

Regulations of 11 August 1989 No. 802 on trade area for cargo ships registered in the Norwegian International Ship Register (NIS)

Legal basis: Laid down by Royal Decree 11 August 1989 under the Act of 12 June 1987 No. 48 relating to a Norwegian International Ship Register section 4 second paragraph. Prepared by the Ministry of Foreign Affairs.

Amendments: Amended by Regulations of 1 January 2014 No. 238, 8 October 2015 No. 1170, 17 December 2015 No. 1735.

Chapter I General provisions

Chapter heading added by Regulation of 8 October 2015 No. 1170 (entry into force on 1 January 2016).

Section 1 *Application*

These Regulations apply to cargo ships registered in the Norwegian International Ship Register, except vessels subject to the Regulations of 30 June 1987 No. 579 on special trade areas for vessels and mobile offshore units engaged in the petroleum activity and registered in the Norwegian International Ship Register.

Added by Regulation of 8 October 2015 No. 1170 (entry into force on 1 January 2016).

Section 2 *Svalbard*

Ships to which these Regulations apply are permitted to carry cargo between ports on Svalbard and between Svalbard and the mainland, irrespective of the provisions of chapter II.

Added by Regulation of 8 October 2015 No. 1170 (entry into force on 1 January 2016).

Chapter II Extended trade area for cargo ships registered in the Norwegian International Ship Register

Chapter heading added by Regulation of 8 October 2015 No. 1170 (entry into force on 1 January 2016), amended by Regulation of 17 December 2015 No. 1735 (in force on 1 January 2016).

Section 3 *Extension of trade area for cargo ships*

Cargo ships where a significant part of the ship's activities takes place outside of Norwegian waters are permitted to carry cargo between Norwegian ports when this is carried out:

- a) as part of a regular route between a Norwegian and a foreign port; or
- b) as carriage of petroleum¹ in bulk from a unit on the Norwegian continental shelf; or
- c) occasionally for up to 3 months.

The Norwegian Maritime Authority controls that the conditions are satisfied.

Amended by Regulations of 8 October 2015 No. 1170 (entry into force on 1 January 2016), 17 December 2015 No. 1735 (in force on 1 January 2016).

¹ Cf. section 1-6a of the Petroleum Act.

Section 4 *Extension of trade area for special cargo ships*

In addition to the trade area extension pursuant to section 3, cargo ships constructed or equipped to carry special types of cargo are permitted to carry such cargo between Norwegian ports when the ship is en route to or from a foreign port and the carriage does not form part of a regular scheduled service. The master must be a Norwegian national or a

national of an EEA country. It is a condition that such carriage leads to a rational utilization of the tonnage available, and does not involve undesirable consequences for ships registered in the Norwegian Ordinary Ship Register.

A ship is considered to be en route to or from a foreign port also when carrying cargo between Norwegian ports as well as to a port to unload cargo from another country and a port to take aboard cargo from another country.

A ship may not carry cargo between Norwegian ports pursuant to these Regulations until the Norwegian Maritime Authority has announced that the ship has been entered on the list referred to in section 5.

Amended by Regulations of 8 October 2015 No. 1170 (entry into force on 1 January 2016), 17 December 2015 No. 1735 (in force on 1 January 2016).

Section 5

List of special cargo ships which may carry cargo between Norwegian ports

The Norwegian Maritime Authority shall keep a list of special cargo ships which may carry cargo between Norwegian ports in accordance with section 4. Entry on the list will be made when

- no substantiated objections have been made within the time-limit set by the Norwegian Maritime Authority, to the effect that the conditions of section 4 first paragraph last sentence have not been met;
- the ship has not previously, under the same owner, been used in violation of section 4 of the Act or the provisions of these Regulations; and
- the Norwegian Maritime Authority otherwise finds the conditions to be satisfied.

The list shall specify the period of time and the ports for loading and unloading in regard to which the ship has a trade area different from that permitted by section 4 first paragraph of the Act and also the type of cargo the ship carries in this trade area.

Ships entered on the list shall be deleted when a change of ownership takes place or when they no longer meet the conditions for entry, or when they have been used in violation of section 4 of the Act or the provisions of these Regulations.

Amended by Regulations of 8 October 2015 No. 1170 (entry into force on 1 January 2016, previously section 3), 17 December 2015 No. 1735 (in force on 1 January 2016).

Section 6

Procedure for entry on the list

In order that a ship may be entered on the list referred to in section 5, the Norwegian Maritime Authority must have received information which shows that the conditions of section 4 first paragraph have been met, and which is required for entry on the list.

Entries on the list shall be submitted to the organisations of the shipping industry for comments. The same applies to subsequent deletion from the list in accordance with the second and third deletion alternatives of section 5 third paragraph.

The Norwegian Maritime Authority will issue further guidelines for the procedure for entry on the list.

Amended by Regulations of 8 October 2015 No. 1170 (entry into force on 1 January 2016, previously section 4), 17 December 2015 No. 1735 (in force on 1 January 2016).

Chapter III

Penalty and entry into force

Chapter heading added by Regulation of 8 October 2015 No. 1170 (entry into force on 1 January 2016), heading amended by Regulation of 17 December 2015 No. 1735 (in force on 1 January 2016).

Section 7

Penalties

Any person who wilfully or through gross negligence violates the provisions of these Regulations shall be liable to fines pursuant to section 11 of the Act of 12 June 1987 No. 48 relating to a Norwegian International Ship Register, unless a more severe penalty is applicable pursuant to other statutory provisions.

In the event of any violation the Ministry concerned may order that the ship be deleted from the register, cf. section 12 second paragraph of the Act of 12 June 1987 No. 48.

Amended by Regulations of 8 October 2015 No. 1170 (entry into force on 1 January 2016, previously section 5), 17 December 2015 No. 1735 (in force on 1 January 2016).

Section 8

Entry into force

These Regulations enter into force immediately.

Amended by Regulations of 8 October 2015 No. 1170 (entry into force on 1 January 2016, previously section 7), 17 December 2015 No. 1735 (in force on 1 January 2016).