

**While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation based on the latest official Consolidated Act no. 831 of 1 July 2015 as amended by Act no. 426 of 18 May 2016 and Act no. 1542 of 19 December 2017. Only the Danish document has legal validity.**

*Consolidated Act no.    of    March 2018*

## **The Offshore Safety Act<sup>1</sup>**

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This is an Act to consolidate the Offshore Safety Act, cf. Consolidating Act no. 831 of 1 July 2015, with amendments consequential upon section 40 of Act no. 426 of 18 May 2016 and 1 of Act no. 1542 of 19 December 2017.

The announced legislative text concerning section 11(3), sections 19-26, sections 29-30 and 75 and 76 of this Act shall apply from and including 19 July 2018 for installations and connected infrastructure as well as pipelines for which an operating permit has been granted pursuant to section 28 of the Safety etc. for Offshore Installations for Exploration, Production and Transportation of Hydrocarbons Act, cf. Consolidated Act no. 520 of 13 May 2013, before 19 July 2015, cf. section 7(2) of the Act no. 1499 of 23 December 2014.

### **Part 1**

#### *Purpose, scope and definitions*

**1.** The purpose of this Act is:

- 1) to promote a high level of health and safety offshore which is in accordance with technical and social developments in society, and
- 2) to create a framework that allows enterprises themselves to address health and safety issues offshore.

**2.-(1)** This Act shall apply to offshore oil and gas operations, cf. section 3(1), no. 16.

**(2)** Sections 5-37, section 38(2) and (3), sections 39-74 and section 77 shall also apply to operations pertaining to an installation or connected infrastructure, cf. section 3(1), nos. 1 and 29, if the operations are covered by the Act on the Use of the Danish Subsoil (Danish Subsoil Act), and if these operations carry health and safety risks or risks of major environmental incidents.

**3.-(1)** For the purposes of this Act, the following definitions shall apply:

1) "Installation" means: A fixed or mobile facility used for offshore oil and gas operations, including accommodation facilities on associated vessels to which, under the circumstances, the employee has access in connection with performing work on the fixed or mobile facility, or a combination of such facilities permanently inter-connected by bridges or other structures. Vessels

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are not considered installations, except for drillships, floating production, storage and offloading units, as well as vessels from where offshore oil and gas operations are being performed that involve risks of major accidents, and such offshore oil and gas operations are not being performed in connection with an installation.

2) "Offshore installation manager" means: The supervisor who, on behalf of the operator or the owner, is in charge of the day-to-day operation of an installation.

3) "Employer" means: The enterprise authorised to instruct employees who carry out work on an installation.

4) "Supervisor" means: Any person whose work consists solely or primarily of managing or supervising, on behalf of the employer, work in its enterprise or any part thereof.

5) "Exploration" means: Well drilling into a prospect and all related offshore oil and gas operations necessary prior to production-related operations, until permanent closure of such wells.

6) "Owner" means: An enterprise legally entitled to control the operation of a non-production installation or of a pipeline that connects installations, or pipelines from installations to the shore.

7) "External emergency response plan" means: A local, national or regional strategy to prevent escalation or limit the consequences of a major accident relating to offshore oil and gas operations using all resources available to the operator as described in the relevant internal emergency response plan, and any supplementary resources made available by the authorities.

8) "Contractor" means: An enterprise contracted by another enterprise, including the operator or owner, to perform specific tasks.

9) "Fixed installation" means: An installation which is not a mobile installation.

10) "Non-permanently manned installation" means: An installation which is not a permanently manned installation.

11) "Non-production installation" means: An installation not used for oil and gas production.

12) "Internal emergency response plan" means: A plan prepared by the operator or owner pursuant to the provisions of this Act, or to regulations issued pursuant to this Act, concerning measures to prevent escalation or limit the consequences of accidents, cf. section 45, relating to offshore oil and gas operations.

13) "Combined operation" means: An operation carried out from an installation with another installation or installations for purposes related to other installation(s) which thereby materially affects the health and safety risks on any or all of the installations.

14) "Mobile installation" means: A mobile installation which can be moved from one position to another by sailing or towage, and which is intended to be used in several different positions throughout its lifetime.

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15) "Offshore" means: Situated in the territorial sea, the Exclusive Economic Zone or the continental shelf of Denmark within the meaning of the United Nations Convention on the Law of the Sea.

16) "Offshore oil and gas operations" means: All operations relating to exploration, production and pipeline transport of oil and gas as well as other substances and materials between the offshore installation and onshore installation, or between several offshore installations, including design, planning, construction, installation offshore, as well as the operation, modification and decommissioning of installations, connected infrastructure and pipelines.

17) "Operator" means: The enterprise appointed by the licensee or the Minister for Employment to conduct, on behalf of the licensee, the activities the licensee is authorised to carry out pursuant to the Danish Subsoil Act, including planning and executing a well operation or managing and controlling the functions of a production installation.

18) "Permanently manned installation" means: An installation planned for use as overnight accommodation.

19) "Production" means: Offshore extraction of oil and gas from the underground strata of the licensed area including offshore processing of oil and gas and its conveyance through connected infrastructure.

20) "Production installation" means: An installation used for oil and gas production.

21) "Commencement of operations" means: The point in time when the installation or connected infrastructure is involved for the first time in the operations for which it is designed.

22) "Licensee" means: The enterprise or group of enterprises which, pursuant to the Danish Subsoil Act, is authorised to carry out offshore oil and gas operations.

23) "Licensed area" means: The geographical area covered by the permit of the licensee, cf. no. 22.

24) "Risk" means: The combination of the probability of an event and the consequences of that event.

25) "Safety and environmental-critical elements" means: Elements, including computer programmes, the purpose of which is to prevent or limit the consequences of a major accident, or the failure of which could cause or contribute substantially to a major accident

26) "Safety zone" means: The area within a distance of 500m from any part of an installation, or from any part of the connected infrastructure of an installation. However, this shall not apply to connected infrastructure covered by no. 29, points b and c..

27) "Major environmental incident" means: An incident which results, or is likely to result, in environmental damage covered by the Environmental Damage Act ("*miljøskadeloven*").

28) "Major accident" means: In relation to an installation, connected infrastructure or a pipeline

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a) an incident involving an explosion, fire, loss of well control, or release of oil, gas or dangerous substances or materials involving, or with a significant potential to cause, fatalities or serious personal injury, cf. also subsection (2),

b) an incident leading to serious damage to the installation or connected infrastructure involving, or with a significant potential to cause, fatalities or serious personal injury, cf. also subsection (2),

c) any other incident leading to fatalities or serious injury to five or more persons on the offshore installation where the source of danger occurs or engaged in an offshore oil and gas operation in connection with the installation or connected infrastructure, or

d) any major environmental incident resulting from incidents referred to in points (a), (b) and (c), cf. also subsection (2).

29) "Connected infrastructure" means:

a) Within the safety zone of an installation or within a nearby zone of a greater distance from the installation any well and associated structures, supplementary units and devices connected to the installation.

b) Within the safety zone of an installation any apparatus or device on or fixed to the main structure of the installation.

c) Within the safety zone of an installation any connected pipeline system.

d) Within the safety zone of an installation or within a nearby zone of a greater distance from the installation any other connected structure that is used for storage and loading of oil and gas produced by a production installation, and that is permanently connected to such an installation.

30) "Independent verification" means: An assessment and confirmation of the validity of particular written statements by an enterprise or an organisational part of the operator or the owner that is not under the control of, or influenced by, the enterprise or the organisational part using those statements.

31. "Enterprise" means: Any natural or legal person or any group of such persons.

32) "Enterprise manager" means: Any person authorised through their position to take part in the overall management of the enterprise.

(2) The definitions in subsection (1), no. 28 (a), (b) and (d), shall also apply to a non-permanently manned installation in situations where the installation is not manned.

#### 4. (Repealed)

4a. The Minister for Employment may lay down regulations regarding implementation or application of international conventions and EU regulations on conditions covered by this Act, including regulations, directives and decisions.

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## Part 2

### *General duties*

#### *Distribution of responsibility between the individual types of enterprise*

**5.-(1)** The licensee shall ensure that health and safety risks and risks of major environmental incidents in connection with offshore oil and gas operations have been identified, assessed and reduced to a level as low as reasonably practicable.

**(2)** The licensee shall ensure that the operator can fulfil the obligations incumbent upon the operator in accordance with this Act and regulations issued pursuant to this Act.

**(3)** For installations with several licensees, the obligations according to subsections (1) and (2) shall be incumbent upon the licensees collectively.

**6.-(1)** The licensee shall ensure that supervision is carried out as to whether offshore oil and gas operations are conducted in accordance with this Act and with regulations laid down pursuant to this Act.

**(2)** In the event of several licensees, the obligation according to subsection (1) shall be incumbent upon the licensees collectively.

**7.** The operator and the owner, respectively, shall ensure that the necessary health and safety instructions as well as instructions that are significant for prevention of major environmental incidents are provided to contractors working for them. Furthermore, the operator and the owner, respectively, shall ensure that supervision is carried out as to whether contractors plan and carry out work in accordance with requirements stipulated in the legislation, including compliance with relevant parts of the management system in section 19, and as to whether the health and safety risks and risks of major environmental incidents have been identified, assessed and reduced to a level as low as reasonably practicable.

**8.-(1)** At permanently manned installations, the operator, as far as production installations are concerned, and the owner, as far as non-production installations are concerned, shall appoint an offshore installation manager.

**(2)** The operator and the owner, respectively, shall ensure coordination of work to promote health and safety carried out by several different contractors at the installation, and that the offshore installation manager can fulfil his obligations.

**(3)** Before the installation is put into operation, the operator and the owner, respectively, shall ensure that health and safety risks as well as risks of major environmental incidents in connection with offshore oil and gas operations have been identified, assessed and reduced to a level as low as reasonably practicable, and that there is compliance with the management system, cf. section 19.

**(4)** The operator and the owner, respectively, shall ensure that equipment complies with current legislation before it is put into operation.

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(5) The operator and the owner, respectively, shall ensure that health and safety risks and risks of major environmental incidents in connection with use of substances and materials have been identified, assessed and reduced to a level as low as reasonably practicable.

9. The contractor shall ensure that the necessary health and safety instructions as well as instructions that are significant for prevention of major environmental incidents are provided to contractors working for him. Furthermore, the relevant contractor shall ensure that supervision is carried out as to whether the contractors working for him plan and carry out work in accordance with this Act and in accordance with regulations issued pursuant to this Act, including compliance with relevant parts of the management system mentioned in section 19, and as to whether the health and safety risks and risks of major environmental incidents have been identified, assessed and reduced to a level as low as reasonably practicable.

*Division of responsibility within the individual enterprises with employees*

10.-(1) The employer shall ensure that health and safety risks and risks of major environmental incidents associated with work have been identified, assessed and reduced to a level as low as reasonably practicable, and ensure compliance with relevant parts of the management system mentioned in section 19.

(2) The employer shall ensure that supervision is carried out as to whether the risks mentioned in subsection (1) have been identified, assessed and reduced to a level as low as reasonably practicable, and ensure compliance with relevant parts of the management system mentioned in section 19.

(3) The employer shall inform the employees of any health and safety risks and risks of major environmental incidents which may exist in connection with their work. Furthermore, the employer shall ensure that the employees receive the necessary training and instruction in how to perform their work to identify, assess and reduce the risks to a level as low as reasonably practicable, and ensure compliance with relevant parts of the management system mentioned in section 19.

(4) Where relevant, the employer shall ensure that investigations, tests and inspections, possibly by experts, are carried out to determine compliance with the obligations referred to in subsection (1).

(5) In the event of several employers on the same installation, the employers shall cooperate with each other on conditions that are important to health and safety. This cooperation shall be established by the operator and the owner, respectively, cf. section 8(2).

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

11.-(1) The offshore installation manager shall have overall responsibility for health and safety at the installation, and ensure that the installation is operated in accordance with this Act and regulations issued pursuant to this Act..

(2) The offshore installation manager shall ensure, and supervise, that health and safety risks and risks of major environmental incidents in connection with operations at the installation have been identified, assessed and reduced to a level as low as reasonably practicable.

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(3) The offshore installation manager shall ensure, and supervise, that operation, maintenance and modifications to the installation are in accordance with the management system mentioned in section 19.

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

**12.-(1)** Other supervisors shall each assist in identifying, assessing and reducing health and safety risks and risks of major environmental incidents in connection with work to a level as low as reasonably practicable within their own field of activity. The supervisor shall ensure the effectiveness of the measures taken to reduce such health and safety risks and risks of major environmental incidents.

(2) If the supervisor becomes aware of conditions that carry a risk of accidents or illness, he shall ensure that such risk is removed or reduced. Where the risk cannot be removed or reduced by intervention on site, the offshore installation manager shall be informed of this without delay.

(3) The supervisor shall participate in cooperation concerning health and safety, cf. section 46.

**13.-(1)** The employees shall participate in cooperation concerning health and safety, cf. section 46. Furthermore, the employees shall assist in identifying, assessing and reducing the health and safety risks and risks of major environmental incidents to a level as low as reasonably practicable within their own field of activity, and ensure the effectiveness of the measures taken to reduce the risks.

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

(3) Employees shall have the right to leave their workplace or a danger zone in the event of serious or immediate danger which cannot be avoided.

(4) The position of the employee must not be adversely affected because the employee leaves the workplace or a danger zone, cf. subsection (3).

(5) Employees whose rights under subsection (4) are violated may be awarded compensation.

**14.-(1)** The employer shall ensure that, taking into account their knowledge and access to equipment, the employees are able to decide upon appropriate measures themselves in order to avoid the consequences of serious and immediate danger to their own safety or the safety of others, when it is not possible for the employees to contact the supervisor or the offshore installation manager.

(2) The position of an employee shall not be adversely affected because the employee has taken measures under subsection (1), unless the employee in such cases has acted with intentional or gross negligence.

(3) Employees whose rights under subsection (2) are violated may be awarded compensation.

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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 installation shall conform to the procedures laid down for work and other activities on the installation, and shall respect the measures taken to reduce health and safety risks and risks of major environmental incidents.

16a. The operator and the owner, respectively, shall inform their own employees and contractors, as well as the employees of these, about the system for confidential reporting of safety and environmental concerns relating to offshore oil and gas operations, cf. section 63a(2). The operator and the owner, respectively, shall ensure that reference to this system is included in training and information material.

17. The Minister for Employment may lay down more detailed regulations on the duties of the licensee, operator, owner, contractor, employer, offshore installation manager and other supervisors as well as employees.

*Suppliers, etc.*

18.-(1) Any person who supplies, makes available or displays machines, machine parts, containers, prefabricated constructions, appliances, tools, construction components, other equipment or personal protective equipment shall ensure that such articles are provided with the necessary protective equipment when supplied for use or display and that they can be used as intended without risks to safety or health. Adequate and simple instructions for use, maintenance, transport and installation shall be made available on delivery.

(2) Any person who supplies or makes available substances and materials for use on the installation shall ensure that, on delivery, the substances and materials comply with current legislation on packaging and labelling. Safety data sheets shall be made available on delivery and comply with current legislation.

(3) If equipment is made for use on an installation according to the recipient's written, detailed instructions, the duties under subsection (1) shall be incumbent upon the recipient.

(4) If machines, machine parts, containers, prefabricated constructions, appliances, tools, other equipment or substances and materials are delivered to an installation from a supplier outside the EU, the duties under subsection (1) shall be incumbent upon the recipient.

(5) Any contracting entity who invites tenders for supply of services shall, in the invitation to tender, ensure that account has been taken of health and safety in the performance of the task. Furthermore, a contracting entity shall ensure that the invitation to tender contains relevant information on special, significant health and safety risks and risks of major environmental incidents connected with the performance of the task in order to make the party who is to perform the task aware of such matters.

(6) A contracting entity shall furthermore help to ensure that the employer who is awarded the task can execute the task put out to tender in such a way that health and safety risks and risks of major environmental incidents are reduced to a level as low as reasonably practicable..



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(7) The Minister for Employment may lay down more detailed regulations on duties pursuant to subsections (1)-(6).

### **Part 3**

#### *Management of health and safety risks and risks of major environmental incidents*

##### *Safety zones*

**18a.-(1)** Installations and connected infrastructure covered by section 3(1), no. 29, points a and d, are surrounded by a safety zone.

(2) Vessels, fishing gear etc., may not be brought into or be located in the safety zone according to subsection (1). Responsibility for complying with this provision rests with the person navigating the vessel. Furthermore, the master, if not the same person as the person navigating the vessel, the shipowner, as well as the person responsible for safety management on the vessel, if not the same person as the shipowner, shall ensure compliance with the provision.

(3) However, subsection (2) shall not apply to a vessel entering or remaining in the safety zone:

- 1) in connection with decommissioning, inspection, testing, repair work, maintenance, modification, renewal and removal of a submarine cable or a submarine pipeline in or near the safety zone,
- 2) to provide services for, or to transport persons or goods to or from, the installation,
- 3) to inspect the installation or connected infrastructure in the safety zone in question under a permit from the supervisory authority,
- 4) in connection with saving, or attempting to save, lives or property,
- 5) due to bad weather,
- 6) because it is in distress, or
- 7) if the operator or owner of the installation, or the supervisory authority, has given its consent.

##### *Management system*

**19.-(1)** The operator and the owner, respectively, shall establish and maintain a system for management of health and safety risks and risks of major environmental incidents in connection with offshore oil and gas operations. The management system shall ensure and document compliance with the provisions stipulated in this Act or regulations issued 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 commencement of operations, cf. subsection (1).

**19a.-(1)** The operator and the owner, respectively, shall draw up a corporate policy for safety, health and prevention of major environmental incidents in connection with oil and gas operations.

(2) The corporate policy shall be included as part of the management system under section 19(1).

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(3) The corporate policy shall also include continuous improvement of management of health and safety risks and risks of major environmental incidents so as to ensure a high level of protection at all times and collaboration with the employees on health and safety, cf. section 46.

(4) The corporate policy shall be implemented by the operator and the owner, respectively, for all offshore oil and gas operations. The operator and the owner, respectively, shall set up appropriate monitoring measures to ensure effectiveness of the policy.

(5) With regard to prevention of major accidents, the corporate policy shall also include the production installations and non-production installations of the operator and the owner, respectively, outside the European Union.

20. (Repealed)

#### *Independent verification*

21.-(1) The operator and the owner, respectively, shall establish a scheme for independent verification in the following cases and with the following objectives:

1) in respect of an installation, connected infrastructure and a pipeline, to give assurance that the safety and environmental-critical elements identified in the risk assessment for the installation, the connected infrastructure or the pipeline meet their objective, cf. definition in section 3(1), no. 25, and that the schedule of examination and testing of the safety and environmental-critical elements is in accordance with the provisions laid down in the management system for health and safety, cf. section 19(1), up-to-date and operating as intended.

2) in respect of approval of well operations, cf. section 28a, to give independent assurance that the well design and well control measures are adjusted to the anticipated well conditions at all times in accordance with the requirements stipulated in the management system for health and safety of the operator pursuant to section 19.

(2) The results of the independent verification shall be without prejudice to the responsibility of the operator and the owner, respectively, for the correct and safe functioning of the equipment and systems under verification.

(3) The operator and the owner, respectively, shall take appropriate measures based on the results of the independent verification.

(4) The operator and the owner, respectively, shall ensure that the results of the independent verification pursuant to subsection (1), no. 1, and records of measures taken on the basis of such results are made available to the supervisory authority. The operator and the owner, respectively, shall retain the results of the independent verification for a period of no less than five years after completion of the offshore oil and gas operations to which they relate.

(5) For a production installation, a fixed non-production installation, connected infrastructure and a pipeline, the verification scheme under subsection (1), no. 1, shall be in place prior to completion of the design of the installation, connected infrastructure or pipeline. For a mobile non-production installation, the scheme shall be in place prior to the commencement of operations.

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(6) The scheme under subsection (1) may be extended by the operator and the owner, respectively, to cover other health and safety matters in connection with offshore oil and gas operations, cf. however, section 22(2).

(7) If the operator and the owner, respectively, of a non-production installation decides to exercise the option in subsection (6), subsections (2)-(5) shall also apply to the extended scheme.

**22.-(1)** After consultation with the Minister for the Environment and Food of Denmark, the Minister for Employment may lay down more detailed regulations on the contents of management systems under section 19 and corporate policies under section 19a, including regulations on reporting routines as well as on audit and control procedures.

(2) Furthermore, the Minister for Employment may lay down more detailed regulations on the verification schemes mentioned in section 21, and that verification of more detailed health and safety matters which are not covered by section 21(1) is to be mandatory, cf. section 21(6).

#### *Health and Safety Document*

**23.-(1)** The operator and the owner, respectively, shall prepare a Health and Safety Document (also known as a Health and Safety Case) for installations, possibly with connected infrastructure, and pipelines. As a minimum, this document shall contain the following elements:

1) Identification of the health and safety risks and risks of major environmental incidents, cf. sections 34 and 36, associated with offshore oil and gas operations in connection with the installation, connected infrastructure and pipeline.

2) Assessment of the risks mentioned in no. 1.

3) Demonstration that the risks mentioned in no. 1 have been identified, assessed and reduced to a level as low as reasonably practicable, including that the maximum and minimum manning for operation of the installation and connected infrastructure have been determined, and that efficient and controlled safe escape, evacuation and rescue of persons on board the installation can take place in critical situations.

4) Demonstration that the management system, cf. section 19, ensures and documents compliance with the requirements in this Act and in regulations issued pursuant to this Act.

5) Description of the scheme for independent verification, cf. section 21.

6) The internal emergency response plan prepared pursuant to section 45 and regulations issued pursuant to section 45a of this Act and section 34a(3) of the Marine Environment Act, or an adequate description of the plan.

(2) The Health and Safety Document under subsection (1) shall be prepared before the installation with connected infrastructure or the pipeline is put into operation.

(3) The Health and Safety Document under subsection (1) shall be updated if, during operation, material modifications are made to the installation, connected infrastructure, pipeline or their layout, equipment or operational conditions, and these modifications have an impact on the health and safety risks or risks of major environmental incidents.

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(4) The operator and the owner, respectively, shall ensure that representatives for the employees at the installation, where such exist, are involved in the preparation of the Health and Safety Document or changes to the document, cf. subsections (1), (3) and (5), and that this is documented in a summary describing how the involvement has taken place.

(5) The Health and Safety Document under subsection (1) shall be subject to a thorough periodic review by the operator and the owner, respectively, at least every five years. The supervisory authority may, in addition, require a thorough periodic review at any time.

(6) The results of the review under subsection (5) shall be notified to the supervisory authority.

(7) If operation of a fixed installation, possibly with connected infrastructure, cf. subsection (1), or a pipeline is planned to proceed after the design life, the Health and Safety Document shall be updated, and it shall be demonstrated in the document that health and safety risks and risks of major environmental incidents originating from the continued operation of the installation or pipeline have been identified, assessed and reduced to a level as low as reasonably practicable. The expected length of the planned operation period shall be stated in the Health and Safety Document.

(8) The Health and Safety Document under subsection (1) shall be available on the installation and be accessible to the management and employees at the installation as well as to the supervisory authority.

(9) The operator and the owner shall implement the measures to reduce health and safety risks and risks of major environmental incidents that are laid down in the Health and Safety Document.

24. (Repealed)

25. (Repealed)

26. After consultation with the Minister for the Environment and Food of Denmark, the Minister for Employment may lay down more detailed regulations on the Health and Safety Document pursuant to section 23.

26a. The Minister for Employment may lay down more detailed regulations on the duty of the operator of a production installation and the owner of a non-production installation to ensure that physicians, occupational health clinics and health authorities responsible for occupational health examinations have access to the Health and Safety Document on the installation when this is relevant for employee health checks.

*Approvals, permits etc.*

27.-(1) The operator and the owner, respectively, shall submit a notification of the planned design to the supervisory authority in connection with

1) establishment of a new production installation and fixed non-production installation with connected infrastructure,

2) major reconstruction of an existing production installation and fixed non-production installation with connected infrastructure, or

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3) establishment of a new pipeline.

(2) In connection with planned relocation of an existing production installation to a new position, the operator shall submit a relocation notification to the supervisory authority.

(3) Notification under subsection (1), nos. 1-3 shall be submitted to the supervisory authority as early as possible in the design phase and sufficiently early in the proposed relocation time schedule to allow for any remarks from the supervisory authority concerning health and safety matters and prevention of major environmental incidents to be included in the completion of the design and in the subsequent Health and Safety Document under section 23(1).

(4) The supervisory authority shall be notified as quickly as possible of material modifications to the design and to the proposed relocation time schedule, respectively, to the extent that these modifications impact on the design notification or relocation notification according to subsections (1) and (2).

**28.-(1)** The operator and the owner, respectively, shall ensure that a permit is obtained before a new fixed installation, a mobile installation or a pipeline is put into operation.

(2) An application for a permit under subsection (1) shall, as a minimum, include

1) date of expected commencement of operations,

2) requested duration of the permit, and

3) a Health and Safety Document, cf. section 23(1).

(3) A permit under subsection (1) may be extended upon application. The application shall include updated material pursuant to subsection (2), nos. 2 and 3.

(4) For the part of the operations concerning a mobile non-production installation, the permit under subsection (1) or the extension under subsection (3) may be granted for a maximum period of five years.

**28a.-(1)** The operator shall ensure that approvals by the supervisory authority of well operations that result in a risk of accidental release of substances and materials that may lead to a major accident, and subsequent material modifications of well operations are obtained prior to commencement of operations.

(2) The application for approvals under subsection (1) shall be submitted to the supervisory authority by a deadline to be determined by the supervisory authority, and shall, as a minimum, include details of the design of the well and the proposed well operations, a detailed description of the management system under section 19, the results and remarks of the independent verifier pursuant to section 21(1), no. 2, a description of the measures by the operator on the basis of these results and remarks and a detailed description of any changes to the internal emergency response plan pursuant to section 45 as a result of special circumstances at the well or the location of the well.

(3) After commencement of well operations, the operator shall submit reports of such operations to the supervisory authority.

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(4) The operator shall implement the measures that serve as the basis for the approved well operations before the operations are commenced.

**28b.** The operator shall notify the supervisory authority about well operations not covered by the approval requirement in section 28a.

**29.-(1)** The operator and the owner, respectively, shall obtain a permit from the supervisory authority before material modifications are made to an installation, connected infrastructure or a pipeline, or to the operational condition of the installation or the pipeline, that are significant for the risk of major accidents.

(2) An application for a permit under subsection (1) shall be accompanied by an updated Health and Safety Document, cf. section 23(3).

**29a.-(1)** In connection with combined operation, the operator or, if there are several operators, one of these operators shall obtain a permit from the supervisory authority under section 29 before combined operation is commenced.

(2) The operators and the owners who are to take part in combined operation shall prepare the application for a permit jointly pursuant to subsection (1).

(3) The operators and the owners pursuant to subsection (2) shall ensure that the measures that serve as a basis for the permit are implemented.

**30.** Prior to relocation of an installation from one position to another, the operator and the owner, respectively, of the installation shall notify the supervisory authority in writing about the new position, unless submission of a relocation notification pursuant to section 27(2) or obtainment of a permit pursuant to sections 28 and 29 is required in this connection.

**31.** Before a fixed installation, possibly with connected infrastructure, or a pipeline is decommissioned, the operator and the owner, respectively, shall ensure that a permit from the supervisory authority is obtained. An application for a permit shall be accompanied by an updated Health and Safety Document, cf. section 23(3).

**32.-(1)** At the request of the owner, the supervisory authority may grant an advance commitment of a permit to carry out oil and gas operations from a mobile installation, cf. section 28(1).

(2) The validity of such advance commitment of a permit pursuant to subsection (1) shall be maximum five years.

(3) The condition for considering a request under subsection (1) is that the owner pays the expenses incurred by the supervisory authority in accordance with regulations on payment laid down in section 65(3).

**32a.** After consultation with the Minister for Environment and Food, the Minister for Employment may lay down more detailed regulations

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1) concerning the circumstances in which a notification pursuant to section 27(1), no. 2, shall be submitted, an approval pursuant to section 28a, a permit pursuant to sections 28, 29, 29a and 31, and an advance commitment of a permit pursuant to section 32 shall be applied for, and the circumstances in which a notification pursuant to sections 28b and 30 shall be given,

2) concerning the content of a notification pursuant to section 27(1) and (2), an application for approval pursuant to section 28a, permit pursuant to sections 28, 29, 29a and 31, an advance commitment of a permit pursuant to section 32, and a notification pursuant to section 27(4), and sections 28b and 30,

3) concerning deadlines for submission of a notification pursuant to section 27(1) and (2), an application for approval pursuant to section 28a, a permit pursuant to sections 28, 29, 29a and 31, an advance commitment of a permit pursuant to section 32, a notification pursuant to section 27(4), and sections 28b and 30, and deadlines for remarks from the supervisory authority pursuant to section 27(3) and (4), and

4) concerning the content of reports pursuant to section 28a(3), and intervals for submission of reports to the supervisory authority.

**32b.** A notification pursuant to section 27, an approval or a permit pursuant to sections 28-29a and section 31 and an advance commitment of a permit pursuant to section 32 may not be transferred to others, unless this is permitted by the supervisory authority.

**32c.-(1)** The supervisory authority may revoke an approval or a permit pursuant to sections 28-29a and section 31 and an advance commitment of a permit pursuant to section 32 if

1) the provisions, terms or orders laid down in this Act or issued pursuant to this Act are not observed, cf. however, subsection (2),

2) incorrect or misleading information has been provided in an application for approval, permit or advance commitment of a permit, cf. however, subsection (2), or

3) the operator and the owner, respectively, is made subject to debt restructuring or is declared bankrupt.

**(2)** Where the situation can be remedied by the operator and the owner, respectively, revocation pursuant to subsection (1), no. 1 or 2, may only take place after the supervisory authority has ordered the situation to be remedied within a prescribed period, and if the order has not been complied with.

**(3)** The supervisory authority shall revoke an approval or a permit under sections 28-29a and section 31 and an advance commitment of a permit under section 32 if the operator and the owner, respectively, is assessed not to have the capacity to meet relevant requirements pursuant to this Act or regulations laid down pursuant to this Act.

**(4)** If an approval, a permit or an advance commitment of a permit under subsection (1) or (3) is revoked, the supervisory authority shall notify the decision to the authority that issued the authorisation to exploit the relevant licensed area pursuant to the Danish Subsoil Act.

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(5) In the event of revocation of an approval, a permit or an advance commitment of a permit pursuant to subsection (1) or (3) that has been granted to an operator, the licensee shall take adequate measures to ensure that the health and safety risks and risks of major environmental incidents are still reduced to a level as low as reasonably practicable. The same applies to an operator in the event of revocation of an approval, a permit or an advance commitment of a permit pursuant to subsection (1) or (3) that has been granted to an owner acting as the operator's contractor.

(6) The Minister for Employment may lay down more detailed regulations on the measures mentioned in subsection (5).

#### **Part 4**

##### *Design, construction, layout, equipment, operation and decommissioning*

##### *Risk assessment and risk mitigation*

**33.-(1)** In connection with establishing a new fixed installation with connected infrastructure or a new pipeline, or in connection with modifications to an existing fixed or a mobile installation, connected infrastructure or a pipeline, the operator and the owner, respectively, shall ensure that the health and safety risks and the risks of major environmental incidents associated with the design, construction, layout and equipment of the installation, the connected infrastructure or the pipeline have been identified, assessed and reduced to a level as low as reasonably practicable.

(2) When designing a new fixed installation with connected infrastructure or a new pipeline, due consideration shall be given to future needs to expand the capacity and function of the installation, its connected infrastructure or the pipeline.

**34.-(1)** In connection with operation of an installation, connected infrastructure or a pipeline, the operator and the owner, respectively, shall ensure that health and safety risks as well as risks of major environmental incidents associated with the related offshore oil and gas operations have been identified, assessed and reduced to a level as low as reasonably practicable.

(2) The operator and the owner, respectively, shall regularly secure improvements in the health and safety level and the level of prevention of major environmental incidents by continuously reducing the health and safety risks and risks of major environmental incidents mentioned in subsection (1).

(3) When entering into an agreement on use of a non-production installation, the operator shall ensure that the health and safety risks and risks of major environmental incidents associated with the construction, layout, equipment and operation of the installation are reduced to a level as low as reasonably practicable.

(4) If, during an operation carried out by an operator and an owner, respectively, imminent danger of a major accident arises, the operator and the owner, respectively, shall ensure that immediate appropriate measures are taken to avert the danger, including that the operation is



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stopped, if necessary. The operator and the owner, respectively, shall notify the supervisory authority as soon as possible and no later than 24 hours after taking these measures.

**35.** Before work is commenced, the individual employer shall ensure that the health and safety risks and risks of major environmental incidents in connection with the performance of the work are identified, assessed and reduced to a level as low as reasonably practicable.

**36.** The operator and the owner, respectively, of a non-production installation shall ensure that the health and safety risks and risks of major environmental incidents on the installation that are not related to the performance of work and layout of workstations have been identified, assessed and reduced to a level as low as reasonably practicable.

**37.** The Minister for Employment may lay down more detailed regulations on risk assessment, risk reduction and regular improvement of the health and safety level and the level of prevention of major environmental incidents.

#### *Design, construction, layout and equipment*

**38.-(1)** In connection with the design of a new, permanently manned fixed production installation with connected infrastructure, cf. section 33(1) and section 42(1), the installation shall be divided into principal areas on the basis of an assessment regarding the risk of major accidents stemming from the activities carried out in each of these principal areas. The principal areas shall be physically separated from each other in such a way that escalation of an incident in one principal area will not affect another principal area.

**(2)** With regard to the risk of fire and explosion, installations with connected infrastructure not covered by subsection (1) shall be divided into areas according to the degree of risk.

**(3)** Installations with connected infrastructure shall be laid out and used in accordance with the division into areas pursuant to subsection (1) or (2).

**(4)** In connection with work and other activities on the installation, the associated accommodation facilities shall be adapted to the number of persons expected to stay on the installation, and the layout of the facilities shall be such that the employees have access to undisturbed rest so that they can perform their duties in such a way that the health and safety risks and risks of major environmental incidents are reduced to a level as low as reasonably practicable.

**39.-(1)** On permanently manned installations, suitable treatment rooms shall be established to ensure that sick and injured persons can receive the necessary treatment before they are taken ashore to a hospital or similar.

**(2)** In connection with work and other activities on non-permanently manned installations, a suitable number of first-aid rooms shall be established.

**(3)** The rooms under subsections (1) and (2) shall have suitable equipment, facilities and medicines.

**(4)** Access routes on the installation shall be such that stretcher transport of sick and injured persons to treatment rooms, first-aid rooms and evacuation points can be undertaken effectively.

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(5) First-aid equipment shall be available in all places on the installation where working conditions so require. Such first-aid equipment shall be labelled and easily accessible.

40.-(1) An installation with connected infrastructure or a pipeline shall be provided with equipment necessary to fulfil the purpose of the installation, the connected infrastructure or the pipeline. The equipment shall be placed and arranged and ready for use so as to reduce the health and safety risks and risks of major environmental incidents after identification and assessment to a level as low as reasonably practicable.

(2) The equipment on an installation or a pipeline shall be designed and used in accordance with the division of areas, cf. section 38, subsections (1) and (2).

41. Routine maintenance of installations, connected infrastructure and pipelines shall take place so as to ensure that the installation, connected infrastructure, pipeline and the associated necessary equipment, cf. section 40(1) comply with the requirements laid down in this Act or regulations issued pursuant to this Act.

42.-(1) Recognised norms and standards that are important to health and safety and to prevention of major environmental incidents shall be followed in connection with the construction, layout and equipment of installations, connected infrastructure, pipelines and wells.

(2) Norms and standards under subsection (1) may nevertheless be derogated from in situation where doing so is appropriate in order to achieve a higher level of health and safety or a higher level of prevention of major environmental incidents, or as a result of technical developments. Such derogation shall ensure that the health and safety risks and risks of major environmental incidents are reduced to a level as low as reasonably practicable.

43. The Minister for Employment may lay down more detailed regulations on the design, construction, layout and equipment of installations, connected infrastructures, wells and pipelines, cf. sections 38-42.

43a.-(1) The Minister for Employment may lay down more detailed regulations that specific international decisions and technical specifications concerning requirements for enterprises, and for the design, construction, layout and equipment of installations, connected infrastructure, wells and pipelines, to which reference is made in regulations issued pursuant to this Act, are not to be inserted in the Danish Law Gazette.

(2) The Minister for Employment shall lay down regulations on how information about the international decisions and technical specifications that are not to be inserted in the Danish Law Gazette, cf. subsection (1), can be obtained.

44. The Minister for Employment may lay down more detailed regulations that international decisions and technical specifications concerning requirements for enterprises, installations, connected infrastructure, pipelines and wells as well as related equipment shall apply, irrespective of whether these are available in Danish.

*Emergency response*

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**45.-(1)** The operator and the owner, respectively, shall prepare an internal emergency response plan to counter any consequences of accidents and danger situations at an installation or connected infrastructure. The plan shall be prepared in accordance with provisions issued pursuant to this Act, cf. section 45a, taking into account the assessment of the health and safety risks and risks of major environmental incidents which has been carried out pursuant to sections 33-36 and included in the Health and Safety Document pursuant to section 23.

**(2)** In the event that a mobile non-production installation is used to carry out well operations, the internal emergency response plan for the installation shall take into account the risk assessment which has been completed during the preparation of the application for approval of well operations and which shall be submitted pursuant to section 28a.

**(3)** The operator and the owner, respectively, shall ensure that the internal emergency response plan

1) is put into action without delay on commencement of operations,

2) is coordinated with the internal emergency response plan regarding marine oil and chemical pollution control prepared according to the Marine Environment Act and regulations issued pursuant to the Marine Environment Act, and

3) is in accordance with the external emergency response plan under section 45b and the external emergency response plan pursuant to the Marine Environment Act and regulations issued pursuant to the Marine Environment Act.

**(4)** The operator and the owner, respectively, shall update the internal emergency response plan as a consequence of any material change to the Health and Safety Document pursuant to section 23 or to the basis for the permits granted pursuant to sections 28, 29 and 29a. In connection with such a change, a permit shall be obtained from the supervisory authority pursuant to section 29 and changes to the internal emergency response plan shall be notified to the relevant authority(ies) responsible for preparing the external emergency response plan.

**(5)** In the event of a major accident or an incident where there is an immediate risk of a major accident, the operator and the owner, respectively, shall take appropriate measures to prevent escalation and limit the effects thereof.

**(6)** With a view to ensuring efficient rescue and control measures, the supervisory authority may order changes to the internal emergency response plan.

**45a.** After consultation with the Minister for the Environment and Food of Denmark and the relevant minister, the Minister for Employment shall lay down more detailed regulations on the internal emergency response plan mentioned in section 45(1)-(5).

**45b.-(1)** After consultation with the Minister for the Environment and Food of Denmark and the relevant minister, and collaboratively with the relevant operators and owners, the Minister for Employment shall prepare an external emergency response plan that covers all offshore oil and gas operations covered by this Act and regulations issued pursuant to this Act..

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(2) The supervisory authority shall ensure that, during work carried out according to the external emergency response plan, all necessary information is collected, so the Accident Investigation Board Denmark can subsequently perform a thorough investigation of major accidents etc., cf. section 60.

(3) After consultation with the Minister for the Environment and Food of Denmark and the relevant minister, the Minister for Employment shall lay down more detailed regulations on the external emergency response plan mentioned in subsection (1), including regulations on disclosure and publication of the plan.

(4) After consultation with the Minister for Employment, the Minister for the Environment and Food of Denmark shall lay down more detailed regulations on disclosure and publication of the external emergency response plan mentioned in subsection (1).

#### *Health and safety activities*

**46.-(1)** The operator and the owner, respectively, shall ensure that health and safety activities are organised in collaboration with the employees on production installations and non-production installations, respectively.

(2) The employees or their representatives shall be involved in planning the performance of work, planning of layout of workstations and planning of modifications to the installation as regards health and safety risks.

(3) The operator and the owner, respectively, shall defray the expenses connected with tasks performed by the employees in connection with collaboration under subsection (1), including expenses connected with the related training, cf. section 47.

47. The operator and the owner, respectively, shall ensure that members of the organised collaboration on health and safety under section 46(1) have completed health and safety training, if possible within three months of their selection or appointment.

48. If the licensee, the operator, the owner, the contractor or the employer does not have the necessary expertise to undertake the health and safety activities, they shall seek external expert assistance with a view to ensuring that the health and safety risks are identified, assessed and reduced to a level as low as reasonably practicable.

**48a.-(1)** Installations shall have a sufficient number of specially trained employees such that the necessary first aid can be administered, and where necessary, treatment under the direction of a registered medical practitioner can be performed, notwithstanding that said medical practitioner is present at the installation or onshore.

(2) On permanently manned installations, the specially trained employees under subsection (1) shall also be able to carry out preventive health tasks.

49. The Minister for Employment may lay down more detailed regulations on the collaboration mentioned in section 46(1), including regulations on protection of employees attending to tasks in connection with this collaboration; regulations against dismissal or other impairment of their conditions of employment; regulations on the content, registration, provision and completion of

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health and safety training pursuant to section 47, including supplementary health and safety training; regulations on the qualifications of teachers, and approval and quality assurance of health and safety training providers; and regulations on expert assistance pursuant to section 48 and on training and number of trained employees pursuant to section 48a.

#### *Training and competence*

**50.-(1)** Before work is commenced on an installation, the operator and the owner, respectively, shall ensure that the employees are sufficiently trained to attend to the tasks according to the internal emergency response plan of the installation, cf. section 45, and to attend to their own safety in an emergency situation.

**(2)** The employer shall ensure that the employees are adequately instructed, and that they have the competences to ensure that their duties on the installation can be performed in such a way that the health and safety risks and risks of major environmental incidents are reduced to a level as low as reasonably practicable, including that documentation for these competences is available.

**(3)** Persons under the age of 18 may not carry out work on installations.

**(4)** The Minister for Employment may lay down regulations on training pursuant to subsection (1) and on the necessary competence pursuant to subsection (2).

**50a.-(1)** The Minister for Employment may lay down regulations that a person whose professional qualifications were obtained in a third country may only perform work within the scope of this Act requiring specified training or completion of a test, if said person has had his professional qualifications approved by the supervisory authority.

**(2)** The Minister for Employment may lay down regulations that a person, who intends to work permanently within the scope of this Act, and whose professional qualifications were obtained in other EU Member States, EEA countries or countries which have agreements with the EU hereon, may only perform work within areas requiring specified training or completion of a test, if said person has had his professional qualifications approved by the supervisory authority.

**(3)** The Minister for Employment may lay down regulations that a person, who intends to work temporarily and occasionally within the scope of this Act, and whose professional qualifications were obtained in other EU Member States, EEA countries or countries which have agreements with the EU hereon, shall have his professional qualifications verified in advance for approval, before commencing work within areas requiring specified training or completion of a test. This shall only apply for work which is significant for public health and safety and if the objective of verification is to avoid seriously jeopardising the safety and health of the recipient of the service.

**50b.** The Minister for Employment may lay down regulations that, on request, the employer shall document to the supervisory authority that employees have the necessary qualifications to perform the relevant work for which specified training, tests, certificates, work experience or similar is required.

**50c.-(1)** The Minister for Employment may lay down regulations that a person whose professional qualifications were obtained in a third country shall apply to have such professional

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qualifications recognised before commencing work within the scope of this Act requiring specified training or completion of a test.

(2) The Minister for Employment may lay down regulations that a person who intends to work permanently within the scope of this Act, and whose professional qualifications were obtained in other EU Member States, EEA countries or countries which have agreements with the EU hereon shall apply to have his professional qualifications recognised before commencing work within areas requiring specified training or completion of a test.

(3) The Minister for Employment may lay down regulations that a person who intends to work temporarily and occasionally within the scope of this Act, and whose professional qualifications were obtained in other EU Member States, EEA countries or countries which have agreements with the EU hereon, shall submit a written notification to the supervisory authority before commencing work within the areas requiring specified training or completion of a test. This shall only apply for work which is significant for public health and safety and if the objective of verification is to avoid seriously jeopardising the safety and health of the recipient of the service.

(4) The Minister for Employment may lay down regulations on application and notification, including submission of proof of the professional qualifications.

(5) The Minister for Employment may lay down regulations on taking an aptitude test or completing a trial period for persons whose professional qualifications have been obtained in a third country or in other EU Member States, EEA countries or countries which have agreements with the EU hereon.

**50d.** The Minister for Employment may lay down regulations that the operator and the owner, respectively, themselves shall ensure that persons whose professional qualifications are not to be approved by the supervisory authority pursuant to regulations laid down in accordance with sections 50a and 50c fulfil the requirements laid down in this Act or regulations issued pursuant to this Act on specified training and completion of a test.

#### *Working hours, rest and off-duty periods*

**51.-(1)** The employer shall organise work so as to ensure that the average weekly working hours of an 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 organise work so as to allow a rest period of at least 11 consecutive hours within every period of 24 hours.

(3) In connection with the organisation of work, and taking into account the duration of the work period, the employer shall also ensure that employees are given reasonable opportunities for 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 and risks of major environmental incidents related to the work to a level as low as reasonably practicable.

(4) The Minister for Employment may lay down regulations on derogation from the provisions in subsections (1) and (2), including in connection with agreements, rules on breaks during the working day, rest and off-duty periods, on-call work and night work.

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*Registration and notification etc.*

**52.-(1)** The Minister for Employment shall lay down regulations on obligations on operators, owners, employers, physicians and dentists to register and notify accidents, incidents of poisoning, occupational diseases and other health and safety matters and matters that are significant for prevention of major environmental incidents to the supervisory authority and on notification by the operator and the owner, respectively, of major accidents to the Accident Investigation Board Denmark.

**(2)** After consultation with the Minister for the Environment and Food of Denmark, the Minister for Employment may lay down regulations on publication and disclosure to the European Commission of information about major accidents, about installations etc., about legislative amendments concerning prevention of major accidents, as well as about other matters that are significant for risks of major accidents.

**52a.** Any physician who finds or suspects that a person has been exposed to harmful influences shall notify such cases to the supervisory authority. The Minister for Employment may lay down more detailed regulations on this, including on the obligation to inform another authority.

**52b.-(1)** Enterprises registered in Denmark and which themselves, or through subsidiary companies, carry out offshore oil and gas operations outside the EU as licensees or operators shall, upon request from the supervisory authority, submit information regarding major accidents outside the EU.

**(2)** After consultation with the Minister for the Environment and Food of Denmark, the Minister for Employment may lay down more detailed regulations on the information to be submitted pursuant to subsection (1).

*Performance of work and medical examinations, etc.*

**53.** The employer shall ensure that health and safety risks and risks of major environmental incidents connected with the performance of work are identified, assessed and reduced to a level as low as reasonably practicable and ensure compliance with threshold values laid down in regulations issued pursuant to this Act.

**54.-(1)** Recognised norms and standards of significance for health and safety and for prevention of major environmental incidents in connection with the performance of work shall be observed.

**(2)** However, norms and standards under subsection (1) may be derogated from in situations where this is appropriate in order to achieve a higher level of health and safety and a higher level of prevention of major environmental incidents, or as a result of technical developments. Such derogation presupposes that the health and safety risks and risks of major environmental incidents are reduced to a level as low as reasonably practicable.

**55.-(1)** The Minister for Employment may lay down more detailed regulations on operation, the performance of work, medical examinations of the employees before and during the employment and on examinations of occupational health, occupational hygiene or other health conditions.

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(2) The employer shall ensure that medical examinations of the employees before and during the employment and examinations of occupational health, occupational hygiene or other health conditions can be carried out without any loss of income to the employees and, as far as possible, within working hours. The expenses connected with the examinations may not be imposed on the employees. The Minister for Employment may lay down more detailed regulations on the allocation of such expenses between the operator, owner and contractor, respectively.

(3) Operators and owners shall, in consultation with the supervisory authority and collaboratively with operators, owners and supervisory authorities in other EU Member States, prepare and, in consultation with the supervisory authority, revise standards and guidelines on best practice for management of risks of major accidents throughout the design and operational lifecycle of offshore oil and gas operations by exchanging knowledge, information and experience between the EU Member States, e.g. through the European Union Offshore Oil and Gas Authorities Group (EUOAG).

(4) The Minister for Employment shall lay down more detailed regulations on the conditions to consider in connection with setting priorities for preparing standards and guidelines pursuant to subsection (3).

#### *Decommissioning fixed installations etc.*

56. Decommissioning a fixed installation, connected infrastructure or a pipeline shall be planned and carried out so as to ensure that the health and safety risks and risks of major environmental incidents connected with the work are identified, assessed and reduced to a level as low as reasonably practicable.

57. The Minister for Employment may lay down more detailed regulations on decommissioning fixed installations, connected infrastructure or pipelines.

### **Part 5**

#### *Committees, etc.*

#### *Offshore Safety Council*

58.-(1) The Minister for Employment shall set up an Offshore Safety Council that is to assist in preparing regulations etc. pursuant to this Act, follow technical and social developments regarding offshore oil and gas operations and discuss other conditions covered by this Act.

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

(3) The Offshore Safety Council shall be composed of representatives from the social partners, the supervisory authority and other relevant authorities.

(4) The Minister for Employment shall decide which organisations and authorities are to be represented in the Offshore Safety Council, and shall lay down the rules of procedure of the Council.



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*Authorities' Emergency Response Committee*

**59.-(1)** The Minister for Employment shall set up an Emergency Response Committee, the duty of which is to coordinate efforts by the authorities in accident situations in connection with offshore oil and gas operations. The members of the Emergency Response Committee shall monitor the precautions taken by those responsible for offshore oil and gas operations and coordinate the rescue and control measures taken by the authorities.

**(2)** The Minister for Employment shall lay down the rules of procedure for the Emergency Response Committee.

*Accident Investigation Board*

**60.-(1)** The Minister for Employment shall set up an Accident Investigation Board to investigate major accidents.

**(2)** In other cases than those mentioned in subsection (1), the Minister for Employment may order the Accident Investigation Board Denmark to investigate incidents that are deemed to be relevant for health and safety matters or relevant for prevention of major environmental incidents in connection with offshore oil and gas operations.

**(3)** When the Accident Investigation Board Denmark has completed an investigation, the Board shall prepare a report with the results of its investigation and its recommendations, and submit the report to the Minister for Employment and the Minister for the Environment and Food of Denmark.

**(4)** After consultation with the Minister for the Environment and Food of Denmark, the Minister for Employment may lay down more detailed regulations concerning the activity of the Accident Investigation Board Denmark, including the rights and duties of the Accident Investigation Board Denmark in connection with investigations of the matters covered in subsections (1) and (2).

**(5)** After consultation with the Minister for the Environment and Food of Denmark, the Minister for Employment may lay down regulations concerning access to, and dissemination of, reports prepared by the Accident Investigation Board Denmark and concerning publication of these reports.

Part 6

*Supervision etc.*

**61.-(1)** The Minister for Employment shall supervise compliance with this Act and the regulations laid down pursuant to this Act and EU Regulations on matters covered by this Act, cf. however, subsection (2).

**(2)** The Minister for Employment shall not supervise matters covered by section 13(3)-(5) and sections 14 and 15.

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(3) The Minister for Employment may authorise the Danish Working Environment Authority, and, after consultation with the relevant minister, other government authorities, referred to as the supervisory authority, to exercise the powers vested in the Minister for Employment by this Act.

(4) The Minister for Employment may decide that, to a specified extent, the tasks of the supervisory authority mentioned in subsection (3) are to be transferred to private entities, including classification societies. The supervisory authority shall supervise such tasks.

(5) The following shall apply to classification societies:

1) The Minister for Employment may, on specified terms, authorise classification societies to perform tasks relating to maritime conditions at installations on behalf of the supervisory authority.

2) The Minister for Employment and the supervisory authority shall not be liable to pay damages for errors made by the classification societies mentioned in no. 1.

3) The Minister for Employment and the supervisory authority are not be obliged to perform themselves the tasks covered by an authorisation issued pursuant to no. 1.

4) If an authorisation under no. 1 is issued, the Minister for Employment may, if so requested by the classification society, enter into an agreement limiting the authorised party's liability for damage occurring due to simple negligence during the performance of the tasks covered by the authorisation.

5) The Minister for Employment may revoke an authorisation if the terms of the authorisation are not observed.

(6) Private entities mentioned in subsection (4) shall notify the supervisory authority, the duties of which has been assigned to them, about the hazards that cannot be avoided, including from equipment or parts of equipment, unless action is taken.

(7) The Minister for Employment may lay down more detailed regulations on the conditions mentioned in subsection (6).

(8) After consultation with the relevant minister, the Minister for Employment may lay down more detailed regulations on the tasks and organisation of the supervisory authority, cf. subsection (3).

**62.-(1)** Any person who is subject to obligations under this Act shall, on request, provide the supervisory authority, the Emergency Response Committee and the Accident Investigation Board Denmark with all the information necessary for the performance of their work. This also applies to persons who act on behalf those who are subject to obligations pursuant to this Act.

(2) Any person who is subject to obligations under this Act shall give all necessary assistance to the supervisory authority, the Emergency Response Committee and the Accident Investigation Board Denmark in connection with their investigations.

(3) The supervisory authority, the Emergency Response Committee and the Accident Investigation Board Denmark shall, upon presenting appropriate identification, without a warrant,

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be given the necessary access at any time to all areas of the enterprise, except for private areas of the buildings of the enterprise.

(4) The supervisory authority may obtain access via a terminal to necessary information in the income register, cf. section 7 of the Income Register Act, and in the customs and tax authority's registration system for enterprises, in order to identify enterprises on the basis of reported occupational diseases, cf. sections 52 and 52a.

**63.-(1)** The Minister for Employment may lay down regulations providing that the supervisory authority shall not be under an obligation to ensure compliance with regulations issued pursuant to this Act when a similar obligation is covered by a documented collective agreement between, on the one hand, a national employers' organisation or an individual enterprise within the offshore sector and, on the other hand, a national employees' organisation.

(2) Notwithstanding subsection (1), the supervisory authority shall ensure compliance with the regulations, if a party to the collective agreement does not intend to initiate industrial action for contravention of obligations covered by a collective agreement.

(3) Notwithstanding subsection (1), the supervisory authority shall ensure compliance with the regulations in relation to employees who are not covered by a collective agreement.

(4) Subsections (1)-(3) shall not apply to agreements on the right to leave the workplace or to agreements on the organisation of working hours.

**63a.-(1)** Authorities and persons performing functions pursuant to sections 52a, 55(1), 58-60 and Part 6, as well as any person providing assistance in such functions, shall be subject to the regulations on duty of silence in sections 152-152e of the Danish Criminal Code. Section 152f of the Danish Criminal Code shall also apply.

(2) The supervisory authority shall establish a scheme for confidential reporting to the supervisory authority regarding health and safety concerns in connection with offshore oil and gas operations. The supervisory authority may not disclose to an employer or others that a report has been received.

(3) In the event that a specific assessment so justifies, the supervisory authority shall further investigate the reports mentioned in subsection (2). The supervisory authority may not disclose to an employer or others that an investigation is being carried out on the basis of a report.

**64.-(1)** The supervisory authority may, possibly subject to specific conditions, order that matters which are in contravention of this Act, regulations of this Act or decisions made pursuant to this Act be remedied immediately or within a specific time limit.

(2) The supervisory authority may order that a risk be addressed immediately, including that work be stopped, if the supervisory authority considers such action necessary in order to avert an imminent, serious risk to the health and safety of employees or any other persons.

(3) The supervisory authority may order any person who has supplied or placed on the market equipment, personal protective equipment or a substance or material which presents a risk to health

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and safety, despite being utilised in accordance with relevant instructions, to take the necessary measures to remedy the matter. In this connection the supervisory authority may order:

- 1) that supply or market placement be discontinued, or
- 2) that the relevant equipment, personal protective equipment, substances or material be withdrawn from the market.

**(4)** At the request of the European Commission, the supervisory authority may order that placing on the market of equipment be prohibited or restricted, or that equipment be made subject to special conditions, if

- 1) equipment, by virtue of its technical characteristics, presents the same risk as equipment where placing on the market is prohibited or restricted or where the equipment is subject to special conditions, or
- 2) equipment has technical characteristics presenting a risk due to shortcomings of a harmonised standard.

**(5)** The supervisory authority may

- 1) prohibit placing on the market of equipment or personal protective equipment that is not marked in accordance with the regulations on CE marking,
- 2) order equipment or personal protective equipment that is not marked in accordance with the regulations on CE marking to be withdrawn from the market, or
- 3) order that placing on the market of equipment or personal protective equipment that is not marked in accordance with the regulations on CE marking be restricted.

**(6)** The supervisory authority may order the person who has supplied or placed on the market equipment, personal protective equipment, or a substance or material to destroy this in an appropriate manner, if the equipment, personal protective equipment, or substance or material poses a serious risk to health and safety.

**64a** The supervisory authority may set conditions in connection with approvals and permits pursuant to this Act or regulations issued pursuant to this Act and in connection with advance commitments of permits pursuant to section 32.

**65.-(1)** The licensee, operator, owner and other enterprises shall pay the costs of the authorities connected with the tasks of the authorities pursuant to this Act.

**(2)** The operator and the owner, respectively, shall provide the supervisory authority or private entities, cf. section 61(4), with transport to or from an installation or vessel associated with offshore oil and gas operations, including the conveyance of their equipment, at any reasonable time, and provide accommodation, meals and other subsistence in connection with the visits to the installation.

**(3)** The Minister for Employment shall lay down more detailed regulations on the duties pursuant to subsections (1) and (2).

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66. (Repealed)

**66a.-(1)** As part of supervisory activities pursuant to this Act, the Minister for Employment shall supervise compliance with the legislation on no-smoking environments and Part 2 of the Act on Electronic Cigarettes etc.. The Minister for Employment may, possibly subject to specific conditions, order that matters which are in contravention of the legislation on no-smoking environments and Part 2 of the Act on Electronic Cigarettes etc. be remedied immediately or within a specific time limit.

**(2)** Section 61(3), sections 62 and 65 and the regulations issued in pursuance hereof shall apply correspondingly.

**(3)** After consultation with the Minister for Health, the Minister for Employment may lay down more detailed regulations concerning the performance of supervision.

**(4)** Appeals against decisions under subsection (1) by the Minister for Employment, or the person authorised to decide, may be brought before the Energy Board of Appeal. Section 67(2) and (3), subsection (4), no. 2 and subsection (6) as well as section 68 shall apply correspondingly.

## Part 7

### *Appeals*

**67.-(1)** The Energy Board of Appeal shall process appeals about decisions by the Minister for Employment pursuant to an EU Regulation or pursuant to this Act or to regulations laid down pursuant to this Act.

**(2)** Decisions by an institution under the Ministry of Employment, another authority or private entities to which, pursuant to section 61, the Minister has transferred his powers under this Act, may not be brought before another administrative authority than the Energy Board of Appeal mentioned in subsection (1). The decisions may not be brought before the courts until the final administrative decision has been made.

**(3)** The appeal shall be submitted in writing to the Energy Board of Appeal within four weeks after the decision has been notified to the party concerned.

**(4)** The Minister for Employment may lay down regulations concerning

1) access to appeal against decisions by the Minister for Employment made pursuant to an EU Regulation, this Act or regulations issued in pursuance of this Act, and

2) payment of fees in connection with bringing an appeal before the Energy Board of Appeal.

**(5)** The access to appeal mentioned in subsection (4), no. 1 shall not apply to regulations on prevention of appeals against decisions made by private entities, cf. section 61(4).

**(6)** In connection with decisions made pursuant to this Act or regulations issued pursuant to this Act, representatives of the Energy Board of Appeal who are appointed upon recommendation from the Confederation of Danish Industry and the Danish Agriculture & Food Council, shall be replaced by two expert members appointed by the Minister for Employment; one member representing the

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workers' organisation in the Offshore Safety Council, and one member representing the employers' organisations in the Offshore Safety Council. The Minister for Employment shall appoint the members in question. Appointment of the two members representing the employers' organisations and workers' organisation, respectively, in the Offshore Safety Council shall take place upon recommendation from the respective organisations.

**68.** Legal proceedings to challenge decisions by the Energy Board of Appeal made pursuant to this Act, or regulations issued pursuant to this Act, shall be filed within six months after the decision has been notified to the party concerned. If the decision is made public, however, the deadline shall always be calculated from the date of the publication.

## Part 8

### *Private-law rules for mobile installations*

**69.-(1)** By applying the regulations in Part 9 of the Merchant Shipping Act on mobile installations carrying out offshore oil and gas operations, the ship owner 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 personal injury, this amount is increased by 30 million SDRs. The 1st and 2nd clauses shall not apply to floating production, storage and offloading units, or to floating storage and offloading units.

**(2)** Compensation for pollution damage as a consequence of offshore oil and gas operations is not secured by maritime lien pursuant to Part 3 of the Merchant Shipping Act.

**(3)** The Minister for Employment may change the limits of liability in subsection (1), 1st and 2nd clauses in accordance with decisions made pursuant to Article 8 of the 1996 Protocol to the London Convention of 1976 on Limitation of Liability for Maritime Claims.

## Part 8a

### *Digital communication*

**69a.-(1)** The Minister for Employment may lay down regulations stipulating that written communication to and from the supervisory authority concerning matters falling within the scope of this Act shall be digital. After consultation with the relevant minister, similar regulations may be laid down for other public authorities tasked according to this Act.

**(2)** Pursuant to this Act, a digital notification shall be considered to have arrived when it is available to the addressee.

**(3)** The Minister for Employment may lay down more detailed regulations on digital communication, including on the use of specific IT systems, special digital formats and digital signatures or similar.

## Part 9

### *Penalties*

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**70.-(1)** Unless a more severe penalty is prescribed by other legislation, the licensee, operator, owner, contractor, employer, enterprise manager and offshore installation manager shall be liable to a fine or imprisonment of up to one year where they fail to ensure that:

1) risks are identified and assessed pursuant to section 5(1), section 8(3) and (5), section 10(1), section 11(2), 1st clause, section 33, section 34(1) or sections 35, 36 or 53,

2) supervision is conducted pursuant to section 6(1), section 7, 2nd clause, section 9, 2nd clause, section 10(2), or section 11(2), 2nd clause, and subsection (3), 2nd clause, or

3) instruction or training is provided pursuant to section 7, 1st clause, section 9, 1st clause, or section 10(3), 2nd clause.

**(2)** Unless a more severe penalty is prescribed by other legislation, the following shall be liable to a fine or imprisonment of up to one year:

1) failure, upon request, to provide information pursuant to section 62(1), or

2) failure to provide all necessary assistance pursuant to section 62(2).

**(3)** The supervisor or employees who do not assist in identifying and assessing the health and safety risks and risks of major environmental incidents pursuant to section 12 or 13 shall be fined or imprisoned for up to one year.

**(4)** Fines or imprisonment of up to one year shall be imposed on any person who:

1) contravenes section 5(2), section 8(1), (2) and (4), section 10(3), 1st clause, and subsection (5), section 11(1), (3) and (4), section 12(1), 2nd clause, and subsections (2) and (3), section 13(1) and (2), section 16 and section 16a, section 18(1)-(6), section 18(2), section 19 and section 19a, section 21(1) and (3)-(5), sections 23 and 27-31, section 34(3) and (4), section 45(1)-(5), section 46(1) and (3), section 48a, section 50(1), or section 52a or EU Regulations concerning matters covered by this Act,

2) allows work to be carried out in contravention of section 50(3), or section 51(1)-(3), or manages or supervises such work, or

3) fails to comply with orders pursuant to section 45(6), or orders or prohibitions pursuant to section 64.

**(5)** The penalty may increase to imprisonment of up to two years if the contravention has caused an accident resulting in serious personal injury or death.

**(6)** When setting penalties under subsection (4), no. 1, insofar as the employer as well as the operator and the owner, respectively, have discharged their duties pursuant to Parts 2 and 4, it shall be considered aggravating circumstances for employees if they intentionally or with gross negligence contravene the legislative requirements concerning

1) use of personal protective equipment,

2) use of extraction and ventilation equipment,

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- 3) use of protective equipment or safety measures,
- 4) use of safe working methods, or
- 5) certificates for cranes or fork-lift trucks.

(7) Apart from the cases mentioned in subsection (6), when setting penalties under subsections (1)-(5), the following shall be considered aggravating circumstances:

- 1) that the contravention has caused loss of life or injury or brought about danger of such, without the contravention being covered by subsection (5),
- 2) that an order under section 64 has previously been issued, or other decisions have been made by the supervisory authority with respect to contravention of this Act for the same or similar conditions,
- 3) that the contravention has resulted in, or was intended to result in, financial benefit for the person in question or another person, or
- 4) that the contravention was committed intentionally or with gross negligence.

(8) Specially aggravating circumstances shall apply when persons under the age of 18 are subject to loss of life or injury, or brought into danger of such, cf. subsection (7), no. 1.

(9) If the benefits acquired through the contravention are not to be confiscated, fines and supplementary fines shall be set which take special account of the size of the benefits which were acquired or which were intended to be acquired.

(10) The time limit for liability to penalty shall be five years for contravention of section 18(1)-(6), and for contravention of the regulations issued in pursuance of section 18(7).

**71.-(1)** Individual employers may be subject to a fine, even if they have not acted intentionally or negligently, cf. however, subsection (3), if the employer

- 1) fails to ensure that risks are identified and assessed pursuant to section 10(1), or section 35,
- 2) fails to ensure that supervision is conducted pursuant to section 10(2),
- 3) allows work to be carried out in contravention of section 50(3), or section 51(1), or
- 4) fails to comply with orders pursuant to section 45(6), or section 64.

(2) A condition for the individual employer being subject to a fine pursuant to subsection (1) is that the contravention can be attributed to one or more persons attached to the enterprise, or the enterprise as such. There shall be no alternative penalty in lieu of a fine. When setting the amount of the fine, section 70(5), (7) and (8) regarding the liability of the employer to a fine, shall apply correspondingly.

(3) Insofar as the employer has discharged his duties pursuant to sections 10 and 35, the employer may not be made liable to a fine, if employees contravene the legislative requirements concerning



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- 1) use of personal protective equipment,
- 2) use of extraction and ventilation equipment,
- 3) use of protective equipment or safety measures,
- 4) use of safe working methods, or
- 5) certificates for cranes or fork-lift trucks.

**72.-(1)** Regulations issued pursuant to this Act may stipulate penalties in the form of a fine for contravention of the regulations and for failure to comply with orders or prohibitions pursuant to said regulations. Contravention of regulations that put into force decisions and instructions which are not written in Danish, cf. section 44, may, however, not be punishable. Furthermore, it may be laid down that the individual employer who contravenes such provisions, notices or prohibitions as mentioned above may be liable to a fine, even if the employer has not acted intentionally or negligently. A condition for the individual employer being subject to a fine is that the contravention can be attributed to one or more persons attached to the enterprise, or to the enterprise as such. No alternative penalty shall be stipulated in lieu of such a fine.

**(2)** Liability to pay a fine under subsection (1), 3rd clause and section 71 may not be imposed on enterprise managers, cf. section 10(6).

**73.-(1)** Companies, etc. (legal persons) may incur criminal liability according to the regulations in chapter 5 of the Criminal Code. Section 71(3) shall apply correspondingly.

**(2)** When incurring criminal liability pursuant to subsection (1) in connection with violation of section 18a, the master and the first mate are always considered to be associated with the shipowner. If a document of compliance has been issued to another organisation or person in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), the master and the first mate will similarly be considered to be associated with the organisation or person to which the document has been issued. If the vessel is covered by the definition of an installation, cf. section 3(1), no. 1, the master and the first mate will always be considered to be associated with the owner of this installation, cf. section 3(1), no. 6.

## Part 10

### *Entry into force etc.*

**74.-(1)** This Act shall enter into force on 1 July 2006. At the same time, Act no. 292 of 10 June 1981 on certain offshore installations, except for section 8(1)-(3), section 9(2), (4) and (5), sections 12 and 13, and section 21(1), no. 4 as regards risk of pollution of the marine environment.<sup>24</sup>

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

**(3)** (Omitted)

**75.** (Repealed)

**76.** (Repealed)

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

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Act no. 107 of 7 February 2007 amending the Offshore Safety Act (Limitation of the employers' criminal liability and stricter punishment for certain contraventions by employees, and extension of the scope of this Act to include accommodation facilities on vessels, etc.), which concerns section 2(2), section 3, section 4(1)-(3), sections 16 and 32a, section 42(2), the heading after section 52, section 54(2), section 55(2), section 70(3), no. 1, and subsections (5)-(10), section 71(1) and (3), section 73, 2nd clause, and section 77, contain the following entry into force and transitional provisions:

**2.-(1)** This Act shall enter into force on the day after publication in the Danish Law Gazette.<sup>27</sup>

**(2)** Section 1, nos. 10-17 shall apply to contraventions committed after the entry into force of this Act.

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Act no. 512 of 6 June 2007 on no-smoking environments, section 32 of which relates to section 66a, contains the following entry into force provision:

**27.-(1)** This Act shall enter into force on 15 August 2007.

**(2)** (Omitted)

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Act no. 1400 of 27 December 2008 amending various acts on area of the Ministry of Climate, Energy and Building (Exception from insertion of technical specifications, etc. in the Danish Law Gazette), section 1 of which relates to section 43a, contains the following entry into force provision:

**9.** This Act shall enter into force on 1 January 2009.

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Act no. 287 of 15 April 2009 amending the Offshore Safety Act (Implementing parts of the Directive on recognition of professional qualifications, amendments to the regulations on approvals and permits etc.), section 1 of which relates to the footnote to the title of this Act, section 3(2), section 4a, section 23(2), sections 27-29, section 32a, section 38(2) and (3), section 42(1), sections 50a-50d, section 72(1), 3rd clause and subsection (2), contains the following entry into force provision:

**2.** This Act shall enter 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 this Act, amendment to the regulations for approvals, adjustments related to the Working Environment Act, etc.), section 1 of which relates to the footnote to the title of this Act, section 2(2) and (5), section 3(2), (3), (5) and (6), section 4(1) and (2), section 5(1) and (3)-(5), section 6(1)-(3), section 7(2), section 18(1), section 25(1), section 26a, section 27(1) and (3), section 31(1) and (2), sections 32a, 48, 52 and 52a, section 61(1), (5) and (6), section 62(4), section 63a, section 64(3)-(6), section 67(1) and (4), no. 1, section 69(1), 3rd clause, section 70(1), (3), nos. 1 and 3, subsections (4), (6) and (10) and section 71(2), 3rd clause contains the following entry into force provision:

**2.** This Act shall enter into force on 1 June 2011.

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Act no. 1499 of 23 December 2014 amending the Safety etc. for Offshore Installations for Exploration, Production and Transportation of Hydrocarbons Act, the Marine Environment Protection Act and the Environmental Damage Act (Implementing the Offshore Safety Directive etc.)<sup>28</sup> contains the following transitional and entry into force provisions:

**6.-(1)** This Act shall enter into force on 19 July 2015.

**7.-(1)** Section 1, nos. 18, 23-30, 32-35, 38, 61, 71, 74 and 97 of this Act, section 32c(3) of the Safety etc. for Offshore Installations for Exploration, Production and Transportation of Hydrocarbons Act as worded in section 1, no. 41 of this Act and section 45(2) of the Safety etc. for Offshore Installations for Exploration, Production and Transportation of Hydrocarbons Act as worded in section 1, no. 59 of this Act shall apply from and including 19 July 2016 for operators planning or carrying out well operations and for owners of planned non-production installations and pipelines and operators of planned production installations and connected infrastructure not authorised pursuant to section 28 of the Safety etc. for Offshore Installations for Exploration, Production and Transportation of Hydrocarbons Act, cf. Consolidated Act no. 520 of 13 May 2013 at entry into force of this Act. Prior to this date, the regulations hitherto in force shall apply for such well operations, installations and connected infrastructure as well as pipelines.

**(2)** Section 1, nos. 18, 23-30, 33-35, 38, 61, 71, 74 and 97 of this Act, section 32c(3) of the Safety etc. for Offshore Installations for Exploration, Production and Transportation of Hydrocarbons Act as worded in section 1, no. 41 of this Act and section 45(2) of the Safety etc. for Offshore Installations for Exploration, Production and Transportation of Hydrocarbons Act as worded in section 1, no. 59 of this Act shall apply from and including 19 July 2018 for installations and connected infrastructure as well as pipelines for which an operating permit has been granted pursuant to section 28 of the Safety etc. for Offshore Installations for Exploration, Production and

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Transportation of Hydrocarbons Act, cf. Consolidated Act no. 520 of 13 May 2013 before 19 July 2015. Before 19 July 2018, the hitherto in force regulations shall apply.

(3) After consultation with the Minister for the Environment and Food of Denmark, the Minister for Employment shall lay down more detailed regulations on the situations mentioned in subsections (1) and (2), including adjustment to the definitions in section 1, no. 4 of the hitherto in force regulations that apply pursuant to subsection (1), 2nd clause and subsection (2), 2nd clause.

(4) Regulations issued pursuant to the provisions in the Safety etc. for Offshore Installations for Exploration, Production and Transportation of Hydrocarbons Act, cf. Consolidated Act no. 520 of 13 May 2013 as repealed or amended by this Act shall remain in force until they are repealed or replaced by regulations stipulated pursuant to this Act.

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Act No. 426 of 18 May 2016 on electronic cigarettes etc.<sup>2930</sup> contains the following entry into force provisions:

**34.-(1)** This Act shall enter into force on 7 June 2016.

(2) Manufacturers and importers can market electronic cigarettes and refill containers with nicotine manufactured before 20 November 2016 following the rules in force until 7 June 2017.

(3) Manufacturers and importers who market electronic cigarettes and nicotine refill containers on 7 June 2016, complying with the provisions of this Act and the rules laid down thereunder shall submit a notification to the Security Agency pursuant to section 5(1), no later than 20 November 2016.

(4) For agreements concluded before 7 June 2016, the provisions in section 17 shall not apply until 7 June 2018 unless the agreement has a cross-border effect and relates to electronic cigarettes and refill containers with nicotine.

**35.-(1)** The person who perform activities covered by section 13(1) on 7 June 2016 in accordance with the hitherto applicable regulations and wish to continue these activities after that date must be registered no later than 20 August 2016 pursuant to section 13(1).

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Act No. 1542 of 19 December 2017 amending the Offshore Safety Act and the Act on the Continental Shelf (Safety zones, new types of installations and clarifications in relation to Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC)<sup>7)</sup>, contains the following entry into force provisions:

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35.-(1) This Act shall enter into force on 1 January 2018.

(2) Rules laid down pursuant to the Offshore Safety Act, cf. Consolidated Act no. 831 of 1 July 2015, as amended by section 40 of the Act no. 426 of 18 May 2016, shall remain in force until they are repealed or replaced by regulations issued pursuant to this Act. Contravention of regulations shall be punished in accordance with the hitherto applicable regulations.

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*The Danish Working Environment Authority, xy. xy 2018*

Søren Kryhlmand

/ Hans Erik Christensen

## Official notes

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<sup>1</sup> This 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, Official Journal 1989, no. L 183, page 1, as amended most recently by Regulation (EC) no. 1137/2008 of the European Parliament and of the Council 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 mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), Official Journal 1992, no. L 348, page 9, as amended by Directive 2007/30/EC of the European Parliament and of the Council 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 concerning certain aspects of the organisation of working time, 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 the recognition of professional qualifications, Official Journal 2005, no. L 255, page 22, as amended most recently by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013, Official Journal 2013, no. L 354, page 132, 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 amended most recently by Council Directive 2013/64/EC of 17 December 2013, Official Journal 2013, no. L 353, page 8, 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, as amended by Directive 2009/127/EC of the European Parliament and of the Council of 21 October 2009 with regard to machinery for pesticide application, Official Journal 2009, no. L 310, page 29, and parts of Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC, Official Journal 2013, no. L 178, page 66.

<sup>24</sup> Act no. 292 of 10 June 1981 on certain offshore installations was repealed on 1 July 2008, cf. section 15(1) and (2) of Act no. 507 of 17 June 2008 amending the Environmental Protection Act and certain other acts (Implementation of the Environmental Liability Directive). Regulations laid down pursuant to section 8(3), and section 9(5) of Act no. 292 of 10 June 1981 regarding certain offshore installations as regards risk of pollution of the marine environment shall remain in force until they are repealed or replaced by regulations issued pursuant to the Marine Environment Protection Act, cf. section 15(4) of Act no. 507 of 17 June 2008.

<sup>27</sup> This Act was published in the Danish Law Gazette A on 8 February 2007 and entered into force on 9 February 2007.

<sup>28</sup> Section 1 of which relates to the title of this Act, the footnote to the title of this Act, sections 2-4, section 5(1)-(4), section 6(1) and (2), sections 7-9, section 10(1)-(5), section 11(1)-(3), sections 16-18, section 26a, section 31, 1st clause, section 32(2) and (3), sections 32a-34, sections 36-41, section 42(1), section 43, sections 45-45b, section 46(1) and (3), sections 47-48a, section 49, section 50(1)-(3), section 50a(1) and (2), section 50b and section 50c(3), 1st clause, section 50d, section 52, section 52(2), section 55(1) and (2), 3rd clause, the heading before section 56, sections 56-57,

**While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation based on the latest official Consolidated Act no. 831 of 1 July 2015 as amended by Act no. 426 of 18 May 2016 and Act no. 1542 of 19 December 2017. Only the Danish document has legal validity.**

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section 58(1)-(4), section 59(1), sections 60-61, section 63a(2) and (3), section 64a, section 65(1), section 66, the heading to Part 8, section 69, section 69a, section 70(1), (3), (5) and (9), section 71(1), no. 4 and sections 75-76.

<sup>29</sup> The Act contains provisions implementing parts of Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC, Official Journal 2014, no L 127, page 1.

<sup>30</sup> The Act as draft has been notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

<sup>7)</sup> The Act contains provisions implementing parts of Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC, Official Journal 2013, no L 178, page 66.