

## **Order on the construction and equipment, etc. of barges**

In pursuance of section 1(2), section 3(1)(i)-(x) and section 32(8) of the act on safety at sea, 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:

### *Application*

**Section 1.** This order shall apply to lighters, barges and other floating equipment without independent means of propulsion, hereinafter referred to as barges, the keels of which are laid on or after 1 May 2003. However, the provisions on surveys and certificates shall also apply to barges constructed before this date.

*Subsection 2.* Equipment intended for and solely used for positioning in a given location shall not be considered an independent means of propulsion.

*Subsection 3.* This order shall not apply to:

- 1) Permanently anchored or permanently moored floating equipment without independent means of propulsion, such as pontoon bridges, floating docks, etc.
- 2) Floating houses, houseboats and the like, cf. section 2(3) of the building act (*byggeloven*).
- 3) Mobile drilling units covered by the MODU Code.

### *Safety regulations*

**Section 2.** Barges shall be constructed, built and outfitted, etc. in accordance with the provisions that apply to a cargo or passenger ship of similar size and use where it would be relevant to apply the relevant provisions. Provisions on propulsion machinery shall not apply to barges, cf. section 1.

*Subsection 2.* Barges shall be fitted with lights, sound signalling appliances, shapes, etc. in accordance with the international regulations for preventing collisions at sea.

**Section 3.** Barges shall have a main towing arrangement and a spare towing arrangement of sufficient strength for the intended use.

*Subsection 2.* The spare towing arrangement shall be arranged so that it is ready for use at any time and so that it is possible to establish a new towing connection quickly.

*Subsection 3.* In the case of barges using a permanent connecting system with a pushing tow boat, the permanent connection shall be regarded as the main towing arrangement. The permanent connecting system shall make it possible to release the tow boat from the barge quickly.<sup>1</sup>

**Section 4.** In the case of barges for special use, such as hotel, pipe-laying, crane, dredger barges, etc., the Danish Maritime Authority shall lay down special provisions in accordance with a specific assessment. If IMO guidelines are available, they shall be observed.<sup>2</sup>

---

1 Reference is made to IMO MSC/Circ.866, "Guidelines for the application of safety standards to Pusher Tug-Barge combinations".

2 Reference is made to, inter alia, IMO MSC/Circ.884, "Guidelines for safe ocean towing".

### *Unmanned barges*

**Section 5.** Unmanned barges shall be equipped with life-saving appliances for the crew placed on board in connection with the mooring of the barge, the establishment of towing or other things.

*Subsection 2.* In the case of unmanned barges that are always connected to a tow boat while at sea, the lifeboats, liferafts and rescue boat arrangement of the tow boat may constitute the lifeboats and rescue boats of the barge.

### *Surveys and certificates*

**Section 6.** Barges shall be surveyed in accordance with the provisions applicable to cargo or passenger ships of similar size and use.

*Subsection 2.* Barges shall be furnished with certificates as a similar cargo or passenger ship, but not certificates required under the International Convention for the Safety of Life at Sea (SOLAS).

*Subsection 3.* Unmanned barges are not required to be furnished with a national safety certificate.

### *Equivalents*

**Section 7.** The provisions of this order shall not preclude the use on board of any other fitting, material, appliance, apparatus, etc. or the taking of any other measures representing at least the same degree of safety as that prescribed by this order.

*Subsection 2.* The Danish Maritime Authority accepts tests carried out by recognised test institutes, including test institutes in other EU member states as well as in states covered by the EEA agreement offering appropriate and satisfactory guarantees of a technical, professional and independent nature.

### *Penalty provisions*

**Section 8.** Violations of section 2, 4 or 5 shall be punishable by fine or imprisonment for a period not exceeding 1 year.

*Subsection 2.* The penalty may be increased to imprisonment for a period not exceeding 2 years if

- 1) the violation has resulted in damage to life or health, or risk of such damage,
- 2) an injunction or order has previously been issued in connection with the same or equivalent situations, or
- 3) the violation has given or has been intended to give financial benefits to the transgressor or others.

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

*Subsection 4.* If the financial benefit achieved is not confiscated, special consideration shall be given to the size of the achieved or intended financial benefit when determining the size of the fine, including supplementary fine.

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

**Section 9.** If the condition is covered by the decree on the entry into force of the act on safety at sea in Greenland, measures may be ordered in accordance with the penal code for Greenland.

*Subsection 2.* The conditions mentioned in section 6(2) and (3) shall be considered especially aggravating circumstances.

*Subsection 3.* If the financial benefit achieved is not confiscated, cf. section 116(1) of the penal code (*kriminalloven*), special consideration shall be given to the size of the achieved or intended financial benefit when determining the size of the fine, including supplementary fine.

*Subsection 4.* If the contravener is a company, etc. (legal personalities), the legal personality may be liable to punishment by fine. If the contravener 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 may be liable to punishment by fine.

*Subsection 5.* If the person concerned 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*

**Section 10.** This order shall enter into force on 1 January 2018.

*Subsection 2.* Technical regulation no. 4/order no. 9186 of 2 April 2003 on the construction and equipment, etc. of barges, shall be repealed.

*Danish Maritime Authority, 14 December 2017*

Per Sønderstrup / Martin John