

# **Regulations of 2 July 2007 No. 850 on investigation, stopping and boarding of foreign ships in the event of suspicion of an environmental violation**

**Legal basis:** Laid down by the Norwegian Maritime Authority on 2 July 2007 under the Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 44 and 53, cf. Formal Delegation of 29 June 2007 No. 848 and Formal Delegation of 29 June 2007 No. 849.

**Amendments:** Amended by Regulation of 10 June 2010 No. 796.

## **Section 1**

### *Scope of application*

These Regulations concern the supervisory authorities' right to investigate, stop and board foreign ships in the event of suspicion of a violation of international provisions on pollution of the marine environment Norway has acceded to, and in the event of suspicion of a violation of provisions in or laid down pursuant to chapter 5 of the Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act).

## **Section 2**

### *Investigation of ships in ports, internal waters or by installations on the continental shelf or in the economic zone*

The supervisory authorities may board ships in Norwegian ports, internal waters, by installations on the Norwegian continental shelf or by installations in the Norwegian economic zone, in order to investigate whether the ship:

- a) has made discharges, dumping or incineration in defiance of regulations or individual decisions laid down pursuant to section 33, first paragraph or second paragraph (a) or (c) of the Ship safety and Security Act;
- b) has a valid certificate on board as required by section 33, second paragraph (d) of the Ship Safety and Security Act;
- c) satisfies the requirements as regards construction and equipment laid down pursuant to section 32 of the Ship Safety and Security Act;
- d) carries cargo in defiance of regulations or individual decisions laid down pursuant to section 12 of the Ship Safety and Security Act;
- e) has made a discharge into the high seas in defiance of international agreements on pollution of the marine environment to which Norway has acceded.

The supervisory authorities shall, insofar as it is practicable, go on board ships that have arrived voluntarily in a Norwegian port or at installations on the Norwegian continental shelf or in the Norwegian economic zone in order to investigate whether the ship has made discharges in defiance of international agreements to which Norway has acceded in the internal waters, territorial waters or economic zone of another state, or ships that have caused damage or pose a damage risk there, when such action is requested by the state concerned. If the flag State requests that such investigation be carried out, this provision shall apply regardless of where the discharge was made.

Amended by Regulation of 10 June 2010 No. 796.

## **Section 3**

### *Violation in the territorial waters*

Ships in Norwegian territorial waters may be stopped and boarded by the supervisory authorities where there are reasonable grounds for suspecting a violation in Norwegian territorial waters.

## **Section 4**

### *Violation in the economic zone*

Where there are reasonable grounds to suspect violation in the Norwegian economic zone, the supervisory authorities may require ships in Norwegian territorial waters or in the Norwegian economic zone to provide information about identity, last and next port of call and other relevant information necessary to ascertain whether a violation has occurred.

If information from ships as referred to in the first paragraph is not produced or is deficient or not credible and the violation has caused considerable discharge which has led to substantial pollution of the marine environment or poses a threat of such pollution, the supervisory authorities may stop and board the ship.

## Section 5

### *Illegal dumping or incineration*

Ships may be stopped or boarded for investigation where there are reasonable grounds to suspect dumping or incineration in defiance of regulations or individual decisions laid down pursuant to Chapter 5 of the Ship Safety and Security Act if

- a) the ship is in Norwegian territorial waters, the Norwegian economic zone or on Norwegian part of the continental shelf, or
- b) such measures can be taken in accordance with international law

## Section 6

### *The content of the investigation*

Investigation of ships pursuant to these Regulations shall be limited to inspection of ship's documents. Where there are reasonable grounds for suspecting that the condition of the ship or its equipment deviates to a considerable degree from the content of the documents, or the content of the documents does not provide an adequate basis for determining whether a violation has occurred, the supervisory authorities may inspect the ship's tank and piping system, engine room and cargo spaces, and may take samples where considered necessary.

The investigation must not cause unreasonable delay or unnecessary expense to the ship.

## Section 7

### *Entry into force*

These Regulations enter into force on 1 July 2007.