

Circular - Series R

Circular Series R (Regulations) supersedes previous Series F. In the new Series R, relevant legal amendments and amendments to conventions are also published.

Circular recipients: (check box)

- Sdir: Norwegian Maritime Authority
- A: 16 specially authorised employment offices
- U: Selected Foreign Service stations
- P: Equipment manufacturers, any subgroups
- OFF: Offshore companies/OIM/operators
- Hov: Main organizations
- H.i: Bodies or agencies for their comments
- Others:

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Supersedes:

Reference to: Regulations of 1 July 2014 No. 944 on dangerous goods on Norwegian ships and Regulations of 1 July 2014 No. 1099 on fire protection on ships.

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.

Amendments to Regulations of 1 July 2014 No. 944 on dangerous goods on Norwegian ships and to Regulations of 1 July 2014 No. 1099 on fire protection on ships

1. Background and introduction

The Norwegian Maritime Authority (NMA) has laid down Regulation concerning amendments to the Regulations on dangerous goods on Norwegian ships and Regulations on fire protection on ships.

After the Regulations of 1 July 2014 No. 944 on dangerous goods on Norwegian ships and the Regulations of 1 July 2014 No. 1099 on fire protection on ships were laid down, it emerged that there was a need for some clarifications of the text. The wording has been changed in order to clarify the intentions and the relation between existing rules. Moreover, an important practical exemption has been laid down in the Regulations on dangerous cargo with regard to personal luggage.

2. Consultation

The proposed regulatory amendments were circulated for review from 11 May to 11 August 2017, and the NMA received a few comments.

The Regulation concerning amendments to the Regulations on dangerous goods on Norwegian ships and the Regulations on fire protection on ships that was laid down on 6 September 2017 was originally published with an erratum.

The error concerned a missing specification that the amendment to section 8 of the Regulations of 1 July 2014 No. 944 on dangerous goods on Norwegian ships only applied to the first paragraph. A corrected version of the Regulation is published together with this Circular.

Comments to the amendments to the Regulations on dangerous goods

The Directorate for Civil Protection and Emergency Planning suggested that the text of section 2 be amended so that the word “chapter” is replaced by “subsection” to reflect the wording of the Regulations of 1 April 2009 No. 384 concerning shore-based transport of dangerous goods. The

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NMA considers it appropriate to have the same references in these regulations, and has taken this comment into account.

The Norwegian Coastal Administration asked whether the exception for “own vehicle” in section 2 will apply to trailers for passenger cars and commercial vehicles, caravans, etc. as well. The NMA uses as basis that “own vehicle” also includes trailers and caravans.

The Norwegian Coastal Administration also commented that section 2 does not allow the company to carry out checks or inspections of, and possibly reject, luggage, whereas section 410 of the Norwegian Maritime Code gives the carrier the right to refuse to carry luggage that could involve danger or a major inconvenience to people, ship or other goods. The NMA underlines that the Norwegian Maritime Code applies, and that the company may refuse to carry luggage pursuant to section 410. This does not need to be specified in the Regulations on dangerous goods.

The Federation of Norwegian Coastal Shipping worries that the amendment to section 2 will lead to the companies receiving many questions from travellers regarding what is permitted to bring on board ferries, and wonder if the NMA could make a list of the items that are permitted to bring on board. The NMA does not consider such a list as practical. The companies on their part are encouraged to inform their passengers of restricted items.

The Norwegian Public Roads Administration is critical to the new wording of sections 10 and 11, and worries that it will have consequences for ferries constructed of materials other than steel. The Federation of Norwegian Coastal Shipping, Fjord 1 and Fjellstrand AS request a specification in sections 10 and 11 that other materials than steel may be used if tests, analyses and measures have been carried out demonstrating equivalent degree of safety. The NMA has chosen to include a specification that sections 10 and 11 apply to ro-ro ships constructed of steel, since the rules are intended to regulate steel constructions. A specification that other construction materials may be allowed will not be included in sections 10 and 11. As per today, no general investigation regarding the reliability of carrying dangerous goods on ships constructed of other materials than steel, and there is therefore no basis for granting a general permission to carry dangerous goods on ships constructed of other materials than steel. A permission to carry dangerous goods on ships constructed of other materials than steel may be granted following a case-by-case assessment where the company must document that they have found a solution providing an equivalent level of safety as the requirements of these Regulations, cf. section 14 first paragraph of the Regulations on dangerous goods. The legal basis for exemptions of section 14 will thus take care of the need for carriage of dangerous goods on ships not constructed of steel, and take into account the technological development on the area.

The Federation of Norwegian Coastal Shipping and Fjord 1 comment that the companies carry out on-the-job training in accordance with the contents and requirements of the IMDG Code and ADR. They wonder if the amendment to section 10 eighth paragraph will imply stricter requirements for instance for certificates of competence than today, and whether this will result in increased costs compared to today. The NMA underlines that the companies must be able to document the on-the-job training of the crew. This applies to both curriculum and list of participants. The specification in the eighth paragraph will not lead to any additional costs for the companies if they are already carrying out on-the-job training.

Comments to the Regulations on fire protection on ships

The Federation of Norwegian Coastal Shipping wonders whether the word “shall” in section 6 should be replaced with “may”, since it is stated in the letter of consultation that “the ro-ro ships may comply with the requirements of the provision instead of the requirements of SOLAS consolidated edition 2014 Chapter II-2”. The NMA specifies that this means that ro-ro ships may comply with SOLAS consolidated edition 2104 Chapter II-2, as amended by MSC.365(93),

MSC.380(94) and MSC.392(95), cf. Regulations on fire protection section 3, cf. section 2, or with section 6 of the Regulations on fire protection. If compliance with section 6 is chosen, all the terms of subparagraphs a) to g) must be satisfied.

3. Economic and administrative consequences

The amendments are for the most part specifications of the wording of certain provisions in order to clarify the intention of the rules. This is assumed to not result in increased costs for the companies.

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Attachment:

Regulation concerning amendments to the Regulations on dangerous goods on Norwegian ships
and Regulations on fire protection on ships
Regulation concerning amendments to Regulations on dangerous goods on Norwegian ships