

**Only the Danish version is authentic**

*Danish Maritime Authority's Technical Regulation No. 5 of 11 May 2004*

**Technical Regulation on life rafts and immersion suits on board fishing vessels<sup>1)</sup>**

The following is laid down pursuant to Section 1(3), Sections 3-5, Section 17(5) and Section 32 of the Act on safety at sea, cf. Consolidated Act No. 627 of 26 July 2002, and according to Order No. 607 of 25 June 2001 concerning entry into force of the Act of safety at sea for Greenland, in consultation with Greenland's Home Rule and following authorisation from the Danish Minister for Economic and Business Affairs:

*Area of application*

**Section 1.** This Regulation shall apply to all fishing vessels with a port identification number, irrespective of size.

*Definitions*

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

1) *Overall length ( $L_{oa}$ )* is the distance in a straight line between the foremost point on the stem to the aftermost point of the stern, as stated on the ship's tonnage certificate.

2) *Breadth  $B$*  is the maximum breadth of the vessel, as stated in the ship's tonnage certificate.

3) *Scantling number* is the overall length of the vessel multiplied by the breadth ( $L_{oa} \times B$ ).

4) *Approved life raft* is a life raft that is approved and conformity marked (wheel marked) pursuant to the Technical Regulation on equipment on board ships. Fishing vessels with a scantling number less than 100 may use life rafts with the capacity to accommodate 4 persons that are approved by the Danish Maritime Authority, cf. however Section 3.

5) *Approved immersion suit* is a thermally insulated immersion suit or protective suit that is approved and conformity marked (wheel marked) pursuant to the Technical Regulation on equipment on board ships.

6) *Recognised standards* are standards adopted by the International Maritime Organization (IMO), the International Organization for Standardization (ISO), the European Committee for Standardization (CEN), Danish Standards Association (DS) and the recognised classification societies.

*Equivalents*

**Section 3.** Where this Regulation requires that a particular accessory, material, device or apparatus, or type thereof, be fitted or present on board a vessel, or that certain measures be taken, the Danish Maritime Authority shall permit another accessory, material, device or apparatus, or type thereof, or a different measure to be taken on the vessel if, by the testing thereof or via another method, it feels that it

---

<sup>1)</sup> [This Regulation has been notified in draft form in accordance with European Parliament and Council Directive 98/34/EC (the Information Procedure Directive), most recently amended by Directive 98/48/EC.]

has been substantiated that such an accessory, material, device or apparatus, or type thereof, or measure is as effective as that required in accordance with the regulations.

*Subsection 2.* The Danish Maritime Authority shall accept tests that have been carried out by approved testing bodies, including testing bodies in other EU Member States as well as in countries signatory to the EEA Agreement, which provide appropriate and satisfactory guarantees of the technical, professional and independent nature of the tests.

*Fishing vessels subject to Notices E and F from the Danish Maritime Authority*

**Section 4.** Fishing vessels subject to Notices E or F from the Danish Maritime Authority shall carry life rafts in accordance with the provisions of the set of regulations to which the vessel is subject.

*Subsection 2.* These vessels shall also carry an approved immersion suit for every person on board.

*Subsection 3.* Small vessels that are only permitted to navigate in restricted, sheltered areas, cf. the Annex to this regulation, may use suitable, thermally protected buoyancy suits of a type that is manufactured and approved in accordance with recognised standards.

*Fishing vessels having a scantling number less than 20*

**Section 5.** Fishing vessels with a scantling number less than 20 shall be equipped with an approved life raft with the capacity to accommodate all persons on board. In place of the above, vessels that are only permitted to navigate within a distance of 3 nautical miles from the nearest land, may opt for one of the following alternatives.

1) The vessel shall carry a life raft with at least 2 buoyancy chambers manufactured in accordance with recognised standards for life rafts on recreational craft. The raft shall be packed in a container, have the capacity to accommodate at least four persons and be provided with reflective material. The raft shall be certified by a recognised inspection body in an EU/EEA country.

2) The vessel may dispense with carrying a life raft if it is documented that the vessel is provided with sufficient buoyancy devices to float in all conditions with sufficient freeboard to be able to be emptied in the event of swamping. Such a vessel shall have a thermal protection buoyancy suit for every person on board, manufactured and approved in accordance with recognised standards.

*Subsection 2.* Vessels with a scantling number less than 20 which only navigate within a distance of less than 1 500 metres from the nearest land in an area of navigation within Skagen, including Bornholm, and fishing vessels in the restricted, sheltered waters defined in the Annex may be exempted by the Danish Maritime Authority from the requirement to carry a life raft if instead they have an approved immersion suit for every person on board that is manufactured and approved in accordance with recognised standards.

*Miscellaneous provisions*

**Section 6.** Work barges used in connection with pound net fishing which do not go more than three nautical miles from the nearest coast are not obliged to carry life rafts when they are accompanied by a vessel that is equipped with a life raft with the capacity to accommodate all persons on board the ship and the barge.

**Section 7.** Life rafts shall be positioned, where practicable, so as to be able to be lowered immediately from either side of the vessel.

*Subsection 2.* Life rafts shall be positioned with the painter permanently fixed to the vessel so that there is no risk of them breaking loose and drifting away when the raft is inflated on the water during embarkation. Rafts shall also have an automatic release device so that they float freely to the surface, inflate automatically and break free from the vessel if they sink. This requires a weak link to be inserted into the painter system. Rafts that are lashed shall be provided with approved hydrostatic releases.

*Subsection 3.* Life rafts on board vessels which navigate only in shallow water areas need not have a weak link in connection with the painter if the painter is at least twice as long as the maximum water depth in the area of navigation.

*Subsection 4.* Life rafts and hydrostatic releases, with the exception of disposable hydrostatic releases, shall be inspected at an approved service station at intervals not greater than 12 months. Where this is not practicable, the Danish Maritime Authority may extend this interval to 17 months.

**Section 8.** Immersion suits shall be placed in the vicinity of the life-saving appliances and, as far as possible, so as to be accessible from the open deck.

*Penalties and entry into force etc.*

**Section 9.** Contravention of Sections 4 to 8 shall be punished with a fine or imprisonment for up to one year.

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

- 1) the contravention has caused harm to life or health or brought about the risk thereof,
- 2) a ban or order has previously been issued regarding the same or equivalent circumstances, or
- 3) the contravention resulted in, or was intended to result in, financial gain for the person concerned or for others.

*Subsection 3.* It shall be deemed particularly aggravating circumstances if young people under the age of 18 have suffered harm to life or health or there has been the risk thereof, cf. subsection 2, point 1.

*Subsection 4.* If the profits gained through the contravention are not confiscated, particular consideration shall be given to the size of the financial gain or intended financial gain when meting out the fine, including supplementary fines.

*Subsection 5.* Criminal liability may be incurred by companies etc. (legal entities) in accordance with the rules of Chapter 5 of the Penal Code.

**Section 10.** Provided that breach is covered by the Order No. 607 of 25 June 2001 on the entry into force in Greenland of the Act of Safety at Sea measures may be ordered in accordance with the Penal Code for Greenland.

*Subsection 2.* The circumstances mentioned in section 9(2-3) shall be considered especially aggravating circumstances.

*Subsection 3.* If the profits gained through the contravention are not confiscated, particular consideration shall be given to the size of the financial gain or intended financial gain when meting out the fine, including supplementary fines, cf. section 116(1) of the Penal Code.

*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, Greenland's Home Rule, a municipality, an intermunicipal

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 shall be liable to punishment by fine.

*Subsection 5.* If the person in question does not live in Greenland, or if his tie to the community in Greenland is of 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.

**Section 11.** This Technical Regulation shall enter into force on 1 May 2004.

*Subsection 2.* Technical Regulation No. 4 of 6 July 1995 on life rafts on board small fishing vessels shall be rescinded.

The Danish Maritime Authority, 11 May 2004

Hans Christensen

/Peter Lauridsen

## **Annex to the Technical Regulation on life rafts and immersion suits on board fishing vessels**

The Regulation allows small fishing vessels that are only used in restricted, sheltered areas to be exempt from the requirement to be equipped with a life raft or immersion suit. In this connection, the following areas are regarded as being covered by the term restricted, sheltered areas:

1. Within the mouth of all fjords, including Ringkøbing Fjord, Nissum Fjord and Nissum Bredning, as well as Limfjorden.
2. The Bay of Århus and Ebeltoft Vig.
3. Stagns Fjord.
4. Little Belt (from Fredericia to Assens).
5. Odense Fjord.
6. Fyns Hoved, Kors Havn and the waters within Æbelø.
7. The waters south of the Hov-Lundeborg line.
8. The South Funen Archipelago, within Veisnæs Nakke - Ærø - Bagenkop/Skjoldnæs fyr - Helnæs.
9. Alssund.
10. The north coast of Lolland within the lines Tårs - Temø - Ore Hoved.
11. Storstrømmen and Bøgestrømmen.
12. Guldborg Sound.
13. The Øresund coast from Helsingør to Dragør.
14. Agersø Sound.
15. The waters between Sejerø - Ordrup Næs - Nekselø.

As it should be possible for a fishing vessel to navigate from one restricted, sheltered area to another, navigation within 1 500 metres of the coast throughout the waters within Skagen, including Bornholm, is also included under the exemption provided by the Regulation.

## **Comment on the Technical Regulation on life rafts and immersion suits on board fishing vessels**

The Regulation is being issued as a separate regulation in order to introduce the provisions on immersion suits on board all fishing vessels as soon as possible, in accordance with the requests of the fishing industry.

The provisions of the regulation will be incorporated into Notices E and F from the Danish Maritime Authority at the first available opportunity.

On vessels that are exempt from the requirement for a life raft it is recommended that the persons on board wear their suits during the cold part of the year.