

Translation. Only the Danish version has legal validity.

Order no. 23 of 6 January 2012 issued by the Ministry of the Environment

Order regulating non-commercial navigation in territorial waters by water scooters, etc.¹

In pursuance of section 29(1) and section 89(3) of the act on nature conservation (*lov om naturbeskyttelse*), cf. consolidated act no. 933 of 24 September 2009, the following provisions are laid down:

Section 1. This order concerns non-commercial navigation in the territorial waters by water scooters, which shall be understood as a vessel with a length below 4 metres, with a built-in combustion engine with a water jet pump as the main means of propulsion and intended for being operated by one or more persons sitting, standing or kneeling on – rather than in – the hull.

Subsection 2. This order shall also apply to non-commercial navigation by hovercraft and other engine-driven sports vessels of similar nature, designed to be driven by persons sitting, standing or kneeling on – rather than in – the hull.

Section 2. Navigation with vessels covered by section 1 shall be prohibited in the following areas:

- 1) Areas that are, pursuant to the act on environmental goals, etc. for water bodies and international nature conservation areas (environmental goal act) (*lov om miljømål m.v. for vandforekomster og internationale naturbeskyttelsesområder (miljømålsloven)*), designated international nature conservation areas.
- 2) Game preserves established in pursuance of the act on hunting and wildlife management.
- 3) Classified areas in the territorial waters and the fishing territory established in pursuance of the nature conservation act (*naturbeskyttelsesloven*), including through orders.

Section 3. Outside the areas covered by section 2, navigation by vessels covered by section 1 shall be prohibited within 300 metres from the coastline. Unless otherwise stipulated in other legislation, it shall however be permitted to launch the vessel from the coast or from ports.

Subsection 2. Within 300 metres of the coastline, navigation shall be carried out at a speed of no more than 5 knots perpendicularly to the coastline. The 300-metre zone may only be directly passed through.

Subsection 3. When launched in ports, water scooters shall follow the fairway to and from the port unless the port regulations stipulates otherwise.

Section 4. The municipal council may, following a specific assessment, grant exemptions from sections 2 and 3 for arrangements of interest to the general public.

¹ This order contains provisions implementing parts of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (EU habitat directive), Official Journal 1992, no. L 206, page 7, as amended by Council Directive 2006/105/EC of 20 November 2006, Official Journal 2006, no. L 363, page 368, and parts of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, Official Journal 2009, no. L 20, page 7. This order contains provisions implementing parts of Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft, Official Journal 1994, no. L 164, page 15, as amended by Directive 2003/44/EC of the European Parliament and of the Council of 16 June 2003, Official Journal L 214, page 18.

Subsection 2. When considering applications for exemptions insofar as regards navigation within the areas mentioned in section 2(2) and (3), the municipal council shall ensure that the necessary exemption has been acquired from other authorities as regards other regulations for these areas.

Section 5. When making decisions pursuant to section 4, the provisions of order no. 408 of 1 May 2007 on the designation and administration of international nature conservation areas as well as the protection of certain species (the habitat order) shall also apply.

Section 6. The municipal council shall inspect compliance with this order.

Section 7. Contraventions of sections 2 and 3 shall be liable to punishment by fine.

Subsection 2. Companies, etc. (legal persons) may be liable to punishment in accordance with the provisions of chapter 5 of the penal code.

Section 8. This order shall enter into force on 27 January 2012.

Subsection 2. Order no. 1315 of 20 November 2006 regulating navigation by water scooters, etc. shall be repealed.

Ministry of the Environment, 6 January 2012

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