



Maritime &
Coastguard
Agency

MERCHANT SHIPPING NOTICE

MSN 1829 (M)

Ship to Ship Transfer Regulations 2020

Notice to all Shipowners, Masters, bunker suppliers and operators engaged in ship-to-ship transfer operations

This notice should be read in conjunction with the Merchant Shipping (Ship-To-Ship Transfers) Regulations 2020/94.

PLEASE NOTE: -

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

Summary

This notice sets out detailed requirements regarding ship-to-ship transfers of cargo consisting wholly or mainly of oil. Additionally, it incorporates guidance on the revised Annex I of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 ("MARPOL") which addresses ship-to-ship transfer operations ("STS operations").

This Notice is given statutory force by the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2020 and should be read in conjunction with those Regulations, which specify in detail what can and cannot be transferred and the penalties for any offences that are committed.

Key points

- Ship-to-ship transfers, including most bunkering operations, outside of harbour authority waters are prohibited within UK waters except within an identified area of sea near Southwold on the east coast (known as the permit area), for operations
- For transfers within the permit area this notice establishes detailed technical requirements to apply to STS operations including a need to provide 72 hours' notice
- Outside of the UK territorial sea but within UK controlled waters, ship-to-ship transfers are permitted but in certain circumstances (as described below) the transfer must be notified to the MCA no less than 48 hours before the transfer on a 'for information' basis

- Additionally, UK flagged ships that are involved in cargo transfers to or from a ship of 150GT or more internationally are required to carry a plan prescribing how to conduct STS operations in line with MARPOL Annex I.

1. Introduction and Background

- 1.1 The Merchant Shipping (Ship to Ship Transfers) Regulations 2020 (“the 2020 Regulations”) enter into force on 26th February 2020 and they prohibit cargo transfers in UK waters unless they are carried out within harbour authority waters (and authorised by the harbour authority) or within the permit area. A harbour authority may only authorise a cargo transfer in their waters if they have an oil transfer licence. The permit area is located off Southwold in Suffolk and is defined by a circle of radius 1.5 nautical miles centred on position 52° 16’N.01° 57.3’E. Cargo transfers in the permit area may only be undertaken in adherence with strictly controlled conditions and with the written approval of the MCA.
- 1.2 In addition to the 2020 Regulations and MARPOL Annex I (where applicable), when developing operational procedures for cargo transfer operations, owners and operators are advised to take account of the latest edition of the Ship to Ship Transfer Guide (for Petroleum, Chemicals and Liquefied Gases) produced jointly by the International Chamber of Shipping (ICS) and the Oil Companies’ International Marine Forum (OCIMF), and also the Manual on Oil Pollution (Section 1), produced by the International Maritime Organization (IMO).
- 1.3 Outside of UK territorial waters but within t UK controlled waters (as defined in regulation 4(5) of the 2020 Regulations – also known as the UK Exclusive Economic Zone or EEZ), there is a requirement to notify the MCA in advance of operations involving a ship or ships of 150GT or more, as a result of the 2010 amendments to Annex I of MARPOL implemented in UK law through the 2020 Regulations. These elements are discussed under point 12 of this MSN.

2. Transfers within harbour authority waters

- 2.1 Bunkering operations conducted solely within harbour authority waters are not restricted by these Regulations.
- 2.2 Harbour authorities should ensure that the implications of bunkering operations carried out in waters under their control are covered in their oil spill contingency planning.
- 2.3 Cargo transfer operations within harbour limits are permitted if:
 - The harbour authority has authorised the cargo transfer (the harbour authority must have an oil transfer licence in order to grant this authorisation; or
 - The cargo transfer is a lightening operation (see regulation 5(2)(a) of the 2020 Regulations); or

- The cargo transfer is a consolidation operation (see regulation 5(2)(b) of the 2020 Regulations).

2.4 Applications for an oil transfer licence should be made to the MCA as outlined in Regulation 8 of the 2020 Regulations, marked 'Oil Transfer Licence Application' and sent via e-mail to:

Maritime and Coastguard Agency – Counter Pollution and Salvage Branch:

hq_counterpollution@mcga.gov.uk (FAO Head of Branch)

3. Mother-craft/daughter-craft refuelling arrangements

3.1 The 2020 Regulations provides specific exceptions (see regulation 10(2)) for vessels to refuel, or be refuelled by either mother or daughter-craft in particular circumstances.

3.2 If refuelling is required in circumstances that are not covered by the exceptions listed in regulation 10(2), it is possible to apply to the MCA for an exemption under regulation 11. For example, refuelling may be required in the following circumstances; fuelling of jack ups (when jacked-up) and other, temporary installations, as well as vessels with extremely restricted capability to leave station to take on fuel, such as dredgers, workboats, cable layers and heavy lift vessels operating offshore and accommodation vessels.

3.3 MCA Counter Pollution and Salvage are the approving authority for exemption requests and all requests should be submitted via: hq_counterpollution@mcga.gov.uk.

3.4 Transfers of fuel to and from mother/daughter-craft should be carried out with due regard to crew and vessel safety and with appropriate environmental safeguards.

3.5 Particular care should be taken to ensure that appropriate training has been provided to those carrying out these transfers and that equipment is maintained correctly on both the supplying and receiving craft.

4. Transfers to offshore installations

4.1 The 2020 Regulations cover transfers between vessels, they do not regulate transfers from a vessel to an offshore or renewable energy installation.

4.2 Transfers of fuel from vessels to such installations should be carried out with due regard to crew and vessel safety and with appropriate environmental safeguards.

5. Making an Application for transfers in the permit area (Southwold)

5.1 The 2020 Regulations make it an offence for ship-to-ship transfers of cargo consisting wholly or mainly of oil to take place in the permit area without the approval of the MCA. Written applications must be with the MCA at least 72 hours before the transfer is

scheduled to start. Applications involving a series of transfers must be with the MCA at least 3 working days before the first transfer in that series is due to start. Applications should be marked “URGENT - Ship-to-Ship Transfer Application” and emailed to: -

HMCG Business Unit: HMCoastguard@mcga.gov.uk

- 5.2 The Conservation of Habitats and Species Regulations 2017 place a statutory duty on the MCA to ensure that applications are carried out in accordance with the requirements of Council Directive 92/43/EEC of 21 May 1992, as amended (“the Habitats Directive”). Consequently, applications to carry out a cargo transfer in the permit area will be carefully scrutinised by the MCA to determine if there is likely to be a significant effect on a European site as a result of the transfer. In cases where there is likely to be a significant effect, an appropriate assessment will need to be undertaken in accordance with the applicable elements of the Habitats Directive. Although the UK will no longer be an EU member State from exit day onwards, these requirements continue to apply during the implementation period.
- 5.3 It is essential that the MCA is given as much information as possible about how the transfer will be conducted and what safeguards and contingencies will be put in place to guard against the risk of any accidental pollution.
- 5.4 The application to carry out a cargo transfer operation in the permit area must therefore include the following details: -
- a. the ships involved and their safety certification, including a signed declaration by the owner or master that each ship is fit and equipped for the purposes of a transfer operation;
 - b. the manning of those ships during the operation, including details of manning certificates;
 - c. the qualifications and relevant experience of those overseeing the transfer (Chapter 1 of the ICS/OCIMF Guide);
 - d. the properties of the cargo to be transferred;
 - e. the area of operation;
 - f. the expected duration of the operation;
 - g. the detailed safety precautions to be taken (Chapter 3, ICS/OCIMF Guide);
 - h. the communications arrangements (Chapter 4, ICS/OCIMF Guide);
 - i. the operational preparations (Chapter 5, ICS/OCIMF Guide);
 - j. the manoeuvring, mooring and fendering arrangements (Chapter 6, ICS/OCIMF Guide);

- k. the procedures with vessels alongside one another and the management of the transfer operation itself (Chapter 7, ICS/OCIMF Guide);
- l. the unmooring arrangements (Chapter 8, ICS/OCIMF Guide);
- m. the equipment to be deployed (Chapter 9, ICS/OCIMF Guide);
- n. the limiting weather criteria to be applied before mooring and during the transfer, noting that the MCA will not approve any transfer in more than a 2-metre sea or wind speeds greater than 27 knots;
- o. a Contingency Plan setting out the steps to be taken in the event of:
 - i. deteriorating weather;
 - ii. mooring rope failure;
 - iii. pollution following damage, such as a collision; and
 - iv. fire;
- p. an Oil Spill Contingency Plan (including pollution resources commensurate with the risk, both at sea and on shore) to guard against the threat of oil pollution; and
- q. where appropriate (see below), the equipment, manning and operation of a suitable oil recovery vessel.

5.5 An outline example of a contingency plan is attached at 'Annex A' to this MSN.

5.6 Details of applications will be shared internally with the appropriate elements of the MCA including HM Coastguard and Marine Survey and Inspection functions.

5.7 Should any of the vessels proposed for a particular ship to ship transfer operation require an inspection by the MCA's Marine Survey and Inspection Branch, then this is to be undertaken before the transfer takes place. An appropriate fee(s) may be charged for this as laid down in the Merchant Shipping (Fees) Regulations 2018 No. 1104

<https://www.legislation.gov.uk/uksi/2018/1104>

5.8 Please note that there are additional requirements in regulation 4(2) and (4) of the 2020 Regulations if the cargo transfer involves a ship of 150GT or more. These requirements derive from MARPOL Annex I.

6. Attendance of an MCA official where deemed necessary

6.1 This may involve a preliminary ship inspection and/or be followed by attendance throughout all transfer operations (although each aspect may be overseen by different officials). The MCA's attendance will be at the expense of the transfer operator and the relevant charging information can be found on the MCA's website.

7. Oil Response and Recovery Equipment

7.1 Adequate oil pollution response equipment and personnel shall be provided by the operator carrying out the ship-to-ship transfer and where appropriate forward located to the transfer location at immediate readiness to provide sufficient response resource to deal with an estimated worst-case scenario, a 300mt spill of Heavy Fuel Oil. Because many oils are not readily amenable to dispersants, resources, recovery systems and associated recovery vessels are to be capable of operating effectively when dealing with oils with the following properties:

- a kinematic viscosity greater than 1,500 centistokes at 15° Celsius; or
- a pour point greater than sea temperature at the time of transfer; or
- an asphaltene content greater than 0.5% by weight.

7.2 Any oil recovery vessel provided must have: -

- the capability to take oil recovered from the sea into its tanks;
- a system capable of recovering the transferred oil in seas up to 2 metres;
- enough boom to contain a spill until it can be recovered; and
- personnel trained to safely operate the oil recovery system and boom.

8. Navigational Warnings

8.1 Immediately before commencing an approved ship-to-ship transfer operation, a navigational warning should be broadcast on VHF in accordance with the procedures described in Section IV of Article S33 of the International Telecommunication Union (ITU) Radio Regulations. The warning should be preceded by the appropriate safety signal (SECURITE) and should be broadcast on VHF Channels 6, 8, 72 or 77 following an initial announcement on Channel 16. The VHF/DSC installation should also be used to transmit an "ALL SHIPS SAFETY ALERT" on VHF Channel 70, indicating the Channel to be used for the subsequent voice broadcast. The navigational warning should include:-

- the names of the ships involved;
- details of the area where manoeuvres will take place and the precise position of the transfer operation; and,
- the estimated start and finish times.

8.2 Once the transfer is complete, a further advisory broadcast should be made, again following a short announcement on VHF Channel 16 and use of the DSC facility on VHF Channel 70. The message should not be preceded by the safety signal (SECURITE).

8.3 Due to the potentially increased vessel activity associated with ship to ship transfers, vessels operating in the vicinity of transfers and those involved in the transfers themselves should ensure that good watch keeping and navigational practices are followed at all times.

9. Some key safety issues to be considered during STS operations

9.1 It is essential during STS operations that account is taken of the need for clear, effective communication between those involved in the operation. When planning, consideration should be given to the use of appropriate, common language and special emphasis placed on the communication channels to be used and the roles of the persons involved when determining the composition and organisation of bridge teams.

9.2 When carrying out the unmooring operation and departure manoeuvre, care should be taken to ensure that it is properly planned and that all personnel are briefed correctly and understand their roles in the process.

9.3 It is essential the service provider takes steps to monitor the hours of work and rest of its superintendents. The responsibilities of the superintendent in an STS operation is wide ranging, time consuming and demanding and the risk of overload could be reduced by the provision of a second superintendent or an assistant.

10. Volatile Organic Compounds (VOCs)

10.1 The ship-to-ship transfer process can result in the release of VOCs associated with pungent odours.

10.2 When planning an STS operation, operators should include consideration of emissions of VOCs, should seek to mitigate against such emissions and should consider the use of VOC recovery systems where available.

10.3 Best management practices regarding the emission of VOCs can be found in IMO Circular MEPC.1/Circ.680 Technical Information on Systems and Operation to Assist Development of VOC Management Plans.

11. Exemptions

11.1 Applications for exemptions in relation to specific prohibitions contained in the 2020 Regulations may be considered on a case by case basis by the MCA. Please see regulation 11 of the 2020 Regulations for further information.

12. Regulation of STS operations in UK controlled waters – UK Implementation of Revised Annex I of MARPOL 73/78

12.1 A new Chapter 8 entitled “Prevention of Pollution During Transfer of Oil Cargo Between Oil Tankers at Sea” was added to MARPOL Annex I in 2010. These new elements were

implemented in the UK through the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, which have now been replaced by the 2020 Regulations.

- 12.2 The requirements in this section only apply when the STS operation concerned involves a cargo transfer to or from a ship of 150GT or more (“specified STS operations”).
- 12.3 Any UK flagged ship involved in STS operations must carry an approved ship specific ship-to-ship transfer operations plan (“STS Plan”) prescribing how to conduct STS operations. Approval of a STS Plan for a UK flagged vessel is fully delegated to Class.
- 12.4 Any foreign flagged ship intending to carry out specified STS operations in UK waters should be compliant with this requirement and must carry their STS Plan on board the ship whilst carrying out the specified STS operation (regulation 4(4)(b) of the 2020 Regulations).
- 12.5 Any ship which plans to conduct relevant STS operations in UK controlled waters must notify the MCA not less than 48 hours in advance of the scheduled specified STS operation (regulation 4(3)(a) of the 2020 Regulations). Notification is to be sent to:

Counter Pollution and Salvage Branch at: hq_counterpollution@mcga.gov.uk

The following details should be provided in relation to the proposed transfer:

- Date of operation
- Location of transfer
- Anticipated duration of transfer operation
- Delivery vessel
- Receiving vessel
- Fuel type (being transferred)
- Volume being transferred

12.6 In relation to UK flagged ships the Record of Construction and Equipment for Oil Tankers, Form B, new section 8A is amended as follows:

- “8A Ship-to-Ship oil transfer operations at sea (regulation 41)
- 8A.1 The oil tanker is provided with an STS operations Plan in compliance with Regulation 41.”

12.7 Full details of the new chapter 8 of MARPOL Annex I can be found in IMO Resolution MEPC.186 (59)

13. Review

13.1 The 2020 Regulations will be reviewed within five years of their entry into force to ensure that they continue to meet the needs of the environment and industry.

13.2 As a component of this review process the MCA will undertake an assessment of the existing industry guidance on the issue and may, if deemed appropriate, develop a national standard for STS operations. Any changes of this sort to the regime will be subject to full public consultation.

Annex A

EXAMPLE CONTINGENCY PLAN FOR STS OPERATIONS BETWEEN THE VESSELS			
REC VESSELS: DISCHARGING VESSEL: Reference DATE :			
	Discharging vessel	Discharging vessel	Receiving vessel
Name			
Port of Registry			
Call Sign			
Operator			
LOA			
SDWT			
Draft			
Cargo			
Port of Origin			
Port of Destination			

PRODUCT TO BE TRANSFERRED:

A) VESSELS INVOLVED

B) PRODUCT TO BE TRANSFERRED

1. Quantity of product to be transferred.
2. Kinematic viscosity property of the oil (in centistokes).

3. Asphaltene content (expressed as % by weight).

C) AREA OF OPERATION

To be included

The final position will be communicated to HM Coast Guard on VHF Channel 16. Communications during operation will be conducted on VHF Channel 10.

D) DURATION OF OPERATION

Entire operation should take approximately X days to complete.

E & F MANNING AND QUALIFICATIONS

Each vessel carries a full complement of officers and crew trained and certified for transfer Petroleum cargoes.

G) GENERAL SAFETY PRECAUTIONS

To include response equipment

H) COMMUNICATIONS

I) OPERATIONAL PRECAUTIONS

Prudent and customary safe practices will be followed, as provided in the ICS/OCIMF Ship to Ship Transfer Guide, Petroleum (Chapter 5), and the Company's Fleet Operations Manual.

J) MANOEUVERING, MOORING AND FENDERING ARRANGEMENTS

Prudent and customary safe practices will be followed, as provided in the ICS/OCIMF Ship to Ship Transfer Guide, Petroleum (Chapter 6), and the Company's Fleet Operations Manual.

K) PROCEDURES ALONGSIDE AND TRANSFER OPERATION

Prudent and customary safe practices will be followed, as provided in the ICS/OCIMF Ship to Ship Transfer Guide, Petroleum (Chapter 7), and the Company's Fleet Operations Manual.

L) UNMOORING ARRANGEMENTS

Prudent and customary safe practices will be followed, as provided in the ICS/OCIMF Ship to Ship Transfer Guide, Petroleum (Chapter 8), and the Company's Fleet Operations Manual.

M) EQUIPMENT

Appropriated equipment to conduct this operation will be provided byas outlined in the ICS/OCIMF Ship to Ship Transfer Guide, Petroleum (Chapter 9).

N) LIMITING WEATHER CRITERIA

This transfer will not commence or will be stopped should the local weather conditions exceed Beaufort Force 6, sea / swell heights in excess of 2m, and winds exceeding 27 knots, or at any time the Masters of both vessels deem it prudent to do so due to the local sea and weather conditions.

O) CONTINGENCY PLANS

- i) Deteriorating weather (See above)
- ii) Mooring rope failure
- iii) Pollution
- iv) Fire

P) OIL POLLUTION EMERGENCY PLAN

To be provided

More Information

Counter Pollution and Salvage Branch
Maritime and Coastguard Agency
Bay 2/02
Spring Place
105 Commercial Road
Southampton SO15 1EG

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email: Hq_counterpollution@mcga.gov.uk

General

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MCA Website Address: www.dft.gov.uk/mca

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