

**Order amending the order on Notice A from the Danish Maritime Authority
Technical regulation on occupational health in ships^{1 2}**

Section 1

In order no. 1246 of 11 December 2009 on Notice A from the Danish Maritime Authority, technical regulation on occupational health in ships, as amended by order no. 817 of 30 June 2011, order no. 924 of 3 July 2013 and order no. 1283 of 11 November 2013, the following amendments shall be made:

1. *The introduction* shall be as follows:

"In pursuance of section 1(2) and (3), sections 3-5, section 20(4), section 27(4) and section 32(8) of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 72 of 17 January 2014, as amended by act no. 1384 of 23 December 2013, and section 1(2) and (3), sections 3-5, section 20(4), section 27(4) and section 32(2) of the act on safety at sea as enacted for Greenland by decree no. 71 of 29 January 2013, and by authority, the following provisions shall be laid down:"

2. *Section 3(xvi)*, shall be as follows:

"16) Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (codified version)."

3. In *chapter II, part C, regulation 1, paragraph 3*, "Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work, Official Journal, L 263, p. 25, as amended by Council Directive 91/382/EC of 25 June 1991 and amended by Directive 2003/18/EC of the European Parliament and of the Council of 27 March 2003, Official Journal 2003, L 97, p 48" shall be amended to: "Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (codified version)."

4. In *chapter II, part C, annex 2, paragraph 1*, "as well as on the resale, etc. of such ships" shall be inserted after "on board ships".

5. In *chapter II, part C, annex 2*, the following note shall be inserted after *Prohibition*:

"3) The provision shall not limit the application of regulation (EC) of the European Parliament and of the Council of 21 April 2004 on the transfer of cargo and passenger ships between registers within the Community and repealing Council regulation (EEC) no. 613/91 to conditions falling within the application of the regulation."

¹ This order has been notified in draft in accordance with Directive 98/34/EC of the European Parliament and of the Council (the information procedure directive), as amended by directive 98/48/EC.

² This order contains certain provisions from regulation no. 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the registration, evaluation, authorisation and restriction of chemicals (REACH), etc. According to article 288 of the TFEU a regulation is directly applicable in all member States. Thus, the reproduction of these provisions in this order is solely for practical reasons and does not concern the direct applicability of the regulation in Denmark.

6. In *chapter II, part C, annex 2*, the section "*Prohibition*", shall be as follows:

"3.1 It shall be prohibited to import, including to buy, ships and equipment for use on board ships containing asbestos as well as to use or work with asbestos or materials containing asbestos in any form, cf. however subparagraphs 3.3 and 3.4.

3.2 It shall still be possible to sell, hire out or otherwise make available to a third party against payment or free of charge ships in their entirety on board which installations and technical aids, etc. containing asbestos or materials containing asbestos have been fitted if

- 1) the installation or the technical aid, etc. could also legally, when it was fitted on board the ship, be fitted and put to use in accordance with the regulations applicable in this country on that date, and
- 2) the installation, the technical aid, etc. had been fitted on board the ship and put to use before 1 January 2005.

3.3 In special circumstances, the Danish Maritime Authority may also permit ships to operate under the Danish flag and be sold, hired out or in any other manner be made available to a third party against payment or free of charge if the asbestos or the material containing asbestos in the installation or the technical aid, etc. had been fitted on board the ship and put to use before 1 January 2005 and if it is ensured that the asbestos does not present any health risk to those on board or others in accordance with directive 2009/148/EC.

3.4 Demolition work as well as work consisting in the repair and maintenance of ships or parts hereof as well as of technical aids for which materials containing asbestos has been used shall be permitted, provided that such work is performed in compliance with the provisions of chapter II, part C, and paragraph 4.1 to paragraph 26 below. As regards shipyard work, the provisions of the order on asbestos shall apply."

7. In *chapter II, part C, annex 2, paragraph 4.1*, the following shall be inserted after the first clause: "Written workplace assessments shall be drawn up in accordance with regulation 4 and regulation 5."

Section 2

This order shall enter into force on 27 April 2015.

Section 3

This order shall not apply to the Faroe Islands and to Greenland.

Danish Maritime Authority, 23 April 2015
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