Regulations of 26 February 2016 No. 204 on grants for the employment of employees at sea

Legal basis: Laid down by the Ministry of Trade, Industry and Fisheries on 26 February 2016 under the Storting's annual budget resolution.
Added legal basis: Act of 22 May 2017 No. 28 relating to grants for the employment of employees at sea sections 4 and 5.
Amendments: Amended by Regulations of 20 December 2016 No. 1756 (in force on 1 January 2017), 27 June 2017 No. 989, 20 March 2019 No. 256, 21 July 2020 No. 1583, 15 March 2021 No. 692, 30 September 2021 No. 2916 (in force on 1 January 2022), 30 December 2021 No. 3915 (in force on 1 January 2022), 15 September 2023 No. 1430, 31 January 2025 No. 111.

Chapter 1
Introductory provisions

Section 1
Purpose

The purpose of the grant scheme is to encourage maritime activity. The scheme shall ensure Norwegian maritime competence and the recruitment of Norwegian employees at sea, and contribute to competitive conditions for Norwegian companies compared to the conditions of other countries.

Section 2
Scope of application

Grants may be awarded to any organisation operating ships registered in the Norwegian Ordinary Ship Register (NOR) or Norwegian International Ship Register (NIS), when the organisation:

a) has an employer number in the Pension Insurance for Seamen;
b) pays regular salaries to all members of the minimum safe manning;
c) has ship(s) of more than 100 gross tonnage;
d) satisfies the requirement for training positions pursuant to section 5;
e) satisfies the requirement for employees at sea entitled to grants pursuant to section 6; and
f) has ships covered by one of the models pursuant to sections 8 to 15.

The following ships are not covered by the grant scheme:

a) fishing vessels;
b) ships which exclusively perform public functions, or which are government-owned or leased;
c) ships receiving other government subsidies, with the exception of training ships, cf. section 12; or
d) ships carrying out exploratory drilling or extraction.

The scheme also includes ships, with the exception of tugs and dredgers, which are in shipyards, being classed, have free periods between contract assignments or are in hot lay-up, provided that the conditions of the first paragraph are satisfied.

Section 3
Administration, decisions and processing of personal data

The Ministry of Trade, Industry and Fisheries has the executive responsibility for the grant scheme and may, when necessary, provide supplementary provisions by way of guidelines.

The Norwegian Maritime Authority administers the grants and makes decisions regarding the allocation of grants pursuant to these Regulations, in accordance with the Act of 10 February 1967 relating to procedure in cases concerning the public administration (Public Administration Act).

The NMA may process personal data when necessary for calculating grants and administering grant schemes pursuant to these Regulations. When necessary for calculating grants and administering grant schemes, the NMA may collect personal data from other authorities.

Amended by Regulation of 15 September 2023 No. 1430.

Chapter 2
The grant scheme, etc.

Section 4
The organisation of the grant scheme

The grant scheme is organised as different grant models based on the organisation's payments of Norwegian advance tax deductions, social security contributions and employer's contributions. The various models and their level of support are described in more detail in sections 8 to 15.

Norwegian advance tax deductions, social security contributions and employer's contributions may be refunded separately. In the scheme, the Norwegian advance tax deductions shall be determined so that employees at sea are not expected to receive any tax refunds, cf. section 24 on sanctions regarding violation of the Regulations in the event of incomplete or incorrect information.

Section 5
Requirement for training positions

In the NOR grant models, cf. section 8 to 12, the organisation shall on average have a minimum of two training positions on the ships for which grants are requested.

In the NIS grant model, cf. sections 13 and 13a, the organisation shall have a specified number of training positions according to gradual requirements laid down pursuant to the ratio (1:4) between training positions and other employees entitled to grants, where the requirement for a second training position becomes applicable when there are five employees entitled to grants. The requirement for training positions is not connected to the ship, but to the organisation's overall NIS fleet for which grants have not been requested in the other NIS grant models, cf. sections 14 and 15.

In the NIS grant model, cf. section 14, the organisation shall on average have a minimum of two training positions on the ships for which grants are requested.

In the NIS grant model, cf. section 15, the EEA manning shall as a minimum include 12 positions with their main employment on board, whereof a minimum of 4 positions are training positions.

It is possible to apply for exemption from the requirement for training positions. Companies which have been granted exemptions from training positions, shall pay a double fee to the foundation Stiftelsen Norsk Maritim Kompetanse, cf. section 7.

Amended by Regulation of 27 June 2017 No. 989 (in force on 1 July 2017).

Section 6
Employees at sea entitled to grants

Employees at sea who are entitled to grants must satisfy the following conditions:

a) are entitled to seafarers' tax allowance pursuant to the Taxation Act section 6-61;
b) work on board as their main employment and are part of the ship's crew;
c) have had their income reported to the Pension Insurance for Seamen, cf. Act of 3 December 1948 No. 7 relating to pension insurance for seamen.

The wage and working conditions for seafarers entitled to grants shall be covered by a collective bargaining agreement with the seafarers' organisations. If the company is not a member of any employers' organisation, the company must enter into a declaration of acceptance with the seafarers' organisations.

Wages to seafarers who are working on ships engaged in the petroleum activity on another country's continental shelf and who are liable to tax and insurance for earned wages in the country in question, do not constitute a basis for grants. Grants will only be given for wages liable to tax or insurance in Norway.

Section 7
Competence-building contributions

The grant recipient is obliged to pay a specified amount per month for employees at sea who are covered by the grant schemes of the foundation Stiftelsen Norsk Maritim Kompetanse. The amount is laid down by the Ministry of Trade, Industry and Fisheries, and will be deducted the approved grant amount. The grant scheme administrator pays the amount directly to the foundation. In the event of exemptions from training positions, cf. section 5, the payable amount shall be doubled.

Section 8
Grants for ships in the NOR

Grants for ships in the NOR apply to ships carrying cargo or passengers, where the carriage is not covered by sections 9 to 12.

Tugs and dredgers shall document the ship's transport activities in an activity report, and will only be awarded grants if more than 50% of the ship's activities are maritime transport.

Grants are awarded for employees at sea who are entitled to grants, cf. section 6, and for training positions, cf. section 5.

The grant amount is limited to NOK 37,584 per term of paid Norwegian advance tax deductions, social security contributions and employer's contributions for each employee entitled to grants.

Amended by Regulations of 30 December 2021 No. 3915 (in force on 1 January 2022), 31 January 2025 No. 111.

Section 9

Grants for petroleum ships in the NOR

Grants for petroleum ships in the NOR apply to ships carrying cargo or providing services, where the contractor is an oil company or where the assignment is connected with specific petroleum units.

Grants are awarded for employees at sea who are entitled to grants, cf. section 6, and for training positions, cf. section 5.

The grant amount is limited to NOK 37,584 per term of paid Norwegian advance tax deductions, social security contributions and employer's contributions for each employee entitled to grants.

Amended by Regulations of 20 December 2016 No. 1756 (in force on 1 January 2017), 20 March 2019 No. 256, 21 July 2020 No. 1583 (in force on 1 January 2021), 15 March 2021 No. 692, 30 September 2021 No. 2916 (in force on 1 January 2022), 30 December 2021 No. 3915 (in force on 1 January 2022), 31 January 2025 No. 111.

Section 10

Grants for passenger ships in the NOR engaged on foreign voyages

Grants for passenger ships in the NOR engaged on foreign voyages apply to ships carrying passengers on a regular service between a Norwegian port and a foreign port. Regular service means that the transport is made publicly known and has a regular schedule.

Grants are awarded for employees at sea who are entitled to grants, cf. section 6, and for training positions, cf. section 5.

The grant amount is limited to NOK 37,584 per term of paid Norwegian advance tax deductions, social security contributions and employer's contributions for each employee entitled to grants.

Amended by Regulations of 30 December 2021 No. 3915 (in force on 1 January 2022), 31 January 2025 No. 111.

Section 11

Grants for ships in the NOR serving the route Bergen–Kirkenes

Grants for ships in the NOR serving the route Bergen–Kirkenes apply to ships carrying cargo and passengers on a regular route all year round between Bergen and Kirkenes.

Grants are awarded for employees at sea who are entitled to grants, cf. section 6, and who form part of the ship's minimum safe manning, and for training positions, cf. section 5.

The grant amount is limited to NOK 37,584 per term of paid Norwegian advance tax deductions, social security contributions and employer's contributions for each employee entitled to grants.

Amended by Regulations of 30 December 2021 No. 3915 (in force on 1 January 2022), 31 January 2025 No. 111.

Section 12

Grants for sailing ships in the NOR

Grants for sailing ships in the NOR apply to sailing ships of more than 498 GT which have training as part of their activities.

Grants are awarded for employees at sea who are entitled to grants, cf. section 6, and who form part of the ship's minimum safe manning, and for training positions, cf. section 5.

The grant amount is limited to NOK 37,584 per term of paid Norwegian advance tax deductions, social security contributions and employer's contributions for each employee entitled to grants.

Amended by Regulations of 30 December 2021 No. 3915 (in force on 1 January 2022), 31 January 2025 No. 111.

Section 13

Grants for ships in the NIS

Grants for ships in the NIS apply to ships carrying cargo or passengers, where the carriage is not covered by sections 14 and 15.

Tugs and dredgers shall document the ship's transport activities in an activity report, and will only be awarded grants if more than 50% of the ship's activities are maritime transport.

Grants are awarded for employees at sea who are entitled to grants, cf. section 6, and for training positions, cf. section 5. Additional grants are awarded for certain training positions in accordance with supplementary guidelines laid down by the Ministry of Trade, Industry and Fisheries.

The grant amount is limited to 26% per term of paid Norwegian advance tax deductions, social security contributions and employer's contributions for each employee entitled to grants.

Amended by Regulations of 21 July 2020 No. 1583, 15 March 2021 No. 692, 30 September 2021 No. 2916 (in force on 1 January 2022).

Section 13a

Grants for cargo ships in the NIS engaged on foreign voyages

Grants for cargo ships in the NIS engaged on foreign voyages apply to:

a) ships of 10,000 gross tonnage and upwards carrying oil, chemicals, gas or ro-ro cargo on foreign voyages; and

b) ships of between 3,000 and 10,000 gross tonnage carrying oil, chemicals, gas or ro-ro cargo on foreign voyages, which during the term have not carried out transport assignments between European ports, including Norwegian ports.

Grants are awarded for employees at sea who are entitled to grants, cf. section 6, including for training positions.

The grant amount is limited to NOK 37,584 per term of paid Norwegian advance tax deductions, social security contributions and employer's contributions for each employee entitled to grants.

Added by Regulations of 27 June 2017 No. 989 (in force on 1 July 2017). 30 December 2021 No. 3915 (in force on 1 January 2022), 31 January 2025 No. 111.

Section 14

Grants for passenger ships in the NIS engaged on foreign voyages

Grants for passenger ships in the NIS engaged on foreign voyages apply to ships carrying passengers on a regular service between a Norwegian port and a foreign port. Regular service means that the transport is made publicly known and has a regular schedule.

Grants are awarded for employees at sea who are entitled to grants, cf. section 6, and who form part of the ship's minimum safe manning, and for training positions, cf. section 5.

The grant amount is limited to NOK 36,000 per term of paid Norwegian advance tax deductions, social security contributions and employer's contributions for each employee entitled to grants.

This provision enters into force on the date decided by the Ministry of Trade, Industry and Fisheries.

Amended by Regulations of 20 December 2016 No. 1756 (in force on 1 January 2017), 20 March 2019 No. 256.

Section 15

Grants for construction vessels in the NIS

Grants for construction vessels in the NIS apply to any vessel engaged in construction activities, subsea operations, pipe-laying or maintenance of units.

Grants are awarded for employees at sea who are entitled to grants, cf. section 6, and for training positions, cf. section 5, if the EEA manning includes at least 12 positions per shift with their main work on board, whereof at least four are training positions.

The grant amount is limited to NOK 37,584 per term of paid Norwegian advance tax deductions, social security contributions and employer's contributions for each employee entitled to grants.

Amended by Regulations of 20 December 2016 No. 1756 (in force on 1 January 2017), 20 March 2019 No. 256, 21 July 2020 No. 1583, 15 March 2021 No. 692, 30 September 2021 No. 2916 (in force on 1 January 2022), 30 December 2021 No. 3915 (in force on 1 January 2022), 31 January 2025 No. 111.

Chapter 3
Application and documentation

Section 16

Application

Applications for grants pursuant to these Regulations shall be submitted to the grant scheme administrator as prescribed by the grant scheme administrator. Each term, one application shall be submitted for each ship, cf. section 17. The income of employees on ships shall also be reported to the Pension Insurance for Seamen, cf. section 6(c), within the deadline for the application, cf. section 17.

Organisations applying for grants shall for the first application and thereafter every year attach an auditor's confirmation, cf. section 19, or a confirmation from a bookkeeper if the company is not required to have an auditor.

Organisations applying for grants shall for the fifth term every year attach the company's last approved annual accounts with an opinion report from a state authorised auditor, registered auditor or bookkeeper, cf. section 19.

Organisations applying for grants shall for every sixth term every year correct:

a. employees at sea who have become entitled to seafarer's' tax allowance;
b. employees at sea who are no longer entitled to seafarer's' tax allowance.

The following shall be included in the application:

a. an overview of training positions;
b. a grant list/overview of income;
c. taxes and employer's contributions divided by ships;
d. a receipt of paid taxes and employer's contributions;
e. training contracts;
f. contracts of foreign employees at sea who form part of the minimum safe manning, but whose income is not reported to the Pension Insurance for Seamen;
g. documentation of exemptions, if any, from the requirement for training positions.

Amended by Regulation of 15 September 2023 No. 1430.

Section 17

Deadline for applications and division of terms

The application year is divided into six terms with the following deadlines:

Term	*Month of application*	*Deadline for application*
6	November and December	25 January
1	January and February	25 March
2	March and April	25 May
3	May and June	25 July
4	July and August	25 September
5	September and October	25 October

Applications for extended deadline for submission of applications for grants must be submitted to the Norwegian Maritime Authority as prescribed by the grant scheme administrator within the deadlines for each term. The Ministry may move the deadlines forward in time upon changes in the grant models.

Requests for grants shall be submitted as prescribed by the grant scheme administrator for each term on separate application forms. The applications shall be completed and required content included before submitting the applications to the grant scheme administrator. If the deadlines are not observed and an extended deadline has not been granted, the right to grants for the term in question will be lost. The application is considered received by the Norwegian Maritime Authority when the applicant has received a receipt.

Amended by Regulation of 15 September 2023 No. 1430.

Section 18
General provisions on documentation

The grant recipient is responsible for documenting the information given in applications for grants.

The grant recipient shall as a main rule keep the documentation given in applications for grants for three years, but the grant recipient's obligation to keep the documentation may be extended to five years.

The documentation provision does not prejudice the provisions on documentation and retention obligation, etc. laid down by the Act relating to annual accounts.

Section 19
Auditor

The organisations applying for grants shall have a state authorised or registered auditor (public accountant), or a bookkeeper if the company is not required to have an auditor, cf. the Act of 17 July 1198 No. 56 relating to annual accounts, etc. (Accounting Act) or the Act of 15 January 1999 No. 2 relating to auditing and auditors (Auditors Act).

The auditor or bookkeeper shall confirm the items below in connection with the first application and thereafter every year the company applies for grants:

a) that the employees are entitled to seafarers' tax allowance pursuant to the Taxation Act section 6-61;
b) that the employees work on board as their main employment and are part of the ship's crew;
c) that the employees will have their income reported to the Pension Insurance for Seamen;
d) ensure that the grant is specified in the grant recipient's annual accounts.

Chapter 4
Payment and appeals

Section 20
Payment

Payment presupposes that the grant scheme at any given time is approved by the EFTA Surveillance Authority (ESA).

Grants are paid in arrears through six terms per year. Before grants can be paid, the grant scheme administrator shall verify that all requirements for awarding grants pursuant to these Regulations are satisfied.

Section 21
Appeals

Decisions pursuant to these Regulations are individual decisions that may be appealed to the Ministry of Trade, Industry and Fisheries.

Chapter 5
Control and sanctions in the event of violation of regulations

Section 22
Control

The grant scheme administrator shall ensure the necessary control of grant recipients. The grant scheme administrator may also carry out a particular control of a selection of grant recipients based on a risk and significance assessment.

The grant scheme administrator itself, or its representative, e.g. an auditor, carries out particular controls. The Office of the Auditor General of Norway has the authority to monitor that funds are used in accordance with the stated intentions, cf. Act of 7 May 2004 No. 21 relating to the Office of the Auditor General section 12 third paragraph. Any borrowed material shall be returned or shredded following control, if appropriate with an order to extend the company's obligation to store documents, if the control so requires.

Section 23
Storage of documentation

If control as referred to in section 22 has been initiated and special reasons so indicate, the grant recipient's obligation to store documentation may be extended in excess of the time limits of three and five years pursuant to section 18, by a written order from the grant scheme administrator. The written order may be issued using electronic communication.

Section 24
Sanctions in the event of violation of these Regulations

If a grant recipient or a person on behalf of the grant recipient provides incomplete or incorrect information connected to an application for a grant, and this results in the unjustified payment of a grant or an amount that is too large, the grant may be the subject of a complete or partial repayment claim. Interest may be determined pursuant to the Act of 17 December 1976 No. 100 relating to interest on overdue payments, etc.

Repayment claims towards grant recipients pursuant to the first paragraph may not be advanced for payments made further back than three years from 1 January of the calendar year in which the claim is advanced in writing. It is punishable by law to provide erroneous information, cf. the General Civil Penal Code of 22 May 1902 No. 10.

Chapter 6
Concluding provisions

Section 25
Follow-up criteria

For assessment of goal attainment, the grant scheme administrator shall report to the Ministry of Trade, Industry and Fisheries the evolution in the number of employees included in the various grant scheme models, including training positions.

The grant scheme administrator shall submit reports on economic and other matters related to the grant scheme six times per year in connection with the payment of each term. The Ministry shall review and assess the reports and conduct the appropriate control of the quality of the information.

Section 26
Evaluation

The Ministry shall ensure that the purpose of the grant scheme models and the use of the grant funds is evaluated.

Section 27
Entry into force and repeal of other Regulations

These Regulations, with the exception of section 14, enter into force on 1 March 2016. As from the same date, the Regulations of 21 December 2005 No. 1720 on the administration of grants for the employment of seafarers are repealed.

Section 14 of these Regulations enters into force on the date decided by the Ministry of Trade, Industry and Fisheries.