

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

*Order no. 1055 of 16 November 2011 issued by the Danish Maritime Authority*

**Order on technical regulation on authorisation  
to carry out renewal surveys on fishing vessels<sup>1</sup>**

Pursuant to section 22, section 25 and section 32 of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 654 of 15 July 2010, and by authority, the following provisions are laid down:

*Scope of the authorisation*

**Section 1.** The Danish Maritime Authority may authorise companies to carry out renewal surveys of fishing vessels on behalf of the Danish Maritime Authority.

*Subsection 2.* A renewal survey shall mean a technical control whether the vessel is as prescribed and complies with the legislative requirements as described in Notice F from the Danish Maritime Authority, technical regulation on the construction and equipment, etc. of small commercial vessels.

*Subsection 3.* Renewal surveys may be carried out only by the employees of a company authorised by the Danish Maritime Authority and complying with the requirements of section 2(2).

*Subsection 4.* For the purposes of this order, a company shall mean sole trading businesses, limited companies, private limited companies, funds and other independent institutions, partnerships, limited partnerships, partnership companies, cooperative societies and other companies and associations with limited liability.

*Conditions for being granted authorisation*

**Section 2.** Authorisation to carry out renewal surveys may be granted to companies complying with the conditions stipulated in subsections 2-8.

*Subsection 2.* The company shall have technical personnel who:

- 1) are educated as a naval architect, ship's carpenter, engineer officer, fishing skipper, navigating officer or has another similar relevant marine engineering/maritime craftsman training; and
- 2) have relevant experience from the fishing industry with a knowledge of fishing vessels as well as
- 3) have participated in one or more renewal surveys and have demonstrated in the presence of an authorised person or a ship surveyor from the Danish Maritime Authority that he or she is qualified to carry out the renewal survey.

*Subsection 3.* The company, including the company's owner (personally operated company) or technical personnel, may not have been convicted within the last three years for conditions covered by section 78(2) of the penal code.

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<sup>1</sup> This order contains provisions implementing parts of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, Official Journal 2006, no. L 376, page 36.

*Subsection 4.* The company, including the company's owner (personally operated company), may not have acted so that there is reason to presume that the company will not be operated in a proper way.

*Subsection 5.* The company shall be in possession of the necessary technical equipment, including IT and tools, to be used in order to carry out the renewal survey and report to the Danish Maritime Authority.

*Subsection 6.* The company shall have a permanent place of business in this country.

*Subsection 7.* The company shall have procedures ensuring that the renewal survey is carried out in accordance with the guidelines issued by the Danish Maritime Authority and that documentation hereof is maintained.

*Subsection 8.* The company shall have a valid public liability insurance covering survey work.

### *Application for authorisation*

**Section 3.** Applications for authorisation to carry out renewal surveys of fishing vessels shall be forwarded to the Danish Maritime Authority.

*Subsection 2.* The application shall contain information about the company's name, address and telephone number as well as CVR number and information about the type of company, if relevant. The name, address, telephone number and civil registration (CPR) number of the company's owner (personally operated company) shall also be given.

*Subsection 3.* In addition, the application shall contain the following:

- 1) Documentation that the technical personnel comply with the requirements of section 2(2).
- 2) Documentation that the company complies with the requirements of section 2(3)-(8).

### *Conditions of authorisation, etc.*

**Section 4.** The renewal survey shall be carried out in accordance with the provisions on surveys stipulated in Notice F from the Danish Maritime Authority, technical regulation on the construction and equipment, etc. of small commercial vessels, and in accordance with the survey forms of the Danish Maritime Authority and shall, subsequently, be reported to the Danish Maritime Authority.

*Subsection 2.* The company shall follow the guidance issued by the Danish Maritime Authority in force at any time for the carrying out of a renewal survey.

*Subsection 3.* The authorised company shall endorse the trade permit when no defects and non-conformities have been identified presenting a considerable safety risk during the renewal survey. At the same time, the owner of the vessel shall be made aware that the defects and non-conformities identified shall be rectified and documentation hereof shall be forwarded to the authorised company.

*Subsection 4.* If defects and non-conformities are identified in connection with the renewal survey presenting a considerable safety risk, the owner shall be informed that a follow-up renewal survey will be held at which it will be checked whether the defects and non-conformities have been correctly rectified before the trade permit is endorsed.

*Subsection 5.* If the trade permit of the ship is still valid at the commencement of the survey and defects and non-conformities are identified in connection with the renewal survey that are assessed to present a major safety risk and the ship, consequently, should not proceed to sea until the defects and non-conformities are rectified, the Danish Maritime Authority shall be informed hereof.

*Subsection 6.* The Danish Maritime Authority shall lay down more detailed procedures on the carrying out of the renewal survey, including deadlines for rectifying minor defects and non-conformities, in the guidance mentioned in subsection 3.

*Subsection 7.* The technical personnel of the company shall maintain its knowledge of the relevant legislation on the carrying out of renewal surveys on fishing vessels.

**Section 5.** The company may not carry out renewal surveys of work that the company itself has made on the ship within the last five years. The company may not carry out renewal surveys if there are other conditions that may give rise to doubt as regards the company's impartiality.

*Subsection 2.* Companies that have been granted an authorisation by the Danish Maritime Authority to carry out renewal surveys may not carry out repairs of survey requirements made by themselves. The companies may, however, carry out repairs of survey requirements made by other authorised survey companies.

**Section 6.** Decisions to grant authorisation to companies carrying out renewal surveys shall be made by the Danish Maritime Authority no later than four weeks after the receipt of the application and all necessary documents, cf. however subsection 2.

*Subsection 2.* The time-limit in subsection 1 may be extended once if the complexity of the case so justifies. The Danish Maritime Authority shall motivate the extension and the duration of the extension and inform the applicant hereof prior to the expiry of the time-limit mentioned in subsection 1.

*Subsection 3.* If the Danish Maritime Authority does not reply the applicant within the time-limits mentioned in subsections 1 or 2, the applicant may consider the approval made.

**Section 7.** The company may request a fee for carrying out renewal surveys.

### *Inspection*

**Section 8.** The Danish Maritime Authority shall inspect whether the authorised companies and their technical personnel meet the conditions of section 2(2)-(8).

*Subsection 2.* The Danish Maritime Authority may withdraw an authorisation if the conditions of the approval are no longer met or if the personnel carrying out renewal surveys do not meet the provisions of section 2(2).

### *Penalty and entry into force*

**Section 9.** Contraventions of the provisions of this order may be liable to punishment by fine unless stricter penalty is due under other legislation.

*Subsection 2.* Companies, etc. (legal personalities) may be liable to punishment pursuant to the provisions of chapter 5 of the penal code (*straffeloven*).

**Section 10.** This order shall enter into force on 1 December 2011.

**Section 11.** This order shall not apply to Greenland.

*Danish Maritime Authority, 16 November 2011*  
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