

Translation: Only the Danish document has legal validity.

*Order No. 1821 of 17 of September 2021
issued by the Danish Maritime Authority*

Order on the construction and equipment of ships, passenger ships, etc., on domestic voyages

Pursuant to Section 1(2 and 3), Section 3(1), Section 4(2), 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 4(2), 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.:

Scope, etc.

Section 1. This Order and its Annexes shall apply to the following passenger ships and passenger vessels when engaged on domestic voyages, irrespective of their flag:

- 1) New and existing passenger ships of 24 metres in length and over.
- 2) High-speed passenger craft.

Subsection 2. This Order shall not apply to:

- 1) Passenger ships that are:
 - a) Warships and troopships,
 - b) Sailing vessels,
 - c) Vessels not propelled by mechanical means,
 - d) Vessels constructed of materials other than steel or equivalent and not covered by the standards for high-speed craft (res. MSC 36(63) or MSC. 97(73)) or Dynamically Supported Craft (res. A. 373(X)),
 - e) Wooden vessels of primitive construction,
 - f) Traditional vessels,
 - g) Recreational craft,
 - h) Ships operating exclusively in port areas,
 - i) Offshore service vessels; or
 - j) Tender boats.
- 2) High-speed passenger craft that are:
 - a) Warships and troopships,
 - b) Recreational craft,
 - c) Vessels operating exclusively in port areas; or
 - d) Offshore service vessels.

Section 2. On the basis of the criteria in Article 4 of the Directive, the Danish Maritime Authority has categorised Danish marine waters as shown on the map in Annex 2.

Subsection 2. For a specific ship on a given route and on the basis of detailed wave studies, the Danish Maritime Authority may allow a different categorisation.

Subsection 3. Marine waters and shipping routes off Greenland will be assessed on a case-by-case basis, taking into account Greenlandic conditions.

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Section 3. References to the 1974 International Convention for the Safety of Life at Sea (1974 SOLAS Convention) in Annex 1 shall be understood to mean the current Order on the Construction and Equipment of Ships, etc., implementing the 1974 International Convention for the Safety of Life at Sea (SOLAS).

Subsection 2. References to the International Convention on Load Lines, 1966, in Annex 1 shall be construed as references to the current Load Lines and Freeboard Regulations.

Subsection 3. References to Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for Ro-Ro passenger ships in Annex 1 shall be understood as referring to the current Order on specific stability requirements for Ro-Ro passenger ships.

Subsection 4. The flag State administration referred to in Annex 1 shall mean the Danish Maritime Authority.

Section 4. Foreign shipping as defined in Annex 1 also includes travel between Denmark and the Faroe Islands or between Denmark and Greenland or between the Faroe Islands and Greenland.

Other safety requirements

Section 5. Ships covered by this Order shall also comply with the following provisions of the current Order on the Construction and Equipment of Ships, etc., implementing the International Convention for the Safety of Life at Sea (SOLAS) 1974:

- 1) Annex 6 on GMDSS radio communications, except that Rule 6(4) on the emergency panel, Rule 6(6) on the emergency alarm panel, Rule 7(1.3) on the radar transponder, Rule 7(1.4) on the NAVTEX receiver, Rule 7(1.6) on the emergency satellite radio beacon, Rule 7(5) on the aeronautical frequency equipment, Rule 8(1) on the secondary alarm method, Rule 15(6) on methods of maintenance, and Rule 16(2) on radio personnel, shall not apply to Class D passenger ships.
- (2) Annex 7 on safety of navigation, except that Rule 19(2.2.3) on the Bridge Alarm System, Rule 19-1 on Long-range Identification and Tracking of Ships (LRIT), Rule 20 on the Voyage Data Recorder (VDR) shall not apply to passenger ships of Classes B, C and D. The Danish Maritime Authority may, for Greenland and on the basis of an individual assessment of, among other things, radio coverage, set deviating requirements for radio equipment.
- 3) Annex 8 on the transport of cargo and oil fuels.
- 4) Annex 9 on the transport of dangerous goods.
- 5) Annex 10 on nuclear vessels.
- 6) Annex 11 on ship operation.
- 7) Annex 13 on special measures to enhance maritime safety, except that Rules 2, 2-1, 3, 3-1 and 5 shall not apply to passenger ships of Classes B, C and D. Rule 7 on apparatus for measuring the atmosphere in enclosed spaces may also be satisfied by ensuring that suitable apparatus is available for entry into enclosed spaces.
- 8) Annex 17 on safety measures for ships in polar waters.

Section 6. Passenger ships covered by this Order shall, for the purpose of initial inspections, also be covered by the following Orders:

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- 1) Order on an Inspection scheme for the safe operation of Ro-Ro passenger ships and high-speed passenger craft in service.
- 2) Order on port state control of ships.

Additional and equivalent safety requirements, exemptions and safeguards

Section 7. The measures adopted in accordance with the procedure laid down in Article 9(4) of Annex 1 to the Order are reproduced in Annex 3 to this Order.

Penalty provisions and measures, etc.

Section 8. Violation of Sections 1, 5 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 9. 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 8(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 infringement is committed by the State, the Government of Greenland, a municipality, or a settlement board, the public authority as such may be held liable to a pay fine.

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 10. The Order shall enter into force on 19 September 2021.

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Subsection 2. Order No. 1529 of 19 December 2019 on the construction and equipment of ships, etc., passenger ships operating domestic services is repealed.

Subsection 3. The design requirements of the previous regulations shall continue to apply to existing ships unless otherwise provided in this Order.

Section 11. The Order shall apply to Greenland, subject to Subsections 2 and 3.

Subsection 2. Section 7, Article 9(4) and (5), and Articles 10, 10a, 11, 16 and 16a of Annex 1, and Annexes 2 and 3 shall not apply to ships registered in Greenland.

Subsection 3. In the Passenger Ship Safety Certificate form in Annex 1 to this Order, references to Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships shall be replaced by references to this Order for ships registered in Greenland.

The Danish Maritime Authority, 17 September 2021

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/ Peter Mikael Ostenfeld

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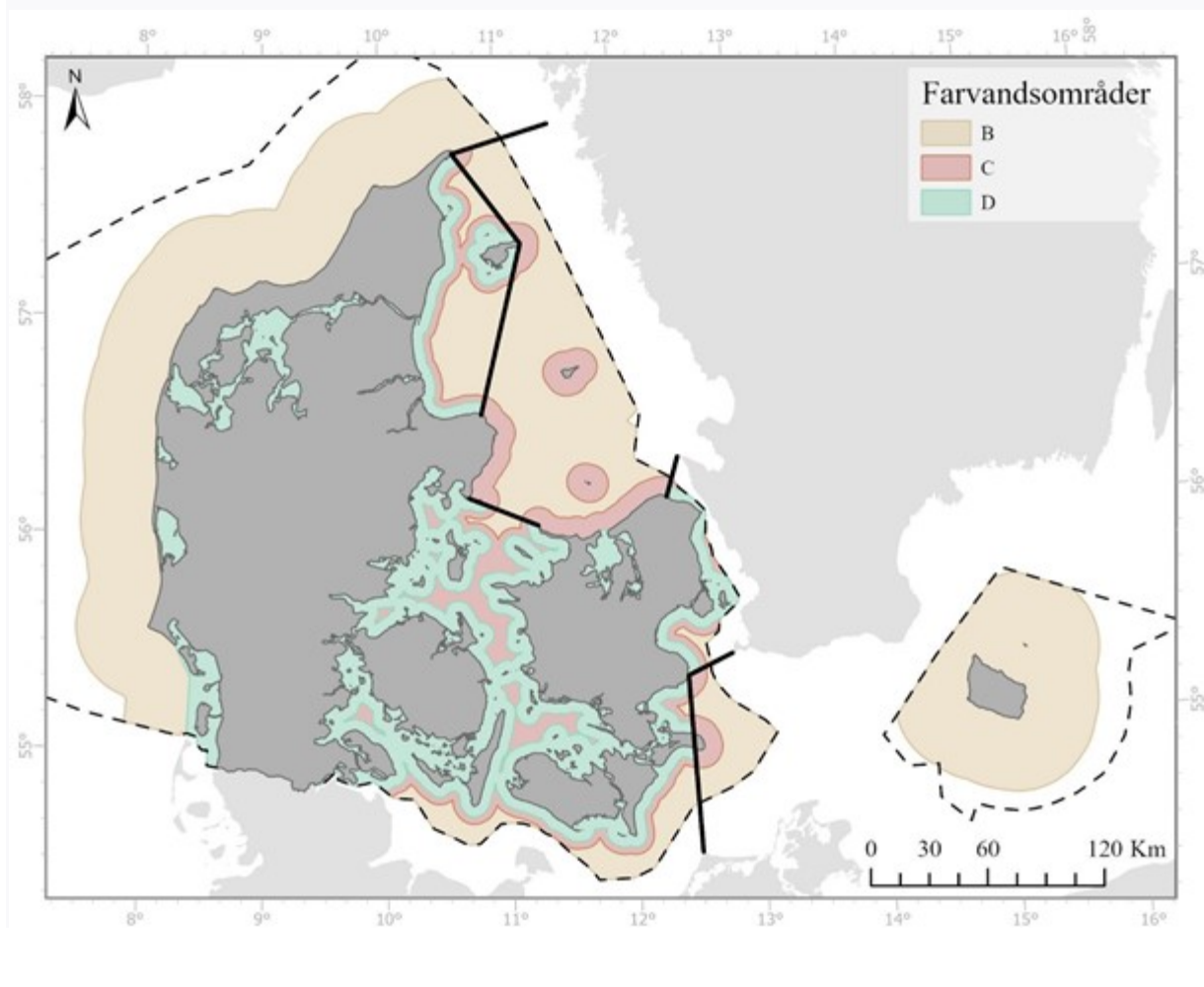
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Annex 2

Categorisation of Danish marine waters

On the basis of the criteria in Article 4 of the Directive, the Danish Maritime Authority has categorised Danish marine waters as shown on the map below.

The inner limit of the marine area closest to the coast is the coastline, as well as bridges, etc., which cannot be crossed by ships covered by the Order.



Annex 3

Additional and equivalent safety requirements, exemptions and safeguards

The Danish Maritime Authority has adopted the following measures in accordance with the procedure laid down in Article 9.4 of the Directive.

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1. When exemptions and equivalences under Article 9(4) are introduced, they will be included in Annex 3 to the Order after consultation.

Official notes

¹¹ The Order implements Directive 2009/45/EC of the European Parliament and of the Council of 15 November 2009 on safety rules and standards for passenger ships, Official Journal 2009, No. L 163, p. 1, as last amended by Commission Delegated Regulation (EU) 2020/411 of 19 November 2019 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships, as far as safety requirements for passenger ships operating domestic services are concerned, Official Journal 2020, No. L 83, page 1.