

**Translation. Only the Danish document has legal validity.**

*Technical regulation no. 2/Order no. 1089 of 18 November 2008 issued by the Danish Maritime Authority*

## **Technical regulation amending technical regulation on port state control of shipping**

**Section 1.** The following amendments shall be made in technical regulation of 15 July 2004 on port state control of shipping:

**1.** *The introduction* shall run as follows:

“In pursuance of section 1(3), section 3, section 6, item 3, section 16(3), section 20 and section 32 of the Act on safety at sea, cf. Consolidated Act no. 903 of 12 July 2007, and by authority of the Danish Minister of Economic and Business Affairs, the following provisions are laid down:”

**2.** *Section 4(1)* shall run as follows:

“**Section 4.** Port authorities shall submit to the Danish Maritime Authority an overview of ro-ro passenger ships engaged in regular service to and from their ports no later than six months after the entry into force of this technical regulation and subsequently each time changes are made.”

**Section 2.** This technical regulation shall enter into force on 21 November 2008.

*The Danish Maritime Authority, 18 November 2008*  
Per Sønderstrup / Torsten Arnt Olsen

**Annex 1**  
**Remarks to technical regulation no. 2 of 20 November 2008**  
**amending technical regulation on port state control of shipping**  
**and technical regulation no. 3 of 2008**  
**amending technical regulation on a vessel traffic monitoring**  
**and information system in Danish waters and ports**

The amendments of the two technical regulations concern the ports' reports on ships calling at their ports since the new electronic reporting system, *SafeSeaNet*, is ready for use.

A number of EU Directives and Regulations require that the maritime industry and the member States submit information about vessel traffic to the national authorities and the European Commission. To simplify the reports, it has been decided by means of the vessel traffic monitoring Directive<sup>1</sup> to develop an electronic system ensuring that the reports are made and gathered in one system, *SafeSeaNet*.

In Denmark, the Admiral Danish Fleet is responsible for developing and implementing *SafeSeaNet*. The part of *SafeSeaNet* to be used for reports on ships calling at Danish ports is ready for use (November 2008).

According to the vessel traffic monitoring Directive, the reports shall be made for each call of Danish and foreign ships with a gross tonnage of or above 300.<sup>2</sup> In addition, reports shall also be made about calls of foreign cargo and passenger ships with a gross tonnage below 300 due to the Danish Maritime Authority's possibility of controlling foreign ships.

The purpose of the amendment of the *technical regulation on a vessel traffic monitoring and information system in Danish waters and ports* is to start using *SafeSeaNet*. The technical regulation requires that Danish ports submit information about ships calling at their ports to the Admiral Danish Fleet since it is possible to use *SafeSeaNet* for this purpose.

Already now, Danish ports are required, under technical regulation on port state control of shipping, to report all calls of foreign cargo and passenger ships regardless of their size to the Danish Maritime Authority through the *Port Reporting Database*. In future, this information shall be reported to the Admiral Danish Fleet. It is possible to do this through electronic reporting in *SafeSeaNet*. In order to avoid double reporting, it has been decided to discontinue the *Port Reporting Database*, which is effected by the amendment of *Technical Regulation no. 7 of 15 July 2004 on port state control of shipping issued by the Danish Maritime Authority*.

To avoid an unreasonable administrative burden on ships engaged in regular service to and from a Danish port, it is possible to exempt these ships completely from the requirement to report calls at ports. Ships granted such an exemption shall not make reports in *SafeSeaNet*. However, in each individual case such an exemption shall be conditional upon the shipping company informing the Danish Maritime Authority about the ships to which such an exemption applies. Furthermore, an exemption will be conditional upon the shipping company establishing an internal system ensuring

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<sup>1</sup> Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system.

<sup>2</sup> Fishing vessels and recreational craft below 45 metres as well as all state-owned ships are, however, exempted.

that the Admiral Danish Fleet can be provided with relevant information about each individual voyage at any time and without delay.