

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 missions
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- OFF: Offshore companies / OIM / operators
- Hov: Main organisations
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- Others:

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Reference to: Regulations for fishing vessels of less than 15 metres

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.

Regulation concerning amendments to the Regulations on fishing vessels of less than 15 metres in overall length

On 22 June 2021, the NMA submitted the proposed revision of the Regulations of 22 November 2013 No. 1404 on fishing vessels of less than 15 meters in overall length for review.

The deadline for comments was 25 September 2021. A total of 12 consultative statements were received, 7 of which included comments on the proposal.

Entry into force

These amendments enter into force on 1 January 2022.

EEA review

In the EEA, there is no harmonised legislation for the construction and equipment for fishing vessels of less than 15 metres in overall length. Nevertheless, the proposal was sent for review in the EEA simultaneously with the national review because new regulations containing requirements for technical specifications or other goods-related requirements or regulations concerning information society services pursuant to the Act on European notification of technical rules, etc. (EEA Hearing Act) will be circulated for review in the EEA. The purpose of the EEA review is to prevent the occurrence of trade barriers by the introduction of new national regulations with technical requirements for goods.

Background for the amendments

Over the last few years, the NMA has gathered comments concerning amendments to the Regulations of 22 November 2013 No. 1404 on fishing vessels of less than 15 meters in overall length. The comments are mainly based on experiences from case processing, surveys and customer contact.

Many of the amendments are meant to simplify and harmonise the legislation to bring it up to date with the current practices. The reason for the various amendments to the individual provisions are explained in detail below. An overview of the comments and the responses from the NMA is attached.

Some of the changes are editorial and are therefore not specifically commented on in this consultation letter. All the changes are included in the overview in Appendix 1 to this circular.

The following amendments have been laid down in the Regulations:

Amendment to the definition of fishing vessels

In the Norwegian version, the term "fiske- og fangstfartøy" in some of the provisions has been replaced by "fiskefartøy". "Fangstfartøy" will still be included in the definition of "fiskefartøy" in section 1-2, but the wording in the individual provisions will be shorter and easier to read. Hence, the amendment includes no change in the scope of application of the Regulations.

New section 2 (i)

The NMA has decided to include a definition of "lifting equipment" in the Regulations to clarify what this term includes. A similar definition of lifting equipment is applied in several recognised standards (such as NORSOK R003 item 3.1.26, DNV GL-ST-0377 Shipboard lifting appliances item 1.1.5.30). We have also included cargo-handling appliances and cargo handling gear the way they are referred to and defined in the Regulations of 17 January 1978 No. 4 on cargo-handling appliances in ships.

Section 4 first paragraph

Today, section 4 first paragraph states that vessels shall be constructed, dimensioned and equipped in accordance with the Nordic Boat Standard (1990), unless otherwise provided by the individual provisions. Alternatively, the complete set of rules of a recognised classification society may be used when the safety standard is equivalent to the Nordic Boat Standard (1990). The NMA has decided to allow the application of a complete set of recognised rules or another standard as an alternative when the safety standard is equivalent to the Nordic Boat Standard (1990), regardless of whether the legislation comes from a recognised classification society, as long as it is equivalent. In cases of doubt, the Norwegian Maritime Authority may determine whether the rules are equivalent to the Nordic Boat Standard (1990).

Section 4 fifth and sixth paragraphs, cf. section 99a

For vessels of 9 to 15 metres in overall length, lifting equipment with a lifting capacity of up to and including 500 kg may be verified by an approved company or a competent person. The same applies to vessels that are to be certified for the first time as fishing vessels after 1 January 2023. The verification of the lifting equipment will then be a part of the complete inspection by an approved company. For vessels of less than 8 metres in overall length, the lifting equipment is not subject to a requirement to certify the vessel unless the lifting capacity is more than 500 kg and 2 ton metres. If the lifting equipment has a capacity of more than 500 kg and 2 ton metres, it must be certified by a competent type A person. The 500 kg and 2 ton metre limit has been set because these are simple cranes where we do not require an assessment by a competent

person, only by someone from an approved company who has naval architect skills. The 500 kg limit applies regardless of the arm. The 2 ton metre limit is an additional requirement which means that 500 kg may not be lifted using an arm that is longer than 4 metres (4 m * 0.5 t = 2 ton metres). If the arm is 6 metres, the lifting capacity must be reduced to a maximum of 333 kg not to exceed 2 ton metres (6 m * 0.333 t = 2 ton metres). If a crane can lift 400 kg with a 5 metre long arm (2 ton metres), it can still not lift more than 500 kg closest to the crane, for example with a 1 metre long arm (0.5 ton metres).

Lifting equipment with a capacity of more than 500 kg and 2 ton metres to be used in open waters shall be certified in accordance with the Regulations of 13 January 1986 No. 31 on cranes used on ships in open waters for loading and unloading.

The provision in the former fifth paragraph stating that lifting equipment may, as an alternative, meet the requirements of Nordic Boat Standard (1990) C15, is removed for new lifting appliances. Nordic Boat Standard (1990) is not used much today, has significant shortcomings compared to the Regulations on cargo-handling appliances, and, in our opinion, has a too low security level.

The amendment which permits an approved company to certify lifting appliances with a lifting capacity of 500 kg and 2 ton metres or less is a relaxation from previously applicable requirements, simplifies the regime for approval of smaller lifting appliances and has no negative financial consequences for the industry or administrative consequences for the authorities.

New section 5a

New requirements for trawl, purse-seine/power-operated block and Danish seine arrangements installed after 1 January 2023 are introduced.

The requirement for trawl winches to be so arranged that the desired traction force can be adjusted and slackening of the trawl wire possible during high impact is proposed by the Accident Investigation Bureau Norway in Safety recommendation MARINE No. 2015/04T. The use of arrangements to lock the trawl wire, for instance, preventing tension reduction by relaxing the winch while trawling, will be prohibited.

Similar requirements as those for fishing vessels of 15 metres or more in overall length are introduced concerning the design, dimensioning and inspection of loose equipment in such arrangements. Inspections are carried out by an approved company, not by a competent person as for larger vessels. Inspections of trawls, purse-seine/power-operated block and Danish seine arrangements will be included in the initial inspection for vessels seeking certification. The purpose is to check that the various force-affected components are dimensioned for the load they will be subject to. During the five-yearly re-certification of the vessels, a condition check of the various force-affected components in a tool arrangement is carried out.

If the inspection is carried out by an approved company, this incurs an additional cost estimated to be between NOK 1,000 and 2,000, which is a small part of the total cost of carrying out an initial inspection for newbuildings. During a five-yearly periodic simplified inspection of the vessels, this is included as an added item on the checklist for the vessel control, and it is assumed that the condition check can be carried out for up to NOK 1,000. Considering the high number of fall and crush injuries in the fishing fleet and the high risk of serious personal injuries, the increased level of safety should compensate for the company's inspection, also in a socio-economic perspective.

Section 14 first paragraph

Machinery spaces in new and existing wooden vessels shall have floors of steel or aluminium plates. This is merely a clarification of current requirements.

Section 15

All vessels of less than 10.67 metres in overall length shall have an approved fire-extinguishing system pursuant to the Regulations. The previous option to alternatively use a fire-extinguishing system according to the guidelines in chapter C14 of the Nordic Boat Standard (1990) is limited to vessels constructed in the period between 1 January 1992 and the date when the regulatory amendments enter into force.

Both new and existing vessels of less than 10.67 metres in overall length may, as an alternative, be equipped with a fire-extinguishing system with automatic release, provided that more detailed rules are complied with. This includes the use of self-releasing ampoules that extinguish at set temperatures in machinery spaces, either individually or in combination, depending on the size of the machinery space.

Vessels of less than 10.67 metres in overall length have not previously been subject to requirements for fixed fire-extinguishing systems in machinery spaces. On vessels of this size, where the master is often alone, a fire on board poses significant danger to the safety of the crew, risk of vessel loss and environmental damage. Installing a fire-extinguishing system would likely help extinguish the fire and allow the crew to focus on notification and their own safety.

In the case of a fire in a machinery space, all air supply should be stopped. Opening a door to use portable fire extinguishers could let air in and escalate the fire. Entering machinery spaces during a fire could be dangerous for the crew.

On this type of vessel, less complex fire-extinguishing installations are accepted, including systems with automatic release, such as extinguishing ampoules. In the below analysis, the cheapest system we are currently aware of has been included.

Installed extinguishing ampoule(s) (with each ampoule covering approx. 8 m³) will be released automatically and are likely to extinguish the fire. Since they are released automatically, they can also extinguish a fire in the machinery space of a vessel without crew on board. We cannot guarantee that all fires will be extinguished with this type of equipment. A fire could also start in other areas of the vessel. In such cases, the crew must attempt to extinguish the fire using the mandatory portable fire extinguishers. An ampoule is only capable of extinguishing the fire within the area it covers.

These are our key arguments for requiring a fire-extinguishing system:

- In case of a fire in a vessel with one person on board, this person will not be in a position to put out the fire and notify others at the same time, put on life-saving appliances and, if required, launch a liferaft. The ampoule will allow the person to prioritise their safety.
- Around 80 per cent of all fishing vessels of less than 10.67 metres in overall length are constructed from combustible materials (plastic or fibreglass), which will lead to an explosive development of the fire. The quick and automatic release of the ampoule is likely to swiftly suppress the fire, even when the vessel is unmanned.

- Failure to extinguish a fire poses a significant risk of vessel loss and endangers the safety of the crew.
- The ampoule is inexpensive, durable, releases automatically, is easy to install, requires minimal space and has low maintenance need.

The number of fishing vessels affected by this requirement is estimated to be 3,250. In the NMA's register of active fishing vessels, there are 2,080 vessels registered in the 8 to 10.67-metre length group. Of these vessels, around 200 are wooden and therefore are already required to have fire-extinguishing systems in machinery spaces if those spaces are not insulated. In the Directorate of Fisheries' register, 1,450 fishing vessels are in the 6 to 8-metre length group. Some of these are open vessels without machinery spaces. Around 40 per cent of fishing vessels in the 6 to 8-metre length group are defined as open vessels. Assuming that half of these do not have machinery spaces, this totals 290 vessels without a requirement.

The supplier has stated a cost of NOK 3,500 for the extinguishing ampoule. They state that the product has a lifetime of 10 years. That means an average cost annually of NOK 350 per vessel. Based on this information, the total annual cost for the new requirement is NOK 1,135,000.

Data from the insurance industry (Cefor) for fishing vessels of less than 15 metres in overall length show that 204 insurance claims have been registered due to fire/explosion between 2010 and 2020. The number and size of these claims vary from year to year, but the total payout between the 204 claims is NOK 83,200,000, averaging around NOK 400,000 per claim. If the payout is divided among the vessels in the group, this amounts to an average annual insurance premium of NOK 1,750 per vessel of less than 15 metres in overall length.

Assuming a uniform probability for insurance claims for vessels of more and less than 10.67 metres in overall length, it is estimated that 150 of the claims refer to fishing vessels of between 6 and 10.67 metres. Since the vessels are smaller, it is assumed that they account for 75 per cent of the average claim amount, which means a payment of around NOK 300,000 per insurance claim. The total payout for insurance claims due to fire in fishing vessels of between 6 and 10.67 metres in length from 2010 until 2020 is estimated at NOK 45,000,000. The average insurance premium is NOK 1,325 per vessel of less than 10.67 metres in overall length.

Statistics from Cefor contain no information about the cause of fires. Furthermore, we have not found any statistics concerning the efficiency of the extinguishing ampoules, that is the percentage of fires in machinery spaces extinguished by the ampoule if installed. To assess the potential effect of installing an extinguishing ampoule, it is assumed that 50 per cent of fires start in the machinery spaces, and the extinguishing ampoule extinguishes 50 per cent of these fires. Based on these assumptions, the number of serious fires in fishing vessels in the group with a length of 6 to 10.67 metres may be reduced by 25 per cent.

Given the annual insurance premium of NOK 1,325 per vessel due to fire, a reduction of 25 per cent would result in savings of NOK 330 per vessel. This number is based on a number of assumptions. One is that the insurance costs for damages caused by fire in machinery spaces before the extinguishing ampoule is released are not included. Another condition for savings for individual vessel owners is that lower insurance payments from the insurance companies reduce the insurance premium correspondingly.

If considering only the financial implications in relation to insurance payments, the cost of installing an extinguishing ampoule is difficult to defend. Based on our assumptions, this will

amount to a small negative annual cost of NOK 20 per vessel or NOK 65,000 for the vessel group in total.

It is the NMA's responsibility to consider safety for the crew and the environment, not just net amounts. Safety for the crew should be paramount, and a potential 25 per cent reduction of serious fires would lead to reduced risk for the crew on board, as well as positive effects on health and working environment that are hard to quantify. The same applies to environmental damage, where a vessel that is not completely destroyed in a fire is more likely to remain afloat, thereby reducing both hazardous discharge and clean-up costs.

Looking at the value of preventing a fatality, the installation of an extinguishing ampoule in vessels of less than 10.67 metres would be profitable if it prevents one fatality in 22 years. This based on the total cost annually of NOK 1,135,000 for the installation of extinguishing ampoules and the value of a prevented fatality of NOK 25,000,000. Since 1986, only one fatality has been registered as caused by fire on a fishing vessels of less than 10.67 metres in overall length.

The cost of the extinguishing ampoule, at NOK 350 per year, is the only identified consequence. Overall, we assume that the installation of an extinguishing system in machinery spaces for fishing vessels of less than 10.67 metres has a positive cost-benefit value for the fishing fleet. Increased perceived and actual safety on board, a probable reduction of environmentally hazardous discharge and the potential for a reduced insurance premium are arguments for introducing a requirement for a fixed fire-extinguishing system.

This measure has no financial or administrative consequences for the authorities.

Section 16 second paragraph

The amendment specifies that vessels of less than 10.67 meters in overall length shall, regardless of the year of construction, be fitted with at least one smoke and heat detector in machinery spaces, at least one smoke detector in recreational spaces and at least one smoke detector in the wheelhouse. Vessels constructed after the entry into force of the amendment shall have type-approved detectors. This typically includes wheel-marked equipment pursuant to the Regulations of 30 August 2016 No. 1042 on marine equipment and includes costs for the individual vessel. The amendment has no financial or administrative consequences for the authorities.

Section 17 first paragraph first and second sentences

The requirement for type-approval of fire extinguishers, meaning they must be wheel-marked pursuant to the Regulations on marine equipment, will be clearer in the Regulations. The amendment has no financial consequences for the industry and no financial or administrative consequences for the authorities.

Section 26 first paragraph – editorial change

It is specified that for new vessels of 6 to 15 metres in overall length, as an alternative, stability calculations may be carried out in accordance with the Regulations of 13 June 2000 No. 660 on the construction, equipment and operation of fishing vessels of 15 metres in length and over.

These provisions may also be used for existing vessels. This is a codification of the current practice and has no material amendment or any changed financial or administrative costs.

Section 27 fourth paragraph – editorial change

This is an editorial amendment to clarify that the requirement that stability calculations must be inspected by an approved company only applies to vessels of between 8 and 15 metres.

Section 29 – requirement for stability calculations in Fjord fishing

Section 29 first paragraph subparagraph e is amended so that for vessels operating in trade area In-shore fishing or greater area, the righting lever (GZ) for angles of heel between 40 and 65 degrees shall be nowhere less than 100 millimetres, and positive up to 80 degrees, not considering flooding through hatches, doors, bilge valves, etc., which must remain open during operation, but which can rapidly be closed weathertight.

The confirmation of construction in Appendix 3 has a new checkpoint where the issuer may check that the vessel's trade area is limited to Fjord fishing if it does not meet the requirement in Nordic Boat Standard (1990) C 30 item 3.2.

It is also specified that vessels operating in trade area Fjord fishing do not need to comply with Nordic Boat Standard C 30 item 3.2.

This is a codification of the current practice and has no material amendment or any changed financial or administrative costs.

Section 33 first paragraph first sentence

The period for fishing in the summer has been extended by changing the date for requirement for icing allowance calculations in greater trade area than In-shore fishing from 1 October to 1 November, while simultaneously changing the date in the spring from 15 May to 1 May in line with comments during the consultation. The period for fishing without icing allowance calculations has been extended based on reported needs and in line with the NMA's conclusion that this would be safe and proper. The amendment corresponds with amendments to section 47 on trade area restrictions (see below).

The amendment provides greater flexibility and has no negative financial or administrative consequences for the industry or the authorities.

Section 33 second paragraph

The period has been extended from 1 October to 1 November in the autumn and from 14 May to 30 April in the spring, in line with the amendment in the first paragraph.

Section 34

The amendment is a linguistic restructuring of the current provision. The current reference to section 27 second paragraph b, d and c is incorrect. The correct reference should be section 28 second paragraph c, d and e.

The amendment has no financial consequences For the industry and no financial or administrative consequences for the authorities.

Section 35

The amendment clarifies the requirements for older vessels, including the connection between freeboard and stability calculations. The amendment is in line with current practice and has no stricter requirements. The amendment has no changed financial or administrative costs.

Section 38 second paragraph first sentence

Vessels with a maximum of three persons on board may as an alternative to a type-approved liferaft use a liferaft intended for at least four persons and manufactured in accordance with ISO 9650-1 (Group A), provided that the raft is placed a maximum of six metres above the waterline in the least favourable loading condition. This is an amendment compared to the former requirement of three metres above the waterline.

Section 38 fourth paragraph

We have decided to clarify that inflatable liferafts shall be inspected by an approved service station for inflatable liferafts at least every 24 months, however, not exceeding the limit for the next inspection set out in the liferaft certificate. This is in line with the current practice and therefore has no changed financial consequences for the industry or the authorities.

Section 38 fifth paragraph second sentence

The amendment is in line with the current practice for requirement for type-approved equipment and has no stricter requirements and no changed financial or administrative costs.

Section 43

The amendment makes it easier to read existing requirements and does not make the requirements more strict. The amendment therefore has no changed financial or administrative costs.

Section 47 third paragraph

The NMA has decided to make it clearer that vessels that would like to take the opportunity to operate in the greatest trade area need to have this stated in their vessel instructions. For vessels having vessel instructions for trade area In-shore fishing or Bank fishing I, the trade area may be expanded to Bank fishing II, limited to 100 nautical miles from the base line in the period from 1 May until 31 October. The period is extended in line with reported needs and a conclusion by the NMA that it is safe and proper. The amendment provides increased flexibility and has no negative financial consequences or administrative costs for the industry or the authorities.

Section 67 first paragraph

The Norwegian Maritime Authority has decided to clarify that equipment required pursuant to chapter 7 on radio shall be CE marked in accordance with the Regulations of 15 April 2016 No. 377 related to EEA requirements to radio equipment or shall satisfy the requirements of the Regulations of 30 August 2016 No. 1042 on marine equipment. The reference to relevant legislation has been updated. The amendment has no negative financial consequences or administrative costs for the industry or the authorities.

Note 4 to section 68 third paragraph

The NMA has decided to include a note to section 68 third paragraph informing that a NAVTEX receiver is not required in sea area A1 if the vessel is capable of otherwise maintaining the same safety function by obtaining relevant weather and navigational warnings through the VHF coast radio, public electronic systems or other public broadcasts.

The wording has been changed to clarify the requirement by including more relevant sources as examples. The amendment has no changed financial or administrative consequences.

Section 71 second paragraph

All vessels not safely moored in port shall maintain radio watch for reception of maritime safety information (MSI), using a NAVTEX receiver or other methods maintaining the same safety function by obtaining relevant weather and navigational warnings through the VHF coast radio, public electronic systems or other public broadcasting.

This amendment corresponds with the amendments to Note 4 to section 68 third paragraph.

Section 95 – numbering of paragraphs

The numbering of paragraphs in section 95 first paragraph will be removed, and this is an editorial amendment.

Section 96

The term "periodic simplified inspection" is continuously replaced with "periodic inspection" for a simpler language. This does not change the scope of the actual inspection of the vessel.

Section 98 – reporting of inspections by approved company and company's control

The Norwegian Maritime Authority has changed the reference from www.yrkesfisker.no to www.sdir.no because this is the correct address for downloading of the NMA's forms. The amendment has no changed financial consequences for the industry.

Section 99

The NMA has decided to change the title of the section to make it easier to locate the legal basis for other inspections of the vessel in connection with damage, conversion, etc. Today, the term "other inspection" is commonly used by approved companies, and it should be reflected in the Regulations. This amendment has no changed requirements, which means no financial or administrative consequences for the industry or the authorities. Furthermore, we want to allow approved companies to issue trading permits for a duration of up to seven days in connection with damages, controls and rebuilds of vessels to simplify the processing of the application. Previously, the NMA has treated this type of applications as a dispensation based on control of the vessel performed by an approved company. The role of the NMA has therefore included the formal issuing of the permit. With the amendment, the processing will be quicker, which will be a good thing since there is often little time when issuing trading permits. The related additional cost will be related to the actual processing of the application, which we estimate will be 1–2 hours of work.

New section 99a – control of lifting equipment

Lifting equipment with a lifting capacity of up to 500 kg and of up to 2 ton metres on fishing vessels of 8 to 15 metres in overall length must be approved by an approved company at the initial inspection and periodic inspections. Alternatively, crane approvals may be carried out by a competent person in accordance with the Regulations on cargo-handling appliances.

For vessels of 8 to 9 metres in overall length. the requirement applies to vessels that are to be certified for the first time as fishing vessels after 1 January 2023.

An annual inspection of the lifting equipment shall be carried out. The annual inspection shall include a function test and a visual inspection to detect any elongation, wear and tear, corrosion, cracking and formation of fractures, etc. The annual inspection can be carried out by a workshop, approved company or other company, or a person competent to do so.

Section 102 second paragraph subparagraphs d and e

The requirement to have on board a confirmation of construction pursuant to subparagraph d, has been changed to vessels constructed after 1 July 2014 in line with the Regulations on commercial licence, registration and marking of fishing vessels, etc.

Subparagraph e is repealed since the time has passed, and the provision is therefore no longer valid.

The confirmation of construction

The confirmation of construction, which was previously included in the Regulations, has been removed due to a regulatory amendment without preceding consultation. This regulatory amendment is described in RSR 13–2020, available for download from www.sdir.no under «Legislation». The amendments implemented in 2020 do not alter the material content of the confirmation of construction and therefore did not require circulation for review. The confirmation of construction, form KS-1255B, is now available for download under «Forms».

The photo in appendix 8 under 3.4 (water on deck) is replaced with an updated depiction of the requirement in line with previous amendments to the Regulations of 13 June 2000 No. 660 on the construction, equipment and operation of fishing vessels of 15 metres in length and upwards. This amendment does not change the content of the actual requirement.

Administrative and financial implications

In the consultation letter, the financial and administrative implications are described in detail in relation to the mentioned amendments.

Other provisions and entry into force

The amendments enter into force on 1 January 2022.

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Attachments: - Regulation concerning amendments to the Regulations of 22 November 2013 on fishing vessels of less than 15 metres in overall length
- Overview of comments to the proposal