

## Introduction

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

The technical regulation contains the statutory basis, the application, a table of chapter contents, the penalty and entry into force clauses. The chapters have been issued as separate parts, and one chapter may have been divided into several such parts. The front page of each separate part gives the letter D and the number, date, subject and table of contents of the chapter. The chapter numbering corresponds to that of Notice B from the Danish Maritime Authority, and the chapters that are not relevant to passenger ships engaged in domestic trade have been left out.

When future amendments are made, the part amended will be replaced. The chapter will be enacted by the issuance of a new technical regulation.

## Amended chapters

### **Chapter I – General provisions**

The application has been extended so that ships exclusively engaged in trade in port areas of a length of or above 24 metres are covered by this technical regulation. Furthermore, a reference has been inserted in regulation 10 to the freeboard certificate, cf. chapter II-5, and, finally, regulation 11 has been revised because the former survey book has been substituted by the so-called “annex file”.

### **Chapter II-2 A. Fire-protection, fire-detection and fire-extinction (General provisions)**

A minor adjustment has been made of the text in regulation 11.3.4 in accordance with the text in Commission Directive 2002/25/EC. Furthermore, the application of regulation 5.5 is now in accordance with the same Directive text.

### **Chapter IV – Radiocommunications, GMDSS**

In regulation 15.9.2, a requirement for service inspections of satellite EPIRBs at a shore-station at least every five years. The provision is included in accordance with a similar SOLAS requirement to reduce the number of inadvertent alarms. Furthermore, the provision on the date of the annual testing on board contained in regulation 15.9.1 has been adjusted in accordance with SOLAS. Various minor corrections have been made in the remaining part of the chapter.

### **Chapter XXI – Prevention of pollution by oil from ships**

In all parts marked with an “M”, a reference has been added to the relevant Orders from the Danish Environmental Protection Agency. Furthermore, the chapter has been revised in accordance with resolution MEPC.141(54) on new regulations of fuel oil tanks in ships with a total fuel oil tank capacity of more than 600 m<sup>3</sup>. Finally, regulation 10.4 on the validity of the certificate has been amended since the period may not exceed five months under MEPC.141(54).

**Chapter XXVI – Prevention of air pollution from ships**

In all parts marked with an “M”, a reference has been inserted to the relevant Orders issued by the Danish Environmental Protection Agency.

**Annex 1C – MARPOL certificates**

The IOPP certificate has been amended in accordance with resolution MEPC.141(54).

## Technical regulation on the construction and equipment, etc. of passenger ships engaged on domestic voyages<sup>1</sup>

In pursuance of Section 1(2), Sections 2-5, Section 17(2) and (5) and Section 28 and 32 in 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 Act no. 1465 of 22 December 2004, Act no. 547 of 7 June 2006 and and Decree no. 607 of 25 June 2001 on the entry into force on Greenland of the Act on Safety at Sea, after consultation with the Greenland Home Rule, and on the authority of the Danish Minister of Economic and Business Affairs, the following is laid down:

**Section 1.** This technical regulation shall, to the extent given in chapter I, apply to passenger ships and high-speed passenger craft engaged on domestic voyages, regardless of the flag they are flying.

*Subsection 2.* The provisions on passenger ships and high-speed passenger craft engaged on domestic voyages in force so far shall continue to apply to existing ships, unless otherwise provided in this technical regulation.

**Section 2.** The more detailed regulations on the construction and equipment, etc. of ships have been issued as separate parts as annexes to this technical regulation:

*Subsection 2.* The number, title and date of the separate parts are as follows:

D I	General provisions, dated 1 May 2007.
D II-1 A	Construction – Subdivision and stability, machinery and electrical installations, dated 1 May 1999.
D II-1 B	Intact stability, subdivision and damage stability, dated 1 October 2002.
D II-1 B-1	Specific stability requirements for ro-ro passenger ships, dated 1 November 2004.
D-II-1 C	Machinery, dated 1 October 2002.
D II-1 D	Electrical installations, dated 1 October 2002.
D II-1 E	Additional requirements for periodically unattended machinery spaces, dated 1 October 2002.
D II-2 A	Construction – Fire-protection, fire-detection and fire-extinction, dated 1 May 2007.
D II-2 B	Fire safety measures, dated 1 October 2002.
D II-2 N(1)	Additional requirements to the provisions of the Fire Safety Systems Code (FSS Code), chapter 5, paragraphs 2.1 and 2.2, dated 1 October 2002.
D II-2 N(2)	Additional requirements to the provisions of the Fire Safety Systems Code (FSS Code), chapter 5, dated 1 October 2002.

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1) This technical regulation contains provisions implementing Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships, Official Journal 1998, L 144, p. 1, as amended by Commission Directive 2002/25/EC of 5 March 2002, Official Journal 2002, L 98, p. 1, Directive of the European Parliament and the Council 2002/84/EC of 5 November 2002, Official Journal 2002, L 324, p. 53, Commission Directive 2003/75/EC of 29 July 2003, Official Journal 2003, L 123, p. 18 and Commission Directive 2003/75/EC of 29 July 2003, Official Journal 2003, L 190, p. 6. Furthermore, the technical regulation contains provisions implemented by Regulation (EC) No. 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security as well as Regulation (EC) No. 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No. 3051/95.

D II-2 N(3)	Additional requirements to the provisions of chapter 4 of the Fire Safety Systems Code (FSS Code), dated 1 October 2002.
D II-3	Accommodation, etc., dated 1 November 2004.
D II-4	(Reserved for later use).
D II-5	Load lines, dated 1 May 1999.
D III	Life-saving appliances, dated 1 November 2003.
D IV	Radiocommunications. GMDSS, dated 1 May 2007.
D V	Safety of navigation, dated 1 November 2003.
D VI	Carriage of cargoes, dated 1 October 2002.
D VII	Carriage of dangerous goods, dated 1 October 2002.
D VIII	(Reserved for later use).
D IX	Management for the safe operation of ships, dated 1 October 2006.
D X	(Reserved for later use).
D XI	Special measures to enhance maritime safety, dated 1 October 2006.
D XII-D XX	(Reserved for later use).
D XXI	Prevention of pollution by oil from ships, dated 1 May 2007.
D XXII	(Reserved for later use).
D XXIII	Prevention of pollution by harmful substances carried by sea in packaged form, dated 1 May 1999.
D XXIV	Treatment and storage of sewage, dated 1 November 2004 (the previous chapter D XX).
D XXV	Prevention of pollution by garbage from ships, dated 1 November 2004 (the previous chapter D XXIV).
D XXVI	Prevention of air pollution from ships, dated 1 May 2007.
D XXX	Council Directive 98/18/EC on safety rules and standards for passenger ships.
Annex 1 A	Safety certificates, dated 1 May 2005.
Annex 1 B	Load Line certificates, dated 1 May 2005.
Annex 1 C	MARPOL certificates, dated 1 May 2007.

**Section 3.** The provisions of chapters I, II-1, II-2 and III have been drawn up on the basis of annex 1 of Council Directive 98/18/EC on safety rules and standards for passenger ships, as amended by Commission Directive 2002/25/EC, Directive of the European Parliament and the Council 2002/84/EC and Commission Directive 2003/75/EC as well as Commission Directive 2003/75/EC.

*Subsection 2.* The provisions of chapter II-3 on the accommodation, etc., have been drawn up on the basis of the International Convention on Crew Accommodation, ILO Convention no. 92 of 18 June 1949 and no. 133 of 30 October 1970 as well as Directive of the European Parliament and of the Council 2003/24/EC.

*Subsection 3.* Chapter II-5 has been drawn up on the basis of Council Directive 98/18/EC and the International Convention on Load Lines of 5 April 1966 and the associated Protocol of 1988 with later adopted appendices and chapters. (The provisions of the Convention are printed in their entirety in chapter B II-5 of Notice B from the Danish Maritime Authority).

*Subsection 4.* The provisions of chapters IV to VI have been drawn up on the basis of Council Directive 98/18/EC, as amended by Directive of the European Parliament and the Council 2002/84/EC, as well as the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, and associated Protocols and Codes.

*Subsection 5.* The provisions of chapter VII have been drawn up on the basis of the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, and associated Protocols and Codes as well as the Memorandum of understanding for the transport of dangerous goods in ro-ro-ships in the Baltic, as amended.

*Subsection 6.* The provisions of chapter IX have been drawn up on the basis of chapter IX of the International Convention for the Safety of Life at Sea (SOLAS) 1974, as amended, and associated Protocols and Codes, as well as Regulation (EC) No. 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No. 3051/95.

*Subsection 7.* The provisions of chapter XI have been drawn up on the basis of chapter XI of the International Convention for the Safety of Life at Sea (SOLAS) 1974, as amended, and associated Protocols and Codes, as well as Regulation (EC) No. 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security.

*Subsection 8.* The provisions of chapters XXI, XXIV, XXV and XXVI have been drawn up on the basis of annexes I, III, IV, V and VI of the International Convention for the Prevention of Pollution from Ships (MARPOL), 73/78 and the associated Protocol of 1997 as well as resolution MEPC.117(52), MEPC.132(53), MEPC.141(54) and MEPC.154(55).

*Subsection 9.* Chapter XXX is a copy of the articles of Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships.

*Subsection 10.* Text in italics indicates that the text deviates from the above-mentioned source texts. In such case, it is either a question of supplementary or equivalent safety requirements or exemptions adopted under article 7 of Council Directive 98/18/EC or of Danish guidelines that do not amend the substance, but explains special Danish conditions or the Danish interpretation of conditions that have been left to the Administration of the flag State in the source text. The reference "(R ...)" after the headline to the regulations in chapters II-1, II-2 and III refers to the equivalent regulation in the SOLAS Convention of 1974, as amended, which has formed the basis of the regulation.

**Section 4.** A copy of this technical regulation shall be carried on board Danish ships covered by it. This shall not preclude the use of an electronic medium provided that it is possible to read the technical regulation on board.

*Penalty, measures and entry into force, etc.*

**Section 5.** Contraventions 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.* It shall be considered especially aggravating circumstances if the violation has resulted in damage to the life or health or risk of such damage to young persons below the age of 18, cf. subsection 2(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.

**Section 6.** If the contravention is covered by the Decree on the entry into force on Greenland of the Act on Safety at Sea, it may lead to measures in accordance with the penal code for Greenland.

*Subsection 2.* The special conditions mentioned in Section 5(2) and (3) shall be considered aggravating circumstances.

*Subsection 3.* If the financial benefit achieved is not confiscated, cf. the penal code, section 116(1), 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 personalities), the legal personality as such may be liable to punishment by fine. If the contravener is the State, Greenland's Home Rule, a municipality, an inter-municipal enterprise covered by Section 64 of the Act of the Landsting (Greenland Parliament) on municipal councils and village councils, etc. or a village council, the relevant public authority shall be liable to punishment by fine.

*Subsection 5.* If the person in question does not live in Greenland, or if his tie to Greenland society is of such a rather 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 technical regulation shall enter into force on 1 August 2007.

*Subsection 2.* The structural requirements contained in the provisions in force until now shall continue to apply to existing ships unless otherwise provided in this technical regulation.

The Danish Maritime Authority, 24 April 2007

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