

Translation: Only the Danish document has legal validity

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

**Chapter IX
Safe operation of certain large recreational craft
of 1 October 2006**

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Regulation 1 – Application

1. The provisions of this chapter shall apply to recreational craft that meet all the conditions below:
 - 1.1. the hull length is 15 m¹ or more,
 - 1.2. the boat is older than 15 years calculated from the date of keel, and
 - 1.3. the boat is used for navigation with more than six persons on board below the age of 18.
2. The provisions of this chapter shall not apply to boats exclusively designed for boat racing.

Regulation 2 – Definitions

1. For the purpose of this chapter, the following definitions shall apply:
 - 1.1. “International Safety Management (ISM) Code”: The International Management Code for the Safe Operation of Ships and for Pollution Prevention, as adopted by the International Maritime Organization (IMO), as amended;
 - 1.2. “Company”: The owner of the boat or any other organization, person or group of persons who have assumed the responsibility for operation of the boat from the owner of the boat and who, on assuming such responsibility, have agreed to take over all the duties and responsibilities imposed by this technical regulation.
 - 1.3. “Safety Management System (SMS)”: A structured and documented system enabling the company to implement effectively the company safety and environmental protection policy.
 - 1.4. “Safety management audit”: A systematic and independent examination to determine whether the safety management system activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve the objectives.
 - 1.5. “Non-conformity”: An observed situation where objective evidence indicates the non-fulfilment of a specified requirement.
 - 1.6. “Major non-conformity”: An identifiable deviation that poses a serious threat to the safety of persons on board or the boat or a serious risk to the environment that requires immediate corrective action and includes the lack of effective and systematic implementation of a requirement of the ISM Code.
 - 1.7. “Shore-based company functions”: Administrative functions directly connected with the safety management system of the company and which are carried out from facilities ashore.
 - 1.8. “Document of Compliance”: A document issued to a company which signifies that the shore-based functions of the company are carried out in accordance with the approved safety management system. In companies that do not have shore-based company functions as such, a Safety Management Certificate shall be issued only to the boats of the company.
 - 1.9. “Safety Management Certificate”: A document issued to a boat which signifies that the boat is operated in accordance with the approved safety management system.

Regulation 3 – Introduction of a safety management system

1. For boats covered by this chapter, a safety management system (SMS) shall be established and maintained for safe operation and prevention of pollution.² The safety management system shall comply with the ISM Code. If a company operates more boats, a safety management system

¹ The length limit of 15 metres corresponds to the tonnage limit of 20 gross tonnage in the previous Main Order. Craft below 20 gross tonnes, but with a length of or above 15 metres shall not be covered by the requirements of this chapter.

² The Danish Maritime Authority also recommends that partners behind pleasure craft corresponding to and operated under similar conditions as those stipulated in paragraph 1.1 establish and maintain such a safety management system.

shall be established for each of the company's boats. If the company has a shore-based organisation, the safety management system shall also cover this organisation.

Regulation 4 – Adjustments of the ISM Code for use on recreational craft

1. Safety management systems shall be established for simple and practical use on board recreational craft.³
2. Consequently, the Danish Maritime Authority may, after a concrete assessment in each individual case, choose to deviate from certain of the Code's provisions fully or partly where it is considered reasonable in relation to recreational craft. The Danish Maritime Authority will also interpret the wording of the Code particularly aimed at commercial vessels and professional shipping companies in relation to the use in connection with recreational craft.
3. Acceptance by the Danish Maritime Authority of deviations from certain of the Code's provisions shall presuppose that the company's safety management system continues to fully meet the purpose of the Code.

Regulation 5 – Certification and verification

1. Upon completion of satisfactory audits of companies with shore-based company functions, the Danish Maritime Authority shall issue a Document of Compliance. The document shall be valid for a maximum of five years at a time.
2. Upon completion of satisfactory audits of recreational craft covered by this chapter, the Danish Maritime Authority shall issue a Safety Management Certificate. The certificate shall be valid for a maximum of five years at a time.
3. Companies are responsible for holding valid Documents of Compliance where this is required by paragraph 1 and for recreational craft holding valid certificates in accordance with paragraph 2.
4. The company shall carry out internal audits of its safety management system (SMS) at least once every 12 months. The necessary documentation hereof shall be presented to the Danish Maritime Authority upon request.
5. The Danish Maritime Authority may, when deemed necessary, carry out extra-ordinary audits.
6. For newly established companies, in connection with major changes to the use of a boat, major rebuildings, purchases of boats or the delivery of newbuildings, the Danish Maritime Authority may, on more specific conditions, issue a temporary Document of Compliance or a temporary Safety Management Certificate, respectively, with a validity of up to six months.
7. A Document of Compliance or a Safety Management Certificate, respectively, may be withdrawn by the Danish Maritime Authority if major non-conformities are found. If a Document of Compliance is withdrawn, the Safety Management Certificate for the company's boat(s) will be withdrawn at the same time.

³ Originally, the ISM Code was developed for ships covered by the International Convention for the Safety of Life at Sea (SOLAS), which are usually operated by a shore-based, professional company as such. Pleasure craft covered by this chapter are rather small boats operated on other conditions than commercial vessels and by a smaller group of persons, who are not necessarily organized in a shipping company as such.