Sjøfartsdirektoratet
Norwegian Maritime Authority

# Circular - Series R

Circular Series R (Regulations) supersedes previous Series F.
In the new Series R, relevant legal amendments and amendments to conventions are also published.

**Circular recipients:** (check box)

- ☐ Sdir: Norwegian Maritime Authority
- ☐ A: 16 specially authorised employment offices
- ☐ U: Selected foreign service missions
- ☐ P: Equipment manufacturers, any subgroups
- ☐ OFF: Offshore companies/OIM/operators
- ☐ Hov: Main organisations
- ☐ H.i. Bodies or agencies for their comments

Others:

**No.:**

**Date:** 15 September 2021

**Journal No.:** 2021/19300 -32

**Supersedes:**

**Reference to:**

***The Circular should be entered into a special diagram or as appropriate in the latest editions of relevant NMA publications and kept until the next editions.***

# 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

## 1. Introduction

The Norwegian Maritime Authority (NMA) has issued amendments to various regulations under the Ship Safety and Security Act. These amendments are in response to changes in Directive 2009/45/EC on passenger ships engaged on domestic voyages and the need to revise the rules concerning bottom inspection of cargo ships.

The following regulations are amended:

- Regulations of 28 March 2000 No. 305 on surveys, construction and equipment of passenger ships engaged on domestic voyages (Domestic Passenger Ship Regulations)

- Regulations of 5 January 1998 No. 6 on the construction, equipment and operation of high-speed craft used as passenger craft or cargo craft (High-Speed Craft Regulations)

- Regulations of 22 December 2014 No. 1893 on supervision and certificates for Norwegian ships and mobile offshore units (Certificate Regulations)

- Regulations of 24 November 2014 No. 1458 on port State control (Port State Control Regulations)

The EU has laid down Directive (EU) 2017/2108 of 15 November 2017 amending Directive 2009/45/EC on safety rules and standards for passenger ships. This directive is part of a new passenger ship package, consisting of three directives. The goal has been to simplify and streamline the passenger ship safety legislation, maintaining and improving EU legislation where necessary, ensuring correct implementation and eliminating overlapping requirements.

The EU has also introduced Regulation (EU) 2020/411 of 19 November 2019 amending Directive 2009/45/EC of the European Parliament and the Council on safety rules and standards for passenger ships engaged on domestic voyages, replacing the technical rules in Annex I of Directive 2009/45/EC.

Directive 2009/45/EC has been implemented in Norwegian legislation through several regulations, and these amendments mean that all relevant regulations must be updated. Both Directive (EU) 2017/2108 and Directive (EU) 2020/411 have been adopted for incorporation into the EEA Agreement, but the exact date of their entry into force remains unknown. In the EU, the deadline for implementing Directive (EU) 2017/2108 was 21 December 2019, and Regulation (EU) 2020/411 will be effective from 19 September 2021.

To maintain identical technical requirements between Norway and the EU, the NMA will implement the legislative amendments in line with the changes to EU legislation. These amendments will take effect from 19 September 2021, the same date as in the EU. Harmonising the rules in Norway and the EU ensures consistent safety standards and creates equal conditions for Norwegian and EU-flagged ships. It will also benefit ships changing flags within the EU/EEA area.

When the relevant EEA Joint Committee Decision takes effect, the affected Norwegian regulations will be amended to include a reference to the EU legal acts in the preamble on Lovdata, and the Annex of Regulation (EU) 2020/411 will be incorporated into the Norwegian Domestic Passenger Ship Regulations in full.

Norwegian cargo ships requiring a Cargo Ship Safety Construction Certificate (CCC) shall be subject to supervision in accordance with section 9 of the Certificate Regulations, based on the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)*. The NMA is reintroducing the option for alternate inspections of a ship's bottom to be carried out with the ship afloat. This option existed in the now-repealed Regulations of 15 June 1987 No. 506 on survey for the issue of certificates to passenger ships, cargo ships and barges, and on other surveys, etc., more specifically in section 24 first paragraph (c), but was unintentionally removed when the current Certificate Regulations were established in 2014.

A floating bottom inspection, when conducted under satisfactory conditions with the appropriate equipment and properly trained personnel, will be equivalent to a dry-dock inspection. If these preconditions are met and there are no issues requiring dry-dock attention, a floating bottom inspection should be credited in the same way as one carried out in dry dock.

SOLAS Regulation I/10 (a) requires at least two bottom inspections during each certificate period. It does not specify whether these inspections should be performed afloat or in dock. HSSC guidelines recommend conducting bottom inspections in dry dock but allow for alternate inspections afloat if the water is clear, the power supply is adequate, the inspection is carried out by qualified personnel and suitable equipment is used. Under these conditions, a floating inspection is considered equivalent to a dry-dock inspection.

The adopted amendments align Norwegian legislation with SOLAS.

## 2. Consultation

The proposed regulatory amendments were circulated for review from 18 June to 31 August 2021. A shorter-than-usual response period was provided, as the amendments arising from EU legislation should already be familiar to the industry, and a shorter timeframe was necessary to ensure parts of the legislation could be implemented in parallel with the EU. For the amendments concerning bottom inspections for cargo ships, the reduced response time was justified by the clear and limited nature of the proposal and its minimal impact on the industry.

The NMA received 11 consultative statements, of which 8 provided no comments on the proposal. The Norwegian Bar Association and Nordland County Municipality expressed their support for the proposed regulatory amendments.

NHO Sjøfart (a trade and employer association within the shipping industry) generally welcomed the alignment of technical requirements between the EU and Norway. However, they expressed concerns that the period between the consultation deadline and the proposed entry into force was too short, as the new technical rules could affect ongoing tender processes. NHO Sjøfart also opposed the proposal for the IGF Code to be applied retroactively, estimating that the cost of conversion for vessels constructed under the now-expired Regulations of 9 September 2005 No. 1218 on the construction and operation of gas-fuelled passenger ships would be around NOK 40–50 million per vessel.

After reviewing the feedback, the NMA has decided that the Regulations will still come into force on 19 September 2021. There is no concrete evidence to suggest that this date would present a significant challenge for the industry, and the advantage of aligning the effective date with the EU is given priority.

Regarding the requirements for ships using low-flashpoint fuel, as outlined in Annex I section 1 chapter II-1 part G, the NMA acknowledges that the wording could be interpreted as establishing a general retroactive requirement for all "new ships" (the keel of which is laid or which were at a similar stage of construction after 1 May 2000) that have been modified to use low-flashpoint fuel. However, based on the founding documents of the Regulation and the discussions and evaluations in which the NMA participated within the EU, there is no indication that the intention was to make the requirement retroactive for ships modified in the past. The overall aim has been to align the amendments with the requirements of SOLAS, meaning they should apply retroactively only to older ships if modifications are made in the future.

The IGF Code was implemented in Norwegian legislation through the Regulations of 27 December 2016 on ships using fuel with a flashpoint of less than 60°C, which also covers domestic passenger ships holding a Ship Safety Certificate (EU) for Class A-D passenger ships. Since 1 January 2017, these ships have been required to comply with the IGF Code when undergoing conversions as specified. Therefore, in the NMA's view, the amendments to Directive 2009/45/EC and the corresponding changes to the Domestic Passenger Ship Regulations do not impose additional requirements on ships using fuel with a flashpoint of less than 60 °C beyond those already established by existing legislation.

## 3. Details on the legislation – key amendments to the Directive

*Scope of application*

Directive (EU) 2017/2108 revises the scope of Directive 2009/45/EC by limiting its application to ships of 24 metres in length (L) and upwards. The 24-metre limit was introduced because the rules were considered unsuitable for smaller ships. The REFIT Fitness Check highlighted that most ships of less than 24 metres in length are made from materials other than steel, and very few undergo re-registration, thus eliminating the need for harmonised requirements for these vessels for competitive reasons. The EU has issued non-binding guidelines for passenger ships of less than 24 metres, which member States can adopt at their discretion. However, Norwegian passenger ships of less than 24 metres are still subject to certification requirements.

Additionally, the scope of application for other passenger transport services has been clarified, with the amending Directive exempting certain types of vessels from the specific safety rules of Directive 2009/45/EC. These exemptions include sailing ships, tender vessels and offshore support vessels carrying industrial personnel.

The Directive originally excluded ships made from materials other than steel or equivalent materials. The amendment introduces a definition of "equivalent material", which, under certain conditions, includes aluminium. This clarification addresses inconsistencies in how the rules have been applied across the EEA. Ships constructed from equivalent materials not certified under the Directive must meet its requirements by 22 December 2025.

The new definitions establish that "equivalent material means aluminium alloy or any other non-combustible material which, by itself or due to insulation provided, has structural and integrity properties equivalent to steel at the end of the applicable exposure to the standard fire test". A "standard fire test" means a test in which specimens of the relevant bulkheads or decks are exposed in a test furnace to temperatures corresponding approximately to the standard-time temperature curve in accordance with the test method set out in the International Code for Application of Fire Test Procedures (2010) adopted by IMO Resolution MSC.307(88) of 3 December 2010, in the up-to-date version. After review, the NMA has determined that composite materials do not meet the Directive's standards for "equivalent material". As such, ships made of composite fall outside the scope of the Domestic Passenger Ship Regulations and must instead be certified with a passenger certificate.

Corresponding amendments have been made to both the Domestic Passenger Ship Regulations and the Certificate Regulations.

*Changed definition of sea areas*

The amending Directive has simplified the definition of "sea areas", which is critical for determining the requirements for ships operating in different areas. The criteria of "where shipwrecked persons can land" and "port of refuge" have been removed as parts of the definitions of sea areas classes C and D. The classification into sea areas A, B, C and D remains, based on distance from the coast and significant wave height. Member States must continue to classify their coastal areas accordingly and publish these sea area lists on their administration’s website.

Based on the criteria for sea areas A, B, C and D, the NMA has provided an updated overview of sea borders within Norwegian waters, which can be viewed at kart.sdir.no. and the regulatory amendments included in this Circulation are reflected in the new borders. Clear information with a link to the map will be made available on the NMA’s website.

The NMA interprets the Directive to mean that the sea area measurements should be taken from land. Thus, the new sea borders in the map are drawn with this principle in mind.

Sea area D has been limited so that trade area 2 and lesser trade areas , cf. Regulations of 4 November 1981 No. 3793 on trade areas are not regarded sea areas within the EEA. The new section 1 fourth paragraph (f) confirms that the Domestic Passenger Ship Regulations do not apply to ships certified for trade area 2 and lesser trade areas.

As the new sea borders differ from previous practice, transitional arrangements are in place for ships affected by the changes. For more details, see 4.1.

*New technical rules*

Regulation (EU) 2020/411 introduces new technical rules for passenger ships engaged on domestic voyages in the EU/EEA. Annex I section 1 applies in the EU to ships whose keels were laid or which reached a similar stage of construction before 19 September 2021. Annex I section 2 applies in the EU to ships whose keels were laid or which reached a similar stage of construction on or after 19 September 2021.

To ensure uniform technical legislation across the EU/EEA, the NMA has stipulated that the same implementation date shall apply in the Norwegian Regulations. This will facilitate the free movement of ships, enabling vessels with keels laid after this date to easily change flags between EU countries and Norway.

Over time, the structure of Annex I has diverged from the structure of SOLAS, making it increasingly difficult to compare safety standards for passenger ships engaged on domestic voyages with existing international requirements. The recent restructuring of Annex I simplifies future amendments, making it easier to compare requirements and align guidelines. This will allow shipyards, shipping companies and classification societies to work more seamlessly within the SOLAS framework.

The amendments to Annex I include:

- The latest SOLAS amendments, covering IMO Resolutions MSC.366(93), MSC.380(94), MSC.386(94), MSC.392(95), MSC.394(95), MSC.395(95), MSC.404(96), MSC.409(97), MSC.421(98) and MSC.436(99), have been reviewed to determine their relevance to ships under the scope of the Directive. A limited number of amendments have been adopted and applied retroactively. This is reflected in the first section of Annex I, which now includes updated rules on the use of asbestos, towing and mooring equipment, noise protection, emergency towing procedures and ships using low-flashpoint fuels. It is important to note that for ships using low-flashpoint fuels, the NMA interprets the legislation as not imposing any additional requirements on ships using fuel with a flashpoint below 60 °C than those already applicable under existing legislation, see point 2 above.
- Since Annex 1 section 2 chapter II-1 part 2 now refers to SOLAS chapter II-1, B to B-4 in their entirety, excluding Regulation II-1/8-1 (Safe Return to Port), there will be enhanced requirements for survivability (the factor "r") for all passenger ships. Additionally, there are now stricter criteria for damage involving ro-ro cargo spaces on ro-ro passenger ships.
- The current exemptions relaxations from SOLAS Regulation II-1/17/1 for Class C ro-ro passenger ships of less than 40 metres in length will no longer apply to ships constructed after 19 September 2021.
- Requirements for ships of less than 24 metres in length were removed when Directive 2009/45 ceased to apply to ships of less than 24 metres in length.
- Following a technical clarification, the definition of "equivalent material" in Directive 2009/45/EC has now been expanded to include aluminium.
- Improvements have been made for readability and to enable better comparison of the annexes to the international conventions.
- Corrections were made to resolve unclear information and discrepancies, particularly by addressing missing or incorrect references.

For a full list of the amendments, see Annex I.

*Exceptions, equivalents and additional requirements – establishment of a database*

To simplify procedures and ensure predictability and transparency, the EU Commission will establish a database. This database will contain reported measures from the member States concerning exceptions, equivalents and additional requirements related to the Directive. Both the original draft and final versions of these measures will be made available.

## 4. Individual provisions in detail

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

*Section 1 Scope of application*

The scope of application is changed in accordance with the amendments to the Directive as described above, specifying that the Regulations apply to ships constructed of steel or other equivalent materials.

The previous second paragraph has been deemed unnecessary and has been replaced with a transitional rule for ships constructed from equivalent materials that do not yet meet the requirements of the Regulations. The NMA assumes that this will not pose a challenge for Norwegian ships. Consequently, it has been decided that the transitional rule will apply to all ships constructed before 20 December 2017, the date specified in the Directive. This approach ensures consistency with EU regulations and facilitates the registration of such ships from EU countries.

The third paragraph now includes an additional second sentence to specify "repairs, alterations and modifications of a major character" in line with the Directive's definition. The Directive defines repairs, alterations and modifications as:

- any change that substantially alters the dimensions of a ship, such as lengthening by adding new midbody;
- any change that substantially alters the passenger-carrying capacity of a ship, example: vehicle deck converted to passenger accommodation;
- any change that substantially increases a ship's service life, example: renewal of passenger accommodation on one entire deck;
- any conversion of a ship to a passenger ship.

The previous fourth paragraph has been rendered superfluous and deleted. The new fourth paragraph clarifies which ships the Regulations apply to, incorporating new specifications from the Directive regarding sailing ships, tender vessels and ships used for transporting or accommodation of industrial personnel.

Additionally, vessel types that have already been exempted but were not explicitly specified in the Norwegian Regulations are now included. This applies to ships without mechanical propulsion, wooden ships adhering to the Regulations of 23 January 2020 No. 69 on open wooden ships carrying more than 12 passengers, and ships operating solely in trade areas 1 and 2 – areas defined by the NMA as sheltered, equivalent to port areas.

For original historical passenger ships and replicas, the Regulations now refer to ships covered by the Regulations of 17 June 2014 No. 768 on special rules for protected or historical ships. The NMA's practice: historical ships must be protected or given historical status by the Norwegian Directorate for Cultural Heritage to be exempt from the Domestic Passenger Ship Regulations.

Section 2 *Definitions*

The definitions are updated in line with the amendments to the Directive, including terms such as "bow height", "persons with mobility impairment”", "high-speed passenger craft", "Intact Stability Code", "port State". Additionally, new definitions from the Directive are added, such as "sailing ship", "equivalent material", "standard fire test" and "tender". In the Norwegian version, the definition of "recognised organisation" is changed in line with previous amendments to the Regulations.

The definitions of "age", "ESA", "port area", "international conventions", "port of refuge", "ship with a full deck" and "foreign voyages" are no longer needed and/or relevant, and therefore deleted.

The definition of "sea area" is changed to only refer to areas as defined in section 5. The sentence "However, for the application of the provisions on radiocommunication the definitions of sea areas will be those of Regulation IV/2 of the 1974 SOLAS Convention" has been removed to avoid discrepancies. This sentence comes from Directive 2009/45 and has been included because the term "sea area" is used both in the Directive and in SOLAS regulation IV/2. In Norwegian, the term "sea area" ("radiodekningsområde") is used for radiocommunication provisions.

Some minor editorial changes have also been made to the provision.

*Section 3 Obligations*

The NMA repeals the provision of section 3, which outlined the obligations of shipping company, employer, master and others working on board. These obligations are already clearly stipulated in sections 6, 19 and 20 of the Ship Safety and Security Act.

*Section 4 Exemptions*

The first paragraph of the previous section 4 allowed the NMA , upon written application, to grant exemptions from the requirements of the Regulations. Such exemptions must not contravene international agreements to which Norway has acceded, and the NMA interpreted this to mean that no exemption could be granted from the requirements of the Directive pursuant to section 4 first paragraph. The provision is regarded superfluous and outdated and is therefore deleted.

Section 4 first paragraph is replaced by a provision allowing for specific requirements in the Regulations to be met by equivalents, provided that the equivalents are at least as efficient as the requirements of the Regulations. This is in accordance with Article 9 (2) of the Directive. The provision of the Directive uses the wording "allowing equivalents for certain specific requirements", which we interpret as referring to specific, set requirements, as opposed to functional requirements. Therefore, the wording "specific requirements" is used in section 4 first paragraph. The same amendment has been implemented in section 4 second paragraph, which reflects the possible exemptions under Article 9 (3) of the Directive.

If an exemption or equivalents are granted in line with the Directive, the Directive requires that the EFTA Surveillance Authority (ESA) be notified. The NMA has amended the third paragraph to clarify this process and to emphasise that the decision may be reversed following an evaluation by the ESA/EU Commission.

*Section 5 Sea areas and passenger ship classes*

The definitions of sea areas and classes of passenger ships have been updated to align with the amendments in the Directive. These definitions are found in the first and second paragraphs of section 5. The third paragraph specifies the sea areas in accordance with the Directive's definitions and informs that an overview of these borders is available via an online map. To access it, go to kart.sdir.no (available only in Norwegian) and select "temalag" and "Havområder EØS".

When the Passenger Ship Directive was first implemented, we lacked comprehensive wave measurements or calculations for the entire coastline. As a result, a temporary practice was established where the sea areas were aligned with the existing trade area: sea area D was equivalent to trade area 3, sea area C to trade area 4, and sea area B to trade area small coasting. With the availability of new wave calculations, which also take into account the distance from shore in line with the Directive's definitions,

it is now possible to revise the practice. The new approach will ensure that the sea areas and the corresponding required passenger ship classes better reflect the original intent of the legislation.

Based on the criteria for sea areas A, B, C and D, the NMA has provided an updated overview of sea borders within Norwegian waters, which can be viewed at kart.sdir.no. As mentioned, the new borders are set by these regulatory amendments.

This change marks the end of a long-standing temporary practice, and several areas have been identified where the new regulations will mean that passenger ships operating on regular services should have been certified for a higher passenger ship class. These vessels typically operate under long term contracts, and the NMA finds it appropriate to phase in the new requirements alongside the renewal of contracts. The fourth paragraph provides a transitional arrangement for vessels operating on permanent routes that are impacted by the changes to sea areas. These vessels may continue to follow the current practice until the expiration of their contract. After consultation, the wording has been adjusted to clarify that it is sufficient for the contract to have been entered into before 19 September 2021, without the vessel needing to be in operation on this date.

The affected parties need to consult the published maps, but the NMA has identified the following routes where stricter requirements will apply:

- Mortavika-Arsvågen: changed from sea area D to sea area C
- Haugesund-Utsira: changed from sea area C to sea area B for the period between 1 May and 30 September, and, as a result, will be classified as sea area be B year-round
- Fedje-Sævrøy: changed from sea area D to sea area C
- Svolvær-Skrova-Skutvik: changed from sea area C to sea area B
- Melbu-Fiskebøl: changed from sea area D to sea area C
- Stokkvågen-Onøy-Lovund-Træna: changed from sea area C to sea area B

The Bodø-Moskenes route will be classified as sea area B year-round. Old exemptions will not be continued.

Our assessment indicates that the following routes will have relaxed requirements:

- Småge-Orta-Sandøya-Finnøya-Ona: changed from sea area B to C
- Bognes-Lødingen: changed from sea area C to D

The Norwegian Public Roads Administration has already started issuing tenders based on the new calculations, in collaboration with the Norwegian Maritime Authority. Where a lower passenger ship class becomes permitted, the NMA will accept the use of ships with the new lower passenger ship class.

The fifth paragraph introduces a transitional arrangement for other vessels affected by the changes to the port area borders, such as passenger ships not operating under a permanent contract but holding a Ship Safety Certificate for domestic voyages at the time the Regulations take effect. It is more challenging to establish suitable transitional arrangements for this group of vessels, as it is not possible to have the same comprehensive overview of the consequences as for permanent routes. However, we believe that the shipping companies have more flexibility to adjust and tailor operational areas for vessels not operating on tender contracts. These vessels will be required to comply with the new practices related to any higher passenger ship class within two years of the entry into force of these Regulations.

*Section 8 Technical and equipment requirements*

In this provision, the references to the 24-metre limit have been removed due to the new scope of application of the Directive. Requirements for ships of less than 24 metres in length have been removed. Additionally, some references to the Annex have been updated to the correct content following the amendments to the Annex. For a more detailed description of the changes to the technical requirements, see above.

In the second paragraph (a), the text is amended to clearly state that for ships defined as new according to the Regulations (i.e. ships the keel of which is laid or which were at a similar stage of construction on or after 1 May 2020), a distinction must be made between ships the keel of which is laid or which were at a similar stage of construction before and after 19 September 2021.

The third paragraph (d) has been removed as it is now superfluous since all transitional deadlines have expired. Minor editorial adjustments have also been made.

In a letter dated 6 November 2006, the ESA accepted Norway's notification regarding the grant of exemptions for new and existing ships in class C and D concerning (1) fast rescue boat launching appliances and (2) helicopter landing and pick up areas. These exemptions are included in section 8 second paragraph (c) and third paragraph (e).

The wording in the Regulations specified that ships in class C or D were exempt only if they were "operating on routes sheltered from open sea effect". Upon further review of the ESA's letter and the Directive (former article 7(3) of Directive 98/18/EC, now article 9(3) of Directive 2009/45/EC, it was determined that this condition applies only to "archipelagic sea areas" ("including in its archipelagic sea areas sheltered from open sea effects"). This means that a correction of the wording in the Norwegian Regulations is necessary. The NMA has solved this by removing the reference to "routes sheltered from open sea effect" in section 8.

*Section 8A Special requirements for lifejackets*

In section 8A, there was an incorrect reference to SOLAS "1966 Amendments" in section 8A. The Norwegian Maritime Authority has corrected this to "1996 Amendments".

*Section 8B Stability requirements and phasing-out of ro-ro passenger ships*

The first paragraph has been amended in line with changes to the Directive. All upgrade requirements for older A and B ro-ro passenger ships should now have been fulfilled, and the provision has been updated accordingly.

In the fifth paragraph first sentence (b) the correct reference should be to the "third paragraph", and this has been corrected.

The fifteenth paragraph is repealed, as the deadlines for the transitional arrangements have expired, rendering the provision obsolete.

*Section 8C Seasonal and short-time period operations on regular service*

The title has been revised to "Stability requirements for ro-ro passenger ships – seasonal and short-time period operations on regular service" to clarify that this provision is connected to the requirements in section 8B. The content of this section is based on article 9 of Directive 2003/25/EU.

Additionally, the NMA has corrected an erroneous reference in section 8C fourth paragraph, which now refers to the Certificate Regulations section 18 second paragraph (b), rather than section 6 of the same Regulations.

*Section 8D Safety requirements for persons with disabilities*

This provision reflects changes in the wording to align with the Directive and to adapt to Norwegian terms. The wording "persons with reduced mobility" is replaced with the wording "persons with mobility impairment" to match the definition in section 2 (b).

Additionally, "persons with sensory disabilities" has been replaced with "persons with sensory impairments", "disabilities" is replaced with the wording "mobility impairment" and "sensory disabilities" is replaced with the wording "sensory impairments".

The text in the first paragraph, which previously stated that IMO circular MSC/735 of 24 June 1993 should be followed "to the extent deemed appropriate", has been removed. This change aims to eliminate ambiguity and clarify that the guidelines must be followed.

*Appendix I*

Appendix I of the Regulation is replaced entirely with the content of Regulation (EU) 2020/411, consolidated edition. A reference to section 8 first paragraph (c) of the Regulations is included in the first section chapter 1 paragraph 6. It should also be noted that in Annex I section 2 chapter II-1 B on intact stability, subdivision and damage stability, there is a modification compared to Regulation (EU) 2020/411. In Regulation (EU) 2020/411, it was stated that ships must comply with the relevant requirements in SOLAS chapter II-1 part B to B-4, with amendments. However, a mistake in this regulation indicated that this applies with the exception of regulation 8-1. The EU Commission is working on amending this error. In Appendix I of the Domestic Passenger Ship Regulations, this exception has been included.

*Appendix II*

Appendix II *Form of Passenger Ship Safety Certificate* has been deleted. The conclusion has been reached that it is unnecessary to include a template for Ship Safety Certificate for passenger ships engaged on domestic voyages within the Regulations.

**4.2 Regulations on the construction, equipment and operation of high-speed craft used as passenger craft or cargo craft**

*The DSC Code – sections 1 and 6*

Section 1 fourth paragraph (c) of the High-Speed Craft Regulations has been updated to clearly reflect that vessels subject to this provision must comply with the current version of IMO Resolution A.373(X) of

14 November 1977 (DSC Code), as amended by Resolution MSC.37(63), MSC.186(79), MSC.224(82) and MSC.360(92). Section 6 second paragraph has been amended correspondingly.

*Sea areas – sections 2 and 8*

The definition of "sea area" in section 2 (f) has been deleted. As a result, the title of section 8 has been modified. The NMA believes that the previous definition was not specific enough, as the HSC Code provisions apply to vessel classes rather than sea areas, and the term "sea area" is used with a different meaning elsewhere in the Regulations.

*Section 3 Obligations*

The NMA repeals the provision of section 3 on the obligations of the shipping company, employer, master and others working on board, since this is clearly stipulated in sections 6, 19, and 20 of the Ship Safety and Security Act.

**4.3 Regulations on supervision and certificates for Norwegian ships and mobile offshore units**

*Section 9 Supervision for Cargo Ship Safety Construction Certificate, Equipment Certificate and Radio Certificate and section 41 Exemptions*

The wording of section 9 first paragraph (e) of the Regulations on supervision and certificates for Norwegian ships and mobile offshore units has been amended, and section 41 first paragraph (e) has been repealed.

Previously, section 9 first paragraph (e) of the Regulations on supervision and certificates for Norwegian ships and mobile offshore units stated that bottom inspections must be conducted with the ship dry-docked. This did not align with HSSC point 4.6.2.2, which states that inspections of the outside of the ship's bottom should normally be carried out in dry dock, but that consideration may be given to alternate inspections conducted while the ship is afloat, provided satisfactory conditions and proper equipment with trained personnel are available. The flexibility of HSSC has now been properly reflected in the Certificate Regulations.

According to section 9 first paragraph (e) of the Certificate Regulations, one bottom inspection must be conducted alongside the fourth anniversary or renewal survey for the certificate. However, HSSC point 4.6.1 specifies that, of the two required inspections of the ship's bottom over a five-year period, one inspection must be completed with the certificate renewal. This inspection may occur between the fourth and fifth anniversary dates.

Per SOLAS Reg. I/14 (e) and I/14 (f), certificate validity may be extended by up to three months and one month, respectively. These provisions are reflected in the Certificate Regulations section 37 second and fifth paragraphs. *A five-year period* refers to the certificate's full validity term, with or without extensions (cf. HSSC point 5.7). SOLAS Reg. I/10 (a) (v) requires the following:

> *a minimum of two inspections of the outside of the ship's bottom during any five year period, except where regulation 14(e) or (f) is applicable. Where regulation 14(e) or (f) is applicable, this five year period may be extended to coincide with the extended period of validity of the certificate. In all cases the interval between any two such inspections shall not exceed 36 months;*

Since the CCC is issued with a validity period by the flag State, not exceeding five years, SOLAS Reg. I/10 (a) (v) mandates at least two inspections of the ship's bottom during each five-year period (the original validity period of the certificate). If the certificate's validity period is extended (up to three months pursuant to section 37 second paragraph, or up to one month pursuant to section 37 fifth paragraph of the Certificate Regulations), at least two inspections of the ship's bottom must still occur within this period. The interval between two bottom inspections must not exceed 36 months in any case.

Section 41 first paragraph (e) of the Certificate Regulations allowed that a cargo ship requiring a dry bottom inspection during the intermediate, second or third annual survey within a certificate period may be exempt from this requirement if a satisfactory bottom inspection of the ship could be conducted with the ship afloat. However, bottom inspections at renewals may not be conducted with the ship afloat. To harmonise with the HSSC, the NMA repeals section 41 first paragraph (e).

*Section 18 Ship Safety Certificate for passenger ships engaged on domestic voyages*

The first paragraph of the provision has been amended to reflect that passenger ships of less than 24 metres in length engaged on domestic voyages are no longer required to hold a Ship Safety Certificate for passenger ships engaged on domestic voyages.

Additionally, the first paragraph second sentence specifies that exemptions granted under section 4 of the Domestic Passenger Ship Regulations, as well as equivalents and exemptions permitted under section 8 of the same Regulations, must be noted on the ship's Ship Safety Certificate, cf. Article 13 (4) of the Directive.

*Section 20 Passenger Certificate*

Section 20, addressing the Passenger Certificate, has been revised so that all passenger ships previously required to hold a Ship Safety Certificate for domestic voyages must now hold a Passenger Certificate under this provision. This applies to all passenger ships of less than 24 metres in length, regardless of construction date, including sailing ships, ships without mechanical propulsion and ships built with materials other than steel or equivalent materials.

For historical or protected ships subject to the Regulations of 17 June 2014 No. 768 on special rules for protected or historical ships carrying more than 12 passengers, the first paragraph second sentence specifies that such ships must hold a passenger certificate for protected or historical ships.

**4.4 Regulations on port State control**

*Section 3 Passenger ships engaged on domestic voyages in Norway*

The provision in section 3 of the Regulations on port State control has been amended to include references to Directive (EU) 2017/2108 and Regulation (EU) 2020/411. The provision now specifies that the Directive applies only to ships of 24 metres in overall length and upwards.

Additionally, the wording in the second paragraph has been clarified to specify that the provision applies to passenger ships not covered by the Directive, rather than to ships flying the flag of a third country that are uncertified under the Directive. For example, passenger ships operating domestically but not covered by the Directive are included under this provision. The rationale for incorporating this provision from 1 January 2020 is provided in the NMA's circular RSR 4-2019:

"Section 44 of the Ship Safety and Security Act provides legal basis for port State controls of all ships. The Norwegian Maritime Authority would still, in the second paragraph, like to demonstrate the safety standard requirement which, in practice, is required by passenger ships that will be operating in trade areas 1 and 2 or that, due to construction material, are not included in the Directive. These ships shall be provided with documentation issued by the flag State showing that the ship holds the same safety level as Norwegian passenger ships in equivalent trade areas. The flag State must conduct a survey of the ship in order to confirm that the level of safety is adequately maintained. The NMA checks the safety level in connection with port State controls in Norwegian ports."

## 5. Economic and administrative consequences of the proposal

*Changed scope of application*

The changes to the scope of application in the Domestic Passenger Ship Regulations will require some ships having to be re-certified, transitioning from a Ship Safety Certificate for passenger ships engaged on domestic voyages to a Passenger Certificate.

Ships switching to the Passenger Certificate will primarily need to comply with requirements similar to those outlined in the Domestic Passenger Ship Regulations. However, one notable difference concerns the Regulations of 1 July 2014 No. 1019 on life-saving appliances on ships, which may necessitate upgrades for ships removed from the Domestic Passenger Ship Regulations. Specifically, these Regulations mandate a marine evacuation system (MES) when the distance from the embarkation deck to the waterline is less than 1.5 metres, cf. section 10. In contrast, the Regulations on passenger ships engaged on domestic voyages require an MES if the distance is less than 4.5 metres, cf. appendix I chapter III.

The NMA has attempted to identify the vessels affected by these changes and concludes that the number is likely to be very low. The NMA has not been able to determine costs associated with the actual re-certification of the affected ships.

*Change in sea areas*

For those ships requiring a higher passenger ship class due to their operational area under the new sea area borders, the amendment may incur costs, such as the need for more expensive vessels in future contracts. At the same time, some routes will have relaxed requirements. The NMA has not carried out an economic analysis but anticipates no additional costs within the current contracting periods.

For government agencies that may need to require a higher passenger ship class for certain routes in future contracting competitions, this may increase the operating costs of those routes.

For the NMA, the work to establish new borders and create a publishable map solution has resulted in added costs, which have been covered by the current budget.

*Amendments to technical requirements*

The amendments in appendix I, pursuant to Regulation (EU) 2020/411, introduce stricter security requirements for new passenger ships constructed after 19 September 2021. The new legislation is aligned with the IMO guidelines for Formal Safety Assessment, designed to ensure cost-effective

solutions. Consequently, the amendments are not expected to result in significant financial or administrative impacts on the industry or the administration. Reference is also made to the NMA's assessment of the requirement in Annex I section 1 chapter II-1 part G related to the IGF Code under point 2.

*Amendments to the requirement for bottom inspection for cargo ships*

The amendments may reduce the demand for dry docking services, encouraging more bottom inspections at quay. The change is beneficial to shipping companies, as it grants flexibility to alternate dock stays with floating inspections without the need for an exemption.

The practice of remote supervision and floating bottom inspections is already established. The Norwegian Maritime Authority believes that these amendments will increase industry flexibility under the HSSC without causing economic disadvantages.

Lars Alvestad
Acting Director General of Shipping and Navigation

Linda Bruås
Acting Head of Department

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