

Circular - Series R

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Amendments to the Regulations on passenger ships engaged on domestic voyages, Appendix I

1. Introduction

The Norwegian Maritime Authority has laid down amendments to the Regulations on passenger ships engaged on domestic voyages¹, Appendix I, as a consequence of Commission Directive (EU) 2016/844 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships.

2. Background for the amendments

Directive 2016/844/EU of 27 May 2016 has been incorporated into the EEA Agreement. This Directive amends Directive 2009/45/EC on safety rules and standards for passenger ships, more specifically Annex I to this Directive relating to safety requirements for passenger ships engaged on domestic voyages.

Directive 2009/45/EC, as amended, has been implemented in Norwegian legislation by the Regulations on passenger ships engaged on domestic voyages. The rules apply to Class A, B, C and D passenger ships engaged on domestic voyages within the EEA which are required to have Passenger Ship Safety Certificate for passenger ships engaged on domestic voyages pursuant to section 18 of the Regulations on certificates, etc., for Norwegian ships and mobile offshore units².

The requirements of Directive 2009/45 on technical safety for passenger ships engaged on domestic voyages are largely based on SOLAS. Directive 2009/45 was last updated in 2010. Since then, the relevant provisions of SOLAS have been amended a number of times, and the amendments of Directive 2016/844 are therefore intended to bring the technical safety requirements for EU passenger ships in line with the corresponding requirements for passenger ships engaged on international voyages certified in accordance with SOLAS.

With the assistance of the European Maritime Safety Agency (EMSA), the European Commission has carried out a thorough analysis of the amendments to SOLAS since the previous update of Annex I to Directive 2009/45. The purpose has been to identify amendments and assess proportionality and relevance with regard to the extent to which these amendments will be made applicable to passenger

¹ Regulations of 28 March 2000 No. 305 on surveys, construction and equipment of passenger ships engaged on domestic voyages

² Regulations of 22 December 2014 No. 1893 on supervision and certificates for Norwegian ships and mobile offshore units

ships engaged on domestic voyages, which are often smaller than ships engaged on international voyages, for which the SOLAS rules are written. In this connection, three rounds of consultations have been carried out with participation from Member States and EEA States, where the Norwegian Maritime Authority participated representing Norway. Directive 2016/844 is the outcome of this process and was adopted by EU Member States at the EU Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) in the autumn of 2015. The amending Directive was incorporated into the EEA Agreement in the spring of 2016.

3. Consultation

The proposed regulatory amendments were circulated for general review from 27 April to 15 June this year, and the Norwegian Maritime Authority (NMA) received a few comments.

The Federation of Norwegian Coastal Shipping refers to the fact that the provisions will largely apply to ships constructed on or after 1 January 2018 and requests that this date should refer to the signing of the contract. Directive 2009/45/EC, as amended, is based on SOLAS³, where the term "constructed" is defined as the date on which the keel is laid or the ship is at a similar stage of construction⁴. A similar principle has been used as basis in Directive 2009/45/EC in order to make a distinction between new and existing ships, and is also set out in section 2 first paragraph (r) of the Regulations on passenger ships engaged on domestic voyages. Therefore, the ordinary understanding of construction date shall be used as basis, and not the signing of the contract.

The Norwegian Coastal Administration points out that the Regulations on passenger ships engaged on domestic voyages apply only to Norwegian ships, and calls for similar rules for foreign ships engaged on domestic voyages in Norway in accordance with the cabotage rules for maritime transport. The NMA specifies that ships registered in non-EEA states are covered by the inspection provisions of section 3 of the Regulations on port State control, and the NMA may supervise the compliance of these ships with the requirements of Directive 2009/45/EC, as amended. Ships from other EEA flag States are subject to the same requirements for construction and equipment as provided for in Directive 2009/45/EC, as amended, and the flag State is responsible for survey, certification and control.

The Norwegian boat association HRF (Hurtigbåtforbundet) has a few general and specific comments, which the NMA takes into consideration. HRF is worried about, among other things, weight increase related to amended requirements for fire-fighting equipment and generally encourages taking weight considerations into account as new requirements are introduced. The NMA specifies that the technical rules in question are harmonised requirements that apply to the entire EEA, and that even if some smaller vessels are included, the rules apply only to Class A, B, C and D passenger ships with safety certificates (EU). HRF further encourages the NMA to prepare a template for ship-specific plans for the recovery of persons from the water, that the companies may make use of. In the opinion of the NMA, it is currently not practical for the NMA to create such a template. In our view, this is an important task for the company, both as a specific requirement in accordance with the Regulations of 1 July 2014 No. 1019 on life-saving appliances on ships, but also as part of the company's safety management work.

The other consultative bodies had no comments.

4. Details about the legislation

Below is a brief overview of the amendments including requirements for noise reduction, fire protection, escape routes and life-saving appliances. Most of the amendments will affect passenger ships of EU Class constructed on or after 1 January 2018. For a complete overview and details of the requirements, we refer to the amending Directive 2016/844.

³ International Convention for the Safety of Life at Sea (SOLAS)

⁴ SOLAS II-2 Part A Regulation 1: "... the expression *ships constructed* means ships the keels of which are laid or which are at a similar stage of construction ..."

Reduction of noise – new Regulation

Class B, C and D ships of 1,600 gross tonnage and above shall be constructed to reduce on-board noise and to protect personnel from the noise in accordance with MSC.337(91).

Parts of MSC.337(91) have already been implemented into Norwegian legislation by the Regulations of 1 January 2005 No. 8 on the working environment, health and safety of workers on board ship, Chapter 15 "Provisions concerning the protection against noise", refer to the NMA's Circular RSR 04-2014 of 30 June 2014 for details.

Steering gear – specifications

For new Class B, C and D ships and existing Class B ships, alternative ways of demonstrating that the steering gear meets certain functional requirements, are being incorporated. This is provided by the updated Regulations II-1/C/6.2.2.2 and II-1/C/6.3.2.

New definitions in Chapter II-2

The new Regulations II-2/A/2.28 and II-2/A/2.29 include definitions of "fire damper" and "smoke damper".

Fire-extinguishing system – new requirement

For ships built on or after 1 January 2018, requirements are introduced for fixed fire-extinguishing system for fire hazard portions of internal combustion engines, see Regulation II-2/A/6.8.2.1.

Fire-fighter's outfits – specifications and new Regulations

In Regulation II-2/A/11.1, a specification is inserted that the requirements of the provision apply to new Class B, C and D ships and to existing Class B ships constructed before 1 July 2019.

For ships constructed on or after 1 July 2019, the fire-fighter's outfits shall comply with the Fire Safety Systems Code (FSS Code), cf. new I-2/A/11.1a.

Self-contained compressed air breathing apparatus of fire-fighter's outfits shall by 1 July comply with paragraph 2.1.2.2 of chapter 3 of the FSS Code, see new Regulation I-2/A/11.1.1.3.

For communication equipment for fire-fighters, upgrade requirements have been included in new I-2/A/11.4a with 1 July 2019 as the time-limit. This implies, among other things, that on LNG-fuelled ships or ro-ro passenger ships with closed ro-ro spaces or special category spaces, the radiotelephone apparatus shall be of an explosion-proof type.

Fire integrity of bulkheads and decks – new requirements

For all Class B, C and D ships constructed on or after 1 January 2018, the fire integrity of bulkheads separating adjacent spaces and decks separating adjacent spaces shall meet the requirements of the new Tables 5.1.a and 5.2.a in Regulation II-2/B/5.4.

Escape routes from main workshop of the machinery space – new Regulation

On Class B, C and D ships constructed on or after 1 January 2018, two means of escape shall be provided from the main workshop, see new Regulation II-2/B/6.3.4.

Ventilation systems – new requirements

Class B, C and D ships constructed on or after 1 January 2018 shall comply with the requirements for ventilation systems of new Regulation II-2/B/9a.

Fire detection and fire alarm system in machinery spaces – new requirements

Class B, C and D ships constructed on or after 1 January 2018 shall have fixed fire detection and fire alarm systems in machinery spaces in accordance with the requirements of the new Regulations II-2/B/13.4, II-2/B/13.5 and II-2/B/13.6.

Life-saving appliances – new Regulations

Ships of less than 24 metres in length are not required to carry on-board line-throwing appliances, cf. new note 14 of Table III/2.6.

New Regulation III/9/2a introduces requirements for lifeboat on-load release mechanisms to comply with the LSA Code not later than the first scheduled dry-docking after 1 January 2018, but not later than 1 July 2019.

New Regulation III/10a imposes requirements for all ships to have ship-specific plans and procedures for recovery of persons from the water, taking into account the guidelines of MSC.1/Circ.1447. Ships constructed before 1 January 2018 shall comply with this requirement by the first periodical or renewal safety equipment survey.

New Regulation III/13.9 introduces requirements for enclosed space entry and rescue drills. New Regulation III/14 introduces requirements for such drills to be recorded.

5. Economic and administrative consequences

The provisions concerned are harmonised safety provisions for, where found proportional, bringing passenger ships engaged on domestic voyages within the EEA up to the level of passenger ships engaged on international voyages. Some of the new requirements are likely to generate costs for the industry, but most of the provisions apply to ships constructed on or after 1 January 2018.

The Norwegian Maritime Authority currently carries out supervision on ships subject to the Regulations on passenger ships engaged on domestic voyages. The amendments do not involve any major changes of the current supervisory regime. However, some additional work must be expected to ensure that upgrade requirements for existing ships are being followed up by the companies.

6. Regulatory amendments

The Norwegian Maritime Authority has established a new Appendix 1 to the Regulations on passenger ships engaged on domestic voyages consolidating the amendments of Directive 2016/844/EU. The Norwegian text is based on the unofficial translation by the Ministry of Foreign Affairs. Furthermore, a mistake in current Annex I Chapter II-1 part B-2 Regulation 4 has been corrected.

The Appendix is not included in the English translation of the Regulations, as this is the same as the consolidated Annex I to EU Directive 2009/45/EC, as amended. For the text in English, [please refer to the Directive](#).

Yours faithfully,

Olav Akselsen
Director General of Shipping and Navigation

Bjørn Egil Pedersen
Head of Department

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