

Technical Regulation on the administration of the Regulation of the European Parliament and of the Council on single-hull oil tankers

The following shall be laid down pursuant to section 1(3), section 17(5), and section 32 of the Safety at Sea Act (*lov om sikkerhed til søs*), cf. Consolidated Act no. 627 of 26 July 2002, as amended by Act no. 1231 of 27 December 2003:

Administrative Provisions

Section 1. The Danish Maritime Authority shall administer the Regulation (EC) No 417/2002 of the European Parliament and of the Council on the accelerated phasing-in of double hull or equivalent design requirements for single-hull oil tankers, as amended by Regulation no. 1726/2003.

Subsection 2. The amending regulation is printed in Notices from the Danish Maritime Authority no. 7 from 2003.

Section 2. This Regulation shall apply to all oil tankers of or above 5,000 tonnes deadweight

- 1) entering into or leaving a port or an offshore terminal or anchoring at a berth under the jurisdiction of a Member State, irrespective of their flag, or
- 2) flying the flag of a Member State.

Subsection 2. Article 4(3) of the Regulation shall also apply to oil tankers of or above 600 tonnes deadweight.

Penalties and entry into force

Section 3. Any person violating Regulation (EC) No 417/2002 of the European Parliament and of the Council, as amended by Regulation No 1726/2003, shall be liable to a fine or imprisonment for up to 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 the environment, 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 benefit obtained through the violation is not confiscated, the size of such financial benefit obtained shall be taken into account when determining the fine, including additional fines.

Subsection 5. Companies, etc. (legal persons) may incur criminal liability according to the regulations in chapter 5 of the Criminal Code (*straffeloven*).

Section 4. This regulation shall enter into force on 15 February 2004.

The Danish Maritime Authority, 27 January 2004

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