

**Order on aids to navigation in
Danish and Greenland buoyage areas, etc.**
(the buoyage order)

Pursuant to section 8(1) and (4), section 17(4) and section 32(8) of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 72 of 17 January 2014, and pursuant to section 8(1) and (4), section 17(4) and section 32(2) of the act on safety at sea as enacted for Greenland by decree no. 71 of 29 January 2013, the following provisions are laid down:

Scope of application

Section 1. This order shall apply to aids to navigation and navigation systems in Danish and Greenland buoyage areas.

Definitions

Section 2. The Danish buoyage area means:

- 1) Inner and outer territorial waters as stipulated in the act on the delimitation of territorial waters (*lov om afgrænsning af søterritoriet*) as well as the order on the delimitation of Danish territorial waters.
- 2) The exclusive economic zone (EEZ) as stipulated in the order on the Danish exclusive economic zone.

Subsection 2. The Greenland buoyage area means:

- 1) Inner and outer territorial waters meaning the waters within the base line as stipulated in the decree on the delimitation of the territorial waters around Greenland as well as the outer territorial waters extending 3 nautical miles from the base line.
- 2) The exclusive economic zone (EEZ) as stipulated in the order on the exclusive economic zone around Greenland.

Subsection 3. This order shall also apply where Denmark is the most immediate to perform buoying, etc.

Section 3. Aids to navigation and navigation systems include assistance for position determination and navigation through the establishment of:

- 1) floating and fixed aids to navigation, including marks, lights, beacons, racons and fog signalling systems,
- 2) navigation systems and electronic aids to navigation as well as other systems and arrangements established for guiding ships' navigation, such as AIS aids to navigation (automatic identification system),
- 3) marking and signposting, and
- 4) other arrangements and lighting for navigation purposes.

Control and payment of costs

Section 4. The Danish Maritime Authority shall control the aids to navigation mentioned in section 3 and shall ensure that it is reasonable and necessary in consideration of the extent of the ship traffic and the magnitude of the risk.

Section 5. The Danish Maritime Authority shall perform and pay the costs related to aids to navigation in main and passage waters as well as for places of refuge in Danish waters.

Subsection 2. The Danish Maritime Authority shall perform and pay the costs related to aids to navigation in Greenland waters along the coasts and to major towns.

Section 6. The costs related to aids to navigation not covered by section 5 shall be paid by the one who, through its presence, creates a need for aids to navigation, including the relevant owners of ports, bridges, wind farms, offshore installations, cables and pipelines.

Section 7. Questions related to the delimitation between section 5 and section 6 shall be determined by the Danish Maritime Authority.

Permit

Section 8. Aids to navigation covered by section 6 shall not be established without having been permitted by the Danish Maritime Authority.

Subsection 2. The Danish Maritime Authority shall permit the establishment, alteration or withdrawal of aids to navigation and navigation systems upon application.

Subsection 3. The application under subsection 2 shall as a minimum contain information about:

- 1) Purpose.
- 2) Position.
- 3) Operational period (for example annually or seasonally).
- 4) Time of establishment, alteration or withdrawal.
- 5) Type of aids to navigation in accordance with the publication “Afmærkning af danske farvande” (*Buoying of Danish waters*), which is available from www.sofart.dk.
- 6) Applicant’s contact details.
- 7) Owner’s contact details.
- 8) Contact details of the one maintaining the aids to navigation.

Subsection 4. The permit shall be granted on more detailed conditions related to warnings, establishment, operation, maintenance, withdrawal, etc.

Subsection 5. The permit may be withdrawn if the conditions stipulated are not met.

Subsection 6. The permit may be withdrawn if navigational considerations or changed use of the waters necessitate this.

Orders

Section 9. The Danish Maritime Authority may order the maintenance, establishment, operation, alteration and withdrawal of aids to navigation not covered by section 5.

Subsection 2. The Danish Maritime Authority's orders under subsection 1 shall contain more detailed conditions on the establishment and a deadline for having complied with the order.

Subsection 3. Costs related to orders shall be paid by the owner of the aids to navigation or by the one who, through its presence, creates a need for aids to navigation, cf. section 6.

Prohibitions

Section 10. The following shall be prohibited:

- 1) The location in the waters of objects that may affect ships' safe navigation,
- 2) the establishment of illuminated advertisements, signposting or other arrangements that may affect ships' safe navigation, or
- 3) the mooring or securing of fish gear, etc. to aids to navigation.

Subsection 2. Works below the surface of the water shall not be performed without a permit granted by the owner of the aids to navigation closer than 200 metres to aids to navigation fixed to the seabed or closer than 50 metres plus three times the water depth in case of floating aids to navigation.

Damage to aids to navigation

Section 11. In case of collision with and any other damage to aids to navigation as stipulated in section 5, the one causing the damage shall to the greatest extent possible be liable to pay any expenses for remedying the damage if it is possible and economically advisable for the state to identify and make a claim against the one causing the damage.

Section 12. Damage to or defects or faults in aids to navigation that cannot be remedied immediately shall be reported to the Danish Maritime Authority without any delay.

Subsection 2. Notice of any final remedying of defects and faults shall also be reported to the Danish Maritime Authority.

Section 13. Information about changes to aids to navigation in Danish and Greenland buoyage areas shall be announced in Notices to Mariners on www.sofart.dk (*Efterretninger for Søfarende*).

Penalty and entry into force provisions

Section 14. Violations of sections 8-10 and section 12 in Danish buoyage area shall be liable to punishment by fine or imprisonment for a term not exceeding one year.

Subsection 2. The penalty may be increased to imprisonment for a term of up to 2 years if:

- 1) the violation has caused harm to life or health or a risk hereof,

- 2) a prohibition notice or enforcement notice has been issued previously for the same or an equivalent circumstance, or
- 3) the violation has brought about or was intended to bring about a financial advantage for the violator or others.

Subsection 3. Companies etc. (legal persons) may be liable to punishment in accordance with the provisions of part 5 of the penal code (*straffeloven*).

Section 15. In case of violations of sections 8-10 or section 12 in Greenland buoyage area, measures shall be determined in accordance with the penal code for Greenland.

Subsection 2. When determining the penalty, it shall be considered especially aggravating circumstances if

- 1) the violation has caused harm to life or health or a risk hereof,
- 2) a prohibition notice or enforcement notice has been issued previously for the same or an equivalent circumstance, or
- 3) the violation has brought about or was intended to bring about a financial advantage for the violator or others.

Subsection 3. If the proceeds gained through the violation are not confiscated pursuant to the provisions of the penal code, the size of the financial advantage gained or sought shall be particularly taken into consideration when setting any fine, including any supplementary fine.

Subsection 4. If the violator is a company, etc. (legal personalities), the legal personality may be liable to punishment by fine. If the violator is the State, the Government of Greenland, a municipality, an inter-municipal enterprise covered by section 64 of the act of the Landsting (Greenland Parliament) on municipal councils and village councils, etc. or a village council, the relevant public authority shall be liable to punishment by fine.

Subsection 5. If the person in question does not live in Greenland, or if his tie to Greenland society is of such a rather loose nature that the preconditions for the application of the measures are not present, legal proceedings may be instituted in Denmark or the case may be sent for trial in Denmark.

Entry into force, etc.

Section 16. This order shall enter into force on 1 February 2015.

Subsection 2. At the same time, order no. 229 of 4 April 1989 on the buoying, etc. in Danish buoyage area shall be repealed for Danish and Greenland buoyage areas.

Subsection 3. Order no. 229 of 4 April 1989 on the buoying, etc. in Danish buoyage area shall, however, continue to apply to the Faroe Islands.

Danish Maritime Authority, 22 January 2015

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