

Statutory Order no. 1146 of 25 November 2004

(Unauthorized translation by the Danish Coastal Authority)

**Statutory Order on Standard Regulations for
the Observance of Good Order in Danish Commercial Ports**

In pursuance of Sections 15(1) and 15(2) and Section 18(2) of Ports Act no. 326 of 28 May 1999, as amended by Act no. 1221 of 27 December 2003, it is hereby as mandated in letter of 1 October 2004 from the Danish Ministry of Transport to the Danish Coastal Authority laid down that:

S. 1. The "Standard regulations for observance of good order in Danish commercial ports" as laid down in Appendix 1 shall apply to ports used for commercial handling of goods, vehicles, persons and landing of fish, cf. Section 1(1) of the Ports Act, within the area laid down in the regulations for the observance of good order of the individual ports in pursuance of Section 15(2) of the Ports Act. Supplementary rules may be laid down in the individual regulations.

S. 2. The regulations for the observance of good order hitherto applying to the individual ports in pursuance of the port legislation shall remain in force. If such regulations for the observance of good order contain a reference to the "Standard regulations for the maintenance of good order in Danish ports", which is an appendix to Statutory Order no. 355 of the Ministry of Transport of 12 May 1997, such standard regulations shall be replaced by the standard regulations referred to in Appendix 1 of this Statutory Order.

S. 3. Infringement of Section 1(4), Section 3(5), Sections 4(1-3) and (5), Sections 5-15, Sections 19-21, Section 22(2), Sections 23-24, Section 26, Section 27(3) and Section 28(3) in Appendix 1 to this Statutory Order is subject to penalty.

(2). Infringement of the supplementary rules of the individual regulations for the observance of good order of a port is subject to penalty in so far as this is laid down by the regulations.

(3). Companies, etc. (legal entities) may be liable to penalty pursuant to the provisions of Part 5 of the Danish Penal Code.

4(1). This Statutory Order shall enter into force on 1 January 2005.

(2). At the same time, Statutory Order no. 355 of the Ministry of Transport of 12 May 1997 on

standard regulations for the observance of good order in Danish commercial ports shall be repealed.

The Danish Coastal Authority, 25 November 2004

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Standard Regulations for the Observance of Good Order in Danish Commercial Ports

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I

Notification, entry and mooring

Notification

S. 1. Before a ship calls at the port, the master, broker or agent of the ship shall notify this to the port authority. Notification shall take place

- 1) at least 24 hours before arrival, or
- 2) not later than when the ship departs from the previous port if the voyage time is less than 24 hours, or
- 3) as soon as the port of call is known if this information is not available more than 24 hours before arrival or if it is changed during the voyage.

(2). The notification shall at least be accompanied by the following:

- 1) Information on the ship's data, expected time of arrival and the expected time of stay in the port.
- 2) Information on the purpose of the ship's call at the port, including whether a berth is required at a secure port facility.
- 3) All information required by the port pursuant to the rules in force at any time for administration of a secure port facility¹⁾, when a berth is requested at such a facility.
- 4) Information on whether the ship carries dangerous goods, the nature and quantity of such goods, whether they are to be unloaded in the port, or whether dangerous goods are to be loaded in the port. Dangerous goods shall mean goods comprised by the rules on sea transport of dangerous goods in force at any time²⁾.
- 5) Notification of ship-generated waste and cargo residue which is expected to be disposed of in the port pursuant to the rules in force at any time³⁾.
- 6) Information on whether waste is otherwise expected to be disposed of and how disposal is intended to take place.

(3). The deadlines stated in Section 1(1) shall not apply to ships in regular service with a berth

in the port of arrival.

(4). When the port authority so requests, the master, broker or agent of the ship shall produce the official papers of the ship and provide all relevant information on the ship, its cargo and ownership. The port authority may require that the ship's papers and certificates or a part of these be lodged with the port authority during the ship's stay at the port.

(5). The port authority may make it a condition of the call that the owner, user or broker/agent of the ship provides satisfactory guarantee to the port authority for any claims that may be raised against the ship.

The condition of the ship

S. 2. At the time of notification, and during the ship's stay at the port, the ship shall be seaworthy and issued with all the necessary certificates in accordance with the ship's class and applicable Danish and international regulations.

Berths

S. 3. A ship, which carries dangerous goods and which does not comply with the applicable Danish and/or international environmental and safety regulations, occupational health regulations and conditions for such transport, may be refused by the port authority.

(2). In consultation with the local authority's emergency service, the port authority shall be entitled to refuse a ship if the necessary safety measures for handling of dangerous goods cannot be taken.

(3). Otherwise the port authority allocates berths to ships. The port authority may decide that parts of the port shall be reserved for specified types of ships. The port authority shall at any time decide in which order the ships shall be allocated berths. As the principal rule ships will be allocated berths in the order in which they arrive. Ships in regular service with fixed berths shall be exempt from this rule, just as the port authority may allow a ship priority to a berth close to the storage facilities from/to which the ship is to load or unload goods, or to a berth at a secure port facility, cf. Section 1(2), no. 3.

(4). The port authority shall be entitled to refuse to grant ships berths at a secure port facility pursuant to the rules in force at any time, cf. Section 1(2), no. 3.

(5). Ships shall be moored at the berth assigned to them by the port authority, and ships shall not shift berth unless the permission of the port authority has been obtained. The port authority shall have a right to demand that a ship shift berth

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and a right to have a ship shifted at the ship's own expense and risk if such an order is not complied with.

Anchoring

S. 4. Ships shall not anchor within the territorial waters of the port or in the navigation channels of the port without absolute necessity, unless the special permission of the port authority has been obtained.

(2). Ships at anchor within the territorial waters of the port shall retain on board a crew appropriate to the size of the ship and maintain proper radio vigilance.

(3). The port authority shall be entitled to demand that ships that anchor within the territorial waters of the port be moved if the port authority assesses that such ships prevent free and safe passage.

(4). In the event that anchoring has not ceased at the time fixed by the port authority, the port authority shall have the right to have the ship moved at the ship's own expense and risk.

(5). No ship shall lie with warps out or obstruct channels or the basin with moorings unless the special permission of the port authority has been obtained.

Navigation in the harbour

S. 5. Unauthorised navigation near a secure port facility is prohibited, cf. Section 1(2), no. 3, when the port authority by the posting of signs, buoys or in another conspicuous manner has indicated that unauthorised navigation is prohibited within a specified area.

(2). Navigation within the port area shall be at speeds that do not exceed the speed limits posted or, in lack of such speed limits, at such low speed that no inconvenience is caused to others.

Navigation shall be such that there is no risk of damage to port installations, ships and their moorings.

(3). Navigation within the port area is otherwise subject to the applicable provisions of the Danish Maritime Authority on navigation, etc. in certain

Danish waters⁴).

Mooring

S. 6. Ships shall only moor to the bollards, hooks, or rings intended for that purpose. Ships shall be equipped with adequate fendering against the quay to ensure that the quay construction, fenders or other ships are not damaged. Furthermore, any instructions from the port authority regarding mooring shall be observed. The ship shall ensure that there is a safe and illuminated gangway which does not obstruct free passage, inter alia for the harbour cranes.

(2). When several ships moor beside each other, ships lying on the shore side of the outside ship shall ensure free, safe, and illuminated passage over the deck and from ship to ship.

(3). If required, ships shall have all discharge openings in the side of the ship equipped with appropriate discharge casings to prevent discharged water from running over other ships or over the quay.

(4). Ships suspected of having rats or other vermin on board shall mount metal screens to prevent such vermin from coming ashore.

II

Loading and unloading

Dangerous goods

S. 7. The port authority shall be entitled to order a ship loading or unloading dangerous goods to leave the port immediately if it does not comply with Danish and/or international environmental and safety regulations, occupational health regulations and conditions for such transport, including if loading or unloading already initiated is ordered to be stopped.

(2). In consultation with the local authority's emergency service, the port authority shall be entitled to order a ship to arrange for the necessary safety measures on board or ashore and to pay the costs incurred in that connection.

Fire-warning signal

S. 8. Ships that load or unload or transport dangerous goods shall within the port area give a fire-warning signal as long as the ships have such cargo on board.

(2). The fire-warning signal, which shall be given from the place on the ship where it can best be seen, shall be the international signal flag B during daylight hours and a lantern showing a red

light around the whole horizon during hours of darkness.

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Immediate departure

S. 9. The port authority shall be entitled to order a ship to leave a berth at a secure port facility in accordance with the rules in force at any time, cf. Section 1(2), no. 3.

(2). A ship giving a fire-warning signal shall at all times be prepared to cast off for immediate departure under its own propulsion.

(3). Moorings from tankers to land shall be established pursuant to international guidelines⁵). Towing hawsers shall be made of noninflammable material, fastened on board and eased off to the water surface fore and aft. The crew required for the ship's departure shall be on board at any time.

Loading and unloading provisions

S. 10. If the loading and unloading of a ship does not take place at a pace deemed to be normal by the port authority, and the work consequently cannot be completed within the time normally spent on the type of cargo concerned, the port authority shall, after prior notification to that effect, be entitled to demand that the ship at its own expense shift berth or leave the port temporarily if another ship is waiting for a loading or unloading berth.

(2). Although the work may have been initiated in due time and continued without interruption, the ship shall, however, shift to another berth when the port authority deems it necessary. In that case, the ship shall have a preferential right to demand a berth where its loading or unloading can continue.

Spillage

S. 11. The ship shall take the necessary measures to ensure that cargoes are not discharged or spilled. If such discharge or spillage occurs, the ship shall stop the discharge or spillage immediately and ensure effective cleaning up. The port shall be informed of the discharge or spillage without delay, and the port instructions shall be complied with. This shall also apply to bunkering.

(2). In case of severe accidents with dangerous substances the emergency service shall be notified by telephone (dial 1-1-2).

Tankers

S. 12. Loading and unloading of dangerous goods shall as far as possible commence immediately after arrival, and pumping shall be executed as quickly as possible until loading or unloading has been completed.

(2). A tanker that is fully loaded with dangerous goods shall leave the port immediately unless it has obtained the express permission of the port authority to remain in the port. A fully loaded tanker, which is not free of gas or secured with inert gas, shall also leave the port immediately.

III

Ship repairs, laying up, etc.

Ship repairs and maintenance

S. 13. While a ship lies in port outside a shipyard area, repair or maintenance of the hull, machinery, installation, etc., which is not prohibited pursuant to the current environmental legislation⁶⁾, shall not be initiated without the permission of the port authority.

(2). Repair and maintenance work on a ship or equipment lying in port shall be carried out in accordance with the current environmental and occupational health provisions.

(3). During repair or maintenance work on a ship such work shall otherwise be carried out in such a manner that the port authority deems that third party and the surroundings are not disturbed, and that the port area is not polluted.

Laid-up and abandoned ships

S. 14. Ships shall only be laid up in the port if the prior permission of the port authority has been obtained. In that case such permission shall contain the necessary practical instructions, conditions of financial security, compliance with time limits, inspection obligation, etc.

(2). Ships, which are not under way, including scrapped ships, boats, barges, drilling rigs and other equipment as well as goods, shall not be abandoned or lie in the port area without the express permissions of the port authority.

(3). Laid-up or abandoned ships or equipment shall not be used as warehouses, fuel storage,

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housing, restaurants, etc. without the permission of the port authority.

(4). Laid-up or abandoned ships or equipment shall in any respect lie in port at the owner's expense and risk and may be required to be

removed in accordance with S. 16.

Wrecks etc.

S. 15. Wrecks, ships with fire on board, sinking or severely damaged ships, etc. shall not be brought into the port without the special permission of the port authority. In that case such permission shall contain the specified conditions for it, inter alia that the port authority at any time may demand guarantee and also request that the owner without delay initiates the measures which the port authority deems necessary or required to avoid danger or risk of danger.

Such wrecks, etc. shall in any respect lie in port at the owner's expense and risk.

(2). The provisions of S. 15(1) shall not apply to a port which has been appointed as a place of refuge⁷⁾ if it will be in contravention of the obligation as a place of refuge to apply the provisions.

Removal of laid-up ships, etc.

S. 16. The port authority shall be entitled to require laid-up, abandoned, sunken or stranded ships or wrecks (and their equipment or accessories) or other goods or materials left to be moved within a reasonable period. In the event that the port authority's order is not complied with and the port authority cannot continue to attend to the item without undue cost or inconvenience, the port authority may after due notice arrange for the item to be moved to another place and sold for the owner's account. Before such a sale takes place, the port shall wherever possible notify the owner to that effect.

(2). The sales proceeds may be used to cover, in whole or in part, the costs of the port authority.

(3). In the event that an independent valuer has declared that the item concerned is of no value, or of a value which does not exceed the estimated costs of sale, the port authority shall be entitled to dispose of the item in a manner that is not in contravention of any legislation after having given notice in writing to the owner. In the event that the owner or its residence is not known by the port authority, notice may instead be posted on the vessel or on the goods and by advertisement in a local newspaper or in the Official Gazette.

(4). Regardless of such sale or disposal, the owner shall continue to be liable for payment in full of the port authority's costs.

IV

Use of port areas

Storage of goods

S. 17. Goods, which are to be loaded or unloaded, shall not be left on quays, quay roads or connecting roads or in places assigned for storage without the permission of the port authority.

(2). The port authority shall be entitled to issue such orders or take such measures which the port authority deems that the goods concerned render necessary, including assignment of a storage place.

Removal of stored goods

S. 18. If the port authority so requires, stored goods shall be removed or moved to an assigned place within a reasonable period determined by the port authority.

(2). If such an order is not complied with, or if goods are left without the consent of the port authority, cf. Section 17(1), the port authority shall have a right to have the goods removed in accordance with Section 16.

Barring

S. 19. The owner of ramps, including passenger gangways, for Ro-Ro ships, passenger ships and cargo ships, including ferries, shall establish barriers or in other secure manner bar the ramps and the fixed passenger gangways in their entire width.

(2). The barriers shall be established in accordance with the provisions of the Occupational Health Act on technical aids⁸). The user/owner shall lay down a procedure for operation of the ramp barring device. For ships in regular service the ship owner or its representative shall be responsible for ensuring that the established procedures are complied with to the effect that the barring device is correctly positioned and secured upon the ship's departure.

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(3). Signs in a ferry port or a ferry port section shall be posted in collaboration with the police in accordance with the rules in force at any time⁹). The necessary fencing of the port rests with the owner or the port authority.

(4). Barring of particular areas shall only take place according to agreement with the port authority unless otherwise provided by the rules on secured port facilities, cf. Section 1(2), no. 3.

Traffic and parking

S. 20. The port authority shall be entitled to lay down directions concerning traffic in the port area, including to prohibit unauthorised traffic in certain areas.

(2). Parking in the port area shall only take place in accordance with the provisions of the Road Traffic Act in areas defined for the purpose and according to the directions of the port authority.

(3). The port authority shall be entitled to assign parking areas in connection with special loading or unloading operations.

(4). Running and parking of railway wagons in the port area shall take place on the basis of a special agreement with the port authority.

Waste disposal

S. 21. Unless otherwise agreed with the port authority, waste shall not be dumped or deposited in the port area. Bulk waste containers shall not be used for environmentally harmful or dangerous products, substances and materials. The containers are only intended for normal operational waste from ships, cf. Section 21(2), and shall not be used by others.

(2). The provisions of the port waste plan shall apply to normal operational waste from ships, cf. Section 1(2), no. 5. For other types of waste the directions of the port authority and the environmental authorities shall be complied with.

Cleaning and removal

S. 22. Upon completion of loading or unloading, the ship, the owner of the cargo or its agents shall clean the port areas used and remove all waste. In the event that this obligation is not complied with, the port authority shall be entitled to have such work performed at the expense of the party concerned.

(2). Containers, pallets, trailers, stevedore equipment, transport equipment, fishing tackle, fish crates, etc. shall not be left on quays, quay roads, piers and connecting roads unless a prior agreement has been made with the port authority.

(3). All abandoned equipment, etc. shall be left for the owner's account and risk.

V

Various good order provisions

Prohibited activities

S. 23. The following activities are prohibited in the port area:

1) The throwing overboard of waste of any kind, including cargo remains;

2) Burning, flushing out, pumping out or dumping of any kind of solid or liquid waste, including oil, chemicals, toilet waste, liquid waste from ship bilges, etc. and residue or water containing such substances.

In the event of an accident, the port authority shall be informed without delay, and the substances concerned shall be removed immediately, cf. also Section 11 on notification of the emergency service at 1-1-2.

3) Hunting and other shooting.

4) Activities that involve unnecessary smoke, dust, smell or noise, including unnecessary use of sirens and whistles.

Activities that require permission

S. 24. The following activities shall only take place with the prior permission of the port authority:

1) Engine testing, including use of side thruster.

Permission for this will require that testing is not performed with such a power that the water depth is altered, or that port installations, other ships, barges, lighters, etc. are damaged or that passing ships lose control because of the screw current.

Throughout the testing procedure there shall be a watch on board to ensure that the testing can be stopped if the port authority so requires. The watch shall listen to the port VHF channel.

Before the engine is tested, the stern shall be shifted away from the quay if required by the port authority.

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2) Unusual or strong lighting on board or illumination of the ship. Use of strong lighting, inter alia from projectors, shall be appropriate and shall not be a nuisance for traffic at sea or on land, etc.

3) Open fire on board ships outside shipyard areas. The port authority shall be entitled to demand fire watches in that connection.

4) Letting off of fireworks. Firework displays also require the permission of the police.

5) Fishing.

6) Fishing up or depositing of materials.

7) Water-skiing, racing, windsurfing, racing with

jet skis, etc.

8) Bathing from ships or quays.

9) Mooring of houseboats.

Lost property and salvage

S. 25. Anything found, picked up or salvaged within the port area shall immediately be reported to the port authority and handed over to the police in accordance with the rules in force at any time¹⁰).

Access to ships

S. 26. The port authority and the authorities, which may be appointed by the port authority, shall at any time have access to the ship as regards matters concerning compliance with these Regulations. The master of the ship shall provide the necessary assistance in connection with inspection and review of the ship.

(2). In the event that access to the ship is not possible due to rules on the securing of ships¹¹), the port authority shall decide how compliance with these Regulations is proved. If access is otherwise denied, or if the necessary assistance is not provided according to Section 1, the port authority shall be entitled to demand that the ship leave the port areas immediately.

The port authority

S. 27. The personnel of the port authority supervise the observance of good order in the port area.

(2). The personnel are usually in uniform but they shall produce identification if so requested.

(3). Anyone present in the port area shall be obliged to comply with the directions and orders of the port authority.

(4). The police, the customs and tax authorities, the local authority's emergency service, and other authorities perform tasks within the port area in accordance with the general provisions of Danish law.

The master of the ship

S. 28. In the event that a shipmaster or others does not comply with the provisions of these Regulations or the orders of the port authority, the port authority shall have a right to take the necessary measures.

(2). If the shipmaster is not on board, orders to shift berth, moor, etc. may be given to the senior officer present or, if no officer is present, to another member of the crew.

(3). If all crew members leave a ship, the shipmaster shall report the name, address, and telephone number of a person familiar with maritime affairs who lives near the port. Such person shall supervise the ship, and the port authority shall be entitled to issue orders to such a person with the same effect as orders issued to the shipmaster himself.

VI

Penalty provisions

S. 29. Infringement of certain provisions of these Regulations shall be punished with a fine as stated in Section 3 in the Statutory Order on standard regulations for the maintenance of good order in Danish commercial ports.

1) At present, Statutory Order no. 144 of the Ministry of Transport of 8 March 2004 on port facility security and European Parliament and Council Regulation (EC) no. 725/2004 of 31 March 2004 on enhancing ship and port facility security.

2) At present, Statutory Order no. 258 of the Ministry of the Environment of 1 March 1999 on reporting of information on dangerous or polluting goods on board ships and Statutory Order of 710 of the Danish Maritime Authority of 27 July 1994 on consignor's duties in connection with sea transport of dangerous goods.

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3) At present, Statutory Order no. 1003 of the Ministry of the Environment of 10 December 2002 on reception facilities for ship-generated waste, on ships' disposal of waste and ports' waste plans.

4) At present, Statutory Order no. 779 of the Danish Maritime Authority of 18 August 2000 on rules for navigation, etc. in certain Danish waters.

5) At present, the International Safety Guide for Oil Tankers & Terminals (ISGOTT), published by the ICS (International Chamber of Shipping), the OCIMF (Oil Companies International Marine Forum), and the IAPH (International Association of Ports and Harbours).

6) At present

7) it follows from Statutory Order no. 311 of the Ministry of Environment and Energy of 14 May 1991 that external surface treatment of ships lying on water outside shipyard areas is prohibited.

8) Places of refuge are designated by the National Agency of Environmental Protection. The rules appear from Article 20 of the European Parliament and Council Directive 2002/59/EC, but at present they have not been finally implemented in Danish law.

9) At present, Part 7 of the Act on working environment, cf. Consolidated Act no. 784 of 11 October 1999 as subsequently amended.

10) At present, Section 97 and Section 95 of the Road Traffic Act.

11) At present, Consolidated Act no. 591 of the Ministry of Justice of 1 September 1986 on lost property as subsequently amended.

12) At present, Article 3 of European Parliament and Council Regulation (EC) no. 725/2004 of 31 March 2004 on enhancing ship and port facility security.