

Translation: Only the Danish version is authentic

Technical regulation No. 1 of 11 January 2000

Technical Regulation on the approval of offshorecontainers containers handled in open seas ¹⁾

In pursuance of §§ 3-5, § 17, sub-section 5, and § 28 of the Danish at Sea Act No. 900 of 16 December 1998, and in pursuance of § 2, sub-section 5, § 4, § 11, sub-section 2 and § 28 of the Safety of Ships etc. Act No. 98 of 12 March 1980, with later amendments, and in concert with the Faroese Home Rule and the Home Rule of Greenland, and according to authorization by the Minister of Trade is laid down:

§ 1. Containers specially designed for repeated use in the transport of goods or equipment from or between fixed and/or floating offshore installations and ships in open sea shall comply with the provisions of the Annex to this Technical regulation.

Sub-section 2. The annex is a Danish translation of the Maritime Safety Committee's – (MSC) circular letter No. 860, "Guidelines for the Approval of Offshorecontainers Containers Handled in Open Seas".

Sub-section 3. The shipper, the ship owner, the master of the ship or anybody else who is responsible for the transport shall ensure that solely containers, complying with the requirements of § 1, sub-section 1, are used.

Administration

§ 2. The Danish Maritime Authority attends to the administration of this Technical regulation.

Sub-section 2. The Danish Maritime Authority accepts test carried out by recognized test laboratories in other EC Member States and in countries covered by the EEC-agreement, and which deliver appropriate and satisfying garanties of technical, professional and impartial kind.

¹⁾ The Technical regulation has as a draft been notified in accordance with the European Parliament and Council Directive 98/34/EEC (directive on the procedure of information) as later amended by Directive 98/48/EEC.

Penalty clause and implementation

§ 3. Violation of § 1, sub-section 3, implies fine, simple detention or imprisonment for a term of up to 1 year.

Sub-section 2. The penalty may be increased to simple detention or imprisonment for a term not exceeding 2 years, if

- 1) the violation has resulted in health damage or provoked danger hereof,
- 2) that previous injunctions have been given on the same or similar circumstances, or

3) that by contravention financial benefits have been obtained for the person in question or others.

Sub-section 3. It shall be considered an especial increase of punishment if health damage has been caused to young persons of less than 18 years or provoked danger hereof, cf. sub-section 2, No. 1.

Sub-section 4. If the profit gained by the contravention is not confiscated special consideration shall be taken to the extent of an obtained or intentional economical profit by meting out the fine, hereunder additional fine.

Sub-section 5. Liability to punishment may be imposed on companies etc. (juristic persons) according to the provisions of chapter 5 of the Criminal Code.

Sub-section 6. In case the contravention solely is covered by the Act on the Safety of Ships etc. there shall be sentenced only a fine or simple detention.

§4. The Technical regulation enters into force on 1 March 2000.

The Danish Maritime Authority, 11 January 2000

Christian Breinholt

/Steen Nielsen

ANNEX

Please confer with MSC circular letter No. 860
»Guidelines for the Approval of Offshore Containers Handled in Open Seas«

Comments to Technical regulation No. 1 of 11 January 2000 on the approval of offshorecontainers

Containers used in the transport of goods or equipment to, from or between fixed/or floating offshorecontainer installations and ships in open sea are frequently handled under extremely hard/strenuous circumstances. The strain on ofshorecontainers can, therefore, be excessive, for which reason considerable requirements to the construction of these units have to be advanced. As the convention for safe containers (International Convention for Safe Containers) – (CSC) does not apply to offshorecontainers this Technical regulation shall thus ensure that offshorecontainers comply with established international standards.

In Denmark the Danish Maritime Authority attends to this area. The approval of offshorecontainers is delegated to the recognized classification societies.

Danish Maritime Authority, 11 January 2000

Christian Breinholt

/Steen Nielsen

Safety & Environmental Legislation Division, File No.: 5121-53