GUIDELINES REGARDING THE FRAMEWORK REGULATIONS

(Last updated 18 December 2023)

Norwegian Ocean Industry Authority

Norwegian Environment Agency

Norwegian Directorate of Health

Norwegian Food Safety Authority

Norwegian Radiation and Nuclear Safety Authority

Havtil Norwegian Ocean Industry Authority

Guidelines regarding the framework regulations

RE CHAPTER I
Introductory provisions

Re Section 1
Purpose

These are joint regulations for the Ministry of Labour and Social Inclusion, the Ministry of Climate and Environment and the Ministry of Health and Care Services, and thus cover several areas of law. Reference is made to the purpose clauses in the enabling acts, in particular the Working Environment Act, the Pollution Control Act (in Norwegian only) and the Petroleum Act.

Technological development entails e.g. an ever closer integration of onshore and offshore petroleum facilities. The onshore facilities become more important in a comprehensive development perspective. More and more operations on the shelf are monitored or remote controlled onshore, and jobs are moved from or split between onshore and offshore. This development illustrates the need for joint regulations and coordinated authority follow-up of the operator's management of the activities, regardless of whether it is onshore or offshore.

The regulations form the basis for such coordinated regulations and supervision in the area of health, safety and the environment in the activities, see Section 2 with guidelines.

These regulations and the supplementary regulations will insofar as possible also, through guidelines, provide an overview of the rules governing health, safety and the environment in the activities. However, it should be noted that it is difficult in this connection to provide a full overview of the Product Control Act (in Norwegian only) with regulations or regulations in pursuance of the Pollution Control Act (in Norwegian only) that also apply to the activities. There is a lot of activity in these areas, and parts of these regulations are updated more frequently than the current joint health, safety and environment regulations.

Further, reference is made to regulations laid down by the Ministry of Labour 6 December 2011, pursuant to the Working Environment Act, and entering into force 1 January 2013. These regulations apply directly to the petroleum activities also, with the specifications and limitations given in the regulations. The requirements of these regulations must be complied with as an integrated part of the comprehensive regulations for the petroleum activities, relating to health, safety and the environment. In addition, reference is made to the lawmirror (in Norwegian only) of the Norwegian Labour Inspection Authority, in which the requirement of the regulations that are being repealed upon entering into force of the new regulations in pursuance of the Working Environment Act, are included.

It follows from the enabling acts, with somewhat different wording, that the level of health, safety and environment in the activities shall be in accordance with the technological and social development in society at all times.

In this connection, we particularly emphasise that the health concept is given a significantly different content than what follows from the health concept in the Working Environment Act. Here, the health concept also includes the entire health legislation, cf. also the guidelines for Section 2.

The regulations include safety, working environment, health, external environment and financial assets (including production and transport regularity). Measures implemented in one of these areas will normally also have a positive effect on the other areas. To the extent measures would be in conflict, the consideration for human life and health shall prevail.

Re Section 2
Scope

In general regarding scope

These regulations and the supplementary regulations apply to the scope of the following Acts with the clarifications, exceptions and special rules that follow from these regulations with attachments:

a) The Petroleum Act,

b) The Working Environment Act as regards offshore petroleum activities in accordance with Section 1-3 of the Working Environment Act, and onshore facilities as mentioned in Section 6 litera e,

c) The Pollution Control Act (in Norwegian only) as regards exploration for and production and utilisation of subsea natural resources on the continental shelf in accordance with Section 4 of the Pollution Control Act (in Norwegian only) and for onshore facilities,

d) The Product Control Act (in Norwegian only) as regards offshore petroleum activities, and for onshore facilities limited to requirements for management systems,

e) The Health Personnel Act (in Norwegian only) as regards offshore petroleum activities in accordance with Section 5 and for onshore facilities,

f) The Patient Rights Act (in Norwegian only) as regards offshore petroleum activities in accordance with Section 5 and for onshore facilities,

g) The Contagious Illness Protection Act (in Norwegian only) as regards offshore petroleum activities in accordance with Section 5 and for onshore facilities,

h) The Health and Social Preparedness Act (in Norwegian only) as regards offshore petroleum activities in accordance with Section 5 and for onshore facilities,

i) The Food Act (in Norwegian only) as regards offshore petroleum activities in accordance with Section 3 of the Food Act and for onshore facilities,

j) Chapter 3 of the Public Health Act (in Norwegian only) as regards onshore facilities,

k) The Fire and Explosion Protection Act (in Norwegian only) as regards onshore facilities,

l) The Electrical Supervision Act (in Norwegian only) as regards onshore facilities.

The scopes of these acts vary somewhat, and are applied differently in different parts of the activities.

The Petroleum Act applies to petroleum activities related to subsea petroleum deposits on the Norwegian continental shelf, cf. Section 1-4 of the Act. This includes the activity that takes place on the shelf as well as planning, management and supervision of the shelf activity, which takes place onshore. Relevant parts of the shelf regulations under the Petroleum Act are directly applied to onshore activities to the extent they handle functions that directly impact safety as regards management and supervision of facilities on the shelf. As regards the scope of the Petroleum Act, reference is made to Section 1-4 of the Act with associated preparatory works, Odelsting Proposition No. 43 (1995-1996) and Recommendation to the Odelsting No. 7 (1996-1997), where the scope of the Act is further detailed. Changes were made to the scope of the Petroleum Act with effect from 1 July 2003. Reference is made to Odelsting Proposition No. 46 (2002-2003).

The Petroleum Act also applies to petroleum activities at onshore facilities, and covers the actual on-shore facility for production and/or utilisation of petroleum and systems, installations and activities inte-grated with the onshore facility or that have a natural connection to it.

The regulations and supplementary regulations are also founded on Section 8, final subsection of the Product Control Act (in Norwegian only) as regards internal control and internal control systems. This means that provisions regarding management systems in these regulations and supplementary regulations also apply to the scope of the Product Control Act (in Norwegian only). Since the Product Control Act with associated regulations is also part of the health, safety and environment legislation in the petroleum activities, etc., it is important for the management system to also include follow-up of these regulations.

Reference is made to the respective acts with preparatory works for a more detailed description of how the scope shall be interpreted.

Regarding the content of the term petroleum activities, reference is made to the enabling acts and Section 6 litera g. The enabling acts means the Acts these regulations are stipulated in pursuance of, and then especially the Petroleum Act, wherein the term is defined in Section 1-6 litera c, and explained in more detail in the comments to the provisions in Odelsting Proposition No. 43 (1995-1996) and Recommendation to the Odelsting No. 7 (1996-1997).

Reference is also made to the Crown Prince Regent's Decree of 19 December 2003 regarding the estab-lishment of the Petroleum Safety Authority Norway with enclosed instructions regarding coordination of the supervision of health, safety and the environment in the activities on the Norwegian continental shelf, and at certain onshore facilities. These documents are available on the Norwegian Ocean Industry Authority's website, www.havtil.no and at Lovdata.

The health, safety and environment concept

The health, safety and environment concept shall be understood in light of the health, safety and environment legislation, both as regards the content of the concept and the scope. The health concept shall therefore, in this connection, be understood in both a health legislation and working environment legislation sense.

The word health, according to the health legislation is meant to cover a more closely defined part of these regulations' factual scope, namely the health service, health-related emergency preparedness, transport of ill and injured persons, hygienic conditions, drinking water supply, production and presentation of food as well as other matters of significance for health and hygiene. Health service means both curative and preventive treatment. Hygiene includes job health and other measures carried out with a view towards preventing illness or promoting health, also beyond what is typically associated with the development of a prudent working environment. Thus, hygiene includes all matters covered by individual or environmental health care. As regards preventive health services and hygiene, the responsibility at the authority level will be divided between the Ministry of Health and Care Services and the Ministry of Labour and Social Inclusion, cf. the regulations regarding environmental health, including water supply, and working environment, respectively, cf. also the previous paragraph of these guidelines. The regulations also include qualification requirements for and training of personnel for handling the above-mentioned matters.

In the scope of the Pollution Control Act (in Norwegian only), the concept of health, safety and environment relates to protection of the external environment against pollution and the production of waste, cf. Sections 1 and 6 of the Pollution Control Act (in Norwegian only).

The health, safety and environment concept also includes the working environment, which according to the Working Environment Act is a collective term for all factors in the work situation that can have an impact on the employees' physical and psychological health and welfare. The content of the concept is evident from Section 1-1 of the Working Environment Act. In addition to health safety, e.g. physical, chemical, biological and ergonomic factors, the concept also includes psychological impacts and welfare factors. The most important working environment factors are mentioned in Chapter 4 of the Working

Environment Act, see especially Section 4-1 of the Working Environment Act, which sets a requirement for a fully prudent working environment. For a more detailed discussion of this requirement, reference is made to Odelsting Proposition No. 3 (1975-1976), Recommendation to the Odelsting No. 10 (1976-1977) and Odelsting Proposition No. 49 (2004-2005).

In addition to the safety of the individual, the health, safety and environment concept also includes safety and environment as regards the Petroleum Act, including the safety of the financial assets represented by facilities and vessels, including uptime (measures to maintain production and transport regularity). See comments to Section 10-1 of the Petroleum Act in Odelsting Proposition No. 43 (1995-1996). There, it is evident that the safety concept under the Petroleum Act shall be interpreted broadly, and that ”the term includes measures to prevent harm to personnel, environment and financial assets, including measures to maintain production and transport regularity (uptime). The measures shall be implemented such that near-misses can be prevented, endured or averted. The measures shall prevent both minor harm, major accidents and disasters. In particular as regards uptime, long-term, preventive measures that are not necessarily directed toward specific harm, can be appropriate.”

In cases where a requirement does not apply to the entire scope of the regulations, this will be evident from the section in question with guidelines and/or the regulatory text in the individual case. A requirement can e.g. be limited to apply to the area of health, safety and working environment. As such, the requirement will not apply to the external environment, which is to say the area of the Pollution Control Act (in Norwegian only). In others cases, requirements can be limited to only apply to one area.

In particular regarding the health legislation

The health legislation's provisions regarding health matters are to a large extent the same, within and outside the petroleum activities, and regardless of whether the petroleum activities take place offshore or at onshore facilities. For example, the regulations regarding environmental health have a general scope. Furthermore, the Health Personnel Act (in Norwegian only) and the Patient's Rights Act (in Norwegian only) apply regardless of whether the health service, which can be statutory or voluntary, and the patients are affiliated with the petroleum activities or not. But there are certain differences as to e.g. who is responsible for providing curative health services, and who will conduct supervision. As a point of departure, the regulatory provisions regarding health matters only apply to activities covered by the Petroleum Act, regardless of whether several of the provisions are the result of more general regulations.

Health related matters are defined in Section 6 of the Framework Regulations. See also these guidelines regarding the health, safety and environment concept. The most important provisions regarding health matters in the petroleum activities are found in Section 16 of the Framework Regulations, and the chapters regarding health matters in the Activities Regulations, the Facilities Regulations and the Technical and Operational Regulations. In general, health matters are regulated through the health acts, specified in Section 5 of the Framework Regulations, and in other relevant health legislation. Reference is also made to the discussion in the guidelines for Section 7.

When assessing which activities the health provisions apply to, guidance can be found in general sources of law and interpretations of other provisions if the scope is limited according to the legal basis for the Petroleum Act.

Offshore petroleum activities, including activities on board vessels

The scope of the Petroleum Act entails e.g. that these regulations and regulations stipulated in pursuance of them, apply for all petroleum activities on the Norwegian continental shelf, also if the activities are carried out from a vessel.

It follows from Section 1-4 of the Petroleum Act that the Ministry of Labour and Social Inclusion can stipulate detailed safety requirements for petroleum activities that take place on board vessels. This access is limited to cover equipment and operations directly related to conducting petroleum activities, and not maritime matters.

The comments regarding Section 1-6 of the Petroleum Act discuss what in particular are considered to be vessels and facilities within the meaning of the Act. It is emphasised that activities such as simple pumping activities without well control, installation or dismantling on secured and abandoned wells, as well as maintenance work on subsea templates or wellheads without penetration of the well barriers, are regarded as activities performed from vessels. This is in accordance with the current practice.

Activities at onshore facilities

The term ”onshore facility” is used as a collective term for petroleum facilities covered by these regulations, see also Section 6 litera e. The term thus includes both onshore facilities covered by the Petroleum Act, and onshore facilities outside the scope of the Petroleum Act. Onshore facilities covered by the Petroleum Act, are included in the term facilities. The regulations also cover the actual onshore facility for production and/or utilisation of petroleum and systems, installations and activities integrated with the onshore facility or that have a natural connection to it. The regulations cover planning, design, construction, start-up, operations, cessation, etc. of onshore facilities. The regulations also cover other systems, facilities and activities used for industrial purposes inside the ”fence” of the relevant onshore facilities, e.g. gas power plants.

The scope of the Petroleum Act is not completely concurrent with the scope of these regulations. In addition to the chapters that only apply to offshore petroleum activities, the following provisions therefore do not apply to onshore facilities and parts thereof that are outside the scope of the Petroleum Act: Section 12, first and third subsection, Sections 26, 27, 30 and Section 14 of the Management Regulations for manning requirements.

Requirements are also stipulated in other regulations for onshore facilities covered by these regulations. This is in addition to other requirements for the external environment in the Norwegian Environment Agency's and the health authorities' regulation in connection with health related matters, e.g. the Civil Defence Act's requirement for self-protection and the National Coastal Administration's legislation, as well as regulations stipulated and enforced by regional and municipal authorities. Such regulation applies in addition to the requirements in these regulations.

The Planning and Building Act (in Norwegian only) and the Energy Act (in Norwegian only) have provisions that are of significance for safety and working environment at petroleum facilities and associated pipeline systems that are subject to these regulations. However, the Planning and Building Act and the Energy Act are not enabling acts for these regulations.

Pipelines

The petroleum regulations apply to pipelines connected to offshore petroleum activities, in the territorial waters up to the shore slope on the mainland, regardless of whether the pipeline crosses land

and reenters the sea one or more times before reaching the mainland. For offshore pipeline systems, working environment matters are regulated in the same manner as for offshore petroleum activities, cf. Section 4.

These regulations also apply for pipeline systems in areas on land covered by the Petroleum Act, cf. Section 6, litera e of the Framework Regulations. This means that they apply between the point a pipeline system first crosses the shore slope, whether it is approaching an island or the mainland, and to an onshore facility. This is relevant for pipeline systems for landing petroleum as well as pipeline systems that transport other fluids in connection with operation of offshore facilities and for export of gas from onshore facilities to the Continent. Pipeline systems for transport of petroleum between onshore facilities can also be covered by the Petroleum Act (e.g. the Vestprosess pipeline, cf. Odelsting Proposition No. 46 (2002-2003)). Domestic pipeline systems for distribution of gas for consumption are normally not covered by the scope of these regulations.

The offshore petroleum regulations apply to the parts of pipeline systems that are physically located offshore (e.g. in Karmsundet after first crossing Karmøy) or pipeline systems for transport of petroleum between onshore facilities when these are physically located offshore. This is a continuation of the earlier arrangement, as the Directorate for Civil Protection and Emergency Planning (DSB) has, in practice, used the technical requirements following from the offshore petroleum regulations as a basis for pipeline systems that are physically located offshore. Regarding route classification, the intention of these rules is to consider areas with population density onshore. As regards pipeline systems that are physically located in the sea, the offshore petroleum regulations with the recommended standards will be sufficient to safeguard the relevant considerations that are necessary for these areas. As regards the consideration for other activities, especially shipping, the risk-reducing requirements in the offshore petroleum regulations will apply in full. For the parts of pipeline systems that are physically located onshore under the scope of these regulations, whether this is an island or the mainland, the onshore legislation applies through these regulations.

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

The provision stipulates that relevant technical requirements in maritime regulations can, as a rule, be used as a basis as an alternative to requirements in the petroleum regulations, with the clarifications and restrictions that follow from Section 1, fourth subsection of the Facilities Regulations. For those areas covered by the provision and Section 1 of the Facilities Regulations, the responsible party need not observe the detailed technical requirements in the Facilities Regulations. When reference is still made to maritime standards in the Facilities Regulations, and in appurtenant comments, this is because these standards can also be relevant in areas not covered by this section. When the holder of an Acknowledgement of Compliance chooses to use maritime regulations as a basis, the entering into force of new provisions will follow the regulations of the Norwegian Maritime Authority in the areas covered by Section 3 of the Framework Regulations. According to the regulations of the Maritime Authority, this normally means entering into force at the next certificate expiry. In cases where the Norwegian Maritime Authority and the classification societies have rules on the same when using supplementary class rules as mentioned in the first paragraph, the Norwegian Maritime Authority's rules shall be used.

Use of this section, cf. Section 3, first subsection, presumes that the facility follows a maritime operations concept, has valid maritime certificates, and that the maritime regulations selected for use in pursuance of this section are used as a basis in their entirety.

By class institution as mentioned in the first subsection, is meant the institutions recognized at any time as mentioned in the Norwegian Maritime Authority's Regulations relating to the construction of mobile facilities Section 1 third point: “MOU class institution: Recognized class institution with which an

additional agreement has been entered into to carry out control and inspection, etc. of mobile facilities. These institutions are:

1. American Bureau of shipping (ABS)
2. DNV
3. Lloyd's Register of Shipping (LR).”

The provision covers use of mobile facilities registered in a national ship register, but is limited to mobile facilities that follow a maritime operations concept, and which are thus not permanently located on the shelf. The provision can e.g. include mobile drilling facilities, well intervention facilities, multi-use facilities and certain types of mobile production facilities. The provision thus does not include facilities resting on the seabed, floating production facilities that are permanently located, storage ships, etc., which is to say facilities that will operate on a field for the entire field life when they do not follow a maritime operations and maintenance philosophy.

Certain types of mobile facilities will be subject to a discretionary assessment as to whether they are covered by the provision or not. It is important in such cases that early contact is established with the supervisory authorities to achieve the necessary basic clarifications.

The provision includes maritime areas such as the hull, stability, anchoring, marine systems, etc.

Section 3 of the Framework Regulations and Section 1, fourth subsection of the Facilities Regulations together continue the overall intentions of the previous Section 3 of the Framework Regulations. The provision was changed to cover the wording of the Norwegian Maritime Authority's regulations following changes after 2007.

According to Section 1, fourth subsection litera d of the Facilities Regulations, any exemptions granted by the maritime authorities in connection with the maritime regulations with supplementary classification rules, shall be evaluated to identify any safety-related consequences for the facilities' planned use in the petroleum activities. If the assessment is that the petroleum activities can be carried out in a prudent manner as regards safety, and the responsible party thus wants to maintain the nonconformities, an overview shall be provided of previously granted exemptions for the mobile facility that are of importance to safety, which shall be submitted to the Norwegian Ocean Industry Authority for processing.

For mobile facilities in the petroleum activities that are ISM certified, the responsible party can use the IMO resolution A.741 International Safety Management Code (the ISM Code) as a basis for the part of the management system that is related to maritime operating conditions, cf. paragraph three of the Guidelines relating to Section 17 of the Framework Regulations.

For new mobile facilities that are covered by the provision, means of evacuation for evacuation to sea should be in accordance with requirements in Section 44 of the Facilities Regulations. The same applies to major rebuilding or modifications to existing mobile facilities that are covered by this provision.

As regards utilisation of documentation, including maritime certificates, reference is made to Section 23, first subsection of the Framework Regulations. Reference is also made to the Guidelines for Section 25 of the Framework Regulations, which discuss the use of Acknowledgement of Compliance for mobile facilities (AoC) as documentation.

The ”065 - Handbook for application for Acknowledgement of Compliance (AoC)”, Revision 4 dated 1 January 2011, with any subsequent revisions accepted by the Norwegian Ocean Industry Authority, provides the acceptable technical standards for the individual areas on a mobile facility, and also in other areas than those covered by this provision and Section 1, fourth subsection of the Facilities Regulations, and through this also clarifies what constitutes an acceptable interpretation of the technical basis for the

various support systems and certain requirements for the working environment. Reference is also made to Norwegian Oil and Gas' "Handbook for applications for consent for well operations from a mobile facility", for further guidance on qualification of mobile facilities that are registered in a national ship register, according to the HSE regulations for the petroleum activities.

Reference is made to the Guidelines for Sections 24 and 70 of the Framework Regulations, wherein the relationship to standards in connection with exemptions is discussed.

About the terms vessel and facility

Depending on the activities executed in the petroleum activities, an executing unit is defined as a vessel or facility. The following is a description of the content of the two terms.

Vessel activities

Activity that can be carried out by vessels will be where the executing unit is connected to a subsea well or a well on a fixed facility, but does not have primary control of the wells' block valves. The primary control of the well stream (christmas tree or well control equipment connected to the well) is handled by a facility (from control room and/or direct operation of check valves) other than the executing unit. Vessel activity can be carried out by a facility with AoC or a vessel without AoC.

Examples of such activities include pumping of various fluids (gas and liquid) into a well through a christmas tree or to a well valve, for fracking, stimulation, clean-up, etc., while well intervention is taking place (the well intervention personnel handle primary control of the well stream).

The same applies to activities involving maintenance of subsea wells (christmas tree or equipment on the subsea template) or replacement of equipment on subsea wells, where one is not connected to the well, and another facility handles primary control of the well stream.

Facility activities

Activity to be performed by a facility will be where the executing unit is connected to a subsea well with intervention equipment entering the well, and the unit has primary control of the wells' block valves. Primary control of the well stream (christmas tree valves or well control equipment connected to the well) is handled by the executing unit (from control room and/or direct operation of check valves). Surveillance/monitoring of the subsea well's christmas tree can take place at the same time from another facility. Facility activities shall be carried out by a facility with AoC.

Examples of such activities include wireline work and coiled tubing work in subsea wells where the equipment string/components are physically fed through the christmas tree and well control equipment in/out of the well.

Re 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 preparatory works for the Petroleum Act and the practice that has developed in connection with the Petroleum Act, will form the basis for interpretations of the scope of the Working Environment Act in the petroleum activities.

Like the Petroleum Act, the Working Environment Act will apply to facilities in the petroleum activities. The term facility is the same as is used in the Petroleum Act, cf. the definition in Section 1-6, litera d of the Petroleum Act. The Working Environment Act has a different, narrower application for vessels than the Petroleum Act, but in the determination of what constitutes a facility and what constitutes a vessel, the same criteria as follow from the petroleum legislation form the basis. Reference is here made to the delimitation in the Petroleum Act in connection with Section 1-4 cf. Section 1-6 litera c, which further limits what vessels can be considered supply and standby vessels, cf. Odelsting Proposition No. 43 (1995-1996), pages 27 and 28. The term includes, in addition to vessels that transport personnel and equipment, crane barges and other service vessels, vessels used to carry out manned underwater operations, pipe-laying vessels, vessels that carry out seismic surveys, etc. On the other hand, e.g. mobile drilling facilities, drilling or production vessels, flotels, etc. will clearly be covered by the term facility. As follows from the second subsection, however, certain restrictions have been set in the actual scope in relation to the Petroleum Act, which entails that the Working Environment Act will have a somewhat more limited application as regards the vessel function.

The execution of manned underwater operations from vessels or facilities, cf. first subsection, is an important part of the work operations that comprise the ordinary petroleum activities. The employees that participate in diving operations, make up a unified group in a regulatory context. The supplementary Activities Regulations include e.g. more detailed provisions regarding time periods during execution of manned underwater operations. Manned underwater operations in the petroleum activities are covered by the provisions in the Working Environment Act.

The second subsection clarifies that the Working Environment Act applies to employees working on simpler facilities, even when they reside on vessels as mentioned in the subsection. In this connection, the vessels are not to be regarded as facilities, cf. the definition of these in Section 6. The scope of the Working Environment Act for the employees staying on the vessel, is bounded by the scope of the Ship Work Act as described in Section 1-2 (in Norwegian only). The delimitation is independent of the vessel's nationality. The provision does not lead to changes in the scope of regulatory provisions in pursuance of the other underlying acts for these regulations.

Definition of what can be considered as simpler facilities, follows from Section 3 of the Facilities Regulations. Employees working on simpler facilities, are expected to mainly have short periods of stay on this type of vessel, such as during transport to and from the simpler facility and accommodation. For further provisions on working environment for accommodation on vessels with offshore gangways, see Section 18 of the Management Regulations. This does not imply technical work environment requirements for the design of this type of vessel.

The third subsection, litera a specifies that execution of supply, emergency preparedness and anchor handling services by vessels, seismic or geological surveys by vessels, and other comparable activities, are considered shipping. The Working Environment Act and these regulations with supplementary regulations are not applied to the aforementioned vessels executing such activities. The emphasis is included to clarify that the activities carried out with these vessels, do not fall under the Working Environment Act.

The third subsection, litera b specifies that the Working Environment Act is not applied to vessels executing construction, pipelaying or maintenance activities in the petroleum activities. This provision, as earlier, contains an opening for the Ministry of Labour and Social Inclusion, through regulations or administrative decision, to decide that the Working Environment Act and these regulations with supplementary regulations will be applicable, in whole or in part, for the function of these vessels when they are used in the petroleum activities. The legal basis was, at the time, included because this type of activity can, sometimes, be very integrated in the other petroleum activities that take place within an area, and also have a duration that indicates equal regulation as the other petroleum activities. It is presumed that the possibility to make such decisions shall only be used in special cases. The term "affected parties"

will necessarily be interpreted broadly. This includes both public agencies and affected private organisations on the employer and employee side.

Re Section 5
Application of certain health laws in the offshore petroleum activities

Four health acts also apply to the offshore petroleum activities insofar as are appropriate. These acts are the Health Personnel Act (in Norwegian only), the Patient's Rights Act (in Norwegian only) (except the chapter regarding patient and user representative), the Contagious Illness Protection Act (in Norwegian only) and the Health and Social Preparedness Act (in Norwegian only). The Patient's Rights Act (in Norwegian only) is a rights act. Its provisions correspond to obligation provisions in other health legislation. The Health Personnel Act (in Norwegian only), the Contagious Illness Protection Act (in Norwegian only) and the Health and Social Preparedness Act (in Norwegian only) have different obligated parties, cf. below and the Guidelines regarding Section 7. These acts replace and are, to a large extent, a necessary continuation of previous acts considered to also apply for the petroleum activities, in pursuance of Section 2 of the previous Act relating to petroleum activities of 22 March 1985 and Section 1-5 of the current Petroleum Act Section 1-5. The Health and Social Preparedness Act (in Norwegian only), which is an enabling act, not only applies to emergency preparedness as regards war, such as its ”predecessor”.

The four health acts are used ”insofar as they apply”. This entails that, as a starting point, they are applied to offshore facilities covered by the Petroleum Act. The reservation ”insofar as they apply” firstly implies that the relevant provisions shall be interpreted according to general principles of law before considering their field of application.

Special reasons shall exist for a legal provision that, according to its wording, cf. other sources of law, applies in the offshore petroleum activities, to still not apply there. The offshore petroleum activities shall thus safeguard relevant provisions during planning and operations.

One reason in particular to not consider certain legal provisions applicable to offshore petroleum activities, can be this activity's character and physical-geographical framework, in addition to legal matters. A matter that is not relevant today, could be in the future. Technical developments can e.g. expand the health service offshore. In many cases, it will be evident that a provision is not suitable for application offshore. The fact that health personnel shall report births, cf. Section 35 of the Health Personnel Act (in Norwegian only), will e.g. not be relevant in the offshore petroleum activities, since pregnancy after a certain time disqualifies one from such work, and since the employees are expected to use the public health service. Due to access restrictions in the offshore petroleum activities, the Patient's Rights Act’s (in Norwegian only) provision regarding children's special rights is also not "appropriate". Neither are patients entitled to individual plans from the health service in the petroleum activities, since there will not be any long-term provision of health services for the individual. Furthermore, the provisions regarding a patient and user ombudsman are expressly exempt according to this section.

According to Section 2-2, third subsection of the Contagious Illness Protection Act (in Norwegian only), the physician's duty to provide information in the event of imminent and obvious risk of transmission of dangerous communicable disease does not apply, provided the physician knows that another physician will provide the necessary information. Whether tracing of infection sources according to Section 3-6 of the Contagious Illness Protection Act (in Norwegian only) shall be carried out, and whether communicable disease assistance according to Section 6-1 shall be provided, by the physician in charge or family doctor, will be determined by e.g. which physician the patient consults, and whether the contagion possibly is or will be transferred in or outside the petroleum activities. The operator shall, under duty of confidentiality, have systems for necessary contact between physicians in the petroleum activities and the ordinary health service.

Certain administrative provisions shall be adapted to the special conditions in the offshore petroleum activities. This particularly applies to the provisions in the Contagious Illness Protection Act (in Norwegian only). This section entails that the operator as a point of departure is responsible for those tasks assigned to the municipality according to Section 7-1 of the Contagious Illness Protection Act. See also the Guidelines relating to Section 7.

The Health Personnel Act (in Norwegian only), the Patient's Rights Act (in Norwegian only), the Contagious Illness Protection Act (in Norwegian only) and the Health and Social Preparedness Act (in Norwegian only) are enabling acts for the Framework Regulations. They are thereby defined as parts of the health, safety and environment legislation, cf. Section 6 litera c.

According to Section 1-5 of the Petroleum Act, Norwegian law other than the Petroleum Act also applies to the petroleum activities unless otherwise determined. This means that e.g. the Act relating to government supervision of the health service (in Norwegian only), the Medicines Act (in Norwegian only) and the Food Act (in Norwegian only) apply to the petroleum activities. These acts are also defined as parts of the health, safety and environment legislation, cf. Section 6 litera c.

The second subsection continues the current law as regards regulations under e.g. the Medicines Act (in Norwegian only).

Re Section 6
Definitions

For litera a The responsible party

The term ”the responsible party" is further described in the Guidelines for Section 7.

For litera c Health, safety and environment legislation

The term also comprises, inter alia, regulations pursuant to the Working Environment Act, laid down by the Ministry of Labour 6 December 2011 and entering into force 1 January 2013.

The health acts that are especially relevant include the Medicines Act (in Norwegian only), the Food Act (in Norwegian only) and the Act relating to government supervision of the health service (in Norwegian only), in addition to the acts made applicable in pursuance of Section 5. These acts are directed to a large extent towards others, e.g. the health personnel, as the responsible party in different parts of the activities.

For litera d Facility

The definition of facility is the same as in the Petroleum Act, cf. Section 1-6, litera d, with comments, but it is included because the Working Environment Act uses the term in a somewhat different way.

It is specified that, among other things, detached well structures of various types that are placed on the seabed, for example subsea production facilities with e.g. a wellhead, christmas tree and subsea templates, are included under the facility term. The same applies for equipment in the well and the well itself. This means that, unless otherwise evident from the context, requirements for facilities will also apply for the mentioned equipment, etc.

For description of vessels that do not fall within the definition of facility, see Section 4 of the Framework Regulations with guidelines.

For litera e Onshore facility

The term ”onshore facility” is used as a collective term for onshore petroleum facilities covered by these regulations and supplementary regulations. The term includes both onshore facilities covered by the Petroleum Act and onshore facilities that fall outside the scope of the Petroleum Act. The regulations also cover the actual facility for production and/or utilisation of petroleum and systems, installations and activities integrated with the onshore facility or that have a natural connection to it. The regulations also cover other systems, facilities and activities used for industrial purposes inside the ”fence” of the relevant onshore facilities.

Pipeline systems mean pipeline systems for landing petroleum from the shelf to onshore facilities as well as pipeline systems that transport other fluids in connection with operation of facilities on the shelf, pipeline systems for export of gas from onshore facilities to the Continent, possibly via a facility on the shelf, and pipeline systems for transport of petroleum between onshore facilities covered by these regulations.

For litera f Operator

The definition of operator is from the Petroleum Act, as the term is not used in the same manner in the other enabling acts. The operator term is expanded to also include the party responsible for daily management of onshore facilities that are outside the scope of the Petroleum Act.

For litera g Petroleum activities

The term petroleum activities does not cover onshore facilities for utilisation of petroleum that are not necessary for or constitute an integral part of production or transport of petroleum. This entails that e.g. gas power plants whose only purpose is to deliver energy to the grid or to land-based industrial activities, and crude oil refineries, where recovered petroleum can be delivered for processing to this or another refinery, fall outside the definition of petroleum activities. Cf. also the comments regarding Section 1-4 of the Petroleum Act in Odelsting Proposition No. 46 (2002-2003), page 10.

For litera h Licensee

The definition of licensee is from the Petroleum Act. The term is not used in the same manner in the other enabling acts.

For litera i Safety zone

A safety zone as defined in this section, extends from the seabed to 500 metres above the highest point on a facility in the vertical plane. Horizontally, the zone extends 500 metres from the extreme points of the facility, wherever they may be. Endpoints mean any part of the facility, including the riser to the point it meets the seabed. In connection with safety zones, anchors and anchoring points are not considered part of the facility. Reference is made to Chapter VIII.

Re Section 7
Responsibilities pursuant to these regulations

The provision coordinates the obligated party hierarchy in the activities, but does not change the responsibility that follows from the enabling acts.

The first subsection entails a material duty to comply with the regulations. This active required action is called the duty to ensure requirements are satisfied. A special duty to follow-up (called see-to-it duty) follows from the second and third subsections. The duty to establish, follow up and further develop a management system follows from Section 17.

Wording referring to the obligated party in the individual provisions and the importance of this

In these regulations and in regulations laid down in pursuance thereof, the obligated party is typically worded neutrally. This is done because several parties can be responsible according to the same provision. Examples of neutral wording include ”Requirements shall be stipulated for the performance of safety functions.” and ”The facility shall be designed such that…”. Another neutral form used is "The responsible party shall…”. Who the responsible party is, follows from this section's first subsection. The responsible party can thus be the operator, or others participating in the activities without being licensees or owners of onshore facilities. Licensees that are not operators, are thus not included in the term responsible party in these regulations with supplementary regulations. When the responsibility is assigned to one or more defined participants, this is clearly evident from the relevant provision. For example, the operator is the party responsible for the operation, or the employer specifically designated as the obligated party in certain provisions.

The see-to-it duty assigned to the operator, licensee and owner of the onshore facility, cf. the second and third subsections, applies throughout and is thus not mentioned in the other provisions in these regulations, nor in the supplementary regulations.

Elaboration of the individual's responsibility

Several parties can thus be responsible at the same time, but the individual's responsibility will be limited to those tasks that fall under the individual's area of responsibility. This means those tasks where the individual has control and instruction authority. The scope of the individual's responsibility can vary according to the circumstances. A participant can hardly be held responsible for breaches of regulatory requirements if the individual does not have practical control or instruction possibilities as regards the obligations in question.

The responsibility shall be defined at all times, cf. Section 6, second subsection of the Management Regulations.

Reference is also made to Section 18 of these regulations. The first subsection of Section 18 also covers participants other than the operator, and e.g. imposes a duty on contractors to follow up their subcontractors.

Licensee and owner of onshore facility

The licensee and the owner of the onshore facility are mainly responsible for facilitating the operator's execution of its tasks. The licensee and the owner of the onshore facility are also responsible for seeing to it that the operator carries out these tasks. The third subsection clarifies the duty of the licensee and the owner of the onshore facility to see to it that the operator carries out its duties.

To be able to carry out its obligations, the licensee and the owner of the onshore facility shall receive information regarding the activities. The licensee and the owner of the onshore facility shall not only relate to what is provided from the operator, but also have an independent duty to ensure that it receives sufficient information on the activities. The licensee and the owner of the onshore facility have a duty to

act as regards conditions that are not in agreement with the regulations. Moreover, the licensee and the owner of the onshore facility shall see to it, through audits, that the operator carries out its tasks. The licensee and the owner of the onshore facility shall particularly see to it that the operator carries out its tasks in connection with central and important matters. This applies to e.g. the operator's management system, that the operator has an organisation that is sufficiently qualified and has sufficient capacity, that the operator handles areas of concern and other factors of particular interest to the authorities, as well as key applications to the authorities. Reference is also made to what is generally said about the content of the see-to-it duty under the operator heading.

The see-to-it duty follows from Section 10-6, second subsection of the Petroleum Act and the health legislation, and is also included in the previous Section 7 of the Working Environment Regulations. The see-to-it duty also applies in the scope of the Pollution Control Act (in Norwegian only). As regards the content of the licensee's see-to-it duty, reference is also made to the comment regarding Section 10-6 of the Petroleum Act in Odelsting Proposition No. 43 (1995-1996), pages 61 and 62. Here it is e.g. written that "The licensee shall for example, when carrying out audits, see to it that the operator fulfils its special operator duties, and through budgets and resolutions, etc. facilitate the operator's work".

Mainly, the operator, and not the licensee or owner of the onshore facility, will be subject to the duty to act. The responsibility of the licensee and the owner of the onshore facility in the scope of these regulations will, to a large extent, be fulfilled through the overall see-to-it responsibility, which follows from the second subsection.

The licensee and the owner of the onshore facility are also obligated parties in certain provisions in these regulations.

Operator

In the interest of having a common obligated party concept covering all the activities, the term operator is used.

For offshore production licenses, an operator is appointed which will be responsible for the daily management of the petroleum activities on behalf of the licensees.

For onshore facilities, an operator is appointed which will be responsible for the daily management of the activities on behalf of the licensees or owners of the onshore facility.

As a key player in the activities, the operator is especially mentioned as the obligated party in this section's first subsection. In many cases, only the operator will be the obligated party. If so, this will be stated in the individual provisions in these regulations and the supplementary regulations.

The second subsection continues corresponding provisions in the area of safety under the Petroleum Act and rules in the previous Working Environment Regulations under the Working Environment Act, and further clarifies the Pollution Control Act (in Norwegian only). Reference is also made to the see-to-it duty that follows from the health legislation, cf. Section 3, first subsection of the Act relating to government supervision of the health service (in Norwegian only) and Section 16 of the Health Personnel Act (in Norwegian only).

The term see to it has been used as it is used in Section 10-6 of the Petroleum Act to describe the licensee's and the operator's special duty to follow up. The term see to it is used to clarify that it is primarily the individual player's duty to comply with the regulations. To see to it entails a duty, through establishment of management systems and through audits, to follow up that the participants in the activities comply with requirements stipulated in and in pursuance of the Act. The responsibility to see to it that the regulations are complied with, will thus be a general and overall duty to follow up while carrying

out the activities. In particular regarding the operator's see-to-it duty, the comment regarding Section 10-6 of the Petroleum Act in Odelsting Proposition No. 43 (1995-1996), page 62, says that ”The see-to-it responsibility also entails that the operator, before and during entering a contract and during execution of the activities, shall supervise that the contract parties are competent and qualified. Furthermore, the operator shall follow up during execution of the petroleum activities, as well as check that facilities and equipment put into service and work that is carried out, maintain a prudent standard. In cases where there are different operators during the different phases, e.g. during the development phase and the operations phase, it is important that the operators carry out a necessary coordination between themselves.”

As regards the operator's see-to-it responsibility towards the contractor in the event of hiring a facility with AoC, this is described in detail in the Norwegian Oil and Gas' “Handbook for applications for consent for well operations from a mobile facility” See also Section 25 of these regulations with Guidelines.

Elements in the operator's see-to-it duty are also clarified in Section 18.

Other participants

Other participants as mentioned in Section 7, first subsection, means everyone participating in the activities without being licensees, owners of onshore facilities or operators. This can be other owners and users of facilities, or of property, buildings or structures, which are not onshore facilities, or those that provide services in connection with the activities, cf. also the comment regarding Section 10-6 of the Petroleum Act in Odelsting Proposition No. 43 (1995-1996), pages 61 and 62. The first subsection thus includes operators, the party responsible for operation, contractors, other owners, lessors, or users of offshore and onshore facilities, etc., and other employers.

The employees are, in principle, also among the other participants. Since the Working Environment Act limits the employees' responsibility to a contributory responsibility, it has been appropriate to separate and clarify this responsibility in the fourth subsection. The content of the responsibility of employers and employees mainly follows from Sections 2-1 and 2-3 of the Working Environment Act, respectively.

Employers

The more detailed content of the responsibility of employers as regards safety and working environment follows from the Working Environment Act. The employer shall, according to Section 2-1 of the Working Environment Act, e.g. ensure that the individual activity is organised and maintained, and that work is planned, organised and executed in accordance with the provisions provided in and in pursuance of these regulations. It follows from Section 1-8, second subsection of the Working Environment Act, who is the employer. The top manager in the enterprise has the overall responsibility for satisfying regulatory requirements, and cannot waive this responsibility by delegating tasks to others. According to the Working Environment Act, the individual employer is obliged to carry out mapping, analyses and measures as regards the working environment within its area of activity and responsibility. According to this section, the operator or the party responsible for operating the offshore or onshore facility is responsible for such mapping, analyses and measures being implemented in a planned and unified manner. The same is true for contractors responsible for carrying out manned underwater operations.

Employees

As it follows from Section 2-3 of the Working Environment Act, cf. Section 1-8 first subsection, the employees' responsibility is limited to a contributory responsibility. The employees' duty is clarified in the

fourth subsection. The employees are obliged to contribute to carrying out the measures the employer implements. Employees, including supervisors, have contributory responsibility according to the instructions and delegated work tasks, etc. in the individual enterprise. Employees who are supervisors, also have a special responsibility for safety and working environment work according to Section 2-3, third subsection of the Working Environment Act.

The employer's duty to ensure that the employees are given a real possibility to participate, is mentioned in Section 13 with Guidelines, which continues the current law.

As regards the employees' obligations in connection with management systems, reference is made to Section 17.

Health

The responsible party according to the Framework Regulations shall ensure compliance with provisions that apply to the party's activities through

a) the health acts mentioned in Section 5 of the Framework Regulations or

b) other health legislation cf. Section 1-5 of the Petroleum Act.

As mentioned in the Guidelines regarding Section 5, the provisions in the health acts have different obligated parties.

The Health Personnel Act (in Norwegian only) applies to health personnel and enterprises that provide health assistance in Norway, cf. Section 2 of the Health Personnel Act. Who and what the individual provision applies to, follows from this wording.

Several provisions in the Health Personnel Act (in Norwegian only) are directed through their wording towards ”health personnel” or certain categories of health personnel. One example of the latter is Section 12 of the Health Personnel Act (in Norwegian only) which, in its first subsection, mentions ”physician, nurse or bioengineer”, and physician in its second subsection. The term health personnel is defined in Section 3 of the Health Personnel Act (in Norwegian only). Key in this connection is the health personnel's duty to carry out professionally prudent operations, cf. Section 4 of the Health Personnel Act (in Norwegian only). Furthermore, health personnel shall provide immediate assistance, cf. Section 7 of the Health Personnel Act (in Norwegian only). Thus, these provisions shall be fulfilled by the individual healthcare providers. The Norwegian Board of Health Supervision carries out supervision of the health personnel in the offshore petroleum activities, now as before the Health Personnel Act (in Norwegian only) came into force. The latter authority can sanction health personnel in the event of breaches of the provisions, cf. Chapter 11 of the Health Personnel Act (in Norwegian only).

Health personnel shall not provide information subject to a duty of confidentiality to participants in the petroleum activities who are not health personnel or the health personnel's assistants. Reference is made to Section 25 of the Health Personnel Act (in Norwegian only) as regards communication between health personnel. Health personnel can provide information that is otherwise subject to a duty of confidentiality to petroleum activities' management or others, provided that informed consent has been secured from the party entitled to confidentiality. Reference is also made to Chapter 5 of the Health Personnel Act (in Norwegian only).

Section 26 of the Health Personnel Act (in Norwegian only) deals with e.g. the health personnel's right to provide information – insofar as possible without individualising attributes – to ”the enterprise management” when this is necessary for e.g. internal control and quality assurance of the service.

Some of the Health Personnel Act (in Norwegian only)'s provisions, primarily Section 16, apply to enterprises that provide healthcare. These provisions apply to the operator, possibly licensee, shipping company, contractor, subcontractor or others affiliated with a health service that provides healthcare for own personnel (own employees) or others'. The obligated parties according to these provisions in the Health Personnel Act (in Norwegian only) depend on the organisation of the offshore petroleum activities. Reference is also made to the supplementary provisions in Section 7, first subsection of the Activities Regulations, which affirm that the operator or the party responsible for operating a facility shall ensure that anyone staying on the facility, has access to prudent and professional health services, cf. Section 16 of the Framework Regulations. And according to Section 7, second subsection of the Framework Regulations, the operator shall see to it that everyone carrying out work on its behalf, complies with requirements in the health, safety and environment acts, including relevant provisions in the Health Personnel Act (in Norwegian only), the Patient's Rights Act, (in Norwegian only) the Contagious Illness Protection Act (in Norwegian only) and the Health and Social Preparedness Act (in Norwegian only).

According to Section 16 of the Health Personnel Act (in Norwegian only), enterprises that provide healthcare shall be organised such that the health personnel are capable of complying with their statutory obligations, cf. above regarding these. The preparatory works contain the following in this connection: ”The most important element in this is that health personnel, regardless of work site and organisation form, shall primarily take professional consideration in the performance of healthcare. Any health personnel will, through education and qualifications, have a certain professional ”autonomy”, i.e. freedom of action to fulfil statutory obligations. Thus, Section 16 of the Health Personnel Act (in Norwegian only) indicates a constraint on the employer's management prerogative, in that the activities shall be organised such that health personnel are provided freedom to fulfil statutory obligations, and then primarily the duty to professionally practice their trade.” One consequence of Section 16 of the Health Personnel Act (in Norwegian only) is that the health service shall have a separate and independent position in professional matters, cf. Section 7, final subsection of the Activities Regulations. However, the responsible party will have the right to organise the activities within statutory limits.

The provisions in the Health Personnel Act (in Norwegian only) and the Contagious Illness Protection Act (in Norwegian only) are supplemented by the rules in the Patient's Rights Act (in Norwegian only). The operator or the party responsible for operating a facility shall scale and organise the health service such that the provisions of the Patient's Rights Act (in Norwegian only) can be fulfilled, cf. Section 8 of the Activities Regulations and Section 16 of the Health Personnel Act (in Norwegian only). The Patient's Rights Act (in Norwegian only) further means e.g. that the health service in the offshore petroleum activities shall necessarily refer the patient to the land-based specialist health service. The party responsible for the health service shall also handle transport of ill and injured personnel to land with a view towards follow-up from necessary land-based health service.

Insofar as it applies, the Contagious Illness Protection Act (in Norwegian only) can be used, through Section 5 of these regulations, for the offshore petroleum activities. This is indicated by the purpose of the Contagious Illness Protection Act (in Norwegian only). The purpose of the act is to protect the population against contagious illnesses by preventing them and keeping them from being transmitted in the population, as well as preventing that such illnesses are introduced into Norway or exported from Norway to other countries.

The Contagious Illness Protection Act (in Norwegian only) contains e.g. obligation provisions for health personnel (Chapters 2 and 3), and obligation and rights provisions for infected persons (Chapters 5 and 6). In a broad sense, the Act is an enabling act, cf. e.g. its Chapter 3.

In the Contagious Illness Protection Act, the chief municipal health officer is assigned tasks within contagious illness protection, see Section 7-2 of the Contagious Illness Protection Act (in Norwegian only). Section 12 of the Activities Regulations gives this responsibility to the physician with professional responsibility

for the health service on the facility. Beyond this, no special adaptations have been made in the Act's administrative or material provisions. When following up measures according to the communicable disease legislation in the petroleum activities, the responsible physician should cooperate with personnel in the municipal health service.

It follows from Section 8, first subsection and Section 9 of the supplementary Activities Regulations that the operator or the party responsible for operating a facility shall ensure that everyone staying on the facility is ensured necessary preventive measures, examination possibilities, treatment and care outside the institution, also as regards communicable disease. According to this, the operator's responsibility will correspond to the municipality's responsibility according to Section 7-1 of the Contagious Illness Protection Act (in Norwegian only). In practice, the operator's responsibility is limited in relation to the onshore municipality's responsibility in that people staying on a facility in the offshore petroleum activities, will spend shorter or longer periods onshore.

According to Section 4-1 of the Contagious Illness Protection Act (in Norwegian only), the municipal council is granted authority, on certain conditions, to adopt prohibition against assembly, closure of establishments, curtailment of communication, isolation and removal of source of infection. This authority also rests with the Norwegian Directorate of Health in the event of serious outbreaks of hazardous communicable diseases, and when it is essential for the purpose of quickly implementing measures to prevent communication of disease. It follows from the Ministry of Health and Care Services' Regulations of 1 January 1995 relating to this which communicable diseases are considered hazardous diseases. A ”serious outbreak” is considered a relative term. This means that, according to the circumstances, the threshold is lower for classifying an outbreak as serious on a facility in the offshore petroleum activities at sea than on the mainland, cf. the safety aspect and offshore population density. It is normally considered sufficient for the professionally responsible physician for the health service in the offshore petroleum activities, in the event of the need for measures as mentioned in Section 4-1 of the Contagious Illness Protection Act (in Norwegian only), to contact the County Governor of Rogaland. The government health authority can issue an order according to Section 4-1, second subsection of the mentioned act, if applicable.

It follows from Section 5 of these regulations cf. Section 1-2 as well as Section 1-3 c of the Health and Social Preparedness Act (in Norwegian only) that this Act also applies to the operator and others that, without formal connection to a municipality, county municipality or the state, offer health and social services on facilities and vessels working on the Norwegian continental shelf. The so-called responsibility principle is key in the Health and Social Preparedness Act (in Norwegian only). This means that the party responsible for a health or social service, e.g. the operator, is also responsible for necessary preparedness measures and for the executive service, including financing, during war and in the event of crises and catastrophes in peace time, unless otherwise decided in or in pursuance of acts. In general, the Health and Social Preparedness Act (in Norwegian only) primarily contains authorisation provisions for the Ministry. The assumption for the application of these authorisation provisions is, in accordance with Section 1-5 of the Health and Social Preparedness Act (in Norwegian only), that the country is at war, that war is imminent, or – in the event of crises or catastrophes in peace time – that resolutions have been made by the King in Council. The provisions regarding emergency preparedness in the Framework Regulations with supplementary regulations are considered to safeguard several of the intentions of the Health and Social Preparedness Act (in Norwegian only).

The fact that the Medicines Act (in Norwegian only) applies to the offshore petroleum activities, has e.g. the following consequences:

Health personnel affiliated with the offshore petroleum activities shall act according to the statutory provisions that apply to them. The management system in the offshore petroleum activities shall consider such provisions. For example, the physician's duty according to Section 25 of the Act to, upon request,

provide the Norwegian Board of Health Supervision with information regarding potential abuse of narcotics.

The Medicines Act's (in Norwegian only) provisions regarding who can manufacture, import and market medicines, also apply in relation to the petroleum activities.

Reference is also made to the Act's provisions.

Re Section 8
Employer's duties as regards employees other than its own

The provision supplements Section 2-2, first subsection of the Working Environment Act.

Enterprise as mentioned in this section, means the same as in the Working Environment Act, which means that the term is almost synonymous with company.

Ensure as mentioned in the second subsection, literas b and c, means that the principal undertaking has a coordination responsibility for the mentioned circumstances. This is a continuation of current law under the Working Environment Act. The duty to ensure in litera d entails e.g. that offences as mentioned in litera d shall be pointed out and corrected if the principle undertaking is aware of them. The duty can be fulfilled through inspections at the workplace.

RE CHAPTER II
Basic requirements for health, safety and environment

Re Section 9
Application of the principles in Chapter II

The section indicates the legal significance of the principles in Chapter II. The principles in this chapter obligate the licensee, the owner of the onshore facility, the operator and other participants in the activities.

The provisions also have legal significance in the event of performance of administrative duties according to the health, safety and environment legislation. Thus, they shall be used as a basis in the management assessment, and it should be evident from the grounds for administrative decisions according to Section 25 of the Public Administration Act (in Norwegian only) how this is done.

Re Section 10
Prudent operations

This is a key provision for the activities, and it mainly continues current law, cf. e.g. Section 10-1 of the Petroleum Act and Section 4-1 of the Working Environment Act, cf. also the other sections of Chapter 4 and Section 9 of the previous safety regulations regarding prudent operations, which apply to both the health and safety areas. For onshore facilities, reference is also made to the Fire and Explosion Protection Act (in Norwegian only). For health-related matters, reference is made to Section 16 with guidelines. When the term "prudent" is used here, this does not entail a substantive change in relation to the Working Environment Act's prudence concept, which is ”fully satisfactory”. Here, enterprise means the same as in the Working Environment Act, which means that the term is almost synonymous with company.

The requirement in the first subsection for an overall assessment is based on a comprehensive health, safety and environment view for the individual enterprise. The opportunity to carry out comprehensive assessments will vary from enterprise to enterprise based on which factors to be evaluated. The first subsection, second sentence also designates that, in addition to other relevant factors, consideration shall be given to the enterprise's character, local conditions and operational prerequisites in the assessment. An

individual and overall assessment can e.g. be that factors such as noise and climatic conditions shall not only be evaluated as individual factors, but that the responsible party, insofar as possible, shall evaluate the overall load the individual factors can result in. In the scope of the Working Environment Act, the requirement is directed towards all factors that can impact the employees' physical and psychological health and welfare. Which initiatives the individual enterprise shall implement to fulfil the requirement for prudent operations follows from requirements in the health, safety and environment legislation. However, the requirements shall be seen in relation to the fact that the level of health, safety and environment shall be further developed, e.g. in relation to the technological development, cf. second subsection and the enabling acts' purpose provisions.

It follows from the Petroleum Act, the Pollution Control Act (in Norwegian only), the Working Environment Act, the Fire and Explosion Protection Act (in Norwegian only) and the health legislation that the level described in the second subsection shall be developed in line with the technological development, and also with the general social development, cf. the provisions regarding purpose and regarding requirements for prudent operations in the enabling acts.

To facilitate such a development, the authorities have chosen to mainly use functional requirements in the regulations, which describe what shall be achieved rather than providing specific solutions. When determining the level of the regulations, the authorities' interpretations of the regulations, in addition to the wording of the regulations, administrative decisions made and guidelines provided by the authorities, will be key.

Other Norwegian legislation can also be relevant as sources of law in the supervision of the petroleum activities. Reference is made to Section 1-5 of the Petroleum Act, which provides for application of other Norwegian law in the petroleum activities.

Reference is made to Section 24 as regards application of standards in the health, safety and working environment area recommended by the authorities in the guidelines regarding the supplementary regulations.

The provision will be enforced in light of the activity it applies to, whether this is high-risk operations and activities with major accident potential, or whether this is construction assignments or the like of a lesser scope and with lower risk.

Re Section 11
Risk reduction principles

The principles in the provision apply in general for the activities and supplement the duty of care in the enabling acts.

Risk means the consequences of the activities, with associated uncertainty. The term “consequences” is here used as a collective term for all potential consequences of the activities. The term is not solely limited to the final consequences of the activities in the form of e.g. harm to or loss of human lives and health, environment and financial assets, but also includes conditions and incidents that can result to or lead to this type of consequences. Consequences related to major accidents, for instance, mean both unwanted incidents which can result in major accidents, circumstances and factors which directly or indirectly are of significance to whether the incidents will occur or not, and the consequences in case the incidents would occur. Consequences related to work-related illness and harm, mean both conditions and exposure which straight away or in the long run can lead to illness or harm, and the degree of severity of the illness and harm in the form of fatalities, personal injuries, other health injuries or a reduction in health condition. Consequences related to the external environment, mean both operational discharge and acute pollution in the form of solids, fluid or gas to air, water or the ground, as well as impact on the temperature; all of which can be harmful or disadvantageous for the environment.

Associated uncertainty here means uncertainty related to the potential consequences of the activities. Given the description of consequences above, the uncertainty relates to which incidents can occur, how often they will occur and which detriment of or loss of human life and health, environment and material assets the various incidents can lead to. As regards the external environment, the uncertainty also relates to which environmental harm the operational discharges can result in.

The risk term relates itself to the activities, i.e. to a number of different processes, such as design of a facility, implementation of a drilling operation or decision processes related to a technical, operational or organisational change. In other words, the risk associated with the activities will depend on the context, including the information base and that which must be evaluated, planned and implemented.

The regulations pursuant to the Working Environment Act, laid down by the Ministry of Labour 6 December 2011, and entering into force 1 January 2013, use a definition of risk which differs from what is said above. That definition does not cover the contents of the risk term as described in the regulations related to the petroleum activities in full.

The requirement in this provision for reducing the risk entails that the established minimum level for health, safety and environment, including acceptance criteria for major accident risk and environmental risk, cf. Section 9 of the Management Regulations, shall be met regardless of costs and that the responsible party cannot set aside specific requirements in the health, safety and environment legislation with reference to calculation of risk.

The requirement in the first subsection, second sentence entails that the risk shall be further reduced beyond the established minimum level for health, safety and environment that follows from the regulations. Such risk reduction shall take place according to the principles in the subsequent subsections. This means that the risk shall be reduced beyond the regulations' minimum level if this can take place without unreasonable cost or drawback. The enforcement will be different based on whether it applies to high-risk operations and activities with major accident potential, or whether it applies to construction assignments or similar of lesser scope and with lower risk.

The second subsection provides e.g. the principle regarding best available technology (the BAT principle). This implies that the party responsible for the activities shall use as a basis for its planning and operations the technology and methods that, following a comprehensive assessment provide the best and most effective results. The principle is also expressed in Section 2, first subsection No. 3 of the Pollution Control Act (in Norwegian only). The provision in the Pollution Control Act (in Norwegian only) is primarily directed towards the authorities' exercise of discretion, so that it has been necessary to set this as a direct requirement for the party responsible for the activities. The requirement does not entail any change beyond what has been normal to require according to current law.

The third subsection expresses the so-called precautionary principle. The purpose of including this provision here is to clarify a principle that is recognised nationally as well as internationally in the area of health, safety and environment.

The fourth subsection reflects a substitution philosophy whereby alternative solutions shall be chosen that do not entail the relevant risk factor. The provision applies within the entire scope of the regulations. As according to current law, the requirement includes hazardous factors under the Working Environment Act. The provision will also include matters that entail health risk under the health authorities' area of responsibility. For the duty to substitute products that contain chemicals hazardous to health and environment, reference is made to Section 3a of the Product Control Act (in Norwegian only).

The sixth subsection exempts the external environment at the onshore facilities from the scope of the provision. In this area, the provision is considered unnecessary, and regardless of whether there is a conflict

between this provision and what would otherwise follow from the pollution regulations, any doubt regarding this has been avoided by exempting the external environment from the scope of the provision.

For additional detail on the requirements related to risk reduction, reference is made to the supplementary regulations, mainly the Management Regulations.

Re Section 12
Organisation and competence

The requirement in the first subsection entails that the operator shall at all times have the necessary professional competence to assess whether the petroleum activities are prudent.

The purpose of the second subsection is to ensure that everyone working in the enterprise is qualified to carry out the work in a prudent manner, cf. e.g. Section 9-7 of the Petroleum Act. More detailed requirements are provided for competence in the supplementary regulations, see the Management Regulations, the Activities Regulations and the Technical and Operational Regulations.

The legal basis for the third subsection is not limited to the operator's own organisation, but applies to the entire organisation of the petroleum activities under the relevant operator, including contractors and others.

Re Section 13
Facilitating employee participation

The purpose of employee participation is e.g. to utilise the employees' collective knowledge and experience to ensure that matters are sufficiently explored before decisions are made that concern health, safety and the environment, and to provide the employees with the opportunity to exert influence on their own work situation.

The right to participate - this section. The duty to participate - see Sections 7 and 17

This provision concerns the employees' right to participate. The employees' duties are mentioned in the general obligated party provision, Section 7. The employees have a further responsibility to participate as regards management systems, which follows from Section 17.

Relationship to the supplementary regulations

The employees' right to participate applies to matters of significance for the working environment and safety according to requirements stated in and in pursuance of the Working Environment Act and these regulations. This also means requirements stated in the supplementary regulations. The right to participate is normally not repeated in the supplementary regulations.

Actual participation

The provision entails that the employees are provided with an actual opportunity to influence the working environment and safety in the activities. An actual opportunity means that the employees are involved sufficiently early in the decision process for their input to amount to part of the basis for making decisions.

The employee representatives are elected by the employees, see next paragraph regarding employee representatives.

The requirement for employee participation also entails a duty for the employer to ensure that employees have sufficient knowledge and skills, and that they have the necessary time needed to perform their tasks, cf. Section 3-2, first subsection litera a and Section 6-5, first and second subsections of the Working Environment Act, and Section 7-4. The employees shall receive training in the management system and results from system audits of this shall be communicated to them, cf. Section 4-2, first subsection of the Working Environment Act. The employer shall ensure that the safety delegates receive access to the regulations that apply to the activities so that they can fulfil their obligations pursuant to Section 6-2 of the Working Environment Act. This also includes all relevant framework documents that complement the regulations, e.g. standards.

The employees' right to participate in authority supervision is evident from Section 6-2, seventh subsection of the Working Environment Act.

Employee representatives

Employee representatives can be both safety delegates, trade union representatives or other representatives elected by the employees.

The provision does not change the system that follows from the Working Environment Act for involvement of the employees and their representatives, including who to involve in various cases. Which employee representatives should be involved will depend on the character of the matter, which phase of the activities it regards and who will be affected by the relevant matter. This can be the employees' representatives in working environment committees, coordinating working environment committees, joint local working environment committees, works councils, main safety delegates, safety delegates, the employees' organisations and trade union representatives, depending on the individual matter. The provisions in the Working Environment Act or regulations under it can also be directed towards special employee representatives. It can be natural for the elected employee representatives to involve affected employees or employees with especially relevant competence in handling the matter. These will possibly be in addition to the user representatives designated by the employer. User representatives can be representatives designated by the employer in accordance with Section 11 of the Management Regulations, cf. the guidelines of that section. The parties should agree which matters shall be handled in working environment committees, works councils and any other committees, in the event this is not evident from the Working Environment Act with regulations or the basic agreement. In connection with larger organisational changes, the organisation of employee participation should be evaluated and adapted.

Participation in all phases of the activities

The first subsection entails e.g. that requirements are set for employee participation in all phases of the activities in matters that concern working environment and safety. To ensure that employees' experience can also be used by players who as yet do not have their own operational organisation, players can draw on the experience of elected representatives from other players or contractors as well as relevant employee organizations.

Participation in management system

The second subsection governs the employees' right to participate in establishing, following up and further developing management systems. It is evident from the provision that the right to participation in connection with management systems also applies for the areas of external environment and the health

legislation. For safety delegates and members of working environment committees, the requirement for participation in the establishment and maintenance of management systems is expressly stated in Sections 6-2 and 7-2 of the Working Environment Act. According to Section 3-1 of the Working Environment Act, the employer shall carry out systematic health, safety and environment work in cooperation with the employees and their representatives. In addition, it is evident from Section 4-2, first subsection of the Working Environment Act that the employees and their representatives shall participate in the design of systems used in planning and design of the working environment. Reference is made to the preparatory work to the Working Environment Act, especially Odelsting Proposition No. 50 (1993-1994), which elaborates what is meant by elected representative.

Information on administrative decisions

The third subsection continues current law. The duty to inform the employee representatives of decisions is assigned to the party the administrative decision is directed towards. Who shall be informed will vary from case to case. To reach all affected parties, it can e.g. be necessary to inform the coordinating working environment committee for fields or the employee organisations represented at the workplace. Which parties shall be informed, will be determined in each individual case. Where an organised safety delegate service has been established, this service should normally be informed first.

Details regarding execution of participation

In connection with major and more comprehensive matters such as organisation and development work and development and modification projects, plans for participation should be established. Such plans can e.g. show the relevant processes where participation shall take place, who is the employees' representative or representatives, schedules and meeting plans, what competence is necessary, etc.

The requirement for employee participation entails that employees with sufficient knowledge and experience participate in preparation of relevant analyses to ensure that matters of significance for working environment and health are explored. The requirement for employee participation also entails that all affected employees are informed about the results of relevant analyses as well as the importance of the results for the execution of work.

In connection with tender processes or entering into contracts that entail material changes in work organisation, manning or technology, the employee representatives on the working environment committee shall, according to Section 7-2 of the Working Environment Act, have the opportunity to participate in matters that can be of importance for the working environment.

According to Section 4-2, first subsection of the Working Environment Act, employees and their representatives shall participate in development work that concerns the design and organisation of work in the enterprise. This applies e.g. to the design of methods, procedures and instructions of significance for one's own work situation.

The safety delegate shall be informed of conditions and incidents within his/her own area that shall be reported to the authorities, cf. Sections 29, 30, 31, 32 and 36 of the Management Regulations, cf. Section 6-2 of the Working Environment Act.

The Regulations of 6 December 2010 relating to organisation, management and participation (in Norwegian only) provide supplementary provisions regarding the choice, functions and tasks of working environment committees and safety delegates.

The Regulations relating to Section 78 of the Petroleum Act govern safety delegates' access to the workplace for the purpose of safeguarding contractual tasks.

Re Section 14
Use of the Norwegian language

Regardless of whether the basis for the provision is the use of the Norwegian language, the requirement for using the Norwegian language is not absolute. It is evident from the provision that other languages can be used if necessary or suitable for carrying out the activities, provided this does not compromise safety.

The provision entails that written material such as procedures and manuals as a point of departure shall be in Norwegian. In the event this is not considered appropriate, and provided this does not compromise safety, which the employer shall be able to document, such documents need not be translated into Norwegian.

Requirements are also set for use of the Norwegian language in certain special areas, such as in Section 5-4, first subsection litera e and Section 5-5, fourth subsection of the Working Environment Act. These are requirements directed towards manufacturers, suppliers and importers of machinery and other work equipment, and manufacturers and importers of chemicals and biological materials. Reference is also made to Section 4-5, fourth subsection of the Working Environment Act.

Re Section 15
Sound health, safety and environment culture

A sound health, safety and environment culture can be observed in enterprises that organise continuous, critical and thorough work in order to reduce risk and improve health, safety and the environment. Elements of a sound health, safety and environment culture could thus be

a) that systematic, continuous and broad-spectrum monitoring and mapping methods are used as a basis for determined and managed prioritisation of efforts in the health, safety and environment work - based on the regulations' principles of risk reduction and management,

b) that the effort and means in the health, safety and environment work are continuously subject to a critical assessment as regards potential goal conflicts and efficiency,

c) that there is a clear understanding in the organisation that culture is not an individual quality, but something that is developed in the interaction between people and given framework conditions. Therefore, management responsibilities and behaviour will be key elements at all levels of the business,

d) that development and collective learning is facilitated through competence enhancement, participation and a systematic and critical reflection at all levels, and

e) that health, safety and environment work cannot be viewed independently from each other or from other value-creating processes in the enterprise.

Re Section 16
Health-related matters

This section's first and second subsections continue the current law for offshore petroleum activities. The requirement for prudent handling of health-related matters is founded in the Petroleum Act, the Working Environment Act and the health legislation. The definition of health-related matters is stated in Section 6, litera b. The regulations regarding occupational health service also apply to activities other than the petroleum activities. The provisions in the Framework Regulations and supplementary regulations

regarding other health-related matters, which are administered by the health authorities, apply within the scope of the respective enabling provisions in acts and regulations.

The health service in the offshore petroleum activities should be of at least the same professional quality as the municipal health service.

The operator shall, through its health service, see to it that everyone staying on offshore facilities is provided necessary healthcare, including immediate assistance, on the facility or during transport until the land-based primary or specialist health service assumes this responsibility, if applicable. Healthcare includes both preventive and curative services. The operator shall ensure that the health service in the offshore petroleum activities can fulfil its tasks according to the health legislation. Reference is made to Section 16 of the Health Personnel Act (in Norwegian only), which is mentioned in the Guidelines regarding Section 7 of the Framework Regulations. (According to Section 16 of the Health Personnel Act (in Norwegian only), enterprises that provide healthcare, including offshore petroleum activities, shall be organised such that the health personnel are able to fulfil their statutory obligations.) Reference is further made to Section 5 of the Framework Regulations, which provides for application of e.g. the Patient's Rights Act (in Norwegian only) and the Health Personnel Act (in Norwegian only) in the offshore petroleum activities.

The health personnel are subject to requirements for professional practice of their trade. This follows from the Health Personnel Act (in Norwegian only), which contains the health legislation's general obligation provisions towards health personnel, cf. Section 5 of these regulations.

The operator's responsibility for health-related matters at onshore facilities for petroleum activities as mentioned in the third subsection, is regulated through the Technical and Operational Regulations as well as through other health and working environment legislation.

RE CHAPTER III
Management of the petroleum activities

Re Section 17
Duty to establish, follow up and further develop a management system

The duty to establish, follow up and further develop management systems applies to the scope of the Working Environment Act, the Pollution Control Act (in Norwegian only), the Petroleum Act, the Product Control Act (in Norwegian only) and the Fire and Explosion Protection Act (in Norwegian only), cf. Section 2 of these regulations with Guidelines. For additional detail on the requirements in connection with management systems, reference is made to the supplementary Management Regulations.

In the first subsection, the operator and other participants in the activities are obligated parties. Management systems that the operator and other participants have established for their activities, should be further developed to include compliance with requirements stipulated in the health, safety and environment legislation. Such management systems can e.g. be established according to the previous Regulations relating to management systems in the petroleum activities, Regulations relating to systematic health, safety and environment work in enterprises or Regulations under maritime legislation.

For mobile facilities in the offshore petroleum activities, the responsible party can use the IMO resolution A.741 International Safety Management Code (the ISM code) as a basis for the part of the management system that applies to maritime operating conditions.

The need for this section

A duty to establish, follow up and further develop management systems follows from Section 10-6 of the Petroleum Act. There is also a management system duty according to Section 3-1 of the Working Environment Act. In the Pollution Control Act (in Norwegian only) and the Product Control Act (in Norwegian only), this duty does not directly follow from the acts, but the basis for requiring a such system is provided in Section 52b and Section 8, third subsection, respectively, in the mentioned acts. Therefore, requirements as mentioned are included in the first subsection.

The provision will be enforced in light of the activity it applies to, whether this is high-risk operations and activities with major accident potential, or whether this is construction assignments or the like of a lesser scope and with lower risk.

Details regarding the duty of the licensee and the owner of the onshore facility

The licensee and the owner of the onshore facility have a special duty to establish, follow up and further develop management systems, limited to those parts of the regulations directed towards them, cf. second subsection. This means that the licensee and the owner of the onshore facility shall have management systems to follow up their duty to see to it that the operator complies with its obligations, cf. Section 7, and to follow up those obligations that follow from individual provisions directed towards the licensee and the owner of the onshore facility. The management system shall naturally be adapted to the scope of the activity. It can be natural for the individual licensee or owner of the onshore facility's management systems to include all the production licenses it participates in, or onshore facilities it owns. Where there are multiple owners of the same onshore facility or a group of licensees, the duty to have management systems could entail a description of how the group will follow up its duties, in the form of e.g. the distribution of responsibility and tasks between the participants and between the group and the operator, or possibly a reference to documents where such a description can be found.

The duty is limited to the scope of these regulations

It is emphasised that the duty according to the provision, only applies to the part of the enterprise that is covered by the scope of these regulations. For example, companies that manufacture equipment on land will not be governed by the system duty in these regulations as regards working environment for its onshore employees. Relevant onshore regulations will apply for them.

The content of management systems

Management systems shall cover the organisation, processes, procedures and resources necessary to ensure compliance with requirements stipulated in the health, safety and environment legislation. More detailed provisions regarding management systems, including the content, are stated in the supplementary Management Regulations.

It follows from this provision cf. the definition of the health, safety and environment legislation in Section 6 regarding definitions, litera c, that the management system shall also include relevant provisions in the health acts applied through Section 5 regarding the application of certain health acts in the offshore petroleum activities, as well as in the Medicines Act (in Norwegian only) and other health acts that apply in the petroleum activities on the basis of Section 1-5 of the Petroleum Act.

The Act relating to government supervision of the health service (in Norwegian only) (the Supervision Act) also includes supervision of the health service in the petroleum activities, cf. Section 1-5 of the Petrole-

um Act. Section 3 of the Supervision Act (in Norwegian only) contains provisions regarding the duty for enterprises that provide health services, to carry out internal control in such a manner that this can prevent failures in the health service. To this end, the activities and the services shall be planned, executed and maintained in accordance with generally accepted professional standards and requirements stipulated in pursuance of acts or regulations. In consideration of the petroleum industry, it is important for the health authority to coordinate its supervision according to various regulations regarding the management system for the petroleum activities. Fulfilling the provisions in the Management Regulations is also considered to fulfil the requirements related to internal control in the Supervision Act (in Norwegian only).

The employees' duty to participate

The third subsection entails that the employees shall participate in establishing, following up and further developing management systems in the entire scope of the regulations, including management systems for following up requirements in the scope of the Pollution Control Act (in Norwegian only). The employees' experience and active participation is a significant precondition for a sound management system. The employees' rights in this connection are regulated in Section 13.

The employees' duty to participate in establishing, following up and further developing management systems in activities at onshore facilities is not new, but is correspondingly stated in the Regulations relating to systematic health, safety and environment work in enterprises (in Norwegian only).

Re Section 18
Qualification and follow-up of other participants

The first subsection clarifies obligations assigned to the responsible party according to the health, safety and environment legislation and Section 7. The first subsection also covers participants other than the operator, and e.g. imposes on contractors a duty to follow up their subcontractors. As regards the operator, the first subsection clarifies certain elements in the operator's see-to-it duty that follow from Section 7, second subsection.

This provision involves the relationship between the operator's management system and other participants' systems. The provision entails that the operator, to ensure that the totality is safeguarded, shall evaluate the other systems before, during and after signing a contract, as well as during execution of the activity.

The second subsection, together with Section 17, or together with other Norwegian legislation, entails that the operator shall use others participants' management systems as a basis insofar as possible. However, the operator shall consider the suitability of these management systems based on the activity to be carried out, and determine whether there is a need to implement corrective measures. Caution should be shown as regards intervening in already established management systems. Other Norwegian legislation could be the Regulations relating to systematic health, safety and environment work in enterprises and regulations under maritime legislation (in Norwegian only).

Re Section 19
Verifications

Verification can include control of calculations, drawings and fabrication by reviewing what has been done, as well as carrying out independent or own calculations. The verifications can also include testing of products and systems.

When the responsible party shall verify that requirements in the health, safety and environment legislation have been satisfied, this also includes verification of the internal requirements set by the

responsible party to specify requirements in the health, safety and environment legislation, and which will contribute to achieving the goals and strategies for health, safety and environment established by the responsible party. Requirements are stipulated for e.g. establishment of goals and strategies and for stipulating internal requirements in the supplementary Management Regulations.

As regards the scope of verification, this will depend on the type of requirement. For example, there will normally be a need to verify compliance with requirements in the health, safety and environment legislation in these technical areas.

As regards the degree of independence, this normally entails that the verifications shall be carried out by a party other than the one that has carried out the work to be verified, or the party that has prepared the verification basis, as well as there being organisational independence for reporting in the line. One important assumption is that the unit carrying out the verification, shall have the necessary competence and resources to accomplish this.

Emergency preparedness against acute pollution also means checking that the various emergency preparedness elements work in practice and as intended. The most suitable verification technique should be used in each individual case, and it may extend from a simple writing desk exercise checking that response times for emergency preparedness resources can be met, to full-scale drills with participation of all relevant parties. See also Section 23 of the supplementary Activities Regulations.

RE CHAPTER IV
Emergency preparedness

Re Section 20
Coordination of offshore emergency preparedness

The operator and other participants in the petroleum activities (the responsible party) shall establish and further develop emergency preparedness. The emergency preparedness shall include measures in response to identified hazard and accident situations.

The requirement for managing and coordinating in the third subsection follows from Section 9-2 of the Petroleum Act, and entails that the operator is responsible for seeing to it that necessary measures are implemented to prevent or reduce the detrimental effect of a hazard and accident situation. If parts of the emergency preparedness are safeguarded by other players on behalf of the operator, the operator is, however, still responsible for emergency preparedness as described in the third subsection.

With regard to emergency preparedness against acute pollution, the requirement in the second subsection means that the operator must ensure that their emergency response measures are suitable to be coordinated with the Norwegian Coastal Administration's emergency resources. As the pollution control authority, the Norwegian Coastal Administration is responsible for a national emergency response system against acute pollution, cf. Section 43, third subsection, of the Pollution Control Act. Coordination of emergency measures with the Norwegian Coastal Administration includes, among other things, plans (which also highlight the Norwegian Coastal Administration's role in state takeover of the management of operations), equipment, joint training and competence. In order to ensure that this is satisfactorily addressed, a dialogue between the operator and the Norwegian Coastal Administration is necessary.

The Norwegian Coastal Administration supervises the responsible party's handling of an acute pollution incident. The Norwegian Coastal Administration can also advise and provide assistance. In the event of major cases of acute pollution, the Norwegian Coastal Administration may take over the management of combating the pollution. A state takeover will be organized in line with the “Bridging document; Establishing a unified command for acute pollution by government in response to extreme

pollution incidents which the petroleum industry is responsible for", Version 3, February 2019. The bridging document has been prepared in collaboration with the Norwegian Oil and Gas Association

Re Section 21
Offshore emergency preparedness cooperation

The section establishes a duty to cooperate on emergency preparedness as mentioned in Section 42, first subsection of the Pollution Control Act (in Norwegian only). A binding emergency preparedness cooperation that is agreed in joint emergency preparedness plans, and use of joint emergency response resources as mentioned in the first subsection, provide the most secure basis to establish, maintain and further develop emergency preparedness against acute pollution that can handle the risk of pollution, both at the facility and in the influence area for discharges from the facility.The emergency preparedness cooperation is an important precondition for optimising the composition of emergency response resources and their use.

The cooperation can be limited with regard to geography, topic and time.

Re Section 22
Emergency preparedness at onshore facilities

The requirements in this section are intended to function as overarching requirements for the preparedness requirements in and in pursuance of the Technical and Operational Regulations, and to provide a comprehensive overview of requirements for emergency preparedness during operation of onshore facilities.

For those areas of emergency preparedness also covered by the Regulations of 20 December 2011 No. 1434 relating to industrial safety (in Norwegian only), the requirements in this provision will be fulfilled by use of the provisions in the regulations mentioned above.

For those areas of emergency preparedness covered by the Norwegian Coastal Administration's Regulations relating to safety and terrorism emergency preparedness in Norwegian harbours (in Norwegian only), the requirements in this provision will be fulfilled by use of those regulations.

The Norwegian Environment Agency sets specific requirements for emergency preparedness against acute pollution in its permits.

Emergency response resources as mentioned in the final subsection, mean resources within the Ministry of Labour and Social Inclusion's area of authority and any private resources.

RE CHAPTER V
Materials and information

Re Section 23
General requirements for material and information

The section clarifies a general documentation obligation for the responsible party and applies within the entire health, safety and environment area. Such an obligation follows from Section 10-4 of the Petroleum Act, but is included here because a corresponding requirement does not follow directly from the other enabling acts. The provision does not say anything directly regarding where or how materials and information shall be stored, or who specifically shall do this. For example, it can be stored with a contractor, abroad, in an electronic format or in some other manner. The requirement is for materials and information to be made available to the supervisory authorities within a reasonable time. What constitutes

a reasonable time, will for example depend on the importance of the materials or information and the matter.

The responsible party itself shall evaluate the need for documentation, and the provision facilitates utilising available documents and documentation systems at suppliers and sub-suppliers. The first subsection, fourth sentence, expressly indicates that the documentation shall be adapted to the character of the enterprise and the activity that is carried out, so that no more documentation is developed than what is necessary.

Reference is made to the supplementary Management Regulations, where more detailed provisions are provided as regards the duty to provide information to the authorities, including provisions regarding the duty of storage and discarding.

Re Section 24
Use of recognised standards

Use of recommended standards in the health, safety and working environment area

In activities covered by these regulations and regulations stipulated in pursuance of them, usage or customs in the industry, requirements and specifications evident from other documents, such as industry standards, which are nationally and internationally recognised within a specific discipline, e.g. standards that have been prepared under the auspices of CEN, CENELEC, ISO and IEC, will be normative. The same applies to industry standards prepared under the auspices of NORSOK, API and others.

The authorities' recommended solutions are indicated in the guidelines for the individual sections in the supplementary regulations. The authorities recommend the use of various industry standards or other normative documents, possibly with supplementary addendums evident from the guidelines, as a means to fulfil the regulatory requirements. Reference is made to such normative documents with date of publication and publishing/revision number, e.g. NORSOK xx, revision xx (date) in the reference lists in the guidelines regarding the regulations. The recommended solution becomes a recognised norm through this reference in the guidelines for the regulations. In areas where industry standards are not published, or these are not found satisfactory, the authorities will, in some cases, describe solutions in the guidelines for the provisions that indicate ways to fulfil the regulatory requirements. Such recommendations have the same status as recommended industry standards, as mentioned. According to the first subsection, the responsible party can normally assume that the recommended solution fulfils the relevant regulatory requirement.

Use of recognised standards is voluntary to the extent that other technical solutions, methods or procedures can be chosen if the responsible party can document that regulatory requirements will be fulfilled, cf. second subsection. When using other solutions than those recommended in the guidelines for a regulatory provision, this entails that, in accordance with the second subsection, the responsible party shall be able to document that the chosen solution fulfils the regulatory requirements. It is presumed that the regulations and the guidelines are viewed in context to achieve the best possible understanding of the desired level of achievement through the regulations. Standards recommended in the guidelines will be key in interpreting the individual regulatory requirements and in determining the level of health, safety and working environment. Combinations of parts of standards should be avoided, insofar as the responsible party cannot document that a corresponding level of health, safety and working environment is achieved.

The terms "should" and "can" are used in the guidelines regarding the supplementary regulations when reference is made to recommended solutions for fulfilling the regulatory requirements. In this context, the following is meant by these terms:

"Should", means the authorities' recommended way of fulfilling the functional requirement. Alternative solutions with documented corresponding functionality and quality can be used without having to present this to the authorities.

"Can", means an alternative, equal way of fulfilling the regulatory requirements, e.g. where the guidelines recommend using maritime standards as an alternative to following a NORSOK standard.

When the industry or others publish standards, it is normally assumed that the standards will be used as a basis for new facilities and for the field the standard describes. Where the authorities recommend using such standards, it is thus not the intention to go beyond the assumptions provided for the standards, unless specifically mentioned.

In the event of major rebuilding or modifications to existing facilities, the new standards should be used. If it is not appropriate to use new standards, this should be based on safety-related considerations. Safety-related reasons to not use new standards can e.g. be that the use of new standards for existing solutions is considered to result in a particular risk. Existing facilities are facilities for which the Plan for Development and Operations (PDO) is approved, or a special permission has been granted under a PIO, cf. Sections 4-2 and 4-3 of the Petroleum Act, respectively, or facilities where an Acknowledgement of Compliance has been issued, or facilities that are comprised by a consent to carry out petroleum activities.

As regards the importance of previously granted exemptions for the facility for which consent is being sought, reference is made to the Guidelines regarding Section 70, final paragraph and Section 26 of the supplementary Management Regulations.

The term shall is also used in the guidelines regarding the regulations. In this context, *shall* means a direct rendering of a statutory or regulatory requirement.

In addition to standards as described in the first paragraph, rules prepared by classification institutions, regulations prepared by other public authorities that do not directly apply to the petroleum activities, but which are still relevant for the field, and regulatory requirements that are not directly applied to the petroleum activities, but which govern corresponding or adjacent areas, for example requirements stipulated by the Norwegian Maritime Authority, the Norwegian Labour Inspection Authority, etc., can also be referred to in the guidelines as normative.

External environment

The first and second subsections do not apply to requirements related to external environment, i.e. the scope of the Pollution Control Act (in Norwegian only) and the Product Control Act (in Norwegian only). As regards requirements to the external environment, it is the responsible party's task to assess how regulatory requirements best can be fulfilled. In such cases, the guidelines to the regulations shall contribute to understanding and explanation of the requirements, which includes providing suggestions for how a requirement can be fulfilled. References to standards in the guidelines are examples of suggestions for how requirements can be fulfilled.

In some cases, it is important that everyone fulfills a requirement in the same way. In order to ensure equal handling in such cases, guidelines or standards are specified in the regulations. In these cases, the use of guidelines or standards will be legally binding. Examples of such a requirement are Section 34 of the Management Regulations and Sections 52 to 55 and 61a of the Activities Regulations.

Re Section 25
Application for Acknowledgement of Compliance for certain offshore mobile facilities

The first subsection stipulates that the Norwegian Ocean Industry Authority issues Acknowledgements of Compliance for mobile facilities that will carry out petroleum activities on the Norwegian continental

shelf. Acknowledgements of Compliance are not issued for facilities that will only be used for storage. Facilities designated in the first subsection as ”facilities for production, storage and offloading, facilities for drilling, production, storage and offloading", are often labelled as FPSOs (Floating Production, Storage and Offloading) and FPDSOs (Floating Production, Drilling, Storage and Offloading). In this provision, ”F” means mobile. The provision shall be understood such that it is the use of the mentioned types of facilities that is decisive for whether an Acknowledgement of Compliance shall be acquired. If a facility is built as an FPSO, but will only be used as a storage unit, an Acknowledgement of Compliance is not necessary. The Acknowledgement of Compliance arrangement is directly founded on the previously voluntary Acknowledgement of Compliance arrangement, which was introduced in August 2000.

An Acknowledgement of Compliance (AoC) is a statement from the Norwegian Ocean Industry Authority that expresses the authorities' confidence that petroleum activities can be carried out using the facility within the framework of the regulations. The decision is based on information provided in the AoC application relating to the facility's technical condition and the applicant's organisation and management system, as well as the authorities' verifications and other processing. The party that will handle the daily operation of such a facility, shall have an AoC when such a facility participates in petroleum activities subject to Norwegian shelf jurisdiction. The AoC application can be submitted independently from a consent process. An Acknowledgement of Compliance will be an administrative decision according to the Public Administration Act (in Norwegian only), with the rights that follow from this act.

An AoC will be included as part of the documentation basis in the event of relevant authority processing, but especially in connection with the facility-specific parts of an application for consent. In and of itself, it gives no right to start activities on the Norwegian shelf.

An AoC is granted based on the authorities' evaluations of the condition, compared with the regulations that apply for use of mobile facilities on the Norwegian continental shelf at the time of the statement. The acknowledgment is given on the basis of the authorities' follow-up of the applicant and information the applicant has provided regarding the facility and the organisational conditions. An AoC includes technical conditions, relevant parts of the applicant's management system, performed analyses, maintenance programmes and upgrade plans.

Use of such an acknowledgement in the event of a subsequent application for consent for use, shall be seen in light of how the regulations or the facility's technical condition, the applicant's organisation and management systems have changed after the acknowledgement was granted. Further use of an Acknowledgement of Compliance is contingent on maintaining and following up the basis, prerequisites and other conditions given in the acknowledgement. If the prerequisites for the Acknowledgement of Compliance change, or the acknowledgement is based on erroneous information, the Acknowledgement of Compliance will no longer be valid.

Reference is made to the Handbook for Acknowledgement of Compliance (AoC), Revision 6, February 2020. For the use of maritime regulations in the living quarters, see the guidelines to the Facilities Regulations Section 58. Furthermore, reference is made to the Norwegian Oil and Gas Association’s “Handbook for applications for consent for well operations from a mobile facility”, published September 2017. The International Association of Drilling Contractors' (IADC) Health, Safety and Environmental Case Guidelines for Mobile Offshore Drilling Units, Revision 3.6, dated 1 January 2015, is also recommended for use as a norm for mobile facilities.

Re Section 26
Documentation in the early phase

In the first subsection, a new provision has been included requiring that the Norwegian Ocean Industry Authority be informed of the scheduled start-up for planning an exploration drilling activity. The provision will ensure that the Norwegian Ocean Industry Authority can, in ample time, follow up how the operator is

organising, managing and planning the activities towards submitting an application for consent to carry out exploration drilling. For operators with experience from carrying out exploration drilling on the Norwegian shelf, the Norwegian Ocean Industry Authority has sufficient information to follow up the companies' planning, and the Norwegian Ocean Industry Authority will receive the necessary information through the continuous follow-up of the individual operator. The provision is therefore primarily directed towards new operators planning their first exploration drilling. It is important that the individual company contacts the Norwegian Ocean Industry Authority as early as possible to clarify the estimated start-up of planning in relation to the time of submission of the application for consent to carry out exploration drilling.

The second subsection clarifies the legal basis for the Norwegian Ocean Industry Authority to carry out supervision of the safety in the activities from the time a decision is made to prepare a Plan for Development and Operation (PDO) of petroleum deposits or a Plan for Installation and Operation (PIO) of facilities for transport and utilisation of petroleum. The provision clarifies the Petroleum Act's assumption that this primarily concerns documents that companies have already prepared for themselves. However, the Norwegian Ocean Industry Authority can request additional documents or special documentation. Such documentation shall be related to matters the business itself has chosen to consider. Reference is also made to the comments regarding Section 9-6 (previously 9-5) of the Petroleum Act, see Odelsting Proposition No. 43 (1995-1996), pages 58 and 59.

Re 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

The provision applies to onshore facilities covered by the Petroleum Act, cf. these guidelines, No. 2 regarding onshore petroleum activities. The terminology of the Petroleum Act is continued in this provision, so that facilities also includes onshore facilities covered by the Act. As regards the management of the external environment at the onshore facilities, the section will, in general, not replace provisions in the pollution regulations.

The provision clarifies the Petroleum Act, Section 4-2 regarding Plans for Development and Operation (PDO) of petroleum deposits and Section 4-3 regarding permission for, and Plans for Installation and Operation (PIO) of facilities for transport and utilisation of petroleum, by setting supplementary requirements for the documents related to health, safety and environment that shall accompany the plans. The provision is coordinated with corresponding documentation provisions in the Regulations relating to the Petroleum Act, cf. Sections 21 (in Norwegian only) and 29. For example, it is also expressly stated in this section, cf. second subsection, that the documentation shall be adapted to the scope of the development or project. Reference is also made to the Guidelines for Plans for Development and Operation of a petroleum deposit (PDO) and Plans for Installation and Operation of facilities for transport and utilisation of petroleum (PIO) , which are available from the Norwegian Ocean Industry Authority.

For second subsection litera a

The account should include a description of the risk reduction processes that have been used.

For second subsection litera c

The interfaces mentioned in the second subsection litera c, are interfaces between the operator and the contractors and between the various contractors.

For second subsection litera d

Coordination of the petroleum activities as mentioned in the second subsection litera d, can mean plans to recover the deposits from, or in some other manner directly attach the deposits to, an existing facility that is owned or operated by others. The requirement in litera d entails e.g. that where the plan entails such use of other facilities, matters of significance for health, safety and environment in connection with any modifications to such facilities, shall be described in the plan. In general, reference can be made to an already approved Plan for Development and Operation for the facility. It can also be relevant to require an amended Plan for Development and Operation for the facility in question, cf. Section 4-2, seventh subsection of the Petroleum Act.

For second subsection litera j

The requirements in the second subsection litera j, will also include solutions to prevent and minimise emissions/discharges and plans for how environmental monitoring can be carried out in the area.

2. Onshore petroleum activities

The scope of the Petroleum Act is regulated in Section 1-4 of the Act, cf. Section 1-6. Here it is stated that the Petroleum Act applies to petroleum activities, including production and utilisation, related to subsea petroleum deposits subject to Norwegian jurisdiction. Utilisation of recovered petroleum that takes place on Norwegian land territory, is only included when such utilisation is necessary for or amounts to an integrated part of production or transport of petroleum. Necessary means both what is necessary based on physical conditions, and what is necessary based on how the activity is organised. This is discussed in more detail in Odelsting Proposition No. 46 (2002-2003) regarding the Act relating to changes in the Act of 29 November 1996 No. 72 relating to petroleum activities. Examples of facilities for utilisation of petroleum that are not necessary for production or transport of petroleum and which fall outside the scope of the Petroleum Act and thus this section, include gas power plants whose only purpose is to deliver energy to the grid or to land-based industrial activities and crude oil refineries, where recovered petroleum can be delivered for processing to this or to another refinery. Thus, the crude oil refinery at Mongstad does not fall under the Petroleum Act, and neither under this section. Where the requirement for PDO/PIO does not apply, Section 28 of these regulations applies. The Directorate for Civil Protection and Emergency Planning (DSB) has a practice whereby the PDO can be used as a basis in connection with applications for primary permits.

As regards pipeline systems, this provision means that only one application is submitted for the entire system up to the onshore facility. The Norwegian Ocean Industry Authority will submit applications to those municipalities affected by the transport.

The third subsection sets requirements for submission of information on conditions of particular safety-related importance for onshore petroleum facilities or pipeline systems, and which are not evident from requirements for information in connection with the PDO and PIO in offshore petroleum regulations. This applies e.g. to information regarding safety-related matters in relation to neighbours and third parties, as well as other considerations that are separate from the offshore petroleum activities.

For third subsection litera a

The requirement applies to a description of the area where the facility will be built, and of the immediate surroundings, with information regarding settlement and the activities that take place there, including a description of the pipeline system with a plan for route classification. The land-use plan/overall layout plan shows the use of the areas within the construction area applied for.

For third subsection litera b

The requirement entails ensuring that the area the applicant has at its disposal, is sufficient for the planned activities.

For third subsection litera c

The requirement entails that information should be provided on the relationship with other authorities, including a short statement of which local and regional authorities are involved in connection with the facility, and any applications submitted to these authorities.

Furthermore, as regards matters of significance for health, safety and working environment for onshore petroleum facilities or pipeline systems, a brief description should be provided of planned fire preparedness and protective gear at the enterprise and municipal or regional public fire preparedness.

3. Offshore petroleum activities

For fourth subsection litera a

Guidelines for the content in the master plan as mentioned in the fourth subsection litera a, are provided in Guidelines for Plans for Development and Operation of a petroleum deposit (PDO) and Plans for Installation and Operation of facilities for transport and utilisation of petroleum (PIO), Chapter 5.13.

For fourth subsection litera b

The requirement in the fourth subsection litera b, is a continuation of Section 13 of the previous Regulations relating to manned underwater operations, etc.

The fifth subsection clarifies Section 4-2, sixth subsection and Section 4-3, fourth subsection of the Petroleum Act, and continues the current practice. The authority to waive the requirement for a Plan for Development and Operation of petroleum deposits and the requirement for a Plan for Installation and Operation of facilities for transport and utilisation of petroleum has been given to the Ministry of Energy. Criteria for exemption and content of the application for exemption are discussed in more detail in Odelsting Proposition No. 43 (1995-1996), pages 43 and 44, respectively.

Reference is made to the provisions regarding regional impact analyses in the Petroleum Act and in the Regulations relating to the Petroleum Act (in Norwegian only). The rules regarding regional impact assessments pursuant to the Petroleum Act and the Petroleum Regulations (in Norwegian only) are commented

on in more detail in the Guidelines for Plans for Development and Operation of a petroleum deposit (PDO) and Plans for Installation and Operation of facilities for transport and utilisation of petroleum (PIO), .

Re Section 28
Application for permission to develop new onshore activity

Onshore facilities covered by the Petroleum Act (facilities) will always follow Section 27.

If the Norwegian Ocean Industry Authority decides that the documentation is not satisfactory, the Authority will report this and require supplementary documentation.

It is important for the application to be submitted to the Norwegian Ocean Industry Authority as early as possible before the planned construction start, so that the authorities have sufficient processing time.

In the event of development of new activity, permits from the Norwegian Environment Agency and other involved authorities are also required.

Re Section 29
Application for consent

The provision continues current law. A consent is an administrative decision according to the Public Administration Act, and the arrangement entails that the operator shall obtain consent from the Norwegian Ocean Industry Authority at important milestones to be able to start or continue its activities. Issuing of consent is an expression of the authorities' confidence that the operator will be able to undertake the activities within the regulatory framework, and in compliance with the information provided in the application for consent. It is evident from Section 25 of the supplementary Management Regulations in which instances consent shall be obtained. Section 26 of the Management Regulations governs the contents of applications for consent.

The option of requiring consent through administrative decision is given to cover other considerations than those mentioned in Section 25 of the Management Regulations regarding requirements for consent to certain activities.

Details regarding AoC

Obtaining an Acknowledgement of Compliance will be necessary in connection with a specific application for consent to carry out petroleum activities that involve a mobile facility, cf. Section 25. The consent will then consist of two parts: One part that covers the matters specific to location and activity, and one part that covers the facility-specific matters, which means technical condition, the applicant's organisation and management systems.

Re Section 30
Cessation plan

The provision clarifies Section 5-1 of the Petroleum Act and complements provisions regarding the same topic in the Regulations relating to the Petroleum Act, cf. Sections 43 and 44 (in Norwegian only). This section applies to the entire health, safety and environment area. This section entails no material changes in relation to current law, based on the Petroleum Act and the Regulations relating to the Petroleum Act, but provides a clarification of requirements evident from Section 44, second subsection, litera a of the Regulations relating to the Act relating to petroleum activities.

This section replaces other requirements related to cessation in the current onshore regulations in areas covered by the Petroleum Act. For a detailed description of the scope of the Petroleum Act, reference is made to the Guidelines regarding Section 27 No. 2.

For onshore facilities covered by the Petroleum Act, a cessation plan shall be presented in accordance with Section 5-1 of the Petroleum Act. This plan shall form the basis for the Ministry of Energy's disposal decision. As regards onshore facilities or facilities on the seabed that are subject to private ownership, the Ministry's disposal decision can only involve further use in the petroleum activities, cf. Section 5-2, seventh subsection of the Petroleum Act. The licensee shall therefore not discuss other disposal alternatives for such facilities.

Examples of operations according to this section's litera d include lifting operations, maritime operations and subsea operations.

Cessation of petroleum activities shall be reported to the Norwegian Environment Agency, cf. Section 20 of the Pollution Control Act (in Norwegian only). If the cessation plan according to the Petroleum Act is not sufficient in relation to requirements stipulated in or in pursuance of the Pollution Control Act (in Norwegian only), the Norwegian Environment Agency can require additional information and implementation of studies to map the risk of pollution in connection with and following cessation of petroleum activities, cf. Sections 49 and 51 of the Pollution Control Act (in Norwegian only). In addition, the Norwegian Environment Agency can stipulate which measures are necessary to prevent pollution, cf. Section 20, second subsection of the Pollution Control Act (in Norwegian only).

Re Section 31
Cessation of operations at onshore facilities

This section clarifies requirements in connection with cessation of operations outside the scope of the Petroleum Act. Information as mentioned in the first subsection, includes plans for removal or permanent securing against renewed start-up, or maintenance as if it was in ordinary operation. For pipeline systems that are permanently taken out of operation, plans for release of hydrocarbons and either securing against renewed start-up or removal are included.

Onshore facilities covered by the Petroleum Act (facilities) will always follow Section 30.

Re Section 32
Publicly available safety information

This section applies to safety data under the Petroleum Act. It has been found appropriate to include a legal basis at this level and provide specific provisions in supplementary regulations, cf. Section 41 of the Management Regulations. The relevant required information to publish, as according to current law, is particularly important safety information that others than the collecting party should know.

RE CHAPTER VI
Special offshore provisions according to the working environment act

Re Section 33
Multiple employers at the same workplace, principal undertaking

If a mobile facility carries out traditional drilling activities on the shelf, such as exploration or development drilling, the facility will often operate without other facilities in the vicinity of which it is an integrated part. In such cases, the operator will typically not be represented on board in such a manner that it is natural for the operator to be the principal undertaking. This can also apply in other cases.

Access to enter into agreements as mentioned in the second subsection, also applies for manned underwater operations carried out from vessels.

The principal undertaking shall coordinate the safety and environment work on board, cf. Section 2-2, second subsection of the Working Environment Act. The section continues current law under the Working Environment Act. The coordination responsibility includes the safety and health service as well as the protective measures the principal undertaking is responsible for. The coordination shall contribute to ensure that the individual employers receive necessary information regarding each other's work so that harm to the other employer's employees can be avoided through preventive measures. This will particularly apply to protective measures in connection with technical facilities and equipment used by several employers. See also Section 8 of these regulations.

The fact that the principal undertaking responsibility is assigned to a certain obligated party, does not preclude tasks being given to other participants by agreement. The principal undertaking will in such cases have the responsibility to see to it that the participant in question is qualified, and executes its tasks in a prudent manner. It can often be appropriate to give the principle undertaking more tasks than what follows from these regulations. Such tasks can e.g. be responsibility for employees in other enterprises as regards mapping of the working environment, registration and review of working hours and registration and reporting of personal injuries and work-related illnesses.

Re Section 34
Joint working environment committees

The Regulations of 6 December 2011 relating to organisation, management and participation (in Norwegian only) do not preclude agreements for establishing joint working environment committees.

The purpose of joint working environment committees is to ensure coordination of the individual enterprises' safety and environment work and to give all employees a genuine opportunity to take part in and influence the safety and environment work at their own workplace, regardless of their employment relationship.

The duty to create joint working environment committees does not reduce the individual enterprise's duty to create a separate working environment committee, cf. Section 7-1 of the Working Environment Act. Reference is made to Section 4 of the supplementary Activities Regulations.

Re Section 35
Right of the responsible safety delegate to stop dangerous work

Reference is made to Section 6-3 of the Working Environment Act, which stipulates rules regarding the safety delegate's right to stop dangerous work.

The responsible safety delegate in the affected safety area shall present the requirement to stop work to the party responsible for the relevant work operation or process. This party will take the appropriate action to stop work. The consequences of erroneous exercise of the right to stop work can be significant. Therefore, it is important that established procedures for how to stop work are followed.

For cases belonging to a limited safety area, the area safety delegate will be the "responsible safety delegate". Problems or hazards could occur that do not belong in a particular safety area, but which involve several or all areas. In such cases, the main safety delegate will be considered the responsible safety delegate.

Reference is made to Section 29 of the supplementary Management Regulations, which stipulates the requirement to notify the Norwegian Ocean Industry Authority if a demand is made to stop the work.

Re Section 36
Minimum age

The provision is a special rule in relation to Chapter 11 of the Working Environment Act. Therefore, Chapter 11 of the Working Environment Act does not apply. The statutory provisions are redundant since the minimum age according to these regulations, is 18. For activities at onshore facilities, Chapter 11 of the Working Environment Act does apply.

Re Section 37
Ordinary working hours

The provision mainly continues the previous Section 47 of the Framework Regulations. The previous second and fourth subsections have been deleted, as this follows from Section 10-12, first, second and fourth subsection of the Working Environment Act.

The exemptions for Sections 10-10 and 10-11 of the Working Environment Act in the previous first subsection have been moved to Sections 43 and 44.

The special rules regarding working hours are stipulated because several of the provisions in Chapter 10 of the Working Environment Act regarding working hours are not suitable for offshore petroleum activities. For activities at onshore facilities, the provisions regarding working hours in Chapter 10 of the Working Environment Act, apply.

Whether a working relationship falls under the exceptions in Section 10-12, first and second subsection of the Working Environment Act, shall be specifically determined in the individual case. Odelsting Proposition No. 49 (2004-2005) page 322 describes that management work is replaced with employees in management position, without this entailing a substantive change as to what this involves in relation to current law.

The provision in Section 10-12, second subsection of the Working Environment Act is meant to include employees that are not in a management position, but who still have senior and responsible positions. To fall under the term particularly independent position, it is not enough to be able to control your own working hours and/or have flexible working hours. A particularly independent position shall also entail a clear and obvious independence or independence as regards how and when work tasks are organised and executed.

As regards working hours schemes for employees in management or particularly independent positions, these are also subject to the requirements that follow from Section 10-2, first subsection of the Working Environment Act. Work shall therefore be organised such that e.g. the requirement in Section 10-2, first subsection regarding the working hours schemes not resulting in unfortunate burdens, is fulfilled. Section 7 of the supplementary Activities Regulations requires that working hours for employees in management or particularly independent positions offshore shall be registered when the position is significant to safety.

For employees hired for a period shorter than one year, the working hours are averaged for the duration of the employment, see also Odelsting Proposition No. 49 (2004-2005), comment regarding Section 10-6. The purpose of the rule is to prevent by-passing of the working hours framework for employees hired for shorter periods.

Section 10-12, fourth subsection of the Working Environment Act entails that unions that have a right of nomination, can agree on working hours schemes without hindrance from the limitations mentioned in Section 37, second subsection, with the restrictions that follow from Section 10-12, fourth subsection of the Act. The maximum number of total daily working hours, including overtime, follows from Section 41, second subsection.

This section's third subsection provides an expanded access to agree on arrangement of the regular working hours. The Ministry of Labour and Social Inclusion assumes that unions that are given opportunity to enter into such agreements, shall be well established in the petroleum activities. It is further assumed that the unions organise different groups of employees in a geographical area larger than one field, and that the unions are representative of the employees in question.

Re Section 38
Plans for working hours schemes and offshore periods

Section 10-3, first sentence of the Working Environment Act, is exempted to clarify that this is a special rule. The second, third and fourth sentences apply to the offshore petroleum activities.

As regards the section's provisions regarding offshore periods, they also apply for employees in management or particularly independent positions, as the Working Environment Act does not govern this matter. Therefore, the exception in Section 10-12, first and second subsection of the Working Environment Act does not include these provisions.

According to the second subsection, the employees shall be informed of the plans as mentioned in the first subsection, no later than upon arrival at the facility, which means before their first work period. If the overview is not available, it shall be presumed that the employees will enter the normal scheme for the employee group in question on the facility from the time work starts. According to Section 10-3 of the Working Environment Act, the overview of working hours schemes and offshore periods shall be prepared in cooperation with the employee organisations or their representatives. The working environment committee shall process health and welfare matters in relation to working hours schemes, cf. Section 7-2, second subsection litera f of the Working Environment Act.

Re Section 39
Off-duty periods

The provision mainly continues previous Sections 49 and 53. The previous Section 53, first subsection, second sentence is deleted, as this follows from Section 10-12, first and second subsection of the Working Environment Act.

If an employee shall daily or occasionally travel to other facilities than the one the employee in question is staying on after arrival at the work site, the time spent travelling shall be counted as working hours. This applies to both the transport time itself and any waiting.

The requirement for daily rest in the second subsection is increased from 8 to 11 hours as a result of the Directive of the Council and Parliament of the European Economic Community 2003/88/EC regarding certain aspects of the organisation of working hours (the Working Hours Directive), but can be reduced to 8 hours by the employer if the employees are guaranteed compensatory rest or in special cases, other suitable protection if, for objective reasons, such compensatory rest cannot be provided. It follows from the European Court of Justice's statements in the so-called Jaeger case (Case C-151/02) that the requirement for ”compensatory rest” entails that an employee that has had less than 11 hours continuous rest shall have the corresponding number of hours compensated immediately following the work period. In other words, the reduced rest shall be compensated hour by hour in the next rest period. For example: If an employee has worked for 15 hours, the requirement for ”compensatory rest” entails that this employee shall have two hours of compensatory rest in the next rest period, in addition to the ordinary rest of 11 hours.

As regards the requirement for ”other suitable protection” in the second subsection, three aspects are of significance for the assessment. An evaluation shall be made of whether the employees are ensured a genuine possibility of rest and restitution during the offshore period. The duration of the free periods

between offshore periods is also of significance when assessing whether ”other suitable protection” has been achieved. At enterprises bound by collective wage agreements that provide the employees significantly longer off-duty periods between two offshore periods than the minimum regulatory requirement, this will normally mean that this aspect of ”other suitable protection” has been achieved. As regards work that sets special requirements for alertness or is particularly demanding, the requirement for ”other suitable protection” can, however, warrant additional measures, such as periods of less strenuous work and/or more frequent breaks than usual.

The third subsection continues the previous Section 53, second subsection. The term ”free time” is replaced with ”the off-duty period”. Reference is made to the fact that the daily work-free period and off-duty are two different wordings of the same matter, namely the time when the employee is not at the disposal of the employer, cf. Section 10-1, second subsection of the Working Environment Act, which also uses the term ”off-duty”. Shorter stays onshore in transit between facilities or vessels over the course of offshore periods are not considered free time. The same applies to shorter stays on land as a result of participation in meetings, etc.

Travel time as mentioned in the fourth subsection, will also include waiting for transport. Such travel time will not be counted as working hours. The provision entails a constraint in the ability to work 16 hours in those cases where the employee depends on shuttling to get to the living quarters.

Re Section 40
Breaks

Section 40, second subsection entails special rules in relation to Section 10-9, first subsection, second and third sentence of the Working Environment Act. These are exempted in Section 40 first subsection. In general, Section 10-9 of the Working Environment Act applies.

The provision establishes the length of the breaks. It further establishes that breaks shall be included in the working hours. This arrangement cannot be waived through agreement. Due to the special working hours scheme for petroleum activities on the continental shelf, there is also an exemption from Section 10-8 of the Working Environment Act regarding daily and weekly work-free periods.

Re Section 41
Overtime

Employees are only allowed to work up to 4 hours overtime per day in addition to 12-hour shifts. If the employee is employed for a period shorter than one year, the allowed overtime shall be calculated proportionally.

It follows from Section 10-12, third subsection of the Working Environment Act that the working hours provisions, and thus also the rules in this section, can be waived for work that, due to natural disasters, accidents or other unforeseen events, shall be carried out to avoid the risk of harm to life or property. In such case, the employees shall be ensured equivalent compensating rest periods or, where this is not possible, other suitable protection.

The option of working beyond 13 hours as stated in the second subsection depends on ensuring that the conditions for waiving the requirement for 11 hours continuous daily rest in Section 39, second subsection, are fulfilled.

The previous fourth subsection is deleted because this follows from Section 10-12, first and second subsection of the Working Environment Act. In general, the current provisions are continued.

Re Section 42
Offshore periods

The section continues parts of previous Section 52 of the Framework Regulations. For requirements for work-free periods between offshore periods, reference is made to Section 39.

The term ”exceptional and temporary need” as mentioned in the second subsection, continues the conditions for overtime according to the previous Working Environment Act. See also Odelsting Proposition No. 49 (2004-2005) page 164. This entails that planned activities such as planned shutdowns are not, in and of themselves, a sufficient reason for expanding the offshore period.

If fog or the like makes it impossible to travel to and from the facility, the Norwegian Ocean Industry Authority is not required to make an administrative decision extending the offshore period. The personnel on the facility at all times, shall also be able to work on the facility in a normal manner. If the situation becomes protracted, it may be necessary to consider other alternative transport alternatives. In situations where the stay on the facility becomes very prolonged, it should also be considered whether it is prudent to continue the activities with the existing workforce.

The fourth subsection has especially been used where there has been a shortage of a type of labour in Norway, and it has therefore been necessary to obtain qualified labour abroad.

Re Section 43
Night work

The provision's second subsection does not prevent both alternatives being used for various shift arrangements and employee groups at the same enterprise.

Work that is ”necessary to maintain the production” according to the third subsection litera a, also includes the operation of transport systems in connection with the production and necessary planned maintenance of equipment where this work requires a full shutdown of production on other manned or simpler facilities. See Section 3 of the Facilities Regulations. Support functions can be maritime operations that are necessary to secure the facility, necessary lifting operations and catering services and repair of equipment necessary to restore the operation, and which can be carried out immediately with available equipment and personnel.

The risk reduction according to the third subsection litera b shall be evaluated based on an individual and comprehensive assessment as regards the individual employee's safety and health and as regards major accident risk. Work that falls under this provision can be maintenance activities that are necessary to restore physical barriers or HSE-critical functions, cf. Section 46 of the Activities Regulations. This can also involve work that will entail an increased risk if it is stopped for the night because it leaves the facility in a state that can lead to increased risk. It can also involve utilising a ”weather window” for exceptional and temporary activities. The provision cannot be waived by planning so much simultaneous activity during the day that it would be safer to move parts of the activity to the night.

That ”operations on the facility are shut down” according to the third subsection, litera c, entails that there is no production or any drilling or well operations taking place, e.g. during planned shutdowns.

The fourth subsection corresponds to Section 10-11, third subsection of the Working Environment Act. The term ”employee representative” is not limited to union representatives. This can also be the safety delegate service. Reference is also made to the Guidelines regarding Section 13 of the Framework Regulations regarding this term, which in turn references the Working Environment Act in this regard.

The fifth subsection corresponds to Section 10-11, sixth and eighth subsections of the Working Environment Act. The provision does not impact the regular working hours, but is a limitation in the

duration of night work in very special situations. The provision does not prevent employees having, as a point of departure, a regular working time of 12 hours, but if the work is particularly hazardous or entails considerable physical or psychological strain, no more than eight hours shall be worked.

As regards the assessment of what can be considered particularly hazardous work or involve considerable physical or psychological strain, the basis shall be that night work is, in general, a strain, and that the work carried out on the shelf, is not risk-free.

Re Section 44
Work on Sundays

No comments.

RE CHAPTER VII
Design and outfitting of facilities and conducting activities in the offshore petroleum activities

Re Section 45
Development concepts

The first subsection applies to the entire health, safety and environment area. Requirements for facilities, including equipment, also include temporary equipment or work equipment.

It is specified that facilities shall also be able to withstand damage due to other activities.

Re Section 46
Oceanography, meteorology and earthquake data

The first subsection, second sentence will normally entail that collection of statistical data shall be carried out prior to relevant future developments, when such statistical data are uncertain. In particular, current measurements at great ocean depths will be important. The requirement applies to statistical data forming the basis for planning facilities and operations, as well as real-time data necessary to perform certain activities in the petroleum activities.

The legal basis for the second subsection includes the possibility of stipulating a duty to place instruments on and outside facilities.

The legal basis for the third subsection includes the possibility of ordering the licensee to pay for the instrumentation, etc., regardless of whether the data will not be used on the facility outfitted with instrumentation, e.g. where the data are part of a larger collection.

Re Section 47
Placement of facilities, choice of routes

The first subsection entails that the planned well position and wellbore shall not be closer to the delimitation line towards neighbouring blocks or foreign state's sectors of the continental shelf than the uncertainty inherent in the chosen coordinate system. Statements from the owners of facilities in the area shall be emphasised when the facility's or the well's position is to be determined.

Re Section 47a
Anchoring that can damage vulnerable environmental values

Vulnerable environmental values mean, for example, corals and sponges.

Environmental values of significance mean, for example, coral reefs and/or coral forests of high quality and areas with a high density of sponges.

Examples of risk reducing measures are ROV assisted pre-deployment and retrieval of anchors, use of fiber lines in combination with buoyance buoys.

Re Section 48
Duty to monitor the external environment

Monitoring means systematic and regular studies to document the condition of the environmental values, describe the risk of pollution and carry out control of pollution of marine environmental values.

The monitoring duty entails that mappings of critical conditions and risk parameters, dimensioning, transport and spread of pollution and impact on environmental values are carried out.

The monitoring shall take place in the marine environment, and possibly on the facility itself, pipelines, loading and unloading buoys, subsea oil storage and production facilities, or vessels.

Monitoring comprises a system for detection and mapping of acute pollution. The system shall, to the greatest extent regardless of visibility, light and weather conditions, discover (detect) and map the position, area, quantity and properties of acute pollution.

Leak detection, based on, inter alia, process monitoring, is included.

Marine environment means the sea, coast, beach, seabed, water masses (the water column) and environmental values. Environmental values mean naturally occurring or natural biotic and abiotic components that can include one or more species, biotopes and/or habitats in a marine environment.

The basis for establishing monitoring of the external environment is the activity, identified risk, the need for environmental data as a basis for making decision and knowledge regarding pollution.

The duty to monitor is specified in Chapter X of the Activities Regulations.

Re Section 49
Use of facilities

The provision continues current law and applies to the entire health, safety and environment area. Reference is made to regulation in the supplementary regulations, especially the Activities Regulations.

Re Section 50
Safety work in the event of labour disputes

The operator shall see to it that necessary agreements regarding safety work in the event of labour disputes are entered into as early as possible, between those employers and employees that can be included in such a dispute, also when these are the operator's contractors or subcontractors.

As regards production activity, there will in many cases be procedures for how to shut down this activity. These are procedures for shutting down under normal conditions, but will also apply during a labour dispute situation. The employer and employees in the individual company shall, however, enter into agreements obligating them to participate in this shutdown work in the event of a labour dispute. If shutdown procedures are not available, the agreement shall also contain these. These are agreements that are typically entered into between the operator and the employees, and they can be entered into well before a possible labour dispute.

A rundown agreement for a mobile facility is entered into between the employees and the employer of those covered by the collective notice of resignation.

When the rundown work has been carried out, the agreed safety manning can be established. The agreement regarding safety manning is entered into for each production facility between the operator, any other principle undertaking and the employees. If the contractor will be part of the safety manning, an agreement shall be entered into between the employer and the employees. These agreements shall be entered into well before a labour dispute occurs. The agreements shall be available when production starts. Any provisions regarding termination of the agreement for safety manning should be designed such that there is ample time to prepare a new agreement before a possible labour dispute occurs.

Agreements regarding safety manning for mobile facilities shall also be entered into well before a labour dispute occurs. These agreements shall be available when consent is granted. Typically, a general agreement will be entered into for mobile facilities between the central federations on both the employer and employee side. In addition, an agreement is entered into between the principle undertaking and the employee organisations regarding safety manning for the individual mobile facility.

In accordance with Section 39, first subsection of the Management Regulations, the operator shall, in the event of a labour dispute, submit an overview of ongoing and planned drilling and well activities to the Norwegian Ocean Industry Authority within seven days following the notice of collective work stoppage. The operator shall, within four days following the the notice of the final extent of the collective work stoppage, submit an assessment of the labour dispute's consequences for the activity to the Norwegian Ocean Industry Authority. An assessment of the labour dispute's consequences and the need for rundown activity and establishment of safety manning shall be carried out based on who is on strike at any given time.

RE CHAPTER VIII
Offshore safety zones

Re Section 51
Relationship to international law

The provisions continue current law under the Petroleum Act.

Re Section 52
Establishment of safety zones

The zone is established when the facility or parts thereof are placed on the field. This entails e.g. for facilities resting on the seabed, that the safety zone has been established when the facility or parts thereof are placed on the seabed. For mobile facilities, the safety zone is established upon deployment of anchors. For mobile facilities, the safety zone will be terminated upon removal of the final anchor. For jack-up facilities, the safety zone is established when the facility is in position and starts jack-down of the first leg. The safety zone is correspondingly terminated when the last leg has been jacked up. For DP-operated facilities, the safety zone is established when the facility is in position and enters "auto DP". Correspondingly, the safety zone is terminated when the facility exits "auto DP" to leave the position. As regards termination of safety zones, reference is made to the preparatory works for the Petroleum Act, cf. Odelsting Proposition No. 43 (1995-1996).

The terms exploration drilling, production, utilisation and transport above are from the Petroleum Act's terminology and are defined in Section 1-6 of the Petroleum Act. The term facility includes permanently placed and mobile facilities. Mobile facilities shall have a safety zone limited to the period of time they are in position on the field.

It is not a condition for decisions according to this section that an application has been submitted. The Ministry of Labour and Social Inclusion can itself exercise authority according to these regulations.

In particular, the consideration for other activities indicates that safety zones shall not be created unless they are necessary as regards safety. Implementation of other measures, such as physical protection can be equally suitable for protecting the facility, provided such a solution does not entail a corresponding intervention against other activities.

Reference is made to the definition of safety zone in Section 6, litera i. The extent of a safety zone shall be calculated from lines drawn through the endpoints of the facility. The extent is delimited by imaginary vertical lines running from the seabed up to 500 metres, calculated from the facility's highest point. As regards facilities in horizontal or vertical movement, the safety zone shall be calculated from the facility's current position at all times. This extent is normal today. The zone's extent can be less, but no more than 500 metres.

Re Section 53
Establishment of safety zones for subsea facilities

Establishment of safety zones for subsea facilities presumes that the Ministry of Labour and Social Inclusion makes an administrative decision. Such a decision can be prompted by an application from an operator, but this is not a condition for exercise of authority according to this section.

The provision does not cover pipelines and cables as, according to regular international law, safety zones are not permitted around objects international law does not define as facilities. Reference is also made to the Guidelines regarding Section 52.

However, a pipeline system can also include riser platforms. In this connection, they shall be considered independent facilities, which require a safety zone according to the basic rule in Section 52, first subsection.

The Ministry of Labour and Social Inclusion can establish a temporary safety zone in connection with placement of a subsea facility.

Key aspects of the assessment of whether a safety zone shall be created or not, will e.g. include safety-related considerations, such as the facility's construction, water depth, navigation conditions and the scope and type of other activities in the relevant area, as well as financial assessments.

Re Section 54
Temporary exclusion and hazard area

Temporary exclusion and hazard areas established in connection with hazard and accident situations, will be measures of a short-term character to prevent an escalation of a relevant situation, and to ensure sufficient safety and calm surrounding such situations.

Establishment of temporary exclusion and hazard areas according to this section is not regulated by the United Nation Law of the Sea Convention Article 60 and will, hence, not come under the 500-metre limit. Duration and geographical extent of such temporary exclusion and hazard areas and the detailed content of the prohibition in such areas, shall be proportionally based and not surpass the needs of the concrete situation.

Re Section 55
Requirement for impact assessments, etc.

As a rule, the Ministry of Labour and Social Inclusion is given authority to draw up the regulations and make the administrative decisions necessary to carry out these regulations' provisions regarding safety zones.

The Ministry of Labour and Social Inclusion will not itself make all decisions where it has authority, but will use the Norwegian Ocean Industry Authority as the executing agency when appropriate. However, the Ministry wants to be the responsible authority for the decisions made, regardless of whether parts of the authority to issue an order are delegated to the Norwegian Ocean Industry Authority.

Regardless of whether the authority according to this chapter regarding safety zones, as a rule, is given to the Ministry of Labour and Social Inclusion, it is a precondition that other ministries, such as the Ministry of Foreign Affairs, the Ministry of Energy, the Ministry of Finance, the Ministry of Trade, Industry and Fisheries and the Ministry of Climate and Environment are consulted as necessary before decisions are made.

Decisions according to this chapter regarding safety zones include e.g. establishment, change and cancellation of zones. In cases where the Ministry of Labour and Social Inclusion makes decisions itself, the Norwegian Ocean Industry Authority will presumably handle the preparatory case processing. The Norwegian Ocean Industry Authority will, during the case processing, contact e.g. fishery interests and affected licensees as necessary.

Re Section 56
Cancellation of safety zones

No comments.

Re Section 57
Monitoring of safety zones

To fulfil the obligation in this section, the operator shall have equipment available for monitoring, but the provision does not bind the operator as regards the choice or placement of equipment. Activities carried out in or outside safety zones, will be different. The operator shall therefore itself set requirements for equipment and procedures necessary to monitor the safety zones.

Re Section 58
Warning and notification in connection with entry into safety zones

The provision's intent is to prevent accidents and harmful effects, and protect facilities. The notification can take place in different manners, e.g. via radio, audio or light, and shall be included in the operator's emergency response scheme.

The intention of the second subsection is to have the party responsible for the object personally take necessary action. If the operator cannot notify the responsible party, and the object enters a safety zone or in some other manner constitutes a risk to the petroleum activities, Section 9-5 of the Petroleum Act is used.

The purpose of the third subsection is that public institutions shall have as much time as possible to implement necessary measures, which can contribute to reducing the risk.

As regards the fourth subsection, reference is made to the Regulations relating to police districts (in Norwegian only), which states what is the correct police authority. See also the Guidelines regarding

Section 29 in the supplementary Management Regulations, which states what is the correct police authority.

Re Section 59
Measures relating to intruding vessels or objects

The operator has both a right and a duty to prohibit traffic in a safety zone.

The duty to reject applies to vessels and objects the operator has not given permission to stay in the safety zone. The general prohibition against unauthorised vessels in the safety zone has been adjusted. Even though a vessel is not part of the operator's activities, there is no desire to prohibit the operator from allowing vessels to stay in the safety zone when this does not compromise safety.

In addition to the fact that the operator can give unauthorised vessels access to the zone following a specific assessment, the Ministry of Labour and Social Inclusion can also make decisions regarding the same. This option will mainly be important where the operator assumes a more restrictive attitude than the authorities. Section 9-4 of the Petroleum Act allows the Ministry of Labour and Social Inclusion to regulate fishing.

All exercise of public authority shall still be able to take place unhindered within an established safety zone. This also applies to the extent foreign public authorities, according to agreements under international law with Norway, are given special control or inspection authority on Norwegian facilities.

The operator shall intervene in the event of violation of safety zones and in hazardous situations as mentioned in Section 58, first and second subsection. Such refusal of entry can consist of instruction or expulsion. The duty to intervene also includes physical measures. If the violation of safety zones entails serious risk to the safety in the petroleum activities, the refusal of entry can consist of physical measures. Physical measures can also be employed if vessels or objects outside safety zones entail serious hazard to the petroleum activities. The operator shall then first have given notice as mentioned in Section 58, first and second subsection. The character of measures shall be determined based on a consideration of how serious a risk the licensees' petroleum activities are exposed to, viewed in relation to the consequences the measures will have. The vessel's or object's size and character, weather conditions and activity on the threatened facility will be of significance for which methods to be used in the refusal of entry. The Ministry of Labour and Social Inclusion also points out that an object can also be a trawl, etc. towed behind a vessel, and in this way can enter the zone, regardless of whether the vessel per se is outside.

Refusal of entry can also take place by radio or using light and audio signals. Such measures are presumed to be part of the licensee's emergency preparedness scheme.

Re Section 60
Marking of safety zones

According to the first subsection, safety zones are typically not marked. This is because these zones should be known upon their establishment, and the safety-related value of marking is therefore small. Furthermore, the marking buoys can come loose, and can thus amount to a risk for facilities and vessels. However, the operator can, following a comprehensive assessment, mark safety zones.

Re Section 61
Announcement of safety zones

Official publication of a safety zone shall, as a rule, be submitted to the Norwegian Hydrographic Service at least 30 days before the zone is established. The Norwegian Hydrographic Service will ensure official publication in ”Etterretninger for Sjøfarende" (Notifications to seafarers). In the event of accident

situations, official publication of safety zones shall takes place via "National coordinator", through the Norwegian Coastal Administration.

Safety zones that shall be maintained over a longer period of time will be marked on charts.

Positions will be indicated with UTM coordinates and geographical coordinates.

What shall be included in the official publication, is specified in more detail in a separate registration form.

RE CHAPTER IX
Concluding provisions

Re Section 62
Administrative proceedings and confidentiality

The new third subsection is included to clarify that the special rule in the Regulations relating to the Petroleum Act (in Norwegian only) for information regarding geological, reservoir-technical and production engineering matters from the offshore petroleum activities also applies to the Norwegian Ocean Industry Authority to the extent the Authority receives such information. The reference to the Regulations relating to the Petroleum Act (in Norwegian only) also clarifies that any changes in the length of the duty of confidentiality as a result of the Norwegian Offshore Directorate's decisions pursuant to Section 85, shall be used as a basis when the Norwegian Ocean Industry Authority's confidentiality is established.

Re Section 63
The authorities' access to facilities and vessels

The text is coordinated with Section 81 of the Regulations relating to the Petroleum Act (in Norwegian only).

Re Section 64
Observers

No comments.

Re Section 65
Training of public employees

The first subsection clarifies that the provision applies to all ministries and agencies with authority pursuant to these regulations. This is a specification of the wording "other Norwegian authority", and entails no change to current law. The provision corresponds to Section 84 of the Regulations relating to the Petroleum Act.

Re Section 66
Permission to charge fees and sector fees

No comments.

Re Section 67
Supervisory authority

The Norwegian Ocean Industry Authority coordinates the supervision according to these regulations and regulations laid down in pursuance of them in accordance with the Crown Prince Regent's Decree of 19 December 2003 relating to establishment of the Petroleum Safety Authority Norway and stipulation of in-

structions regarding coordination of the supervision of health, safety and environment in the petroleum activities on the Norwegian continental shelf, and at certain onshore facilities, with the emphasis that follows from Section 67, third subsection. The cooperation between the supervisory authorities will be described in cooperation agreements.

Re Section 68
Regulations

The provision specifies that the authority to provide more detailed provisions in regulations is given to all the relevant agencies in their respective areas of authority. The Ministry of Labour and Social Inclusion will coordinate the work on regulatory development according to these regulations and supplementary regulations.

The Ministry of Labour and Social Inclusion will evaluate whether there is a need for special rules for the petroleum activities, and will during the hearing of new and revised regulations determine whether the they will apply to the Norwegian continental shelf. The Ministry is of the opinion that the second subsection does not entail financial or administrative consequences in relation to the arrangement that was in force until these regulations entered into force.

Re Section 69
Administrative decisions

Mainly, administrative decisions will be made by the Norwegian Ocean Industry Authority, the Norwegian Environment Agency and the Norwegian Board of Health Supervision in Rogaland, and not by the ministries.

As regards administrative reactions in the event of violations by the individual health professionals of provisions directed towards health personnel, reference is made to Chapter 11 of the Health Personnel Act (in Norwegian only). It follows from Section 5 of the Act relating to government supervision of the health service (in Norwegian only) (the Supervision Act) that if activities within the health service are operated in a manner that can have harmful impact on patients or others, or in some other manner is unfortunate or irresponsible, the Norwegian Board of Health Supervision can order the conditions corrected. In principle, this order authority also includes activities carried out by the operator and others within the health service. In practice, the Norwegian Board of Health Supervision's exercise of authority pursuant to Section 5 of the Supervision Act (in Norwegian only) and Section 69 of these regulations, will be coordinated.

Re Section 70
Exemptions

In the area of health, safety and working environment under the Working Environment Act, the health legislation and the Petroleum Act, the authorities may, on certain conditions, modify requirements that follow from the health, safety and environment legislation, or accept equivalent solutions other than those that follow from detailed requirements.

In the scope of the Pollution Control Act (in Norwegian only), there can, in special cases, be a need to tighten the requirements, e.g. in the event of new knowledge regarding possible environmental damage, increased pollution or when changed social conditions make this necessary. Where these needs for change are of a permanent nature, or where they affect larger parts of the activities, it will be natural to change the shape of the regulations. Such an option to, in some cases, tighten requirements on the basis of environmental considerations, reflects the premise in Section 18 of the Pollution Control Act (in Norwegian only) to change permits granted in pursuance of Section 11 of the Pollution Control Act (in Norwegian only) if it becomes evident that the harm or drawback presented by the pollution, is significantly larger or different than previously assumed.

The responsibility for operating prudently and in compliance with the regulations rests with the responsible party (the obligated party). This means that the obligated party is responsible for clarifying the immediate consequences of an identified nonconformity. In this context, nonconformities are a disagreement between chosen solutions and regulatory requirements. If the nonconformity is not of such a serious nature that it requires immediate shutdown, the responsible party must rectify the nonconformity as quickly as is practicable, cf. Section 22, including compensating measures, of the complementary Management Regulations. It will then normally not be necessary to apply for an exemption. For nonconformities that entail disproportionately high costs to deal with, it may however be necessary to apply for an exemption. This will apply to cases where the responsible party wishes to use another, documentable equivalent solution than that ensuing from a detailed requirement (not in the form of a functional requirement), or a solution that yields a lower level of health, safety and environment than ensues from the applicable regulatory requirement. Exemptions may be granted on the basis of an assessment as to whether there exist “special conditions” and that activities will continue to be conducted prudently. Exemptions are the authorities' decisions to accept a nonconformity in relation to a regulatory requirement.

For regulatory requirements in the form of functional requirements, reference is made to the guidelines regarding Sections 23 and 24 concerning the use of recognised standards. If a different, equivalent solution is desired than the one recommended in the guidelines regarding a functional requirement, it is not necessary to apply for an exemption. However, the responsible party shall carry out an internal assessment that clarifies whether the chosen solution fulfils the regulatory requirement. It follows from Section 22 of the complementary Management Regulations that the responsible party shall implement necessary compensatory measures to maintain a prudent level of health, safety and environment. Implementation of such compensatory measures can entail that the responsible party operates within the individual functional regulatory requirement, and thus does not need to apply for exemption.

Exemptions can be granted by the authorities through separate measures, or following application, and are conditional on the existence of “special conditions” and that activities will continue to be conducted prudently.

Any applications for exemption should normally contain

a) an overview of the provisions from which exemption is sought,

b) a statement of which special conditions that make the exception necessary or reasonable,

c) a statement of how the exemption case has been handled internally in the enterprise,

d) a description of the nonconformity and the planned duration of the nonconformity,

e) a statement of the nonconformity's individual and overall risk, both for own and other activities,

f) a description of any measures that, in whole or in part, will compensate for the nonconformity,

g) a description of any measures to correct the nonconformity.

The second subsection is a continuation of current law in the area of safety and working environment under the Working Environment Act and the Petroleum Act for exemptions that are of significance for the employees' safety. Employee representatives means a wide interpretation of employee representatives, i.e. both trade union representatives, safety delegates, representatives in working environment committees, etc., depending on the individual matter.

Offshore petroleum activities

If an exemption has been granted in relation to mobile facilities, as a point of departure it will not be necessary to apply for a renewed exemption for the same matter in connection with application for new consent. However, the operator shall assess whether it is prudent to operate with previously granted exemptions and whether changed assumptions have presented themselves that necessitate a new application for exemption. Reference is made to Section 26 of the complementary Management Regulations, which states that an overview shall be provided of previously approved exemptions for the mobile facility when consent is applied for.

Re Section 71
Appeal

The Norwegian Radiation and Nuclear Safety Authority holds the role of a directorate under several ministries. The Radiation and Nuclear Safety Authority makes decisions pursuant to both the Pollution Control Act and the Radiation Protection Act. It is therefore made clear in this provision that appeals against decisions pursuant to the Pollution Control Act, will go to the Ministry of Climate and Environment.

Re Section 72
Sanctions

The provision is included to clarify that provisions regarding penalty and other sanctions, are stated in the health, safety and environment legislation.

In the Ministry of Labour and Social Inclusion's area of authority, the following provisions regarding penalty and other sanctions are relevant in the event of violation of the provisions stipulated in these regulations and supplementary regulations or from decisions made in pursuance of the regulations: Chapter 19 of the Working Environment Act and Sections 10-13, 10-16 and 10-17 of the Petroleum Act.

To ensure that these regulations and supplementary regulations are complied with, coercive fines can be issued under the scope of the Pollution Control Act (in Norwegian only) in pursuance of Section 73 of the Pollution Control Act (in Norwegian only). The party that has, does or implements something that can pollute in violation of these regulations or regulations stipulated in pursuance of them, can be punished according to Section 78 of the Pollution Control Act (in Norwegian only). Illegal handling of waste can be punished according to Section 79 of the Pollution Control Act (in Norwegian only).

As regards the statutory basis for sanctions in the health legislation, reference can be made to Section 67 of the Health Personnel Act (in Norwegian only), which is generally directed towards the party who, with intent or gross negligence violates or is accessory to violating provisions of the act or in pursuance of it. Penal clauses are also found in e.g. Section 8-1 of the Contagious Illness Protection Act (in Norwegian only) and Section 6-5 of the Health and Social Preparedness Act (in Norwegian only). Whether one and the same matter can be covered by penal clauses in the Petroleum Act as well as the health legislation, shall be specifically evaluated based on an interpretation of the respective acts, cf. criminal law regarding concurrence of offences in one's actions.

Re Section 73
Entry into force

These regulations are also applied to existing facilities and onshore facilities. Existing facilities and onshore facilities means facilities whose Plan for Development and Operation (PDO) of petroleum deposits is approved in accordance with Section 4-2 of the Petroleum Act or special permission is granted based on the Plan for Installation and Operation (PIO) of facilities for transport and for utilisation of petroleum in accordance with Section 4-3 of the Petroleum Act, or facilities and onshore facilities that have been granted per-

mission to operate before these regulations entered into force, or facilities where an Acknowledgement of Compliance has been issued.

The supplementary regulations also apply for existing facilities and onshore facilities, with the following exception: In the supplementary Technical and Operational Regulations and the Facilities Regulations, it is possible, in the health, safety and working environment area, for existing facilities and onshore facilities to use the regulations that were in force as a basis until the entry into force of the new regulations, cf. Section 70, second subsection, of the Technical and Operational Regulations and Section 82, No. 2, of the Facilities Regulations with Guidelines. The technical requirements in regulations that were in force until the Technical and Operational Regulations and Facilities Regulations entered into force, can still be used as a basis. However, in the event of major rebuilding and modifications to existing facilities, the Technical and Operational Regulations and the Facilities Regulations will apply for what is comprised by the modification.