

Regulation concerning amendments to Regulations of 29 December 1998 No. 1455 concerning marine equipment

Legal basis: Laid down by the Norwegian Maritime Authority on 5 September 2014 under the Act of 16 February 2007 No. 9 relating to Ship Safety and Security (Ship Safety and Security Act) sections 9, 32 and 45, cf. Formal Delegation of 16 February 2007 No. 171, Formal Delegation of 31 May 2007 No. 590 and Formal Delegation of 29 June 2007 No. 849 and Act of 16 June 1994 No. 20 relating to Notified Bodies responsible for carrying out conformity assessments section 7, cf. Formal Delegation of 10 December 1998 No. 1568.

I

Regulations of 29 December 1998 No. 1455 concerning marine equipment are amended as follows.

The legal basis should read:

Legal basis: Laid down by the Norwegian Maritime Authority on 29 December 1998 under the Act of 9 June 1903 No. 7 Control of the seaworthiness of Ships, etc. Legal basis amended to Act of 16 February 2007 No. 9 relating to Ship Safety and Security (Ship Safety and Security Act) sections 9, 32 and 45, cf. Formal Delegation of 16 February 2007 No. 171, Formal Delegation of 31 May 2007 No. 590 and Formal Delegation of 29 June 2007 No. 849 and Act of 16 June 1994 No. 20 relating to Notified Bodies responsible for carrying out conformity assessments section 7, cf. Formal Delegation of 10 December 1998 No. 1568.

EEA references: EEA Agreement Annex II chapter XXXII point 1 and Annex XIII point 56d (Directive 96/98/EC as amended by Directive 98/85/EC, Directive 2001/53/EC, Directive 2002/75/EC, Directive 2002/84/EC, Directive 2008/67/EC, Directive 2009/26/EC, Directive 2010/68/EU, Directive 2011/75/EU, Directive 2012/32/EU).

Section 1 should read:

The Regulations apply to equipment which shall be installed or placed on board Norwegian ships or mobile offshore units on or after 1 January 2009.

Section 2 is repealed.

Section 3 first paragraph is amended as follows:

Subparagraph b should read:

Equipment: The items listed in Appendix A which shall be *installed or placed* on board a ship or mobile offshore unit and used in accordance with requirements of Norwegian regulations, or which are voluntarily placed or installed for use on board, and for which the approval of the flag State authorities is required according to international instruments.

Subparagraph c should read:

Radiocommunication equipment: Equipment required pursuant to Regulations of 1 July 2014 No. 955 on radiocommunication equipment for Norwegian ships and mobile offshore units and the two-way VHF radiotelephone apparatus required pursuant to Regulations of 1 July 2014 No. 1019 on life-saving appliances on ships.

Section 3 first paragraph subparagraphs d), h) and j) are repealed.

Section 4 third paragraph is repealed.

Section 6 should read:

(1) An organization which is to perform the tasks of a Notified Body shall fulfil the requirements of Appendix C and be designated by the Ministry of Trade, Industry and Fisheries or the designating authority of another EEA country. The designation of a Notified Body may be subject to specific conditions and limited in time.

(2) The Ministry or whoever is authorised by the Ministry shall every two years check that Notified Bodies comply with the criteria of Appendix C.

(3) The designation of a Notified Body shall be withdrawn *when* the Notified Body no longer complies with the requirements of Appendix C.

Section 7 first and second paragraphs should read:

(1) Equipment listed in Appendix A which is installed or placed on board, shall comply with the relevant requirements of

- a) the International Convention for the Safety of Life at Sea, 1974 (SOLAS) consolidated edition 2009, as amended by MSC.256(84), MSC.257(84), MSC.258(84), MSC.269(85), MSC.282(86), MSC.283(86), MSC.290(87), MSC.291(87), MSC.308(88), MSC.309(88), MSC.317(89), MSC 325(90) and MSC.338(91);*
 - b) the International Convention for the Prevention of Pollution from Ships (MARPOL) consolidated edition 2011, as amended by MEPC.217(63);*
 - c) the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG), as amended by A.464(12), A.626(15), A.678(16), A.736(18), A.910(22) and A.1004(25);*
 - d) the International Convention on Load Lines, 1996;*
 - e) the relevant resolutions and circulars of the International Maritime Organization (IMO).*
- (2) Testing standards and conformity assessment procedures set out in Appendix A apply to the conformity assessments required pursuant to the first paragraph. Where both IEC and ETSI testing standards are given, the manufacturer or manufacturer's representative within the EEA may decide the standard to be used.*

The term "*place*" is changed to "*install or place*" in section 7 third paragraph, section 10 first paragraph, section 11 first and third paragraphs, section 12 first paragraph, section 12 first paragraph subparagraph b and section 12 second paragraph.

New section 8a should read:

Section 8a Life-saving appliances

Life-saving appliances listed in Appendix A shall comply with the requirements of section 7 first paragraph (a) and (e) and section 7 second paragraph when such equipment is installed or placed on board

- a) cargo ships with an international safety certificate;*
- b) cargo ships with trading certificate on or after 2 April 2005;*
- c) passenger ships with international safety certificate;*
- d) passenger ships with Passenger Ship Safety Certificate (EU) on or after 1 January 2004;*
- e) passenger ships with Passenger Certificate on or after 1 July 2005;*
- f) high-speed craft with international High-Speed Craft Safety Certificate;*
- g) high-speed craft engaged on domestic voyages on or after 3 July 2009;*
- h) fishing vessels of 15 metres in overall length and upwards on or after 1 January 2001.*

New section 8b should read:

Section 8b Marine-pollution prevention equipment

Marine-pollution prevention equipment listed in Appendix A item groups 2.1 to 2.5 shall comply with the requirements pursuant to section 7 first paragraph (b) and (e) and section 7 second paragraph when such equipment is installed or placed on board

- a) *ships of 400 gross tonnage and upwards;*
- b) *oil tankers of 150 gross tonnage and upwards;*
- c) *mobile offshore units.*

Marine-pollution prevention equipment listed in Appendix A item group 2.6 shall comply with the requirements pursuant to section 7 first paragraph (b) and (e) and section 7 second paragraph when such equipment is installed or placed on board

- a) *ships of 400 gross tonnage and upwards;*
- b) *ships certified to carry more than 15 persons;*
- c) *mobile offshore units.*

Marine-pollution prevention equipment listed in Appendix A item groups 2.7 to 2.10 shall comply with the requirements pursuant to section 7 first paragraph (b) and (e) and section 7 second paragraph when such equipment is installed or placed on board

- a) *ships;*
- b) *mobile offshore units.*

New section 8c should read:

Section 8c Fire protection equipment

Fire protection equipment listed in Appendix A item group 3 shall comply with the requirements of section 7 first paragraph (a) and (e) and section 7 second paragraph when such equipment is installed or placed on board

- a) *cargo ships;*
- b) *passenger ships;*
- c) *high-speed craft.*

New section 8d should read:

Section 8d Navigation equipment

Navigation equipment listed in Appendix A item group 4 shall comply with the requirements of section 7 first paragraph (a) and (e) and section 7 second paragraph when such equipment is installed or placed on board

- a) *cargo ships;*
- b) *passenger ships;*
- c) *high-speed craft;*
- d) *mobile offshore units on or after 1 July 2003;*
- e) *fishing vessels of 15 metres in overall length and upwards on or after 1 January 2001.*

New section 8e should read:

Section 8e Radiocommunication equipment

Radiocommunication equipment listed in Appendix A item group 5 shall comply with the requirements of section 7 first paragraph (a) and (e) and section 7 second paragraph when such equipment is installed or placed on board

- a) *cargo ships;*
- b) *passenger ships;*
- c) *high-speed craft;*
- d) *mobile offshore units;*
- e) *fishing vessels of 15 metres in overall length and upwards on or after 1 January 2001.*

New section 8f should read:

Section 8f Navigation light equipment

Navigation light equipment listed in Appendix A item group 6 shall comply with the requirements of section 7 first paragraph (c) and (e) and section 7 second paragraph when such equipment is installed or placed on board

- a) cargo ships;*
- b) passenger ships;*
- c) mobile offshore units;*
- d) fishing vessels of 15 metres in overall length and upwards on or after 1 January 2001.*

New section 8g should read:

Section 8g Water level detector equipment

Water level detector equipment listed in Appendix A item group 8 shall comply with the requirements of section 7 first paragraph (a) and (e) and section 7 second paragraph when such equipment is installed or placed on board

- a) passenger ships engaged on foreign voyages and certified to carry more than 36 passengers;*
- b) bulk carriers of 500 gross tonnage and upwards engaged on foreign voyages;*
- c) single hold cargo ships of 500 gross tonnage and upwards engaged on foreign voyages;*
- d) cargo ships engaged on foreign voyages, of 500 gross tonnage and upwards and of 80 metres in length (L) and upwards or of 100 metres and upwards if constructed before 1 July 1998, having one single hold below the freeboard deck or cargo holds below the freeboard deck which do not have at least one watertight bulkhead up to the freeboard deck.*

Section 10 first paragraph should read:

(1) The Norwegian Maritime Authority or whoever is authorised by the Norwegian Maritime Authority may, in exceptional circumstances and in connection with technical innovation, *grant exemptions* from the provisions of section 7. The equipment may be *installed or placed* on board when it is established by trial or otherwise that such equipment is at least as effective as equipment that satisfies the requirements of conformity-assessment procedures. Such trial procedures shall in no way discriminate between equipment produced in Norway and equipment produced in other EEA countries.

In section 10 second paragraph and section 11 second paragraph the wording is changed from "place" to "install or place".

Section 14 should read:

Where it is established by inspection or by other means that approved equipment may pose a threat to the safety of the persons on board or cause pollution of the environment, the Norwegian Maritime Authority or whoever authorized by the Norwegian Maritime Authority shall take such action as is necessary in order to withdraw the equipment or ban or prevent the equipment from being used on board ships or mobile offshore units.

II

These amendments enter into force on 15 September 2014.