

Translation: Only the Danish version is authentic

Order no. 197 of 5 March 2010 issued by the Danish Maritime Authority

Order on technical regulation on marine equipment¹

In pursuance of sections 3-4 and section 32 of the Act on Safety at Sea, cf. consolidated act no. 903 of 12 July 2007, as enacted by Decree no. 882 of 25 August 2008 on the entry into force of the Act on Safety at Sea in Greenland, in consultation with the Greenland Home Rule and by authority, the following provisions are laid down:

Section 1. This regulation concerns the implementation of Council Directive 96/98/EC of 20 December 1996 on marine equipment, as amended by Commission Directive 98/85/EC of 11 November 1998, Commission Directive 2001/53/EC of 10 July 2001, Commission Directive 2002/75/EC of 2 September 2002, Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002, Commission Directive 2008/67/EC of 30 June 2008 and Commission Directive 2009/26/EC of 6 April 2009.

Subsection 2. The specific regulations on marine equipment have been printed as an annex to this regulation.

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

Subsection 2. The penalty may be increased to imprisonment for a term not exceeding two years if

- 1) the violation has resulted in damage to life or health, or risk of such damage,
- 2) an injunction or order has previously been issued in connection with the same or equivalent situations, or
- 3) the violation has given or has been intended to give financial benefits to the transgressor or others.

Subsection 3. If the financial benefit achieved is not confiscated, special consideration shall be given to the size of the achieved or intended financial benefit when determining the size of the fine, including supplementary fine.

Subsection 4. Companies etc. (legal personalities) may be liable to punishment according to the provisions of Chapter 5 of the Penal Code.

Section 3. If the contravention is covered by the Decree on the entry into force of the Act on Safety at Sea in Greenland, measures may be ordered in accordance with the Penal Code for Greenland.

Subsection 2. The conditions mentioned in section 2(2) shall be considered aggravating circumstances.

Subsection 3. If the financial benefit achieved is not confiscated, cf. Section 116(1) of the Penal Code, special consideration shall be given to the size of the achieved or intended financial benefit when determining the size of the fine, including supplementary fine.

¹ This technical regulation concerns the implementation of Council Directive 96/98/EC of 20 December 1996 on marine equipment, as amended by Commission Directive 98/85/EC of 11 November 1998, Commission Directive 2001/53/EC of 10 July 2001, Commission Directive 2002/75/EC of 2 September 2002, Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002, Commission Directive 2008/67/EC of 30 June 2008 and Commission Directive 2009/26/EC of 6 April 2009.

Subsection 4. If the contravener is a company, etc. (legal personalities), the legal personality may be liable to punishment by fine. If the contravener is the State, Greenland's Home Rule, a municipality, an inter-municipal enterprise covered by Section 64 of the Act on the Landsting (Greenland Parliament) on municipal councils and village councils, etc. or a village council, the relevant public authority shall be liable to punishment by fine.

Subsection 5. If the person in question does not live in Greenland, or if his tie to Greenland society is of such a rather loose nature that the preconditions for the application of the measures are not present, legal proceedings may be instituted in Denmark or the case may be sent for trial in Denmark.

Section 4. This Order shall enter into force on 6 April 2010.

Subsection 2. Order no. 543 of 1 June 2009 on technical regulation on marine equipment shall be repealed.

Subsection 3. Equipment referred to as “new” in the column “equipment designation” in annex A.1 or which has been transferred from annex A.2 to Annex A.1 and which has been produced before 6 April 2010 in accordance with the procedures for type approval already in force in a member State prior to the date mentioned may be marketed and fitted on board an EC ship for a period of up to two years from the date stipulated.

The Danish Maritime Authority, 5 March 2010

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