



KYSTVERKET

Wreck removal - reducing environmental risk

Contracts between governments and private parties

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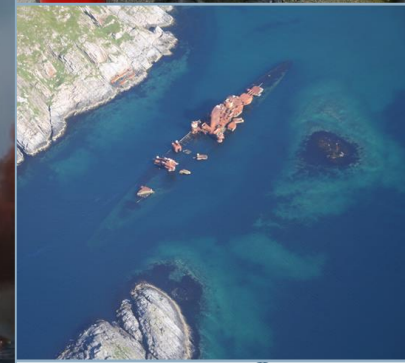
Wrecks as Environmental Risks : The Legal Framework,
Helsinki, November 2017



NORWEGIAN COASTAL ADMINISTRATION

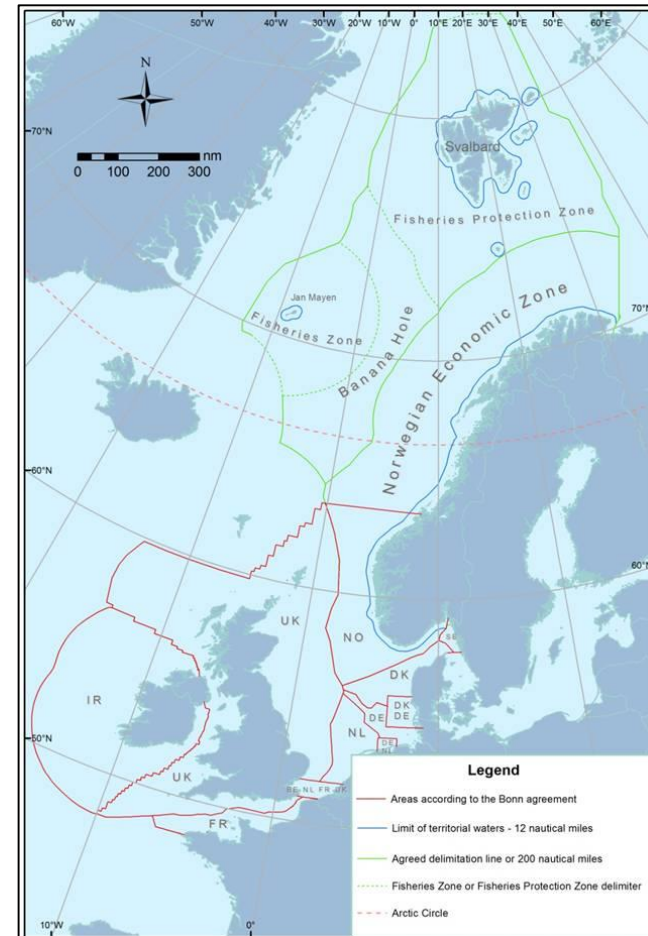
- AREAS OF RESPONSIBILITY

- Maritime infrastructure
 - Lighthouses and AtN
- Maritime services
 - Pilotage and VTS
- Transport planning and management of maritime areas
 - Fairways at sea
 - Structures at sea
- Pollution preparedness and response
- Shipwrecks



GEOGRAPHICAL AREA OF RESPONSIBILITY

- Territorial Norway
 - Inland and territorial waters to 12 nm
- Exclusive Economic Zone
 - 200 nm
- Continental shelf
- Svalbard and Bear Island
 - 200 nm fisheries protection zone
- Jan Mayen
 - 200 nm fisheries protection zone
- Antarctic areas



WRECK REMOVAL IN NORWAY

Legal basis:

- If wreck constitutes threat to the environment the owner/responsible party shall take measures
- If not – the authorities may initiate measures on behalf of owner/responsible party
- Owner/responsible party shall cover the costs
- National limits of liability WR
- If threat to navigation/use of fairways/harbors – similar
- Municipalities and NCA parallel authority
- Minor cases handled by the municipalities
- Larger cases and in main fairways – by NCA



WRECK REMOVAL BY AUTHORITIES

- Measures to reduce threat or damage to environment
- Environmental projects!

- Removal of cargo/bunkers
- Removal of particular parts of the wreck
- Removal of waist
- Removal of entire wreck
- Other means to reduce or remove threat to environment

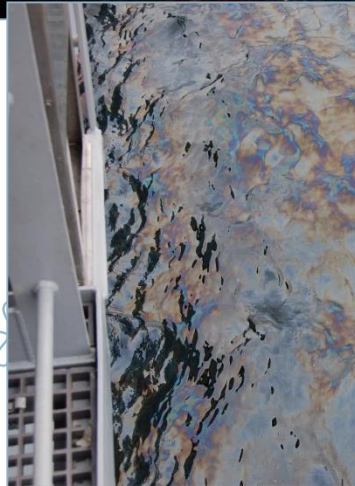
- Suitable measures decided based on risk assessment, mandate and funding



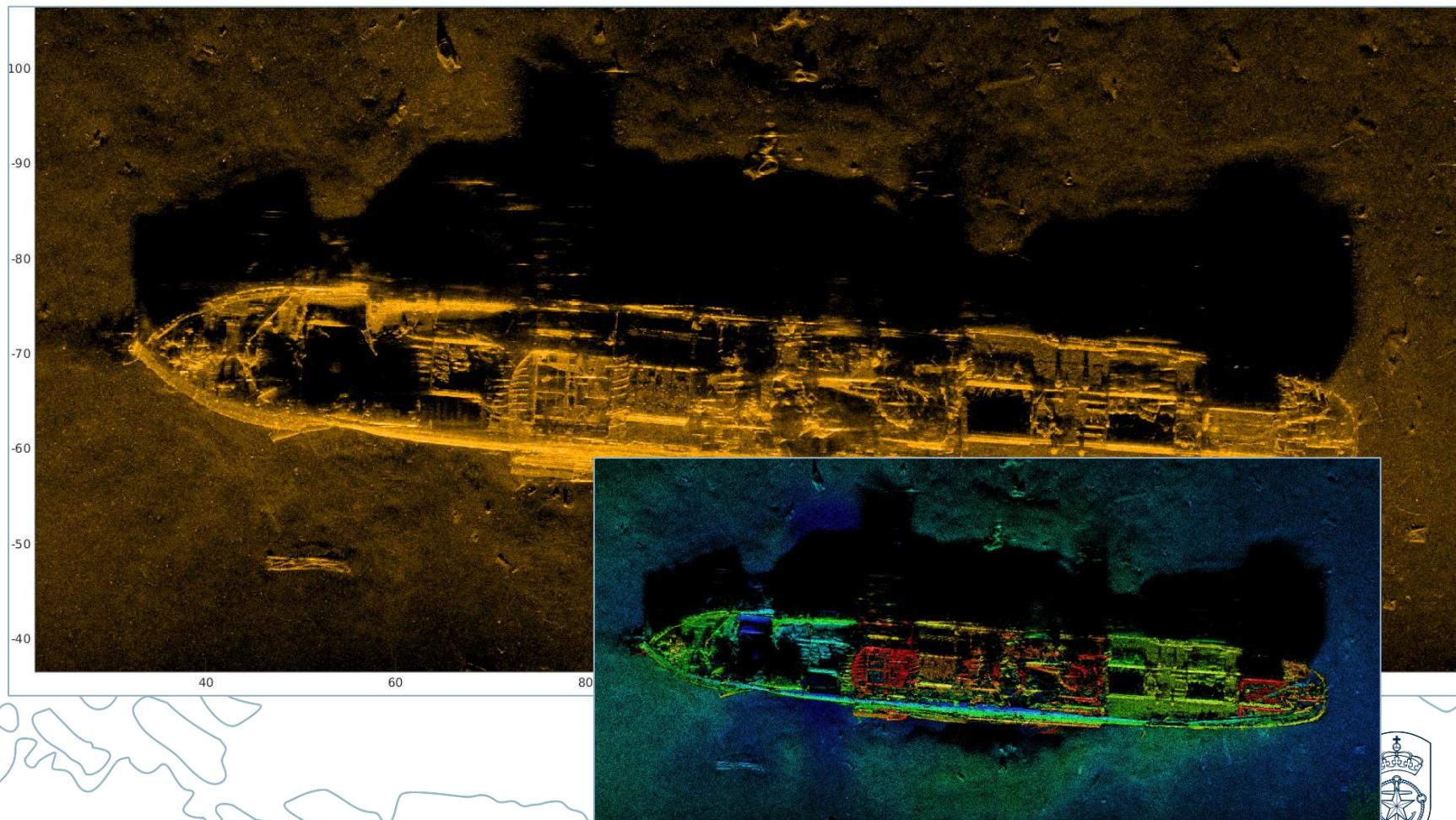
REMOVAL OF ENTIRE WRECK



REMOVAL OF BUNKERS/CARGO

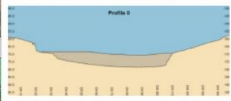


WAR WRECKS



OTHER MEASURES

Van Oord 
Marine ingenuity



#	001
Revision	Rev 01
Date	23 Oct. 2015
Prepared by	RDK
Approved by	MSP

Tender Letter

Rock installation counter fill U-864
NCA Contract No 2015/1729
Near Fedje - Norway



WRECK REMOVAL – LEGAL FRAMEWORK

- Legal basis for wreck removal operation/disposal of wreck/cargo
- Wrecks with owner/responsible party/valid insurance
 - authorities orders
 - ownership of removed wreck and/or cargo
 - cost recovery, limitation etc.
- Ownerless/abandoned wrecks
- Public procurement law
- Health, Safety and Environment (HSE)
- (Quality assessment for larger contracts)
- Publicity of public documents and confidentiality



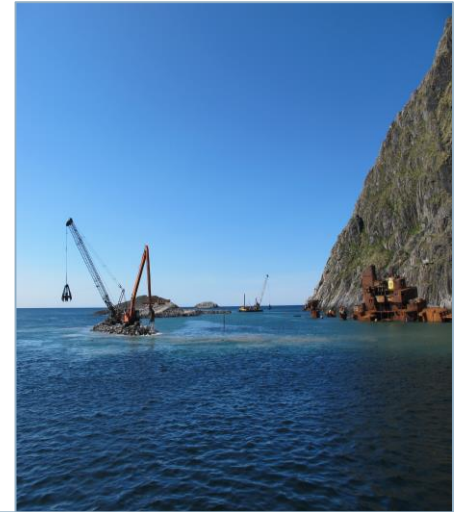
WRECK REMOVAL – ADMINISTRATIVE FRAMEWORK

- Mandate and funding
- Relationship with other authorities – local, national and international
 - Environment
 - Pollution preparedness and response
 - War graves
 - Explosives and weapons
 - Cultural heritage
 - Neighbor states
- Public relations and media - information and public meetings
- Environmental risk – starting point - assessment
- Environmental risk – wreck removal operation - acceptance



PLANNING WRECK REMOVAL OPERATIONS

- Suitable project organization?
- Expertise within authority?
- Need for external consultancy services?
 - Environmental risk assessment
 - Feasibility studies
 - Procurement and project management
 - Legal expertise
 - Validation of assessments and monitoring



WRECK REMOVAL - STAGES

- Procurement consultancy services – legal, project management, maritime, environmental, surveyors
- Environmental risk assessment
- Feasibility study/concept development
- Contract strategy

- Procurement maritime services – wreck removal operation/monitoring
- Operational stage – wreck removal

- Evaluation
- Environmental monitoring program

- Mandate and funding



CONTRACT STRUCTURE – PARTS

Contracts:

- Procurement/project management
- Legal assistance
- Verification of contractors operational calculations
- Maritime services
- Monitoring of environmental impact
- Verification of contractors environmental monitoring - Maritime surveyor
- Long-term environmental survey



DEVELOPMENT OF CONTRACT STRATEGY

- Extent based on complexity and size of planned project
- Type of expertise needed for strategy? (legal, operational, environmental, technical)
- Contract structure
- Relevant type of public procurement
- Division of tasks, liability and risk for uncertainties between the parties
- Describe main connection points between the contracts
- Decide which contractual means to be used in order to obtain the environmental goals and ensure management of operational phase
- Choice of contract should reflect type of operation



WRECK REMOVAL CONTRACTS – CONSIDERATIONS

- Environmental risk – operational requirements
 - environmental delivery
 - Suitable methods/specifications – contractor
- Contingency plan/exercise before start-up
- Sufficient value to operational and environmental security during assessment of tenders
- Sufficient value to preparation stages thorough operation
- Project surveyor on site
- Use of external project surveyor and assessment of environmental risk
- Participation in information meetings/reference groups included in contract
- Media management



MARITIME SERVICES - MAIN PROVISIONS

- Environmental liability for pollution from wreck/cargo
- Liability for pollution from contractors vessels/equipment
- Suspension/stop operation – environmental accept criteria
- Disposal of waste/wreck/cargo
- Liability related to ownership of wreck/cargo
- Weather risk
- Penalties in case of late delivery
- Financial guarantee/parent company guarantee for non-fulfillment of contract
- Choice of pricing structure



MAIN FACTORS

- Wreck removal as environmental projects!
- Communication with relevant industry/governments/parties
- Overview of the knowledge, expertise and experience of the parties involved
- Include all relevant expertise and ensure sufficient place in project
- Ensure sufficient mandate and information flow
- Cooperation between the authorities involved – clear roles
- Ensure sufficient environmental program and contingency planning
- Ensure proper risk distribution environmental risk/timeframe/pricing





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