

ADDITIONAL TERMS OF REFERENCE

of

an independent task force on the shipping company, ownership and insurance details regarding Scandinavian Star

1. On 21 May 2021, the former Government (the Social Democrats), the Liberal Party, The Danish People's Party, the Socialist People's Party, the Social-Liberal Party, the Red-Green Alliance, the Conservative Party, the New Right, the Liberal Alliance, the Alternative and the Christian Democrats agreed to launch an independent investigation of the shipping company, ownership and insurance details regarding the Scandinavian Star.

The terms of reference of 12 May 2021 state that the task force must investigate and clarify matters regarding the shipping company, ownership and insurance details of the Scandinavian Star, and that in connection with its investigation, the task force may address the following issues:

- The ownership of the ship at the time of the fire and the details of the transfer of the ship prior to the fire, including financing and registration;
- The ship's shipping company and insurance details at the time of the fire as well as the determination, payment and distribution of the sum insured in continuation of the fire;
- Circumstances that may form the basis for suspicion about a connection between the shipping company, ownership and insurance of the Scandinavian Star and the actual arson on board the ship.

Moreover, the terms of reference state that the task force also has a broad mandate to clarify other matters regarding the shipping company, ownership and insurance details other than those mentioned, including bringing to light and investigating relevant new circumstances regarding the fire.

2. In addition to the terms of reference of 12 May 2021, the Government (the Social Democrats, the Liberal Party, and the Moderates), The Socialist People's Party, the Liberal Alliance, the Denmark Democrats, the Conservative Party, the Red-Green Alliance, the Social-Liberal Party, the Alternative, the Danish People's Party and the New Right agreed, on the recommendation of the political follow-up group of the task force, to extend the terms of reference of the task force to include

a fire-technical examination of a hydraulic oil pipe aboard the ship the Scandinavian Star. This should be seen in light of the fact that survivors and groups of relatives as well as the general public have raised concerns as to whether the hydraulic oil pipe in question had been taken apart and been for the purpose of adding flammable material.

The extension of the terms of reference will include a preliminary investigation, based on existing fire-technical examinations, with a view to assessing whether new relevant measures of investigation may be taken, which have not been taken before, or which have not been technically possible until now.

With the extended terms of reference, the investigation made by the task force will require competencies of a fire-technical nature that fall outside the present member's field of expertise. However, within the framework of the additional terms of reference, the task force will be able to make use of external experts for the purpose of this extension. Against this background, it is assessed that the additional terms of reference will not lead to the appointment of new members to the task force.

The main reason for the extension of the terms of reference is wider public policy considerations, including considerations for survivors and relatives.

3. The parties to the agreement have also agreed to extend the terms of reference to include an investigation of issues relating to the Danish Maritime Authority's role in the Scandinavian Star case, as the parties agree on the importance of a thorough investigation of the tragic fire aboard the Scandinavian Star.

In continuation of the external investigation launched by the Danish Ministry of Business regarding the Maritime Authority's role in the Scandinavian Star case, the extension of the terms of reference will include an investigation of the questions of what an inspector from the Maritime Authority must be assumed to have been able to observe during a port state control; whether such observations, under the rules then in force, must be assumed to have revealed defects that would have resulted in orders or restrictions; as well as the question of whether, in those circumstances, it can be rendered probable that the implementation of a port state control would have affected the sequence of events.

The extension of the terms of reference will also include an investigation of the classification as confidential of a minister case on the Scrutiny Committee's report from January 1991.

It should be noted that the authorities are not bound by any conclusions reached by the task force, including in terms of compensation law, as such issues are decided by the courts.

Furthermore, it should be noted that the Ministry of Business, including the Maritime Authority, will cooperate fully on an investigation of these matters, including by continuing to make all relevant material available to the task force.

4. The extension of the terms of reference of the task force will mean that the task force will be unable to complete its work within the time frame set out in the terms of reference of 21 May 2021. Against this background, the task force is requested to finish its work before the end of the first quarter of 2024. At the end of its work, the task force submits a report of the investigation and its results, which must be prepared in such manner that it is suited for publication. However, the task force is requested to submit a report on the status of its investigation during the second half of 2023.

5. The expenses related to the task force and its secretariat are still paid by the Ministry of Justice. On a preliminary and uncertain basis, it is estimated that the additional expenses for the task force will amount to approximately DKK 5-6 million.