Regulations of 16 August 1989 no. 818 for the implementation of the regulation of 11 August 1989 concerning extended trade areas for cargo ships registered in the Norwegian International ship register


§ 1

Introduction

Ships to which the Regulations of 11 August 1989 concerning extended trade areas for cargo ships registered in the Norwegian International Ship Register apply, may, on the conditions laid down in the regulations, carry cargo between Norwegian ports. Pursuant to § 3 of the regulations, the Norwegian Maritime Directorate shall keep a list of such ships.

§ 2

Notification to the Norwegian Maritime Directorate

1. Notification from the shipowner of ships which are to carry cargo between Norwegian ports shall contain:
   a. information about
      – the ship’s name
      – the ship’s signal letters
      – the ship’s gross tonnage
      – the type of ship
      – the type of cargo which the ship is specially built or equipped to carry
      – the type of cargo which will be carried
   b. a confirmation that the shipmaster is Norwegian, and that the carriage is not part of a regular scheduled service, and
   c. information about the utilization of available tonnage in the market and about competition with ships registered in the ordinary ship register.
2. The notification should be given on the form prescribed by the Norwegian Maritime Directorate.
3. The shipowner shall immediately notify the Norwegian Maritime Directorate of any changes in the information regarding the ship. In the case of other changes a new notification shall be sent in, with the same information and the same procedure as for the initial notification.

§ 3

Statements from the organizations of the shipping industry

1. The Norwegian Maritime Directorate shall immediately send a copy of the notification to the following organizations: Norwegian Shipowners’ Association, Association of Cargo Freighters, Employers’ Federation of Norwegian Coastal Shipping, Norwegian Seamen’s Union, Norwegian Shipmasters’ Association, Norwegian Mates’ Association, and The Norwegian Union of Marine Engineers (hereinafter called the organizations). Any statements from the organizations must be made to the Directorate within two weeks of the sending out of the notification.
2. In special cases where, with regard to the contract of affreightment, it is important to the shipowner that the matter be dealt with quickly, the shipowner may himself send a copy of the notification direct to the organization. In this case, the notification to the Norwegian Maritime Directorate shall confirm that a copy has been sent to the organizations mentioned. In this instances, the Directorate may set a shorter time-limit than two weeks and shall immediately inform the organizations of the time-limit.

§ 4

Contents of the list

The list of ships which may carry cargo between Norwegian ports shall contain information about
– the ship’s name
– the ship’s signal letters
– the ship’s gross tonnage
the shipowner/business address in Norway
classification society
the type of cargo which is to be carried
the ports of loading and unloading which are to be used
the period of time for which the entry is valid.

§ 5

Time limitation of the entry

The entry is valid for a period of 2 years, unless the notification expressly specifies a shorter period. Notification of prolonged entry should be sent to the Norwegian Maritime Directorate 2 months prior to the expiry of the period, with the same information and the same procedure as for the initial entry.

§ 6

Procedure for entry on the list

1. The Norwegian Maritime Directorate will check that the information given in the notification is in accordance with the conditions stated in § 2 of the regulations. If the conditions are found to be satisfied, and no substantiated objections have been made by the organizations according to § 3 first paragraph of the regulations within the time-limit specified in § 3, the ship will be entered on the list.
2. If the Norwegian Maritime Directorate finds that the conditions stated in § 2 of the regulations are not satisfied, or if, within the time-limit, objections have been made which are specifically substantiated by the conditions stated in § 2 first paragraph last sentence of the regulations, the ship cannot be entered on the list.
3. The Norwegian Maritime Directorate will immediately notify the shipowner whether the ship has been entered on the list. If, according to subsection 2 above, the ship cannot be entered on the list, the notification shall contain information about the right to appeal.

§ 7

Procedure for deletion from the list

1. A ship entered on the list shall immediately be deleted from the list
   - at the shipowner’s request
   - when the ship changes owners, or
   - when it no longer has a Norwegian master.
2. Deletion may also be made:
   a. on the basis of reports from the Ship Control, port authorities, or other public authorities stating that a ship on the list
      - loads or unloads in ports other than those stipulated, or
      - is used in violation of the provisions of § 2 of the regulations, relating to cargo or regular scheduled services,
   b. on the basis of notification from the Maritime Investigator that the ship has been reported for violation of § 4 of the Act of 12 June 1987 No. 48 relating to a Norwegian International Ship Register, or
   c. when the Norwegian Maritime Directorate otherwise finds that the ship no longer complies with the conditions for entry on the list.
3. Before a deletion may be made according to the provisions of subsection 2 above, the shipowner and organizations shall be given an opportunity to express their views within a time-limit of one week.
4. Notification of deletion shall be given immediately to the shipowner, with a copy to any authority that has reported any violation or complaint against the ship. When a deletion is made according to the provisions of subsection 2 above, the notification shall contain information about the right to appeal.

§ 8

Distribution of the list

The list shall be distributed immediately to the organizations, the Ship Control, and the port authorities. The same applies to the updated list following a new entry or deletion. The list may also be made available by electronic means.

§ 9

Appeal

Decisions not to enter a ship on list or to delete a ship from the list may be appealed to the Ministry of Foreign Affairs by the shipowners or the organizations. The appeal shall be sent to the Norwegian Maritime Directorate, which, after having made such investigations as are justified by the appeal, will immediately forward the appeal to the
Ministry together with the other documentation relating to the case. The Ministry shall decide the appeal without undue delay. Otherwise, the provisions of the Public Administration Act apply as far as they are appropriate.

§ 10

Exemption from other regulations

§ 4 subsection 3 of the Norwegian Maritime Directorate’s regulations of 1 July 1987 concerning permission for the holder of a foreign certificate of competency to serve in posts for which a certificate of competency is required on Norwegian ships, drilling units or other mobile offshore installations, may not be made applicable to the position of shipmaster on ships entered on the list.

§ 11

Entry into force

These provisions enter into force immediately.