

## Order on offshore diving operations and offshore diving equipment<sup>1)</sup>

Pursuant to section 13, section 14(2), section 15, section 16(2), section 19, section 24(6) and section 25(6) of the Act on Diving Operations and Diving Equipment, etc., cf. Consolidation Act No. 18 of 7 January 2000, section 3 and section 19 of Act No. 900 of 16 December 1998 on Safety at Sea and upon authorisation from the Minister of Trade and Industry, and section 5, section 9, section 14(1) and section 21(2) of Act No. 292 of 10 June 1981 on Certain Offshore Installations and upon authorisation from the Minister of the Environment and Energy, the following is laid down:

### *Field of Application*

1. This Order shall apply to offshore diving operations on Danish territory, on the Danish continental shelf and from Danish vessels.

(2) The Order shall not apply to persons under the Chief of Defence, Denmark, who carry out diving operations on duty.

(3) The provisions of this Order shall not result in any limitation of the use of the rules pursuant to the Act on Certain Offshore Installations, and by diving from vessel in the legislation regarding safety at sea, which according to their substance apply to offshore diving.

### *Definitions*

2. The following definitions shall apply to this Order, unless otherwise laid down separately:

- 1) "Installations" shall mean installations used in connection with exploration for and recovery of hydrocarbons in the subsoil and pipelines between such installations and other units situated within the surrounding safety, protective and working zones.
- 2) "Authorised classification companies" shall mean classification companies which in the opinion of the Danish Maritime Authority have the necessary expertise and know-how in the field.
- 3) "Owner" shall mean the owner of the installation where the diving takes place.
- 4) "The Code" shall mean the IMO Code of Safety for Diving Systems in force at the time in question.
- 5) "Offshore diving operations" shall mean diving operations at fixed or mobile installations used in connection with exploration for and recovery of hydrocarbons in the subsoil and at pipelines between such installations, diving operations at a depth of more than 50 metres and diving operations where it is necessary to make similar, more stringent demands because of the nature and extent of the diving assignment and safety and health conditions.
- 6) "Operator" shall mean someone who is, on behalf of the owner, responsible for the construction, operation and/or maintenance of the installation where diving takes place.
- 7) "Underwater contractor" shall mean someone who performs underwater work on the installation on behalf of the owner/operator.
- 8) "The Safety Equipment Directive" shall be an abbreviation of Council Directive 89/686/EEC of 21 December 1989 on Mutual Approximation of the Member States' Legislation on Personal Safety Equipment, as subsequently amended, cf. Council Directives No. 93/95 of 29 October 1993 and 93/68 of 22 July 1993 and the European Parliament and Council Directive No. 96/58 of 3 September 1996.

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<sup>1)</sup> This Order has been notified as a draft in accordance with the European Parliament and Council Directive 98/34/EC (the Information Procedure Directive), as most recently amended by Directive 98/48/EC.

## *Organisation and Performance of Diving Operations*

**3.** The operator shall see to it and supervise that diving operations in all phases are planned, organised and performed by the underwater contractor in a safe and healthy manner according to current Danish regulations, and that the use of constructions, designs, detailed solutions and working methods that can be dangerous to or otherwise impair the safety and health in connection with the performance of the operations is neither prescribed nor assumed. Furthermore, the operator shall see to it and supervise that the diving operations are organised and performed by the underwater contractor with the greatest possible regard to the fact that the total influence on the working environment does not impair the safety and health of the employees in the short or in the long run.

(2) Irrespective of the operator's duty to supervise, the responsibility of ensuring prior to the start of the operations that the conditions mentioned in section 3(3)-(11) for diving operations are organised satisfactorily and in accordance with current Danish regulations shall rest with the underwater contractor.

(3) The operator shall see to it and supervise that the personnel involved have always been informed about the procedures and other things necessary to perform the operations with the greatest possible consideration for the health and environmental conditions. Furthermore, the operator shall ensure that the underwater contractor prepares a risk assessment prior to the start of the operations.

(4) The operator shall be responsible for the establishment of an emergency preparedness.

(5) The operator shall see to it and supervise that the underwater contractor documents all phases of a diving operation, including, among other things, monitoring and registration of pressure changes and composition of breathing air in water and chamber. The Danish Maritime Authority shall establish the extent of monitoring and registration.

(6) The operator shall see to it and supervise that the underwater contractor ensures that the composition, training and competence of the personnel involved in the diving operation are proportional to the nature and extent of the diving operation.

(7) The operator shall see to it and supervise that the underwater contractor ensures that the diving personnel have undergone the necessary medical examinations with satisfactory results.

(8) The underwater contractor shall ensure that the extent and quality of the equipment on every diving site are adequate to carry out the planned operation in a safe and healthy manner.

(9) The underwater contractor shall see to it that the equipment, including any necessary energy supply, is doubled so that a malfunction does not prevent a safe and sound termination of the operation. In addition, the necessary amount of spare parts shall be available for ordinary maintenance.

(10) Saturation diving systems shall be constructed, organised and placed so that divers and auxiliary personnel can be evacuated safely in case of an accident, fire or wreck, etc.

(11) Any saturation diving system shall comply with the provisions in the Code and be provided with a certificate issued by the flag country. It shall be demonstrated that the evacuation system functions to the satisfaction of the Danish Maritime Authority.

**4.** For diving personnel who are not under pressure the work shall be organised so as to ensure that in consideration of the duration of the working period the employee is given reasonable possibilities of resting periods and periods off work, adapted to the special conditions of the workplace and the crew, with a view to performing the work in a fully safe and healthy manner.

**5.** The operator shall see to it and supervise that the underwater contractor has established a system ensuring that the saturation period for the individual diver is organised in consideration of the working environmental conditions, including the planned saturation depth, diving technique, the nature of the diving system and the operation.

(2) The saturation period shall not exceed 28 days, including compression and decompression. The period between two saturation periods shall usually be at least as long as the most recent saturation period.

**6.** Industrial accidents or cases of poisoning assumed to result in incapacity for work for one day or more beyond the day where the injury took place shall be reported by the operator to the Danish Maritime Authority. The operator shall ensure to the greatest possible extent that the Danish Maritime Authority gets access to the persons involved and any witnesses, and to the greatest possible extent secure the equipment involved with a view to closer examination.

(2) Out of consideration for an evaluation of whether the procedures applied in connection with a diving operation have to be changed, the operator shall report to the Danish Maritime Authority in writing any events that implied an essential danger of causing serious injury to personnel, environment, material or equipment (near-miss situations).

(3) If a person is treated in a pressure tank, the operator shall report this to the Danish Maritime Authority in writing.

### *Approval*

**7.** Permanently installed offshore diving systems shall be approved and provided with a certificate issued by the Danish Maritime Authority. The certificate shall be issued with a validity of five years provided that an annual survey is made in the survey month with a satisfactory result. Personal safety equipment shall be CE marked according to national legislation in an EU member country or a country which is comprised by the EEA agreement and which implements the Safety Equipment Directive.

(2) The annual survey shall be carried out within three months before or after the basic date of the certificate.

(3) The five-year survey shall be terminated on the basic date at the latest and cannot be commenced until three months prior to this date, cf. SOLAS 74, as subsequently amended, Chapter 1, Regulation 14.

(4) On the basis of a specific evaluation the Danish Maritime Authority can wholly or partly accept a survey made by an authorised classification company.

(5) The Danish Maritime Authority shall approve offshore diving systems that are not permanently installed and the composition of these.

**8.** Before an offshore diving operation is commenced, the operator shall obtain permission from the Danish Maritime Authority.

(2) The operator shall, well in advance, submit a project plan with the necessary information about the nature, extent, procedure, material, organisation, etc. of the operation to the Danish Maritime Authority. Besides information about the organisation of the personnel involved in the safe performance of the diving operations, including all categories of auxiliary personnel, this project plan shall clearly state the name of the owner, operator and underwater contractor.

(3) After having inspected and evaluated the suitability, the operator shall submit a confirmation that the diving system, personnel, procedures and vessel, if any, comply with current Danish regulations.

(4) The Danish Maritime Authority shall establish the validity period of the permit.

**9.** The expenses incurred by the Danish Maritime Authority in connection with approval and survey shall be paid by the requesting party and shall cover payment of direct expenses for wages as well as travelling and accommodation expenses.

**10.** A vessel, semi-submersible, barge, etc. used as basis for offshore diving operations shall be in possession of valid national and international certificates and be registered with a classification company.

*Administration, etc.*

**11.** The Danish Maritime Authority shall attend to the administration of this Order and oversee that it is complied with.

(2) The employees of the Danish Maritime Authority shall, wherever it is deemed necessary in connection with their assignments, have access to board any vessel and installation at any time on proper proof of identity without a court order, and shall have access to any diving system covered by this Order to carry out their assignments.

(3) The responsibility of rendering the necessary assistance to the Danish Maritime Authority in connection with its surveys and any information relating thereto shall rest with the operator, the owner and master of the vessel and anybody who acts on their behalf.

**12.** The Danish Maritime Authority can make exceptions from the provisions in sections 3 - 8 and 10 when special working methods make it necessary, including the use of alternative standards, use of special diving equipment or diving systems and other special conditions which in the opinion of the Danish Maritime Authority allow for an equally safe performance of the diving operations.

(2) The Danish Maritime Authority shall accept tests carried out by recognised test institutes, including test institutes in other EU member countries and in countries covered by the EEA agreement and which give suitable, satisfactory and independent guarantees of a technical and professional nature.

(3) The Danish Maritime Authority shall accept equipment produced by other countries according to EU regulations on safety in connection with diving operations at fixed and mobile installations, used in connection with exploration for and recovery of hydrocarbons in the subsoil and at pipelines between such installations and diving operations at a depth of more than 50 metres.

*Penalty clause and entry into force, etc.*

**13.** Unless a more severe punishment is applicable pursuant to other legislation, anyone shall be fined or punished with simple detention who 1) infringes sections 3 - 6, 7(1) - (3) or (5), section 8(1)-(3), section 10 or section 11(3), 2) does not comply with any order or prohibition issued according to this Order.

(2) Companies, etc. (legal entities) may incur criminal liability according to the provisions of Chapter 5 of the Danish Penal Code.

**14.** This Order shall come into force on 1 August 2000.

(2) At the same time Order No. 29 of 15 January 1988 on Diving Equipment and Order No. 30 of 15 January 1988 on Safeguarding of Professional Diving and the Safe Performance of Professional Diving shall be repealed.

(3) Certificates issued pursuant to the said Orders shall remain valid until the expiry date stated on the certificate.

(4) The provisions in section 3(11) shall be met not later than one year after this Order has come into force.

THE DANISH MARITIME AUTHORITY, 12 JULY 2000

HANS CHRISTENSEN

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