

Regulation concerning amendments to Regulations concerning survey for the issue of certificates to passenger ships, cargo ships and lighters, and concerning other surveys, etc.

Legal basis: Laid down by the Norwegian Maritime Authority on 19 August 2013 under the Act of 16 February No. 9 relating to Ship Safety and Security (Ship Safety and Security Act) sections 22a, 28a, 43 and 45, cf. Formal Delegation of 16 February 2007 No. 171, Formal Delegation of 31 May 2007 No. 590 and Formal Delegation of 19 August 2013 No. 1002, and Act of 21 June 2013 No. 102 relating to employment protection etc. for employees on board ships (Ship Labour Act) section 12-1, cf. Formal Delegation of 3 July 2013 No. 974.

I

The Regulations of 15 June 1987 No. 506 concerning survey for the issue of certificates to passenger ships, cargo ships and lighters, and concerning other surveys, etc. are amended as follows:

In the following provisions the name "the Norwegian Directorate for Fire and Electrical Safety" shall be changed to "the Directorate for Civil Protection and Emergency Planning".

1. Section 57 subparagraph a) and c)
2. Section 58 subparagraph b)
3. Section 59 subparagraph a)
4. Section 61 first and second paragraph

Section 1 first paragraph subparagraph a) first sentence should read:

- a) Chapters 1, 4, 8, 13 and 14 of these Regulations shall apply to any new or existing ship which carries passengers and which is required to hold a passenger certificate, a passenger ship safety certificate, or a trading permit for passenger ships.

Section 1 third paragraph subparagraph a) should read:

- a) Chapters 1, 4, 6, 8, 11, 12, 13 and 14 shall apply to new and existing cargo ships of 50 gross tonnage and upwards or 24 metres or more in length, as set out in the relevant provisions herein.

Section 1 fourth paragraph should read:

- (4) Chapters 1, 4, 8, 10, 11, 13 and 14 shall apply to new and existing ships as set out in the relevant provisions herein.

Section 2 should read:

Section 2 Definitions

- a) "*Recognised classification society*":
 1. Det Norske Veritas (DNV).
 2. Lloyd's Register of Shipping (LRS).
 3. Bureau Veritas (BV).
 4. Germanischer Lloyd (GL).
 5. American Bureau of Shipping (ABS).
 6. Registro Italiano Navale (RINA).
 7. Nippon Kaiji Kyokai (ClassNK).
- b) "*Bulk carrier*": Any vessel carrying solid cargoes in bulk, as defined in SOLAS, Chapter IX, Regulation 1, paragraph 6.
- c) "*Gross tonnage*": The numeric value entered as gross tonnage in the Tonnage Certificate. If safety tonnage is entered in the remarks column of the Tonnage Certificate, this tonnage shall be used as gross tonnage.
- d) "*DSC Code*": Code of Safety for Dynamically Supported Craft adopted by IMO Resolution A 373 (X) on 14 November 1977, as amended by Resolution MSC.37(63) of 19 May 1994.
- e) "*Existing ship or lighter*": A ship or lighter which is not a new ship or lighter.
- f) "*EEA Agreement*": Agreement on the European Economic Area (EEA) between the European Economic Community (EC) and the European Free Trade Association (EFTA).
- g) "*Fishing vessel*": A vessel used commercially for catching fish, including whale, seal, seaweed and sea tangle or other living resources in the sea.

- h) “*Supply vessel*”: A ship which is designed and equipped to carry out supply services, anchor handling and other similar services in connection with exploration for and production of hydrocarbons, minerals, etc. on the sea bed.
- i) “*Approved, type-approved or accepted*”:
 1. In respect of equipment covered by the Regulations of 29 December 1998 No. 1455 concerning marine equipment: Type-approved by a Notified Body and marked in accordance with said Regulations.
 2. In respect of other equipment:
 - *Approved*: A single piece of equipment approved by the Norwegian Maritime Authority (excluding radio installations which is approved by the Norwegian Post and Telecommunications Authority).
 - *Type-approved*: Prototype approved by the Norwegian Maritime Authority with or without sampling inspection of mass production.
 - *Accepted*: Equipment accepted by the Norwegian Maritime Authority on the basis of its approval or type-approval by a recognised classification society, another public or private institution, or the administration of a country which has ratified the SOLAS Convention.
- j) “*ILO Convention No. 186*”: Maritime Labour Convention, 2006.
- k) “*IMO*”: International Maritime Organization.
- l) “*Classed ship (vessel) or lighter*”: A ship with class in a recognised classification society.
- m) “*Load Line Convention*”: International Convention on Load Lines signed in London on 5 April 1966, as amended, including amendments by the Protocol of 1988 relating to the Load Line Convention.
- n) “*Cargo ship*”: Any ship which is not a passenger ship, fishing vessel or lighter.
- o) “*Lighter*”: A hull or ship without propulsion machinery intended to be moved by towing or pushing and which is used for the carriage of cargo.
- p) “*Mile*”: Nautical mile = 1,852 metres.
- q) “*New ship or lighter*”: A ship or lighter the keel of which is laid on or after the date on which these Regulations enter into force. A ship which is converted to a lighter on or after the date on which these Regulations enter into force is considered to be a new lighter.
- r) “*Oil tanker*”: Any vessel carrying liquid petroleum products in bulk, as defined in MARPOL Annex I, Chapter I, Regulation 1(4).
- s) “*Passenger*”: Every person on board other than: the master and members of the crew, or other persons employed or engaged in any capacity on board a ship in the service of that ship; and children under the age of one year.
- t) “*Passenger ship*”: A ship that can carry more than 12 passengers or which is required to have official permission to carry passengers.
- u) “*SOLAS Convention (SOLAS 74)*”: International Convention for the Safety of Life at Sea, 1974, as amended.
- v) “*Tow*”: One or more tugs connected by a tow connection to one or more towed objects.
- w) “*Tug*”: A ship which is constructed and equipped for towing or pushing.
- x) “*Tow connection*”: The connection between the tug and the towed object, such as wire, hawser, etc.
- y) “*Towing permit*”: The permit to carry out a tow within a certain specified area.
- z) “*Towing operation*”: An operation where the purpose is to tow or push one or more towed objects.
- aa) “*Towed object*”: Lighter, floating dock, floating crane, floating wharf, drilling vessel, ship, ship’s section, pontoon, dracon, plastic hose or other floating objects.
- bb) “*Ship of historical importance*”: A ship or vessel which has been given such status in accordance with approval by the Directorate for Cultural Heritage or whoever is authorised by the Directorate for Cultural Heritage. This status is maintained for as long as the Directorate for Cultural Heritage, through a separate agreement with the owner, finds the antiquarian conditions to be sustained.
- cc) “*Anniversary date*”: The day and month of each year which will correspond to the date of expiry of the certificate.

Section 3 should read:

The company, *employer*, platform manager and other persons working on board shall perform their duties in accordance with the Ship Safety and Security Act and with the supplementary provisions laid down in these Regulations.

Section 8 new fourth paragraph should read:

- (4) A maritime labour certificate, also when issued on an interim basis, shall cease to be valid if:
 - a) The relevant inspections are not completed within the periods specified in section 63 third paragraph.

- b) The certificate is not endorsed in accordance with section 63 third paragraph.
- c) The ship changes flag.
- d) The company ceases to assume the responsibility for the operation of the ship.
- e) Substantial changes have been made to the structure or equipment covered by the rules of the Regulations of 15 September 1992 No. 707 concerning the accommodation and catering service on ships.

Section 8 new fifth paragraph should read:

(5) In the cases referred to in the fourth paragraph (c), (d) or (e), a new certificate shall only be issued when the Norwegian Maritime Authority or recognised classification society are fully satisfied that the ship is in compliance with the requirements of section 63 first paragraph.

Section 8 fourth and fifth paragraphs become new sixth and seventh paragraphs.

Section 12 first paragraph subparagraph a) point 3 should read:

- 3. the working and living conditions on board for the implementation of ILO Convention No. 186 comply with the requirements of the regulations currently in force related to these conditions.

Section 12 first paragraph subparagraph b) first sentence should read:

Vessels which already have valid trading certificates *or vessel instructions* for fishing vessels, and which are to be used for purposes described in section 43 (c) may be surveyed for the issue of new passenger certificates independently of the provisions of subparagraph a) above.

Section 12 first paragraph subparagraph c) fifth and sixth sentence should read:

Inspection of working and living conditions in accordance with subparagraph a) point 3 shall be carried out upon renewal of the passenger certificate, as well as between the second and third anniversary date of the certificate. For ships which have a safety management certificate this inspection may instead be carried out in connection with an audit of the safety management system.

Section 22 first paragraph subparagraph a) point 3 should read:

- 3. the working and living conditions on board for the implementation of ILO Convention No. 186 comply with the requirements of the regulations currently in force related to these conditions.

The title of chapter 14 should read:

Inspection for the issue of maritime labour certificate and the right for persons working on board to demand survey

New section 62 should read:

Section 62 Certificate

(1) New and existing passenger and cargo ships of 500 gross tonnage or over which are registered in a Norwegian ship register and which are engaged in international voyages or operating from a port, or between ports, in another country, shall have a valid maritime labour certificate.

(2) The company may request the issue of such a certificate to other ships registered in a Norwegian ship register by submitting a request for survey pursuant to section 6. Chapters 1 and 4, as well as this chapter, apply correspondingly for this voluntary certification.

New section 63 should read:

Section 63 Inspection for maritime labour certificate

(1) An inspection for the issue of a maritime labour certificate shall be carried out in accordance with the Ship Safety and Security Act with appurtenant regulations and the Ship Labour Act with appurtenant regulations, and includes, *inter alia*, the inspection of:

1. minimum age;
2. medical certification;
3. qualifications;
4. employment agreements;
5. use of private recruitment and placement services;
6. hours of work and rest;
7. manning levels;
8. on-board accommodation;
9. on-board recreational facilities;
10. food and catering;
11. health and safety and accident prevention;
12. on-board medical care;
13. on-board complaint procedures;
14. payment of wages.

(2) When the period of validity set forth in the maritime labour certificate has expired, a new certificate shall be issued when a renewal inspection has been carried out in accordance with the first paragraph. The inspection may take place within three months before the date stated in the certificate without the date of the next renewal inspection being changed. The inspection must always be completed within the date stated in the certificate. The date for a new inspection is calculated in connection with the initial inspection based on the date of completion of the inspection. At subsequent inspections, the date stated in the certificate shall be taken as a basis for the calculation.

(3) During the period of validity of the certificate, an intermediate inspection shall be carried out including inspection to ascertain that the matters referred to in the first paragraph above are in compliance with the regulations currently in force. This intermediate inspection shall be carried out between the second and third anniversary date of the certificate. The certificate shall be endorsed following satisfactory intermediate inspection.

(4) After completed inspection no changes shall be made in the matters covered by the inspection, unless approved.

(5) The results of all subsequent inspections of the ship and any significant deficiencies found during any such inspection shall be recorded, together with the date when the deficiencies were found to have been remedied. This record shall be inscribed upon or appended to the declaration of maritime labour compliance, or made available in some other way to any person working on board, flag State inspectors, port State inspectors and any employers' or employees' organisations concerned. On ships engaged in international voyages the record shall be accompanied by a translation into English where it is not written in English.

New section 64 should read:

Section 64 Issue and duration of certificates

(1) Certificates shall be issued by the Norwegian Maritime Authority or recognised classification society. The text of the certificates shall be as prescribed by the Norwegian Maritime Authority.

(2) The maritime labour certificate is issued for a period which shall not exceed five years. The date for renewal inspection shall be entered on the certificate. Upon request from the company the validity of the certificate may be harmonised with the validity of the ship's safety management certificate, if the date of the intermediate inspection during the validity period of the certificate, in accordance with section 63 third paragraph, is not exceeded.

(3) The maritime labour certificate consists of a certificate part and a declaration of maritime labour compliance. The declaration of maritime labour compliance consists of two parts:

- a) Part I of the declaration of maritime labour compliance is drawn up by the Norwegian Maritime Authority, and includes:
 1. a list of matters to be inspected in accordance with section 63 first paragraph;
 2. the provisions implementing ILO Convention No. 186, with information about any ship-type specific requirements;
 3. provisions which are substantially equivalent, and which are adopted pursuant to paragraph 3 of Article VI of ILO Convention No. 186;
 4. exemptions, if any, from Title 3 of ILO Convention No. 186, which have been laid down by the Norwegian Maritime Authority pursuant to the Regulations of 15 September 1992 No. 707 concerning the accommodation and catering service on ships.
- b) Part II of the declaration of maritime labour compliance is drawn up by the company, and shall identify the measures adopted by the company in order to see to and ensure ongoing compliance between inspections with the requirements listed in Part I of the declaration of maritime labour compliance and the measures adopted by the company to ensure that there is continuous improvement of the working and living conditions on board the ship. The measures identified in Part II of the declaration of maritime labour

compliance shall in particular indicate the occasions on which the ongoing compliance with the particular requirements of acts and regulations shall be verified, the persons responsible for verification, the records to be taken, as well as the procedures to be followed where non-compliance is noted. Part II of the declaration of maritime labour compliance shall be drawn up in the form approved by the Norwegian Maritime Authority or equivalent form.

(4) Where procedures in the ship's safety management system cover the items of section 63 first paragraph, it will for these items be sufficient to refer to those procedures in the safety management system in Part II of the declaration of maritime labour compliance.

(5) The Norwegian Maritime Authority shall issue Part I of the declaration of maritime labour compliance. The Norwegian Maritime Authority or recognised classification society shall issue the maritime labour certificate when the items of section 63 first paragraph have been inspected and found satisfactory. Part I and Part II of the declaration of maritime labour compliance shall be attached to the certificate.

New section 65 should read:

Section 65 Availability of the certificate on board

A valid maritime labour certificate shall at any time be available on board. A copy shall be posted in a conspicuous place where it is available to any person working on board. A copy shall upon request be made available to any person working on board, flag State inspectors, port State inspectors and any employers' or employees' organisations concerned.

New section 66 should read:

Section 66 Interim certificate

(1) An interim maritime labour certificate may be issued for a period not exceeding six months by the Norwegian Maritime Authority or recognised classification society:

- a) to new ships on delivery;
- b) when a ship changes flag; or
- c) when a company assumes responsibility for the operation of a ship which is new to that company.

(2) An interim maritime labour certificate may only be issued when:

- a) the ship has been inspected, as far as reasonable and practicable, for the matters listed in section 63 first paragraph;
- b) the company has demonstrated to the Norwegian Maritime Authority or recognised classification society that the ship has adequate procedures to comply with the requirements of the Ship Safety and Security Act with appurtenant regulations and of the Ship Labour Act with appurtenant regulations implementing ILO Convention No. 186;
- c) the master is familiar with the requirements of the Ship Safety and Security Act with appurtenant regulations and of the Ship Labour Act with appurtenant regulations implementing ILO Convention No. 186, as well as with the responsibilities for implementation;
- d) relevant information has been submitted to the Norwegian Maritime Authority or recognised classification society to produce a declaration of maritime labour compliance.

(3) A full inspection in accordance with section 63 first paragraph shall be carried out prior to the expiry of the interim certificate to enable issue of the full-term maritime labour certificate. No further interim certificates may be issued following the initial six months referred to in the first paragraph. The ship shall not be required to have a declaration of maritime compliance in accordance with section 64 for the period of validity of the interim certificate.

New section 67 should read:

Section 67 The right of persons working on board to demand survey

(1) The master shall request survey in accordance with these Regulations if:

- a) more than half of the persons working on board lodge a complaint with the master that the ship does not meet the requirements laid down in the Ship Safety and Security Act or in regulations issued pursuant to the Act concerning technical, operational and personal safety;
- b) the deficiencies clearly constitute a hazard to the ship or to those persons working on board; and
- c) the ship is in a Norwegian port or in a foreign port where there is a foreign service mission.

(2) The master and officers shall not be considered persons working on board pursuant to the first paragraph.

(3) The first paragraph applies correspondingly when the chief engineer officer or chief mate lodges such a complaint with regard to the parts of the ship, the ship's fittings or equipment which are under his or her supervision.

(4) In foreign ports where there is no foreign service mission, the master shall contact the local authorities in order to have persons appointed who can carry out a survey.

(5) If, during the survey, the complaint is found to lack reasonable grounds, the damage shall be compensated according to the rules of the Norwegian Compensation Act.

(6) If a survey pursuant to this provision is carried out outside of Norway, the foreign service mission shall, without delay, notify the Norwegian Maritime Authority. When the foreign service mission has not been involved in the case, the master shall instead send the notification.

The existing chapter 14 becomes new chapter 15, and the existing section 62 becomes new section 68.

The title of chapter 15 should read:

Entry into force, etc.

II

Entry into force

These Regulations enter into force on 20 August 2013.