

Translation: Only the Danish document has legal validity.

*Order no. 1355 of 19 November 2019  
issued by the Danish Maritime Authority*

## Order on supplementary provisions for cargo and passenger ships<sup>1</sup>

In pursuance of section 1(2) and (3), section 3(1)(i)-(iv), (vi), (vii) and (x), section 4(1) and (2), section 5 and section 32(9) of the Danish Act on Safety at Sea (*Jov om sikkerhed til søs*), see Consolidated Act no. 1629 of 17 December 2018, the following provisions are laid down as authorised under section 1(1)(iii) of Order no. 744 of 24 June 2013 on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

**Section 1.** This Order applies to cargo and passenger ships engaged on national as well as international voyages, unless otherwise expressly provided, however, see subsection (2).

*Subsection 2.* This Order does not apply to:

- (i) Ships of war and troopships.
- (ii) Cargo ships with a length (L) of less than 15 metres and a dimension number of less than 100.
- (iii) Ships not propelled by mechanical means.
- (iv) Wooden ships of primitive build.
- (v) Pleasure yachts not engaged in trade.
- (vi) Fishing vessels.

### *Definitions*

**Section 2.** For the purposes of this Order, the following definitions apply:

- (i) 'SOLAS' means the International Convention for the Safety of Life at Sea from 1974, as amended;
- (ii) 'the Passenger Ship Directive' means Directive (EU) 2017/2108 of the European Parliament and of the Council of 15 November 2017 amending Directive 2009/45/EC on safety rules and standards for passenger ships;
- (iii) 'the Convention on Load Lines' means the International Convention on Load Lines from 1966, as amended;
- (iv) 'length' means the length as defined in the International Convention on Load Lines, Annex I, Regulation 3(1);
- (v) 'international voyage' means a sea voyage from a country to which the SOLAS applies to a port outside such country, or conversely. Voyages between Denmark and the Faroe Islands and between Denmark and Greenland as well as voyages between the Faroe Islands and Greenland or between two foreign ports are regarded as international voyages;
- (vi) 'domestic voyages' means voyages which are not an international voyage;
- (vii) 'recognised organisation' means an organisation that is authorised by the Danish Maritime Authority pursuant to the provisions of the Order on the recognition and authorisation of organisations carrying out inspections and surveys of ships;
- (viii) 'refrigerating plant' means any refrigerating plant – except for domestic refrigerators and freezers – containing refrigerating agents in the form of fluids or liquefied gases with a vapour pressure in excess of 0.1 N/mm<sup>2</sup> at + 30 °C.

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<sup>1</sup>This Order was notified in a draft version in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations on Information Society services (codification).

### *Exemptions and equivalents*

**Section 3.** The Danish Maritime Authority may exempt any ship which embodies features of a novel kind from any of the provisions of this Order the application of which might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages, however, see subsection (2).

*Subsection 2.* Any such ship shall comply with safety requirements which, in the opinion of the Danish Maritime Authority, are adequate for the service for which it is intended and are such as to ensure the overall safety of the ship and which are acceptable under the legislation of the States to be visited by the ship.

**Section 4.** In connection with drawing approval and the first survey, the Danish Maritime Authority may, after a concrete assessment, exempt ships from one or more of the provisions of this Order. The precondition is that the ship complies with similar safety requirements which may, at the discretion of the Danish Maritime Authority, suffice for ships of the size concerned and engaged in the trade for which the ship is intended.

**Section 5.** Where this Order requires that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular provision shall be made, the Danish Maritime Authority may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that ship, if it is satisfied by trial thereof or otherwise that such fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by this Order.

### *Surveys and certificates*

**Section 6.** The supplementary requirements for cargo and passenger ships under this Order must be surveyed in connection with the surveys required for the issue of a passenger ship safety certificate, a safety equipment certificate or a national cargo ship safety certificate as applicable according to the type of ship.

*Subsection 2.* The ship must comply with the relevant supplementary provisions in order that the relevant certificate can be issued, endorsed or renewed. However, the Danish Maritime Authority may, after a concrete assessment, set a time limit for compliance with the requirements after the certificate has been issued.

### *Guard rails on passenger ships*

**Section 7.** On the decks to which passengers are given access and where there is no bulwark of adequate height, passenger ships shall be provided with guard rails which extensively prevent any person from passing the guard rails.

*Subsection 2.* The provision of subsection (1) can be satisfied by the following measures:

- (i) The total height of the guard rail shall be at least 1000 mm, measured from the deck.
- (ii) The guard rail shall be constructed with vertical bars, which are connected only to one upper and one lower horizontal bar or stringer.
- (iii) The distance between the upper and lower horizontal bars/stringers referred to in subparagraph (ii) above shall not be less than 800 mm.
- (iv) The opening below the horizontal bar referred to in subparagraph (ii) above shall not exceed 120 mm.
- (v) The distance between the vertical bars may not exceed 120 mm, and the distance between sceptres may not exceed 1.5 m.

*Subsection 3.* External staircases, landings etc. shall be provided with guard rails of equivalent construction.

*Subsection 4.* The decks that are effectively barred against the presence and passage of passengers shall either be provided with guard rails complying with (i)-(v) or guard rails/bulwarks as prescribed in the Convention on Load Lines. The effective barrier must also comply with subsection (1).

*Subsection 5.* Where a gate is used, the closing mechanism shall not be immediately accessible to the passengers, and adequate signs shall be provided.

### *Passenger accommodation*

**Section 8.** The accommodation shall not be located in superstructures that are not of a permanent character, neither fore of the collision bulkhead nor on the deck beneath the one that lies immediately below the waterline at the maximum permissible draught.

*Subsection 2.* Passengers shall not be accommodated in rooms not approved for this purpose.

*Subsection 3.* Sleeping rooms shall be separated from adjoining rooms in a suitable way, and they shall be provided with a clear marking of the maximum number of persons that they are intended for.

**Section 9.** One toilet and one washbasin shall be provided for every 50 passengers or part thereof.

*Subsection 2.* Such toilets shall be properly protected against the sea and the weather and be provided with the necessary flushing facilities.

*Subsection 3.* All toilet facilities shall be well lit and ventilated.

*Subsection 4.* The Danish Maritime Authority may, based on a concrete assessment of, i.a., the size of the ship, the duration of the voyage, the sea area and access to facilities ashore, deviate from the requirement of toilet facilities.

*Subsection 5.* The requirement of toilet and washbasin facilities shall not apply to open vessels.

**Section 10.** In passenger ships on voyages lasting for more than one night, a berth or an approved permanent couchette shall be provided for all passengers.

*Subsection 2.* The number of persons in sleeping rooms shall be determined by dividing the free floor area of the sleeping rooms by 1.1 m<sup>2</sup>. If sleeping rooms are fitted out with separate bathrooms or a bathroom with a toilet, the free floor area of these rooms may be included when calculating the number of persons. Irregular floor areas where the length and width are below 0.6 m shall not be included in the calculation. A shower cabinet with the said minimum dimensions may be included in the free area.

*Subsection 3.* On open deck to which the passengers have access, there shall be at least 0.5 m<sup>2</sup> free deck area for each passenger, in addition to the area mentioned in section 11(2). Those parts of the deck where passengers cannot comfortably stand or sit shall not be included in this calculation.

**Section 11.** Passenger ships on voyages that do not last for more than one night shall have enclosed spaces for all passengers on night voyages, i.e. between 10 pm and 6 am, of more than six hours' duration.

*Subsection 2.* The number of passengers in rooms other than the sleeping rooms shall be fixed as the lowest of the following figures:

(i) The floor area – measured in m<sup>2</sup> – available to the passengers, i.e. excluding serving counters and access to them as well as exits and the like, divided by 0.85 m<sup>2</sup>.

(ii) The floor area mentioned in paragraph (i) multiplied by the average height – measured in m – of the room measured from the top of the deck covering to the lower side of the deck beams or their panelling divided by 1.98 m<sup>3</sup>.

(iii) The number of seats in the room.

*Subsection 3.* The number of persons in sleeping rooms shall be determined by dividing the free floor area of the sleeping rooms by 0.85 m<sup>2</sup>. If sleeping rooms are fitted out with separate bathrooms or a bathroom with a toilet, the said free floor area may be included when calculating the number of persons. Irregular floor areas where the length and width are below 0.6 m shall be excluded from the calculation.

*Subsection 4.* The Danish Maritime Authority may, based on a concrete assessment of, i.a., the size of the ship, the duration of the voyage, the sea area and access to facilities ashore, deviate from these provisions.

**Section 12.** For ships engaged on daytime voyages, i.e. voyages not lasting for more than six hours within the period from 10 pm to 6 am, 0.85 m<sup>2</sup> free floor area shall be calculated for each passenger in enclosed rooms that are not sleeping rooms; the room shall not, however, be calculated for more passengers than there are seats for.

*Subsection 2.* The provisions of section 11(3) shall apply to any sleeping rooms.

*Subsection 3.* In addition to the number of passengers permitted in enclosed spaces, the Danish Maritime Authority may permit that passengers are carried on open deck, whereby at least 0.55 m<sup>2</sup> floor area shall be calculated for each passenger. However, there shall be enclosed spaces for at least 1/6 of the maximum permissible number of passengers.

*Subsection 4.* For ships engaged on daytime voyages not lasting for more than 90 minutes, the Danish Maritime Authority may permit that seats are not provided for all passengers in enclosed spaces. However, 0.85 m<sup>2</sup> free floor area shall be calculated for each passenger in enclosed rooms that are not sleeping rooms.

*Subsection 5.* When calculating the passenger number, the space needed for the navigation etc. of the ship shall be excluded, including space for the handling and embarkation of life-saving appliances, together with all the areas of the deck in which passengers cannot comfortably sit or stand.

*Subsection 6.* For passenger ships where passengers are allowed to stay in their cars during the voyage, there are no requirements of accommodation for passengers who have embarked by car.

*Subsection 7.* It must be ensured that the mustering of the passengers in the event of evacuation can take place so that they are protected from the weather.

**Section 13.** Where it is practicable, appropriate measures based on the following guidelines shall be implemented to ensure the safe access for persons with reduced mobility to all passenger ships and to all high-speed passenger ships used for public transport and the keel of which is laid or which are at a similar stage of construction on or after 1 October 2004.

*Subsection 2.* IMO circular MSC/735 of 24 June 1996 entitled Recommendation on the design and operation of passenger ships to respond to elderly and disabled persons' needs shall be followed.

*Subsection 3.* Ships shall be constructed and equipped in such a way that a person with reduced mobility can embark and disembark easily and safely, and can be ensured access between decks, either unassisted or by means of ramps, elevators or lifts. Signed directions to such access facilities shall be posted at the other access points to the ship and at other appropriate locations throughout the ship.

*Subsection 4.* Signs provided for the orientation of passengers on board the ship shall be accessible and easy to read for persons with reduced mobility (including persons with sensory disabilities) and be positioned at key points.

*Subsection 5.* Means shall be available on board to provide visual and verbal announcements, such as those regarding delays, schedule changes and on-board services, to persons with various forms of reduced mobility.

*Subsection 6.* The alarm system and alarm buttons shall be accessible to and be able to alert all passengers with reduced mobility, including persons with sensory disabilities and persons with learning disabilities.

*Subsection 7.* Handrails, corridors and passageways, doorways and doors shall accommodate the movement of a person in a wheelchair. Elevators, vehicle decks, passenger lounges, facilities and toilets shall be designed in order to be accessible in a reasonable and proportionate manner to persons with reduced mobility.

*Subsection 8.* The Danish Maritime Authority co-operates and consults with organisations representing persons with reduced mobility with regard to appropriate measures in accordance with subsection (1).

**Section 14.** When passenger ships and high-speed craft used for public transportation and of which the keel is laid or which are at a similar stage of construction before 1 October 2004 are altered, the guidelines in section 13 shall apply insofar as is economically reasonable and practicable.

#### *Suspended decks*

**Section 15.** Movable suspended decks with associated ramps and safety devices must be certified by a recognised organisation in accordance with its rules. In that connection, it must be taken into account whether persons may remain in their vehicles on a movable ramp while it is moving.

*Subsection 2.* The movable suspended deck with associated ramps and safety devices must be subject to periodical surveys in accordance with the rules laid down by the recognised certification organisation or a company authorised to perform surveys and repairs of lifting appliances in ships.

*Subsection 3.* If persons are permitted to remain in their vehicles on a movable ramp while the ramp is in motion, it must be ensured that the vehicles cannot roll off the ramp or be crushed during movement or when the ramp is elevated. Other appropriate measures must be taken to protect against crush accidents or falls in connection with e.g. doors, railings and locking devices.

*Subsection 4.* The currently applicable Order on technical regulation on the carriage of motor vehicles, etc. by passenger ships must be observed for movable suspended decks with associated ramps.

#### *Refrigerating plant and provision cold store*

**Section 16.** Pressure-testing of the components forming part of the refrigerating plant shall be carried out on the basis of recognised test standards. Testing of cargo refrigerating plants shall be carried out by a recognised organisation or by approved testing bodies, including testing bodies in other EU member states, in countries signatory to the EEA Agreement and in Turkey, and which provide appropriate and satisfactory guarantees of the technical, professional and independent nature of the tests.

*Subsection 2.* As regards air-conditioned and provision refrigerating plants, workshop certificates shall be accepted.

*Subsection 3.* Pressure vessels shall be marked in accordance with recognised test standards.

**Section 17.** Doors to all refrigerated, freezer and blast-freeze rooms in which persons may move about shall open outwards, and the closing and locking mechanisms of such doors shall, irrespective of the temperature and temperature differences, function easily and reliably when operated from the inside, even when locked.

*Subsection 2.* All refrigerated and freezer rooms in which persons may move about shall be provided with permanently installed electric light.

**Section 18.** It shall be ensured that the light in provision cold stores is not turned off inadvertently when persons are in the room. In addition, an indication located in a suitable place shall show whether the light is switched on in a provision cold store.

*Subsection 2.* In provision cold stores, a means of alarm shall be fitted making it possible to alert help for each individual space.

*Hatches, cargo ladders, etc.*

**Section 19.** Where the height from the upper edge of the deck to the bottom of the cargo spaces exceeds 1.5 m, sound and secure ladders shall be provided which can continue directly into steps or the like on the hatch coaming. If there are more decks, ladders between the lower decks shall, where practicable, be located in line with ladders from decks above. At the hatch coamings, sufficient room shall be provided to use the ladders. The steps shall have a breadth of at least 250 mm, and the foothold shall have a depth of at least 115 mm. It may not be possible for the foot to slip to the side outside the step.

*Subsection 2.* Around hatches the coaming height of which is less than 75 cm measured from the upper edge of the deck and leading to cargo spaces with a depth of more than 1.5 m, it shall be possible to erect a fencing of a height of at least 90 cm consisting of railings, hand ropes or the like.

*Subsection 3.* Similar fencing shall be provided at companionways or other deck openings where it is considered necessary.

*Subsection 4.* It shall be possible to secure hatch beams against horizontal and vertical shifting.

*Penalty provisions*

**Section 20.** Contravention of section 3(2) or sections 7-19 is punishable with a fine or imprisonment for up to one year.

*Subsection 2.* The penalty may be increased to imprisonment for up to two years if:

- (i) the contravention, including in connection with a marine accident or navigation in a manner contrary to good seamanship, has caused injury to life or health or a risk thereof;
- (ii) a prohibition notice or an improvement notice has previously been issued for the same or similar matters; or
- (iii) the contravention has resulted in or aimed at a financial benefit for the person committing it or others.

*Subsection 3.* If the benefit obtained through the contravention is not confiscated, the amount of such financial benefit obtained or sought obtained must be taken into particular account in the determination of the fine, including additional fines.

*Subsection 4.* Criminal liability may be imposed on companies, etc. (legal persons) under the rules of Part 5 of the Danish Criminal Code (*straffeloven*).

*Entry into force, etc.*

**Section 21.** This Order enters into force on 1 January 2020.

*Subsection 2.* For existing ships, the rules applicable hitherto continue to apply, unless otherwise provided by this Order.

**Section 22.** This Order does not apply to Greenland.

*Danish Maritime Authority, 11 December 2019*

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On behalf of the Director General

/ Per Sønderstrup