

**REGULATIONS RELATING TO
HEALTH, SAFETY AND THE ENVIRONMENT IN THE PETROLEUM
ACTIVITIES AND AT CERTAIN ONSHORE FACILITIES
(THE FRAMEWORK REGULATIONS)**

(Last amended 20 December 2018)

**Petroleum Safety Authority Norway
Norwegian Environment Agency
Norwegian Directorate of Health
Norwegian Food Safety Authority
Norwegian Radiation and Nuclear Safety Authority**



**PETROLEUM SAFETY AUTHORITY
NORWAY**

Regulations relating to health, safety and the environment in the petroleum activities and at certain onshore facilities (the framework regulations)

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Regulations relating to health, safety and the environment in the petroleum activities and at certain onshore facilities (the Framework Regulations)

Laid down by Royal Decree of 12 February 2010 pursuant to Sections 1-3, 1-4, 2-2, 3-1, 3-2, 3-3, 3-5, 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 5-2, 5-4, 5-5, 6-1, 6-2, 6-4, 7-1, 7-2, 7-3, 18-1 and 18-5 of the Act of 17 June 2005 No. 62 relating to working environment, working hours and job protection, etc. (the Working Environment Act), Section 2 final subsection, Section 16 second subsection and Section 76 final subsection of the Act of 2 July 1999 No. 64 relating to health personnel, etc. (the Health Personnel Act), Section 1-2 second subsection of the Act of 2 July 1999 No. 63 relating to patients' rights (the Patients' Rights Act), Section 10-18 first subsection of the Act of 29 November 1996 No. 72 relating to petroleum activities, Sections 9, 40, 42 and 52 litera b of the Act of 13 March 1981 No. 6 relating to protection against pollution and relating to waste (the Pollution Control Act), Section 1-2 third subsection and Section 8-4 of the Act of 5 August 1994 No. 55 relating to protection against contagious illnesses, Section 1-2 of the Act of 23 June 2000 No. 56 relating to health-related and social preparedness, Section 4a-1 second subsection of the Act of 19 November 1982 No. 66 relating to the municipal health service, Sections 4 and 8 of the Act of 11 June 1976 No. 79 relating to the control of products and consumer services (the Product Control Act), Sections 5, 6, 8, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 43 of the Act of 14 June 2002 No. 20 relating to protection against fire, explosion and accidents involving dangerous substances and relating to the fire department's rescue tasks (the Fire and Explosion Protection Act), Sections 2, 10 and 12 of the Act of 24 May 1929 No. 4 relating to supervision of electrical installations and equipment (the Electrical Supervision Act), and Sections 16 and 23 of the Act of 19 December 2003 No. 124 relating to food production and food safety, etc. (The Food Safety Act). Submitted by the Ministry of Labour and Social Affairs. Amended 2 December 2011. Amended 24 May 2013. Amended 17 June 2016. Amended 15 December 2017. Last amended 20 December 2018.

**CHAPTER I
INTRODUCTORY PROVISIONS**

**Section 1
Purpose**

The purpose of these regulations is to

- a) promote high standards for health, safety and the environment in activities covered by these regulations,
- b) achieve systematic implementation of measures to comply with requirements and achieve the goals laid down in the working environment and safety legislation,
- c) further develop and improve the health, safety and environmental level.

**Section 2
Scope of application**

These regulations apply to the petroleum activities, cf. Section 6 litera g, and to other activities at on-shore facilities, cf. Section 6 litera e.

Chapters VI, VII and VIII of these regulations apply only to offshore petroleum activities.

These regulations do not apply to Svalbard.

**Section 3
Application of maritime regulations in the offshore petroleum activities**

As regards mobile facilities registered in a national ships' register, and which follow a maritime operational concept, relevant technical requirements in the Norwegian Maritime Authority's regulations for mobile facilities with supplementary classification rules provided by a classification society, or international flag state rules with supplementary classification rules providing the same level of safety, with the specifications and limitations that follow from Section 1 of the Facilities Regulations, can be used as an alternative to technical requirements laid down in and in pursuance of the Petroleum Act. The chosen maritime regulations shall be used in their entirety.

The Petroleum Safety Authority Norway can stipulate additional requirements, based on safety-related considerations.

Section 4

Application of the Working Environment Act in offshore petroleum activities in accordance with Section 1-3, third subsection of the Working Environment Act

The Working Environment Act and these regulations apply to manned underwater operations in the petroleum activities which are carried out from vessels or facilities, provided no special rules have been stipulated.

The following are exempt from the Working Environment Act and provisions in these regulations, which are laid down in pursuance of the Working Environment Act:

- a) supply, standby and anchor handling services with vessels, seismic or geological surveys involving vessels and other comparable activities, which are considered shipping,
- b) vessels carrying out construction, pipelaying or maintenance activities in the petroleum activities, unless otherwise stipulated by the Ministry of Labour and Social Affairs through regulations or administrative decisions.

Section 5

Application of certain health laws in the offshore petroleum activities

The following acts are applicable to the extent they are suitable for offshore petroleum activities:

- a) The Health Personnel Act (in Norwegian only) of 2 July 1999 No. 64,
- b) The Patients' Rights Act (in Norwegian only) of 2 July 1999 No. 63 with the exception of Chapter 8 regarding patient and user ombudsman,
- c) The Contagious Illness Protection Act (in Norwegian only) of 5 August 1994 No. 55,
- d) The Health and Social Preparedness Act (in Norwegian only) of 23 June 2000 No. 56.

The same applies to regulations laid down by the King in Council or the Ministry of Health and Care Services in pursuance of the Medicines Act (in Norwegian only) and acts mentioned in literas a through c. Regulations pursuant to the Health and Social Preparedness Act (in Norwegian only) do not apply to the offshore petroleum activities, unless otherwise expressly stated in the individual regulations.

Section 6

Definitions

In these regulations, the following is meant by

a) The responsible party:

The operator and others participating in activities covered by these regulations, without being a licensee or owner of an onshore facility.

b) Health-related matters:

Matters concerning health services, preparedness in connection with health care and health services, transport of sick and injured persons, matters of hygiene, potable water supply, preparation and presentation of food as well as other matters of importance to health and hygiene. The term also includes qualification requirements for and training of personnel engaged in the above.

c) Health, safety and environment legislation:

The underlying acts and decisions made within the scope of application, cf. Section 2, and health legislation applicable pursuant to Section 1-5 of the Petroleum Act.

d) Facility:

Installation, plant and other equipment for petroleum activities, however not supply and support vessels or ships that transport petroleum in bulk. Facility also comprises pipeline and cable unless otherwise provided.

e) Onshore facility:

The petroleum facilities at Kårstø, Sture, Kollsnes, Mongstad, Tjeldbergodden, Melkøya, Nyhamna, Slagentangen and their associated pipeline systems, as well as the spare gas power plant at Nyhamna, the gas power plants at Hammerfest, Skogn and Grenland and their associated pipeline systems, including those parts of the onshore facilities that are also covered by the Petroleum Act's definition of a facility, cf. Section 1-6 of the Petroleum Act.

Pipeline systems means pipelines for transport of petroleum and other fluids with associated safety systems, valves, chambers, corrosion protection systems and other equipment.

f) Operator:

When the activity is subject to the Petroleum Act: Anyone executing on behalf of the licensee the day to day management of the petroleum activities.

Outside the scope of the Petroleum Act: Anyone executing on behalf of the owner the day to day management of the activities.

g) Petroleum activities:

All activities associated with subsea petroleum deposits, including exploration, exploration drilling, production, transportation, utilisation and decommissioning, including planning of such activities, but not including, however, transport of petroleum in bulk by ship.

h) Licensee:

Physical person or body corporate, or several such persons or bodies corporate, holding a licence according to the Petroleum Act or previous legislation to carry out exploration, production, transportation or utilisation activities. If a licence has been granted to several such persons jointly, the term licensee may comprise the licences collectively as well as the individual licensee.

i) Safety zone:

A geographically delimited area surrounding an offshore facility where unauthorised vessels are forbidden to wait, pass through or conduct operations, i.e. vessels that play no part in the licensees' petroleum activities or that have not been given full or restricted access by authorities or licensees, also including aircraft.

Unless otherwise stipulated by the King in Council, the zone extends from the seabed to maximum 500 metres above the highest vertical point of a facility. Horizontally, the zone extends 500 metres from the extreme points of the facility, wherever they may be.

The zone does not limit activities which are specifically permitted in accordance with the Petroleum Act or which constitute official business.

j) Period of stay

The period of stay as mentioned in these regulations chapter VI, means the continuous period of time which an employee spends on facilities or vessels comprised by these regulations.

Section 7

Responsibilities pursuant to these regulations

The operator and others participating in the activities are responsible pursuant to these regulations. The responsible party shall ensure compliance with requirements stipulated in the health, safety and environment legislation.

The operator shall see to it that everyone who carries out work on its behalf, either personally, through employees, contractors or subcontractors, complies with requirements stipulated in the health, safety and environment legislation.

In addition to the duties imposed on licensees and owners of onshore facilities by individual provisions in these regulations, they are also responsible for seeing to it that the operator complies with the requirements stipulated in the health, safety and environment legislation.

According to Section 2-3 of the Working Environment Act and Section 25 of the Fire and Explosion Protection Act (in Norwegian only), the employees have a duty to contribute.

Section 8

Employer's duties toward employees other than its own

The individual employers who carry out simultaneous activities at the same workplace, shall cooperate in complying with the provisions stipulated in these regulations, cf. Section 2-2, first subsection of the Working Environment Act. They shall also inform each other and their own employees of risk factors in the workplace. The employers shall ensure that employees from other companies carrying out work in the employers' activities, have received the necessary instruction in managing the safety and health risks associated with the work.

The principal undertaking is responsible for coordinating the individual enterprise's safety and working environment efforts and is specifically obligated to:

- a) ensure that routines are established for exchange of information between the various employee groups in the workplace,
- b) ensure that all employees have an assigned safety delegate in the workplace, and that they are given the opportunity to bring issues to the attention of the working environment committee,
- c) ensure that safety delegates and safety and health personnel are sufficiently familiar with the operations in the workplace, and
- d) ensure that violations of relevant provisions in the Working Environment Act and supplementary regulations are pointed out and corrected.

CHAPTER II

BASIC REQUIREMENTS FOR HEALTH, SAFETY AND THE ENVIRONMENT

Section 9

Application of the principles in Chapter II

The licensee, the onshore facility owner, the operator and others participating in the activities are, cf. Section 7, responsible for ensuring compliance with the principles in this chapter.

The principles shall also serve as the basis for the authorities' enforcement of these and supplementary regulations.

Section 10

Prudent activities

The activities shall be prudent, based both on an individual and an overall assessment of all factors of relevance for planning and implementation of the activities as regards health, safety and the environment. Consideration shall also be given to the specific nature of the activities, local conditions and operational assumptions.

A high level for health, safety and the environment shall be established, maintained and further developed.

Section 11

Risk reduction principles

Harm or danger of harm to people, the environment or material assets shall be prevented or limited in accordance with the health, safety and environment legislation, including internal requirements and acceptance criteria that are of significance for complying with requirements in this legislation. In addition, the risk shall be further reduced to the extent possible.

In reducing the risk, the responsible party shall choose the technical, operational or organisational solutions that, according to an individual and overall evaluation of the potential harm and present and future use, offer the best results, provided the costs are not significantly disproportionate to the risk reduction achieved.

If there is insufficient knowledge concerning the effects that the use of technical, operational or organisational solutions can have on health, safety or the environment, solutions that will reduce this uncertainty, shall be chosen.

Factors that could cause harm or disadvantage to people, the environment or material assets in the petroleum activities, shall be replaced by factors that, in an overall assessment, have less potential for harm or disadvantage.

Assessments as mentioned in this section, shall be carried out during all phases of the petroleum activities.

This provision does not apply to the onshore facilities' management of the external environment.

Section 12

Organisation and competence

The operator shall have an organisation in Norway that, on an independent basis, is capable of ensuring that petroleum activities are carried out in accordance with the regulations.

The responsible party shall ensure that everyone who carries out work on its behalf in activities covered by these regulations, has the competence necessary to carry out such work in a prudent manner.

The Petroleum Safety Authority Norway can, through administrative decisions or regulations, require changes to the organisation of petroleum activities, including the composition and number of personnel.

The first and third subsections apply to the onshore facilities insofar as they are covered by the scope of the Petroleum Act.

Section 13

Facilitating employee participation

The responsible party shall ensure that the employees and their elected representatives are given the opportunity to participate in matters of importance for the working environment and safety in the petroleum activities, according to requirements stipulated by and pursuant to the Working Environment Act and these regulations. Such participation shall be ensured in all the various phases of the activities.

In order to further the interests of health, safety and the environment, the employees and their elected representatives shall be ensured the opportunity to participate in the establishment, follow-up and further development of management systems, as mentioned in Section 17 of these regulations.

The party subject to an administrative decision shall ensure that the employees' elected representatives are informed of these decisions.

Section 14

Use of the Norwegian language

The Norwegian language shall be used in the activities to the extent possible. Other languages can be used if necessary or practical to carry out the activities, provided this does not compromise safety.

Section 15

Sound health, safety and environment culture

A sound health, safety and environment culture that includes all phases and activity areas shall be encouraged through continuous work to reduce risk and improve health, safety and the environment.

Section 16

Health-related matters

Health-related matters shall be safeguarded in a prudent manner during all phases of the offshore petroleum activities.

The responsible party shall ensure a sound health service for anyone who stays on facilities participating in offshore petroleum activities. The health service shall comprise preventive measures and provide curative services.

For health-related matters on onshore facilities, the general health and working environment legislation applies. For health-related matters on onshore facilities for petroleum activities, the Technical and Operational Regulations also apply.

CHAPTER III MANAGEMENT OF THE PETROLEUM ACTIVITIES

Section 17

Duty to establish, follow up and further develop a management system

The responsible party shall establish, follow up and further develop a management system designed to ensure compliance with requirements in the health, safety and environment legislation.

The licensee and owner of an onshore facility shall establish, follow up and further develop a management system to ensure compliance with requirements in the health, safety and environment legislation directed toward licensees and owners of onshore facilities.

The employees shall contribute in the establishment, follow-up and further development of management systems.

Section 18

Qualification and follow-up of other participants

When entering into a contract, the responsible party shall ensure that the contractors and suppliers are qualified to fulfil the regulatory requirements relating to health, safety and the environment. Furthermore, the responsible party shall follow up to ensure that the participants comply with the requirements while performing the assignment in the activities covered by these regulations.

The operator shall ensure that any deficiencies in other participants' management of health, safety and the environment are corrected, and that the necessary adjustments are made with respect to its own and other participants' management systems, to ensure the necessary uniformity.

Section 19

Verifications

The responsible party shall determine the need for and scope of verifications, as well as the verification method and its degree of independence, to document compliance with requirements in the health, safety and environment legislation. When verifications are deemed necessary, they shall be carried out according to a comprehensive and unambiguous verification programme and verification basis.

The operator shall establish the verification basis for the overall activities after assessing the scope, method and degree of independence of the verification. The operator shall also carry out an overall assessment of the results of the verifications that have been carried out.

CHAPTER IV EMERGENCY PREPAREDNESS

Section 20

Coordination of offshore emergency preparedness

The operator shall ensure that emergency preparedness is coordinated when more than one facility or vessel are used simultaneously.

The operator's emergency preparedness measures shall be designed for coordination with public emergency preparedness resources.

The operator shall lead and coordinate the use of emergency preparedness resources in the event of hazard and accident situations, until a public authority assumes this responsibility, if applicable.

The Petroleum Safety Authority Norway and the Norwegian Environment Agency can, within their respective jurisdictions, stipulate a requirement that standby vessels, including aircraft, shall be stationed at facilities or vessels participating in the petroleum activities. Requirements can be stipulated as regards the functions that a standby vessel shall be able to perform.

Section 21

Offshore emergency preparedness cooperation

The operator shall cooperate with operators of other production licenses to ensure necessary emergency preparedness in the areas of health, safety and the environment. When special circumstances so warrant, the Petroleum Safety Authority Norway and the Norwegian Environment Agency can issue and stipulate conditions for such cooperation, including an order to the effect that the financing shall be a joint responsibility.

Section 22

Emergency preparedness at onshore facilities

The operator shall establish and at all times maintain effective emergency preparedness with a view towards handling hazard and accident situations. The emergency preparedness shall be coordinated and designed for coordination with public emergency preparedness resources.

Operators with neighbouring activities and facilities within a geographically delimited area that also handle hazardous substances, shall actively contribute to exchange information so as to ensure that those affected have a full overview at all times of the amounts of hazardous substances being handled. Operators shall actively contribute to coordinate measures so that safety, including emergency preparedness, is ensured in a prudent manner.

In the event of hazard and accident situations as mentioned in the first subsection, the Ministry of Labour and Social Affairs can stipulate that others within its area of authority or private entities shall make the necessary emergency preparedness resources available at the expense of the licensee or owner of the onshore facility, and the Ministry can also, at the expense of the licensee or owner of the onshore facility, implement measures to acquire the necessary additional resources in some other manner.

CHAPTER V

MATERIAL AND INFORMATION

Section 23

General requirements for material and information

The responsible party shall prepare and retain material and information necessary to ensure and document that the activities are planned and carried out in a prudent manner. The responsible party shall ensure that documentation demonstrating compliance with requirements stipulated in or pursuant to these regulations, can be provided. The responsible party shall establish criteria for what constitutes necessary documentation. The extent of the documentation shall be adapted to the nature of the enterprise and the activities carried out.

Such material and information as mentioned in the first subsection shall be available in Norway free of charge to the authorities mentioned in Section 67 of these regulations.

Section 24

Use of recognised standards

When the responsible party makes use of a standard recommended in the guidelines to a provision of the regulations, as a means of complying with the requirements of the regulations in the area of health, safety and the working environment, the responsible party can normally assume that the regulatory requirements have been met.

When other solutions than those recommended in the guidelines to a provision of the regulations are used, the responsible party shall be able to document that the chosen solution fulfils the regulatory requirements. Combinations of parts of standards shall be avoided, unless the responsible party is able to document that an equivalent level for health, safety and the working environment can be achieved.

Existing documentation, including maritime certificates issued by Norwegian or foreign flag state authorities, can be used as a basis to document compliance with requirements stipulated in or in pursuance of these regulations.

Section 25

Application for Acknowledgement of Compliance for certain offshore mobile facilities

The Petroleum Safety Authority Norway issues Acknowledgements of Compliance for the following mobile facilities registered in a national ships' register: drilling facilities, living quarters facilities, facilities for production, storage and offloading, facilities for drilling, production, storage and offloading as well as intervention facilities. The Acknowledgement of Compliance will be issued following an application from the party responsible for operating such a facility, without being an operator.

The application shall include information regarding the facility's technical condition and the applicant's organisation and relevant management system, and a statement regarding the application from the employee organisations or their elected representatives. The Acknowledgement of Compliance shall be included in the documentation basis associated with the use of mobile facilities, cf. Section 29.

Section 26

Documentation in the early phase

When a decision has been made to start planning an exploration drilling activity, the Petroleum Safety Authority Norway shall be informed of when this planning starts. The plans shall document how the work will be organised, managed and carried out, as well as include information on the competence required to carry out the work.

When a decision has been made to prepare plans with a view toward approval or consent pursuant to Sections 4-2 and 4-3 of the Petroleum Act, the Petroleum Safety Authority Norway shall be informed of when this planning starts. The plans shall document how the work will be organised, managed and carried out, as well as include information on the competence required to carry out the work.

If, with a view toward approval or consent pursuant to Sections 4-2 and 4-3 of the Petroleum Act, the plan calls for the use of a completely or partly pre-designed or pre-fabricated facility to carry out the petroleum activities, an account of which measures will be implemented to qualify the facility for use in these activities shall be provided, in addition to documentation as mentioned in the second subsection.

Documentation of the plans, as mentioned in this section's first and second subsections, shall be available for submission to the Petroleum Safety Authority Norway as needed.

Section 27

Matters relating to health, safety and the environment in the Plan for Development and Operation (PDO) of petroleum deposits and the Plan for Installation and Operation (PIO) of facilities for transport and utilisation of petroleum

1. Joint provisions

Plans that the licensee is required to prepare pursuant to Sections 4-2 and 4-3 of the Petroleum Act, shall contain an overall account of aspects of the chosen production strategy and development concept. The plans shall be submitted to the Ministry of Petroleum and Energy and the Ministry of Labour and Social Affairs with copies to the Norwegian Petroleum Directorate and the Petroleum Safety Authority Norway.

The documentation mentioned in the first subsection shall be adapted to the scope of the development or project. The account contained in the development section shall include:

- a) the health, safety and environment objectives and the acceptance criteria for risk,
- b) the project's organisation and management systems,
- c) the operator's handling of the interfaces between the participants in the development, coordination and follow-up of the participants' activities,
- d) matters of importance for health, safety and the environment in the event of coordination of petroleum activities,
- e) progress in the project,
- f) programme for qualification of new technology,
- g) a plan for carrying out and following up analyses,
- h) an overview of technical or area-specific documents that can elaborate the description in the plans,
- i) an overview of standards and specifications applicable to the development,
- j) operation and maintenance requirements,
- k) plans for a health service, including preventive health services and curative services, hygiene and health-related preparedness,
- l) other matters of importance for health, safety and the environment.

2. Onshore petroleum activities

In addition to the documentation mentioned in number 1, the account contained in the development section of the PDO and PIO, shall include:

- a) description of location and area use/overall layout plan,
- b) proposed area with restrictions in the right of disposal and evaluation of the need for an area development plan or amendment to an existing area development plan,
- c) information regarding other permits, etc. applied for pursuant to other applicable legislation.

3. Offshore petroleum activities

In addition to the documentation mentioned in number 1, the account contained in the development section of the PDO and PIO shall include:

- a) the main plan for drilling and well activities as regards development wells,
- b) an evaluation of development concept as regards the use of manned underwater operations during all phases of the petroleum activities,
- c) the safety zones during development and operation of the petroleum deposits,
- d) disposal alternatives when petroleum activities cease.

If, pursuant to Section 4-2 or Section 4-3 of the Petroleum Act, an application is made for exemption from the requirements for plans as mentioned in the first subsection, then the main plan for drilling and well activities, as mentioned in number 3, litera a, shall be enclosed.

Section 28

Application for permission to develop new onshore activity

A party that wishes to establish onshore facilities, or parts thereof, that are not covered under plans as mentioned in Section 27 of these regulations, shall apply to the Petroleum Safety Authority Norway for permission.

The application shall contain information corresponding to the requirements in Section 27, for onshore facilities.

Section 29

Application for consent

The Petroleum Safety Authority Norway can, through regulations or administrative decisions, decide that the operator shall obtain consent from the Petroleum Safety Authority Norway before certain activities are initiated, which can include stipulating provisions regarding the documentation that shall accompany the application for consent. The Petroleum Safety Authority Norway can, through administrative decision, limit the consent to apply to individual stages or phases.

In the interest of ensuring safety in the offshore petroleum activities, the Petroleum Safety Authority Norway can determine, through regulations or administrative decisions, that the operator shall apply for consent prior to use or removal of a vessel.

Section 30

Cessation plan

The plan that the licensee is required to prepare according to Section 5-1 of the Petroleum Act, shall be submitted to the Ministry of Petroleum and Energy and the Ministry of Labour and Social Affairs with copies to the Norwegian Petroleum Directorate and the Petroleum Safety Authority Norway.

In addition to documentation as mentioned in Section 44 of the Regulations to the Petroleum Act (in Norwegian only), the plan shall contain a description of

- a) the risk during and following a possible removal,
- b) planned methods in the event of removal, including refloating the structure,
- c) planned analyses,
- d) operations planned in the event of a possible removal,
- e) consequences of potential removal as regards adjacent fields and facilities,
- f) other matters of importance for prudent implementation,
- g) measures, if any, to prevent pollution, cf. Section 20 of the Pollution Control Act (in Norwegian only).

This section applies to the onshore facilities insofar as they are covered by the scope of the Petroleum Act.

Section 31

Cessation of operations at onshore facilities

When it has been decided that the operation of onshore facilities, or parts thereof, that are not covered by a cessation plan, shall cease, the responsible party shall inform the Petroleum Safety Authority Norway and the Norwegian Environment Agency well in advance.

In connection with cessation, the Petroleum Safety Authority Norway can stipulate conditions to ensure that the cessation is carried out in a prudent manner.

The Norwegian Environment Agency can require a description of any measures designed to prevent possible future pollution, cf. Section 20 of the Pollution Control Act (in Norwegian only).

Section 32

Publicly available safety information

The Petroleum Safety Authority Norway can, through regulations or administrative decisions, determine that the responsible party shall make information available that is of importance for safety, including when and how such publication shall take place.

CHAPTER VI

SPECIAL OFFSHORE PROVISIONS PURSUANT TO THE WORKING ENVIRONMENT ACT

Section 33

Multiple employers at the same workplace, principal undertaking

The operator is the principal undertaking according to Section 2-2, second subsection of the Working Environment Act.

However, the operator and the party responsible for the operation of a facility or a manned underwater operation that is carried out from vessels or facilities, can agree upon which of them is considered to be the principal undertaking.

Section 34

Joint working environment committees

Where work conditions so warrant, the Petroleum Safety Authority Norway can decide that joint working environment committees shall be established. Such joint working environment committees will have the same duties and rights as other working environment committees according to the Working Environment Act and regulations issued pursuant to the Act.

The annual reports from the individual employer's working environment committees and from joint working environment committees shall be submitted to the Petroleum Safety Authority Norway upon request.

Section 35

Right of the responsible safety delegate to stop dangerous work

The responsible safety delegate can, pursuant to Section 6-3 of the Working Environment Act, demand that a work operation or work process be halted by the person responsible for the operation or process. The operation or work shall stop immediately if the safety delegate does not accept the implementation of alternative measures.

Section 36
Minimum age

Employees participating in offshore petroleum activities according to these regulations, shall have reached 18 years of age when they take up work.

Section 37
Ordinary working hours

Section 10-4, first, second, fourth and fifth subsections, and Section 10-5 of the Working Environment Act do not apply to the scope of these regulations. Section 10-4, third subsection of the Working Environment Act applies only to employees who have on-call duty according to agreement, instructions, etc.

Ordinary working hours shall not exceed twelve hours per day (24-hour period) and an average of 36 hours per week over a period of maximum one year. As regards employees who regularly work more than three hours during the night, ordinary working hours shall not exceed an average of eight hours per day (24-hour period) over a period of one year.

The Ministry of Labour and Social Affairs can decide that Section 10-12, fourth subsection of the Working Environment Act, shall also apply to employees' associations not entitled to submit recommendations, but which organise employees in several enterprises, and which do not have a restricted geographic field of activity.

As regards employees on mobile facilities registered in a foreign state's shipping register, the Ministry of Labour and Social Affairs can decide that working hours provisions stipulated in collective wage agreements applicable to comparable activities, shall apply correspondingly pursuant to Section 10-12, fourth subsection or previous subsection, of the Working Environment Act.

Section 38
Plans for working hours schemes and offshore periods

Section 10-3, first sentence, of the Working Environment Act does not apply to the scope of these regulations.

The operator or the party responsible for operating a facility, shall ensure that plans are prepared for working hours schemes and offshore periods to be practised, both for its own employees and for employees of contractors and subcontractors.

The employees shall be informed of these plans as early as possible, and no later than when they arrive at the facility.

Section 39
Off-duty periods

Section 10-8 of the Working Environment Act does not apply to the scope of these regulations.

Employees shall have a continuous off-duty period of least 11 hours in the course of one day (24-hour period). The off-duty period shall be between two main work periods. The off-duty period can be reduced to eight hours if the employees are ensured compensating rest periods of a corresponding kind or, where this is not possible, other suitable protection.

The off-duty period between two offshore periods shall have a continuous duration of at least one-third of the most recently completed offshore period.

The time spent travelling to and from the workplace at the beginning or end of each work or offshore period shall not be included as working hours. However, travel time to and from living quarters cannot entail a reduction in the eight-hour rest requirement in the second subsection.

Section 40
Breaks

Section 10-9, first subsection, second and third sentences of the Working Environment Act do not apply to the scope of these regulations.

Rest breaks shall be of a duration of at least half an hour if the working hours are at least eight hours per day (24-hour period), and one hour when the working hours are at least twelve hours per day (24-hour period). Rest breaks shall be counted as working hours.

Section 41

Overtime

Section 10-6, fourth through ninth subsections of the Working Environment Act do not apply to the scope of these regulations.

Total working hours, including overtime, shall not exceed 16 hours per day (24-hour period). The overtime shall not exceed 200 hours in a 52-week period.

In enterprises bound by collective wage agreements, the employer and the employee representatives can enter into written agreements regarding overtime, not exceeding 300 hours in a 52-week period for the individual employee.

Section 42

Offshore periods

Offshore periods shall not exceed 14 days.

In cases of exceptional and temporary need, the employer can extend the offshore period by up to seven days for a single period, after having discussed the matter with the elected employee representative.

In cases as mentioned in the second subsection, the Petroleum Safety Authority Norway can decide to extend the offshore period beyond seven days.

As regards employees with special qualifications, the Petroleum Safety Authority Norway can, upon application, approve offshore periods in excess of 14 days in certain cases. A statement from the relevant working environment committee shall accompany the application.

Employees are entitled to exemption from extended offshore periods on conditions laid down in Section 10-6, tenth subsection of the Working Environment Act.

Section 43

Night work

Section 10-11 of the Working Environment Act does not apply to the scope of these regulations.

Work between 2300 hours and 0600 hours or between 0000 hours and 0700 hours is night work.

Night work is permitted when

- a) it is necessary to maintain production or the work is related to activities directly linked to drilling and well operations, including necessary support functions,
- b) the health, safety and environment risk is reduced by carrying out the work at night, or
- c) operation of the facility has been shut down and the work does not entail any special risk.

Prior to starting any work, the employer shall discuss the necessity of night work with the employees' elected representatives.

Working hours for employees who work more than three hours during the night, shall not exceed eight hours in the course of 24 hours if the work entails a special risk or significant physical or psychological strain. The employer and the employee's elected representatives in enterprises bound by collective wage agreements, can enter into written agreements for exemption from the provisions in the previous sentence. In such case, the employees shall be ensured equivalent compensating rest periods or, where this is not possible, other suitable protection.

The provisions in this section also apply to employees in senior or particularly independent positions.

Section 44

Work on Sundays

Section 10-10 of the Working Environment Act does not apply to the scope of these regulations.

CHAPTER VII

DESIGN AND OUTFITTING OF FACILITIES AND CONDUCTING ACTIVITIES IN THE OFFSHORE PETROLEUM ACTIVITIES

Section 45

Development concepts

The design, engineering and construction of the individual facilities in a development concept shall allow them to be placed, operated and, if applicable, removed in a prudent manner. The same applies to installations and other equipment necessary to carry out manned underwater operations from a vessel.

Subsea facilities and pipeline systems shall also be designed and installed such that the facilities can withstand mechanical damage caused by other activity, and such that they do not damage fishing gear or obstruct fishery activity to an unreasonable extent.

Section 46

Oceanography, meteorology and earthquake data

The petroleum activities shall be based on representative oceanography, meteorology and earthquake data. If such data are not available, collection of such data shall be initiated so that the necessary data are available for planning and implementation of the petroleum activities. The Petroleum Safety Authority Norway can, through regulations or administrative decisions, issue provisions requiring collection, processing and reporting of such data in the operation of facilities.

The Petroleum Safety Authority Norway can, through regulations, issue provisions requiring installation of instruments for recording oceanography, meteorology and earthquake data that can be of significance to ensure or verify that the petroleum activities are carried out in a safe and prudent manner.

The Petroleum Safety Authority Norway can, through regulations or administrative decisions, order the licensee to pay the costs of such instrumentation, as mentioned in the second subsection, as well as its maintenance, including work in connection with recording, processing and reporting collected data.

Section 47

Placement of facilities, choice of routes

Facilities, including wells, shall be placed at a safe distance from other facilities and objects such as lighthouses, beacons, cables, pipelines and particularly vulnerable environmental values and the like, so that they will not constitute an unacceptable risk to other facilities, other activities or the external environment.

When crossing other pipelines, cables or lines of all kinds, the procedure shall be agreed with the owners in each individual case.

Section 47a

Anchoring that can damage vulnerable resource values

Upon deployment of anchors and anchor lines that can cause mechanical damage to vulnerable environmental values, anchoring shall be carried out in a way that minimizes damage. Upon deployment of anchors the possibility of the facility shifting berth, shall be taken into account.

In the individual case, the operator shall assess what is the sufficient distance between vulnerable environmental values of significance and anchors and anchor lines, and implement risk-reducing measures to prevent damage to the environmental values.

Anchoring operations shall be monitored to ensure that anchoring causes the least possible damage to vulnerable environmental values.

Section 48

Duty to monitor the external environment

To ensure that the decision basis and knowledge about the marine environment is sufficient to maintain an acceptable environment condition, the operator shall monitor the external environment. Sufficient information shall be obtained to ensure that pollution caused by own activities is detected, mapped and assessed, and that necessary measures are implemented as soon as possible.

Section 49
Use of facilities

Facilities shall be prepared for their planned use and shall be used and, if applicable, removed in a prudent manner, in accordance with the preconditions for use that form the basis for design, engineering and construction.

Section 50
Safety work in the event of industrial disputes

In the event of industrial disputes, the responsible party shall implement necessary measures to maintain a satisfactory level of safety.

The employer and employees in the individual enterprise shall, in advance, enter into an agreement for safety work in the event of an industrial dispute. Such agreements shall contain

- a) A run-down agreement: How activities will be phased out and wells secured in accordance with the applicable well programme, and which functions and positions are part of this work.
- b) A safety staff agreement: Which functions and positions are part of the safety work after the shutdown has been carried out and completed, and what the safety crew is to do.

The employees shall participate in necessary safety work according to such agreement prior to halting work.

The safety crew shall be described in the facility's general crew plan.

CHAPTER VIII
OFFSHORE SAFETY ZONES

Section 51
Relationship to international law

The provisions in this chapter are applicable with the restrictions recognised by international law or which follow from agreements with foreign states.

Section 52
Establishment of safety zones

There shall be a safety zone around and above facilities, except subsea facilities, pipelines and cables, unless otherwise determined by the Ministry of Labour and Social Affairs.

If the operator considers it unnecessary to establish a safety zone based on an assessment of safety factors, an application for refraining from establishing such a zone shall be submitted to the Ministry no later than together with the Plan for Development and Operation of the deposit, cf. Section 27.

Section 53
Establishment of safety zones for subsea facilities

The Ministry of Labour and Social Affairs can establish safety zones around and above subsea facilities with the exception of pipelines and cables.

Section 54
Temporary exclusion and hazard area

In the event of hazard and accident situations that can lead to personal injury or loss of human lives, serious pollution, major material damage or substantial shutdown of production, the Ministry of Labour and Social Affairs can establish temporary exclusion or hazard areas, to the extent considered necessary to prevent or limit the mentioned harmful effects.

Section 55

Requirement for impact assessments, etc.

Prior to making a decision in accordance with Sections 53 or 54, an evaluation of the various interests affected shall take place. In this evaluation, the emphasis shall include which consequences the establishment of, alterations to or cancellation of such zones can represent to the conduct of the petroleum activities and other activities. Furthermore, which restrictions will apply in the safety zone shall be assessed and clarified.

Section 56

Cancellation of safety zones

Existing safety zones shall be cancelled when the conditions warranting their establishment no longer exist, or when the zones' applicable time period has expired.

Section 57

Monitoring of safety zones

The operator shall monitor all activity inside safety zones. The operator shall also monitor what happens outside the zone when such activity can result in a safety risk for the petroleum activities.

Section 58

Warning and notification in connection with entry into safety zones

The operator shall alert a vessel that is in the process of entering a safety zone when it is not authorised to enter such area. The operator shall also alert vessels outside a safety zone if the vessels could constitute a safety risk to the petroleum activities.

If an object could constitute a safety risk to the petroleum activities, the operator shall alert the party responsible for the object, if possible.

The operator shall alert the Joint Rescue Coordination Centre and the Petroleum Safety Authority Norway in the event of situations as mentioned in the first and second subsections, and which can result in a serious safety risk for the petroleum activities. The Ministry of Labour and Social Affairs can stipulate warning procedures.

The operator shall also report violation of safety zones to the appropriate police authority and the Petroleum Safety Authority Norway according to procedures stipulated by the Ministry of Labour and Social Affairs.

Section 59

Measures relating to intruding vessels or objects

In the event of violation of safety zones and in dangerous situations as mentioned in Section 58, the operator shall, to the extent possible and safe, refuse entry to vessels or objects. Such refusal of entry can consist of instruction or expulsion.

If safety zones are violated by vessels or objects, and the violation entails a serious safety risk for the petroleum activities, the refusal of entry can consist of physical measures. This also applies if vessels or objects outside safety zones entail such risks, and the operator has given warning as mentioned in Section 58.

Section 60

Marking of safety zones

Established safety zones shall only be marked if the operator or the Ministry of Labour and Social Affairs deems it necessary. Any marking shall be in accordance with international marking rules.

The Ministry of Labour and Social Affairs can require markings to be altered.

Section 61

Announcement of safety zones

The operator shall ensure necessary public announcement well in advance of the establishment of a safety zone. Such announcements shall be published in 'Etterretninger for sjøfarende' ('Notifications to Seafarers') and fishery publications, and shall conform with procedures stipulated by the Ministry of Labour and Social Affairs.

Announcements shall contain information about the safety zone and the applicable prohibitions or restrictions. The zone's location, extent and duration, together with possible marking and other necessary information shall also be stated.

Cancellation of a safety zone shall be announced in a corresponding manner.

CHAPTER IX CLOSING PROVISIONS

Section 62

Administrative proceedings and confidentiality

This subsection applies to safety and working environment for offshore petroleum activities.

The rules in Section 18, first subsection of the Public Administration Act (in Norwegian only), do not apply in the event of an application for a production license.

Information of any kind that is reported to the authorities in connection with an application for a production license, shall be subject to confidentiality requirements until the production licences in the relevant areas have been awarded. Afterwards, the information shall be subject to confidentiality to the extent required by the Public Administration Act (in Norwegian only) for a period of 20 years, cf. Section 13c, third subsection of the Public Administration Act (in Norwegian only).

For information on geological, reservoir and production engineering aspects in reports or other material submitted to public authorities, the confidentiality provisions in Section 85, third and fourth subsections of the Regulations relating to the Petroleum Act (in Norwegian only) apply.

In general, the confidentiality provisions in Sections 13 to 13f of the Public Administration Act (in Norwegian only) apply for administrative bodies that receive or process information or material regarding the petroleum activities; nevertheless, the confidentiality will lapse after 20 years, cf. Section 13, first subsection No. 2 and Section 13c, third subsection of the Public Administration Act (in Norwegian only).

The provisions in this section shall not prevent the Ministry from issuing general statements about the activities, neither from exchanging information as assumed in Chapter 6 of the Central Coordinating Register Act (in Norwegian only).

Neither do the provisions in this section prevent exchange of information with the Ministry of Petroleum and Energy and the Norwegian Petroleum Directorate.

Section 63

The authorities' access to facilities and vessels

Representatives of the Ministry of Labour and Social Affairs, the Ministry of Climate and Environment, the Ministry of Health and Care Services, the Norwegian Directorate of Health, the Petroleum Safety Authority Norway, the Norwegian Environment Agency, the Norwegian Board of Health, the Norwegian Food Safety Authority, the Norwegian Radiation and Nuclear Safety Authority or other authorities designated by the Petroleum Safety Authority Norway, shall at all times have access to facilities and vessels for petroleum activities, as well as to material and information necessary to carry out supervisory activities, and shall have the right to participate in investigations. Representatives of the authorities have the right to stay on facilities and vessels for as long as necessary.

The operator shall arrange transport of official representatives to and from offshore vessels and facilities, as well as their stay on board.

Section 64

Observers

Representatives of the Ministry of Labour and Social Affairs and the Petroleum Safety Authority Norway shall have the right to participate as observers in cooperative bodies established according to agreements as mentioned in Section 3-3 of the Petroleum Act, out of consideration for joint activities as mentioned in Section 4-7 of the Petroleum Act and in any cooperating agencies established in connection with installation and operation of facilities as mentioned in Section 4-3 of the Petroleum Act.

Section 65

Training of public employees

The Ministry of Labour and Social Affairs can order licensees to provide training of employees of the Ministry of Labour and Social Affairs, the Ministry of Climate and Environment, the Ministry of Health and Care Services, the Norwegian Directorate of Health, the Petroleum Safety Authority Norway, the Norwegian Environment Agency, the Norwegian Board of Health, the Norwegian Radiation and Nuclear Safety Authority or other Norwegian authority. Such training shall take place according to further agreement.

The Ministry of Labour and Social Affairs can order licensees to ensure that teachers who teach petroleum-related subjects at Norwegian educational institutions, obtain practical on-the-job training at the licensee's offices, plants and facilities.

Section 66

Permission to charge fees and sector fees

The Regulations of 8 January 2013 No. 16 relating to the permission to charge fees and sector fees for supervision and other following up of working environment and safety in the petroleum activities (in Norwegian only) apply to the scope of these regulations.

Section 67

Supervisory authority

The Petroleum Safety Authority Norway, the Norwegian Environment Agency, the Norwegian Board of Health, the Norwegian Food Safety Authority and the Norwegian Radiation and Nuclear Safety Authority or other designated authority will carry out supervision within their respective areas of authority to ensure compliance with the requirements of the health, safety and environment legislation.

The Petroleum Safety Authority Norway will carry out supervision of the management systems established pursuant to these regulations and will make the decisions necessary to implement provisions regarding the requirements for the administrative parts of the management systems stipulated in these regulations or in supplementary regulations, with the restrictions following from this section's third subsection. This shall be carried out in cooperation with the Norwegian Environment Agency, the Norwegian Board of Health, the Norwegian Food Safety Authority and the Norwegian Radiation and Nuclear Safety Authority or other designated authority in their respective areas of authority.

However, for the onshore facilities as mentioned in Section 6 litera e, the Norwegian Environment Agency and the Norwegian Radiation and Nuclear Safety Authority will carry out audits of the management system under the scope of the Pollution Control Act (in Norwegian only).

The Petroleum Safety Authority Norway can grant exemptions from requirements for management systems stipulated in these regulations or supplementary regulations for offshore petroleum activities.

For activities at onshore facilities, the respective authorities can make exceptions from requirements for management systems within their areas of authority.

Within their respective areas of authority, the supervisory authorities can order the operator to carry out verifications itself, or to have such verifications performed by others, cf. Section 19.

Section 68

Regulations

The Petroleum Safety Authority Norway, the Norwegian Environment Agency, the Norwegian Directorate of Health, the Norwegian Food Safety Authority and the Norwegian Radiation and Nuclear Safety Authority can, in their respective areas of authority, stipulate the regulations necessary to supplement these regulations, including provisions regarding

- a) management of the petroleum activities, etc., including contents, follow-up and further development of management systems; material and information, including provisions regarding content, scope, type, format and time of submission or accessibility,
- b) design and outfitting of facilities, etc. in the petroleum activities,
- c) conducting activities in the petroleum activities, and
- d) design and outfitting of onshore facilities and conducting activities at onshore facilities.

Section 69

Administrative decisions

The Ministry of Labour and Social Affairs, the Ministry of Climate and Environment, the Ministry of Health and Care Services, the Norwegian Directorate of Health, the supervisory authorities as mentioned in Section 67 or other designated authority can make the administrative decisions necessary to enforce the provisions stipulated in these regulations and supplementary regulations, with the specifications that follow from Section 67.

Section 70

Exemptions

The Ministry of Labour and Social Affairs, the Ministry of Climate and Environment, the Ministry of Health and Care Services, the Norwegian Directorate of Health, the supervisory authorities as mentioned in Section 67 or other designated authority can grant exemptions from the provisions stipulated in or in pursuance of these regulations in their respective areas of authority when special circumstances exist, with the specifications that follow from Section 67.

If the exception could impact safety and the working environment, a statement from the employees' representatives shall be appended with the exemption application.

Section 71

Appeal

Administrative decisions by the Ministries as first instance in the administrative procedure in pursuance of these regulations, can be appealed to the King in Council.

Administrative decisions made by the Petroleum Safety Authority Norway in pursuance of these regulations can be appealed to the Ministry of Labour and Social Affairs. Administrative decisions made by the Norwegian Environment Agency can be appealed to the Ministry of Climate and Environment. Administrative decisions made by the Norwegian Directorate of Health or other designated authority, can be appealed to the Ministry of Health and Care Services or the Norwegian Directorate of Health, respectively. Administrative decisions made by the Norwegian Board of Health or other designated authority, can be appealed to the Ministry of Health and Care Services or the Norwegian Board of Health, respectively. Administrative decisions made by the Norwegian Food Safety Authority or other designated authority, can be appealed to the superior authority of the Norwegian Food Safety Authority in accordance with Section 23 of the Food Safety Act (in Norwegian only). Administrative decisions made by the Norwegian Radiation and Nuclear Safety Authority in pursuance of the Pollution Control Act, can be appealed to the Ministry of Climate and Environment.

Section 72

Sanctions

Provisions with regard to penalties and other sanctions contained in the health, safety and environment legislation apply to violation of requirements stipulated in and pursuant to these regulations.

Section 73

Entry into force

The Regulations will enter into force on 1 January 2011.

At the time these regulations enter into force, the Regulations of 31 August 2001 No. 1016 relating to health, environment and safety in the petroleum activities (the Framework Regulations) and Temporary regulations of 19 December 2003 No. 1595 relating to safety and working environment for certain petroleum

facilities on land and associated pipeline systems are repealed. Administrative decisions made in pursuance of these regulations, will still apply.