

## **Translation: Only the Danish document has legal validity**

*Order no. 638 of 14 June 2011 issued by the Danish Maritime Authority*

### **Order on the reporting of marine accidents, deaths and near-miss incidents<sup>1</sup>**

Pursuant to section 4(3) and section 32(4) of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 654 of 15 June 2010, as amended by act no. 457 of 18 May 2011, the following provisions are laid down:

**Section 1.** When a marine accident or a near-miss incident occurs on board a Danish ship or on a foreign ship in Danish territorial waters, or when a death has occurred on board or from the ship, the Danish Maritime Authority shall immediately be informed hereof.

*Subsection 2.* The master and owner of the ship shall ensure that the reporting is made. If the accident has occurred on board an offshore installation covered by the act on safety at sea (*lov om sikkerhed til søs*), the obligation shall also rest with the person responsible for the installation.

*Subsection 3.* If the accident has caused persons carrying out work on board Danish ships not to be able to perform their usual work for more than one day in addition to the day of injury, reporting of the occupational accident shall also be made pursuant to the technical regulation on occupational health in ships.

**Section 2.** Marine accidents shall mean incidents occurring in connection with the operation of a ship leading to one of the following:

- 1) A person has fallen over board, been seriously injured or has died;
- 2) collision, grounding, fire, explosion, leakage, list, capsizing or that a ship becomes unmanoeuvrable, must be considered lost or has become necessary to leave;
- 3) material damage to a ship or a port infrastructure outside the ship that could severely jeopardize safety; or
- 4) serious damage to the environment as a consequence of damage to one or more ships or a risk of such damage.

*Subsection 2.* Near-miss incidents shall mean marine incidents where a marine accident has not occurred, but where there has been a risk to the safety of the ship or persons or a risk of pollution.

**Section 3.** The reporting obligation pursuant to section 1 shall not include accidents, etc. involving merely recreational craft not used for commercial purposes.

**Section 4.** The Danish Maritime Authority shall immediately inform the Danish Maritime Accident Investigation Board about the reports received.

*Subsection 2.* The Danish Maritime Accident Investigation Board shall report accidents and incidents covered by Council Directive 2009/18/EC to the European Marine Casualty Information Platform (EMCIP). The Danish Maritime Authority shall provide assistance in this connection.

**Section 5.** Anyone contravening section 1 shall be liable to punishment by fine.

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<sup>1</sup> This order contains provisions implementing parts of Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council, Official Journal 2009, no. L 131, pp. 114-127.

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