

Order on offshore diving operations and offshore diving equipment¹

Pursuant to section 13, section 14(2), section 15, section 16(2), section 19, section 24(6) and section 25(6) of the act on diving operations and diving equipment, etc. (*lov om dykkerarbejde og dykkermaterial mv.*), cf. consolidated act no. 936 of 20 July 2010, section 3(1)(vi) of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 654 of 15 June 2010, the following is laid down:

Scope

Section 1. This order shall apply to offshore diving operations on Danish territory, on the Danish continental shelf and from Danish ships.

Subsection 2. The order shall not apply to persons under the Defence who carry out diving operations while on duty.

Subsection 3. The provisions of this order shall not limit the use of the regulations laid down pursuant to the legislation on safety at sea that, in connection with diving operations from ships, apply to offshore diving.

Definitions

Section 2. For the purposes of this order, the following definitions shall apply, unless otherwise stipulated separately:

- 1) Installations: Installations shall mean offshore installations as defined in the act on the safety, etc. of offshore installations for the exploration, production and transport of hydrocarbons (*lov om sikkerhed m.v. for offshoreanlæg til efterforskning, produktion og transport af kulbrinter*) in force at any time as well as other units in the surrounding safety, protection and work zones.
- 2) Recognized classification society: A classification society recognized by the Danish Maritime Authority, cf. the technical regulation on the recognition and authorisation of organisations carrying out inspections and surveys of ships.
- 3) Owner: Owner of the installation where the diving takes place.
- 4) Offshore wind farms: One or more offshore wind turbines placed at sea outside the territorial waters of ports as well as associated transformer stations and cable connections, including cable connections to shore, etc. For the purposes of this order, other installations for producing renewable energy at sea, such as wave energy installations and the like, shall also be considered offshore wind farms.
- 5) The code: The IMO Code of Safety for Diving Systems in force at any time.
- 6) Offshore diving operation: Offshore diving operations shall mean diving operations
 - a) at installations, cf. item (i) of this section,
 - b) at pipelines outside the territorial waters of ports used in connection with pipe-carried transport of hydrocarbons,
 - c) at depths exceeding 50 metres,
 - d) from dynamically positioned ships,
 - e) at offshore wind farms,

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

- f) where a risk analysis shows that it is necessary to impose correspondingly stricter requirements,
or
 - g) where it is, due to the nature, extent and conditions of health and safety of the diving operation, necessary to impose correspondingly stricter requirements.
- 7) Operator: In connection with diving operations, cf. item (vi)(a) and (b) of this section, the operator is someone who is, on behalf of the owner, responsible for the construction, operation and/or maintenance of the installation where diving takes place. In connection with diving operations, cf. item (vi)(c)-(g) of this section, the operator shall mean the one requesting the diving.
 - 8) Underwater contractor: A company or self-employed person who performs underwater work on behalf of the owner/operator.
 - 9) The safety equipment directive: An abbreviation of Council Directive 89/686/EEC of 21 December 1989 on mutual approximation of the Member States' legislation on personal safety equipment, as amended, cf. Council directives nos. 93/95 of 29 October 1993 and 93/68 of 22 July 1993 as well as Directive 96/58 of the European Parliament and of the Council of 3 September 1996.

Organisation and performance of diving operations

Section 3. The underwater contractor shall plan, organise and perform diving operations in all phases in a safe, healthy and environmentally sound manner according to current Danish regulations and/or international provisions accepted by the Danish Maritime Authority. Constructions, plan designs, detailed solutions and working methods that may be dangerous to or otherwise impair health and safety in connection with the performance of the operations shall neither be prescribed nor assumed. Diving operations shall be organised and performed with the greatest possible regard to the fact that the total influence on the working environment does not impair the health and safety of the employees in the short or in the long run.

Subsection 2. Prior to the start of the operation, the underwater contractor shall ensure that the conditions mentioned in section 3(3)-(9) and section 5 for diving operations are organised satisfactorily and in accordance with current Danish regulations and/or international provisions accepted by the Danish Maritime Authority.

Subsection 3. The underwater contractor shall ensure that all personnel involved in the diving operation are always informed about the procedures and other things necessary to perform the operation with the greatest possible consideration for the health and environmental conditions. Furthermore, the underwater contractor shall prepare a risk assessment prior to the start of the work.

Subsection 4. The underwater contractor shall ensure that an emergency preparedness is established.

Subsection 5. The underwater contractor shall document all phases of a diving operation. This includes the monitoring and registration of, inter alia, pressure changes and the composition of breathing air in water and chamber. The Danish Maritime Authority shall establish the scope of monitoring and registration.

Subsection 6. The underwater contractor shall ensure that the composition, training and competence of the personnel involved in the diving operation are proportional to the nature and scope of the diving operation.

Subsection 7. The underwater contractor shall ensure that the diving personnel have undergone the necessary medical examinations, attended the necessary first-aid courses, etc. with satisfactory results.

Subsection 8. The underwater contractor shall ensure that the range and quality of the equipment on every diving site are adequate to carry out the planned operation properly in terms of health and safety.

Subsection 9. The underwater contractor shall ensure that the equipment, including any necessary energy supply, is doubled so that a malfunction does not prevent a safe and sound termination of the operation. In addition, the necessary amount of spare parts shall be available for ordinary maintenance.

Section 4. The operator shall ensure and supervise that the underwater contractor plans, organises and performs diving operations in all phases in a safe and healthy manner according to current Danish regulations and/or international provisions accepted by the Danish Maritime Authority, including that constructions, plan designs, detailed solutions and working methods that may be dangerous to or otherwise impair health and safety in connection with the performance of the operations shall neither be prescribed nor assumed. The operator shall also ensure and monitor that the underwater contractor organises and performs diving operations with the greatest possible regard to the fact that the total influence on the working environment does not impair the health or safety of the employees in the short or in the long run, cf. section 3(1).

Subsection 2. The operator shall ensure and supervise that all personnel involved in the diving operation are always informed about the procedures and other things necessary to perform the operation with the greatest possible consideration for the health and environmental conditions. Furthermore, the operator shall ensure that the underwater contractor prepares a risk assessment prior to the start of the work, cf. section 3(3).

Subsection 3. The operator shall be responsible for the establishment of an emergency preparedness, cf. section 3(4).

Subsection 4. The operator shall ensure and supervise that the underwater contractor documents all phases of a diving operation, cf. section 3(5).

Subsection 5. The operator shall ensure and supervise that the underwater contractor ensures that the composition, training and competence of the personnel involved in the diving operation are proportional to the nature and scope of the diving operation, cf. section 3(6).

Subsection 6. The operator shall ensure and supervise that the underwater contractor ensures that the diving personnel have undergone the necessary medical examinations, attended the necessary first-aid courses, etc. with satisfactory results, cf. section 3(7).

Section 5. Diving systems shall be constructed, organised and placed so that divers and support personnel can be evacuated safely in case of an accident, fire, wreck, etc.

Subsection 2. Any saturation diving system shall comply with the provisions in the Code and be provided with a certificate issued by the flag State, cf. the requirements of the Code. It shall be demonstrated that the evacuation system functions to the satisfaction of the Danish Maritime Authority.

Subsection 3. Any diving system shall meet the standards of a recognized classification society.

Section 6. For all diving personnel, including personnel taking part in the diving operation, who are not under pressure, the work shall be organised so as to ensure that in consideration of the duration of the working period the employee is given reasonable possibilities of resting periods and periods off work, adapted to the special conditions of the workplace and the crew, with a view to performing the work in a fully safe and healthy manner.

Subsection 2. In connection with diving operations from a ship, the provisions on hours of rest and work of the act on seafarers' conditions of employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*) shall apply.

Subsection 3. In connection with diving operations from an offshore installation covered by the offshore safety act (*offshoresikkerhedsloven*), the provisions on hours of rest and work stipulated in the offshore safety act or regulations pursuant hereof shall apply.

Subsection 4. In connection with diving operations from other installations not covered by the offshore safety act (*offshoresikkerhedsloven*), the provisions on hours of rest and work of the Danish Working Environment Authority shall apply.

Section 7. The underwater contractor shall establish a quality assurance system ensuring that the saturation period for each the individual diver is organised in consideration of the working environmental conditions, including the planned saturation depth, diving technique, the nature of the diving system and the operation.

Subsection 2. The saturation period shall not exceed 28 days, including compression and decompression. The period between two saturation periods shall usually be at least as long as the most recent saturation period.

Subsection 3. The operator shall ensure and supervise that the underwater operator has established a quality assurance system ensuring that the saturation period for the individual diver is organised in consideration of the working environmental conditions, including the planned saturation depth, diving technique, the nature of the diving system and the operation.

Section 8. Industrial accidents or cases of poisoning assumed to result in incapacity for work for one day or more beyond the day when the injury took place shall be reported to the Danish Maritime Authority. It shall be ensured to the greatest possible extent that the Danish Maritime Authority gets access to the persons involved, the equipment involved and any witnesses, and to the greatest possible extent secure the equipment involved with a view to closer examination.

Subsection 2. The operator, the underwater contractor, the shipowner and the master as well as anyone acting on their behalf shall be responsible for offering the Danish Maritime Authority the necessary assistance in connection with its examinations and provide any information in this connection.

Subsection 3. Out of consideration for an evaluation of whether the procedures applied in connection with a diving operation have to be changed, the operator shall report to the Danish Maritime Authority in writing any incidents that implied an essential danger of causing serious injury to personnel, the environment, material or equipment (near-misses).

Subsection 4. If a person is treated in a pressure tank, the operator shall report this to the Danish Maritime Authority in writing.

Approval

Section 9. Fixed offshore diving systems shall be surveyed and approved by the Danish Maritime Authority. On the basis of this approval, the Danish Maritime Authority shall issue a permit to operate in Danish territory and on the Danish continental shelf. Normally, the permit shall be issued with a validity of one year. Personal safety equipment shall be CE marked according to national legislation in an EU member State or a country covered by the EEA agreement implementing the safety equipment directive.

Subsection 2. On the basis of a specific evaluation, the Danish Maritime Authority may wholly or partly accept a survey made by a recognized classification society or by a recognized company.

Subsection 3. Non-fixed offshore diving systems and their composition shall be surveyed and approved by the Danish Maritime Authority. The Danish Maritime Authority shall issue a permit to operate in Danish territory and on the Danish continental shelf. The permit shall be issued for each individual diving operation.

Section 10. Before an offshore diving operation is commenced, the operator shall obtain permission from the Danish Maritime Authority.

Subsection 2. The operator shall, well in advance, submit a project plan with the necessary information about the nature, scope, procedure, equipment, organisation, etc. of the operation to the Danish Maritime

Authority. This shall, inter alia, clearly state who is the owner, operator and underwater contractor as well as how the personnel involved in the safe performance of the diving operations, including all categories of support personnel, are organised.

Subsection 3. After having inspected and evaluated the suitability, the operator shall submit a confirmation that the diving system, personnel, procedures and vessel, if any, comply with current Danish regulations.

Subsection 4. The Danish Maritime Authority shall determine the validity of the diving permit.

Section 11. The expenses incurred by the Danish Maritime Authority in connection with approval and surveys shall be paid by the one requesting the survey and shall cover payment of direct expenses for wages as well as travelling and accommodation expenses.

Section 12. A ship, semi-submersible, barge, etc. used as basis for offshore diving operations shall be in possession of valid national and international certificates. Fixed installations used as basis for offshore diving operations shall hold similar approvals.

Administration, etc.

Section 13. The Danish Maritime Authority shall attend to the administration of this order and oversee that it is complied with.

Subsection 2. The employees of the Danish Maritime Authority shall, wherever it is deemed necessary in connection with their assignments, have access to board any ship and installation at any time on proper proof of identity without a court order, and shall have access to any diving system covered by this order to carry out their assignments.

Subsection 3. The responsibility of rendering the necessary assistance to the Danish Maritime Authority in connection with its examinations and any information relating thereto shall rest with the operator, the underwater contractor, the shipowner and master of the ship and anybody acting on their behalf.

Section 14. The Danish Maritime Authority may grant exemptions from the provisions in sections 3-10 and 12 when special working methods make it necessary, including the use of alternative standards, use of special diving equipment or diving systems and other special conditions which in the opinion of the Danish Maritime Authority allow for an equally safe performance of the diving operations.

Subsection 2. The Danish Maritime Authority shall accept tests carried out by recognised test institutes, including test institutes in other EU member States and in countries covered by the EEA Agreement and which give suitable, satisfactory and independent guarantees of a technical and professional nature.

Subsection 3. The Danish Maritime Authority shall accept equipment produced by other countries according to EU regulations on safety in connection with diving operations as defined in section 2(vi).

Penalty clause and entry into force, etc.

Section 15. Contraventions of sections 3-8, section 9(1)-(3) and (5), section 10(1)-(3), section 12 or section 13(3) shall be liable to punishment by fine or imprisonment for a term not exceeding 1 year.

Subsection 2. The penalty may be increased to imprisonment for a term not exceeding 2 years if the contravention has been committed intentionally or grossly negligently and if the contravention has

- 1) resulted in damage to the life or health of young persons below the age of 18 or risk of such damage or
- 2) given or has intended to give financial benefits to the transgressor or others, including through savings.

Subsection 3. If the financial benefits achieved or intended through the contravention is not confiscated, special consideration shall be taken of the size of the achieved or intended financial benefit, cf. subsection 2(ii), when determining the size of any fine, including any supplementary fine.

Subsection 4. Companies etc. (legal personalities) may be liable to punishment according to the provisions of part 5 of the Penal Code (*straffeloven*).

Section 16. This order shall enter into force on 1 April 2014.

Subsection 2. At the same time, order no. 685 of 12 July 2000 on offshore diving operations and offshore diving equipment shall be repealed.

Subsection 3. This order shall not apply to Greenland.

Subsection 4. Certificates issued pursuant to the said orders shall remain valid until the expiry date stated on the certificate.

Danish Maritime Authority, 12 December 2013

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