

Regulations of 28 November 2000 No. 1194 on environmental declaration in connection with environmental differentiation for ships and mobile offshore units

Legal basis: Laid down by the Norwegian Maritime Authority on 28 November 2000 under the Act of 9 June 1903 No. 7 relating to Public 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 2, 4, 6, 12, 19, 20, 31, 32, 33, 34, 37, 38 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 26 June 1998 No. 47 relating to Recreational and Small Craft sections 38 and 39, cf. Formal Delegation of 29 June 2007 No. 848 and Formal Delegation of 29 June 2007 No. 849 and the Taxation Act of 26 March 1999 No. 14, section 8-16 first paragraph.

Amendments: Amended by Regulations of 4 June 2002 No. 565 and 29 June 2007 No. 1006 (i.a. legal basis).

Section 1

Scope of application

These Regulations concern a voluntary scheme for Norwegian ships and mobile offshore units which have prepared or are to prepare an environmental declaration in connection with environmental differentiation.

Amended by Regulation of 29 June 2007 No. 1006.

Section 2

Definitions

For the purpose of these Regulations and the form for calculation of environmental rating under these Regulations, the followings definitions shall apply:

- a) *“Fishing vessel”*: Any vessel used commercially for catching fish, whales, seals, seaweed and sea tangle or other living resources of the sea.
- b) *“Mobile offshore unit”*: A mobile platform, including drillship, equipped for drilling for subsea petroleum deposits, or a mobile platform used for other purposes than drilling for subsea petroleum deposits.
- c) *“Gas carrier”*: A ship built or converted for and used for the carriage in bulk of any of the liquefied gases or other products referred to in chapter 19 of the International Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk (IGC Code).
- d) *“Chemical tanker”*: A ship built or converted for and used for the carriage in bulk of any of the liquid products referred to in chapter 17 of the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code).
- e) *“Combination carrier”*: A ship built or converted for and used for the carriage of petroleum and petroleum products or solid cargoes in bulk.
- f) *“Cargo ship”*: Any ship which is not a passenger ship, fishing vessel, barge or pleasure craft.
- g) *“Barge”*: A hull or a ship without propulsion machinery, which is towed or pushed whenever moved, and which is used for the carriage of cargo.
- h) *“Environmental declaration”*: A declaration which describes the specific environmental characteristics of a ship and the environmental impact significance of the operational conditions of that ship, and which shows the calculated environmental rating of the ship or mobile offshore unit.
- i) *“Environmental rating”*: A numerical value calculated in the ship’s environmental declaration, representing the totality of the environmental characteristics of a ship or mobile offshore unit according to the established criteria. The numerical value lies between 0 and 10, the latter representing the highest environmental standard.
- j) *“Oil tanker”*: A ship built or converted for and used for the carriage in bulk of petroleum and petroleum products covered by Annex I to the International Convention for the Prevention of Pollution from Ships.
- k) *“Passenger ship”*: A ship that can carry more than 12 passenger or which is required to have official permission to carry passengers.

Amended by Regulation of 29 June 2007 No. 1006.

Section 3

Duties

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

The necessary information and documentation shall be produced by the company, which shall issue and ensure compliance with the environmental declaration. The company is under an obligation to comply with the stated environmental criteria which form the basis of the environmental declaration.

The master and the company shall ensure that the necessary arrangements are made for verification, cf. section 8.
Amended by Regulation of 29 June 2007 No. 1006.

Section 4

Exemptions

The Norwegian Maritime Authority may, in individual cases and upon written application, grant exemption from the requirements of these Regulations. There must be special reasons that make the exemptions necessary and they must be justifiable in terms of safety. Exemptions may only be granted where this does not contravene any international agreement to which Norway has acceded.

Section 5

Calculation

The calculation of the environmental rating according to ship type or for a mobile offshore unit shall be performed in accordance with the calculation form prescribed by the Norwegian Maritime Authority. The form is obtainable from the Norwegian Maritime Authority.

For a barge, cf. section 2 (g), used for the carriage of oil, gas or chemicals, the environmental rating shall be calculated as for a tanker. For any other barge, the environmental rating shall be calculated as for a cargo ship.

Section 6

Registration

The completed environmental declaration, in duplicate, shall be sent together with the necessary supporting documents to the Norwegian Maritime Authority for registration.

Upon registration, one copy of the environmental declaration will be returned with acknowledgement of registration to the company and shall be kept on board. Copies of the supporting documents shall be kept on board.

The environmental declaration takes effect from the time it is stamped by an archivist at the Norwegian Maritime Authority.

When submitting documents for registration, the forms which are prescribed by the Norwegian Maritime Authority at any time shall be used and the supporting documents shall be in accordance with the requirements specified in the form.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

Section 7

Validity

The environmental declaration shall be considered to be valid upon registration and shall continue to be valid for up to five years, provided that the basis for the declaration remains unchanged.

The basis for the declaration shall be considered to be changed if the authorities change the criteria or the terms of the declaration. Such change will be communicated to the holders of declarations with six months' notice concerning the establishment of a new environmental declaration.

An environmental declaration shall be considered to be invalid independently of the above if:

- a) the ship or mobile offshore unit changes company;
- b) equipment, arrangements or fuel types which are necessary or form part of the basis for the declaration are not maintained as prescribed in applicable Regulations or are not used;
- c) equipment or arrangements which form part of the basis for the declaration are substantially modified so that this influences the degree of compliance with the criteria forming part of the declaration;
- d) the environmental declaration submitted contains incorrect information; or
- e) in the event of any other major reason for considering the declaration invalid.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

Section 8

Verification

Verification is performed to the extent deemed necessary by the Norwegian Maritime Authority or other Norwegian authority which bases an individual decision on the environmental declaration. Other parties may be authorized to

perform such verification on behalf of Norwegian authorities. Verification may be performed by checking documents or by inspection of systems and components related to the criteria stated in the environmental declaration. Verification may also include sampling and physical measurements.

Section 9

Nonconformities and correction

The verification of the environmental declaration on board the ship may reveal any of the following nonconformities:

- a) Where compliance on board with environmental criteria does not conform to the stated criteria, the declaration shall be considered invalid; cf. section 7.
- b) Where the documents actually available on board do not conform to the documentation requirements, or where there is a deficient operational follow-up of the criteria, this may be corrected by the ship within two months.

Correction of reported nonconformities within such time-limit shall be reported to the Norwegian Maritime Authority for registration, cf. section 6. If a nonconformity is not corrected by the time-limit, the declaration shall be considered invalid.

Section 10

Entry into force

These Regulations enter into force immediately.