

Translation: Only the Danish document has legal validity.

*Order no. 1521 of 13 December 2019
issued by the Danish Maritime Authority*

Order on a system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service¹

In pursuance of section 1(3), section 3(1)(i), section 24(1) and (2) and section 32(9) of the Danish Act on Safety at Sea (*lov om sikkerhed til søs*), see Consolidated Act no. 1629 of 17 December 2018, the following provisions are laid down as authorised under section 1(1)(iii) of Order no. 744 of 24 June 2013 on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

Part 1

Purpose

Section 1. The purpose of this Order is, through regular inspections, to ensure the safety at any time in connection with the carriage of passengers in ro-ro passenger ships and high-speed passenger craft in regular service.

Part 2

Scope and definitions

Scope

Section 2. This Order applies to ro-ro passenger ships and high-speed passenger craft operating:

- (i) on a regular service between a Danish port and a port of a third country where the vessel is flying the Danish flag; or
- (ii) on a regular service on domestic voyages in sea areas in which ships of Class A may operate in accordance with the Order on the construction and equipment, etc. of passenger ships engaged on domestic voyages in force at any time.

Definitions

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

- (i) 'ro-ro passenger ship' means a ship with facilities to enable road or rail vehicles to roll on and roll off the vessel, and carrying more than 12 passengers;
- (ii) 'high-speed passenger craft' means a craft as defined in Regulation 1 of Chapter X of SOLAS 74, and carrying more than 12 passengers;
- (iii) 'SOLAS 74' means the 1974 International Convention for the Safety of Life at Sea, including Protocols and amendments thereto, in its up-to-date version;
- (iv) 'High Speed Craft Code' means the International Code of Safety for High Speed Craft contained in IMO Maritime Safety Committee Resolution MSC.36(63) of 20 May 1994 or the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code), contained in IMO Resolution MSC.97(73) of December 2000, in its up-to-date version;
- (v) 'regular service' means a series of ro-ro passenger ship or high-speed passenger craft crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port without intermediate calls, either:
 - (a) according to a published timetable, or

¹ This Order contains provisions implementing parts of Directive (EU) 2017/2110 of the European Parliament and of the Council of 15 November 2017 on a system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service and amending Directive 2009/16/EC and repealing Council Directive 1999/35/EC, Official Journal 2017, no. L 315, page 61.

- (b) with crossings so regular or frequent that they constitute a recognisable systematic series;
- (vi) 'sea area' means any sea area or sea route established pursuant to the Order on the construction and equipment, etc. of passenger ships engaged on domestic voyages in force at any time;
- (vii) 'certificates' means
- (a) for ro-ro passenger ships and high-speed passenger craft engaged on international voyages, the safety certificates issued under SOLAS 74 or under the High Speed Craft Code respectively, together with the relevant attached records of equipment;
 - (b) for ro-ro passenger ships and high-speed passenger craft engaged on domestic voyages, the safety certificates issued in accordance with the Order on the construction and equipment, etc. of passenger ships engaged on domestic voyages in force at any time;
- (viii) 'domestic voyage' means a voyage in sea areas from a Danish port to the same or another Danish port;
- (ix) 'company' means the organisation or person who has agreed to take over all the duties and responsibilities imposed by the International Management Code for Safe Operation of Ships and for Pollution Prevention (the ISM Code) in its up-to-date version or, in cases where Chapter IX of SOLAS 74 does not apply, the owner of the ro-ro passenger ship or the high-speed passenger craft or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ro-ro passenger ship or the high-speed passenger craft from its owner.

Part 3

Pre-commencement inspections

Section 4. Ro-ro passenger ships or high-speed passenger craft may start to operate on a regular service only when the Danish Maritime Authority has carried out a pre-commencement inspection, consisting of:

- (i) verification of the compliance with the requirements laid down in Annex I; and
- (ii) an inspection, in accordance with Annex II, to satisfy themselves that the ro-ro passenger ship or high-speed craft fulfils the necessary requirements for safe operation of a regular service.

Subsection 2. The company shall provide evidence of compliance with the requirements of Annex I in advance of but not earlier than one month before the pre-commencement inspection.

Part 4

Derogations from pre-commencement inspection

Section 5. The Danish Maritime Authority may allow derogations from certain requirements or procedures in Annexes I and II where the vessel concerned has been surveyed or inspected within the last six months.

Section 6. In assessing the scope of the pre-commencement inspection, the Danish Maritime Authority may furthermore take into account inspections and surveys previously carried out in respect of that ro-ro passenger ship or high-speed passenger craft for operation on another regular service.

Section 7. Provided that the Danish Maritime Authority is satisfied with those previous inspections and surveys and that they are relevant to the new operational conditions, the Danish Maritime Authority may decide that the inspections provided for in section 4(1) do not need to be applied before the ro-ro passenger ship or high-speed passenger craft starts operating on the new regular service.

Section 8. A company may request the Danish Maritime Authority to confirm in advance that inspections need not be applied as set out section 7.

Section 9. Where, due to unforeseen circumstances, there is an urgent need for the rapid introduction of a replacement ro-ro passenger ship or high-speed passenger craft to ensure continuity of service, and section 7 does not apply, the Danish Maritime Authority may allow the ro-ro passenger ship or high-speed passenger craft to start operating provided that the following conditions are met:

- (1) a visual inspection and document check raise no concerns that the ro-ro passenger ship or high-speed passenger craft does not fulfil the necessary requirements for safe operation;
- 2) the pre-commencement inspection provided for in section 4(1) is completed within one month.

Part 5

Regular inspections

Section 10. In respect of ships covered by this Order, the following inspections must be carried out once in every 12-month period:

- (i) an inspection in accordance with Annex II;
- (ii) an inspection during a regular service, taking place not before 4 months but not later than 8 months after the inspection referred to in paragraph (i).

Subsection 2. The inspection provided for in subsection (1)(ii) must be carried out in accordance with Annex III.

Subsection 3. In connection with the inspection under subsection (1)(ii), the Danish Maritime Authority may decide to expand the inspection to cover items listed in Annexes I and II to ensure that the ro-ro passenger ship or high-speed passenger craft continues to fulfil all the necessary requirements for safe operation.

Section 11. A pre-commencement inspection pursuant to section 4(1) shall be considered to be an inspection in accordance with section 10(1)(i).

Section 12. The Danish Maritime Authority may decide to carry out an inspection in accordance with section 10(1)(i) at the same time as, or in conjunction with, the annual flag State survey.

Section 13. Where a ro-ro passenger ship or high-speed passenger craft undergoes repairs, alterations and modifications of a major character, an inspection in accordance with Annex II must subsequently be carried out.

Subsection 2. When there is a change of management or a transfer to another classification society, an inspection in accordance with Annex II must be carried out.

Subsection 3. However, the Danish Maritime Authority may, after taking account of inspections previously carried out in respect of the ro-ro passenger ship or high-speed passenger craft, and provided that the safe operation of the ro-ro passenger ship or craft is not affected by this change or transfer, exempt the ro-ro passenger ship or high-speed passenger craft from the inspection required by subsection (2).

Part 6

Inspection report

Section 14. The master must be provided with a copy of the inspection report drawn up on completion of each inspection.

Part 7

Rectification of deficiencies, prohibition of departure and suspension of inspection

Section 15. The company shall ensure that any deficiencies confirmed or revealed by an inspection carried out in accordance with this Order are rectified.

Section 16. Where the deficiencies are clearly hazardous to health or safety or pose an immediate danger to health or life, the ro-ro passenger ship or high-speed passenger craft, its crew and passengers, the Danish Maritime Authority shall issue an order prohibiting its departure.

Subsection 2. The master must be provided with a copy of the prohibition of departure order.

Section 17. A prohibition of departure order shall not be lifted until the Danish Maritime Authority has established:

- (i) that the deficiency has been rectified and the hazard has been removed; or
- (ii) that the ship concerned can, subject to any necessary conditions, proceed to sea or resume operation without risk to the safety and health of passengers or crew, or risk to the ro-ro passenger ship or high-speed passenger craft or other ships.

Section 18. If a deficiency referred to in section 16(2) cannot be readily rectified in the port in which the deficiency has been confirmed or revealed, the Danish Maritime Authority may allow the ship or craft to proceed to an appropriate repair yard where the deficiency can be readily rectified.

Section 19. In exceptional circumstances, where the overall condition of a ro-ro passenger ship or high-speed passenger craft is obviously substandard, the Danish Maritime Authority may suspend the inspection of that ship or craft until the company takes the steps necessary to ensure that the ro-ro passenger ship or high-speed passenger craft is no longer clearly hazardous to safety or health or no longer poses an immediate danger to the life of its crew and passengers or to ensure that it complies with the relevant requirements of applicable international conventions.

Subsection 2. Where an inspection is suspended in accordance with subsection (1), the ro-ro passenger ship or high-speed passenger craft shall be automatically placed under a prohibition of departure order.

Subsection 3. The prohibition of departure order shall be lifted where the inspection has been resumed and successfully completed and where the conditions set out in section 17 and section 22(2) of this Order have been complied with.

Section 20. The Danish Maritime Authority may allow a ro-ro passenger ship or high-speed passenger craft subject to a prohibition of departure order to be moved to another part of the port if it is safe to do so.

Subsection 2. Permission in accordance with subsection (1) must be granted taking into consideration any port congestion.

Subsection 3. The risk of port congestion shall not be a consideration when deciding whether to impose or to lift a prohibition of departure order.

Subsection 4. Port authorities or bodies shall facilitate the accommodation of such ships.

Part 8

Right of appeal

Section 21. A prohibition of departure order issued by the Danish Maritime Authority in accordance with section 16(1) and section 19(2) may be appealed by the company concerned to the Danish Shipping Tribunal set up in pursuance of the Danish Act on Safety at Sea (*lov om sikkerhed til søs*).

Subsection 2. When the Danish Maritime Authority issues a prohibition of departure order in accordance with section 16(1) and section 19(2), the master of the ship must be informed of the right of appeal, see subsection (1).

Part 9

Payment of inspection costs in case of prohibition of departure

Section 22. Where the inspections referred to in section 4(1) and section 10(1) confirm or reveal deficiencies warranting a prohibition of departure order, the company shall cover all costs relating to the inspections.

Subsection 2. A prohibition of departure order shall not be lifted until full payment is made or a sufficient guarantee is given for reimbursement of the costs.

Part 10

Penalty provisions

Section 23. Contravention of this Order is punishable with a fine or imprisonment for up to one year.

Subsection 2. The penalty may be increased to imprisonment for up to two years if:

(i) the contravention, including in connection with a marine accident or navigation in a manner contrary to good seamanship, has caused injury to life or health or a risk thereof;

(ii) a prohibition notice or an improvement notice has previously been issued for the same or similar matters; or

(iii) the contravention has resulted in or aimed at a financial benefit for the person committing it or others.

Subsection 3. If the benefit obtained through the contravention is not confiscated, the amount of such financial benefit obtained or sought obtained must be taken into particular account in the determination of the fine, including additional fines.

Subsection 4. Criminal liability may be imposed on companies, etc. (legal persons) under the rules of Part 5 of the Danish Criminal Code (*straffeloven*).

Subsection 5. When imposing criminal liability under subsection (4), persons who are hired to perform work on board the ship by others than the shipowner are also considered to be associated with the shipowner. If a document of compliance has been issued in accordance with the International Safety Management Code or if a certificate has been issued in accordance with the Maritime Labour Convention to another organisation or person, the master of the ship and the seafarers are also considered to be associated with the one to whom the document has been issued.

Part 11

Entry into force, etc.

Section 24. This Order enters into force on 21 December 2019.

Subsection 2. Technical regulation of 27 October 2003 on a system of mandatory surveys for the safe operation of ro-ro ferries and high-speed passenger craft is repealed; however, not in respect of Greenland.

Section 25. This Order does not apply to Greenland.

Danish Maritime Authority, 13 December 2019

Martin Hvid John

/ Per Sønderstrup

Annex I

SPECIFIC REQUIREMENTS FOR VESSELS IN REGULAR SERVICE (as referred to in Parts 3 and 5)

The following shall be verified:

1. that the master is provided with appropriate information on the availability of shore-based navigational guidance systems and other information schemes to assist the master in the safe conduct of the voyages, before the ro-ro passenger ship or high-speed passenger craft begins to sail, and that the master makes use of the navigational guidance and information schemes set up;
 2. that the relevant provisions of paragraphs 2 to 6 of MSC/Circular 699 of 17 July 1995 'Revised guidelines for passenger safety instructions' are applied;
 3. that a table with the shipboard working arrangements is posted in an easily accessible place, and contains:
 - (a) the schedule of service at sea and service in port;
 - (b) the maximum hours of work or the minimum hours of rest required for watchkeepers;
 4. that the master is not constrained from taking any decision which in the master's professional judgment is necessary for safe navigation and operation, in particular in severe weather and in heavy seas;
 5. that the master keeps a record of navigational activities and incidents which are of importance to safety of navigation;
 6. that any damage to, or permanent deflection of shell doors and associated hull plating that may affect the integrity of the ro-ro passenger ship or high-speed passenger craft, and any deficiencies in the securing arrangements of such doors, are promptly reported to both the flag State administration and the port State and are promptly repaired to their satisfaction;
 7. that an up-to-date voyage plan is available before the departure of the ro-ro passenger ship or high-speed passenger craft on its voyage and that in preparing the voyage plan the guidelines set out in IMO Assembly Resolution A.893(21) of 25 November 1999 'Guidelines for voyage planning' are taken fully into account; and
 8. that general information about the services and assistance available to elderly and disabled persons on board is made known to the passengers and is made available in formats suitable for people with impaired sight.
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Annex II

PROCEDURES FOR INSPECTIONS (as referred to in Parts 3 and 5)

1. The inspections shall ensure that statutory requirements issued by or on behalf of the flag State, in particular those relating to construction, sub-division and stability, machinery and electrical installations, loading and stability, fire protection, maximum number of passengers, life saving appliances and the carriage of dangerous goods, radiocommunications and navigation are fulfilled. For that purpose, the inspections shall include:

- the starting of the emergency generator,
- an inspection of emergency lighting,
- an inspection of the emergency source of power for radio-installations,
- a test of the public address system,
- a fire drill, including a demonstration of the ability to use firemen's outfits,
- the operation of the emergency fire-pump with two firehoses connected to the fire main line in operation,
- the testing of the remote emergency stop controls for fuel supply to boilers, main and auxiliary engines, and for ventilation fans,
- the testing of remote and local controls for the closing of fire dampers,
- the testing of fire detection and alarm systems,
- the testing of proper closing of fire doors,
- the operation of bilge pumps,
- the closing of watertight bulkhead doors; both from the local and remote control positions,
- a demonstration that shows that key crew members are acquainted with the damage control plan,
- the lowering of at least one rescue boat and one lifeboat to the water, starting and testing their propulsion and steering system, and recovering them from the water into their stowed position on board,
- the checking that all lifeboats and rescue boats correspond to the inventory,
- the testing of the ship's or craft's steering gear and auxiliary steering gear.

2. Inspections shall focus on the familiarisation of crew members with, and their effectiveness in, safety procedures, emergency procedures, maintenance, working practices, passenger safety, bridge procedures and cargo and vehicle-related operations. Seafarers' ability to understand and, where appropriate, give orders and instructions and report back in the common working language, as recorded in the ship's logbook shall be checked. The documented evidence that crew members have successfully followed a special training shall be checked, in particular with regard to:

- crowd-management training,
- familiarisation training,
- safety training for personnel providing direct safety assistance to passengers in passenger spaces, and in particular to elderly and disabled persons in an emergency,

- crisis management and human behaviour training. The inspection shall include an assessment whether rostering patterns are causing unreasonable fatigue particularly for watch-keeping personnel.

3. Certificates of competency of crew members serving on board vessels falling within the scope of this Order shall comply with the provisions of the Danish Act on the Manning of Ships (*lov om skibes besætning*) and Orders issued in pursuance of the said Act.

Annex III

PROCEDURES FOR CARRYING OUT INSPECTIONS DURING A REGULAR SERVICE (as referred to in Part 5)

When carrying out inspections during a regular service, the following shall be checked:

1. Passenger information.

That the number of passengers for which the ro-ro passenger ship or high-speed passenger craft ('the ship') is certified is not exceeded, and that the registration of passenger information complies with the Order on the counting and registration of persons on board passenger ships operating to or from ports of the Member States of the Community in force at any time. How the information on the total number of passengers is passed to the master and, if appropriate, how passengers undertaking a double crossing without going ashore are included in the total for the return voyage.

2. Loading and stability information.

That, when applicable, reliable draught gauges are fitted and are in use. That measures are taken to ensure that the ship is not overloaded and the appropriate sub-division load line is not submerged. That the loading and stability assessment is carried out as required. That goods vehicles and other cargo are weighed where required and the figures passed to the ship for use in the loading and stability assessment. That damage control plans are permanently exhibited and that booklets containing damage control information are provided for the ship's officers.

3. Security for sea.

That the procedure to ensure that the ship is secured for sea before leaving the berth, which should include a positive reporting procedure that all the shell watertight and weather-tight doors are closed is followed. That all the vehicle deck doors are closed before the ship leaves the berth or remain open long enough only to enable the bow visor to be closed, the closing arrangements for the bow, stern and side doors, and the provision of indicator lights and TV surveillance to show their status on the navigating bridge. Any difficulties with the operation of the indicator lights, particularly the switches at the doors, should be ascertained and reported.

4. Safety announcements.

That the form of routine safety announcements and the posting of instructions and guidance on emergency procedures occurs in the appropriate language or languages. That the routine safety announcement takes place at the commencement of the voyage and can be heard in all public spaces, including open decks, to which passengers have access.

5. Log book entries.

That the log book is examined to ensure that the entries are being made regarding the closing of the bow, stern and other watertight and weather-tight doors, drills for sub-division watertight doors, testing of steering gears, etc. Also that draughts, freeboard and stability are being recorded as well as the common working language for the crew.

6. Dangerous goods.

That any cargo of dangerous or polluting goods is carried in accordance with the relevant regulations and, in particular, that a declaration concerning dangerous and polluting goods is provided together with a manifest or stowage plan to show their location on board, that the carriage of the particular cargo is permitted on passenger ships, and that the dangerous and polluting goods are properly marked, labelled, stowed, secured and segregated. That vehicles carrying dangerous and polluting goods are properly placarded and secured. That, when dangerous and polluting goods are carried, a copy of the relevant manifest or stowage plan is available ashore. That the master is aware of the notification requirements under the Order on technical regulation on a vessel traffic monitoring and information system in Danish waters and ports in force at any time and of the instructions on the emergency procedures to be followed and the rendering of first aid should there be an incident involving the dangerous goods or marine pollutants. That the means of ventilating the vehicle decks is in use at all times, is increased when the engines of the vehicles are running and that there is some form of indication on the bridge to show that the vehicle deck ventilation is in operation.

7. Securing freight vehicles.

How freight vehicles are secured, for example, whether block stow or individual lashings. Whether sufficient strong points are available. The arrangements for securing freight vehicles when adverse weather is experienced or expected. The method of securing coaches and motor cycles, if any. That the ship has a cargo securing manual.

8. Vehicle decks.

Whether special category and ro-ro cargo spaces are being continuously patrolled or monitored by a TV surveillance system so that the movement of vehicles in adverse weather and the unauthorised entry of passengers may be observed. That fire doors and entrances are kept shut and that notices are posted to keep passengers off the vehicle decks whilst the ship is at sea.

9. Closure of watertight doors.

That the policy laid down in the ship's operational instructions for the sub-division watertight doors is being followed. That the required drills are being carried out. That the bridge control for the watertight doors is kept, when possible, on 'local' control. That the doors are being kept closed in restricted visibility and any hazardous situation. That crews are instructed in the correct way to operate the doors and are aware of the dangers of their misuse.

10. Fire patrols.

That an efficient patrol is being maintained so that any outbreak of fire may be readily detected. This should include special category spaces where no fixed fire detection and alarm system is fitted. Those spaces may be patrolled as indicated in point 8.

11. Communications in an emergency.

That there are sufficient crew members in accordance with the muster list to assist passengers in an emergency and that they are readily identifiable and able to communicate with the passengers in an emergency, taking into account an appropriate and adequate combination of any of the following factors:

- (a) the language or languages appropriate to the principal nationalities of passengers carried on a particular route;
- (b) the likelihood that an ability to use elementary English vocabulary for basic instructions can provide a means of communicating with a passenger in need of assistance if the passenger and crew member do not share a common language;
- (c) the possible need to communicate during an emergency by other means (e.g. by demonstration, hand signals, or calling attention to the location of instructions, muster stations, life-saving devices or evacuation routes when verbal communication is impractical);
- (d) whether complete safety instructions have been provided to passengers in their native language or languages;
- (e) the languages in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers.

12. Common working language between crew members.

That a working language has been established to ensure effective crew performance in safety matters and that this working language is recorded in the ship's logbook.

13. Safety equipment.

That the life-saving and fire appliances, including the fire doors and other items of the structural fire protection that can be readily inspected, are being maintained. That fire control plans are permanently exhibited or booklets containing the equivalent information are provided for the information of the ship's officers. That the stowage of the lifejackets is appropriate and that the stowage of children's lifejackets may be readily identified. That the loading of vehicles does not prevent the operation of the fire controls, emergency shut-offs, controls for the storm valves, etc. that may be located on the vehicle decks.

14. Navigational and radio equipment.

That the navigational and radio communications equipment, including emergency position-indicating radio beacons (EPIRBs), are operational.

15. Supplementary emergency lighting.

That supplementary emergency lighting is fitted, when required by the regulations, and that a record of deficiencies is being kept.

16. Means of escape.

That means of escape, including escape routes, are marked, in accordance with the applicable requirements, and lighted, from both the main and emergency sources of power. That measures are taken to keep vehicles clear of escape routes where those escape routes cross or pass through vehicle decks. That exits, particularly exits from duty free shops, which have been found to be blocked by an excess of goods, are kept clear.

17. Engine room cleanliness.

That the engine room is maintained in a clean condition in accordance with the maintenance procedures.

18. Garbage disposal.

That the arrangements for the handling and disposal of garbage are satisfactory.

19. Planned maintenance.

That all companies have specific standing orders, with a planned maintenance system, for all safety related areas including bow and stern doors and side openings, together with their closing arrangements, but also covering engine room maintenance and safety equipment. That there are plans in place for periodically checking all items so as to maintain safety standards at the highest level. That there are procedures in place for recording deficiencies and confirming they have been properly rectified so that the master and the designated person ashore within the company management structure are aware of the deficiencies and are notified when they have been rectified within a time specified. That periodic checking of the operation of the inner and outer bow door closing arrangements includes the indicators, surveillance equipment and any scuppers in the spaces between the bow visor and the inner door and especially the closing mechanisms and their associated hydraulic systems.

20. Making a voyage.

When making a voyage the opportunity should be taken to check overcrowding, including the availability of seats and the blocking of passageways, stairs and emergency exits by baggage and by passengers unable to find seats. It is necessary to check that the vehicle deck is vacated by passengers before the ship sails and that they do not again have access until immediately prior to docking.