

## Circular - Series R

Circular Series R (Regulations) supersedes previous Series F. In the new Series R, relevant legal amendments and amendments to conventions are also published.

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*The Circular should be entered into a special diagram or as appropriate in the latest editions of relevant NMA publications and kept until the next editions.*

## Regulations of 1 July 2014 No. 955 on radiocommunication equipment for Norwegian ships and mobile offshore units

The Norwegian Maritime Authority (NMA) has laid new Regulations on radiocommunication equipment for ships and mobile offshore units. These Regulations enter into force on 15 September 2014. On the same date, the following regulations and individual sections of other regulations are repealed:

- a) Regulations of 11 November 1991 No. 731 on radiocommunication on passenger ships
- b) Regulations of 15 September 1992 No. 693 on the form and keeping of log books for ships and mobile offshore units, sections 14 and 19
- c) Regulations of 16 December 1993 No. 1200 on the installation and use of radio equipment on board mobile offshore units
- d) Regulations of 27 January 1999 No. 149 on radio installations and radio services on passenger ships and cargo ships to which the International Convention for Safety of Life at Sea (SOLAS 1974) applies
- e) Regulations of 12 November 2002 No. 1314 on conditions for periodical maintenance of float-free emergency position-indicating beacons
- f) Regulations of 17 December 2004 No. 1856 on radiocommunication for cargo ships
- g) Regulations of 15 January 2008 No. 72 on helicopter decks on mobile offshore units, sections 33 and 34.

### 1. The consultation

The Regulations were circulated for review in the period from 25 November 2013 to 28 February 2014. The Norwegian Maritime Authority (NMA) received a total of 13 consultative statements, whereof 6 did not include comments to the proposal. To save space, only the actual suggestions from the consultative statements have been rendered in this circular, not the arguments.

### 2. Further information about the contents of the Regulations

## 2.1 Structure

The Regulations are structured with a main rule giving SOLAS chapter IV status as regulation for the ship categories that fall within the scope of application of SOLAS chapter IV, in addition to cargo ships of less than 300 gross tonnage. Separate provision make SOLAS chapter IV applicable also to self-propelled mobile offshore units and ships engaged on domestic voyages. Reference is made to section 2 of the Regulations.

These main rules are supplemented by separate additional and exemption provisions, mainly to ensure the continuation of current law.

SOLAS chapter IV operates with the international division into sea areas: A1, A2, A3 and A4 (where A1 is closest to the coast), in accordance with the types of radio equipment and satellites needed to contact the ship. In Norwegian legislation, the requirements for equipment are mainly based on - besides tonnage, ship type and dimensions - the trade area in which the ship operates, cf. Regulations of 4 November 1981 No. 3793 on trade areas. This division is continued in the present Regulations.

## 2.2 Certain common amendments

The Regulations for the most part continue current law, but include certain noteworthy adjustments.

With regard to exemptions, SOLAS regulation IV/3 constitutes the framework for ships engaged on foreign voyages. For ships engaged on domestic voyages and ships otherwise not covered by SOLAS IV, there is more room for laying down rules providing the possibility to grant exemptions from individual requirements of the Regulations. This latitude has been used in section 14 second paragraph of the Regulations. We have furthermore chosen to underline current practise by including a provision on the acceptance of equivalent solutions. SOLAS regulation I/5 subparagraph a is thus implemented within the scope of application of the Regulations.

The Marine Equipment Regulations are made applicable to all vessel categories covered by the Regulations, and this will be stipulated by the Marine Equipment Regulations.

Provisions on surveys and certification will be continued in the new Regulations on certification, which are presently being laid down.

## 2.3 Changes within the individual vessel categories

### 2.3.1 Cargo ships

Requirements for radio life-saving appliances in the form of radar transponder and hand-held VHF, cf. sections 9 and 10 of the Regulations of 17 December 2004 No. 1856 on radiocommunication for cargo ships, are continued in new Regulations on life-saving appliances which are being laid down in parallel. These requirements are regulated by SOLAS chapter III on life-saving appliances, and the regulatory structure will from now on be based on the topic division of SOLAS.

The requirement for carrying Volume III of the IAMSAR<sup>1</sup> manual on board, cf. section 5 of the same Regulations, is continued in the same way, in new Regulations on navigational aids, since the equivalent international requirement is found in SOLAS chapter V on safety of navigation.

### 2.3.2 Passenger ships

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<sup>1</sup> International Aeronautical and Marine Search and Rescue Manual

### **2.3.2.1 VHF with DSC**

The Regulations introduce a requirement for VHF with DSC for passenger ships engaged on domestic voyages, cf. section 5 second paragraph (b). The ships will have until 1 July 2015 to satisfy this requirement.

### **2.3.2.2 Rules on reserve source of energy**

The Regulations of 11 November 1991 No. 3793 on radiocommunication on passenger ships do not contain any specific rules on reserve sources of energy, cf. SOLAS regulation IV/13. It is, however, assumed that these ships nevertheless have reserve systems of energy and that there is a need for this, similarly to the other vessels that are covered by the Regulations. Since regulation 13 contains functional requirements and thus opens for a dimensioning of the source of power with regard to equipment, size and motorisation, the requirement for a reserve source of energy is considered implemented by the general reference to SOLAS IV in section 2 second paragraph.

### **2.3.3 Mobile offshore units**

#### **2.3.3.1 Application of the MODU Code**

Today's body of legislation makes the provisions of the MODU Code, with certain exceptions, binding, cf. point 2 above. Chapter 11 of the Code stipulates rules for radiocommunication, and separates between self-propelled and non-self-propelled units, units under tow and units stationary at the site. The MODU Code in turn refers to the rules of SOLAS IV, which are made obligatory for self-propelled units, cf. point 11.3 of the Code. For non-self-propelled units the Code stipulates adapted rules in points 11.4 and 11.5.

As a continuation of current law, SOLAS IV is made applicable as regulation, cf. section 7. At the same time, an exemption for non-self-propelled units is added, which refers to points 11.4 and 11.5 of the MODU Code, cf. section 8.

Transitional provisions for mobile offshore units are laid down in section 15 second paragraph.

## **3. Economic and administrative consequences**

The Regulations for the most part continue current law, and shall therefore in principle not entail any increased costs for the industry.

The exception is the introduction of a requirement for VHF with DSC for ships which are today covered by the Regulations of 11 November 199 No. 731 on radiocommunication on passenger ships. In line with the introduction of DSC, equipment with such functionality has increasingly taken over for VHF on industry vessels, and many have voluntarily switched to VHF with DSC. The number of vessels directly affected by the introduction of this requirement, is therefore limited. The amendment will nevertheless entail costs for those still using VHF in accordance with current legislation - VHF with DSC are today marketed from NOK 2,000-3,000 and upwards - but the NMA considers the gain in terms of safety for the crew to be weightier. The requirement has for long been applicable to cargo ships engaged on domestic voyages, and has from 1 January 2011 also been a requirement for vessels covered by the Regulations on the operation of vessels carrying 12 passengers or less. A reasonable deadline is given for upgrading the equipment, cf. the transitional provision of section 15 of the Regulations.

#### 4. Remarks to the individual provisions in the Regulations

Since the rules for passenger ships and cargo ships, both with regard to the ships' characteristics and through different choices over time, have developed differently, the need for adapted rules also varies, and this is reflected in the layout of sections 3, 4, 5, 6 and 7.

##### *To section 1 Scope of application*

The Regulations have been structured with a positively indicated scope of application. The delimitation means that the following vessel categories are not regulated:

- a) fishing vessels;
- c) ships with High-Speed Craft Safety Certificate;
- d) ships with Passenger Ship Safety Certificate in domestic trade (EU);
- e) ships that can carry 12 passenger or less and which are not required to have Passenger Certificate, i.e. ships covered by the scope of application of the 12 Pax Regulations<sup>2</sup>;
- f) recreational craft of less than metres in overall length.

With regard to cargo ships, the Regulations entail a simplification of the scope of application, since the division between vessels of more and less than 15 metres has been omitted. Recreational craft over a certain size shall still comply with the rules for cargo ships, but the tonnage limitation of 50 GT has been replaced by the limit of 24 metres, in line with the delimitation of the scope of application of the Ship Safety and Security Act.

##### *To section 2 Required radiocommunication equipment for cargo ships and passenger ships*

The first paragraph makes the provisions of SOLAS IV applicable as regulation. Since the scope of application is not affected, the scope of application of SOLAS IV forms the basis for the types of ships that are covered by the provision.

In the second paragraph, the first paragraph is made correspondingly applicable to ships which in principle are not covered by the scope of application of SOLAS IV, so that SOLAS IV is also given status as regulation for cargo ships of less than 300 gross tonnage engaged on foreign voyages and ships engaged on domestic voyages.

##### *To section 3 Exemptions for cargo ships operating in trade area 2 or more restricted trade area*

The section continues current equipment requirements for cargo ships in the most restricted trade areas, which deviates from the main rule of applying the requirements of SOLAS IV as a basis.

##### *To section 4 Additional requirements for cargo ships operating in trade area 3 or greater*

The provision continues additional requirements that follow from current law, cf. section 9 and section 10 fifth to seventh paragraph of the Regulations on radiocommunication for cargo ships.

##### *To section 5 Exemptions for passenger ships engaged on domestic voyages*

The first paragraph is a continuation of section 8(1) of the Regulations of 11 November 1991 No. 731 on radiocommunication on passenger ships. Pursuant to current provisions, passenger ships have no requirements for radio equipment for vessels with trade area on lakes and rivers. Today's practice is that the NMA gives recommendations for the outfitting of these vessels.

The second paragraph is structured the same way as section 3, and gives guidance on the equipment requirements that apply to passenger ships engaged on domestic voyages instead of the requirements that follow from SOLAS IV.

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<sup>2</sup> Regulations of 24 November 2009 No. 1400 on the operation of passenger vessels carrying 12 passengers or less

In the third and fourth paragraphs the equipment requirements are supplemented in accordance with the size of the trade area for which the ships are certified.

*To section 6 Additional requirements for passenger ships with arrangements for helicopter operations*

The section continues the requirements of section 10 (2) and (3) of the Regulations on radiocommunication on passenger ships.

There are no special rules for cargo ships with helidecks beyond the requirements provided by chapter 5 of the Regulations on safety measures, etc. on ships<sup>3</sup>.

*To section 7 Required radiocommunication equipment on mobile offshore units*

Mobile offshore units are in principle not covered by the scope of application of SOLAS, and insofar as the Convention is to be made applicable, this has to be done by way of a special provision. The IMO's MODU Code nonetheless advises that self-propelled mobile offshore units should comply with the radio requirements for cargo ships of SOLAS IV, cf. point 11.3 of the Code. The current Regulations on radiocommunication for mobile offshore units have, with some additions, made the MODU Code binding, and have thus indirectly also made SOLAS IV applicable to these units. Section 7 of the Regulations simplifies this by making SOLAS IV directly applicable. Since the current Regulations refer to an older edition of the MODU Code, transitional provisions have been laid down, cf. section 15 of the Regulations.

*To section 8 Exemptions for non-self-propelled mobile offshore units*

For non-self-propelled units the MODU Code stipulates adapted rules in points 11.4 and 11.5. As a continuation of current law, a provision regarding exemption has therefore been added for non-self-propelled units, which refers to points 11.4 and 11.5 of the MODU Code.

*To section 9 Additional requirements for mobile offshore units with helideck*

The section continues the special rules with special requirements for vessels fitted with helideck, cf. section 9 of the Regulations on the installation and use of radio equipment on board mobile offshore units, and partly sections 33 and 34 of the Regulations on helicopter decks on mobile offshore units.

*To section 10 Requirements for duplication of equipment and maintenance of radio equipment*

SOLAS IV/15 has rules on the maintenance of the radio equipment, but on certain points leaves it up to each country's administration to decide the required forms of maintenance in order to ensure radio availability when the ships are in operation. In Norwegian regulations these rules have to a certain degree been supplemented, and certain choices have additionally been made with regard to the required maintenance methods. Section 10 of the Regulations continues the Norwegian adaptations and additions to SOLAS IV/15.

Fourth paragraph second sentence continues a provision for placement of duplicated equipment, the reason for which is the need to minimise the possibility of an accident affecting the reserve equipment in addition to the primary radio equipment. The actual requirement for duplicated radio equipment is stipulated by the fourth paragraph first sentence.

The fifth paragraph continues the requirements of section 11(6) subparagraph e) of the Regulations on radiocommunication for cargo ships.

*To section 11 Documentation*

Section 11 contains an approximate standardised provision on requirements for documentation. Similar provisions are found in most of the NMA's regulations regarding equipment. The provision continues current law, but limits the industry's documentation duty to cases where the NMA considers that there are grounds to request such documentation.

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<sup>3</sup> Regulations of 15 June 1987 No. 507 on safety measures, etc. on passenger ships, cargo ships and lighters

*To section 12 Radio records*

SOLAS IV/17 stipulates that records shall be made in accordance with the provisions of the Administration and as prescribed by the Radio Regulations, regarding all incidents connected with the radiocommunication service which appear to be of importance to safety of life at sea.

The provision continues the implementation of this requirement, and replaces sections 14 and 19 of the Log Book Regulations.

In the provision of the second paragraph the reference to the further requirements of the STCW Code<sup>4</sup> regarding the log book keeping is continued, since these requirements are included in Appendix A No. 87-89 of the Watchkeeping Regulations. For the purpose of these special provisions, mobile offshore units are included in the scope of application of the Watchkeeping Regulations.

*To section 13 Exemptions*

The first paragraph allows for the possibility to approve other solutions than those that explicitly follow from the wording of the Regulations and from the international regulations given status as regulation. The provision does not relax the requirements, but allows for the requirements to be satisfied in other ways than as stipulated by the rules. This way, the door is kept open to e.g. the development of new solutions, which were not known at the time when the new Regulations were laid down. The provision is in line with current practice, and implements SOLAS regulation I/5 subparagraph a within the scope of application of the Regulations.

Section 13 second paragraph gives the NMA the statutory authority to make decisions on exemptions from the requirements of the Regulations. An exemption requires that the company submits a written application containing information and justification, which the NMA will then assess, taking into account the considerations and interests that the applicable requirements are meant to look after. Whether a decision shall be made exempting the company from certain commitments, is decided following a concrete assessment. Companies applying for exemptions are not entitled to have these granted even if the terms of the exemption provision are satisfied. The starting point is that the requirements of the Regulations shall be met. Only in extraordinary cases, where warranted by valid grounds, will there be an opening for making a decision to exempt.

The conditions to be satisfied in order for the NMA to make a decision to exempt are stipulated by section 13 second paragraph subparagraphs a and b, respectively. That the requirement is not essential means that the requirement concerned is considered to be less essential when compared to the extraordinary reasons forming the basis for an exemption. An exemption pursuant to subparagraph a may be granted only if a lapse of the requirement concerned nevertheless provides a level of safety which is justifiable. Subparagraph b requires compensating measures which are different from the prescriptive requirements of the Regulations, and where it is assumed that such compensating measures provide a level of safety equivalent to the level achieved by the regulatory requirement.

With regard to the relationship to SOLAS regulation IV/3, reference is made to point 2.2. above.

The structure of the provision regarding exemption was created following the consultation, and absorbs and replaces section 7 of the draft regarding requirements for ships with trading permit for carriage of passengers. The rules on trading permits lapse with the parallel entry

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<sup>4</sup> Seafarers' Training, Certification and Watchkeeping Code, included in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978).



into force of the new Certification Regulations, and are replaced by the more general rules on exemption.

*To section 14 Entry into force*

The Regulations enter into force on 15 September 2014, as part of a coordinated entry into force of several new regulations.

*To section 15 Transitional provisions*

As part of the phasing-in of new equipment, ships are in the first paragraph given until 1 July 2015 to comply with the requirement.

The NMA's new regulations for mobile offshore units have up until now included an arrangement providing a choice for existing units to relate to either the new or old legislation until the next certificate renewal. As a result of this, the old Regulations have been repealed five years after the entry into force of the new Regulations. Instead of this arrangement, where there would be two concurrent sets of regulations for a period of time, the new Regulations include a transitional provision stipulating that units covered by the provision may choose to follow the requirements of Appendix I until the next certificate renewal. Appendix I to the Regulations includes the requirements of the current Regulations on radiocommunication for mobile offshore units.

*To section 16 Repeal of and amendments to other regulations*

The provision indicates the regulations which are being replaced by the new Regulations on radiocommunication equipment.

Yours faithfully,

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Acting Director General of Navigation and Shipping

Linda Bruås  
Acting Head of Department

Attachment:

Regulations of 1 July 2014 on radiocommunication equipment  
for Norwegian ships and mobile offshore units

Copy to: Ministry of Trade, Industry and Fisheries