



KYSTVERKET

# Guide to Going Ashore in Undesignated Areas

Cruise traffic in Norwegian waters is increasing, with especially expedition cruises to more remote destinations becoming a trend in recent years. As a result, the cruise industry has made enquiries concerning the opportunity to go ashore in areas without ISPS-approved port facilities. It is therefore necessary to issue certain clarifications concerning the opportunity to go ashore in such undesignated areas pursuant to the port security regulations. The target group for this guide is primarily ships and shipowners.

## Rules and regulations

The Regulation no. 538 of 29 May 2013 Concerning Port Facility Security set requirements to securing the port facilities that international passenger ships call on; these requirements also apply to port facilities that admit ship tenders. The main rule is that cruise ships must call on a port facility that has been approved by the Norwegian Coastal Administration for such calls. This means that the facility must be approved specifically for passenger ship traffic.

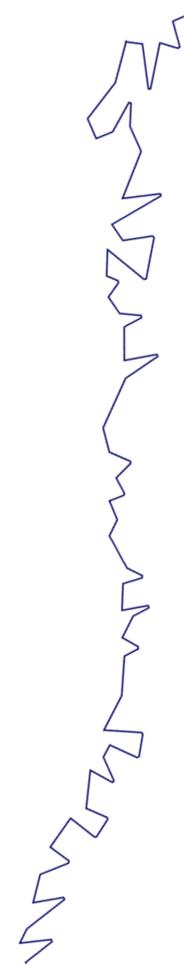
Alternatively, if a ship wants to call on a port facility that has not been approved, the port facility must apply to the Norwegian Coastal Administration for approval. This requires that a security risk analysis and a security plan be drafted. More information about the approval process is available at the [Norwegian Coastal Administration's website](#).

The aim of the regulations is to protect ships in international traffic against deliberate, unwanted actions by implementing security measures both on the ship itself and in the port facilities that the ship calls on.

In remote areas there is often only limited or no infrastructure, piers, wharves, buildings, etc. Calling on such undesignated areas is defined as a "beach landing" (Norw. *strandhugg*), where the passengers go ashore via tenders or similar vessels. The question is whether such landings at these undesignated areas can be effectuated without violating the aforementioned regulations on port security.

Section 3 of the Port Security Regulations defines a "port facility" (*havneanlegg*) as follows:

- a) *Port facility: a location where the ship/port interface takes place; this includes areas such as anchorages, waiting berths and approaches from seaward, as appropriate.*
- c) Ship/port interface: the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons or goods or the provision of port services to or from the ship.



What is defined as ship/port interface will at the outset be interpreted case by case. There must be an “interaction” between the ship and the port facility. This means that one or several activities must be coordinated and carried out in a process where both the ship and those on land share the responsibility for the process.

In cases where a ship sets passengers ashore in remote areas, the interaction that takes place between the ship and those on land must be considered in relation to the aim of the regulations.

## **Assessment criteria**

What is defined as interaction between the ship and those on land?

- The facilitation of a call by actors or an owner on land will be defined as “interaction”. Examples include the renting of a berth, an agreement on further bus transport, an agreement on guiding, or other services.
- A clarification of the opportunity to set passengers on shore, for example through a permit from a landowner or municipality, will not in itself be defined as interaction. If an additional service is provided to facilitate the call, however, this would be an argument in favour of an interaction having taken place.

Moreover, it is a requirement that the passengers are being set ashore in a remote area; this means that there is limited or no infrastructure or activities in the area the landing is taking place. This requirement is justified by the aim of the regulations, namely to implement security measures to prevent and hinder security events that may damage ports, port facilities, or the ships calling on them.

Which security measures are relevant shall be assessed through a port facility security assessment. Such an assessment shall among other things identify the vulnerability of infrastructures and properties that are important to protect, and thereafter determine the appropriate security measures. In this context, “infrastructure” refers to among other things piers, wharves, roads, the supply of electricity and water, and computer and telecommunications networks. For example, if there is a pier or car road at the location, the area will not be regarded as remote.

In addition, it must be considered whether there is activity in the vicinity, both on land and at sea. If there is activity involving people in the sea or land areas in question, the location will not be regarded as a remote area. A similar conclusion applies if the area contains buildings or industry; an exemption may be made for a hunting cabin or similar structure at the location. However, not much is required before a location is disqualified from being deemed remote.

Another prerequisite is that it is not possible to call on an ISPS-approved port facility in the vicinity. This would be a direct contravention of the regulation.

Typical examples of locations outside the remit of the regulations, and where passengers may thus go ashore, include remote places in the Svalbard archipelago, but there may also be some locations in mainland Norway. In borderline cases, it is up to the Norwegian Coastal Administration to assess whether the landing area should be regarded as a “port facility” and require ISPS approval. If a landing area is not regarded as a “port facility”

pursuant to the Port Facility Security Regulation, passengers may go ashore without security measures pursuant to this regulation. In these instances, the ship is entirely responsible for maintaining security.

Please note that this is merely an assessment of whether the ISPS regulations are in effect. There may be other regulations that restrict passengers from going ashore.

