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The Circular should be entered into a special diagram or as appropriate in the latest editions of relevant NMA publications and kept until the next editions.

Regulations on extension of time limits in the transport sector due to COVID-19

1. Introduction

The ministry of Trade, Industry and Fisheries and the Ministry of Transport and Communications have laid down Regulations of 18 June 2020 No. 1227 on extension of time limits in the transport sector due to COVID-19.

Regulation (EU) 2020/698 was published in the EU Official Journal on 27 May 2020, and the provisions came into force in the EU on 4 June 2020. The EU Regulation was implemented into the EEA Agreement on 18 June 2020, and the Regulation laid down incorporates the EU Regulation into Norwegian law.

The EU Regulation is part of the EU Commission's regulatory package of measures aimed at the transport sector, which was presented on 29 April 2020. The legal acts of the package aim to address the consequences of the COVID-19 outbreak. This EU Regulation includes the extension of the period of validity of certain certificates, licences and authorisations in the area of road, rail and waterway transport. Due to the COVID-19 outbreak, many face difficulties with completing the necessary formalities or procedures related to the renewal, extension or continued validity of such documents.

2. Consultation

The draft EU Regulation was circulated for review within the Ministry of Transportation and Communications from 5 to 15 May. The proposed Regulations have not been circulated for review.

3. Details on the legislation

The EU Regulation has been implemented by incorporation into the Regulations on extension of time limits in the transport sector due to COVID-19, and the Regulation will therefore apply as regulation as is, word for word.

The aim of the EU Regulation is to lay down specific temporary measures to ensure an extension of the validity period of certain certificates, licences and authorisations. This applies to certificates, licences and authorisations that would otherwise expire between 1 March and 31 August 2020. The aim of the measures is to ensure a well-functioning internal market, a high level of transport security and legal certainty for the parties.

The EU Regulation affects maritime legislation and shipping through Article 16, which extends certain time limits set out in Regulation (EC) No. 725/2004 on enhancing ship and port facility security (ISPS Regulation). The provisions of the ISPS Regulation have been implemented into Norwegian legislation by

incorporation in the Regulations of 22 June 2004 No. 972 on security, anti-terrorism and anti-piracy measures and the use of force on board ships and mobile offshore drilling units (Security Regulations) section 6.

Article 16 (2) makes it possible to conduct drills for the vessel's crew as described in Annex III of the ISPS Regulation, paragraph 13.6 of Part B of the ISPS Code, twice during 2020 with a maximum interval of six months between them if drills could not have been conducted as normal. Normally, these drills shall be conducted at least once every three months.

Periodic exercises for the company and ship security officers as described in Annex III, part B 13.7 of the ISPS Regulation, should normally be carried out at least once each calendar year with no more than 18 months between the exercises. Article 16 (3) of the EU Regulation now implies that for exercises that would otherwise have been carried out between 1 March 2020 and 31 August 2020, the time limits have been extended by six months until 31 December 2020 at the latest. If the flag State considers that, due to COVID-19 restrictions, it is difficult carry out these exercises within the deadlines laid down in article 16 (3), a request to change the deadlines can be submitted to the Commission/ESA. This must be done no later than 1 August 2020.

Both paragraphs 13.6 and 13.7 of the ISPS Regulation Annex III, Part B of the ISPS Code, are made mandatory by article 3 (5) of the ISPS Regulation.

EU Regulations and other legal acts that are incorporated into the EEA Agreement are translated into Norwegian. A Norwegian translation of the EU Regulation will be published together with the Regulations on Lovdata for information purposes as soon as it is available.

4. Economic and administrative consequences of the proposal

The amendments imply postponed deadlines for the carrying out of drills and periodic exercises and will therefore not have significant administrative or financial consequences for the industry or the public.

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This document has been electronically approved, and therefore does not contain handwritten signatures.