

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
- P: Equipment manufacturers, any subgroups
- OFF: Offshore companies/platform managers/operators
- Hov: Main organizations
- H.i. Bodies or agencies for their comments
- Others:

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Reference to: Port State Control Regulations, page 218 in *Excerpts from the Norwegian Passenger and Cargo Ship Legislation, etc., 2013.*

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.

Amendments to the Port State Control Regulations

The Norwegian Maritime Authority has laid down amendments to section 5 third paragraph of the Regulations of 30 December 2010 No. 1849 concerning the control of foreign ships and mobile offshore units in Norwegian ports, etc. in order to implement Commission Implementing Regulation (EU) No 1205/2012 in Norwegian legislation. The amendments will mean that the selection of ships for Port State Control will be based on the whole continuous period of 36 months preceding the publication of the European Maritime Safety Agency's lists of company performance instead of the previous period of 3 or 6 months on a continuous basis during the previous 36 months.

The background for the amendment

The European Commission adopted Regulation (EU) No 1205/2012 on 14 December 2012. The Regulation amends Regulation (EU) No 802/2010 as regards Port State Control (PSC) performance of companies and their ships. The Regulation establishes criteria for the ranking of company performance for lists published by the European Maritime Safety Agency (EMSA). Regulation (EU) No 1205/2012 was incorporated into the EEA Agreement by Decision of the EEA Joint Committee No 170/2013.

The Decision affects Article 3(2) of Regulation (EU) No 802/2010, which is implemented in section 5 third paragraph of the Port State Control Regulations. In order to implement the amendments of Regulation (EU) No 1205/2012 in Norwegian legislation, minor amendments have been made to section 5 third paragraph of the Port State Control Regulations, which means that the Regulations also implements this Regulation.

Details of the amendments

The assessment period stated in Article 3(2) of Regulation (EU) No 802/2010 is amended to 36 months in Regulation (EU) No 1205/2012, instead of the previous period of 3 or 6 months on a continuous basis during the previous 36 months. The amendments mean that the assessment period for company performance will be the whole continuous period of 36 months preceding the publication. The intention is to make the lists more purposeful, so that the list will provide a more detailed overview of the company's performance over time. It is assumed that a consistently poor performance for such an extended period demonstrates an unwillingness or inability to improve performance.

The Norwegian Maritime Authority's Circulars consist of 2 series, **Series R: Regulations, Acts and Conventions**, and **Series V: Guidelines and interpretations**.

The proposal was circulated for comments in connection with the incorporation into the EEA Agreement, and there were no comments from the main organizations.

These amendments enter into force immediately.

Administrative and financial implications

The Regulation can be implemented without major regulatory amendments, and entails few administrative and financial implications for the administration and the companies. Companies that have demonstrated a level of poor PSC performance during the whole period of 36 months would also have had a poor level of performance during 3 or 6 months on a continuous basis during those 36 months. For these vessels the inspection interval remains the same as before. For vessels where the company demonstrates a willingness to change and to improve performance, it could be a financial gain for the company that performance has been improved to such an extent during the 36 months preceding publication that risk is reduced and the inspection interval increases.

Details of the relationship to the EEA Agreement

Regulation (EU) No 1205/2012 is incorporated into point 56be of Annex XIII to the EEA Agreement.

New text attached.

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Annex 1

Regulation concerning amendments to Regulations concerning the control of foreign ships and mobile offshore units in Norwegian ports, etc.

Laid down by the Norwegian Maritime Authority on 5 February 2014 under the Act of 16 February 2007 No. 9 relating to Ship Safety and Security (Ship Safety and Security Act) sections 42, 44, 45, 52 and 54, cf. Formal Delegation of 31 May 2007 No. 590.

I

Regulations of 30 December 2010 No. 1849 concerning the control of foreign ships and mobile offshore units in Norwegian ports, etc. are amended as follows:

Section 5 third paragraph should read:

«Annex XIII point 56be of the EEA Agreement (Regulation (EC) No 802/2010 as amended by Regulation (EU) No 1205/2012) implementing Article 10(3) and Article 27 of Directive 2009/16/EC of the European Parliament and of the Council as regards company performance shall apply as regulation with the adaptations that follow from Annex XIII, Protocol 1 to the Agreement and the Agreement in general.»

II

This Regulation enters into force immediately.

