Sjøfartsdirektoratet
Norwegian Maritime Authority

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Regulation concerning amendments to the Regulations on dangerous goods on Norwegian ships and the Regulations on environmental safety for ships and mobile offshore units

Introduction
The Norwegian Maritime Authority (NMA) has laid down amendments to the Regulations of 1 July 2014 No. 944 on dangerous goods on Norwegian ships (Regulations on dangerous goods) and amendments to the Regulations of 30 May 2012 No. 488 on environmental safety for ships and mobile offshore units (Environmental Safety Regulations).

The amendments are mainly laid down to implement IMO Res.MSC.526(106) – hereafter referred to as MSC.526(106) in Norwegian legislation. The amendments enter into force on 1 July 2024.

Consultation
The proposed amendments to the Regulations on dangerous goods and to the Environmental Safety Regulations were circulated for comments from 14 March until 5 June 2024.

Before the deadline, the NMA received responses from a total of six consultative bodies. Four did not include any comments to to the proposal. From Langset Maritime AS, the NMA received comments concerning amendments to the Regulations on dangerous goods. However, these comments were not relevant for the consultation dealing with the implementation of MSC.526(106) in Norwegian legislation. In a separate statement, MOWI supported the comments from Langset Maritime AS. The comments are found in the consultation matrix, which is attached to this circular (in Norwegian).

Background for the amendments
MSC.526(106) amends the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) Chapter 2 Regulation 9.2.1. The amendments relate and apply to requirements to ensure the integrity of chemical tankers and to prevent further flooding following damage.

The IBC Code is implemented in Norwegian legislation by reference in the Regulations on dangerous goods, cf. section 5 (c). When the IBC Code is amended as a result of MSC.526(106), the implementing provision in the Regulations also needs to be amended.

Consolidated editions of International Convention for the Safety of Life at Sea, 1974 (SOLAS) and the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) respectively, are newer than the instruments referred to in the Regulations on dangerous goods 5 (a) and (d). The NMA has therefore determined that the reference shall be made to the latest consolidated editions of these respective instruments.

The transitional arrangement found in the Regulations on dangerous goods section 8 third paragraph expired 31 December 2021. A corresponding transitional arrangement has also been laid down in the Environmental Safety Regulations section 7 sixth paragraph. Since the above-mentioned transitional arrangements have now expired, the NMA has decided that section 8 third paragraph of the Regulations

on dangerous goods and section 7 sixth paragraph of the Environmental Safety Regulations will be repealed.

Legal basis and scope of application
The legal basis for the amendments to the Regulations on dangerous goods and the Environmental Safety Regulations is the Ship Safety and Security Act. The amendments apply to Norwegian ships, regardless of trade area, carrying hazardous and noxious liquid substances in bulk.

Details of the amendments

The IBC Code was adopted by IMO Resolution MSC.4(48) and entered into force 1 July 1986. The IBC Code prescribes the design and construction standards of ships, regardless of tonnage, involved in the carriage of dangerous chemicals and noxious liquid substances in bulk.

Through the years, from 1986 until 2021, the IBC Code has been amended 13 times. The 14th amendment to the IBC Code, prompted by MSC.526(106) enters into force 1 July 2024 and can be summarised like this:

The provisions of the IBC Code 2.9.2.1 state that: "The waterline, taking into account sinkage, heel and trim, shall be below the lower edge of any opening through which progressive flooding or downflooding may take place." The amendments to the IBC Code 2.9.2.1 specify that additional openings that may be shut watertight and that usually are or must be closed at sea, shall not be regarded as "[…] any opening through which progressive flooding or downflooding may take place". The other openings that may be excluded due to the amendment include hinged watertight access doors with open/closed indication locally and on the navigation bridge, that are quick closing or that either open inwards or outwards, and that are usually closed at sea, and hinged watertight doors that are permanently closed at sea.

The amendments to the IBC Code 2.9.2.1 that are adopted by MSC.526(106), are the same as the material content of SOLAS Reg. II-1/7-2.5.5, cf. MSC.472(102) and MARPOL Annex I Regulation 28.3.1, cf. MEPC.343(78).

As of 1 July 2024, the wording of the sets of rules stipulated in the IBC Code 2.9.2.1, SOLAS Reg. II-1/7-2.5.5 and MARPOL Annex I Regulation 28.3.1 respectively, will be consistent across these three instruments. Presumably, these provisions will provide more flexibility in the design of cargo ships when it comes to maintaining stability following damage. The amendments to the IBC Code will not have direct consequences for existing chemical tankers.

Comments to the individual provisions
The Regulations on dangerous goods section 5 (a) refers to the International Convention for the Safety of Life at Sea, 1974 (SOLAS) consolidated edition 2014, chapter VII. The amendment which is laid down in this provision refers to SOLAS consolidated edition 2020, chapter VII. The content of chapter VII in the consolidated 2020 edition is identical to the content of the corresponding chapter in the consolidated 2014 edition. This means that the amendment that is laid down in the Regulations on dangerous goods section 5 (a) is editorial only.

In the Regulations on dangerous goods section 5 (c), the NMA has stipulated that the amendments to the IBC Code, cf. MSC.526(106) are implemented in Norwegian legislation by reference to the "International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IGC Code), cf. MSC.4(48), consolidated 2020 edition as amended by MSC.460(101) and MSC.526(106)".

In the Regulations on dangerous goods section 5 (d), the NMA has stipulated an editorial change where the implementation of the IGC Code in Norwegian legislation refers to the consolidated 2016 edition, with later amendments laid down in MSC.411(97), MSC.441(99), MSC.476(102) and MSC.492(104).

The Regulations on dangerous goods section 8 third paragraph includes a transitional provision which expired 31 December 2021. The Environmental Safety Regulations section 7 sixth paragraph contains an equivalent provision. Circular Series R 17-2020 titled “Amendments to the IBC Code for OSVs” provided the details on the transitional arrangement. The transitional arrangement has now expired, and it is no longer an option to apply the scope of these provisions. The NMA has decided that section 8 third paragraph of the Regulations on dangerous goods and section 7 sixth paragraph of the Environmental Safety Regulations is repealed.

Administrative and financial implications

The industry has been informed of the amendments to the IBC Code through special interest organisations and the NMA. The amendment which is laid down in the Regulations on dangerous goods section 5 (c) will provide more flexibility in the design of chemical tankers. The NMA anticipates that this increased flexibility can lead to positive financial implications for the industry. The rest of the amendments will only lead to minor administrative and financial implications for the industry and the authorities.

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Attachments (in Norwegian):
Consultation matrix
Regulatory amendments