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## Background

IC MARITIME 1-2022 took note of the compiled information on national legislation and regulations from Denmark, Estonia, Finland, Germany and Latvia related to ship-to-ship cargo transfer (STS) and bunkering of oil and other substances, including substances that are not classified as harmful for the marine environment (e.g. bulk fertilizers) ([document 2-6](#)). In view of this information, the Session discussed the possible revision of HELCOM Recommendation 28/3 on *Guidelines on bunkering operations and ship to ship cargo transfer*, noting that a more comprehensive overview of national legislation and regulations is needed before a decision can be made with regard to the possible revision of the Recommendation. Contracting Parties were encouraged to provide information on national legislation and regulations on STS and bunkering of oil and other substances, including substances that are not classified as harmful for the marine environment (e.g. bulk fertilizers) to the Secretariat at their earliest convenience ([Memo of IC MARITIME 1-2022](#), para. 2.8-2.10). Input was provided intersessionally by Sweden.

Subsequently, those contracting Parties that had not yet provided such information were encouraged to do so by 26 September 2023, in order to enable the Secretariat to prepare an updated compilation for consideration by the Session. Input was provided by Poland.

More details on the national input for Denmark, Estonia, Finland, Germany, Latvia, Poland and Sweden can be found in Annex 1, and additional information for Poland in Attachments 1 and 2 to this document.

## Action requested

The Session is invited to take note of the information and make use of it to discuss the possible revision of Recommendation 28/3 on Guidelines on bunkering operations and ship to ship cargo transfer.

## STS in the Baltic Sea

The table below contains a summary of the input on national legislation and regulations on STS and bunkering of oil and other substances, including substances that are not classified as harmful for the marine environment (e.g. bulk fertilizers) as provided by Denmark, Estonia, Finland, Germany, Latvia, Poland and Sweden.

Table 1. Summary table of the available national legislation and regulations on STS and bunkering of oil and other substances.

Country	Designation of areas	Permission	Violations and sanctions	Qualification of operators
Denmark	No.	Registration	Yes	Yes
Estonia	Yes, designated areas for bunkering and STS of LNG, LPG only. Other STS allowed only in ports. No areas designated nor national legislation in EEZ.	Yes	No	No
Finland	Yes, designated areas for bunkering and STS both in Finnish waters and EEZ	Registration	No	No
Germany	Yes, Designated areas	Yes	No	No
Latvia	STS and bunkering allowed only in port anchorage areas; no areas designated nor national legislation in EEZ	Registration	No	No
Poland	Please refer to information in Annex 1 and Attachments 1 and 2.	Please refer to information in Annex 1 and Attachments 1 and 2.	No	No
Sweden	No designated areas. For Annex II STS operations, consultation between Swedish Transport Agency, Swedish Coastguard and Swedish Maritime Administration regarding suitable area for the operation is part of permit procedure.	Yes - permit from STA is needed for Annex II STS operations outside ports. No permit is currently needed for any other STS or bunker operations	Anyone who intentionally or negligently violates Annex II STS requirements may be sentenced to a fine or imprisonment for a maximum of one year	No

## Annex 1 Information as provided by countries

### Denmark

There are the following two national legislation on bunkering and STS operation.

<https://www.retsinformation.dk/eli/lta/2018/1075> (bunkring)

<https://www.retsinformation.dk/eli/lta/2014/570> (STS)

There is not an English version at this point.

### Estonia

In Estonia bunkering operations are allowed in 6 anchorage areas, which are choosed according certain criteria. Anchorage areas in Estonia do not belong to ports. Also, STS operations of LPG and LNG are allowed in the same anchorage areas. Other STS operations are allowed only in ports. Operations need to be registered and permission has to be granted. Regulating act is government act No 51 <https://www.riigiteataja.ee/akt/127062020004?leiaKehtiv>

On the other hand, there is no legal act that regulates overally, what ships can do and can't do in anchorage areas beside International conventions. It would be interesting for us to know if there is such legislation in other countries, but this issue has also been discussed in PRF WG, so I am not sure where this discussion is more appropriate.

### Finland

The regulation of STS in Finland (by the Finnish Transport and Communications Agency) is based on Act on Environmental Protection in Maritime Transport (1672/2009), chapter 2a, section 7, subsection 2 (see **Annex 2**). It is also available in the web:

fi/sv/en: <https://finlex.fi/fi/viranomaiset/normi/501001/47659>

Please visit also (sorry, only in Finnish and Swedish) to read regulations at law level, unfortunately there is not updated version in English:

<https://www.finlex.fi/sv/laki/ajantasa/2009/20091672#L2a> (sv)

please find below information on national (and local) legislation and regulations on STS and bunkering of oil and other substances in Germany. Not for all regulations, an official translation is available. Only the **German Traffic Regulations for Navigable Maritime Waterways** (SeeSchStrO) are available online in English. For your convenience, we can provide a courtesy translation of the relevant paragraph of the **Ordinance on the environmentally sound behaviour in maritime navigation (SeeUmwVerhV)**, however, **the legislation of the federal states (Länder)** is only available in German.

### Germany

#### **Federal legislation**

At the federal level, relevant regulation can be found in the **Ordinance on the environmentally sound behaviour in maritime navigation (Seeumweltverhaltensverordnung – SeeUmwVerhV)** and **the German Traffic Regulations for Navigable Maritime Waterways (Seeschiffahrtsstraßenverordnung – SeeSchStrO)**:

- **Ordinance on the environmentally sound behaviour in maritime navigation (SeeUmwVerhV)**  
**§ 5 Transfer of oil cargo between oil tankers at sea**

(1) The master shall ensure that the information regarding STS operations required by paragraph 2 of regulation 42 of Annex I to the MARPOL Convention is provided in a timely manner to the local Waterways and Shipping Office via its vessel traffic service centre using VHF radio.

(2) The conduct of an STS operation on maritime waterways or the water areas listed in section 3(1)(1) without the permission of the local Waterways and Shipping Office shall be prohibited. Permission shall be requested in writing in a timely manner and may have conditions or requirements attached to it.

- **German Traffic Regulations for Navigable Maritime Waterways (SeeSchStrO)**  
[See § 34 Cargo-handling operations and § 36 Handling of certain dangerous goods](#)

Please note: The geographical areas where permission has been granted and conditions for these permissions can be viewed [online](#).

### **Legislation of the State of Schleswig-Holstein**

Relevant legislation is the Hafenverordnung ([HafVO SH](#)) , which regulates the competent authorities (§ 4), but also loading and unloading (§ 25). With respect to supply of liquid and gaseous fuels also § 24 Hafensicherheitsverordnung ([HSVO SH](#)) needs to be applied.

In addition, § 12 Hafenentsorgungsverordnung ([HafEntsVO SH](#)) addresses also disposal procedure and requirements and additional costs.

### **Legislation of the State of Mecklenburg-Vorpommern**

In MV, too, the Hafenverordnung ([HafVO MV](#)) is the basic legal framework, including the allocation of berths (§ 16), loading/unloading (§22) and bunkering of marine fuels incl. liquefied gases/LNG (§ 22a). In addition, a number of federal regulations (§2) apply to ports on federal waterways, such as the German Traffic Regulations for Navigable Maritime Waterways (SeeSchStrO).

In addition, the Hafengefahrgutverordnung ([HGGVO MV](#)) applies to dangerous goods, which contains, among other things, special berths (§ 8) and safety measures and supervision during handling (§ 12).

	STS operations	Passenger and supply operations for ships at sea (including bunkering)
<b>Ports</b>	Each port has rights to state their own requirements regarding STS operations in the port area.	Each port has rights to state their own requirements regarding STS passenger and supply operations in the port area.
<b>Territorial Sea</b>	<p>STS operations are regulated by <b>Cabinet Regulation No. 1171 Adopted 21 December 2010 Regulations Regarding the Procedures for Using Latvian Waters and Navigation Regime Therein</b></p> <p>STS operations are allowed only in ports' anchorage areas, or in place specified by the harbour master of the relevant port. Restrictions do not apply to ship to ship transfer of fish or fish production in the Baltic Sea and the Gulf of Riga.</p> <p>If a ship to ship cargo transfer operation is intended at sea, the owners, operators, charterers or the agents of the ships involved in the operation shall, not later than 48 hours prior to the planned operation, submit to the harbour master of the nearest port an application of a specific form, which has been co-ordinated among the Coast Guard, the State Environmental Service, the relevant customs authority and the Maritime Safety Department of the Maritime Administration.</p> <p>In performing oil product transfer operations, both ships involved in the transfer operation shall fill in a safety checklist in accordance with the requirements of Regulation 41 of Annex I to the MARPOL Convention and comply with the requirements specified in the regulatory enactments regarding maritime administration and marine safety.</p> <p>State Environmental Service, Coast Guard and Maritime Administration of Latvia can send their inspectors on board of ships, and they have rights to request to stop operation due to weather conditions or in case of failure to comply with regulations.</p>	<p>Passenger and supply operations for ships at sea are regulated by <b>Cabinet Regulation No. 1171 Adopted 21 December 2010 Regulations Regarding the Procedures for Using Latvian Waters and Navigation Regime Therein</b></p> <p>Passenger and supply operations for ships at sea shall be allowed only in specified anchorage areas, or in place specified by the harbour master of the relevant port. Such restrictions do not apply to ship-to-ship transfer of fish or fish production in the Baltic Sea and the Gulf of Riga.</p> <p>In order to carry out passenger and supply operations (also operations of fuel supply) in anchorage areas located within the boundaries of a port, a permit of the harbour master of the relevant port shall be obtained. The master of the ship shall notify the vessel traffic management service of the port regarding commencement, discontinuation or termination of the announced operations.</p> <p>Before cargo, passenger and supply operations from ship to ship are commenced at sea, inspectors of the Maritime Safety Department of the Maritime Administration have the right to inspect the ships involved according to the port State control.</p> <p>In performing oil product transfer operations, both ships involved in the transfer operation shall fill in a safety checklist in accordance with the requirements of Regulation 41 of Annex I to the MARPOL Convention and comply with the requirements specified in the regulatory enactments regarding maritime administration and marine safety.</p>
<b>EEZ</b>	There are no additional national regulations regarding STS operations in EEZ of Latvia. All	There are no additional national regulations regarding passenger and

	anchorage areas of ports are located within the territorial waters of Latvia.	supply operations in EEZ of Latvia. All anchorage areas of ports are located within the territorial waters of Latvia.
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## Poland

### **1. National (local) regulations/legislation regarding bunkering operations and ship transshipment operations (names of legal acts/other regulations, links to regulations).**

#### **a) national regulations:**

- **Act of 21 March 1991 on maritime areas of the Republic of Poland and maritime administration** (Journal of Laws 2023, item 960), only available in Polish, in particular article 50a par. 8 concerning instructions for safe ship operation and technological instructions (draft translation into English):

*8. Entities managing a port, marina, terminal or shipyard in the field of fire protection, in addition to fulfilling obligations arising from fire protection regulations, are obliged to:*

*1) preparing, in accordance with the regulations on preventing sea pollution from ships, plans to combat threats and pollution of port waters and, depending on the business activity, technological and technological instructions operating instructions and instructions for the safe operation of the ship and their coordination;*

*2) agreeing organizational regulations of executing entities with the territorially competent director of the maritime office tasks related to fire protection in ports on the water side, and in the case of marinas – agreeing on the methods and conditions of fire protection of the entire marina;*

*3) carrying out the instructions of the inspector referred to in section 3<sup>1</sup>, issued ad hoc or included in the protocol referred to in section 7<sup>2</sup>;*

*4) inform the relevant port master about any situation requiring the intervention of rescue and fire-fighting services in a managed facility or on a managed area located within the administrative boundaries of the port.*

- **Regulation of the Minister of Maritime Economy and Inland Navigation of 21 December 2016 on fire supervision in Polish maritime areas and sea ports and harbors** (Journal of Laws 2017 item 118), only available in Polish, in particular § 3 par. 1 sec. 3-5.

Concerns reloading of hazardous materials (including harmful substances) at terminals (draft translation into English).

*§ 3. 1. In the scope of fire protection supervision in ports, referred to in Art. 42 section 2 point 9 of the Act, directors maritime offices:*

*3) verify the information contained in the technological manual submitted by the entity operating in the port involving the transport, reloading, processing, storage or distribution of dangerous goods, in terms of their compliance with applicable fire protection and safety regulations maritime affairs and prevention of*

<sup>1</sup> Par. 3: „Inspections and controls referred to in paragraph 2, based on the authorization of the director of the maritime office, shall carry out fire protection inspector, hereinafter referred to as the "inspector".” (draft translation into English).

<sup>2</sup> Par. 7: „The inspector prepares a report from the inspections and checks carried out, including in particular a description of the finding as a result of control or inspection of the actual state, including any irregularities discovered, along with specifying the deadline their removal”.

*sea pollution by ships and the detailed scope of necessary information to be specified in the technological instruction specified in Annex 2 to the regulation;*

*4) verify the information contained in:*

*a) a cyclical technology and operation manual submitted by the entity operating in the port consisting in the construction, renovation and repair of ships and other floating objects, as well as other means transport, devices and installations,*  
*b) a one-off technological and operational instruction, submitted by the entity planning to commence work in the port renovation, repair or other fire-hazardous work with a specific scope and implementation time. – in terms of their compliance with applicable fire protection and safety regulations maritime affairs and prevention of sea pollution by ships and the detailed scope of necessary information to be specified in the operation and technology manual specified in Annex 3 to the regulation;*

*5) verify the information contained in the manual for the safe operation of a ship carrying dangerous goods submitted by the entity managing the terminal, in terms of their compliance with applicable regulations fire protection, maritime safety and prevention of marine pollution from ships and the detailed scope of information necessary to be specified in the ship's safe operation manual specified in Annex 4 to the regulation;*

- **Regulation of the Minister of Maritime Affairs and Inland Navigation of 28 December 2017 on technical conditions to be met by marine vessels and their equipment and the scope of their control** (Journal of Laws 2018, item 202) - specifies detailed technical requirements to be met by marine vessels and their equipment, including on: bunkering installations and equipment, cargo handling installations and equipment.
- **Regulation of the Minister of Maritime Affairs and Inland Navigation of 20 January 20015 on the technical requirements to be met by port cargo handling equipment** (Journal of Laws 2015, item 104) - specifies detailed technical requirements to be met by port cargo handling equipment, including on bunkering equipment.

#### **b) local regulations:**

General note: Local regulations are issued by territorially competent directors of maritime offices: Maritime Office in Gdynia and Maritime Office in Szczecin.

*Maritime Office in Szczecin:*

- **ORDINANCE NO. 3 of the Director of Maritime Office in Szczecin of 6th April 2023** (Journal of Laws of the West Pomeranian Voivodship 2023 item 2321), attached in English (attachment 1), in particular "Chapter 4 The cargo handling and storage".

*Maritime Office in Gdynia:*

- **Order No. 4 of the Director of the Maritime Office in Gdynia dated August 7, 2000 on the prevention of the occurrence and spread of fire, natural disaster or other local danger in the area of maritime ports and harbors lying within the territorial jurisdiction of the Director of the Maritime Office in Gdynia,** Chapter V - §14 - §19.
- **Order No. 9 of the Director of the Maritime Office in Gdynia dated July 16, 2018. Port regulations §95** (draft translation into English):

*§95.1. Prior to the commencement of bulk oil-derivatives and any other bulk oil handling (other than bunkering) the ship should be surrounded by an oil barrier which should stay in place throughout the handling process; if Harbor Master decides so, she should be accompanied by an oil skimmer ship. If a*

harbor basin is equipped with efficient pneumatic oil booms which prevent oil pollutants from spilling beyond the basin, Harbor Master may refrain from the requirement of using an additional oil barrier. However, the cargo handling depot should make the oil booms immediately available in case of pollution.

2. Requirements relating to the handling of bulk chemicals which are lighter than water and do not dissolve in water should be specified in a Technical Manual and agreed with Harbor Master.

3. Requirements relating to the handling of dangerous bulk substances should be specified in a Technical Manual.

4. If deploying an oil boom is difficult or impossible, or the quantity of transferred oil or chemical substance is smaller than 2,000 tons, Harbor Master may, on the motion of the cargo handler or an assisting entity, give a one-time permission or a temporary permission to the assistance of a vessel with a boom ready to deploy. The responsibility for full readiness of the vessel to take action rests with the cargo handler.

5. Bunkering of vessels should take place within the internal area of the harbor, in a place approved by Harbor Master's Office. If there is no threat to the safety of the harbor and natural environment, on a motion of the ship operator, Harbor Master may give his consent to bunkering on the roads, specifying the conditions of such operation. All costs connected with bunkering on the harbor roads burden the party applying for the consent.

6. Bunkering of fuel from a tank to a ship may take place on the wharf in a place designated by the wharf operator, properly prepared and secured, and approved by Harbor Master's Office.

7. The commencement and completion of the operation referred to in Paragraphs 5 and 6 should be reported to Harbor Master's Office.

**2. Information regarding the possibility/impossibility of bunkering various types of fuels, including: oil, LNG, LPG (in the port - from the quay / from the ship to ship, in the territorial sea - from ship to ship, in the exclusive economic zone - from ship to ship) along with detailed information on the requirements, course of operations, and powers of the competent authorities (including specific legal provisions).**

**LNG**

The possibility of conducting LNG bunkering operations in the port results from the following legal provisions:

- Law of 11 January 2018 on electromobility and alternative fuels (Journal of Laws 2021, item 1107) - Article 16, which sets out the rules for LNG bunkering at ports. According to this provision, LNG bunkering in ports is allowed, provided that the requirements set forth in the Decree of the Minister of Maritime Affairs and Inland Navigation of December 20, 2012 on the technical requirements to be met by liquid fuel bunkering stations for shipping are met.
- Ordinance of the Minister of Maritime Economy and Inland Navigation of December 20, 2012 on technical requirements to be met by liquid fuel bunkering stations for maritime navigation (Journal of Laws 2012, item 1566, as amended) - this ordinance specifies detailed requirements to be met by LNG bunkering stations.

*Maritime Office in Gdynia:*

There are no local regulations of Maritime Office in Gdynia regarding LNG bunkering. LNG bunkering at the wharf is carried out on the basis of the approved LNG bunkering Technological Instruction together with an assessment of the risk of explosion and the requirements of the Harbormaster regarding the preparation of the bunkering vessel for the operation as well as the terminal area).



## LPG

In Poland, there are no laws, which regulate the possibility of bunkering of ships with LPG fuel. Therefore, such operations are currently unacceptable

## MARINE OIL FUEL

*Maritime Office in Gdynia:*

See: attachment 2, p. 3-6.

*Maritime Office in Szczecin:*

The matters are specified in the ORDINANCE NO. 3 of the Director of Maritime Office in Szczecin of 6th April 2023 – Port regulations.

Port regulations apply in the area of the sea ports and sea harbors located within the territorial jurisdiction of the Director of the Maritime Office in Szczecin, also in the roadsteads of ports and waterways leading to sea ports and harbors, as well as in the area of the anchorages located outside the above-mentioned areas. In accordance with § 192 - 195 and 199 (Part III - Port services, Chapter 4 - transshipment and storage of goods), among others:

- the rules specified in the ship's safe operation instructions and technological instructions apply;
- bunkering of units should take place while the unit is at a quay approved by the Harbor Master's Office. In justified cases, the harbor master may, at the shipowner's request, consent to bunkering in the roadstead or anchorage, specifying the conditions for carrying out the operation;
- bunkering of a ship from a tanker may take place on the quay in a place designated by the user, properly prepared and secured and accepted by the port master's office;
- before starting bunkering, a checklist should be prepared to confirm that safety conditions have been met in terms of the condition of the units involved in the operation, communications during the operation, reloading rules, emergency procedures and the safety of people and the natural environment. After bunkering is completed, a copy of the checklist should be sent to the territorially appropriate harbor master's office.

### **3. Information on the possibility / impossibility of transshipment of various categories of cargo (considered harmful / harmless to the environment) from ship to ship (in a port, in the territorial sea, in the exclusive economic zone) along with detailed information on the requirements, course of operations, as well as and powers of the competent authorities (including specific legal provisions).**

*Maritime Office in Szczecin:*

The matters are specified in Order No. 3 of the Director of the Maritime Office in Szczecin of April 6, 2023 - Port regulations.

Port regulations apply in the area of the sea ports and sea harbors located within the territorial jurisdiction of the Director of the Maritime Office in Szczecin, also in the roadsteads of ports and waterways leading to sea ports and harbors, as well as in the area of the anchorages located outside the above-mentioned areas. In accordance with § 188 - 190, 192 - 193 and 195 - 202 (Division III - Port services, Chapter 4 - transshipment and storage of goods), among others:

- Appropriate security measures are necessary during transshipment and, in certain cases, it is necessary to use a barrier to prevent the spread of possible contamination;
- Places where reloading can be carried out have been marked;
- Requirements for reloading devices have been defined;
- The rules specified in the ship's safe operation instructions and technological instructions apply;
- It is necessary to report detailed information regarding the cargo and the start and end of transshipment to the appropriate port master's office;

- The storage and transshipment of hazardous materials, which are specified in the IMDG Code as materials not approved for maritime transport, is prohibited;
- The transshipment and storage of dangerous goods of class 1, with the exception of class 1.4 S and class 7 according to the IMDG Code, requires each time obtaining the consent of the relevant port master;
- Situations in which, during the transshipment of bulk flammable liquids and bulk liquefied flammable gases, the user of the transshipment terminal is obliged to provide assistance from a firefighting vessel.

## Sweden

Swedish regulations for STS operations can be found in STA Regulations on Prevention of Pollution from Ships (Transportstyrelsens föreskrifter och allmänna råd (TSFS 2010:96) om åtgärder mot förorening från fartyg). Bunkering and oil cargo STS is regulated in chapter 7. Annex II STS operations are regulated in Chapter 9, 50-53 §§. These regulations are based on HELCOM Recommendation 28/3.

Link to STA regulations TSFS 2010:96 (Swedish only) [Transportstyrelsens föreskrifter och allmänna råd om åtgärder mot förorening från fartyg \(konsoliderad elektronisk utgåva\), TSFS 2010:96](#)