Sjøfartsdirektoratet
Norwegian Maritime Authority

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
- ☐ P: Equipment manufacturers, any subgroups
- ☐ OFF: Offshore companies / OIM / operators
- ☒ Hov: Main organisations
- ☐ H.i. Bodies or agencies for their comments
- ☐ Others:

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Regulation concerning amendments to Regulations of 1 July 2014 on life-saving appliances on ships

The Norwegian Maritime Authority has laid down Regulation concerning amendments to Regulations of 1 July 2014 No. 1019 on life-saving appliances on ships. This Regulation enters into force on 1 January 2020.

Background

The IMO's Maritime Safety Committee (MSC) has adopted amendments to Regulation III of the Safety at Sea Convention (SOLAS), effective from 1 January 2020 by the resolutions MSC.404(96) and MSC.421(98). MSC.402(96) has been implemented into SOLAS Chapter III by incorporation, cf. SOLAS Reg. III/20.11.2, cf. SOLAS Reg. III/3.25.

SOLAS Chapter III (Life-saving appliances and arrangements) is implemented into Norwegian legislation by the Regulations on life-saving appliances on ships. The implementing provision of section 2 has been amended to ensure compliance with the revised international legislation. The amendments apply to ships engaged on both domestic and foreign voyages, cf. section 1 of the Regulations on life-saving appliances on ships.

In short, the amendments made by the resolutions include:

Requirements for maintenance of life-saving appliances, designation of authorised service providers, etc.

SOLAS regulations III/20 and III/36 make demands for periodic inspections of lifeboats/rescue boats and launching appliances. The current legal position is that IMO recommends the use of the guidelines of MSC.1/Circ.1206 and MSC.1/Circ. 1277. These guidelines are now replaced by the requirements adopted by MSC.402(96) that must be met when performing maintenance, testing and overhaul of life-saving appliances.

The new provisions mean that the company has the overall responsibility for ensuring that maintenance, examination, overhaul and repair on board the company's ship are conducted in

accordance with the requirements of SOLAS regulation III/20. The company shall establish routines covering all activities originating from these requirements.

New authorisation requirements are introduced for service providers carrying out maintenance, etc. of life-saving appliances. It is a condition that the Flag State authorises companies capable of ensuring that maintenance, etc. is carried out in accordance with the Regulations. Resolution MSC.402(96) sets out criteria that must be met in order to be authorised as a supplier of the services required by MSC.402(96).

Damage control drills and an update of the muster list shall be conducted on ships constructed before 1 July 1998

SOLAS Chapter III shall in principle apply for ships constructed on or after 1 July 1998, cf. SOLAS regulation III/1.1. By Resolution MSC.421(98), some of the amendments to SOLAS chapter III will also be made applicable to ships constructed before 1 July 1998. This applies to the new requirements to conduct damage control drills, cf. SOLAS regulation III/30.3 referring to SOLAS regulation II-1/19-1. Regulation II-1/19-1 is also new and will be implemented into Norwegian legislation by amendments to the Regulations on safety measures, etc. on passenger ships, cargo ships and barges. These amendments will be referred to in a separate consultation letter. Regulations on life-saving appliances on ships section 2 second paragraph specifies that SOLAS regulation III/30.3 shall only apply to passenger ships engaged on foreign voyages.

Amendments to regulation III/37.3.9 are also included, where a new item is added to the muster list. This amendment shall apply to passenger ships engaged on both domestic and foreign voyages.

2 The consultation

The proposed regulation concerning amendments to the Regulations on life-saving appliances on ships was circulated for review from 10 October to 1 December 2019.

A total of 15 consultative statements came in, whereof 11 did not include comments to the proposal. The four consultative comments summarised in brief;

Cralog AS commented that it is challenging to delegate to the six Recognised Organisations in accordance with MSC.402(96) 7.4.3 without making special national requirements. Cralog AS notes that special requirements seem necessary since the classification agreement states that both IACS UI and UR are accepted. Cralog AS points to the fact that there is a conflict between IACS UI SC144, which requires that a surveyor must be present during inspections, and MSC.402(96) item 1.2.2.19, which only requires checking without a surveyor present.

The Norwegian Maritime Authority refers to items 3.1, 3.2 and 3.5 below for responses to these consultative comments.

Cralog AS and Hytek AS request that a service provider will only be required to be approved by one of the Recognised Organisations, and not all, when the Norwegian Maritime Authority delegates the appointment of authorised companies.

The Norwegian Maritime Authority confirms that an identical authorisation from all Recognised Organisations is not necessary. Reference is also made to item 3.2 below concerning the criteria for the authorisation.

Solstad Offshore ASA requests the Norwegian Maritime Authority to list authorised companies for the various manufacturers of vessels registered in NOR and NIS. They also request the list to be sorted by manufacturer, and by the countries for which the service provider is approved. Furthermore, they request that the list is easy to obtain from the NMA, and that the list should come with simple instructions and forms to be filled in for potential companies that wish to be considered as authorised service providers. The information should be available in both Norwegian and English.

Solstad Offshore ASA further remarks that certain levels of competence and, where applicable, approval from the manufacturer must be required. It needs to be clarified to what extent installation-related documentation presented to the service provider by the company is sufficient. It must also be clarified to what extent access to spare parts and material provided by the company in connection with service/the approval job is sufficient.

Moreover, Solstad Offshore ASA comments that if approval is delegated to a classification society, this may lead to issues for the classification societies, since they will have a different angle on the task. For an applicant, they will need to consider all flag states' requirements and whether there are special conditions and requirements to be considered. Lastly, they point out that it is currently not easy to find approved service providers for a given manufacturer through the class, or to determine whether there are special conditions and requirements to be considered.

The Norwegian Maritime Authority refers to items 3.1, and 3.2 below for responses to these consultative comments.

The Norwegian Better Regulation Council has submitted consultative comments to the proposal. The comments relate to consequences for trade and industry in particular.

The NMA will consider the comments and the assessment from the Norwegian Better Regulation Council. The NMA will compare its normative documents for regulatory work to comments from the Norwegian Better Regulation Council. Amendments to normative documents will be considered and may be implemented to improve the regulatory work process. The NMA has found no grounds to circulate the regulatory amendments for a new review, and the proposed Regulations are therefore adopted.

The Norwegian Maritime Authority has also received other inquiries concerning the new authorisation requirements, which have not been submitted as formal consultative statements The NMA have tried to provide an answer to some of the questions related to authorised companies in item 3 below to help make the situation more predictable for the industry.

3 Responses to consultative statements

3.1 Authorisation of service providers

The activities required pursuant to SOLAS regulation III/20.11.1 to 11.4 shall be carried out by authorised service providers. Shipping is a global industry, and the Norwegian Maritime Authority must therefore ensure that Norwegian ships have access to authorised service providers in areas where Norwegian ships operate internationally.

Classification societies who by a delegation agreement with the Norwegian Ministry of Trade, Industry and Fisheries have been granted authority to supervise Norwegian ships, are referred to as Recognised Organisations. Classification societies who have been delegated Norwegian supervisory authority are all members of "The International Association of Classification Societies" (IACS). IACS has a number of common procedures and requirements for the members

to follow, for example when supervising ships and qualifying personnel to work on the construction, equipment and maintenance of ships.

In order to ensure a sufficient amount of service providers globally, the NMA will accept that the activities required pursuant to SOLAS regulation III/20.11.1 to 11.4 are carried out by service providers authorised either by flag States on the White List of the Paris MOU or by a Recognised Organisation. The NMA is the administrative appeal body if Recognised Organisations reject an application for authorisation. The NMA will, together with the Recognised Organisations, make information available showing service providers authorised to carry out maintenance, operational testing, overhaul and repair of life-saving appliances.

3.2 Criteria for authorisation

Resolution MSC.402(96) section 7 contains the detailed criteria to be met in order to become authorised as a service provider, including competence level in general (paragraphs 7.1.1 and 7.1.5), manufacturer relations (paragraph 7.1.4) as well as access to spare parts and material (paragraphs 7.1.2 and 7.1.3). Furthermore, paragraph 8.1 states that authorisation is necessary for each make and type of the equipment.

3.3 MSC.402(96) and IACS UR Z17 Rev. 14

When the Recognised Organisations authorise service providers referred to in MSC.402(96), they must meet the requirements set out in IACS UR Z17 Rev. 14 (in force 1 January 2020). The Recognised Organisations' permission to use IACS UR is set out in section 3.4 of the classification agreement.
The requirements in IACS UR Z17 Rev. 14 mirror the contents of MSC.402(96). Service providers authors authorised by the Recognised Organisations according to IACS UR Z17 Rev 14. thus meet the requirements of MSC.402(96).

3.4 Annual and five-year surveys

Annual thorough surveys and operational testing shall be done by authorised personnel from the manufacturer or from an authorised service provider. The service provider may also be the ship's operating company, provided that this company is authorised according to the requirements of MSC.402(96) section 3 and section 7.

Five-year thorough examination, any overhaul, overload operational tests, as described in section 6.3 of MSC.402(96), and repair shall be conducted by certified personnel of either the manufacturer or an authorised service provider in accordance with section 7 and section 8 of MSC.402(96).

3.5 Presence of surveyors during five-year examinations

It is set out in the Regulations on life-saving appliances section 2, cf. SOLAS Reg. III/20.11.1 to 20.11.5 that the five-year thorough examination shall be carried out in connection with the examination required pursuant to sections 7, 9, 21 and 25 of the Certificate Regulations. The Norwegian Maritime Authority will continue the current practice where a surveyor is present during the initial examination, but not necessarily at the five-year examination. As for classed ships, it will be in the interest of the class to consider the structure when the overload operational tests have been carried out. The need of the class to be present will be regulated in an agreement between the company and the class.

3.6 What should the company do if a manufacturer requires annual and five-year

examination of its equipment and does not accept that these are carried out by an authorised company

If the persons carrying out the examination are employed by an authorised service provider, cf. MSC.402(96) section 7, and certified in accordance with the requirements of MSC.402(96) section 8 for each make and type, it may not be required that such examination is carried out by the manufacturer in question.

3.7 How should a company proceed to enable the crew with STWC certificates to carry out the annual examinations themselves

It is set out in MSC.402(96) section 4.2 that if a) the operating company (the shipping company) is an authorised service provider and b) crew employed in the operating company are certified pursuant to MSC.402(96) section 8, the crew may undertake the annual examinations required pursuant to MSC.402(96) section 6.2.

4 Administrative and financial implications of the new requirements

The requirements are operational and should be well known to the industry. As regards maintenance and inspections of lifeboats, rescue boats and launching arrangements, there is already a requirement to conduct periodic inspections for ships engaged both on international and domestic voyages. This requirement is stipulated in the Regulations on life-saving appliances on ships. The new requirements clarify the responsibilities and strengthen the quality assurance of maintenance services. For service providers carrying out maintenance work, these amendments will imply new requirements for authorisation and costs related to authorisation. The intention of the amendments is to increase security by reducing the risk of accidents related to the use of life-saving appliances. In addition, harmonising the inspection system could benefit the competition between companies.

In the short term, the amendments to damage control drills and muster lists may include new administrative inconveniences for the companies since such instructions must be reviewed and updated (if applicable) in compliance with the new requirements. This applies to ships constructed both before and after 1 July 1998. The requirements will enhance safety at sea and make sure that crew and passengers are better equipped to deal with any emergency that may arise. A united IMO is behind the new requirements stating that the increased safety level compensates for any administrative and financial implication of the measures. It is the opinion of the NMA that the amendments will have no negative consequences in the long term.

For the authorities, these amendments will to some extent imply new administrative tasks, monitoring of how the rules are applied and how appeals are dealt with. Besides, the NMA will have to maintain the information about service providers authorised to carry out maintenance, testing and overhaul of life-saving appliances.

Yours faithfully,

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