

Only the Danish version is authentic

Danish Maritime Authority's Technical Regulation No 8 of 15 July 2004

Technical Regulation on the conduction of surveys and internal inspections¹

The following is laid down pursuant to Sections 3, 17 (5), 19(2) and 32 of the Act on safety at sea, cf. Consolidated Act No. 627 of 26 July 2002, as amended by Act No 1231 of 27 December 2003 and following authorisation from the Danish Minister for Economic and Business Affairs:

Area of application

Section 1. This Regulation shall apply to all ships subject to the Danish Maritime Authority's obligation of supervision in accordance with the aforementioned Act on safety at sea.

Internal inspection

Section 2. Where it is not under obligation under international conventions or EU regulations, the Danish Maritime Authority may, following an individual assessment, refrain from conducting a survey laid down in accordance with its own rules if it is provided with documentary proof in accordance with the provisions in Section 3 that a ship meets the requirements set by the Danish Maritime Authority in connection with the survey in question.

Documentation

Section 3. If the Danish Maritime Authority refrains from conducting a survey, the master and owner of a ship shall provide the Danish Maritime Authority with written documentation verifying that the ship in question is in compliance with the Danish Maritime Authority's current provisions.

Subsection 2. This written documentation shall as a minimum include a declaration that the ship is seaworthy, manned in accordance with the Danish Maritime Authority's regulations with a crew that meets the requirements concerning qualifications and health laid down by the Danish Maritime Authority and complies with the provisions concerning protection of the marine environment and the provisions concerning work arrangements and the equipping of workstations and accommodation spaces.

Subsection 3. The Danish Maritime Authority may require the ship's master and owner to use one or more of the internal inspection forms produced by the Authority in order to comply with the requirements of subsections 1 and 2. Internal inspection forms shall, where required, be completed, signed by the owner and master of the ship and sent to the Danish Maritime Authority.

Penalties and entry into force etc.

Section 4. Contravention of, and submission of false information in accordance with Section 3 shall be punished with a fine or imprisonment for up to 1 year.

Subsection 2. The penalty may increase to imprisonment for up to 2 years if

- 1) the contravention has caused harm to life or health or brought about the risk thereof,
- 2) a ban or order has previously been issued regarding the same or equivalent circumstances, or
- 3) the contravention resulted in, or was intended to result in, financial gain for the person concerned or for others.

¹ This Regulation has been notified in draft form in accordance with European Parliament and Council Directive 98/34/EC (the Information Procedure Directive), most recently amended by Directive 98/48/EC.

Subsection 3. It shall be deemed particularly aggravating circumstances if young people under the age of 18 have suffered harm to life or health or there has been the risk thereof, cf. subsection 2, point 1.

Subsection 4. If the profits gained through the contravention are not confiscated, particular consideration shall be given when meting out the fine, including supplementary fines, to the size of the financial gain or intended financial gain.

Subsection 5. Criminal liability may be incurred by companies etc. (legal entities) in accordance with the rules of Chapter 5 of the Penal Code.

Section 5. This Technical Regulation shall enter into force on 1 August 2004.

Subsection 2. This Technical Regulation does not apply for Greenland.

The Danish Maritime Authority, 15 July 2004

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