

Translation. Only the Danish version is authentic.

Danish Maritime Authority Order no. 638 of 14 June 2011

Order on the reporting of marine accidents, deaths and incidents at sea¹

In pursuance of section 4(3) and section 32(4) of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 654 of 15 June 2010, as amended by act no. 457 of 18 May 2011, and by authority, the following provisions are laid down:

Section 1. When a marine accident or an incident at sea occurs on a Danish ship or on a foreign ship in Danish territorial waters or when a death occurs on or from the ship, the Danish Maritime Authority shall be informed hereof immediately.

Subsection 2. The master and shipowner shall ensure that reporting is made. If the accident occurs on an offshore installation covered by the act on safety at sea (*lov om sikkerhed til søs*), the duty shall also rest with the person responsible for this installation.

Subsection 3. If the accident has meant that persons carrying out work on Danish ships have not been able to perform their usual work for more than a day in addition to the day of the injury, reporting of the occupational accident shall also be made according to the technical regulation on occupational health in ships.

Section 2. Marine accidents shall mean incidents that have occurred in connection with the operation of a ship and which have led to the following:

- 1) that a person has fallen over board, has been seriously injured or has deceased;
- 2) a collision, other collision (crash), grounding, a fire, an explosion, leakage, list, capsizing or that a ship becomes impossible to manoeuvre, must be considered lost or has been necessary to abandon;
- 3) material damage to a ship or port infrastructure outside the ship that could seriously jeopardize safety;
or
- 4) that serious damage has been made to the environment or a risk of such damage as a consequence of damages to one or more ships.

Subsection 2. Incidents shall mean incidents at sea where a marine accident has not occurred, but where there has in direct connection with the ship's operation been an imminent risk hereof (for example a risk of collisions, groundings, fire or other collision (crash)).

Section 3. The reporting obligation under section 1 shall not cover marine accidents, etc. involving only recreational craft not used for commercial purposes.

Section 4. The Danish Maritime Authority shall immediately inform the Danish Maritime Accident Investigation Board of the reports received.

¹ This order contains provisions implementing parts of Directive 2009/18/EC of the European Parliament and of the Council establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council, Official Journal no. L of 28 May 2009, pp. 114-127.

Subsection 2. The Danish Maritime Accident Investigation Board shall report accidents and incidents covered by Council Directive 2009/18/EC to the European Marine Casualty Information Platform (EMCIP). The Danish Maritime Authority shall provide assistance in this connection.

Section 5. Anyone contravening section 1 shall be liable to punishment by fine.

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

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

Danish Maritime Authority, 14 June 2011

Frank Bjerg Mortensen / Anja Krabbe Thomns