

Proposed Regulation concerning amendments to the Regulations on environmental safety for ships and mobile offshore units

Laid down by the Norwegian Maritime Authority on dd Month yyyy under the Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 2, 3, 6, 13, 31, 32, 33, 34, 35, 37, 38, 41, 43 and 44, cf. Formal Delegation of 16 February 2007 No. 171, Formal Delegation of 31 May 2007 No. 590 and Formal Delegation of 29 June 2007 No. 849.

I

Regulations of 30 May 2021 No. 488 on environmental safety for ships and mobile offshore units are amended as follows:

New section 12b should read:

Section 12b. Special rules regarding emissions of carbon dioxide (CO₂) and methane (CH₄) from passenger ships in the world heritage fjords

In the world heritage fjords, passenger ships shall use sources of energy that do not directly emit carbon dioxide (CO₂) or methane (CH₄). When using hydrogen and ammonia the criteria set out in Annex 2 shall be met. The ship shall have documents on board verifying compliance with the requirements.

Fuels producing direct greenhouse gas emissions may be used to the extent necessary to ignite sources of energy referred to in the first paragraph.

If nitrous oxide (N₂O) is formed when using sources of energy as referred to in the first paragraph, the ship shall use the best available technology to reduce the emissions.

Up until 31 December 2035, passenger ships of 10,000 gross tonnage and upwards may use biogas as a source of energy as an alternative to the requirement of the first paragraph. The biogas shall be made of raw materials as referred to in the Regulations relating to restrictions on the manufacture, import, export, sale and the use of chemicals and other products hazardous to health and the environment (Product Regulations) chapter 3 Annex V Part A. [The biogas shall meet the sustainability criteria, greenhouse gas reductions and documentation requirements set out in the revised Renewable Energy Directive (2018/2001/EU).]

The biogas shall be bunkered within a month of entering the world heritage fjords. The amount of biogas shall correspond to the quantity of energy required in the world heritage fjords. Until the biogas is bunkered, it shall be stored separately from fossil fuels. The ship shall have documents on board verifying compliance with the requirements.

In the world heritage fjords, passenger ships shall use shore power where available.

II

Section 14f first sentence should read:

The Norwegian Maritime Authority may upon written application grant exemption from the requirements of sections 10a, 12b, 14b and 14c for ships which are protected or given status as historical by the Directorate for Cultural Heritage.

III

This Regulation enters into force on 1 January 2026.

Annex 2 – Criteria for hydrogen and ammonia

3.10. Manufacture of hydrogen

Description of the activity

Manufacture of hydrogen and hydrogen-based synthetic fuels.

Technical screening criteria

Substantial contribution to climate change mitigation	
<p>The activity complies with the life-cycle GHG emissions savings requirement of 73,4 % for hydrogen [resulting in life-cycle GHG emissions lower than 3tCO₂e/tH₂] and 70 % for hydrogen-based synthetic fuels relative to a fossil fuel comparator of 94 g CO₂e/MJ in analogy to the approach set out in Article 25(2) of and Annex V to Directive (EU) 2018/2001.</p> <p>Life-cycle GHG emissions savings are calculated using the methodology referred to in Article 28(5) of Directive (EU) 2018/2001 or, alternatively, using ISO 14067:2018 ⁽¹¹⁹⁾ or ISO 14064-1:2018 ⁽¹²⁰⁾.</p> <p>Quantified life-cycle GHG emission savings are verified in line with Article 30 of Directive (EU) 2018/2001 where applicable, or by an independent third party.</p> <p>Where the CO₂ that would otherwise be emitted from the manufacturing process is captured for the purpose of underground storage, the CO₂ is transported and stored underground, in accordance with the technical screening criteria set out in Sections 5.11 and 5.12, respectively, of this Annex.</p>	
Do no significant harm ('DNSH')	
(2)Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3)Sustainable use and protection of water and marine resources	The activity complies with the criteria set out in Appendix B to this Annex.
(4)Transition to a circular economy	N/A
(5)Pollution prevention and control	<p>The activity complies with the criteria set out in Appendix C to this Annex.</p> <p>Emissions are within or lower than the emission levels associated with the best available techniques (BAT-AEL) ranges set out in the relevant best available techniques (BAT) conclusions, including:</p> <p>(a)the best available techniques (BAT) conclusions for the production of chlor-alkali ⁽¹²¹⁾ and the best available techniques (BAT) conclusions for common waste water and waste gas treatment/management systems in the chemical sector ⁽¹²²⁾;</p> <p>(b)the best available techniques (BAT) conclusions for the refining of mineral oil and gas ⁽¹²³⁾.</p>
No significant cross-media effects occur	

(6)Protection and restoration of biodiversity and ecosystems	The activity complies with the criteria set out in Appendix D to this Annex.
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Appendix A

Appendix A

GENERIC CRITERIA FOR DNSH TO CLIMATE CHANGE ADAPTATION

I. Criteria

The physical climate risks that are material to the activity have been identified from those listed in the table in Section II of this Appendix by performing a robust climate risk and vulnerability assessment with the following steps:

- (a) screening of the activity to identify which physical climate risks from the list in Section II of this Appendix may affect the performance of the economic activity during its expected lifetime;
- (b) where the activity is assessed to be at risk from one or more of the physical climate risks listed in Section II of this Appendix, a climate risk and vulnerability assessment to assess the materiality of the physical climate risks on the economic activity;
- (c) an assessment of adaptation solutions that can reduce the identified physical climate risk.

The climate risk and vulnerability assessment is proportionate to the scale of the activity and its expected lifespan, such that:

- (a) for activities with an expected lifespan of less than 10 years, the assessment is performed, at least by using climate projections at the smallest appropriate scale;
- (b) for all other activities, the assessment is performed using the highest available resolution, state-of-the-art climate projections across the existing range of future scenarios ⁽¹⁾ consistent with the expected lifetime of the activity, including, at least, 10 to 30 year climate projections scenarios for major investments.

The climate projections and assessment of impacts are based on best practice and available guidance and take into account the state-of-the-art science for vulnerability and risk analysis and related methodologies in line with the most recent Intergovernmental Panel on Climate Change reports ⁽²⁾, scientific peer-reviewed publications, and open source ⁽³⁾ or paying models.

For existing activities and new activities using existing physical assets, the economic operator implements physical and non-physical solutions ('adaptation solutions'), over a period of time of up to five years, that reduce the most important identified physical climate risks that are material to that activity. An adaptation plan for the implementation of those solutions is drawn up accordingly.

For new activities and existing activities using newly-built physical assets, the economic operator integrates the adaptation solutions that reduce the most important identified

physical climate risks that are material to that activity at the time of design and construction and has implemented them before the start of operations.

The adaptation solutions implemented do not adversely affect the adaptation efforts or the level of resilience to physical climate risks of other people, of nature, of cultural heritage, of assets and of other economic activities; are consistent with local, sectoral, regional or national adaptation strategies and plans; and consider the use of nature-

II. Classification of climate-related hazards ⁽⁶⁾

	Temperature-related	Wind-related	Water-related	Solid mass-
Chronic	Changing temperature (air, freshwater, marine)	Changing wind patterns	Changing precipitation patterns and types	Coastal erosion
	Heat stress		Precipitation or hydrological	Soil degradation
	Temperature		Ocean acidification	Soil erosion
	Permafrost thawing		Saline intrusion	Solifluction
			Sea level rise	
			Water stress	
Acute	Heat wave	Cyclone, hurricane,	Drought	Avalanche
	Cold wave/frost	Storm (including blizzards, dust)	Heavy precipitation (rain, hail,	Landslide
	Wildfire	Tornado	Flood (coastal, fluvial, pluvial,	Subsidence
			Glacial lake outburst	

(1) Future scenarios include Intergovernmental Panel on Climate Change representative concentration pathways RCP2.6, RCP4.5, RCP6.0 and RCP8.5.

(2) Assessments Reports on Climate Change: Impacts, Adaptation and Vulnerability, published periodically by the Intergovernmental Panel on Climate Change (IPCC), the United Nations body for assessing the science related to climate change produces, <https://www.ipcc.ch/reports/>.

(3) Such as Copernicus services managed by the European Commission.

(4) Nature-based solutions are defined as ‘solutions that are inspired and supported by nature, which are cost-effective, simultaneously provide environmental, social and economic benefits and help build resilience. Such solutions bring more, and more diverse, nature and natural features and processes into cities, landscapes and seascapes, through locally adapted, resource-efficient and systemic interventions’. Therefore, nature-based solutions benefit biodiversity and support the delivery of a range of ecosystem services. (version of 4.6.2021: <https://ec.europa.eu/research/environment/index.cfm?pg=nbs>).

(5) See Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Green Infrastructure (GI) — Enhancing Europe’s Natural Capital (COM/2013/0249 final).

(6) The list of climate-related hazards in this table is non-exhaustive, and constitutes only an indicative list of most widespread hazards that are to be taken into account as a minimum in the climate risk and vulnerability assessment.

Appendix B

GENERIC CRITERIA FOR DNSH TO SUSTAINABLE USE AND PROTECTION OF WATER AND MARINE RESOURCES

Environmental degradation risks related to preserving water quality and avoiding water stress are identified and addressed with the aim of achieving good water status and good ecological potential as defined in Article 2, points (22) and (23), of Regulation (EU) 2020/852, in accordance with Directive 2000/60/EC of the European Parliament and of the Council ⁽¹⁾ and a water use and protection management plan, developed thereunder for the potentially affected water body or bodies, in consultation with relevant stakeholders.

Where an Environmental Impact Assessment is carried out in accordance with Directive 2011/92/EU of the European Parliament and of the Council ⁽²⁾ and includes an assessment of the impact on water in accordance with Directive 2000/60/EC, no additional assessment of impact on water is required, provided the risks identified have been addressed.

⁽¹⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

For activities in third countries, in accordance with applicable national law or international standards which pursue equivalent objectives of good water status and good ecological potential, through equivalent procedural and substantive rules, i.e. a water use and protection management plan developed in consultation with relevant stakeholders which ensures that 1) the impact of the activities on the identified status or ecological potential of potentially affected water body or bodies is assessed and 2) deterioration or prevention of good status/ecological potential is avoided or, where this is not possible, 3) justified by the lack of better environmental alternatives which are not disproportionately costly/technically unfeasible, and all practicable steps are taken to mitigate the adverse impact on the status of the body of water.

⁽²⁾ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

Appendix C

GENERIC CRITERIA FOR DNSH TO POLLUTION PREVENTION AND CONTROL REGARDING USE AND PRESENCE OF CHEMICALS

The activity does not lead to the manufacture, placing on the market or use of:

(a) substances, whether on their own, in mixtures or in articles, listed in Annexes I or II to

Regulation (EU) 2019/1021 of the European Parliament and of the Council , except in the case of substances present as an unintentional trace contaminant;

(b) mercury and mercury compounds, their mixtures and mercury-added products as defined in Article 2 of Regulation (EU) 2017/852 of the European Parliament and of the Council ;

- (c) substances, whether on their own, in mixture or in articles, listed in Annexes I or II to Regulation (EC) No 1005/2009 of the European Parliament and of the Council ;
- (d) substances, whether on their own, in mixtures or in an articles, listed in Annex II to Directive 2011/65/EU of the European Parliament and of the Council , except where there is full compliance with Article 4(1) of that Directive;
- (e) substances, whether on their own, in mixtures or in an article, listed in Annex XVII to Regulation (EC) 1907/2006 of the European Parliament and of the Council , except where there is full compliance with the conditions specified in that Annex;
- (f) substances, whether on their own, in mixtures or in an article, meeting the criteria laid down in Article 57 of Regulation (EC) 1907/2006 and identified in accordance with Article 59(1) of that Regulation, except where their use has been proven to be essential for the society;
- (g) other substances, whether on their own, in mixtures or in an article, that meet the criteria laid down in Article 57 of Regulation (EC) 1907/2006, except where their use has been proven to be essential for the society.

(1) Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants ([OJ L 169, 25.6.2019, p. 45](#)).

(2) Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008 ([OJ L 137, 24.5.2017, p. 1](#)).

(3) Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer ([OJ L 286, 31.10.2009, p. 1](#)).

(4) Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment. ([OJ L 174, 1.7.2011, p. 88](#)).

(5) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC. ([OJ L 396, 30.12.2006, p. 1](#)).