

Translation: Only the Danish document has legal validity.

**Notice from the Danish
Maritime Authority A
15 December 2009**

Technical regulation on occupational health in ships

Introduction

This set of regulations contains provisions on conditions related to occupational health on board new and existing Danish ships. Foreign ships and platforms carrying out construction work in Danish territorial waters for a period of 14 days or more shall also be covered by the provisions that are consequential upon EC Directives.

This set of regulations consists of a short technical regulation and a number of annexes in the form of chapters.

The technical regulation contains the statutory basis, the general scope (details about the scope are found in the individual chapters), provisions on penalties and entry into force, and a list of the contents of the chapters. The chapters have been printed as booklets. One chapter may have been divided into several booklets. The number of the chapter, date, subject and list of contents are stated on the front of each booklet.

In the event of future amendments to the chapters, the booklet being amended will be replaced. The chapter will enter into force by the issuance of a new technical regulation.

Section 8 of the technical regulation stipulates special provisions for Greenland. When looking in the set of regulations for conditions on Greenland ships, it shall hence always be checked by means of this section whether the relevant provisions apply to Greenland.

Amended chapters

Chapter II A on chemical occupational health effects

The chapter has been amended in consideration of Regulation (EC) no. 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the registration, evaluation, authorisation and restriction of chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) no. 793/93 and Commission Regulation (EC) no. 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (Official Journal 2006, no. L 396 of 30 December 2006, p. 1).

In continuation hereof, it is the intention that ships not covered by REACH use the same safety standards as stipulated in this Regulation. This means that the requirements for safety data sheets are amended and that products containing substances included on the list of substances in REACH, annexes XIV and XVII, may not be used unless approved for the intended purpose according to article 56 of this Regulation or used in accordance with the restrictions stipulated in article 67.

A few linguistic amendments have also been made in the chapter. The term "mixtures" is now used to be in line with the terms used in REACH and has been inserted where relevant. However, there may be some uncertainty about the terms used in the future as a consequence of different terms in existing legislation on chemical substances.

Chapter XII on the occupational health services

The financial framework of the occupational health boards has been changed as a consequence of the changes made in the similar schemes for the industries covered by the Act on Occupational Health.

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In pursuance of section 1(2) and (3), sections 3-5, section 20(4), section 27(4) and section 32 of the Act on Safety at Sea, cf. Consolidated Act no. 903 of 12 July 2007 as enacted by Decree no. 882 of 25 August 2008 on the entry into force for Greenland of the Act on Safety at Sea, the following provisions are laid down by authority:

Section 1. This technical regulation shall apply to all occupational employment carried out on board new and existing ships registered in Denmark and Greenland.

Subsection 2. Detailed rules have been printed as booklets as annexes to this technical regulation.

Subsection 3. The rules mentioned in subsection 2 shall not limit the application of the directives mentioned in section 3.

Subsection 4. The provisions stipulated in section 3 shall also apply to foreign ships which, for a period of 14 days or more, are used in connection with construction work in Danish territorial waters.

Subsection 5. Ships used only for the carriage of goods shall not be covered by subsection 4.

Section 2. The chapters and chapter booklets are as follows:

Chapter I	Performance of work
A I A	Performance of work, dated 1 July 2002
A I B	Young people's work on board ships, dated 1 July 2002
Chapter II	Chemical occupational health effects
A II A	Substances and materials, dated 15 December 2009
A II B	Code-numbered products, dated 1 April 2003
A II C	Carcinogenic substances and materials, including asbestos and mutagens, dated 1 January 2006
A II D	Breathing apparatus air, dated 1 July 2002
Chapter III	Physical occupational health effects
A III A	Manual handling of loads, dated 1 July 2002
A III B (1)	Noise, dated 1 January 2006
A III B (2)	Vibrations, dated 1 July 2005
A III C	Work in an atmosphere presenting an explosion hazard, dated 1 April 2003
Chapter IV	(Reserved)
Chapter V	Mental occupational health effects
A V A	Mental occupational health (Reserved)
A V B	Rest hours (Reserved)
Chapter VI	Technical aids (machinery, scaffolding, etc.)
A VI	Use of work equipment on board ships, dated 1 July 2004
Chapter VII	Personal protective equipment
A VII	Use of personal protective equipment, dated 1 January 2006
Chapter VIII	Safety signs, etc.
A VIII	Minimum requirements for signalling, safety signs, marking and giving signs, dated 1 July 2002
Chapter IX	Examinations, medical treatment and ship medicine
A IX A	Occupational medical examinations, dated 1 July 2002
A IX B	Medical treatment and medicine on board ships, dated 1 September 2007

Chapter X	Occupational accidents
A X	Reporting of occupational accidents, dated 1 October 2006
Chapter XI	Safety work
A XI A	Safety work on board merchant ships and large fishing vessels, dated 1 January 2006
A XI B	Safety work on board fishing vessels, dated 1 July 2002
Chapter XII	Occupational health services
A XII A	Danish Maritime Occupational Health Service and its secretariat, dated 15 December 2009
A XII B	Danish Fishermen's Occupational Health Service and its Secretariat, dated 15 December 2009

Section 3. The following directives shall apply to Danish ships:

- 1) Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.
- 2) Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) as amended by Council Directive 95/63/EC of 5 December 1995 and the European Parliament and Council Directive 2001/45/EC of 27 June 2001.
- 3) Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- 4) Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment as amended by Council Directive 93/68/EEC, and Council Directive 93/95/EEC.
- 5) Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- 6) Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (codified version).
- 7) Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship.
- 8) Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels.
- 9) Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- 10) Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- 11) Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- 12) Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.
- 13) Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC).

- 14) Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- 15) Commission Directive 2001/58/EC of 27 July 2001 amending for the second time Directive 91/155/EEC defining and laying down the detailed arrangements for the system of specific information relating to dangerous preparations in implementation of Article 14 of European Parliament and Council Directive 1999/45/EC and relating to dangerous substances in implementation of Article 27 of Council Directive 67/548/EEC (safety data sheets).
- 16) Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work as amended by Council Directive 91/382/EEC of 25 June 1991 and amended by Directive 2003/18/EC of the European Parliament and of the Council of 27 March 2003. Council Directive 83/478/EEC of 19 September 1983 amending for the fifth time (asbestos) Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations. Council Directive 85/610/EEC of 20 December 1985 amending for the seventh time Directive 76/769/EEC, Commission Directive 91/659/EEC of 3 December 1991 adapting to technical progress Annex I to Council Directive 76/769/EEC and Commission Directive 99/77/EC of 26 July 1999 adapting to technical progress for the sixth time Annex 1 to Council Directive 76/769/EEC.
- 17) Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- 18) Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- 19) Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- 20) Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (Seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Section 4. A copy of this technical regulation shall be available on board merchant ships with four or more crewmembers, including the master of the ship, as well as on board fishing vessels of 45 metres in length and over. This shall not exclude the use of an electronic medium provided that it is possible to read the technical regulation on board.

Section 5. Violations of this technical regulation shall be punishable by fine or imprisonment for a term not exceeding one year.

Subsection 2. The penalty may be increased to imprisonment for a term not exceeding two years if

- 1) the violation has resulted in damage to life or health, or risk of such damage,
- 2) an injunction or order has previously been issued in connection with the same or equivalent situations, or
- 3) the violation has given or has been intended to give financial benefits to the transgressor or others.

Subsection 3. If the financial benefit achieved is not confiscated, special consideration shall be given to the size of the achieved or intended financial benefit when determining the size of the fine, including supplementary fine.

Subsection 4. Companies etc. (legal persons) may be liable to punishment according to the provisions of Chapter 5 of the Penal Code.

Subsection 5. A legal person who is able to prove that everything necessary has been done to ensure safety and a good occupational health cannot be punished under circumstances where an employee

violates the regulations on use of personal protective equipment, extraction systems, other protective equipment or safety regulations specifically implemented as protection for the individual employee.

Section 6. If the contravention is covered by the Decree on the entry into force in Greenland of the Act on Safety at Sea, measures may be ordered in accordance with the Penal Code for Greenland.

Subsection 2. The conditions stipulated in section 5(2) shall be considered aggravating circumstances.

Subsection 3. If the financial benefit achieved is not confiscated, cf. section 116(1) of the Penal Code, special consideration shall be given to the size of the achieved or intended financial benefit when determining the size of the fine, including supplementary fine.

Subsection 4. If the contravener is a company, etc. (legal person), the legal person may be liable to punishment by fine. If the contravener is the state, the Greenland Home Rule, a municipality, an inter-municipal enterprise covered by Section 64 of the Greenland Parliament Act on municipal councils and settlement councils, etc. or a settlement council, the relevant public authority shall be liable to punishment by fine.

Subsection 5. If the person in question is not resident in Greenland, or if his link to Greenland society is of such a loose nature that the preconditions for the application of the measures are not present, legal proceedings may be instituted in Denmark or the case may be sent for trial in Denmark.

Section 7. This Order shall enter into force on 17 December 2009.

Subsection 2. Technical regulation A of 16 August 2007 on occupational health in ships shall be repealed.

Section 8. The following provisions shall not apply to Greenland:

Section 1(3)-(5), sections 3 and 5, chapters A II A, A III B-2, A IX A, A XII A and A XII B as well as the references to the EC Directives in the other chapters.

The Danish Maritime Authority, 11 December 2009

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