

Translation. Only the Danish document has legal validity.

Technical regulation no. 3/Order no. 1088 of 18 November 2008 issued by the Danish Maritime Authority

Technical regulation amending technical regulation on a vessel traffic monitoring and information system in Danish waters and ports

Section 1. The following amendments are made to the technical regulation of 27 January 2004 on a vessel traffic monitoring and information system in Danish waters and ports:

1. *The Introduction* shall run as follows:

“In pursuance of section 1(3), section 3, section 4(2), section 6, item 3, section 20(1) 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 after consultation with the Danish Ministers of Defence, the Environment and Traffic.”

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

“**Section 1.** Unless expressly provided otherwise, this technical regulation shall apply to all ships with a gross tonnage of or above 300.”

3. *Section 6* shall run as follows:

“**Section 6.** The operator, agent or master of a ship flying the Danish flag bound for a port of an EU member State as well as the operator, agent or master of a foreign ship bound for a Danish port shall notify the information mentioned in annex I of European Parliament and Council Directive 2002/59/EC, item 1 to the relevant port authority:

- 1) At least 24 hours before arrival;
- 2) At the latest, at the time when the ship leaves the previous port if the voyage time is less than 24 hours; or
- 3) As soon as the port of call is known if this information is not available or is changed during the voyage.

Subsection 2. The Danish Maritime Authority may exempt individual ships engaged in regular service to and from Danish ports from the reporting requirement, cf. subsection 1 if the shipping company:

- 1) keeps a list of the ship(s) forming part of the regular service concerned and submits it to the Danish Maritime Authority the first time an application for an exemption is filed and, subsequently, whenever changes are made, and
- 2) establishes an internal system to ensure that the information about each individual voyage, cf. subsection 1, is recorded so that it is possible to send it, upon request and regardless of the time and without delay, so that it reaches the Admiral Danish Fleet immediately.

Subsection 3. It shall be possible to grant an exemption, cf. subsection 2, only if the planned duration of an individual voyage does not exceed 12 hours.”

4. After section 6, the following is inserted:

“**Section 6a.** The port authorities shall report the information about calls stipulated in section 6(1) to the Admiral Danish Fleet, however the information about the number of persons on board shall be reported only if the port has been informed of this.

Subsection 2. The reports shall be made as quickly as practicable and may under no circumstances reach the Admiral Danish Fleet later than 24 hours after the port’s receipt of the estimated time of arrival, cf. section 6(1).

Subsection 3. It is possible to make the reports by means of the common European electronic system for exchange of vessel traffic information, SafeSeaNet¹, where the reports are made by means of the internet, either manually or by automatic transfer of data in XML-format via relevant webpages².

Subsection 4. In addition, the port authorities shall report the information stipulated in annex 1 of the Directive on foreign cargo and passenger ships with a gross tonnage below 300 calling at their ports.

Subsection 5. If a port authority becomes aware that the information reported, cf. subsection 1, is changed considerably or that the information, cf. subsection 1, has not been reported at all prior to arrival, the port authority shall update SafeSeaNet as quickly as practicable hereafter.”

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

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

¹ The Admiral Danish Fleet is responsible for the development and operation of the Danish part of SafeSeaNet. Further information about SafeSeaNet is available from the following webpage:
<http://forsvaret.dk/SOK/Nationalt/MAS/SafeSeaNet/>.

² The relevant webpages are available from the Admiral Danish Fleet.

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 Directive³ 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 300.⁴ 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

³ 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.

⁴ 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.