

Order for Greenland on the safe navigation, etc. of ships

In pursuance of section 1(3), section 3, section 6 and section 32 of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 72 of 17 January 2014, as amended by act no. 618 of 12 June 2013 and act no. 724 of 25 June 2014, as enacted for Greenland by royal decree, cf. consolidated decree no. 1674 of 16 December 2015, as well as in pursuance of section 12(2) and (3), section 24(7) and section 34(4) of the pilotage act (*lodsloven*), act no. 567 of 9 June 2006, as amended by act no. 478 of 30 May 2012, act no. 1231 of 18 December 2012, act no. 600 of 12 June 2013 and act no. 725 of 25 June 2014, as enacted for Greenland by decree no. 985 of 24 August 2015, by authority and after consultation with the Government of Greenland, the following provisions are laid down:

Part 1

Purpose and application of the order

Section 1. The purpose of this order is to enhance safety of navigation in Greenland waters.

Subsection 2. This order shall apply to cargo ships with a gross tonnage of at least 150 and to ships carrying more than 12 passengers in Greenland territorial waters, cf. however subsections 3-5.

Subsection 3. Part 4 shall only apply to ships carrying more than 250 passengers.

Subsection 4. As regards foreign ships, the provisions of sections 7-9, section 13 and section 16 shall apply only in connection with voyages in the inner territorial waters around Greenland as well as in connection with passage through the outer territorial waters around Greenland not covered by the provisions on innocent passage stipulated in the United Nations' Convention on the Law of the Sea.¹

Subsection 5. Ships of war, troopships and naval auxiliaries as well as other ships owned or operated by a State and used only for public, non-commercial service shall not be covered by the provisions of part 3.

Part 2

Definitions²

Section 2. For the purposes of this order, the following definitions shall apply:

- 1) An "iceberg" means massive ice of varied form, broken away from a glacier and rising more than 5 metres above the sea, which may be floating or grounded.
- 2) "Sea ice" means any kind of ice generated through the freezing of sea water.
- 3) "Open water" is used as a concept when there is less than one-tenth "sea ice" and navigation is not impeded.
- 4) "No sea ice" means ice-free, except that ice of land origin may be present the concentration of which is less than one-tenth.
- 5) "Good visibility" means a visibility of more than 10 km.

Subsection 2. Inner and outer territorial waters are evident from official Danish charts and are shown in annex 1.

¹ The provisions on passage as well as on exemption from the requirements on design, construction, manning or equipment are stipulated in promulgation no. 17 of 21 July 2005 of the United Nations' Convention on the Law of the Sea of 10 December 1982.

² The description of ice follows that of the Danish Meteorological Institute (www.dmi.dk).

Navigation zones around Greenland

Section 3. The two navigation zones shown in the chart in annex 1 extend to 3 nautical miles from the base line and cover the inner and outer territorial waters around Greenland.

- 1) The northern navigation zone extends from north of Tasiilaq (66° N) on the east coast of Greenland, north of Greenland, to north of Upernavik (72° N) on the west coast of Greenland.
- 2) The southern navigation zone extends from north of Tasiilaq (66° N) on the east coast of Greenland, south of Greenland, to north of Upernavik (72° N) on the west coast of Greenland.

Part 3

Safety requirements

Section 4. Ships shall navigate with enhanced vigilance in consideration of the risk of unknown submarine obstacles in areas where depths are given by a single sounding line. Such sounding lines are merely to be considered as reconnaissance.

Subsection 2. Intensified lookout for ice shall be kept by all means available when navigating areas that may present a risk of collision with ice that may constitute a danger to the ship. The speed shall be adjusted so that it is possible for the ship to stop or circumnavigate ice. The ship shall use ice searchlights in darkness in order to light up the sea in front of the ship.³

Subsection 3. Ships shall keep a safe distance to icebergs, and the master shall set safe distances to icebergs in consideration of the safety of the ship, the crew and the passengers. If, in order to call at a port, roads or place of call or to navigate narrow fairways or the like, it is necessary to sail close to icebergs, the greatest possible distance permitted by the actual conditions of the waters shall be kept.

Section 5. When planning the ship's voyage, the master of the ship shall take appropriate account of the safety requirements of this order and especially be attentive to the following factors:

- 1) The safety procedures of the ship's safety management system related to navigation in arctic waters;
- 2) any restrictions in the information on charts and aids to navigation;
- 3) information about the extension and type of ice and icebergs in the vicinity of the planned voyage on an ongoing basis;
- 4) statistical information about ice and temperatures from previous years;
- 5) any possible places of refuge where the ship may be protected or receive assistance;
- 6) any sea areas designated especially protected areas in the vicinity of the route; and
- 7) voyages in areas with limited search and rescue facilities.

Subsection 2. When planning the voyage, the master of the ship shall observe the recommendations adopted by the IMO on navigation in desolate areas.^{4 5}

Section 6. Navigation shall be prohibited in areas delimited in the chart by a dotted line with information about "talrige skær/numerous rocks".

Subsection 2. Navigation in areas given in the chart as "urent område/foul" or "uopmålt/unsurveyed" shall take place only if

³ Cf. order no. 169 of 4 March 2009 on technical regulation on the use of ice searchlights when navigating Greenland waters.

⁴ MSC.1/Circ.1184 on "Enhanced contingency planning guidance for passenger ships operating in areas remote from SAR facilities".

⁵ A.999(25) on "Guidelines on voyage planning for passenger ships operating in remote areas".

- 1) the ship follows previously used tracks that the master has assessed would have a sufficient safety margin in relation to the ship's greatest draught and width; or
- 2) appropriate measures are taken on board in order for the voyage to be safe, including:
 - a) That the determination of the ship's position takes place by means of terrestrial and/or radar navigation,
 - b) that voyages are made only in daylight and with "good visibility",
 - c) that the ship proceeds only at the speed necessary to keep the ship's manoeuvrability, and
 - d) that the waters ahead of the ship are sounded by casting the lead or similarly to the extent possible.

Section 7. Ships shall have at least one person available on board with the necessary local knowledge of the waters to be navigated. This person shall hold the qualifications that would entitle him to navigate the ship concerned or be trained to and have several years' experience navigating ships of similar size.

Subsection 2. The master of the ship shall be able to document the relevant person's local knowledge as well as experience with and knowledge about navigation in arctic and icy waters.

Section 8. Open lifeboats shall not form part of the ship's emergency preparedness.

Section 9. Navigation in ice shall form part of the ship's voyage planning only if the ship is structurally designed for operation in the relevant types and concentrations of ice.

Section 10. Ships obliged to have a safety management system in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) shall have procedures and contingency plans in the safety management system that take account of the special conditions related to navigation in arctic waters, including the search and rescue preparedness available.

Subsection 2. The procedures and contingency plans mentioned in subsection 1 shall be drawn up in consideration of the guidelines adopted by the IMO for navigation in arctic waters and remote areas.⁶

Part 4

Special requirements for ships carrying more than 250 passengers

Section 11. Ships carrying more than 250 passengers shall, in connection with voyages in the inner and outer territorial waters around Greenland, take a pilot certified to perform pilotage assignments in the area concerned.

Subsection 2. Ships may be permitted to navigate without a pilot if the applicant documents that he has the necessary qualifications and experience navigating the waters concerned.

Section 12. The ship shall have contingency plans taking special account of the number of persons on board as well as the period to be expected before being assisted in case of an accident.

Subsection 2. The contingency plans shall include agreements on cooperation with the rescue service in the area, cf. Notice B from the Danish Maritime Authority, regulation V/7.3, and the corresponding provision in the SOLAS Convention.

⁶ MSC.1/Circ.1184 on "Enhanced contingency planning guidance for passenger ships operating in areas remote from SAR facilities".

Section 13. The ship shall, at any time, have an ice class corresponding, as a minimum, to the ice that it is navigating.

Subsection 2. In connection with voyages in the northern navigation zone (see annex 1), the ship shall have minimum Baltic ice class 1C or an equivalent ice class.

Subsection 3. In connection with voyages in "open waters" or "no sea ice", cf. section 2(iii) and (iv), in the southern navigation zone (see annex 1), the ship need not be ice classed.

Section 14. Around Nuuk, the ship shall follow the recommended routes.

Section 15. In connection with the planning of the voyage, the shipping company and the master shall be capable of documenting that it would be possible to be assisted by other ships or SAR facilities within a reasonable period of time and with sufficient rescue capacity.

Subsection 2. The master shall ensure that an overall assessment of the risks that the ship is expected to meet during the voyage is made on an ongoing basis.

Section 16. The shipping company shall ensure that the ship's master and deck officers are educated and trained in accordance with the provisions of part B-V/g of the STCW Code before commencing service.

Subsection 2. The shipping company shall determine an education and training programme for the ship's master and deck officers ensuring that they are educated and trained in accordance with the training requirements stipulated in subsection 1. The shipping company may consider at least three months' documented seagoing service as a navigating officer in polar waters under similar ice conditions equal to such an education and training programme.

Subsection 3. The shipping company and the master of the ship shall be able to document that the crew have completed the education and training programme or have acquired the necessary seagoing service in polar waters under similar ice conditions, cf. subsection 2.

Part 5

Measures

Section 17. In case of contraventions of sections 4-16, measures may be laid down in accordance with the criminal code (*kriminalloven*) for Greenland.

Subsection 2. When determining such measures, it shall be regarded as aggravating circumstances 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. If the profits gained through the contravention are not confiscated in pursuance of the provisions of the criminal code, particular account shall, when meting out penalties, including additional penalties, be taken of the scale of any economic benefit achieved or sought.

Subsection 4. If the 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 Landsting 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.

Part 6
Penalty provisions

Section 18. 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.

Subsection 2. In the cases stipulated in subsection 1, contraventions of sections 4-16 may be punishable by fine or imprisonment for a period not exceeding 1 year.

Subsection 3. The penalty may be increased to imprisonment for a period not exceeding 2 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 4. Companies etc. (legal personalities) may be liable to punishment according to the provisions of part 5 of the penal code (*straffeloven*).

Part 7
Entry into force

Section 19. This regulation shall enter into force on 1 January 2016, cf. subsection 2.

Subsection 2. Section 11 shall enter into force on 1 July 2016.

Subsection 3. Order no. 417 of 28 May 2009 on technical regulation on the safe navigation of ships in Greenland territorial waters shall be repealed.

Danish Maritime Authority, 11 December 2015
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Navigation zones around Greenland

