

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.

Circular recipients: (check box)

- Sdir : The Norwegian Maritime Authority
- A: 16 specially authorized employment offices
- U: Selected Foreign Service stations
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- OFF: Offshore companies/platform managers/operators
- Hov: Main organizations
- H.i. Bodies or agencies for their comments
- Others:

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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.

Regulation concerning amendments to Regulations of 22 December 2011 No. 1523 concerning qualifications and certificates for seafarers

Introduction

The Norwegian Maritime Authority (NMA) has laid down amendments to the Regulations of 22 December 2012 No. 1523 concerning qualifications and certificates for seafarers (henceforth "Qualifications Regulations"). The amendments are related to requirements for radio operators operating in the GMDSS system as part of the implementation of amendments to the STCW Convention.

The proposal was circulated for review from 24 April to 13 June 2014. The Norwegian Shipowner's Association and the Norwegian Seafarer's Union are positive to the proposal. The Norwegian Post and Telecommunications Authority has made a linguistic correction which has been taken into account with regard to the proposed section 46, so that "or" is replaced by "and" in the listing of sea areas. We have also considered a comment regarding whether the proposed new section 18 is clear enough, but we find that it is sufficiently clear that Telenor Maritime Radio is the issuing body for radio certificates. Other consultative bodies did not have any comments to the proposed amendments.

Details of the amendments

The Qualification Regulations implement the requirements for qualification and certificates of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), including the amendments adopted in Manila in 2010. The Manila amendments have for the most part been implemented into the Qualification Regulations, but some radio operator requirements remain.

Directive 2012/35/EU of the European Parliament and of the Council amends Directive 2008/106/EC on the minimum requirements for training for seafarers in line with the amendments to the STCW Convention. The amending Directive entered into force in the EU on 4 July 2014, and is currently being considered by the EEA Joint Committee for incorporation into the EEA Agreement. The regulatory amendments are also in accordance with the amending Directive.

The Ministry of Trade, Industry and Fisheries have pursuant to section 41 third paragraph of the Ship Safety and Security Act decided that certificates of competency for radio operators shall be issued by Telenor Maritime Radio.

The current section 46 of the Qualifications Regulations stipulates a certificate requirement for radio operators serving in sea areas A1 to A4¹. Requirements for knowledge, training and examination requirements in connection with ROC and GOC certificates² for radio operators in the GMDSS system have up until now been regulated in separate GMDSS Regulations³, and these Regulations were directed at both the training institutions and the candidates.

With these amendments, the requirements for ROC and GOC radio operators have been moved to the Qualifications Regulations and the course plans for the various certificates. As a result, the GMDSS Regulations become superfluous and are therefore repealed. It will be up to Telenor Maritime Radio, in consultation with the industry and the Norwegian Maritime Authority, to develop sufficient and appropriate course plans for the certificates of competence ROC and GOC, using IMO's model courses and the requirements of the Qualifications Regulations as a starting point. Section 46 of the Qualifications Regulations is amended, and Annex IV table A-IV/2 of the STCW Convention is included as part of the Qualifications Regulations. This means that the requirements for certificates of competence for radio have been formulated the same way as for the other certificates of competence in the Qualifications Regulations.

Annex IV and table A-IV/2 of the STCW Convention are included as part of the Qualifications Regulations, and this ensures that the minimum requirements for training and competence are in line with Norway's international commitments. The table covers both ROC and GOC, and a more comprehensive regulation of the requirements for issuance of Certificate of Competency ROC and Certificate of Competency GOC will be described in the individual course plans. This solution will be in line with how the knowledge requirements for the other certificates of competence have been set up in the Qualifications Regulations.

In order to clarify that Telenor Maritime Radio is the issuer of the certificates of competency ROC and GOC, a sentence has been added to section 18 first paragraph of the Regulations regarding the issuance of certificates of competency etc. The same has been done in section 84 third paragraph and section 85 third paragraph with regards to endorsement.

Two new definitions have furthermore been added to section 2 of the Regulations. Other provisions of the current GMDSS Regulations, such as provisions regarding exemptions and requirements for training institutions, are covered by the general provisions of the Qualifications Regulations.

The amendments to the Qualifications Regulations and the repeal of the GMDSS Regulations updates the current legislation rather than introduces new requirements. The proposal does not include any increase in positions requiring ROC or GOC certificates, and the scope of the courses required in order to be issued the certificates will not be substantially amended. The transitional provisions for certificates of competency in section 96 of the Regulations will also apply to the certificates of competency ROC and GOC. This means that certificates issued pursuant to the previous regulations will only be valid until 1 January 2017, which will be significant for radio certificates issued after 1 January 2012 with a validity period of five years.

Seafarers who have been issued certificates after 1 January 2012 can contact Telenor Maritime Radio in order to have these replaced by new certificates.

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¹ Cf. SOLAS chapter IV Part A regulation 2

² Restricted Operator's Certificate (ROC) and General Operator's Certificate (GOC)

³ Regulations of 14 December 1992 No. 1258 concerning GMDSS

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