

## Technical Regulation on measures for prevention of piracy and armed robbery against Danish ships

The following shall be laid down pursuant to section 6 and section 32 of the Act on Safety at Sea, cf. Consolidated Order no. 903 of 13 July 2007 and following authorisation in accordance with Order no. 1068 of 4 September 2005:

**1.** Merchant ships for which having a safety management system is mandatory in accordance with the ISM Code (the Code on International Safety Management) shall have procedures in the safety management system for navigation or call on ports in areas where there is a risk of piracy and armed robbery against ships. The procedures may be included in the ship's plan for International Ship and Port Facility Security (ISPS) provided that the procedures are made available for the ship's crew.

**1.-(2)** the procedures mentioned in (1) shall contain provisions on the prevention of robbery, including

- 1) locking of engine spaces and accommodation etc. and the use of spotlights,
- 2) radar monitoring of the entire horizon and continuous watchkeeping to assist the navigator on duty 24 hours a day when navigating in areas where the master of the ship assesses that there is a considerable risk that the ship may be exposed to piracy or armed robbery.
- 3) how the crew shall act in case of robbery or attempt of robbery and on instruction of the crew every time the ship enters an area where there is a considerable risk that the ship may be exposed to piracy or armed robbery,
- 4) reporting to the company, authorities and other ships in the area in case of robbery or attempt of robbery as well as
- 5) assessment of whether there is a risk in an area of piracy or armed robbery against ships.

**2.** The ships of shipping companies that are subject to section 1 shall furthermore have procedures in their ISM systems for the assessment of whether there is a risk in an area of piracy or armed robbery against ships.

**3.** Merchant ships, for which an ISM system is not mandatory in accordance with the ISM Code, as well as shipping companies that operate such ships shall have procedures equivalent to those mentioned in section 1 and section 2.

**4.** Sections 1 to 3 do not apply to ships that call on Greenland, Faeroese, Icelandic or European ports exclusively as well as shipping companies which solely operate such ships.

**5.** The procedures mentioned in sections 1 to 3 shall be written under due consideration to the recommendation and guidelines issued by the International Maritime Organization (IMO) for navigation in areas where there is a risk of piracy and armed robbery against ships. Assessment of which measures shall be taken on the individual ships shall be made under consideration of the current threat in the particular area, the size of the ship, the speed of the ship and equipment as well as other measures, which are taken outside the ships, for instance watchkeeping of the quay.

## **Translation: Only the Danish text has legal validity**

*The Danish Maritime Authority's Technical Regulation no. 3 of 20 February 2008*

**6.-(1)** When a ship enters or leaves the area mentioned in annex 1 to this technical regulation, the master of the ship shall notify the shipping company. As long as the ship is positioned in the area mentioned in annex 1, the master of the ship shall notify the shipping company every fourth hour about the position of the ship unless the master of the ship assesses that such notification will endanger the crew.

**6.-(2)** The shipping company shall appoint a contact point for the receipt of the notifications mentioned in (1).

**7.** If the master of the ship turns off the ship's AIS transmission due to risk of piracy and armed robbery, an entry of this shall be made in the ship's log stating the time and position just as the shipping company shall be notified. Subsequently, the shipping company shall be notified on a regular basis about the ship's position until the AIS transmission is resumed unless the master assesses that such notification will endanger the crew. Similarly, an entry shall be made in the ship's log when the AIS transmission is resumed.

**8.** This Technical Regulation does not apply to war ships or troop ships, or to ships that do not fly the Danish flag or the flag of Greenland.

**9.-(1)** Violation of this Technical Regulation shall be liable to punishment by fine or imprisonment for up to 1 year.

**9.-(2)** The penalty may be increased to imprisonment for up to two years if

- 1) the violation has caused injury to life or health or a risk of this,
- 2) a previous prohibition notice or injunction for the same or corresponding circumstances has been served, or
- 3) the violation has resulted in or aimed at a financial benefit for the person committing the violation, or for others.

**(3)** It shall be considered an especially aggravating circumstance if the violation has caused injury to life or health of young people of less than 18 years of age or provoked a risk of injury, cf.

(2), no. 1.

**(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.

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

**10.** If the circumstance is covered by Royal Decree concerning the entry into force for Greenland of Act on safety at sea, measures may be laid down in accordance with the Criminal Code for Greenland.

**10.-(2)** The circumstance referred to in section 9 (2) and (3) shall be regarded as aggravating circumstances.

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**10.-(3)** If the profits gained through the contravention are not confiscated, cf. section 116 (1) of the Criminal Code, particular account shall, when meting out penalties, including additional penalties, be taken of the scale of any economic benefit achieved or sought.

**10.-(4)** If the infringement is committed by companies etc. (legal entities), liability to pay a fine may be incurred by the legal entity as such. If the infringement is committed by the State, Greenland's Home Rule, a municipality, a municipal cooperative covered under section 64 of the Landsting Act on municipal councils and local authorities etc. or a local authority, liability to pay a fine may be incurred by the relevant public authority as such.

**10.-(5)** If the relevant party is not resident in Greenland, or their connection to Greenland society is otherwise so remote that the prerequisites for measures to be taken do not exist, legal proceedings may be instigated or the case may be referred for trial in Denmark.

**11.** This technical regulation shall enter into force on 15 June 2008.

*The Danish Maritime Authority, 20 February 2008*

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## Annex I

### Area where reporting is mandatory

Mandatory reporting applies for ships when navigating in the area stretching from the boundaries between Djibouti and Somalia in the eastern direction with a northern boundary in the middle of the Gulf of Aden, north around Socotra Island, and to the position east of the coast of Somalia. From here, a line is traced southwards for a distance of minimum 300 nautical miles from the coast of Somalia until a line straight out from the border between Somalia and Kenya. The area is given by the following coordinates:

1. 11° 28.0 N 043° 15.0 E
2. 13° 00.0 N 050° 00.0 E
3. 13° 00.0 N 055° 00.0 E
4. 11° 50.0 N 057° 47.5 E
5. 01° 20.0 N 052° 15.0 E
6. 05° 21.0 S 045° 00.5 E
7. 01° 39.5 S 041° 34.0 E