GUIDELINES TO THE REGULATIONS RELATING TO HEALTH, ENVIRONMENT AND SAFETY IN THE PETROLEUM ACTIVITIES (THE FRAMEWORK REGULATIONS)

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Norwegian Pollution Control Authority (SFT)
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CHAPTER I
INTRODUCTORY PROVISIONS

Re Section 1
Purpose

These are joint regulations for the Ministry of Labour and Social Inclusion, the Ministry of the Environment, and the Ministry of Health and Social Inclusion, and accordingly cover several areas of law. Reference is made to the purpose clauses of the authorising statutes, in particular the Working Environment Act, the Pollution Control Act and the Petroleum Act.

These regulations form the basis for a coherent and co-ordinated body of rules and supervision in the field of health, environment and safety. These regulations and the supplementary regulations are also designed, through commentaries and guides, to provide an overview of the body of rules regulating health, environment and safety in the petroleum sector that is as comprehensive as possible. However, it should be noted that it is difficult in the present context to provide a comprehensive overview of the Product Control Act and associated regulations, or of regulations issued pursuant to the Pollution Control Act, that also apply to the petroleum sector. There is a lot happening in this area, and aspects of this body of rules are updated more frequently than the joint health, environment and safety rules.

It follows from the authorising acts, variously worded, that the level of health, environment and safety in the petroleum sector must at all times accord with the technological and social evolution of society.

It should in particular be noted that the term "health" in the present context has a substantially different content than the term as used in the Working Environment Act. In the present context the term also encompasses all health legislation, cf. also comments to Section 2 on scope of application etc.

These regulations encompass safety, working environment, health, the external environment and economic assets (including production and transport regularity - operational availability). Measures initiated in one of these areas will normally have a positive impact in the other areas too. Where measures conflict, consideration for human life and health must weigh heaviest.

Re Section 2
Scope of application etc.

These regulations and the supplementary regulations apply within the scope of application of the acts that are mentioned in this section. The scope of these acts varies somewhat. Reference is made to the respective acts and their legislative history for a closer specification of how the scope of application should be understood.

Subsection 1 carries forward current law, but is also laid down in pursuance of the Product Control Act Section 8 last paragraph where internal control and internal control systems are concerned. This means that provisions on management systems in these regulations also apply within the scope of application of the Product Control Act. Since the Product Control Act and its associated regulations are also part of the health, environment and safety legislation in the petroleum sector, it is important for the management system to encompass monitoring of compliance with this body of rules. Where safety is concerned, the scope of application is, as under current law, limited compared with the Petroleum Act's extended scope of application for production activity conducted onshore or offshore, cf. subsection 1 litera b.

Where the scope of application of the Petroleum Act is concerned, reference is made to Section 1-4 of the act and the associated legislative history, viz., Proposition to the Odelsting No. 43 (1995-96) and Recommendation to the Odelsting No. 7 (1996-97), which give a closer account of the scope of application of the act. This entails that these regulations and regulations laid down in pursuance thereof are applicable to all activities connected with the implementation of petroleum activities on the Norwegian part of the continental shelf, including where such activities are conducted from vessels within established safety zones.

It follows from the Petroleum Act Section 1-4 that the Ministry of Labour and Social Inclusion may impose further requirements as to safety for petroleum activities taking place

aboard vessels. This right applies only to equipment and operations directly linked to the implementation of petroleum operations, and not to maritime aspects.

The comment to the Petroleum Act Section 1-6 gives special mention to what is regarded as a vessel and as a facility in the meaning of the Act. It makes clear that activities such as simple pumping activities without well control, installation or dismantling on secured and abandoned wells as well as maintenance work on templates or well heads without penetration of the well barriers, are regarded as activities performed from a vessel. This is in accordance with current practice.

As regards the content of the term "petroleum activities", reference is made to the authorising legislation. That is to say the laws pursuant to which these regulations are laid down, in particular the Petroleum Act where the term is defined in Section 1-6 litera c and further amplified in the comment to this provision in Proposition to the Odelsting No. 43 (1995-96) and Recommendation to the Odelsting No. 7 (1996-97)

The concept of health, environment and safety

Both the content of the concept of health, environment and safety and its area of application need to be understood in the light of the health, environment and safety legislation. Hence the term health needs to be related both to health in the meaning of the health legislation and of the working environment legislation.

The term "health" as used in the health legislation covers a defined aspect of the scope of application of these regulations, namely health services, health-related preparedness, transport of the sick and injured, hygiene conditions, drinking water supply, production and provision of foodstuffs and other factors of significance for health and hygiene. The term "health services" denotes both curative and preventative services. "Hygiene" includes occupational hygiene and other measures taken with a view to preventing disease or promoting health, including measures additional to those usually associated with developing a fully satisfactory environment. Hence hygiene covers all aspects of health care addressed to the individual or the environment. Where preventative health services and hygiene are concerned, government responsibility will be split between the Ministry of Health and Social Inclusion and the Ministry of Labour and Social Inclusion, cf. the rules governing environment-targeted health care, including water supply, and the working environment, cf. also the preceding paragraph in this comment. The regulations also include qualification requirements for, and training of, personnel to attend to the above-mentioned aspects.

In the scope of application of the Pollution Control Act the concept of "health, environment and safety" is related to protection of the outdoor environment against pollution and formation of waste, cf. Pollution Control Act Sections 1 and 6.

The concept of health, environment and safety also encompasses the working environment, which under the Working Environment Act is a blanket term for all factors in the work situation that may affect employees' physical and mental health and welfare. The content of the term is set forth in the Working Environment Act Section 1-1. Alongside safety in terms of health - for example physical, chemical, biological and ergonomic factors - the term also covers mental influences and welfare-related conditions. The most important working environment factors are referred to in the Working Environment Act Chapter 4 on requirements regarding the working environment, see the Working Environment Act Section 4-1 in particular, which requires a fully satisfactory working environment. See more about this requirement in Proposition to the Odelsting No. 3 (1975-76), Recommendation to the Odelsting No. 10 (1976-77) and Proposition to the Odelsting No. 49 (2004-2005).

In addition to the safety of the individual, the concept of health, environment and safety also encompasses safety and the environment in the meaning of the Petroleum Act, including safety of financial values that facilities and vessels represent, including operational availability (measures to maintain production and transport regularity). See the comments to the Petroleum Act Section 10-1 in Proposition to the Odelsting No. 43 (1995-96) which make clear that the concept of safety as used in the Petroleum Act needs to be understood in the broad sense, and that "The concept includes measures to prevent harm to personnel, the environment and financial values, including measures to maintain production and transport regularity (operational

availability). Such measures must be designed to enable the probability of harm to be counteracted, withstood or remedied. The measures shall counteract minor harm, major accidents and catastrophes. Long-term, preventative measures that are not necessarily targeted at concrete harm may be particularly relevant with respect to operational availability."

Cases where a requirement does not apply across the scope of application of the entire body of rules will in each instance be clear from the text of the regulations. A requirement may for example be confined to the area of health, working environment and safety. In such a case the requirement will not apply to the external environment, i.e. in the area covered by the Pollution Control Act. In other cases requirements may be confined to a single area.

Application of the Working Environment Act in the petroleum activities

Subsection 1 litera d concerns the application of the Working Environment Act in the petroleum activities, and carries forward the previous Working Environment Regulations Section 1, cf. Proposition to the Odelsting No. 60 (1991-92). The previous Working Environment Regulations Section 1 second and seventh paragraphs, which give the Working Environment Act special effect outside the Norwegian part of the continental shelf and during relocation of Norwegian-registered facilities, are carried forward in the appendix to these regulations, which forms part of the regulations.

The Petroleum Act's legislative history and the practice that has evolved in connection with the Petroleum Act will form the basis for interpreting the scope of application of the Working Environment Act in the petroleum sector.

Like the Petroleum Act, the Working Environment Act will apply on facilities in the petroleum sector. The term facility is identical to that used in the Petroleum Act, cf. the definition in the Petroleum Act Section 1-6 litera d. While the Working Environment Act has a different, narrower application aboard vessels than does the Petroleum Act, when it comes to establishing what is to be regarded as a facility and what is to be regarded as a vessel, the same criteria are applied as in the case of the Petroleum Act. Attention is drawn to the distinction made in the Petroleum Act in Section 1-4, cf. Section 1-6 litera d, where supply and support vessels are excluded from the term facility. The legislative history to the Petroleum Act further specifies what type of vessel can be regarded as a supply or support vessel, cf. Proposition to the Odelsting No. 43 (1995-96) page 27 and 28. The term includes - besides vessels that transport personnel and equipment - crane barges and other service vessels, vessels used to perform manned subsea operations, pipelaying vessels, vessels carrying out seismic surveys, etc. On the other hand, mobile drilling rigs, drilling or production vessels, flotels etc., will clearly come under the term facility. However, as is evident from subsection 1 litera d second indent, certain limitations are made to the substantive scope of application in relation to the Petroleum Act which entail that the Working Environment Act to some extent has a more limited application where vessel function is concerned.

Manned subsea operations from a vessel or facility, cf. subsection 1 litera d first indent, are an important aspect of ordinary petroleum activities. Personnel participating in diving operations constitute a group in their own right in the regulatory context. The supplementary Activities Regulations stipulate further provisions regarding time in connection with the performance of subsea operations. The provisions of the Working Environment Act cover manned subsea operations in the petroleum sector.

Subsection 1 litera d second indent first subdivision specifies that the performance of supply, preparedness and anchor-handling services by vessels, seismic or geological surveys by vessels, and other comparable activity, is regarded as shipping. The Working Environment Act and these regulations with supplementary regulations are not applicable to vessels mentioned performing such activities. The clarification is included here to make it clear that activities performed by these vessels, are not subject to the provisions of the Working Environment Act.

Subsection 1 litera d second indent second subdivision specifies that the Working Environment Act is not applicable to vessels performing construction, pipelaying or maintenance operations in the petroleum activities. As previously, this provision authorises the Ministry of Labour and Social Inclusion to decide, by regulations or individual decision, that the Working Environment Act and these regulations with supplementary regulations shall apply entirely or in

part to these vessels when they are utilised in petroleum activities. This legal authority was originally included since this type of activity may at times be closely integrated in other petroleum activities taking place within a particular area, and is moreover of a duration that calls for regulation identical to the regulation of the petroleum activity at large. A condition is that the right to take such a decision shall only be utilised where there are special grounds for doing do. The term "parties concerned" will have to be interpreted in the broad sense. It encompasses both public agencies and affected private organisations on the employer and employee side.

Health legislation

Under subsection 2 four health acts are given effect for the petroleum sector insofar as they are appropriate. These acts are the Health Personnel Act, the Patients' Rights Act (apart from the chapter on the Patient Ombud), the Control of Communicable Diseases Act and the Health and Social Preparedness Act. The Patients' Rights Act confers rights. Its provisions correspond to provision imposing obligations in other health legislation. The Health Personnel Act, the Control of Communicable Diseases Act and the Health and Social Preparedness Act impose obligations on a variety of parties, cf. below and the guide to Section 5 on responsibility according to these regulations. The above acts replace and are to a high degree a necessary continuation of the previous Petroleum Act of 22 March 1985 Section 2 and the present Petroleum Act Section 1-5. The Health and Social Preparedness Act, which is an enabling act, deals not only with preparedness with a view to war, like its “predecessor”. Even so the provision of subsection 2 entails no substantive difference compared with the previous state of the law.

The four health acts are applicable "to the extent they are suitable". This entails for example that some administrative provisions must be adapted to the particular circumstances found in the petroleum activities. This applies in particular to the Control of Communicable Diseases Act. This is said something about in the following, see the comments to Section 5 on responsibility according to these regulations.

The Health Personnel Act, the Patients' Rights Act, the Control of Communicable Diseases Act and the Health and Social Preparedness Act are authorising acts for the Framework Regulations. They are therefore defined as a part of the health, environment and safety legislation, cf. Section 4 on definitions.

Under the Petroleum Act Section 5-1, Norwegian law other than the Petroleum Act also applies to the petroleum activities unless otherwise provided. The State Supervision of Health Services Act, the Medicines Act and the Food Products Control Act accordingly apply to the petroleum activities. These acts too are defined as a part of the health, environment and safety legislation, cf. Section 4 on definitions.

Further details of the interfaces in relation to other authorities' jurisdictions

Pipelines

The petroleum rules apply to pipelines connected with petroleum activities on the shelf, in the territorial sea and up to the steep bottom rise, even if the pipeline crosses land and re-enters the sea one or more times before reaching the mainland. On land, supervisory responsibility for technical safety of pipelines rests with the Directorate for Fire and Explosion Prevention (DFEP), and their rules apply. The DFEP’s rules also apply after the point where a pipeline first crosses the steep bottom rise even if it then re-enters the sea. Hence after the first land crossing there is some overlap with the petroleum rules. Against this background an agreement has been entered into by the Petroleum Directorate and DFEP about which body of rules shall apply and which authority shall perform supervision in cases where the petroleum rules and the DFEP rules overlap. Under the agreement the DFEP rules take over - and the DFEP performs supervision - from the point at which the pipeline first reaches land. The DFEP rules are accordingly applied, and the DFEP also supervises that part of the pipeline that re-enters the sea once the pipeline first crosses an island or the like and subsequently enters the sea before finally reaching the mainland.

Re Section 3
Use of maritime legislation in the petroleum activities

This provision is new, but gives force of law to principles established by practice, and previously expressed in the Petroleum Directorate's letter of 1 June 1999 to the industry. The letter of 1 June 1999 is replaced by this section. The provision is updated in that it now refers to the rules and regulations of 2003 of the Norwegian Maritime Directorate.

This section establishes the general rule that maritime rules can provide an alternative basis to the petroleum rules within the framework drawn up in this section. As regards the areas covered by this section, the party responsible is not obliged to comply with the detailed technical requirements of the supplementary Facilities Regulations. The reason why maritime regulations are referred to in the supplementary Facilities Regulations or in comments thereto is that such requirements may also be relevant in areas not covered by Section 3.

This section encompasses use of mobile facilities that are registered in a national register of shipping, but is confined to mobile facilities that follow a maritime operating concept, and are thus not permanently installed on the shelf. The section may be applicable to mobile drilling facilities, well intervention facilities, multi-use facilities and some types of mobile production facilities. Hence it does not apply facilities fixed to the seabed, floating production facilities that are permanently deployed, storage vessels and the like, in other words facilities designed to operate in a field throughout the field's lifetime when not following a maritime operating and maintenance philosophy.

In the case of some types of mobile facilities the question of whether or not they are covered by this section will be a matter of judgement. In such cases the supervisory authority must be contacted at an early stage in order to get the fundamentals clarified.

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

According to the first paragraph litera d, any exemptions granted by maritime authorities under the maritime rules with supplementary classification rules shall be reviewed in order to identify possible safety consequences for the planned use of the facilities in the petroleum activities. If the conclusion is that the petroleum activity can be carried out in a satisfactory manner from a safety point of view, and it is wished to uphold the deviations, an overview must be provided of previous exemptions granted in respect of the mobile facility that have a bearing on safety, and this must be presented to the Petroleum Safety Authority for approval.

Where mobile facilities in the petroleum activities are concerned, the party responsible may take a basis in the IMO's resolution A.741 International Safety Management Code (the ISM Code) where that part of the management system that is associated with maritime operating conditions is concerned, cf. comments to Section 13 on duty to establish, follow up and further develop a management system.

As regards new mobile facilities covered by this section, means of evacuation for evacuation at sea should comply with requirements of the supplementary Facilities Regulations Section 43 on means of evacuation. The same applies to major alterations to or modifications of existing mobile facilities that come under this section.

Where the use of documentation, including maritime certificates, is concerned, attention is drawn to Section 17 on general requirements to material and information. Attention is also drawn to the comment to Section 21 on application for consent, which deals with acknowledgement of compliance for mobile facilities (AOC) as documentation.

Reference is made to comments to Section 18 on documentation and to Section 59 on exemptions, which deals with the relationship to standards in connection with exemptions.

Re Section 4
Definitions

Re litera c Health, environment and safety legislation

Health acts that are especially relevant are the Medicines Act, the Food Products Control Act and the State Supervision of Health Services Act, alongside the acts that are applicable pursuant to Section 2 subsection 2. These acts are equally addressed to other parties, for example health personnel, as to the party responsible in various parts of the petroleum activities.

Re litera d Facility
The definition of facility is identical to that employed in the Petroleum Act, cf. Section 1-6 litera d of the act with comments, but it is included since the Working Environment Act uses the term in a somewhat different manner. It is made clear that detached well structures of various types that are placed on the seabed, for example subsea production plants with inter alia a well head, christmas tree and well frame, subsume under the term facility. The same applies to equipment in the well and the well itself. In other words, unless otherwise evident from the context, requirements as to facilities will also apply to the equipment mentioned, et al.

Re litera e Operator, and litera g Licensee
The definitions of operator and licensee are also taken from the Petroleum Act since the terms are not employed in the same manner in the other authorising acts.

Re litera h Safety zone
"Safety zone" as defined in this section extends from the seabed to 500 metres above the highest point of a facility in the vertical plane. Horizontally the zone extends 500 metres out from the extremities of the facility, wherever the facility is located at any time. "Extremities" means any part of the facility, including marine riser to the point where the latter meets the seabed. Where safety zones are concerned, anchors and anchoring points are not regarded as part of the facility. Reference is made to Chapter VII on safety zones.

General information
In this guide references are made to previous regulations for the petroleum activities that were revoked when these regulations came into force, cf. Section 63 on entry into force and repeal of regulations. "Previous Safety Regulations" means Regulations of 27 June 1997 No. 649 relating to Safety in the Petroleum Activities, laid down by Royal Decree in pursuance of the Petroleum Act. "Previous Management System Regulations" means Regulations of 27 June 1997 No. 650 relating to Management Systems for Compliance with Statutory Requirements in relation to Safety, Working Environment and Protection of the External Environment in the Petroleum Activities, laid down by Royal Decree in pursuance of the Working Environment Act, the Pollution Control Act and the Petroleum Act. "Previous Working Environment Regulations" means Regulations of 27 November 1992 No. 870 relating to Worker Protection and Working Environment in the Petroleum Activities, laid down by Royal Decree in pursuance of the Working Environment Act. "Previous SWE regulations" means Regulations of 8 March 1995 No. 263 related to Systematic Follow-up of the Working Environment in the Petroleum Activities, laid down by the Petroleum Directorate in pursuance of the Working Environment Act.

CHAPTER II
TO WHOM THE REGULATIONS ARE DIRECTED AND REQUIREMENTS TO EMPLOYEE CONTRIBUTION

Re Section 5
Responsibility according to these regulations

This section co-ordinates the hierarchy of obligated parties in the petroleum activities, but entails no change in the responsibility that follows from the authorising acts.

The first paragraph imposes a material duty to comply with the body of rules. This active duty is termed a duty to ensure that requirements are fulfilled. A separate duty to follow up (termed a duty to see to it) is set forth in the second and third paragraphs. The duty to establish, follow up and further develop a management system is contained in Section 13.

Operator
Where production licences are concerned, an operator is appointed to take care of the day-to-day management of the petroleum activities on behalf of the licensees. As a central player in the petroleum activities the operator receives special mention as an obligated party in the first

paragraph of this section. In many cases the operator will be the only obligated party. In such cases this is specified in the individual provisions of these regulations and the four supplementary regulations.

Other parties participating
"Other parties participating" means all parties who participate in the petroleum activities without being licensees or operators. They may be owners and users of facilities, or providers of services in connection with the petroleum activities, cf. also the comment to the Petroleum Act Section 10-16 in Proposition to the Odelsting No. 43 (1995-96) page 61 and 62. Hence the first paragraph encompasses operators, contractors, other owners, lessors or users of facilities etc., and other employers. Employees are in principle also regarded as participants. Since the Working Environment Act limits employees' responsibility to a responsibility to contribute, it has been found appropriate to single out and profile this responsibility in the fourth paragraph.

Employers
The further content of the responsibility of employers for safety and the working environment is set out in the Working Environment Act. The Working Environment Act Section 2-1 requires, inter alia, the employer to ensure that the individual enterprise is fitted out and maintained, and that work is planned, organised and performed in accordance with the provisions in and pursuant to these regulations. The Working Environment Act Section 1-8 second paragraph defines who is an employer. The senior manager of the establishment has the overarching responsibility for ensuring compliance with the requirements of the body of rules, and cannot relinquish this responsibility by delegating tasks to others. The Working Environment Act requires the individual employer to implement monitoring, analyses and measures in regard to the working environment within his area of activity and responsibility. This section imposes on the operator or the contractor in charge of operation of the facility a responsibility for ensuring that such monitoring, analyses and measures are carried out in a planned and coherent manner. The same applies to contractors in charge of carrying out manned subsea operations.

Wording referring to the obligated party in the individual provisions and its significance
In these regulations and in regulations laid down in pursuance thereof the obligated party is generally referred to in neutral terms. This is done because more than one party may have responsibility under the same provision. Examples of neutral wording are "Requirements shall be set as to performance of safety functions." and "The facility shall be designed such that…". Another neutral wording employed is "The party responsible shall…". The party responsible is set out in the first paragraph of this section. The party responsible may be the operator, or others participating in the petroleum activities without being licensees or operators. Licensees who are not operators are thus not included in the term "the party responsible" in these regulations with supplementary regulations. Where the responsibility is assigned to one or more particular participants, this is made clear in the provision in question. For example, the operator or the employer is singled out as the obligated party in certain provisions. The obligation of the operator and licensee "to see to it", cf. second and third paragraph, applies throughout and is thus not mentioned in other provisions in these regulations or in the supplementary regulations.

Elaboration of the individual's responsibility
Thus several parties may have responsibility at the same time, but the individual party's responsibility will be limited to tasks belonging under the area of responsibility of that party - in other words to tasks over which the individual has powers of control and instruction. The scope of the individual's responsibility may vary according to the circumstances. A participant can hardly be assigned responsibility for breaches of requirements contained in regulations unless he has powers of control or instruction in regard to the obligations in question.

See also Section 14 on qualification and follow-up of other participants. Section 14 first paragraph includes participants other than the operator, and imposes, for example on contractors, an obligation to follow up their subcontractors.

The operator's duty to see to it

The second paragraph carries forward similar provisions in the safety sphere under the Petroleum Act and rules in the previous Working Environment Regulations under the Working Environment Act, and also amplifies provisions of the Pollution Control Act. Reference is also made to the duty to see to it that that follows from the health legislation, cf. the State Supervision of Health Services Act No. 15 of 30 March 1984 Section 3 first paragraph and the Health Personnel Act No. 64 of 2 July 1999 Section 16.

The phrase "to see to it" is employed since this is used in the Petroleum Act Section 10-6 to describe the licensee's and operator's special follow-up responsibility. The phrase to see to it is used to make clear that it is in the first instance the individual participant's duty to abide by the rules. To see to it entails a duty to ascertain, by establishing a management system and by supervision, that the participants in the activity comply with requirements laid down in and pursuant to the act. The responsibility for seeing to it that the rules are complied with, is thus a general and overarching follow-up obligation in connection with the implementation of petroleum activities. With special reference to the operator's duty to see to it, Section 10-6 of Proposition to the Odelsting No. 43 (1995-96) page 62 states that "The duty to see to it entails that also the operator shall, prior to and upon entry into a contract and when performing petroleum activities, check that the contracting parties are competent and qualified. The operator shall furthermore follow up the latter in their performance of the petroleum activity, and check that facilities and equipment that are put into service and the work that is done are of a proper standard. In cases where there are different operators in the various phases, for example in the development phase and in the operating phase, it is important that the operators co-ordinate their operations as necessary."

Elements of the operator's duty to see to it are also contained in Section 14.

The licensee's duty to see to it

The licensee's chief responsibility is to put in place a framework that enables the operator to perform his tasks. The licensee is also responsible for seeing to it that the operator actually performs these tasks. The third paragraph sets outs the licensee's duty to see to it that the operator fulfils his duties.

In order to perform his duties the licensee must have information about the activities in question. The licensee shall not merely take a view on the material he is presented by the operator, but has an independent duty to satisfy himself that he has sufficient information about the activities. The licensee has a duty to take action in regard to conditions that are not in conformity with the rules. The licensee must also see to it that the operator performs his tasks in connection with audits. The licensee must in particular see to it that the operator performs his tasks in connection with central, important aspects. This applies, inter alia, to the operator's management system, that the operator has an organisation that is properly qualified and has sufficient capacity, that the operator sees to problem areas and other factors which the authorities have a particular focus on, as well as central applications to the authorities. Reference is also made to general statements on the content of the duty to "see to it" mentioned above under the heading "The operator's duty to see to it."

The duty to see to follows from the Petroleum Act Section 10-6 second paragraph and the health legislation, and is also included in the previous Working Environment Regulations Section 7. The duty to see to it also applies in the sphere of the Pollution Control Act. Where the content of the licensee's duty to see to it is concerned, reference is also made to the comment to the Petroleum Act Section 10-6 in Proposition to the Odelsting No. 43 (1995-96) page 61 and 62. This states that "When performing audits, the licensee shall see to it that the operator fulfils his specific operator duties and, through budgets and decisions etc., arrange the conditions for the operator's work".

The licensee is also an obligated party in certain provisions of these regulations.

The employees

The employees also have duties. In principle the employees are also encompassed by the phrase "other parties participating in the petroleum activities" in the first paragraph. However, as stated

in the Working Environment Act Section 2-3, cf. Section 1-8 first paragraph, the employees' responsibility is limited to a responsibility to contribute. It has been found appropriate to single out the employees' duty in the fourth paragraph. The employees have a duty to contribute to carrying out measures prescribed by the employer. Employees, including supervisors, have a responsibility to contribute in accordance with instructions and with work tasks etc., delegated to them at the individual establishment. Employees who are supervisors, have an additional, special responsibility for safety and working environment work under the Working Environment Act Section 2-3 third paragraph.

The employer's duty to ensure that the employees are given a genuine opportunity to contribute, is referred to in Section 6 on arrangements for employee contribution, which carries forward current law.

As regards employees' duties in connection with management systems, attention is drawn to Section 13 on the duty to establish, follow up and further develop a management system.

Health

The party responsible under the Framework Regulations is required to ensure compliance with provisions that apply to the activity concerned by virtue of

- the health laws mentioned in the Framework Regulations Section 2 subsection 2 or
- other health legislation, cf. the Petroleum Act Section 1-5.

As mentioned (in the comment to Section 2 subsection 2), the provisions of the health acts contain different obligated parties.

The Health Personnel Act applies to health personnel and undertakings that provide health assistance in Norway, cf. Section 2 of the act. Each provision details to whom and to what the provision applies.

A number of provisions of the Health Personnel Act are addressed, each according to their wording, to "health personnel" or particular categories of health personnel. (An example of the latter is Section 12 of the act which in its first paragraph mentions "medical practitioner, nurse or bioengineer", in the second paragraph "medical practitioner".) The term "health personnel" is defined in Section 3 of the act. The duty of health personnel duty to perform their activities in a professionally sound manner, cf. Section 4 of the Health Personnel Act, is central in this connection. Furthermore, health personnel shall provide immediate assistance, cf. Section 7 of the act. In other words, it is the individual health profession practitioners that are required to fulfil these provisions. The chief county medical officer and the Norwegian Board of Health maintain supervision of health personnel in the petroleum activities - as they did before the Health Personnel Act went into force. These two authorities can apply sanctions at health personnel when the provisions are breached, cf. Chapter 11 of the Health Personnel Act.

A condition is that health personnel do not pass confidential information to participants in the petroleum activities who are not health personnel or assistants to health personnel. Where communication between health personnel is concerned, see Section 25 of the Health Personnel Act. Health personnel may furnish the petroleum activity's management or other parties with confidential information provided that the person entitled to confidentiality has given his/her informed consent. See also Chapter 5 of the Health Personnel Act, entitled Professional secrecy and right to information.

The Health Personnel Act Section 26 deals inter alia with health personnel's right to provide information - as far as possible without individualising characteristics - to the "undertaking's management" when this is necessary for purposes of internal control and quality assurance of the service.

Some of the provisions of the Health Personnel Act, above all Section 16, apply to activity that provides health assistance. These provisions apply to the operator, licensee where applicable, owner, supplier, contractor, subcontractor, or others that have engaged a health service that provides health assistance to their own personnel (their own employees) or to the personnel/employees of others. Who is the actual obligated party under these provisions of the Health Personnel Act depends on the organisational set-up of the petroleum activity. Reference is also made to the supplementary Activities Regulations Section 6 first paragraph which states that "The operator or the one responsible for the operation of a facility shall ensure that all on board

have access to adequate professional health services, cf. the Framework Regulations Section 12 on health related matters". And under Section 5 of these regulations, on responsibility according to these regulations, second paragraph, the operator shall see to it that anyone carrying out work for him complies with requirements specified by the health, environment and safety legislation, including relevant provisions of the Health Personnel Act, the Patients' Rights Act the Control of Communicable Diseases Act and the Health and Social Preparedness Act.

According to the Health Personnel Act Section 16, undertakings that provide health assistance shall be organised such that their personnel are in a position to comply with their statutory duties, cf. above. The legislative history to the act states in this connection that: "The most important element in this context is that health personnel, regardless of their place of work and organisational set-up, shall above all apply professional considerations when it comes to providing health assistance. Any health personnel will by virtue of their training and qualifications have a measure of professional "autonomy", i.e. freedom of action to fulfil statutory duties. The Health Personnel Act Section 16 accordingly imposes a limitation on the employer's right to exercise control, inasmuch as the undertaking has to be organised such that health personnel have the freedom to fulfil their statutory duties, in the first instance the duty to exercise their profession in a satisfactory manner." A consequence of the Health Personnel Act Section 16 is that the health service must have a free and independent position in professional matters, cf. the Activities Regulations Section 6 last paragraph. The party responsible will however be free to organise the undertaking within the statutory framework.

The provisions of the Health Personnel Act and the Control of Communicable Diseases Act are supplemented by the rules of the Patients' Rights Act. The operator or the party responsible for the operation of the facility must dimension, and arrange conditions for, the health service such that the provisions of the Patients' Rights Act can be fulfilled, cf. the supplementary Activities Regulations Section 6 on the availability of the health service and the Health Personnel Act Section 16. Moreover, the Patients' Rights Act entails that the health service in the petroleum activity must to the extent necessary refer the patient to shore-based specialist health services. The party responsible for health services must also arrange for transport of the sick and injured to land with a view to follow-up by shore-based health services.

Section 2 subsection 2 of these regulations also gives the Control of Communicable Diseases Act effect for the petroleum activities. The object of the Control of Communicable Diseases Act calls for this. The object of this act is to protect the population from communicable diseases by preventing their occurrence and hindering them from spreading among the population, and by preventing such diseases from being brought into Norway or carried out of Norway to other countries.

The act contains duty provisions for health personnel (chapter 2 and 3), duty and rights provisions for infected persons (chapter 5 and 6). The act is to a large extent an enabling act, cf. Chapter 3 of the Act.

The Control of Communicable Diseases Act assigns tasks related to control of communicable diseases to the chief municipal medical officer. The provision of the Activities Regulations Section 10 assigns this responsibility to the medical practitioner who is responsible for health services at the facility. Beyond this no specific adjustments have been made to the act's administrative or material provisions. When following up measures taken pursuant to the legislation on control of communicable diseases, the responsible physician should collaborate with personnel in the municipal health service.

The supplementary Activities Regulations Section 6 first paragraph and Section 7 require the operator or the party responsible for the operation of a facility, to ensure that anyone staying on the facility are secured necessary preventive measures, examination facilities, treatment and care outside an institution, also in regard to communicable diseases. The operator's responsibility will accordingly correspond to the municipality's responsibility under the Control of Communicable Diseases Act Section 7-1. The operator's responsibility is in practice limited in relation to the responsibility of the municipality inasmuch as persons present on a facility in the petroleum activity will spend shorter or longer periods ashore.

The Control of Communicable Diseases Act Section 4-1 makes the municipal council responsible, subject to certain conditions, for ordering prohibition of meetings, closure of

operations, restriction of communication, isolation and disease eradication. This authority also rests with the Norwegian Agency for Health and Social Welfare in the event of serious outbreaks of communicable diseases that are hazardous to public health, and when a rapid response is crucial in order to prevent disease transmission. What diseases are hazardous to public health are identified in the Ministry of Social Inclusion' regulations of 1 January 1995. "Serious outbreak" is regarded as a relative term. In other words, based on the circumstances, it will take less to classify an outbreak as serious on a facility in the petroleum activities than on the mainland, cf. the safety aspect and population density offshore. Hence when there is a need for measures as mentioned in the Control of Communicable Diseases Act Section 4-1, it is normally considered sufficient for the professionally responsible physician for health services in the petroleum activity to contact the Chief County Medical Officer in Rogaland. The state health authority can in the event adopt decisions pursuant to Section 4-1 second paragraph of the above act.

According to Section 2 subsection 2 of these regulations, cf. the Health and Social Preparedness Act Section 1-2 and Section 1-3 litera c, this act also applies to the operator and other parties who - without formal links with a municipality, county municipality or the state - offer health and social services on facilities and vessels operating on the Norwegian continental shelf. The so-called responsibility principle is central to the Health Preparedness Act. According to this principle, the party responsible for health or social services, for example the operator, is also responsible for putting necessary preparedness in place, and for the executive service, including financing, in wartime and in the event of catastrophes in peacetime, unless otherwise provided in or pursuant to law. The Health and Social Preparedness Act otherwise largely contains enabling provisions for the ministry. The precondition for these provisions to come into play is, according to the Health and Social Preparedness Act Section 1-5, that Norway is at war, that war threatens, or - in the event of crises or catastrophes in peacetime - that the King has adopted a decision to this effect. The provisions on preparedness in the Framework Regulations with supplementary regulations are deemed to embody a number of the intentions of the Health and Social Preparedness Act.

The fact that the Medicines Act of 4 December 1992 applies to the petroleum activities has the following consequences:

Health personnel attached to the petroleum activities must comply with provisions of the act that apply to them. Management systems in the petroleum activities must make allowance for such provisions. By way of example, medical practitioners' duty is required by Section 25 of the act to furnish the Norwegian Board of Health with information on possible drug abuse when requested to do so.

The provisions of the Medicines Act that prescribe who can manufacture, import and market medicines also apply in relation to the petroleum activities.

Attention is also drawn to the provisions of the act.

Re Section 6
Arrangements for employee contribution

This section carries forward current law.

Right to contribute - this section. Duty to contribute - see Section 5 and Section 13

This provision deals with employees' right to contribute. The employees' duties are dealt with in the general provision on the obligated party, Section 5 on responsibility according to these regulations. The employees also have a responsibility to contribute when it comes to management systems following from Section 13 on the duty to establish, follow up and further develop a management system.

Relationship to the supplementary regulations

The employees' right to contribute applies to matters with a bearing on the working environment and safety pursuant to requirements laid down in and pursuant to the Working Environment Act and these regulations. This includes requirements contained in the four supplementary regulations, i.e. the Management Regulations, the Information Duty Regulations, the Facilities

Regulations and the Activities Regulations. The right to contribute is not as a rule repeated in the four supplementary regulations.

Substantive contribution
This provision entails that the employees shall be given a substantive opportunity to influence the working environment in the activity.

Elected representatives
Elected representatives may be safety delegates, trade union representatives and the like. The section makes no changes in the system following from the Working Environment Act for involving employees and their elected representatives, including which of them should be involved in different instances. Which elected representatives of the employees should contribute, will depend on the nature of the issue in question and on the particular phase of the petroleum activity. It may be the employees' representatives on the working environment committee, co-ordinating working environment committee, joint local working environment committee, works council, main safety delegate, safety delegate, employee organisations and trade union representatives, depending on the case in question. The provisions of the Working Environment Act or appurtenant regulations may be aimed at particular employee representatives. It may be natural for elected employee representatives to bring in affected employees or employees with especially relevant competence to deal with the issue. The parties should agree which issues are to be dealt with by the working environment committee, the works council and in the event other committees in instances where this is not clearly apparent from the Working Environment Act with regulations or the main agreement. In the event of major organisational changes, the way employee contribution is organised should be reviewed and adjusted.

Contribution in all phases of the petroleum activities
The first paragraph entails that requirements as to employee contribution are imposed in all phases of the petroleum activities in matters related to the working environment and safety. To ensure that employees' experience can also be turned to account by operators who as yet do not have their own operational organisation, operators can draw on the experience of elected representatives with other operators or contractors as well as relevant employee organisations.

Contribution to the management system
The second paragraph regulates employees' right to contribute in the establishment, follow-up and further development of the management system. The provision makes clear that the right to contribute in regard to the management system, also applies to the external environment. For safety delegates and members of the working environment committee the requirement as to contribution in the establishment and maintenance of the management system is explicitly set out in the Working Environment Act Section 6-2 and Section 7-2. According to the Working Environment Act Section 3-1, the employer shall perform systematic health, safety and environment work in co-operation with the employees and their elected representatives. In addition, according to the Working Environment Act Section 4-2 first paragraph, the employees and their elected representatives have a right to contribute in regard to sytems being used to plan and design the working environment. Reference is made to the legislative history of the Working Environment Act, in particular Proposition to the Odelsting No. 50 (1993-94), which amplifies what is meant by "elected representatives" .

Information about individual decisions
The third paragraph carries forward current law. The duty to make decisions known to the employees' elected representatives rests with the person to whom the individual decision is addressed. Who shall be informed will vary from case to case. To reach all those affected it may, for example, be necessary to inform co-ordinating working environment committees for fields or employee organisations that are represented at the workplace. In each case a decision must be

made about who it would be natural to inform. Where an organised safety service has been established, it is normally that party which should be informed in the first instance.

Further details on implementing contribution

One of the aims of employee contribution is to utilise employees' overall knowledge and experience to ensure that issues are sufficiently illuminated before decisions are taken on health, environment and safety, and to give employees the opportunity to exert influence on their own work situation.

Where larger, more wide-ranging matters such as organisation and development work and development and modification projects are concerned, plans should be drawn up for contribution.

As regards tender rounds or contract signing that entail material changes in work organisation, staffing or technology, the Working Environment Act Section 7-2 requires conditions to be arranged to enable employees' representatives in working environment committees to contribute in matters that may be of significance for the working environment.

The Working Environment Act Section 4-2 first paragraph requires employees and their elected representatives to participate in development work related to the organisation and arrangement of work in the petroleum activities. This applies inter alia to the design of methods, procedures and instructions of significance for the employees' personal work situation. Affected employees shall for example participate in carrying out a job safety analysis; see the supplementary Activities Regulations Section 28 on actions during conduct of activities.

The requirement to employee contribution also entails a duty for the employer to ensure that his employees have sufficient knowledge and skills, and the time needed, to perform their tasks, cf. the Working Environment Act Section 3-2 first paragraph litera a, and the Working Environment Act Section 6-4 first and second paragraph and Section 7-4. Employees shall receive training in the management system and be informed of the results of audits of this system, cf. the Working Environment Act Section 4-2 first paragraph. The employer must ensure that safety delegates have access to the rules governing the activities to enable them to discharge their duties under the Working Environment Act Section 6-2. This also includes relevant framework-setting documents that supplement the regulations.

Within his own area the safety delegate shall be informed about events and conditions that have to be reported to the authorities; cf. the supplementary Information Duty Regulations Sections 11, 12, 13, 14 and 18, cf. the Working Environment Act Section 6-2.

The requirement to employee contribution also entails that all affected employees are informed of the results of relevant analyses and of the significance of the results for the performance of their work. Employees with sufficient knowledge and experience shall also contribute in the preparation of relevant analyses to ensure that all relevant factors are illuminated.

Regulations No. 7 of 29 April 1977 on Safety Delegates and Working Environment Committees lay down supplementary provisions on elections, functions and tasks for working environment committees and safety delegates.

Section 78 of Regulations No. 653 of 29 April 1977 to the Petroleum Act regulates elected representatives' access to the work site to attend to duties relating to tariffs.

CHAPTER III
PRINCIPLES RELATING TO HEALTH, ENVIRONMENT AND SAFETY

Re Section 7
Use of the principles of Chapter III

This section indicates the legal significance of the principles of Chapter III. The principles of this Chapter impose a duty on the licensee, operator and others participating in the petroleum activities. The provisions also have legal significance as regards the exercise of public authority pursuant to the health, environment and safety legislation. They therefore provide a basis for the public administration's exercise of judgement, and it should be clear from the grounds for individual decisions pursuant to the Public Administration Act Section 25 how this is done.

Re Section 8
Prudent petroleum activities

This is a fundamental provision for the petroleum activities, and it largely carries forward current law, cf. inter alia the Petroleum Act Section 10-1 and the Working Environment Act Section 4-1, cf. also the other sections of Chapter 4 and the previous Safety Regulations Section 9 on prudent activities which applies in both the health and safety area. As regards health-related aspects attention is drawn to Section 12 on health related matters with comments. The term "prudent" as used here entails no substantive change in relation to the term "fully satisfactory" as employed in the Working Environment Act. The term "activity/activities" as used here means the same as in the Working Environment Act, i.e. it is approximately synonymous with "establishment" or "undertaking".

The requirement of the first paragraph as to an overall assessment is based on the conception of a coherent view of health, environment and safety for the individual activity. The opportunity to undertake coherent assessments will vary from activity to activity based on what factors are to be taken into account. The first paragraph second sentence states that in addition to other relevant factors account shall be taken of the activity's distinctive characteristics, local conditions and operational premises. The outcome of an individual and overall assessment may for example be that factors such as noise and climatic conditions should not be regarded as isolated factors, and that the responsible person should as far as possible assess the overall strain that the individual factors may entail. In the sphere of the Working Environment Act the requirement addresses all factors that may have a bearing on the employees' physical and mental health and welfare. What measures the individual activity needs to initiate to fulfil the requirement as to prudent petroleum activities follows from the requirements of the health, environment and safety legislation. However, the requirements must be viewed in relation to the fact that levels of health, environment and safety should be further developed, inter alia in relation to technological developments, cf. the second paragraph and the authorising acts' purpose clauses.

It follows from the Petroleum Act, the Pollution Control Act, the Working Environment Act and the health legislation that the level of health, environment and safety described in the second paragraph should be developed in step with technological developments, and also with the general development of society, cf. the purpose clauses and requirements as to satisfactory/prudent activities in the authorising acts.

In order to lay the basis for this to happen the authorities have largely turned to the regulations' function requirements, which describe what is to be achieved rather than provide concrete solutions. At centre-stage when establishing the regulations' required level of health, environment and safety is, alongside the wording of the regulations, the authorities' interpretation of the body of rules, individual decisions made and guides provided by the authorities. Customary practice in the industry, requirements and specifications emerging in other documents such as nationally and internationally recognised industrial standards, for example standards drawn up under the auspices of CEN, CENELEC, ISO AND IEC, will also be normative. The same applies to industry standards prepared under the auspices of NORSOK and API etc. In addition, there are rules drawn up by classification institutions, and rules drawn up by other public authorities that do not apply directly to petroleum activities but which nonetheless are relevant to the area in question. The same is true of official requirements that are not directly applicable to petroleum activities but regulate corresponding or contiguous areas, for example requirements laid down by the Maritime Directorate, the Labour Inspection, etc.

Other Norwegian legislation may also be relevant as a source of law for supervision of petroleum activities. Attention is drawn to the Petroleum Act Section 1-5 which gives other Norwegian law effect in petroleum activities.

Attention is drawn to Section 18 on documentation as regards the use of standards in the health, work environment and safety area that the Norwegian authorities recommend in comments to the supplementary regulations.

Re. Section 9
Principles relating to risk reduction

The principles of this section are universal for the petroleum activities and supplement the duty of due diligence contained in the authorising acts.

The requirement of the first paragraph second sentence entails that the risk has to be further reduced beyond the established minimum level for health, environment and safety that follows from the rules.

By "risk" is meant a combination of probability and consequence.

In the area of health, working environment and safety, "risk" means a combination of probability of injury and the degree of seriousness of the injury in the form of death, personal injury or other health impairment, reduction in state of health or loss of financial assets. Risk of pollution means a combination of probability and consequence of supply of solids, liquids or gas to the air, water or earth, as well as the influence of temperature that is, or may be, damaging or detrimental to the environment.

The requirement of this provision as to risk reduction entails that the established minimum level for health, environment and safety must be complied with without regard to costs and that the party responsible cannot set aside specific requirements of the health, environment and safety legislation with reference to calculation of risk.

The second paragraph expresses the principle of best available technology (the BAT principle). This entails that the party responsible for the petroleum activities must base its planning and operation on the technology and methods that, based on an overall assessment, produce the best and most effective results. This principle is also expressed in the Pollution Control Act Section 2 first paragraph, no. 3. This provision of the Pollution Control Act primarily addresses the authorities' exercise of judgement, such that it has been necessary to address the requirement in question directly to the party responsible for the petroleum activities. The requirement entails no change beyond requirements generally imposed under current law.

The third paragraph expresses the so-called precautionary principle. It is included here in order to profile a principle that is recognised both nationally and internationally in the area of health, environment and safety.

The fourth paragraph reflects a substitution line of thinking that requires alternative solutions to be chosen that exclude risk factor in question. The provision applies across the entire scope of application of the Framework Regulations. As under current law, the requirement encompasses health-hazardous factors under the Working Environment Act. The provision also encompasses factors that entail a health risk under the health authorities' sphere of responsibility. Attention is drawn to the Product Control Act Section 3a as regards the duty to substitute products that contain health- and environmentally hazardous chemicals.

For further details of the requirements as to risk reduction, see the supplementary regulations, especially the Management Regulations

Re Section 10
Organisation and competence

This provision carries forward current law under the Petroleum Act, including the previous Safety Regulations Section 13 and Section 25.

The first paragraph requires the operator at all times to have the necessary professional competence to assess whether its petroleum activities are prudent.

The purpose of the second paragraph is to ensure that all persons employed in the petroleum activities are qualified to perform the work in a prudent manner, cf., inter alia, the Petroleum Act Section 9-7. Further requirements as to expertise are laid down in the supplementary regulations; see the Management Regulations and the Activities Regulations.

The legal authority in the third paragraph is not limited to the operator's own organisation, but applies to the entire organisation of the petroleum activities under the operator in question, including contractors and others. This is in accordance with current law.

Re Section 11
Sound health, environment and safety culture

This provision is new, but expresses principles embodied in the health, environment and safety legislation.

To ensure the success of the systematic effort needed to prevent faults and dangerous situations or undesired conditions arising or developing, and to limit pollution and injury to persons and damage to equipment, a favourable health, environment and safety culture must pervade all levels of the individual activity/establishment. A favourable health, environment and safety culture is also needed to ensure continual development and improvement of health, environment and safety.

In order to make it clear that this section applies across the entire scope of application of the regulations, the expression "health, environment and safety culture" is used instead of the more established term "safety culture".

Re Section 12
Health related matters

This section carries forward current law. The legal basis for the requirement as to adequate provision for health related aspects is provided in the Petroleum Act. Health related aspects are defined in Section 4 on definitions.

The level of health services in petroleum activities should at least be on a par with the level in municipal health services.

Responsibility for ensuring compliance with this section rests, according to Section 5 on responsibility according to these regulations, in the first instance with the operator. The operator or the party responsible for the activities must by means of his health service ensure that all persons present on the facility receive necessary health assistance, including emergency assistance, on the facility or during transport up to the point where the shore-based primary or specialist health service in the event takes over responsibility. The operator must also arrange conditions enabling the health service to attend to its other tasks under the health legislation. Attention is drawn to the Health Personnel Act Section 16 referred to in this guide's comments to the Framework Regulations Section 5. (According to the Health Personnel Act Section 16, an establishment that provides health assistance, including the petroleum activities, shall be organised such that the health personnel are in a position to fulfil their statutory obligations.) Attention is drawn to the Framework Regulations Section 2 subsection 2 which gives the Patients' Rights Act and the Health Personnel Act effect in the petroleum activities.

Health personnel are subject to requirements as to proper professional practices. This follows from the Health Personnel Act which sets out health legislation's general duty provisions addressed to health personnel, cf. Section 2 subsection 2 of these regulations.

CHAPTER IV
MANAGEMENT OF THE PETROLEUM ACTIVITIES

Re Section 13
Duty to establish, follow up and further develop a management system

This section carries forward the previous Management System Regulations laid down pursuant to the Working Environment Act, Pollution Control Act and Petroleum Act. The duty to establish, follow up and further develop management systems also applies in the area of the Product Control Act, cf. these regulations Section 2 on scope of application etc., subsection 1 litera c. For further amplification of the requirements in connection with management systems, attention is drawn to the supplementary Management Regulations.

The management systems that the operator and other participants have established for their activities, should be further developed to encompass fulfilment of requirements stipulated in the health, environment and safety legislation. Such management systems may, for example, be established in accordance with the previous Regulations 27 June 1997 no. 650 relating to management systems in the petroleum activities, Regulations 6 December 1996 no. 1127 relating

to systematic health, environment and safety work at enterprises (internal control regulations for land) and regulations under maritime law.

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

The need for this section

The Petroleum Act Section 10-6 imposes an obligation to establish, follow up and further develop a management system. The management system obligation follows from the Working Environment Act Section 3-1 also Where the Pollution Control Act and the Product Control Act are concerned, this obligation does not follow directly from the acts, but Section 52 litera b and Section 8 third paragraph, respectively, of the above acts, authorise the imposition of requirements as to such a system. Requirements as mentioned are accordingly included in the first paragraph.

The party responsible

In the first paragraph the party responsible is the obligated party, i.e. the operator and others participating in the petroleum activities without being licensees or operators. This is a change in relation to previous management system regulations in which the licensee is the obligated party.

Details of the licensee's duty

The licensee will continue to have a special duty to establish, follow up and further develop a management system, limited to those parts of the body of rules that apply to the licensee, cf. second paragraph. In other words the licensee must have a management system in place in order to follow up his duty to see to it that the operator complies with his duties, cf. Section 5 on responsibility according to these regulations, and to follow up those duties set out in individual provisions directed at the licensee. The management system must naturally be adapted to the scope of the activities in question. It may be natural for the individual licensee's management system to encompass all production licences in which it is participating on the Norwegian shelf. For the licensee group's part the obligation to maintain a management system could entail a description of how the group is to follow up its duties, for example in the form of responsibility and task sharing between the participants and between the group and the operator, in the event a reference to documents where such a description is to be found.

The duty is confined to the scope of application of these regulations

It is emphasised that the duty under this section only applies to that part of the activities that are encompassed by the scope of application of these regulations. For example, firms that manufacture equipment on land will not be subject to the system obligation in these regulations when it comes to the working environment for their employees on land. The relevant body of rules for activities on land will apply to them.

The content of the management system

As under the previous Management System Regulations, the management system shall include organisation, processes, procedures and resources that are necessary to ensure compliance with requirements set out in the health, environment and safety legislation. Further provisions on management systems, including their content, are given in the supplementary Management Regulations.

It follows from this provision, cf. the definition of the health, environment and safety legislation in Section 4 on definitions, that the management system must also encompass relevant provisions of the health acts that are given effect by virtue of Section 2 subsection 2 on scope of application, in addition to in the Medicines Act and other health acts that apply to petroleum activities against the background of the Petroleum Act Section 1-5.

Act No. 15 of 30 March 1984 on State Supervision of Health Services (Health Services Supervision Act) also encompasses supervision of health services in the petroleum activities, cf. Petroleum Act Section 1-5. The Health Services Supervision Act Section 3 requires

establishments that provide health services to maintain internal controls in such a manner as to prevent a breakdown of health services. The establishment and the services shall in that connection be planned, implemented and maintained in accordance with generally accepted professional standards and requirements established in pursuance of law or regulations. It is important in the interest of the petroleum industry for the health authority to co-ordinate its supervision under differing bodies of rules with the management system for the petroleum activities. Fulfilling the provisions of the Management Regulations is deemed to satisfy the internal control requirements of the Health Services Supervision Act.

The employees' duty to contribute

The third paragraph carries forward the previous Management System Regulations, and requires the employees to contribute in the establishment, follow-up and further development of management systems across the entire scope of application of the regulations, including management systems for follow-up of requirements set in the scope of application of the Pollution Control Act. Employees' experiences and active contribution are an essential premise for a smoothly functioning management system. Employees' rights in this connection are regulated in Section 6 on arrangements for employee contribution.

Re Section 14
Qualification and follow-up of other participants

The first paragraph deals with duties that the party responsible has under the health, environment and safety legislation and Section 5 on responsibility according to these regulations. The first paragraph also includes participants other than the operator, and requires for example contractors to follow up their sub-contractors. Where the operator is concerned, the first paragraph points to certain elements of the operator's duty to "see to it" that follows from Section 5 on responsibility according to these regulations, second paragraph.

The second paragraph carries forward the previous Management System Regulations Section 9 third paragraph. The operator replaces the licensee as the obligated party. This provision touches on the relationship between the operator's management system and the system of other participants. The section requires the operator, in order to ensure that due account is given to the totality, to assess the other systems prior to, during and after contract-signing, as well as during implementation of the activity. Other relevant Norwegian legislation may be Regulations no. 1127 of 6 December 1996 on Systematic Health, Environment and Safety Activities at Enterprises (internal control regulations for land) and regulations under maritime law.

Compared with Section 13 on the duty to establish, follow up and further develop a management system, the second paragraph requires the operator to take a basis in other participants' management systems as far as possible. The operator must assess the suitability of these management systems in light of the activity to be carried on, and decide whether there is a need to initiate corrective measures. Caution should be displayed in intervening in already established management systems.

Re Section 15
Verifications

This section carries forward current law.

Verification may include control of calculations, drawings and fabrication by examining what has been done, and by having independent or in-house calculations carried out. Verification can also include testing of products and systems.

Verification by the party responsible of compliance with requirements of the health, environment and safety legislation includes verification of the internal requirements set by the party responsible to concretise requirements of the health, environment and safety legislation that are designed to help to achieve the goals and the strategies for health, environment and safety that the party responsible has established. Requirements for the establishment of goals and strategies and for stipulation of internal requirements have been set in the supplementary Management Regulations.

The scope of verification will depend on the type of requirements. For example, there will normally be a need to verify conformity with requirements of health, environment and safety legislation in the technical areas.

As regards the degree of autonomy, verifications should as a rule be carried out by a party other than the one that has performed the work to be verified or the one that has prepared the basis for verification, and reporting in the line should be independent of organisation. An important premise is that the entity that carries out verification has the necessary competence and necessary resources to do so.

Re Section 16
Use of the Norwegian language

This section builds on the previous Safety Regulations, but is amended to the effect that the Norwegian language *shall* be used to the greatest possible extent. In the previous Safety Regulations the phrase "should be used" is employed. The amendment is intended to make it clear that use of the Norwegian language is the basic rule.

Although the basic rule of the provision is use of the Norwegian language, the requirement to use the Norwegian language is not absolute. As is said in the provision, other languages may be used if this is necessary or reasonable in order to carry out the petroleum activities, and provided it does not compromise safety.

The provision implies that written material such as procedures and manuals shall be in Norwegian as a basic rule. If this is considered to be unreasonable, and provided that it does not compromise safety, something which the employer shall be able to document, one may abstain, however, from translating such documents into Norwegian.

Requirements regarding use of Norwegian are set in some special areas, such as in the Working Environment Act Section 5-4 first paragraph litera e and Section 5-5 fourth paragraph. These requirements are addressed to manufacturers, suppliers and importers of technical facilities and equipment, and manufacturers and importers of toxic and other health-hazardous substances. See also the Working Environment Act Section 4-5 fourth paragraph.

CHAPTER V
MATERIAL AND INFORMATION

Re Section 17
General requirements to material and information

The first paragraph imposes a general documentation duty on the party responsible. This duty is also imposed by the Petroleum Act Section 10-4, but is included here because a corresponding requirement is not explicitly set out in the other authorising acts. The section gives no concrete indication about where or what material and information should be stored, or who should actually do this. It may for example be stored by a contractor, abroad, by electronic or other means. The requirement is that the material and information should be able to made available to the supervisory authorities within a reasonable period. What is regarded as a reasonable period will for one thing depend on the importance of the material or information and the matter in question.

It is the party responsible that shall take a position on the need for documentation, and the section provides for the utilisation of available documents and documentation systems of suppliers and sub-suppliers. The first paragraph fourth sentence signals expressly that documentation shall be adapted to the establishment's distinctive character and the activities being carried on, so as to avoid unnecessary documentation.

Reference is made to the supplementary Information Duty Regulations which lay down further provisions as regards the duty to provide information to the authorities, including provisions on period of storage and discarding.

The second paragraph carries forward current law. See also Section 3 on the use of maritime legislation in petroleum activities.

Further details about AOC

The last paragraph stipulates that the Petroleum Safety Authority issues acknowledgements of compliance for mobile facilities that are to conduct petroleum activities on the Norwegian part of the continental shelf. Such acknowledgements of compliance are not issued for facilities that are to be used for storage purposes only. Facilites that are given in the last paragraph as "facilities for production, storage and offloading, facilities for drilling, production, storage and offloading", are generally known as FPSOs (Floating Production, Storage and Offloading) and FPDSOs (Floating Production, Drilling, Storage and Offloading), but in the context of the regulations relating to health, safety and the environment in the petroleum activities on the Norwegian continental shelf, the "F" is to be read as "mobile". Thus it is the *use* of said type of facilities that will decide whether an acknowledgement of compliance must be obtained according to the provision. If a facility has been built as FPSO, but is being *used* for storage purposes only, an acknowledgement of compliance will not be required. The arrangement of acknowledgement of compliance builds on the earlier voluntary arrangement of acknowledgement of compliance, introduced in August 2000.

An acknowledgement of compliance (AOC) is an acknowledgement from the Petroleum Safety Authority to the effect that a mobile facility's technical condition and the applicant's organisation and management system are assessed to be in conformity with relevant requirements of Norwegian rules and regulations for the petroleum activities. The owner of a mobile facility or another party who is in charge of day-to-day operation of such a facility must have obtained an AOC when such a facility participates in petroleum activities subject to Norwegian shelf jurisdiction. The AOC application may be submitted independently of a consideration of consent. An acknowledgement of compliance is an individual decision according to the public administration Act, with the rights that ensue from this Act.

An AOC will constitute part of the documentation basis when applications are taken up for consideration by the authorities, particularly in connection with the facility-specific part of an application for consent. In itself it confers no right to initiate activities on the Norwegian shelf.

An AOC will be issued on the basis of the authorities' assessment of the condition of the facility, measured against the rules and regulations applying to the use of mobile facilities on the Norwegian continental shelf at the time of the AOC. The statement will be given based on the authority's follow-up of the applicant and the information that the applicant has provided about the facility and the organisational set-up. An AOC encompasses technical conditions, relevant parts of the applicant's management system, analyses performed, maintenance programme and upgrading plans.

Use of such a statement in connection with a subsequent application for consent for use must be viewed in light of any changes in the facility's technical condition, the applicant's organisation and management system since the statement was given. Further use of an acknowledgement of compliance is conditional upon that the basis, prerequisites and other conditions given in the acknowledgement are followed up and maintained. 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.

Guidelines for the application of acknowledgement of compliance have also been published. With regard to qualification and documentation required when applying for an acknowledgement of compliance, reference is made to OLF/NR "Handbook for application for Acknowledgement of Compliance (AoC)". Reference is also made to OLF/NR "Recommended guidelines for acceptance and operation of mobile drilling facilities holding, or in the application process for, an Acknowledgement of Compliance (AoC)".

Re Section 18
Documentation

General documentation requirement

The first paragraph carries forward current law. The section establishes a general documentation requirement and applies throughout the health, environment and safety area.

Documentation in the area of the Pollution Control Act and Product Control Act

The second and third paragraphs do not apply in the area of the Pollution Control Act or Product Control Act. In the area of the Pollution Control Act or in connection with the establishment of management systems to follow up compliance with the Product Control Act, no standards or other recognised norms are referred to. It is the task of the party responsible to ascertain how mandatory environmental requirements can best be met and to initiate measures to fulfil these requirements. The guidelines to the regulations provide guidance on the requirements of the regulations designed to promote understanding of and compliance with the requirements, including suggestions as to how the requirement can be complied with. This does not prevent standards or other recognised norms from being applied where relevant in order to fulfil a requirement set out in the body of rules, so long as the requirement is met.

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

The second paragraph carries forward current law in the area of health, working environment and safety. Similar provisions are to be found in a number of regulations under the Petroleum Act and the Working Environment Act that were revoked when these regulations came into force.

The authorities' recommended solutions are stated in the comments to the individual sections of the supplementary regulations. The authorities recommend use of various industrial standards or other normative documents, in the event with supplementary items contained in the comments, as a means of fulfilling the regulations' requirements. Normative documents are referred to by date of publication and publication/revision number, for example NORSOK R-003N Lifting equipment operations, Revision 1, October 1997. The recommended solution becomes the recognised norm by way of this reference in the comments to the regulations. In areas where no industry standards have been published, or such standards have not be regarded as satisfactory, the authorities in certain cases offer in the comments to the provisions solutions that indicate ways of fulfilling the requirements. Such recommendations have the same status as the recommended industrial standards mentioned above. According to the second paragraph, the party responsible can as a rule assume that the recommended solution fulfils the requirement of the regulations in question.

Use of recognised standards is voluntary in the sense that other technical solutions, methods or procedures can be opted for provided the party responsible can provide documentary proof of compliance with the requirements of the regulations, cf. third paragraph. In the event of other solutions being used than those recommended in the comments to a provision contained in regulations, the party responsible must, under the third paragraph, be able to provide documentary proof that the solution chosen fulfils the requirements of the regulations. To obtain the best possible understanding of the level that it is desired to achieve through the regulations, the regulations and the comments need to be viewed collectively. Norms that are recommended in the comments will be central factors in interpreting the individual requirements of regulations and when establishing the level for health, working environment and safety. Combinations of parts of norms should be avoided, unless the party responsible is able to document that an equivalent level in relation to health, working environment and safety is achieved

In the comments to the supplementary regulations the terms "should" and "may" are used when reference is made to recommended solutions to fulfil the requirements of the regulations. In that connection these terms mean the following:

Should means the authorities' recommended manner of fulfilling the function requirement. Alternative solutions with documented equivalent functionality and quality can be employed without being submitted to the authorities for approval.

May means an alternative, equivalent manner of fulfilling the function requirement, for example where the comments recommend using maritime norms as an alternative to a NORSOK standard.

When the industry or other parties publish standards, such standards are normally expected to be applied to new facilities and the sphere that the standard describes. Hence where the authorities recommend using such standards it is not the intention to go beyond the premises laid down for the standards, unless this is specifically stated.

In the event of major rebuilding or modifications of existing facilities, the new standards should be applied. Where the new standards are not considered appropriate, this should be justified on safety grounds. Safety grounds for not applying new standards may for example be that applying new standards to existing solutions is considered to entail a particular risk. Existing facilities are facilities where plans for development and operation (PDO) have been approved, or a specific licence for installation and operation (PIO) has been granted, cf. the Petroleum Act Section 4-2 and Section 4-3 respectively, or facilities that have been authorised to carry on petroleum activities. Where mobile facilities are concerned, it is assumed that a facility is new when new consent is sought, in the same way as under the safety rules that applied up to the point when these regulations came into force.

As regards the significance of previously granted exemptions for the facility for which consent is sought, reference is made to Section 59 on exemptions and the supplementary Information Duty Regulations Section 6.

The term "shall" is also used in the comments to the regulations. In that connection **shall** directly conveys a requirement of law or regulations or the authorities' interpretation of requirements that allow for no other solutions, for example as regards whether an activity or equipment is encompassed by the scope of application of the regulations or not.

Reference is also made to Section 8 on prudent petroleum activities where the associated comment specifies various types of normative documents.

Re Section 19
Documentation in the early phase

This section carries forward the previous Safety Regulations Section 21 and the previous Working Environment Regulations Section 10, and supplements the Petroleum Act Section 9-6 on requirements to safety documentation.

This section also clarifies the legal basis for the Ministry of Labour and Social Inclusion' supervision of safety in the activities from the point in time at which it is decided to prepare a plan for development and operation of petroleum deposits (PDO) or a plan for installation and operation of facilities for transport and exploitation of petroleum (PIO). The section clarifies the Petroleum Act's assumption that these are primarily documents that the companies have already prepared for their own part. The ministry may however request additional documents or separate documentation. Such documentation must be related to conditions that the undertaking itself has chosen to assess. See also the comments to the Petroleum Act Section 9-6 in Proposition to the Odelsting No. 43 (1995-96) page 58 and 59.

Re Section 20
Matters relating to health, environment and safety in the plan for development and operation of petroleum deposits and the plan for installation and operation of facilities for transport and utilisation of petroleum

This section carries forward current law under the Petroleum Act and the Working Environment Act, mainly the previous Safety Regulations Section 22 and the previous Working Environment Regulations Section 10. The section is extended to include the area of the Pollution Control Act.

The section amplifies the Petroleum Act Section 4-2 which applies to plans for development and operation of petroleum deposits (PDO) and Section 4-3 which concerns special authorisation for, and plans for installation and operation of, facilities for transport and for utilisation of petroleum (PIO), by imposing supplementary requirements in regard to documents related to health, environment and safety that shall accompany the plans. The section is harmonised with corresponding documentation provisions in Regulations No. 653 of 27 June 1997 to the Petroleum Act, cf. Section 21 and Section 29. In this section too, cf. the second paragraph, it is expressly stated that the documentation shall be adapted to the development or the dimensions of the project. See also the guide to drafting PDOs and PIOs that was published on 18 May 2000 and is available from the Petroleum Directorate.

Re second paragraph litera c

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

Re second paragraph litera d
Co-ordination of petroleum activities as mentioned in the second paragraph litera d may involve planning recovery of the deposit from, or by other means linking the deposit directly to, an existing facility that is owned or operated by other parties. The requirement of litera d entails that where the plan entails such use of other facilities, factors that are of significance for health, environment and safety in connection with any modifications to such facilities shall be described in the plan. Reference could also be made to an already approved plan for development and operation of the facility. It may also be relevant to require an amended plan for development and operation in respect of the facility in question to be submitted for approval, cf. Petroleum Act Section 4-2 seventh paragraph.

Re second paragraph litera f
Guidelines for the content of the main plan as mentioned in the second paragraph litera f are laid down in the guide for plans for development and operation of petroleum deposits (PDO) and plans for installation and operation of facilities for transport and utilisation of petroleum (PIO), Chapter 3.4.2.

Re second paragraph litera l
The requirements of the second paragraph litera l) also encompass solutions for preventing and minimising discharges and plans for environmental monitoring in the area.

Re second paragraph litera m
The requirement of the second paragraph litera m carries forward previous Regulations relating to manned underwater operations Section 13.

The third paragraph supplements the Petroleum Act Section 4-2 sixth paragraph and Section 4-3 second paragraph and carries forward current practice. The authority to waive requirements for plans for development and operation of petroleum deposits and requirements for plans for installation and operation of facilities for transport and utilisation of petroleum is assigned to the Ministry of Petroleum and Energy. Criteria for exemption and for the content of applications are detailed in Proposition to the Odelsting No. 43 (1995-96) page 43 and 44 respectively.

Reference is made to the provisions on regional impact assessments in Act No. 72 of 29 November 1996 relating to Petroleum Activities and in Regulations No. 653 of 27 June 1997 to the Petroleum Act. The rules on regional impact assessments that apply under the Petroleum Act and the Petroleum Regulations receive closer comment in the guide to 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), published on 18 May 2000.

Re Section 21
Application for consent

This section carries forward current law. A consent is an individual decision under the Public Administration Act, and the arrangement entails that the operator must obtain consent from the Petroleum Safety Authority at important milestones in order to be able to commence or continue his activities. The supplementary Information Duty Regulations Section 5 make clear in what cases consent shall be obtained. The Information Duty Regulations Section 6 regulates the contents of applications for consent.

Further details about AOCs

It is necessary to obtain an AOC in connection with a concrete application for consent for petroleum activities involving use of a mobile facility, cf. Section 17 last paragraph. The application can comprise two parts: one part which contains factors specific to locality and activity, and one part containing factors specific to the facility, i.e. technical condition, the applicant's organisation and management system.

Re Section 22
Decommissioning plan

This section is new and amplifies the Petroleum Act Section 5-1. It supplements provisions on the same theme in Regulations No. 653 of 27 June 1997 to the Petroleum Act Section 43 and Section 44. This section applies across the entire area of health, environment and safety. It entails no material changes in relation to current law, based on the Petroleum Act and regulations to the Petroleum Act, but amplifies requirements set out in Regulations to the Petroleum Act Section 44 second paragraph litera a.

Examples of operations under this section litera d, can be lifting operations, marine operations and subsea operations.

The Norwegian Pollution Control Authority shall be notified of decommissioning of petroleum activities, cf. the pollution Act Section 20. If the decommissioning plan in accordance with the petroleum Act is not sufficient in relation to requirements given in or pursuant to the pollution Act, the Pollution Control Authority may demand further information and investigations to be performed to map the risk of pollution in connection with and after decommissioning of petroleum activities, cf. the pollution Act Sections 49 and 51. In addition, the Pollution Control Authority may stipulate what measures are necessary to counteract pollution, cf. the pollution Act Section 20 second paragraph.

Re Section 23
Publicly available information on safety

This section carries forward current law and applies to data related to safety under the Petroleum Act. It was considered natural to include a legal basis at this level, and to make concrete provisions in supplementary regulations, cf. the Information Duty Regulations Section 3. As under current law, relevant information for publication will, in particular, be information which should on safety grounds be available to parties other than those responsible for gathering the information.

CHAPTER VI
DESIGN AND OUTFITTING OF FACILITIES ETC. AND CONDUCT OF ACTIVITIES IN THE PETROLEUM ACTIVITIES

Re Section 24
Development concepts

This section carries forward current law, including parts of the previous Safety Regulations Section 29 and the Working Environment Act in the same area. The first paragraph applies across the entire area of health, environment and safety. Requirements as to facilities, including equipment, also apply to equipment or work equipment.

The second paragraph carries forward the previous Safety Regulations Section 33 without material changes. This paragraph made clear that facilities must also be able to withstand harm caused by other activity.

Re Section 25
Data on natural conditions

The first paragraph carries forward current law, cf. the previous Safety Regulations Section 18 and Section 28, but the obligated party is referred to in neutral terms. The second sentence of the provision normally entails that collection of statistical data shall be done before probable future developments, when such statistical data are uncertain. Measurement of currents at great sea depths will be of particular importance in this respect. The requirement concerns statistical data providing the basis for planning facilities and operations, as well as data in real time that are necessary for the implementation of individual activities in the petroleum sector.

The second and third paragraphs carry forward the previous Safety Regulations Section 32 without material changes. The legal basis in the second paragraph includes the right to establish a duty to install instruments on and outside facilities. The legal basis in the third paragraph includes the right to require the licensee to pay the costs of instrumentation etc., even where the

data are not used on the facility at which instruments are installed, for example where the data are part of a larger compilation.

The concept of data regarding natural conditions is explained in the comment to the supplementary Facilities Regulations Section 16 on instrumentation for monitoring and recording.

Re Section 26
Placing of facilities, choice of route

With one exception, mentioned below, this section carries forward current law, including the previous Safety Regulations Section 34 with supplementary regulations.

The first paragraph states that a planned well position and well path must not be closer to the borderline onto neighbouring blocks or foreign states' part of the continental shelf than is justified by the uncertainty inherent in the co-ordinate system chosen. When the position of the facility or well is to be decided, importance shall be given to statements from the owners of facilities in the area in question.

The earlier requirement to the effect that agreements as mentioned in the second paragraph shall be submitted to the ministry is not carried forward.

Re Section 27
Duty to monitor the external environment

This section largely carries forward existing practice and regulation. The requirement as to remote measurement is new.

"Monitoring" means systematic and regular examinations to document the state of the environmental resources, describe the risk of pollution and keep a check on pollution of marine resources.

The duty to monitor entails mapping of critical conditions and parameters for risk, dimensioning, transport and spread of pollution and impact on environmental resources.

Monitoring may take place on the facility itself, pipelines, unloading and loading buoys, subsea storage facilities for oil and production facilities, vessels or in the maritime environment. "Marine environment" means sea, coast, shore, seabed, water column and environmental resources. "Environmental resource" means naturally occurring or natural biotic and abiotic components which may include one or more species, biotopes and/or types of nature in a marine environment.

Monitoring of the external environment is based on the activity in question, identified risk, need for environmental data as a basis for decisions, and knowledge of pollution.

The duty to monitor is made clear in the Activities Regulations Chapter X-I.

Re Section 28
Use of facilities

This section carries forward current law and applies to the entire area of health, environment and safety. Reference is made the supplementary regulations, particularly the Activities Regulations.

Re Section 29
Co-ordination of emergency preparedness

This section carries forward the previous Safety Regulations Section 38 second and fourth paragraphs. Section 38 first paragraph is not carried forward here, since it is covered by the Petroleum Act Section 9-2. The operator and other parties participating in the petroleum activities (the party responsible) shall establish and further develop emergency preparedness. Preparedness shall include measures to deal with identified hazard and emergency situations. The section now applies across the entire scope of application of the Working Environment Act.

The Norwegian Coastal Administration is responsible for a national emergency preparedness system against acute pollution, cf. the Pollution Control Act Section 43 third paragraph. The operator should harmonise with this system in order to fulfil the co-ordination requirement in the second paragraph.

The requirement to manage and co-ordinate in the third paragraph follows from the Petroleum Act Section 9-2 on emergency preparedness, and entails that the operator is responsible for ensuring that necessary measures are implemented to prevent or reduce the harmful effects of a hazard or emergency situation.

Re Section 30
Co-operation on emergency preparedness

The first paragraph establishes an obligation to co-operate on emergency preparedness as mentioned in the Pollution Control Act Section 42 first paragraph. A binding co-operation on preparedness agreed in joint emergency preparedness plans, and use of joint preparedness resources as mentioned in the first paragraph, provide the securest basis for establishing, maintaining and further developing a preparedness against acute pollution that can address the risk of pollution both in connection with the facility itself and in the region as a whole. Co-operation on preparedness is an important premise for optimising the mix of preparedness resources, and use of these resources is linked to the establishment of regional preparedness. The regional emergency preparedness should be able to act rapidly and effectively against acute pollution using the best available measures at all times.

The second paragraph carries forward the previous Safety Regulations Section 38 third and fifth paragraph, but with somewhat revised wording.

Re Section 31
Safety work in the event of industrial disputes

The operator shall see to it that necessary agreements on safety work in the event of an industrial dispute are entered into as early as possible, between the employers and employees that may be involved in a possible dispute, also when they are contractor or subcontractor to the operator.

With regard to production activities, procedures for how the activity is to be closed down, will be available in many cases. These are procedures for closing down under normal circumstances, but they will also be used in an industrial dispute. The employer and the employees in the individual company must nevertheless enter into agreements that put them under an obligation to take part in this closing down work in the event of an industrial dispute. If there are no closing down procedures available, they must also be included in the agreement. These are agreements that normally are concluded between the operator and the employees, and they can be entered into in ample time before possible industrial disputes.

A run down agreement for a mobile facilty is entered into by the employees and the employer of the employees who are comprised by the notification of collective resignation.

When the run down is completed, the agreed safety manning can be established. The agreement on safety manning is entered into for each production facility by the operator, other principal enterprise, if applicable, and the employees. If the contractor is to form part of the safety manning, an agreement must be entered into by the employer and the employees. These agreements must have been entered into in ample time before an industrial dispute arises. At the start of production, agreements shall be be in place. If applicable, provisions on termination of the agreement on safety manning should be formulated so that there is ample time to work out a new agreement before a possible industrial dispute arises.

Agreements on safety manning for mobile facilites shall also to be entered into in ample time before an industrial dispute arises. These agreements shall be in place when consent has been obtained. Normally, a general agreement for mobile facilities is concluded between the main organisations of the employers and of the eomployees. In addition, an agreement on safety manning is conluded between the principal enterprise and the organisations of the employees for each mobile facility.

According to the information duty regulations Section 8 second paragraph, activity plans shall be sent to the Petroleum Safety Authority in the event of an industrial dispute, in which an assessment is made of the industrial dispute's consequences for the activity. An assessment must be made of the industrial dispute's consequences for and the need for run down activities and establishment of safety manning depending on who is on strike at any time.

CHAPTER VII
SAFETY ZONES

Re Section 32
Relationship to international law

This section carries forward current law under the Petroleum Act.

Re Section 33
Establishment of safety zones

The zone is established when the facility or parts of it are placed in the field. This entails, for example for facilities fixed to the seabed, that the safety zone is established once the facility or parts of it are placed on the seabed. For mobile facilities the safety zone is established by anchoring. Where revocation of safety zones is concerned, reference is also made to legislative history to the Petroleum Act, cf. Proposition to the Odelsting No. 43 (1995-96).

The phrases “exploration drilling”, “production” and “relocation” are taken from the terminology of the Petroleum Act and are defined in the Petroleum Act Section 1-6. The term “facility” includes permanently placed and mobile facilities. Mobile facilities' safety zone shall be limited to the time they are in position in the field.

If the operator considers a safety zone unnecessary, an application to this effect giving reasons shall be sent to the Ministry of Labour and Social Inclusion. The application should be sent together with the plan for development and operation of the deposit at the latest. It is not a condition for decision under this section that an application has been filed. The Ministry of Labour and Social Inclusion may exercise authority under these regulations on its own initiative.

The interests above all of other activities indicate that safety zones should not be established unless it is necessary to do so on safety grounds. Other measures, such as physical protection, may be equally suited to protecting the facility while not entailing a corresponding intervention in other activities.

Attention is drawn to the definition of safety zone in Section 4. The extent of a safety zone is reckoned from lines drawn through the facility’s extremities. The extent is delimited by notional vertical lines running from the seabed up to a height of 500 metres reckoned from the facility’s highest point. For facilities that are in horizontal or vertical movement, the safety zone is reckoned from the position that the facility is in at any time. This is the customary extent of such zones today. The extent of the zone may be smaller, but must not exceed 500 metres.

Re Section 34
Establishment of safety zones for subsea facilities

Establishing safety zones for subsea facilities requires an individual decision by the Ministry of Labour and Social Inclusion. Such a decision may be occasioned by an application from an operator, although this is not a condition for the ministry to exercise authority under this section.

This section does not apply to pipelines and cables since, under ordinary international law, safety zones are not permitted around objects that international law does not define as facilities. See also the comments to Section 33 on establishment of safety zones.

A pipeline system may however also include riser platforms. In this context riser platforms must be regarded as independent facilities that are required to have a safety zone under the main rule of Section 33 on establishment of safety zones.

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

Central factors when assessing whether or not a safety zone should be established will include safety considerations such as the facility’s construction, sea depth, navigation conditions and the extent and type of other activities in the area in question, as well as economic assessments.

Re Section 35
Establishment of specific safety zones in situations of hazard and accident

Special safety zones that are established with a view to dealing with hazards and emergencies will be short-term measures designed to prevent exacerbation of an actual situation, and to ensure adequate safety and calm in regard to such situations.

Regulatory measures under this section will be preparedness measures initiated by the authorities. The Ministry of Labour and Social Inclusion may extend existing safety zones or establish new zones. The Ministry of Labour and Social Inclusion has introduced this regulation in light of a need, based on safety considerations, for autonomy within the framework of international law. When establishing the details of the prohibition of traffic in the safety zone, the ordinary rules are applicable.

It is assumed that international law, as currently interpreted, does not permit the establishment of special safety zones of this type for pipelines and cables.

Re Section 36
Requirements to impact assessments etc

As a general rule the Ministry of Labour and Social Inclusion is assigned authority to issue regulations and to render individual decisions that are necessary to implement these regulations' provisions on safety zones.

The Ministry of Labour and Social Inclusion will not itself adopt all decisions within its sphere of competence, but will employ the Petroleum Safety Authority as an executive agency where this is appropriate. The ministry wishes however to be the responsible authority for the decisions adopted, even though some aspects of the competence to adopt decisions are delegated to the Petroleum Safety Authority.

Although competence under this chapter on safety zones is assigned to the Ministry of Labour and Social Inclusion, a condition is that other ministries such as the Ministry of Foreign Affairs, the Ministry of Petroleum and Energy, the Ministry of Finance, the Ministry of Fisheries and the Ministry of the Environment are consulted as and when necessary before decisions are adopted.

Decisions under this chapter on safety zones encompass the establishment of, alterations to and discontinuance of zones. In cases where the Ministry of Labour and Social Inclusion itself adopts a decision, the Petroleum Safety Authority is responsible for the preparatory administrative procedures. When handling such cases the Petroleum Safety Authority will, as and when necessary, contact fishery interests and affected licensees, among others.

Re Section 37
Revocation of safety zones

No comment.

Re Section 38
Monitoring of safety zones

In order to fulfil the obligation of this section the operator must have monitoring equipment available, but the section does not bind the operator in terms of choice or location of equipment. Activities performed in or outside safety zones will differ. The operator must therefore himself set requirements as to equipment and procedures needed to monitor the safety zones.

Re Section 39
Alert and notification in connection with entry into safety zones

This section is intended to prevent accidents and harmful consequences, and to protect facilities. Notification can be given by various means, for example by radio, sound or light, and is expected to form part of the operator's emergency preparedness programme.

The second paragraph is intended to induce the party responsible for the object to take the necessary steps himself. If the operator is unable to notify the party responsible, and the object enters a safety zone or otherwise constitutes a danger for the petroleum activities, the Petroleum Act Section 9-5 is applicable.

The purpose of the third paragraph is to allow public authorities as much time as possible to initiate necessary measures that can serve to reduce the risk faced.

Where the fourth paragraph is concerned, reference is made to Regulations No. 1391 of 17 December 1999 on police districts which show which is the appropriate police authority. See also the comments to the supplementary Information Duty Regulations Section 11, which state which is the appropriate police authority.

Re Section 40
Measures against intruding vessels or objects

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

The obligation to expel applies to vessels and objects that the operator has not given leave to be present in the safety zone. The general prohibition against unauthorised vessels in the safety zone has been eased. Even where a vessel is not part of the operator's activities, it is not desired to prohibit the operator from permitting vessels to remain in the safety zone when this is not at the expense of safety.

In addition to the operator being able to permit unauthorised vessels access to the zone after a concrete assessment, the Ministry of Labour and Social Inclusion may also adopt decisions to the same effect. This right will broadly speaking be of significance where the operator assumes a more restrictive stance than the authorities. The Petroleum Act Section 9-4 empowers the Ministry of Labour and Social Inclusion to regulate fishing.

All exercise of public authority within an established safety zone shall continue to take place unimpeded. This also applies where foreign public authorities, in accordance with an agreement with Norway under the rules of international law, are given special control or inspection powers on Norwegian facilities.

The operator shall intervene in the event of violation of safety zones and in situations of hazard as mentioned in Section 35 on establishment of specific safety zones in situations of hazard and accident. Refusal of entry may take the form of instruction or expulsion. The duty to intervene also encompasses physical measures. Should violation of safety zones seriously endanger safety in the petroleum activities, the refusal may consist in physical measures. Physical measures may also be applied where the vessel or objects outside safety zones entail serious danger for petroleum activities. In such case the operator must first have notified, as mentioned in Section 39 on alert and notification in connection with entry into safety zones. The type of measure must be decided on the basis of an assessment of the seriousness of the danger to which the licensee's petroleum activities are exposed, viewed in relation to the consequences of the measure in question. The size and type of the vessel or object in question, weather conditions and activity on the threatened facility will have a bearing on what method is to be used to refuse entry. The Ministry of Labour and Social Inclusion would also point out that a trawl or the like that is towed behind a vessel may enter the zone even if the vessel itself is outside.

Refusal of entry may also be effected via radio or by means of light or sound signals. Such measures are expected to form part of the licensee's emergency preparedness programme.

Re Section 41
Marking of safety zones

According to the first paragraph, safety zones shall not usually be marked. This is because such zones should be familiar by their establishment, and the safety value of marking is therefore negligible. Moreover, the marking buoys may work loose, and in that way represent a danger to facilities and vessels. The operator may nonetheless, after an overall assessment, mark safety zones.

Re Section 42
Announcement of safety zones

Announcement of a safety zone shall as a general rule be sent to the Norwegian Mapping Authority Sea at least 30 days before the zone is established. The Norwegian Mapping Authority Sea will arrange for publication in "Notices to mariners". In the event of accidents, safety zones will be announced by way of the "National co-ordinator", via the Coast Directorate.

Safety zones to be maintained over a long period will be marked on charts.
Positions are stated using UTM co-ordinates and geographical co-ordinates.
The required content of the announcement is detailed in a separate report form.

CHAPTER VIII
SPECIAL RULES ACCORDING TO THE WORKING ENVIRONMENT ACT

Re Section 43
Several employers at the same workplace; general

This section carries forward the previous Regulations related to Systematic Follow-up of the Working Environment Section 5 litera a, and supplements the Working Environment Act Section 2-2 first paragraph.

In this section “activities” means the same as in the Working Environment Act, i.e. the term is approximately synonymous with “establishment” or "undertaking".

Re Section 44
Several employers at the same workplace; principal enterprise

This provision carries forward the previous Working Environment Regulations Section 9, with an exception in the second paragraph.

The second paragraph adapts the principal-enterprise responsibility to situations that may arise after the scope of application of the Working Environment Act was in 1992 extended to mobile facilities. Where a mobile facility carries on traditional drilling activities on the Norwegian shelf, such as exploration or production drilling, it will in many cases carry on such activities without the presence in the vicinity of other facilities of which it forms an integral part. Since the operator is usually not represented on board in such cases, it is not natural to impose principal-enterprise responsibility on the operator. This may also apply in other cases.

The second paragraph is amended in relation to the previous Working Environment Regulations, such that the right to enter into an agreement as mentioned in the second paragraph now also applies to manned subsea operations carried out from a vessel.

The principal enterprise shall co-ordinate safety and environmental work on board, cf. the Working Environment Act Section 2-2 second paragraph. The third paragraph explains in greater detail what the principal-enterprise responsibility entails, and carries forward current law under the Working Environment Act. Co-ordination responsibility in the third paragraph includes safety and health services as well as safety measures for which the principal enterprise is responsible. Co-ordination is intended to ensure that the respective employers have the information they need about each other’s work to avoid injury to each other's employees through preventative measures. This will particularly apply to safety measures in connection with technical facilities and equipment that are used by several employers.

The fact that the principal-enterprise responsibility is assigned to a particular obligated party does not prevent work tasks being assigned to other participants by agreement. The principal enterprise will in such cases be responsible for ensuring that the participant in question is qualified and performs the work tasks in a satisfactory manner. It may often be appropriate to assign the principal enterprise tasks in addition to those set out in these regulations. Such tasks may include responsibility for employees in other activities in terms of mapping the work environment, registration and control of working time and reporting of personal injuries and work-related diseases.

“See that”, as mentioned in the second paragraph litera b and c, means that the principal enterprise’s co-ordinating responsibility is confined to the conditions mentioned. The obligation to “see that” in litera d carries forward a special duty that follows from current law under the Working Environment Act. As mentioned, this duty entails drawing attention to and rectifying violations of which the principal enterprise becomes aware. The duty may for example be fulfilled by inspections at the workplace.

Re Section 45
Joint working environment committees

This section carries forward the previous Working Environment Regulations Section 11. In addition, a special rule related to the Working Environment Act Section 7-2 sixth paragraph is contained in the third paragraph. Since 1995 working environment committees have not submitted annual reports to the supervisory authority in keeping with provisions laid down in supplementary regulations. This section accordingly entails no substantive change.

The purpose of joint working environment committees is to ensure co-ordination of the individual enterprises' safety and environment effort and to give all employees, regardless of their employment relationship, a genuine opportunity to participate in safety and environment work at their own workplace.

The obligation to establish a joint working environment committee in no way reduces the individual enterprise's duty to establish a working environment committee of its own, cf. the Working Environment Act Section 7-1. Reference is made to the supplementary Activities Regulations Section 2 on co-ordinating working environment committees for fields and joint, local working environment committees for mobile facilities.

Re Section 46
Right of the responsible safety delegate to stop dangerous work

This section carries forward the previous Working Environment Regulations Section 12. Reference is made to the Working Environment Act Section 6-3 which lays down rules regarding the safety delegate's right to stop dangerous work.

The responsible safety delegate in the safety area affected shall address a request to stop the work operation or process to the person in charge of such work operation or process. The latter is responsible for actually stopping the operation or process. The consequences of a misapplying the right to stop work may be enormous. It is therefore important to follow established procedures for stopping work.

Reference is made to the supplementary Information Duty Regulations Section 11 which requires the Petroleum Safety Authority to be notified in the event that a demand is made for work to be stopped.

Re Section 47
Ordinary working hours

No comments for the time being, cf. the amendment that entered into force 1 July 2009.

Re Section 48
Plans of working hours arrangements and periods of stay

No comments for the time being, cf. the amendment that entered into force 1 July 2009.

Re Section 49
Off-duty periods

No comments for the time being, cf. the amendment that entered into force 1 July 2009.

Re Section 50
Breaks

No comments for the time being, cf. the amendment that entered into force 1 July 2009.

Re Section 51
Overtime

No comments for the time being, cf. the amendment that entered into force 1 July 2009.

Re Section 52
Periods of stay

No comments for the time being, cf. the amendment that entered into force 1 July 2009.

Re Section 53
Night work

First paragraph

The exceptions to the rules of the Working Environment Act have been incorporated to clarify the provision.

Second paragraph

It is up to the individual enterprise to choose whether the night work period of the shift arrangement is to be between 11.00 p.m. and 6.00 a.m. or between 12.00 midnight and 7.00 a.m. The provision does not exclude the application of both alternatives for different shift arrangements and groups of employees at the same enterprise.

Third paragraph

Work that is ”necessary to uphold production” according to litera a, also comprises operation of transport systems related to the production. Support functions may be maritime operations that are necessary to safeguard the facility, necessary lifting operations and catering services and repairs of equipment that is necessary to resume operation, and that can be done right away by means of available equipment and personnel.

The risk reduction according to litera b must be considered in an individual and overall manner with regard to health and safety of the individual employee and with regard to major accident risk. Work that comes under this provision, may be maintenance activities necessary to restore physical barriers or HSE-critical functions, cf. the activities regulations section 43 on classification. Furthermore, it may be a question of work implying a higher risk if it has to be finished before the beginning of the night period as it leaves the facility in a state which may lead to higher risk. It may also be a question of exploiting a “weather window” to conduct some special or limited activities. The provision may not be circumvented by planning so many simultaneous activities in day time that it would be safer to do some of these activities at night.

That the ”operation of the facility has been closed down” according to litera c, implies that there is no production or drilling or well operations going on, as during main overhaul stops, for instance.

Fourth paragraph

Corresponds to section 10-11 third paragraph in the Working Environment Act,, thus making those rules applicable here also. The term “elected representatives of the employees” does not only comprise elected representatives from trade unions. They may come from the safety delegates as well, cf. the guidelines to the framework regulations section 6, which, in turn, refer to the Working Environment Act.

Fifth paragraph

Corresponds to the Working Environment Act section 10-11 sixth and eighth paragraphs and is exempt from the facilities regulations today. The provision is a consequence of the Working Time Directive. The provision has no effect on ordinary working hours, but limits the duration of night work in very special cases. The provision does not exclude that employees work the ordinary 12 hours in general, but they must not work more than 8 hours if the work implies a special risk or significant physical or psychic strain.

The consideration of what may constitute work involving a special risk or significant physical or psychic strain, must be based on the fact that night work in general imposes strain, and that work on the shelf is not without risk.

Re Section 53A
Work on Sundays

No comments for the time being, cf. the amendment that entered into force 1 July 2009.

Re Section 54
Minimum age

This section carries forward the previous Working Environment Regulations Section 13 and is a special rule related to the Working Environment Act Chapter 11. Hence, Chapter 11 of the Working Environment Act does not apply. The provisions of the Act are superfluous since the minimum age under these regulations is 18.

CHAPTER IX
CLOSING PROVISIONS

Re Section 55
Supervisory authority

This section carries forward current law. The Petroleum Safety Authority co-ordinates supervision under these regulations and regulations laid down pursuant thereto in conformity with the Crown Prince Regent's Decree of 19 December 2003 on the establishment of the Petroleum Safety Authority and the laying down of rules on the co-ordination of supervision of health, safety and the environment in the petroleum activities on the Norwegian Continental Shelf, with the clarifications that follow from Section 13 on the duty to establish, follow up and further develop a management system, fourth paragraph. Co-operation between the supervisory authorities will be described in co-operation agreements.

Re Section 56
Authorities' access to facilities and vessels

This provision carries forward current law. The text is harmonised with Section 81 of Regulations of 27 June 1997 No. 653 to the Petroleum Act.

Re Section 56A
Administrative proceedings and duty of secrecy

No comments.

Re Section 56B
Observers

No comments.

Re Section 57
Regulations

This section makes clear that the competence to lay down further provisions in regulations rests with all relevant agencies in their respective areas of authority. The Ministry of Labour and Social Inclusion co-ordinates the work of framing rules under these regulations and regulations issued pursuant to thereto.

The second paragraph is amended in relation to the previous Working Environment Regulations Section 5, and is now in conformity with previous law as it stood up to 1993. The second paragraph as it is now worded, conforms with the principle contained in the Working Environment Act Section 1-2 third and fourth paragraph. The ministry will assess whether there is a need for special rules for the petroleum activities, and will in connection with the round of consultation on new and revised regulations make clear that they shall apply on the continental shelf. The ministry considers that the second paragraph does not entail financial or administrative consequences in relation to the arrangement in effect up until the entry into force of these regulations.

The third paragraph carries forward current law as regards regulations under inter alia the Medicines Act. The regulations under the health acts that are given effect in Section 2 on scope of application etc. subsection 2 litera a to c, apply in the main to the petroleum activities. This is regarded as a natural consequence of the fact that these acts apply to the petroleum activities.

Re Section 58
Individual decisions

This section carries forward current law. Individual decisions will in the main be rendered by the Petroleum Safety Authority, the Norwegian Pollution Control Authority and the County Medical Officer <*Fylkeslegen*> in Rogaland, and not by the ministries.

Attention is drawn to the Health Personnel Act Chapter 11 as regards administrative reactions in connection with the individual health profession practitioner's violations of provisions addressed to health personnel. The Act relating to State Supervision of Health Services (Health Services Supervision Act) Section 5 states that if an establishment providing health services is run in a manner that may have harmful effects for patients or others or is otherwise detrimental or unwarrantable, the Norwegian Board of Health is empowered to order the circumstances to be rectified. This power to issue orders also covers in principle the operator's and other parties' activities in the health services field in the petroleum activities. The Board of Health's exercise of authority under the Health Services Supervision Act Section 5 and these regulations Section 58 will be co-ordinated.

Re Section 59
Exemptions

This section carries forward current law.

Where the legal basis for exceptions in the first paragraph is concerned, it is remarked that the industry should expect requirements set in and pursuant to the body of rules to apply for a period, and should be able to adapt accordingly. At the same time there is a need to be able to make exemptions from the requirements in concrete instances.

In the area of health, working environment and safety under the Working Environment Act, the health legislation and the Petroleum Act, the carrying forward of current law means that the authorities can on certain conditions ease requirements set out in the health, environment and safety legislation, or accept other, equivalent, solutions than those following from specific requirements of regulations.

In the area of the Pollution Control Act there may in special cases be a need to tighten the requirements, for example in light of new knowledge about possible environmental harm, increased pollution or when changed social conditions make it necessary. Where these needs for change are of a permanent nature, or where they have an impact on large sections of the activities, it will be natural to give such changes the form of regulations. A power of this kind to tighten requirements in certain cases in light of environmental considerations reflects the opportunity under the Pollution Control Act Section 18 to alter permits issued pursuant to the Pollution Control Act Section 11 if it turns out that the harm or nuisance resulting from the pollution is appreciably greater or different than assumed.

Exemptions may be made by the authorities on their own initiative, or after application.

Applications for exemptions should normally contain:

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

b) an account of special conditions that render the exemption necessary or reasonable,

c) an account of how the exemption issue has been dealt with internally by the establishment,

d) a description of the non-conformity and the planned duration of the non-conformity,

e) an account of the non-conformity's individual and aggregate risk, both for one’s own and other petroleum activities,

f) a description of measures, if any, that shall entirely or partly compensate for the non-conformity,

g) a description of measures, if any, to correct the non-conformity if the non-conformity is temporary.

The enumeration in litera a to g inclusive is in accordance with current practice. "Non-conformity" denotes in this context a discrepancy between chosen solutions and statutory requirements. "Exemption" denotes the authorities' decision to accept a non-conformity to a requirement of regulations.

Attention is drawn to the comment to Section 18 on documentation in regard to use of recognised standards. Where it is desired to employ a solution other than the one that is

recommended in the comment to a provision contained in regulations, it is not necessary on that count to apply for an exemption. However, the party responsible must undertake an internal review of the non-conformity to clarify whether the solution chosen fulfils the requirement of the regulations. The party responsible shall apply to the authorities for exemption where such party wishes to apply another solution than the one indicated by a specific requirement of regulations, or a solution that produces a lower level of health, environment and safety than the one indicated by the requirement in question. The supplementary Management Regulations Section 20 on handling of non-conformities requires the party responsible to initiate necessary compensating actions in order to maintain a satisfactory level of health, environment and safety. Initiating such compensating actions may entail that the party responsible operates within the requirement of the regulations, and therefore need not apply for exemption. If the compensating action entails that the party responsible is still not operating within requirements of the regulations, the party responsible must apply for exemption.

Where exemption has been granted in respect of mobile facilities, it will not at the outset be necessary to apply for a new exemption for the same circumstance in connection with an application for new consent. However, the operator must take a stand on whether it is warrantable to employ previously granted exemptions and whether changed assumptions are present that make it necessary to apply for a new exemption. Attention is drawn to the supplementary Information Duty Regulations Section 6 which states that an overview shall be provided of previously granted exemptions for the mobile facility when applying for consent.

The second paragraph carries forward current law in the area of working environment and safety under the Working Environment Act and the Petroleum Act in respect of exemptions that are of significance for employee safety. In this context "elected representatives" mean elected representatives in the broad sense, i.e. trade union representatives, safety delegates, representatives in working environment committees and the like, depending on the particular case.

Re Section 60
Training of civil servants

The first paragraph makes clear that this section applies to all ministries and agencies that are conferred powers under these regulations. This gives concrete form to the wording "other Norwegian authority", and entails no change in current law. The section corresponds to Section 72 of Regulations of 27 June 1997 No. 653 to the Petroleum Act.

Re Section 61
Appeal

No comments as of 3 September 2001.

Re Section 62
Sanctions

This section is included to indicate that provisions on penalties and other sanctions are set out in the health, environment and safety legislation.

In the area of authority of the Ministry of Labour and Social Inclusion, the following provisions on penalties and other sanctions are relevant in regard to violation of provisions laid down in and pursuant to these regulations or of decisions rendered pursuant to regulations: the Working Environment Act Chapter 19 and the Petroleum Act Section 10-3 on revocation, Section 10-16 on enforcement measures and Section 10-17 on penal provisions.

To ensure compliance with these regulations and regulations laid down in pursuance of these regulations, a coercive fine may be imposed under the Pollution Control Act Section 73. Whoever possesses, does or initiates anything that may cause pollution contrary to these regulations or regulations issued pursuant thereto, may be punished under the Pollution Control Act Section 78. Unlawful treatment of waste is punishable under the Pollution Control Act Section 79.

As regards the legal basis for penal sanctions in the health legislation, reference can be made to the Health Personnel Act Section 67 which is addressed in general terms to anyone who

wilfully or through gross negligence contravenes or assists in the contravention of provisions of the act or issued pursuant thereto. Penal provisions are also contained in the Control of Communicable Diseases Act Section 8-1 and the Health and Social Preparedness Act Section 6-5. Whether one and the same circumstance can be prosecuted under penal provisions of the Petroleum Act as well as the health legislation must be assessed in concrete terms based on an interpretation of the respective acts, cf. the criminal law theory of essential concurrence.

Re Section 63
Entry into force and repeal of regulations

The date of entry into force of these regulations and the four supplementary regulations, i.e. the Management Regulations, Information Duty Regulations, Facilities Regulations and Activities Regulations is 1 January 2002.

Subsection 2 revokes those regulations that were in force prior to 1 January 2002. The regulations that are revoked are consequently at differing levels of the hierarchy, being variously laid down by royal decree, ministries and directorates.

Subsection 2 litera o lays down a transitional arrangement up to 29 May 2002 which entails that the Regulations relating to Process and Auxiliary Facilities in the Petroleum Activities remain applicable, cf. Section 8 of Regulations of 9 June 1999 no. 721 relating to Pressure Equipment.

These regulations are also given effect for existing facilities. The regulations largely carry forward current law. "Existing facilities" means facilities where plans for development and operation of petroleum deposits (PDO) have been approved under the Petroleum Act Section 4-2 or a special licence has been granted on the basis of plans for installation and operation of facilities for transport and for production of petroleum (PIO) under the Petroleum Act Section 4-3, or facilities that have received consent to carry on petroleum activities before these regulations went into force. In the case of mobile facilities, the requirements of the new regulations will apply when new consent is applied for. Attention is also drawn to Section 59 on exemptions previously granted in relation to the facility.

The supplementary regulations are also given effect for existing facilities, with the exception of requirements of the Facilities Regulations as mentioned below.

According to the supplementary Facilities Regulations Section 83 on entry into force, regulations in effect up to the entry into force of the new regulations can, in the area of health, working environment and safety, still be taken as a basis for existing facilities. It is the technical requirements of regulations in effect up to the entry into force of the Facilities Regulations that can still be taken as a basis. See the comment to the Facilities Regulations Section 83. However, in the case of major rebuilding and modifications of existing facilities the Facilities Regulations apply to what is encompassed by such rebuilding or modification.

APPENDIX

Re the Appendix to the Framework Regulations, relating to application of the Working Environment Act in petroleum activities outside the Norwegian part of the continental shelf and during relocation

The Appendix to the Framework Regulations, relating to application of the Working Environment Act to petroleum activities outside the Norwegian part of the continental shelf and during relocation belongs under the area of responsibility of the Ministry of Labour and Social Inclusion, and forms a part of the regulations. The Appendix carries forward provisions of the previous Working Environment Regulations Section 1 second and seventh paragraphs. No material changes have been made in relation to current law in this area.

These provisions have been included in a separate Appendix to make it clear that the geographical scope of application of the Working Environment Act diverges from the scope of the other authorising acts.

Ad Section 1 litera a, further details of the scope of application outside the Norwegian part of the continental shelf

Section 1 litera a of this Appendix carries forward the previous Working Environment Regulations Section 1 second paragraph. This entails as previously that, in addition to the rules of the this Appendix, the Ministry of Labour and Social Inclusion can give the Working Environment Act and the Framework Regulations Chapter VIII on special rules according to the Working Environment Act entire or partial effect for petroleum activities that take place outside the Norwegian continental shelf. Hence, as previously, there is an opportunity to render, by individual decision or regulations, Norwegian working environment legislation applicable outside the Norwegian continental shelf for mobile facilities, in addition to the rules explicitly contained in this Appendix.

For Norwegian facilities on a foreign shelf the basic rule is that the working environment regulation of the shelf state in question takes precedence over Norwegian working environment legislation. This follows from the fact that it is the shelf state's legislation that is applicable, and is a matter of course in cases where the shelf state in question has a working environment standard that equal to or higher than the standard applied by Norwegian authorities on the Norwegian shelf. The question may arise of accepting a lower level than on the Norwegian shelf. The shelf state's working environment legislation will in such case way act as a minimum standard for working environment requirements on the individual facility. Moreover, Section 3 of this Appendix includes a reference to certain provisions of the Seamen's Act. This gives Norwegian authorities the opportunity to take account of the special circumstances which employees on Norwegian mobile facilities operating on a foreign shelf work under, cf. Proposition to the Odelsting No. 60 (1991-92) page 7 and 8.

It is important to note that Norwegian authorities must in all events consider what working environment standard, in relation to the individual shelf state's working environment legislation, is acceptable on Norwegian mobile facilities on a foreign shelf. Working environment rules laid down by the shelf state in question or by the operator concerned after formal or substantive delegation, may in a concrete instance turn out to diverge widely from Norwegian working environment legislation, and in such cases it may be appropriate to make use of the authority to apply Norwegian working environment legislation as referred to in the first paragraph above.

Before the Ministry of Labour and Social Inclusion adopts a decision to the effect that the Working Environment Act with these regulations chapter VIII on special rules shall apply in their entirety or in part, affected parties shall be consulted. Moreover, account will be taken of recognised norms in the area in question. The aim here is to ensure that the shelf state in question promotes the same considerations and accommodates the same needs as Norwegian working environment legislation. In what form the regulation in question is expressed, either a formal statute or delegated legislation, is of no significance.

Where the shelf state has delegated regulation of the working environment to the operator, Norwegian-registered facilities should be subject to the rules laid down by the operator in question. Hence the Ministry of Labour and Social Inclusion will, when assessing the need for a decision to render the act and these regulations applicable on a foreign shelf, attach importance to whether regulation of working environment issues is explicitly set out in an agreement between the parties. However, it cannot be demanded that such regulation be set out explicitly in the agreement concerned. Hence the agreement must be able to refer to other underlying documents. Equally, there is nothing to prevent the agreement opening the way for changes in the course of the agreement period, for example through wording to the effect that the regulation established at any given time by the parties shall apply.

It is emphasised that the reluctance to apply Norwegian working environment legislation to Norwegian-registered mobile facilities on a foreign shelf does not absolve the owner of his obligations pursuant to the Seaworthiness Act and rules of this Appendix requiring the ability to document a system for ensuring adequate safety and integrity of the facility. Such documentation must be present at all times and be available to the Maritime Directorate as the supervisory authority under the Seaworthiness Act and the Petroleum Safety Authority as the supervisory authority under these regulations.

Ad Section 1 litera b, further details of the scope of application during relocation outside the Norwegian part of the continental shelf, and litera c, further details of the scope of application during other relocation

These provisions concern the application of the Working Environment Act to Norwegian-registered mobile facilities during relocation. Relocation must be connected with the petroleum activities in order for the provisions to apply. A typical example of relocation coming under these provisions is where facilities relocate from petroleum activities in one locality to petroleum activities in another locality. The term "relocation" must be understood in a broad sense, and includes relatively brief stays in port in or outside Norway.

Longer stays, such as lay-ups in port when the regular crew sign off, are not regarded as relocation under the provisions of the Working Environment Act. In regard to such stays in Norway, the Working Environment Act applies in the same way as on land. Neither is towing of facilities from the construction site for permanent deployment on the Norwegian part of the continental shelf regarded as relocation. Such towing is regarded as petroleum activity when it takes place within the geographical area drawn up in these regulations Section 2 subsection 1 litera d first sentence. This entails that the Working Environment Act and these regulations are applicable as from the start of the towing operation. Activities on the vessels assisting in the towing will be subject to maritime law.

Ad Section 2, engagement, dismissal with notice and summary dismissal etc.

This section carries forward the previous Working Environment Regulations Section 21.

This section applies regardless of what may have been established in the regulation of the shelf state concerned, or in agreements between licensees and contractors. The term "engagement with employers" is used to make it clear that contractual protection does not apply specifically to the employment relationship on the mobile facility or the vessel in operation on the foreign shelf, but to the relationship between Norwegian employees on a mobile facility or vessel and their employers in Norway. Norwegian employees shall in other words not risk finding themselves in a poorer contractual position in similar employment on the Norwegian shelf. They must nonetheless accept being transferred from a mobile facility (in this case the one in operation on the Norwegian shelf to another mobile facility or work site if the employer considers there is a need for internal redeployment of employees. The right of employees under the Working Environment Act Section 15-11 to remain in their post after receiving notice to leave, does not apply to petroleum activities on the shelf of a foreign state. Neither do they have this right under maritime law.

In the event of the transfer of an undertaking within the EEA area such that the undertaking is located in a country encompassed by the EEA agreement, the acquirer is subject to the this country's rules governing transfer of undertakings. The employees may accordingly invoke these rules vis-à-vis the new owner. Norwegian employees on Norwegian-registered mobile facilities that are carrying on petroleum activities outside the Norwegian part of the continental shelf enjoy the same protection as Norwegian employees of a Norwegian employer who is carrying on onshore activities abroad. When these rules are applied, the criteria underlying the implementation of Directive 77/187EEC on transfers of undertakings in the Working Environment Act will also apply to petroleum activities, cf. Proposition to the Odelsting No. 71 (1991-92) relating to amendments to legislation in the area of working environment and safety etc., as a result of the EEA agreement.

In Section 2 of this Appendix it is, as previously, stated that the provisions apply to Norwegian nationals and to nationals of other states who by agreement are to be placed on an equal footing with Norwegian nationals. This will above all mean nationals of EEA states.

Ad Section 3, application of the Seamen's Act to mobile facilities registered in a Norwegian register of shipping, and conducting petroleum activities outside the Norwegian part of the continental shelf

This section carries forward the previous Working Environment Regulations Section 22.

The section refers to certain provisions of the Seamen's Act which have a bearing on the working environment and do not follow from the Working Environment Act. The Seamen's Act is otherwise not applicable to activities as mentioned in this Appendix Section 1 litera a and b.

Ad Section 4, duty of the party responsible for the operation of a mobile facility
This section carries forward the previous Working Environment Regulations Section 23.

This section requires the party responsible for the operation of a mobile facility to be able to document factors related to the working environment on Norwegian-registered mobile facilities operating on a foreign shelf or during relocation. This enables the Petroleum Safety Authority to assess whether the working environment is at an "acceptable level", cf. Proposition to the Odelsting No. 60 (1991-92) page 7-8 and the comments to this Appendix Section 1 litera a. Based on this assessment the Petroleum Safety Authority will be in a position to recommend whether the Working Environment Act with regulations shall apply entirely or in part to Norwegian-registered facilities on a foreign shelf, cf. this Appendix Section 1 litera a. The legislation governing working time on ships does not apply to work performed in the petroleum activities, cf. these regulations Section 47 on ordinary working hours.

The provisions of this Appendix Section 2 to 4 inclusive entail no changes in the provisions applying to mobile facilities under the Seaworthiness Act and regulations and individual decisions rendered in pursuance of that act.

Ad Section 5, duty to see to it
This section carries forward the previous Working Environment Regulations Section 7 third paragraph.

In practice the person responsible for the operation of a mobile facility as mentioned in this section, will normally be the owner. The owner is obliged to see to it that anyone employed by him either personally, by employees, through contractors or sub-contractors, complies with relevant requirements laid down in or pursuant to the Working Environment Act.

Ad Section 6, principal enterprise
This provision carries forward the previous Working Environment Regulations Section 9 second paragraph.

The principal enterprise as mentioned in this section will in practice normally be the owner.

Ad Section 7, right of the responsible safety delegate to stop dangerous work
This provision carries forward the previous Working Environment Regulations Section 12 third paragraph.

This provision lays down rules on the stopping of work in connection with activities carried out from a mobile facility registered with the Norwegian or a foreign register of shipping, during relocation and outside the Norwegian part of the continental shelf. In such cases the safety delegate shall present his demand for stoppage of work to the highest responsible person on board. This person will decide whether the work operation shall be halted. Such decision shall be taken as soon as possible. This special rule is grounded in the need to underline the installation manager's overarching responsibility. A corresponding need does not apply in the case of petroleum activities carried out on the Norwegian continental shelf since here it is the operator who has overarching responsibility for operations.