

Only the Danish version is authentic

*Technical regulation no. 8 of 28 November 2002
issued by the Danish Maritime Authority*

**Technical Regulation on the carriage of dangerous goods by ships
(amendment to the IMDG Code)¹⁾**

Pursuant to Section 1(3), Section 5, Section 17(5) and Section 32(4) of the Act on Safety at Sea, cf. Consolidated Act no. 627 of 26 July 2002, and Royal Decree no. 607 of 25 June 2001 on the entry into force on Greenland of the Act on Safety at Sea, in consultation with Greenland's Home Rule and by authority of the Minister of Economic and Business Affairs, the following provisions are laid down:

Section 1. Dangerous goods shall be carried as prescribed by the “International Maritime Dangerous Goods Code”, Amendment. 31-02²⁾ (the IMDG code).

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 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. It shall be considered especially aggravating circumstances if the violation has resulted in damage to the life or health or risk of such damage to young persons below the age of 18, cf. subsection 2(1).

Subsection 4. 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 5. 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 Royal 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) and (3) shall be considered especially 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.

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 of the Landsting

¹⁾ This regulation has been notified in draft form in accordance with European Parliament and Council Directive 98/34/EC (the Information Procedure Directive), most recently amended by Directive 98/48/EC.

²⁾ Refer to MSC Resolution 122(75) adopted by the MSC at its 75th meeting from 15 to 24 May 2002.

(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. The regulation shall enter into force on 1 January 2003.

Subsection 2. During the period up to 31 December 2003, dangerous goods may continue to be carried pursuant to the IMDG Code Amendment 30-00.

Subsection 3. Technical Regulation No 14 of 14 November 2000 on the carriage of dangerous goods by ships (amendment to the IMDG Code) shall be repealed.

The Danish Maritime Authority, 28 November 2002

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