

Translation. Only the Danish document has legal validity.

Order no. 190 of 9 March 2011 issued by the Danish Maritime Authority

Order on technical regulation on education, training and certification of officers on high-speed craft

In pursuance of section 1, section 3, section 6(iv) and section 32(8) of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 654 of 15 June 2010, the following provisions are laid down by authority:

Purpose

Section 1. The purpose of the order is to ensure that

- 1) shipping companies operating high-speed craft develop and carry out education and training as well as type rating of the craft's officers on an ongoing basis;
- 2) the shipping companies develop and carry out navigation and manoeuvre training of their navigation officers and determine safety criteria for the navigation under difficult navigational conditions; and
- 3) navigation officers, within the navigational restrictions of the craft, are able to navigate and manoeuvre it safely under the conditions of navigation and call that may occur.

Application

Section 2. The order covers shipping companies operating Danish high-speed craft.

Subsection 2. Section 6, section 7, section 8(7) and section 9 shall also apply to foreign high-speed craft that regularly call at Danish ports.

Definitions

Section 3. For the purposes of this order, the following definitions shall apply:

- 1) HSC Code: International Code of Safety for High-Speed Craft, 1994/2000, as amended.
- 2) High-speed craft: Craft complying with the international codes for high-speed craft as defined in more detail in the order on Notice B from the Danish Maritime Authority, technical regulation on the construction and equipment, etc. of ships, chapter X.
- 3) Navigation officer: Ship officer or master keeping the watch on the bridge of a high-speed craft or manoeuvring the craft during port calls.
- 4) Officer: Dual ship officer, navigation officer, chief engineer or engineer officer keeping the bridge or engine watch.
- 5) Navigational restrictions: The operational restrictions imposed on the high-speed ferry according to the route manual and the Permit to Operate.
- 6) Safety management system: The safety management system laid down pursuant to the ISM Code or, in case of high-speed craft not certified according to the ISM Code, the training manual of the craft.
- 7) Type rating: Special assessment of the navigation officers and chief engineers' qualifications for serving on high-speed craft.

- 8) VDR: Voyage Date Recorder, system for collecting information on incidents during the voyage.

Educational and training programmes for officers

Section 4. The shipping company shall establish and keep updated an educational and training programme ensuring training in the operational and navigational risks and characteristics applicable to the high-speed craft on which the officer is to serve. The educational and training programme shall be incorporated in the shipping company's safety management system.

Subsection 2. The educational and training programme shall contain the special educational requirements laid down in the HSC Code.

Subsection 3. The educational and training programme shall also contain the requirements for the operational training to be carried out as a supernumerary officer on board the craft, possibly supplemented by simulator training.

Subsection 4. The operational training on board shall be based on the officer's own experiences and qualifications and should normally have a duration of one to two weeks.

Subsection 5. As a follow-up on the educational and training programme, the shipping company shall through an operational test (type rating) in the relevant high-speed craft on the route where service is to be carried out ensure that the officer is capable of performing all the safety-related and operational tasks necessary in the position as officer on board.

Training of navigation officers for navigation on a specific route

Section 5. The educational and training programme mentioned in section 4 shall also ensure that the navigation officers of the craft are taught and trained in the navigational risks and characteristics applicable to the high-speed craft and on the route where the navigation officer is to serve.

Subsection 2. The educational and training programme shall contain the special wave risks to which high-speed craft are exposed and training of the measures to be launched to prevent the consequences hereof.

Subsection 3. Before carrying out independent service on the route in question, the shipping company shall ensure that the navigation officer is capable of navigating and manoeuvring the craft safely under the wind, current and weather conditions that may occur during the voyage, including at port calls.

Special measures in connection with calls at ports that are difficult to navigate

Section 6. This provision shall apply to high-speed craft that are to call at ports that are difficult to navigate.

Subsection 2. The shipping company shall, on the basis of an overall risk analysis, including among other things operational experiences, the used high-speed craft, the conditions of call, the actual bottom conditions and the prevailing wind, weather and current conditions, stipulate the operational frames of the craft's safe use and incorporate these in the route manual.

Subsection 3. The shipping company shall ensure that the navigation officers of the high-speed craft have completed navigational training making them capable of navigating the craft safely within the stipulated operational frames, for example via the use of a suitable navigational simulator or “on-the-job-training”.

Subsection 4. The shipping company may not have navigation officers carry out independent watchkeeping duty until they have demonstrated that they are able to handle the high-speed craft within the stipulated navigational restrictions.

Subsection 5. The shipping company shall record and examine unintentional incidents/near-misses in connection with the operations of the high-speed craft and shall, on the basis hereof, assess the need to make stricter the frames of the use of the craft and/or training of the navigation officers of the craft.

Subsection 6. The Danish Maritime Authority shall decide what ports are considered difficult to navigate for each individual high-speed craft. This assessment shall include the prevailing weather conditions such as wind, current and waves together with the port’s location and physical frames, the navigational conditions of the port, including water depths and room for manoeuvring, the manoeuvring capabilities of the craft as well as accidents or near-misses with ships or craft in the port concerned.

Available information and follow-up

Section 7. The shipping company shall, in cooperation with its navigation officers, stipulate verifiable criteria (wind, sea and speed) for the conditions under which navigation can take place safely and stipulate instructions for the navigation officer on the measures to be taken when these limits draw nearer.

Subsection 2. The stipulated limits for the use of the high-speed craft shall be incorporated in the route manual of the craft.

Subsection 3. The shipping company shall establish procedures for follow-up on unintentional incidents/near-misses during navigation, including through the use of records in the VDR of the high-speed craft, and incorporate these in its safety management system.

Recording and certification

Section 8. The shipping company shall record the educational and training programme stipulated in sections 4-6 for each individual officer and shall, upon the request of the Danish Maritime Authority, present documentation of this.

Subsection 2. In order to issue a Type Rating Certificate, the shipping company shall, after having completed the training programme in section 4, send a request for this to the Danish Maritime Authority.

Subsection 3. In order to have a Type Rating Certificate renewed (re-certified), the shipping company shall at least every second year ensure that the officer has the necessary navigational experience in the high-speed craft and meets the requirements for being type-rated as described in section 4(5).

Subsection 4. The necessary navigational experience referred to in subsection 3 shall, as a minimum, mean the following effective duration of service before requesting re-certification:

- 1) 10 days within the last month; or
- 2) 45 days within the last 12 months; or

3) 3 months within the last 24 months.

Subsection 5. Re-certification may be made within one month prior to the expiry of a Type Rating Certificate, unless otherwise agreed with the Danish Maritime Authority.

Subsection 6. Request for having Type Rating Certificates issued shall be submitted to the Danish Maritime Authority using one of the forms made by the Authority for this specific purpose.

Subsection 7. The shipping company shall ensure that its officers do not carry out independent service on high-speed craft unless they hold a valid Type Rating Certificate.

Penalty, measures and entry into force, etc.

Section 9. Unless stricter penalty is due pursuant to other legislation, anyone contravening sections 4, 5 and 6(2)-(5), 7 or 8 shall be liable to punishment by fine.

Subsection 2. If the profits gained through the contravention are not confiscated, particular account shall, when meting out penalties, including additional penalties, be taken of the scale of any economic benefit achieved or sought.

Subsection 3. Companies etc. (legal personalities) may be liable to punishment according to the provisions of chapter 5 of the Penal Code.

Section 10. This order shall enter into force on 1 May 2011.

Subsection 2. For officers already serving on the high-speed craft, section 8(3) shall enter into force in connection with the renewal of the Type Rating Certificate.

Subsection 3. For navigation officers already serving on the high-speed craft, sections 5 and 6 shall enter into force on 1 September 2011.

Subsection 4. Section 7 shall enter into force on 1 July 2011.

The Danish Maritime Authority, 9 March 2011

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