

Act on Safety, etc. for Offshore Installations for Exploration, Extraction and Transport of Hydrocarbons (Offshore Safety Act)¹

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

Act No. 1424 of December 21, 2005 with subsequent amendments. Non-authorized compilation.

This compilation comprise:

- Act No. 1424 of December 21, 2005 that came into force on July 1, 2006.
- Act No. 107 of February 7, 2007 that came into force on February 9, 2007.

WE, MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, Make Known: The Folketing has passed and We have granted our Royal Assent to the following act:

Part I

Object, Scope and Definitions

- 1.** The object of this Act is
 - i) to promote a high level for safety and health offshore which is in keeping with the technical and social development of the society, and
 - ii) to form a framework for making it possible for the companies to solve safety and health 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.
 - 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, cf. however section 3(3), (4) and (5).
 - (3) A mobile offshore installation shall be construed as any offshore installation which 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, which are bridge linked to each other and have the same licensee or owner, 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 Transport and Energy can lay down rules as to what extent sections 5-10, 12-15, 18-23, 25-27, 28(1), 29, 31, 33-35, 37, 40(1), 41-43, 45(4), 45(5), 52, 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 Transport and Energy 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(1), 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 health and safety of the 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 of time, shall further be subject to section 38(3) and 43.

(5) The Minister for Transport and Energy can lay down rules as to what extent sections 5(2), 7-18, 20-22, 24, 25(1), 25(3), 26, 33(2), 34, 35, 37, 40(1), 41-43, 45(1)-45(3), 45(5), 46, 48-50, 52(1), 53-55, 59-62 and 64-77—for vessels and facilities other than those mentioned in subsection (3) and (4) above, which are not subject to the definition in section 2(1) and which carry on activities connected with offshore installations—shall apply to the activities that are carried out from here and to the equipment used, to the extent that the activities or the equipment affect the safety and health conditions on adjoining offshore installations.

4. Licensee shall be construed as the company or group of companies that have permission for exploration and production (extraction) of hydrocarbons pursuant to Act on Use of Denmark's Subsoil.

(2) Operator shall be construed as the company that, on behalf of the licensee, carries out exploration and extraction of hydrocarbons.

(3) Operating company shall be construed as the company that is responsible for the day-to-day operation of an offshore installation.

(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 supervise 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.

Part II
General Duties

Distribution of Responsibility between the Individual Types of Companies

5. The licensee shall ensure that safety and health risks on an offshore installation, covered by section 2(1)(i)(a) and (b), and (ii), have been identified, assessed and reduced as much as reasonably practicable.

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

(3) For offshore installations that are subject to section 2(1)(i)(c), the duty pursuant to subsection (1) shall rest with the owner of the installation.

(4) For combinations of the offshore installations mentioned in subsections (1) and (3), the duty pursuant to subsection (1) shall rest with the licensee and owner together.

(5) The owner pursuant to subsection (3) shall ensure that the operating company is in a position to fulfil the safety and health duty that rest with the company.

6. The licensee shall ensure that supervision is carried out as to whether operation of an offshore installation which is subject to section 2(1)(i)(a) and (b), and ii), takes place in accordance with this Act and rules laid down pursuant to the said Act.

(2) For offshore installations that are subject to section 2(1)(i)(c), the duty pursuant to subsections (1) and (2) shall rest with the owner of the installation.

(3) For combinations of the offshore installations mentioned in subsection (1) and (2), the duty pursuant to subsection (1) shall rest with the licensee or owner together.

7. The operator shall ensure that the necessary safety and health 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 safety and health risks have been identified, assessed and reduced as much as reasonably practicable.

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

(2) The operating company shall ensure that the necessary safety and health 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 accordance with the requirements of the legislation and as to whether the safety and health risks have been identified, assessed and reduced as much as reasonably practicable.

(3) The operating company shall ensure that work to promote safety and health, 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 safety and health 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 safety and health 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 accordance with the requirements of the legislation and as to whether the safety and health risks have been identified, assessed and reduced as much as reasonably practicable.

Distribution of Responsibility within the Individual Companies with Employees

10. The employer shall ensure that safety and health 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 safety and health 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 so as 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 installations, these employers shall co-operate with each other on conditions that are important to safety and health. 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 safety and health 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 safety and health 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 is informed 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 safety and health 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 safety and health risks have the desired effect.

(2) If the supervisor is informed 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 safety and health, cf. section 46 below.

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

(2) If the employees are informed 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 safety and health 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 of 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 negligent.

(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 safety and health matters.

17. The Minister of Transport and Energy 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 EU 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 EU legislation as regards safety and health 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 safety and health 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 safety and health 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 safety and health by the employer who has been awarded the contract.

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

Part III

Management of Safety and Health

Management System for Safety and Health

19. For fixed offshore installations the operator shall ensure that a management system for safety and health 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 safety and health, which ensures and documents that offshore installations, their condition, operation and maintenance as well as the performance of the work conform to the safety and health 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 of the installation, parts thereof or its equipment fulfilling 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 of Transport and Energy 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 of Transport and Energy 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.

Safety and Health Case

23. The operator shall ensure that a safety and health 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 safety and health 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 safety and health case shall be prepared in connection with the design of a 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 safety and health case shall be updated regularly concurrently with details concerning safety and health matters becoming available in connection with design, fabrication, installation, operation and dismantling of the installation.

24. The operating company shall ensure that a safety and health 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 safety and health 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 safety and health 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 safety and health case is updated in case of essential changes of the offshore installation, its arrangement, equipment or operational conditions.

(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 safety and health 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 safety and health case.

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

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

Approvals, Permits, etc.

27. Before fabrication of a fixed offshore installation is commenced, the operator shall make sure that approval from the supervising authority of the overall design of the installation is obtained. The application for this shall be accompanied by the safety and health case mentioned in section 23(1) and overall schedules for fabrication and installation of the offshore installation.

28. Before operation of an offshore installation is commenced, the operator shall ensure that permission from the supervising authority has been obtained. The application for this shall include information about the time of the expected commencement of operation and as for mobile offshore installations information about the desired duration of the permit and be accompanied by an updated safety and health case, cf. sections 23 and 24.

(2) The permit for mobile offshore installations pursuant to subsection (1) can be extended upon application for this accompanied by an updated safety and health case, cf. section 24. Among other things, the application shall include information about the desired duration of the extension.

(3) The permit for mobile offshore installations pursuant to subsection (1) or the extension pursuant to subsection (2) can be granted for a period of five years at a maximum.

(4) A document that is accepted or approved by a foreign authority with a content corresponding to the safety and health case can replace wholly or partly the updated safety and health case according to decision made by the supervising authority.

29. The operating company shall, prior to any changes to an offshore installation or the operational conditions of the installation that will be of essential importance to the risk of major accidents, obtain permission from the supervising authority. The application for permission shall be accompanied by an updated safety and health case, 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 subject to section 2(1)(i)(a) and (b), and section 2(1)(ii), is dismantled, the licensee shall ensure that permission from the supervising authority is obtained. The application for permission shall be accompanied by an updated safety and health case, cf. section 23.

(2) For offshore installations subject to section 2(1)(i)(c), the duty according to subsection (1) shall rest with the owner of the installation.

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 Transport and Energy can lay down further rules on the contents of an application according to sections 27, 28(1)-(2), 29 and 31, about request for a promise of a grant of an operation permit pursuant to section 32, and on the necessity of a permit pursuant to section 29. Furthermore, the Minister for Transport and Energy can lay down further rules on conditions in connection with permits and approvals.

Part IV

Construction, Arrangement, Equipment, Operation and Dismantling

Risk Assessment

33. In connection with design of a fixed offshore installation and changes to this, the operator shall ensure that the safety and health risks that are connected with the construction, arrangement, 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, arrangement and equipment of the installation are fully justifiable in terms of safety and health.

(3) In connection with planning of changes to a mobile offshore installation, the operating company shall ensure that the safety and health 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 safety and health 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 safety and health level through continued reduction of the safety and health risks mentioned in subsection (1).

35. The individual employer shall, before the work is commenced, ensure that the safety and health 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 arrangement of workplaces have been identified, assessed and reduced as much as reasonably practicable.

37. The Minister of Transport and Energy can lay down more specific rules on risk assessment and current improvement of the safety and health 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 the danger of fire and explosion, the offshore installation shall be subdivided into areas according to the degree of danger. The installation shall be constructed and used in accordance with the subdivision of areas made.

(3) The accommodation of the offshore installations shall be tailored to the number of persons expected to stay on the installation and shall be arranged so as to ensure that the employees can rest and recuperate undisturbed so as to make sure that they can attend to their tasks fully justifiable with regard to health and safety.

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 safety and health 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 safety and health requirements laid down in this Act or in rules laid down in pursuance thereof.

42. Recognised norms and standards that are important to safety and health shall be followed in connection with the conditions mentioned in sections 38-41 above.

(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 of Transport and Energy 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.

44. The Minister of Transport and Energy 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 of Transport and Energy may lay down more specific rules on the emergency response measures mentioned in subsection (1), (2) and (4), including rules on co-ordination 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.

Safety and Health Activities

46. The operating company shall ensure that the safety and health 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 safety and health matters, including the related update of the safety and health 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 operating company does not have the necessary expert knowledge available to attend to the safety and health work, the operating company shall procure expert assistance with a view to ensuring that the safety and health risks have been identified, assessed and reduced as much as reasonably practicable.

49. The Minister of Transport and Energy 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 safety and health, 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 of Transport and Energy can lay down rules on training pursuant to subsection (1) and on the necessary competence pursuant to subsection (2).

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 safety and health risks connected with the work as much as reasonably practicable.

(4) The Minister of Transport and Energy 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 of Transport and Energy can lay down rules specifying that the operating company and the individual employer shall report accidents and other conditions that are important in terms of safety and health to the supervising authority and register conditions that are important in terms of safety and health.

(2) The Minister of Transport and Energy can lay down rules specifying that doctors who notes or suspects that a person has been exposed to harmful effects in connection with their work shall inform the supervising authority or another authority with the consent of the person in question.

Performance of the Work and Medical Examinations, etc.

53. The employer shall ensure that safety and health 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 safety and health 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 of Transport and Energy 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 of Transport and Energy 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 safety and health risks connected with the work are identified, assessed and reduced as much as reasonably practicable.

57. The Minister of Transport and Energy can lay down more specific rules on dismantling of fixed offshore installations.

Part V

Committees, etc.

Offshore Safety Council

58. The Minister of Transport and Energy 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 of Transport and Energy 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 of Transport and Energy 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 of Transport and Energy shall lay down procedures for the Emergency Response Committee.

Accident Investigation Board

60. The Minister of Transport and Energy 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 of Transport and Energy can order the Accident Investigation Board to investigate incidents that are assumed to be of a safety and health 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 of Transport and Energy shall supervise that this Act and the rules laid down pursuant to this Act are observed.

(2) The Minister of Transport and Energy shall not supervise conditions covered by section 13(3)-(5) and sections 14 and 15.

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

(4) The Minister of Transport and Energy 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.

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.

63. The Minister of Transport and Energy 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.

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 safety and health of employees or others, it may order that such danger is immediately countered, including stoppage of work

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 of Transport and Energy 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.

Part VII

Complaints Procedure

67. The Energy Board of Appeal shall consider complaints about decisions made by the Minister of Transport and Energy pursuant to this Act or rules laid down pursuant to this Act.

(2) Decisions made by an institution under the Ministry of Transport and Energy, 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 of Transport and Energy can lay down rules on

- i) the access to complain about decisions that, pursuant to this Act or rules issued pursuant to this Act, are made by the Minister of Transport and Energy, 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 of Transport and Energy 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 months 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.

(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, owner of offshore installations under section 2(1)(i)(c), 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), (3) and (4), section 8(4), 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 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 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 safety and health 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 (5), 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),
 - 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 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 been made intentionally or by gross negligence.

(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) In connection with meting out the penalty pursuant to subsections (1)-(4)—outside the cases mentioned in subsection (5)—the following shall be regarded as aggravating circumstances:

- i) that the infringement has resulted in injury to life and health or caused danger of this,
- ii) that an order pursuant to section 64 has been previously made for the same thing or similar conditions, or
- iii) that in connection with the infringement a financial advantage has been obtained or intended to be obtained for the person himself or others.

(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).

(10) Unless a higher penalty is applicable pursuant to other legislation, any person shall be fined who violates the provisions in Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the Implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95.

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.

(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 he 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), second 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 2006¹. 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 pollution of the marine environment.

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

(3) The Minister of Transport and Energy can decide that rules laid down pursuant to Act No. 292 of 10 June 1981 on Certain Offshore Installations and The Working Environment Act, which concern conditions covered by this Act, as amended, shall remain in force, until they are replaced by provisions laid down pursuant to this or another Act and that complaints about decision made pursuant to these acts shall be brought before the Energy Board of Appeal.

¹ Act no 107 came into force on 9 February 2007.

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 safety and health cases, cf. sections 23 and 24.

76. Safety cases and other evaluations of safety and health matters prepared before the coming into force of this Act shall fulfil wholly or partly the requirements for safety and health cases laid down in this Act or in rules issued pursuant to this Act in connection with renewal of permits and approvals, cf. section 75(1) or at a specific time-limit fixed after the coming into force of this Act at the latest.

(2) Management systems established before the coming into force of this Act shall fulfil wholly or partly the requirements for safety and management systems in this Act or in rules laid down pursuant to this Act in connection with renewal of permits and approvals or at a specific time-limit fixed after the coming into force of this Act at the latest.

(3) The Minister of Transport and Energy 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.

Given at Christiansborg Castle, 21 December 2005²

Under Our Royal Hand and Seal

Margrethe R.

/Flemming Hansen

¹ The Act contains provisions implementing parts of Council Directive 89/391/EEC of 12 June 1989 on the Introduction of Measures to encourage Improvements in the Safety and Health of Workers at Work (OJ 1989 No. L 183, p. 1), parts of Council Directive 92/91/EEC of 3 November 1992 concerning Minimum Requirements for Improving the Safety and Health Protection of Workers in the Mineral-extracting Industries during Drilling (eleventh special directive pursuant to Article 16(1), in Directive 89/391/EEC) (OJ 1992 No. L 348, p. 9) and parts of European Parliament and Council Directive 2003/88/EC of 4 November 2003 concerning Certain Aspects of the Organisation of Working Time (OJ 2003 No. L 299, p. 9).

[Directive 1989/391/EEC](#) Celex no. 31989L0391

[Directive 1992/91/EEC](#) Celex no. 31992L0091

[Directive 2003/88/EC](#) Celex no. 32003L0088

² Act No 107 was given on 7 February 2007.