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Norwegian Maritime Authority

Circular - Series R

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Regulations on passenger ships in the Norwegian International Ship Register (NIS)

Introduction

The Ministry of Trade, Industry and Fisheries has laid down new Regulations on passenger ships in the Norwegian International Ship Register (NIS). These Regulations enter into force on 1 July 2021.

The consultation

The proposed new Regulations on passenger ships in the Norwegian International Ship Register (NIS) were circulated for review from 18 September to 9 October 2020.

During this consultation, the Nordic Shipowners' Association pointed to the fact that the principle of legal authority provides a framework for what may be regulated in Regulations laid down pursuant to section 4 of the NIS Act and suggested an alternative wording of new section 5 of the Regulations.

The Norwegian Ship Owners' Association pointed to the fact that the new Regulations must not be a hindrance for all commercial activities in or connected to Norwegian ports.

The Norwegian Confederation of Trade Unions (LO) commented that Norwegian shore-based jobs are threatened if they are not protected against competition from employees with a salary level far below the Norwegian salary level.

The Norwegian Union of Marine Engineers welcomed the proposed new Regulations and announced that they expect the practice not to impair the competitiveness of seafarers living in Norway.

Viking Cruises pointed out that the Regulations must not ban commercial activities in ports related to traditional cruises.

The NMA welcomed the proposed new Regulations and said that they will provide more opportunities for sanctions and give the industry more predictability.

The Ministry has considered the comments and proposals and changed the wording of the circulated proposal to include the various concerns that were raised and commented on by the consultative bodies.

Details on the amendments by the new Regulations

The NIS register was established in 1987 to give Norwegian shipping companies a competitive alternative to registering ships in open international registers. As opposed to ships in the Norwegian Ordinary

Ship Register (NOR), ships registered in NIS may employ foreign seafarers based on their national collective agreements. Ever since the establishment of the NIS, there has been limitations to the degree that NIS registered ships have not been permitted to operate maritime transport between Norwegian ports, i.e. domestic sea transport, or as part of a regular route between a Norwegian and a foreign port, i.e. international ferries.

The new Regulations on passenger ships registered in the Norwegian International Ship Register (NIS) will repeal the current Regulations on trade areas for passenger ships registered in the Norwegian International Ship Register (NIS). The content of the current Regulations is continued but some redundant provisions have been removed, whereas others have been simplified or merged. Section 5 of the Regulations contains new provisions.

The purpose of the new provisions is not to limit the possibility for NIS registered passenger ships to operate in Norwegian ports in connection with international cruises, or cruises to Svalbard. We would therefore like to point out that the limitation does not prevent ships from carrying passengers between Norwegian ports pursuant to section 2 (Svalbard) and section 3 (international cruises).

Administrative and financial implications
The Ministry of Trade, Industry and Fisheries presumes that the proposal does not lead to increased investment or operational costs for the industry. The financial implications for the authorities will be minor.

Alf Tore Sørheim
Acting Director General of Navigation and Shipping

Linda Bruås
Acting Head of Department

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

Attachment: Regulations on passenger ships in the Norwegian International Ship Register (NIS)

Regulations on passenger ships in the Norwegian International Ship Register (NIS)

Laid down by the Ministry of Trade, Industry and Fisheries on 28 June 2021 pursuant to the Act of 12 June 1987 No. 48 relating to the Norwegian International Ship Register (NIS) section 4, cf. Formal Delegation of 27 March 2015 No. 310.

Section 1 *Scope of application*

These Regulations apply to passenger ships registered in the Norwegian International Ship Register (NIS).

Section 2. *Permission to carry passengers in Svalbard*

Passenger ships registered in NIS may carry passengers between ports in Svalbard, between Svalbard and the mainland, and on a regular route between Svalbard and a foreign port.

Section 3. *Permission to carry passengers along the coast*

Cruise ships registered in NIS may carry passengers between Norwegian ports if they call at a minimum of two foreign ports in total before or after calling at one or more Norwegian ports.

Passengers shall not be permitted to purchase tickets between Norwegian ports only.

Passengers may board and leave the cruise ship in a Norwegian port if their ticket includes calls at a minimum of two foreign ports.

For the purpose of these Regulations, "cruise ship" means a passenger ship with cabin capacity for all passengers on board which operates in accordance with an itinerary and excursion programme. The ship's itinerary must include at least one overnight trip and be of at least 24 hours' duration.

Section 4. *Prohibition against carrying passengers between Nordic countries*

Passenger ships registered in NIS may not carry passengers on a regular route between Nordic countries. This prohibition applies to any passenger transport, including seasonal transport, between Denmark, Finland, Iceland and Sweden.

Section 5. *Prohibition against undertaking stationary commercial activities*

Passenger ships registered in NIS may not undertake stationary commercial activities in Norwegian waters. This applies to anchored or berthed ships offering services other than transport.

Nevertheless, passenger ships carrying passengers in accordance with sections 2 and 3 may offer services related to such transport.

Section 6 *Penalties and violation fines*

Violation of sections 4 and 5 will be subject to penalties in accordance with section 11 of the NIS Act or fines in accordance with section 13 of the NIS Act.

Section 7 *Entry into force*

These Regulations enter into force on 1 July 2021. As from the same date, the Regulations of 9 July 1993 No. 596 on trade areas for passenger ships registered in the Norwegian International Ship Register (NIS) are repealed.