

**Translation. Only the Danish document has legal validity.**

*Technical regulation no. 3 of 16 April 2002 issued by the Danish Maritime Authority*

## **Technical regulation on “Tyskertræk”<sup>1 2</sup>**

In pursuance of section 3, section 17(5) and section 32(4) of the Act on Safety at Sea, cf. Consolidated Act no. 554 of 21 June 2000, in consultation with the Greenland Home Rule and by authority of the Minister of Economic and Business Affairs, the following provisions are laid down:

**Section 1.** This technical regulation shall apply to any ship fishing with an arrangement that, in one turn, automatically moves the gear’s point of attack to the side whereto the vessel turns or involves a risk hereof if the gear gets snagged (the Danish expression is “tyskertræk”).

**Section 2.** It shall be possible to release the gear quickly from the steering position.

*Subsection 2.* The point of attack of the gear shall be located as low as possible and never higher than the gunwale.

*Subsection 3.* Ships built before 1 June 2002 shall comply with section 2(1) no later than on 1 December 2002, and with section 2(2) no later than on 1 June 2003.

**Section 3.** Contraventions of section 2 shall be punishable by fine or imprisonment for a period not exceeding 1 year.

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

- 1) the contravention has caused 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 contravention has produced or has been intended to produce financial benefits to the contravener or others.

*Subsection 3.* It shall be considered especially aggravating circumstances if the violation has resulted in damage to the life or health of young people below the age of 18, or risk of such damage, cf. subsection 2, item 1.

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

*Subsection 6.* If the circumstance is covered by the Decree on the entry into force for Greenland of the Act on Safety at Sea, measures may be laid down in accordance with the Criminal Code for Greenland. If the contravention has been committed by a limited company or a private company, an association, a fund or the like, liability to pay a fine may be incurred by the company, association, fund, etc. as such. If the contravention has been committed by the State, the Greenland Home Rule, a municipality, a municipal cooperative or a district council, liability to pay a fine may

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<sup>1</sup> A Danish term for an arrangement that, in one turn, automatically moves the gear's point of attack to the side whereto the vessel turns or involves a risk hereof if the gear gets snagged.

<sup>2</sup> A draft of this technical regulation has been notified in accordance with Directive 98/34/EC of the European Parliament and of the Council (information procedure directive), as amended most recently by Directive 98/48/EC.

be incurred by the State, the Greenland Home Rule, the municipality, the municipal cooperative or the district council as such.

**Section 4.** This technical regulation shall enter into force on 1 June 2002.

*Subsection 2.* This technical regulation will be incorporated into chapter III of Notices E and F from the Danish Maritime Authority as soon as possible.

### **Remarks to technical regulation no. 3 of 16 April 2002 on the use of “tyskertræk”**

The purpose of a “tyskertræk” is to improve the manoeuvrability of a fishing vessel during trawling.

On the basis of a number of losses and after treatment in the Committee of Fishing Vessels, the Danish Maritime Authority has drafted technical regulation no. 3 of 16 April 2002 on the use of “tyskertræk”. The regulations imply that all fishing vessels carrying out fishing operations by use of “tyskertræk” shall have the point of attack located as low as possible and not above the height of the gunwale and that there shall be a possibility of remote-release.

The Danish Maritime Authority understands the height of the gunwale in fishing vessels, in accordance with other of the regulations issued by the Danish Maritime Authority, as 1 metre above the working deck. The working deck is the lowest deck above the deepest operating waterline.

A “tyskertræk” arrangement may, for example, consist of a block joining the pull from the gear at one point while the ship is trawling. The block may move from one side to the other on a transversal wire or the like whereby the pull from the gear operates in front of the axis around which the ship turns and in this way helps it turn. Often, the block is located in a rather high position in order to make the trawl wires get clear of the gunwale, stern drum and other gear. This involves a great risk that the ship is subjected to a heeling moment exceeding the stability of the ship, for example in case the gear gets snagged, for which reason the ship will capsize and, subsequently, be lost.

The regulations stipulating that “tyskertræk” shall be located as low as possible and not in a position above the height of the gunwale and that there shall be a remote-controlled release device shall enter into force for new fishing vessels when the technical regulation enters into force on 1 June 2002.

For existing fishing vessels, the provisions stipulating that vessels shall be fitted with a remote-controlled release device shall enter into force on 1 December 2002; while the requirements that “tyskertræk” shall be located as low as possible and not higher than the height of the gunwale shall enter into force on 1 June 2003.

The Danish Maritime Authority may give existing ships an extension as regards the relocation of the point of attack in cases where there may be special problems moving the point of attack in order to get time to find a suitable solution. The Greenland Home Rule has informed the Danish Maritime Authority that they can accept the proposal so that the provisions will apply to both Denmark and Greenland.

The provisions of this technical regulation will be incorporated into chapter III of Notices E and F from the Danish Maritime Authority.

*Danish Maritime Authority / 16 April 2002*

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