



IMO MEMBER STATE AUDIT SCHEME
AUDIT OF DENMARK
25 OCTOBER TO 8 NOVEMBER 2021
FINAL REPORT

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1 Introduction

1.1 The IMO Member State Audit Scheme creates a basis to assess the extent to which a Member State complies with its obligations set out in the various IMO instruments to which it is a Party. In addition, the *IMO Instruments Implementation (III) Code* (resolution A.1070(28)) stipulates a number of principles a Member State should adhere to in order for its maritime administration to deliver on its obligations and responsibilities, with respect to maritime safety and protection of the marine environment, and to be capable of improving its performance in the discharge of its duties.

1.2 This report has been drafted in accordance with the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)).

1.3 The audit of Denmark was undertaken from 25 October to 8 November 2021, by four auditors drawn from Poland, Sweden, Turkey and the IMO Secretariat. The scope of the audit included the flag, coastal and port State obligations of Denmark in relation to the applicable IMO instruments to which it is Party.

1.4 The Audit Team was appointed by IMO on 6 September 2021.

1.5 The pre-audit questionnaire (PAQ) and additional pre-audit information (based on the model in annex 3 of document C 125/6/1), as provided by Denmark, was submitted to the audit team members on 14 July 2021. The PAQ and the additional pre-audit information are major documents for the preparatory work of the Audit Team prior to the audit.

1.6 The Memorandum of Cooperation (MoC) between Denmark and IMO, concerning participation in the IMO Member State Audit Scheme, was signed on 21 February 2020.

1.7 The detailed audit timetable and programme regarding the audit of Denmark was confirmed on 13 October 2021.

1.8 The opening meeting was held remotely on 25 October 2021. Those entities of the State that are involved in the implementation and enforcement of the provisions of the various mandatory IMO instruments and which were represented at the meeting were:

- .1 Ministry of Environment (MOE);
- .2 Danish Maritime Authority (DMA);
- .3 Danish Geodata Agency;
- .4 Danish Meteorological Institute (DMI);
- .5 Danish Maritime Investigation Board (DMAIB); and
- .6 Danish Navy Command.

1.9 The closing meeting was held remotely on 8 November 2021.

1.10 The following report provides a detailed account of the findings and the evidence on which the findings are based. Additional information on the findings, along with the corrective actions provided by the State can be found in the appendices to this report.

2 Background

2.1 The current remote audit of Denmark was undertaken using fully the principles established under the *Framework and Procedures for the IMO Member State Audit Scheme* (Framework and Procedures) and the III Code, taking into account the decision of C 125 on the use of remote audit mechanism under the existing Framework and Procedures. This report

sets out the outcome of this audit in the format adopted under section 7.2 of the Procedures for the Scheme.

3 Members of the Audit Team

.1	Capt. Hüseyin Cahit Yalçın (Turkey)	Audit Team Leader
.2	Capt. Przemyslaw Cezary Lenard (Poland)	Audit Team Member
.3	Mr. Fredrik Waldemar Jonsson (Sweden)	Audit Team Member
.4	Mr. Eduardo Ortiz Prats (IMO Secretariat)	Audit Officer

4 Involved Officials from the Member State

.1	Hemming Hindborg, Quality Manager, Danish Maritime Authority;
.2	Anders Viborg Kristensen, Special Adviser, Danish Maritime Authority;
.3	Dorthe Asbæk, Senior Ship Surveyor, Danish Maritime Authority
.4	Clea Henriksen, Special Advisor, Ministry of Environment;
.5	Tanja Lücking, Legal Advisor, Ministry of Environment;
.6	Niels Skriver Nielsen, Chief Ship Surveyor, Danish Maritime Authority;
.7	Torsten A. Olesen, Chief Ship Surveyor, Danish Maritime Authority; and
.8	Martin John, Director, Danish Maritime Authority.

5 Acknowledgement

5.1 The auditors wish to express their considerable thanks to the Danish Maritime Authority and other entities of the State for their fullest cooperation during this audit. In particular, thanks are due to Mr. Hemming Hindborg, Quality Manager and the Single Point of Contact (SPC), for his efforts during the preparation for this audit and for its facilitation.

6 Scope, objectives and activities of the Audit

6.1 The scope of the audit addressed the flag, coastal and port State obligations of Denmark.

6.2 The objectives of the audit were:

- .1 to determine the extent to which Denmark met the obligations imposed upon it through its adoption of the following mandatory IMO instruments:
 - .1 the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974);
 - .2 the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1988);
 - .3 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78);
 - .4 the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 relating thereto (MARPOL PROT 1997);
 - .5 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 1978);

- .6 the International Convention on Load Lines, 1966 (LL 1966);
 - .7 the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 1988);
 - .8 the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969); and
 - .9 the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972); and
- .2 to determine the effectiveness of the implementation of these objectives.

6.3 The audit was conducted remotely using the programme set out in annex 1. The methodology used was to establish, through a series of remote interviews, examination of written records and databases, the objective evidence which would determine the extent to which the Administration achieved the objectives.

6.4 The programme followed a process which sought initially to determine the strategy for the implementation of the applicable IMO instruments, the review processes in place and the arrangements for continual improvement. Following this, an examination of the national legislation in place and which provides the instruments with force of law was undertaken. The processes by which the State develops and makes known its interpretations, policies, and instructions regarding these instruments, as well as the practical implementation of these arrangements were also reviewed.

6.5 An opening meeting was conducted virtually on 25 October 2021, in accordance with the Procedures, for which an agenda and list of attendees is attached as annex 2. At the closing meeting, which was held virtually on 8 November 2021, a draft interim report was tabled to assist in focusing discussion and the next steps to be taken.

7 Overview and general maritime activities of the State

General

7.1 The maritime administration of Denmark was divided among three principal entities, whilst other entities of the State participated in their areas of responsibility. Annex 3 sets out in diagrammatic format the general structure of the principal entities involved.

7.2 The Ministry of Industry, Business and Financial Affairs (MIBFA), the Ministry of Environment (MOE) and the Ministry of Climate, Energy and Utilities (MCEU) were the main entities of the State responsible for the implementation and enforcement of the requirements stemming from the mandatory IMO instruments.

7.3 The primary entity responsible for most maritime activities was the Danish Maritime Authority (DMA). DMA operated under the authority of MIBFA and was responsible for drafting legislation on issues related to maritime safety; the administration of the Danish Ship Register, including issuance of certain ship certificates; flag State control; pollution prevention concerning ships construction, operation and equipment on board; load lines and tonnage measurement; vessel traffic service; safety of navigation and aids to navigation (AtoN); maritime safety information (MSI), navigational warnings and notice to mariners; and port State control.

7.4 The Danish Coastal Authority (DCA) and the Danish Environmental Protection Agency (DEPA) operated under MOE. DCA was responsible for the State coastal protection, and harbour operations; and DEPA was responsible for pollution prevention activities, port

reception facilities and, in addition, was the administrator of the Marine Environment Act, including its enforcement.

7.5 The Danish Meteorological Institute (DMI), and the Danish Geodata Agency – Danish Hydrographic Office (DGAH), operated under MCEU. DMI was responsible for meteorological services and warnings and DGAH was responsible for hydrographic activities, production of nautical charts, chart corrections and nautical publications, except for tide tables (published by DMI) and List of Lights (published by DMA).

7.6 The Danish Maritime Accident Investigation Board (DMAIB) was an independent unit, also operating under MIBFA and was responsible for investigating accidents in shipping and fishing industries in relation to ships flying the flag of the State, including those administered by Greenland as well as accidents onboard foreign ships in Danish and Greenlandic territorial waters.

7.7 Other entities involved in the implementation and enforcement of the mandatory IMO instruments in the coastal and port State areas of obligations were the Royal Danish Navy; the Joint Artic Command; and the Danish Transport, Construction and Housing Authority, which are described in more detail under coastal and port State activities of this report (sections nine and ten).

Crown Dependencies - Greenland and the Faroe Islands

7.8 The Kingdom of Denmark is party to all mandatory IMO instruments, and it consists of Denmark itself, the Faroe Islands and Greenland. The Faroe Islands and Greenland are subject to certain but not identical forms of home rule.

7.9 Greenlandic authorities for the environment are responsible for ocean areas that are within three nautical miles from land. This includes all internal waters such as bays and fjords and all outer ocean areas within three nautical miles from land.

7.10 Denmark has jurisdiction of the marine environment from the three nautical mile limit and out to 200 nautical miles from the baseline, i.e., in the exclusive economic zone (EEZ). The Marine Protection Act on Exclusive Economic Zones for Greenland, from 2017, applies beyond three nautical miles.

7.11 For Greenland, the obligations stemming from the mandatory IMO instruments are handled by the government of Denmark, except for certain parts of STCW 1978, maritime education, and parts of MARPOL, which fall under the home rule of Greenland.

7.12 For the Faroe Islands, all obligations stemming from the mandatory IMO instruments included in the scope of the audit fall under the home rule. However, accession to the mandatory IMO instruments is a matter for Denmark and is governed by the Danish government. The Faroe Islands were granted associate membership of IMO in 2002.

Strategy

7.13 The State had a number of strategies and policy documents for individual ministries or entities with respective performance evaluation mechanisms. However, those strategies and performance measurements did not constitute an umbrella for collective evaluation of all ministries and agencies performing maritime functions relating to those mandatory IMO instruments to which the State is Party.

7.14 Those mentioned strategies did not specifically comprise an approach for implementing international treaties, legal framework, and timely promulgation of national

legislation. However, division of responsibilities among relevant entities of the State, which participate in the implementation and enforcement of the mandatory IMO instruments, had been established and various agreements were in place to coordinate activities among entities.

7.15 In addition, a mechanism to contribute to the overall effectiveness of the State in the discharge of its obligations and responsibilities that are derived from the mandatory IMO instruments, could not be verified. Therefore, existing individual strategies did not present a framework, which effectively coordinates their maritime related work and provides a mechanism for assessing the overall effectiveness of the State in meeting its international obligations under the mandatory IMO instruments.

7.16 Furthermore, at the time of the audit, there was no identified authority for the development of an overall strategy which would encompass the whole State as required by the III Code (See OB-1).

Legislation

7.17 Denmark follows a parliamentary representative democracy, a decentralised unitary State, and a constitutional monarchy, where the power of the monarch is limited by the Constitutional Act, and this Act divides power into three independent branches. The Danish Parliament (*Folketinget*) exercises the legislative power, enacting the laws of the country; the cabinet, commonly known as the “Government”, exercises the executive power, ensuring that laws are implemented; and the Courts of law exercise the judicial power.

7.18 The Parliament is at the centre of the political system in Denmark, and is the supreme legislative body, operating within the confines of the constitution. The Prime Minister is appointed by Parliament through the application of the Danish parliamentary principle and this process is also generally the case for the government.

7.19 According to paragraph 19 of Part III of the Constitutional Act of Denmark, the international conventions were transposed into national legislation by adoption of a legal act by Parliament. After adoption of conventions or protocols by IMO, taking into consideration their impact on Denmark, entities with responsibilities for the implementation and enforcement of the new instruments to be incorporated into national legislation, draft new legislation based on legal and technical advice and then the draft is approved by the general director(s) and the respective Minister(s). In addition, a translation of the Convention or Protocol into Danish language is prepared by the relevant entities. In case that the IMO legislation is promulgated into existing Acts or Orders, the translation could be done by either the “case worker” or by a company that the DMA had hired to translate the wording, which depends primarily on the extent of the legislation to be translated. When the translation is done by an external company, it is always approved by DMA’s Maritime Regulation and Legal Affairs Department. Then, there is an instance of consultation among relevant agencies/ministries and the draft legislation were posted electronically through a web portal, “*høringsportalen*”, for comments from other relevant agencies and stakeholders, for a period of four to eight weeks. Once the new draft legislation was adopted by the Parliament, after three readings, it was enacted and published in the official gazette and through the web portals www.retsinformation.dk and www.lovtidende.dk. If the incorporation of relevant requirements is enacted at Order level, the new draft legislation is issued by the relevant entity and/or Ministry and thereafter published in the official gazette and through the aforementioned web portals.

7.20 With regard to subsidiary legislation, DMA and MOE are responsible for issuing executive orders, technical regulations, and guidance within their area of competence on, among others, maritime safety and/or environmental protection. DMA and MOE had processes and procedures for issuing the mentioned subsidiary legislation.

7.21 According to Section 17, Sub-section 7, of the Act 1629/17, of December 2018, on Safety at Sea, the Minister may lay down rules on the promulgation of regulations issued in accordance with the Act regardless of the fact that said regulations are not in Danish. By means of this power, it is possible to refer to the mandatory codes and resolutions in the orders, without the need of translating them into Danish.

7.22 In accordance with Executive Order 261, dated 23 March 2020, on the transfer of certain powers to the Danish Maritime Authority and on right of appeal, DMA was entitled to issue executive orders directly and not at the ministerial level, where otherwise DEPA would need the ministerial approval. There were internal procedures in place on how to issue executive orders.

7.23 At the time of the audit, mandatory codes and amendments to the mandatory IMO instruments had been incorporated into national legislation by reference within the different executive orders; and future amendments had also been ensured to be included through the expression "as may be amended by the IMO". In addition, a mechanism was in place to monitor those amendments that had already entered into force, as well tracking for future amendments. Regarding the IMO guidelines mentioned in the mandatory IMO instruments, they were also incorporated into national legislation, for reference, in the form of footnotes.

7.24 As mandatory codes and their amendments were made mandatory by reference, but without translation into Danish language, the English versions were being used. Shipowners or other stakeholders were provided with relevant texts through web portals of the national legislation incorporating mandatory codes; however, the latest versions of such codes were not provided by DMA or DEPA and it was the stakeholders' responsibility to acquire them.

7.25 A legal basis for the enforcement of national legislation and regulations, including the associated investigative and penal processes, was in place and is described in more detail under respective flag, coastal and port State enforcement areas of this report.

7.26 The process of transposition of the mandatory IMO instruments and their amendments into national legislation in Greenland included only environmental aspects of MARPOL related issues and, within the jurisdiction of Greenland, MARPOL applied up to three nautical miles from shore baseline. The legislation process was similar as the one described for Denmark. Primary and subsidiary legislation enacting MARPOL, which was issued by the Danish Ministry of Environment (MOE), applied to Greenland beyond the three nautical miles.

7.27 Although Denmark is Party to all Annexes of MARPOL, there were reservations communicated to IMO concerning the application of Annexes IV and VI for Greenland. The process of incorporation of amendments to MARPOL-related legislation in Greenland was the same as the one described for Denmark – DEPA.

Records and improvement

7.28 The State had promulgated the Public Administration Act 606, of 6 December 2013, and the Archives Act 1201, of 28 September 2016. According to those acts, records must be kept in a secure manner, and section 8 of the Archives Act stipulated that the archives must be, in principle, handed in to the National Archives before they are 30 years old. The main entities of the maritime administration had implemented the electronic document- and case management- solution (ESDH) New-360 system, with guidance and general policies for record keeping regarding provisions related to definition of records, storage, protection, retrieval, and retention time. Furthermore, the IT departments of all the entities have implemented guidelines and procedures for their individual IT back-up systems, including ESDH, and the IT and data handling, including back-up of servers, security, etc. were handled by the Government through the Agency for Governmental IT Services (SIT). In addition, provisions for record keeping had

been established within the respective quality management systems (QMS) of the entities comprising the maritime administration. The arrangements and systems in place ensured compliance with the requirements of paragraph 10 of the III Code.

7.29 Communication of mandatory information and reporting to IMO was left to the responsibility of the different units of the maritime administration. A scheme for reporting to IMO GISIS database was in place in DMA's Maritime Regulations and Legal Affairs Department. There was no oversight system or similar, however, within each main entity, to ensure that the communications were effectively carried out by responsible units and that the status of the communications to IMO is monitored. Based on audit interviews, officials from the different entities of the maritime administration expressed the view that there was no need to develop nor implement such a system or similar as relevant staff were aware of their responsibilities. During the audit, it was noted, however, that some mandatory communication of information had not been fully furnished to IMO, for example, several MARPOL- and IBC Code- related certificate specimens, annual MARPOL statistical report for 2020, availability of compliant fuel oil, and IMDG and IMSBC Code competent authority details (See FD-1).

7.30 The entities comprising the maritime administration had implemented QMSs and both DMA and DMI were already certified under the ISO 9001:2015 standard, to improve the adequacy of measures taken to give effect to the mandatory IMO instruments through rigorous and effective application and enforcement of relevant national legislation and monitoring of compliance. Through the processes in place, continuous improvement of performance of the individual entities of the maritime administration was demonstrated and those entities had agreed on yearly individual performance contracts with their relevant ministries regarding their evaluation of performance in the conduct of maritime safety and environmental protection activities. In addition, a continual training programme relating to safety and pollution prevention, as well as provisions for drills, including national drills on safety and pollution prevention, could be verified.

7.31 Furthermore, the different entities of the maritime administration had taken improvement actions individually, through their QMS, by empowering their different units to identify and eliminate causes of any recorded non-conformities in order to prevent recurrence by implementing the necessary corrective action, reviewing the corrective action undertaken, as well as identifying possible risks to be considered and addressed through preventive actions.

7.32 Finding (FD)

- .1 The State had not communicated to IMO, nor updated, some information as required by the relevant IMO instruments to which it is Party (SOLAS 1974, article III; MARPOL, article 11; MARPOL, Annex VI, regulation 18.1; III Code, paragraph 9). See Form A, FD-1**

Corrective action

The responsible State entities will:

- .1 develop and implement a documented procedure for addressing the communication of information requirements to IMO and identifying where communications and updates have not been fully carried out, therefore serving as a mechanism to ensure future compliance. Moreover, the procedure will identify the responsible authority for communication of information to IMO, as well as the relevant unit and mandated staff member, including planning and frequency of communication to IMO. An**

introduction to GISIS for new staff members is also being developed; and

- .2 update and communicate the list of reception facilities, including any information regarding location, capacity, availability, and other characteristics to GISIS, by contacting all concerned Danish ports and verify the consistency of the reported data.

Target completion date: 1 May 2023

Root cause

There was an unclear overview and lack of a defined mechanism to ensure that the required information under the applicable IMO instruments is communicated and updated to GISIS.

7.33 Observation (OB)

- .1 Although the State had a number of general strategies and policies in place, they did not constitute an overall strategy for covering all of its obligations and responsibilities under the mandatory IMO instruments addressing flag, coastal and port State activities, including a methodology to monitor and assess the effectiveness of the implementation and the enforcement of the mandatory instruments, and a mechanism to continuously review the strategy to ensure the improvement of the overall organizational performance and capability (III Code, paragraph 3). See Form A, OB-1

Corrective action

The State will establish and implement a collective overview that can be used for systematic and collective assessment and draft a document that will form an overall strategy.

Target completion date: 1 July 2023

Root cause

An overall maritime strategy as recommended by the III Code was not established at the time of the audit because the existing overall strategies related to maritime issues were given by rule of law and can be found in the various Acts of Law covering the specific areas, as well as in Decrees. In addition, strategic directions were in place for the different responsible entities in relation to implementing and enforcing the mandatory IMO instruments.

8 Flag State activities

8.1 The Danish Maritime Authority (DMA) and the Danish Environmental Protection Agency (DEPA) were primarily responsible for implementing and enforcing the requirements stemming from the mandatory IMO instruments relating to flag State activities. DMA was

responsible for the implementation and enforcement of “ship-related” requirements and DEPA was responsible for the implementation and enforcement of “environmental protection-related” requirements in the mandatory IMO instruments - for audit purposes, these were stemming from MARPOL Annexes I, II, IV, V and VI. Regarding MARPOL, in addition to all ship related issues, Annex III falls under the responsibility of DMA. DMA and DEPA had agreements of cooperation in place and coordinated all related activities.

8.2 DMA, through its units, was the authority responsible for developing national regulations and guidelines and to take all other steps which may be necessary to give the mandatory IMO instruments full and complete effect. Among other responsibilities, DMA was in charge of ship registration; port State control; flag State implementation activities; pollution prevention concerning ship construction, operation and equipment on board; inspections on ships regarding waste management on board ships; load lines and tonnage measurement; safe manning; continuous synopsis record; and seafarers’ training and certification under STCW 1978.

8.3 DEPA, through its units, was responsible, among others, for inspections regarding transport of harmful substances on board ships, assessment of applications received from ships concerning prewash exemptions when re-loading same or compatible substances, assessment of applications for the transport of liquid substances that are not part of the International Bulk Chemical (IBC) Code, and tripartite agreements. For these tasks, DEPA did not have any officers visiting ships, but had agreements with DMA to make controls and inspections on board ships on their behalf.

8.4 The main acts regulating safety at sea and environmental protection matters were:

- .1 Danish Act on Safety at Sea, Consolidated edition No.1629, of 17 December 2018; and
- .2 Danish Act No. 1165, of 25 November 2019, on the Protection of the Marine Environment.

8.5 For Greenland, the obligations according to the mandatory IMO instruments were handled by the Government of Denmark through DMA and DEPA, except for certain local parts of the STCW 1978 Convention, maritime education, and environmental parts of the MARPOL Convention, which fall under the home rule of Greenland.

8.6 At the time of the audit, Denmark had a fleet composed of 771 ships in its international register.

Implementation

8.7 With regard to SOLAS 1974 implementation, DMA had in place QMS with processes to implement policies through executive orders, technical instructions, and guidelines to assist in the implementation and enforcement of the requirements stemming from the Convention and the Danish Act on Safety at Sea. Aforementioned national legislation, instructions and guidelines were available through DMA’s website, and they also included provisions relating to the mandatory IMO codes and adoption of relevant guidelines.

8.8 All statutory surveys and certification activities had been delegated to recognized organizations (ROs), whilst issuance of the national certificates, continuous synopsis record (CSR) and the minimum safe manning documents remained the responsibility of the Administration. In addition, survey and certification of passenger ships also remained the responsibility of the Administration, except for inspections of the outside of a passenger ship’s bottom (bottom survey) in accordance with the requirements of the Survey Guidelines under

the Harmonized System of Survey and Certification (HSSC), passenger ship's intact and damage stability and radio survey, that were delegated to the ROs.

8.9 The manning of ships was regulated by the Act on Manning of Ships, issued by DMA, and Safe Manning Documents were also issued by DMA in accordance with this Act. DMA determined the manning of each individual ship in consideration of the ship's type, arrangements, equipment, application, and trade area. The above-mentioned Act followed the Principles of Safe Manning adopted by IMO. All information related was made available through DMA's website where users could also apply for a Safe Manning Document online.

8.10 The issuance of CSRs was regulated by the DMA's procedure for registration and issuance of CSR and all related information was made available through DMA's website where users could also apply for CSR online.

8.11 Exemptions, interpretations, and equivalent arrangements applicable under the mandatory IMO instruments were required to be approved by the Administration. The annex to the agreements with ROs specifically indicated that their powers for issuing exemptions were limited, and exemptions were granted only by the Administration.

8.12 With regards to the implementation of MARPOL, DEPA had in place QMS with processes to implement policies through executive orders, technical instructions, and guidelines to assist in the implementation and enforcement of the requirements stemming from the Convention and from the Danish Act on the Protection of the Marine Environment, relating to Annexes I, II, IV, V and VI. Aforementioned national legislation, instructions and guidelines were available through DEPA's website and they also included provisions relating to the mandatory IMO Codes and adoption of relevant guidelines. Matters related to MARPOL, Annex III, fall under the responsibility of DMA.

8.13 Regarding the implementation and enforcement of LL 1966, LL PROT 1988, COLREG 1972 and TONNAGE 1969, which was the responsibility of DMA, an equal mechanism for implementation was found and verified during the audit. Relevant national provisions were made available through DMA's website.

8.14 With regard to those requirements of the mandatory IMO instruments which were left "to the satisfaction of the Administration", processes, guidance and instructions had not been clearly established. Similarly, those requirements left to the determination, decision, regulation, prescription, or acceptance of the Administration (e.g., for SOLAS 1974, regulations II-1/29.17.2, II-1/45.2 and II-2/9.2.2.3.2.5; LL 1966, regulations 1.3 and 14; and TONNAGE 1969, regulation 5.3), were not adequately dealt with in subsidiary legislation. It was declared that a "case by case" approach was taken and in case that the Administration needed to establish criteria or develop a provision in this regard, the ROs to which the authority was delegated would recommend such criteria/provision and the Administration would endorse it or not. However, as mentioned, there were no processes or similar regulating this activity, except a general provision in the RO agreement (See FD-2).

8.15 With regard to the implementation of STCW 1978, chapter 6, section 18 of Act No. 168, dated 27 February 2012, on Safety at Sea, provided the basis for seafarers' training, education, and certification within Denmark. DMA had QMS in place, certified under ISO 9001:2015 standards, in compliance with regulation I/8 of the Convention. An effective programme had been developed to ensure that the standards of colleges for seafarers' training and education remain at acceptable levels. This was achieved by a planned system of audits and follow-up actions. In addition, DMA was issuing endorsements based on certificates issued by third parties and they used the European Maritime Safety Agency (EMSA) audit scheme of third parties as a safeguard for the assessment to be in compliance with regulation I/10 of said convention. The basis for watch-keeping under STCW 1978, as amended, was promulgated

in DMA's Executive Order 1758, dated 22 December 2006. Hours of rest and fitness for duty provisions were promulgated in section 5 of DMA's Executive Order 676, dated 21 May 2015. In addition, at the time of the audit, DMA had not issued any dispensations or equivalents, and a full report and subsequent reports on full implementation of the STCW 1978, as amended, as well as the last independent evaluation report, dated January 2019, had been communicated to IMO and confirmed by the Maritime Safety Committee.

8.16 In Greenland, MARPOL Convention had been implemented through the Greenlandic Marine Environmental Protection Act, dated 8 June 2017, which included all MARPOL Annexes. Additional national legislation to assist in the implementation and enforcement was developed by DEPA in Denmark.

Delegation of authority

8.17 The legal basis for delegation of authority was established in section 22(1) of the Act on Safety at Sea and in section 4 of the Act on Tonnage Measurement of Ships (Consolidated Act No. 71, of 17 January 2014). Internal procedures for delegating authority were found in Order on Technical Regulation No. 612, of 8 June 2010, on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations.

8.18 In order for an RO to be considered for authorization under the Danish flag and in order for the RO to maintain any authorization issued by DMA, the RO should be recognized by the European Commission in accordance with Directive 2009/15/EC and regulation (EC) No. 391/2009.

8.19 The following ten ROs had been authorized by the Administration:

- .1 American Bureau of Shipping (ABS);
- .2 Bureau Veritas (BV);
- .3 Class NK (Nippon Kaiji Kyokai);
- .4 DNV GL;
- .5 Lloyds Register (LR);
- .6 Polish Register of Shipping (PRS);
- .7 RINA;
- .8 Korean register (KR);
- .9 China Classification Society (CCR); and
- .10 Indian Register of Shipping.

8.20 Formal written agreements between the Administration and the ROs had been concluded and were found to comply with the requirements of the applicable conventions and the RO Code.

8.21 The Administration had implemented a formal system for carrying out supplementary surveys on board ships and had established and participated in an oversight programme to ensure that the work performed by the ROs was in accordance with the mandatory IMO instruments.

Enforcement

8.22 The legal basis for the enforcement of provisions related to safety of life at sea, safety of navigation, training and certification of seafarers and the protection of marine environment had been established in Part 12 of the Act on Safety at Sea and in different parts of the Act on the Protection of Marine Environment.

8.23 The authority for direct application of penalties had not been granted directly to DMA and DEPA, therefore the process involved the notification to the Danish Police, who would take the process to be resolved in a Court of Law, depending on the circumstances and type of the offense, and then a fine or imprisonment would be imposed to offenders.

8.24 DMA conducted additional periodic inspections to verify the compliance of ships flying the flag of the State with the requirements of the mandatory IMO instruments and with certificates that had been granted to them, and processes were in place to detain a ship in case of any contravention.

8.25 DMA ensured a prompt and thorough casualty investigation and a timely response to deficiencies and alleged pollution incidents.

8.26 Non-compliance with the environmental laws can give rise to both criminal and civil proceedings. If the polluter does not act in accordance with the notice from DEPA, they can report the violation to the Danish Police, who will prosecute, with the case conducted by the public prosecutor.

Flag State surveyors

8.27 DMA had defined and documented the responsibilities, authority, and interrelation of the flag State surveyors in various places in legislation and through their QMS, certified under the ISO 9001:2015 standard. All the surveyors had the qualifications as per requirements of the III Code.

8.28 At the time of the audit, DMA employed 54 flag State surveyors - 30 located at DMA's headquarters in Korsør and 24 in different survey offices in Denmark and Greenland, under the Department of Safe Ships. There was a detailed initial surveyor training system in place. After recruitment, a surveyor was included in an on-board training program. A four-week in-house training was also organized, and the training provided was documented in a "ready for survey checklist/survey competences list".

8.29 DMA had approximately 40 different responsibility groups (e.g., for construction and dangerous goods). All groups systematically ensured that checklists and instructions were kept updated and available, as required by the international instruments to which the State is Party.

8.30 At the time of the audit, DMA used 20 of the flag State surveyors to carry out port State control inspections. After at least one year experience as a flag State surveyor, he/she could be authorized to take on in-house peer PSC training/inspections, EMSA new entrant training and EMSA/MAKCS trainings. Refresher training and seminars were conducted for both flag State surveyors and Port State Control Officers (PSCOs) annually for continuous updating of their knowledge.

8.31 At the time of the audit, DMA had three different identification documents: surveyor under training; surveyor and PSC Officer (PSCO).

Evaluation and review

8.32 DMA and DEPA had in place administrative processes and procedures to carry out evaluations of their performance, and evaluation of resources necessary to meet their obligations as part of their QMS. Specific key performance indicators had been defined to measure performance within the different units comprising DMA and DEPA. In addition, both entities collected relevant statistical information based on defined performance measures from related units/departments and maritime stakeholders. Respective QMS divisions of DMA and

DEPA prepared reports for submission to their respective Ministries, which were made available to the public through their websites.

Investigation of maritime accidents

8.33 According to section 1 of Act No. 457, of 18 May 2011, on Safety Investigations of Marine Accidents, issued by DMA, the Danish Maritime Accident Investigation Board (DMAIB) was established to carry out casualty investigations in accordance with the Casualty Investigation Code. The mission of DMAIB was to investigate accidents in shipping, fishing industries and diving operations on ships flying the flag of the State, including those administered by Greenland, as well as accidents on foreign ships in Danish and Greenlandic waters.

8.34 The aim of the investigations was to clarify the events and circumstances of the accidents and not to establish legal or economic liability. Through the investigations, DMAIB collected knowledge about safety at sea, which was then communicated in investigation reports, lectures, and articles in order to be used by the industries and authorities to prevent future occurrences.

8.35 DMAIB had developed additional internal provisions, including procedures for the investigation process, procedures in line with the Casualty Investigation Code, and the guidelines to assist investigators in the implementation of the Casualty Investigation Code. Those additional provisions were available on DMAIB internal website.

8.36 DMAIB was appointed by the Minister of Economic and Business Affairs and functioned independently of all entities responsible for maritime affairs.

8.37 At the time of the audit, DMAIB consisted of four permanent members, including the Head of the Board, assigned as maritime investigators. In addition, DMAIB had the possibility to hire external expertise in order to assist in investigations, both technical and competency based, on a case-by-case basis. Investigations into casualties other than very serious casualties, including accidents involving personal injury necessitating absence from duty of more than three days, were considered at the stage of initial investigation and a decision whether to proceed with a full investigation was made based on the established criteria.

8.38 Sampled investigation reports contained relevant recommendations for improvement of safety, and it was stated that recommendations were communicated to relevant entities for consideration. Final reports of investigations into very serious casualties were reported to IMO on GISIS, via the European Marine Casualty Information Platform (EMCIP) and released to the public through DMAIB's website.

8.39 With regard to investigations of accidents and deaths at sea, carried out by DMAIB, where ships administered by Greenland were involved, Order No. 585, dated 8 June 2011 (for Greenland), on the investigations of accidents at sea, applied. Regulations laid down in the Act No. 457 stipulated reporting obligations and conduct of the investigation. In case of violations of reporting obligations pertaining to ships administered by Greenland, however, the Criminal Code for Greenland applied. In addition, there was an executive order in place introducing a possibility for DMAIB to be assisted by persons experienced in sailing in Greenlandic waters in carrying out the investigation, as well as by DMA employees based in Greenland in collecting necessary information.

8.40 Finding (FD)

- 1 The Administration had not developed nor documented interpretation of the requirements contained in the mandatory IMO instruments that**

were "left to the satisfaction of the Administration", nor had it developed any related policy or guidance (III Code, paragraph 16.5). See Form A, FD-2

Corrective action

The Administration will develop and implement clear instructions for setting criteria for those requirements that are left to the satisfaction of the Administration; and instruct the ROs on the parts delegated to them. The remaining (internal) parts will be included in a corresponding administrative circular.

Target completion date: 1 July 2023

Root cause

From an operational point of view, requirements that are left "to the satisfaction of the Administration" have been dealt with on a case-by-case basis and decisions on those requirements are primarily maintained in the records of the affected ships. The precedents which are used regularly are registered in a common database; however, not all cases in the regulation have been clarified and kept available by transparent means. Moreover, the administrative practice used so far by the Administration has not recognized a demand or a requirement for an overall framework to address the term.

8.41 Observation (OB)

None

9 Coastal State activities

Implementation

9.1 The State performed various coastal State functions through the Danish Maritime Authority (DMA), the Danish Meteorological Institute (DMI), the Royal Danish Navy Command (RDNC), the Danish Geodata Agency (DGA), and the Joint Arctic Command in Greenland.

9.2 Additional entities such as the Danish Sea Rescue Society (DSRS), privately owned resources, such as INMARSAT coastal earth station Norway and private pilot organizations, and the European Maritime Safety Agency (EMSA) contributed to the activities of the main responsible agencies through specific agreements.

Radiocommunication services

9.3 The Royal Danish Navy was responsible for manning the Coastal Radio System Denmark Lyngby Radio. Lyngby Radio is a 24/7, 365 service and collocated in the Joint Rescue Coordination Center.

9.4 Lyngby Radio's main task was to maintain listening guard and provide assistance when emergency and safety messages were received on maritime emergency frequencies within the Danish area of responsibility.

9.5 In addition, Lyngby Radio was responsible for broadcasting storm and gale warnings, ice warnings, fishing quotes, firing exercises warnings, navigational warnings, and ice

messages on behalf of DMI, the Danish Directorate of Fisheries, the Armed Forces and DMA. Lyngby radio had several stations around the Danish coast to ensure sufficient coverage. The services provided by Lyngby Radio covered medium frequency and very high frequency. Swedish and Norwegian NAVTEX stations were used with cooperation agreements in place.

9.6 For Greenland, a similar system was in place. Moreover, Aasiaat Radio worked for the Joint Rescue Co-ordination Centre (JRCC) Greenland based on service contracts with the Danish Energy Agency and the Ministry of Defence. Aasiaat Radio had the responsibilities to receive and respond to emergency calls; to disseminate information between persons in distress, rescue authorities and deployed rescue units; to re-broadcast received emergency signals to ships in the vicinity of the distressed ship; and to forward emergency messages to JRCC Greenland and the Greenlandic Police.

9.7 Regarding navigational warnings, DMA promulgated NAVAREA Warnings, Coastal Warnings and Local Warnings in accordance with IHO Special Publication No. 53 "IHO/IMO World-Wide Navigational Warning Service". NAVAREA Warnings were issued by NAVTEX stations Baltico in Sweden and/or Rogaland in Norway. Coastal Warnings were issued by Lyngby Radio, and DMA was issuing Local Warnings daily at 1800 on 243 kHz frequency.

Meteorological services and warnings

9.8 Meteorological services were performed by DMI based on tasks assignment stipulated in No. 29.31 of 2021 Finance Act.

9.9 Weather information was processed using numerical models for weather forecasting, information from weather stations within the State, as well as satellite images. Four cooperating ships belonging to a private, Greenland-based owner, deployed in the Greenland – Europe trade, were equipped by the Institute with professional, high accuracy meteorological equipment and they provided additional weather information.

9.10 Weather forecast was transmitted four times a day and weather warnings on receipt. In addition, ice charts and ice information for shipping lanes were provided for the Greenland area. Weather bulletins were distributed to NAVTEX coordinator for the Baltic Sea METAREA I; to Canada as coordinator for METAREA XVIII; and to the Arctic Command in Greenland for NAVTEX transmission in the Greenland area. Moreover, VHF and MF transmission of weather information was provided by radio stations Lyngby Radio and Aasiaat Radio for Greenland. Furthermore, DMI was in charge of Tide Tables for Denmark, Greenland and Faroe Islands, which were published on a yearly basis.

9.11 A certified QMS, in accordance with the ISO 9001:2015 standard, was established and maintained covering maritime meteorological services carried out by DMI. Regular monitoring and assessment of quality of services provided was established.

Search and Rescue (SAR) services

9.12 Denmark had a comprehensive SAR framework. The Ministry of Defence had the overall responsibility for SAR but had delegated the operational responsibility to RDNC. RDNC operated JRCC Denmark, which was situated at the National Maritime Operations Centre in Karup, Denmark. RDNC had the operational command of all available SAR facilities, which was a mixture of governmental and civilian assets.

9.13 Many State authorities contributed to the Danish SAR organization, supplemented with contributions from municipal and private organizations. Voluntary resources were available but not included formally in the SAR organization.

9.14 JRCC Denmark led SAR operations in connection with ships in distress, offshore installations, as well as persons in distress or missing persons who were presumed to be at sea in Danish waters. In doing so, JRCC Denmark might request assistance from relevant authorities. The Danish police coordinated the management during SAR operations in lakes, bogs, streams, and ports, based on Section 17 of the Emergency Preparedness Act (*Beredskabsloven*).

9.15 SAR operations in lakes, bogs, and streams, as well as ports, were part of the tasks of the municipal rescue service. These tasks were therefore included in organizing the municipal rescue service.

9.16 The Shipping and Aviation Rescue Council (Rescue Council) was established by the Minister of Defense on 25 May 1960. The involved ministries were: Ministry of Defence; Ministry of Justice; Ministry of Greenland; Ministry of Trade, Crafts, Industry and Maritime Affairs; Ministry of Public Works; and Directorate-General for Post- and the Telegraph Service. The Rescue Council was responsible for considering, advising, and recommending the necessary steps to improve SAR in both Denmark and Greenland.

9.17 The Operational Contact Group for the Sea Rescue Service, Denmark (OKD), comprising ten permanent members and several observers, exercised its functions under the Rescue Council. In general, OKD dealt with operational matters concerning coordination, efficiency and optimization of the SAR effort, and also specific tasks imposed by the Rescue Council.

9.18 Details of the SAR operations were included in the extensive SAR manual (SAR DANMARK) which covers requirements of the IAMSAR Manual and associated national processes and procedures.

9.19 For Greenland, a similar system was in place and the responsibility for the SAR service in Greenland was vested in the State and handled by the Ministry of Defence. The Ministry of Justice had the local SAR responsibility in Greenland. The SAR Operational Contact Group Arctic (OKA) was established for Greenland and had similar duties to OKD.

9.20 Regarding performance improvement, an evaluation scheme had been implemented. The scheme encompassed all authorities who contribute to the maritime SAR service. The scheme set the mission and the success criterion for the maritime SAR service and specified what the contributors must be able to produce in the form of material and the state of readiness for the mentioned material. In general, OKA was responsible for analysing SAR events in Greenland and for identifying trends in order to learn from SAR incidents and to improve future SAR operations.

Hydrographic services

9.21 The State was a member of the International Hydrographic Organization (IHO) and the International Centre for Electronic Navigational Charts (IC-ENC). DGA performed hydrographic services, based on the Law No. 380, of 26 April 2017, on location-specific information, and Order No. 146, of 17 February 2019, on the assignment of tasks and powers to the Danish Geodata Agency.

9.22 The Danish Hydrographic Office (DHO) was the department of DGA responsible for development and publication of nautical charts, publications, and other maritime products with the aim to support safety at sea in Danish and Greenlandic waters. At the time of the audit, DHO had 65 employees, including nine class-A hydrographers, three class-B hydrographers, professional cartographers, and technicians. In addition, there were 14 surveyors employed by the Royal Danish Navy, but based at DHO.

9.23 Surveys were carried out by DHO with the support of six navy-owned ships and one DMA-operated ship. While production of charts was the exclusive prerogative of DGA, limited surveys of privately-operated port areas were also carried out by other entities. Such private surveys were only allowed after obtaining a DGA's authorisation.

9.24 According to the 2020 report by DGA, the sea area under the jurisdiction of the State was covered by 69 Danish paper charts, 288 Danish ENC's, 103 Greenlandic Paper Charts and 108 Greenlandic ENC's. DGA also published paper charts and NNC's for the jurisdictional waters of Faroe Islands. Other nautical publications were also issued, including Sailing Directions, Harbour Pilots, and other informative publications. Non-tariff measures (NtMs) were prepared and published by DMA in cooperation with DHO.

9.25 DHO demonstrated that it keeps records, evaluates, and reviews its performance on an annual basis and formulates goals for the coming year.

Ships' routing, ship reporting systems and vessel traffic services

9.26 At the time of the audit, there were three mandatory reporting systems and two VTSs in operation in the State - namely VTS Great Belt, SOUND VTS and VTS Fehmarnbelt, with VTS Fehmarnbelt established as a temporary and voluntary service). DMA was the competent VTS authority, and RDNV was appointed as the VTS implementation authority for operating VTS Great Belt.

9.27 SOUND VTS was established in the Sound between Denmark and Sweden. SOUND VTS was a mandatory ship reporting system operated jointly with the Swedish VTS authorities in accordance with a Cooperation agreement on joint venture of SOUND VTS, dated 30 August 2011.

9.28 VTS Fehmarnbelt was operated in collaboration between German and Danish VTS authorities, in connection with the construction of a tunnel in the area.

9.29 All reporting systems and VTSs were operated according to guidance No. 9680, of 12 December 2010, from DMA, which was issued in accordance with Section 6 and Section 8a of the Act on Safety at Sea. DMA's executive orders Nos. 9680, 820 and 924 were in use for the regulation of these services.

9.30 All ships' routing, ship reporting systems and VTSs in Denmark were adopted by IMO.

Aids to Navigation (AtoN)

9.31 DMA operated and maintained systems, lighthouses, and buoyage to assist in positioning and navigation in principal waters, transit routes and to secure anchorages.

9.32 The buoyage area covers 105,000 km² of territorial waters around Denmark and 2,000,000 km² around Greenland. Buoyage leading, for example, into harbours and bridges was subject to the supervision of DMA, but was financed, established, and maintained by the relevant port authorities in cooperation with private companies.

9.33 There were more than 1,300 buoys in Danish waters. Regarding lighthouses, DMA was overall responsible for the operation of the lighthouse stations in Denmark and Greenland. The maintenance was carried out by DMA's regional lighthouse services in Frederikshavn, Grenå, Esbjerg and Korsør. There were 179 lighthouses in Denmark and 89 in Greenland and Faroe Islands. All lighthouses in Denmark were unmanned and remotely controlled.

9.34 Information relating to AtoN was transmitted through navigational warnings (coastal and local), Notices to Mariners and Chart Corrections.

9.35 DMA's activities in relation to floating and fixed AtoN were covered in its QMS, and it followed IALA recommendations on availability of AtoN.

9.36 The establishment of new AtoN in Danish waters was normally carried out upon request from shipping, pilots or others. In accordance with Ministerial Order No. 45, of 22 January 2015, a permit from DMA was required before any AtoN could be established in waters around Denmark or Greenland.

Oil spill response

9.37 Pollution response issues were dealt with in Chapter 11 of the Act on the Protection of Marine Environment No. 1165. The Defence Command Denmark delegated the operational responsibility for pollution response to RDNC and issued the "Directive on Enforcement of the Act on Protection of the Marine Environment" (FKODIR OD.046-5 2004-01). This directive laid down the procedures for investigating reported incidents of pollution at sea.

9.38 The Admiral Danish Fleet (ADF) had issued a response plan in March 2004. A framework of operational documents governed the pollution surveillance and response functions. An overarching directive by Deputy Chief of Staff Operations (FKO-OD. 045.3, dated August 2010) and detailed instructions for response laid down in RDNC's standing plan for response to pollution at sea were in place, with the latest version of instructions dated February 2020.

9.39 RDNC had the lead agency role in the response to pollution incidents as the coordinator of the national pollution contingency plan. The plan provided a framework for managing the response to all kinds of spills by outlining roles, responsibilities, as well as availability of resources, should an incident occur. Its scope included three tiers of response and various operational information (contact list, list of equipment available for oil spill response). The Plan was updated annually.

9.40 Four ships were dedicated as response vessels – two of which were on one hour notice to move and the other two on 16 hours' notice to move. Supplementary response vessels were available to be deployed in various locations around the coast, subject to the outcome of a risk analysis process.

9.41 Maritime pollution surveillance was conducted by all assets dedicated to maritime surveillance (ships and aircrafts). All dedicated ships carried various pollution response equipment. There was also some equipment available around the navy depots. There were no stockpiles of dispersants, as their use was not widely approved.

9.42 Satellite pollution surveillance was provided by EMSA. In addition, a dedicated maritime pollution surveillance aircraft was operationally controlled by the Defence Command Denmark Operations Staff.

9.43 For small pollution incidents in the ports, it was stated that 98 municipalities had response plans in place, in accordance with their specific risk assessment. Cooperation with the municipalities in the State was established, and, together with the Danish Police and Danish Emergency Management Agency (BRS), trainings took place regularly. The cooperation covered all parts of the Danish coast, shallow water and open water and ensured a high level of preparedness.

9.44 Offshore operators within Danish EEZ were obliged to have their own oil spill response plans ready at all times and to submit their contingency planning to the Danish Ministry of Environment.

9.45 The Navy ran an annual exercise programme. Denmark carried out approximately six national oil spill exercises annually. The aim of the exercises was to train the cooperation between the main entities participating in the national response organization, namely the Danish Police, the Danish Defence and BRS, as well as local response agencies. The exercises trained both the operational level decision makers and the tactical response capabilities. The placement of the exercises both in time and location was rotated annually to ensure that all regions and levels of the response organization were trained within a regular interval. Each exercise was evaluated by designated evaluators, who summarize their findings in a report. These reports in turn were used as the basis for an annual evaluation of the exercises, leading to an adjustment of training aims.

9.46 Every year, international exercises within the multilateral and trilateral agreements were being held to enhance cooperation in pollution response among the states in the region.

9.47 Training programmes for the personnel involved in the pollution response operations were well documented and executed.

Enforcement

9.48 The maritime administration had a legal basis for the enforcement of provisions related to pollution, such as oil spills, discharge of hazardous and/or noxious chemicals and solid waste related to the MARPOL Convention, contraventions for damaging AtoN and for contravention of COLREGs. However, the entities comprising the maritime administration were not granted authority for direct application of fines and administrative penalties. Therefore, the process involved the notification to the Danish Police, who will take the process to be resolved in a Court of Law depending on the circumstances and type of the offense, and then a fine or imprisonment will be imposed to offenders.

9.49 At the time of the audit, the maritime administration had processes in place to investigate pollution incidents.

Evaluation and review

9.50 Denmark did not maintain a unified evaluation system. Each entity exercising coastal State activities, tasks and duties had its own performance evaluation, monitoring and development system. The entities had in place administrative processes and procedures to carry out evaluations of their performance, as well as evaluation of resources necessary to meet their obligations as part of their QMS, which were certified in accordance with ISO 9001:2015 standards.

9.51 All entities sharing responsibilities for coastal State obligations defined specific key performance indicators to measure the performance within their different internal units. In addition, these entities collected relevant statistical information based on defined performance measures and prepared reports for submission to their respective ministries. Those reports were made available to the public through the websites of respective entities.

9.52 Finding (FD)

None

9.53 Observation (OB)

None

10 Port State activities

Port State control (PSC)

10.1 The Consolidated Act 1629 on Safety at Sea provided the legal basis for performing PSC inspections in Denmark and Greenland. DMA was the responsible entity for carrying out PSC inspections through the Division for Ship Survey, Certification and Manning and the Division for Maritime Regulation and Legal Affairs.

10.2 Since 1982, Denmark has been a member of the Paris Memorandum of Understanding (Paris MoU) on PSC and PSC activities were regulated by the EU Directive 2009/16/EC.

10.3 The Ship Survey, Certification and Manning Division was responsible for the daily tasks (PSC coordination) in cooperation with the Maritime Regulation and Legal Affairs Division, which was responsible for meetings in the Technical Evaluation Group (TEG) of the Paris MoU, participation in the working groups of the Paris MoU (Task Forces) and workshops arranged by EMSA. The PSC inspections were carried out by 20 surveyors of DMA, the majority of whom was located at DMA's headquarters in Korsør, with five surveyors located in other survey offices around Denmark and Greenland.

10.4 DMA had a documented system in place to ensure personnel conducting PSC inspections were suitably qualified and they were periodically trained for updating of their knowledge. There was a mechanism in place for DMA to receive information on ships calling in Danish ports and for selection of ships for PSC inspection. In addition, the authority to detain foreign ships was provided in section 14 of the Consolidated Act 1629 on Safety at Sea.

Reception facilities

10.5 A general responsibility for the port operator to ensure that reception facilities for ship generated waste were provided had been established in the Executive Order No. 1348, of 16 June 2021, on Reception facilities for waste from ships, on ships' delivery of waste and ports' waste plans.

10.6 Deciding on the capacity of port reception facilities (PRF), the port operator should take into account operational needs of port users, port's size, geographic location and the type of ships that normally visit the port.

10.7 The operator of the port was obliged to prepare a plan for the reception and handling of waste from ships (waste plan) and submit the plan to the Danish Environmental Protection Agency (DEPA) for approval in a five-year cycle. The scope of information required in the plan was provided in the annex to the Executive Order No. 1348 on reception facilities. Port's operators had an option to prepare waste plans jointly. Before approval of the submitted plans by DEPA, a draft was sent to the interested parties in a public hearing procedure. The processing of ship waste delivered ashore rested with local municipalities.

10.8 Penalty provisions were established for failure to provide adequate PRF or failure to submit a waste plan for approval.

10.9 Details of available PRF for all Annexes of MARPOL in Danish ports were uploaded to GISIS, except for Greenlandic ports, although they were reported to be established. During

the time of the audit there were no inadequacies of PRF for Danish ports reported through GISIS.

10.10 A digital database for waste plans was under development by DEPA in order to facilitate the monitoring of adequacy of PRF.

10.11 Regarding Crown Dependency of Greenland, there was local environmental legislation applicable from land up to three miles to the sea. Such local legislation concerning environmental aspects of the MARPOL convention was not completely up to date and comprehensive, especially for reception facilities' related issues. The legislation stipulated that PRF regulations might be issued by the Ministry of Environment, but at the time of the audit, there were no regulations or instructions in place concerning the establishment, implementation, and supervision of PRF in Greenland. It was stated that some PRF were available in major ports, but the provision of services was not organizationally structured and systematically ensured. The details of such local reception facilities were not reported to IMO and related performance was not periodically evaluated in a structured manner. (See FD-3)

Register of fuel oil suppliers

10.12 According to the Executive Order No. 1220, of 22 November 2019, on the Sulphur content of solid and liquid fuels, the Environment Protection Agency (EPA) of the Ministry of Environment had been designated as the executive agency for implementation of the register of fuel oil suppliers. Regulations pertaining to the oversight of the Register and obligations of fuel oil suppliers, including the provision of bunker delivery notes, fuel oil samples and retention of a copy of the bunker delivery notes, according to MARPOL Annex VI, were laid down in the same Order. Oversight of fuel oil suppliers was carried out in cooperation with DMA, based on regular PSC inspections and inspection campaigns. In addition, cooperation with the fuel oil quality testing laboratory was established.

10.13 At the time of the audit, a register of fuel oil suppliers was available on the official website of EPA with 17 suppliers listed.

Dangerous goods and grain loading

10.14 DMA's Executive Order No. 1154, of 2019, on the Construction and Equipment of Ships, was the legislation concerning dangerous goods. Chapter B VII on the carriage of dangerous goods and Chapter B VI on the carriage of cargoes contain SOLAS provisions. This Order also contained references to IMDG, IMSBC and Grain Codes. These codes were referred to, but their texts were not translated and included in national legislation as already stated under the general maritime activities of the State. It was left up to the entities involved to obtain texts of these codes and translate them.

10.15 A number of authorities were involved in the handling of dangerous goods in Danish ports.

10.16 DMA was the competent authority for the implementation and enforcement of the IMDG and IMSBC codes and also responsible for the approval and inspection of ships flying the flag of the State, as well as the control of those ships within the ports of the State.

10.17 The Danish Emergency Management Agency (DEMA) was responsible for the approval of carriage by sea of fissile products on board ships flying the flag of the State and for ships calling in Danish territorial waters.

10.18 The Danish Institute for Radiation Protection (SIS) was responsible for the approval of casks for carriage by sea of fissile products on board Danish ships and special measures in this regard.

10.19 Order No. 397, of 29 April 2016, ensured compliance with verification of container's weight requirements.

10.20 Although the primary legislation was available and some obligations were implemented in practice, the details for several provisions of IMDG, IMSBC and Grain Codes were not adequately regulated or supervised. There were some commercially available training systems for port workers and shore personnel, but these systems were implemented without legal requirements, supervision and record keeping. For the radiation protection programme, including approval and notification of shipment of radioactive goods, the procedures implemented by SIS or DEMA were not clear. (See FD-4)

10.21 Regarding the implementation of the IMSBC Code and, in particular, carriage of cargoes not listed in the Code, a procedure for reaching and signing tripartite agreements was not available.

10.22 Regarding the implementation of the Grain Code, it could not be demonstrated that stability requirements and the national inspection system for ships loading grain in bulk, were adequate to ensure compliance.

10.23 The contact details of competent authorities for IMDG and IMSBC codes were not updated in GISIS over four years preceding the audit.

Enforcement

10.24 The maritime administration had a legal basis for the enforcement of provisions related to discharge of waste outside of port/terminal reception facilities and for contraventions related to the handling of dangerous goods and solid bulk cargoes. However, the entities comprising the maritime administration were not granted authority for direct application of fines and administrative penalties. Therefore, the process involved a notification to the Danish Police who would take the process to be resolved in a Court of Law, depending on the circumstances and type of the offense, and then a fine or imprisonment would be imposed to offenders.

10.25 The port State was carrying out effective enforcement in accordance with the provisions of the Consolidated Act 1629 on Safety at Sea. In relation to PSC inspections, in 2018, the number of inspections was 493 and the number of detentions was six; in 2019, the number of inspections was 491 and the number of detentions was four; and in 2020, the number of inspections was 542 and the number of detentions was four.

Evaluation and review

10.26 Denmark did not maintain a unified evaluation system. Each entity exercising port State activities, tasks and duties had its own performance evaluation, monitoring and development system. The entities had in place administrative processes and procedures to carry out evaluations of their performance, as well as evaluation of resources necessary to meet their obligations as part of their QMS, which were certified in accordance with ISO 9001:2015 standards.

10.27 All entities sharing responsibilities for port State obligations defined specific key performance indicators to measure the performance within their different internal units. In addition, these entities collected relevant statistical information based on defined performance

measures and prepared reports for submission to their respective ministries. Those reports were made available to the public through the websites of respective entities.

10.28 There was no evidence of a performance evaluation system to identify if adequate resources and processes were in place to improve the performance regarding provisions for reception facilities in Greenland. (See FD-3).

10.29 Findings (FD)

- .1 Administrative instructions or other national provisions to regulate the monitoring and handling of ship generated waste collected from ships, in accordance with the applicable provisions of MARPOL, were not in place for Greenland. In addition, also in Greenland, there was no evidence of a mechanism for evaluation of adequacy of port reception facilities established for the collection of waste from ships as required under Annexes I, II and V (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 18.2; MARPOL, Annex V, regulation 8.1; III Code, paragraph 55; III Code, paragraph 56.1; III Code, paragraph 63). See Form A, FD-3**

Corrective action

The responsible State entities will:

- .1 develop and implement legislation concerning reception facilities and request the provision of adequate reception facilities for the handling of ship-generated waste collected from ships, as regulated under Annexes I, II and V of MARPOL where was requested; and**
- .2 complete the ongoing analysis of availability and adequacy of existing port reception facilities. This analysis will report the development of the above-mentioned legislation on reception facilities.**

Target completion date: 1 January 2024

Root cause

The following factors contributed to this finding:

- .1 lack of resources to draft subsidiary legislation on port reception facilities despite the new enabled provisions that have been added to the Marine Environment Protection Act, specifically to allow for the issuance of regulations requiring the establishment of the said facilities; and**
- .2 lack of resources to develop a mechanism for evaluating the adequacy of port reception facilities despite the fact that IMO holds regularly formal and informal discussions with both public and private stakeholders within the industry when considering environmental issues such as the adequacy of reception facilities.**

FD

.2 The maritime administration had not taken necessary measures to establish relevant policies through issuing national legislation and guidance to ensure:

- 1. effective implementation of the IMDG Code, in particular development and implementation of a mandatory training system for shore-based personnel and establishment of a management system and a radiation protection programme for the handling of class 7 dangerous goods;**
- 2. effective implementation of the IMSBC Code, regarding tripartite agreements for transport of solid bulk cargoes not listed in the Code; and**
- 3. verification of stability compliance for ships loading bulk grain cargo**

(SOLAS 1974, regulation VII/3; IMDG Code, section 5.1.5; IMSBC Code, paragraph 1.3; International Grain Code, paragraph 7.2; Ill Code, paragraph 54; Ill Code, paragraph 55). See Form A, FD-4

Corrective action

The responsible State entity will:

- .1 update and clarify the areas of responsibility and the accompanying procedures. The updated information will be made available through the corresponding web portals;**
- .2 amend the executive order on the categorization, classification, transport, and discharge of liquid substances in bulk. The amendment will entail a clarification of the scope of the tripartite provisions in the IMSBC Code so that it reflects that the responsible agency must classify liquid substances carried in bulk in situations where the State is the flag State, as well as when the State is the responsible shipper. The responsible entity will also implement the missing provisions regarding tripartite agreements in the IMSBC Code on solid bulk cargoes. This will entail an amendment to the respective executive order on the discharge of wastes from ships and platforms, so that the executive order regulates the discharge of solid bulk cargo residues.**
- .3 examine the need for the verification of the Grain Code, paragraph 7.2 and issue further guidance if necessary.**

Target completion date: 1 July 2023

Root cause

The following factors contributed to this finding:

- .1 the identification of the competent authority and the procedures implemented by the State entities, including reference to the relevant legislation, are not clear as the ambiguities have not been recognized by the entities;
- .2 the Marine Environment Protection legislation does not have provisions regarding tripartite agreements for the carriage of solid bulk substances. The IMSBC Code provisions on tripartite agreements have been implemented into the legislation regarding categorization, classification, transport and discharge of liquid substances in bulk. However, the wording of the relevant provision in the executive order does not fully implement the scope of the tripartite provisions in the IMSBC Code due to inadequate interpretation of the IMSBC Code provisions; and
- .3 the entity applies the procedures of Paris MoU for port State control and for the inspection of ships carrying grain. However, Grain Code, paragraph 7.2, might not be adequately interpreted in this respect through guidance as this issue has not previously been raised and consequently, not been recognized.

10.30 Observation (OB)

None

11 Comments

11.1 In order to ensure a consistent review of each of the Member State's activities falling within the III Code, all items from the verification index, which closely follows the requirements of the III Code, have been verified and the outcome provided in appendix 2 to this report.

Areas of positive development

11.2 Areas of positive development include:

- .1 although not mandatory, DMA implements an efficient QMS, certified under the ISO 9001:2015 standard, for all its technical and administrative units, which encompasses the operational parts of all flag, coastal and port State obligations. The corporate quality manual contains the policies, strategy, vision and mission, description of the organization as well as a description of the design and associated processes of QMS. Local auxiliary systems and tools with instructions, guidelines, checklists, forms, tables, certificate templates, procedures, processes and improvement systems are built into this electronically implemented QMS. This system supports the performance, effectiveness, and efficiency of all its tasks according to the objectives, policies and values of the Maritime Authority; and
- .2 DMA issues digital certificates for seafarers and provides several other digital self-service solutions for shipping companies, staffing companies and

educational institutions. With such self-service solutions, Danish seafarers can manage their own career and access digital certificates, applications, qualifications, as well as seagoing service records in web portals. A mobile phone “seafarers’ application” was launched for easier access to self-service and digital certificates. Shipping companies and manning agencies can gain access to digital certificates shared by seafarers, as well as place applications for recognition certificates through this self-service solution. Maritime educational institutions and course providers can report on exams, courses, and certificates of proficiency. For verification, seafarers’ certificates can be verified by QR-code or certificate numbers using Blockchain technology.

Areas for further development

11.3 Areas for further development include:

- .1 the authorities involved in the implementation and enforcement of the mandatory IMO instruments should consider making the texts of mandatory and recommendatory codes under the mandatory IMO instruments available to the shipping community through their web portals for a more efficient implementation and compliance;
- .2 DMA should compile and consolidate responsibilities, authority and interrelation of surveyors for better guidance and implementation and make them available to its surveyors;
- .3 DMA is recommended to enhance its procedures for documenting its training system for continuous updating of knowledge of flag State surveyors (refresher trainings);
- .4 DMA is recommended to update its FSI programme of 2013 as some of the procedures and references contained therein have been amended since;
- .5 DMA should consider increasing the numbers of its periodical ship inspections (after the COVID pandemic) and adopt a risk-based approach for the selection of ships for inspection;
- .6 DMA should consider issuing more specific instructions/procedures to its surveyors regarding actions to be taken for unfit ships;
- .7 the Danish Meteorological Institute should consider updating its procedures and practices for a more effective compliance with SOLAS 1974, regulations V/5.1, V/5.2.7 and V/5.2.9; and
- .8 JRCC should consider updating its procedures and practices for a more effective compliance with SOLAS 1974, regulations V/7.3 and V/8.

APPENDIX 1
FINDINGS AND OBSERVATIONS
IMO MEMBER STATE AUDIT SCHEME
(Form A)

FINDINGS/OBSERVATIONS NOTICE	
Member State: Denmark	Audit period: 25 October to 8 November 2021
Department: Entities of the State	
Finding No.: FD-1	Observation No.:
STATEMENT:	
<p>The State had not communicated to IMO, or updated, some information as required by the relevant IMO instruments to which it is Party (e.g. several MARPOL and IBC Code certificate specimens, annual MARPOL statistical report for 2020, availability of compliant fuel oil, IMDG, IMSBC Code competent authority details and details of PRF in Greenland)</p>	
EVIDENCE:	
Checking of GISIS respective modules. Results obtained from audit interviews	
APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT:	
SOLAS 1974, article III	
"Communication of information"	
MARPOL, article 11	
"Communication of information"	
MARPOL, Annex VI, regulation 18.1	
"Availability of fuel oils and communication to IMO"	
III Code, paragraph 9	
"Communication of information - The State shall communicate its strategy, as referred to in paragraph 3, including information on its national legislation to all concerned"	
Team leader: Huseyin Cahit Yalcin	Date: 5 November 2021
Member State: Denmark	Date received:

(Form A)

FINDINGS/OBSERVATIONS NOTICE	
Member State: Denmark	Audit period: 25 October to 8 November 2021
Department: Danish Maritime Authority (DMA)	
Finding No.: FD-2	Observation No.:
STATEMENT: The Administration had not developed, and documented interpretation of the requirements contained in the relevant mandatory IMO instruments that were "left to the satisfaction of the Administration", nor had it developed any related policy or guidance	
EVIDENCE: The following prescriptions of different mandatory IMO instruments had not been clearly established and were checked during the audit interviews: SOLAS 1974 regulation II-1/29.17.2; SOLAS 1974 II-1/45.2; SOLAS 1974 II-2/9.2.2.3.2.5; LL 1966 regulation 1.3; LL 1966 regulation 14, Tonnage 1969 regulation 5.3. Result obtained from audit interviews and analysis of existing national legislation (Act on Safety of the Sea and many Executive Orders)	
APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 16.5 "The development, documentation and provision of guidance concerning those requirements found in the relevant international instruments that are to the satisfaction of the Administration"	
Team leader: Huseyin Cahit Yalcin	Date: 5 November 2021
Member State: Denmark	Date received:

(Form A)

FINDINGS/OBSERVATIONS NOTICE	
Member State: Denmark	Audit period: 25 October to 8 November 2021
Department: Entities of the maritime administration - Greenland	
Finding No.: FD-3	Observation No.:
STATEMENT: Administrative instructions or other national provisions to regulate the monitoring and handling of ship generated waste collected from ships, in accordance with the applicable provisions of MARPOL in Greenland were not in place. In addition, there was no evidence of evaluation of adequacy of port reception facilities established for the collection of waste from ships as required under Annexes I, II and V	
EVIDENCE: Checking and analysis of the Act on the Protection of Marine Environment, Greenland. Results obtained from audit interviews.	
APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT:	
MARPOL, Annex I, regulation 38.1 "Reception facilities outside special areas"	
MARPOL, Annex II, regulation 18.2 "Reception facilities and cargo unloading terminal arrangements"	
MARPOL, Annex V, regulation 8.1 "Reception facilities"	
III Code, paragraph 55 "Implementation - A port State shall ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments"	
III Code, paragraph 56.1 "Provision of appropriate reception facilities or capability to accept all waste streams regulated under the instruments of the Organization"	

III Code, paragraph 63

"Evaluation and review - A port State shall periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the applicable instruments of the Organization"

Team leader: Huseyin Cahit Yalcin

Date: 5 November 2021

Member State: Denmark

Date received:

(Form A)

FINDINGS/OBSERVATIONS NOTICE	
Member State: Denmark	Audit period: 25 October to 8 November 2021
Department: Entities of the maritime administration	
Finding No.: FD-4	Observation No.:
STATEMENT: The maritime administration had not taken the necessary measures to establish relevant policies through issuing national legislation and guidance to ensure: .1 effective implementation of the IMDG Code, in particular development and implementation of a mandatory training system for shore-based personnel and establishment of a management system and a radiation protection programme for the handling of class 7; .2 effective implementation of the IMSBC Code, regarding tripartite agreements; and .3 verification of stability compliance for ships loading bulk grain cargo. EVIDENCE: Result obtained from audit interviews. Analysis of Order no. 1154 of 2019 and Order no. 397 of 29 April 2016, from the Danish Maritime Authority. APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: SOLAS 1974, regulation VII/3 "Requirements for the carriage of dangerous goods" IMDG Code, section 5.1.5 "General provisions for class 7 – role of Competent Authority" IMSBC Code, paragraph 1.3 "Conditions for the carriage of cargoes not listed in the Code" Grain Code, paragraph 7.2 "Stability requirements" III Code, paragraph 54 "Implementation - In order to effectively meet its obligations, a port State shall [...]"	

III Code, paragraph 55

"Implementation - A port State shall ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments"

Team leader: Huseyin Cahit Yalcin

Date: 5 November 2021

Member State: Denmark

Date received:

(Form A)

FINDINGS/OBSERVATIONS NOTICE	
Member State: Denmark	Audit period: 25 October to 8 November 2021
Department: Entities of the State	
Finding No.:	Observation No.: OB-1
STATEMENT: Although the State had a number of general strategies and policies, they did not constitute an overall strategy in place for covering all its obligations and responsibilities under the applicable mandatory IMO instruments addressing flag, coastal and port State activities, including a methodology to monitor and assess the effectiveness of the implementation and the enforcement of applicable mandatory instruments, and to continuously review the strategy to ensure the improvement of the overall organizational performance and capability	
EVIDENCE: Analysis of submitted policies and strategies, integrated maritime strategy, plan for growth in the blue Denmark and maritime Denmark. Results obtained from audit interviews	
APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 3 "Strategy - In order to meet the objective of this Code, a State is recommended to [...]"	
Team leader: Huseyin Cahit Yalcin	Date: 5 November 2021
Member State: Denmark	Date received:

APPENDIX 2

ASSESSMENT OF AREAS RELATED TO THE III CODE (VERIFICATION INDEX)

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
COMMON AREAS		
STRATEGY		
3.1	An overall strategy exists to ensure that international obligations and responsibilities as a flag, port and coastal State are met	No. See OB-1
3.2	Methodology established to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and	No. See OB-1
3.3	Continuous review of the strategy undertaken to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State	No. See OB-1
GENERAL		
4	Means in place to ensure compliance with relevant international rules and regulations in respect of maritime safety and protection of the marine environment	Yes
4	National legislation exist to give effect to the provisions of relevant IMO instruments	Yes
INITIAL ACTIONS (NATIONAL LEGISLATION)		
8	Capability to implement and enforce the provisions of the applicable IMO instruments through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure	Yes
8.1	Capability to promulgate laws which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag	Yes
8.2	A legal basis in place for the enforcement of national laws and regulations, including the associated investigative and penal processes	Yes
8.3	Sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions	Yes
COMMUNICATION		
9	Strategy, including information on relevant national legislation, communicated to all concerned	No. See FD-1

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
RECORDS		
10	Records established and maintained	Yes
10	Records are legible, readily identifiable and retrievable	Yes
10	Documented procedure defining controls on identification, storage, protection, retrieval, retention time and disposition of records	Yes
IMPROVEMENT		
11	Demonstrates continual improvement of measures giving effect to conventions and protocols accepted	Yes
11	Improvement made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance	Yes
12	A culture exists providing opportunities to people for improvement of performance in maritime safety and environmental protection activities	Yes
13	Action taken to identify and eliminate causes of any non-conformities in order to prevent recurrence	Yes
13.1	Non-conformities reviewed and analysed	Yes
13.2	Implementation of necessary corrective actions monitored	Yes
13.3	Reviews of corrective actions taken	Yes
FLAG STATE SPECIFIC REQUIREMENTS		
IMPLEMENTATION		
15.1	Policies implemented through national legislation and guidance	Yes
15.2	Responsibilities within the Administration assigned to update and revise any relevant policies adopted	Yes
16	Resources and processes capable of administering a safety and environmental protection programme in place	Yes
16.1	Administrative instructions to implement applicable international rules and regulations issued	Yes
16.2	Resources in place to ensure compliance with the requirements of IMO instruments, through an independent audit and inspection programme	Yes
16.3	An audit and inspection programme independent of any administrative bodies is in place, for requirements of STCW 1978, as amended	Yes
16.3	Training, assessment of competence and certification of seafarers are in accordance with the provisions of STCW 1978	Yes
16.3.2	STCW certificates and endorsements accurately reflect the competencies of the seafarers, using the appropriate terminology	Yes
16.3.3	Impartial investigation capabilities ensured	Yes

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
16.3.4	Ability exists for certificates or endorsements to be effectively withdrawn, suspended or cancelled	Yes
16.4	Resources in place to ensure the conduct of investigations into casualties and adequate and timely handling of cases of ships with identified deficiencies	Yes
16.5	Resources in place to develop, document and provide guidance of requirements found in relevant mandatory IMO instruments	No. See FD-2
17	Ships entitled to fly the flag of the State are sufficiently and efficiently manned	Yes
DELEGATION OF AUTHORITY (as far as applicable)		
18.1	The Administration determines that recognized organizations (ROs) have adequate resources	Yes
18.2	Formal written agreements between the Administration and ROs in place	Yes
18.3	Specific instructions issued to ROs detailing action to be followed when a ship is unfit to proceed to sea	Yes
18.4	ROs provided with all appropriate instruments of national law and interpretations thereof	Yes
18.5	ROs required to maintain records and give the Administration access to them	Yes
20	An oversight programme established or participation in such a programme ensured, with adequate resources	Yes
20.1	Authority exercised to conduct supplementary surveys	Yes
20.2	Supplementary surveys conducted, as necessary	Yes
20.3	Staff available with requisite knowledge to carry out effective oversight of ROs	Yes
21	Nominations of surveyor(s) regulated, as appropriate	Yes
ENFORCEMENT		
22	All necessary measures to secure observance of international rules and standards by ships entitled to fly the flag of the State and by entities and persons under its jurisdiction so as to ensure compliance with their international obligations	Yes
22.1	Legal/administrative mechanism exist to prohibit ships from sailing for non-compliance	Yes
22.2	Periodic inspection of ships entitled to fly the flag of the State to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries	Yes
22.3.1	Surveyors ensure that seafarers assigned to the ships are familiar with their specific duties	Yes
22.3.2	Surveyors ensure that seafarers assigned to the ships are familiar with ship arrangements, installations, equipment and procedures	Yes

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
22.4	Surveyors ensuring that ship's complement, as a whole, can effectively coordinate their activities in an emergency situation and perform functions vital to safety or to the prevention or mitigation of pollution	Yes
22.5	Penalties of adequate severity to discourage violation of international rules and standards exist in national laws and regulations	Yes
22.6	Capability to institute proceedings – after an investigation has been conducted – against ships which have violated international rules and standards, irrespective of where the violation has occurred	Yes
22.7	Penalties of adequate severity to discourage violations of international rules and standards by individuals issued with certificates or endorsements under their authority exist in national laws and regulations	Yes
22.8	Capability to institute proceedings – after an investigation has been conducted – against individuals holding certificates or endorsements who have violated international rules and standards, irrespective of where the violation has occurred	Yes
23	Control and monitoring programme developed and implemented	Yes
23.1	Prompt and thorough casualty investigations, with reporting to IMO, provided	Yes
23.2	Statistical data collected and trend analyses conducted	Yes
23.3	Timely response to deficiencies and alleged pollution incidents reported by port or coastal States	Yes
24.5	Training and oversight of the activities of flag State surveyors and investigators ensured	Yes
25	Appropriate corrective measures to bring own ships into compliance with the applicable international conventions can be taken	Yes
26	Provision for flag State or RO to determine international certificates only issued to ships meeting all applicable standards	Yes
27	International certificate of competency or endorsement only issued after it has been determined that the person meets all applicable requirements	Yes
FLAG STATE SURVEYORS		
28	Responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention defined and documented	Yes
29	Personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant IMO mandatory instruments appropriately qualified	Yes

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
32	Personnel have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes	Yes
33	Personnel assisting surveyors have education, training and supervision commensurate with the tasks they are authorized to perform	Yes
35	Documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake	Yes
37	Identification document issued for the surveyor to carry when performing his/her tasks	Yes
FLAG STATE INVESTIGATIONS		
38	Casualty investigations conducted by suitably qualified, impartial investigators, competent in matters relating to the casualty	Yes
38	Qualified investigators provided, irrespective of the location of casualty or incident	Yes
39	Individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties	Yes
39	State has ready access to expertise in listed areas: navigation and the Collision Regulations; flag State regulations on certificates of competency; causes of marine pollution; interviewing techniques; evidence gathering; and evaluation of the effects of the human element	Yes
40	Any accidents involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties investigated, and the results of such investigations made public	Yes
41	Ship casualties investigated and reported in accordance with the relevant IMO conventions, and the guidelines developed by IMO	Yes
41	Investigation reports forwarded to IMO together with the flag State's observations	Yes
EVALUATION AND REVIEW		
42	Performance evaluated with respect to the implementation of administrative processes, procedures and resources necessary to meet their obligations as required by the conventions to which they are party	Yes

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
COSTAL STATE SPECIFIC REQUIREMENTS		
IMPLEMENTATION		
46.1	Policies implemented through issuance of national legislation and guidance	Yes
46.2	Responsibilities assigned to update and revise any relevant policies adopted	Yes
47	Legislation, guidance and procedures established for the consistent implementation and verification of the rights, obligations and responsibilities of the State contained in the relevant international instruments to which it is a party, in general;	Yes
48.1	For radiocommunication services;	Yes
48.2	For meteorological services and warnings;	Yes
48.3	For search and rescue services;	Yes
48.4	For hydrographic services;	Yes
48.5	For ship routing;	Yes
48.6	For ship reporting systems;	Yes
48.7	For vessel traffic services; and	Yes
48.8	For aids to navigation	Yes
ENFORCEMENT		
49	All necessary measures taken to ensure observance of international rules when exercising the rights and fulfilling the obligations as a coastal State	Yes
50	Control and monitoring programme considered, developed and implemented	Yes
50.1	Statistical data collected and trend analyses conducted	Yes
50.2	Mechanisms for timely response to pollution incidents established	Yes
50.3	Cooperation with flag States and/or port States in investigation of maritime casualties	Yes
EVALUATION AND REVIEW		
51	Performance periodically evaluated in respect of exercising its rights and meeting its obligations under the applicable international instruments	Yes
PORT STATE SPECIFIC REQUIREMENTS		
IMPLEMENTATION		
54.1	Policies implemented through issuance of national legislation and guidance	No. See FD-3
54.2	Responsibilities assigned to update and revise any relevant policies adopted	No. See FD-3

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
55	Legislation, guidance and procedures established for the consistent implementation and verification of the rights, obligations and responsibilities of the State contained in the relevant international instruments to which it is a party, in general;	No. See FD-3 and FD-4
56.1	For provision of appropriate reception facilities or capability to accept all waste streams regulated under the instruments of the Organization;	No. See FD-3 and FD-4
56.2	For port State control activities; and	Yes
56.3	For keeping a register of fuel oil suppliers	Yes
ENFORCEMENT		
57	All necessary measures taken to ensure observance of international rules when exercising the rights and fulfilling the obligations as a port State	Yes
59	No more favourable treatment put in place when carrying out port State control	Yes
60	Processes to administer a port State control programme established consistent with the relevant resolution adopted by the Organization	Yes
61	Port State control carried out only by authorized and qualified port State control officers in accordance with the relevant procedures adopted by the Organization	Yes
62	Port State control officers and persons assisting them free from any commercial, financial and other pressures and have no commercial interest, either in the port of inspection or the ships inspected	Yes
62	Port State control officers and persons assisting them not employed by or undertake work on behalf of recognized organizations or classification societies	Yes
62	Procedures implemented to ensure that persons or organizations external to the port State cannot influence the results of port State inspection	Yes
EVALUATION AND REVIEW		
63	Performance periodically evaluated in respect of exercising its rights and meeting its obligations under the applicable instruments of the Organization	No. See FD-3

APPENDIX 3

IMO MEMBER STATE AUDIT SCHEME

Forms B

CORRECTIVE ACTION			
Member State:	Denmark	Audit Period:	25 Oct to 8 Nov 2021
Department:	DMA and DEPA	Team leader:	Huseyin Cahit Yalcin
Finding No.: FD-1	Observation No.:		

Root Cause:

There was an unclear overview and lack of a defined mechanism to ensure that the required information under the applicable IMO instruments is communicated and updated to GISIS.

Corrective Action:



The responsible State entities will:

- .1 develop and implement a documented procedure for addressing the communication of information requirements to IMO and identifying where communications and updates have not been fully carried out, therefore serving as a mechanism to ensure future compliance. Moreover, the procedure will identify the responsible authority for communication of information to IMO, as well as the relevant unit and mandated staff member, including planning and frequency of communication to IMO. An introduction to GISIS for new staff members is also being developed. **Target completion 1 January 2023;** and
- .2 update and communicate the list of reception facilities, including any information regarding location, capacity, availability and other characteristics to GISIS, by contacting all concerned Danish ports and verify the consistency of the reported data. **Target completion date 1 May 2023.**

Proposed target completion date: 1 May 2023

Action Plan Submitted: 

By Andreas Nordseth On 20 May 2022

To: Audit Team Leader:	Huseyin Cahit Yalcin	IMO Secretariat:	
<input type="checkbox"/> For Review	Name	<input type="checkbox"/> For Information:	Name
	<u>10/10/2022</u>		<u>10 OCT 2022</u>
Signature	Date	Signature	Date
Copies to:	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

FORM B

CORRECTIVE ACTION			
Member State:	Denmark	Audit Period:	25 Oct to 8 Nov 2021
Department:	DMA, SIS, DEMA and MOE	Team leader:	Huseyin Cahit Yalcin
Finding No.:	FD-4	Observation No.:	
Root Cause:			
The following factors contributed to this finding:			
.1	the identification of the competent authority and the procedures implemented by the State entities, including reference to the relevant legislation, are not clear as the ambiguities have not been recognized by the entities;		
.2	the Marine Environment Protection legislation does not have provisions regarding tripartite agreements for the carriage of solid bulk substances. The IMSBC Code provisions on tripartite agreements have been implemented into the legislation regarding categorization, classification, transport and discharge of liquid substances in bulk. However, the wording of the relevant provision in the executive order does not fully implement the scope of the tripartite provisions in the IMSBC due to inadequate interpretation of the IMSBC Code provisions; and		
.3	the entity applies the procedures of Paris MoU for port State control and for the inspection of ships carrying grain. However, Grain Code, paragraph 7.2, might not be adequately interpreted in this respect through guidance as this issue has not previously been raised and, consequently, not been recognized.		
Corrective Action:			
The responsible State entity will:			
.1	update and clarify the areas of responsibility and the accompanying procedures. The updated information will be made available through the corresponding web portals. Target completion date 1 January 2023.		
.2	amend the executive order on the categorization, classification, transport and discharge of liquid substances in bulk. The amendment will entail a clarification of the scope of the tripartite provisions in the IMSBC Code so that it reflects that the Danish Environment Protection Agency must classify liquid substances carried in bulk in situations where Denmark acts as the flag State as well as when Denmark is the responsible shipper. The responsible entity will also implement the missing provisions regarding tripartite agreements in the IMSBC Code on solid bulk cargoes. This will entail an amendment to the Danish executive order nr. 537 on the discharge of wastes from ships and platform, so that the executive order regulates the discharge of solid bulk cargo residues. Target completion date 1 July 2023.		

.3 examine the need for the verification of the Grain Code, paragraph 7.2 and issue further guidance if necessary. **Target completion date 1 July 2023.**

Proposed target completion date: 1 July 2023

Action Plan Submitted: *A. Nordseth*
By Andreas Nordseth On 20 May 2022

To: Audit Team Leader:	Huseyin Cahit Yalcin	IMO Secretariat:	<i>[Signature]</i>
	Name		Name
<input type="checkbox"/> For Review:	<i>H. CAHIT YALCIN</i> <i>[Signature]</i>	<input type="checkbox"/> For Information:	
	Date		Date
	10/10/2022		10 OCT 2022
Signature	Date	Signature	Date
Copies to:	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

FORM B

CORRECTIVE ACTION			
Member State:	Denmark	Audit Period:	25 Oct to 8 Nov 2021
Department:	DMA	Team leader:	Huseyin Cahit Yalcin
Finding No.:		Observation No.:	OB-1

Root Cause:

In Denmark, the existing overall strategies related to maritime conventions, regulations and other IMO instruments are given by Rule of Law and can be found in the various Acts of Law covering the specific areas, as well as in Decrees. Although the strategic directions are in place for the different responsible entities in relation to implementing and enforcing mandatory IMO instruments, an overall maritime strategy as recommended by the III Code was not established at the time of the audit.



Corrective Action:

The State will establish an implement a collective overview that can be used for systematic and collective assessment and draft a document that will form an overall strategy.

Proposed target completion date: 1 July 2023

Action Plan Submitted:

By  On 20 May 2022
Andreas Nordseth

To: Audit Team Leader:	<u>Huseyin Cahit Yalcin</u>	IMO Secretariat:	<u></u>
<input type="checkbox"/> For Review	<small>Name</small> <u></u>	<input type="checkbox"/> For Information:	<small>Name</small> <u>10 OCT 2022</u>
	<small>Date</small> <u>10/10/2022</u>		<small>Date</small> <u>10 OCT 2022</u>
Copies to:	<small>Signature</small> <input type="checkbox"/>	<small>Signature</small> <input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
