

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: The 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. Consultative bodies
- Others:

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Reference to: Regulations of 22 December 2014 No. 1893 on supervision and certificates for Norwegian ships and mobile offshore units and Regulations of 24 November 2014 No. 1458 on port State control

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 supervision and certificates for Norwegian ships and mobile offshore units and the Regulations on port State control

The Norwegian Maritime Authority (NMA) has adopted the Regulation concerning amendments to the Regulations of 22 December 2014 No. 1893 on supervision and certificates for Norwegian ships and mobile offshore units and Regulations of 24 November 2014 No. 1458 on port State control. These amendments enter into force on 1 January 2020.

The consultation

The regulatory amendments were circulated for review from 4 March to 4 June 2019. The NMA received answers from 8 consultative bodies. Six of the consultative bodies did not have any comments to the circulated proposal. The Ministry of Defence specifies that no vessels of the Royal Norwegian Navy, the Norwegian Coast Guard or the Norwegian Intelligence Service will be subject to these Regulations, and that this should be added to the draft to make it clear that section 21a is not applicable to these ships. The NMA does not take this comment into account. The amended wording of the scope of the Regulations has not been circulated for comments. Long-term administrative practice also shows that ships belonging to the Norwegian Armed Forces and its subordinate agencies do not fall under the scope of the Regulations. The Association of Arctic Expedition Cruise Operators (AECO) raised no comments to the proposed amendments.

Background for the amendments

The NMA has laid down the Regulations on 7 June 2019 No. 710 on the construction, equipment and operation of passenger ships in the Norwegian territorial waters surrounding Svalbard. The Regulations provide safety requirements for passenger ships in the territorial waters surrounding Svalbard and state that Norwegian ships which shall comply with the Regulations on the construction, equipment and operation of passenger ships in the territorial waters surrounding Svalbard chapter 4 (passenger ships that do not have a Passenger Ship Safety Certificate (SOLAS) or High-Speed Craft Safety Certificate) must have a separate national certificate.

The NMA has now confirmed that these Norwegian ships shall have a Passenger Ship Safety Certificate in the territorial waters surrounding Svalbard.

Comments to the individual amendments

The Norwegian Maritime Authority's Circulars consist of 2 series, **Series R: Regulations, Acts and Conventions** and **Series V: Guidelines and interpretations**.

Amendments to the Regulations of 22 December 2014 No. 1893 on supervision and certificates for Norwegian ships and mobile offshore units

A new section 21a on Passenger Ship Safety Certificate for passenger ships in the territorial waters surrounding Svalbard has been added. Rules regarding supervision for Passenger Ship Safety Certificates in the territorial waters surrounding Svalbard have been included in a new section 21b.

All existing references to «IMO Resolution A.1053(27)» in the Regulations on supervision and certificates for Norwegian ships and mobile offshore units are replaced by «IMO's Survey Guidelines under the Harmonized System of Survey and certification (HSSC)». Therefore, supervision must be conducted in accordance with the guidelines currently in force.

Amendments to the Regulations of 24 November 2014 No. 1458 on port State control

The title of section 3 of the Regulations on port State control has been changed to make it clear that the section only applies to ships engaged on domestic voyages. Domestic voyage means a voyage in sea areas as referred to in chapter 2 of the Regulations of 4 November 1981 No. 3793 on trade areas.

The first paragraph points out the content of Directive 2009/45/EC Article 5 No. 1 regarding the fact that both new and existing passenger ships and passenger high-speed craft, when engaged on domestic voyages, shall comply with the relevant safety standards laid down in the Directive.

Section 44 of the Ship Safety and Security Act provides legal basis for port State controls of all ships. The second paragraph demonstrates the safety standard requirement which, in practice, is required by passenger ships that will be operating in trade areas 1 and 2 or that, due to construction material, are not included in the Directive. These ships shall be provided with documentation issued by the flag State showing that the ship holds the same safety level as Norwegian passenger ships in equivalent trade areas. The flag State must conduct a survey of the ship in order to confirm that the level of safety is adequately maintained. The NMA checks the safety level in connection with port State controls in Norwegian ports.

Former section 3 third paragraph, which was meant to provide material requirements for ships engaged on domestic voyages in the territorial waters surrounding Svalbard, has been deleted. The construction and equipment requirements for passenger ships engaged on domestic voyages in the territorial waters surrounding Svalbard are now laid down in the Regulations of 7 June 2019 No. 710 on the construction, equipment and operation of passenger ships in the Norwegian territorial waters surrounding Svalbard.

Economic and administrative consequences

The amendments to the Certificate Regulations are adjustments made to satisfy the need for a certificate for passenger ships that do not have a Passenger Ship Safety Certificate (SOLAS) or a High-Speed Craft Safety Certificate and shall comply with chapter 4 in the Regulations of 7 June 2019 No. 710 on the construction, equipment and operation of passenger ships in the Norwegian territorial waters surrounding Svalbard.

Therefore, the adjustment to the Regulations on port State control is a specification of the Directive and administrative practice.

It is not expected that this will result in any additional costs for the companies. It will only contribute to a clearer legislation.

Entry into force

This Regulation enters into force on 1 January 2020.

