

Translation. Only the Danish document has legal validity.

Order no. 1373 of 16 December 2009 issued by the Danish Maritime Authority

Order on approval and quality assurance, etc. of maritime training programmes¹

In pursuance of section 8(1), section 13(1), section 14(2), section 19, section 23(2) and section 24 of Act no. 226 of 22 April 2002 on maritime training programmes and section 4 of the Act on diving operations and diving equipment, etc., cf. Consolidated Act no. 18 of 7 January 2000, as amended by section 4 of Act no. 1173 of 19 December 2003 and section 6 of Act no. 364 of 13 May 2009, and by authority, the following provisions are laid down:

Chapter 1 *Scope of Order*

Section 1. This Order shall apply to all training offered pursuant to the Act on maritime training programmes.

Chapter 2 *Definitions*

Section 2. For the purposes of this Order, “audit” shall mean an inspection where the Danish Maritime Authority checks that a supplier of maritime training programmes meets the provisions in force pursuant to the Act on maritime training programmes.

Subsection 2. “Training” shall mean any teaching sequence arranged to provide the participant with knowledge, competencies and/or skills established by regulations, guidelines, descriptions of objectives and goals laid down pursuant to the Act on maritime training programmes. Training shall cover both rather long teaching sequences and short courses, irrespective of whether they are carried out as basic, further or supplementary training.

Chapter 3 *Approval and supervision*

Section 3. In order to offer a training programme covered by section 2 of the Act on maritime training programmes or section 4 of the Act on diving operations and diving equipment, the supplier shall be approved for this purpose.

Subsection 2. The Danish Maritime Authority may approve a supplier for offering a given training programme when the Danish Maritime Authority finds that the training programme is carried out in compliance with:

- 1) the objectives and goals and other provisions laid down for the relevant training programme;
- 2) the Danish Maritime Authority’s quality management standard for the maritime training programmes contained in Annex 1; and

¹ This Order contains provisions implementing parts of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

- 3) other provisions laid down for maritime training programmes, including provisions on marking and evaluation.

Subsection 3. An approved supplier may arrange for a minor part of the training programme being carried out at another institution (outsourced teaching) without this having the Danish Maritime Authority's independent approval when

- 1) the outsourced teaching forms a minor part of the approved training programme and has the form of a short course of up to one week's duration; and
- 2) the approved supplier ensures that the conditions under subsection 2 are observed.

Section 4. A supplier requesting approval under section 3 shall file an application with the Danish Maritime Authority to this effect. The application shall contain an account of how the supplier will meet the conditions of section 3(2).

Subsection 2. When the Danish Maritime Authority receives an application for approval of a course supplier, the Danish Maritime Authority shall forward a receipt to the applicant informing him about the following:

- 1) the time-limit for considering the application;
- 2) that the applicant may consider a temporary approval granted if the Danish Maritime Authority does not forward a reply within the expiry of the time-limit; and
- 3) the possibility of appeal.

Section 5. The Danish Maritime Authority shall make decisions about a temporary approval of a supplier no later than 3 months after having received the application on the condition that the necessary information is available.

Subsection 2. It shall be possible to extend the time-limit stipulated in subsection 1 once under special circumstances that justifies this. The Danish Maritime Authority shall give a reason for the time-limit and inform the applicant about the duration of the time-limit within the expiry of the time-limit stipulated in subsection 1.

Subsection 3. If the Danish Maritime Authority has not given the applicant an answer within the time-limits stipulated in subsections 1 and 2, the applicant may consider the request temporarily approved (tacit acceptance), cf. section 4(2).

Section 6. The Danish Maritime Authority may not make a final assessment of compliance with section 3(2) and approve the supplier until an audit has been carried out to verify the information provided by the applicant. However, the Danish Maritime Authority may, without having carried out an audit, grant a temporary, limited approval for suppliers who have already been approved for another maritime training programme. This may occur when the Danish Maritime Authority assesses that the new training activity is comparable to the one already approved and when it is clear from the application that the conditions of section 3(2) are met.

Subsection 2. The Danish Maritime Authority shall issue a certificate of approval. The certificate shall list the training programmes which the supplier is approved to carry out. The certificate shall be made in Danish with a translation into English.

Section 7. In order to maintain the approval, the supplier shall be audited by the Danish Maritime Authority, cf. section 2(1), and shall prove that the conditions of approval are still met.

Subsection 2. The Danish Maritime Authority shall determine the extent of as well as the time and deadline of audits.

Subsection 3. After having completed the audit, the Danish Maritime Authority shall inform the supplier in writing whether the approval is maintained. This information shall be given in Danish with a translation into English and shall be kept together with the certificate of approval.

Subsection 4. The Danish Maritime Authority may request external bodies to carry out quality control or evaluation of training programmes and teaching.

Subsection 5. On the basis of a quality control or evaluation under subsection 4, the Danish Maritime Authority may order a supplier to follow up on recommendations and non-conformities as a condition for maintaining the approval.

Subsection 6. If a supplier no longer wants to maintain the approval for a training programme or course, the Danish Maritime Authority shall be informed of this as soon as possible.

Subsection 7. If non-conformities with the conditions for the approval laid down by the Danish Maritime Authority are identified, the Danish Maritime Authority may:

- 1) order the supplier to take specific initiatives and actions that are necessary to comply with the conditions and decide when they shall have been carried out;
- 2) order the supplier to forward an action plan for how to rectify the conditions within a time-limit determined by the Danish Maritime Authority; or
- 3) decide that one or more audits are necessary to check compliance with the conditions of approval.

Section 8. If the Danish Maritime Authority, following an overall assessment, finds that a supplier does not meet the conditions of approval, cf. section 3(2), and does not meet the order to rectify this within a determined time-limit, cf. section 7(7), the approval shall be withdrawn.

Section 9. The Danish Maritime Authority may approve a supplier of a training programme in accordance with the Danish Maritime Authority's quality management standard for the maritime training programmes, regardless whether the relevant training institution does not offer a training programme covered by section 2 of the Act on maritime training programmes.

Subsection 2. Suppliers approved under subsection 1 shall be approved pursuant to section 3(2), item 2. The provisions of sections 4-8 shall also apply in this connection.

Subsection 3. A supplier approved under sections 5, 6 or 8 for offering training programmes shall inform the participants that the Danish Maritime Authority has made the approval and inform the participants about the contact points of the Danish Maritime Authority.

Chapter 4

Payment for approval and supervision

Section 10. The Danish Maritime Authority shall request payment for covering its expenses in connection with approvals under section 3.

Subsection 2. The Danish Maritime Authority shall request payment for approvals under section 9 in accordance with the regulations on State income-generating activities.

Subsection 3. Suppliers who receive State subsidies for the approved training activity shall be exempted from payment under subsections 1 and 2. However, a supplier shall cover the expenses that the Danish Maritime Authority may incur in connection with the supervision of the parts of training programmes carried out as outsourced teaching, cf. section 3(3).

Chapter 5
Consideration of appeals

Section 11. Appeals against decisions made by approved suppliers in connection with training programmes offered pursuant to section 2 of the Act on maritime training programmes shall be forwarded to the Danish Maritime Authority when the appeal concerns training-related conditions, including evaluations. The appeal shall be passed on to the supplier who shall, within a time-limit of 2 weeks, make a statement. The complainant shall have the opportunity to comment on the statement within 1 week. The supplier shall forward the appeal, the statement and the complainant's comments, if any, to the Danish Maritime Authority.

Subsection 2. The time-limit for filing an appeal under subsection 1 shall be 2 weeks from the day when the complainant was informed of the decision.

Subsection 3. The Danish Maritime Authority shall make the final decision in such cases.

Chapter 6
Entry into force

Section 12. This Order shall enter into force on 28 December 2009.

Subsection 2. Order no. 770 of 5 July 2006 on the approval and quality assurance, etc. of maritime training programmes shall be repealed.

Danish Maritime Authority, 16 December 2009

Sune Rahn / Pernille Trojahn Kristiansen

**Quality assurance standards for the maritime training programmes,
version 4 of 1 August 2006**

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1. General

1.1. Background

The maritime training programmes shall, at any time, train and educate as relevant to the needs of the maritime industries. This requires, among other things, that the training programmes – the contents and form of the teaching – are developed, improved and adjusted on an ongoing basis in a dynamic process.

In order for this to happen, the suppliers shall, in close cooperation with the industry, companies and employed persons, be responsible for the process. This means that the responsibility for the planning, implementation and evaluation of each individual training sequence is placed with the institution.

The quality system is a tool intended to ensure that all training is focused and planned and is always evaluated with a view to improvements.

Furthermore, it is evident from regulation I/8 as well as section A-I/8, Quality Standards, of the STCW Convention that maritime training shall be carried out in accordance with a quality system. A quality system according to this standard complies with this Convention requirement.

1.2 Application

The requirement for a quality system applies to all training which, pursuant to the Act on maritime training programmes, is laid down by the Danish Maritime Authority. It is a condition for offering these training programmes that the training institution has established a quality system complying with this standard.

Approval in accordance with this standard gives the supplier the right to write the following on course certificates, writing paper, in course catalogues, etc.:

“Certified by Danish Maritime Authority in accordance with DMA’s standard for quality management of maritime training and education.”

“Godkendt i henhold til Søfartsstyrelsens standard for kvalitetsstyring af maritim uddannelse.”

The Danish Maritime Authority shall keep a record of suppliers of training programmes approved according to this standard.

2. Quality objective and policy

2.1 Training planning

For all training, a training plan shall be available containing the described objective, goal and any special requirements or guidelines, including qualification requirements.

The training plan may have been issued by authorities, for example in an Act or an Order, or by a company using a training service. Where a training plan is not available, the supplier shall, on the basis of customer requests or specifications or on the basis of own objectives and policies, draw up the training plan.

The supplier shall establish and maintain procedures for handling and verifying the development of the training plan and compliance with the objectives and goals in accordance with the requests or specifications stated.

On the basis of the training plan, the management shall:

- define its quality objectives and policy for the training programme. The quality objective and policy shall be of relevance to the training programme and the statutory basis;
- ensure and verify that the quality objective and policy is understood and implemented at all levels.

2.2 Implementation planning

The supplier shall plan the implementation of the training programme, and also:

- systematically divide the training programme into modules or subjects covering all the objectives and goals determined within the established framework;
- define relevant partial objectives for the various levels of the training programme;
- plan a satisfactory evaluation of the participants’ compliance with the objectives and goals;

The planning shall be documented and published. This may, for example, have the form of curriculums, study manuals, course programmes and the like.

3. Responsibility and organisation

3.1 General

The responsibility, including the educational responsibility, the powers and the interrelationship of all staff managing, carrying out and verifying work influencing the quality of the training programme shall be defined and documented.

The responsibility and powers of the staff may typically be documented in job descriptions.

3.2 Quality coordinator

The management shall designate a person (“quality coordinator”) who shall, without consideration of other tasks, have defined powers to:

- build-up, implement and maintain the quality system; and
- report to the management with a view to evaluating and improving the quality system.

4. Evaluation

4.1 Management evaluation

The management shall, on an ongoing basis, evaluate the quality system and assess its efficiency to ensure its suitability to comply with the objective and policy. The system shall be examined at least once a year.

The evaluation of the system should contain:

- non-conformities;
- proposals for improvements;
- up-dates of the system in consideration of new acts, regulations, orders, textbook material, contact with the industry, etc.;
- internal and external audit reports;
- external evaluation reports;
- recordings concerning the students such as student progress;
- satisfaction measurements from students, employees and future employers with documented follow-up;
- examination and other evaluation results;
- quality measurements, including quality index;
- overall assessments whether the educational objectives are met;
- overall assessments of compliance with quality objectives and policies;

As a part of the evaluation, the management shall implement the necessary measures with the purpose of continuously developing and improving the training programmes.

The evaluation of the management shall be documented.

4.2 Teaching evaluation

The teacher shall evaluate the teaching on an ongoing basis to ensure its suitability, efficiency and compliance with the objectives established.

After having completed any training sequence, the students shall evaluate the teaching.

After having completed any training sequence, the teacher shall document the evaluation, and the evaluation shall contain at least the following:

- non-conformities with the planned sequence;
- proposals for improvements;
- assessment of the efficiency of the teaching, i.e. whether the training objectives were met;
- the students' evaluation of the teaching;
- proposals for updating and improving the training programme or the teaching in consideration of new acts, regulations, orders, textbook material, contact with the industry, etc.

4.3 Participant evaluation

In a training sequence, it shall be evaluated on an ongoing basis whether the participant acquires the knowledge, the competencies and/or skills that are given in the teaching plan drawn up in accordance with the descriptions of the training programme's objectives and goals. An ongoing evaluation may, for example, be made on the basis of:

- written and oral exam answers;
- observations of actions and behaviour;
- student progress;
- conversation.

The participant should be informed about his level of achievement in accordance with the ongoing evaluation and should be advised about any necessary improvement measures.

At the completion of any training sequence, it shall be finally assessed whether the participant has acquired the knowledge, competences and/or skills laid down in the descriptions of the training programme's objectives and goals. The evaluation shall be individual and the participant shall be informed about his level of achievement.

There shall be procedures ensuring that the evaluation is planned, carried out and documented. It shall be ensured that the form and contents of the evaluations are in accordance with the objectives and goals of the training programmes as well as the arrangement of the teaching.

5. The quality system

5.1. General

The management shall be responsible for establishing, documenting, implementing and maintaining a quality system ensuring and documenting that the objectives and goals of the training programme are met within the given regulations and guidelines.

5.2. Structure of the quality system

There shall be an overall quality handbook describing how the requirements for the quality system are met, including quality objective and policy, as well as a description of the organisation and the responsibility.

There shall be a number of procedures that are in compliance with these guidelines and the management's objective and goal for the teaching.

It is possible to divide the procedures into the following sections:

- 1) Purpose. *Short description of the background and purpose of the procedure.*
- 2) Application/scope. *Where, when and to whom does the procedure apply?*
- 3) Definitions. *Abbreviations and concepts requiring elaborative explanation.*
- 4) Basis, references and annexes. *References to national/international provisions, other procedures, annexes, etc.*
- 5) Recordings.
- 6) Procedure.
- 7) Responsibility.

Examples of the structure of the training institution's quality system:

QUALITY HANDBOOK

OBJECTIVE AND POLICY

ORGANISATION AND RESPONSIBILITY

PROCEDURES

OPERATIONAL

ADMINISTRATIVE

INSTRUCTIONS

CURRICULUM

TRAINING PLANS

TEACHING PLANS

ACTS AND ORDERS

CIRCULARS

MANUALS

SAFETY INSTRUCTIONS

6. Document and data management

6.1 General

The supplier shall have documented procedures for managing all the documents of importance to the quality of the training programme. An overview indicating the revision numbers and date to establish the valid version of the quality documentation shall be established ("document control").

Examples of documents of importance to the training programme may be:

- curriculums;
- training plans;
- textbooks and handbooks;
- course manuals and programmes;
- planning forms for evaluating the participants;
- teaching and sequence plans;
- evaluation forms;
- checklists;
- certificates and course certificates;
- information about students;

- information about employees;
- rules and regulations;
- audit reports;
- proposals for improvements and non-conformity reports.

It shall be ensured that:

- the quality documentation has been unambiguously approved;
- all relevant documents of importance to the training programme are updated and maintained;
- relevant versions of the documents are available to all relevant persons; and
- invalid and/or outdated documents are removed or clearly marked.

Each page of the quality documentation shall have a “header” that, as a minimum, contains the following:

- Title and number;
- date of publication and revision number, if relevant;
- date of latest version;
- responsibility (name or initials);
- approval (name or initials).

7. Process control (instructions and procedures)

7.1 General

All processes directly affecting the quality of the training programme shall be identified and planned. It shall be ensured and documented that these processes are carried out under managed conditions.

7.2 Procedures

In order to ensure and document that the objectives and goals of the training programme are met, there shall be procedures for the following:

- the planning of the implementation of the training programme (cf. item 2.2); and
- the planning of the teaching, including:
 - the sequence of the teaching;
 - the choice of teaching methods;
 - the choice of teaching means and materials;
 - evaluation;
 - marking.

Furthermore, there shall be procedures for the following activities:

- credit approval;
- procedures for the use of equipment (safety, etc.);
- document and data management;
- updating of teaching material;
- relevant safety procedures;
- the management’s evaluation of the quality system, including internal audits and relevant quality measurements;

- evaluations in connection with the teaching;
- reporting and management of non-conformities and proposals for improvements;
- corrective and preventive actions;
- recording, certification and certificate issuance;
- qualification requirements of the employees.

8. Internal audits

8.1 General

Documented procedures shall be established and maintained for internal quality audits carried out to verify that the training programme meets the training plans and other guidelines and are carried out in accordance with the quality objectives and policies. The internal audit is part of the management's evaluation (cf. item 4.1).

The internal audit shall, among other things, verify:

- that the quality system has been implemented;
- that the training and teaching plans are followed;
- that follow-ups and corrections are made in accordance with the non-conformities identified, proposals for improvements, evaluations, new guidelines, etc.

The management shall be responsible that corrective actions and follow-ups on defects identified during audits are carried out within the time stated.

9. Reporting and management of non-conformities or proposals for improvements

9.1 General

Documented procedures shall be established and maintained for the reporting and management of non-conformities and/or proposals for improvements that may arise in connection with, for example:

- teaching;
- marking;
- project work;
- evaluation;
- safety conditions;
- the teaching environment.

9.2 Non-conformities and proposals for improvements

A non-conformity is defined as lacking compliance with specified requirements, such as an incident contrary to the quality system or an observation contrary to the training plan or the guidelines for the training programme.

A non-conformity may, for example, be:

- contravention of provisions on evaluation, such as a lack of an ongoing evaluation;
- a lack of teaching planning;
- a lack of implementation of evaluations or follow-ups;
- the participants' lack of the qualifications necessary to be admitted to the training programme.

9.3 Reporting

All employees as well as participants shall be able to report identified non-conformities and/or proposals for improvements to a specified contact person, such as the quality coordinator. This contact person shall be responsible for evaluating the report and informing the management about the reported non-conformity and/or proposals for improvements.

10. Corrective and preventive actions

Documented procedures shall be established and maintained for the implementation of corrective and preventive actions (such as procedures for improving and optimising the system).

The procedures shall, among other things, cover:

- efficient consideration of complaints from teachers, participants or future employers;
- investigation of the reason for the non-conformity as well as recording of the result;
- securing that the corrective actions are implemented effectively; and
- securing that all information about corrective and preventive actions are forwarded to the management and the Danish Maritime Authority, if relevant.

11. Management of recordings and certification

Documented procedures shall be established and maintained for identification, collection, recording, data access, filing, storage, etc. for all recordings concerning the training programme and the quality system.

The recordings shall, among other things, cover:

- evaluation reports and forms;
- certificates and course certificates;
- supplementary training of teachers.

12. Danish Maritime Authority's quality audits

12.1 General

The Danish Maritime Authority shall approve and verify, through audits on the basis of the supplier's quality system, that the training programme is carried out in accordance with the objectives and goals as well as other provisions laid down for the relevant training programme.

The Danish Maritime Authority shall lay down procedures for audits, covering an approval audit (implementation audit) as well as subsequent audits in order to verify on an ongoing basis compliance with these guidelines and other conditions of approval.

The Danish Maritime Authority's audits shall, among other things, verify:

- that the participants are evaluated and trained in accordance with the objectives and goals of the training programme;
- that the supplier implements and develops the quality objective and the policy for the training programme and maintains the quality system in accordance herewith;

- that the supplier uses and develops the qualifications and competencies of the teachers on the basis of the professional level of the training programme.

12.2 Performance of the Danish Maritime Authority's audits

Audits are carried out in accordance with an audit plan determined by the Danish Maritime Authority.

The Danish Maritime Authority shall appoint auditors for carrying out external audits.

Upon completion of the audit, the Danish Maritime Authority draws up an audit report, which, among other things, contains:

- non-conformity reports;
- auditor recommendations; and
- conclusions.

The audit report shall be forwarded to the supplier and is available to the general public.

12.3 Follow-up

The supplier shall on the basis of the audit report:

- carry out corrective actions for non-conformities identified at audits within the time-limits agreed;
- evaluate the recommendations.

12.4 Issue of certificates

The Danish Maritime Authority shall issue certificates for compliance with these guidelines on the basis of approval audits.

Certificates shall be supplemented by an annex stating the training programmes and courses that the training institution is approved to carry out.

13. Training of employees

Suppliers shall ensure that teachers are qualified for the relevant teaching.

Documented procedures shall be established and maintained for:

- identification of the quality requirements for the teachers;
- training of all employees having an influence on the quality of the training programme.

The training programme may, for example, cover:

- student navigation (visiting student service);
- visits to ships and yards;
- courses and seminars;
- qualifying training sequences.

14. Safety and the environment

14.1 School and training ships

School and training ships shall implement a safety management system in accordance with SOLAS, chapter IX, IMO Resolution A.741(18), International Safety Management System – ISM Code.

In addition, the ships shall comply with all the special Danish regulations on safety and occupational health at sea, cf. “De Danske Søfartslove” (Danish maritime regulations) and “Meddelelser fra Søfartsstyrelsen” (Notices from the Danish Maritime Authority).

14.2 Shore-based training institutions

Documented procedures shall be established and maintained for safety and occupational health during the training programme.

All areas where the participant may be exposed to a safety risk under workplace equivalent conditions shall be identified and procedures shall be drawn up for safety measures in this field.

These shall, among other things, include:

- fire-fighting/smoke-diver training;
- laboratory work;
- boat drills;
- paint and workshop activities.

The procedures shall contain a cross-reference to any external requirements from, for example, the Danish Working Environment Authority.