

## **Proposed Regulations of 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, 11, 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 spread of invasive species from the hulls of ships and mobile offshore units engaged on international voyages that arrive in Norway, and to prevent their further spread within Norwegian waters. In addition, the Regulations aim to ensure that the management of hull biofouling does not cause pollution of Norwegian waters.

### *Section 2 Scope of application*

These Regulations apply to Norwegian ships and mobile offshore units. Subject to limitations set out in international law, the Regulations also apply to foreign ships and mobile offshore units located within Norwegian territorial waters, including the territorial waters surrounding Svalbard and Jan Mayen.

### *Section 3 Definitions*

For the purposes of these Regulations, the following definitions apply:

- a. Biofouling: the accumulation of organisms such as microorganisms, plants and animals on surfaces and structures immersed in or exposed to water. A distinction is made between microfouling and macrofouling.
- b. Microfouling: the accumulation of smaller organisms such as bacteria, fungi, microalgae, protozoa and other microscopic organisms during the initial stages of biofouling on surfaces and structures immersed in or exposed to water. Microfouling is characterised by the formation of a biofilm, also referred to as a slime layer.
- c. Macrofouling: the accumulation of larger organisms following a phase of microfouling, characterised by the attachment of visible plants and animals to hulls and mobile offshore units immersed in seawater. Macrofouling is readily visible and may include, for instance, tubeworms, mussels, fronds or filaments of algae, bryozoans and other large organisms.
- d. Invasive species: species that have been intentionally or unintentionally introduced into an area beyond their natural distribution range.
- e. Hull: the structural framework of a ship or mobile offshore unit that is immersed in seawater to provide buoyancy, strength and protection. In these Regulations, the term "hull" also includes the ship's or mobile offshore unit's niche areas, rudder, propeller, thruster tunnels and sea chests, and other fixed parts of the hull immersed in seawater.

### *Section 4 Requirement for limited hull biofouling*

Ships and mobile offshore units arriving in Norwegian territorial waters from locations outside the Economic Zone of Norway must not have macrofouling on their hulls. The same requirement applies while these vessels remain within Norwegian territorial waters.

#### *Section 5 Requirement for biofouling management plan*

Ships and mobile offshore units referred to in section 4 are required to have a biofouling management plan. The plan shall set out measures and include written procedures and information on the processes applied to ensure that the ship or mobile offshore unit complies with the requirement set out in section 4.

The plan shall be tailored to the specific ship or mobile offshore unit and take into account its operational profile. It shall be readily accessible for inspection, maintained in an up-to-date condition and clearly state who is responsible for implementing the measures specified in the plan. If the working language is not Norwegian, the plan shall also be available in English.

The plan may be developed in accordance with the guidelines of IMO Resolution MEPC.378(80).

#### *Section 6 Requirement for documentation*

Ships and mobile offshore units referred to in section 4 shall, during their voyage and while in Norwegian territorial waters, document the measures implemented to limit or remove biofouling.

As a minimum, the documentation shall show the most recent measure carried out before arrival in Norwegian territorial waters.

The documentation may be recorded in a record book, developed in accordance with the guidelines set out in IMO Resolution MEPC.378(80).

#### *Section 7 Requirement for hull cleaning upon arrival in Norwegian territorial waters*

Ships and mobile offshore units referred to in section 4 that have hulls not in compliance with the requirement for limited biofouling under section 4 shall undergo hull cleaning.

Hull cleaning shall commence within 24 hours of arrival in Norwegian territorial waters. In these circumstances, the ship or mobile offshore unit shall be capable of providing documentation of the planned cleaning.

Hull cleaning shall be carried out in accordance with section 10.

#### *Section 8 Exception for extended stay in Norwegian territorial waters*

Ships and mobile offshore units with hulls cleaned in accordance with section 7 may, if remaining in Norwegian territorial waters for more than six months, comply with the provisions of section 10.

#### *Section 9 Ships and mobile offshore units not operating outside the Economic Zone of Norway*

Ships and mobile offshore units that do not operate outside the Economic Zone of Norway, see section 4, shall carry out hull cleaning in accordance with section 10.

#### Section 10 *Requirement for cleaning technology*

Hull cleaning shall be carried out using the best available technology at the time.

In considering what constitutes the best available technology, particular consideration shall be given to:

- a. the greatest possible limitation of pollution arising from the cleaning;
- b. the maximum reduction in the release of living organisms;
- c. the effective removal of hull biofouling;
- d. the minimisation of damage and degradation to the anti-fouling system;
- e. the highest possible capture rate of material released during hull cleaning.

If the use of the best available technology would result in increased pollution or a higher risk of spreading non-native species, cleaning shall not be carried out in Norwegian territorial waters.

Collected material shall be delivered to onshore reception or treatment facilities.

#### Section 11 *Stricter requirements in specific areas or particular cases*

Where necessary to prevent, reduce or hinder the introduction or spread of invasive species, the Norwegian Maritime Authority may, by regulation and on short notice, lay down more stringent requirements for the management of hull biofouling than those set out in these Regulations, either in specific areas or in particular cases.

#### Section 12 *Orders for removal of hull biofouling*

The Norwegian Maritime Authority may issue orders and stipulate conditions for the removal of hull biofouling that poses a particular risk of spreading invasive species within Norwegian territorial waters.

In assessing whether a particular risk of spreading invasive species exists, factors such as the extent of hull biofouling and the operational history of the ship or mobile offshore unit may be taken into account.

When an order for the removal of hull biofouling is issued, the cleaning shall be carried out using the best available technology in accordance with section 10.

#### Section 13 *Exemptions*

The Norwegian Maritime Authority may, upon written application, grant exemptions from sections 5, 6, 7, 9 and 10 of these Regulations.

In assessing such applications, particular consideration shall be given to whether the ship or mobile offshore unit has attempted to comply with the requirement of the relevant provision, and whether compliance would be unreasonably difficult in the specific case.

#### Section 14 *Entry into force*

These Regulations will enter into force on 1 July 2028.