Regulations of 11 November 2019 No. 1492 on certificates for insurance and other security pursuant to the Norwegian Maritime Code, etc.

Legal basis: Laid down by the Ministry of Justice and Public Security on 11 November 2019 pursuant to the Norwegian Maritime Code of 24 June 1994 No. 39 section 182a fifth paragraph, section 186 fourth paragraph, section 198, section 210d fourth paragraph, section 218 fourth paragraph and section 418 fourth paragraph.

Chapter 1
Certificates pursuant to the 1992 Civil Liability Convention, the Bunkers Convention, 2001, the Nairobi International Convention on the Removal of Wrecks, 2007 and the 2010 HNS Convention

Section 1. *Compulsory certificate for Norwegian ships*

The owner of a Norwegian ship under an obligation to have approved insurance or other security pursuant to the Norwegian Maritime Code sections 186, 197, 210d or 218 shall ensure that the ship has on board a certificate issued by the Norwegian Maritime Authority confirming that such insurance or security is provided for the ship.

Section 2. *Applications for certificates for Norwegian ships*

Applications for certificates pursuant to section 1 shall be submitted to the Norwegian Maritime Authority.

Attached to the application shall be a certificate issued by the owner's insurer or whoever has furnished other security, confirming that the ship is provided with insurance or other security pursuant to the relevant provision of the Norwegian Maritime Code, and that during its period of validity, termination of the insurance or security is subject to three months' written notification to the Norwegian Maritime Authority. If the ship has other security than insurance, further information concerning this security shall be supplied.

The Norwegian Maritime Authority may decide what information to include in the certificate application and the insurer's certificate and how the certificate application shall be lodged.

Section 3. *Approval of insurance or other security for Norwegian ships*

Insurance or other security for Norwegian ships pursuant to the Norwegian Maritime Code sections 186, 197, 210d and 218 shall be approved by the Norwegian Maritime Authority. If there is any doubt as to whether the insurance or other security is satisfactory or doubt about the general financial situation of the insurance company, the Norwegian Maritime Authority may consult the Financial Supervisory Authority of Norway.

The approval shall cease to be valid when the period of validity of the insurance or other security expires or the certificate is returned to the Norwegian Maritime Authority, or when a new certificate is issued to the ship.

Section 4. *Certificates for ships owned by the Norwegian State*

Certificates for ships owned by the Norwegian State obliged to maintain approved insurance or other security or certificate pursuant to the Norwegian Maritime Code section 186 third paragraph, section 197 third paragraph, section 210d third paragraph or section 218 third paragraph shall be issued by the Norwegian Maritime Authority confirming that the ship is owned by the State and that the ship's liability is covered up to the limitation amount. The certificate shall be issued at the request of the government institution which has disposal of the ship.

Section 5. *Certificates for foreign ships*

Certificates for foreign ships obliged to maintain approved insurance or other security pursuant to the Norwegian Maritime Code sections 186, 197, 210d or 218 and which are registered in a State which has acceded to the relevant convention, shall be present on board, and the certificates required by the Convention must be issued or confirmed by the competent authority of the flag State of the ship. The same applies to foreign ships which are not registered but entitled to fly the flag of a Bunkers Convention State. Foreign ships

which are subject to compulsory insurance and which are not registered in a Convention State or entitled to fly the flag of a Bunkers Convention State shall have their certificates issued or certified by the Norwegian Maritime Authority or the competent authority of another Convention State.

For state-owned ships, a certificate issued by the competent authority of the State in question shall also be recognised, confirming that the ship is owned by the State and that liability coverage up to the limitation amount is provided.

The certificate shall be in English, French or Spanish, or contain a translation into one of these languages. The certificate of insurance or other security pursuant to the Norwegian Maritime Code section 197 shall be in English or French, or contain a translation into one of these languages.

For foreign ships required to maintain approved insurance or other security pursuant to the Norwegian Maritime Code sections 186, 197 or 218, an application for a certificate or copy of a certificate issued by the competent authority of another State should be sent to the Norwegian Maritime Authority no later than 30 days before the ship is expected to arrive at a port or other loading or unloading location in Norway or on the Norwegian continental shelf. For foreign ships obliged to maintain approved insurance or other security pursuant to the Norwegian Maritime Code section 210d, an application for a certificate or copy of a certificate issued by the competent authority of another State should be sent to the Norwegian Maritime Authority no later than 30 days before the ship is expected to arrive at a port or other loading or unloading location in Norway or an offshore facility in the Norwegian territorial sea. The provisions of sections 2 and 3 shall apply correspondingly.

Section 6. ***Issuance of certificates***

Certificates are issued by the Norwegian Maritime Authority pursuant to the Norwegian Maritime Code sections 186, 210d and 218 in a form recommended by the International Maritime Organization (IMO) in accordance with the provisions of the Bunkers Convention 2001, Nairobi International Convention on the Removal of Wrecks, 2007 and the 2010 HNS Convention, respectively. Certificates pursuant to the Norwegian Maritime Code section 197 shall be issued in a form recommended by the International Compensation Fund in accordance with the provisions of the 1992 Civil Liability Convention.

The Norwegian Maritime Authority will send the certificate to the owner of the ship. A copy of the certificate will be sent to the insurer or whoever has given other security. Certificate data will be registered by the Norwegian Maritime Authority.

A certificate may be issued for a specific period of time or until the insurance or other security is terminated. Certificates should be given the same period of validity as the insurance or other security unless there are special reasons for not doing so. The certificate cannot be given a longer period of validity than the insurance or other security.

Fees shall be paid for certificates in accordance with the Regulations on the collection of fees to the Treasury for services carried out by the Norwegian Maritime Authority (Tariff of Fees).

Section 7. ***Return of certificates***

The owner of a ship with a certificate issued by the Norwegian Maritime Authority in accordance with this chapter, is under an obligation to return the certificate to the Norwegian Maritime Authority immediately at the expiry of the insurance or security as well as at the expiry of the period of validity of the certificate.

Section 8. ***Presentation of certificates***

At the request of the Norwegian Maritime Authority, port authorities, customs authorities, pilotage authorities or others authorised by the Norwegian Maritime Authority, the master of a Norwegian or foreign ship, obliged to maintain a certificate of insurance or other security pursuant to the Norwegian Maritime Code sections 186, 197 or 218, must present the certificate when the ship is arriving at or leaving a Norwegian port or other loading or unloading location in Norway or on the Norwegian continental shelf. The same applies to the master of a Norwegian ship required to carry a certificate of insurance or other security pursuant to the Norwegian Maritime Code section 210d. The same applies to the master of a foreign ship required to carry a certificate of insurance or other security pursuant to the Norwegian Maritime Code section 210d, when the ship is arriving at or leaving a Norwegian port or other loading or unloading location in Norway or an offshore facility in the Norwegian territorial sea.

Where an inspection reveals that a ship does not carry the required certificate, the Norwegian Maritime Authority shall be notified immediately.

If a wreck in accordance with the Nairobi International Convention on the Removal of Wrecks, 2007 is determined to constitute a hazard, the registered owner or other person must present proof of insurance or other security pursuant to the Norwegian Maritime Code section 210d for the Norwegian Coastal Administration or other public authority requiring proof.

Chapter 2
Certificates pursuant to the 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims

Section 9. *Compulsory certificate*

Ships under an obligation to have approved insurance or other security pursuant to the Norwegian Maritime Code section 182a shall have on board a certificate issued by the insurer or security provider confirming that such insurance or security is provided.

The certificate shall contain the following information:

a) name of the ship, IMO number and place of registration;

b) name and principal place of business of the registered owner;

c) type of insurance and security for the ship, and expiry of the validity period of the insurance or security;

d) name and principal place of business of the insurer or other person providing the security, the principal place of business, and, where appropriate, place of business where the insurance or security is established.

The certificate shall be in English, French or Spanish, or contain a translation into one of these languages.

Section 10. *Presentation of certificates*

At the request of the Norwegian Maritime Authority, port authorities, customs authorities, pilotage authorities or others authorised by the Norwegian Maritime Authority, the master of a Norwegian ship required to hold a certificate of insurance or other security pursuant to the Norwegian Maritime Code section 182a is under an obligation to present the certificate. The same applies to the master of a foreign ship required to hold such certificate when the ship arrives at or leaves a port or other loading or unloading location in Norway or on the Norwegian continental shelf or carries out operations in Norwegian territorial waters. Section 8 second paragraph shall apply correspondingly.

Chapter 3
Certificates pursuant to the Athens Regulation and the 2002 Athens Convention. Compulsory insurance pursuant to the Norwegian Maritime Code section 418 second paragraph

Section 11. *Certificates for Norwegian ships*

Norwegian ships obliged to maintain an approved insurance or other security pursuant to the Athens Regulation, cf. the Norwegian Maritime Code section 418 first paragraph or the 2002 Athens Convention, cf. the Norwegian Maritime Code section 418 third paragraph, shall be in possession of a certificate issued by the Norwegian Maritime Authority confirming that the ship has such insurance or security.

Certificates shall be issued in a form recommended by the International Maritime Organization pursuant to the Athens Regulation and shall be sent to the carrier.

The provisions of sections 2 to 4, section 6 second paragraph second and third sentences, third and fourth paragraphs, section 7 and section 8 first paragraph first sentence and second paragraph shall apply correspondingly.

Section 12. ***Certificates for foreign ships***

Foreign ships obliged to maintain an approved insurance or other security pursuant to the Athens Regulation, cf. The Norwegian Maritime Code section 418 first paragraph or the 2002 Athens Convention, cf. the Norwegian Maritime Code section 418 third paragraph, shall be in possession of a certificate in accordance with the Athens Regulation or the 2002 Athens Convention confirming that the ship has such insurance or security.

Certificates for foreign ships registered in a State bound by the Athens Regulation or the 2002 Athens Convention, shall be issued or certified by the competent authority of the registered State. Certificates for other foreign ships shall be issued or certified by the Norwegian Maritime Authority or the competent authority of another State bound by the Athens Regulation or the 2002 Athens Convention.

The provisions of section 5 second paragraph, third paragraph first sentence and fourth paragraph second and third sentences, section 6 second paragraph second and third sentences, third and fourth paragraphs, section 7, section 8 first paragraph third sentence and second paragraph and section 11 second paragraph shall apply correspondingly.

Section 13. ***Compulsory insurance pursuant to the Norwegian Maritime Code section 418 second paragraph***

For ships engaged in the carriage of passengers in Norway which are certified to carry more than 12 passengers and are not covered by Class A or B as provided in Article 4 of Directive 2009/45/EC, the carrier shall maintain liability insurance to cover the liability pursuant to the Norwegian Maritime Code section 418 second paragraph first sentence within the limits set out in the Athens Regulation.

The compulsory insurance also applies to ships owned by or used by the Norwegian State or by another State, however other insurance or security than a certificate issued by the competent authority of the State that the ship is owned by the State and that the ship's liability is covered up to the limitation amount is not necessary. However, the compulsory insurance shall not apply to warships and other ships which are used exclusively for government and non-commercial purposes.

Chapter 4
Concluding provisions

Section 14. ***Orders in the event of lack of certificates and insurance***

If a ship does not carry the certificate of insurance or other security required by the Norwegian Maritime Code sections 186, 197 or 218, the Norwegian Maritime Authority may:

a) deny the ship access to port or other loading or unloading location in Norway or on the Norwegian continental shelf;

b) prohibit the ship from leaving the port or other loading or unloading location in Norway or on the Norwegian continental shelf;

c) order the ship to be unloaded or moved.

The same applies to Norwegian ships not carrying the certificate of insurance or other security required by the Norwegian Maritime Code sections 182a, 210d or 418 first or third paragraph.

If a foreign ship does not carry the certificate of insurance or other security required by the Norwegian Maritime Code sections 210d or 418 first or third paragraph, or if a Norwegian or foreign ship does not carry the insurance required by the Norwegian Maritime Code section 418 second paragraph, cf. these Regulations section 13, the Norwegian Maritime Authority may:

a) deny the ship access to port or other loading or unloading location in Norway or an offshore facility in the Norwegian territorial sea;

b) prohibit the ship from leaving the port or other loading or unloading location in Norway or an offshore facility in the Norwegian territorial sea;

c) order the ship to be unloaded or moved.

For foreign ships not carrying the certificate of insurance or other security required by the Norwegian Maritime Code section 182a, section 182b of the Norwegian Maritime Code applies.

If a Norwegian ship does not carry the certificate required by these Regulations, the master of the ship shall on request hand over the ship's certificate of nationality to the Norwegian Maritime Authority. If the ship is in a foreign port, the master of the ship shall at the request of a Norwegian consul hand over the ship's certificate of nationality to the same.

The owner and master of the ship as well as the police, customs authorities and pilotage authorities shall immediately be notified in writing about the decision in accordance with this section. If the decision concerns a foreign ship, the consul or diplomatic representative of the flag State must be notified in writing at the same time.

Section 15. ***Supplementary provisions***

The Norwegian Maritime Authority may by regulation issue further rules for the supplementation and implementation of these Regulations.

Section 16. ***Entry into force. Repealed regulations. Transitional provisions***

These Regulations enter into force on 1 January 2020. For certificates in accordance with the Nairobi International Convention on the Removal of Wrecks, 2007, the Regulations will only apply from the entry into force of the rules concerning mandatory certificate of the Norwegian Maritime Code section 210d, and for certificates in accordance with the 2010 HNS Convention, the Regulations will only apply from the entry into force of the rules concerning mandatory certificate of the Norwegian Maritime Code section 218.

Regulations of 8 June 2013 No. 672 on certificates pursuant to the Norwegian Maritime Code section 182a and Regulations of 9 December 2013 No.1552 on insurance and other security for liability pursuant to certain provisions of the Norwegian Maritime Code are repealed as from 1 January 2020.

The Norwegian Maritime Authority may approve insurance or other security and issue a certificate pursuant to these Regulations prior to their entry into force.

A valid certificate issued in accordance with Regulations 8 June 2013 No. 672 on certificates pursuant to the Norwegian Maritime Code section 182a and Regulations of 9 December 2013 No. 1552 on insurance and other security for liability pursuant to certain provisions of the Norwegian Maritime Code, will also be valid in accordance with these Regulations.