SUBSIDIARY LEGISLATION 499.12

DANGEROUS CARGO SHIPS, MARINE TERMINALS AND FACILITIES AND BUNKERING REGULATIONS

1st February, 1996;
1st March, 1996;
1st April, 1996;
1st June, 1996;
1st July, 1996;
1st August, 1996;
1st November, 1996

LEGAL NOTICE 1 of 1996, as amended by Legal Notices 13 of 1996, 152 of 1997, 75 of 2002, 264 of 2004 and 425 of 2007; Act XV of 2009 and XXV of 2015; Legal Notices 507 of 2010, 450 of 2011, 331 of 2012, 316 of 2019, 119 of 2023 and 243 of 2026.

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Preliminary

Citation.

1. The title of these regulations is the Dangerous Cargo Ships, Marine Terminals and Facilities and Bunkering Regulations.

Purpose.
Amended by: L.N. 507 of 2010; L.N. 450 of 2011; Substituted by: L.N. 331 of 2012. Amended by: L.N. 243 of 2026.

2. These regulations:

(*a*) regulate the movement, transfer, storage and handling of dangerous cargoes, bunkers, ballast and tank cleaning operations on all ships and at all marine terminals and facilities within or connected to the internal and territorial waters of Malta;

(*b*) transpose the provisions of Directive 2002/59/EC of the European Parliament and of the Council of the 27th June, 2002, as subsequently amended by Directive 2009/17/EC of the European Parliament and of the Council of the 23rd April, 2009 and Directive 2011/15/EU of the European Commission of the 23rd February, 2011, concerning dangerous and polluting goods; and

(*c*) implement the requirements of Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU.

Definitions.
Amended by: L.N. 264 of 2004; XV. 2009.49; L.N. 507 of 2010; XXV. 2015.41; L.N. 119 of 2023.

3. In these regulations, unless the context otherwise requires:

"address" means the name and the communication links whereby contact may, where necessary, be made with the owner, agent, port authority, competent authority or any other authorised person or body in possession of detailed information regarding the ship's cargo;

"agent" means any person mandated or authorised to supply information on behalf of the owner of the ship;

"alternative fuel" shall have the same meaning as assigned to it in the Alternative Fuels Order;

S.L. 460.32.

"Authority" means the Authority for Transport in Malta established under the Authority for Transport in Malta Act;

Cap. 499.

"bunker barge" means any sea-craft licensed or authorised by the Authority to engage in the commercial supply of bunkers to other ships within the ports, internal and territorial waters of Malta;

"bunkers" means any alternative fuel and non-volatile marine grade fuel oil used to fuel a ship or its machinery, and includes lubricating oil;

"bunkering operations" means the actual operation of loading, discharging or transferring bunkers between a bunker barge or road tanker or marine terminal or marine facility and a receiving ship;

"bunker operator" means a person, or body corporate incorporated under the Laws of Malta, duly licensed by the Authority under these regulations, for the distribution, sale, exportation or disposal in any other manner of bunkers, or for any other related activity, whether such person or body corporate is the

party physically transporting or conveying such bunkers to ships or not;

"cargo handling operations" means the actual operation of loading, discharging or transferring dangerous cargoes, slops, residues or dangerous packaged cargoes, between a ship's tanks, compartments or containers and/or a quay, marine terminal, marine facility, vehicles, freight container or other means of transport, or between ships. It includes transfer to, from or within a warehouse marine terminal/facilities area, including intermediate keeping, i.e. the temporary storage of dangerous cargoes in the port area during their transport from the point of origin to their destination for the purpose of changing the modes and means of transport;

"cargo interests" means a shipper, carrier, forwarder, consolidator, packing centre or any other person, company or institution engaged in any of the following activities: identification, containment, packaging, packing, securing, marking, labelling, placarding or documentation.of dangerous cargoes or dangerous packaged cargoes for receipt by a port and transport by sea and having control over the cargo at any time;

"cargo measurement" means any act of ullaging, sounding, gauging, sampling, or any similar act, whether or not carried out in connection with cargo handling operations;

"cargo transport unit" means a road freight vehicle, a railway freight wagon, a freight container, a road tank vehicle, a railway wagon, or portable tank;

"certified gas free" means a certificate issued by a competent person using all Relevant Instrument requirements and guidelines, certifying that the atmospheres in, or connected to, or immediately adjacent to any tank, compartment, container or non-sealed pipelines/pumping systems, etc. have had sufficient fresh air introduced into them to lower the level of any flammable, toxic or inert gas to that required for a specific purpose, e.g. hot work, cold work, electrical work, entry etc.;

"certified inert" means a certificate issued by a competent person using all Relevant Instrument requirements and guidelines, certifying that a ship's tank or tanks are in an inert condition, subject to specified conditions and for a specific period of time;

"chemicals" means substances covered by the IMO "International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk", and Annex II of MARPOL 73/78 and having significant fire or explosive hazards equal or in excess of those of volatile petroleum or similar flammable products, or significant health, safety or environmental hazards in addition to, or other than flammability;

"chemical tanker" means a ship constructed or adapted primarily to carry liquid bulk cargoes of chemical substances as detailed in the IMO "International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk";

"cold work" means any work which cannot create a source of ignition in or adjacent to the area involved;

"cold work permit" means a certificate permitting specified cold work during a specific time interval, conjoined with all required safety resources and procedures being in place throughout the whole of the permitted period. It must be in a form approved by the Authority (as provided in Schedule C) and issued by a competent person using all Relevant Instrument requirements and guidelines;

"combination carrier" means a ship constructed or adapted to carry either liquid petroleum or dry cargoes in bulk;

"company" means a company within the meaning of Regulation 1(2) of Chapter IX of the SOLAS Convention;

"competent authority" means any authority designated as such by a Community Member State to receive and pass on information in conformity with Council Directive 2002/59/EC; provided that for Malta the designated competent authority shall be the Authority for Transport in Malta;

"competent person" means a duly qualified and experienced analyst recognised by the Authority for the purpose of issuing "gas free" and "inert" certificates and "work" or "compartment entry" permits for ships;

"container" includes any freight container, tin, cask, barrel, drum, package or other article used to contain any dangerous packaged substances;

"dangerous area" means any area on a ship which for the purpose of the installation and/or use of electrical equipment is regarded as dangerous or where toxins dangerous to human life or health may potentially be present;

"dangerous goods" rneans:

(i) goods classified in the IMDG Code,

(ii) dangerous liquid substances listed in Chapter 17 of the IBC Code,

(iii) liquefied gases listed in Chapter 19 of the IGC Code,

(iv) solids referred to in Appendix B of the BC Code;

also included are goods for the carriage of which appropriate preconditions have been laid down in accordance with paragraph 1.1.3 of the IBC Code or paragraph 1.1.6 of the IGC Code;

any reference to "dangerous cargoes" shall be construed together with the definition of dangerous goods;

"dangerous packaged cargoes" means any dangerous cargoes or cargoes covered by the IMDG Code, carried in containers on ships other than tankers. It includes any empty uncleaned packagings (such as tank-containers, intermediate bulk containers, bulk packaging, portable tanks or tank vehicles) which previously contained dangerous cargoes, unless the packagings have been sufficiently cleaned of all residues of the dangerous cargoes and purged of vapours so as to nullify any hazard, or has been filled with a non-dangerous substance;

"designated safe area" means any area on a ship or on shore

which has been mutually agreed by the ship's Master and the marine terminal/facility operator as being safe under prescribed conditions and during specified times, for particular activities such as smoking;

"electrical isolation certificate" means a certificate issued when work is to be carried out on electrical equipment or on equipment powered by electricity, indicating that the electrical supply of such equipment has been isolated; it must be in a form approved by the Authority (as provided in Schedule C) and issued by a competent person using all Relevant Instrument requirements and guidelines;

"entry permit" means a certificate issued by a competent person, using all Relevant Instrument requirements and guidelines, permitting entry into a space or compartment during a specified time interval, conjoined with all required safety resources and procedures required by the Relevant Instruments being properly in place throughout the whole of the permitted period;

"fishing vessel" means any vessel equipped for the commercial exploitation of living aquatic resources;

"gas free certificate" means a certificate issued by a competent person using all Relevant Instrument requirements and guidelines, confirming that at the time of testing a compartment, tank or container, it was gas free for the specific purpose stated on the certificate. Such a certificate shall be issued subject to the conditions prevailing at the time of testing and for a specified validity period;

"gas tanker" means a ship constructed or adapted to carry liquefied gases in bulk as detailed in the IMO "International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk";

"hazardous zone" means any area on shore which for the purpose of the installation and/or use of electrical equipment is regarded as dangerous or where toxins dangerous to human life or health may potentially be present;

"hot work" means work involving sources of ignition or temperature sufficiently high to potentially cause ignition of a flammable gas mixture, including all "naked lights";

"hot work permit" means a certificate permitting specified hot work to be done during a specific time interval in a defined area, conjoined with all required safety resources and procedures being in place throughout the whole of the permitted period. It must be in a form approved by the Authority (as provided in Schedule C) and issued by a competent person using all Relevant Instrument requirements and guidelines;

"inert condition" means a condition, as certified by a competent person, in which the oxygen content throughout the atmosphere of a tank or other enclosed space has been reduced to 8% or less by volume, by the addition of inert gas and the tank pressure is maintained above a minimum of 100 mm on the water gauge;

"inert gas" means a gas or mixture of gases such as flue gas, nitrogen, carbon dioxide or other inert gas containing insufficient

oxygen to support combustion;

"internal waters" shall have the same meaning as is attributed thereto in article 2 of the Authority for Transport in Malta Act; Cap. 499.

"intrinsically safe" means any equipment or system which is certified by a recognised authority, under prescribed conditions, as being incapable under normal or accidental usage, of producing a spark or thermal effect which could ignite a prescribed gas mixture and when such equipment has been strictly maintained in the same condition as when so certified;

"jetty pipeline" means any rigid or flexible pipe used by a marine terminal/facility, physically located such that if damage occurred to such a pipeline at any time, substances could egress into any port or territorial waters;

"lower flammable limit" (LFL) means the concentration of flammable gas or vapour in air below which there is insufficient amount of substance to support and propagate combustion;

"liquefied gas" means gases having a vapour pressure exceeding 2.8 bar Absolute, at a temperature of 37.8°C, as detailed in the IMO "International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk" and other products as shown in Chapter 19 of that Code, when carried in bulk;

"liquefied natural gas" (LNG) means the product of liquefaction of a natural mixture of hydrocarbons;

"liquefied petroleum gas" (LPG) means propane, butane and propane/butane mixtures in the liquid state;

"marine terminal" means a place where ships are moored or berthed for the purpose of loading, discharging, handling or transferring dangerous cargoes, bunkers or substances and/or such operationally integrated storage or handling areas on land as are located at or near ports and territorial waters and/or connected directly to such ships, moorings or berths by pipelines used for the direct transfer of such dangerous cargoes to those areas;

"marine facility" means an area on land other than a marine terminal, where ships are moored, berthed or docked to obtain services such as tank-cleaning, slops/residues removal, repairs, bunkers, ship construction and any other services related to ships and maritime activities;

"Master" means the Master or person other than a pilot or watchman, having command, charge or management of a ship for the time being;

"naked lights" means any potential unconfined source of ignition and includes:

(i) all exposed incandescent material such as fire, naked light, welding and burning torches, lit cigarettes, cigars, pipes, cigarette lighters or similar smoking materials;

(ii) any potential source of spark formation;

(iii) any surface with a temperature that is equal to or

higher than the minimum ignition temperature of the substances likely to be present in the area of any operation;

(iv) any and all tools, equipment, electric lighting systems (including portable radios, torches, calculators, etc.) not certified as being intrinsically safe by a recognised authority;

(v) internal combustion engines not being so approved intrinsically safe, or contained within an approved explosion proof housing;

"non-volatile petroleum" means a petroleum liquid having a Flashpoint of 60° Celsius or above as determined by the closed cup method of testing such as ASTM D93 or equivalent;

"oil" means petroleum in any liquid form and includes crude oil and any liquid hydrocarbon products derived from it, covered by Annex 1 of MARPOL 73/78;

"oil-spill" means any incident resulting in an immediate slick of "Category B" or above, as specified in IMO Resolution A. 542(13), paragraph 1.2.6;

"oil tanker" means a ship constructed or adapted to carry liquid petroleum cargo in bulk, including a combination carrier when being used for this purpose;

"operator" means the managing operator having local operational control of a marine terminal or facility;

"owner" means owner, disponent owner, charterer to whom a ship is demised, managing operator or Master of a ship or owner of its cargo and any agent acting on behalf of such entities;

"person" includes a person or body of persons, whether a body corporate or not;

"petroleum" shall have the same meaning as is attributed thereto in article 2 of the Regulator for Energy and Water Services Act; Cap. 545.

"polluting goods" means:

(i) oil as defined in Annex I to the MARPOL Convention;

(ii) noxious liquid substances as defined in to the Annex II MARPOL Convention;

(iii) harmful substances as defined in Annex III to the MARPOL Convention;

and shall be read and construed together with the definition of dangerous goods;

"port" shall have the same meaning assigned to it in article 2 of the Ports and Shipping Act; Cap. 352.

"recognised authority" means any authority, organisation, Classification Society, technical or academic body, or physical testing facilities, recognised by the Authority and/or IMO from time to time, for specified functions;

"Relevant Instruments" means:

(*a*) these regulations;

(*b*) all the relevant IMO Conventions to which Malta has acceded, or may accede to from time to time;

(*c*) the relevant IMO Codes of Practices;

(*d*) the relevant current EMSA, ISGOTT, OCIMF, ICS, SGMF, SIGTTO, INTERTANKO, IACS, IMO, ISO and IAPH Guides, and any subsequent amendments, emanating from these Conventions and Codes;

(*e*) the current rules of ship Classification Societies; and

(*f*) any other code, policy, guidelines or notice which the Authority may adopt from time to time in relation to any matter regulated by these regulations;

"residues" means residual 'unpumpable' quantities of cargo remaining on board a tanker after completion of the discharge or transfer of any of the cargoes as described in the definition of dangerous cargoes;

"scheduled service" means a series of ship crossings operated so as to serve traffic between the same two or more ports, either according to a published timetable or with crossings so regular or frequent that they constitute a recognisable systematic series;

"ship" means every description of craft used in navigation, whether self-propelled or not, other than a bunker barge licensed or authorised for the supply of bunkers, handling or having loaded or intending to load a cargo, the whole or any part of which consists of dangerous cargoes or substances as described in the definitions of dangerous cargoes, dangerous packaged cargoes, and substances, in bulk or containers, or having discharged any of those products, if the cargo spaces are not certified gas free;

"shipper" means any person by whom or in whose name or on whose behalf a contract of carriage of goods by sea has been concluded with a carrier;

"slops" means any quantities remaining on board a tanker after tank-cleaning, consisting of a mixture of tank-cleaning fluids and any of the substances as described in the definitions of petroleum, non-volatile petroleum, volatile petroleum, oil, liquefied gas, LNG.LPG chemicals, solid bulk dangerous cargoes, dangerous cargoes and residues;

"solid bulk dangerous cargoes" means solid bulk substances possessing chemical hazards and solid bulk substances hazardous only in bulk, including wastes, covered by Appendix B of the Code of Safe Practice for Solid Bulk Cargoes;

"substances", in the absence of a specific description, means any and all, or any combinations of substances as defined in the definitions of dangerous cargoes, solid bulk dangerous cargoes, dangerous packaged cargoes, residues, slops and bunkers, whether carried as cargo or not, and whether carried in bulk or not;

"tanker" means any ship as described in the definitions of oil tanker, combination carrier, gas tanker and chemical tanker,

whether self-propelled or not and includes barges or lighters being wholly used to carry liquid dangerous cargoes in bulk;

"territorial waters" shall have the same meaning assigned to it in article 2 of the Ports and Shipping Act; Cap. 352.

"threshold limit value" (TLV) means the average concentration of a substance representing conditions under which it is believed that nearly all workers may be repeatedly exposed day after day, without adverse health effects;

"ullage" means the depth of the space above the liquid in a tank;

"vapour" means a gas below its critical temperature and not in liquid form;

"vessel" shall have the same meaning as that ascribed to "ship" in article 2 of the Ports and Shipping Act; Cap. 352.

"volatile petroleum" means a petroleum liquid having a Flashpoint of below 60° Celsius as determined by the closed cup method of testing such as ASTM D93 or equivalent, or a 'non-volatile' petroleum liquid being handled at a temperature above its Flashpoint, minus 10° Celsius;

"waters of Malta" means the internal and territorial waters of Malta; and

"BC Code" means the Code of Safe Practice for Solid Bulk Cargoes;

"BCH Code" means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk 1985/ 1989 and any subsequent amendments;

"COLREGS" means the IMO International Convention for Preventing Collisions at Sea 1972/1989 and any subsequent amendments;

"COW" means crude oil washing;

"EMSA" means the European Maritime Safety Agency;

"IACS" means the International Association of Classification Societies;

"IAPH" means the International Association of Ports and Harbours;

"IBC Code" means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk 1982/1989 and any subsequent amendments;

"ICF" means an International Certificate of Fitness issued by or on behalf of an Administration in accordance with the relevant Codes for the construction and equipment of a type of ship, certifying that the construction and equipment of the ship are such that certain specified dangerous cargoes may be carried in that ship;

"ICS" means the International Chamber of Shipping;

"IGC Code" means the IMO International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in

Bulk 1976/1993 and any subsequent amendments;

"IMDG" means the IMO International Maritime Dangerous Goods Code 1977/1992 and IMDG Code Supplement (including EmS, MFAG, BC Code, IMO/ILO Guidelines for Packing Cargo in Freight Containers or Vehicles) and any subsequent amendments;

"IMO" means the International Maritime Organisation;

"IMO Code for Existing Ships Carrying Liquefied Gases" means the Code for Existing Ships Carrying Liquefied Gases in Bulk 1976/80 and any subsequent amendments;

"IMO Resolution MSC.286(86)" means the International Maritime Organisation Resolution 286(86) entitled "Recommendations for Material Safety Data Sheets (MSDS) for MARPOL Annex 1 Cargo and Oil Fuel", in its updated version;

"INF Code" means the IMO Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (INF Code);

"INTERTANKO" means the International Association of Independent Tanker Owners;

"ISGOTT" means the International Safety Guide for Oil Tankers and Terminals, third edition 1991 and any subsequent amendments;

"ISO" means the International Organisation for Standardisation;

"MARPOL" means the IMO International Convention for the Prevention of Pollution from Ships 1973/1978 (including Annexes 1 and 2) and any subsequent amendments;

"NLS Certificate" means the International Certificate for Prevention of Pollution by Noxious Liquid Substances in Bulk;

"OCIMF" means the Oil Companies International Marine Forum;

"SGMF" means the Society for Gas as a Marine Fuel;

"SIGTTO" means the Society of International Gas Tankers and Terminal Operators;

"SOLAS" means the IMO International Convention for the Safety of Life at Sea 1974/1978 and any subsequent amendments;

"STCW" means the IMO International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978/ 199l and any subsequent amendments.

PART I

General

Application of regulations.
Amended by; L.N. 264 of 2004; L.N. 507 of 2010; L.N. 119 of 2023.

4. These regulations apply to:

(*a*) any ship carrying dangerous cargoes, or the residues or slops of such cargoes;

(*b*) any ship having previously carried such cargoes and which has not been certified gas free;

(*c*) any ship engaging in cargo handling operations, or handling of slops or residues of such cargoes;

(*d*) any ship undergoing inerting, tank cleaning, gas-freeing or purging operations;

(*e*) any bunker barge and bunker receiving ship;

(*f*) any road tanker being within any port area for the purpose of supplying bunkers to ships;

(*g*) any terminal and marine facility;

(*h*) any ship carrying or engaging in cargo handling operations on dangerous cargoes in packaged form;

(*i*) any ship carrying or engaging in cargo handling operations on solid bulk dangerous cargoes;

(*j*) all cargo interests:

Provided that regulations 12 and 22 shall not apply to -

(i) warships, naval auxiliaries and other ships owned or operated by a Member State and used for non-commercial public service;

(ii) fishing vessels, traditional ships and recreational craft with a length of less than 45 metres;

(iii) bunkers on ships below 1,000 gross tonnage and ships' stores and equipment for use on board all ships.

Prime obligation.

5. The prime obligation, responsibility and consideration of any cargo, ship and bunker barge Master and owner, marine terminal or facility operator and cargo interests, shall be the safety of life, the prevention of pollution to the marine environment, the effective and efficient control of such pollution and the protection of the property of others.

General.
Amended by: L.N. 425 of 2007.

6. (1) It shall be the responsibility of the persons specified in regulation 5 and of the Master of any vessel to ensure that no substance is discharged or allowed to escape into the ports, internal and territorial waters of Malta.

(2) Any person who fails to comply with the provisions of subregulation (1) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) for each offence.

Reporting.
Amended by: L.N. 425 of 2007; XV. 2009.49.

7. (1) The responsibility for immediate reporting to the Authority of any emergency situation, whether already existing or perceived to be developing, or of the presence of any substance in the internal and territorial waters shall rest with the persons prescribed in paragraphs (*a*) to (*d*), but shall not exclude any other person from reporting such matters to the Authority:

(*a*) whilst a ship or bunker barge is underway, anchored or moored to buoys, reporting rests with the Master;

(*b*) whilst a ship or bunker barge is at a berth, jetty or marine terminal/facility mooring, reporting rests with both the Master and the operator of such places;

(*c*) occurring at or from a marine terminal/facility or

underwater pipelines attached to or controlled by such places, reporting rests with the operator of such places;

(*d*) occurring at any place other than those specified in paragraphs (*a*) to (*c*), reporting rests with any Master and any operator or any other person so observing or perceiving such matters.

(2) Any person who fails to comply with the provisions of subregulation (1) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37).

Inspection and control. *Amended by: L.N. 425 of 2007; XV. 2009.49.*

8. (1) Any inspector appointed by the Authority can proceed freely at any time and without previous notice being given, on board any bunker barge or ship, or within any marine terminal facility, or to inspect the activities of any cargo interests within the port to which these regulations apply.

(2) During an inspection an inspector may take a sample or samples of the cargo or other substances and cause them to be taken for testing at such places and at such times as the Authority may appoint. The Master, owner or operator, cargo interests, or any other person appointed by them may be present at such testing.

(3) The persons specified under regulation 5 shall extend their full co-operation and assistance to any such inspector, including the presentation of any documents required by such inspector, or the keeping of which is prescribed by these regulations or the Relevant Instruments, and the questioning either alone or in the presence of witnesses, of any person deemed relevant by the inspector to any inspection or investigation being conducted.

(4) The Authority may cause to stop any operation on shore or on board any ship or barge.

(5) The Authority may appoint a person or persons at the risk and expense of the owner, operator or cargo interests to superintend the observance of these regulations. The presence of such a person or persons shall not constitute acknowledgement that these regulations are being observed, nor shall it relieve the owner, Master, operator or cargo interests from any responsibility for, or liability resulting from, any failure to observe these regulations.

(6) Any person who fails to comply with the provisions of subregulations (2) and (3) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) for each offence.

Compliance with Relevant Instruments. *Amended by; L.N. 264 of 2004; XV. 2009.49; L.N. 507 of 2010; L.N. 119 of 2023.*

9. (1) Except as may be otherwise determined and instructed by the Authority from time to time, the construction, operations, equipment, procedures, personnel and practices of all ships, including non-dangerous cargo ships engaged in the reception of bunkers, bunker barges, marine terminals and marine facilities, the activities of cargo interests and the use of road tankers within any port area for the purposes of supplying bunkers to ships shall be in full compliance and

carried out in strict accordance with all the requirements laid down in the Relevant Instruments.

(2) No dangerous or polluting goods shall be offered for carriage or taken on board any vessel, irrespective of its size, in a port of Malta unless a declaration has been delivered to the master or owner containing the following information:

(*a*) the correct technical names of the dangerous or polluting goods, the United Nations (UN) numbers where they exist, the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes and, where appropriate, the class of the ship needed for INF cargoes as defined in Regulation VII/14.2, the quantities of such goods and, if they are being carried in cargo transport units other than tanks, the identification number thereof;

(*b*) for the substances referred to in Annex 1 to the MARPOL Convention, the safety data sheet detailing the physico-chemical characteristics of the products, including, where applicable, their viscosity expressed in cSt at 50ºC and their density at 15ºC and the other data contained in the safety data sheet in accordance with IMO Resolution MSC.286(86);

(*c*) the address from which detailed information on the cargo may be obtained; and

(*d*) the emergency numbers of the shipper or any other person or body in possession of information on the physico-chemical characteristics of the products and on the action to be taken in an emergency.

(3) Vessels coming from a port outside the Community and calling in a port of Malta which have dangerous or polluting goods on board shall be in possession of a declaration, as provided for by the shipper, containing all the information required by sub-regulation (2).

(4) It shall be the duty and responsibility of the shipper to deliver to the master or operator such declaration required by this regulation and to ensure that the shipment offered for carriage is indeed the one stated in the declaration.

Intention of the regulations in respect of the Relevant Instruments and operational requirements. *Substituted by: L.N. 119 of 2023.*

10. (1) The operational, procedural, equipment and construction requirements of these regulations are not intended to be exhaustive but are prescribed to supplement, complement or emphasise some of the provisions of the Relevant Instruments, taking into consideration prevailing local conditions and the particular requirements of the Authority, from time to time.

(2) The Authority shall publish such codes, policies, guidelines or notices as may be required from time to time in order to determine the operational requirements of bunkering operations. Any bunkering operations carried out shall only be authorised if compliant with the provisions of these codes, policies, guidelines or notices and those of any applicable Relevant Instruments.

PART II

Ships

Conditions for ships entering waters of Malta.

11. (1) Only ships certified in compliance with both existing regulations in Malta and IMO Conventions, to which Malta has acceded, can enter the waters of Malta.

(2) A ship shall not enter a port unless it conforms with the following conditions:

(*a*) a ship carrying a full cargo of dangerous cargoes in containers shall conform with the regulations laid down for tankers;

(*b*) a ship carrying a part cargo of dangerous packaged cargoes shall comply with all the requirements laid down in the IMO IMDG Code and other Relevant Instruments;

(*c*) depending on the types and quantities of cargoes carried, this may include such ships as described in paragraph (*b*), having adequate eductors and ventilation systems to ensure the efficient dispersion of vapours which may accumulate anywhere within any compartments and also special pumps fitted in a well ventilated space to ensure the expulsion of any leaking dangerous cargo to dedicated, certified holding tank or tanks.

Advance notice of arrival and ship's status.
Amended by: L.N. 264 of 2004; L.N. 425 of 2007; XV. 2009.49; L.N. 331 of 2012.

12. (1) The Master, owner or agent of any ship proposing to enter the internal or territorial waters of Malta shall, not less than seventy-two hours prior to arrival in territorial waters, give notice by telex, facsimile or in writing to the Authority in the form specified in Schedule A:

Provided that the master, owner, or agent of a ship, irrespective of its size, carrying dangerous or polluting goods bound for a port or an anchorage located in Malta shall, at the latest upon departure from the loading port or as soon as the port of destination or the location of the anchorage is known, if this information is unavailable at the moment of departure, notify the Authority of the information listed in Schedule A by such means as determined by the Authority:

Provided further that -

(*a*) if subsequent events will cause the stated arrival time to change by two or more hours, the Master, owner or agent shall, immediately such change is determined, inform the Authority by the means prescribed in subregulation (1), or by any other effective means of communication;

(*b*) when in the opinion of the Authority the arrival notice cannot be furnished in the required time, he may allow such notice to be given as early as possible - but in any case not less than twenty-four hours prior arrival in territorial waters;

(*c*) the Master, owner or agent of any ship which is within

the territorial waters shall immediately notify the Authority of any change which occurs in the information notifiable under this regulation.

(2) Any person who fails to comply with the provisions of subregulation (1) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one hundred and seventy-four euro and seventy cents (174.70) for each offence.

(3) Any notification or reporting formality obligation that is required in accordance with the provisions of these regulations shall be subject to the provisions of the Vessel Traffic Monitoring and Reporting Requirements Regulations. S.L. 499.34

Tankers arrival Notice confirmation. *Amended by: L.N. 425 of 2007 XV. 2009.49.*

13. (1) On arrival in port, the Master of a tanker shall provide the clearing inwards officer with a completed Notice as specified in Schedule A, confirming in writing the continued validity of the advance information given under regulation 12 and any other information required by the Authority.

(2) Any Master who makes, whether knowingly or recklessly, any statement which is false in any material particular in any return, claim, or other document, which is requested or authorised to be made by subregulation (1) in particular in respect to dangerous substances, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding six thousand and nine hundred and eighty-eight euro and twelve cents (6,988.12) for each such false declaration.

Ships carrying dangerous packaged cargoes, status confirmation and certificate of compliance. *Amended by: L.N. 425 of 2007; XV. 2009.49.*

14. (1) On arrival in port, the Master of a ship carrying dangerous packaged cargoes must, in addition to the confirmation of advance information required in regulation 13, provide the inwards clearing officer with full details of the manner in which the cargoes are stowed, a copy of the dedicated dangerous cargo manifest and any other information required by the Authority.

(2) Any Master who makes, whether knowingly or recklessly, any statement which is false in any material particular in any return, claim, or other document, which is requested or authorised to be made by subregulation (1) in particular in respect to dangerous substances, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding six thousand and nine hundred and eighty-eight euro and twelve cents (6,988.12) for each such false declaration.

(3) Such a ship shall not conduct any cargo handling operations unless the Master provides the inward clearing officer with the original certificate(s) from the loading port(s), certifying that the packaging and stowage of the dangerous packaged cargoes are in conformity with the IMDG Code or failing such, in accordance with the rules of the loading port(s).

Notice of intention for cargo operations. *Amended by: XV. 2009.49.*

15. Before any dangerous cargoes may be permitted to be handled, the owner must give due notice to the Authority, of the place and time of such intended cargo handling operations.

Restrictions on handling of dangerous packaged cargoes. *Amended by: L.N. 425 of 2007; XV. 2009.49.*

16. (1) Without prejudice to the provisions of any other regulation contained herein, unless expressly authorised by the Authority in writing, dangerous packaged cargoes shall not be loaded, discharged, handled or transferred on board any ship in Grand Harbour or Marsamxett Harbour from sunset to sunrise, nor shall any lighters be allowed to remain or come alongside such a ship during that time.

(2) No lighters shall be allowed alongside, or labour gangs on board a ship carrying dangerous packaged cargoes, until cargo handling is about to begin.

(3) Unless expressly authorised by the Authority in writing, ship's compartments containing any such dangerous packaged cargoes must remain closed and secured from sunset to sunrise and also during any other period when cargo operations are not being conducted in such compartments.

(4) All handling, procedures and operations carried out on dangerous packaged cargoes shall be in strict accordance with the requirements of the Relevant Instruments (the IMDG Code in particular) and such requirements and precautions must be properly supervised on board and on shore throughout every operation, as described in these regulations.

(5) During the time that dangerous packaged cargoes are handled, no other goods shall be worked in the same compartment or in such a way as to pass over or through the dangerous packaged cargoes working area, or to interfere with the handling of the dangerous packaged cargoes in any manner whatsoever.

(6) A part cargo of dangerous packaged substances must be stowed in such a way as to ensure that all such goods may be discharged first, immediately cargo work commences after the ship's arrival in port.

(7) Without prejudice to any other prevailing Act or regulations, unless otherwise expressly authorised in writing by the Authority, dangerous packaged cargoes on board a ship being carried in transit for discharge in any subsequent foreign port, shall be stowed in compartments or areas which do not contain goods for discharge in Malta and which are properly and effectively vapour and liquid egress segregated from every other working compartment and area to be used in Malta.

(8) Unless otherwise expressly authorised in writing by the Authority, such compartments containing dangerous packaged cargoes in transit, shall remain closed and secured throughout the whole of the ship's stay in the waters of Malta.

(9) No person may accept for loading or discharging any container containing dangerous cargoes which is leaking or materially damaged.

(10) If any such damaged container is found, the Authority shall be informed by the entity responsible for the container at that time and such container shall be immediately isolated from any other dangerous goods in the vicinity and removed to a distance of at least fifty metres from any open cargo compartment or any other

area on board or ashore where hazards relevant to the nature of the contents of the damaged container may exist.

(11) The damaged container shall then, with all prudent haste and in conformance with the safety and pollution prevention requirements of the Relevant Instruments, be temporarily removed to a safe area within the port, as may be determined by the Authority from time to time.

(12) Thereafter the owner of any damaged container must make immediate arrangements at his own risk and expense to have it removed from the port area to a safe place outside the ports or territorial waters of Malta. Such removal procedures and operations shall be conducted within such time and during such periods as may be specified by the Authority, and in a timely, safe and prudent manner in accordance with the requirements of the Relevant Instruments and any other provisions contained in any Act or regulations of Malta. The Authority further retains the right to cause such container to be removed at any other time or by any other means deemed fit, such removal being always at the risk and expense of the owner.

(13) Any person who fails to comply with the provisions relating to the time period and methods by which damaged goods must be removed from the port area, contained in subregulation (12), shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) for each failure to comply with such requirement.

(14) Barges and lighters used for the carriage of substances shall comply with the following requirements:

(*a*) they shall be made of steel and their construction shall be in accordance with all the requirements of both the Relevant Instruments and these regulations;

(*b*) all their safety, fire and pollution prevention equipment, procedures and operations, shall be in compliance with and conducted in strict accordance with the requirements of the Relevant Instruments, in particular the IMDG Code;

(*c*) they shall be suitably rendered to ensure that no risk of spark generation exists when going alongside or leaving a ship, jetty or berth;

(*d*) at all times when they are carrying substances, or are alongside a ship having substances on board, they shall rig the emergency towing wire as specified in regulation 24(1)(*m*);

(*e*) when carrying substances, two or more barges or lighters shall not be towed abreast;

(*f*) whenever volatile or explosive substances are being loaded from or into barges or lighters alongside a ship, the moorings shall be secured on board the ship or lighter, such that they may be easily and safely slipped in an emergency;

(*g*) unless it is secured for towing, a barge or lighter on fire should not be let entirely adrift without express instructions from the Authority.

(15) No person shall discharge or deposit any dangerous packaged cargoes within any port area until the transport or carriage by which it is to be removed is at that place in readiness to receive it and all dangerous packaged cargoes landed or deposited shall forthwith be removed from the quay to the ship or from the quay to the duly appointed place of storage, as the case may be.

(16) Any person who fails to comply with the provisions of subregulation (15) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) for each offence.

(17) Any person who fails to comply with all the other provisions of this regulation, other than subregulations (12) and (15), shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding nine thousand and three hundred and seventeen euro and forty-nine cents (9,317.49) for each offence.

Authority's berthing prerogative for ships carrying substances in bulk. *Amended by: XV. 2009.49.*

17. (1) Subject to the provisions of these regulations, ships carrying substances shall be moored, berthed or anchored in such particular places within the ports and territorial waters of Malta, as the Authority may from time to time direct and shall not, without the written permission of the Authority, be moved therefrom except for the purpose of directly leaving a port or for proceeding directly to a tank-cleaning berth recognised by the Authority.

(2) At the discretion of the Authority, subject to the properties of the substances, ships having on board dangerous packaged cargoes in containers not exceeding 500 litres each in capacity and in total quantities not exceeding:

(*a*) 3000 litres of volatile dangerous cargoes;

(*b*) 6000 litres of non-volatile dangerous cargoes;

(*c*) 4500 litres in the aggregate of volatile and non-volatile dangerous cargoes

shall not be deemed to be ships subject to the berthing restrictions specified in subregulation (1) by reason of the carriage of such dangerous cargoes, providing that such dangerous cargoes be in containers stored on deck or in a compartment kept closed throughout the whole of the ship's stay in the waters of Malta.

Restricted access for ships carrying dangerous cargoes. *Amended by: L.N. 425 of 2007.*

18. (1) No tanker shall enter Grand Harbour or Marsamxett Harbour, except as expressly provided in the case of Grand Harbour under regulations 22, 25, 26, 27, 30 and 91.

(2) Any person who fails to comply with the provisions of subregulation (1) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding nine thousand and three hundred and seventeen euro and forty-nine cents (9,317.49) for each offence.

Pilotage.

19. The Master of any ship arriving in territorial waters carrying dangerous substances in bulk or packages, must employ a pilot for the purposes of entering, leaving or moving within a port and must inform the pilot on boarding of the nature of the cargo.

Signals.

20. (1) Before entering and throughout such ship's stay in port or harbour, the ship shall by day fly the International Code flag "B" and by night, in addition to any navigation lights which may be required by any other regulations, exhibit where it can best be seen, but in any case not less than 7 metres above the deck, a red light visible all round the horizon for a distance of at least two miles.

(2) In the case of a ship constrained by construction or size, which cannot normally comply with the provisions of subregulation (1), the Master may in lieu of such signals display by day in a conspicuous position above the deck, a red flag of metal not less than 0.5 metre square and by night an all round red light.

Penalties.
Amended by:
L.N. 425 of 2007.

21. Any person who fails to comply with the provisions of regulations 19 and 20 shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87) for each offence.

Departure of ships.
Amended by:
L.N. 264 of 2004;
L.N. 425 of 2007;
XV. 2009.49.

22. (1) Every ship shall, on completion of cargo operations, proceed out of ports and territorial waters without delay, except that a tanker may, with the express written permission of and under such conditions as the Authority may permit, proceed directly and with all cargo tanks securely closed to a tank-cleaning berth for the purpose of tank cleaning and/or gas freeing.

(2) The master, owner or agent of a ship, irrespective of its size, carrying dangerous or polluting goods and leaving a port or an anchorage located in Malta shall before departure give notice to the Authority, by such means as determined by the Authority, of all information listed in Schedule A.

(3) Any person who fails to comply with any directive given by the Authority in exercise of its powers according to the provisions of subregulation (1) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) for each offence, and in the case of a continuing offence, to a further fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) for every day during which the offence continues.

Prohibited entry or stay.
Amended by:
XV. 2009.49.

23. Notwithstanding the provisions of these regulations, the Authority may prohibit the entry into internal or territorial waters of Malta of a ship to which these regulations are applicable, or may at any time require such a ship to leave such waters.

General operational requirements.
Amended by:
L.N. 425 of 2007;
XV. 2009.49.

24. (1) Without prejudice to any other provision contained in these regulations, throughout the stay in the ports and internal or territorial waters of Malta, the Master of a ship, bunker barge or owner of a road tanker (where applicable) shall ensure compliance with the following general requirements contained in this

regulation:

(*a*) a ship or bunker barge shall at all times lie afloat, except in the case of a tanker which is certified inert in drydock, as described in regulations 27 and 28;

(*b*) no ship to which these regulations apply and which is not a certified inerted tanker in a repair yard shall, except for the purposes of transhipment, lie within thirty metres of any other ship without the express written permission of the Authority;

(*c*) a ship shall at all times be safely moored with good, sound, fibre or wire ropes, such that excessive movement at, or breaking adrift from, the berth, jetty or moorings is avoided and the following requirements must be observed:

(i) all moorings should preferably be of the same materials and construction, except that moorings composed entirely of high elasticity ropes are not permitted;

(ii) within a given mooring pattern, ropes of different elasticity may never be used together in the same direction;

(iii) all wire ropes shall be provided with fibre tails at least 25% stronger than the wires to which they are attached and be of a length which does not exceed one third of the distance between the ship's side chock and the berth, jetty, or buoy mooring point;

(iv) self tensioning winches fitted with automatic rendering and hauling shall not be used in the automatic mode whilst the ship is moored;

(v) all the features, maintenance procedures and recommendations of the manufacturer concerning the brake holding power of self-stowing mooring winches must be fully understood and observed by all concerned crew members;

(vi) throughout the stay in Maltese ports, the integrity and effectiveness of all moorings, mooring systems and related equipment, must be continually monitored and effectively maintained;

(*d*) except when proceeding directly to a repair facility on arrival in territorial waters, all overboard and sea valves connected to cargo, slops, sludge or pump-room compartments shall be fully closed and positively sealed, such that they cannot be inadvertently opened and:

(i) all pumproom bilges and wells must be in a clean, dry condition and so maintained;

(ii) in the case of ships in repair facilities, every

such ship shall depart such facilities with all bilges and wells clean and dry;

(*e*) all external openings in a ship's superstructures, situated on, leading directly to, or overlooking any potential dangerous area on board or potential hazardous zone on shore, with the exception of the pump room, must remain closed throughout all operations related to:

(i) the handling of dangerous cargoes;

(ii) the loading of dangerous cargoes into non gas-free tanks;

(iii) the ballasting of non gas-free tanks;

(iv) ballasting into tanks which have contained dangerous cargoes;

(v) tank cleaning or crude oil washing;

(vi) tank venting or purging;

(vii) gas freeing;

(*f*) all ventilation or air-conditioning intakes to such places as detailed in paragraph (*e*) must be closed, unless they can be so adjusted as to prevent the entry of dangerous cargo vapours into such spaces;

(*g*) when atmospheric conditions are such that there is little air movement and heavy concentrations of dangerous vapour may persist on deck, or the prevailing wind is likely to create eddies on the lee side of a ship's superstructures which may carry heavy local concentrations of such vented vapour towards the superstructures, the precautions laid down in paragraphs (*e*) and (*f*) may have to be extended, or such operations suspended whilst such conditions persist;

(*h*) the Master shall ensure that all supplies of absorbent materials, except those approved by the Relevant Instruments for the removal of small spills, are stowed in places effectively segregated from any areas where dangerous cargoes may be present and no absorbent materials are allowed to be discarded in any such areas;

(*i*) throughout a tanker's stay at any terminal or marine facility's moorings, jetty or berth, fire hoses shall be connected to the tanker's fire main (one forward and one aft of the cargo manifold) except when undergoing repairs at a repair yard, and:

(i) when monitors are provided they shall be aimed at the manifold and ready for immediate use;

(ii) whilst cargo or ballast operations are being undertaken, if practicable, a pump should maintain pressure on the tanker's fire main, but if this is not possible the fire pump should be in a stand-by condition ready for immediate use;

(iii) throughout a tanker's stay at any marine terminal/facility moorings, jetty or berth, both the tanker's and the shore international ship/ shore fire connection shall be conspicuously marked and in immediate readiness for the transfer of water for fire fighting;

(iv) all necessary fire-fighting equipment, including portable fire extinguishers, breathing apparatus, etc. shall be maintained readily available, especially in the vicinity of cargo manifolds;

(*j*) whether inerted or not, when an electrical storm is anticipated in the vicinity of a ship, or a marine terminal/facility at which a ship is conducting operations as detailed in paragraph (*e*), all such operations must be stopped. All tank openings and vent-line valves, including the bypass valve, if fitted, on the tank ventilating system must be closed and the cargo and/or crude oil washing systems secured;

(*k*) no naked lights are permitted on board a ship or within any area, as specified in regulation 34, which is not at that time a designated safe area or certified by a competent person as safe for such purposes. The Master of the ship shall also ensure that these requirements are brought to the attention of all persons employed on any ship, tug, lighter or bunker barge allowed alongside and shall not permit any craft which does not comply with these requirements to approach or remain within such an area;

(*l*) no repair work of any kind shall be permitted on board a ship prior the issuing by a competent person of the relevant permit(s) ("Hot work/Cold work/Electrical Isolation/Entry", etc.);

(*m*) throughout a ship's stay at any mooring, jetty or berth, emergency towing wires ('fire wires') of adequate strength and condition shall be made fast fore and aft (at a jetty or berth, on the off-shore side of the tanker) and their eyes run out and maintained at, or about, the waterline; sufficient slack to enable effective towing-off in an emergency should be retained between the tanker's bollard and chock and such slack prevented from running out by a rope yarn or other easily broken means;

(*n*) except when undergoing repair at a repair yard, throughout a tanker's stay at any terminal or marine facility's moorings, jetty or berth, its main engines, steering gear and any other equipment essential for manoeuvring shall be maintained in a condition that will enable it to move away from such places at thirty minutes notice;

(*o*) should such a ship for any reason be unable to comply with the requirements of paragraph (*n*), the Master

must immediately inform the Authority who may thereupon instruct the Master to engage a tug or tugs to be on stand-by throughout the whole of the period during which the ship is unable to so comply. Such tug(s) shall always be engaged at the risk and expense of the ship;

(*p*) should the Authority consider that inclement weather or other conditions may adversely affect the moorings of a ship, it may instruct its Master to engage recognised tug(s) to stand-by or assist the ship throughout the period that it deems such conditions to persist. Such tug(s) shall always be engaged at the risk and expense of the ship;

(*q*) except as the Authority may expressly authorise in writing and under specified controlled conditions, no person may enter any cargo compartment or void space, or any other enclosed space on board any ship which may contain dangerous cargo gases or vapours and which has not been issued with an "Entry Permit" by a competent person;

(*r*) the minimum acceptable general atmospheric requirements for the issuance of an "Entry Permit" are:

(i) the concentrations of any toxic gases which may be likely to be extant in the compartment shall, throughout the compartment, be below the TLV of such gases;

(ii) a steady oxygen level of 21% by volume shall be accomplished and maintained throughout the compartment;

(iii) throughout the compartment, the concentration of any flammable gases likely to be present shall not exceed 1% of the LFL of such gases;

(iv) throughout the whole time that entry is permitted into the compartment, the atmospheric conditions detailed in subparagraphs (i) to (iii), shall be continuously monitored at all levels within the compartment and be so maintained by the provision of continuous and effective forced ventilation:

Provided that this permit shall be valid and remain so only when all the other conjoined safety resources and procedures required by the Relevant Instruments are complied with;

(*s*) the Master of any ship engaged in the carriage of dangerous cargoes, or which is not certified completely gas free, shall not permit on board any unauthorised person, or any authorised person (whether ship's crew or not) who is deemed to be temporarily impaired in his judgement by reason of intoxication, unless special and effective preparations for their reception has been made;

(*t*) except as permitted in writing by the Authority, under the proviso that no sources of ignition, including other ships, are within the dangerous area of such ships or hazardous zones ashore, throughout any period when the operations detailed in paragraph (*e*) are being conducted, no other loading or discharging operations to or from the ship (such as the taking or landing of stores, spare parts, equipment or bunkers) is permitted;

(*u*) until such time as operations detailed in paragraph (*e*) have been completed and until such time as a gas free and/or inert certificate for the ship is provided to the Authority, all such and every other ship operation shall at all times be under the control of a duly qualified responsible officer, designated by the Master;

(*v*) during operations specified in paragraph (*u*), a responsible shore representative shall be readily available to carry out and give effect to the provisions of that paragraph;

(w) in respect of access to the ship, throughout any period when the operations detailed in paragraph (*e*) are being conducted, the following requirements must be complied with:

(i) there shall be only one means of access to the ship;

(ii) such access shall be continuously manned by a crew member having close and effective means of communication with the responsible officer in charge of such operations;

(iii) such access shall be located as close to the ship's accommodation and as far away from the ship and shore manifolds as possible;

(iv) gangways and other means of access shall be provided with an effective safety net, properly rigged and have a lifebuoy with lifeline readily available. During the hours of darkness, such means of access shall be effectively illuminated by intrinsically safe means;

(*x*) throughout the time a ship is at a marine terminal/ facility, the radio transmitting aerials shall be effectively earthed and the following requirements observed:

(i) radio, satellite communications, radar and any other equipment which when operated may emit potentially hazardous levels of radiated energy externally from the ship, or involves the running of non intrinsically safe electrical equipment, shall not be used;

(ii) without prejudice to the preceding provision, correctly installed fixed-installation VHF and/or UHF communications equipment may be used, provided that the power output is not in excess

of one watt;

(iii) no repairs involving the activating of any such equipment are permitted without full prior consultation between the Master and the responsible terminal/facility representative and may require the issuing of a work permit.

(2) Any person who fails to comply with the provisions of subregulation (1) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding nine thousand and three hundred and seventeen euro and forty-nine cents (9,317.49) for each offence.

(3) Any person who fails to comply with any directive given by the Authority in exercise of its powers according to the provisions of subregulation (1), shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) for each offence, and in the case of a continuing offence, to a further fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) for every day during which the offence continues.

Restrictions on movements of a tanker which is not certified gas free and/or inert. *Amended by: L.N. 152 of 1997; L.N. 425 of 2007.*

25. (1) A tanker which is empty of all cargo except slops and/or residues may enter the Grand Harbour for the sole purpose of proceeding directly and with all tanks securely closed, to a tank cleaning berth, providing that these operations are carried out in strict accordance with the requirements of the Relevant Instruments and that no other tanker, except as provided in regulation 27, is within the Grand Harbour at the time of transit.

(2) A gas tanker with all its tanks not gas-free or inerted, upon being certified by the competent person as being in a vapour saturated condition with free oxygen content nearly zero and such tanks securely sealed, may enter the Grand Harbour for the purpose of proceeding directly to a repair or tank cleaning facility:

Provided that no other vessel shall be allowed to manoeuvre within harbour until such tanker has entered the repair or tank cleaning facility.

(3) Any person who fails to comply with the provisions of subregulation (1) and subregulation (2) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding six thousand and nine hundred and eighty-eight euro and twelve cents (6,988.12) for each offence.

Restrictions on movements of a tanker which is certified partly gas free and/or inert. *Amended by: XV. 2009.49.*

26. A tanker which has carried dangerous cargoes and which has had all necessary tanks certified gas-free or inert may, with the express written permission of the Authority, enter Grand Harbour for the purpose of proceeding to a repair facility for the conducting of controlled operations, provided that any un-inerted slop tanks still containing slops shall be adequately vented and all vent lines positively and effectively vapour-isolated from every other compartment in the tanker and all other requirements of regulations 27, 28 and 29 of these regulations are complied with.

Conditions of entry to Grand Harbour for a tanker certified fully gas-free and/or inert.
Amended by: XV. 2009.52

27. A tanker which is certified fully inert or gas free, or with some compartments certified gas free and the remainder inert, may enter Grand Harbour for the purposes of proceeding to a repair facility, provided that the following additional safety checks have also been conducted by a competent person:

(*a*) the gas-tightness of the inert gas distribution system and cargo tanks is confirmed, and that, attested to by the Master's written declaration, all tanks have been in a continuously inert condition for at least four hours prior inspection and will so remain throughout a tanker's stay in Grand Harbour. In exceptional cases the Authority may approve lesser periods of prior inertion, under the requirement that the competent person undertakes immediate and frequent monitoring of such a ship's subsequent I.G. status and record full details of such monitoring, which shall be provided to the Authority as required;

(*b*) the gas-tight seals of all cargo compartment openings are effective and tight;

(*c*) all inert gas system Pressure/Vacuum Breakers or other approved devices and Pressure/Vacuum valves appear to be regularly maintained and that for those which are liquid-filled, the correct fluid and level has been used and is maintained;

(*d*) the water level in the deck water seal is satisfactory;

(*e*) both the inert gas pressure indicators and the fixed and portable oxygen analysers are of an approved type and have been properly calibrated.

Conditions of stay in Grand Harbour for a tanker certified gas-free and/or inert and checklists.
Amended by: L.N. 425 of 2007; XV. 2009.49.

28. (1) Throughout a tanker's stay in a repair facility, the following procedures shall be ensured by a competent person:

(*a*) on arrival at such facility the relevant checklists as specified in Schedule B shall be completed;

(*b*) before commencing repair work and not less than once every twenty-four hours thereafter - but in any case immediately after the tank pressure system has been topped up with inert gas - a competent person accompanied by a responsible ship's officer shall, together, check that the oxygen level at several different levels well within every inerted compartment has not risen above a maximum of 8% by volume, that the pressure is maintained at a minimum of 100mm on the water gauge and that the water level in the deck water seal remains satisfactory;

(*c*) that the gas-tight seals of all cargo compartment openings remain effective and tight;

(*d*) throughout the tanker's stay in Grand Harbour, no inerted space may be opened to atmosphere except for the briefest period needed to accomplish oxygen testing, ullaging or sampling;

(*e*) the repair facilities shall provide whenever necessary,

a continuous supply of water to the deck water seal and inert gas of a suitable quality from a shore inert gas generator. In any case, prior to commencement of any repair, connection must be made between the facility's inert gas generator and the tanker's inert gas delivery main;

(*f*) all connections, cables and procedures used to provide an additional electricity supply to a ship from shore, shall be in strict conformance with all the requirements of the Relevant Instruments, including approved means being provided at any terminal board in the ship to which a shore electricity supply is connected, so as to prevent the shore supply from being connected to the switchboard whilst it remains connected to the ship's generators;

(*g*) work permits in respect of hot work, cold work, electrical work and entry permits should not generally have a validity period in excess of twelve hours. In the event that the complexity of the required work necessitates the issuance of more than one permit, care shall be taken to ensure that the issuance of a permit for subsequent work does not negate the safety conditions of any earlier permits;

(*h*) in the event that for any reason whatsoever, the conditions described in paragraphs (*b*) to (*f*) cannot be maintained, the Authority must be immediately informed by the person in charge of the operation and all work on the tanker must cease until such time as these prescribed conditions are properly restored. The Authority may order that the tanker must leave Grand Harbour forthwith.

(2) Any person who fails to comply with any directive given by the Authority in the exercise of its powers according to the provisions of subregulation (1), shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) for each offence, and in the case of a continuing offence, to a further fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) for every day during which the offence continues.

Constraints on work which may be conducted on a tanker in the inert condition.
Amended by: L.N. 425 of 2007; XV. 2009.49.

29. (1) Only cold work may be undertaken on a tanker whose tanks are certified in the inert condition, except that hot work may be carried out when, in each instance the specific permitted has been so authorised by, and carried out wholly under the overall supervision of a competent person and at such a safe distance from any dangerous area on board or hazardous zone on shore, as is specified during any specific period by such competent person.

(2) Any person who fails to comply with any directive given by the Authority in exercise of its powers according to the provisions of subregulation (1), shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding eleven

thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) for each offence, and in the case of a continuing offence, to a further fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) for every day during which the offence continues.

Crude oil washing and tank cleaning operations.

30. (1) A tanker may enter Grand Harbour carrying no more than 20,000 tonnes of volatile dangerous cargoes, provided that:

(*a*) it proceeds directly to the tank cleaning berth;

(*b*) in case of crude oil washing, the inert conditions specified in regulations 27 and 28 are strictly complied with throughout the tanker's stay in Grand Harbour.

(2) All crude oil washing and tank cleaning operations shall be carried out in strict compliance with the requirements of the Relevant Instruments.

(3) On arrival at the tank cleaning berth, the relevant checklists as specified in Schedule B, must be completed jointly with the tank cleaning installation operator.

Conditions under which crude oil washing cease. *Amended by: XV. 2009.49.*

31. If at any time during crude oil washing operations, the inert conditions specified in regulation 27 and regulation 28(*b*) to (*e*) cannot be maintained, the Authority shall be immediately informed by the person in charge of the operation and crude oil washing must cease until these prescribed conditions are properly restored. The Authority may order the tanker to leave Grand Harbour forthwith.

Restrictions on transiting Grand Harbour.

32. Subject to the provisions of regulations 25 and 26, a tanker having carried dangerous cargoes, but on which the appropriate tanks are not certified gas-free and/or inert, may enter or leave Grand Harbour at any time, provided that if such movement is between sunset and sunrise, no other ship movement shall be permitted at that time.

Substance and ballast handling operations and checklists. *Amended by: L.N. 425 of 2007; XV. 2009.49.*

33. (1) No ship may discharge or transfer any substances which cannot be handled, stored or disposed of to the requirements of the Relevant Instruments, without the written permission of the Authority and under such conditions and requirements as it shall deem appropriate.

(2) Without prejudice to any other provisions contained within these regulations, all preparations for, and actual cargo handling and/or ballasting operations, procedures and practices undertaken on dangerous cargoes within the waters of Malta, shall be continuously and consistently undertaken in strict compliance and in accordance with all the requirements of the Relevant Instruments, with special attention to those contained in the ISGOTT and relevant OCIMF guides.

(3) If at any time during the conduct of such operations, any of the requirements of subregulation (2) cannot be maintained, then cargo handling and ballasting operations shall immediately cease and both ship and shore cargo handling and ballast systems shall be secured and the Authority informed.

(4) No cargo handling and/or ballast operations shall recommence until such time as these prescribed conditions are properly and fully restored. At any time the Authority may order the tanker to leave the waters of Malta.

(5) Prior commencement of every cargo handling operation (and also prior to commencing the separate phases integrated within each operation) the relevant checklists and declarations, as specified in Schedule B, shall be completed as appropriate for the operation being undertaken.

(6) Neither the joint checklists or declarations shall be signed, nor operations commence, until mutual assurance is achieved on the relevant sections. Certain items on the checklists will require several checks or continuous supervision throughout cargo handling and ballast operations.

(7) In respect of agreed pre-planned procedures for cargo, bunker and ballast handling, if it is found that subsequent events may affect any such operation and will require changes to the agreed procedures, such changes shall be discussed between both parties and agreed upon prior to any changes being effected.

(8) If substantial changes occur, these shall, in sufficient time, be laid down in writing before any change in the procedures takes place and in any case within the working period of those supervisors aboard and ashore, in whose working period the agreement on changes was reached.

(9) When considering the possibility of handling a number of dangerous cargoes concurrently, the properties of the cargoes handled, the equipment of both ship and shore installations, the ability of the tanker's crew and shore personnel to safely execute and sufficiently control the necessary operations, shall be taken into account.

(10) No tanker may undertake cargo handling operations on dangerous cargoes in the Grand Harbour or in Marsamxett Harbour, except on ballast water or slops for landing at a tank-cleaning berth, or crude oil washing carried out in accordance with the requirements specified in regulation 30.

(11) No tanker may undertake cargo handling operations on dangerous cargoes at any berth, jetty or mooring other than at such place as the Authority may instruct from time to time.

(12) No transfer of any substances is permitted into containers on board a tanker or on lighters in any port. The Authority may however authorise such operations in any port, other than Grand Harbour, under such conditions and requirements as it may deem appropriate.

(13) Between sunset and sunrise, a tanker may rig or disconnect cargo hoses and/or undertake cargo handling operations on dangerous cargoes:

Provided that adequate approved intrinsically safe fixed installation illumination, which complies with all the requirements of the Relevant Instruments, is provided on board the ship and similarly provided on shore to illuminate the ship and its access

when alongside a berth.

(14) Whenever a tanker's construction allows, "closed loading" procedures should be adopted.

(15) All cargo tank lids, sighting, sampling and ullaging ports shall be closed and secured prior to commencement of cargo handling on any volatile dangerous cargo, or a non-volatile dangerous cargo into non gas free tanks, or ballasting into tanks having contained a volatile dangerous cargo except in the case of gas freeing and/or purging.

(16) Before handling any volatile dangerous cargo, or loading a non-volatile dangerous cargo into non-gas-free tanks, or ballasting into tanks having contained a volatile dangerous cargo, or venting/ purging of tanks having contained such volatile dangerous cargoes, the tanker's tank venting system shall be set for the operation concerned.

(17) When cargo handling or ballasting operations have commenced, such operations shall proceed with due diligence and if they are discontinued, the cargo system and tanks on the tanker shall be secured and closed.

(18) During the operations described in subregulation (16), ullage, sighting and sampling ports shall only be opened for the shortest possible time required to fulfil their functions and all such openings must be protected by gauze screens which are in a good and clean condition, or by other approved means.

(19) During loading or ballasting operations, the pressure/ vacuum relief valves must be either opened or by-passed and high velocity valves shall be set in the operational position.

(20) During any cargo handling operations, no repair work to the cargo handling system is permitted either aboard a tanker or on shore. If such repairs are necessary, all operations shall cease, the cargo system shall be secured, ship/shore hoses shall be disconnected and the appropriate permits shall be obtained from a competent person before such authorised repairs may commence.

(21) Any person who fails to comply with the provisions of subregulations (1) to (20) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding nine thousand and three hundred and seventeen euro and forty-nine cents (9,317.49) for each offence.

Danger area.
Amended by: XV. 2009.49.

34. Except as prescribed in regulations 27 and 28 and subject to written authorisation by the Authority and under such conditions as it may deem fit, any area contained within an envelope enclosing a distance of thirty metres from any part of a ship engaged in the operations specified in regulation 33(16), shall be regarded as a danger area.

Cargo and bunker transfer equipment suitability and operational requirements. *Amended by: XV. 2009.49.*

35. (1) All hoses and other appliances used for the handling of dangerous cargoes shall conform with the requirements of the Relevant Instruments for the usage to which they are being put.

(2) Before and during any operation, hose strings shall be subjected to a close visual inspection for the purpose of determining any possible visible defects in their bore or outer covers, such as evidence of leakage, blistering, abrasion or flattening.

(3) Hoses and other cargo transfer appliances shall have their maximum permissible pressure rating and date of last pressure test clearly and indelibly indicated on them by a testing facility recognised by the Authority. Tests shall be done according to their manufacturer's specifications at intervals which are in accordance with their manufacturer's recommendations, but in any case not exceeding one year.

(4) Hoses shall be protected from any chafing or rubbing and steel wires for lifting shall not be permitted to have direct contact with a hose.

(5) All connections, both between sections of hoses and from hoses to manifolds, shall be properly and fully accomplished and excessive weight must not be allowed on the tanker's manifold.

(6) During cargo handling operations, the hose strings shall be adjusted to avoid undue strain on the hoses or the manifold connections and to ensure that the radius of curvature of the hose remains within the manufacturer's recommended limits.

(7) When cargo hard arms with approved mechanical couplers are being used, the tanker's manifold flange face shall be smooth and free of rust, to ensure a tight seal.

(8) All cargo hose strings and hard arms used shall be fitted with an insulating flange or a single length of non-conducting hose, to ensure electrical discontinuity between the tanker and shore during connection and disconnection.

(9) Throughout cargo operations adequate supervision shall be maintained in the vicinity of flexible hoses/hard arms, both aboard tanker and ashore, to ensure that in the event of accident, cargo transfer can be stopped without delay.

Unused cargo pipelines/systems.

36. All tanker cargo and bunker pipelines not in use shall be securely and fully blanked at the manifold. Stern cargo pipelines not in use shall be isolated from a tanker's main pipeline system, forward of the aft accommodation, by blanking or the removal of a spool piece.

Scupper plugs.

37. Prior to commencing and throughout the whole period when any cargo or bunkering operations are being undertaken, all scuppers and openings in the ship's decks, hull or superstructure, which could permit egress of substances into the sea in the event of an incident, shall be properly and effectively closed.

Drip pans and absorbent material.

38. Throughout all cargo and bunkering operations drip pans shall be used and maintained effective, unless means for permanent

retention of slight leakage at the ship/shore connection is provided. Adequate supplies of approved intrinsically safe absorbent material shall be kept readily available for immediate use in the event of a minor leakage. After usage, the contaminated materials shall be immediately removed to a safe area.

Cleaning of tanks. *Amended by: XV. 2009.49.*

39. After cargo operations are completed, no ship's cargo or bunker tanks may be opened nor cleaned whilst the ship is in internal or territorial waters, except at such places and under such conditions as the Authority may authorise.

Prohibition on naked lights.

40. No naked lights of any description shall be allowed on board any vessel being used within the ports for the carriage of dangerous cargoes in bulk or in packaged form, except that smoking may be permitted in places defined as designated safe areas.

Transportation of dangerous cargoes between the islands of Malta. *Amended by: XV. 2009.49.*

41. Nothing in these regulations shall prevent a ship, vessel or bunker barge from carrying dangerous cargoes between the islands of Malta, provided that:

(*a*) all the precautions and requirements related to the carriage and handling of such cargo as prescribed in these regulations and considered applicable by the Authority are complied with;

(*b*) in no case shall ships or vessels carry dangerous cargoes whilst carrying passengers;

(*c*) no person shall smoke on board any such ship whilst volatile dangerous cargoes are being carried, except in places which the Master has laid down as designated safe areas for that purpose.

Master's responsibilities for safety.

42. Nothing in these regulations shall be taken to relieve the Master of his responsibilities and liabilities for the safety of the ship, the crew and any person working aboard the ship, the cargo carried in the ship and the property and life of others, which may be endangered by the ship or its cargo.

PART III

Bunker Supply Barges and Bunker Receiving Ships

Bunker barge.

43. Bunker barge operations of any kind within the territorial and internal waters or ports of Malta shall only be undertaken by means of a licensed or authorised bunker barge.

Products that may be carried.

44. A bunker barge shall carry only bunkers.

Designated bunker supply anchorage areas. *Amended by: XV. 2009.49.*

45. (1) Outside port areas, bunker supply operations shall only be conducted in the anchorage areas designated by the Authority.

(2) The Master of a bunker barge shall, prior to every proposed bunker supply operation, inform the Authority of the specific designated bunker anchorage area indicated by him to the receiving ship for the conduct of that particular operation and shall not commence any such operation until the Authority's approval for

same has been confirmed.

(3) The bunker barge must be in position off the indicated bunker anchorage area prior to the arrival of the bunker receiving ship at that area.

(4) The ultimate responsibility for the choice of any one of those designated anchorage areas and for safe navigation throughout any bunkering operation, rests solely with the Master of the bunker receiving ship.

Delimitation of boundaries. *Amended by: XV. 2009.49.*

46. The Authority may from time to time establish or cancel any bunker area anchorages, or amend the boundaries of any bunker area anchorage.

Penalties. *Amended by: L.N. 425 of 2007.*

47. Any person who fails to comply with the provisions of regulations 43 and 44 shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding nine thousand and three hundred and seventeen euro and forty-nine cents (9,317.49) for each offence.

Road tankers supplying bunkers within port areas. *Amended by: XV. 2009.49.*

48. (1) When deemed applicable by the Authority, in respect of matters relating to operational practices such as, timing of operations, safety, fire, pollution prevention, bunker handling equipment and hoses, a road tanker supplying bunkers to a ship or vessel shall, whilst within any port area, be no less constrained by the requirements of these regulations than a bunker barge.

(2) Such a road tanker as specified in subregulation (1), whether sub-contracted or not, shall always be deemed by the Authority to be wholly the servant of the bunker operator and all the requirements and obligations required of such road tankers under these regulations, are so made incumbent upon such bunker operators.

Bunkering on lee coast. *Amended by: L.N. 425 of 2007.*

49. (1) Every offshore bunkering operation shall be conducted on the lee coast.

(2) Any person who fails to comply with the provisions of subregulation (1) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding nine thousand and three hundred and seventeen euro and forty-nine cents (9,317.49) for each offence.

Restriction on bunker barges anchoring in the waters of Malta. *Amended by: XV. 2009.49.*

50. At no time shall a bunker barge anchor in the waters of Malta, without prior authorisation from the Authority.

Restrictions on operations during the hours of darkness. *Amended by: XV. 2009.49.*

51. (1) A bunker barge shall not go alongside another barge or ship after sunset, without the express prior authorisation of the Authority.

(2) If any bunkering operation is estimated to be prolonged after sunset, the Authority shall be informed by the Master of the bunker barge immediately this possibility is perceived and express prior authorisation shall be sought from the Authority to extend

operations after sunset. If this is not obtained, the bunker barge shall be unmoored from and clear of the receiving ship before sunset.

Penalties. *Amended by: L.N. 425 of 2007.*

52. Any person who fails to comply with the provisions of regulations 45, 50 and 51 shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) for each offence.

Advance notice of arrival for bunker receiving ships. *Amended by: XV. 2009.49.*

53. Every ship requesting entry into a port or territorial waters of Malta for bunker reception purposes shall provide, within normal working hours, the advance notice of arrival to the Authority as prescribed in regulation 12.

Bunkering areas within ports. *Amended by: XV. 2009.49.*

54. Within the ports of Malta, bunkering operations shall only be carried out in Marsaxlokk, Marsamxett, Grand Harbour and M[arr, Gozo and only at such ports or any other places as may be so authorised by the Authority from time to time.

General requirements. *Amended by: XV. 2009.49.*

55. Without prejudice to any other provision contained in these regulations, the owner and Master of a bunker barge shall ensure that all ship-to-ship equipment, operations, procedures and practices are in full compliance with all the requirements laid down in the Relevant Instruments with especial consideration being given to the requirements contained in the OCIMF "Ship to Ship Transfer Guide" and to such provisions as the Authority may prescribe from time to time.

Penalties. *Amended by: L.N. 425 of 2007.*

56. Any person who fails to comply with the provisions of regulations 54 and 55 shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding nine thousand and three hundred and seventeen euro and forty-nine cents (9,317.49) for each offence.

Checklists. *Amended by: XV. 2009.49; L.N. 119 of 2023.*

57. The relevant checklists, in accordance with all the requirements of the Relevant Instruments, shall be fully and properly completed by the Masters of the bunker receiving ship and the bunker barge prior to the commencement and also at each integral stage of every bunkering operation. Such completed checklists shall be presented to the Authority during normal working hours by the Master of the bunker barge on completion of each bunkering operation.

Readiness to unberth. *Amended by: XV. 2009.49.*

58. Bunker barges shall be manned, as required by the Authority, on a 24-hour basis and maintained in readiness to leave berth at short notice.

Mooring.

59. When a bunker barge is going alongside a berth, no crew-member may proceed on shore to receive moorings and, in every instance, personnel shall already be present on shore to handle moorings.

Bunker receiving ship's scupper plugs.

60. The Master of the bunker barge shall be responsible for determining and ensuring that all the requirements prescribed in regulation 37 are complied with by the bunker receiving ship.

Penalties. *Amended by: L.N. 425 of 2007.*

61. Any person who fails to comply with the provisions of regulations 57 and 60 shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) for each offence.

Multi-grade bunker supply. *Amended by: XV. 2009.49.*

62. Notwithstanding any other requirements contained in these regulations, simultaneous multi-grade bunker supply, whether by barge, road tanker, or both shall not be undertaken unless prior specific written authorisation has been obtained from the Authority.

Emergency mobilisation.

63. Throughout a bunker supply operation, both the bunker barge and the receiving ship shall fully comply with the requirements contained in regulation 24(1)(*n*) and (*o*).

Prerequisites for owners of bunker supply barges. *Amended by: L.N. 425 of 2007; XV. 2009.49.*

64. (1) The Authority shall only consider licensing or the renewal of a licence for a bunker barge to operate within the waters of Malta, after the following requirements have been fully complied with:

(*a*) the owner of such barge shall inform the Authority in writing that insurance cover in respect of third party damage, marine environment pollution damage and clearance of pollution liabilities, for an amount acceptable by the Authority, has been obtained from an insurer recognised by the Authority;

(*b*) the owner shall provide the Authority with a copy of such insurance cover, including all the conditions, exceptions and exclusions imposed thereon;

(*c*) if such insurance cover is approved by the Authority, then throughout the duration of its service as a licensed or authorised bunker barge, such approved cover must remain whole;

(*d*) notwithstanding the provisions of paragraph (*c*), the Authority may at any time, require that changes or supplements be made to such cover and any such requirements shall be implemented by the owner without delay;

(*e*) notwithstanding the provisions of paragraph (*c*), in the event that any changes to such approved cover are subsequently proposed by either the insurer and/or the owner, these proposals shall be fully advised in writing to the Authority for its consideration and any such proposed changes shall not be effected unless so authorised in writing by the Authority;

(*f*) a barge of such dimensions or tonnages as are specified in the Relevant Instruments, or as may be determined by the Authority from time to time, shall be in class with a Classification Society recognised by the Authority, without any recommendations or

exemptions to its Class. Such Class status must ever remain valid;

(*g*) a barge of such dimensions or tonnages as are specified in the Relevant Instruments, or as may be determined by the Authority from time to time, shall be in possession of an approved and valid IOPP certificate issued by a Classification Society recognised by the Authority. Such IOPP certificate status must ever remain valid;

(*h*) a barge shall comply with such requirements as are specified in the Relevant Instruments for its dimensions or tonnages, or as the Authority may determine from time to time;

(*i*) the barge owner shall enter into an undertaking with a specialised organisation, recognised by the Authority, to provide an effective 'on-call' service for the immediate control and removal from both sea and land of any potential consequences of the most environmentally hazardous operations that can be undertaken;

(*j*) the barge owner shall provide the Authority with full written details of such organisation, its estimated lead-time to put the necessary equipment and personnel on site at any potential pollution incident and full details of the extent of services, equipment and expert personnel immediately available to it, as secured by the owner from that organisation;

(*k*) if the Authority approves such an organisation, and extent of services secured, then these must ever remain valid;

(*l*) notwithstanding the provisions of paragraph (*k*), the Authority may at any time require that changes be made to either such secured services or organisation, and any such required changes shall be implemented without delay by the bunker barge owner;

(*m*) notwithstanding the provisions of paragraph (*k*), in the event that any changes to such secured service or organisation, are proposed by the owner to the Authority, such proposed changes shall not be effected unless so authorised by the Authority;

(*n*) the barge owner shall provide the Authority with copies of the designated Master and crew members Certificates of Competency, Dangerous Cargo Endorsements and Records of Sea Service;

(*o*) the Authority shall prescribe to the barge owner the minimum requirements for manning levels, professional Certificates, Dangerous Cargo Endorsements or relevant tanker experience, required by the Master and crew. Such requirements must ever remain valid;

(*p*) a bunker barge owner shall not substitute or replace any Master or crew member or reduce the manning complement, unless the documents required in paragraph (*n*) have been provided and approval in writing has been obtained from the Authority.

(2) Any person who fails to comply with the provisions of subregulation (1) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding nine thousand and three hundred and seventeen euro and forty-nine cents (9,317.49) for each offence.

General operational resources, administrative and procedural requirements. *Amended by: XV. 2009.49.*

65. (1) Without prejudice to any other provisions contained in these regulations, the owner and Master of a bunker barge shall ensure that all bunker supply operations are undertaken in full compliance with all the requirements laid down in the Relevant Instruments, which include:

(*a*) during every bunkering operation within any port area, containment booms of such a size and range as to effectively contain any oil spill potential to such an operation, shall be properly and effectively deployed;

(*b*) when such operations are undertaken at an 'open face' wharf or jetty, additional containment booms of adequate size and range shall be deployed alongside such wharf or jetty, by the bunker barge, so as to effectively prevent any ingress of any potential oil spill;

(*c*) when a bunkering operation is carried out within a port, adequate "Fence" booms shall be effectively deployed fore and aft, between the barge and receiving ship, to contain any possible oil-spill;

(*d*) any oil-spill or accidental equipment failure which may increase the normal pollution hazards of any operation, shall be immediately reported to the Authority;

(*e*) during every bunkering operation, the bunker barge shall have aboard adequate supplies of approved absorbent materials and oil dispersants readily and immediately available; but oil dispersants shall only be deployed with the permission of the Authority, taking into account the circumstances of each case;

(*f*) a motor-propelled boat shall be carried on board the bunker barge equipped with sufficient supplies of oil dispersant and efficient means of applying same, for the purpose of providing effective "first-aid" pollution control;

(*g*) the boat described in paragraph (*f*) shall be capable of being swiftly and readily launched at any time during bunkering operations and both the craft, its propulsion machinery and oil dispersant equipment must be maintained at the highest levels of preparedness;

(*h*) all bunker barge cargo transfer equipment and hoses,

navigational, safety, and pollution prevention/control equipment, shall always be maintained in good working order and the Master and crew properly trained in their effective use and deployment;

(*i*) all hoses and other appliances used for bunkering operations, the operational practices conducted with them and the certification required for them, shall be in strict accordance with the requirements of regulation 35(1) to (6) and (8) and (9);

(*j*) at all times during bunker operations within any port, adequate types and quantities of spill-removal skimmers approved by the Authority, sufficient to effectively remove any potential bunker operation-generated spill shall be provided by the bunker barge owner and properly maintained in readiness for immediate use as required;

(*k*) at all times during bunker operations within any port area, temporary portable emergency spill storage tanks of adequate types and capacities approved by the Authority, must be provided by the bunker barge owner and properly maintained in readiness for immediate use as required;

(*l*) all mechanical pollution prevention/control equipment and operational ancillaries, such as pumps, compressors, hydraulic power packs and motivating units must be tested at regular intervals not exceeding three months;

(*m*) effective and planned maintenance schemes, approved by the Authority, must be prepared and properly implemented by the bunker barge owner to ensure that all pollution prevention/control equipment is continuously and effectively maintained in good working order. Such schemes must include a checklist aide-memoire for use of all personnel concerned with the usage and maintenance of such equipment and systems;

(*n*) the planned maintenance schemes, specified in paragraph (*m*), and both routine and exceptional maintenance data shall be recorded in detail and kept readily available for inspection by the Authority;

(*o*) any pollution prevention/control degradeable media, referred to in this regulation, shall be regularly operationally tested at not less than biannual intervals, to establish their continued effectiveness:

Provided that, five years from the date of manufacture of such media, testing of representative samples shall be conducted annually at laboratory facilities recognised by the Authority, for the purpose of obtaining a certificate that such media continue to be effective for their intended purpose;

(*p*) a bunker barge owner shall ensure that an adequate number of personnel are fully trained by organisations recognised by the Authority in the effective handling, usage and application of all pollution prevention/ control equipment and media, so as to ensure full and effective pollution prevention/control coverage at all times during bunker operations;

(*q*) a bunker barge owner shall also ensure that such personnel, referred to in paragraph (*p*), undertake refresher courses at intervals recommended by such organisations;

(*r*) a bunker barge owner shall prepare effective pollution prevention/control contingency plans covering the most environmentally hazardous incidents that can occur during bunker supply operations to other ships, or reception of bunker stocks at a bunker terminal;

(*s*) plans, referred to in paragraph (*r*), must take into account both the resources of the bunker barge owner and those of the local related emergency services and their cooperation;

(*t*) a bunker barge owner shall conduct, at least biannually, pollution-response drills, approved by the Authority, utilising his own resources and personnel, making actual usage of or testing all equipment, facilities and systems by both designated and alternate personnel;

(*u*) each bunker barge owner shall also participate in all joint pollution-response manoeuvres which may be organised by the Authority from time to time in conjunction with other concerned agencies and services;

(*v*) the Authority may suspend or refuse renewal of a bunker barge licence authorisation if any of the following equipment aboard a bunkering barge are missing, inoperative, or inadequate, until such time as such deficiencies are rectified to the satisfaction of the Authority:

(i) Compass;

(ii) Radar;

(iii) Echo Sounder;

(iv) Rudder Angle Indicator;

(v) Daylight Signalling Lamp;

(vi) Barometer;

(vii) Thermometer;

(viii) Inclinometer;

(ix) Binoculars;

(x) all charts available for the waters of Malta;

(xi) at least two properly maintained high or low pressure fenders adequate for the intended

operations;

(xii) two electrical generators, each of sufficient rated output to supply all the bunker barge's operational requirements, must be in working order throughout any period when bunkering operations are being undertaken;

(xiii) any items specified in paragraph (*h*).

(2) Such deployments and provisions as are required under subregulation (1) shall be recorded in detail for inspection by the Authority.

Other applicable requirements.

66. Any Master or owner of a bunker barge when engaged in bunker supply or loading of bunker stock operations, or lying within any danger area or hazardous zone, shall comply with all other applicable requirements of the Relevant Instruments, with special attention to the following:

(*a*) regulation 24(1)(*a*), (*d*), (*h*) to (*l*) and (*n*) to (*t*);

(*b*) regulation 33(2) to (8) and (20);

(*c*) regulation 35(1) to (6), (8) and (9);

(*d*) regulations 36, 38 and 40.

Work permits. *Amended by: XV. 2009.49.*

67. No work permits need be obtained by any Master of a bunker barge, which is at that time not engaged in any bunker operation, unless such work involves "hot work". Prior application for a "hot work permit", the Authority must be informed.

Penalties. *Amended by: L.N. 425 of 2007.*

68. Any person who fails to comply with the provisions of regulations 65 and 66 shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding nine thousand and three hundred and seventeen euro and forty-nine cents (9,317.49) for each offence.

Responsibility and liability of the Master.

69. Nothing in these regulations shall be taken to relieve the Master of his responsibility and liability, especially with regards to the life and property of others, the crew and any other person aboard, the marine environment, the bunker barge and cargo.

PART IV

Marine Terminals and Facilities

Marine terminal and facility data provision. *Amended by: XV. 2009.49. Substituted by: L.N. 243 of 2026.*

70. Operators of marine terminals and of marine facilities operators shall provide to the Authority, from time to time, for its exclusive and confidential use, and in compliance with the requirements of the Relevant Instruments, full details and updated information regarding safety and pollution, prevention and control, including relevant operational data, equipment and personnel resources, general and specific procedures, policies and plans in respect of fire-fighting, emergency and pollution prevention and control.

Data requirements. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

71. In addition to the safety and pollution prevention/control data referred to in regulation 70, the following information shall also be provided to the Authority by such operators:

(1) full general details of:

(*a*) equipment layout plans dealing with the most safety and environmentally hazardous operations that are or shall be undertaken at that marine terminal/facility;

(*b*) the routine pollution prevention/control procedures and equipment both within the terminal/facility and as required by the terminal/facility operator to be on board ships or bunker barges utilising his facilities;

(*c*) the operations manual;

(*d*) the operations checklists;

(*e*) all safety and pollution prevention/control training programmes provided to personnel;

(*f*) all prescribed emergency procedures;

(g) ship data records concerning incidents and turnaround reports;

(*h*) routine and exceptional manning schedules;

(*i*) plans of the general terminal/facility layouts;

(*j*) the terminal/facility regulations;

(*k*) descriptions of known problem areas at the terminal or facility;

(*l*) list of Marine maintenance work orders;

(*m*) preventive maintenance and inspection procedures;

(*n*) the means and procedures provided by the terminal or facility for effective communications between all concerned persons during a ship's transit to and from berths or moorings, at berths or moorings and during cargo handling/COW/tank cleaning and bunker operations;

(*o*) the organisation chart of the marine terminal/facility;

(2) with regard to facilities available for each berth, mooring or jetty full details of:

(*a*) the number of moorings, jetties or berths available;

(*b*) the maximum and minimum sizes of ships for which each mooring, berth, and jetty is designed;

(*c*) the maximum and minimum actual depths of water available at each mooring, berth or jetty;

(*d*) the cargo transfer systems provided at each mooring, berth or jetty;

(*e*) product types and volumes actually being handled at each mooring, berth or jetty and the product type and volumes for which each was designed to be capable of handling;

(*f*) the product slates for each mooring, berth or jetty;

(*g*) the general layout of each mooring, berth or jetty;

(*h*) the designed and actual environmental constraints for each mooring, berth or jetty, including wind and sea state;

(3) with regard to mooring layouts full details of:

(*a*) the maximum design mooring loads and permissible number of lines per hook, bollard or mooring;

(*b*) the design and actual physical constraints for each mooring, berth or jetty, including:

(i) maximum ship LOA and beam;

(ii) minimum and maximum freeboard;

(iii) deadweight displacement;

(iv) position of transfer manifold(s);

(v) angle, direction and approach velocity for berthing or mooring operations;

(*c*) damage reports for each mooring, berth or jetty;

(4) with regard to cargo transfer full details of:

(*a*) the environmental limits of equipment such as hard-arms, booms, etc;

(*b*) the operating envelopes for hard-arms, booms, etc. including the limits of drift and surge;

(*c*) the simultaneous cargo handling and/or ballast procedures and possibilities routinely conducted or available at each mooring, berth or jetty;

(*d*) the manifold connection criteria;

(*e*) the flow rates, temperature and pressures at which substances are routinely handled and the design limits of the transfer system in respect of such matters;

(*f*) cargo hose specifications;

(*g*) hose-testing and inspection criteria and records;

(*h*) hard-arm/hose operating instructions, including drift and surge detection and emergency release systems;

(*i*) over-pressure protection systems and inspection criteria;

(5) with regard to pollution prevention full details of:

(*a*) all historical incident reports;

(*b*) spill clean-up plans and equipment;

(*c*) emergency shut-down system details, such as remotely operated block valves, check valves, alarms and testing/inspection criteria;

(*d*) pollution prevention checklist;

(*e*) pollution control contingency plans for both operations conducted at the terminal/facility, its moorings, berths and jetties, by the operator or by

third party bunker barges permitted by the operator to use such facilities for bunkering operations;

(6) with regard to safety, full details of:

(*a*) the berth, jetty and terminal/facility surveillance and security systems, procedures and practices;

(*b*) safety checklists;

(*c*) the means of egress from the berths or jetties of a terminal/facility (especially in case of an emergency);

(*d*) fire-fighting equipment, including the number and location of monitors, hydrants and portable extinguishers and the design flow rates and pressure for foam and water systems;

(*e*) life-saving and personnel protective equipment;

(*f*) contingency plans for effectively dealing with fire, safety incidents and emergencies at the moorings, berths or jetties at the terminal/facility or on board any third-party bunker barge permitted by the operator to use his terminal or facility.

Penalties. *Substituted by: L.N. 13 of 1996. Amended by: L.N. 425 of 2007.*

72. Any person who fails to comply with the provisions of regulation 71 shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) for each offence.

Insurance prerequisites for marine terminal or facility operators. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009. 52.*

73. The Authority shall only consider issuing or renewing a licence to a marine terminal/facility as a bunker operator when the requirements of regulation 64(1)(*a*) to (*e*) have been fully complied with.

General pollution control and removal requirements. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009. 52.*

74. (1) The Authority shall only consider issuing or renewing a licence to a marine terminal/facility as a bunker operator when pollution control and removal equipment, resources, trained personnel and approved procedures for any potential consequences of the most environmentally hazardous operations that can be undertaken at such place are wholly provided by the operator and approved by the Authority.

(2) Notwithstanding the provisions of subregulation (1), in the event that such an operator cannot himself achieve such requirements to the satisfaction of the Authority, then such an operator shall forthwith comply with the requirements of regulation 64(1)(*i*) to (*m*).

General emergency and fire-fighting requirements. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009. 52.*

75. The Authority shall only consider issuing or renewing a licence to a marine terminal/facility bunkering operator when fire-fighting and emergency resources, trained personnel and approved procedures for any potential consequences of the most environmentally hazardous operations that can be undertaken at such place are wholly provided by the operator and approved by the Authority.

General operational requirements and resources.
Substituted by: L.N. 13 of 1996. Amended by: XV. 2009. 52.

76. An operator of a marine terminal/facility shall bind himself and all his servants, jointly and severally, to comply with all the requirements of the Relevant Instruments with special emphasis to the following:

(*a*) an operator shall ensure that when undertaking operations involving ship-to-terminal, terminal-to-ship or ship-to-ship transfer at a terminal's facilities of dangerous cargoes or bunkers supplied by or permitted by the operator to be supplied by third parties at facilities controlled by that operator or ship's COW or tank-cleaning operations, the requirements of regulation 33(5) to (8) are fully complied with;

(*b*) the terminal/facility checklist copies as provided in paragraph (*a*) shall be retained by the operator for at least twelve months and shall be kept readily available for inspection by the Authority as required;

(*c*) ship/shore bonding cables shall never be used;

(*d*) the operational practices conducted with hoses and other appliances, including jetty pipelines where applicable, for operations referred to in paragraph (*a*) and the certification required for them shall be in strict accordance with the requirements of regulation 35;

(*e*) at a minimum biannually, all flexible underwater lines used for the operations referred to in paragraph (*a*) shall be subjected to an underwater inspection, whilst being maintained under the maximum pressure for which these lines are certified;

(*f*) at least once every twelve months, all jetty pipelines and rigid underwater lines used for the operations referred to in paragraph (*a*) shall be examined whilst being maintained under the maximum pressure for which these lines are certified;

(*g*) inspections, as specified in paragraphs (*e*) and (*f*), shall only be carried out by independent contractors recognised by the Authority and a certificate attesting to and stating the results of each such test shall be obtained by the operator;

(*h*) prior to every operation, referred to in paragraph (*a*), all surge or over-pressure protection arrangements and devices for both underwater and surface product lines being used, shall be tested;

(*i*) during any operation, as referred to in paragraph (*a*), all the requirements of regulation 65(1)(*a*) to (*k*) shall be made applicable to and strictly complied with by marine terminal/facility operators;

(*j*) prior to commencement of handling liquid bulk cargoes, marine terminal/facility operators shall ensure that all drain holes and pipes and all other drains of any kind on their jetties, wharfs or quays, where liquid bulk cargoes might escape in case of an accident, are

effectively closed and so remain, to prevent such possibility;

(*k*) during an operation, referred to in paragraph (*a*), operator's personnel, in conjunction with ship's personnel, shall inspect at intervals, ship's mooring lines and arrangements to ensure they are being safely and adequately tended and maintained by the ship;

(*l*) in addition to the primary communication system used between the marine terminal/facility and the ship during all operations, specified in paragraph (*a*), there shall also be provided by such operator for immediate use an adequate 'secondary communications' system in the event of the normal communications system failing. Such system may consist of an intrinsically-safe portable V.H.F. with a dedicated channel provided to the ship by the operator or any other means acceptable to the Authority.

Pollution prevention and control requirements. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009. 52.*

77. An operator shall accomplish and thereafter maintain the following administrative, training and procedural requirements:

(*a*) such operators shall be subject to the requirements of regulation 65(1)(*l*) to (*u*);

(*b*) an operator shall compile and conspicuously and permanently display in weather-tight enclosures immediately inside the terminal/facility entrances and exits, clear detailed descriptions and plans of the precise storage location of all pollution control equipment available at such places, including those located at any moorings, berths or jetties. If the storage location is kept secured, then access to keys or other means of entry to such places shall be detailed and means of immediate access made readily available;

(*c*) such descriptions/plans as specified in paragraph (*b*) shall be provided to the Authority and also to any other external service providing organisation which may potentially be assisting in a terminal/facility pollution control incident.

Safety and fire/ emergency requirements. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009. 52; L.N. 243 of 2026.*

78. An operator shall, within intervals specified in this regulation and in compliance with the requirements of the Relevant Instruments, accomplish and thereafter maintain the following resource provisions, administration, training and procedural requirements:

(1) adequate quantities of water for both fire-fighting and boundary/adjacent area cooling, and effective means of application, shall be available for immediate use both within a marine terminal or facility and at the berths or jetties;

(2) adequate quantities and types of fire-fighting foam approved by the Authority and effective means of application, shall be available for immediate use both within a marine terminal/facility and at the berths or

jetties;

(3) where appropriate, adequate quantities and types of firefighting Dry Powder (Potasium-based preferred for terminals handling LPG/LNG gases) and other appropriate approved fire-extinguishing media, and effective means of application, shall be available for immediate use both within a marine terminal/facility and at the berths or jetties;

(4) all fire-fighting, emergency, safety equipment and their operational ancillaries, including pumps. compressors and generators, must be tested at regular intervals not exceeding one month;

(5) when the terminal/facility is active, an operator shall ensure the presence of an adequate number of personnel who have been fully trained in the effective prevention and combating of the types of fires and other hazards possible in their operations;

(6) such personnel, referred to in paragraph (5), shall also undertake appropriate 'refresher' courses at the intervals recommended by the recognised training organisations;

(7) an operator shall comply with all the requirements contained in regulation 65(1)(*o*) with respect to all fire-fighting degradeable media;

(8) an operator shall conduct regular and periodical emergency response and oil and hazardous noxious substances pollution response exercises, as approved by the Authority and in compliance with the Emergency Response Planning (ERP) Guidelines issued by the Authority, whilst utilising his own resources and personnel, as follows:

(*a*) at least once every three (3) months, drills for emergency response and, or oil and hazardous noxious substances pollution response;

(*b*) at least once every twelve (12) months, a full-scale emergency response exercise or one (1) combined emergency response and oil and hazardous noxious substances pollution response exercise.

(9) such drills shall include the actual usage or testing of all equipment and systems by both designated and alternate personnel, in as near emergency conditions' as possible;

(10) a communications log, in a written or tape-recorded form, shall be maintained throughout such drills, to record all communications;

(11) an operator shall identify within his terminal/facility, a 'control centre', together with an alternate, from where all firefighting/emergency/safety operations are overall controlled and co-ordinated;

(12) during emergency situations or drills, such a 'control centre' shall be manned by adequate number of properly trained personnel having complete knowledge of all contingency plans, operational and emergency equipment and systems, including backup and alternate resources;

(13) such 'control centre' personnel shall be provided with efficient and effective primary and secondary communication systems (if these are VHF or similar, they must have 'private' dedicated channels), for liaising with and controlling all efforts within the terminal/facility, on board ships at the terminal/ facility's moorings, berths or jetties, at other such adjacent places and with external emergency resources;

(14) where internal terminal/facility telephone systems are used for 'control centre' purposes, communications shall be capable of being over- ridden by the person in overall charge of emergency operations;

(15) in the case of a large terminal/facility or where moorings, berths or jetties are some distance from the terminal or facility, the operator shall also establish an emergency 'forward control' unit to be in local charge of operations at the scene of the incident, in full liaison with the 'control centre';

(16) the 'forward control' unit, shall consist of adequate numbers of properly trained personnel having complete knowledge of all the contingency plans, operational and emergency equipment and systems, including back-up and alternate resources;

(17) such 'forward control' personnel shall be supplied with adequate types and quantities of efficient and effective resources for dealing with any potential consequences of the most environmentally hazardous operations that can be undertaken at such places and be also provided with primary and secondary communications systems fully compatible with those of the 'control centre';

(18) operators shall assign 'call-signs' to different units of their emergency-response teams and such 'call-signs' shall be used in all emergency-response and drill communications;

(19) in addition to the drills referred in paragraph (8), all such operators shall fully participate in all joint pollution-response exercises which may be organised by the Authority from time to time, in conjunction with other concerned agencies and services;

(20) the operator shall compile adequate and effective safety, emergency and fire-fighting contingency plans, covering the most hazardous incidents that can occur at the marine terminal or facility or its moorings, berths and jetties:

(21) such plants as described in paragraph (20) must take into account both the resources of the operator and those of the local related Agencies and emergency services;

(22) an operator shall provide safety equipment, such as adequate quantities and types of fire-fighting personnel protection suits, water-spray diffuser nozzles for providing personnel protective water barriers, self-contained breathing apparatus and stretchers and their use included in all drills and exercises;

(23) an operator shall comply with all the requirements contained in regulation 65(1)(*l*) to (*o*) with respect to all fire-fighting, safety and emergency equipment;

(24) an operator shall ensure that at least once every twelve months all portable fire-extinguishers used anywhere within his installations are either examined or tested to establish their continued effectiveness by an organisation recognised by the Authority. The testing organisation shall verify same by clearly and indelibly marking each such extinguisher;

(25) an operator shall make arrangements, at his own risk and expense, with a tug company recognised by the Authority for the provision of an 'on-call' service whereby a ship moored at his terminal/facility may be quickly towed clear of such place dunging emergency situations occurring either at such terminal/ facility or on board the ship;

(26) an operator shall make arrangements, at his own risk and expense, with organisations recognised by the Authority for the provision of an 'on-call' service whereby 'water-side' firefighting assistance (including boundary cooling) shall be quickly provided to ships moored at his moorings' berths or jetties;

(27) an operator shall provide to the Authority full details of any arrangement referred to in paragraphs (25) and (26) and such arrangements shall ever remain effective;

(28) an operator shall comply with all the requirements contained in regulation 77, with respect to all fire-fighting, safety and emergency equipment and systems;

(29) an operator shall compile and conspicuously and permanently display in weather-tight enclosures immediately inside the terminal/facility entrances and exits, clear detailed descriptions and plans of all means of emergency exits, for the use of personnel from external organisations; assisting in an incident;

(30) if in case of an emergency the only means of escape for crew members aboard a ship is through the

terminal/facility, any description and plan, referred to in paragraph (29), shall also be in the same manner displayed at berths or jetties;

(31) such descriptions and plans as detailed in paragraph (29), shall be promulgated to external organisations referred to in regulation 77(*c*);

(32) an operator shall cause retro-reflective or luminous indicators to be conspicuously and permanently displayed at salient points within the terminal/facility, indicating the simplest and safest direction of exit during an emergency situation;

(33) at a terminal/facility where ships are moored on long breakwater or finger berths, an operator shall provide permanent and easily accessible means of transverse escape to a safe area clear of such berths (e.g. fixed ladders giving access over to the other side of a berth's protective wall);

(34) an operator shall ensure that all vehicles parked within the terminal/facility or on its berths and jetties, shall have their doors left unlocked and ignition keys in place if in an area which may impede entry or exit in an emergency situation;

(35) at liquefied gas terminals, the operator shall ensure the effective spark arresters are efficiently fitted to the exhausts of all vehicles prior entering the terminal storage or handling areas and remain so fitted until the vehicles leave;

(36) an operator shall compile and cause to be permanently displayed in weather-tight enclosures clearly visible from the location of the starting and control gear of all fire-fighting equipment (including fire-pumps, fixed foam and other media firefighting systems and emergency electrical generators) clear detailed instructions and illustrations of the means of operating same;

(37) an operator shall ensure that all equipment and machinery used, or which may be used within any danger area aboard a ship using the terminal/facility mooring, berth or jetty, or within any hazardous zone ashore, are certified as intrinsically safe for the operations which may be undertaken at such places;

(38) an operator shall also ensure that such equipment, referred to in paragraph (37), remains intrinsically safe and any equipment which may have become impaired is either replaced or re-certified by the manufacturer or an organisation recognised by the Authority.

Penalties. *Substituted by: L.N. 13 of 1996. Amended by: L.N. 425 of 2007.*

79. Any person who fails to comply with the provisions of regulations 76 to 78 shall be guilty of an offence and shall, on conviction, be liable a fine (*multa*) not exceeding nine thousand and three hundred and seventeen euro and forty-nine cents

(9,317.49) for each offence.

Equipment and personal records. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

80. An operator shall keep records of all deployments and provisions of equipment and of personnel as is required by these regulations and same shall be maintained readily available for inspection by the Authority.

Certificates, plans and records. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

81. An operator shall ensure that all requirements of these regulations in respect of any certificate, plan and record are effectively accomplished and maintained readily available for inspection by the Authority.

PART V

Licensing

Bunker licences. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

82. No person shall act as a bunker operator unless he is in possession of a valid licence issued by the Authority for that purpose.

Eligibility for a licence. *Substituted by: L.N. 13 of 1996; L.N. 264 of 2004. Amended by: XXV. 2015.41.* Cap. 381. Cap. 545.

83. A person shall not be entitled for a licence to carry out bunkering operations in terms of these regulations unless he is in possession of a valid licence issued in terms of the Bunkering (Fuels) Tax Act, by the Regulator for Energy and Water Resources established under the Regulator for Energy and Water Resources Act.

Application for a licence. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

84. A licence referred to in this part of the regulations may be granted after an application on the appropriate form is presented to the Authority, accompanied by all the documentation and certification prescribed therein.

Conditions. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

85. The Authority may at time of issue, or at any other time, attach to a licence any condition or conditions which it may deem fit.

Abrogation of a licence. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

86. At any time the Authority may, without assigning any reason therefor, suspend, cancel, revoke or refuse renewal of any licence previously granted or renewed by it under these regulations.

Delivery of licence. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

87. Any person or body corporate whose licence under these regulations has been suspended, cancelled or revoked by the Authority, shall within forty-eight hours of such suspension, cancellation or revocation, deliver his licence to the Authority.

88. The holder of any licence issued under these regulations shall comply with any instructions, orders or directives given by the Authority from time to time.

Compliance with instructions from the Authority. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

89. Every person or body corporate licensed under these regulations shall carry or display such licence when acting in the capacity for which he is licensed and produce same to an officer authorised by the Authority on demand.

Display of licence. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

90. The fees payable in respect of bunker operating licences issued under these regulations shall be established, from time to time, by the Authority.

Fees. *Substituted by: L.N. 13 of 1996; L.N. 316 of 2019.*

PART VI

Miscellaneous

91. Notwithstanding any other regulation herein -

(*a*) a tanker carrying only non-volatile petroleum or sulphuric acid may enter Grand Harbour for the purpose of discharging at a marine terminal or facility;

(*b*) a bunker barge or a tanker, with her last cargo being a non-volatile petroleum cargo, or with her tanks in the inert or gas free condition, may be allowed to enter Grand Harbour to load non-volatile petroleum from a marine terminal or facility.

Tankers and bunker barges in Grand Harbour. *Substituted by: L.N. 13 of 1996; L.N. 75 of 2002; L.N. 264 of 2004.*

92. Nothing in these regulations shall abrogate the authority of the Authority in respect of any safety and pollution prevention/control requirement for any ship, bunker barge, marine terminal/facility or shore operation within the waters of Malta.

Authority's authority not abrogated. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

93. The Authority reserves the right to be given as required for the purposes of combating any emergency or pollution incident, immediate access to, use and control of any or all such safety and pollution equipment or resources as are required under these regulations to be provided on, at, or by any ship, bunker barge, marine terminal/facility, whether such emergency occurs at the source of such equipment or resources or not. Such equipment shall be provided free of charge, but used at the risk of the Authority and reasonable costs incurred by the provider in respect of any consumables used, or equipment damaged, will subsequently be reimbursed.

Authority's prerogative to have emergency use of equipment and resources required to be provided under these regulations. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

94. Nothing in these regulations shall prevent that the Authority may prescribe greater or lesser requirements than are prescribed in these regulations and their Schedules, upon any ship or bunker barge, or the owner, Master or crew members thereof, or upon any marine terminal or facility operator.

Authority's prerogative for the regulations. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

Authority's overall operational incident control. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

95. Nothing in these regulations shall prevent that, within the waters of Malta all fire, safety, salvage and pollution control incident operations, shall be conducted solely under the overall operational control of the Authority.

Liability and responsibility of the Authority. *Substituted by: L.N. 13 of 1996. Amended by: XV. 2009.49.*

96. The liability and responsibility for compliance with these regulations and with any conditions which the Authority may impose, shall always jointly rest with the owner of the ship, the Master of the ship and operator of the marine terminal/facility and bunker barge, where applicable, and the Authority shall not be held liable for any consequences arising from such owner's, Master's or operator's acts of omission or commission in respect to any of the requirements of these regulations.

Exemption of naval ships. *Substituted by: L.N. 13 of 1996. Amended by: L.N. 264 of 2004; XV. 2009.49.*

97. (1) The Authority may exempt a ship or bunker barge belonging to or forming part of the naval force of a country, from compliance with any or all of the provisions of these regulations.

Exemption of ships.

(2) The Authority may exempt scheduled services performed between ports in Malta from the requirements laid down in regulations 12(1)(*a*) and 22(2) if -

(*a*) the company operating the scheduled services referred to in this regulation keeps and updates a list of ships concerned and sends it to the Authority; and

(*b*) for each voyage performed, carrying dangerous or polluting goods, the information listed in Schedule A is kept available for the Authority upon request, twenty-four hours a day and without delay. The company shall establish the system to ensure that the said information is submitted to the Authority in such format and by such means as required by the Authority.

(3) The Authority may exempt scheduled services performed between Malta and a port in another Member State from the requirements laid down in regulations 12(1)(*a*) and 22(2) if -

(*a*) the Authority agrees with the competent authority of the other Member State that such exemption is required;

(*b*) the company operating the scheduled services referred to in this regulation keeps and updates a list of ships concerned and sends it to the Authority;

(*c*) for each voyage performed, carrying dangerous or polluting goods, the information listed in Schedule A is kept available for the Authority upon request, twenty-four hours a day and without delay. The company shall establish the system to ensure that the said information is submitted to the Authority in such format and by such means as required by the Authority.

(4) Any deviations from the estimated time of arrival at a port of destination or pilot station in Malta of three hours or more must be notified to the Authority in accordance with the requirements laid down in regulation 12.

(5) The Authority holds the right that if a company, operating a scheduled service, is exempted under subregulations (2) and (3), fails to meet the established conditions, the Authority shall withdraw the privilege of the exemption from the company concerned.

(6) For the purposes of this regulation:

(*a*) the service shall not be regarded as a scheduled service unless it is intended to be operated for a minimum of one month;

(*b*) exemptions to regulations 12(1)(*a*) and 22(2) shall be limited to voyages of a scheduled duration of up to twelve hours; and

(*c*) exemptions shall only be granted to individual vessels as regards a specific service.

Confidentiality of information. *Added by: L.N. 507 of 2010. Substituted by: L.N. 331 of 2012.*

98. In accordance with all the applicable legal acts of the European Union and local legislation in force from time to time, it shall be ensured that:

(*a*) all the necessary measures are adopted to ensure the confidentiality of commercial and other confidential information sent pursuant to these regulations;

(*b*) particular care is taken to protect the commercial data collected according to the provisions of these regulations;

(*c*) compliance with the requirements of any legal acts of the Union and local legislation in force from time to time with respect to the protection of personal data is observed at all times; and

(*d*) such information is used in compliance with these regulations.

Proceedings before Court of Magistrates. *Substituted by: L.N. 13 of 1996. Re-numbered by: L.N. 507 of 2010.* Cap. 9.

99. Proceedings for an offence against these regulations shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

Regulations not in derogation of any other provisions. *Substituted by: L.N. 13 of 1996. Re-numbered by: L.N. 507 of 2010.*

100. The provisions contained in these regulations are in addition to and not in derogation of the provisions of any other law or regulations in force in Malta.

Substituted by:
L.N. 13 of 1996;
L.N. 264 of 2004.

SCHEDULE A

Regulation 12

Notice of Expected Arrival and Departure of a Ship carrying Dangerous or Polluting Goods

Arrival ☐ Departure ☐ (Tick as appropriate)

1. Name of ship	2. Flag	3. Call Sign	4. IMO No.	5. G.T.	6. N.T.	7. Summer D.W.T.
8. Type of Ship	9. Length (LOA)	10. Beam (WOA)	11. Maximum Draft		12. Arrival/Departure Draft	
					F:	A:

13. Estimated Time of Arrival:	14. Last port of Call
a. Date b. Time	15. Next Port of Call:
16. Estimated Time of Departure	17. Estimated time of Arrival at Next Port:
a. Date b. Time	a. Date b. Time
18. Requested Berth:	19. Purpose of Call:
20. Special Remarks to be considered for Berthing:	
21. Number of persons on board:	22. Number of crew on board:
23. Ship's owner:	24. Ship's Agent:
25. Does the ship have any defect of hull, machinery or navigational equipment which may adversely affect the safety of the safe manoeuvrability of the ship; affect the safety of other ships, persons or property on the land or within the territorial waters of Malta; constitute a hazard to the environment. YES ☐ NO ☐	
26. The condition of the cargo and any cargo containment, handling system, equipment or instrumentation is sound, suitable for purpose and free from any defect which could adversely affect the safety of the port area, the ship or the environment. YES ☐ NO ☐	
27. Date of Notification:	28. Name of Notifying person:

a) The correct technical names of the dangerous or pollution goods, the United Nations (UN) numbers where they exist, the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes, and, where appropriate, the class of the ship as defined by the INF Code, the quantities of such goods and their location on board and, if they are being carried in cargo transport units other than tanks, the identification number thereof;

b) Confirmation that a list or manifest or appropriate loading plan giving details of the dangerous or polluting goods carried and of their location on the ship is on board;

c) Address from which detailed information on the cargo may be obtained.

Additional Information for Tankers:

CARGO INFORMATION		
Cargo type and quantity (if in ballast indicate last cargo):		
Proper Shipping / Correct Technical Name:		
UN No:		
*Density @ 15ºC	*Kinematic viscosicty @ 50ºC	
Type of operation (Discharge/Loading/Other). If other please specify		
VESSEL INFORMATION		
**Date of Delivery	**Double Hull ☐ **SBT ☐ **Single Hull ☐ (Tick as appropriate)	
Valid International Oil Pollution Prevention Certificate (IOPP)	YES ☐	NO ☐
Valid Certificate of insurance or other financial security in respect of civil Liability for oil pollution damage (CLC)	YES ☐	NO ☐

Valid Intemational Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS Certificate)	YES ☐	NO ☐		
Valid Certificate of Fitness for the Carriage of Dangerous Chemical in Bulk or International Certificate for the Carriage of Dangerous Goods in Bulk	YES ☐	NO ☐		
Valid International Certificate for the Carriage of Liquefied Gases in Bulk	YES ☐	NO ☐		
Valid International Certificate of Fitness for the Carriage of INF Cargo	YES ☐	NO ☐		
(Select and Tick as appropriate)				
Is vessel fitted with a fixed inert gas system	YES ☐	NO ☐		
Is system operational	YES ☐	NO ☐		
Is vessel inerted	YES ☐	NO ☐		
If YES to specify:	OXYGEN CONTENT (% by Volume)			
	MINIMUM POSITIVE PRESSURE (mmgh)			
Is vessel GAS FREE	YES ☐	NO ☐		
If YES to specify:	OXYGEN READING (% by Volume)			
	FLAMMABLE GASES (% LFL)			

* applicable only if cargo type is heavy grades of oil

** applicable only for oil tankers

Amended by:
XV. 2009.49;
L.N. 119 of 2023.

SCHEDULE B
SHIP/SHORE SAFETY CHECK LIST

Ship's name .....

Berth ..... Port .....

Date of Arrival ..... Time of Arrival .....

INSTRUCTIONS FOR COMPLETION

The safety of operations requires that all questions should be answered affirmatively ☐ if an affirmative answer is not possible, the reason should be given and agreement reached upon appropriate precautions to be taken between the ship and the terminal. Where any question is not considered to be applicable a note to that effect shall be inserted in the remarks column.

☐ - the presence of this symbol in the columns 'ship' and 'terminal' indicates that checks shall be carried out by the party concerned

The presence of the letters A and P in the column 'Code' indicates the following:

A - the mentioned procedures and agreements shall be in writing and signed by both parties.

P - in the case of a negative answer the operation shall not be carried out without the permission of the Authority.

R - indicates items to be revisited at intervals not exceeding that agreed in the declaration.

PART A Bulk Liquids - General		SHIP	TERMINAL	CODE	Remarks
A1	Is the ship securely moored?	☐	☐	R	
A2	Are emergency towing wires correctly positioned?	☐	☐	R	
A3	Is there safe access between ship and shore?	☐	☐	R	
A4	Is the ship ready to move under its own power?	☐		PR	
A5	Is there an effective deck watch in attendance on board and adequate supervision on the terminal and on the ship?	☐	☐	R	
A6	Is the agreed ship/shore communication system operative?	☐	☐	AR	
A7	Have the procedures for cargo, bunker and ballast handling been agreed?	☐	☐	AR	
A8	Has the emergency shut down procedure been agreed?	☐	☐	A	
A9	Are fire hoses and fire fighting equipment on board and ashore positioned and ready for immediate use?	☐	☐	AR	
A10	Are cargo and bunker hoses/arms in good condition and properly rigged and appropriate for the service intended?	☐	☐		
A11	Are scuppers effectively plugged and drip trays in position, both on board and ashore?	☐	☐	R	
A12	Are unused cargo and bunker connections including the stern discharge line, if fitted, blanked?	☐	☐		
A13	Are sea and overboard discharge valves, when not in use, closed and lashed?	☐	☐		
A14	Are all cargo and bunker tank lids closed?	☐	☐		
A15	Is the agreed tank venting system being used?	☐	☐	AR	
A16	Are hand torches of an approved type?	☐	☐		
A17	Are portable VHF/UHF transceivers of an approved type?	☐	☐		
A18	Are the ship's main radio transmitter aerials earthed and radars switched off?	☐			
A19	Are electric cables to portable electrical equipment disconnected from power?	☐	☐		
A20	Are all external doors and ports in the accommodation closed?	☐	☐	R	

A21	Are air conditioning intakes which which may permit the entry of cargo vapours closed?	☐	☐		
A22	Are smoking requirements being observed?	☐	☐	R	
A23	Are naked light requirements being observed?	☐	☐		
A24	Is there provision for an emergency escape possibility?	☐	☐		
A25	Are sufficient personnel on board and ashore to deal with an emergency?	☐	☐	R	
A26	Are adequate insulating means in place in the ship/shore connection?	☐	☐		
A27	Have measures been taken to ensure sufficient pumproom ventilation?	☐			
A28	Is the ship capable of "closed loading" and is this to be complied with if applicable?	☐	☐	R	
A29	Are ship emergency fire control plans located externally?	☐	☐		

If the ship is fitted or required to be fitted with an Inert Gas System the following questions must be answered

PART A - *continued* Bulk Liquids - General		SHIP	TERMINAL	CODE	Remarks
A30	Is the Inert Gas System fully operational and in good working order?	☐		PR	
A31	Have the fixed and portable oxygen analysers been calibrated and are they working properly?	☐		R	
A32	Are all cargo tank atmospheres 8% or less oxygen content by volume and with positive pressure?	☐	☐	PR	
A33	Are all the individual tank IG valves (if fitted) correctly set and locked?	☐		R	
A34	Are all the persons in charge of cargo operations aware that in the case of failure of the Inert Gas Plant, discharge operations are to cease and the terminal to be advised?	☐			

If the ship is fitted with, and intends to Crude Oil Wash (COW) the following questions must be answered

PART A - *continued* Bulk Liquids - General		SHIP	TERMINAL	CODE	Remarks
A35	Is the Pre-Arrival Crude Oil Washing Check-list, as contained in the approved Crude Oil Washing Manual, satisfactorily completed?	☐	☐		

A36	Is the Crude Oil Washing Check-list for use before, during and after Crude Oil Washing, as contained in the approved Crude Oil Washing Manual, available and agreed to be used?	☐	☐	R	

PART B Additional Checks - Bulk Liquids Chemicals		SHIP	TERMINAL	CODE	Remarks
B1	Is information available giving the necessary data for the safe handling of the cargo including, where applicable, a manufacturer's inhibition certificate?	☐	☐		
B2	Is sufficient and suitable protective equipment (including self-contained breathing apparatus) and protective clothing ready for immediate use?	☐	☐		
B3	Are counter measures against accidental personal contact with the cargo agreed?	☐	☐		
B4	Is the cargo handling rate compatible with the automatic shut down system if in use?	☐	☐	A	
B5	Are cargo system gauges and alarms correctly set and in good order?	☐	☐	AR	
B6	Are portable vapour detection instruments readily available for the products to be handled?	☐	☐	R	
B7	Has information on fire fighting media and procedures been exchanged?	☐	☐		
B8	Are transfer hoses of suitable material resistant to the action of the cargoes?	☐	☐		
B9	Is cargo handling being performed with the permanent installed pipeline systems?	☐	☐	PR	

PART C Additional Checks - Bulk Liquefied Gases		SHIP	TERMINAL	CODE	Remarks
C1	Is information available giving the necessary data for the safe handling of the cargo including, where applicable, a manufacturer's inhibition certificate?	☐	☐		
C2	Is the water spray system ready for use?	☐	☐		
C3	Is sufficient and suitable protective equipment (including self-contained breathing apparatus) and protective clothing ready for immediate use?	☐	☐		
C4	Are void spaces properly inerted where required?	☐			
C5	Are all remote control valves in working order?	☐	☐		
C6	Are cargo tank safety relief valves lined up to the ship's venting system and are by-passes closed?	☐			
C7	Are the required cargo pumps and compressors in good order, and have the maximum working pressures been agreed between ship and shore?	☐	☐	A	
C8	Is reliquefication or boil off control equipment in good order?	☐			
C9	Is gas detection equipment set for the cargo, calibrated and in good working order?	☐	☐		
C10	Are cargo system gauges and alarms correctly calibrated, set and in good working order?	☐	☐		
C11	Are emergency shut down systems working properly?	☐	☐		
C12	Does shore know the closing rate of ship's automatic valves; does ship have similar details of shore system?	☐	☐	A	
C13	Has information been exchanged between ship and shore on minimum working temperatures of the cargo systems?	☐	☐	A	
C14	Are all cargo tanks protected against inadvertent overfilling at all times while any cargo operation is in progress?	☐	☐		

	Ship	Shore
Are tank cleaning operations planned during the ship's stay alongside the shore installation?	Yes/No*	
If so have the Authority and terminal been informed?	Yes/No*	Yes/No*

**Delete Yes or No as appropriate*

Declaration

We have checked, where appropriate jointly, the items on this check list, and have satisfied ourselves that the entries we have made are correct to the best of our knowledge, and arrangements have been made to carry out repetitive checks as necessary.

For Ship	For Terminal
Name	Name .....
Rank	Rank .....
Signature	Signature .....

Time .....

Date .....

Application

The Check List applies to the cargo handling operations of oil tankers, chemical carriers and gas tankers and is divided into three parts.

Part A - General - (all tankers)

Part B - Additional - (chemical tankers handling chemicals)

Part C - Additional - (gas tankers handling liquefied gases)

All tankers - oil, chemical and gas, should complete Part A. Additionally, tankers loading or discharging bulk chemicals should complete Part B and gas tankers loading or discharging liquefied gases should complete Part C. The declaration at the end of the Check List shall be made in all cases.

The Mutual Safety Examination

A tanker presenting itself to a loading or discharging terminal needs to check its own preparations and its fitness for the safety of the intended cargo operation. Additionally, the master of the ship has a responsibility to assure himself that the terminal operator has likewise made proper preparations for the safe operation of his terminal.

Equally the terminal needs to check its own preparations and to be assured that the tanker has carried out its checks and has made appropriate arrangements.

The Check List, by its questions and its requirements for exchange of written agreements for certain procedures, is a minimum basis for the essential considerations which should be included in such a mutual examination.

Some of the Check List's questions are directed to consideration for which the tanker has prime responsibility. Others apply to both tanker and terminal and the remainder to the terminal alone. It is not suggested that every item should be the subject of personal checking by both representatives conducting the examination.

All items lying within the responsibility of the tanker shall be personally checked by the tanker's representative and similarly all items of the terminal's responsibility personally checked by the terminal representatives. In discharge of their full responsibilities however, both representatives, by questioning the other, by sighting of records and, where felt appropriate, by joint visual inspection shall assure themselves that the standards of safety on both sides of the operation are fully acceptable.

The joint declaration shall not be signed until such mutual assurance is achieved.

Thus all applicable questions should result in an affirmative mark in the boxes provided. If a difference of opinion arises on the adequacy of any arrangements made or conditions found, the operation shall not be started until measures taken are jointly accepted.

A negative answer to the questions coded "P" does not necessarily mean that the intended operation cannot be carried out. In such cases, however, permission to proceed must be obtained from the Authority.

Where an item is agreed to be not applicable to the ship, to the terminal or to the operation envisaged a note to that effect shall be entered in the "Remarks" column.

While the Check List is based upon cargo handling operations it is required that the same mutual examination, using the Check List as appropriate, be carried out when a tanker presents itself at a berth for tank cleaning after carriage of substances covered by these regulations.

Deviations

The conditions under which the operation takes place may change during the process. The changes may be such that safety or pollution prevention can no longer be regarded as guaranteed. The party noticing or causing the unsafe condition is under an obligation to take all necessary actions. which may include stopping the operation, to re-establish safe conditions. The presence of the unsafe condition shall be reported to the other party and where necessary co-operation with the other party shall be sought.

EXAMPLE OF CHECK LIST FOR MARINE LOADING ARMS

No.	Operation	Yes	No	Remarks
I. PRE-ARRIVAL CHECKS TO CONFIRM MANIFOLD CONNECTION CRITERIA				
1.	Is the flange face vertical and parallel with the ship's side.			
2.	Is the manifold flange setback from the rail within the design limits of m, min. to m, max.			
3.	Is the manifold O and length consistent with the following: O Material Permissible Cantilever Length Including Spools			
4.	Is the flange size type and I.D. (consider also pipe I.D.) compatible with the arms O/B flange or coupler: Flange Type / Flange Size / Flange Press Rating / Flange / I.D. / Pipe			
5.	For coupler equipped arms, is the clearance behind the manifold flange . (Consider the greater rearward clearance is needed when connecting to reducers.)			
6.	Are the vessel's manifold spacings consistent with the following criteria: Check case which governs for pending vessel / Arms connected simultaneously / Spacing between manifolds to which arms will be connected: Min. Max.			
7.	Is the height of the manifold centerline within the following limits: Minimum: Maximum:			
8.	Will the manifolds remain within the design envelope: *Upper elevation of envelope: *Lower elevation of envelope: Note: It is necessary that the vessel also comply with the min/max. manifold spacings given in 2 and 6 and the vessel motion be limited to the following: Surge (movement along pier) + Drift (movement off pier) *Must be reduced if spotting of active manifolds is not in accordance with the design basis, which usually is centered on the active arm(s).			
9.	Is the manifold support able to sustain uplift as well as downward loads.			
10.	Are there any obstructions directly below or in front of the manifolds which would interfere with engagement of the coupler or placement of the jack.			
No.	Operation	Yes	No	Remarks
II. CHECKS TO BE CARRIED OUT DURING CARGO HANDLING				
1.	Is the vessel moored correctly with respect to the arm(s) centerline. Permissible mooring offset = + and -			

2. Is the wind speed within design limits = km/ hour (gust).
3. Are the supplementary and/or primary jacks in place and properly adjusted.
4. Are the swivel nitrogen purge pressures and flow rates being maintained (LNG arms).
5. Is the product flow rate within design limits = m^3/HR.
6. Are the fluid swivels and coupler connectors free of leakage.
7. Is the ice build-up limited to within the design value = (LPG/LNG arms).
8. Are the arms remaining a safe distance apart and from deck/platform equipment (at the counterweights and between other parts of the arm.)
9. Are the product temperature and pressure within design limits:

Product	Design Temp.°C	Pressure kPa

10. Is the vessel movement being limited to the design conditions of:

    Surge = +

    Drift =
11. Is the arm free of vibration.
12. Is the ship's crew maintaining proper tension in the mooring lines.
13. Prior to disconnection - is any ice formation removed from the arm (LPG/LNG arms).

SPECIMEN LETTER FOR ISSUE TO MASTERS OF TANKERS AT TERMINALS

Company .....

Terminal .....

Date .....

The Master
SS/MV .....
Port .....

The Dangerous Cargo Ships, Marine Terminals and Facilities and Bunkering Regulations, imposed upon these facilities and adjacent installations by the Authority for Transport in Malta, shall be strictly observed by both you and your crew.

Dear Sir,

Responsibility for the prevention of pollution and the safe conduct of operations whilst your ship is at this terminal rests jointly with you, as master of the ship and with the responsible terminal representative. We wish, therefore, before operations start, to seek your full co-operation and understanding on the safety requirements set out in the Ship/Shore Safety Check Lists.

We expect you and all under your command to adhere strictly to these requirements throughout your stay alongside this terminal and, for our part, we will ensure that our personnel do likewise and co-operate fully with you in the mutual interest of safe and efficient operations.

During the whole of your ship's stay at this terminal, you or your deputised officer shall be readily available on board. Before the start of operations, and from time to time thereafter, for our mutual safety a member of the terminal staff, where appropriate together with a responsible officer, will make a routine inspection of your ship to ensure that the questions on the Ship/Shore Safety Check List can be answered in the affirmative. Where corrective action is needed we will not agree to operations commencing or, should they have been started, will require them to be stopped.

Similarly, if you consider safety is endangered by any action on the part of our staff or by any equipment under our control you should demand immediate cessation of operations.

THERE CAN BE NO COMPROMISE WITH SAFETY OR POLLUTION PREVENTION

Please acknowledge receipt of this letter by countersigning and returning the attached copy

Signed: .....

Terminal Representative

Terminal Representative on duty is .....

Position or Title .....

Telephone No. .....

UHF/VHF Channel .....

Signed: .....

Master

SS/MV: .....

Date: ..... Time: .....

FIRE NOTICE

FIRE INSTRUCTIONS IN CASE OF FIRE
DO NOT HESITATE RAISE THE ALARM

TERMINAL FIRE ALARM

At this terminal the fire alarm signal is:

.....

.....

IN CASE OF FIRE

1. Sound one or more blasts of the ship's whistle each blast of not less than 10 seconds duration supplemented by a continuous sounding of the general alarm system.

2. Contact the terminal and Authority

Telephone number .....

UHV/VHF communication channel .....

ACTION - SHIP

Fire on your ship

- Raise alarm
- Fight fire and prevent fire spreading
- Inform terminal and Authority
- Cease all cargo operations and then close all valves
- Stand by to disconnect hoses or arms
- Bring engines to standby

Fire on other ship or ashore

Stand by, and when instructed:

- Cease all cargo operations and then close all valves
- Disconnect hoses or arms
- Bring engines and crew to standby, ready to unberth

ACTION - TERMINAL

Fire on a Ship

- Raise alarm
- Contact ship
- Cease all cargo operations and then close all valves
- Stand by to disconnect hoses or arms
- Stand by to assist fire fighting
- Inform all ships and Authority
- Implement terminal emergency plan

Fire Ashore

- Raise alarm
- Cease all cargo operations and then close all valves
- Fight fire and prevent fire spreading
- If required stand by to disconnect hoses or arms
- Inform all ships and the Authority

- Implement terminal emergency plan

IN THE CASE OF FIRE THE TERMINAL PERSONNEL WILL DIRECT THE MOVEMENT OF VEHICULAR TRAFFIC ASHORE

SCHEDULE C

HOT WORK PERMIT

Relating to any work involving temperature conditions which are likely to be of sufficient intensity to cause ignition of combustible gases, vapours or liquids in or adjacent to the area involved.

General

This permit is valid From ..... Hrs Date .....
To ..... Hrs Date .....

Location of work .....
.....

Has enclosed space entry permit been issued? Yes/No

Description of work .....
.....

Personnel carrying out work .....
.....

Responsible person in attendance .....

Section 1

1.1 Has the work area been checked with a combustible gas indicator for hydrocarbon vapours? Yes/No

Time .....

1.2 Has the surrounding area been made safe? Yes/No

Time .....

Section 2

2.1 Has the work area been checked with a combustible gas indicator for hydrocarbon vapours? Yes/No

2.2 Has the equipment or pipeline been purged? Yes/No

2.3 Has the equipment or pipeline been blanked? Yes/No

2.4 Is this equipment or pipeline free of liquid? Yes/No

2.5 Is the surrounding area safe? Yes/No

2.6 Is additional fire protection available? Yes/No

2.7 Is the equipment isolated electrically? Yes/No

2.8 Special conditions/precautions .....
.....

In the circumstances noted it is considered safe to proceed with this work.

Signed ..... Master/Responsible Officer

..... Person in charge of work team

Section 3

The work has been completed and all persons under my supervision, materials and equipment have been withdrawn.

Authorised person in charge ..... Time ..... Date .....

First copy for display at work area

Second copy for ships or terminal records.

HOT WORK PERMIT

GENERAL

(*a*) Starting/finishing time must not exceed the Authorized Signatories'/Responsible Officer's working hours.

(*b*) Specific location of work to be given.

(*c*) Description of work to include type of equipment to be used.

SECTION 1 Applies to all hazardous work not involving naked flame or continuous spark production, and would include use of electrical equipment, use of air driven rotary equipment, lifting equipment/ materials over operating plant.

SECTION 2 Applies to all hot work involving high temperatures, open flame, arc or continuous source of sparks, etc. This type of work includes but is not limited to:

Welding or burning

Grinding

Sand or grit blasting

Metal chipping

Tests for combustible gas should be carried out immediately before commencement of hot work and at frequent intervals as long as the work is in progress.

COLD WORK PERMIT

Relating to any work which will not involve generation of temperature conditions likely to be of sufficient intensity to cause ignition of combustible gases, vapours or liquids in or adjacent to the area involved.

General

This permit is valid From ..... Hrs Date .....
To ..... Hrs Date .....

Location of work .....
.....

Has enclosed space entry permit been issued? Yes/No

Description of work .....
.....

Personnel carrying out work .....
.....

Responsible person in attendance .....

Section 1

Preparation and checks to be carried out by Officer in Charge of work to be performed.

1.1 The equipment/pipeline has been prepared as follows:

Vented to atmosphere: Yes/No Drained: Yes/No

Washed: Yes/No Purged: Yes/No

Other .....

1.2 The equipment/pipeline has been isolated as follows:

Lines Spaded: Yes/No Lines Disconnected: Yes/No

Valves Closed: Yes/No Other .....

1.3. Is equipment free from:

Oil: Yes/No Gas: Yes/No H_2S Yes/No

Steam: Yes/No Pressure: Yes/No

1.4 Is surrounding area free from hazards? Yes/No

1.5 If work is to be performed on electrical equipment has that equipment been isolated? Yes/No

Section 2

Information and instructions to person carrying out work:

2.1 The following personal protection must be worn .....
.....

2.2 Equipment/Pipeline contained following material in service .....
.....

2.3 Equipment expected to contain the following hazardous material when opened: .....
.....

2.4 Special Conditions/Precautions .....

.....

In the circumstances noted it is considered safe to proceed with this work.

Signed ..... Master/Responsible Officer

..... Person in charge of work team

Section 3

The work has been completed and all persons under my supervision, materials and equipment have been withdrawn.

Authorised person in charge ..... Time ..... Date .....

First copy for display at work area

Second copy for ships or terminal records.

COLD WORK PERMIT

GENERAL

(*a*) Starting/finishing time must not exceed the Authorized Signatories'/ Responsible Officer's working hours.

(*b*) Specific location of work to be given.

(*c*) Description of work to include type of equipment to be used.

(*d*) This permit should be used for but not limited to the following cold work.

1. Blanking/deblanking.
2. Disconnecting and connecting pipework.
3. Removing and fitting of valves, blanks, spades or blinds.
4. Work on pumps, etc.
5. Clean up (oil spills).

ELECTRICAL ISOLATION CERTIFICATE

No .....

DRIVE No. AND/OR EQUIPMENT DESCRIPTION

WORK TO BE DONE

WORK TO BE DONE BY

ON WORK PERMIT No .....

METHOD OF ISOLATION

AUTHORISED BY

TIME DATE

SUPPLY ISOLATED) BY

EIC RECEIVED BY

WORK COMPLETED BY

WORK CLEARED BY

SUPPLY RECONNECTION AUTHORISED BY

SUPPLY RECONNECTED BY

NOTE: THE PERSON ENGAGED ON THE ABOVE WORK MUST HOLD THIS CERTIFICATE UNTIL THE JOB IS COMPLETED WHEN HE WILL SIGN IT, HAVE IT CLEARED BY HIS IMMEDIATE SUPERVISOR AND RETURN TO THE ISSUING AUTHORITY.

SCHEDULE D
Regulation 3

Amended by:
L.N. 75 of 2002.
Substituted by:
L.N. 264 of 2004.

Repealed by Legal Notice 119 of 2023.

Amended by:
L.N. 264 of 2004.
Substituted by:
L.N. 425 of 2007.
Amended by:
XV. 2009.49.

SCHEDULE E
(Regulation 90)

Repealed by Legal Notice 316 of 2019.