

## **Consolidated Act on Safety, etc. for Offshore Installations for Exploration, Extraction and Transport of Hydrocarbons (Offshore Safety Act)<sup>1</sup>**

(Unofficial translation. In case of discrepancy, the original Danish text shall prevail)

Hereby the Act on Safety, etc. for Offshore Installations for Exploration, Extraction and Transport of Hydrocarbons (Offshore Safety Act) is promulgated, cf. Act No. 1424 of 21 December 2005, with the amendments stated in Act No. 107 of 7 February 2007, section 32 in Act No. 512 of 6 June 2007, section 1 in Act No. 1400 of 27 December 2008, Act No. 287 of 15 April 2009 and Act No. 467 of 18 May 2011.

### Part I

#### *Object, Scope and Definitions*

##### **1. The object of this Act is**

- i) to promote a high level for health and safety offshore which is in keeping with the technical and social development of society, and
- ii) to form a framework for making it possible for the companies to solve health and safety issues offshore themselves.

##### **2. Offshore installations that are subject to this Act shall be construed as:**

- i) Platforms or other facilities,
  - a) from where exploration or extraction of hydrocarbons is carried out from the subsoil below the seabed,
  - b) used for accommodation of persons employed on or at the facilities mentioned in a) above, or
  - c) used in connection with transport of hydrocarbons and other substances and materials through pipelines between the platforms and facilities mentioned in a) above or between these and onshore installations.

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<sup>1</sup> The Act contains provisions that implement parts of Council Directive 89/391/EEC of 12 June 1989 on Introduction of Measures to encourage Improvements of the Safety and Health of Employees at Work (Official Journal 1989 No. L 183 page 1), as last amended by European Parliament and Council Regulation No. 1137/2008 of 22 October 2008 (Official Journal 2008 No. L 311 page 1), parts of Council Directive 92/91/EEC of 3 November 1992 concerning the Minimum Requirements for Improving the Safety and Health Protection of Workers in the Drilling-Related Extractive Industries (Eleventh individual Directive according to Article 16(1) of Directive 89/391/EEC) (Official Journal 1992 No. L 348 page 9), as subsequently amended by European Parliament and Council Directive 2007/30/EC of 20 June 2007 (Official Journal 2007 No. L 165 page 21), parts of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 on Certain Aspects in Connection with the Planning of Working Hours (Official Journal 2003 No. L 299 page 9), parts of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on Recognition of Professional Qualifications (Official Journal 2005 No. L 255 page 22) as last amended by European Parliament and Council Regulation No. 1137/2008 of 22 October 2008 (Official Journal 2008 No. L 311 page 1), parts of Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (Official Journal 2006 No. L 114, page 38), as last amended by European Parliament and Council Regulation No. 1137/2008 of 22 October 2008 (Official Journal 2008 No. L 311 page 1), and parts of Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast) (Official Journal 2006 No. L 157, page 24).

ii) Facilities used for storage and offloading of hydrocarbons produced by a facility mentioned in (i)(a) and which is permanently attached to such a facility.

(2) Vessels are not covered by the definition in subsection (1) except for drill ships and floating production, storage and offloading units and floating storage and offloading units, cf. however section 3(3), (4) and (5).

(3) A mobile offshore installation shall be construed as any offshore installation that can be moved from one position to another by moving or towage and which is intended to be used on various positions during its lifetime.

(4) A fixed offshore installation shall be construed as any offshore installation, which is not a mobile offshore installation.

(5) Fixed offshore installations that are bridge-linked to each other and are operated by the same operating company shall be regarded as one installation.

**3.** This Act shall apply to offshore installations situated in Danish territorial waters or on the Danish continental shelf and to fixed offshore installations that are planned to be used in these areas.

(2) The Minister for Climate, Energy and Building can lay down rules as to what extent sections 5-10, 12-15, 18-23, 25-27, 28(1) and (2), 29, 31, 32a, 33-35, 37, 40(1), 41-43, 45(4), 45(5), 52, 52a, 56, 57, 59-62 and 64-77 within the territorial waters and continental shelf, including belts and sounds, shall apply to pipelines used in connection with transport of hydrocarbons and other substances and materials through pipelines between offshore installations and onshore installations or between several offshore installations.

(3) The Minister for Climate, Energy and Building can lay down rules as to what extent sections 5(2), 7, 8, 11-17, 20-24, 25(1), 26, 34, 36, 37, 40(1), 41-43, 45(1)-45(3), 45(5), 46, 48-50, 52, 59 and 61-77 shall apply to accommodation on vessels and facilities that are not subject to the definition in section 2(1), and on which persons working on an offshore installation are accommodated, to the extent that it is significant for the health and safety of accommodated persons.

(4) Vessels and facilities, mentioned in subsection (3) and on which persons working on an offshore installation are accommodated for a longer period, shall further be subject to section 38(3) and 43.

(5) The Minister for Climate, Energy and Building can lay down rules as to what extent sections 5-18, 20-22, 24, 25(1) and (3), 26, 26a, 33(2), 34, 35, 37, 38(2) and (3), 39-44, 45(1)-(3) and (5), 46, 48-50, 52-55, 59-62 and 63a-77, apply on activities, including workplaces, accommodation, equipment, etc., on vessels and facilities other than those mentioned in subsection (3) and (4) above, which are not subject to the definition in section 2(1), to the extent that these activities are directly or indirectly connected with exploration and production of hydrocarbons.

(6) The Minister for Climate, Energy and Building can lay down rules as to what extent sections 5-37, 38(2) and (3) and 39-77 apply on activities not mentioned in section 2(1) on offshore installations and which activities are comprised by the Act on the Use of Denmark's Subsoil and which have impact on health and safety.

**4.** Licensee shall be construed as the company or group of companies that have permission for exploration and production (extraction) of hydrocarbons or use of the subsoil for storage or other purposes pursuant to the Act on the Use of Denmark's Subsoil. For pipelines or offshore installations where there is no licensee as referred to in the first sentence hereof, the owner of the pipeline or the offshore installation shall be considered licensee.

(2) Operator shall be construed as the company that, on behalf of the licensee, carries out the activities as the licensee has obtained a permit to perform pursuant to Act on the Use of Denmark's Subsoil including transport through pipelines.

(3) Operating company shall be construed as the company that is responsible for the day-to-day operation of an offshore installation, a pipeline, cf. section 3(2), or a vessel or other facilities, cf. section 3(5). For vessels and facilities covered by section 3(3) and (4), the operating company shall be construed as the company that is responsible for the day-to-day operation of the offshore installation on which the persons accommodated on the vessel or facility are working.

(4) Contractor shall be construed as the company carrying out work for another company.

(5) Employer shall be construed as the company that is authorised to instruct the employees who carry out work on offshore installations.

(6) Company manager shall be construed as any person who by virtue of his position participates in the ordinary, general management of the company.

(7) Supervisor shall be construed as any person whose work solely or essentially consists of managing or supervising the work on behalf of his employer in his company or part thereof.

(8) Offshore installation manager shall be construed as the supervisor who, on behalf of the operating company, is in charge of the day-to-day operation of an offshore installation.

**4 a.** The Minister of Climate, Energy and Building can lay down provisions with regard to implementing or applying international conventions and EU regulation on conditions that are covered by this Act, including regulations, directives and decisions.

## Part II

### *General Duties*

#### *Distribution of Responsibility between the Individual Types of Companies*

**5.** The licensee shall ensure that health and safety risks on an offshore installation have been identified, assessed and reduced as much as reasonably practicable.

(2) The licensee shall ensure that the operator can fulfil the health and safety duties that rest with him.

(3) Where no operator has been appointed, the licensee shall ensure that the operating company is in a position to fulfil the health and safety duty that rest with the company.

(4) For offshore installations to which are connected more than one licensee, the obligations mentioned in subsections (1)-(3) shall rest with the licensees jointly.

**6.** The licensee shall ensure that supervision is carried out as to whether operation of an offshore installation takes place in accordance with this Act and rules laid down pursuant to the said Act.

(2) For offshore installations to which are connected more than one licensee, the obligations mentioned in subsection (1) shall rest with the licensees jointly.

**7.** The operator shall ensure that the necessary health and safety instructions are given to contractors working for the operator, especially to the operating company in cases where this company is not the operator. Furthermore, the operator shall ensure that supervision is carried out as to whether these companies plan and carry out their work in accordance with the requirements of the legislation and as to whether the health and safety risks have been identified, assessed and reduced as much as reasonably practicable.

(2) The operator shall ensure that the operating company can fulfil the health and safety duties that rest with the operating company.

**8.** On manned offshore installations, the operating company shall appoint an offshore installation manager.

(2) The operating company shall ensure that the necessary health and safety instructions are given to contractors working for the operating company. Furthermore, the operating company shall ensure that supervision is carried out as to whether these companies plan and carry out their work in a manner that identifies, assesses and reduces health and safety risks as much as reasonably practicable.

(3) The operating company shall ensure that work to promote health and safety, which is carried out by several contractors on the offshore installation, is co-ordinated and that the offshore installation manager can fulfil the special duties that rest with him.

(4) The operating company shall ensure that health and safety risks on the offshore installation have been identified, assessed and reduced as much as reasonably practicable before the installation commences operation.

(5) The operating company shall ensure that equipment, before put into service, fulfils existing legislation.

(6) The operating company shall ensure that health risks in connection with use of substances and materials have been identified, assessed and reduced as much as reasonably practicable.

**9.** The individual contractor shall ensure that the necessary health and safety instructions are given to contractors working for him. Furthermore, the contractor in question shall ensure that supervision is carried out as to whether these companies plan and carry out their work in a manner that identifies, assesses and reduces health and safety risks as much as reasonably practicable.

#### *Distribution of Responsibility within the Individual Companies with Employees*

**10.** The employer shall ensure that health and safety risks connected with the work have been identified, assessed and reduced as much as reasonably practicable.

(2) The employer shall ensure that supervision is carried out as to whether the risks referred to in subsection (1) have been identified, assessed and reduced as much as reasonably practicable.

(3) The employer shall inform his employees of the health and safety risks that may be connected with their work. Furthermore, the employer shall ensure that his employees receive the necessary training and instructions in performing their work to identify, assess and reduce the risks as much as reasonably practicable.

(4) If conditions speak in favour of this, the employer shall make sure that surveys, tests and inspections, possibly by experts, are carried out to find out whether the duties referred to in subsection (1) have been fulfilled.

(5) If there are more than one employer on the same offshore installation, these employers shall co-operate with each other on conditions that are important to health and safety. This co-operation shall be established by the operating company, cf. section 8(3).

(6) The provisions in subsections (1)-(5) on the duties of the employer shall also apply to company managers.

**11.** The offshore installation manager shall be overall responsible for the health and safety conditions on the offshore installation and ensure that the installation is operated in accordance with existing legislation.

(2) The offshore installation manager shall ensure that health and safety risks in connection with the activities on the installation have been identified, assessed and reduced as much as reasonably practicable.

(3) The offshore installation manager shall ensure that operation, maintenance and changes of the installation take place in accordance with the management system mentioned in section 20 below.

(4) If the offshore installation manager becomes aware of conditions that imply a risk of accidents or illness, he shall make sure that such risk is removed or reduced.

**12.** Each supervisor shall assist in identifying, assessing and reducing health and safety risks in connection with the work as much as reasonably practicable within his own work area. The supervisor shall ensure that measures taken to reduce such health and safety risks have the desired effect.

(2) If the supervisor becomes aware of conditions that imply a risk of accidents or illness, the supervisor shall ensure that this risk is removed or reduced. If the risk cannot be removed or reduced by intervention on site, the offshore installation manager shall be informed of this immediately.

(3) The supervisor shall participate in the co-operation on health and safety, cf. section 46 below.

**13.** The employees shall participate in the co-operation on health and safety, cf. section 46 below. Furthermore, the employees shall assist in identifying, assessing and reducing the health and safety risks as much as reasonably practicable within their own work area, and ensure that measures taken to reduce such health and safety risks have the desired effect.

(2) If the employees become aware of conditions that imply a risk of accidents or illness, which they cannot correct themselves, they shall inform their supervisor, offshore installation manager or the employee who represent them in health and safety matters.

(3) An employee shall be entitled to leave his workplace or a hazardous area in case of a serious or immediate danger that cannot be avoided.

(4) The employee shall not be subject to a reduction of his conditions of employment due to the fact that the employee leaves his workplace or a hazardous area, cf. subsection (3).

(5) Employees whose rights are infringed pursuant to subsection (4) can be awarded compensation.

**14.** The employer shall ensure that an employee, in consideration of his knowledge and access to work equipment can take appropriate measures himself with a view to avoiding consequences of a serious and immediate danger to his own or others' safety when it is not possible to contact the supervisor or the offshore installation manager.

(2) The employee shall not be subject to a reduction of his employment conditions due to the fact that the employee has initiated measures pursuant to subsection (1), unless the employee in that connection has acted intentionally or grossly negligently.

(3) Employees whose rights have been infringed pursuant to subsection (2) can be awarded compensation.

**15.** The provisions in section 13(3)-(5) and section 14 shall not apply if a collective agreement gives an employee similar or better rights.

**16.** All persons on board an offshore installation shall conform to the procedures that are determined for work and stay on the installation and respect the measures taken concerning health and safety matters.

**17.** The Minister for Climate, Energy and Building can lay down detailed rules on the duties of the employer, offshore installation manager and other supervisors as well as employees.

*Suppliers, etc.*

**18.** Suppliers, etc. transferring or handing over machines, machine parts, containers, prefabricated structures, apparatuses, tools, other equipment or substances and materials for use on the installation shall ensure that the equipment as well as substances and materials conform to existing legislation on arrangement, packaging and labelling when handed over. Furthermore, suppliers, etc. transferring or handing over shall ensure that data sheets as well as instructions in the use of the equipment or substances and materials and in maintenance, transport and installation of the equipment are included on delivery and conform to existing legislation as regards health and safety matters.

(2) If equipment is made for use on an offshore installation according to the recipient's written, detailed instructions, the duties pursuant to subsection (1) shall rest with the recipient.

(3) If machines, machine parts, containers, prefabricated structures, apparatuses, tools, other equipment or substances and materials are delivered to an offshore installation from a supplier outside the EU, the duties pursuant to subsection (1) shall rest with the recipient.

(4) The person inviting tenders for services shall ensure when preparing his tender documents that health and safety in connection with performance of the work are considered. Furthermore, the person inviting tenders shall ensure that the tender documents contain relevant information about special, essential health and safety matters connected with the performance of the work with a view to the person performing the task becoming acquainted with this.

(5) The person inviting tenders shall otherwise assist in ensuring that the task put up for tender can be performed justifiably in terms of health and safety by the employer who has been awarded the contract.

(6) The Minister for Climate, Energy and Building can lay down more specific rules on the duties pursuant to subsections (1)-(5) above.

**Part III**

*Management of Health and Safety*

*Management System for Health and Safety*

**19.** For fixed offshore installations the operator shall ensure that a management system for health and safety is established and maintained, ensuring and documenting that the design, fabrication, installation, change or dismantling of the installation conform to requirements laid down in or pursuant to this Act.

(2) The management system shall be based on recognised norms and standards for management systems or other similar systems and shall be established before planning or dismantling of the installation is commenced.

(3) The operator shall ensure supervision of compliance with the management system.

**20.** The operating company shall establish and maintain a management system for health and safety, which ensures and documents that offshore installations, their condition, operation and maintenance as well as the performance of the work conform to the health and safety requirements laid down in or pursuant to this Act.

(2) The management system shall be based on recognised norms and standards for management systems or other similar systems and shall be established before operation of the installation is commenced.

(3) The operating company shall ensure supervision of compliance with the management system.

**21.** Independent verification that the installation, parts thereof or its equipment fulfils requirements laid down in or pursuant to this Act can partially replace the systems mentioned in sections 19 and 20.

(2) Such verification shall be made by experts recognised by the supervisory body.

**22.** The Minister for Climate, Energy and Building may lay down more specific rules on the contents of the systems mentioned in sections 19 and 20, including rules on reporting routines as well as audit and control procedures. Furthermore, The Minister for Climate, Energy and Building can lay down more specific rules on the verification system referred to in section 21 above, including rules determining that some parts of the installation must be verified.

#### *Health and Safety Case*

**23.** The operator shall ensure that a health and safety case is prepared for a fixed offshore installation which, as a minimum includes:

- i) Identification of the risks that are connected with the offshore installation, including any activity in connection with the offshore installation and its dismantling, and which may have serious consequences for the health and safety of the employees
- ii) Assessment of the risks mentioned in i).
- iii) Particulars to demonstrate that the risks mentioned in i) have been identified, assessed and reduced as much as reasonably practicable, including that the maximum and minimum manning for operation of the installation have been determined and that an efficient and controlled evacuation of the offshore installation can take place in critical situations.
- iv) Particulars to demonstrate that the management system, cf. sections 19 and 20, ensures and documents that the requirements in this Act and in rules laid down pursuant to this Act are complied with in normal as well as critical situations.

(2) The health and safety case shall be prepared in connection with the design of a new fixed offshore installation and contain the information mentioned in subsection (1), to the extent that it is possible at the time of design.

(3) The health and safety case shall be updated regularly concurrently with details concerning health and safety matters becoming available in connection with design, fabrication, installation, operation and dismantling of the installation.

**24.** The operating company shall ensure that a health and safety case is prepared for a mobile offshore installation, which, as a minimum, includes:

- i) Identification of the risks that are connected with the offshore installation, including any activity in connection with the offshore installation and which may have serious consequences for the health and safety of the employees.
- ii) Assessment of the risks mentioned in i).
- iii) Particulars to demonstrate that the risks mentioned in i) have been reduced as much as reasonably practicable, including that the maximum and minimum manning for operation of the installation have been determined and that an efficient and controlled evacuation of the offshore installation can take place in critical situations.

iv) Particulars to demonstrate that the management system, cf. section 20, ensures and documents that the requirements in this Act and in rules laid down pursuant to this Act are complied with in normal as well as critical situations.

(2) The health and safety case shall be prepared before the offshore installation is put into operation.

**25.** During operation of an offshore installation, the operating company shall ensure that the health and safety case is updated in case of essential changes of the offshore installation, its layout, equipment or operational conditions, where these changes have impact on the risk of work related injuries.

(2) If operation of a fixed offshore installation is planned to proceed after the expiry of its design life, it shall be demonstrated in the health and safety case that safety risks originating from the supporting structures of the installation in the planned operation period have been identified, assessed and reduced as much as reasonably practicable. The length of the planned operation period shall appear from the health and safety case.

(3) The health and safety case shall be available on the offshore installation and be accessible to the management of the installation and its personnel and to the supervising authority.

**26.** The Minister for Climate, Energy and Building may lay down more specific rules on the contents of the health and safety cases mentioned in sections 23 and 24 and on updating of these according to section 25(1) above.

**26 a.** The Minister for Climate, Energy and Building can lay down rules on obligations on the operating company to ensure that doctors, occupational health clinics and health authorities responsible for occupational medical examinations have access to the health and safety case of the offshore installation when relevant for the health surveillance of the employees.

#### *Approvals, Permits, etc.*

**27.** The operator must ensure that the approval of the overall design is obtained from the supervisory authority before carrying out:

(i) Construction of a new fixed offshore installation.

(ii) Larger reconstruction of an existing fixed offshore installation including addition of a platform or other facility, which is covered by the definition of a fixed offshore installation, cf. section 2(1) and (4).

(2) The application according to (1)(i) must be accompanied by the health and safety case, mentioned in section 23(1) and (2), as well as overall schedules for the construction process.

(3) Application according to (1)(ii) must be accompanied by the health and safety case, mentioned in section 23(1), and which is updated in accordance with section 23(3) and section 25(1) as well as overall schedules for the construction process.

**28.** The operator must ensure that the permission of the inspecting body is obtained before a new fixed offshore installation or a modification of an existing fixed offshore installation, cf. section 27, or a mobile offshore installation is put into operation. Among other things, the application hereof must contain information of the time when the installation in question is expected to be put into operation. For mobile installations, information is also required concerning the requested duration the permission.

(2) The application in accordance with (1) must be accompanied by an updated health and safety executive case, cf. section 23 (1) and (3) and section 24.



(3) A permission for mobile offshore installations in accordance with (1) can be extended if applied for and an updated health and safety executive case is enclosed with the application cf. section 24. Among other things, the application must contain information on the wanted duration of the extension.

(4) The permission for mobile offshore installations in accordance with (1) or the extension according to (3) can only be granted for a period of maximum 5 years duration.

**29.** The operating company must obtain the inspecting body's permission before modifications are carried out, which are not covered by section 27, on an offshore installation or of the operational condition of the installation if the modifications in overall terms are of essential importance to the risk for major accidents.

(2) An updated health and safety case must be enclosed with the application for the permission in accordance with (1) cf. section 25 (1).

**30.** Before a mobile offshore installation is moved from one position to another, the operator of the installation shall inform the supervising authority of the new position.

**31.** Before a fixed offshore installation is dismantled, the licensee shall ensure that permission from the supervising authority is obtained. The application for permission shall be accompanied by an updated health and safety case, cf. section 23.

**32.** At the request of the operating company, the supervising authority can promise to grant an operation permit for a mobile offshore installation, cf. section 28(1) above.

(2) The validity of such promise pursuant to subsection (1) above shall be maximum five years.

(3) The condition for considering such a request pursuant to subsection (1) is that the operating company pays the expenses incurred by the supervising authority in accordance with rules on payment laid down pursuant to section 65(2) below.

**32 a.** The Minister for Climate, Energy and Building can lay down further rules on

- (i) in which cases an approval pursuant to section 27 and a permit pursuant to sections 28, 29 and 31 need to be applied for and in which cases a promise pursuant to section 32 can be applied for;
- (ii) the contents of an application on approval, permit or promise as mentioned in (i); and
- (iii) conditions in connection with permits and approvals.

(2) The supervisory authority can set conditions in connection with an approval pursuant to section 27, a permit pursuant to sections 28, 29 and 31, and a promise pursuant to section 32.

## Part IV

### *Construction, Arrangement, Equipment, Operation and Dismantling*

#### *Risk Assessment*

**33.** In connection with the design of a fixed offshore installation and changes to this, the operator shall ensure that the health and safety risks that are connected with the construction, layout, equipment of the installation and all activities connected with the installations have been identified, assessed and reduced as much as reasonably practicable. The design shall reasonably consider any future needs for extension of the capacity and function of the installation. Taking into account the

design life of the installation, among other things, it shall as far as possible be endeavoured to use the best possible technology.

(2) On entering into an agreement on use of a mobile offshore installation, the operator shall ensure that the construction, layout and equipment of the installation are fully justifiable in terms of health and safety.

(3) In connection with planning of changes to a mobile offshore installation, the operating company shall ensure that the health and safety risks connected with the change have been identified, assessed and reduced as much as reasonably practicable.

**34.** The operating company shall in connection with operation of offshore installations ensure that the health and safety risks connected with the activities on the offshore installation and all activities connected with the installations have been identified, assessed and reduced as much as reasonably practicable.

(2) The operating company shall constantly seek to improve the health and safety level through continued reduction of the health and safety risks mentioned in subsection (1).

**35.** The individual employer shall, before the work is commenced, ensure that the health and safety risks in connection with the performance of the work have been identified, assessed and reduced as much as reasonably practicable.

**36.** The operating company shall ensure that the health risks on the installation, which are not related to the performance of the work and layout of workplaces have been identified, assessed and reduced as much as reasonably practicable.

**37.** The Minister for Climate, Energy and Building can lay down more specific rules on risk assessment and current improvement of the health and safety level.

#### *Construction, Arrangement and Equipment*

**38.** In connection with construction of a fixed offshore installation the accommodation shall as far as possible be separated from the main activities, i.e. drilling and production.

(2) With regard to danger of fire and explosion, Fixed and mobile offshore installations must be divided into zones according to the degree of danger. The installation must be organized and used in accordance with the zoning.

(3) The accommodation facilities on fixed and mobile offshore installations must be adapted to the number of persons, who are expected to stay on the installation. Furthermore, the layout of the facilities must be so that the employees have access to undisturbed rest and restoration so that they can perform their duties in a secure manner.

**39.** On permanently manned offshore installations suitable treatment rooms shall be established so as to ensure that sick and injured persons can receive the necessary treatment before they, if required, are transported ashore to a hospital or the like.

(2) Access routes on the offshore installation shall be designed so that transport of sick and injured persons on stretchers to treatment rooms and evacuation sites can take place in an efficient manner.

**40.** An offshore installation shall be provided with equipment necessary for fulfilment of the purpose of the installation. The equipment shall be placed, arranged and be able to be used so as to

reduce the health and safety risks after identification and assessment as much as reasonably practicable.

(2) The equipment shall be designed and used in accordance with the subdivision of areas, cf. section 38(2).

**41.** Current maintenance of the offshore installation shall take place so as to ensure that the installation and its equipment fulfil the health and safety requirements laid down in this Act or in rules laid down in pursuance thereof.

**42.** Recognised norms and standards that are important to health and safety shall be followed in connection with the construction, layout and equipment of the offshore installation.

(2) Norms and standards according to subsection (1) may be deviated from in cases where it is convenient for obtaining a higher level of health and safety or to be in keeping with the technical development. It is presumed by the deviation that health and safety risks are reduced as much as reasonably practicable.

**43.** The Minister for Climate, Energy and Building can lay down more specific rules on the structure of the offshore installation, including rules on separation of the accommodation from drilling and production activities, subdivision of areas on offshore installations, arrangement of workplaces, common and treatment rooms on offshore installations, access routes as well as arrangement and use of equipment.

**43 a.** The Minister for Climate, Energy and Building can lay down rules specifying that more specific international decisions and technical specifications concerning requirements to enterprises, installations, plants, products, etc, which are referred to in regulations issued pursuant to this act, are not published in the Danish Law Gazette.

(2) The Minister for Climate, Energy and Building shall lay down rules on how information about the international decisions and technical specifications that are not published in 'Lovtidende' (the Danish Law Gazette), cf. paragraph 1, can be acquired.

**44.** The Minister for Climate, Energy and Building can lay down more specific rules on the fact that international adoptions within the scope of this Act and regulations laid down by recognised classification agencies, etc. shall apply irrespective of whether they are in Danish.

#### *Emergency Response*

**45.** For all offshore installations an emergency response shall be established to meet the consequences of accidents.

(2) Before an offshore installation is put into use, a plan for the emergency response mentioned in subsection (1) shall be made. The plan shall be co-ordinated with the authorities' rescue and combating measures, cf. section 59 below, and to the greatest possible extent with emergency response plans prepared for other offshore installations.

(3) With a view to ensuring efficient rescue and combating efforts, the supervising authorities can order changes to the plan mentioned in subsection (2).

(4) Operating companies producing hydrocarbons, and operating companies and other companies carrying on transport of oil or natural gas through pipelines between two or more offshore installations and land-based installations shall make the necessary planning and take the necessary measures to secure own offshore installations, pipelines, etc. as well as the natural gas and oil supply, respectively, in emergency situations and other extraordinary situations.

(5) The Minister for Climate, Energy and Building may lay down more specific rules on the emergency response measures mentioned in subsection (1), (2) and (4), including rules on coordination of the emergency response of the individual offshore installations with the authorities' rescue and combating measures and with the national contingency to safeguard the country's energy supply.

### *Health and Safety Activities*

**46.** The operating company shall ensure that the health and safety activities are organised in collaboration with the employees.

(2) The employees or their representatives shall be involved in the planning of the performance of the work and planning of changes to the offshore installations as regards health and safety matters, including the related update of the health and safety case, cf. section 25(1) and (2) above.

(3) The operating company shall defray the expenses connected with tasks performed by the employees in connection with the collaboration pursuant to subsection (1), including expenses connected with the related training.

**47.** On any permanently manned offshore installation the operating company shall ensure that personnel with the necessary health training and competence form part of the manning with a view to attending to preventive and therapeutic health tasks.

**48.** If the licensee, the operator, the operating company, contractors or employers do not have the necessary expert knowledge available to attend to the health and safety work, they shall procure external expert assistance with a view to ensuring that the health and safety risks have been identified, assessed and reduced as much as reasonably practicable.

**49.** The Minister for Climate, Energy and Building can lay down rules on the collaboration mentioned in section 46(1), including rules on protection of employees attending to tasks in connection with this collaboration against dismissal or other reduction of their employment conditions, on the conditions mentioned in section 47, including training, and on expert assistance pursuant to section 48.

### *Training and Competence*

**50.** The operating company shall ensure that the employees, before the work is commenced, are sufficiently trained to attend to the tasks according to the emergency response plan of the installation, cf. section 45(2), and to attend to own safety in an emergency situation.

(2) The employer shall ensure that the employees are adequately instructed, and that they have the competence ensuring that their duties on the offshore installation can be performed fully justifiably in terms of health and safety, and that there is documentation available for this competence.

(3) Persons under the age of 18 shall not be allowed to carry out work on offshore installations.

(4) The Minister for Climate, Energy and Building can lay down rules on training pursuant to subsection (1) and on the necessary competence pursuant to subsection (2).

**50 a.** The Minister for Climate, Energy and Building can lay down rules that a person whose professional qualifications are acquired in third countries is only allowed to carry out work within the scope of the Act, where demands are made concerning a specific education or examination, if the person's professional qualifications have been approved by the Danish Energy Agency.

(2) The Minister for Climate, Energy and Building can lay down rules that a person who intends to work on a regular basis within the scope of the Act, and whose professional qualifications are acquired in other EU countries, EEA countries or countries that have an agreement with EU hereon, can only carry out work within fields where demands are made concerning a specific education or examination if the person's professional qualifications have been approved by the Danish Energy Agency.

(3) The Minister for Climate, Energy and Building can lay down rules that a person who intends to work on a temporary and occasional basis within the scope of the Act, and whose professional qualifications are acquired in other EU countries, EEA countries or countries that have an agreement with EU hereon, must have his or her qualifications controlled and approved before the work commences within fields where demands are made concerning a specific education or examination. This only applies with regard to work that is of importance to the safety and health of the public and if the purpose of the control is to avoid serious damage to the health or safety of the recipient.

**50 b.** The Minister for Climate, Energy and Building can lay down rules that on request the employer must provide documentation to the Danish Energy Agency that the employees have the necessary qualifications to carry out the work in question where a specified education, test, certificate, professional experience, etc. is required.

**50 c.** The Minister for Climate, Energy and Building can lay down rules that a person whose professional qualifications are acquired in third countries must apply to have these qualifications approved before the work commences. This applies within the scope of the Act where there is a demand concerning a specified education or passed examination.

(2) The Minister for Climate, Energy and Building can lay down rules that a person who intends to work on a regular basis within the scope of the Act, and whose professional qualifications are acquired in other EU countries, EEA countries or countries that have an agreement with EU hereon, must apply to have his or her professional qualifications approved before the commencement of the work within fields where demands are made concerning a specific education or examination.

(3) The Minister for Climate, Energy and Building can lay down rules that a person who intends to work on a temporary and occasional basis within the scope of the Act, and whose professional qualifications are acquired in other EU countries, EEA countries or countries that have an agreement with EU hereon, must send in a written notification to the Danish Energy Agency before the work commences within the fields where demands are made concerning a specified education or passed examination. This only apply with regard to work that is of importance to the national health and safety, and if the purpose of the control is to avoid serious damage to the recipient's health or safety.

(4) The Minister for Climate, Energy and Building can lay down rules concerning applications and notifications, including submission of documentation for the professional qualifications.

(5) The Minister for Climate, Energy and Building can lay down rules on the passing of aptitude tests or completion of a probation time for persons whose professional qualifications are acquired in a third country or in other EU countries, EEA countries or countries that have an agreement with EU hereon.

**50 d.** The Minister for Climate, Energy and Building can lay down rules that the operating company itself must ensure that persons whose professional qualifications are not to be approved by the Danish Energy Agency in accordance with rules laid down in pursuant to sections 50a and 50c

fulfils the demands laid down in the Act or rules issued pursuant to the Act concerning specified education or passed examination.

#### *Working Hours, Rest and Off-duty Periods*

**51.** The employer shall arrange the work so as to ensure that the average weekly working hours of the employee do not exceed 48 hours including overtime, calculated over a period of reference of 12 months. Annual paid holidays and sick leave are not included in the calculation.

(2) The employer shall arrange the work so as to ensure that the employees have a rest period of at least 11 consecutive hours within each 24-hour period.

(3) In connection with the arrangement of the work the employer shall otherwise ensure, considering the duration of the work period, that the employee is given reasonable possibilities of rest and off-duty periods which are adjusted to the special conditions of the employees and the workplace with a view to reducing the health and safety risks connected with the work as much as reasonably practicable.

(4) The Minister for Climate, Energy and Building shall lay down rules on deviation from the provisions in subsections (1) and (2), including agreements, rules on breaks during the working day, rest and off-duty periods, on-call work and night work.

#### *Registration and Reporting, etc.*

**52.** The minister for Climate, Energy and Building may lay down rules on obligations on operating companies, employers, doctors and dentists to registration and notification of accidents, poisoning, occupational diseases and other conditions of importance to safety and health.

**52 a.** A doctor who notes or suspects that a person has been exposed to harmful effects shall inform the supervising authority. The Minister of Climate, Energy and Building may lay down rules on this, including the obligation to inform another authority.

#### *Performance of the Work and Medical Examinations, etc.*

**53.** The employer shall ensure that health and safety risks connected with the performance of the work are identified, assessed and reduced as much as reasonably practicable and that threshold limit values established in rules laid down pursuant to this Act are complied with.

**54.** Recognised norms and standards, which are important in terms of health and safety to the performance of the work, shall be observed.

(2) Norms and standards according to subsection (1) may be deviated from in cases where it is convenient for obtaining a higher level of health and safety or to be in keeping with the technical development. It is presumed by the deviation that health and safety risks are reduced as much as reasonably practicable.

**55.** The Minister for Climate, Energy and Building can lay down more specific rules on the performance of the work and on medical examination of the employees before and during the employment and on examinations of occupational health, occupational hygiene or other health conditions.

(2) The employer must ensure that medical examinations of the employees before and during the employment and on examinations of occupational health, occupational hygiene or other health

conditions can be carried out without any loss of income of the employees and as far as possible during working time. The expenses connected with the examinations cannot be imposed on the employees. The Minister for Climate, Energy and Building can lay down more specific rules on the distribution of these expenses between the operating company and the contractor.

### *Dismantling of Offshore Installations*

**56.** Dismantling of a fixed offshore installation shall be planned and carried out so as to ensure that the health and safety risks connected with the work are identified, assessed and reduced as much as reasonably practicable.

**57.** The Minister for Climate, Energy and Building can lay down more specific rules on dismantling of fixed offshore installations.

## Part V

### *Committees, etc.*

#### *Offshore Safety Council*

**58.** The Minister for Climate, Energy and Building shall appoint an Offshore Safety Council that is to assist in laying down rules pursuant to this Act, follow the technical and social development concerning offshore installations and discuss other conditions covered by this Act.

(2) Before rules are laid down pursuant to this Act, a statement from the Offshore Safety Council shall be obtained.

(3) The Offshore Safety Council shall consist of representatives from the two sides of industry, the Danish Energy Authority and other relevant authorities, including the Danish Maritime Authority, the Danish Working Environment Authority, the Danish Environmental Protection Agency and the Civil Aviation Administration.

(4) The Minister for Climate, Energy and Building shall decide which organisations and authorities, apart from the organisations and authorities mentioned in subsection (3) above, are to be represented in the Offshore Safety Council and shall lay down the order of business for the council.

#### *The Authorities' Emergency Response Committee*

**59.** The Minister for Climate, Energy and Building shall appoint an Emergency Response Committee whose duty is to co-ordinate the efforts of the authorities in accident situations on offshore installations. The members of the Emergency Response Committee shall monitor the measures taken by those responsible for the offshore installations and co-ordinate the rescue and combating measures taken by the authorities, cf. section 45(2).

(2) The Minister for Climate, Energy and Building shall lay down procedures for the Emergency Response Committee.

#### *Accident Investigation Board*

**60.** The Minister for Climate, Energy and Building shall appoint an Accident Investigation Board whose task is to investigate major incidents on offshore installations that have caused serious personal injury or damage to facilities.

(2) The Minister for Climate, Energy and Building can order the Accident Investigation Board to investigate incidents that are assumed to be of a health and safety interest in connection with the use

of an offshore installation, and can lay down more specific rules for the activities of the Accident Investigation Board, including which rights and duties the Accident Investigation Board has in connection with investigations of the incidents covered by subsection (1).

## Part VI

### *Supervision, etc.*

**61.** The Minister for Climate, Energy and Building shall supervise that this Act and the rules laid down pursuant to this Act and EU Regulations on matters comprised by this Act are observed.

(2) The Minister for Climate, Energy and Building shall not supervise conditions covered by section 13(3)-(5) and sections 14 and 15.

(3) The Minister for Climate, Energy and Building can authorise the Danish Energy Authority and other government authorities, designated the supervising authority, to exercise powers attributed by law to The Minister for Climate, Energy and Building.

(4) The Minister for Climate, Energy and Building can decide that the tasks of the supervising authority mentioned in subsection (3) to a more specific extent are transferred to private entities. The supervising authority shall supervise such tasks.

(5) Inspection bodies accredited for monitoring, periodic inspections, tests, etc., cf. paragraph (4), shall notify the supervisory authority if they believe that equipment or parts of equipment are dangerous if no action is taken. The Minister of Climate, Energy and Building may lay down more detailed rules on this.

(6) Other private entities, referred to in paragraph 4, must notify the supervisory authority, whose duties has been assigned to them, about the hazards that cannot be avoided, unless action is taken. The Minister of Climate, Energy and Building may lay down more detailed rules on this.

**62.** Anybody on whom duties have been imposed pursuant to this Act shall, as requested, give the supervising authority, the Emergency Response Committee and the Accident Investigation Board the information that is necessary for performance of their activities. This also applies to persons who act on behalf of those on whom duties have been imposed as prescribed by law.

(2) Anybody on whom duties have been imposed pursuant to this Act shall render the supervising authority, Emergency Response Committee and the Accident Investigation Board all necessary assistance in connection with their inquiries.

(3) The supervising authority, the Emergency Response Committee and the Accident Investigation Board shall at any time, without a Court order, on proof of identity, to the extent necessary, have access to all parts of the company except for private parts of the company's buildings.

(4) The supervising authority can get online access to the necessary information in the income register, cf. section 7 of the Act on an income register, and in the customs and tax administration's system for registration of companies with a view to identifying companies on the basis of reported occupational diseases in accordance with sections 52 and 52a.

**63.** The Minister for Climate, Energy and Building can lay down rules specifying that the duty of the supervising authority is not to ensure observance of rules laid down pursuant to this Act when a similar duty falls under a documented collective agreement where the parties to the agreement is a national employers' association or a single company within the offshore industry on the one side and a national trade union on the other side.



(2) Notwithstanding subsection (1) above the duty of the supervising authority is to ensure observance of rules if the industrial party to the agreement does not intend to initiate an industrial procedure for infringement of obligations that are subject to a collective agreement.

(3) Notwithstanding subsection (1) the duty of the supervising authority is to ensure observance of rules towards employees who are not subject to a collective agreement.

(4) Subsections (1)-(3) do not apply to agreements on the right to leave the workplace and to agreements on arrangement of working hours.

**63 a.** Authorities and persons exercising functions according to sections 52a, 55(1), 58-60 and Part VI, and anyone who also provide assistance hereto, are subject to the rules of confidentiality of the sections 152-152e of the Penal Code. Section 152f of the Penal Code also applies.

(2) The supervising authority shall not inform the employer or others that the supervising authority has received a complaint.

**64.** The supervising authority can, possibly on specified terms, order that conditions that are contrary to this Act or rules or decisions pursuant to this Act are put in order immediately or within a specified time limit.

(2) If the supervising authority deems it necessary to avert an imminent, considerable danger of the health and safety of employees or others, it may order that such danger is immediately countered, including stoppage of work.

(3) The supervising authority may order that the entity that has delivered or marketed equipment, personal protective equipment, or a substance or material which, used in accordance with its intended purpose, still prove to be a hazard to health or safety, shall take the necessary measures to prevent the hazard. It may be ordered

i) that the delivery or marketing is stopped or

ii) that such equipment, protective equipment or substances or materials are withdrawn from the market.

(4) The supervising authority may, upon request from the European Commission, order that the marketing of equipment is prohibited or restricted or that equipment is subject to special conditions when

i) equipment as a result of its technical characteristics present the same risk as equipment for which marketing is prohibited or restricted or which are subject to special conditions, or

ii) equipment having technical characteristics presenting risks due to any shortcomings of a harmonized standard.

(5) The supervising authority may

i) prohibit the marketing of equipment or personal protective equipment that is not marked in accordance with the rules on CE marking;

ii) order that the equipment or protective equipment not marked in accordance with the rules on CE marking shall be withdrawn from the market; or

iii) order that the marketing of equipment or protective equipment is not labeled in accordance with the rules on CE marking is restricted.

(6) The supervising authority may order the entity who delivered or marketed equipment, personal protective equipment, or a substance or material to destroy this in a responsible way when the equipment, personal protective equipment or substance or material poses a serious risk to health and safety.

**65.** The licensee, operator, operating company and other companies shall pay the expenses of the authorities connected with the tasks of the authorities pursuant to this Act.

(2) The Minister for Climate, Energy and Building shall lay down rules on payment of the expenses of the authorities pursuant to subsection (1).

**66.** By electronic correspondence provided with a digital signature to the supervising authority, such digital signature shall comply with OCES standard (public certificates for electronic service) or with another standard accepted by the supervising authority.

**66 a.** The Minister for Climate, Energy and Building conducts—as part of his supervisory activities after this act—supervision with the compliance of the Act on Smokeless Environments. The Minister for Climate, Energy and Building can, possibly on specified terms, order that conditions that are contrary to the act are put in order immediately or within a specified time-limit.

(2). Section 61(3) and Sections 62 and 65 and regulations that are issued pursuant to them are applied in the same way.

(3). The Minister for Climate, Energy and Building may—upon negotiation with the Minister for Domestic Affairs and Health—lay down rules on conducting the supervision.

(4). Complaints about decisions made by The Minister for Climate, Energy and Building or by whom that is empowered hereto and related to subsection 1 may be brought before the Energy Board of Appeal. Section 67(2) and (3), subsection (4-ii) and subsection (6) and Section 68 are applied likewise.

## Part VII

### *Complaints Procedure*

**67.** The Energy Board of Appeal shall consider complaints about decisions made by The Minister for Climate, Energy and Building pursuant to an EU Regulation or pursuant to this Act or rules laid down pursuant to this Act.

(2) Decisions made by an institution under the Ministry of Climate, Energy and Building, another authority or private persons, to whom the Minister according to section 61 above has transferred its powers pursuant to this Act, cannot be brought before an administrative authority other than the Energy Board of Appeal mentioned in subsection (1) above.

(3) The complaint shall be lodged in writing to the Energy Board of Appeal within four weeks from the time when the decision has been communicated to the person in question.

(4) The Minister for Climate, Energy and Building can lay down rules on  
i) the access to complain about decisions that, pursuant to an EU Regulation, to this Act or rules issued pursuant to this Act, are made by The Minister for Climate, Energy and Building, and  
ii) payment of fees for lodging a complaint with the Energy Board of Appeal.

(5) The authority mentioned in subsection (4)(i) shall not include rules on prevention of a complaint about decisions made by private persons, cf. section 61(4).

(6) In connection with decisions made pursuant to this Act or rules laid down pursuant to this Act representatives of the Energy Board of Appeal, who are appointed upon recommendation from the Confederation of Danish Industries and the Agricultural Council of Denmark, are replaced by one member representing the trade unions in the Offshore Safety Council, and one member representing the employers' organisations in the Offshore Safety Council. The Minister for Climate, Energy and Building shall appoint the members in question. Appointment of the two members representing the employers' organisations and trade unions respectively in the Offshore Safety Council shall take place upon recommendation from the respective organisations.

**68.** Actions for review of decisions made by the Energy Board of Appeal pursuant to this Act or rules issued pursuant to this Act shall be brought six month after the decision has been communicated to the company or person in question at the latest. If the decision has been published, the time limit always counts from the date of publication.

## Part VIII

### *Civil Law Rules for Offshore Installations*

**69.** By applying the rules in Part 9 of the Merchant Shipping Act on mobile offshore installations during exploration or extraction activities, the shipowner shall be liable when the liability is limited, regardless of the size of the installation by up to 50 million special drawing rights (SDR). For injury to a person, this amount is increased by 30 million SDRs. The first and second sentence do not apply for floating production, storage and offloading units and floating storage and offloading units.

(2) Compensation for pollution damage as a result of exploration or extraction activities is not secured by maritime lien pursuant to Part 3 of the Merchant Shipping Act.

## Part IX

### *Penalties*

**70.** The licensee, operator, operating company, contractor, employer, company manager and offshore installation manager who do not take care to

- i) identify and assess the risks pursuant to section 5(1), section 8(4) and (6), section 10(1), section 11(2), section 33(1) and (3), section 34(1), sections 35-36 or section 53,
  - ii) supervise pursuant to section 6(1), section 7(1) second sentence, section 8(2) second sentence, section 10(2), section 19(3) or section 20(3), or
  - iii) give instructions or training pursuant to section 7(1) first sentence, section 8(2) first sentence, section 9, first sentence, or section 10(3), second sentence,
- shall be fined or punished with imprisonment for up to one year.

(2) The supervisor or employees who do not assist in identifying and assessing the health and safety risks pursuant to section 12 or 13 shall be fined or punished with imprisonment for up to one year.

(3) Anyone who

- i) infringes section 5(2) and (3), section 7(2), section 8(1), (3) and (5), section 10(3) first sentence, and (5), section 11(1), (3) and (4), section 12(1) second sentence, and (2) and (3), section 13(1) and (2), section 16, section 18(1)-(5), section 19(1) and (2), section 20(1) and (2), sections 23-25, sections 27-31, section 33(2), section 45(4), section 46(1) and (3), section 47 or section 50(1), section 52a or EU Regulations concerning matters comprised by this Act.
- ii) has work carried out contrary to section 50(3), or section 51(1)-(3), is in charge of or supervises such work or
- iii) does not comply with orders pursuant to section 45(3), or orders or prohibitions pursuant to section 64.

shall be fined or punished with imprisonment for up to one year.

(4) The maximum imprisonment is two years if the infringement has lead to an accident resulting in serious personal injury or death.

(5) In connection with meting out the penalty pursuant to subsection (3)(i), it shall, to the extent that the employer and the operating company have fulfilled their obligations pursuant to chapter 2 and 4, be regarded as aggravating circumstances for employees, if these intentionally or by gross negligence infringe legislation requirements on

- i) the use of personal protective equipment,
- ii) the use of extraction facilities,
- iii) the use of protection equipment or safety precautions,
- iv) the use of justifiable working methods or
- v) crane and forklift certificates.

(6) Outside the cases referred to in paragraph 5, in determining punishment after paragraph 1-4, it is considered an aggravating circumstance

- i) that the violation has caused damage to life or health, or the risk thereof, without the situation being covered by paragraph 4,
- ii) that an order previously has been issued pursuant to section 64 or other decisions have been made by the supervising authority regarding violation of the Act for the same or similar circumstances,
- iii) that the violation has resulted in, or intended to result in financial gain for the subject or others,  
or
- iv) that the violation is committed intentionally or through gross negligence.

(7) It shall be regarded as a special aggravating circumstances if, for persons under the age of 18, there has been injury to life and health or if danger of this has been evoked, cf. subsection (6)(i).

(8) If no profits are seized, which have been obtained by infringement, the meting out of the fine, including additional fine, shall take into special consideration the size of a financial advantage obtained or intended to be obtained.

(9) The limitation period for criminal liability is five years for infringement of section 18(1)-(5) and rules issued pursuant to section 18(6).

**71.** The individual employer shall be punishable by a fine, even though the infringement cannot be considered intentional or grossly negligent, cf. however subsection (3), if the employer

- i) does not take care to identify and assess risks pursuant to section 10(1) or section 35,
- ii) does not take care to supervise pursuant to section 10(2),
- iii) has work carried out contrary to section 50(3) or section 51(1), or
- iv) does not comply with orders made pursuant to section 45(3) or section 64.

(2) A condition for the individual employer being punishable by a fine pursuant to subsection (1) above is that one or more persons attached to the company or the company as such can be blamed for the infringement. No imprisonment shall be determined in lieu of a fine. By setting the fine, sections 70(4), (6) and (7), regarding the employer's penalty, are similarly applicable.

(3) To the extent that the employer has fulfilled his obligations pursuant to sections 10 and 35, the employer cannot be punishable by a fine if employees infringe legislation requirements on

- i) the use of personal protective equipment,
- ii) the use of extraction facilities,
- iii) the use of protection equipment or safety precautions,
- iv) the use of justifiable working methods or
- v) crane and forklift certificates.

**72.** In rules laid down pursuant to this Act, a penalty can be fixed in the form of a fine for infringement of the rules and for lack of non-compliance of orders or prohibitions pursuant to the rules. Infringement of rules that put regulations into force, which are not written in Danish, cf. section 44, shall not be punishable. Furthermore, it can be determined that the individual employer, who infringes provisions, orders or prohibitions as stated, shall be punishable by a fine, even though the person in question cannot be blamed for the infringement as intentional or grossly negligent.

Punishment by fine is conditional on the infringement being blamed one or more persons attached to the company or the company as such. No imprisonment shall be determined in lieu of a fine

(2) Punishment by fine pursuant to subsection (1), third sentence, and section 71, cannot be imposed on company managers, cf. section 10(6).

**73.** Criminal liability may be imposed on limited liability companies, etc. (legal persons) pursuant to the rules set out in Part V of the Danish Criminal Code. Section 71(3) is similarly applicable.

## Part X

### *Coming into Force, etc.*

**74.** This Act shall come into force on 1 July in 2006. At the same time Act No. 292 of 10 June 1981 on Certain Offshore Installation is repealed, except for section 8(1)-(3), section 9(2), (4) and (5), sections 12 and 13 and section 21(1)(iv) as regards risk of pollution of the marine environment<sup>2</sup>.

(2) The Working Environment Act shall not apply to installations covered by this Act.

(3) (Omitted)

**75.** Permits and approvals covered by this Act, and which are granted before the coming into force of this Act, shall remain valid until they must be renewed, are annulled or expire. Renewed permits and approval shall then be granted pursuant to this Act.

(2) When approval of manning and organisation plans as well as emergency response plans granted before the coming into force of this Act are to be renewed, the conditions that appear from the plan shall be incorporated in the health and safety case, cf. sections 23 and 24.

**76.** Safety cases and other evaluations of health and safety matters prepared before the coming into force of this Act shall have fulfilled, wholly or partly, the requirements for health and safety cases laid down in this Act or in rules issued pursuant to this Act by the time of renewal of permits and approvals, cf. section 75(1) or within a specified time-limit fixed after the coming into force of this Act.<sup>3</sup>

(2) Management systems established before the coming into force of this Act shall have fulfilled, wholly or partly, the requirements for health and safety and management systems in this Act or in rules laid down pursuant to this Act by the time of renewal of permits and approvals or within a specified time-limit fixed after the coming into force of this Act.<sup>4</sup>

(3) The Minister for Climate, Energy and Building shall lay down more specific rules on the conditions mentioned in subsections (1) and (2) above.

**77.** This Act shall not apply to the Faroe Islands and Greenland.

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<sup>2</sup> Act No. 292 of 10 June 1981 on certain marine installations is repealed on 1 July 2008 pursuant to section 15(1) and (2) of Act No. 507 of 17 June 2008 amending the Environmental Protection Act and various other Acts (Implementation of the Environmental Liability Directive). Rules adopted pursuant to sections 8(3) and 9(5) of Act No. 292 of 10 June 1981 on certain marine installations, as regards the risk of pollution of the marine environment remain in force until repealed or replaced by regulations issued pursuant to the Act on the Protection of the Marine Environment, pursuant to Section 15(4) of Act No. 507 of 17 June 2008.

<sup>3</sup> A time limit is not specified.

<sup>4</sup> A time limit is not specified.

Act No. 107 of 7 February 2007 on amendment of the offshore safety act (limitation of the employers' criminal liability and stricter punishment of certain infringements made by employees, and extension of the application of the Act to accommodation on ships, etc.), which concerns sections 2(2), 3, 4(1)-(3), 16, 32 a, 42(2), the title after section 52, sections 54(2), 55(2), 70(3)(i), 70(5)-(10), 71(1) and (3), 73 second sentence, and 77, contain the following entering into force and transitional provision:

### **Section 2**

(1). The Act enters into force on the day after its publication in 'Lovtidende' (Danish Law Gazette).<sup>5</sup>

(2). Section 1, items 10-17, apply on infringements made after the entering into force of the Act.

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Act No. 512 of 6 June 2007 on smoke-free environments; its section 32 related to section 66 a, contain the following entry into force provision:

**27.** The Act enters into force on 15 August 2007.

(2). (Omitted)

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Act No. 1400 of 27 December 2008 amending various acts on the Climate and Energy Ministry area (Exception from the introduction in 'Lovtidende' (Danish Law Gazette) of technical specifications, etc.) if § 1 relating to § 43a, includes the following provision:

### **Section 9**

This Act shall come into force on 1 January 2009.

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Act No. 287 of 15 April 2009 amending the Offshore Safety Act (Implementation of parts of the Directive on recognition of professional qualifications, changes to the rules for approvals and permits, etc.); its section 1 concerning the footnote to the title, sections 3(2), 4 a, 23(2), 27-29, 32 a, 38(2) and (3), 42(1), 50 a-50 d, 72(1) third sentence and 72(2), contains the following provision:

### **Section 2**

This Act shall come into force on 1 July 2009.

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Act No. 467 of 18 May 2011 amending the Offshore Safety Act (Extension of the scope of the Act, the rules for approvals, adjustments related to the Working Environment Act, etc.); its section 1 concerning the footnote to the title, sections 2(2) and (5), 3(2), (3), (5) and (6), 4(1) and (2), 5(1), and (3)-(5), 6(1)-(3), 7(2), 18(1), 25(1), 26 a, 27(1) and (3), 31(1) and (2), 32 a, 48, 52, 52 a, 61(1), (5) and (6), 62(4), 63 a, 64(3)-(6), 67(1) and (4)(i), 69(1) third sentence, 70(1), 70(3)(i) and (iii), 70(4), (6) and (10) and 71(2) third sentence, includes the following provision:

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<sup>5</sup> The Act is promulgated in 'Lovtidende' (The Danish Law Gazette) A 8 February 2007 and entered into force on 9 February 2007.

## **Section 2**

This Act shall come into force on 1 June 2011.

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*Danish Energy Agency, 13 May 2013*

Ib Larsen

/ Katrine Nissen