

## **Act of 5 June 1981 No. 42 relating to Certificate of Personnel on Norwegian Ships, Drilling Units and other Mobile Offshore Installations (the Certification Act)**

### **§ 1 Certification requirements**

1. The King may decide that a person serving on board a Norwegian ship, drilling unit or other mobile offshore installation, is required to have a certificate of competency or other attestation for the post concerned.
2. The Act does not apply to service on board Naval Defence vessels, though the Act does apply to civilian personnel on ships chartered by the Naval Defence.

### **§ 2 Certificate of competency or other attestation**

The King shall issue regulations concerning the issue and grading of certificates of competency or similar attestations within the different groups of posts, as well as concerning the period of validity, and concerning the rights which each certificate or attestation gives the holder.

### **§ 3 Qualification requirements**

In order to obtain a certificate of competency or similar attestation as referred to in this Act, the person concerned shall satisfy the requirements in respect of service, age, health, training and education stipulated in the regulations laid down by the King. The regulations may also include requirements concerning nationality and conduct.

### **§ 4 Service on foreign ships. Foreign certificates**

1. The King shall decide whether and to what extent the service required in order to obtain the different certificates may be performed in a foreign workshop, or on a foreign ship, drilling unit or other mobile offshore installation.
2. The King may decide that the holder of a certificate or similar attestation issued by the authorities in another country may ser-

ve on board Norwegian ships, drilling units or other mobile off-shore installations in those posts to which the qualifications of the person concerned entitle him/her, pursuant to the Norwegian regulations.

3. The King may lay down rules for the issue of a document confirming that the person is qualified for such service. Such a document may be cancelled in conformity with the provisions of § 5 of this Act.

### **§ 5 Control of qualifications and the authority to cancel certificates**

1. The King may lay down rules concerning control to ensure that the conditions for obtaining a certificate of competency or similar attestation, or for maintaining the rights which this entails, are complied with, including a stipulation that the holder of the certificate shall at regular intervals establish that he/she fulfils the current qualification requirements for continuing to be considered competent for the post(s) to which the certificate entitles him/her.
2. The King may cancel a certificate or similar attestation issued pursuant to this Act with appurtenant regulations, if the holder no longer fulfils the conditions for performing the service to which the certificate relates.
3. The time limit for appeals concerning decisions made pursuant to subsection 2 is one year. When calculating the time limit for appeals, the rules in § 29 of the Public Administration Act shall apply.
4. Before a decision is made in cases of appeal, the Ministry concerned shall obtain an opinion from the Council for Maritime Certificates referred to in § 6.

### **§ 6 Council for Maritime Certificates**

1. To assist in dealing with cases pursuant to this Act, an expert council shall be appointed, the Council for Maritime Certificates.
2. The King shall lay down more detailed rules for the council's composition, term of office and tasks, and concerning the organization of the work.

## § 7 Interim regulations

1. A person who, at the time this Act enters into force, holds a certificate of competency pursuant to an older Act, or who fulfils the conditions for obtaining such a certificate or who possesses other rights pursuant to an older Act, or Royal Decree, shall keep his/her rights pursuant to the older Act, cf. § 8.
2. In cases where an assessment of the education and practice forming the basis for issue of a certificate of competency pursuant to an older Act so dictate, the King may decide that such a certificate shall give the same rights as the nearest equivalent certificate issued pursuant to this Act, even if the certificate-rights are thereby extended.
3. Up to and including 31 December 1986 may be issued:
  - Coastal Skipper's Certificate, 2nd. Class and
  - Coastal Skipper's Certificate, 1st. Class, and
 up to and including 31 December 1989 may be issued:
  - Mate's Certificate, 1st. Class
  - Shipmaster's Certificate
  - Engineer's Certificate, 1st. Class, and
  - Chief Engineer's Certificate
 pursuant to the provisions in Act of 10 December 1958 relating to navigators and Act of 2 June 1960 No. 27 relating to marine engineers.
 

Up to and including 31 December 1986 may similarly be issued a Ship's Electrician's Certificate pursuant to the provisions in Act of 21 June 1968 No. 1 relating to ship's electricians with appurtenant Regulations.

## § 8 Entry into force

1. This Act enters into force from the date the King decides.
  - From the same date
    - 1.1. Act of 6 May 1949 relating to cooks and chief stewards on ships of the merchant marine,
    - 1.2. Act of 10 October 1958 relating to navigators,
    - 1.3. Act of 2 June 1960 No. 27 relating to marine engineers,
    - 1.4. Act of 8 June 1962 No. 3 relating to stewards on fishing vessels,
    - 1.5. Act of 21 June 1968 No. 1 relating to ship's electricians are repealed.
2. Regulations or provisions issued by virtue of the Acts mentioned

in subsection 1 shall continue to apply until they are superseded by other regulations or provisions. The same applies to regulations or provisions relating to radio operators issued pursuant to Royal Decree of 9 May 1930.

**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  
(Regulations concerning Foreign  
Certificates)**

Laid down by the Norwegian Maritime Directorate on 1 July 1987

**§ 1 Definitions**

For the purpose of these regulations the following definitions shall apply:

1. *Qualification document*: Document which certifies the right of a holder of a foreign certificate to serve in a post for which a certificate of competency is required, on board Norwegian ships, drilling units or other mobile offshore installations.
2. *Posts for which a certificate of competency is required*: Posts for which a certificate of competency is required in accordance with the act and appurtenant Regulations at any time currently in force, concerning certification of personnel on Norwegian ships, drilling units and other mobile offshore installations.

3. *Foreign certificate*: A valid document irrespective of what name it is given, which has been issued by, or issued by authorization from, the government of a foreign country or which is recognized by the government of a foreign country, and which entitles the holder to serve as specified in the document or as authorized by national regulations.
4. *Authorities*: Whoever is authorized to perform legal action on behalf of the state in question.
5. *Tonnage*: Registered gross tonnage.
6. *The STCW Convention*: International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 (STCW -78).

## § 2 Application

These regulations shall apply to holders of foreign certificates who are to serve in posts for which a certificate of competency is required, on Norwegian ships, drilling units and other mobile offshore installations.

## § 3 Approval of foreign certificates

1. The Norwegian Maritime Directorate<sup>1)</sup> or whoever it authorizes may after individual consideration permit the holder of a foreign certificate to serve in a post for which a certificate of competency is required, in such positions as the holder's qualifications entitle him/her, pursuant to Norwegian provisions. Equivalent permission may be given after general evaluation of the maritime education and requirements of certification of the country in question.
2. Certificates issued by the authorities of states which have acceded the STCW Convention may normally form the basis of permissions as referred to in subsection 1. Certificates for which the transitional provisions of the article VII of the convention apply, may be considered if the issuing authority makes a statement as to which of the convention's grades or classes of certificates, with exemptions, if any, are covered by the foreign certificate in question.

3. Certificates issued by the authorities of states which have not acceded the STCW Convention may form the basis of such permission as mentioned in subsection 1 if the issuing authority makes a statement that the national certificates meet the requirements of the convention, as well as to which of the convention's grades or classes of certificates are covered by the foreign certificate in question.
4. With special regard to the holders of old certificates, and under special circumstances, a special certification test may be required.
  - 1) In the case of radio operators, pursuant to the Ministry of Trade's formal delegation, this authority is vested in the Telecommunications Administration.

#### **§ 4 Issue of qualification document**

1. Whoever is granted the permission mentioned in section 3, subsection 1, shall have a qualification document.
2. Qualification documents are issued by the Norwegian Maritime Directorate or by persons or institutions authorized by the Norwegian Maritime Directorate. The Norwegian Maritime Directorate may lay down specifications concerning the issue of qualification documents.
3. Holders of foreign certificates applying for a qualification document with a view to serving in a post for which a certificate of competency is required on Norwegian ships, must be employed or be considered for employment on board Norwegian ships or on ships which are to be registered in Norway.
4. Whoever applies for a qualification document must submit a health certificate in accordance with the provisions at any time currently in force concerning the health of seamen, including a certificate of satisfactory eyesight and colour vision for navigators. Such health certificate must be no older than 6 months.
5. Whoever applies for a qualification document must submit documentation of a satisfactory knowledge of the English, Norwegian, Swedish or Danish language. He/she must also submit documentation of a satisfactory knowledge of Norwegian legislation corresponding to the responsibility of the position concerned.

6. Application for a qualification document shall be submitted to the Norwegian Maritime Directorate as referred to in section 3 through the shipping company in question on a special form. Application may also be submitted to Norwegian government representations abroad through the master of the ship or through another person/institution authorized to represent the owners. Valid certificates and documentation as to which of the convention's classes or grades are covered, with exemptions, if any, must be submitted. Documentation of all sea service during the last 5 years must also be submitted. All documents shall be in English, Norwegian, Swedish or Danish.
7. Evaluation of foreign certificates will take into consideration the guidelines referred to in Annex 1.
8. Foreign certificates which have been issued by the authorities of a country whose system of education/training is little known, or below the standards required by the STCW Convention, or insufficiently documented, or if for some other reasons considered appropriate, a qualification document may be issued with a lower certificate grade than that specified in the foreign certificate in question. Application for a qualification document may also be rejected on the basis of the provisions given in the preceding sentence. The application will be rejected if it can not be documented that the competency fulfils the requirements of the STCW Convention.
9. Qualification document as a ship's cook may be issued on the basis of a foreign certificate issued by a state which has ratified the ILO Convention No. 69 (1946), whose English version or translation is known as «Certificate of Competency as Ship's Cook.»

#### **§ 5 The responsibility of the master and the shipowner**

In addition to, and irrespective of, the approval of Norwegian authorities of a foreign certificate, the master of the ship and the shipowner are obliged to ensure that the person employed is qualified for his/her position and given the necessary introduction to the legislation at any time currently in force.

### **§ 6 Temporary service in posts for which a certificate of competency is required**

Holders of foreign certificates who have submitted a complete application for a qualification document in accordance with section 4 may be given a declaration of the acceptance of the application. The declaration together with the foreign certificate serve as permission for the applicant to serve in a position indicated by the certificate in relation to the STCW Convention while the application is being considered, but not exceeding 3 months.

If the certificate is issued by the authorities of a state which has not acceded the STCW Convention, a temporary permission to serve may be granted by the Maritime Directorate only.

### **§ 7 Rights pursuant to qualification document**

1. A qualification document entitles the holder to serve in the same posts for which a certificate of competency is required as the corresponding Norwegian certificate of competency, provided there are no entries in the document to the contrary or the document does not contravene other acts or regulations.
2. A qualification document issued to a person who is not a Norwegian national does not permit the holder to serve as master on board ships of more than 100 tons, cf., the regulations at any time currently in force concerning the certificates of masters and mates. The Norwegian Maritime Directorate may make exemptions from these provisions for ships registered in the Norwegian International Ship Register.

### **§ 8 Validity of qualification document**

1. A qualification document issued pursuant to the provisions of these regulations shall only be valid together with the foreign certificate on which the issue of a qualification document has been based.
2. A qualification document may be valid for a period of up to 5 years from the date of issue. As a general rule its period of validity shall not exceed that of the foreign certificate in question. A qualification document may be renewed for up to 5 years at a time on the basis of a valid certificate.
3. A qualification document may be cancelled in accordance with



the provisions of the Certification Act, section 5, cf. section 4, subsection 3.

### **§ 9 Deviations**

The Norwegian Maritime Directorate may permit deviations or make other requirements than the ones laid down in these regulations when these do not conflict with an international convention binding on Norway.

### **§ 10 Penal clause/provisions**

Wilful or negligent violation of these regulations is punishable by fine or imprisonment for any term not exceeding 3 months pursuant to the General Civil Penal Code of 22 May 1902, No. 10, 424, provided that a more severe penalty is not applicable pursuant to any other statutory provision.

### **§ 11 Entry into force**

These regulations enter into force on 1 July 1987.

From the same date the regulations of 7 August 1984 concerning permission for the holder of a foreign certificate to serve in posts for which a certificate of competency is required, on Norwegian ships, drilling units and other mobile offshore installations are repealed.

## **ANNEX 1**

to the regulations concerning permission for the holder of a foreign certificate to serve in posts for which a certificate of competency is required, on Norwegian ships.

### **Guidelines concerning the evaluation of foreign certificates**

1. Certificates issued by the authorities of a state which has acceded the STCW Convention must have an endorsement from the authorities in question as to which classes and grades of the convention have been covered at the issue of such certificates. A qualification document issued on the basis of such certificates, cf. section 3, subsection 2, first sentence, may be issued with the rights related to Norwegian certificates as indicated in the tables below:

1.1. <i>Endorsement in the foreign certificate:</i>	<i>Qualification document for permission to serve in posts for which a certificate of competency is required:</i>
Regulation II/4 Officer in charge of a navigational watch Third and second mate Unrestricted waters	Deck Officer class 4 (styrmannssertifikat)
Regulation II/2 Chief mate up to 1600 tons Unrestricted waters	Deck Officer class 4 (styrmannssertifikat)
Regulation II/2 Master up to 1600 tons Unrestricted waters	Deck Officer class 3 (skippersertifikat)
Regulation II/2 Chief mate Unrestricted waters	Deck Officer class 2 (overstyrmannssertifikat)
Regulation II/2 Master Unrestricted waters	Deck Officer class 1 (sjøkapteinsertifikat)
Regulation III/4 Engineer officer in charge of a watch Propulsion power up to 3000 kW Restricted waters	Marine Engineer Officer class 5 Motor and Steam (Sjøteknikersertifikat III)
Regulation III/4 Engineer officer in charge of a watch Unrestricted waters	Marine Engineer Officer class 4 Motor and Steam (Sjøtekniker sertifikat II)

<p><b>Regulation III/3</b>  <b>Second engineer officer,</b>  <b>first assistant engineer</b>  <b>officer or chief engineer</b>  <b>officer</b>  <b>Restricted waters</b></p>	<p><b>Marine Engineer Officer</b>  <b>class 4</b>  <b>Motor and Steam</b>  <b>(Sjøteknikersertifikat II)</b></p>
<p><b>Regulation III/3</b>  <b>Second engineer officer or</b>  <b>first assistant engineer</b>  <b>officer</b>  <b>Unrestricted waters</b></p>	<p><b>Marine Engineer Officer</b>  <b>class 3</b>  <b>Motor and Steam</b>  <b>(Sjøteknikersertifikat I)</b></p>
<p><b>Regulation III/3</b>  <b>Chief engineer officer</b>  <b>up to 3000 kW</b>  <b>Unrestricted waters</b></p>	<p><b>Marine Engineer Officer</b>  <b>class 3</b>  <b>Motor and Steam</b>  <b>(Sjøteknikersertifikat I)</b></p>
<p><b>Regulation III/2</b>  <b>Second engineer officer,</b>  <b>first assistant engineer</b>  <b>officer or chief engineer</b>  <b>officer</b>  <b>Restricted waters</b></p>	<p><b>Marine Engineer Officer</b>  <b>class 3</b>  <b>Motor and Steam</b>  <b>(Sjøteknikersertifikat I)</b></p>
<p><b>Regulation III/2</b>  <b>Second engineer officer or</b>  <b>first assistant engineer</b>  <b>officer</b>  <b>Unrestricted waters</b></p>	<p><b>Marine Engineer Officer</b>  <b>class 2</b>  <b>(Sjøingeniørsertifikat II)</b></p>
<p><b>Regulation III/2</b>  <b>Chief engineer officer</b>  <b>Unrestricted waters</b></p>	<p><b>Marine Engineer Officer</b>  <b>class I</b>  <b>Motor and Steam</b>  <b>(Sjøingeniørsertifikat I)</b></p>

- 1.2. If the engineer officer certificate is endorsed as not valid for steam, a qualification document not valid for steam is issued.

2. The requirements of the STCW Convention as to endorsement in national certificates, referred to in subsection 1, do not apply to certificates issued under the transitional provisions of the Convention, article VII.
3. Certificates without endorsement, referred to in subsection 2, may nevertheless qualify for issue of a qualification document, referred to in subsection 1, provided a declaration/statement as to classes and grades with exemptions, if any, is issued by the authority in question, cf. section 3, subsection 2, last sentence, of the regulations. The same applies to certificates issued by states that are not parties to the STCW Convention. Cf. section 3, subsection 3.
4. The Norwegian Maritime Directorate decides the additional requirements, if any, to be met/fulfilled by the holder of a foreign certificate and who is not able to submit the statement referred to in subsection 3.
5. A mate's or master's certificate with rights limited to the near coastal voyages of the state issuing the certificate may, after evaluation on the part of the Norwegian Maritime Directorate, be approved for issue of a qualification document with rights limited to the waters for which the certificate does apply.
6. The persons/institutions accepting an application for a qualification document must ensure that all necessary information and certified copies of documents are enclosed with the application. Necessary investigation as to the validity of the foreign certificate must be concluded before a confirmation of acceptance of the application is issued.