Sjøfartsdirektoratet
Norwegian Maritime Authority

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Regulations on cargo ships intended to carry industrial personnel

The Norwegian Maritime Authority (NMA) has adopted the Regulations on cargo ships intended to carry industrial personnel. These Regulations enter into force on 1 July 2024.

I. Consultation responses

The draft Regulations were circulated for review on 6 March 2024, with a deadline for comments of 6 June 2024. By the close of the consultation period, the NMA had received eight responses, three of which contained comments. These comments will not result in any amendments to the Regulations at this stage. An overview of all submitted responses, together with the NMA's remarks, is provided in the attached consultation matrix (available in Norwegian only).

II. General

1. Brief overview of the Regulations

The Regulations incorporate Chapter XV of the SOLAS Convention, concerning safety measures for ships carrying industrial personnel, into Norwegian legislation. SOLAS Chapter XV makes the International Code of Safety for Ships Carrying Industrial Personnel (IP Code) mandatory for cargo ships of 500 gross tonnage and upwards engaged on international voyages.

The Regulations also extend the applicability of SOLAS Chapter XV and the IP Code to ships not covered by the SOLAS Convention. Cargo ships of 500 gross tonnage and upwards operating on domestic voyages must comply with the same requirements as cargo ships subject to the Convention. For ships of less than 500 gross tonnage, certain regulatory adaptations have been made.

As regards cargo ships of less than 500 gross tonnage, the focus has been on high-speed craft, as it is anticipated that these will be the primary type of vessel used to carry more than 12 industrial personnel within this size category. For cargo ships of less than 500 gross tonnage that are not certified as high-speed craft, a scheme has been established whereby the company may apply for permission and any necessary exemptions, subject to conditions set out in more detail.

2. Background

The new safety measures for ships carrying industrial personnel were adopted on 10 November 2022 by Resolution MSC.521(106). This resolution introduces a new Chapter XV to the SOLAS Convention and makes the IP Code, adopted by Resolution MSC.527(106), mandatory. In accordance with Article VIII of the Convention, the resolution was deemed accepted on 1 January 2024 and will enter into force on 1 July 2024.

In response to the expansion of offshore industrial activities and the emergence of new types of operations, including within the renewable energy and aquaculture sectors, there is an increasing need to ensure the safe transport, accommodation and transfer of personnel between ships and other offshore units.

Ships used for the transport and accommodation of industrial personnel often operate in such a manner that replacing them with passenger ships would not be practical. Industrial personnel must be medically fit, have undergone safety training and be familiar with the safety procedures on board. Industrial personnel also frequently work offshore on a regular basis.

The new requirements take into account specific risk factors associated with carrying industrial personnel, such as personnel transfers and the number of persons on board, while also recognising industrial personnel as a distinct category of persons carried on board ships.

Under Circular RSV 10–2022, cargo ships may currently be granted permission to carry more than 12 persons categorised as "industrial personnel". The Circular implements IMO Resolution MSC.418(97), which was adopted by the IMO Maritime Safety Committee in 2016. This Resolution contains interim recommendations for the safe carriage of more than 12 industrial personnel and was adopted pending the finalisation of binding international requirements. RSV 10–2022 will be repealed upon the entry into force of the new Regulations concerning cargo ships carrying industrial personnel on 1 July 2024.

3. Legal basis, scope of application and duty holders

Legal basis

The Regulations are adopted pursuant to the Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act).

Scope of application

The Regulations apply to both Norwegian and foreign cargo ships. For Norwegian cargo ships, the Regulations apply to ships of 24 metres in length (L) and upwards. However, it has been taken into account that a ship may have a length (L) of less than 24 metres, while still having a gross tonnage of 500 or more, and thereby fall within the scope of SOLAS Chapter XV. Such ships are also subject to these Regulations.

These Regulations apply to foreign cargo ships of 24 metres in length (L) and upwards, but of less than 500 gross tonnage. For foreign cargo ships of 500 gross tonnage and upwards, the Regulations on port State control shall apply.

The Regulations apply to Norwegian ships regardless of their location. Foreign ships must comply with the Regulations while in Norwegian territorial waters, including the territorial waters surrounding Svalbard, and when visiting a Norwegian installation or facility within the Norwegian Exclusive Economic Zone and on the Norwegian Continental Shelf.

The scope of these Regulations must be read in conjunction with the scope of SOLAS Chapter XV, cf. Regulation XV/3. According to Regulation 3.1, Chapter XV applies to cargo ships and high-speed cargo craft of 500 gross tonnage and upwards (engaged on international voyages). In Section 3 of the Regulations, the scope has been extended to include ships with a length (L) of 24 metres and upwards.

Furthermore, SOLAS Regulation XV/3 provides that Chapter XV and the IP Code apply to all cargo ships, regardless of their date of construction, that are to carry more than 12 industrial personnel, unless the ship holds a permit to carry industrial personnel issued prior to 1 July 2024, cf. Regulations XV/3.1 and XV/3.4. Ships with an existing permit are only required to comply with parts of the IP Code, and specific deadlines for compliance apply, cf. Regulations XV/3.2 and XV/3.3. It is, of course, assumed that the ship continues to satisfy the conditions on which the permit was granted.

Particulars regarding the Ship Safety and Security Act and Industrial Personnel

Under the Ship Safety and Security Act, responsibility for compliance is shared between the company, the master and other persons working on board. Industrial personnel are not included among these parties

and therefore cannot be made subject to duties under regulations adopted pursuant to the Act. It is the responsibility of the company and the master to ensure that persons being carried as "industrial personnel" meet the relevant conditions, cf. SOLAS Regulation XV/1.1 and the IP Code, Regulations I/2.4, II/1 and III/1.

It should be noted that industrial personnel do not perform work on board the ship as part of the crew. Nonetheless, the company retains responsibility towards industrial personnel, who are protected by the provisions of the Ship Safety and Security Act, and the provisions relating to personal safety are particularly relevant in this context. Industrial personnel being transported and accommodated on board are not covered by the exception for "shipping" under the Working Environment Act, cf. section 1-2 second paragraph.

The IP Code requirement that industrial personnel must be physically and medically fit, cf. IP Code Regulation III/1.1 and section 5 of these Regulations, is not based on the same legal authority as the health requirements for crew members, cf. section 17 of the Ship Safety and Security Act. For industrial personnel, the legal basis is section 11 on operation and maintenance. As noted above, the company and the master are responsible for ensuring that documentation is available to confirm that industrial personnel on board meet the relevant health requirements.

III. Further details on the Regulations

SOLAS Chapter XV and the IP Code are incorporated into Norwegian legislation, in line with the general approach taken for the implementation of other SOLAS chapters.

Chapter XV and the IP Code are well suited to incorporation, as their provisions are largely drafted as directly applicable requirements. Incorporation contributes to greater legal uniformity, which is particularly important in the context of international regulations. Moreover, both the NMA and, in particular, the international segment of the maritime industry actively refers to the original convention text. It is more practical to relate to a single authoritative text than to two that are binding in different ways. Accessibility and ease of use will be ensured through the publication of an official Norwegian translation of SOLAS Chapter XV and the IP Code.

To make the purpose and content of the Regulations more readily apparent, sections 1 and 2 nevertheless contain certain SOLAS provisions that have been transposed into Norwegian law. Section 1 clarifies that the term "carriage" includes both transport and accommodation. Section 2 first and second paragraphs define the terms "industrial personnel" and "offshore industrial activities". The third paragraph sets out the purpose of the provisions, while the fourth and fifth paragraphs determine how the number of industrial personnel is to be established.

Comments to the individual provisions

To section 1

For ships with national tonnage (safety tonnage), this shall serve as the basis for application.

To section 2 fourth and fifth paragraphs

Section 2 fourth and fifth paragraphs incorporate SOLAS Regulation XV/2.3, which stipulates that when the number of industrial personnel is used as a parameter, this shall be the sum of industrial personnel, special personnel as defined in the 2008 SPS Code, and passengers. However, instead of using the terms "special personnel" and "passengers", section 2 employs the category "persons other than the crew and industrial personnel", and includes the definition of "crew" taken from the 2008 SPS Code. This approach

avoids the need to introduce the term "special personnel" into the Regulations and define it by reference to the 2008 SPS Code, which has not been implemented in Norwegian legislation[1].

Regulation XV/2.3 concludes by stating that the number of passengers must not exceed 12. This has not been repeated in these Regulations, as it applies in any case through the definition of a passenger ship in SOLAS Regulation I/2(f) as a ship carrying more than 12 passengers.

To section 4 first paragraph (a)

Certification under SOLAS Chapter I is governed by the Regulations on supervision and certificates for Norwegian ships and mobile offshore units, see section 8 on safety certificates for cargo ships engaged on foreign voyages. All cargo ships of 500 gross tonnage and upwards, including those operating domestically, must hold these safety certificates if they are to carry more than 12 industrial personnel. To obtain these certificates, ships operating domestically must meet the same requirements as those operating internationally. It should be noted that, for certificates other than the safety certificate for industrial personnel and the safety certificates mentioned here and under letter b, such certificates may be subject to trade area restrictions.

To section 4 first paragraph (b)

Cargo ships of 500 gross tonnage and upwards may demonstrate certification under SOLAS Chapter X by holding a safety certificate and a permit to operate a high-speed craft pursuant to the Regulation on the construction, equipment and operation of high-speed craft used as passenger craft or cargo craft (High-Speed Craft Regulations). Ships engaged on domestic voyages must meet the same requirements as those engaged on international voyages.

To section 4 second paragraph (a)

It should be noted that ships of 300 gross tonnage and upwards are required to hold a safety radio certificate pursuant to section 8 of the Regulations on supervision and certificates for Norwegian ships and mobile offshore units. Ships of less than 300 gross tonnage must hold a safety radio certificate for non-convention ships pursuant to section 22.

To section 4 second paragraph (b)

The requirements of the IP Code are based on the ship holding a general safety certificate as a foundation, cf. SOLAS Regulation XV/5. Currently, no specific certificate is issued for cargo high-speed craft of less than 500 gross tonnage. Such ships intended to carry more than 12 industrial personnel may be issued with a trading certificate and a permit to operate high-speed cargo craft under the new Regulations on cargo ships intended to carry industrial personnel. Ships required to hold this certificate must meet both the high-speed craft requirements set out in chapter 2 (the HSC Code) and the specific requirements for the carriage of industrial personnel in chapter 1 (the IP Code).

To section 5

This is a supplementary provision linked to Part III, Regulation 1.1 of the IP Code. Reference is made to the same standard currently applied under Circular RSV 10-2022 for the carriage of industrial personnel. These Regulations do not prescribe specific documentation to be submitted under this provision. However, the shipowner and the master are responsible for ensuring that any person transported or accommodated as industrial personnel meets the applicable requirements.

[1] Certification under the SPS Code has been implemented as a voluntary scheme for Norwegian ships. It is not unlawful to carry special personnel without complying with the SPS Code. Special personnel are considered to be working on board pursuant to the Ship Safety and Security Act and are not included in the definition of “passenger” under SOLAS.

To sections 6 and 7

Safety certificates for cargo ships engaged on international voyages, safety certificates for high-speed craft, trading certificates for cargo ships and safety radio certificates are already issued under the current regulatory framework, which also covers document control, supervision requests, etc. The IP Code includes provisions on industrial personnel safety certificates in Part I, Regulation 3. Regarding the trading certificate and permit to operate a high-speed cargo craft intended to carry industrial personnel, cf. section 4 second paragraph (b), the provisions of the 2000 HSC Code apply, cf. sections 6 and 8. Section 6 first, second and fourth paragraphs and section 7 provide supplementary provisions on document control, supervision requests and the harmonisation of certificate expiry dates.

To chapter 2 (sections 8 to 19)

In drafting the provisions of chapter 2, the NMA has taken into account the regulations currently applicable to ships operating in waters under Danish and British jurisdiction. We are generally in agreement with the assessments made by the Danish and British authorities and view the development of a harmonised regulatory framework for Norwegian, Danish and British waters as a positive step.

To section 8

SOLAS Chapter X and the 2000 HSC Code contain requirements that address the same subjects and serve the same purposes as provisions found in various other regulations, which also apply to high-speed cargo craft of less than 500 gross tonnage. A ship holding a trading certificate for high-speed cargo craft carrying industrial personnel, and which complies with SOLAS Chapter X and the 2000 HSC Code as specified in section 8, is not required to comply with parallel requirements addressing the same subject matter and objectives in other regulations. It should be noted, however, that a regulation may contain both such overlapping requirements and additional requirements not covered by the HSC Code. See, for example, the Regulations on navigation and navigational aids for ships and mobile offshore units.

To sections 9, 10 and 11

These sections supplement the HSC Code.
Following the consultation, a minor clarification has been made in section 11 to prevent the term "other structures" from being interpreted to include, for example, ports. After the amendment, the first sentence of section 11 reads as follows (see underlined text):

Where the ship is to be laid alongside or connected to other offshore structures, exposed areas of the ship's structure shall be designed and reinforced to withstand the loads that may arise from such operations.

To section 14 second paragraph

The second paragraph defines "length (Lh)" in the Regulation as the length referred to as "length (L)" in paragraph 1.4.33 of the 2000 HSC Code. This distinction is made in order to differentiate the HSC definition from the term "length (L)" as used outside the context of the 2000 HSC Code. For example, the scope of the Regulation applies to cargo ships with a length (L) of 24 metres or more. Here, "length (L)" refers to the length defined in Article 2(8) of the International Convention on Tonnage Measurement of Ships, 1969, which is commonly referred to as "length (L)".

To section 15

Section 15 requires immersion suits for all crew members, in line with the requirement applicable to high-speed cargo craft of 500 gross tonnage and upwards,

To section 16

Paragraph 8.10.6 of the 2000 HSC Code contains a similar exemption provision, but additionally requires that a person must be capable of being recovered from the water in a horizontal or near-horizontal position. The conditions for exemption under section 16 are based on section 9 fifth paragraph of the Regulations on life-saving appliances on ships, which applies, among others, to cargo ships that are not required to carry a rescue boat because the ship's length (L) is less than 30 metres, cf. section 6 of the same Regulations.

To section 17

The supplementary requirements to paragraph 18.3 of the 2000 HSC Code concerning training and qualifications set out in the High-Speed Craft Regulations shall apply correspondingly to high-speed cargo craft of less than 500 gross tonnage intended to carry more than 12 industrial personnel.

It should be noted that the Regulations on qualifications and certificates for seafarers contain requirements relating to safety training and certificates of proficiency for seafarers serving on high-speed craft in section 65, as well as additional requirements for masters

and deck officers serving on high-speed craft in section 66. It should also be noted that those Regulations contain their own definition of "high-speed craft", which is not entirely identical to the definition applied in SOLAS Chapter X and the HSC Code.

To section 18

This provision clarifies that the operational manual shall include information on safe speed in relation to sea conditions and any limitations on manoeuvrability, in accordance with the requirements currently applicable to high-speed cargo craft of 500 gross tonnage and upwards.

To section 24

There is currently no common international regulatory framework governing the carriage of more than 12 industrial personnel on cargo ships of less than 500 gross tonnage. Foreign ships currently operate in Norwegian waters, and it is not the intention of these Regulations to impede such operations. In the opinion of the NMA, it is necessary to impose safety requirements on foreign ships carrying industrial personnel that are equivalent to those applicable to Norwegian ships. Accordingly, the Regulations also apply to foreign ships in Norwegian territorial waters and when calling at a Norwegian installation or facility within the Norwegian Economic Zone and on the Norwegian Continental Shelf. For foreign ships, however, it may alternatively be demonstrated that they comply with a regulatory framework in their flag State that provides an equivalent level of safety.

IV. Administrative and financial implications

1. Consequences for the industry

The new rules affect an existing activity carried out by a limited number of ships that currently hold permission to carry more than 12 industrial personnel pursuant to Circular RSV 17-2016 (repealed) or Circular RSV 10-2022 (which replaces RSV 17-2016). All such ships are of 500 gross tonnage and upwards. The vast majority are registered as supply vessels or multipurpose vessels. None of them are certified as high-speed craft.

With regard to ships that will carry industrial personnel for the first time after the entry into force of these Regulations, we expect this mainly to concern ships constructed on or after 1 July 2024. For cargo

ships in general, the principal effect of the new rules will be to codify the possibility of carrying out such operations.

Consequences for companies currently operating ships carrying industrial personnel
Cargo ships that currently hold permission to carry more than 12 industrial personnel shall, pursuant to SOLAS Regulation XV/3, comply with IP Code Regulations III/1 and III/2 (except paragraph 2.1.7). In addition, IP Code Regulations IV/7 and IV/8 shall be complied with by cargo ships not certified as high-speed craft, while IP Code Regulations V/7 and V/8 shall be complied with by cargo ships certified as high-speed craft.

These requirements must be complied with no later than the first intermediate survey or the first renewal survey after 1 July 2024, whichever occurs first.

We have carried out a general assessment of how cargo ships currently carrying industrial personnel will be affected and are of the view that any adverse effects will be limited. At present, the transport and accommodation of industrial personnel on cargo ships are not expressly permitted by legislation, and such operations have depended upon authorisation from the authorities. SOLAS Chapter XV and the IP Code also largely continue the conditions on which permission to carry industrial personnel has been based. Moreover, it has long been known that the guidelines set out in Circular RSV 10-2022 were intended as an interim solution pending the completion of binding international requirements, cf. the IP Code.

The costs have not been quantified, as these will depend on a number of factors that may vary between individual companies. However, by indicating what the various requirements may entail, each company should be able to assess how it may be affected.

Overall, the new rules are expected to have positive effects for the shipping industry as a whole.

2. General assessment of the consequences for cargo ships currently carrying industrial personnel

IP Code Regulation III/1 Industrial personnel

IP Code Regulation III/1 establishes criteria for determining which persons may be carried as industrial personnel. These criteria are substantially the same as those set out in Circular RSV 10-2022 and are therefore not expected to result in any significant changes for ships already carrying industrial personnel under that Circular.

IP Code Regulation III/2 Transfer of personnel
IP Code Regulation III/2 contains requirements for the safe transfer of persons between ships or between a ship and an installation.

Regulation III/2.1
Regulation III/2.1 contains a number of safety measures that are largely assumed already to be satisfied under existing legislation. Pursuant to Regulation III/2.1.10, account shall be taken of the guidelines in MSC-MEPC.7/Circ.10 when planning personnel transfer operations. The same requirement is currently set out in Circular RSV 10-2022.

Regulation III/2.2
Under Regulation III/2.2, arrangements for the transfer of personnel shall be designed, constructed, tested and installed in accordance with a standard accepted by the Administration or the requirements of a recognised classification society. For most ships that have installed such arrangements, this requirement is assumed already to be met. A typical arrangement for personnel transfer is a gangway. Based on the NMA's experience, the requirements of the IP Code are met where such a gangway is fitted.

In addition, sections 9 and 11 of the Ship Safety and Security Act already require that ships be designed, equipped, operated and maintained in a manner that provides an adequate level of safety having regard to their intended use. Should it be revealed that a ship has a transfer arrangement based on a standard that the NMA cannot accept, this may already constitute a breach of the Ship Safety and Security Act.

It should be noted that there is no requirement for a ship to have any particular personnel transfer arrangement. Such equipment or arrangements may instead be located on the other ship or on the installation where the industrial personnel are to work.

Regulation III/2.3
Pursuant to Regulation III/2.3, an analysis shall be carried out to identify the consequences of failure of the transfer arrangement and associated systems. The provision specifies certain elements that must be included in the analysis. Section 2-2 of the Regulations concerning the working environment, safety and health of persons having their work on board ships requires that hazards on board be identified through a risk assessment. Industrial personnel do not have their work on board. Nevertheless, the provision will apply where a personnel transfer arrangement is also available for use by members of the crew.

Regulations III/2.4 and III/2.5 are not considered to have any significant consequences for ships that already carry more than 12 industrial personnel.

IP Code Regulation IV/7 Life-saving appliances
The NMA considers that IP Code Regulation IV/7 should not, in general, result in more stringent requirements for life-saving appliances than those currently applicable to Norwegian ships authorised to carry industrial personnel

IP Code Regulation IV/8 Dangerous goods
Regulation IV/8 contains provisions concerning the carriage of dangerous goods when industrial personnel are carried on board simultaneously. It should be noted that SOLAS Chapter VII on dangerous goods has been implemented in Norwegian legislation for all Norwegian cargo ships, irrespective of size, trade area or whether industrial personnel are carried, cf. the Regulations on dangerous goods on Norwegian ships.

In the opinion of the NMA, dangerous substances brought on board by industrial personnel would also be regarded as dangerous goods under the current regulatory framework. Where such carriage takes place, it will normally be in the form of packaged dangerous goods subject to the IMDG Code. It is also reasonable to assume that where industrial personnel bring dangerous goods on board, these are intended for use in connection with work to be carried out outside the ship. The NMA considers that Regulation IV/8.1 will not lead to any measurable consequences for the industry.

Regulations IV/8.2 and IV/8.3.1 apply only to ships permitted to carry more than 240 persons in total on board. No Norwegian cargo ships currently hold permission to carry more than 240 persons.

Pursuant to Regulation IV/8.3.2, industrial personnel carried on ships transporting dangerous goods in solid bulk form shall have access to the same personal protective equipment as members of the crew. The same applies to training and personal protective equipment under the IGC Code for ships carrying liquefied gases, cf. Regulation IV/8.4.4. The requirement does not extend to personal protective equipment or training associated exclusively with specific duties that may only be performed by crew members. The consequences for the industry are therefore expected to be limited.

With regard to Regulation IV/8.4.1, ships carrying dangerous liquid chemicals or liquefied gases in bulk are already required to be certified in accordance with SOLAS Chapter VII or the OSV Code, cf. the Regulations on dangerous goods on Norwegian ships. Furthermore, pursuant to IP Code Regulation IV/8.4.1.1, ships carrying toxic substances, low-flashpoint substances or acids may have a maximum of 60

persons on board. Such a limitation may mean that some Norwegian ships are unable to carry as many persons as their current permits allow when transporting such cargoes.

Pursuant to IP Code Regulation IV/8.4.2, the additional requirements set out in Regulation IV/8.4.1 also apply where a ship carries both industrial personnel and oil as cargo. The additional requirements referred to are Regulations IV/8.4.1.1 to IV/8.4.1.5. The application of Regulation IV/8.4.1.1 means that oil with a flashpoint below 60°C may not be carried as cargo if the total number of persons on board exceeds 60. The remaining additional requirements also apply when carrying oil with a higher flashpoint.

3. Consequences for the Norwegian Maritime Authority and recognised classification societies

The consequences for the NMA and recognised classification societies will largely depend on the number of ships that, from 1 July 2024 onwards, will carry industrial personnel under the new rules for the first time. The division of responsibilities between the NMA and recognised classification societies will not be affected, in the sense that the Regulations do not alter which ships are subject to delegated survey and certification responsibilities.

As it has already been possible to obtain permission for such operations for several years, no sudden transition is expected. Nor are we aware of any recent developments within the relevant industries suggesting that demand for these services has increased significantly.

However, systems, procedures and other administrative tools will need to be adapted to accommodate the two new certificates, and there will likely be an increased need for training and information, both internally and through external guidance.

No significant increase is expected in the workload associated with processing applications and conducting surveys for individual ships. As regards the trading certificate for high-speed cargo craft intended to carry industrial personnel, this is regarded as an alternative to a trading certificate for cargo ships, rather than as an additional certificate. There may, however, be some additional work associated with the required permit to operate, which is not required for ships holding an ordinary trading certificate for cargo ships. The industrial personnel safety certificate represents the issuance of an additional certificate, but the associated surveys largely concern alternative requirements within existing survey areas. The other certificates referred to in section 4 are already issued today, irrespective of whether the ship carries industrial personnel.

An application for permission to carry industrial personnel pursuant to section 20 will require considerable resources to process, particularly during the initial period, as there is no established administrative practice. Nevertheless, it is anticipated that such applications will only be submitted exceptionally. Should it prove that the need for a general regulatory framework for cargo ships of less than 500 gross tonnage that are not high-speed craft is greater than currently expected, the handling of applications under section 20 may establish a practice that could subsequently form the basis for such regulations.

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Attachments:

1) Regulations on cargo ships intended to carry industrial personnel
2) IMO resolutions MSC.521(106) (SOLAS Chapter XV) and MSC.527(106) (IP Code)
3) Consultation matrix