

Decree on the entry into force for Greenland of various acts amending the act on safety at sea

We MARGRETHE THE SECOND, by the grace of God Queen of Denmark, hereby witness:

In pursuance of section 70(4), cf. section 59(i)-(ii), of act no. 1231 of 18 December 2012 amending various provisions on mandatory digital communication, etc. (Mandatory digital communication and adjustments as a consequence of the transfer of power, etc.), section 10(2), cf. section 5(i)-(iv), of act no. 1384 of 23 December 2012 amending the act on the merchant shipping act (*søloven*), the act on additions to the act on wreckage of 10 April 1895 (*lov om tillæg til strandingsloven af 10. april 1895*), the act on the manning of ships (*lov om skibes besætning*), and various other acts and repealing the act on a registration fee for recreational craft (*lov om registreringsafgift for fritidsfartøjer*) (Implementation of the International Convention on the Removal of Wrecks, adjustments as a consequence of the Regulation concerning the Rights of Passengers, fees for certificates of competency and certificates of qualification, the introduction of an annual fee for ships registered in the ship registers and sanctioning of the master's obligation to rescue those on board, etc.), and section 12(2), cf. section 3(i), of act no. 618 of 12 June 2013 amending the merchant shipping act (*søloven*) and various other acts (Enhanced navigational safety requirements (Enhanced navigational safety requirements in arctic waters, improving seafarers' legal status in case of piracy, adjustment of the ship registration provisions, implementation of the Convention on the Contracts for the International Carriage of Goods Wholly or Partly by Sea, implementation of the amendment Protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea and abolition of the Divers' Council), the following provisions are laid down:

Section 1

In the act on safety at sea (*lov om sikkerhed til søs*), as enacted for Greenland by decree no. 71 of 31 January 2013, the following amendments shall be made:

1. In *section 3*, the following shall be inserted as *subsection 2*:
"*Subsection 2*. The Minister for Business and Growth may lay down regulations on stricter safety requirements for ships whose navigation in arctic waters present a special risk to those on board the ship or the arctic environment, including regulations on the use of a pilot certified for navigation in the relevant area."
2. *Section 17(7) and (8)* shall be repealed.
Subsequently, subsections 9 and 10 shall become subsections 7 and 8.
3. After *section 17*, the following shall be inserted:
"**Section 17a**. The Minister for Business and Growth may lay down regulations stipulating that written communication to and from the authorities on issues covered by this act or by regulations issued pursuant to this act shall be made digitally.
Subsection 2. The Minister for Business and Growth may lay down more detailed regulations on digital communication, including on the use of specific computer systems, special digital formats and digital signature or the like.

Subsection 3. A digital message shall be considered to have reached the recipient when it is available to the addressee of the message.

Section 17b. The Minister for Business and Growth may lay down regulations stipulating that the authorities may issue decisions and other documents pursuant to this act or pursuant to regulations issued pursuant to this act without a signature, by means of a mechanically or similarly reproduced signature or using a technique ensuring unambiguous identification of the one who has issued the decision or the document. Such decisions and documents shall be considered equal to decisions and documents furnished with a personal signature.

Subsection 2. The Minister for Business and Growth may lay down regulations stipulating that decisions and other documents that have exclusively been made or issued on the basis of electronic data processing shall be issued only if the relevant authority has been given as the sender."

4. After section 20, the following shall be inserted:

"**Section 20a.** The Danish Maritime Authority may, as part of its inspection activities pursuant to this act, also inspect compliance with the act on the manning of ships (*lov om skibes besætning*), the act on the tonnage measurement of ships (*lov om skibsmåling*), and sections 153, 186, 197, 198 and 471 of the merchant shipping act (*søloven*) and regulations issued in pursuance hereof. The Danish Maritime Authority may order that conditions that are not in compliance with the mentioned acts or regulations issued in pursuance hereof be remedied immediately or within a given time-limit.

Subsection 2. Section 16(2), section 17(9) and (10), section 19, section 22 and section 24 and regulations issued in pursuance hereof as well as section 25 shall also apply to inspection activities in pursuance of subsection 1.

Subsection 3. The Minister for Business and Growth may lay down regulations on the inspection carried out in pursuance of this act and on the consideration of complaints from seafarers and others, including that it shall not be revealed that an inspection visit is made as a consequence of a complaint."

5. In section 29, the following shall be inserted as *subsection 3*:

"*Subsection 3.* Any master who neglects his obligations under section 135 of the merchant shipping act (*søloven*) concerning the rescue of those on board when the ship has gotten into distress at sea shall be liable to measures in pursuance of the penal code (*kriminalloven*)."

Section 2

This decree shall enter into force on 1 January 2016.

Christiansborg Castle, 24 August 2015

In the name of the Queen:

Frederik

Crown Prince

/ Troels Lund Poulsen