

Translation. Only the Danish document has legal validity.

Order no. 290 of 20 March 2013 issued by the Danish Maritime Authority

Order on the qualification requirements of cooks not holding a Danish certificate of competency as a ship's cook in order to serve as a ship's cook on merchant ships registered in the Danish International Ship Register¹

In pursuance of section 8(3), section 18(2), section 24b, section 24d, section 24f, section 24g and section 25(4) of the act on the manning of ships (*lov om skibes besætning*), cf. consolidated act no. 168 of 27 February 2012, as amended by act no. 493 of 12 May 2010 and act no. 478 of 30 May 2012, and by authority, the following provisions are laid down:

Part 1

Qualifications for certificates of endorsement

Section 1. In ships registered in the Danish International Ship Register (DIS) persons may serve in prescribed positions as ship's cooks without holding a Danish certificate of competency as a ship's cook if they hold a valid certificate of endorsement pursuant to this order.

Section 2. Certificates of endorsement may be issued to persons who are able to document apprenticeship in the cooking profession for 48 months, at least 24 months of which shall have been on board seagoing ships, cf. however section 8.

Subsection 2. Certificates of endorsement may also be issued to persons who are able to document:

- 1) satisfactory completion of a cook training programme;
- 2) service as a cook on board a seagoing ship for at least five months following completion of a cook training programme; and
- 3) having passed the test described in section 4, cf. however section 4(2).

Subsection 3. Persons applying for a certificate of endorsement pursuant to subsections 1 and 2 shall, furthermore, hold:

- 1) a health certificate valid for the position in which the holder is to serve on board; and
- 2) documentation of having passed a course meeting the requirements of regulation VI/1 of the STCW Convention (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers) and section A-VI/1, paragraph 2, of the STCW Code on "Basic training".

Section 3. The cook training programme pursuant to section 2(2) shall have been completed in a country:

- 1) that has ratified the Maritime Labour Convention (MLC) or ILO Convention no. 69 on the issue of certificates of competency to ship's cooks; and
- 2) that the IMO Maritime Safety Committee and the European Commission have informed that the certificate issuing country through its informative material has stated that it has fully and completely implemented the STCW Convention.

¹ This order contains provisions implementing parts of Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded 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 2009, no. L 124, pp. 30-50.

Subsection 2. An overview of the countries mentioned in subsection 1 shall be available from the webpage of the Danish Maritime Authority.

Section 4. The form and contents of the test mentioned in section 2(2)(iii) shall be determined by the Danish Maritime Authority. The test shall consist of an operational interview ensuring that the necessary competences as a ship's cook are met within the fields of practical cooking, food hygiene, personal hygiene, the storage of food, stores control as well as environmental protection, health, nutrition and food safety.

Subsection 2. The Danish Maritime Authority may grant exemptions from the requirement to complete a test when the Danish Maritime Authority has special, detailed knowledge about the training and certificate issuing system of the certificate issuing country or about the training institution where the holder of the certificate has completed the training programme. The Danish Maritime Authority shall publish on its webpage in which cases it shall be possible to grant exemptions from the requirement to complete a test and, after having consulted the seafarer and shipowner organisations that the issue concerns, how such especially detailed knowledge is acquired.

Part 2

Application and issue

Section 5. Applications for being issued with a certificate of endorsement for foreign ship's cooks shall be forwarded to the Danish Maritime Authority, using a special form available from the webpage of the Danish Maritime Authority, cf. however section 9. Applications shall be forwarded by the shipping company that would like to engage the person concerned as a ship's cook, cf. however section 8(2).

Subsection 2. The application shall be accompanied by a statement from the shipping company that it will engage the person concerned as a ship's cook on board a ship registered in the Danish International Ship Register, cf. however subsection 8(2).

Section 6. Applications will be considered in accordance with order no. 575 of 1 June 2011 on the recognition of professional qualifications, etc., as amended.

Section 7. A certificate of endorsement shall be issued with a validity of no more than five years. However, a period of validity shall not exceed a possible date of expiry of a foreign certificate as a ship's cook or other endorsements.

Subsection 2. A foreign certificate of recognition or endorsement shall not be used as the basis for the issue of a Danish certificate of endorsement.

Part 3

Especially for persons meeting the EU directive on the recognition of professional qualifications

Section 8. Persons meeting the provisions of the EU directives on the introduction of general arrangements on mutual recognition of examination certificates for qualifying training programmes, cf. consolidated act no. 189 of 12 February 2012 on access to perform certain professions in Denmark, may forward applica-

tions for performing as a ship's cook accompanied by appropriate documentation directly to the Danish Maritime Authority.

Subsection 2. The application shall be accompanied by the following:

- 1) proof of nationality, such as a copy of an ID card or passport;
- 2) a certificate of authorisation or any other certificate of qualification providing access to the profession (if the profession is regulated in the country of the applicant);
- 3) training certificates of relevance to the applicant's profession;
- 4) the applicant's contact details: first name and surname, address, telephone number and e-mail address, if relevant. If somebody else than the applicant forwards the documents, for example a company forwarding documents on the applicant's behalf: the name, address, telephone number and e-mail address, if relevant, of the submitter;
- 5) medical certificate of physical and mental health;
- 6) original certificate of competency;
- 7) documentation of duration of service.

Subsection 3. The provisions of sections 2, 5, 7 and 14 shall not apply to persons covered by subsection 1.

Part 4

Transfer of powers

Section 9. The Danish Maritime Authority may authorise a company, institution or person holding a Danish certificate of competency as a ship's cook to carry out the test pursuant to section 2(2)(iii) on the condition that the company or the institution:

- 1) is not engaged in recruitment services;
- 2) has in-depth knowledge of the cook training programme and the requirements made on ship's cooks; and
- 3) can carry out operational tests in a satisfactory manner in accordance with the guidelines of the Danish Maritime Authority.

Section 10. In order to keep the authorisation pursuant to section 10, the company, institution or ship's cook shall be audited by the Danish Maritime Authority. During this audit, the company, institution or the ship's cook shall prove that the conditions for being authorised are still met.

Subsection 2. The Danish Maritime Authority may impose specific initiatives and actions on the company, institution or ship's cook that are necessary to meet the conditions of the authorisation and decide when they shall have been implemented.

Subsection 3. If the Danish Maritime Authority, based on an overall consideration, estimates that a company, institution or ship's cook does not meet the conditions of the authorisation and does not follow orders to rectify this within a fixed deadline, the approval shall be withdrawn.

Subsection 4. The Danish Maritime Authority may acquire information from the company, institution or ship's cook about all conditions pertaining to the test mentioned in section 2(2)(iii), including about the qualifications and equipment of the tester, for use when carrying out inspection and quality assurance.

Part 5

Withdrawal of certificates of endorsement

Section 11. The Danish Maritime Authority shall withdraw a certificate of endorsement if the holder – through the service on board – has presented a direct threat to human lives or if it is – due to the mental or bodily state of the holder – considered reckless to let the person concerned continue to function in the position for which the endorsement entitles him.

Subsection 2. The certificate of endorsement may also be withdrawn if the basis of the issue has been wrong so that the conditions of keeping the endorsement were not present at the time of the application and are still not present.

Subsection 3. If the holder of a certificate of endorsement is still employed on board a ship belonging to the shipping company concerned, the shipping company shall be responsible for handing over a withdrawn certificate to the Danish Maritime Authority.

Subsection 4. When it has been decided to withdraw a certificate of endorsement, the Danish Maritime Authority shall inform the certificate issuing country about the decision.

Part 6

Service without a certificate of endorsement

Section 12. Service in a position for which a certificate of competency as a ship's cook is prescribed shall be permitted without an endorsement for a period of no more than three months – however not for longer than the duration of the engagement – if:

- 1) the country in which the cook training programme has been completed is mentioned on the list mentioned in section 3(2);
- 2) the conditions for the annulment of the test requirements stipulated in section 4(2) are met; and
- 3) an application for a certificate of endorsement as mentioned in section 2 has been forwarded to the Danish Maritime Authority in accordance with the guidelines in force and receipt hereof has been confirmed by the Danish Maritime Authority before commencing service.

Part 7

Complaint provisions, etc.

Section 13. The person concerned by decisions made by the Danish Maritime Authority pursuant to section 2(1) and (2), section 8(1), section 9 and section 10(3) may bring these decisions before the Danish Shipping Tribunal established pursuant to the act on safety at sea (*lov om sikkerhed til søs*).

Subsection 2. The decision by the Danish Maritime Authority to withdraw a certificate of endorsement pursuant to the provisions of section 8(1) and (2) may be brought before the Danish Shipping Tribunal by the holder or the shipowner.

Subsection 3. The time-limit for complaining about the decisions mentioned in subsections 1 and 2 shall be 4 weeks. The Danish Shipping Tribunal may disregard this time-limit for special reasons.

Part 8
Fees

Section 14. A fee of DKK 500 shall accompany the application for a certificate of endorsement.

Subsection 2. Applications shall be considered when the fee mentioned in subsection 1 has been paid to the Danish Maritime Authority.

Subsection 3. In connection with tests before the Danish Maritime Authority pursuant to section 2(2)(iii) or before an authorised company pursuant to section 10, a separate fee may be required the size of which shall be determined by the Danish Maritime Authority on the basis of the scope and holding of the test.

Subsection 4. In connection with requests pursuant to section 4(2), the Danish Maritime Authority may require payment for covering its expenses for investigations, including any necessary inspections on the spot.

Part 9
Entry into force

Section 14. This order shall enter into force on 20 August 2013.

Subsection 2. Persons who have acquired a right to work as a prescribed cook on board Danish ships pursuant to section 8(2) of the act on the manning of ships (*lov om skibes besætning*) before the entry into force of the act shall keep this right.

Subsection 3. Persons covered by subsection 2 shall be considered to meet the requirements stipulated in the order for the issue of certificates of endorsement that the persons concerned shall hold.

Subsection 4. The Danish Maritime Authority may consider applications, receive fees, etc. and issue certificates of endorsement pursuant to this order from 16 April 2013.

Danish Maritime Authority, 20 March 2013
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