

Translation: Only the Danish document has legal validity.

*Order no. 854 of 11 of June 2020
issued by the Danish Maritime Authority*

Order on load lines and freeboard conditions¹⁾

Pursuant to Section 1(2 and 3), Section 3(1), Section 5 and Section 32(9) of the Maritime Safety Act, cf. Order No. 1629 of 17 December 2018, and Section 1(2 and 3), Section 3(1), Section 5 and Section 32(2) of the Order on the entry into force for Greenland of the Maritime Safety Act, cf. Order No. 1674 of 16 December 2015, shall be determined after authorisation in accordance with Section 1(1)(no. 3), in Order No. 261 of 23 March 2020 on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc., and Section 1(1)(no. 2), in Order No. 279 of 23 March 2020 for Greenland on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

Section 1. Ships engaged in domestic and international service shall comply with the International Convention on Load Lines, 1966, as amended by the Protocol of 1988, and subsequent amendments (Load Line Convention), reproduced as an Annex to this Order unless otherwise expressly provided in this Order, subject to subsections 2 and 3.

Subsection 2. This Order shall not apply to

- 1) Warships and troopships,
- 2) Wooden vessels of primitive construction,
- 3) Recreational craft not used for commercial purposes and purchased before 1 January 2004,
- 4) Recreational craft not used for commercial purposes with a hull length of less than 24 m and laid down on or after 1 January 2004; and
- 5) Fishing vessels.

Subsection 3. Ships with a length of less than 24 m shall comply with Sections 4-6 of this Order instead of the Load Line Convention.

Subsection 4. Ships of 24 metres in length and over, which were built before 1 January 2002 and which operate exclusively in domestic service, shall comply with the rules applicable hitherto.

Subsection 5. Ships of less than 24 m in length which were laid down before 1 January 2002 shall comply with the rules previously in force. These ships shall, in addition, comply with the provisions of Section 6(7) or (8) of this Order.

Definitions

Section 2. For the purposes of this Order:

- 1) Length: As defined in the Load Line Convention, Appendix I, Rule 3(1).
- 2) International voyage: a voyage from a country covered by the SOLAS Convention to a port outside that country or vice versa. Journeys between Denmark and the Faroe Islands and between Denmark and Greenland, as well as journeys between the Faroe Islands and Greenland or between two foreign ports are considered international journeys.
- 3) National service: a voyage that is not an international journey.
- 4) Recognised organisation: an organisation authorised by the Danish Maritime Authority in accordance with the provisions of the Order on recognition and authorisation of organisations carrying out inspections and surveys of ships.

Exemption

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Section 3. In addition to the possibilities for exemption mentioned in Article 6 of the Load Line Convention, the Danish Maritime Authority may permit exemption from the provisions if the following apply to the individual ship

- 1) That the ship is exclusively engaged in domestic service; and
- 2) That sailing in the allocated area of operation is conducted in such protected conditions that the full application of the rules would be unreasonable or unnecessary.

Marking

Section 4. The load line mark may be marked with letters indicating the issuer of the international load line certificate in the following manner:

- 1) Where load line certificates are issued by the Danish Maritime Authority, D-L (Danish Load Line) is marked.
- 2) Where the Load Line Certificate is issued by a recognised organisation, endorsed in the company's chosen letters.
- 3) On ships changing flag or recognised organisation, it may be accepted that the existing letters placed to indicate the previous issuer of the ship's international cargo line certificate are retained.

Subsection 2. The bow and stern shall be marked with draught marks in decimetres on both sides. The marks are placed as close as possible to the perpendiculars.

Surveys and certificates²⁾

Section 5. The freeboard conditions appear according to Article 14 of the Load Line Convention.

Subsection 2. An International Load Line Certificate shall be issued to ships which have been surveyed and marked in accordance with the Load Line Convention and which comply with these provisions.

Subsection 3. The validity and period of validity of the certificates are determined by Article 19 of the Load Line Convention.

Freeboard conditions for vessels of less than 24 m in length

Section 6. Ships with a length of less than 24 m must maintain a level of safety that meets the criteria of the Load Line Convention.

Subsection 2. Freeboard shall be assigned on the basis of criteria laid down in the Load Line Convention, taking into account the ship's hull strength, stability, buoyancy and area of operation.

Subsection 3. The freeboard shall be determined from a table freeboard of 200 mm and corrected by the relevant parameters of the Load Line Convention. Where parameter values cannot be derived directly from the Load Line Convention, values used for vessels of 24 m in length shall be used.

Subsection 4. The freeboard of cargo vessels shall not normally be less than 150 mm, except that in special circumstances and having regard to the season and the duration of the voyage, a smaller freeboard may be permitted, but it shall never be less than 50 mm.

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Subsection 5. The deck line and the freeboard mark shall be marked as specified in the Load Line Convention for a load line mark, but without the letters indicating the issuer of the freeboard certificate. For small vessels, the load line mark may be of a smaller diameter, but not less than 200 mm in outside diameter.

Subsection 6. The bow and stern shall bear draught marks in decimetres on both sides. The marks shall be placed as close as possible to the perpendiculars.

Subsection 7. The Danish Maritime Authority or a recognised organisation shall indicate the approved freeboard on the national cargo ship safety certificate when compliance with these provisions has been ensured by a satisfactory survey. Moreover, the freeboard conditions appear in the context of the renewal of the national safety certificate for cargo ships.

Subsection 8. In the case of passenger ships, the Danish Maritime Authority or a recognised organisation shall indicate the approved freeboard on a national freeboard certificate when compliance with these provisions has been ensured by a satisfactory survey. The freeboard conditions also appear in the context of the renewal of the ship's Passenger Ship Safety Certificate.

Penalty provisions and measures, etc.

Section 7. Violation of Sections 1 and 6 is punishable by a fine or imprisonment for up to 1 year.

Subsection 2. The penalty may increase to imprisonment for up to 2 years if

- (1) The infringement, including in connection with causing an accident at sea or sailing in breach of good seamanship, has caused injury to life or health or has created a danger thereof,
- (2) A prohibition or an order has previously been issued in respect of the same or a similar matter; or
- 3) The infringement has resulted in or is intended to result in a financial benefit for the person concerned or for others.

Subsection 3. Where no confiscation of the proceeds of the infringement is ordered, the amount of any financial advantage obtained or intended shall be taken into account, in particular, in the assessment of any fine, including any additional fine.

Subsection 4. Criminal liability may be imposed on companies or other legal persons in accordance with the rules laid down in Chapter 5 of the Criminal Code.

Section 8. If the matter is covered by the order on the entry into force for Greenland of the Act on Safety at Sea, measures may be taken in accordance with the Criminal Code for Greenland.

Subsection 2. The circumstances referred to in Section 7(2) shall be regarded as aggravating circumstances.

Subsection 3. If no confiscation of proceeds is made, cf. Section 120 of the Criminal Code for Greenland, the amount of any financial benefit obtained or intended shall be taken into account in particular when imposing a fine, including an additional fine.

Subsection 4. Where an infringement is committed by companies or other legal persons, the legal person as such may be held liable to pay a fine. If the offence is committed by the State, the Government of Greenland, a municipality, a municipal community covered by Section 64 of the Greenland Act on Municipal Councils and District Councils, etc., or a district council, the public authority in question may be held liable for fines.

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Subsection 5. If a person is not resident in Greenland, or if the person's connection with Greenlandic society is of such a loose nature that the conditions for the application of measures are not met, the case may be brought or referred for prosecution in Denmark, cf. Section 7 of the Greenland Criminal Code.

Entry into force. etc.

Section 9. The Order shall enter into force on 1 July 2020.

Subsection 2. The design requirements of the previous regulations shall continue to apply to existing ships unless otherwise provided in this Order.

The Danish Maritime Authority, 11 June 2020

Per Sønderstrup

/ Peter Mikael Ostenfeld