

Order on the transfer of liquid cargo between ships in Danish and Greenland territorial waters (STS operations)¹

Pursuant to section 1(3), section 3(1)(ii), (iii), (vi), (viii) and (x), section 6, section 24(2) and section 32(8) of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 72 of 17 January 2014, and pursuant to section 1(3), section 3(1)(ii), (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 decree no. 71 of 29 January 2013, the following provisions are laid down:

Scope of application, etc.

Section 1. The order shall apply to Danish, Greenland and foreign ships that transfer liquid cargo consisting of oil, chemical or gas products in Danish and Greenland territorial waters (STS operations).

Subsection 2. The order shall not limit any other provisions of the legislation to be observed in connection with STS operations.

Subsection 3. The order shall not apply to the transfer of bunker products intended exclusively for operation of the receiving ship.

Definitions

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

- 1) “Supplying ship”: A tanker that is supplying gaseous or liquid products consisting of gas, chemicals or oil.
- 2) “Receiving ship”: A tanker that is receiving gaseous or liquid products consisting of gas, chemicals or oil.
- 3) “Bunker products”: Fuel oils and other types of oil products as well as inflammable gas to be used for operation of the ship to which the oil or gas is transferred.
- 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) “Chemical product”: Harmful liquid substances as defined in MARPOL 73/78, as amended, Annex II, regulation 1, paragraph 1.
- 7) “Chemical tanker”: A ship as defined in SOLAS 74/88, as amended, Annex VII, regulation 8, paragraph 2.
- 8) “Oil”: As defined in MARPOL 73/78, as amended, Annex I, regulation 8, paragraph 1.
- 9) “Oil tanker”: A ship as defined in MARPOL 73/78, as amended, annex I, regulation 1, paragraph 5.
- 10) “STS operation”: An operation during which all or part of a liquid or gaseous cargo consisting of gas, chemical or oil products is transferred from one tanker to another tanker. The operation shall encompass the arrival and departure of the ships involved as well as the transfer of the cargo as such. Oper-

¹ This order has been notified in draft in accordance with directive 98/34/EC of the European Parliament and of the Council (information procedure directive), as amended by directive 98/48/EC.

ations in which gas or oil is transferred between ships approved in accordance with the order on the bunkering of ships in Danish territorial waters issued by the Danish Maritime Authority shall not, however, be regarded as STS operations if the quantity transferred is less than 5,000 m³ and the gas or oil is to be used exclusively for the operation of other ships.

- 11) "STS operator": The person or enterprise responsible for guidance and supervision of the STS operation.
- 12) "Ship to Ship Service Provider Management": The latest edition of the "Ship to Ship Service Provider Management" published by the Oil Companies International Marine Forum (OCIMF).
- 13) "Ship to Ship Transfer Guide (For Petroleum, Chemicals and Liquefied Gases)": The latest edition of the "Ship to Ship Transfer Guide" published by the Chemical Distribution Institute (CDI), the International Chamber of Shipping (ICS), the Oil Companies International Marine Forum (OCIMF) and the Society of International Gas Tanker and Terminal Operators (SIGTTO).
- 14) "SafeSeaNet": The maritime information exchange system of the Community developed by the Commission in cooperation with the Member States for implementing Community law.

Administrative provisions

Section 3. The Danish Maritime Authority may control STS operations and STS operators in order to ensure compliance with the provisions of this order.

Subsection 2. Where the provisions of this order are not complied with, the Danish Maritime Authority may prohibit the carrying out of an STS operation or may demand that an STS operation that is in progress 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, which provide suitable and satisfactory guarantees of the technical, expert and independent nature of the testing.

Subsection 4. Where this order requires the possibility of presenting certificates or other documents or the use of checklists, a copy of the documents on electronic media shall also be accepted. If the document in question is to be signed, electronic documents provided with a digital signature with a level of security 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 concerned.

The STS operator

Section 4. STS operations shall be carried out under the guidance and supervision of an STS operator approved by the Danish Maritime Authority to carry out the relevant type of operations.

Subsection 2. Approval may be granted to persons meeting the qualification criteria in subsections 6 and 7 as well as to enterprises having at their disposal personnel having these qualifications.

Subsection 3. Persons approved as STS operators shall not put other persons in charge of guidance and supervision of STS operations on their behalf.

Subsection 4. Enterprises approved as STS operators shall only allow personnel meeting the requirements in subsections 6 and 7 to be responsible for guidance and supervision of STS operations.

Subsection 5. Approved STS operators shall

- 1) to the widest extent possible use the recommendations of the “Ship to Ship Service Provider Management”; and
 - 2) use a quality assurance system ensuring that their tasks are performed in accordance with this order.
- Subsection 6.* 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 of the same type as those between which the STS operation is to be carried out,
 - 2) be in possession of a valid health certificate,
 - 3) depending on the planned operation, have completed a training programme in STS operations based on the recommendations of the “Ship to Ship Transfer Guide”, and
 - 4) have attended a suitable ship handling course focusing particularly on STS operations.

Subsection 7. The person guiding and supervising an STS operation shall have been responsible for guidance and supervision of at least one independent STS operation of the relevant type during the last 6 months, either on his own or under the supervision of a trained STS operator.

Subsection 8. When applying for approval as an STS operator, documentation of compliance with the conditions stated in subsections 5-7 shall be submitted to the Danish Maritime Authority.

Subsection 9. It shall be possible to present the approval as an STS operator or a copy hereof upon request to the Danish authorities.

Subsection 10. Approval shall be granted for a period of up to 2 years. The approval shall lapse if the conditions stated in subsections 3-7 are no longer met.

Subsection 11. 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 contravened.

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 to carry out the specific type of STS operations.

Subsection 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 those 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.

Subsection 3. If the requirements of the risk assessment drawn up pursuant to section 7(2)(i) can no longer be maintained and the STS operator finds that the operation should be interrupted for safety and/or environmental protection considerations, he shall inform the masters of the receiving and the supplying ships as well as the authorities determined in section 10(1) of this.

Hoses for transfer of liquid cargo in connection with STS operations

Section 6. The recommendations concerning hoses in the “Ship to Ship Transfer Guide” shall be observed. 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.

Subsection 2. The date of the last pressure test shall be stated on the hose. It shall be possible to present a record of the inspections and pressure tests performed on the hoses as well as the producer's specifications upon request.

Measures to be taken in connection with the STS operation

Section 7. Transfer of oil, chemical or gas cargoes between ships shall take place in accordance with the "Ship to Ship Transfer Guide".

Subsection 2. In addition to what follows from subsection 1, the following conditions shall be met:

- 1) Prior to the STS operation, a risk assessment shall be made of whether it can be carried out safely. In this connection, inter alia any limitations in the area chosen, the participating ships, the equipment to be used, the auxiliary vessels involved as well as the expected wind, weather and/or ice conditions shall be included.
- 2) STS operations shall not be carried out in icy conditions where the concentration of ice exceeds 1/10.
- 3) 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.
- 4) Arrival at the anchored ship shall be assisted by tugboats nudging the other ship into position.
- 5) The tugboats shall have sufficient tractive force for the arrival and uncoupling of the ships to be carried out in 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) In connection with STS operations where oil or chemical products are transferred, 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 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 minor oil or chemical leaks in the ship as laid down in the "OCIMF's Ship Inspection Report (SIRE) Programme" in force shall be available and ready for use on both ships.
- 12) In connection with LNG transfers, equipment for establishing a "water curtain" and similar measures that may help prevent damage to the hull and other materials at the ships' manifolds in case of leaking gas shall have been tested and be ready for use.
- 13) A list of the nearest national bodies to be contacted in the event of a pollution accident shall be immediately available on both ships.

- 14) A copy of the checklists included in the “Ship to Ship Transfer Guide shall be kept on board the ships involved for at least 2 years and it shall be possible to present them to the Danish authorities upon request.
- 15) 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 two ships at short notice.
- 16) During the entire STS operation, it shall be assessed on an ongoing basis whether the wind and weather conditions and/or the ice conditions as well as the expected development herein warrants an interruption of the operation.

Measures during the transfer

Section 8. In the immediate vicinity of the supplying ship’s manifold, a means shall be provided for stopping the pumps delivering the oil, chemicals or liquid gas (an emergency stop).

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

Area in which the STS operation is to be performed

Section 9. STS operations shall be carried out only in areas 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 about this. The information shall be given to the following authorities:

- 1) For operations planned in Danish territorial waters: The Admiral Danish Fleet.
- 2) For operations planned in Greenland territorial waters: The 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 supplying ship and the receiving ship,
- 2) the location where the STS operation is to be performed,
- 3) the time at which the STS operation will be commenced and the expected time of completion of the operation,
- 4) exact details of the product(s) it is intended to transfer,
- 5) the quantity or quantities of liquid cargo that it is intended to transfer,
- 6) the agent for the operation,
- 7) the approved STS operator, cf. section 4,
- 8) contact details of a shore-based emergency preparedness from where safety data sheets or similar exhaustive information about the product(s) to be transferred, its properties as well as the form of combat can be requested for the duration of the operation, and

9) as regards oil tankers, confirmation that the participating ships have an on-board STS operation plan meeting the requirements of MARPOL, Annex I, regulation 41.

Subsection 3. If major changes are made to the information given pursuant to subsection 2, including a deviation of more than 6 hours from the start of the operation, the supplying ship shall as soon as possible inform the authorities mentioned in subsection 1 hereof.

Subsection 4. The information required in subsections 2 and 3 shall be reported electronically by means of the Danish SafeSeaNet platform ("Reporting form as well as any updates on STS operation in the territorial waters").

Penalty provisions

Section 11. Contraventions of this regulation shall be liable to punishment by fine or imprisonment for a term of up to 1 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 a risk hereof,
- 2) an injunction or order has been issued previously for the same or an equivalent circumstance, or
- 3) the contravention has brought about or was intended to bring about a financial advantage for the contravenor or others.

Subsection 3. If the contravention has caused harm to the life or health of persons below 18 years of age or brought about a risk hereof, this shall be considered particularly aggravating circumstances, cf. subsection 2(i).

Subsection 4. If the proceeds gained through the contravention 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.

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 12. If the contravention is covered by the 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 ordered in accordance with the penal code for Greenland (*kriminalloven for Grønland*).

Subsection 2. The conditions mentioned in section 11(2) shall be considered especially aggravating circumstances.

Subsection 3. If the financial benefit achieved is not confiscated, cf. part 37 of the penal code (*kriminalloven*), special consideration shall be given to the size of the achieved or intended financial benefit when determining the size of the fine, including supplementary fine.

Subsection 4. If the contravener is a company, etc. (legal personalities), the legal personality may be liable to punishment by fine. If the contravener is the State, the Government of Greenland, a municipality, an inter-municipal enterprise covered by section 64 of the act of the Landsting (Greenland Parliament) on municipal councils and village councils, etc. or a village council, the relevant public authority shall be liable to punishment by fine.

Subsection 5. If the person in question does not live in Greenland, or if his tie to Greenland society is of such a rather loose nature that the preconditions for the application of the measures are not present, legal proceedings may be instituted in Denmark or the case may be sent for trial in Denmark.

Entry into force

Section 13. The order shall enter into force on 1 October 2014.

Subsection 2. Order no. 734 of 25 June 2007 on the transfer of oil cargo between ships in Danish territorial waters shall be repealed.

Danish Maritime Authority, 4 June 2014
Anne Skov Strüver / Steen Møller Nielsen

Reporting form as well as any updates on STS operations in the territorial waters

(The form gives the information that the supplying ship is to report to the Admiral Danish Fleet, respectively the Arctic Command, by means of the Danish SafeSeaNet platform).			
Supplying ship			
Name	IMO no.	Call sign	
Receiving ship			
Name	IMO no.	Call sign	
The supplying ship uses an approved STS operation plan (only oil tankers)	Yes	No	Not relevant
Product(s) – to be filled in for each product transferred			
1. Technical term	Exact technical term	Quantity	Metric tonnes (m ³ if IGC is used)
Code reference	IBC/IGC/MARPOL	24/7 contact	Telephone no.
2. Technical term		Quantity	
Code reference		24/7 contact	
3. Technical term		Quantity	
Code reference		24/7 contact	
Area and position of the operation	For example, Aalbæk Bay, Frederikshavn Roads, Kalundborg Fjord	N	E
Start date/time	End date/time		
Agent			
Name/address			
STS operator			
Name/address			