

**Translation. Only the Danish version is authentic.**

*Danish Maritime Authority Order no. 585 of 8 June 2011*

## **Order for Greenland on the investigation of accidents at sea**

In pursuance of section 1(3), section 4 (3), section 17(7) and section 32 of the act on safety at sea, as enacted for Greenland by Royal Decree no. 882 of 25 August 2008, the following provisions are laid down following consultations with the Greenland Government and by authority:

**Section 1.** The investigation of accidents and deaths at sea involving Greenland ships shall be carried out by the Danish Maritime Accident Investigation Board. The Investigation Board may also investigate cases where there has been an imminent risk of such accidents.

*Subsection 2.* Furthermore, the Investigation Board may take part in or be in charge of investigations of accidents at sea on foreign ships if Greenland interests are associated with the accident. If the accident has occurred outside the territorial waters around Greenland, the investigation shall be carried out in cooperation with the maritime authorities of the flag State.

**Section 2.** The purpose of investigating accidents and deaths at sea as well as pollution incidents in connection with bunkering is to obtain information about the actual circumstances of the accident and to clarify the causes and the sequence of events that led to the accident in order that the Danish Maritime Authority or others can take measures to reduce the risk of recurrences. The aim of such investigations is not to take a position on the aspects of criminal liability or liability for damages in connection with the accidents.

*Subsection 2.* The investigations shall be carried out in accordance with the principles of the International Maritime Organization's (IMO) Code for the Investigation of Marine Casualties and Incidents. The involved ships' and shipping companies' safety management system (ISM) shall be included in the investigations when relevant.

**Section 3.** Accidents, etc. involving only pleasure craft shall be investigated only if it is assessed that there is a special need for this. Furthermore, it may be decided not to investigate accidents, etc. that involve vessels other than pleasure craft.

**Section 4.** The Danish Maritime Investigation Board may be assisted by other persons or institutes in its investigations, including persons with special experience navigating Greenland waters.

*Subsection 2.* The general legal provisions on the duty of confidentiality of persons in public service or of persons who carry out tasks on behalf of a public authority shall apply to the persons mentioned in subsection 1.

### *Reporting obligation*

**Section 5.** When a Greenland merchant or fishing vessel is involved in a collision, other collision (crash), grounding, fire, explosion, leakage, list, capsizing, when another incident with consequent substantial material damage has occurred, or when a death or serious personal accident has occurred on

board the ship or to a person from the ship, the Danish Maritime Authority shall be informed of this immediately.

*Subsection 2.* For ships registered in Greenland with a scantling number below 20, cf. Notice from the Danish Maritime Authority F, chapter 1, regulation 17, the Danish Maritime Authority merely has to be informed about deaths and serious personal injury.

*Subsection 3.* The reporting obligation shall rest with the master of the ship. If he or she is unable to meet this obligation, the obligation shall rest with the shipowner. In the case of offshore installations covered by the act on safety at sea (*lov om sikkerhed til søs*), the reporting obligation shall also rest with the person responsible for the offshore installation.

**Section 6.** Employees at the Danish Maritime Authority's office in Greenland may, on request by the Danish Maritime Accident Investigation Board, collect data and conduct the necessary investigations in Greenland on behalf of the Investigation Board. The information will be reported to the Investigation Board, which will conduct further investigations.

*Subsection 2.* The Chief Constable in Greenland or other Greenland authorities shall inform the Danish Maritime Authority about the occurrence of an accident or another incident covered by the reporting obligation of section 5 which is assumed not to be known by the Danish Maritime Authority.

#### *The Danish Maritime Accident Investigation Board's access to ships, etc.*

**Section 7.** Under section 19 (1) of the act on safety at sea (*lov om sikkerhed til søs*), the employees of the Danish Maritime Accident Board shall be permitted to access ships at any time upon presentation of due identification and without a court order if it is deemed necessary in connection with the performance of their tasks.

*Subsection 2.* The Investigation Board may carry out measurements, tests, technical examinations and reconstructions of importance when clarifying the reason for the accident. According to section 19(2) of the act on safety at sea (*lov om sikkerhed til søs*), the ship's owner, master and chief engineer or anyone acting on their behalf shall be obliged to provide the Investigation Board the assistance necessary for its investigations and provide the it with any information in relation hereto, cf. however subsection 3.

*Subsection 3.* Before the Investigation Board obtains a statement from a person who, according to the Investigation Board's assessment, could face criminal proceedings in connection with the accident, the person in question shall be made aware that he or she has a right to remain silent.

*Subsection 4.* The Investigation Board shall record the statements given. It shall be clear from such records whether the person in question has received guidance under subsection 3. The person who has given a statement shall be given the opportunity to know the content of the record.

#### *Shipping Inquiry*

**Section 8.** The Danish Maritime Authority may request a shipping inquiry according to the provisions hereon of the merchant shipping act (*søloven*).

### *Cooperation with foreign authorities*

**Section 9.** The Danish Maritime Investigation Board may cooperate with the maritime authorities of other states concerned about investigations and may in this connection render information to these authorities to the extent necessary, including the rendering of information about records in the involved ships' voyage data recorders.

### *Temporary detention of ships, removal of wreckage, etc.*

**Section 10.** If the onward voyage of a ship will be an obstacle to the investigations of the Danish Maritime Accident Investigation Board, the Investigation Board may order postponement of the ship's onwards voyage. Furthermore, the Danish Maritime Accident Investigation Board may order that instruments or the like may not be removed or touched until the Investigation Board has had an opportunity to carry out the examinations necessary. The Danish Maritime Accident Investigation Board shall see to it that ships are not unnecessarily detained and that the work on board is not unnecessarily obstructed. Section 16(4) of the act on safety at sea (*lov om sikkerhed til søs*) shall apply in connection with the orders mentioned in the first sentence.

*Subsection 2.* The Danish Maritime Accident Investigation Board may decide that wreckage and pieces of wreckage may not be removed or touched until the Investigation Board has had the opportunity to carry out the examinations necessary. In cases where a ship has foundered, grounded or is drifting and may endanger safety of navigation or the environment, the Danish Maritime Accident Investigation Board shall agree with the Danish Maritime Safety Administration or Island Command Greenland how to react.

*Subsection 3.* The Investigation Board may take the pieces of wreckage and instruments, etc. mentioned in subsections 1 and 2 in its possession if this is necessary to carry out the investigation.

**Section 11.** It shall be decided by agreement between the Investigation Board and the military authorities how to act in case of accidents at sea in which both civilian ships and warships or troopships are involved or which occur in military areas.

### *Marine accident reports, etc.*

**Section 12.** When the Danish Maritime Accident Investigation Board has completed its investigation, a report on the accident shall be drawn up. The report shall contain a description of the sequence of events and a conclusion about the cause of the accident to the extent that it has been possible to determine this. Furthermore, the report may contain recommendations for initiatives intended to prevent accidents of the same or similar kind.

*Subsection 2.* The report shall be forwarded to those involved in the accident and shall be published unless special circumstances go against this. In order to contribute to preventing future accidents or to limit the consequences of such, marine accident reports made public may contain information on the health of persons who have been involved in an accident. This is done to provide a true image of the accidents and the consequences.

*Subsection 3.* If new information occurs after the completion of the investigation that may be presumed to be of significant importance to the conclusions of the investigation, the Danish Maritime Accident Investigation Board may decide to reopen the investigation.

*Subsection 4.* When the result of the investigation of an accident or the nature of the accident goes against it, the Danish Maritime Accident Investigation Board may abstain from drawing up a report.

#### *Limited right of access to documents*

**Section 13.** The provisions in the act on public access to documents in administration files (*lov om offentlighed i forvaltningen*) shall not apply to information, investigations, materials, etc. forming part of an ongoing investigation of an accident or a death at sea.

*Subsection 2.* The provision of subsection 1 shall apply only until the final casualty report is available or until a decision has been made not to draw up a report.

#### *Accident statistics*

**Section 14.** Statistics of accidents at sea shall be published at least once a year.

#### *Penalty and entry into force, etc. clauses*

**Section 15.** Measures may be imposed on persons contravening section 5 under the penal code for Greenland. The same shall apply to persons who, contrary to section 7(1), obstructs the investigations of the Accident Board or who do not provide it assistance or render information as prescribed in section 7(2), cf. however the provision of section 7(3), as well as anyone acting contrary to order or provisions laid down pursuant to section 10(1), the first or second sentence, or section 10(2), the first sentence.

*Subsection 2:* If a criminal case is tried outside Greenland or if it concerns a person or company (legal entity) domiciled or established outside Greenland, measures may be imposed instead of punishment by fine.

**Section 16.** The order shall enter into force on 15 June 2011.

*Subsection 2.* Order no. 790 of 10 June 2006 on the investigation of accidents at sea shall be repealed.

*The Ministry of Economic and Business Affairs, 8 June 2011*

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