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Regulation concerning minor corrections to various regulations under the Ship Safety and Security Act and the Ship Labour Act

The Norwegian Maritime Authority (NMA) has made minor corrections to several regulations.

One of the functions of the NMA's quality system is regular record-keeping of necessary amendments, whether significant or minor, to regulations administered by the NMA. Often, these amendments are editorial, yet still pose a risk of misunderstandings and unnecessary consumption of time and resources for the NMA's customers. The main purpose of the amendments is to rectify editorial errors that have arisen for various reasons. All the regulations proposed for amendment are fully or partially legally based on the Ship Safety and Security Act and the Act relating to Recreational and Small Craft. In the opinion of the NMA, it is a good idea to gather these amendments in one proposal.

Consultation

The proposed regulation concerning minor corrections to various regulations under the Ship Safety and Security Act and the Ship Labour Act was circulated for review from 10 October 2023 to 15 January 2024. The NMA has received comments from seven consultative bodies.

Pelagisk Servicekontor AS, the Norwegian Union of Marine Engineers, the Ministry of Defence, the Directorate of Fisheries and the Ministry of Justice and Public Security had no comments on the proposal. Fiskebåt – Havfiskeflåtens Organisasjon provided feedback welcoming the amendments overall, with one specific comment outlined below.

Following the consultation, an amendment was also made to section 3a of the Regulations of 1 July 2014 No. 955 on radiocommunication equipment for Norwegian ships and mobile offshore units. A minor error was identified in the Regulations in connection with the amendment to the Regulations of 18 December 2023 concerning amendments to various regulations under the Ship Safety and Security Act and RSR 13-2023. The NMA rectified this error in the Regulations. The NMA has determined that circulation of the amendments is unnecessary in this case, as it could be deemed as "unnecessary for obvious reasons" according to the Instructions for Official Studies and Reports chapter 3 item 3-3. For further details on the amendment, see item IV.

Comments from Fiskebåt - Havfiskeflåtens Organisasjon

Some of the proposals included a discontinuation of transitional arrangements that are no longer necessary since the application deadlines have expired. Fiskebåt did not oppose the discontinuation of the transitional arrangements. They did, however, stress that there must be no consequences for the validity of certificates and qualification documents that have been issued under the transitional arrangements.

Amendment I aims to remove the sentence "However, this shall not apply to work as provided in Act related to hours of work on board ship, section 7 first paragraph" in section 10 first paragraph last sentence of the Regulations of 25 April 2002 No. 423 on work by and placement of young people on Norwegian ships. This is described in the comment: "Fiskebåt believes that this is a material change.

Although the Act related to hours of work no longer applies, section 10 first paragraph last sentence of the Regulations on work by and placement of young people on Norwegian ships still

retains significance. Also, the Ship Safety and Security Act section 23 does not include an equivalent provision, as claimed in the consultation letter, but rather provides a legal basis for implementing this type of provision. This has been done in both the Regulations of 10 November 2017 No. 1758 on hours of work and rest on board fishing vessels and in the Regulations of 26 June 2007 No. 705 on hours of work and rest on board Norwegian passenger and cargo ships. However, since the limitations to hours of work for young people are set out in dedicated regulations, the exemptions in the regulations on hours of rest will not be directly usable for personnel included in the Regulations on work by and placement of young people on Norwegian ships. The consequence of removing the reference to the repealed Act will most likely be that it will no longer be possible to exceed the working hour limitations for personnel covered by the Regulations on work by and placement of young people on Norwegian ships during emergency situations, etc. We do not believe that this is the intention. To avoid this, equivalent exemptions found in the regulations on hours of rest should be included in the Regulations on work by and placement of young people on Norwegian ships."

Comments

A material change to the Regulations of 25 April 2002 No. 423 on work by and placement of young people on Norwegian ships is not intentional since the amendments to these Regulations should only be editorial.

Based on their comment, the NMA understands that Fiskebåt – Havfiskeflåtens Organisasjon is concerned about the consequences of removing the reference to the repealed Act. Therefore, we would like to refer to section 12 in the Regulations of 25 April 2002 No. 421 on work by and placement of young people on Norwegian ships. Here it states that the working time restrictions for young people who have reached the age of 15 and who are not subject to compulsory schooling shall not apply to extra work due to safety duties as provided in the regulations currently in force on hours of work and rest on board Norwegian passenger and cargo ships, etc. The Norwegian Maritime Authority believes that this provision means that the Regulations of 25 April 2002 No. 423 does not need an equivalent exemption to the Regulations of 10 November 2017 No. 1758 on hours of work and rest on board fishing vessels and the Regulations of 26 June 2007 No. 705 on hours of work and rest on board Norwegian passenger and cargo ships, as requested by Fiskebåt – Havfiskeflåtens Organisasjon.

Hence, the comment is not taken into account, and the amendment of the Regulations of 25 April 2002 No. 423 on work by and placement of young people on Norwegian ships is implemented, and section 10 first paragraph last sentence is removed.

Comments on individual amendments

I

To the Regulations of 25 April 2002 No. 423 on work by and placement of young people on Norwegian ships

Section 10. Prohibition of night work

This sentence is removed since the Act in the reference is repealed.

II

To the Regulations of 26 June 2007 No. 705 on hours of work and rest on board Norwegian passenger and cargo ships, etc.

Section 4. Working hours

The wording of the second paragraph is changed.

The following wording is proposed:

“On passenger ships engaged on regular domestic voyages with shift or watch systems and *for* other ships of less than 300 gross tonnage, the regular working hours may be *exceeded*. However, not to the extent that the total number of working hours during a period of 12 weeks at the most exceeds an average of 56 hours a week.”

In the amendment “for” has been added in the first sentence to clarify that it applies to other ships in addition to the passenger ships that are mentioned at the beginning of the paragraph. Additionally, the text has been simplified by splitting the paragraph into two sentences instead of one long sentence, which makes it easier to read.

The text has been simplified because the current version may be misinterpreted to mean that the exemption in the second paragraph only applied to passenger ships engaged on regular domestic voyages with shift or watch systems of less than 300 gross tonnage. In other words, the interpretation was that the limitation did not apply to passenger ships of more than 300 gross tonnage. However, the provision applies to all passenger ships engaged on regular domestic voyages with shift or watch systems, as well as other ships of less than 300 gross tonnage. The proposed correction to the Regulations clarifies this interpretation.

III

To the Regulations of 22 December 2011 No. 1523 on qualifications and certificates for seafarers

Section 23a. Certificate of Competency Deck Officer Class 6:

The fourth paragraph (b), the fifth paragraph and the sixth paragraph are repealed.

The sixth sentence of the paragraph indicates that the fourth paragraph (b) and the fifth paragraph will apply until 31 December 2023. Consequently, the Master’s Certificate Fisherman Class C and the Master’s Certificate for Pleasure Craft D5L will no longer qualify for issuance of D6 after this date. Additionally, D6, containing only permission to operate cargo ships of less than 15 metres, will not be issued based on the mentioned conditions. The sixth paragraph, referring to the fourth paragraph (b), also needs to be repealed for the rest of the provision to work as intended.

Section 34. Certificate of Proficiency Able Seafarer Deck:

The fourth paragraph is repealed.

The transitional arrangement in the fourth paragraph no longer applies, and the paragraph is repealed. In the fourth paragraph of the section, the deadline is set to 1 January 2017 to apply for the issuance of a certificate based on seagoing service in the period 1 January 2007 to 1 January 2012.

Section 43. Certificate of Proficiency Able Seafarer Engine:

The fourth paragraph is repealed.

The transitional arrangement in the fourth paragraph no longer applies, and the paragraph is repealed. In the fourth paragraph of the section, the deadline is set to 1 January 2017 to apply for the issuance of a certificate based on seagoing service in the period 1 January 2007 to 1 January 2012.

Section 44. Certificate of Competency Electro-technical Officer:
The fourth paragraph is repealed.

The transitional arrangement in the fourth paragraph no longer applies, and the paragraph is repealed. In the fourth paragraph of the section, the deadline is set to 1 January 2017 to apply for the issuance of a certificate based on seagoing service as an electro-technical officer on ships of more than 750 kW in the period 1 January 2007 to 1 January 2012.

Section 45. Certificate of Proficiency Electro-technical Rating:
The fifth paragraph is repealed.

The transitional arrangement in the fifth paragraph no longer applies, and the paragraph is repealed. In the fifth paragraph of the section, the deadline is set to 1 January 2017 to apply for the issuance of a certificate based on seagoing service as electro-technical rating in the period 1 January 2007 to 1 January 2012.

Section 58d. Transitional provisions for Certificate of Proficiency Polar Code – Basic and Advanced:
The first and second paragraphs are repealed.

The first paragraph sets a deadline of 1 July 2020 for obtaining a Certificate of Proficiency Polar Code – Basic. The second paragraph sets a deadline of 1 July 2020 for obtaining a Certificate of Proficiency Polar Code – advanced. As these paragraphs no longer apply, they are repealed.

Section 59a Requirements for masters of cargo ships of less than 24 metres in length (L) in trade area Small Coasting involved in anchor handling, lifting operations or towing:
The headline is changed.

The headline of section 59a should read:

Requirements for masters of cargo ships of less than 24 metres in length (L) in trade area Small Coasting or smaller trade area involved in anchor handling, lifting operations or towing

The current headline makes it sound like the Regulations only apply to cargo ships in trade area Small Coasting, but that is not correct. The wording “or smaller trade area” has been added to the headline to clarify that the Regulations also apply to smaller vessels.

Section 62. Requirements for training of seafarers on ships and mobile offshore units required to have a ship security plan:
The fourth paragraph is repealed.

In the fourth paragraph of the section, the deadline is set to 1 January 2014 for seafarers who started seagoing service prior to 1 January 2012 to apply for a certificate of proficiency in security awareness. The transitional arrangement no longer applies, and the paragraph is repealed.

Section 63. Requirements for seafarers with designated security duties on ships and mobile offshore units required to have a ship security plan:

The fourth paragraph is repealed.

In the fourth paragraph of the section, the deadline is set to 1 January 2014 for seafarers who started seagoing service prior to 1 January 2012 to apply for certificate of proficiency for seafarers with designated security duties. The transitional arrangement no longer applies, and the paragraph is repealed.

Section 69. Requirements for training and qualifications for seafarers assigned specific duties on ships using fuel with a flashpoint of less than 60 °C:

The fifth paragraph is repealed.

In the fifth paragraph of the section, the deadline is set to 1 January 2018 for issuing certificates of proficiency pursuant to the terms of the second paragraph. The transitional arrangement no longer applies, and the paragraph is repealed.

Section 69a. Requirements for training and qualifications for seafarers with immediate responsibility for the care and use of fuels with a flashpoint of less than 60 °C:

The fifth paragraph is repealed.

In the fifth paragraph of the section, the deadline is set to be 1 January 2018 for issuing certificates of proficiency pursuant to the terms of the second paragraph. The transitional arrangement no longer applies, and the paragraph is repealed.

Section 93. Transitional provisions for seafarers on fishing vessels and non-seagoing ships of less than 25 gross register tonnes: The section is repealed.

Pursuant to the first paragraph of the section, until 1 January 2013, there is no requirement for certificates in line with the given conditions. Additionally, pursuant to the second paragraph, the deadline for being issued a qualification document for the current vessel is 1 January 2013. The transitional arrangements no longer apply, and the paragraph is repealed.

Section 94. Transitional provisions for masters on fishing vessels between 10.67 and 15 metres in overall length:

The section is repealed.

The transitional arrangements no longer apply, and the paragraph is repealed. Pursuant to the first paragraph of the section, until 1 January 2013, there is no requirement for a certificate of competency for masters of fishing vessels of between 10.67 and 15 metres provided that certain conditions are met. Additionally, pursuant to the second paragraph, anyone complying with certain conditions by 1 January 2013 may be granted a Certificate for Master Fisherman Class C.

Section 95. Transitional provisions for seafarers serving as chief engineer officer with a Engineer Officer Class 4 certificate on vessels with propulsion power of between 750 and 1500 kW in trade area 3 and 4:

The section is repealed.

The transitional arrangements no longer apply, and the paragraph is repealed. The first paragraph sets out 1 July 2012 as the deadline for being able to serve as an engineer pursuant to the previous Regulations with an Engineer Officer Class 4 certificate. The second paragraph permits anyone who served as an engineer with an M4 pursuant to the first paragraph as of January 2012 to be issued with a qualification document enabling further service on the same vessel.

IV

To the Regulations of 1 July 2014 No. 955 on radiocommunication equipment system for Norwegian ships and mobile offshore units

Section 3a. Requirement for SARTs and hand-held VHF radios on cargo ships

The text of the final part of the column in section 3a is amended:

<i>8 metres ≤ ships < 100</i>	One in trade area 3 and greater trade
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Previously, the SART requirement for cargo ships was found in the Regulations of 1 July 2014 No. 1019 on life-saving appliances on ships section 6. Some of the equipment requirements were moved from the Regulations of 1 July 2014 No. 1019 on life-saving appliances on ships to the Regulations of 1 July 2014 No. 955 on radiocommunication equipment for Norwegian ships and mobile offshore units, coming into effect on January 2024.

When the requirement for SART was moved, the 8-metre limit, as a lower limit for the requirement, was left out. The NMA would like to correct this by adding to the last part of the column in the Regulations of 1 July 2014 No. 955 on radiocommunication equipment for Norwegian ships and mobile offshore units.

The equipment requirements were moved to gather equipment using radio frequencies to the Regulations of 1 July 2014 No. 955 on radiocommunication equipment for Norwegian ships and mobile offshore units. The information left out was unintentional, and the error is now corrected. It was not the intention to change the current law concerning the requirement to carry SART. The amendment which was laid down had not been announced or discussed, and has not been impact assessed.

V

To the Regulations of 4 December 2015 No. 1392 on towing arrangement and transit of mobile offshore units (Towing Regulations)

Section 15. Transitional provision

The wording of Section 15 is changed.

The following wording is proposed:

Mobile offshore units may, until the next certificate issue, comply with the requirements that applied at the time of the last certificate issue, unless otherwise provided by the individual section.

Appendix I to the Regulations is repealed.

VI

To the Regulations of 4 December 2015 No. 1406 on potable water and potable water systems on mobile offshore units

Section 17. Transitional provision

The wording of Section 17 is changed.

The following wording is proposed:

Mobile offshore units may, until the next certificate issue, comply with the requirements that applied at the time of the last certificate issue, unless otherwise provided by the individual section.

Appendix I to the Regulations is repealed.

VII

To the Regulations of 27 January 2016 No. 67 on ballast systems on mobile offshore units (Ballast Regulations)

Section 21. Transitional provision
The wording Section 21 is changed.

The following wording is proposed:

Mobile offshore units may, until the next certificate issue, comply with the requirements that applied at the time of the last certificate issue, unless otherwise provided by the individual section.

Appendix I to the Regulations is repealed.

VIII

To the amendments to the Regulations of 2 February 2016 No. 90 on evacuation and life-saving appliances on mobile offshore units

Section 38. Transitional provision
The wording of Section 38 is changed.

The following wording is proposed:

Mobile offshore units may, until the next certificate issue, comply with the requirements that applied at the time of the last certificate issue, unless otherwise provided by the individual section.

Appendix I to the Regulations is repealed.

IX

To the amendments to the Regulations of 21 December 2017 No. 2381 on cranes and lifting operations on mobile offshore units

Section 27. Transitional provision
The wording of Section 27 is changed.

The following wording is proposed:

Mobile offshore units may, until the next certificate issue, comply with the requirements that applied at the time of the last certificate issue, unless otherwise provided by the individual section.

Appendix I to the Regulations is repealed.

Common reason for amendments V–IX

As the transitional provisions of the regulations are no longer applicable, the NMA proposes linguistic changes. When new requirements are introduced for mobile offshore units, they only become applicable

to existing units when at the time of the next certificate renewal. In some cases, new requirements will only apply to newbuildings or to specific subgroups of mobile offshore units, which deviates from this principle. Furthermore, Appendix I of the regulations is repealed.

X

This Regulation enters into force immediately.

Administrative and financial implications

The amendments are corrections of typographical errors and similar issues that have emerged during the transition to new regulations and as such, they are not considered material changes. The proposed amendments should not include any administrative or financial consequences beyond clarification.

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Attachments:

Regulation concerning minor corrections to various regulations under the Ship Safety and Security Act and the Ship Labour Act

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