

Translation: Only the Danish version is authentic

The Danish Maritime Authority's Technical Regulation no. 7 of 27 October 2003

Technical regulation on water level alarms in fishing vessels¹

In pursuance of Sections 3 and 5, Section 17(5) and Section 32 of the Act on Safety at Sea, cf. consolidated act no. 627 of 26 July 2002, and 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 on the authority of the Minister of Economic and Business Affairs, the following provisions are laid down:

Section 1. This technical regulation shall apply to all fishing vessels covered by Notice E from the Danish Maritime Authority and all fishing vessels covered by Notice F from the Danish Maritime Authority with service areas F5, F4 and F3.

Subsection 2. A fishing vessel shall mean a vessel used for commercial catching of fish, whales, seals, walrus, shellfish or other living resources of the sea, including vessels that are equipped as fishing vessels and are capable of processing their own catch or whose certificate of nationality is provided with a port number under the Ships' Registration Act.

Section 2. Existing fishing vessels covered by this technical regulation shall, in addition to other water level alarms that may be required, be provided with an alarm that is activated when the water level in the forepart of the vessel rises to 50 cm above the upper edge of the keel. The alarm may be located so that it is activated at a lower water level.

Subsection 2. All new fishing vessels covered by this technical regulation shall be fitted with water level alarms in all rather large, enclosed spaces below deck. The alarm shall sound when the water level rises to above the normal level. An alarm shall not be required in tanks in which fish is carried in bulk. In connection with the approval of drawings for a new-built fishing vessel or for a fishing vessel that has been transferred from another register, the Danish Maritime Authority shall decide in each individual case in which enclosed spaces below deck water level alarms shall be installed.

Subsection 3. The alarm unit shall be placed both at the conning position and in the crew accommodation, and it shall be possible to observe the signal visually and acoustically. The alarm sounder may have a time delay of not more than 30 seconds.

Section 3. Contraventions of Section 2 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.

¹ This technical regulation has been notified in draft form in accordance with the Directive of the European Parliament and the Council 98/34/EC (information procedure directive), as amended most recently by Directive 98/48/EC.

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 4. 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 3(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 personality), the legal personality as such shall 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 (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 5. This technical regulation shall enter into force on 1 January 2004.

Subsection 2. Existing fishing vessels shall comply with the provisions of Section 2(1) no later than 1 July 2004.

The Danish Maritime Authority, 27 October 2003

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