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DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. R. 6551 **28 August 2025**

NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT, 2008 (ACT NO. 24 OF 2008)

REGULATIONS FOR THE ENVIRONMENTAL MANAGEMENT OF OFFSHORE SHIP-TO-SHIP TRANSFER

I, Dion Travers George, Minister of Forestry, Fisheries and the Environment, hereby publish the Regulations for the environmental management of offshore ship-to-ship transfer in terms of section 83(1) of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008), as set out in the schedule to this notice.

DR DION TRAVERS GEORGE
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

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CHAPTER 1

DEFINITIONS AND SCOPE

1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned, and unless the context indicates otherwise—

"aquaculture development zone" means sea space set aside for dedicated aquaculture use in terms of—

(a) an environmental authorisation;

(b) an environmental management instrument as defined in section 1 of the National Environmental Management Act; or

(c) a designation by the Minister responsible for aquaculture;

"bunkering" means the supply of fuel to a vessel at sea outside an operational harbour area;

"harbour" means a port or harbour proclaimed in terms of any law and managed by an organ of state;

"independent specialist" means that—

(a) the person possesses knowledge and skills in the subject matter detailed in regulation 7(1) or 8;

(b) the person has no conflict of interest including a business, financial, personal or other interest relating to ship-to-ship transfer; and

(c) there are no circumstances that may compromise the objectivity of that person in performing their work;

"management authority" has the meaning assigned to it in terms of section 1 of the Protected Areas Act;

"marine protected area" has the meaning assigned to it in terms of section 1 of the Protected Areas Act;

"**National Oil Spill Contingency Plan**" is an oil spill response and removal plan prepared by the Department of Transport that addresses controlling, containing, and recovering oil in the event of an oil spill;

"**operational harbour area**" means the area within the boundaries of the breakwaters of a harbour that has been physically modified from its original natural state;

"ship-to-ship transfer" or **"STS"** means the transfer at sea of liquid bulk cargo, including chemicals, oil, petroleum products, liquified petroleum gas or liquified natural gas from one vessel to another outside an operational harbour area and includes bunkering;

"ship-to-ship transfer operator" means the holder of an approval granted by the South African Maritime Safety Authority to undertake STS and any other authorisation required under any other law for STS;

"ship-to-ship transfer tanker" means a vessel that supplies fuel or liquid bulk cargo to other vessels;

"specific environmental management Act" has the meaning assigned to it in the National Environmental Management Act;

"STS environmental management plan" means a plan referred to in regulation 8;

"the Act" means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008); and

"these Regulations" means the Regulations for the environmental management of offshore ship-to-ship transfer.

2. Scope

(1) These Regulations prescribe environmental management measures for offshore ship-to ship-transfer.

(2) These Regulations bind all persons and organs of state.

CHAPTER 2
ENVIRONMENTAL MANAGEMENT

3. Prohibitions

(1) No person may undertake ship-to-ship transfer within—

(a) a marine protected area;

(b) five nautical miles of the boundary of a marine protected area;

(c) an aquaculture development zone;

(d) five nautical miles of an aquaculture development zone; or

(e) three nautical miles of the high-water mark.

(2) No person may undertake ship-to-ship transfer between the hours of sunset and sunrise unless—

(a) the South African Maritime Safety Authority approves that the ship-to-ship transfer operator is able to detect, manage and respond to a spill at night, which must include a nighttime emergency spill response drill; and

(b) a nighttime spill detection and recovery plan has been approved as part of the STS environmental management plan required in terms of regulation 8(2)*(k)*.

(3) The master of a vessel must ensure that a vessel waiting to undertake ship-to-ship transfer may not be present in, drift into or anchor in a marine protected area.

(4) A ship-to-ship transfer operator must inform the master of any vessel waiting to undertake ship to-ship transfer that they may not be present in, drift into or anchor in a marine protected area.

4. Wildlife monitoring and mitigation

(1) A ship-to-ship transfer operator must appoint any person, in writing, to keep a constant watch for marine mammals and penguins for a period of thirty minutes prior to the intended commencement of ship-to-ship transfer and during ship-to-ship transfer.

(2) A ship-to-ship transfer operator must, prior to commencing ship-to-ship transfer, install an active hydrophone system with live streaming capabilities capable of detecting the presence of marine mammals and penguins within 500 meters of the operation.

(3) The hydrophone must be deployed into the water from the ship-to-ship transfer tanker 30 minutes prior to the intended commencement of, and during, ship-to-ship transfer operations.

(4) A ship-to-ship transfer operator may not commence with ship-to-ship transfer if a marine mammal or penguin is sighted within 500 meters of the intended ship-to-ship transfer site or detected through a hydrophone within 500 meters.

(5) The ship-to-ship transfer operator must, in writing, report any sightings or hydrophone detection of a marine mammal or penguin during ship-to-ship transfer to the Department on a monthly basis.

(6) A ship-to-ship transfer operator must immediately report the following to the Department through the most effective means reasonably available:

(a) any injured or deceased marine mammal, turtle or seabird and the extent of any injury to the animal as well as the cause of the injury or death if known;

(b) any entangled, oiled or disorientated marine mammal, turtle or seabird; and

(c) whether an animal in paragraphs *(a)* or *(b)* is tagged including the tag details, where available.

(7) A ship-to-ship transfer operator must—

(a) at its expense, collect and transport oiled wildlife to a facility which is authorised to accept the wildlife; or

(b) contact an authorised wildlife facility to collect and transport oiled wildlife at the expense of the operator,

if the Minister instructs the operator to do so.

5. Weather conditions

(1) Ship-to-ship transfer in Algoa Bay may not commence unless a suitable weather window contemplated in subregulation (2) is available that covers the full period of a specific individual ship-to-ship transfer operation including mooring and unmooring.

(2) Ship-to-ship transfer in Algoa bay may only be undertaken—

(a) where the wind force is below 22 knots; and

(b) where the average wave height is below 2 meters; and

(c) in compliance with the South African bunkering code of good practice and the ship-to-ship cargo transfer code of good practice.

(3) The Minister may, by written notice to any ship-to-ship transfer operator that undertakes ship-to-ship transfer in any area other than Algoa Bay, determine the weather conditions for operation in that area.

6. Minimum requirements to avoid or mitigate spills

(1) A ship-to-ship transfer operator must—

(a) use drip trays to collect any fuel or other run-off from equipment that is not contained within a bunded area and direct the contents of those trays to a closed drainage system;

(b) implement leak detection and repair programmes;

(c) only use low-toxicity biodegradable detergents for the cleaning of the deck and any spillages;

(d) where it is safe to do so, deploy an inflatable curtain boom suitable for the location of the operation prior to each ship-to-ship transfer operation in such manner and position as to afford the best mitigation for any spill;

(e) regularly monitor the inflatable curtain boom deployed in accordance with paragraph *(d)* throughout the duration of ship-to-ship transfer to ensure that the structural integrity and positioning of the boom has not been compromised;

(f) ensure that secondary booms are kept on standby to reinforce existing booms in the event of boom failure occurring; and

(g) ensure that the ship-to-ship transfer tanker is equipped with leak detection equipment that is capable of sounding an alarm and has emergency shut-off capability .

(2) A ship-to-ship transfer operator may not undertake ship-to-ship transfer unless a vessel capable of responding to a spill is on standby and able to respond within 30 minutes of an incident occurring.

(3) Any ship-to-ship transfer operator undertaking STS more than 5 nautical miles offshore does not have to comply with subregulation (2), and must include suitable measures in the STS environmental management plan to respond to a spill.

(4) The automatic identification system of all vessels operated by a ship-to-ship transfer operator must be active and reporting while outside an operational harbour area.

7. Training requirements

(1) A ship-to-ship transfer operator must ensure that all crew members receive environmental awareness training prior to participating in ship-to-ship transfer and that training must include training on the following issues:

(a) marine wildlife awareness and avoidance, including identification of marine mammals and seabirds common to the area in which ship-to-ship transfer takes place;

(b) understanding the significant actual or potential environmental impacts related to ship-to-ship transfer;

(c) understanding the mitigation measures to be implemented during ship-to-ship transfer;

(d) emergency preparedness and response procedures;

(e) overview of the ship-to-ship transfer operator's STS environmental management plan and each crew member's personal responsibility; and

(f) overview and understanding of all roles and responsibilities in terms of the National Oil Spill Contingency Plan and any relevant local oil spill contingency plan.

(2) A copy of the training programme that meets the requirements of subregulation (1) must be provided to the Minister for approval prior to the commencement of the environmental awareness training.

(3) The environmental awareness training programme must be developed by an independent specialist.

(4) A ship-to-ship transfer operator authorised at the time of commencement of these Regulations must comply with subregulations (1), (2) and (3) within a period of three months after approval of the STS environmental management plan in terms of regulation 8(1).

8. STS environmental management plan

(1) Subject to subregulation (7), a ship-to-ship transfer operator may not undertake ship-to-ship transfer without an STS environmental management plan that has been—

(a) developed by an independent specialist; and

(b) approved by the Minister.

(2) An STS environmental management plan must include the following:

(a) identification of all site-specific environmental and ecological risks;

(b) an operational ocean forecast which must be undertaken as part of the risk assessment in paragraph *(a)* to model any potential spill and inform the response to such an incident within the specific area of operation;

(c) environmental management and mitigation measures to avoid or minimise the identified risks;

(d) an outline of the key role-players responsible for the implementation of measures identified in paragraph *(c)*;

(e) incorporate a wildlife preparedness and response strategy based on the International Petroleum Industry Environmental Conservation Association's (IPIECA) guidelines and a wildlife response program to be implemented by a reputable and experienced organisation;

(f) a contingency plan that incorporates a wildlife contingency plan which includes—

(i) a risk assessment which determines the risk of a spill and the expected consequences;

(ii) a strategic plan defining roles and responsibilities and a summary of the spill response policies, techniques and priorities for response;

(iii) operational protocols which establish procedures to be followed when a spill occurs; and

(iv) an information directory collating supporting data, including contact details of relevant authorities, inventory of response equipment, list of priority areas for protection, as well as storage and disposal sites;

(g) an underwater noise mitigation and management plan that includes the following:

(i) a range of noise reduction and mitigation options;

(ii) best practices for noise mitigation; and

(iii) operating procedures for the mitigation of both acute and chronic noise-generating activities for ship-to-ship transfer;

(h) details of the spill response vessels and role players on site or within proximity;

(i) an emergency response procedure for the reporting and management of collisions with, and entanglements of, marine mammals, turtles or seabirds including relevant contact details;

(j) a monitoring programme, including methods, to—

(i) measure parameters including surface currents, spills and noise;

(ii) assess the impact of the operations on benthic and other fauna including oiled or injured seabirds; and

(iii) monitor the effectiveness of the STS environmental management plan;

(k) a nighttime spill detection and recovery plan where operations are to take place between the hours of sunset and sunrise; and

(l) the location of the storage of any data collected, including data collected from the hydrophone and the time period for which the data will be stored.

(3) The Minister may—

(a) approve the STS environmental management plan, which may include conditions;

(b) refer the STS environmental management plan back to the ship-to-ship transfer operator for review which may contain proposed amendments; or

(c) reject the STS environmental management plan,

within 90 days of receipt of the STS environmental management plan inclusive of all relevant information.

(4) A ship-to-ship transfer operator must submit any data, results and information obtained from implementing an STS environmental management plan approved in terms of subregulation (3) to the Department quarterly or as otherwise instructed by the Minister.

(5) A ship-to-ship transfer operator must appoint an independent specialist to monitor compliance with the approved STS environmental management plan.

(6) The independent specialist referred to in subregulation (5) must submit a written report about the STS operation and its compliance with the STS environmental management plan to the Minister quarterly.

(7) Despite subregulation (1), a ship-to-ship transfer operator authorised to undertake ship-to-ship transfer when these regulations commence must submit an STS environmental management plan contemplated in subregulation (1) within six months of the date of commencement of these Regulations.

(8) The Minister may require a ship-to-ship transfer operator to review an approved STS environmental management plan when necessary.

9. Algoa Bay

(1) Despite the prohibitions in regulation 3(1)*(b), (d)* and *(e)*, and subject to subregulations (2), (3) and (4), a ship-to-ship transfer operator that is authorised to undertake ship-to-ship transfer in Algoa Bay may only operate within anchorage areas 1 and 2 as detailed in Annexure 1.

(2) A maximum of three ship-to-ship transfer operators may operate within Algoa Bay.

(3) A maximum of six ship-to-ship transfer tankers may operate within Algoa Bay at any one time.

(4) Ship-to-ship transfer may not take place in anchorage 2 in Algoa Bay, as set out in Annexure 1, from 1 April to 31 August in any given year except in an emergency or as a result of force majeure.

10. Emergency or force majeure

(1) Any person authorised by the South African Maritime Safety Authority to undertake ship-to-ship transfer for reasons of *force majeure* or in response to an emergency does not have to comply with the requirements of these Regulations.

(2) A person contemplated in subregulation (1) must notify the Minister in writing as soon as possible but not later than 24 hours of being authorised by the South African Maritime Safety Authority.

11. Notifications

In the event of any incident as contemplated in section 30(1) of the National Environmental Management Act, the ship-to-ship transfer operator must comply with the provisions of section 30 of the National Environmental Management Act and in addition, notify the relevant management authority.

12. Ship-to-ship transfer authorisation

If a ship-to-ship transfer is listed as a discrete activity requiring environmental authorisation in terms of the National Environmental Management Act or that requires authorisation in terms of any specific environmental management Act, and that authorisation requires the development of an environmental management plan or programme, that approved plan or programme must be regarded as a STS environmental management plan in terms of regulation 8 of these Regulations, if that plan or programme meets all the requirements set out in regulation 8.

CHAPTER 3
GENERAL

13. Offences and penalties

(1) A person commits an offence if that person—

(a) contravenes regulations 3, 4, 5(1), 5(2), 6, 7, 8(1), 8(4), 8(5), 8(6), 8(7), 9 or 11;

(b) fails to comply with a notice issued by the Minister in terms of regulation 5(3); or

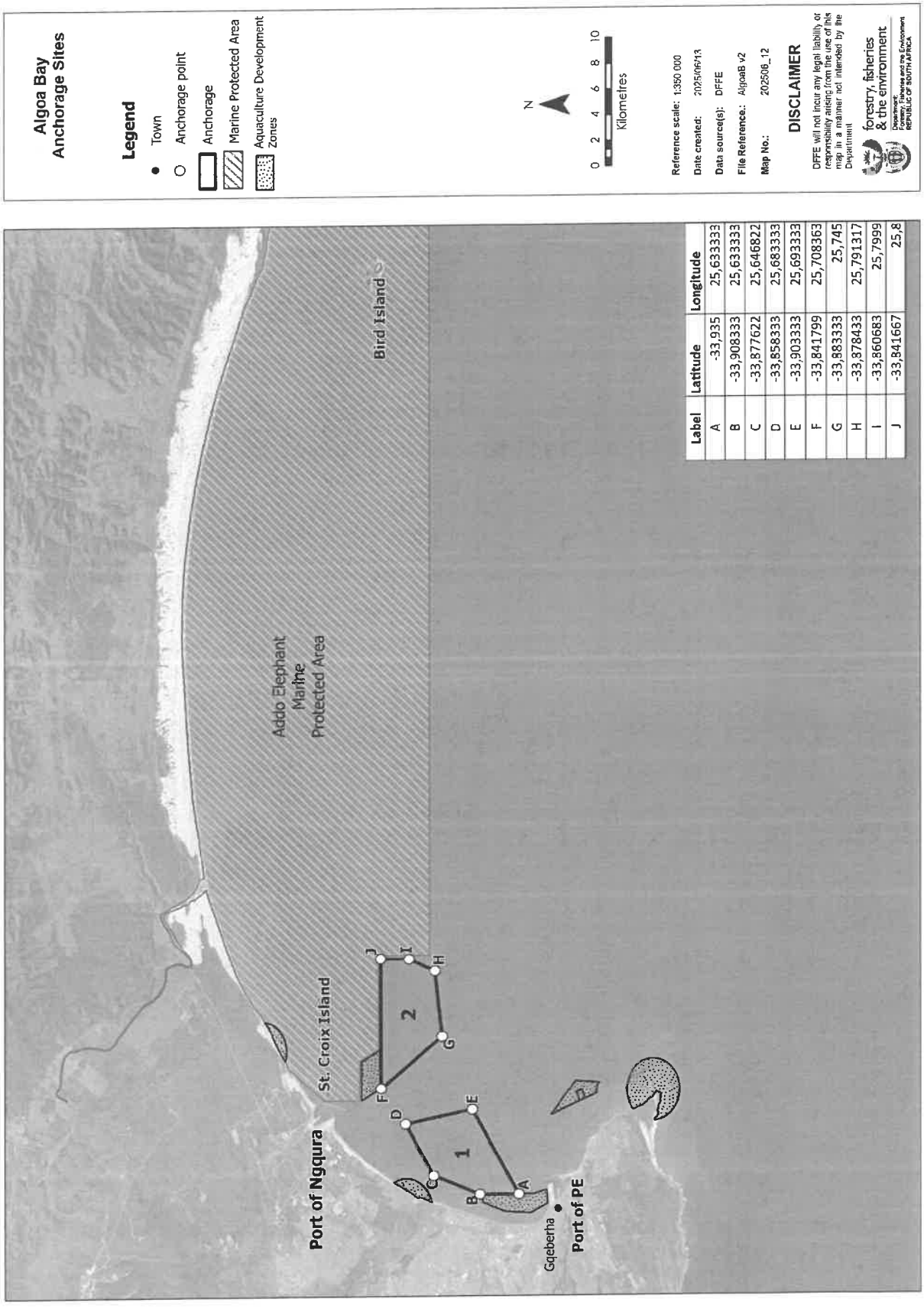
(c) fails to comply with a provision of an approved STS environmental management plan.

(2) A person who is convicted of an offence referred to in subregulation (1) may be sentenced to a maximum fine of two million Rand or to imprisonment for a maximum period of 5 years or to both a fine and imprisonment.

14. Short title and commencement

These Regulations are called the Regulations for the environmental management of ship-to-ship transfer, 2025 and commence on the date of publication in the *Gazette*.

ANNEXURE 1



Label	Latitude	Longitude
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I	-33,860683	25,7999
J	-33,841667	25,8

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