

Ref No: PD/104

Ms Nina Braude


Biodiversitylaw.org

e-mail: nina@biodiversitylaw.org

Dear Ms Braude

RE: LEGAL INTERVENTIONS TO PREVENT FURTHER DECLINE IN AFRICAN PENGUIN NUMBERS IN ALGOA BAY IN LIGHT OF INTENDED RECOMMENCEMENT OF OFFSHORE BUNKERING AND SHIP-TO-SHIP TRANSFER

The above subject matter refers.

1. We write in response to your email dated 09 September 2024 to provide you with a detailed update regarding the amendments made to the licence manuals in 2021 concerning Bunkering and Ship to Ship (STS) operations. More specifically in response to paragraphs 9.8, 10.5 and 11.5 of the aforementioned correspondence.
2. Save for what has been detailed below, please find attached TNPA's consolidated responses regarding this matter in the attached Annexure titled "  [Bunkering ERA-Feb 2024.pdf](#)"
3. It has come to our attention that there have been significant changes made to the licensing requirements for these operations in order to address the confusion and revenue implications faced by Transnet National Ports Authority (TNPA). Historically, STS bunkering was considered part of the licence, causing challenges in cargo dues revenue collection. It is important to note that while bunkering involves the transfer of fuel for vessel propulsion, STS operations entail the transfer of cargo in large volumes between vessels.

Transnet SOC Ltd
Registration Number
1990/000900/30

eMendi Building
N2 Neptune Road
Off Klub Road
Port of Ngqura
Port Elizabeth
6100

P.O. Box 1159
Port Elizabeth
South Africa
6000

Directors: TP Nchocho (Chairperson) C Benjamin S Lund K Pihlela V Gossmann V Dube P Difeto* (Acting Chief Executive) M Abdool* (Acting Chief Financial Officer)
*Executive

www.transnet.net

Company Secretary: Mr S Selepe

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TRANSNET HAS A 'ZERO GIFTS' POLICY. NO EMPLOYEE IS ALLOWED TO ACCEPT GIFTS, FAVOURS OR BENEFITS

4. In compliance with the regulations set forth by the South African Maritime Safety Authority (SAMSA) and TNPA, operators conducting STS operations—whether inside or outside port limits—are required to obtain approval from SAMSA and permission from TNPA. The withdrawal of any of these approvals or permissions would render the operator ineligible to conduct operations.
5. Moreover, the STS Code of Practice established by SAMSA outlines the necessary guidelines and safety measures for the transfer of liquid bulk cargoes during STS operations. Operators utilizing a Storage Vessel for fuel transfer must adhere to the stipulated requirements and comply with the Code's provisions.
6. Since the cessation of bunkering operations in the bay in September 2023 by the South African Revenue Service (SARS), no approved STS activities have occurred outside port limits. While some Ship-to-Ship operations may have taken place within other ports, TNPA has not granted approval for STS operations outside the port limits.
7. For all applications and inquiries related to SAMSA approval for STS operations, please direct them to STS@samsa.org.za, and ensure that the requisite approvals and permissions are obtained before commencing any operations.
8. We encourage all stakeholders involved in Bunkering and STS operations to familiarise themselves with the regulations and guidelines outlined above to ensure compliance and safe practices. Should you have any further questions or require clarification on any of the mentioned points, please do not hesitate to reach out.
9. Thank you for your attention to this matter, and we appreciate your continued cooperation in upholding the standards of maritime operations and safety.

Kind regards



Adv Phyllis Difeto

Acting Chief Executive

Transnet National Ports Authority

Date: 29 November 2024