

Translation: Only the Danish document has legal validity.

*Executive Order no. 221 of 11/02/2022
issued by the Danish Maritime Authority*

Executive Order of the Act on Safety at Sea¹⁾

The Act on Safety at Sea, cf. Consolidated Act no. 1629 of 17 December 2018, with the amendments resulting from section 3 of Act no. 782 of 4 May 2021, is hereby announced.

Chapter 1

Application of the Act on Danish and foreign ships

Section 1. The Act applies to Danish ships. However, only chapter 3, section 17(3), and chapter 12 apply to warships and troop carriers.

Subsection 2. The Minister for Industry, Business and Financial Affairs may lay down rules on which objects shall be regarded as ships.

Subsection 3. The Minister for Industry, Business and Financial Affairs may lay down rules stating that the Act and the regulations issued pursuant to it shall apply in whole or in part to foreign ships in Danish ports, in Danish territorial waters, in the exclusive economic zones and in the Danish continental shelf area and fishing territory. Faroese ships are equated with foreign ships in this Act.

Chapter 2

Regulations concerning the construction, equipment and operation of ships, etc.

Section 2. Every ship shall be so constructed and equipped and shall be so operated that human life at sea is fully safeguarded and that it is fit for the purpose for which it is intended at any time. Protection against pollution must be taken into account as much as possible.

Subsection 2. The ship shall be equipped with navigation equipment, machinery, radio equipment, rescue equipment, medicines, as well as fire protection and fire extinguishing equipment to such an extent that the persons on board, the ship and the cargo are protected to the best possible extent.

Subsection 3. The ship's workplaces and living quarters, etc., shall be designed so that the safety and health on board and the well-being of those on board, as well as their protection against harmful effects are taken into account as much as possible.

Subsection 4. The ship must be equipped with structural and technical devices for protection against pollution.

Section 3. The Minister for Industry, Business and Financial Affairs may lay down rules on the construction, equipment and operation of ships, including on,

1) When and according to which guidelines a ship must be surveyed, inspected, approved and equipment

- tested, requirements for the ship's stability, load lines and draught marks, and the shipowner's and master's duties in this regard, as well as on the notification of ship conversions by shipyards and other companies,
- 2) Safety management systems for ships and shipping companies,
 - 3) Which laws, regulations, certificates and ship's logs, including ship's plans for the prevention of pollution from ships, as well as inspection logs must be kept on board, and on the authorisation, layout and keeping of the logs, and on which notices must be placed on board,
 - 4) Ship's pollution prevention records, including the authorisation of the records and the responsibility for their keeping and storage, and their control,
 - 5) Maritime security aimed at preventing acts of terrorism, etc., against ships,
 - 6) Aids and materials, their design and labelling, use, maintenance and care, safety work, the duties of the shipowner and other employers in connection with the seafarers' working and living conditions on board, including the health and safety conditions under which work on board is not covered by the Working Environment Act, must be performed,
 - 7) The ship's safety, fire and rescue services, health conditions and cleanliness on board, the health training of medical practitioners, occupational medical examinations, the costs incurred in connection therewith, and the duties of the shipowner and other employers and employees in this connection,
 - 8) The responsibilities of ship officers and others on board who hold senior positions,
 - 9) The prevention of stowaways on board and the treatment of stowaways on board,
 - 10) The labelling, loading, carriage and unloading of dangerous goods and other cargoes requiring special measures for the safety of the ship and human life and protection against pollution, including on terminal operators' quality management systems for the loading and unloading of bulk carriers; and
 - 11) The transport of live animals.

Subsection 2. For foreign ships that are covered by the Act pursuant to rules laid down in pursuance of section 1(3), the Minister for Industry, Business and Financial Affairs may lay down rules on the matters covered by the UN International Labour Organisation's Maritime Labour Convention or the UN International Labour Organisation's Convention on Working Conditions in the Fishing Industry.

Subsection 3. The Minister for Industry, Business and Financial Affairs may lay down rules on stricter safety requirements for ships whose navigation in Arctic waters poses a particular risk to those on board the ship or the Arctic environment, including rules on the use of pilots who are certified to navigate in the area in question.

Section 4. The Minister for Industry, Business and Financial Affairs may lay down rules on the supply, marketing and manufacture of recreational craft, marine equipment, personal protective equipment and other products used on board ships.

Subsection 2. The Minister for Industry, Business and Financial Affairs may lay down rules on conditions that the sender must observe when transporting goods by sea.

Subsection 3. The Minister for Industry, Business and Financial Affairs may lay down rules on the duty to notify Danish and foreign maritime authorities of accidents and other incidents at sea and on Danish authorities' reporting thereof to the European maritime accident information platform.

Subsection 4. The Danish Maritime Authority may order that anyone who markets a vessel or a product as mentioned in subsection 1, and which, when used in accordance with its intended purpose, may present a danger to safety, health or the environment, shall take the necessary measures to prevent this. An order can be issued for:

- 1) The supply or placing on the market of the vessels or products concerned must be stopped; and
- 2) The products or vessels concerned to be withdrawn from the market.

Subsection 5. Authorities' supervising rules laid down pursuant to subsection 1 concerning products covered by the Directive of the European Parliament and of the Council on marine equipment and the European Parliament and Council Directive on recreational craft and personal vessels may use the inspection powers granted to the inspection authority in the Act on Products and Market Surveillance to the extent that the inspection powers in question do not already follow from this Act.

Section 5. For ships whose keel is laid or which are at a similar stage of construction at the time when new rules issued under sections 3 and 4 enter into force, it may be determined that the new rules shall not or not fully apply. Reasonable consideration shall be given to protection against pollution, health and safety conditions, and the nature and use of the ship.

Subsection 2. For ships of less than 20 GRT, with a gross tonnage of less than 20 or with a length of less than 15 metres, and for ships worthy of preservation, more lenient rules may be laid down that deviate from the provisions in section 2.

Chapter 3

Precautions for sailing, etc.

Section 6. The Minister for Industry, Business and Financial Affairs may lay down rules, take measures, and issue general and specific prohibitions or orders to safeguard navigation, maintain order and prevent danger, and to prevent obstacles to free navigation, including

- 1) Prohibition of sailing, fishing, anchoring and diving in specific areas,
- 2) Rules of the sea, speed restrictions and routes,
- 3) Signalling and routing systems, radar surveillance and the use of deflector vessels,
- 4) Approval of fast ferries,
- 5) Bridges,
- 6) Protection of submarine cables and pipelines,
- 7) The creation of zones for the maintenance of order and prevention of danger around marine installations and in connection with construction works,
- 8) Watches on ships and

9) Assisting in the rescue of human life at sea.

Section 7. The Minister for Industry, Business and Financial Affairs may order any master of a ship flying the Danish flag to contribute to the maintenance of a weather service to the extent required for the safety of navigation by recording and forwarding meteorological observations.

Subsection 2. The Minister for Transport shall, after negotiation with the Minister for Industry, Business and Financial Affairs, take the necessary measures for Denmark's participation in the maintenance of an international weather service for the safety of shipping.

Section 8. When conditions make it necessary, navigation systems and markings shall be established as specified by the Minister for Industry, Business and Financial Affairs to assist in positioning and navigation in the Danish marking area.

Subsection 2. Establishment and maintenance of navigation systems and markings to assist in localisation and navigation in main and transit waters, as well as for safe anchorage, shall be carried out at the state's expense by the Danish Maritime Authority.

Subsection 3. Navigation systems and marking not covered by subsection 2 shall be installed and maintained by the relevant port authority, bridge authority, etc., who shall also bear the related costs.

Subsection 4. Questions of delimitation between subsections 2 and 3 shall be decided by the Minister for Industry, Business and Financial Affairs.

Section 8 a. After negotiation with the Minister of Defence, the Minister for Industry, Business and Financial Affairs may lay down rules on the surveillance of Danish waters and ships calling at ports, including the obligation to report to the Navy's Operational Command on the ships sailing in the waters and ports mentioned in section 1(3), the persons on board and the ships' cargo etc.

Chapter 4

General duties

Section 9. The shipowner shall ensure that the rules in this Act and rules issued pursuant to the Act concerning the ship and its operation are observed. The shipowner must ensure that the ship undergoes statutory inspections and has valid certificates. The shipowner shall also ensure that the master has the opportunity to fulfil the obligations incumbent on him. The obligations under points 1-3 are the responsibility of the shipowner, regardless of whether other organisations, companies or persons carry out some of the tasks or duties on behalf of the shipowner.

Subsection 2. If the shipowner has transferred all or part of the duties and responsibilities covered by the International Maritime Organisation's Code for the Safe Operation of Ships to another organisation or person, subsection 1 shall also apply to that person in respect of the transferred duties and responsibilities.

Section 10. The master must ensure that the ship is in a safe and healthy condition and that the work on board can be organised so that it can be performed in a safe and healthy manner. The master must also ensure that prescribed structural and technical devices for protection against pollution are in proper

condition and can be used as intended.

Section 11. The person in charge of the work on board must ensure that the employees are adequately protected against accidents and health hazards and must, through instruction and supervision, ensure that the work is carried out in a safe manner taking into account the risk of accidents and health hazards.

Section 12. The employees on board shall contribute to ensuring that the measures taken to protect against accidents or harmful effects work as intended.

Section 13. It is the responsibility of every person on board to respect the safety measures taken on board for the sake of the seaworthiness of the ship and the safety of those on board.

Chapter 5

Detention and banned from entering port

Section 14. If, as a result of defects or deficiencies in hull, machinery, safety equipment, placement of ballast and cargo, manning or for other reasons, allowing a ship to go to sea or continue sailing is associated with a risk to the safety or health of persons on board or a risk of pollution, the Danish Maritime Authority may detain the ship.

Subsection 2. The Danish Maritime Authority may furthermore detain a ship if the ship lacks prescribed certificates, documents or equipment, or if this is defective. The Danish Maritime Authority may also detain a ship if serious or repeated violations of this Act, the Act on Seafarers' Employment, etc., the Ships' Crews Act, the Ship Measurement Act, sections 186, 197, 198 or 471 of the Maritime Act or rules issued in pursuance thereof are found. Similarly, the Danish Maritime Authority may detain a ship if the shipowner, the master or anyone acting on their behalf obstructs the Danish Maritime Authority in the proper performance of its duties.

Subsection 3. The Danish Maritime Authority may lay down rules on issuing a ban from a ship leaving a port due to unfavourable weather, sea or ice conditions.

Subsection 4. The decision to detain the ship shall be communicated to the master or shipowner as soon as possible, stating the reason for the detention and the conditions under which release may take place. The Danish Maritime Authority may make the release of a ship conditional on the issuer of the ship's certificates having verified and confirmed that the certification can be maintained.

Subsection 5. The Danish Maritime Authority may take measures to prevent the departure of the ship. Abroad, the decision to detain may be reported to the local Danish representation, which may, at the request of the Danish Maritime Authority, arrange for measures to be taken to prevent the ship's departure.

Section 15. The Danish Maritime Authority may issue a ban from entering port where this is authorised by EU rules or international provisions. When a ban from entering port has been issued against a ship, the Danish Maritime Authority may authorise the ship to enter a specific Danish port if the ship's continued sailing involves a risk of loss of life, damage to the marine environment, or if imperative safety considerations make it necessary, or for the purpose of rectifying defects.

Section 16. Only authorised employees of the Danish Maritime Authority may detain ships, cf. section 14(1) and (2). Harbour masters may, however, be authorised by the Danish Maritime Authority to temporarily detain a ship.

Subsection 2. The Danish Maritime Authority may inform other countries, classification societies, the European Commission, the European Maritime Safety Agency or other organisations or persons of defects or deficiencies found on ships and other information of importance to safety or the environment and of ships that have been detained or banned from entering port, including the name of the ship's classification society, charterer, etc., and the reason for the detention or banned from entering port. The Danish Maritime Authority may also publish information about this and inform and publish information about other violations of this Act, the Act on Seafarers' Employment, etc., the Act on Ships' Crews, the Maritime Act, and the Act on Ship Measurement and rules issued in pursuance of these acts, as well as about accidents at sea.

Subsection 3. The Minister for Industry, Business and Financial Affairs may lay down detailed rules on the Danish Maritime Authority's detention of ships and a ban from entering port, including notification of police and port authorities, etc. The Minister for Industry, Business and Financial Affairs may furthermore lay down rules on the procedure and conditions for cancelling detentions or a ban from entering port.

Subsection 4. The Danish Maritime Authority's decision on detention of a ship and a ban from entering port may be appealed by the shipping company concerned to the Maritime Appeals Board.

Chapter 6

Supervision, etc.

Section 17. The Minister for Industry, Business and Financial Affairs is the supreme administrative authority in matters relating to this Act, cf., however, subsection 3, section 7(2), section 8, and section 21(3).

Subsection 2. The Danish Maritime Authority is responsible for the administration of this Act, cf. section 7(2), sections 8 and 20a, and is tasked with

- 1) Ensure compliance with the Act and the rules, orders and prohibitions laid down pursuant to it,
- 2) Authorise the use of ships, including the permitted speed range and number of passengers, and issue the necessary certificates and other documentation in connection therewith; and
- 3) Keep abreast of technical and social developments in the field of the Act and contribute to safety, health and environmental improvements of ships, their equipment and operation.

Subsection 3. The Minister of Defence may lay down rules on health and safety for the ships mentioned in section 1(1), second sentence. The Minister of Defence shall supervise compliance with the rules mentioned in the first sentence.

Subsection 4. The Minister for Industry, Business and Financial Affairs shall control navigation systems and marking.

Subsection 5. The Minister for Industry, Business and Financial Affairs may lay down detailed rules on the systems, etc., and the control mentioned in subsection 4.

Subsection 6. The Minister for Industry, Business and Financial Affairs may authorise the Danish Maritime Authority to exercise the powers conferred on the Minister of Industry, Business and Financial Affairs by this Act.

Subsection 7. The Minister may lay down rules on the publication of the regulations issued pursuant to the Act and may decide that international decisions within the scope of the Act shall apply, even if they are not available in Danish. The Minister may also decide that ships must comply with regulations laid down by recognised classification societies, etc., even if they are not available in Danish.

Subsection 8. The Minister for Industry, Business and Financial Affairs may, in agreement with the minister concerned, lay down rules on the Danish Maritime Authority's collaboration with other public authorities and ports and decide that the powers of the Minister for Industry, Business and Financial Affairs and the Danish Maritime Authority under the Act shall be exercised by other public authorities.

Subsection 9. The Minister for Industry, Business and Financial Affairs may lay down rules on the right of appeal, including that decisions made by the Danish Maritime Authority and other public authorities pursuant to the Act may not be appealed to another administrative authority.

Section 17 a. The Minister for Industry, Business and Financial Affairs may lay down rules to the effect that written communication to and from authorities concerning matters covered by this Act or by rules issued pursuant to this Act must be in digital form.

Subsection 2. The Minister for Industry, Business and Financial Affairs may lay down more detailed rules on digital communication, including the use of certain IT systems, special digital formats and digital signatures, etc.

Subsection 3. A digital communication shall be deemed to have been delivered when it is accessible to the addressee of the communication.

Section 17 b. The Minister for Industry, Business and Financial Affairs may lay down rules to the effect that the authorities may issue decisions and other documents under this Act or under regulations issued pursuant to this Act without a signature, with a signature reproduced by machine or in an equivalent manner, or using a technique that ensures the unambiguous identification of the person who issued the decision or document. Such decisions and documents shall be treated in the same way as decisions and documents bearing a personal signature.

Subsection 2. The Minister for Industry, Business and Financial Affairs may lay down rules to the effect that decisions and other documents taken or issued exclusively on the basis of electronic data processing may be issued only with the indication of the authority concerned as the sender.

Section 18. The Danish Maritime Authority may order that matters that contravene the Act or rules, or decisions pursuant to the Act, shall be remedied immediately or within a specified deadline.

Section 19. If deemed necessary in connection with their duties, the employees of the Danish Maritime Authority shall, at any time, against proper identification and without a court order, be authorised to board any ship covered by the Act in order to perform their duties. In the same way, employees of the Danish Maritime Authority have access to premises from which business activities covered by the Act are carried out. Point 1 applies correspondingly to ships under construction.

Subsection 2. It is the responsibility of the shipowner, master, and chief engineer of the ship, as well as anyone acting on their behalf, to provide the Danish Maritime Authority with the necessary assistance in its investigations and to provide any information in connection therewith.

Subsection 3. If there is a specific suspicion that a legal person has committed an offence that may result in punishment, it is the duty of the master and chief engineer of the ship, as well as anyone acting on their behalf, to provide information about the health and safety of employees on board, cf. subsection 1, to the extent that the information is sought to be obtained for the processing of issues other than the imposition of a penalty, cf. section 10(2) of the Act on Legal Certainty in the Administration's Use of Coercive Measures and Information Obligations.

Subsection 4. When performing their duties, the employees of the Danish Maritime Authority shall ensure that the ship is not unnecessarily delayed and that the work on board is not unnecessarily hindered.

Subsection 5. Within the framework of this Act, the Danish Maritime Authority provides assistance to the European Commission and the European Maritime Safety Agency regarding this Act and regulations within the scope of this Act.

Section 20. The Minister for Industry, Business and Financial Affairs may lay down rules on reporting obligations in connection with ships calling at Danish or foreign ports.

Subsection 2. The police may stop a recreational craft and have it inspected for defects and deficiencies, including necessary equipment, and check that the master can legally operate the vessel. If the vessel does not comply with the provisions of the Act or the regulations issued pursuant to the Act, the police may prohibit the use of the vessel until the situation is legalised.

Subsection 3. Police, customs authorities, the Danish Working Environment Authority and port authorities who become aware of circumstances that contravene this Act or rules laid down in pursuance of the Act shall inform the Danish Maritime Authority thereof. The competent authority may lay down further rules in this respect.

Subsection 4. A doctor who finds or suspects that a person has been exposed to harmful effects in connection with their work on board a ship must notify the Danish Working Environment Authority. The Minister for Industry, Business and Financial Affairs may lay down rules on this.

Subsection 5. The Minister for Industry, Business and Financial Affairs may lay down rules on the duty to report occupational accidents, cases of poisoning, occupational diseases, and other matters of health and safety significance.

Section 20 a. As part of its supervisory activities under this Act, the Danish Maritime Authority may also supervise compliance with the Act on Smoke-free Environments and chapter 2 of the Act on Electronic Cigarettes. etc., on Danish Ships and compliance with the Act on Seafarers' Employment, etc., the Act on Ship's Crew, the Act on Ship Measurement, sections 153, 154a and 168, section 169(4), section 170, section 170a(2) and (3), and sections 186, 186(3), 186(4) and 186(4) 2 and 3, and sections 186, 197, 198, 403 a-403 c, 440, 471 and 486 of the Maritime Act and regulations issued pursuant thereto and EU regulations within the scope of the acts. The Danish Maritime Authority may order that conditions that violate the above-mentioned laws, rules, or regulations issued pursuant thereto be rectified immediately or within a specified deadline.

Subsection 2. Sections 16(2), 17(8) and (9), sections 19, 22 and 24, and the rules issued in pursuance thereof, and section 25 shall apply correspondingly to the supervisory activities under subsection 1.

Subsection 3. The Minister for Industry, Business and Financial Affairs may lay down rules on the supervision carried out under this Act and on the handling of complaints from seafarers and others, including that it must not be stated that inspections are carried out as a result of a complaint. Rules on the supervision of compliance with the Smoke-free Environments Act and chapter 2 of the Act on Electronic Cigarettes, etc., on Danish ships are determined after negotiation with the Minister for Interior and Health.

Section 20 b. Within the framework of this Act, the Danish Maritime Authority is responsible for issuing the prescribed certificates and other documentation pursuant to the Act on Seafarers' Employment, etc. The Danish Maritime Authority may lay down further rules in this regard.

Chapter 7

Maritime Appeals Board

Section 21. The Minister for Industry, Business and Financial Affairs shall establish a Maritime Appeals Board to hear complaints about detention of ships and prohibition of entry into Danish ports, orders and prohibitions against ships and platforms to the extent provided for in the Act on Protection of the Marine Environment or in rules laid down in pursuance thereof, determination of ships' crews and decisions by maritime doctors on the medical fitness of seafarers and fishermen for sea service.

Subsection 2. The Minister for Industry, Business and Financial Affairs may refer appeals against decisions other than those mentioned in subsection 1 to the Maritime Appeals Board.

Subsection 3. The Board's decisions cannot be appealed to another administrative authority. The case may be brought before the courts by either party no later than 4 weeks after the Board's decision. Legal action is taken against the authority whose decision is appealed to the Board. However, cases concerning decisions by maritime doctors on fitness for service are always brought against the Danish Maritime Authority. Legal proceedings initiated by the authority whose decision is appealed to the Board are brought against the party that appealed the decision. The authority whose decision is appealed to the Board shall inform others who have been parties to the proceedings before the Board of the action.

Subsection 4. The Board consists of a chairperson and a number of expert members. A deputy may be appointed for the chairperson. The chairperson and deputy chairperson must be High Court judges. The Board's expert members must have knowledge of maritime matters, including technical, nautical or maritime medical matters.

Subsection 5. The chairperson and the members of the board and the deputy chairperson are appointed by the Minister for Industry, Business and Financial Affairs for a period of 4 years with the possibility of reappointment.

Subsection 6. A number of members appointed by the chairperson in accordance with rules laid down by the Minister for Industry, Business and Financial Affairs shall participate in the decision of the individual case.

Subsection 7. The Minister for Industry, Business and Financial Affairs shall lay down rules on the board's activities, including the appointment of the board's members and the chairperson's composition of the board in the individual cases, as well as on appeal deadlines and case processing.

Chapter 8

Classification societies, etc.

Section 22. The Minister for Industry, Business and Financial Affairs may, on specified conditions, authorise classification societies, other companies, or individuals to carry out surveys of ships on behalf of the Danish Maritime Authority, including calculations, surveys, and measurements of ships, and to issue certificates.

Subsection 2. The Minister for Industry, Business and Financial Affairs may, on specified conditions, authorise companies or individuals to carry out approval work, as well as examinations of and tests on ships, ship equipment, and other products that the Danish Maritime Authority must approve.

Subsection 3. The Minister for Industry, Business and Financial Affairs may lay down rules on the recognition of tests and approvals, etc.

Subsection 4. The Danish Maritime Authority is not liable for errors committed by the authorised companies, etc., mentioned in subsections 1 and 2.

Subsection 5. The Danish Maritime Authority is not required to carry out surveys and approvals covered by an authorisation issued pursuant to subsections 1 or 2.

Subsection 6. When an authorisation is issued pursuant to subsections 1 or 2, the Danish Maritime Authority may, if the person being authorised so wishes, enter into an agreement on limitation of the authorised person's liability for damage occurring due to simple negligence during the performance of the tasks covered by the authorisation.

Section 23. The Minister for Industry, Business and Financial Affairs may lay down rules stating that ships with a length of 45 m or more must be registered with an authorised classification society.

Chapter 9

Payment and security for inspections, detentions, etc.

Section 24. The Minister for Industry, Business and Financial Affairs may lay down rules on payment for the Danish Maritime Authority's performance of surveys of ships carried out pursuant to the Act.

Subsection 2. The Minister for Industry, Business and Financial Affairs may lay down rules on payment for surveys carried out on request, including surveys of foreign ships, and on payment for work performed in connection with approvals or certifications carried out pursuant to the Act.

Subsection 3. If a port state control of a foreign ship reveals errors that justify detention of the ship, the Danish Maritime Authority may charge for the control. The detention will not be lifted until full payment has been made or security has been provided.

Subsection 4. The Minister for Industry, Business and Financial Affairs may lay down rules on interest on amounts pursuant to subsections 1-3 that are not paid when due and on payment of reminder fees.

Section 25. The classification societies mentioned in sections 22 and 23, other companies and individuals may charge for their work.

Chapter 10

Ship Inspection Council

Section 26. The Minister for Industry, Business and Financial Affairs shall establish the Ship Inspection Council, which

- 1) Advises the Ministry of Industry, Business and Financial Affairs and the Danish Maritime Authority on safety at sea,
- 2) Follows developments within the area of the law and
- 3) Submits requests and proposals regarding maritime safety legislation and related administration.

Subsection 2. The Ship Inspection Council shall consist of a chairperson appointed by the Minister and a number of members determined by the Minister, including representatives of shipowners, seafarers and shipyards. The Minister may appoint representatives of other professions as members.

Subsection 3. The Minister for Industry, Business and Financial Affairs shall determine the Council's rules of procedure.

Chapter 11

Health and safety councils and health services

Section 27. The Minister for Industry, Business and Financial Affairs may establish health and safety councils to promote the health and safety of employees on board. Health and safety councils are composed of an equal number of representatives of workers on board and their employers. The Ship Inspection Council lays down rules for the selection of members to the Health and Safety Councils.

Subsection 2. To ensure the health and safety of persons working on board, the health and safety councils shall establish a health and safety service under their jurisdiction.

Subsection 3. Subsections 1 and 2 do not apply to health and safety councils and health and safety services covered by the Danish Merchant Navy Health and Welfare Council Act.

Subsection 4. The Minister for Industry, Business and Financial Affairs may grant subsidies to the Fisheries Working Environment Council's work with advice, guidance, information, analyses, measurements and other preventive activities. The amount is determined in the annual finance bills.

Subsection 5. The Minister for Industry, Business and Financial Affairs lays down rules on the structure, tasks, functions and financing of health and safety councils and health and safety services.

Part 11a

Safety in connection with construction projects

Section 27 a. The Minister for Industry, Business and Financial Affairs may lay down rules stating that developers of construction projects that take place wholly or partly at sea must contribute to ensuring that activities associated with the project are carried out in accordance with this Act and the rules issued pursuant to it.

Chapter 12

Penalty provisions

Section 28. A fine or imprisonment for up to 1 year shall be imposed on anyone who

- 1) Violates sections 9-13 or section 19(2),
- 2) Violates conditions attached to an authorisation, exemption or approval under the Act; or
- 3) Fails to comply with orders or prohibitions issued under the Act or under regulations issued pursuant to the Act, including orders or prohibitions issued pursuant to section 4(5).

Section 29. Any person who causes grounding, shipwreck or another maritime accident by gross error or gross negligence in the course of duty shall be liable to a fine or imprisonment for up to 4 months unless a higher penalty is prescribed by other legislation. The same applies if the person concerned repeatedly causes such an event through fault or negligence.

Subsection 2. The master or mate who grossly or repeatedly navigates or treats the ship in violation of good seamanship is punishable by a fine or imprisonment for up to 4 months. A master who fails to familiarise himself with the orders and regulations that apply to shipping in the waters the ship navigates and in the places the ship calls at is punishable by a fine or imprisonment for up to 4 months.

Subsection 3. The master who neglects their obligations under section 135 of the Maritime Act regarding the rescue of persons on board after the ship has been in distress at sea shall be punished by a fine or imprisonment for up to 4 months.

Section 29 a. Anyone who commands a ship or otherwise performs work on board a ship in a position of significant importance to safety after having consumed alcohol to such an extent that the alcohol concentration in the blood exceeds 0.50 per thousand during or after the voyage is punished for sailing under the influence of alcohol.

Subsection 2. Subsection 1 shall not apply to recreational craft for which no training requirements are prescribed for the master or, where applicable, the mate of the craft. However, drivers of jet skis and similar

vessels are covered by subsection 1.

Subsection 3. Subsection 1 does not apply when a recreational craft is moored in a harbour or protected anchorage.

Subsection 4. Any person who commands a ship or otherwise performs work on board a ship in a position of significant importance to safety after having consumed alcohol or other intoxicants to such an extent that they are unable to perform their duties in a fully safe manner shall also be punished for sailing under the influence of alcohol.

Subsection 5. Subsection 1 applies correspondingly to a foreign recreational vessel if training requirements would have been prescribed for the master or any mate of the vessel, cf. subsection 2, first sentence, if the vessel had flown the Danish flag.

Subsection 6. After negotiation with the Government of Greenland, the Minister for Industry, Business and Financial Affairs may lay down rules on sailing under the influence of alcohol in Greenland waters that include persons other than those mentioned in subsections 1 and 4. The Minister may furthermore stipulate that subsections 2, 3 and 5 shall not apply in whole or in part in Greenland waters.

Section 29 b. The police may at any time require persons covered by the provisions on sailing under the influence of alcohol in this Act to take a breath test.

Subsection 2. The police may present a person for a blood and urine sample if there is reason to believe that the person has violated the provisions on sailing under the influence of alcohol, or if the person refuses or is unable to cooperate with a breath test. In special circumstances, the police may also present the person concerned for examination by a doctor.

Section 29 c. Sailing under the influence of alcohol under section 29 a is punishable by a fine or imprisonment for up to 1 year and 6 months.

Subsection 2. Sailing under the influence of alcohol in rowing boats and similar vessels that are not propelled by sail or motor power is, however, punishable by a fine.

Section 29 d. Any person who commands a ship or serves as mate or chief engineer, despite the fact that the right to do so has been unconditionally deprived, shall be liable to a fine, subject to subsection 2.

Subsection 2. The penalty under subsection 1 may increase to imprisonment for up to 1 year and 6 months if the person concerned

- 1) Is found guilty of several cases of sailing while disqualified or
- 2) Has previously been penalised for sailing while disqualified.

Section 29 e. The right to sail a ship or to serve as a mate or engineer may be withdrawn by judgment from a person who has been guilty of sailing under the influence of alcohol. The disqualification is unconditional, but may be conditional under extenuating circumstances.

Subsection 2. Under aggravating circumstances, the right to drive a ship or serve as mate or chief engineer may also be revoked in connection with a conviction for violation of section 29(1) or (2). The

disqualification can be conditional.

Subsection 3. Unconditional disqualification under subsections 1 and 2 is for a period of between 6 months and 5 years or permanently.

Subsection 4. If the right to sail a ship or serve as mate or engineer is unconditionally revoked, the prosecuting authority shall send the person's certificate of competency, certificate of proficiency or powerboat certificate and a transcript of the judgment to the Ministry of Industry, Business and Financial Affairs. If a person has been disqualified from driving a ship or serving as a mate or engineer for more than 3 years, the question of regaining the right before the expiry of the disqualification period may be brought before the courts. Bringing a case before a court is made according to the rules in section 78(3) of the Criminal Code and can take place at the earliest when 3 years have elapsed from the final judgment. The court can only restore in exceptional circumstances.

Subsection 5. Conditional disqualification is subject to the condition that the person concerned, for a probationary period of 3 years from the final judgment, does not operate a ship or serve as mate or engineer under such circumstances that the right to do so must be disqualified. In the case of a conditional disqualification, the determination of the disqualification period is postponed. If the convicted person commits a new offence during the probationary period that results in disqualification from driving a ship or serving as a mate or engineer, the court shall impose a joint disqualification for this offence and the previously convicted offence.

Subsection 6. If, in the event of sailing under the influence of alcohol, the police find that the conditions for unconditional disqualification from sailing a ship or serving as mate or engineer exist, the police may temporarily withdraw this right; however, so that the court, before the matter is finally decided by judgment, may cancel the decision made by the police. If the judgment is acquittal in the first instance and the Prosecution Service appeals the judgment, the Prosecution Service may, where the circumstances particularly indicate that the revocation of the right to sail or serve as a mate or engineer should be maintained during the appeal, refer the matter to the appellate body, which shall decide the matter by order. The period of disqualification shall be deducted from the period of disqualification for which the right to drive a ship or to serve as mate or engineer has been withdrawn.

Subsection 7. If a master, mate or chief engineer is disqualified from serving under subsection 1, the judgment shall determine whether the master may serve as mate and whether the mate or chief engineer may serve at a lower rank. In such cases, the Minister for Industry, Business and Financial Affairs shall issue the person concerned with the necessary certificate of disqualification. However, a partial disqualification cannot be imposed if the person is guilty of sailing under the influence of alcohol.

Section 30. If the master, in the event of a collision or where the ship in its voyage or in a similar manner causes damage to another ship or persons or goods on board, fails, so far as this can be done without special danger to their own ship, its crew and passengers, to render the other ship and its crew and passengers all

assistance that is possible and necessary to save them from the danger, and to give the radio call sign, name and home port of their own ship, as well as the place or port from which it comes and to which it is bound, they shall be punished with a fine or imprisonment for up to 4 months.

Section 31. The penalty under section 29(1)-(3) may increase to imprisonment for up to 1 year if there are aggravating circumstances, cf. section 32(1) and (6), and to imprisonment for up to 2 years if the offence is committed intentionally. The penalty under sections 28 and 30 can increase to imprisonment for up to 2 years if the offence is committed intentionally or through gross negligence.

Subsection 2. The penalty under section 28, section 29(1)-(3), section 29c(1) and section 30 may also be increased to imprisonment for up to 2 years if the offence has resulted in an accident causing serious personal injury or death.

Section 31 a. In cases of violation of rules issued in pursuance of section 3(4), which is not deemed to result in a higher penalty than a fine, may state in a notice of penalty that the case may be settled without trial if the person who has committed the offence, pleads guilty to the offence and agrees to pay a fine specified in the notice of fine within a specified deadline. The deadline can be extended by the Danish Maritime Authority upon request.

Subsection 2. The rules of the Danish Administration of Justice Act on the requirements for the content of an indictment and that a defendant is not required to make a statement shall apply correspondingly to a notice of fine.

Subsection 3. If the person who has committed the offence accepts the fine, there will be no further prosecution.

Section 31 b. If on board a ship, as part of its operation, there has been a violation of this Act, the Act on Ships' Crews or regulations issued in pursuance thereof, the ship may be detained if necessary to secure a claim for payment of fines and legal costs. However, detention cannot take place if the person who had the ship at his disposal was in unauthorised possession of the ship when the claim arose.

Subsection 2. If the fine or legal costs have not been paid or security has not been provided within 2 months after the final decision in the case, the ship may be seized.

Subsection 3. Detention shall be carried out by the police. In the event of a violation of provisions issued pursuant to section 3(4), detention may also be carried out by the Danish Maritime Authority.

Subsection 4. When detention is initiated pursuant to subsection 1, chapter 74 of the Danish Administration of Justice Act on seizure shall apply with the amendments that follow from subsections 1-3.

Section 32. In sentencing, it shall be regarded as an aggravating circumstance that

1) The offence, including in connection with causing a maritime accident or sailing contrary to good seamanship, has caused injury to life or health or caused danger thereof without the matter being covered by section 31(2),

(2) A prohibition or an order has previously been issued in respect of the same or a similar matter; or

3) The infringement has resulted in or is intended to result in a financial benefit for the person concerned or for others.

Subsection 2. When sentencing under section 29c(1), particular consideration shall be given to whether

- 1) The blood alcohol concentration during or after sailing has exceeded 2.00 per thousand,
- 2) They are found guilty of multiple offences of sailing under the influence of alcohol,
- 3) The person has previously been conditionally disqualified from driving a ship or serving as a mate or engineer as a result of sailing under the influence of alcohol, and the new offence was committed within 3 years of the previous decision becoming final,
- 4) The person has previously been disqualified from sailing a ship or serving as a mate or engineer unconditionally as a result of sailing under the influence of alcohol, and the new offence was committed within 5 years after the expiry of the disqualification period, or
- 5) There are otherwise serious sailing faults or other aggravating circumstances.

Subsection 3. When imposing fines under section 29c(1), special consideration shall also be given to the person's income at the time of the offence and the blood alcohol level during or after the voyage.

Subsection 4. When imposing fines under section 29d(1), special consideration shall be given to the person's income at the time of the offence. The same applies to fines imposed under section 58 of the Criminal Code in connection with a suspended prison sentence imposed under sections 29c(1) or 29d(2).

Subsection 5. The provisions in subsections 3 and 4 may be deviated from if there are special reasons for doing so.

Subsection 6. It shall be regarded as a particularly aggravating circumstance that, in the case of a young person under 18 years of age, harm to life or health has occurred or danger thereof has been caused, cf. subsection 1 (1).

Subsection 7. If it is considered necessary to prevent further violations of the Act or rules issued in pursuance thereof, a speedboat with a hull length of less than 15 metres, a jet ski or a similar vessel for which training requirements have been prescribed for the vessel's driver or any mate may be confiscated in cases where the master has repeatedly navigated or handled the vessel in violation of good seamanship, or where the vessel has been operated in gross violation of the Act or regulations issued pursuant to it, which has resulted in injury to life or health or caused danger thereof. Under similar conditions, such a vessel owned by the person who committed the offence may be confiscated even if it was not used in the commission of the offence. Otherwise, the provisions of the Criminal Code on confiscation apply.

Subsection 8. Where no confiscation of the proceeds of the infringement is ordered, the amount of any financial advantage obtained or intended shall be taken into account, in particular, in the assessment of any fine, including any additional fine.

Subsection 9. Regulations issued pursuant to the Act may provide for a fine or imprisonment for up to 1 year. In such regulations, similar punishment may be determined for violating regulations laid down in the

European Union's regulations on conditions covered by the act. It may also be provided that the penalty may be increased to imprisonment for up to 2 years in similar circumstances as mentioned in subsection 1.

Subsection 10. Criminal liability may be imposed on companies, etc., (legal persons) in accordance with the rules in chapter 5 of the Criminal Code.

Subsection 11. For the purpose of imposing criminal liability under subsection 10, persons employed to perform work on board the ship by persons other than the shipowner shall also be deemed to be associated with the shipowner. Where a document of compliance under the Safety Management Code or a certificate under the Seafarers' Employment Convention has been issued to another organisation or person, the master and seafarers shall also be deemed to be associated with the person to whom the document has been issued.

Subsection 12. A legal person who proves that it has done everything necessary to ensure a good and safe working environment cannot, however, be penalised in cases where an employee violates section 12 or provisions laid down in pursuance of sections 3(6) and subsection 9, if the violation relates to the use of personal protective equipment, extraction measures, protective equipment or safety measures solely for the protection of the person concerned.

Chapter 13

Entry into force, etc.

Section 33. The Act enters into force on 1 March 1999.

Section 34. The Act on the Safety of Ships, etc., cf. Consolidation Act no. 594 of 26 June 1996, and the Act on the Safety of Shipping, cf. Consolidation Act no. 587 of 29 September 1988, are repealed simultaneously.

Subsection 2. Rules issued pursuant to the Acts mentioned in subsection 1 shall remain in force until they are repealed or replaced by rules issued pursuant to this Act.

Subsection 3. Violation of the rules mentioned in subsection 2 shall be penalised in accordance with the previous rules.

Subsection 4. Certificates and other documents issued pursuant to the laws mentioned in subsection 1 shall remain valid until the expiry of the period stipulated in the document.

Section 35. (Omitted)

Section 36. The Act does not apply to the Faroe Islands and Greenland, but may, by royal decree, be brought into force in whole or in part for Greenland with the changes that follow from Greenlandic circumstances.

Act no. 782 of 4 May 2021 (Extension of the scope of application of the Act on Products and Market Surveillance, extended powers of control in the supervision of certain products under the Act on Safety at Sea, authorisation to lay down rules on non-governmental rocket launches and repeal of the deadline for issuing the maritime plan, etc.), section 3 of which concerns footnotes 1 and 2 to the title of the Act, sections 4(5) and 28(3) contain the following entry into force and transitional provisions:

Section 6

Subsection 1.(Deleted)

Subsection 2. Sections 1-4 shall enter into force on 1 July 2021.

Section 7

(Omitted)

The Danish Maritime Authority, 11 February 2022

Anne Rosendahl Appelquist

/ Neriman Balikci

Official notes

¹⁾ The Act contains provisions implementing parts of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, Official Journal of the European Union 1989, no. L 183, page 1, as last amended by regulation 2008/1137/EC of the European Parliament and of the Council of 22 October 2008, Official Journal of the European Union 2008, no. L 311, p. 1, Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), Official Journal of the European Union 1989, no. L 393, page 18, as last amended by Commission Directive 2019/1832/EU of 24 October 2019, Official Journal of the European Union 2019, no. L 279, p. 35, Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), Official Journal of the European Union 1990, no. L 156, page 9, as last amended by regulation 2019/1243/EU of the European Parliament and of the Council of 20 June 2019, Official Journal of the European Union 2019, no. L 198, p. 241, Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship, Official Journal of the European Union 1991, no. L 206, p. 19, as amended by Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007, Official Journal of the European Union 2007, no. L 165, p. 21, Council Directive 92/58/EC of 24 June 1992 on the minimum requirements for the provision of safety and health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), Official Journal of the European Union 1992, no. L 245, page 23, as last amended by regulation 2019/1243/EU of the European Parliament and of the Council of 20 June 2019, Official Journal of the European Union 2019, no. L 198, p. 241, Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), Official Journal of the European Union 1992, no. L

348, page 1, as last amended by regulation 2019/1243/EU of the European Parliament and of the Council of 20 June 2019, Official Journal of the European Union 2019, no. L 198, p. 241, Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), Official Journal of the European Union 1993, no. L 307, p. 1, as amended by Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007, Official Journal of the European Union 2007, no. L 165, page 21, Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work, Official Journal of the European Union 1994, no. L 216, page 12, as last amended by regulation 2019/1243/EU of the European Parliament and of the Council of 20 June 2019, Official Journal of the European Union 2019, no. L 198, p. 241, Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 98/391/EC), Official Journal of the European Union 1998, no. L 131, page 11, as last amended by regulation 2019/1243/EU of the European Parliament and of the Council of 20 June 2019, Official Journal of the European Union 2019, no. L 198, p. 241, Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), Official Journal of the European Union 2000, no. L 23, p. 57, as amended by Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007, Official Journal of the European Union 2007, no. L 165, p. 21, Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work (seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), Official Journal of the European Union 2000, no. L 262, page 21, as last amended by Commission Directive 2020/739/EU of 3 June 2020, Official Journal of the European Union 2020, no. L 175, p. 11, Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), Official Journal of the European Union 2002, no. L 177, page 13, as last amended by regulation 2019/1243/EU of the European Parliament and of the Council of 20 June 2019, Official Journal of the European Union 2019, no. L 198, p. 241, Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), Official Journal of the European Union 2003, no. L 42, page 38, as last amended by regulation 2019/1243/EU of the European Parliament and of the Council of 20 June 2019, Official Journal of the European Union 2019, no. L 198, p. 241, Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the

protection of workers from the risks related to exposure to carcinogens or mutagens at work (sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), Official Journal of the European Union 2004, no. L 158, p. 50, Directive 2009/13/EC of the European Parliament and of the Council of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amendments to Directive 1999/63/EC, Official Journal of the European Union 2009, no. L 124, page 30, as amended by Council Directive 2018/131/EU of 23 January 2018, Official Journal of the European Union 2018, no. L 22, p. 28, Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations, Official Journal of the European Union 2009, no. L 131, page 47, as last amended by regulation 2019/1243/EU of the European Parliament and of the Council of 20 June 2019, Official Journal of the European Union 2019, no. L 198, p. 241, Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control, Official Journal of the European Union 2009, no. L 131, page 57, Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements, Official Journal of the European Union 2009, no. L 131, page 132, as last amended by Directive 2017/2110/EU of the European Parliament and of the Council of 15 November 2017, Official Journal of the European Union 2017, no. L 315, p. 61, Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), European Union 2009, no. L 260, page 5, Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work, Official Journal of the European Union 2009, no. L 330, page 28, as amended by regulation 2019/1243/EU of the European Parliament and of the Council of 20 June 2019, Official Journal of the European Union 2019, no. L 198, page 241, and Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal vessels and repealing Directive 94/25/EC, Official Journal of the European Union 2013, no. L 354, p. 90.