

Translation: Only the Danish document has legal validity

Danish Maritime Authority's Technical Regulation L of 1 October 2006

Technical Regulation on the construction and equipment, etc. of recreational craft

Introduction

This set of regulations consists of a short technical regulation containing the statutory basis, the application, penalty and entry into force clauses and a number of annexes in the form of chapters and appendices.

The chapters contain the relevant provisions followed by remarks that are merely intended as guidelines and information. An appendix contains a non-exhaustive list of other relevant regulations on recreational craft.

The chapters and appendices have been issued as separate parts.

When future amendments are made, only the chapters amended will be replaced. The chapters will be enacted by the issuance of a new technical regulation. Replaced chapters should not be discarded since existing recreational craft shall only comply with the structural requirements in force when the recreational craft was constructed. However, derogations from this may be specified in regulations issued subsequently.

This set of regulations contains the Danish Maritime Authority's regulations on the construction and equipment, etc. of recreational craft. However, the regulations on the construction and equipment, etc. of recreational craft with a hull length of more than 24 m constructed on or after 1 January 2004 shall not be covered for the time being, but are regulated by Notice B from the Danish Maritime Authority.

This set of regulations implements relevant provisions of the recreational craft Directive¹, on the design, construction, marketing and use of new recreational craft with a hull length between 2.5 and 24 m (both included), marketed or put into use on or after 16 June 1998. The parts of the recreational craft Directive on noise and exhaust emissions from engines shall not be covered, but have been implemented pursuant to the Act on the Marine Environment by means of the Danish Environmental Protection Agency's Order on the regulation of noise and air emissions from recreational craft.²

The European Commission regularly publishes and updates a number of interpretations of the provisions of the Directive. In this set of regulations the Directive has been implemented without these interpretations, but with information that the latest version of the interpretations is available from the website of the Danish Maritime Authority: <http://www.sofartssstyrelsen.dk/> as well as in English from the following website: <http://www.rsg.be>.

In addition to the provisions of the Directive, this set of regulations contains a number of provisions on the following:

- Fixed LPG installations and cooking appliances using spirits or kerosene.
- Equipment, including life-jackets.
- Environmental protection (sewage, garbage and oil discharge).
- Recreational craft used for hiring out without a master.
- Recreational craft with a hull length of more than 24 m constructed before 1 January 2004.
- Certain recreational craft with a hull length between 15 and 24 m (both included).
- The introduction of a safety management system for certain recreational craft.

Amended chapters

Compared to technical regulation no. 4 of 1 May 2004, which this technical regulation replaces, amendments have been made to the following chapters.

¹ Directive 2003/44/EC of the European Parliament and of the Council of 16 June 2003, amending 94/25/EC of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft.

² Order no. 1535 of 22 December 2004.

Chapter I – General provisions

In regulation 4(1) on equivalents and test provisions the text has been clarified in accordance with the principle of mutual recognition of the products of other EU member States.

Furthermore, it has been clarified in regulation 4(2) that Denmark recognises Turkey on equal terms with other member states and countries covered by the EEA agreement as regards tests carried out by recognised test institutes providing suitable and satisfactory guarantees of the technical, professional and impartial nature of the tests.

Chapter II – Design, construction and marketing

Regulation 2(3) clarifies that the technical provisions of this technical regulation on water scooters shall apply only from the first marketing and/or putting into service after the entry into force date of the current recreational craft Directive on 1 January 2005.

Chapter V – Environmental protection

A new regulation 2 has been inserted, stipulating that any discharge into the sea of oil or oily mixtures from recreational craft shall be prohibited.

Chapter VIII – Design, construction and equipment, etc. of certain large recreational craft

In this new chapter, regulations on the construction, machinery and equipment of certain large, old recreational craft are introduced. The regulations correspond to those previously in force under the previous Order no. 173 of 21 May 1965 (the then principal Order). The regulations are introduced for recreational craft with a hull length of more than 24 m constructed before 1 January 2004 as well as to recreational craft with a length between 15 and 24 m (both included) older than 15 years of age **and** used for voyages with more than six youngsters below the age of 18.

Chapter IX – Safe operation of certain large recreational craft

In this new chapter, operational requirements for the safe operation of certain large, old recreational craft are introduced. The requirements concern the implementation of a safety management system in accordance with the provisions of the ISM Code³ for recreational craft with a hull length of or above 15 m that are older than 15 years of age **and** which are used for voyages with more than six youngsters below the age of 18.

In addition, references to other regulations in appendix 2 have been updated.

³ International Safety Management Code, as adopted by the International Maritime Organization (IMO).

Technical regulation on the construction and equipment, etc. of recreational craft of 1 October 2006⁴

The following is laid down pursuant to section 1(2) and 1(3), sections 2-5, section 17(5), section 28 and section 32 of the Act on Safety at Sea, cf. consolidated Act no. 627 of 26 July 2002, as amended by Act no. 1465 of 22 December 2004, and Decree no. 607 of 25 June 2001 on the entry into force for Greenland of the Act on Safety at Sea, following consultation with the Greenland Home Rule and authorisation from the Danish Minister for Economic and Business Affairs:

Section 1. This technical regulation shall apply to Danish and Greenland recreational craft with a hull length up to and including 24 m, as stipulated in chapter I, regulation 1.

Subsection 2. Chapters III, V, VIII and IX shall also apply to recreational craft with a hull length of more than 24 m constructed before 1 January 2004.

Subsection 3. More detailed regulations on the construction and equipment, etc. of recreational craft are stipulated in the annexes to this technical regulation:

Chapter I	General provisions, dated 1 October 2006.
Chapter II	Design, construction and marketing, dated 1 October 2006.
Chapter III	Fixed liquefied petroleum gas installations and spirit and kerosene cookers, dated 1 October 2006 (no amendments).
Chapter IV	Equipment, dated 1 October 2006 (no amendments).
Chapter V	Environmental protection, dated 1 October 2006.
Chapter VI	Additional requirements for rented recreational craft, dated 1 October 2006 (no amendments).
(Chapter VII	Reserved for later use.)
Chapter VIII	Design, construction and equipment, etc. of certain large recreational craft, dated 1 October 2006.
Chapter IX	Safe operation of certain large recreational craft, dated 1 October 2006.
Appendix 1(1)	Recreational craft Directive, dated 1 October 2006 (no amendments).
Appendix 1(2)	Recreational craft Directive, Annexes I-VIII, dated 1 October 2006 (no amendments).
Appendix 1(3)	Recreational craft Directive, Annexes IX-XVII, dated 1 October 2006 (no amendments).
Appendix 2	References to certain other regulations on recreational craft, dated 1 October 2006.

Subsection 4. Chapter II contains provisions on the construction and marketing, etc. of recreational craft and implements, as regards the design and construction, Directive 2003/44/EC of the European Parliament and of the Council of 16 June 2003 amending Directive 94/25/EC. The provisions of the Directive on exhaust and noise emissions have been implemented by Order issued by the Danish Environmental

⁴ This technical regulation has been notified in draft form in accordance with European Parliament and Council Directive 98/34/EC (the Information Procedure Directive), as amended by Directive 98/48/EC. This technical regulation implements parts of Directive 2003/44/EC of the European Parliament and of the Council of 16 June 2003 amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft.

Protection Agency no. 1535 of 22 December 2004 regulating noise and air emissions from recreational craft. A consolidated version of the text of the Directive is given in Appendix 1.

Subsection 5. Chapter V contains provisions on pollution-preventing measures and has been drawn up on the basis of the International Convention for the Prevention of Pollution from Ships (MARPOL) and the Helsinki Convention.

Section 2. Contraventions of this technical regulation shall be punishable by fine or imprisonment for a term not exceeding one year.

Subsection 2. The penalty may increase to imprisonment for up to 2 years, if

- 1) the contravention has caused harm to life or health or led to the risk thereof,
- 2) a ban or order has previously been issued regarding the same or equivalent circumstances, or
- 3) the contravention resulted in, or was intended to result in, financial gain for the party concerned or for others.

Subsection 3. It shall be deemed particularly aggravating circumstances if young people under the age of 18 have suffered harm to life or health or there has been the risk thereof, cf. subsection 2, item 1.

Subsection 4. If the profits gained through the contravention are not confiscated, particular consideration shall be given to the size of the financial gain or intended financial gain when meting out any fine, including any supplementary fine.

Subsection 5. Criminal liability may be incurred by companies, etc. (legal entities) in accordance with the rules of chapter 5 of the Penal Code.

Section 3. If the circumstance is covered by the Decree concerning the entry into force for Greenland of the Act on Safety at Sea, measures may be prescribed pursuant to the Criminal Code for Greenland.

Subsection 2. The circumstances referred to in sections 3(2) and 3(3) shall be regarded as aggravating circumstances.

Subsection 3. If the profits gained through the contravention are not confiscated, cf. section 116(1) of the Penal Code, particular consideration shall be given to the size of the financial gain or intended financial gain when meting out the fine, including supplementary fines.

Subsection 4. If a contravention is committed by companies etc. (legal entities), liability to pay a fine may be incurred by the legal entity as such. If the contravention is committed by the State, Greenland's Home Rule, a municipality, an inter-municipal enterprise covered under section 64 of the Landsting Act on municipal councils and local authorities etc. or a local authority, the relevant public authority as such shall be liable to punishment by fine.

Subsection 5. If the relevant party is not resident in Greenland, or his connection to Greenland society is otherwise so remote that the prerequisites for the application of the measures do not exist, proceedings may be instigated or the case sent for trial in Denmark.

Section 4. This technical regulation shall enter into force on 1 January 2007, cf. however subsection 3.

Subsection 2. The provisions of this technical regulation shall only apply to water scooters from the first marketing and/or putting into service after the entry into force date of the Directive on 1 January 2005.

Subsection 3. The safety management system required by the provisions of chapter IX shall be certified no later than by 1 May 2007.

Subsection 4. Technical regulation no. 4 of 1 May 2004 on the construction and equipment, etc. of recreational craft shall be repealed, cf. however subsection 5.

Subsection 5. The structural requirements stipulated in the provisions in force until now shall continue to apply to existing ships unless otherwise stipulated by this technical regulation.

The Danish Maritime Authority, 22 September 2006

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