

## **Order on mobile offshore units**

In pursuance of section 1(2), section 3(1)(i)-(x) 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 section 1(2), section 3(1)(i)-(x) and section 32(2) of the act on safety at sea as enacted for Greenland by decree no. 71 of 29 January 2013, and by authority, the following provisions are laid down:

**Section 1.** This order shall apply to mobile offshore units which are registered or which are to be registered under the Danish flag.

*Subsection 2.* Mobile offshore units shall mean mobile units as defined in the IMO 2009 MODU Code (Resolution A.1023(26)), paragraph 1.3.40, as well as similar mobile units used for other offshore purposes, for example in connection with the production of energy from wind or waves.

*Subsection 3.* Mobile offshore units that are or that have been under the Danish flag before the entry into force of this order may continue to operate according to the technical requirements and survey provisions applicable to the relevant unit until now unless otherwise stipulated in current legislation.

**Section 2.** Mobile offshore units shall comply with the provisions of the IMO “Code for the Construction and Equipment of Mobile Offshore Drilling Units”, as amended (the MODU Code). When deciding which version of the MODU Codes and which amendments apply to a mobile drilling unit, reference is made to the provisions hereon in the codes and the amendments.

*Subsection 2.* Mobile offshore units the keels of which are laid or the like prior to 1 January 2012 and that are registered for the first time under the Danish flag after the entry into force of this provision shall comply with either the Danish regulations in force on the keel-laying date or the MODU Code in force on the date of registration.

*Subsection 3.* Mobile offshore units that are not operating where there is a risk of the occurrence of explosive or noxious gases may be granted an exemption from compliance with the relevant parts of the MODU Code by the Danish Maritime Authority.

### *Penalty provisions, etc.*

**Section 3.** Contraventions of the provisions of section 2 shall be liable to punishment by fine, simple detention or imprisonment for a term not exceeding 1 year.

*Subsection 2.* The penalty may be increased to simple detention or imprisonment for a term not exceeding 2 years, if

- 1) the contravention has resulted in damage to life or health or provoked danger hereof,
- 2) previous injunctions or orders have been issued for the same or similar behaviour, or
- 3) the contravener or others have obtained or intended to obtain a financial benefit from the contravention.

*Subsection 3.* It shall be considered especially aggravating circumstances if damage has been caused to the life or health of young persons below the age of 18 or if a risk of such damage has been provoked, cf. subsection 2(i).

*Subsection 4.* If the financial benefit obtained through the contravention is not confiscated, special consideration shall be paid to the size of such an obtained or intended financial benefit when the fine, including any additional fine, is fixed.

*Subsection 5.* Liability to punishment may be imposed on companies, etc. (legal persons) according to the provisions of part 5 of the penal code (*straffeloven*).

*Subsection 6.* If the contravention is covered solely by the act on safety at sea, etc. (*lov om sikkerhed til søs*), the penalty may only be a fine or simple detention.

*Entry into force*

**Section 4.** This order shall enter into force on 1 January 2018.

*Subsection 2.* Technical regulation no. 5/order no. 11281 of 18 May 2000 on technical regulation on the construction and equipment, etc. of mobile offshore drilling units shall be repealed.

*Danish Maritime Authority, 14 December 2017*

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