

Regulations of 27 June 2008 No. 744 on the obligation to notify and report marine accidents and other incidents at sea

Legal basis: Laid down by Royal Decree of 27 June 2008 under the Norwegian Maritime Code of 24 June 1994 No. 39 sections 475 and 486a, cf. Formal Delegation of 11 January 2008 No. 29, Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 2, 6, 14, 19, 34 and 37 and section 47 fourth paragraph, cf. Formal Delegation of 16 February 2007 No. 171, Formal Delegation of 29 June 2007 No. 849 and Act of 26 June 1998 No. 47 relating to recreational and small craft sections 20, 24 and 38, cf. Formal Delegation of 27 November 1998 No. 1095, Formal Delegation of 29 June 2007 No. 848, cf. Formal Delegation of 1 December 1998 No. 4532, Formal Delegation of 31 May 2007 No. 591, Formal Delegation of 25 June 2007 No. 719 and Formal Delegation of 29 June 2007 No. 849. Prepared by the Ministry of Trade and Industry.

EEA references: EEA Agreement Annex XIII point 55a (Directive 93/75/EEC as amended by Directive 96/39/EC, Directive 97/34/EC, Directive 98/55/EC and Directive 98/74/EC) and point 55c (Directive 2009/18/EC).

Amendments: Amended by Regulations of 10 December 2012 No. 1188, 8 September 2017 No. 1369.

Chapter 1 General provisions

Section 1 *Scope of application*

- 1) These Regulations shall apply to the notification and reporting of:
 - a) marine accidents and severe marine accidents, cf. the Norwegian Maritime Code sections 472a fourth and fifth paragraphs;
 - b) serious accidents, cf. the Norwegian Maritime Code section 472a first paragraph;
 - c) occupational accidents, even if the incident is not regarded as a marine accident, cf. the Ship Safety and Security Act section 47;
 - d) a discharge or a danger of a discharge of dangerous or polluting substances, even if the incident is not regarded as a marine accident, cf. the Ship Safety and Security Act section 34;
 - e) sabotage or piracy, cf. sections 39 and 47 of the Ship Safety and Security Act, even if the incident is not regarded as a marine accident;
 - f) occupational disease, cf. section 47 of the Ship Safety and Security Act, as prescribed by the individual provisions.
- 2) These Regulations apply to:
 - a) Norwegian ships, including mobile offshore units, fishing vessels and recreational craft.
 - b) foreign ships:
 1. in the event of marine accidents in Norwegian territorial waters;
 2. in the event of a discharge, or a danger of a discharge of oil, dangerous or polluting substances in the Norwegian territorial waters, including the territorial waters surrounding Svalbard and Jan Mayen and in the Norwegian economic zone.
- 3) For ro-ro ferries and passenger high-speed craft operating to or from Norwegian ports to ports of EEA countries on a regular service, the provisions of these Regulations shall also apply when marine accidents occur outside Norway's territorial waters when Norway is the last EEA country the ship visited before the accident.
- 4) These Regulations shall not apply to military vessels, except as mentioned in the first paragraph (d), and in the event of marine accidents which not only involve military vessels.
- 5) For the notification of acute pollution or danger of acute pollution, the Regulations of 9 July 1992 No. 1269 shall apply.

Amended by Regulation of 10 December 2012 No. 1188.

Section 2 *Definitions*

For the purpose of these Regulations, the following definitions shall apply:

- a) "*Occupational accident*": An incident which, in connection with the operation of the ship, has caused damage to a person.
- b) "*Dangerous substances*":
 1. Dangerous liquefied gases: Any substance falling within the scope of chapter 19 of the IGC Code.
 2. Dangerous chemicals: Substances identified as dangerous in chapter 17 of the IBC Code.

3. Dangerous substances in packaged form: Substances which in the IMDG Code are identified as dangerous, including radioactive materials as described in the INF Code.
- c) “*Mobile offshore units*”: Oil drilling rigs and similar mobile offshore units used in the exploration for or exploitation, storage or transport of subsea natural deposits and to assist in such activities.
- d) “*Pollutants*”:
 1. Oil: Any substance falling within the scope of Annex I to MARPOL 73/78.
 2. Noxious liquid substances: Any substance falling within the scope of Annex II to MARPOL 73/78.
 3. Harmful substances in packaged form: Any substance falling within the scope of Annex III to MARPOL 73/78, i.e. substances which in the IMDG Code are identified as marine pollutants.
- e) “*Fishing vessel*”: Vessels equipped and used commercially for catching fish, including whales, seals, seaweed and sea tangle or other living resources of the sea.
- f) “*Recreational craft*”: Any floating device which is intended for use and capable of moving on water and not used for commercial purposes.
- g) “*Passenger high-speed craft*”: High-speed craft as defined in Regulation X/1 of the 1974 SO-LAS Convention, as amended 1 May 1999, and which carries more than 12 passengers.
- h) “*IBC Code*”: International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk, adopted by the Maritime Safety Committee by resolution MSC.4(48), as amended.
- i) “*IGC Code*”: International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, adopted by the Maritime Safety Committee by resolution MSC.5(48), as amended.
- j) “*IMDG Code*”: International Maritime Dangerous Goods Code, adopted by IMO resolution A.716(17), as amended.
- k) “*INF Code*”: International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-level Radioactive Wastes on Board Ships.
- l) “*IMO*”: International Maritime organisation.
- m) “*MARPOL 73/78*”: International Convention for the Prevention of Pollution from Ships, 1973, as amended by the 1978 Protocol, with subsequent amendments.
- n) “*Notification*”: An immediate message to the notification authority, as prescribed by the individual provisions.
- o) “*Passenger ship*”: A ship that can carry more than 12 passengers or which is required to have official permission to carry passengers.
- p) “*Reporting*”: A written statement to the reporting authority, as prescribed by the individual provisions.
- q) “*Company*”: Cf. the definition given in section 4 of the Ship Safety and Security Act.
- r) “*Ro-ro ferry*”: A seagoing passenger vessel with facilities to enable road or rail vehicles to roll on and roll off the vessel, and carrying more than 12 passengers;
- s) “*SOLAS Convention*”: International Convention for the Safety of Life at Sea 1974, as amended.
- t) “*Discharge*”: Any release or emptying from a ship irrespective of cause, including substances stemming from any outflow, removal, spill, leak or pumping, freeing or bilge operation.
- u) “*Occupational disease*”: Disease which in all probability result from the working situation or the conditions on board and illness occurring during journey to or from the vessel at the company's expense or during shore leave.

Amended by Regulation of 10 December 2012 No. 1188.

Section 3

Exemptions

The Norwegian Maritime Authority may, in individual cases and upon written application, grant exemption from the requirements of these Regulations on reporting. There must be special reasons that make such exemptions necessary and it must be justifiable in terms of safety and environmentally acceptable. Exemptions may only be granted where they do not contravene international agreements to which Norway has acceded.

Chapter 2

Notifications

Section 4

Notification on marine accidents and other incidents

- 1) The master shall immediately give notifications on:
 - a) serious accidents, marine accidents and severe marine accidents, including occupational accidents which are regarded as marine accidents,
 - b) stranding or collision, even if the incident is not regarded as a marine accident or a serious accident,

- c) occupational accidents, even if the incident is not regarded as a marine accident, but where evacuation is considered necessary,
- 2) If there is a need for assistance, the notification shall be given to the rescue coordination centres or coast radios. If there is no need for assistance, the notification shall be given to the Norwegian Maritime Authority.
- 3) Recreational crafts may, instead of notifying the authorities mentioned in the first paragraph, notify the police.
- 4) A Norwegian ship which is not within the Norwegian Search and Rescue Region, may instead notify the rescue coordination centre in the area the ship is in.
- 5) An authority which receives a notification in accordance with the second paragraph, shall immediately notify the police.
- 6) A master who is about to, or is requested to render assistance to or rescue a ship that is involved in an incident as specified in the first paragraph (a) and (b), and in the seventh paragraph, shall immediately notify the details of the operation that is planned or carried out.
- 7) Notification of a discharge or a danger of a discharge of dangerous or polluting substances, even if the incident is not regarded as a marine accident, shall be given in accordance with chapter 4.

Amended by Regulation of 10 December 2012 No. 1188.

Section 5

The content of the notification

- 1) The notification shall, to the extent possible, contain the following information:
 - a) the ship's identity, including name, call sign, nationality and IMO number, type of ship, gross tonnage, length, breadth and draught;
 - b) the nature, time and location of the incident, including position, course and speed at the time of the incident;
 - c) the number of persons on board, and if possible, further biographical information;
 - d) name, address, telephone number and fax number of the ship's company and owner;
 - e) other information considered essential, including information on other ships involved in the incident, assistance or salvage.
- 2) If there is a need for evacuation after an occupational accident, the notification shall, to the extent possible, also contain biographical information, information on the situation, course of events and the actions taken. If the worker is brought ashore for medical treatment abroad, it must be stated where the person concerned is treated, and which foreign service mission, if any, that has been notified.

Chapter 3 Reporting

Section 6

Reporting of marine accidents, other incidents and occupational diseases

The master or the company shall report the following circumstances to the Norwegian Maritime Authority on the prescribed form within 72 hours after the incident occurred:

- a) All notifiable marine accident and incidents as specified in section 4. Occupational accidents shall be reported regardless of whether or not evacuation of the injured person was undertaken.
- b) Occupational diseases.
- c) Sabotage, pirate attacks or other serious attacks against the ship or the persons on board or attempts to conduct such attacks.
- d) Accidents or defects substantially affecting the ship's ability to conduct ballast water treatment.

Incidents as described in the first paragraph (d) and in section 4 seventh paragraph shall be reported in accordance with Chapter 4.

Amended by Regulation of 8 September 2017 No. 1369.

Chapter 4

Notification and reporting of a discharge or a danger of a discharge of oil, dangerous or polluting substances, etc.

Section 7

Notification and reporting of a discharge or a danger of a discharge

- 1) The master or the company shall immediately notify the rescue coordination centre or the nearest coast radio and submit a report to the Norwegian Maritime Authority within 72 hours when an incident causes:
 - a) discharge or probable discharge of oil or noxious liquid substances in excess of the quantity or instantaneous rate permitted by MARPOL 73/78 at any time and irrespective of the cause of the discharge, including discharge for the purpose of securing the safety of the ship or saving life at sea; or
 - b) loss/discharge or probable loss/discharge of dangerous or harmful substances in packaged form, including substances in portable tanks or tank vehicles, and where vehicles, freight containers or other cargo transport units contain packaged goods, or
 - c) discharge or probable discharge of dangerous chemicals or dangerous liquefied gases.
- 2) For incidents occurring beyond Norwegian sea territory, notifications shall be sent with the highest priority to the nearest coastal state.
- 3) If a ship has been involved in an incident as referred to in section 4 sixth paragraph, the master or the company shall report the particulars of such incident without delay.
- 4) The obligation to report in this chapter shall not apply to recreational craft of less than 15 metres in length.

Section 8

The content of the report

The report shall contain the same information as specified in section 5 and the following information, to the extent deemed relevant:

- a) the time, location and nature of the incident, including position, course and speed at the time of the incident;
- b) the quantity and type of pollutant or dangerous substance concerned, including:
 1. the correct technical name and the concentration of the pollutant or dangerous substance, its UN number, IMO hazard class(es) according to the IMDG, IBC and IGC Codes, pollutant category X, Y, or Z;
 2. information about the surface radiation level as indicated in the transport index;
 3. type and quantity of cargo carried and its location on board the vessel;
 4. type of packaging, including identification marks. It must be stated whether it is a portable tank or a tank vehicle and where vehicles, freight containers or other cargo transport units contain packaged goods. The unit's official registration mark and number shall be indicated;
- c) other information considered essential, including information on other ships involved in the incident, assistance or salvage.

Section 9

Supplementary report in the event of a discharge or a danger of a discharge of oil, dangerous or polluting substances

- 1) Any person who is obliged under the provisions of these Regulations to submit a report on the above-mentioned situations shall, to the extent possible supplement the initial report and provide information concerning further developments and comply as fully as possible with requests from affected states for additional information.
- 2) The supplementary report should contain the following information, to the extent deemed relevant:
 - a) the condition of the ship;
 - b) ability to transfer cargo/ballast;
 - c) cause of the discharge;
 - d) whether the discharge is continuing, and the approximate quantity discharged;
 - e) the weather on scene, sea, current and wind conditions;
 - f) estimate of spill movement, and where possible an estimate of the surface area of the spill;
 - g) actions being taken with regard to the discharge and the movement of the ship;
 - h) whether assistance has been requested from others, and whether this has been provided;
 - i) manufacturer, or sender/recipient where the manufacturer is unknown, of the pollutant or dangerous substance;
 - j) whether the lost packaged harmful substances floated or sank; and
 - k) estimate of the quantity and likely condition of the packaged harmful substance.

Section 10

Procedures for the notification and reporting of a discharge or a danger of a discharge

- 1) Notifications should preferably be sent through maritime satellite communication systems, with such priority as is provided in the ITU Radio Regulations, depending on the content of the notification.
- 2) Notifications may be sent through a non-maritime radio communication system, provided that the system allows a priority which is not lower than that referred to in the second paragraph above.
- 3) If the ship is within the sea area of an established ship reporting system, the notification shall be sent through this system.
- 4) The reporting shall be according to IMO Resolution A.851(20) – “General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants”.
- 5) The information shall be submitted to another member State if that State for security reasons so requests. If there is a risk that sea areas or coastal areas of one or several member States will be affected, the member State(s) shall be consulted in order to co-operate on joint measures.

Chapter 5

Concluding provisions

Section 11

The contents of the analysis

- 1) The Ministry of Trade and Industry may prescribe amendments to the following provisions:
 - section 1,
 - section 4,
 - section 5,
 - section 6.
- 2) The Norwegian Maritime Authority may prescribe amendments to the following provisions:
 - section 2,
 - section 3,
 - chapter 4.

Section 12

Entry into force

- 1) These Regulations enter into force on 1 July 2008.
- 2) As from the same date, the following are repealed:
 - a) Regulations of 2 April 1987 No. 231 on the reporting of incidents at sea.
 - b) Regulations of 1 September 1987 No. 742 on the implementation of the rules in Chapter 18, Subchapter II of the Norwegian Maritime Code on maritime inquiries.
 - c) Regulations of 1 January 2005 No. 8 on the working environment, health and safety of workers on board ship section 2-8.