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Amendments to the Regulations on qualifications and certificates for seafarers

1. Introduction

The Norwegian Maritime Authority (NMA) has laid down amendments to the Regulations of 22 December 2011 No. 1523 on qualifications and certificates for seafarers. These amendments enter into force on 1 July 2020.

The most significant amendment being made is that the certificate requirement is made applicable to masters of cargo ships of 8 metres in overall length and upwards rather than the previous 15 metres in overall length and upwards. The amendment leads to the introduction of a new Certificate of Competency for Deck Officer Class 6 (D6). From 1 January 2024, masters on most cargo ships of 8 metres in overall length and upwards shall have the new Certificate or a higher Certificate of Competency for Deck Officer. An additional requirement is introduced for masters of cargo ships of less than 24 metres in length (L) in trade area Small coasting involved in anchor handling, towing or lifting operations. This additional requirement must also be met after 1 January 2024.

In addition, minor amendments have been made to existing provisions of the Regulations on qualifications and certificates for seafarers. These include requirements to assessor, renewal of certificates, radio certificates and safety training for certain groups of seafarers. etc. Furthermore, the power to grant exemptions has been extended in section 91 of the Regulations. The amendments are for the most part related to the new Certificate of Competency and the new additional requirements. However, these adjustments apply from 1 July 2020 when the amended Regulations enter into force.

The Norwegian Maritime Authority does not make courses and examinations. The new courses related to the amendments will therefore only be in place after the amendments have been laid down and associated new course plans have been published.

2. Consultation and consultative statements

The proposal was circulated for review from 14 February to 14 May 2020. The NMA received answers from 23 consultative bodies, whereof seven did not include any comments to the proposal. A list of relevant consultative bodies and comments is included in the attached consultation matrix.

The introduction of new certificate and qualification requirements for the same vessel group that is affected by the amendments this time was also proposed in 2017 and 2018. On both occasions, we received many and extensive consultative statements¹.

¹ See the consultation letter dated 14 February 2020 for supplementary information and a description of the process.

This time, we received a significantly lower number of consultative statements. However, the essence of the consultative statements remains the same. Most say that it is generally positive that the qualification requirements for cargo ships of less than 15 metres in overall length are formalised through public minimum requirements. The companies and vessels that were affected by the amendments remain a very heterogeneous group with different needs and qualifications to meet the requirements. This is reflected in the consultative statements.

A minority has commented that the amendments will have some uncertain consequences for the vessel use in their operations. This mainly applies to some non-profit organisations, public operations and participants in Norway's rescue preparedness at sea. Operators of non-commercial vessels face complex and varied challenges, but some of the recurring issues are that vessels either are used infrequently and/or are operated by a large group of masters. This is a challenge when it comes to meeting seagoing service requirements, and educating many people is more expensive. A number of these consultative bodies believe that they should be fully exempt from the requirements of the Regulations based on their roles and operations, or that they would at least be subject to the exemption provision of the Qualification Regulations section 91.

However, some consultative bodies believe that we have gone too far in adapting to the bodies' feedback and challenges after the consultation processes in 2017 and 2018. Some also expressed opposition towards the proposal to relax the certificate requirement for masters on certain vessels of between 15 and 24 metres in length.

We have also received comments voicing concern that the relatively long transition period and the various transition alternatives might be misused.

In this consultation process, there was also opposition against the proposed requirement to hold a health certificate for employees on ships as one of the requirements to be issued with the D6 Certificate. We have received a very low number of objections concerning this in previous consultation processes.

We also received a comment for the proposed amendment to the fourth paragraph of section 13, suggesting adding an additional requirement to have 12 months of relevant service to the existing requirement for assessors to at least have or have had a Certificate of Competency. This requirement has been considered and taken into account.

Beyond the last-mentioned amendment there are no substantial changes to the Regulations which have been laid down compared to the Regulations which were circulated for comments.

3. Further details on the amendments to the Regulations

There are now two brand new provisions in the Qualification Regulations. These are section 23a on a new Certificate of Competency Class 6 and section 59a on additional requirements for masters of cargo ships of less than 24 metres in length (L) in trade are small coasting involved in anchor handling, towing or lifting operations. Amendments are also made to sections 3, 8, 13, 19, 23, 46, 67, and 91.

To section 3 Positions for which a Certificate of Competency is required

The provision states the positions on various vessel types that require a Certificate of Competency. The metre limit for cargo ships in the provision in the first paragraph (b) is changed from a maximum length of 15 metres to an overall length of 8 metres and upwards.

The transitional period has been included in a new sixth paragraph which states that the new Certificate of Competency requirement for masters on cargo ships of 8 metres in overall length and upwards will apply from 1 January 2024.

To section 8 Requirements for basic safety training for seafarers indicated in the muster list

A change has been made to the third paragraph which is an exception to the main rule which states that anyone who is indicated in the muster list shall have a certificate of proficiency in basic safety training. The exception has been expanded and replaced by a new safety training course tailored for seafarers on smaller ships.

To section 13 Instructor for on-board training and assessor for assessment of competence

The previous requirement that an assessor shall at least hold a Certificate of Competency Deck Officer Class 2 has been changed to say that an assessor shall at least hold or previously have held a Certificate of Competency and 12 months of relevant seagoing service.

To section 19 Renewal of certificates of competency and certificates of proficiency

The requirements to the maintenance of competence in section 19 fourth paragraph are too comprehensive for the new D6 Certificate, and separate maintenance requirements for D6 have therefore been included in the fifth paragraph.

To section 23 Joint requirements for the Certificates of Competency Deck Officer

The joint requirements only apply to Deck Officer Class 5 or higher Certificates of Competency and this is now set out in the title and the first paragraph.

To new section 23a Certificate of Competency Deck Officer Class 6

The new section 23a stipulates the certificate rights and the requirements for being issued Certificate of Competency Deck Officer Class 6. The theoretical education must be passed through an exam.

More alternatives for reaching the seagoing service requirement than for higher certificates of competency have been included. In addition to the standard earning of seagoing service, alternative methods of documenting practical knowledge, such as using a simulator and passing practical tests, have been incorporated. The person responsible for conducting practical tests/final evaluations must be an approved assessor and hold a certificate of at least the minimum level to be assessed. The content of the practical test must align with the content of the curriculum for D6 and must be pre-approved by the Norwegian Maritime Authority.

Two transitional provisions have been included in the fourth and fifth paragraphs, allowing for the application of D6 based on non-formal qualifications or other maritime certificates used in the industry.

The transitional provision in the fifth paragraph applies to persons applying for a D6 Certificate based on long working experience rather than formal education. Persons applying for the D6 Certificate based on this alternative will be granted a restricted certificate, which only permits service as a master on cargo ships of less than 15 metres in overall length in trade area small coasting.

The operator of recreational craft alternative mentioned in the fourth paragraph (b) is valid until 31 December 2023. After this date, it will be possible to apply based on Competency Certificates for Deck Officer or Master Fisherman Certificates.

The medical certificate requirement for seafarers, a minimum of safety training for seafarers on smaller vessels and a minimum of radio certificate SRC are joint requirements for anyone applying for a D6 certificate, regardless of the selected alternative for the documentation of education and seagoing service.

To section 46 Requirements for radio operators operating in the GMDSS system

The change is an exception from the main requirement of a minimum of radio certificate ROC (Restricted Operator's Certificate) in sea area A1 for cargo ships of less than 24 metres in length (L) in trade area small coasting. Additionally, to harmonise the regulations, the amendment extends to radio operators on ships of less than 24 metres in overall length certified to carry 12 passengers or less, and on fishing vessels of less than 15 metres in overall length.

To new section 59a An additional requirement is introduced for masters of cargo ships of less than 24 metres in length (L) in trade are small coasting involved in anchor handling, towing or lifting operations

New requirements to additional competence in anchor handling, towing and lifting operations have been added. These requirements are triggered by the equipment on the vessel. The towing of light objects, such as a dinghy or a light floating wharf, is not considered towing within this definition.

To section 67 Seafarers on ships without passenger certificate which can carry 12 passengers or less

To harmonise regulations for small vessels, the requirement for basic safety training for masters in the first paragraph has been changed to the new safety training.

To section 91 Exemptions

The exemption provision has a new structure, and the access to exemption has been expanded in the new second paragraph.

4. Financial and administrative consequences

Consequences for the industry

The amended Regulations cause certificate requirements for masters on cargo ships of between 8 and 14.99 metres in overall length. Until now, there have been no certificate requirements for masters on cargo ships of this size.

Established requirements for basic safety training and a relevant radio certificate have existed for this group of masters for a long time, but most have been exempt from the medical certificate requirement for seafarers. Persons who already meet the existing requirements and have completed the existing courses will not have to redo the qualification. However, a refresher course must be taken when this is required to keep the skills up to date, but this does not add cost.

For companies owning groups of vessels with masters that now will be required to hold a Deck Officer Certificate, and for employees who, according to their employment agreement, are required to cover the costs for their qualification requirements, the amended Regulations will bring costs at least for application fees and medical certificates.

The exam fee is set by the individual training institution, but an approved supplier of external examination for Certificate of Competency Deck Officer Class 5 has estimated a current fee of NOK 4,000. The fee for issuing certificates of competency that are required in the current Qualifications Regulations is NOK 814. The rate is adjusted annually, and a small increase in fee should be expected. Seafarer's doctors also charge variable fees for medical examinations, but the normal price is NOK 1500–2500.

The investigation by the Norwegian Maritime Authority has uncovered several costs and transfers due to the introduction of the new certificate requirement. The costs mainly affect the industry. Nevertheless, the investigation concluded that the amendments should still be implemented due to the unforeseen consequences arising from the competence enhancement. The industry has, to a great extent, initiated the new certificate and qualification requirements, and they have played a significant part in the design. This indicates that the industry deems the costs to be acceptable compared to the unforeseen consequences.

The consequences for the industry are considered resource-demanding and expensive for a relatively short transitional period. However, the positive consequences, such as fewer accidents and an increased level of competence in the industry, will be lasting.

An unintentional consequence could be that new certificate and qualification requirements will result in a halt in vessel operation for non-profit organisations, public and non-commercial parties. A cost increase for these parties may lead to reduced services, potentially resulting in significant socio-economic costs. It is therefore important to find necessary and, in terms of safety, justifiable adaptations for some parties who are struggling to meet the formal and standardised requirements.

Consequences for the NMA

Schools, training centres and others who wish to offer training and exams according to the Qualification Regulations must be approved by the Norwegian Maritime Authority. We expect several applications from training providers for approval for training or exams covering the curriculum of the Deck Officer Class 6 Certificate. An increase in applications for training approvals and certificates means more processing for the NMA.

The vessels covered by the new certificate of competency requirements are already supervised. Therefore, it is not expected that more supervisory activities than the current level will be necessary to ensure that the new requirements are met.

We believe that this proposal will enhance the NMA's reputation. The proposal addresses an area that is currently unregulated and where a connection between accidents and a lack of competence has been observed. Setting a minimum requirement to improve competence will enhance trust in the NMA as a supervisory body.

Total costs compared to the usefulness

The new certificate requirements will increase competence and safety for crew on vessels that previously had few requirements and where the NMA knows that current requirements have not been met due to lack of knowledge concerning regulations, missing information from the NMA and insufficient supervisory activities. We believe that the change is necessary and in line with the regulatory development process for smaller vessels.

Furthermore, the Norwegian Accident Investigation Board (sea) has recommended introducing a competence requirement for masters of this vessel group. Increased competence has also been requested by the industry.

It is likely that there is a connection between accidents and competence, and therefore an increase in competence is assumed to contribute to fewer personal injuries and vessel accidents.

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

Attachments:

Regulation concerning amendments to Regulations on qualifications and certificates for seafarers and consultation matrix