

**Order on insurance or other guarantee to cover
the owner's liability in connection with wreck removal, etc.**

Pursuant to section 168(5) and section 169(4) and section 514a of the merchant shipping act (*søloven*), cf. consolidated act no. 75 of 17 January 2014, as amended by act no. 1384 of 23 December 2012, the following provisions are laid down:

Section 1. The registered owner of a ship flying the Danish flag with a gross tonnage of or above 20 shall have taken out insurance or other guarantee covering the owner's liability in connection with wreck removal, etc. pursuant to part 8a of the merchant shipping act (*søloven*). If the ship has a gross tonnage of or above 300, it shall also have a certificate confirming that such an insurance or other guarantee has been taken out in order to engage in trade.

Subsection 2. Applications for being issued with certificates for Danish ships shall be forwarded to the Danish Maritime Authority. Applications may be forwarded electronically.

Subsection 3. Applications shall be accompanied by a declaration from the provider of the insurance or guarantee. It shall be evident from the declaration that the owner of the ship has taken out insurance or other guarantee as security for covering his liability pursuant to the wreck removal convention, and it shall, as a minimum, cover the liability limit deriving from section 175 of the merchant shipping act (*søloven*); it shall also be evident from the declaration that the provider of the insurance or guarantee confirms that the insurance or guarantee covers the liability mentioned and, in case of a guarantee, of what it consists.

Subsection 4. The declaration shall contain the following information:

- 1) ship's name,
- 2) ship's gross tonnage,
- 3) ship's distinctive number or letters,
- 4) IMO ship identification number,
- 5) ship's port of registry,
- 6) name and principal place of business of the registered owner,
- 7) name and principal place of business of the provider of the insurance or guarantee, and
- 8) validity of the insurance or guarantee.

Subsection 5. The Danish Maritime Authority may require documentation that the provider of the insurance has the right to do insurance business and has been approved by the controlling authority in the country where the company has its business address or principal place of business. In special cases, the Danish Maritime Authority may require that it is also documented that the company concerned is solvent and capable of meeting its obligations. Similarly, requirements may be made of the company offering to provide a guarantee. The Danish Maritime Authority may require the applicant to procure documentation hereof and may reject to issue a certificate if the requirement is not met. The Danish Maritime Authority may also reject to issue a certificate if the Danish Maritime Authority gets information making it probable that there is a risk of the company concerned not being capable of meeting its obligations.

Subsection 6. It shall be evident from the application that the provider of the insurance or guarantee obliges itself to pay compensation to the one who has a legitimate claim against the owner of the vessel to be paid compensation for costs covered by the wreck removal convention.

Subsection 7. If the Danish Maritime Authority considers that the insurance or guarantee is sufficient, the ship shall be issued with a certificate. The certificate shall have the form presented in the annex.

Subsection 8. As regards ships covered by subsection 1 and owned by authorities, schools, institutions or the like covered by a municipal or regional self-insurance scheme, a declaration issued by the one responsible for the municipal or regional economy certifying that the liability of the relevant ship pursuant to part 8a of the merchant shipping act (*søloven*) is covered by the self-insurance shall be considered sufficient guarantee. The declaration shall be kept on board and shall be presented to the authorities upon request. The Danish Maritime Authority shall also issue certificates to ships with a gross tonnage of or above 300 covered by such declarations.

Requirements for certificates confirming that insurance or other guarantee has been taken out for foreign ships with a gross tonnage of or above 300

Section 2. As regards ships registered in a State that has acceded to the Wreck Removal Convention, certificates shall be recognised that have been issued by the competent authority in the relevant State. The certificate shall have been drawn up in accordance with the model presented in the annex.

Section 3. As regards ships registered in a State that has not acceded to the Wreck Removal Convention, certificates shall be recognised that have been issued by a competent authority in a State that has acceded to the convention. The certificate shall have been drawn up in accordance with the model presented in the annex.

Section 4. As regards ships registered in a State that has not acceded to the Wreck Removal Convention and which ship does not hold a valid certificate pursuant to section 3, an application shall be forwarded to the Danish Maritime Authority for being issued with a certificate if the ship concerned would like to call at or depart from a Danish port or an offshore installation in Danish territorial waters after 13 April 2015. Applications may be made electronically. In this connection, section 1(2)-(6) shall also apply.

Subsection 2. Applications shall be forwarded and payment shall be made no later than 14 days before the ship calls at a Danish port or any other place of loading or unloading in Denmark or in the Danish continental shelf area or starts to operate on a permanent basis in Danish territorial waters.

Section 5. The Danish Maritime Authority may issue certificates to ships that are registered in a State that has not acceded to the Wreck Removal Convention and that do not hold valid certificates, cf. section 3, though they are not covered by section 4. Applications shall be forwarded to the Danish Maritime Authority. In this connection, section 1(2)-(6) shall also apply.

Bareboat registered ships

Section 6. As regards ships the ownership of which is registered in Denmark, but which are bareboat registered in the registry of a foreign State, the Danish Maritime Authority may issue certificates in accordance with the requirements of section 1.

Subsection 2. If the ship is bareboat registered in a State that has acceded to the Wreck Removal Convention, certificates issued by the competent authority in the State concerned shall be recognised. The certificate shall have been drawn up in accordance with the model presented in the annex.

Subsection 3. If the ship is bareboat registered in a State that has not acceded to the Wreck Removal Convention, certificates issued by a competent authority in a State that has acceded to the convention shall be recognised. The certificate shall have been drawn up in accordance with the model presented in the annex.

Section 7. As regards ships the ownership of which is registered in the registry of a foreign State, but which are bareboat registered in Denmark, the Danish Maritime Authority may issue the certificate in accordance with the requirements of section 1.

Subsection 2. If the ship already holds a valid certificate, a copy of the certificate shall be forwarded to the Danish Maritime Authority. Subsequently, the Danish Maritime Authority will contact the issuing authority in the State where ownership of the ship is registered to ask for the Danish Maritime Authority to be kept informed of any changes related to the validity of the certificate.

Miscellaneous

Section 8. A fee shall be paid for being issued with a certificate of valid insurance or guarantee. The fee shall be determined in accordance with the provisions of the Ministry of Finance on the price calculation in connection with the calculation of fees and shall be published on the webpage of the Danish Maritime Authority. The payment may be made electronically.

Section 9. Certificates shall be issued for a specific period; however, not for any longer than the validity of the insurance or guarantee. The certificate shall not be issued until payment pursuant to section 8 has been recorded.

Subsection 2. Certificates pursuant to section 4 shall be issued with a validity of no more than three months. As regards ships operating on a permanent basis in Danish territorial waters, the certificate may be issued with a longer validity; however, not for longer than the validity of the insurance or guarantee.

Section 10. The Danish Maritime Authority shall forward a copy of the certificate issued to the ship to the ship's owner or to the one who has applied for being issued with a certificate on behalf of the owner and, for ships that are not Danish, to the registry of shipping of the State concerned.

Subsection 2. The certificate shall be kept on board and be presented to the authorities upon request.

Subsection 3. The owner of a ship that holds a certificate issued by the Danish Maritime Authority shall be obliged to immediately return the certificate to the Danish Maritime Authority at the expiry of the insurance or guarantee as well as when the validity of the certificate has expired.

Subsection 4. The owner of a ship that holds a certificate issued by the Danish Maritime Authority shall be obliged to immediately inform the Danish Maritime Authority if the one concerned gets aware of changes to the insurance or guarantee of importance to the continued validity of the certificate.

Section 11. If the Danish Maritime Authority becomes aware of changes to the insurance or guarantee of importance to the continued validity of the certificate, the Danish Maritime Authority may, depending on the circumstances, withdraw the certificate.

Section 12. The police, the tax authorities or the port authorities who, during the performance of their official duties find contraventions of this order shall immediately report such contraventions to the Danish Maritime Authority.

Subsection 2. When a ship calls at a Danish port or place of loading or unloading or when it start to operate pursuant to section 4(2), the Danish Maritime Authority may check whether it holds the certificate or declaration required pursuant to section 1(8).

Section 13. Contraventions of section 10(2)-(4) shall be liable to punishment by fine.

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

Section 14. This order shall enter into force on 23 January 2015; however, certificates issued by the Danish Maritime Authority during the period from 23 January 2015 to 13 April 2015 shall not apply until from 14 April 2015, cf. however subsection 2.

Subsection 2. Section 1(1) and sections 12-13 of the order shall enter into force on 14 April 2015.

Danish Maritime Authority, 20 January 2015

Henriette Bytoft Flügge / Jan Gabrielsen

**CERTIFIKAT TIL BEKRÆFTELSE AF FORSIKRING ELLER ANDEN FINANSIEL
SIKKERHED TIL DÆKNING AF ANSVAR FOR FJERNELSE AF VRAG**
*CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF LIABILITY
FOR THE REMOVAL OF WRECKS*

Tracking No.:

Udstedt i overensstemmelse med bestemmelserne i artikel 12 i den internationale konvention af 2007 om fjernelse af vrage.

Issued in accordance with the provisions of article 12 of the Nairobi International Convention on the Removal of Wrecks, 2007.

Skibets navn <i>Name of ship</i>	Tonnage <i>Tonnage</i>	Kendingsbogstaver <i>Distinctive number or letters</i>	IMO-skibside- ntifikationsnr. <i>IMO ship identifica- tion number</i>	Skibets hjem- sted <i>Port of registry</i>	Den registrerede ejers navn og fuldstændige forretningsadresse <i>Name and full address of the principal place of business of the reg- istered owner</i>

Hermed bekræftes det, at der vedrørende ovennævnte skib findes en gældende forsikringspolice eller anden finansiel sikkerhed, der opfylder kravene i artikel 12 i den internationale konvention af 2007 om fjernelse af vrage.

This is to certify that there is in force, in respect of the above-name ship, a police of insurance or other financial security satisfying the requirements of article 12 of the Nairobi International Convention on the Removal of Wrecks, 2007.

Sikkerhedens art

Type of security _____

Sikkerhedens gyldighedsperiode

Duration of security _____

Navn og adresse på forsikringsgiverne og/eller sikkerhedsstillerne

Name and address of the insurer(s) and/or guarantor(s)

Navn

Name _____

Adresse

Address

Dette certifikat er gyldigt indtil

This certificate is valid until

Udstedt eller bekræftet af regeringen i

Issued or certified by the Government of

Kingdom of Denmark by the Danish Maritime Authority

Statens fuldstændige navn (Full designation of the State)

i

den

at

on

Sted (*Place*)

Dato (*Date*)

Den udstedende eller bekræftende embedsmands underskrift og titel

Signature and title of issuing or certifying official