

Translation: Only the Danish document has legal validity

**Notice from the Danish Maritime Authority L –
the Construction and Equipment, etc. of Recreational Craft**

**Chapter I
General provisions
of 1 October 2006**

Regulation 1 – Application	2
Regulation 2 – Definitions	2
Regulation 3 – Exemptions	2
Regulation 4 – Equivalent level of protection and test requirements	3

Regulation 1 – Application

- 1 Unless expressly provided otherwise, the requirements of this set of regulations shall apply to both new and existing recreational craft with a hull length from 2.5 m up to and including 24 m.

Regulation 2 – Definitions

For the purpose of this technical regulation, the following definitions shall apply:

- 1 “Recreational craft”. Any boat used for sports and leisure purposes, regardless of the means of propulsion, and not used for commercial purposes. In case of doubt, the Danish Maritime Authority shall decide whether a boat may be considered a recreational craft.
- 2 “Hiring out”. Transfer of the right of using a boat against a remuneration. Boats that are made available for use by persons who have hired summer cottages, campgrounds or the like shall also be considered as hired out. If all the hirers and passengers on board own the boat or are members of an association that owns the boat, it is not a case of hiring out.
- 3 “Hiring out with a master”. Hiring out where one or more persons on board a boat are its master or crew against a remuneration. A hirer out’s possible trial trip with a hirer to instruct him about the boat shall, however, not be considered as hiring out with a master.
- 4 “Hiring out without a master”. Hiring out that is not hiring out with a master.
- 5 “Professional recreational boating training”. Navigation where one or more persons on board a recreational craft teach other persons (pupils) against a remuneration with the purpose of them passing a test of competence recognized by the Danish Maritime Authority. If all the pupils on board own the boat or are members of an association that owns the boat, it is not a case of professional recreational boating training.
- 6 “New boats”. Recreational craft marketed or put into service on or after 16 June 1998.
- 7 “Existing boats”. Recreational craft that are not new boats.
- 8 “The recreational craft Directive”. Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft, as amended by Directive 2003/44/EC of the European Parliament and of the Council of 16 June 2003.
- 9 “Hull length”. Length overall measured in accordance with the recreational craft Directive according to the relevant harmonized standards. External rudders, external pinions and outboard motors, bathing platforms, bow sprits, fender lists and the like shall not be included.
- 10 “Crew”. All persons employed or engaged on board a boat in connection with its operation.
- 11 “Passenger”. Any person on board except for the master and the other crewmembers.
- 12 “Classification society”. A organisation recognized by the Danish Maritime Authority which, in accordance with the provisions of the technical regulation on the recognition and authorisation of organisations carrying out inspections and surveys of ships¹ issued by the Danish Maritime Authority, performs tasks in connection with the assessment of ships’ safety on behalf of the Danish Maritime Authority.

Regulation 3 – Exemptions

- 1 The Danish Maritime Authority may exempt a recreational craft from complying fully or in part with the safety provisions of this set of regulations. Any such recreational craft shall, however, comply with the safety provisions that are, according to a concrete assessment made by the Danish Maritime Authority, sufficient for the boat’s intended area of operation and that can guarantee the general safety of the boat.

¹ Technical regulation no. 5 of 9 August 2002 issued by the Danish Maritime Authority.

Regulation 4 – Equivalent level of protection and test requirements

- 1 Where these regulations require that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a boat, or that any particular provision shall be made, the Danish Maritime Authority may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that boat, if it is satisfied by trial thereof or otherwise that such fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by these regulations.
- 2 The Danish Maritime Authority shall accept tests carried out by recognised test institutes, including authorised organisations and test institutes in other EU member states as well as in countries covered by the EEA agreement or Turkey, providing appropriate and satisfactory guarantees of a technical, professional and impartial nature.

Remarks to this chapter

The application of each individual chapter

- 1 The provisions of this set of regulations shall, in general, apply to both new and existing recreational craft with a hull length between 2.5 m and above and 24 m or below, unless expressly provided otherwise, cf. among other things chapters VIII and XI which include certain old recreational craft. The table below shows the application of each individual chapter.

Chapter	$L \leq 2.5 \text{ m}$	$2.5 \text{ m} \leq L < 24 \text{ m}$	$24 \text{ m} < L$
I	All	All	All
II	None	Only new ones ²	None
III	All	All	All
IV	All	All	All
V	All	All	All
VI	None	All ³	All
VIII	None	Certain old ones	All ⁴
IX	None	Certain old ones	Certain old ones

Recreational craft or commercial craft?

- 1 The technical and educational requirements made by the Danish Maritime Authority are higher for commercial craft than for recreational craft. The explanation is, among other things, that, in the case of recreational craft, there is not normally an integral economic conflict of interest between the owner, the master and passengers since they are typically the same person or the same group of persons. Hence, there is a well-founded reason for laying down less strict rules for recreational craft than for commercial craft. If commercial craft carry passengers, these passengers are entitled to an especially high level of protection.
- 2 This set of regulations applies only to recreational craft. It is not the design, the appearance, the means of propulsion or the manning that is of importance in this connection, but rather the

² Shall not apply to racing boats, canoes, kayaks, gondolas, pedalos, sailing surfboards, surfboards, historical craft, experimental craft, craft built for own use, submersibles, air cushion vehicles, hydrofoils and steam-powered craft.

³ Shall not apply to pedalos, sailing surfboards, surfboards, water scooters and boats in amusement parks.

⁴ Recreational craft with a hull length of more than 24 m the keels of which are laid on or after 1 January 2004 shall instead comply with the relevant provisions of Notice B from the Danish Maritime Authority.

application. A recreational craft is a boat that is, regardless of the means of propulsion, used for sports or leisure purposes, and not for commercial purposes. With this definition, one may, in some cases, be in doubt whether a specific application is commercial. In such cases, the Danish Maritime Authority can make a decision. The following remarks and the associated flowchart should, however, make it easier to make an assessment by oneself.

- 3 A recreational craft is typically a boat that the owners use for pleasures such as voyages, hunting, fishing or yacht racing. The boat is, however, still a recreational craft if the owners invite guests or hands aboard without receiving a remuneration, lend the boat to other persons without receiving a remuneration or if they engage a crew. Fundamentally, only the owners have expenses in connection with the purchase, operation, maintenance and use of a recreational craft. The use will, however, not be considered commercial just because guests or hands contribute, to a limited extent, to food, fuel or harbour charges or because sponsors pay for a commercial.
- 4 On this background, one may rightfully claim that both a business that hires out boats and a professional navigation school use their boats for commercial purposes. As an alternative to enforcing the more extensive requirements for commercial boats, the Danish Maritime Authority has chosen merely to require that these boats meet a number of provisions that are merely recommendations in the case of other recreational craft. Such requirements have been written in chapter VI of this technical regulation. The reason for making these recommendations for requirements for such ships is, among other things, that there is often an economic conflict of interest because the owner, the master and the passenger are not normally the same person or group of persons. On this background, sailing clubs carrying out teaching activities shall not be considered professional sailing clubs because the pupils of the sailing club are, by means of their club membership, part of the shipping company, and because they have, at the general assembly of the club, a democratic influence on decisions related to the operation as well as the purchase and maintenance of the safety equipment on board the club's boats. When boats are hired out from a permanent place, a permit shall, by the way, be acquired from the local police.
- 5 Boats that navigate with passengers on board or that are hired out with a master, crew, guide or the like shall be considered commercial boats.

Flowchart for assessing whether a boat is a recreational craft, a boat for hiring out or a commercial boat

