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Guidelines for laid-up Norwegian ships - exemption from annual fees for laid-up ships

Purpose

This circular clarifies the terms for reduction of annual fee for laid-up Norwegian ships.

The Norwegian Maritime Authority (NMA) additionally wants to point out some requirements which will be applicable during the lay-up period and when the ship is re-commissioned.

Legislation

It is laid down in section 9 No. 1 and section 14 of the NMA's Fees Regulations (REG 1996-02-02 No. 115) that an annual fee shall be payable for ships registered in the NOR or the NIS.

The collection of annual fees for a ship registered in the NOR will cease if the ship's certificates are sent to the NMA before 1 March, cf. section 13 No. 2.4 of the Fees Regulations.

For ships registered in the NIS on 1 January, a full annual fee will be collected, cf. sections 14 and 15 No. 2 of the Fees Regulations. Ships registered in the NIS will not be granted exemptions from fees as long as the ship is registered in the NIS or if it is re-registered in the NIS within a year, cf. section 18 No. 2.2 of the Fees Regulations.

If fees are found to be unreasonable in special cases, the NMA may stipulate the fee in each individual case, cf. section 8 of the Fees Regulations.

Reduction of annual fee for Norwegian ships

Based on the special circumstances in the offshore business where Norwegian ships are being laid up, the NMA may grant exemptions from the annual fee for ships registered in the NOR and NIS in accordance with section 8 of the Fees Regulations. This will apply even if the ship's certificates remain valid and are not sent to the NMA.

Exemptions from annual fees will only apply to laid-up offshore vessels. Seasonal ships, such as certain passenger vessels and fishing vessels, will therefore not be covered by the arrangement described in this circular.

In order to be granted an exemption from annual fees for laid-up ships, a written application must be submitted to the NMA confirming the following:

- Date when the ship was laid up
- Lay-up location
- That the RO and RSO are informed of the lay-up period
- That lay-up procedures have been established, and that the RO/RSO's lay-up procedures are followed
- That local lay-up requirements are complied with

The application for ships registered in the NOR must be sent to the NMA within 3 weeks of receipt of the invoice for the annual fee, cf. section 13 No. 2.5 of the Fees Regulations. For ships registered in the NIS, the application must be sent within 3 weeks of the date of this circular.

In 2016, the invoice for annual fees for ships registered in the NOR will be issued around 22 March. The invoice for annual fees for ships registered in the NIS was issued on 19 January 2016.

In order to be granted a reduced annual fee for the coming years, the company must reapply every year.

A ship with cargo on board will not be considered a laid-up ship, and all certificates must therefore be maintained. In such cases, an exemption from annual fees will therefore not be granted.

Recommissioning after lay-up – consequences for fees

Before the ship is recommissioned, the company shall without delay notify the NMA's Section for Finances of the date for when the lay-up period ceases. If the ship is recommissioned without the NMA receiving such notification, the exemption from the annual fee may be set aside.

If the ship's certificates are valid when the ship is recommissioned, the company will be sent an invoice for the annual fee for the remaining months of the year, including the month in which the ship is recommissioned.

If the ship's certificates have ceased to be valid when the ship is to be recommissioned, the company shall request supervision by the NMA, RO or RSO, depending on delegation, before the ship is recommissioned. The company will be sent an invoice for the full annual fee when such supervision is carried out.

If the ship's certificates expire during the lay-up period, the company must decide whether these should be maintained, and must request supervision if applicable. If the ship's certificates are maintained during the lay-up period, the NMA will require collection of the full annual fee.

General requirements for laid-up ships

The company and master shall consult local authorities, classification societies and insurance companies in order to clarify any special requirements related to lay-up and lay-up location.

Manning

The company and the master are responsible for the safe operation of the ship. The NMA will therefore not stipulate a minimum safe manning for the lay-up period.

The size of the crew will depend on several factors, e.g. lay-up location, level of security, hot or cold lay-up and local requirements.

Operational safety and security (ISPS)

The following equipment and systems shall be operable and be maintained:

- Life-saving equipment and distress signals appropriate for lay-up location and the number of persons on board
- Fire-fighting equipment for relevant areas on board including the emergency generator, emergency fire pumps, emergency batteries and other required equipment that maintains the fire safety
- Relevant alarm systems

Operational requirements in MARPOL shall be complied with.

With regard to the security of laid-up ships, it is a precondition that the ship has been satisfactorily secured against unauthorised access. This means that the ship shall have a watchkeeping arrangement that ensures that unauthorised persons cannot gain access on board, and that any visitors are logged with time and duration of visit.

Consequences for ISSC:

1. Lay-up period of up to 3 months: No consequences apart from the requirement to do a thorough search of the ship prior to departure in order to uncover any irregular conditions on board. The ship may then sail with its original ISSC.
2. Lay-up period from 3 to 6 months: In addition to the action mentioned in point 1, a physical verification audit shall be carried out on board the ship, either by the NMA or an RSO (Recognized Security Organization). The purpose of the verification is to confirm that any changes made on board during the lay-up period are not in conflict with the ship's security plan, and that technical equipment included in safety measures are found on board and are in working order.
3. Lay-up period of more than 6 months: The ship must be subjected to a new certification pursuant to the current regulations unless exceptional circumstances indicate that an exemption should be granted. Exemptions may be granted following a written application to the NMA.

Insurance

Hull and Machinery and P & I insurance shall be maintained in accordance with the insurance companies' requirements.

Certificate of Insurance or other Financial Security in Respect of Civil Liability for Bunker Oil Pollution Damage shall be valid.

Olav Akselsen
Director General of Shipping and Navigation

John Malvin Økland
Head of Department