

### **Section 10 Taking aboard oil emulsion**

Fishing and cargo vessels used in oil recovery operations along the coast, with a focus on building a robust emergency preparedness, have been subject to the Regulations on vessels used in oil recovery operations since 2011. Until now, the vessels have been able to store the oil emulsion in external, closed tanks on deck, but not in cargo spaces on board the vessel.

Permitting the use of the vessel’s own cargo spaces for storing oil emulsion with a flashpoint of more than 60 °C will increase the storage capacity during oil discharge, representing one of the most important measures to be implemented. For oil recovery operations along the coast, allowing the storage of oil emulsion in the vessel’s cargo spaces on board fishing and cargo vessels is strategically important.

Therefore, the Norwegian Clean Seas Association for Operating Companies (NOFO) requested NSK Ship Design to make a report identifying methods, risks and problems related to the storage of oil emulsion in cargo spaces on fishing and cargo vessels.

The report concludes that the fire and general safety are maintained by the vessels’ ordinary certificates, along with the requirements of the Regulations on vessels used in oil recovery operations, the operational manual for vessels engaged in oil recover operations along the coast and the HSE Handbook – Oil spill response. Oil emulsion with a flashpoint of more than 60 °C is not classified as a flammable liquid (Regulations relating to handling of flammable, reactive and pressurised substances, 2009).

The Regulations on vessels used in oil recovery operations permit the taking aboard of oil emulsion in external, closed tanks on deck. Fire and explosion hazards are not expected to increase when oil emulsion is stored in cargo spaces, provided that precautions are taken to avoid leaks and spills during the pumping of oil emulsion on board. This is also documented in a report from SINTEF (2009 and 2020).

In July 2020, DNV issued a revised edition of the OILREC notation, now including storage of oil emulsion with a flashpoint of more than 60 °C, which it did not cover before (DNV, 2020). In this notation, DNV sets out a requirement for extra safety equipment which is not a part of the Regulations on vessels used in oil recovery operations. It is recommended that the vessels meet the safety equipment requirements pursuant to OILREC for oil with a flashpoint of more than 60 °C (DNV, 2020).

The NMA has evaluated the proposed amendments discussed in the report and concluded that the safety level for the crew, vessel and environment is provided for. Therefore, we will permit the taking aboard on vessels of oil emulsion with a flashpoint of more than 60 °C. The NMA also refers to the explanation in the report made by NSK Ship Design (attached).

Please note that the certification allowing storage of oil emulsion in cargo spaces on board vessels is voluntary. It will, however, only apply to companies and vessels that wish to participate in oil recovery operations.

There will be a cost for companies to prepare the vessel for use of cargo spaces and tanks in

oil recovery operations. The amendment does not, however, involve changed financial or administrative consequences for the industry or the authorities compared to the current requirements. Nevertheless, the amendment will lead to a significant strengthening of oil recovery operations along the coast, representing a major potential socio-economic gain from the introduction of more robust oil recovery arrangements. Simultaneously, registration in the pool of vessels to be used in oil recovery operations will generate income for individual companies and vessels.

NOFO states that the vessels that enter into the agreement will be compensated annually for being listed in the pool. They will also be compensated when the vessels participate in drills or oil recovery operations.

The NMA presumes that the compensation will cover the majority of the costs mentioned above. In addition to the requirements of the Regulations on vessels used in oil recovery operations, companies will always need to comply with other requirements for a safety management system and the requirements concerning the working environment, health and safety of persons working on board ships.

### **Section 11 Safety management system and operations manual, amendments to the second and third paragraphs**

In section 11, a new requirement is laid down stipulating that the operational manual shall include a description of the clean and dirty zones on board. Furthermore, for vessel intended for interim storage of oil emulsion in the vessel's cargo spaces, the operational manual must cover several unique aspects of these operations.

These include details on tank arrangements, unloading systems, the utilisation of gas meters, the installation of equipment brought aboard, the setup of new piping systems and the closure of necessary piping systems, procedures for preventing overfilling of tanks/cargo spaces and cleaning procedures. Reference is also made to the previously mentioned report from NSK Ship Design.

These amendments have no substantial changed financial or administrative consequences for the industry or the authorities.

### **Section 12 Qualification requirements**

The NMA would like to clarify that the master, at a minimum, must meet the requirements set out in the Regulations of 22 December 2011 No. 1523 on qualifications and certificates for seafarers (Qualification Regulations) section 3. Other seafarers are required to have completed safety training pursuant to the Qualification Regulations sections 7 or 8.

We received several comments on the amendments during the consultation process. On 1 July 2020, the amendments to the Qualification Regulations came into effect, and the certificate requirement for cargo ships was changed from a former overall length of 15 metres or above to an overall length of 8 metres or above.

For cargo ships of less than 500 gross tonnage and of less than 24 metres in length (L) in trade area Small Coasting, there is a requirement for a Certificate of Competency Deck Officer Class 6 (D6), cf. the Qualification Regulations section 23a, and safety training for seafarers on smaller ships, cf. the Qualification Regulations section 8 third paragraph. These requirements are applicable as of 1 January 2024. These requirements are applicable regardless of the now-established Regulations that amend the Regulations on vessels used in oil recovery operations.

## **Section 13      Training**

The NMA would like to make it clear that it is the responsibility of the master to ensure that the vessel is divided into clean and dirty zones to prevent injury to seafarers and environmental damage.

Additionally, training for the safe operation of oil recovery equipment is only required for personnel directly involved in the vessel's oil recovery activities.

This amendment has no changed financial or administrative consequences for the industry or the authorities.

### **Other provisions and entry into force**

The amendments enter into force on 1 April 2022.

Knut Arild Hareide  
Director General of Shipping and Navigation

Linda Bruås  
Head of Department  
Department for Legislation and  
International Relations

#### Attachments:

- 1) Regulation concerning amendments to the Regulations of 8 February 2011 No. 130 on vessels used in oil recovery operations
- 2) Overview of comments to the proposal
- 3) Report made by NSK Ship Design in connection with a revision of the Regulations on vessels used in oil recovery operations with attachments.