

Translation. Only the Danish document has legal validity.

Order no. 417 of 9 May 2012 issued by the Danish Maritime Authority

Order amending the order on technical regulation on a vessel traffic monitoring and information system in Danish waters and ports

Section 1

In order no. 1021 of 26 August 2010 on technical regulation on a vessel traffic monitoring and information system in Danish waters and ports, as amended by order no. 1032 of 8 November 2011 and order no. 55 of 24 January 2012, the following amendments shall be made:

1. *The footnote* to the title of the order shall be as follows:

“1) This order contains provisions implementing parts of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system, Official Journal 2002, no. L 208, p. 10, as amended by Directive 2009/17/EC of the European Parliament and of the Council of 23 May 2009, Official Journal 2009, no. L 131, p. 101, and Commission Directive 2011/15/EU of 23 February 2011, Official Journal 2011, no. L 49, p. 33, Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (text of EEA relevance), Official Journal 2009, no. L 131, p. 58, as well as parts of Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States, Official Journal 2010, no. L 283, pp. 1-10.”

2. *Section 3(x)* shall be as follows:

“10) “Port authority” means the competent authority or the competent body in each port designated by the Member State to receive and pass on the information reported pursuant to this order.”

3. *Sections 4-6* shall be as follows:

“**Section 4.** The master of a ship bound for a port of a Member State as well as the master of a foreign ship with a gross tonnage below 300 bound for a Danish port shall ensure that the following information is notified to the competent authority:

- 1) Ship identification (name, call sign, IMO identification number or MMSI number);
- 2) port of destination;
- 3) estimated time of arrival at the port of destination;
- 4) estimated time of departure from the port of destination; and
- 5) total number of persons on board.

Subsection 2. The master of a ship to be subject to an expanded inspection according to article 14 of Directive 2009/16/EC of the European Parliament and of the Council shall, furthermore, ensure that the competent authority is notified of the following information:

- 1) planned operations (loading, unloading, other things);
- 2) planned mandatory ship surveys and comprehensive maintenance and repair work to be carried out during the stay.

Subsection 3. The master of a tanker to be subject to an expanded inspection according to article 14 of Directive 2009/16/EC of the European Parliament and of the Council shall, furthermore, ensure that the competent authority is notified of the following information:

- 1) configuration (single hull, single hull with separate ballast tanks, double hull);
- 2) condition of the cargo tanks and ballast tanks (full, empty, inerted); and

- 3) the quantity and nature of the cargo.

Subsection 4. The following time-limits shall apply to the notification of the information stipulated in subsections 1-3:

- 1) At least 72 hours prior to arrival for ships that, according to article 14 of Directive 2009/16/EC of the European Parliament and of the Council, may be subject to an expanded inspection;
- 2) at least 24 hours prior to arrival for other ships; and
- 3) for ships whose voyage is less than the notification time-limits stipulated in paragraphs (i) and (ii) not later than
 - a) at the departure from the previous port; or
 - b) if the port of call is not known or it is changed during the voyage, as soon as this information is available.

Subsection 5. If changes of the information on the time of arrival and/or departure notified under subsections 1-3 of three hours or more are expected, the master of the ship shall immediately ensure that the competent authority is notified hereof.

Subsection 6. The Danish Maritime Authority may exempt a ship from the reporting obligation stipulated in subsection 1 and section 5 if:

- 1) the ship is engaged on scheduled services:
 - a) on Danish ports; or
 - b) between Danish and foreign ports and the Member States involved agree to this;
- 2) the scheduled service is planned to extend over more than one month;
- 3) the planned crossing time for a single crossing does not exceed 12 hours; and
- 4) the company
 - a) keeps record of the ship or ships forming part of the relevant scheduled service and submits this to the Danish Maritime Authority the first time an application for an exemption is filed and, subsequently, each time changes are made; and
 - b) establishes an internal system ensuring that the information on each individual crossing, cf. subsection 1, is recorded so that it is possible for the Admiral Danish Fleet to request and receive this without delay irrespective of the time of the request.

Section 5. The master of a foreign ship, irrespective of size, that has called at a Danish port shall not later than at the time of departure from the port ensure that the competent authority is informed about the actual time of arrival in and departure from the port.

Section 6. As regards ships calling at Danish ports, notifications to the competent authority pursuant to sections 4 and 5 shall be made electronically to the Admiral Danish Fleet via Safe-SeaNet.”

4. *Section 17* shall be as follows:

“Section 17. Unless the contravener is liable to a stricter punishment pursuant to other legislation, anyone contravening sections 4-10 and sections 12-14 or who does not observe orders issued under sections 13-16 shall be liable to punishment by fine or imprisonment for a term not exceeding one year.

Subsection 2. The penalty under subsection 1 may be increased to imprisonment for a term not exceeding two years if

- 1) the contravention has caused damage to life or health or risk of such damage;
- 2) an injunction or order has previously been issued in connection with the same or equivalent situations; or

3) the contravention has produced or has been intended to produce financial benefits to the contravener or others.

Subsection 3. It shall be considered aggravating circumstances if the contravention has caused damage to life or health of young persons below the age of 18 or risk of such damage, cf. subsection 3(i).

Subsection 4. If the profits gained through the contravention are not confiscated, particular account shall, when meting out penalties, including additional penalties, be taken of the scale of any economic benefit achieved or sought.

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

Section 2

This order shall enter into force on 1 June 2015.

Danish Maritime Authority, 9 May 2012
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