

Regulations of 10 November 2017 concerning amendments to Regulations on work by and placement of young people on Norwegian ships and amendments to other regulations

Laid down by the Norwegian Maritime Authority on 10 November 2017 under the Act of 16 February 2007 No. 9 relating to ship safety and security sections 2, 6, 13, 15, 16, 17, 18, 21, 22, 22 a, 23, 24, 25, 26, 28 a, 29, 30 og 45, cf. Formal Delegation of 16 February 2007 No. 171, Formal Delegation of 31 May 2007 No. 560 and Formal Delegation of 19 August 2013 No. 1002, Act of 21 June 2013 No. 102 relating to employment protection, etc. for employees on board ships section 3-9, cf. Formal Delegation of 3 July 2013 No. 974.

I

Regulations of 25 April 2002 No. 423 on work by and placement of young people on Norwegian ships are amended as follows:

Section 1 should read:

Section 1 *Scope of application*

The Regulations apply to young people:

- a) under the age of 18 who are working on board Norwegian ships, including fishing vessels;*
- b) of at least 14 years of age who are placed on board ships engaged on domestic voyages, including fishing vessels, as part of schooling or practical vocational orientation.*

For the purpose of these Regulations, "work" also includes work that forms part of apprenticeship contracts or secondary education.

Section 2 is repealed.

Section 3 is repealed.

Section 4 first sentence should read:

In exceptional cases, the Norwegian Maritime Authority may upon written application from the company grant exemptions from the provisions of these Regulations as set out in section 8 third paragraph, section 9 sixth paragraph, section 10 third paragraph and section 11 fourth paragraph where justifiable in terms of health and safety.

Section 9 should read:

Section 9 Exception from the requirements of the Ship Safety and Security Act section 18 and minimum age and working hours for young people

The working hours shall not prevent young people from going to school to receive the education they need, or prevent them from taking advantage of such schooling.

Young people shall not be used for overtime work.

On ships of 24 metres in overall length and upwards not used for commercial purposes, the following restrictions apply:

- a) *For young people who are between the ages of 13 and 15 or who are subject to compulsory schooling, working hours shall not exceed 2 hours a day and 12 hours a week. On days where there is no school, the working hours may be increased to 7 hours a day. For periods of at least one week where there is no school, the working hours may be up to 7 hours a day and 35 hours a week.*
- b) *For young people who are between the ages of 13 and 15 or who are subject to compulsory schooling, and who are working as part of a scheme with alternating theoretical or practical education, the combined hours of schooling and work shall not exceed 8 hours a day or 40 hours a week.*
- c) *For young people who have reached the age of 15 and who are not subject to compulsory schooling, the normal working hours shall not exceed 8 hours a day or 40 hours a week.*

Where a young person is employed by more than one employer, the working hours pursuant to the third paragraph shall be added up. Employers shall be aware of young people's hours of work and school in the service of other employers.

On fishing vessels, young people who have reached the age of 15 and:

- a) *are subject to compulsory schooling, may perform light work during school holidays, if the working hours do not exceed 7 hours a day or 35 hours a week;*
- b) *are not subject to compulsory schooling, may perform work that forms part of vocational training in fishing, if the combined hours of work and school do not exceed 8 hours a day and 40 hours a week.*

The Norwegian Maritime Authority may upon written application from the company grant exemptions from the requirements of the third paragraph (a) and (b) when justifiable in terms of health and safety.

Section 10 second paragraph should read:

On fishing vessels, young people who are subject to compulsory schooling shall not work between the hours of 2000 and 0600. Young people who are not subject to compulsory schooling shall not work between the hours of 2200 and 0600 or between the hours of 2300 and 0700.

Section 11 first paragraph should read:

Young people shall have a rest break of at least 30 minutes, where possible as one continuous break, if the daily working hours exceed 4 1/2 hours.

Section 11 third paragraph should read:

Young people shall have a minimum weekly rest period of 36 consecutive hours. The rest period shall as far as possible include Sunday or a public holiday.

II

Regulations of 5 June 2014 No. 805 on the medical examination of employees on Norwegian ships and mobile offshore units are amended as follows:

Section 1 should read:

Section 1 *Scope of application*

These Regulations shall ensure that *any person working on board a Norwegian ship or mobile offshore unit* is medically fit for service on board, is not suffering from *one or more medical conditions* likely to be aggravated by service *at sea* or to endanger the *health and safety* of other persons on board.

Section 2 first paragraph should read:

These Regulations shall apply to *persons working* on board Norwegian ships or mobile offshore units, *with the exception of those who* only:

- a) work on board while the *vessel* is in port;
- b) carry out inspections on board.

Section 2 second paragraph should read:

The Regulations do not apply to persons *who have turned 18 years old* and who are working on board the *following vessels, when the vessel is at sea for continuous periods of no more than three days*:

- a) fishing vessels *of up to 15 metres in overall length or of less than 100 gross tonnage when the vessels is less than 24 metres in length (L)*;
- b) fishing vessels *of less than 24 metres in length (L) certified for Bank fishing I or lesser trade areas*;
- c) cargo ships of less than 15 metres in length (L) engaged on domestic voyages.

The heading of Chapter II should read:

Chapter II

The company and persons working on board

Section 4 first paragraph should read:

Any person working on board shall have a *valid* medical certificate.

Section 4 second paragraph should read:

A medical certificate issued in accordance with the medical certificate requirements of any EEA country satisfies the *requirement* of the first paragraph when the medical certificate is issued in the home country or most recent country of residence of the *person working on board*. If the home country or country of residence does not have any requirements for a special medical examination for persons working on board, a declaration from the country's competent authority *shall be accepted as a valid medical certificate if the competent authority has attested* compliance with the requirements of these Regulations.

Section 4 third paragraph should read:

Persons working on board may have a medical certificate issued by a *flag State* approved by the Norwegian Maritime Authority.

Section 4 fourth paragraph should read:

Persons working on board a mobile offshore unit in a capacity for which a certificate of competency is not required pursuant to the Regulations of 22 December 2011 No. 1523 on

qualifications and certificates for seafarers, may as an alternative have a medical certificate issued in accordance with the Petroleum Safety Authority Norway's regulations.

Section 4 fifth paragraph first sentence should read:

If the medical certificate of a person working on board has expired no more than one month ago, the person may commence service on board when a new medical certificate cannot reasonably be obtained without delaying the vessel.

Section 4 fifth paragraph second sentence should read:

A new medical certificate shall be presented at the ship's next port of call where the medical examination can be performed in accordance with the requirements of these Regulations, but not later than six weeks after the commencement of service *of the person working on board.*

Section 5 first paragraph second sentence should read:

Medical certificates issued to *persons* under 18 years of age shall be valid for one year.

Section 5 fourth paragraph should read:

The medical certificate shall be renewed if the *person working on board* changes position on board to a capacity for which there are stricter *health requirements.*

Section 6 should read:

Section 6 *Requirement for new medical certificate*

The company or master shall require a new medical certificate if it is likely that the *person working on board* no longer satisfies the *requirements for medical certificate of these Regulations.*

The demand for a new medical certificate shall be presented in writing and the *grounds therefore shall be stated.* The reason for the requirement for a new medical certificate may for instance be that the *person working on board* has been unfit for work for more than 30 days, *has been* admitted to hospital or is starting on new medication.

Any *person working on board* who has reason to believe that *he or she no longer satisfies the health requirements of these Regulations,* shall without unjustified delay inform the master or the company and consult a seafarer's doctor.

Section 7 first paragraph should read:

The Norwegian Maritime Authority or a Norwegian foreign service mission may grant an approval as seafarer's doctor to a medical practitioner authorised in accordance with national provisions in the country where he or she has their practice, and who:

- a) has completed a course in maritime medicine approved by the Norwegian Maritime Authority;
- b) can perform *medical examinations pursuant to these Regulations* to such an extent that competence in maritime medicine is maintained;
- c) participates in a refresher course in maritime medicine during the approval period;
- d) has access to the *equipment* needed to complete *medical examinations* pursuant to these Regulations;
- e) has normal colour vision or has made arrangements so that the *colour vision of the person working on board* can be properly examined;

- f) has command of Norwegian or English;
- g) has necessary knowledge of Norwegian legislation, particularly these Regulations and the Public Administration Act;
- h) has a quality system in accordance with an internationally recognised standard.

Section 8 should read:

Section 8 *Proof of identity and self-declaration*

Before commencing the medical examination, the seafarer's doctor shall check the identity of the person working on board.

The person working on board shall submit a self-declaration on his or her health on the form prescribed by the Norwegian Maritime Authority and shall sign the self-declaration in the presence of the seafarer's doctor.

The seafarer's doctor shall keep the self-declaration.

Section 9 third paragraph should read:

The medical examination shall be performed based on section 1 and the appendix to these Regulations. When the *person working on board* has a medical condition not mentioned specifically in the appendix, the seafarer's doctor shall use analogy to ensure that the purpose of section 1 is achieved.

Section 9 fourth paragraph should read:

The seafarer's doctor shall check the *medical certificate most recently issued to the person working on board, or the declaration of unfitness where applicable*, in the Norwegian Maritime Authority's database.

Section 9 fifth paragraph should read:

The seafarer's doctor shall require *that the person working on board present the paper version of his or her most recently issued medical certificate. The seafarer's doctor shall shred this medical certificate upon completed examination.*

Section 10 should read:

Section 10 *Issue of medical certificate*

When the *person working on board* satisfies the requirements of these Regulations, the seafarer's doctor shall issue a medical certificate on the form prescribed by the Norwegian Maritime Authority.

If the seafarer's doctor on the basis of section 1 considers it justifiable in terms of health and safety, a medical certificate may be issued to the person working on board even if examination results are not available before the commencement of service.

The seafarer's doctor shall notify *the company and the person working on board* if the overall examination results show that *the person working on board* does not satisfy the requirements for a medical certificate pursuant to these Regulations.

The seafarer's doctor shall register the medical certificate in the Norwegian Maritime Authority's database.

The seafarer's doctor shall sign the medical certificate and stamp it with a stamp that includes the name and title of the seafarer's doctor. The medical certificate shall also be signed by the person working on board.

Section 11 should read:

Section 11 *Issue of limited medical certificate*

A medical certificate may be limited to a particular trade area, period of time, or service on board.

In considering whether a limited medical certificate should be issued, the *seafarer's doctor* shall, inter alia, *take* into consideration:

- a) *the health of the person working on board;*
- b) *the tasks that follow the capacity of the person working on board;*
- c) *whether the person working on board can function effectively in an emergency or casualty situation;*
- d) *whether the person working on board constitutes a risk to the health or safety of other persons working on board.*

The seafarer's doctor shall register the limited medical certificate in the Norwegian Maritime Authority's database.

The seafarer's doctor shall sign the limited medical certificate and stamp it with a stamp that includes the name and title of the seafarer's doctor. The medical certificate shall also be signed by the person working on board.

Section 12 should read:

Section 12 *Issue of permanent, temporary and provisional declaration of unfitness*

Where *the person working on board* fails to satisfy the *requirements for a medical certificate set forth in these Regulations*, and it is unlikely that *his or her* health will improve within two years, the *seafarer's doctor* shall issue a permanent declaration of unfitness.

When *the person working on board* fails to satisfy the *requirements for a medical certificate set forth in these Regulations*, but where he or she within two years may be able to satisfy the *requirements*, the *seafarer's doctor* shall issue a temporary declaration of unfitness.

A *seafarer's doctor* who, without performing a medical examination, is made aware that there is every probability that *the person working on board* no longer satisfies the requirements for a medical certificate *set forth in these Regulations*, shall issue a provisional declaration of unfitness. The *seafarer's doctor* shall notify the *company and the person who is the subject of the decision*, of the decision. A decision relating to provisional unfitness shall stand until *the person working on board* has been examined by a *seafarer's doctor* and a new decision *regarding medical certificate, limited medical certificate, permanent declaration of unfitness or temporary declaration of unfitness* has been made.

The seafarer's doctor shall register the declaration of unfitness in the Norwegian Maritime Authority's database.

The seafarer's doctor shall sign the medical certificate and stamp it with a stamp that includes the name and title of the seafarer's doctor.

Section 13 should read:

Section 13 *Appellate body for health cases*

Appeals against decisions made by *seafarer's doctors* and applications for exemption from any *health requirements* of these Regulations shall be considered by the *appellate body for health cases*. The appellate body shall *base its decisions on section 1* and the appendix to *these Regulations*.

The *appellate body* shall have three members and shall consist of a medical practitioner who shall act as the head of the *appellate body*, a trade union representative and a representative from the Norwegian Maritime Authority. The trade union representative shall have *knowledge of the type of work carried out by the person who is the subject of the appeal or application*.

The members of the appellate body have a duty of confidentiality regarding any information about personal matters that might emerge in connection with the appellate body's administrative procedure.

The heading of section 14 should read:

Section 14 *The competence of the appellate body for health cases*

Section 14 first paragraph should read:

The appellate body for health cases can consider appeals against decisions made by seafarer's doctors and applications for exemption from one or more of the health requirements of these Regulations.

Section 15 should read:

Section 15 *Appeals against decisions made by seafarer's doctors*

The person working on board may appeal against decisions made by a seafarer's doctor in accordance with the provisions of the Public Administration Act.

Section 16 first paragraph first colon should read:

The appellate body for health cases may grant the person working on board exemption from one or more of the health requirements of these Regulations when he or she applies for an exemption in writing and one of the following conditions is met:

Section 16 third paragraph second sentence should read:

A seafarer's doctor with practice in Norway shall forward the application with supporting documentation to the Norwegian Maritime Authority, while a seafarer's doctor with practice outside Norway shall forward the application for exemption to the Norwegian Maritime Authority by way of a foreign service mission.

Section 16 fourth paragraph is repealed.

Section 17 first paragraph should read:

In the case of appeals or applications for exemption, the seafarer's doctor may permit the person working on board to continue in the same or a less demanding capacity on board until the appeal or application is decided, if:

- a) the company or master has provided the seafarer's doctor with a written consent;*
- b) the seafarer's doctor finds that a postponed execution of the decision will not be in contravention of section 1.*

Section 20 is repealed.

Regulations of 18 June 2009 No. 666 on the manning of Norwegian ships are amended as follows:

Section 1 first paragraph should read:

The Regulations shall apply to Norwegian passenger ships irrespective of size, *Norwegian* cargo ships of 50 gross tonnage *and upwards* and *Norwegian fishing vessels of 24 metres in length (L) and upwards*, unless otherwise provided by the individual provision.

Section 2 subparagraph c should read:

“Fishing vessel”: A vessel used commercially for fishing, hunting or harvesting living resources of the sea.

Current section 2 subparagraphs c to g become subparagraphs d to h.

Section 9 new fourth paragraph should read:

(4) This provision shall not apply to fishing vessels.

Section 14 should read:

Section 14 *Requirement for crew list*

(1) Every ship irrespective of size shall carry a crew list showing the persons who are working on board at any time. The crew list may be in an electronic format.

(2) The crew list shall be updated at the latest in connection with the ship leaving port.

(3) The company shall keep a copy of the crew list ashore. The copy may be in an electronic format.

(4) The Norwegian Maritime Authority, or others authorised by the Norwegian Maritime Authority, may require a copy of the crew list to be handed over.

New section 15 should read:

Section 15 Transitional provisions for fishing vessels

Fishing vessels the keel of which is laid or which are at a similar stage of construction on or after 16 November 2017, shall submit a proposal for safe manning to the Norwegian Maritime Authority within 1 July 2018.

Fishing vessels the keel of which was laid or which were at a similar stage of construction before 16 November 2017, shall submit a proposal for safe manning to the Norwegian Maritime Authority within the vessel's first certificate renewal after 1 July 2018 and not later than 1 January 2020.

Section 14 is renumbered as section 16.

IV

Regulations of 25 November 1988 No. 940 on the supervision of maritime service are amended as follows:

Section 8 is repealed.

V

Regulations of 19 August 2013 No. 999 on the use of recruitment and placement services on ships are amended as follows:

Section 1 should read:

Section 1 Scope of application

These Regulations shall apply to any employee on board ships, *including fishing vessels*, who is employed using recruitment and placement services.

Section 2 subparagraph c should read:

c) ILO Convention No. 186: The Maritime Labour Convention (*MLC*).

Section 2 subparagraph d should read:

d) *ILO Convention No. 188: The international convention concerning work in the fishing sector (ILO 188)*.

Section 3 first paragraph, the introduction, should read:

When an employer for the recruitment and placement of employees on cargo ships and passenger ships uses recruitment and placement services operating in a country which has not ratified MLC, or for the recruitment and placement of employees on fishing vessels uses recruitment and placement services operating in a country which has ratified neither MLC nor ILO 188, the employer shall have documentation demonstrating that the recruitment and placement services have procedures showing that they:

Section 3 second paragraph should read:

It is sufficient that the employer can document having used a recruitment and placement service operating in:

- a) Norway;
- b) *a country which has ratified MLC, for the recruitment and placement of employees on cargo ships and passenger ships;*
- c) *a country which has ratified MLC or ILO 188, for the recruitment and placement of employees on fishing vessels.*

VI

Regulations of 22 December 2014 No. 1893 on supervision and certificates for Norwegian ships and mobile offshore units are amended as follows:

Section 14 second paragraph first colon should read:

(2) The declaration of maritime labour compliance *required pursuant to the first paragraph* consists of two parts:

Section 14 second paragraph subparagraph a (iii) should read:

- iii. any exemptions from MLC chapter 3, granted under the Regulations of 21 April 2017 No. 515 on accommodation, recreational facilities, food and catering on ships.

Section 14 new fourth paragraph should read:

(4) Fishing vessels shall have a certificate for working and living conditions when the vessel has:

- a) an overall length of 15 metres and upwards and is certified for Deepsea fishing I or greater trade area;*
- b) a length (L) of 24 metres and upwards and is certified for Bank fishing I or greater trade area.*

Section 14 new fifth paragraph should read:

(5) The certificate required pursuant to the third paragraph shall demonstrate compliance with the requirements implementing ILO Convention No. 188 concerning work in the fishing sector, and shall be issued with a validity of up to five years when the trading certificate required pursuant to section 26 first paragraph is issued for the first time or renewed on or after 16 November 2017, cf. section 27 first paragraph (a) or (b).

Section 15 first paragraph first colon should read:

(1) Cargo ships and passenger ships required to have maritime labour certificate shall be subject to the following inspections in order to demonstrate that the ship complies with the requirements for living and working conditions on board ships:

Section 15 second paragraph should read:

(2) Supervision required pursuant to the first paragraph may alternatively be carried out in conjunction with an audit of the safety management system on board.

Section 15 third paragraph should read:

(3) Completed intermediate inspections pursuant to the first paragraph (b) shall be documented by endorsement of the certificate by the Norwegian Maritime Authority or other supervisory authorities.

Section 15 new fourth paragraph should read:

(4) Fishing vessels required to have certificate for working and living conditions shall be subject to the following inspections in order to demonstrate that the fishing vessel complies with the requirements for working and living conditions on board fishing vessels:

- a) initial inspection before the certificate may be issued for the first time;*
- b) renewal inspection every five years.*

Section 27 first paragraph (b) and (c) should read:

- b) renewal survey every five years;
- c) intermediate survey between the second and third anniversary date of the certificate;

Section 27 first paragraph subparagraph d (ii) should read:

- ii. for vessels of less than 24 metres in length (L) certified for Bank fishing I or lesser trade areas, the survey shall be carried out within a time interval corresponding to subparagraph c.

Section 29 first paragraph (b) should read:

- b) renewal survey every five years if the ship has a trading certificate for cargo ships and barges *or a trading certificate of compliance for fishing vessel*;

Section 29 first paragraph subparagraph d becomes subparagraph c.

Section 29 first paragraph subparagraph d is repealed.

VII

Regulations of 13 June 2000 No. 660 on the construction, operation, equipment and surveys of fishing vessel of 15 m in overall length (LOA) and upwards are amended as follows:

Section 11-3 first paragraph item 2, new subparagraph e should read:

- e. *On fishing vessels of 24 metres in length (L) and upwards constructed on or after 1 January 2019, the headroom in accommodation spaces shall be not less than 2,000 mm. A reduction in headroom to 1,900 mm in an area may be accepted when deemed reasonable and provided the reduction will not cause inconvenience to the crew.*

Section 11-5 sixth paragraph should read:

(6) Vessels constructed on or after 1 January 2019 engaged in fishing between 40 degrees N and 40 degrees S shall be fitted with air-conditioning system in recreation rooms, the bridge, the radio room and any centralised machinery control room. The air-conditioning system shall satisfy the requirements of the fifth paragraph of this section.

Current sixth paragraph becomes new seventh paragraph.

Section 11-8 fifth paragraph should read:

(5) There shall be no openings into sleeping rooms from machinery spaces, cargo spaces, galleys, common laundry rooms, common drying rooms, common bathrooms, common toilets and mess rooms. Fishing vessels constructed on or after 1 January 2019 shall not have openings into sleeping rooms from storerooms.

Section 11-9 fifth paragraph item 5 (c) should read:

- c. A berth fitted above another berth shall have dust-proof bedboards. Berths shall not be placed beside each other. *Berths shall be provided with a reading lamp.*

Section 11-9 fifth paragraph new item 7 should read:

7. A sign shall be provided above the entrance door to each sleeping room that states the maximum number of persons allowed to use the room at any one time.

Section 11-10 first paragraph item 3 should read:

3. The mess room shall be equipped with tableware and cutlery for all persons on board.

Section 11-10 first paragraph current item 3 becomes new item 4.

Section 11-10 second paragraph new item 3 should read:

3. In the day room, recreational facilities, equipment and services shall be available.

Section 11-13 first paragraph should read:

(1) The following vessels shall have a sick bay:

- a. vessels with a crew of 15 persons or more;*
- b. vessels constructed on or after 1 January 2019 of 45 metres in length (L) and upwards.*

Section 11-17 second sentence should read:

The preparation and service of food shall be carried out with proper consideration to hygiene.

Section 11-17 new third sentence should read:

The diet shall be adapted to the needs of the persons working on board, and religious and cultural practices shall be taken into account.

VIII

These amendments enter into force on 16 November 2017.