

**Translation. Only the Danish version has legal validity.**

*Order no. 698 of 27 June 2012 issued by the Ministry of Justice*

## **Order on the use of civilian, armed guards on Danish cargo ships**

In pursuance of section 3(2), section 4c(2) and section 10(3) of the act on weapons and explosives (*lov om våben og eksplosivstoffer*), cf. consolidated act no. 704 of 22 June 2009, as amended by act no. 564 of 18 June 2012, the following provisions are laid down:

### *Application, etc.*

**Section 1.** The Minister of Justice may, upon application, grant shipping companies a general permit to use civilian, armed guards for self-defence on board cargo ships flying the Danish flag.

*Subsection 2.* Permits under subsection 1 shall apply in areas presenting a risk of acts of piracy or armed robbery against ships.

**Section 2.** This order shall not apply to passenger ships, fishing vessels and recreational craft.

### *Applications for permits*

**Section 3.** Applications for permits pursuant to section 1(1) shall be sent to the Ministry of Justice.

*Subsection 2.* Applications pursuant to subsection 1 shall contain the following information:

- 1) Identification of the shipping company, including its principal place of business, contact person and contact details as well as indication of the ISM responsible person.
- 2) If the ship's owner and ISM responsible person is not the same, both persons' accept of the application for the use of civilian, armed guards shall be available.
- 3) Previous weapons licenses granted to the applicant.
- 4) Information that the ships have especially approved security lockers on board or that one will be procured before the guards embark.
- 5) Confirmation that procedures are available and that measures have been taken to prevent piracy and that the shipping company is familiar with the guidance to shipowners, ship operators, and shipmasters on the use of privately contracted armed security personnel.
- 6) The reason why there is a need for civilian, armed guards on board the shipping companies' ships and why the industry best management practices are not considered sufficient.

### *Types of weapons and ammunition*

**Section 4.** A permit pursuant to section 1(1) shall not cover the following handguns:

- 1) Fully automatic firearms, including fully automatic rifles, machine guns and sub-machine guns.
- 2) Firearms with a calibre of or above 12.7 mm.

*Subsection 2.* A permit pursuant to section 1(1) shall not cover the following types of ammunition:

- 1) Armour-piercing ammunition as well as projectiles for this, and
- 2) ammunition with explosive projectiles and ammunition with incendiary projectiles as well as projectiles for this.

### *Storage*

**Section 5.** On board Danish cargo ships, weapons as well as ammunition and parts for use by armed guards shall be stored properly and in a place that is not accessible to unauthorised persons.

*Subsection 2.* The storage of up to 25 firearms mentioned in section 1(1)(i) of the weapons act (*våbenloven*) or up to 10 especially dangerous firearms, cf. subsection 7, as well as ammunition and parts for these shall be stored in a security locker approved for at least EN 1143-1 grade 0 or a corresponding security level. Security lockers with a weight below 1,000 kg shall be properly secured to the floor, bulkhead or the like.

*Subsection 3.* Ammunition and parts for firearms shall be stored in security lockers meeting the requirements of subsection 2. They may be stored together with firearms.

*Subsection 4.* Weapons as well as ammunition and parts for these shall be stored in security lockers in all cases where they are not in the personal custody of the guards.

*Subsection 5.* Keys or codes for security lockers shall be kept properly and in a place that is not accessible to unauthorised persons.

*Subsection 6.* The master, chief mate and the guards on board shall, as the only persons on board, have access to the security locker.

*Subsection 7.* Especially dangerous firearms shall mean the following weapons:

- 1) Pistols, including single shot pistols, automatic pistols and revolvers, except for muzzle-loading firearms.
- 2) Semi-automatic firearms.
- 3) Smooth-bore shotguns with a barrel length below 55 cm.
- 4) Smooth-bore shotguns covered by section 2a(2) of the weapons act (*våbenloven*).

### *Weapons record book*

**Section 6.** A shipping company that has been granted a permit pursuant to section 1(1) shall be obliged to keep a weapons record book when there are firearms, etc. on board to be used by civilian, armed guards.

*Subsection 2.* The shipping company shall make such recordings in the weapons record book that it is possible at any time on any ship to identify the following:

- 1) Which master and chief mate as well as which guards have access to the firearms, etc. on board the ship, including the person's full name, nationality and an unambiguous identification number in the form of a civil registration number or the like;
- 2) which firearms are carried on board the ship, including type, make, model, calibre and manufacturing number or identification number;
- 3) which ammunition is carried on board the ship, including the quantity and type;

- 4) which weapon parts are carried on board the ship, including any manufacturing number or serial number; and
- 5) which voyage or transit, including from where to where, the ship is engaged in.

*Subsection 3.* The weapons record book may be either physical or electronic.

*Subsection 4.* The weapons record book shall be kept by the shipping company. When the company is closed-down or when a permit pursuant to section 1(1) of this order terminates without renewal, the weapons record book shall be handed over to the police in the district where the shipping company had its principal place of business.

*Subsection 5.* Upon request, the weapons record book shall immediately be presented to the Ministry of Justice or the police.

*Subsection 6.* At any time, the police shall on due proof of identity and without a court order have access to control pursuant to section 3(3)(iii) of the weapons act (*våbenloven*).

### *Suitability of the guards*

**Section 7.** The shipping company shall approve the suitability of the guards or ensure that the security company can document that it has procedures for the approval of the suitability of the guards. The suitability of a guard shall, as a minimum, presuppose that the following is ensured:

- 1) The guard can identify himself and document to have turned 20 years of age.
- 2) The guard shall present an extract from the police record dated within the last three months.
- 3) It shall not appear from the extract from the police record that the person concerned has been punished for a violation that makes the person concerned unsuited to possess and use weapons and that this is checked at least once a year through the presentation of a new extract from the police record.
- 4) The guard shall document relevant experience with weapons.
- 5) The guard shall have the necessary knowledge of the regulations on self-defence and necessity.
- 6) The guard's personal matters do not otherwise make it inadvisable to approve the guard.

### *Reporting in case of attacks, etc.*

**Section 8.** If a Danish cargo ship the responsible shipping company of which holds a permit pursuant to section 1(1) has been subject to an attack and if force has been employed on the ship's side, the incident shall be reported in writing to the Ministry of Justice within 72 hours.

*Subsection 2.* The report pursuant to subsection 1 shall describe the incident, inform about those involved and the use of force, including for example which firearms have been used. The report shall be accompanied by a copy or an extract of the information given in the shipping company's weapons record book as regards the ship concerned at the relevant point in time.

*Subsection 3.* If there is reason to believe that the use of force has led to personal injury or death, the police in the district in which the shipping company is established shall immediately be informed hereof.

*Subsection 4.* If circumstances permit, the situation should furthermore insofar as is possible be documented by means of sound and picture recordings.

*Validity*

**Section 9.** Permits pursuant to section 1(1) shall be issued with a validity of one year.

*Penalty and entry into force clauses, etc.*

**Section 10.** In order to ensure that the weapons act (*våbenloven*) and this order are complied with, additional conditions may be laid down for being granted a permit pursuant to section 1(1).

**Section 11.** Anyone contravening section 1(2), section 4, section 5(1)-(6), section 6(1), (2), (4) and (5), section 7 and section 8(1)-(3) shall be liable to punishment by fine, imprisonment for a term not exceeding four months or, in aggravating circumstances, imprisonment for a term not exceeding two years.

*Subsection 2.* Anyone contravening terms laid down pursuant to this order shall be liable to the same punishment.

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

**Section 12.** This order shall enter into force on 30 June 2012.

*Ministry of Justice, 27 June 2012*

Morten Bødskov / Christina A. Gulisano