Sjøfartsdirektoratet
Norwegian Maritime Authority

Circular - Series R

Number: **RSR 06-2025**

Date: 25 June 2025

Case number: 2024/5027-1

Amendments to passenger ship regulations following the entry into force of Directives 2017/2108, 2017/2109, 2017/2110, 2023/946 and Regulation 2020/411 under the EEA Agreement

1. Introduction

The Norwegian Maritime Authority (NMA) has laid down amendments to several regulations following the entry into force in the EEA Agreement of multiple EU directives and one EU regulation affecting the regulatory framework for passenger ships.

Subject to the entry into force of legislation related to recognised classification societies the EEA Agreement[1], the following legal acts have now been incorporated into the EEA Agreement:

- Directive (EU) 2017/2108, amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships (incorporated under EEA Joint Committee Decision 107/2020, dated 14 July 2020)
- Directive (EU) 2017/2109, amending Council Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community, and amending Directive 2010/65/EU of the Council on reporting formalities for ships arriving in and departing from ports of the Member States (EEA Joint Committee Decision 107/2020 of 14 July 2020)
- Directive (EU) 2017/2110, on a system for inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service and amending Directive 2009/16/EC and repealing Council Directive 1999/35/EC (EEA Joint Committee Decision 107/2020 of 14 July 2020)
- Regulation (EU) 2020/411, amending Directive 2009/45/EC of the European Parliament and of the Council on safety standards for passenger ships with regard to safety requirements for passenger ships engaged on domestic voyages (EEA Joint Committee Decision 163/2020 of 23 October 2020)
- Directive (EU) 2023/946, amending Directive 2003/25/EC with regard to the introduction of enhanced stability requirements and the alignment of the directive with the stability requirements established by the International Maritime Organization (incorporated under EEA Joint Committee Decision 37/2024, dated 2 February 2024)

All three of these EEA Joint Committee Decisions will enter into force on 1 August 2025.

2. Safety rules and standards for domestic passenger ships (Directive 2017/2108 and Regulation 2020/411 as corrected by Regulation 2022/1180)

[1] EEA Joint Committee Decision 107/2020, which stipulates that the decision takes effect on the same day that the EEA Decision Implementing Directive 2009/15/EC on common rules and standards for organisations inspecting and surveying ships, and for the activities of maritime authorities in this context, enters into force. EEA Joint Committee Decisions 163/2020 and 37/2024, which state that these decisions enter into force when Decision 107/2020 enters into force.

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Directive 2017/2108 and Regulation 2020/411, as corrected by Regulation 2022/1180, introduced amendments to Directive 2009/45 on safety rules and standards for passenger ships. In the EU, the deadline for implementing the changes under Directive 2017/2108 was 21 December 2019, while Regulation 2020/411 took effect in the EU on 19 September 2021.

Because of the advantages of having harmonised technical requirements in Norway and the EU, the Norwegian Maritime Authority implemented corresponding amendments to Norwegian regulations, with effect from the same date as in the EU – 19 September 2021 (See Circular RSR 13-2021). Identical rules in Norway and the EU ensure an equivalent level of safety, equal competitive conditions between Norwegian and EU flagged ships, and will benefit any ships changing flag within the EU/EEA area. At that time, it had already been decided that these directive amendments would be incorporated into the EEA Agreement.

Directive 2009/45 has been implemented in Norwegian law through several regulations, and the amendments to the directive necessitated changes to the following regulations:

- Regulations on surveys, construction and equipment of passenger ships engaged on domestic voyages (Domestic Passenger Ship Regulations)

- Regulations on the construction, equipment and operation of high-speed craft used as passenger craft or cargo craft (High-Speed Craft Regulations)

- Regulations on supervision and certificates for Norwegian ships and mobile offshore units (Certificate Regulations)

- Regulations on port State control (Port State Control Regulations)

During the consultation on the amendments implemented in 2021, technical amendments to the Domestic Passenger Ship Regulations were proposed to take effect upon incorporation into the EEA Agreement, in order to ensure correct implementation of Regulation 2020/411. No comments were received on the proposed regulatory changes upon the entry into force of the EU legal acts in Norway. It was later clarified with the Ministry of Justice and Public Security that a separate incorporation provision for the regulation was not necessary, as it only amends a directive.

As for Regulation 2022/1180, this corrects an error in Annex I of Regulation 2020/411. This error was discovered during the work on the regulatory amendments in 2021. The correction has therefore already been accounted for in the Domestic Passenger Ship Regulations. Consequently, only amendments to section 3 of the Port State Control Regulations have now been adopted, adding a reference to Regulation 2022/1180.

The other directive amendments have already been implemented in Norwegian law, and the above-mentioned regulations have been updated to include the EEA reference to Directive 2017/2108, as amended by Regulations 2020/411 and 2022/1180.

3. Registration of persons on board passenger ships (Directive 2017/2109)

The provisions of Directive 2017/2109 introduced amendments to Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from Member States of the Community. On 9 October 2023, the Norwegian Maritime Authority adopted amendments to Regulations of 6 September 1999 No. 1047 on the counting and registration of persons on board passenger ships, ensuring compliance with Directive 2017/2109 (see Circular RSR 6-2023). The entry into force of this directive therefore does not entail any new regulatory changes in Norwegian law, but the EEA reference in the Regulations will be updated.

4. Inspection scheme for passenger ships – host state control (Directive 2017/2110)
Directive 2017/2110 repeals the Host State Directive (1999/35/EC. The concept of host state control was introduced to facilitate cooperation on the safety of ro-ro passenger ships between EU Member States and third countries prior to the EU enlargement in 2004. With the introduction of the Port State Control Directive, inspections of foreign ships were formalised and harmonised at EU level. It has been assessed that the concept of a separate host state control is no longer relevant and that inspections of foreign ships should be governed by a single set of rules. No new substantive requirements are introduced, but Directive 2017/2110 clarifies certain ambiguities and removes overlapping inspection obligations.

Inspection obligations for ships flying the flag of another state are transferred to the Port State Control Directive, primarily through the introduction of a new Article 14a in that directive. Inspection obligations for Norwegian-flagged ro-ro passenger ships or high-speed passenger craft operating between Norway and third countries, as well as equivalent Class A EU vessels operating domestically, are regulated by Directive 2017/2110.

Regulatory amendments resulting from Directive 2017/2110 were subject to public consultation from 10 October to 1 December 2019[2]. The Norwegian Maritime Authority received seven consultation responses, all without comments. The consultation proposed implementing the rules in the Certificate Regulations and the Port State Control Regulations. During the drafting process, it was decided to implement the rules in the Port State Control Regulations and in a new regulation on the inspection of ro-ro and high speed passenger craft operating on a regular service. This does not entail any substantive changes compared to the proposal submitted for consultation.

During the review of the Domestic Passenger Ship Regulations and the High-Speed Craft Regulations in connection with regulatory amendments related to Directive 2017/2108, it became clear that two provisions in these regulations implementing the Host State Directive had not been considered in the 2019 consultation. These were therefore included in the 2021 consultation[3]. No comments were received regarding the proposed amendments related to the repeal of the Host State Directive.

Details on the amendments
The amendments entail the repeal of the Host State Control Regulations. Instead, inspections of ro-ro and high-speed passenger craft operating on a regular service will be regulated through the Port State Control Regulations and in a new regulation on the inspection of ro-ro and high-speed passenger craft engaged on a regular service.

The new regulation applies to Norwegian ro-ro and high-speed passenger craft operating between Norway and third countries, as well as Class A EU vessels operating domestically. This is specified in the scope of application in section 1.

Sections 2 to 4 set out the inspections required for these ships: An initial inspection before the vessel enters into service, verifying compliance with the requirements and checkpoints in Appendices 1 and 2. The Norwegian Maritime Authority may allow a postponement of this inspection for up to one month after the route commences, provided the conditions in section 2 third paragraph are met.

After commencement, an annual inspection must be carried out to verify compliance with Appendix 2 requirements. Additionally, an inspection during operation must be carried out to verify compliance with

[2] Norwegian Maritime Authority case numbers 2019/89409-1 and 2.
Amendments to various Regulations pursuant to the Ship Safety and Security Act Proposed amendments to various Regulations pursuant to the Ship Safety and Security Act due to amendments to Directive 2009/45/EC on passenger ships engaged on domestic voyages and the need to amend rules on bottom inspection of cargo ships – Norwegian Maritime Authority

the requirements set out in Appendix 3. An inspection during operation must be carried out between four and eighth months after both the initial and annual inspections.

Section 4 sets out that the vessel must also undergo inspection if repairs or major modifications have been carried out, or if the vessel changes management or classification society. The Norwegian Maritime Authority may grant exemptions based on the criteria in section 4 second paragraph.

In the Port State Control Regulations, amendments consist of updating the reference in section 4 first paragraph to include changes introduced by Directive 2017/2110.

As noted above, changes are also made to the Domestic Passenger Ship Regulations and the High-Speed Craft Regulations. These concern section 8 first paragraph (d) of the Domestic Passenger Ship Regulations and section 35 of the High-Speed Craft Regulations. These provisions implement Article 13(4) of the Host State Directive, requiring that if another EEA State is affected by the scheduled route of a ro-ro passenger ship or a high-speed craft as a host state, the emergency plan must be prepared in cooperation with that state. The provisions also require compliance with SOLAS III/29 and the guidelines for emergency plans in Resolution A.852(20), which are considered covered by section 8 second paragraph (a) and third paragraph (a) of the Domestic Passenger Ship Regulations and sections 5 and 6 of the High-Speed Craft Regulations. In addition, section 2 (b) of the Domestic Passenger Ship Regulations is removed, as the term "host state" is no longer used in the Regulations. This latter change is considered editorial and does not require consultation.

Administrative and financial implications
Streamlining inspections will save time for both shipowners and inspection authorities. The scope of inspections remains unchanged, ensuring that the current safety level is maintained. Inspection reports must be uploaded to an inspection database already well known to authorities within the EEA, thereby preserving the specific inspection points and intervals previously set out in the Host State Directive. It has been assessed that the changes will not have any negative economic or administrative consequences for the shipping industry or the flag state administration

5. **Stability requirements for ro-ro passenger ships (Directive 2023/946)**
The provisions of Directive 2023/946 introduced amendments to Directive 2003/25/EC on specific stability requirements for ro-ro passenger ships. In line with the benefits of maintaining harmonised technical requirements in Norway and the EU, as noted above, the Norwegian Maritime Authority adopted amendments on 3 December 2024 to the Domestic Passenger Ship Regulations, the Construction Regulations and the Certification Regulations to ensure compliance with Directive 2003/946. These amendments entered into force on 05 December 2024 (see Circular RSR 11-2024). The incorporation of Directive 2023/946 into the EEA Agreement therefore does not entail any further changes to Norwegian regulations, but the EEA references in the relevant regulations will be updated. The EEA reference will also be updated in the High-Speed Craft Regulations, even though the implementation of Directive 2023/946 did not require changes to that regulation.

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