

Fra: Aron Frank Sørensen[afs@bimco.org]
Sendt: 06.06.2024 16:12:47
Til: Postmottak[Post@sdir.no]
Kopi: BIMCO HSSE[hsse@bimco.org];
Tittel: Comments to Regulation on the Handling of Hull Biofouling

To the Norwegian Maritime Authority

In response to the hearing process on the new Norwegian Regulation on the Handling of Hull Biofouling dated 11 March 2023, BIMCO would like to make the following comments:

- To our understanding this new regulation applies to foreign ships that are transiting Norwegian waters without entering internal waters nor calling at a roadstead or port facility outside internal waters. So, it seems that the requirement to have a Biofouling Management System (§ 3) and a Biofouling Management Plan and Book (§§ 5 and 6) or the alternative mandatory cleaning requirement (§ 7) should be under the responsibility of the flag state rather than a coastal state. We, therefore, presume that transiting foreign ships are exempted. To avoid any confusion, we encourage you to consider adding text that clarifies that the regulation is for foreign ships calling at a port facility in Norwegian waters.
- It may be possible that exemptions from the regulations mentioned in the above comment are intended to be covered by the wording "with the limitations imposed by international law" in §2. If this is the case, we believe that there is a need to clarify this in more detail for foreign ships to be able to interpret the regulation correctly.
- As the required inspection specified in § 8 presumably will not take place in a Norwegian port, this raises some questions and concerns. It is unclear what organisation or personnel capable of independent assessments can be used outside Norway and what qualifications are required. Also, based on our present knowledge, independent inspectors are only available in a few countries, so there is a risk that it will be almost impossible for foreign ships to comply. We are therefore concerned about possible sanctions if a ship calls at a Norwegian port without having been able to carry out an independent inspection in the 12-month timeframe.

Kind regards

Aron Frank Sørensen
Head of Marine Environment



Bagsvaerdvej 161 , 2880 Bagsvaerd, Denmark

Direct:+45 4436 6851, mobile:+45 2913 1768, tel: +45 4436 6800

email: afs@bimco.org, web: www.bimco.org, follow us on Twitter: [@BIMCOnews](https://twitter.com/BIMCOnews)

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BIMCO was founded in 1905 and today we represent members over 2,000 members in 130 countries. The response to the new draft regulation on hull fouling has been submitted on behalf of our shipowner members that cover 62% of the world's tonnage and consist of local, global, small, and large companies.