

➔ Norwegian version

Regulations concerning administrative arrangements within the area of application of the Working Environment Act (Regulations concerning Administrative Arrangements)

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Kapitteloversikt:

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Amendment Regulations not yet incorporated in this text:

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This is an unofficial translation of the Norwegian version of the Regulation and is provided for information purposes only. Legal authenticity remains with the Norwegian version as published in Norsk Lovtidend. In the event of any inconsistency, the Norwegian version shall prevail.

The translation is provided by The Norwegian Labour Inspection Authority (Arbeidstilsynet).

Legal basis: Adopted by the Ministry of Labour (now the Ministry of Labour and Social Affairs) on 6 December 2011 pursuant to the Act of 17 June 2005 No 62 relating to working environment, working hours and employment protection etc. (the Working Environment Act) Section 1-3 (3), Section 1-4 (1), Section 1-6, Section 2-2, Section 3-1 (3), Section 3-2 (4), Section 4-1, Section 4-4 (5), Section 4-5, Section 5-5, Section 6-4 (3), Section 18-3 (2) and Section 18-9 (1) and (2).

EEA references: The EEA Agreement Annex VIII point 1 (Directive 2005/36/EC as amended by Directive 2006/100/EC, Regulation (EC) No 1430/2007, Regulation (EC) No 755/2008, Regulation (EC) No 279/2009, Regulation (EU) No 213/2011 and Regulation (EU) No 623/2012, Annex XVIII point 10 (Directive 2009/104/EC).

Chapter 1. Introductory provisions

Section 1-1. *Scope*

The regulations apply to the exercise of public authority and administrative arrangements in connection with safety training, occupational health services, enterprises of competence and regional safety representatives.

Section 14-1 and Chapters 7, 8, 9, 11 and 12 of the regulations do not apply to offshore petroleum activities and activities on onshore facilities pursuant to Section 6(e) of the Framework Regulations.

Section 1-2. *To whom the regulations apply*

The duty to implement the requirements of these regulations is described in the individual provisions.

The regulations also apply to undertakings with no employees.

Section 1-3. *Definitions*

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

- 1) *work equipment*: technical installations etc. such as machinery, lifting equipment, safety components, containers, means of transport, appliances, installations, tools and any other object used in connection with the production of a product or the performance of work;
- 2) *use of work equipment*: work operations such as starting, stopping, installation and dismantling, transportation, use, monitoring, inspection, repair, maintenance, care and cleaning;
- 3) *old tractors*: tractors that are used or are expected to be used in undertakings that are covered by the Working Environment Act, that weigh 500 kg or more, and that were delivered before 1 September 1964 or imported without the use of dealers before 1 January 1967.

Chapter 2. Approval of the occupational health service

Section 2-1. *Duty to apply for approval*

The occupational health service that is to assist the employer, cf. Chapter 13 of the Regulations concerning Organisation, Management and Employee Participation, must obtain approval from the Norwegian Labour Inspection Authority.

Section 2-2. *Requirements for approval*

In order to be approved, the occupational health service must

- a) be capable, as a whole, of providing comprehensive preventive assistance to the systematic health, safety and environmental activities; see Section 3-3 of the Working Environment Act and Chapter 14 of the Regulations concerning Organisation, Management and Employee Participation;
- b) have a quality assurance system that ensures that the occupational health service assists the employer as described in Chapter 13 of the Regulations concerning Organisation, Management and Employee Participation in a satisfactory manner, and that ensures competence development for the occupational health service personnel;
- c) have an organisation and professional personnel that are capable of providing advice in the following areas of expertise: occupational medicine/occupational health, occupational hygiene, ergonomics, psychosocial and organisational working environment and systematic HSE work;
- d) have professional personnel corresponding to at least three full-time equivalents. Each area of professional expertise (occupational medicine, occupational hygiene, ergonomics and psychosocial-organisational) must be covered by at least 30% of a full-time equivalent.
- e) An occupational health service with professional personnel corresponding to two full-time equivalents may nonetheless be approved in special cases, provided that it is documented that the occupational health service cooperates with one or more relevant professional environments that cover any missing areas of expertise.

Section 2-3. *Duration of approval*

The Labour Inspection Authority grants approval for a period of five years. The Labour Inspection Authority may withdraw the approval if the conditions are no longer met, or if they are not met by a set deadline.

Section 2-4. (Repealed)

Chapter 3. Regional safety representatives for building and construction undertakings

Section 3-1. *Appointment and dismissal of regional safety representatives*

Regional safety representatives shall work in undertakings as mentioned in Chapter 5 of the Regulations concerning Organisation, Management and Employee Participation.

Regional safety representatives for building undertakings are appointed by the Norwegian United Federation of Trade Unions (Fellesforbundet). Regional safety representatives for construction undertakings are appointed by the Norwegian Union of General Workers (Norsk Arbeidsmandsforbund). The regional safety representatives are employed by the trade union federations. The trade union federations notify the Fund Board of who has been appointed.

Regional safety representatives shall serve full-time. They are appointed for four years at a time.

The Fund Board ensures that the appointed regional safety representatives have the qualifications required pursuant to Section 3-3.

The Fund Board then notifies the Labour Inspection Authority's regional offices and the relevant trade union federations and employers' organisations of who has been appointed regional safety representatives. The undertakings included in the scheme are notified of who has been appointed regional safety representative in connection with the collection of the fee.

The Fund Board for the regional safety representative scheme may decide that a regional safety representative shall be dismissed from office if the person clearly and for a prolonged period has failed to perform the duties assigned to him/her under these regulations or has grossly abused the office.

The person shall be deemed to be the regional safety representative until notification is given in a corresponding manner of the appointment of a new representative or of the safety representative having been dismissed from office.

Section 3-2. *Division into regions and number of safety representatives*

The Fund Board decides by unanimous vote the geographical areas for regional safety representatives for building undertakings and construction undertakings and the number of regional safety representatives. As a rule, there should be one regional safety representative for building undertakings and one for construction undertakings in each area.

Section 3-3. *Qualifications*

Regional safety representatives shall have at least three years' experience of work in one of the discipline groups they are to serve as regional safety representatives for.

They shall also have at least three years' experience as employee representatives, of which at least two years as a safety representative.

Section 3-4. *The duties of the trade union federations*

The trade union federations shall prepare plans for the regional safety representatives' activities. The plans shall be approved by the Fund Board.

The trade union federations shall submit reports to the Fund Board when the Board so requests.

The trade union federations shall prepare a joint annual report for its safety representatives to the Fund Board.

Section 3-5. *Instructions*

The Fund Board may require that the trade union federations prepare instructions for the regional safety representatives. The instructions shall be approved by the Fund Board.

The Fund Board adopts instructions for the collection of the fee.

Section 3-6. *The Fund Board*

The Fund is managed by a board consisting of five members, of whom two are appointed by the employees' organisations, two by the employers' organisations and one, who will serve as chair of the board, by the Labour Inspection Authority.

The members of the Fund Board are appointed for two years at a time.

The Ministry shall decide the fee to be paid to the board members.

The Fund Board shall prepare an annual report on the regional safety representatives' activities. Annual reports, plans and annual accounts are to be submitted to the relevant central organisations, the Labour Inspection Authority and the Ministry.

The Fund Board may decide that studies, analyses and projects shall be initiated that the regional safety representatives can make use of in their work.

Section 3-7. *Coverage of expenses for the regional safety representatives' activities*

Each year, the Fund Board decides the amount to be reimbursed to the trade union federations of pay and national insurance contributions for the regional safety representatives. It also decides rates for the reimbursement of other expenses such as travel, per diem and information material.

The trade union federation in question covers office expenses and the costs of equipment for and training of the regional safety representatives. The Fund Board may nonetheless unanimously decide to reimburse expenses for training if this is considered reasonable with regard to the nature and scope of the training.

Section 3-8. *Appeals*

The Fund Board's decisions may be appealed to the Ministry.

Chapter 4. Regional safety representatives for accommodation, restaurant and cleaning undertakings etc.

Section 4-1. *Appointment and employment of regional safety representatives*

Regional safety representatives shall work in the undertakings mentioned in Chapter 6 of the Regulations concerning Organisation, Management and Employee Participation.

The regional safety representatives shall be employed and appointed by the Labour Inspection Authority. Before such appointments are made, the Labour Inspection Authority shall obtain the Fund Board's recommendation; see Section 4-2.

The regional safety representatives are appointed for four years at a time, and they shall work full-time.

The Labour Inspection Authority does not have the authority to issue instructions to the regional safety representatives as regards their performance of their office as regional safety representatives.

The Fund Board shall prepare general instructions on how the office of regional safety representative should be performed, and it can also issue instructions for the regional safety representatives' work.

Section 4-2. *The Fund Board*

The Fund is managed by a board consisting of five members with personal deputies. Two of the board's members with personal deputies are appointed by the employees' organisations and two by the employers' organisations. The Labour Inspection Authority shall appoint one impartial member and a personal deputy, who is to be the chair of the board.

The members of the Fund Board are appointed for two years at a time. The Ministry shall decide the fee to be paid to the board members.

Section 4-3. *The duties of the Fund Board*

The Fund Board decides the number of regional safety representatives for the industries covered by the regulations and their geographical area of operation, based on the needs that are deemed to exist in each industry. Decisions on increasing the number of regional safety representatives require unanimity in the Fund Board

The Fund Board collects fees pursuant to Section 14-3, and it decides how great a proportion of the collected fee is to be spent on covering expenses for the regional safety representatives' work in each of the industries covered by the scheme. Unless the Board agrees otherwise, the funds shall be distributed in proportion to how much has been collected in the respective industries.

In connection with collection of the fee, the Fund Board shall notify the undertakings of who has been appointed regional safety representative.

The Fund Board may decide that a regional safety representative shall be relieved from office before the expiry of the four-year period, if the safety representative clearly and for a prolonged period has failed to perform the duties assigned to him/her under these regulations or has grossly abused the office.

The Fund Board shall prepare general guidelines for the regional safety representatives; see Section 4-1.

The Fund Board may decide that studies, analyses and projects shall be initiated that the regional safety representatives can make use of in their work.

Section 4-4. *Industry-specific working committees*

The Fund Board can establish industry-specific working committees and decide that they shall have authority as mentioned in Section 4-3 third to sixth paragraphs in full or in part.

Section 4-5. *Reimbursement of fees etc.*

Each year, the Fund Board decides the reimbursement to the Labour Inspection Authority of pay and national insurance contributions for the regional safety representatives.

The Fund Board decides common rates for the industries for coverage of other expenses such as travel, per diem and information material.

The Labour Inspection Authority covers office expenses and the costs of equipment for and training of the regional safety representatives. The Fund Board may nonetheless unanimously decide to reimburse expenses for training if this is considered reasonable with regard to the nature and scope of the training.

Section 4-6. *Annual reports*

The regional safety representatives shall submit reports to the Fund Board by 1 February each year on their activities in the previous year.

By 1 April each year, the Fund Board shall prepare an annual report on the scheme in the previous year, including annual accounts, instructions and reports from the regional safety representatives.

Annual reports, plans and annual accounts are to be submitted to the relevant central organisations, the Labour Inspection Authority and the Ministry.

Section 4-7. *Secretariat*

The Labour Inspection Authority acts as secretariat for the Fund Board.

Chapter 5. Resolution of disputes concerning safety representatives and working environment committees for stevedores

Section 5-1. *Disputes concerning the number of safety representative in ports*

The Labour Inspection Authority decides the number of safety representatives if the parties fail to agree; see Chapter 4 of the Regulations concerning Organisation, Management and Employee Participation.

Section 5-2. *Disputes concerning the size of the working environment committee and employer representation in ports*

The Labour Inspection Authority decides the size of the working environment committee or which employers are to be represented on the committee, if the parties fail to agree; see Chapter 4 of the Regulations concerning Organisation, Management and Employee Participation.

Chapter 6. Requirements for type testing and type approval of old tractors

Section 6-1. *Type testing, calculation and assessment of old tractors*

Type testing, strength calculations and assessments performed by a notified body shall be carried out in accordance with specifications approved by the Labour Inspection Authority.

Section 6-2. *Type approval of protective structures on old tractors*

Protective structures shall be type approved by the Labour Inspection Authority.

Type approval of protective structures on old tractors granted by the Labour Inspection Authority may be time-limited or withdrawn.

Section 6-3. *Approved notified body for type approval of protective structures on old tractors*

Notified bodies for the type approval of protective structures are approved by the Labour Inspection Authority. In order for type approval to be granted, the protective structure must be assessed, calculated or type tested for strength.

Chapter 7. Requirements for certification bodies

Section 7-1. *Appointment of and requirements for certification bodies for the certification of training providers – work equipment*

The Labour Inspection Authority shall appoint certification bodies for the certification of undertakings that provide training in the use of work equipment.

In order to be appointed a certification body, the following requirements must be met:

- a) the certification body shall have the necessary personnel available and the aids needed to properly perform administrative and technical tasks in connection with the certification;
- b) the certification body shall perform the certification with the greatest possible professional integrity and competence. The personnel shall not let themselves be subjected to any form of pressure or inducements, particularly financially, that might influence their assessment or the results of the certification;
- c) the certification body, its manager and the personnel who are to perform the certification shall not engage in training activities or take part in training;

- d) the certification body shall have procedures in place for assessing, granting, upholding, extending, suspending and withdrawing certifications;
- e) the personnel performing the certification shall have a good technical and professional background, sufficient knowledge and experience of use of the work equipment that the safety training covers and the skills required to issue certificates;
- f) the certification body's personnel shall be impartial and objective. Their pay shall neither depend on the number of certifications performed nor on the results;
- g) the certification body shall take out liability insurance;
- h) the certification body has a duty of secrecy in relation to all information obtained during the performance of its work. This does not apply in relation to the authorities that supervise the regulations.

The Labour Inspection Authority may order rectification by a set deadline or withdraw the appointment if a certification body no longer meets the requirements mentioned in the first paragraph or violates the regulations in any other way.

Section 7-2. *Appointment of and requirements for certification bodies for the certification of enterprises of competence – work equipment*

The Labour Inspection Authority shall appoint certification bodies for the certification of enterprises of competence. In order to be appointed a certification body, the following requirements must be met:

- a) the certification body shall have the necessary personnel available and the aids needed to properly perform administrative and technical tasks in connection with the certification;
- b) the certification body shall perform the certification with the greatest possible professional integrity and competence. The personnel shall not let themselves be subjected to any form of pressure or inducements, particularly financially, that might influence their assessment or the results of the certification;
- c) the certification body, its manager and the personnel who are to perform the certification shall not be an enterprise of competence or take part in inspections by an enterprise of competence;
- d) the certification body shall have procedures in place for assessing, granting, upholding, extending, suspending and withdrawing certifications;
- e) the personnel performing the certification shall have a good technical and professional background, sufficient theoretical knowledge and practical experience of use and maintenance of the work equipment that the enterprise of competence is to inspect and the skills required to issue certificates;
- f) the certification body's personnel shall be impartial and objective. Their pay shall neither depend on the number of certifications performed nor on the results;
- g) the certification body shall take out liability insurance;
- h) the certification body has a duty of secrecy in relation to all information obtained during the performance of its work. This does not apply in relation to the authorities that supervise the regulations.

The Labour Inspection Authority may order rectification by a set deadline or withdraw the appointment if a certification body no longer meets the requirements mentioned in the first paragraph or violates the regulations in any other way.

Section 7-3. *Requirements for certification bodies who will issue certificates pursuant to Section 4-5 of the Producer Responsibility Regulations*

The certification body must be accredited for its task.

The certificate shall satisfy the requirements laid down in Section 4-5, second paragraph of the Producer Responsibility Regulations.

The certification body who issues the certificate pursuant to Section 4-5 of the Producer Responsibility Regulations shall each year check that a selection of the product's fundamental qualities and function requirements are in accordance with the certificate. This shall also include checking that the labelling and user and assembly guide comply with Sections 4-3 and 4-4 of the Producer Responsibility Regulations. The inspection must be documented in writing.

The inspection shall be performed by the certification body who has certified the product. If the certification body no longer exists, the inspection can be performed by another certification body.

If the inspected product deviates from the certified product, the certification body must request that the manufacturer rectify the deviation immediately.

The certification body shall revoke the certificate for the product in question if the manufacturer does not rectify any deviations to ensure that the product complies with the certified product.

Chapter 8. Requirements for training providers and enterprises of competence

Section 8-1. *Requirements for training providers that intend to provide certified safety training in the use of work equipment*

Undertakings that intend to provide certified safety training in accordance with Chapter 10 of the Regulations concerning the Performance of Work must be certified by a certification body.

As a minimum, the undertaking shall meet the following requirements:

- a) the training shall be provided in accordance with plans for safety training;
- b) the requirements in Section 10-2 of the Regulations concerning the Performance of Work shall be met;
- c) the person providing the safety training shall have the knowledge and experience needed to provide such training;
- d) it shall have knowledge about applicable laws, regulations and standards in the area concerned;
- e) during the safety training, it shall only use work equipment that complies with the requirements in these regulations;
- f) it shall have the capacity to provide safety training;
- g) the safety training shall be organised independently of the undertaking's other activities;
- h) it shall have necessary premises and equipment at its disposal;
- i) as far as reasonable and possible, it shall be able to adapt the training so that safety training can also be provided for persons with disabilities if their disability is not an obstacle to performing the work;
- j) it shall be able to organise aptitude tests and trial periods for citizens from another EEA country or Switzerland who apply to the Labour Inspection Authority for a permit under Sections 9-1 and 9-2,
- k) it shall hold final tests on completion of the safety training;
- l) it shall have the necessary qualifications to be able to issue documentation of successfully completed safety training;
- m) it shall ensure that trained persons are registered in licenced registers as necessary;
- n) it shall have insurance to cover the risk of personal injuries in connection with the safety training.

Compliance with the requirements in the second paragraph shall be documented.

Section 8-2. *Certificate of competence for certified safety training in the use of work equipment*

Undertakings that provide safety training in the use of work equipment as mentioned in Section 10-3 of the Regulations concerning the Performance of Work shall ensure that certificates of competence are issued to those who have completed the training.

Such certificates shall be uniform, in a convenient format and be difficult to forge. They shall contain at least the following information:

- a) name of the training provider;
- b) name and date of birth of the person who has undergone training;
- c) photograph of the person who has undergone training;
- d) type of work equipment the training concerned;
- e) date of issue;
- f) name and signature of the issuer of the certificate

The undertaking shall ensure that documentation of the safety training is stored. If the undertaking that keeps the register is discontinued, the documentation shall be transferred to another Norwegian register or to the Labour Inspection Authority if no such register exists.

Section 8-3. Requirements for training providers providing safety training to workers who are to take part in work under water or under increased ambient pressure

Undertakings that provide safety training for the performance of work under water or under increased ambient pressure shall, as a minimum, ensure and be able to document:

- a) that training is provided in accordance with the requirements in Chapter 8 of the Regulations concerning Organisation, Management and Employee Participation and Sections 26-20 and 26-21 of the Regulations concerning the Performance of Work;
- b) preparation of dedicated plans for the safety training;
- c) that the training follows the plans for safety training;
- d) that the person providing the safety training has the necessary knowledge and experience, cf. Section 26-17;
- e) necessary knowledge about applicable laws and regulations in the area;
- f) necessary training in the preparation and use of risk assessments;
- g) sufficient capacity for safety training;
- h) that the safety training is organised independently of the undertaking's other activities;
- i) necessary premises and equipment;
- j) that final tests are held on completion of the safety training;
- k) necessary qualifications for issuing diving certificates for successfully completed safety training in diving;
- l) keeping of a register of persons who have undergone training;
- m) insurance cover for personal injuries that may arise in connection with the safety training.

Section 8-4. Issuing of diving certificates

Undertakings that provide safety training shall issue diving certificates. Diving certificates may only be issued to a person who:

- a) has reached the age of 18;
- b) has been declared fit to dive in a medical certificate;
- c) has completed practical and theoretical safety training and passed final tests.

Section 8-5. Requirements relating to diving certificates

Diving certificates shall be uniform, in a convenient format and be difficult to forge. They shall contain the following information:

- a) name and logo of the training provider and Norway's national emblem;
- b) name, date of birth and nationality of the person who has undergone the safety training;
- c) photograph of the person who has undergone training;
- d) signature of the holder;
- e) the class of training completed;
- f) certificate number;
- g) date of issue;
- h) the following sentence: «Dykkerbeviset er kun gyldig sammen med gyldig helseerklæring» («The diving certificate is only valid together with a valid medical certificate»).

If a person has undergone training to be able to dive for scientific purposes, cf. Section 26 third paragraph, this shall be indicated on their diving certificate.

Those who are to carry out rescue diving must document professional training in addition to the diving training.

Section 8-6. Requirements for enterprises of competence for the inspection of work equipment

Enterprises of competence shall be certified by a certification body.

Enterprises of competence shall have sufficient theoretical knowledge and practical experience in the area they intend to operate in.

Enterprises of competence shall carry out the work with professional integrity, technical competence and independence. The work shall be arranged so as to prevent the undertaking or the employees from being affected by pressure or inducements that can influence the result of their inspections.

To be able to properly perform their duties, enterprises of competence shall have:

- a) an organisation adapted to the activities to be carried out;
- b) necessary competent personnel;
- c) necessary equipment and aids;
- d) access to equipment that they themselves do not have, and that is necessary to be able to carry out the inspection;
- e) description of the procedures for the inspection.

The personnel who are to perform the inspection shall have:

- a) a good technical background;
- b) knowledge about applicable laws, regulations and standards;
- c) knowledge and experience of the inspection to be carried out;
- d) the skills required to prepare documentation of completed inspection.

Enterprises of competence have a duty of secrecy in relation to technical and business matters that are important to keep secret for reasons of competition.

Enterprises of competence shall take out liability insurance.

Compliance with the requirements in this paragraph shall be documented.

Section 8-7. *Inspection of work equipment by an enterprise of competence*

An enterprise of competence shall inspect the work equipment to ensure that it complies with the requirements for work equipment set out in Section 10-6 of the Regulations concerning the Performance of Work, and that it is properly installed, assembled and maintained.

The inspection shall include the following in particular:

- a) inspection of the parts of the work equipment that are important to safety and the working environment and that will be exposed to wear and tear, cracks, damage, corrosion etc.;
- b) function testing with appropriate loads;
- c) inspection of protective structures;
- d) inspection of the presence of instructions for use, operation and maintenance that are of importance to safety.

The enterprise of competence shall document the inspection and certify that it is completely safe to use of the work equipment.

Chapter 9. Foreign nationals' right to use work equipment or perform work under water or under increased ambient pressure

Section 9-1. *Requirements for professional qualifications for nationals of other EEA countries or Switzerland who intend to set up business in Norway and use work equipment*

Nationals of other EEA countries or Switzerland who intend to set up business in Norway and use work equipment as mentioned in Section 10-3 of the Regulations concerning the Performance of Work must apply for a permit from the Labour Inspection Authority before starting up such work. A permit is granted if the applicant presents:

- proof of nationality;
- a certificate of competence or other proof of qualifications required to use the work equipment concerned in another EEA country or Switzerland.

A permit shall also be granted to persons who, for two years during the past ten years, have practised the profession full-time in another EEA country or Switzerland where the profession is not regulated by law, provided that they hold one or more certificates of competence or other proof that the applicant is qualified to use the work equipment concerned. The requirement for two years' practice does not apply if the applicant holds a certificate of competence or proof of qualification from a study programme regulated by law.

If the nature of the training that the applicant has completed is materially different than what follows from Section 10-2 of the Regulations concerning the Performance of Work, the applicant must either complete a trial period or take an aptitude test before a permit can be granted. The applicant can choose between a trial period or an aptitude test. The Labour Inspection Authority adopts more detailed guidelines for such aptitude tests and trial periods.

The Labour Inspection Authority shall confirm receipt of the application to the applicant and, if necessary, request necessary information within a month of receiving such an application.

The application shall be considered as soon as possible, and no later than four months after complete documentation was submitted.

If no decision is made by the expiry of the deadline, the matter may be appealed to a superior authority in accordance with the rules set out in Section 18-6 (7) of the Working Environment Act.

Section 9-2. Requirements for nationals of another EEA country or Switzerland who are to work temporarily in Norway and use work equipment

For nationals of another EEA country or Switzerland who are legally established in another EEA country or Switzerland and who are to work temporarily in Norway and use work equipment as mentioned in Section 10-3 of the Regulations concerning the Performance of Work, the provisions in Section 9-1 apply with the special provisions that follow from this paragraph.

In cases as mentioned in Section 9-1 second paragraph, a permit shall be granted if the applicant presents documentation that he/she is legally established in another EEA country or Switzerland and is not in any way banned from practising his/her profession.

The Labour Inspection Authority shall endeavour to decide the case within a month of receiving the application. If there is a risk that the decision can be delayed, the applicant shall be notified within a month of the reason for the delay and the expected time of a decision, which must be made no later than two months after complete documentation has been received.

Where there is a material difference between the applicant's professional qualifications and the education and training required pursuant to Section 10-2 of the Regulations concerning the Performance of Work, and to the extent that such a difference can be harmful to health or safety, the applicant shall be given an opportunity to demonstrate, with the help of an aptitude test, that he/she possesses the required knowledge or competence. If it is decided that the applicant must take an aptitude test in accordance with the deadlines set out in the previous paragraph, the applicant shall be offered to take this test within a month. If the applicant is not offered to take an aptitude test within a month, the applicant may perform the work. The Labour Inspection Authority adopts more detailed guidelines for such aptitude tests.

If there is no response by the deadlines stipulated in the third and fourth paragraphs, the applicant may perform the work.

Section 9-3. Requirements for professional qualifications for nationals of another EEA country or Switzerland who intend to set up business in Norway and work under water or under increased ambient pressure

A permit shall be granted to persons who, for two years during the past ten years, have practised the profession full-time in another EEA country or Switzerland where the profession is not regulated by law, provided that they hold one or more certificates of competence or proof that the applicant is qualified to perform the work. The requirement for two years' practice does not apply if the applicant holds a certificate of competence or proof of qualification from a study programme regulated by law.

The applicant shall in any case present a proof of medical fitness in the form of the document required in another EEA country or Switzerland, or in the applicant's most recent state of residence of these countries, for access to or practising of the profession, or, if these countries do not require documentation as mentioned, a certificate issued by the competent authority in the state that corresponds to the certificates issued in Norway. The proof of medical fitness may be required to be no more than three months old at the time it is presented.

If the nature of the training that the applicant has completed is materially different than what follows from Sections 26-20 and 26-21 of the Regulations concerning the Performance of Work, the applicant must take an aptitude test before a permit can be granted. The Labour Inspection Authority adopts more detailed guidelines for such aptitude tests.

The Labour Inspection Authority shall confirm receipt of the application to the applicant and, if necessary, request necessary information within a month of receiving such an application.

The application shall be considered as soon as possible, and no later than four months after complete documentation was submitted.

If no decision is made by the expiry of the deadline, the matter may be appealed to a superior authority in accordance with the rules set out in Section 18-6(7) of the Working Environment Act.

Section 9-4. Requirements for nationals of another EEA country or Switzerland who are to work temporarily in Norway and work under water or under increased ambient pressure

In cases as mentioned in Section 9-3 first paragraph, a permit shall be granted if the applicant presents documentation that he/she is legally established in another EEA country or Switzerland and is not in any way banned from practising his/her profession.

The Labour Inspection Authority shall endeavour to decide the case within a month of receiving the application. If there is a risk that the decision can be delayed, the applicant shall be notified within a month of the reason for the delay and the expected time of a decision, which must be made no later than two months after complete documentation has been received.

Where there is a material difference between the applicant's professional qualifications and the education and training required pursuant to Sections 26-20 and 26-21 of the Regulations concerning the Performance of Work, and to the extent that such a difference can be harmful to health or safety, the applicant shall be given an opportunity to demonstrate, with the help of an aptitude test, that he/she possesses the required knowledge or competence. If it is decided that the applicant must take an aptitude test in accordance with the deadlines set out in the previous paragraph, the applicant shall be offered to take this test within a month. If the applicant is not offered to take an aptitude test within a month, the applicant may practise the profession. The Labour Inspection Authority adopts more detailed guidelines for such aptitude tests.

If there is no response by the deadlines stipulated in the second and third paragraphs, the applicant may perform the work.

Section 9-5. Requirements for nationals of countries outside the EEA or Switzerland who are to work under water or under increased ambient pressure

The Labour Inspection Authority shall grant a permit to nationals of countries outside the EEA or Switzerland who submit an application in accordance with Section 26-24 of the Regulations concerning the Performance of Work. Applications for such a permit shall document the applicant's diving qualifications, including what institution provided the training, what training programme was followed and the approval or similar issued by a public authority in the country the applicant comes from.

A valid medical certificate shall be presented that is no more than three months old at the time it is presented.

The application and documentation must be available in Norwegian or English. If the documentation is not available in Norwegian or English, the applicant must present a certified translation of the documentation.

Chapter 10. Requirements for checking breathing air cylinders for diving and respiratory protection

Section 10-1. Requirement for expert

The Labour Inspection Authority may approve an undertaking that has hired an expert pursuant to Section 25-4 of the Regulations concerning the Performance of Work to check compressed air cylinders for diving and respiratory protection.

Section 10-2. Inspection stamp

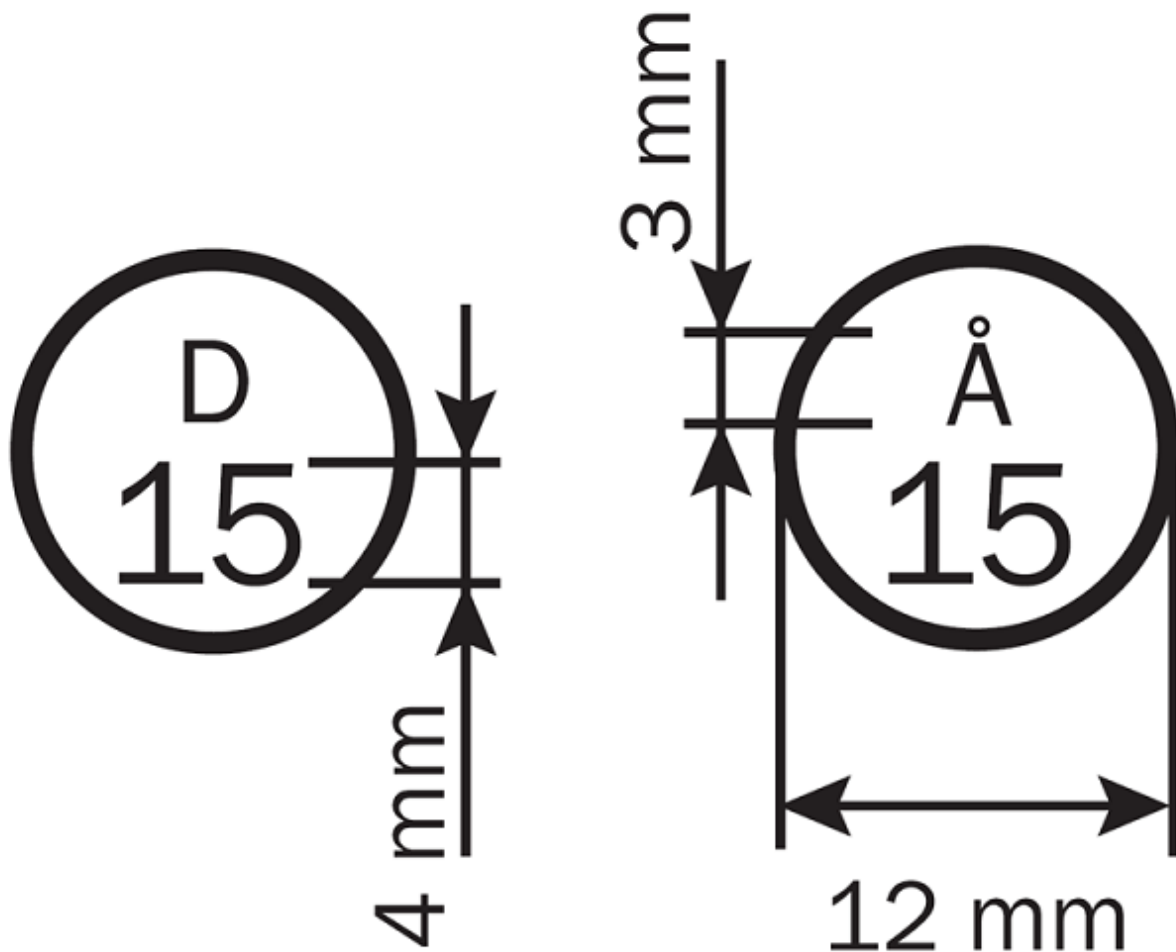
An undertaking approved as an inspector shall have an inspection stamp with a unique certification number. The Labour Inspection Authority assigns and keeps a record of these certification numbers.

The Labour Inspection Authority may withdraw the approval and stamp if the provisions of Chapter 10 of these regulations and Chapter 25 of the Regulations concerning the Performance of Work are not met.

If the undertaking is discontinued, notification shall be given to the Labour Inspection Authority that the certification number is no longer in use.

Section 10-3. Design of the inspection stamp

The inspection stamp shall have the following design:



D = Diving cylinders
Å = Breathing apparatus

15 = Inspector's certification number

Chapter 11. Issuing of certificates

Section 11-1. *Registration of inspectors that issue work certificates*

The Labour Inspection Authority shall register inspectors who issue work certificates for work in or on tanks, rooms, pipes or similar where there may be a risk of fire or explosion; see Chapter 29 of the Regulations concerning the Performance of Work.

Chapter 12. Consent of the Labour Inspection Authority for erection of buildings etc. under Section 18-9 of the Working Environment Act

Section 12-1. *Requirements of the application*

The Labour Inspection Authority issues the form to be used for applications for consent under Section 18-9 of the Working Environment Act.

In addition to the information required on the application form, the Labour Inspection Authority may in individual cases demand all such information as it deems necessary for the purpose of assessing whether the statutory requirements are met.

Section 12-2. *Conditions for consent*

The Labour Inspection Authority can set the following conditions for consent pursuant to Section 18-9 of the Working Environment Act:

- a) that measures to improve the working environment be implemented over and above the changes mentioned in the application;
- b) that the Labour Inspection Authority be kept up to date about projects of a nature whereby the detailed plans cannot be presented in advance and that such plans be presented and approved as they become available. In such cases, the Labour Inspection Authority may also demand to be kept up to date about any comments from the working environment committee or safety representative in step with their consideration of the plans;
- c) that inspection or testing be carried out as the Labour Inspection Authority finds necessary before any use of changed systems/installations, production processes or equipment.

The Labour Inspection Authority may consent to construction work or other changes being initiated before it has completed its consideration of the plans, provided that it finds that working environment considerations give no cause for worry. The Authority may set conditions for such consent.

Chapter 13. Conditions for approval etc.

Section 13-1. *Approval, after-inspection, documentation etc. of work equipment*

When it is deemed necessary in order to ensure that work equipment is designed and equipped with protective devices in accordance with the requirements set out in the Working Environment Act with pertaining regulations, the Labour Inspection Authority may require:

- a) type approval of work equipment before use in Norway;
- b) after-inspection of work equipment to establish that it corresponds to the type-approved model;
- c) approval of technical devices by the Labour Inspection Authority, an expert institution or expert approved by the Labour Inspection Authority;
- d) documentation that shows that the work equipment is approved by a foreign authority or testing station;
- e) self-inspection of work equipment substantiated by a report on control measures, or other documentation.

In connection with the approval schemes mentioned in the first paragraph, the Labour Inspection Authority may require that work equipment manufacturers have personnel with the necessary professional qualifications and that the manufacturer inspects the materials, components, production and the finished product.

Subsequent inspections may also be required, and that they shall be carried out by persons with certain professional qualifications.

Section 13-2. *Inspection stamp and withdrawal of approval of undertakings that are to engage in inspection of compressed air cylinders for diving and respiratory protection*

The Labour Inspection Authority assigns and keeps a list of certification numbers assigned to approved inspectors.

The Labour Inspection Authority may withdraw the approval and inspection stamp.

Chapter 14. Fees and charges

Section 14-1. *Fees for the processing of building applications pursuant to Section 18-9 of the Working Environment Act*

The Labour Inspection Authority shall calculate and collect fees for the processing of applications for consent pursuant to Section 18-9, first paragraph, of the Working Environment Act. The fee shall not exceed the cost of providing the service. The fee is determined based on a division into four categories of buildings and the number of square metres:

Category 1: Public buildings and commercial buildings without fixed workstations; maximum fee NOK 3 895.

Category 2: Commercial buildings with fixed workstations without mechanical processes and pollution; maximum fee NOK 11 685.

Category 3: Commercial buildings with fixed workstations and with mechanical processes and risk of pollution; maximum fee NOK 23 370.

Category 4: Major building complexes, for example airport developments and shopping centres, that require considerably more work than what is stipulated in the individual categories; the fee is decided in each individual case.

Category 5: Individual cases that do not fall into any of the above-mentioned categories, for example ventilation cases and technical building installations; maximum fee NOK 1 126.

The Norwegian Labour Inspection Authority may index-adjust the fees annually in accordance with the adjustments in the fiscal budget for wage and price increases.

This section does not apply to Svalbard.

Section 14-2. *Fee for regional safety representatives in the building and construction industry*

The regional safety representatives scheme is financed by the employers in undertakings covered by the regulations paying an annual fee to the Fund for regional safety representatives. The size of the fee is 0.02% of the payroll expenses. The fee shall nonetheless be at least NOK 250. For sole proprietorships, the fee shall be NOK 250 per year. The fee shall nonetheless be at least NOK 250. For sole proprietorships, the fee shall be NOK 250 per year.

The Ministry stipulates and may change the fee. The Ministry may also stipulate a collection fee to cover the cost of collecting the fee.

Section 14-3. *Fee for regional safety representatives in accommodation, restaurant and cleaning undertakings etc.*

The scheme is financed by the employers in undertakings covered by the regulations paying a fee of 0.065% of the payroll expenses to a fund administered by the Fund Board. The fee shall be at least NOK 250. For undertakings with no employees, the fee shall be NOK 250.

The Fund Board has the authority to reduce the fee should the scheme give rise to a considerable profit. The Fund Board shall reduce the fee if the scheme, at the turn of the year, has accumulated a profit corresponding to the total operating costs for the previous year.

Chapter 15. Final provisions

Section 15-1. *Penal sanctions*

Wilful or negligent violation of these regulations or decisions made pursuant to these regulations, or aiding and abetting thereto, is a criminal offence pursuant to Chapter 19 of the Working Environment Act.

Section 15-2. *Administrative fine*

If anybody acting on behalf of the undertaking violates provisions in these regulations or decisions made pursuant to these regulations, the undertaking may be fined pursuant to Section 18-10 of the Working Environment Act.

Section 15-3. *Entry into force*

These regulations enter into force on 1 January 2013.