

Technical regulation on the use of pesticides in ships¹

The following shall be laid down pursuant to section 1(2), section 3, section 17(5), and section 34 of the Safety at Sea Act, cf. Consolidated Act no. 554 of 21 June 2000, as well as pursuant to section 1(2), section 2(5), section 4, section 7, section 11(2), and section 28 of Act no. 98 of 12 March 1980 on the Safety of Ships, etc. (*lov om skibes sikkerhed m.v.*), as amended, and after consultation with the Government of the Faeroe Islands and the Greenland Home Rule Government, after negotiations with the Minister for Environment and Energy, and after authorisation from the Minister for Business and Industry:

Section 1. If pesticides are used for treating cargo in Danish, Faeroese or Greenland ships, or in foreign ships in Danish, Faeroese or Greenland ports, this shall take place pursuant to the IMO recommendation for the use of pesticides in ships, "Recommendations on the Safe Use of Pesticides in Ships", as described in the IMGD Code Supplement.²

Subsection 2. In this connection, the master shall ensure that the person carrying out the job holds the necessary authorisation from the port State to use the relevant pesticides.

Administration

Section 2. The Danish Maritime Authority shall be responsible for the administration of this technical regulation.

Subsection 2. The approval of persons and the issuance of authorisation to use pesticides in ships in Danish ports shall be carried out by the Danish Environmental Protection Agency.³

Penalty and entry into force

Section 3. Any person violating section 1 shall be liable to a fine, simple detention or imprisonment for up to one year.

Subsection 2. The penalty may be increased to simple detention or imprisonment for up to 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. It shall be considered an especially aggravating circumstance if the violation has caused injury to life or health of young people of less than 18 years of age or provoked a risk of injury, cf. subsection. (2-1).

Subsection 4. If the benefit obtained through the violation is not confiscated, the size of such financial benefit obtained shall be taken into account when determining the fine, including additional fines.

Subsection 5. Companies, etc. (legal persons) may incur criminal liability according to the regulations in chapter 5 of the Criminal Code (*straffeloven*).

Subsection 6. If the matter is only covered by the Act on Safety of Ships, etc. (*lov om skibes sikkerhed m.v.*), the penalty may only be a fine or simple detention.

Section 4. This regulation shall enter into force on 1 October 2000.

The Danish Maritime Authority, 18 August 2000

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¹ A draft of this technical regulation has been notified in accordance with Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services, as amended most recently by Directive no. 98/48/EC.

² The publication IMO-267 E "The Recommendation on the Safe Use of Pesticides in Ships" (1996 ed.) is sold by Iver C. Weilbach & Co. A/S, Toldbodgade 35, Copenhagen K, Denmark, tel. +45 33 13 59 27.

³ Cf. regulation of 2 April 1974 on pest control issued by the Danish Environmental Protection Agency.