**Consolidated Act on Sea Health and Welfare (Handelsflådens Arbejdsmiljø- og Velfærdsråd)**

The Order on Sea Health and Welfare, cf. Consolidated Act no. 70 of 17 January 2014, is hereby promulgated, with the amendments resulting from Section 3 of Act no. 139 of 28 February 2018.

**Section 1.**A private independent institution, Sea Health and Welfare , is established.

*Subsection 2.* The task of Sea Health and Welfare shall be to

1) To take care of and promote measures for the welfare of seafarers at sea and while in port, both at home and abroad, including practical assistance to seafarers left behind on a Danish ship or on a foreign ship in a Danish port, cf. Section 10a(1) of the Seafarers' Employment Act;

2) Promote the physical and mental health and safety of employees;

3) Prevent occupational injuries, including accidents at work, occupational diseases and attrition, among employees of Danish merchant ships;

4) To create and develop the basis for ship safety organisations to address health and safety issues through organised on-board occupational health and safety work, in order to maintain a safe and healthy working environment, consistent at all times with technical and social developments in shipping and in society;

5) Identify and assess the health and safety problems of the merchant fleet in collaboration with the shipping company and the safety organisation;

6) Provide information and guidance on the rules and regulations applicable in the maritime field;

7) Make requests and proposals to the Danish Maritime Authority for changes to the regulations on health and safety conditions on merchant ships;

8) Make proposals and give its opinion on new rules and on individual cases submitted to it by the Danish Maritime Authority;

9) Collaborate and participate in the mutual exchange of information with other authorities and bodies concerned; and

10) Contribute to the collection and revision of statistics on health and safety matters on merchant ships.

*Subsection 3.* To ensure the safety and health of persons working on board, Sea Health and Welfare shall establish an occupational health and safety service under its jurisdiction. The occupational health and safety service is responsible for

1) Identifying and assessing occupational health and safety problems on merchant ships and assisting shipowners, ship management and safety organisations in resolving occupational health and safety issues;

2) Advising shipowners, ship management and safety organisations on the performance and assessment of occupational health measurements;

3) Advising the shipowner, ship management and safety organisation on the procurement, control and use of personal protective equipment;

4) Conducting systematic health screening of particularly vulnerable groups or individuals; and

5) Assisting in training and advice on health, safety and hygiene issues.

*Subsection 4.* Furthermore, Sea Health and Welfare may perform other tasks compatible with the tasks referred to in Subsection 2.

*Subsection 5.* The Danish Minster for Industry, Business and Financial Affairs may lay down detailed rules on the structure, tasks and functions of Sea Health and Welfare, including on documentation and accounting and obtaining a statement from an auditor. The Minister for Industry, Business and Financial Affairs may also lay down detailed rules for the occupational health and safety service as referred to in paragraph 1 for Sea Health and Welfare to establish.

**Section 2.** Sea Health and Welfare shall be governed by a Council and an Executive Board. Seafarers' and shipowners' organisations shall be equally represented on the Council.

**Section 3.** The detailed rules on Sea Health and Welfare and its activities and on the structure, duties, functions and financing of the occupational health and safety service shall be laid down by the Council in the articles of association approved by the Minister for Industry, Business and Financial Affairs.

**Section 4.** The Council shall appoint the Executive Board and shall be responsible for ensuring that the activities of Sea Health and Welfare are carried out properly in accordance with the law and the articles of association.

*Subsection 2.* The Executive Board shall be responsible for the day-to-day management in accordance with the instructions of the Council.

*Subsection 3.* In carrying out the tasks referred to in Section 1(2) and (3), Sea Health and Welfare shall dispose independently of the funds provided pursuant to Section 5. This is also the case with other funds provided to Sea Health and Welfare. Funds raised from seafarers may only be used to provide and promote measures for the welfare of seafarers at sea and while in port, whether at home or abroad.

*Subsection 4.* The management of Sea Health and Welfare shall be obliged, upon request, to provide the Minister for Industry, Business and Financial Affairs with any information concerning the affairs of Sea Health and Welfare.

*Subsection 5.* Sea Health and Welfare shall submit accounts in accordance with the Danish Financial Statements Act.

**Section 5.** The funds for the activities of Health and Welfare, cf. Section 1(2-4), shall be provided by a fee paid for each seafarer employed on a Danish merchant ship, including skippers, and who is insured against the consequences of accidents under the Industrial Injuries Insurance Act. The seafarer pays DKK 0.70 per day and the shipowner DKK 4.02 per day, except that the shipowner's contribution is DKK 0.70 per day for seafarers on ships of less than 20 gross tonnage. However, for seafarers on ships registered in the Danish International Register of Shipping (DIS), the shipowner pays a levy of DKK 5.32 per day.

*Subsection 2.* The levies shall be adjusted annually from 2022 by the Danish Ministry of Finance's index of price and wage developments.

*Subsection 3.* The Council shall determine the payment for special benefits.

*Subsection 4.* The Minister for Industry, Business and Financial Affairs may lay down detailed rules on the financing of Sea Health and Welfare and the occupational health and safety service for Sea Health and Welfare to establish.

**Section 6.** The Minister for Industry, Business and Financial Affairs shall lay down detailed rules for the collection of the tax and may in particular require the shipowner to retain the amount due from the seafarer in their wages or other similar payments. The amounts due to the shipowner and the seafarer are subject to a lien.

**Section 7.** The Minister for Industry, Business and Financial Affairs may, after consultation with the organisations concerned for owners of fishing vessels and for fishermen and after obtaining the opinion of Sea Health and Welfare, determine the extent to which seafarers on fishing vessels shall be covered by this Act.

**Section 8.** If the Minister for Industry, Business and Financial Affairs delegates their powers under the Act to the Danish Maritime Authority, the Minister may lay down rules on access to appeal, including that appeals may not be lodged with a higher administrative authority.

 **Section 8 a.** The Minister for Industry, Business and Financial Affairs may lay down rules to the effect that written communication to and from authorities concerning matters covered by this Act or by rules issued pursuant to this Act must be in digital form.

*Subsection 2.* The Minister for Industry, Business and Financial Affairs may lay down more detailed rules on digital communication, including the use of certain IT systems, special digital formats and digital signatures, etc.

*Subsection 3.* A digital communication shall be deemed to have been delivered when it is accessible to the addressee of the communication.

 **Section 8 b.** The Minister for Industry, Business and Financial Affairs may lay down rules to the effect that the authorities may issue decisions and other documents under this Act or under regulations issued pursuant to this Act without a signature, with a signature reproduced by machine or in an equivalent manner, or using a technique that ensures the unambiguous identification of the person who issued the decision or document. Such decisions and documents shall be treated in the same way as decisions and documents bearing a personal signature.

*Subsection 2.* The Minister for Industry, Business and Financial Affairs may lay down rules to the effect that decisions and other documents taken or issued exclusively on the basis of electronic data processing may be issued only with the indication of the authority concerned as the sender.

**Section 9.** The date of entry into force of the Act shall be determined by the Minister for Industry, Business and Financial Affairs.[2)](https://www.retsinformation.dk/eli/lta/2020/389%22%20%5Cl%20%22id77d590e2-39e2-4a1f-8bf5-352ffdd26624)

*Subsection 2.* At the same time, the Act on Welfare Measures for Seafarers, cf. Consolidated Act no. 576 of 29 September 1988, is repealed.

**Section 10.** The Act shall not apply to the Faroe Islands and Greenland, but may by Royal Decree be brought into force for Greenland with such exceptions as the particular conditions of Greenland may require.

Act no. 212 of 28 March 2001 (Abolition of State funding of television services for seafarers), which concerns Section 1(2) and Section 5(2), contains the following entry into force provision:

**Section 2.**

The Act enters into force on 1 May 2001.

Act no. 304 of 30 April 2003 (Adjustment of seafarers' and shipowners' contributions to the Council), which concerns Section 5(1), contains the following entry into force provision.

**Section 2.**

The Act enters into force on 1 July 2003.

Act no. 622 of 14 June 2011 (Adjustment of the possibility to allow ships registered in the Danish International Register of Ships to be captained by a person who does not have Danish nationality or is covered by EU/EEAS rules on freedom of movement, establishment of a foreign tax deduction for certain Danish seafarers, financial protection of surviving seafarers, implementation of the Protocol amending the SUA Convention, etc.), Section 4 of which concerns Section 1(2), Section 2, Section 4(5) and Section 5(1) and (2), contains the following entry into force provision:

**Section 6**

*Subsection 1.* The Act shall enter into force on 1 July 2011, cf. however, Subsection 2.

*Subsection 2.*(Deleted)

Act no. 1231 of 18 December 2012 (Compulsory digital communication and adjustments resulting from the transfer of powers, etc.), Section 66 of which relates to Sections 8a and 8b, contains the following entry into force and transitional provisions:

**Section 69**

*Subsection 1.* The Act shall enter into force on 1 January 2013.

*Subsection 2.* Administrative regulations issued pursuant to the previous provisions shall remain in force until they are amended or repealed.

Act no. 139 of 28 February 2018 (Merger of Sea Health and Welfare, and the Maritime Health and Safety Council and adjustment of the annual fee for small commercial vessels), Section 3 of which concerns the title of the Act, the insertion of a footnote to the title of the Act, the change of the name 'Merchant Shipping Welfare Council' to 'Sea Health and Welfare', Section 1(1),(3) and (5), Section 2, Section 3, Section 4(1), (3) and (4) and Section 5(1), (2) and (4), contains the following entry into force and transitional provisions:

**Section 4**

*Subsection 1.* The Act shall enter into force on 1 March 2018, cf. however, Subsection 2.

*Subsection 2.*The Minister for Industry, Business and Financial Affairs shall determine the date of entry into force of Sections 1 and 3.[3)](https://www.retsinformation.dk/eli/lta/2020/389%22%20%5Cl%20%22id170a6c12-50f9-4931-965e-54d42a142895)

*Subsection 3.* The Minister for Industry, Business and Financial Affairs may lay down rules to the effect that the merger shall take effect from 1 January 2018.

*Subsection 4.* Regulations made pursuant to section 27(4) of the Maritime Safety Act, cf. Consolidated Act no. 72 of 17 January 2014, shall remain in force until they are repealed or replaced by new regulations.

*The Danish Maritime Authority, 1 April 2020*

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Official notes

[1)](https://www.retsinformation.dk/eli/lta/2020/389%22%20%5Cl%20%22Henvisning_id4d54483c-ff72-4b56-ab13-dcb4442dfe1d) The Act contains provisions transposing parts of Council Directive 2009/13/EC of 16 February 2009 giving effect to the Agreement entered into by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC, Official Journal of the European Union 2009, no. L 124, p. 30, and parts of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the health and safety of workers at work, Official Journal 1989, no. L 183, p. 1, as amended by Regulation (EC) no. 1882/2003 of the European Parliament and of the Council of 29 September 2003, Official Journal 2003, no. L 284, page 1, Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007, Official Journal 2007, no. L 165, p. 21, and Regulation no. 1137/2008/EC of the European Parliament and of the Council of 22 October 2008, Official Journal 2008, no. L 311, page 1."

[2)](https://www.retsinformation.dk/eli/lta/2020/389%22%20%5Cl%20%22Henvisning_id77d590e2-39e2-4a1f-8bf5-352ffdd26624) The Act entered into force on 1 January 1991, cf. Order no. 761 of 15 November 1990.

[3)](https://www.retsinformation.dk/eli/lta/2020/389%22%20%5Cl%20%22Henvisning_id170a6c12-50f9-4931-965e-54d42a142895) Section 3 entered into force on 1 December 2018, cf. Order no. 1344 of 28 November 2018.