

Order on authorisation to perform tasks on behalf of the Danish Maritime Authority¹

In pursuance of section 22(1)-(3) and section 32(8) of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 72 of 17 January 2014, and in pursuance of section 22(1)-(3) and section 32(2) of the act on safety at sea as enacted for Greenland by decree no. 71 of 29 January 2013, the following provisions are laid down by authority in pursuance of section 1(1)(iii) of order no. 744 of 24 June 2013 on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

Purpose and scope of application

Section 1. This order lays down the application and approval procedure to be used by companies and individuals requesting authorisation to perform tasks on behalf of the Danish Maritime Authority.

Section 2. This order covers the following tasks:

- 1) Tonnage measurement of ships.
- 2) Measurement of cargo holds in fishing vessels with a length above 17 metres.
- 3) Performance of inclining tests and drawing up of lightweight calculations.
- 4) Radio surveys on fishing vessels as well as on cargo ships below 300 gross tonnes.
- 5) Electronic testing of LRIT equipment.
- 6) Periodic surveys of fishing vessels, including surveys of the outside bottom of laid-up fishing vessels.
- 7) Lifting gear and cargo handling gear, etc. on ships.
- 8) Periodic inspections of launching appliances on ships.
- 9) Control pursuant to MARPOL, Annex II.
- 10) Testing of packaging approved according to the IMDG Code.
- 11) Approval and inspection of houseboats and floating structures.
- 12) Noise measurements of ships.

Subsection 2. The Danish Maritime Authority shall lay down more detailed qualification requirements that shall be met in order to perform tasks as stipulated in subsection 1 on behalf of the Danish Maritime Authority, including any requirements for the quality management system with a description of the required equipment, the work process, impartiality issues, recordings as well as personnel qualifications. The requirements are described on the website of the Danish Maritime Authority.

Section 3. The Danish Maritime Authority shall accept tests and approvals made by authorised companies and individuals in EU or EEA countries with similar approval issued by the national authorities of that country.

Subsection 2. The Danish Maritime Authority shall accept tests and approvals made by recognised organisations.

¹ This order contains provisions implementing parts of directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, Official Journal 2006, no. L 376, page 36.

Application and case consideration

Section 4. Applications for permission to perform tasks as stipulated in section 2 shall be submitted to the Danish Maritime Authority.

Section 5. When the Danish Maritime Authority receives an application for approval, the Danish Maritime Authority shall forward a confirmation of receipt to the applicant containing information about the period expected to be spent considering the case.

Section 6. The Danish Maritime Authority shall maintain a list of authorised companies and individuals on the website of the Danish Maritime Authority.

Inspection

Section 7. The Danish Maritime Authority shall perform risk-based inspection of authorised companies or individuals as regards the upholding of the authorisation.

Subsection 2. An inspection shall have the form of an audit of the quality management system of the authorised company or individual.

Subsection 3. The inspection may be performed at the premises of the authorised company or individual, in connection with the performance of the work or through the presentation of documentation.

Subsection 4. The Danish Maritime Authority may withdraw an authorisation if the conditions or other terms related to the authorisation are no longer met.

Right of complaint

Section 8. The authorised company or individual shall provide the service recipient with written guidelines about the right of complaint.

Subsection 2. The complaint guidelines shall contain a description of:

- 1) the procedure in case the service recipient is not approved;
- 2) the service recipient's possibility of complaining to the Danish Maritime Authority about the authorised company's or individual's performance of the work; as well as
- 3) the relevant contact details in this connection.

Penalty and entry into force

Section 9. Contraventions of section 2(2) shall be liable to punishment by fine unless severer punishment is incurred under other legislation.

Subsection 2. Companies etc. (legal personalities) may be liable to punishment according to the provisions of chapter 5 of the Penal Code (*straffeloven*).

Section 10. If the contravention is covered by the decree on the entry into force for Greenland of the act on safety at sea (*lov om sikkerhed til søs*), measures may be instituted in accordance with the criminal code for Greenland.

Subsection 2. If the financial benefit achieved is not confiscated, cf. section 116(1) of the penal code, 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 3. If a contravention has been committed by companies, etc. (legal entities), liability to pay a fine may be incurred by the legal entity as such. If the contravention has been committed by the State, the Government of Greenland, a municipality, a municipal cooperative covered under section 64 of the Landing act on municipal councils and local authorities, etc. or a local authority, liability to pay a fine may be incurred by the relevant public authority as such.

Subsection 4. If the relevant party is not resident in Greenland or his connection to Greenland society is otherwise so remote that the prerequisites for measures to be taken do not exist, legal proceedings may be instigated or the case may be referred for trial in Denmark.

Section 11. This order shall enter into force on 1 January 2018.

Subsection 2. Order no. 1359 of 15 December 2009 on technical regulation on the performance of certain tasks in pursuance of the act on safety at sea (*lov om sikkerhed til søs*) on behalf of the Danish Maritime Authority, etc., shall be repealed.

Danish Maritime Authority, 30 November 2017

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