

Consolidated act on the manning of ships¹

Hereby the act on the manning of ships is promulgated, cf. consolidated act no. 168 of 27 February 2012 with the amendments following from section 3(ii) and (iii) of act no. 493 of 12 May 2010, section 1 of act no. 478 of 30 May 2012, section 60 of act no. 1231 of 18 December 2012 and section 4 of act no. 1384 of 23 December 2012.

The amendment deriving from section 3(i) of act no. 493 of 12 May 2010 has not been incorporated into this consolidated act since the amendment has subsequently been repealed, cf. section 4 of act no. 478 of 30 May 2012.

Part 1

Scope of the act, etc.

Section 1. This act shall apply to Danish ships, except warships and troop carriers.

Section 2. For the purposes of this act, the following definitions shall apply:

- 1) “Merchant ship”: Any ship with the exception of fishing vessels and pleasure craft.
- 2) “Passenger ship”: A ship carrying more than 12 passengers.
- 3) “Cargo ship”: A merchant ship which is not a passenger ship.
- 4) “Fishing vessel”: A vessel whose certificate of nationality is provided with a port registration number.
- 5) “Pleasure craft”: A ship which is not used for commercial purposes. In case of doubt, the Danish Maritime Authority shall decide whether a ship is to be considered a pleasure craft.
- 6) “Seagoing ship”: A ship used on voyages outside ports, rivers, lakes or similar sheltered waters.
- 7) “STCW Convention endorsement”: Certificate of competency or recognition certificate drawn up in accordance with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (the STCW Convention).
- 8) “STCW-F Convention endorsement”: Certificate of competency or recognition certificate drawn up in accordance with the provisions of the International Convention on Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (the STCW-F-Convention).
- 9) “Gross tonnage”: The gross tonnage (GT) indicated at any time in the tonnage certificate of the ship, rounded down without decimals.
- 10) “Length”: The length of the ship measured in accordance with the act on the tonnage measurement of ships (*lov om skibsmåling*) and as indicated in the tonnage certificate of the ship.

¹ This act contains provisions implementing parts of directive 2005/36/EC of the European Parliament and of the Council of 27 September 2005 on the recognition of professional qualifications, Official Journal 2005, no. L 255, p. 22. Furthermore, the act contains provisions implementing parts of Council directive 2009/16/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. 30-40.

- 11) “Propulsion power”: The total maximum continuous rated power in kilowatts (kW) rounded down without decimals of all main propulsion machinery. The performance shall be fixed by the Danish Maritime Authority on the basis of the test-bed forms of the engine manufacturer and shall be stated in the safe manning document.
- 12) “Near-coastal voyages”: Trade in the North Sea east of 3 degrees eastern longitude and south of 62 degrees northern latitude, trade in the Baltic Sea as well as trade along the coasts of Greenland at a distance of not more than 30 nautical miles from the coast (the base line).
- 13) “Trade in limited waters”: Trade south of 62 degrees northern latitude, north of 48 degrees northern latitude and east of 12 degrees western longitude, trade in the Baltic Sea, trade at the Faroe Islands and the Faroe Bank as well as trade along the coasts of Greenland at a distance of not more than 200 nautical miles from the coast (the base line).
- 14) “International trade”: Trade between a Danish and a foreign port or between two foreign ports as well as trade between Denmark and the Faroe Islands or Greenland and trade between the Faroe Islands and Greenland.
- 15) “Domestic trade”: All trade other than international trade.

Section 3. There shall be a master on every ship, and in addition there shall be the safe manning required for the purpose of safety of life at sea.

Part 2 *Merchant ships*

Section 4. Passenger ships (irrespective of size), cargo ships of 20 gross tonnage or more as well as cargo ships of less than 20 gross tonnage in international trade shall be provided with a certificate issued by the Danish Maritime Authority specifying the safe manning required.

Subsection 2. As regards ships of less than 20 gross tonnage in domestic trade, the safe manning may be fixed for groups of ships and, instead of issuing a certificate as described in subsection 1, notice about the fixed safe manning may be given by publication in Notices from the Danish Maritime Authority.

Section 5. For passenger ships (irrespective of size), for cargo ships of 20 gross tonnage or more and for cargo ships of less than 20 gross tonnage in international trade, the safe manning shall be fixed by the Danish Maritime Authority. For cargo ships of less than 20 gross tonnage in domestic trade the Danish Maritime Authority may fix the safe manning if warranted for the purpose of safety of life at sea.

Subsection 2. The safe manning shall be fixed for each individual ship taking into consideration the type of ship, design, equipment, use and area of operation so that the size and composition of the crew will make it possible to cover all tasks of importance to the safety of the ship and those on board, including

- 1) maintenance of safe watchkeeping on the bridge and in the engine room;
- 2) operation and maintenance of live-saving appliances;
- 3) operation and maintenance of damage control equipment, fire-fighting equipment and communication equipment;
- 4) other safety-related maintenance and cleaning activities;
- 5) mooring operations;

6) food provisioning and sanitary conditions.

Subsection 3. When determining the safe manning, account shall also be taken of the watch arrangements on board, shift work, the actual working hours of the individual categories of crew, applicable rules on rest periods and the use of general purpose crew.

Subsection 4. The safe manning may include persons with a different training background if the training is comparable with the training prescribed by or under the provisions of this act.

Section 6. Masters as well as navigation and engineer officers shall hold a Danish certificate of competency.

Subsection 2. The certificates in original form shall be kept on board and shall be provided with an STCW Convention endorsement either in accordance with regulation VII of the STCW Convention as stated in the safe manning document of the ship or in accordance with the tables below:

Masters and navigation officers

Ships of less than 500 gross tonnage on near-coastal voyages

Gross tonnage	Master	Mate
20-99	Master (home trade) (STCW reg. II/3 as master)	Certificate of competency in sailing (STCW reg. II/3 as watch-keeping officer)
100-199		Second hand (STCW reg. II/3 as watch-keeping officer)
200-499		Mate, 4 th class (STCW reg. II/3 as watch-keeping officer)

Other ships

Gross tonnage	Master	Chief mate	Other mates
20-2990	Master (restricted) (STCW reg. II/2 as master)	Mate, 3 rd class (STCW reg. II/2 as chief mate)	Mate, 3 rd class, or officer in charge of a navigational watch (STCW reg. II/1 as watch-keeping officer)
3000 or more	Master (STCW reg. II/2 as master)	Mate, 1 st class (STCW reg. III/3 as chief mate)	

Engineer officers

Propulsion power (kW)	Chief engineer officer/sole engineer officer	Second engineer officer	Other engineer officers
100-749	Certificate of competency in motor operation		
750-2999	Mechanist, 1 st class (STCW reg. III/3 as chief engineer)	Mechanist, 2 nd class (STCW reg. III/3 as 2 nd engineer)	Mechanist, 2 nd class, or watch-keeping engineer officer (STCW reg. III/1 as watch-keeping officer)
3000 or more	Chief engineer officer (STCW reg. III/2 as chief engineer)	Engineer officer, 1 st class (STCW reg. III/2 as 2 nd engineer)	

Subsection 3. As regards passenger ships and tankers, the Danish Maritime Authority may increase or reduce the qualification requirements specified in subsection 2 taking into consideration the design of the ship, equipment, area of operation and number of passengers.

Subsection 4. On ships registered in the Danish International Register of Shipping, Danish certificates shall not be required, but valid certificates of competency accompanied by an STCW Convention endorse-

ment issued by the Danish Maritime Authority in accordance with the provisions of subsection 2. However, the master of the ship shall be a Danish citizen.

Subsection 5. In cases where a person is required to hold a certificate of competency in motor operation, the person concerned may at the same time be employed to perform other types of service on board.

Section 7. Radio operators on ships required under applicable rules to be fitted with radio equipment for use in the global maritime distress and safety system (GMDSS) shall hold a Danish certificate of competency with an STCW Convention endorsement for service as a radio operator issued by the Danish Maritime Authority.

Subsection 2. Danish certificates shall not be required on ships registered in the Danish International Register of Shipping, but the radio operator shall hold a valid certificate of competency accompanied by an STCW Convention endorsement for service as a radio operator issued by the Danish Maritime Authority.

Section 8. A cook as prescribed in the safe manning of a ship shall hold a Danish certificate as a ship's cook. Nobody below the age of 18 shall serve as a ship's cook.

Subsection 2. In ships registered in the Danish International Register of Shipping, a certificate as a ship's cook shall not be required. Persons may serve in prescribed positions as a ship's cook if they can document:

- 1) apprenticeship in the cooking profession of 48 months, at least 24 months of these on board seagoing ships; or
- 2) satisfactory completion of a cook training programme with relevant contents from a recognised school supplemented by service as a cook on board a seagoing vessel for at least 5 months.

Subsection 3. Documentation pursuant to subsection 2 shall be accompanied by an endorsement by the Danish Maritime Authority confirming that the holder is entitled to serve as a prescribed ship's cook. The Danish Maritime Authority shall lay down more detailed regulations hereon.

Subsection 4. The Danish Maritime Authority may lay down regulations on the training requirements of persons who prepare or help prepare articles of food on board a ship.

Part 3

Fishing vessels

Section 9. On fishing vessels with a length of or above 15 metres, but below 45 metres, and fishing vessels with scantlings of or above 100, but with a length below 45 metres, there shall be a master and mate holding certificates of competency in accordance with the table below:

Area of operation	Master	Mate
Trade in limited waters	Skipper, 3 rd class, on fishing vessels	Mate, 3 rd class, on fishing vessels. However, on vessels below 24 metres in length second hand on fishing vessels
Other trade	Skipper, 1 st class, on fishing vessels	Mate, 1 st class, on fishing vessels

Subsection 2. The Danish Maritime Authority shall fix the safe manning on fishing vessels with a length of or above 45 metres.

Subsection 3. For the purpose of operating the engine in fishing vessels with a length of or above 15 metres and fishing vessels with scantlings of or above 100 as well as powered by main propulsion machinery of 100 kW or more, but less than 750 kW, in which the engine can be regulated and propelling operations carried out from the steering place, there shall in limited waters be 1 person holding a certificate of competency in motor operation and, when operating in unlimited waters, 2 persons holding a certificate of competency in motor operation. On other fishing vessels with a length of or above 15 metres and fishing vessels with scantlings of or above 100 as well as with propulsion machinery of 100 kW or more, the manning of the engine shall be fixed by the Danish Maritime Authority.

Subsection 4. The persons prescribed in subsection 3 may be employed to perform other types of service on board.

Subsection 5. When the Danish Maritime Authority fixes the safe manning in accordance with subsections 2 and 3, this shall be done in compliance with section 5(2).

Subsection 6. The Danish Maritime Authority may prescribe that masters and mates on fishing vessels shall hold a certificate of competency with an STCW-F Convention endorsement issued by the Danish Maritime Authority and that engineer officers and radio operators on fishing vessels shall hold a certificate of competency with an STCW or STCW-F Convention endorsement issued by the Danish Maritime Authority.

Part 4

Pleasure craft

Section 10. On pleasure craft with a hull length of or above 15 metres, but below 24 metres, there shall be a master and a mate holding a certificate of competency in accordance with the table below:

Area of operation	Master	Mate
Trade in the Baltic Sea, in the North Sea east of 7 degrees eastern longitude and trade along the coasts of Greenland at a distance of not more than 30 nautical miles from the coast (base line)	Yacht master, 3 rd class	
Trade in the North Sea and the English Channel as well as trade at the British Islands, Ireland, Norway and the Faroe Islands	Yacht master, 3 rd class	Certificate of competency in sailing on pleasure craft
Trade in unlimited waters	Yacht master, 1 st class	Yacht master, 3 rd class

Subsection 2. The Danish Maritime Authority shall fix the safe manning on pleasure craft with a hull length of or above 24 metres.

Subsection 3. For the purpose of operating the engine in pleasure craft navigating in the Baltic Sea and in the North Sea east of 7 degrees eastern longitude with a hull length of or above 15 metres powered by propulsion machinery of 100 kW or more, but less than 750 kW, in which the engine can be regulated and propelling operations carried out from the steering place, there shall be 1 person holding a certificate of competency in motor operation on pleasure craft and outside this area of operation 2 persons holding certificates of competency in motor operation on pleasure craft. In other pleasure craft with a hull length of or above 15 metres powered by propulsion machinery of 100 kW or more, the manning of the engine shall be fixed by the Danish Maritime Authority.

Subsection 4. When the Danish Maritime Authority fixes the safe manning in accordance with subsections 2 and 3, this shall be done in compliance with section 5(2).

Section 10a. The Danish Maritime Authority may lay down regulations on the qualification requirements of yachtsmen as well as on the preparation and registration for and sitting for examinations and tests for yachtsmen as well as on payment for this.

Part 5

Miscellaneous provisions concerning the determining of the safe manning

Section 11. If a ship is deprived of any member(s) of the prescribed crew through illness, death, desertion or any other cause whatsoever beyond the control of the master or the owners, no requirements in or issued in accordance with this act shall prevent the master from continuing the voyage, on the condition that due regard be paid to the seaworthiness of the ship. The crew shall, however, be completed as soon as possible. The master shall make the necessary entry of the particulars of the case in the ship's log book or, where no log book is kept, in the survey book.

Section 12. The Danish Maritime Authority may under special circumstances and in compliance with mandatory internationally adopted regulations allow a person not holding the certificate required for service in a particular position to serve in the position concerned, but only for a single voyage or for a specific period not exceeding 6 months.

Section 13. The requirements laid down in sections 6(1), 7(1), 8(1), section 9 and section 10 concerning Danish training programmes and certificates of competency shall not apply to persons who satisfy the conditions laid down in the directives of the European Communities concerning introduction of general schemes for mutual recognition of examination certificates for certain types of vocational education, cf. act no. 476 of 9 June 2004 on the right to exercise certain occupational activities in Denmark (*lov om adgang til udøvelse af visse erhverv i Danmark*). However, masters of merchant ships and fishing vessels shall be Danish citizens.

Subsection 2. The application for access to exercise professional activities shall be sent to the Ministry of Science, Innovation and Higher Education or the public institution that the Minister for Science, Innovation and Higher Education has authorised for this purpose if the application is to be considered according to the EU's directives on the introduction of general schemes for recognising occupational qualifications.

Subsection 3. Applications not covered by subsection 2 shall be sent to the Danish Maritime Authority.

Subsection 4. The Danish Maritime Authority may, after having consulted the organisations affected, lay down regulations granting exemptions from the requirement for Danish citizenship in section 6(4), section 13(1), section 19(2) and section 24 for persons covered by the European Communities' or the EEA's regulations on the right to establish, the mobility of labour or the right to exchange services.

Changes in tonnage limits

Section 14. The Danish Maritime Authority may, after consultation of the organisations of shipowners and seafarers, lay down rules which change the tonnage limits specified in this act to limits fixed in a different measurement unit and which change the limits specified in this act for propulsion power.

Preliminary safe manning

Section 15. Upon request, the Danish Maritime Authority shall fix the safe manning for a projected ship, for a ship which is intended to be rebuilt, and for a foreign ship planned to be transferred to the Danish flag (preliminary safe manning).

Subsection 2. If the Danish Maritime Authority finds that preliminary safe manning cannot be given with sufficient safety, the request shall be dismissed with an indication of the reasons for the dismissal.

Subsection 3. Preliminary safe manning, or preliminary safe manning as changed by the Danish Shipping Tribunal established pursuant to the act on safety at sea (*lov om sikkerhed til søs*), shall have binding effect, unless there have been changes to the preconditions on which the decision was based.

Complaints about safe manning documents

Section 16. Decisions made by the Danish Maritime Authority under sections 4(2), section 5, section 6(3), section 9(2) and (3), section 10(2) and (3), section 12, section 15(1) and section 18(2) may by the owner or by an organisation of seafarers be brought before the Danish Shipping Tribunal established pursuant to the act on safety at sea (*lov om sikkerhed til søs*).

Part 6

Requirements for education and training

Section 17. No person may be in charge of a watch as a mate or an engineer officer unless he holds a certificate of competency of at least the same degree as fixed for the lowest of the positions prescribed for the ship, respectively for mates and engineer officers.

Section 18. The Danish Maritime Authority shall, in compliance with mandatory internationally adopted regulations and after consultation of the organisations of shipowners and seafarers, lay down requirements for training, qualification and certification for

- 1) deck crew, engine crew and general purpose crew;
- 2) medical examiners on merchant ships and fishing vessels;
- 3) crews on board passenger ships;
- 4) officers and personnel on board oil, chemical and gas tankers; and
- 5) cooks, catering personnel and other personnel handling and preparing articles of food on board.

Subsection 2. The Danish Maritime Authority may also lay down special training, qualification and certification requirements, and in this connection provide for higher or lower qualification requirements and manning rules than those laid down in this act for

- 1) persons serving in a position for which no special training requirements have been laid down by virtue of this act; and
- 2) officers and crews on
 - (a) ships with special manoeuvring capabilities;
 - (b) ships with special outfit or special equipment;
 - (c) special purpose ships and ships of a special design;
 - (d) ships used in a geographically restricted area.

Subsection 3. When the Danish Maritime Authority fixes the safe manning in accordance with subsection 2, this shall be done in compliance with section 5(2).

Part 7

Certificates of competency and exemptions from the citizenship requirements of the act

Section 19. The Danish Maritime Authority shall, in compliance with mandatory internationally adopted regulations and after consultation of the organisations of shipowners and seafarers, lay down the conditions for obtaining the certificates of competency dealt with in this act, including requirements concerning

- 1) education and training;
- 2) duration of seagoing service;
- 3) health;
- 4) faculty of vision and hearing;
- 5) age; and
- 6) the person being of full age and capacity and not subject to guardianship under section 5 of the guardianship act (*værgemålsloven*) or to special guardianship under section 7 of the guardianship act (*værgemålsloven*).

Subsection 2. It is a condition for obtaining a certificate of competency giving the right to command merchant ships and fishing vessels that the person concerned is a Danish citizen. The Danish Maritime Authority may, however, permit deviations from the citizenship requirement of the act.

Section 20. The Danish Maritime Authority shall issue and draw up certificates of competency.

Subsection 2. The Danish Maritime Authority may lay down rules on payment for conduct of competency tests.

Subsection 3. Certificates of competency permitting the holder to serve as a navigator, engineer officer or radio operator on merchant and fishing vessels shall be valid for a period of up to five years from the date of issue. The Danish Maritime Authority shall lay down rules on the issue of certificates of competency and qualification, including fees, renewal of certificates of competency, recovery of professional competence and on the issue of the first certificate of competency to persons who have passed the examination required for obtaining the certificate more than five years prior to the date of issue.

Subsection 4. The Danish Maritime Authority shall, in compliance with mandatory internationally adopted regulations, lay down detailed rules for endorsement of foreign certificates of competency and recognition of foreign certificates.

Subsection 5. The Danish Maritime Authority may lay down regulations on payment for covering expenses in connection with the endorsement of foreign certificates of competency, cf. subsection 4.

Section 21. The Danish Maritime Authority may withdraw a certificate of competency if the holder thereof by his navigation or other service on board has posed a direct threat to life, property or the environment or if it is deemed irresponsible due to the holder's mental or physical condition to let him continue to perform the functions for which the certificate qualifies.

Subsection 2. The holder of a certificate of competency shall undergo such medical examinations as may be required to decide the issue mentioned in subsection 1. The costs of such examinations shall be paid by the State. If the holder of a certificate refuses to undergo a required examination, it shall be possible to withdraw the certificate.

Section 22. The person affected by a decision to withdraw a certificate may request that the matter be brought before a court of law. A request to this effect shall be brought before the Danish Maritime Authority within four weeks after the person concerned has been notified of the decision.

Subsection 2. The decision of the Danish Maritime Authority shall contain information about the right to request the matter to be brought before a court of law and the time limit applying.

Subsection 3. If a request is made to bring the decision concerning withdrawal of a certificate of competency before a court of law, the Danish Maritime Authority shall bring an action against the person concerned in accordance with the procedural rules of the Danish administration of justice act (*retsplejeloven*).

Subsection 4. A request to bring the case before a court of law shall have delaying effect. The Danish Maritime Authority may, however, decide that a request shall not have delaying effect. Such a decision may be reversed by an order of the court before the question of the legality of the withdrawal of the certificate of competency is decided.

Section 23. A certificate of competency which has been withdrawn shall be handed in to the Danish Maritime Authority.

Subsection 2. The Danish Maritime Authority may at any time hand back a withdrawn certificate of competency when the circumstances justifying the withdrawal are no longer deemed to exist. If an application to recover a certificate is dismissed, the applicant may request that the matter be brought before a court of law. If the matter has previously been brought before a court, legal proceedings shall only take place after a period of one year has lapsed since the withdrawal was latest upheld by court order. Section 22(2) and (3) shall be correspondingly applicable.

Section 24. The right to command a merchant ship or fishing vessel which follows from the certificate of competency is forfeited if the holder of the certificate loses his Danish citizenship. The Danish Maritime Authority may, however, under special circumstances grant exemption from this provision. If the person concerned recovers Danish citizenship, the right to command a ship is automatically regarded as regained, cf. however section 20(3).

Part 7 a
Approval of training programmes

Section 24a. The Minister for Science, Innovation and Higher Education shall, following negotiations with the Danish Maritime Authority, lay down regulations on the training programmes prescribed by regulations stipulated pursuant to section 18 and section 19, including on quality assurance.

Subsection 2. The Danish Maritime Authority shall ensure that the training programmes meet internationally determined requirements and result in the students acquiring sufficient qualifications.

Part 7 b
Approval of courses

Section 24b. The Danish Maritime Authority may lay down regulations on the requirements that the courses prescribed in regulations stipulated pursuant to section 18 and section 19 shall meet, including requirements on approval and quality assurance.

Section 24c. The Danish Maritime Authority may approve or establish special courses for the training of teachers.

Section 24d. The Danish Maritime Authority shall supervise the training offered by the course providers mentioned in section 24 b and ensure that the course providers meet the requirements following from this act and provisions issued pursuant to the act.

Section 24e. The Danish Maritime Authority may lay down regulations on the teaching environment of the course participants.

Part 7c
Various provisions concerning training programmes and courses

Section 24f. The Danish Maritime Authority may request payment for the approval and quality assurance of course providers and training institutions.

Subsection 2. The Danish Maritime Authority may lay down regulations on payment for participation in courses covered by this act, including for the sitting for examinations, tests, etc.

Section 24g. The Danish Maritime Authority may request the necessary information from the course providers and training institutions about the training, the course participants, the staff, the economy and equipment, etc. for use when carrying out the responsibilities of the Danish Maritime Authority pursuant to the act, including quality assurance and the drafting of statistics.

Part 8

The responsibilities of the shipowner and the master of the ship

Section 25. It is the responsibility of the shipowner and the master of the ship to ensure

- 1) that the employed seafarers satisfy all training, qualification and certification requirements prescribed for the position concerned and that the prescribed certificates in original form are kept on board the ship;
- 2) that an up-dated and easily accessible list is kept of all seafarers employed, their position on board, their health as well as documentation of their qualifications;
- 3) that seafarers on being assigned to the ship before commencing their service are duly familiarized with their specific duties, including equipment, installations and emergency plans as well as with special conditions of importance to both their routine tasks and their tasks in an emergency;
- 4) that the crewmembers of the ship are able to effectively co-ordinate their activities in an emergency situation and in cases of risk of pollution; and
- 5) that crewmembers are able to communicate with other persons on board on elementary safety matters and to understand safety information, including symbols, signs and alarm signals.

Subsection 2. Subsection 1 shall apply regardless whether other organisations, companies or persons comply with certain of the tasks or the obligations on behalf of the shipowner or the master.

Subsection 3. If a document of compliance has been issued pursuant to the International Safety Management Code laid down by the United Nations' International Maritime Organization or if a certificate has been issued pursuant to the Maritime Labour Convention to another organisation, company or person, subsection 1 shall also apply to the organisation, company or person concerned.

Subsection 4. The Minister for Business and Growth may lay down more detailed regulations on the obligations under subsections 1-3 and may in this connection prescribe specific communication and language requirements.

Part 9

Inspection, communication and delegation of powers

Section 25a. The Danish Maritime Authority may, pursuant to section 20a of the act on safety at sea (*lov om sikkerhed til søs*), inspect compliance with this act and the regulations issued in pursuance hereof.

Section 25b. The Minister of Business and Growth may lay down provisions to the effect that written communication to and from the authorities about conditions covered by this act or regulations issued pursuant to this act shall be made digitally.

Subsection 2. The Minister of Business and Growth may lay down more detailed regulations on digital communication, including on the use of specific computer systems, special digital formats and digital signatures or the like.

Subsection 3. A digital message shall be considered to have reached the recipient when it is available to the addressee of the message.

Section 25c. The Minister of Business and Growth may lay down provisions to the effect that the authorities may issue decisions and other documents pursuant to this act or pursuant to regulations issued pursuant to this act without a signature, with a mechanically or similarly reproduced signature or using a technique ensuring unambiguous identification of the one who has issued the decision or the document. Such decisions and documents shall be comparable with decisions and documents with a personal signature.

Subsection 2. The Minister of Business and Growth may lay down regulations to the effect that decisions and other documents that have exclusively been made or issued on the basis of electronic data processing may be issued solely giving the relevant authority as the sender.

Section 26. The Minister for Business and Growth may, following agreement with the relevant minister, determine that the powers of the Danish Maritime Authority pursuant to the act shall be carried out by other public authorities. The Minister for Business and Growth may, in accordance with more detailed conditions, furthermore authorise companies or individuals to supervise the quality assurance of training programmes and courses on behalf of the Danish Maritime Authority.

Subsection 2. The Minister for Business and Growth may lay down rules on the right of appeal, including rules to the effect that appeals against decisions made by the Danish Maritime Authority shall not be brought before another administrative authority.

Part 10

Penalty provisions

Section 27. Anyone contravening section 3, section 4(1), section 6(1), (2) or (4), section 7, section 8, section 9(1) or (3), section 10(1) or (3), section 11, clauses 2 or 3, section 17 or section 25(1)(i) or (ii) or fails to observe the manning requirements laid down by virtue of this act shall be liable to punishment by fine.

Subsection 2. If the shipowner has fully or partly transferred his obligations under section 25(1) or (2) to other organisations, companies or persons, subsection 1 shall also apply to these organisations, companies or persons if the obligations are not met.

Subsection 3. Regulations issued by virtue of this act may provide for sanctions in the form of fines, cf. however section 28(5).

Section 28. Anyone contravening section 25(1)(iii), (iv) or (v) shall be liable to punishment by fine or imprisonment for a term of up to 1 year.

Subsection 2. The penalty may be increased to imprisonment for a term of up to 2 years if the contravention has been committed with intent or by gross negligence and if the contravention has resulted in

- 1) injury to young persons under the age of 18 years or a risk hereof; or
- 2) an obtained or intended economic advantage for the person concerned or others, including a reduction in costs.

Subsection 3. In the absence of confiscation of the economic profit obtained by the contravention, special account shall be taken of the amount of any obtained or intended economic advantage in connection with the determination of the amount of the fine or any additional fines, cf. subsection (2)(ii).

Subsection 4. Subsections 1-3 shall also apply if other organisations or persons meet some of the tasks or obligations on behalf of the shipowner or the master, cf. section 25(2) and (3).

Subsection 5. Regulations issued by virtue of section 25(4) pursuant to section 25(1)(iii)-(v) may stipulate penalty in the form of a fine or imprisonment for a term of up to 1 year. It may further be stipulated that the penalty may be increased to imprisonment for a term of up to 2 years under circumstances corresponding to those mentioned in subsection 2.

Section 29. Penal sanctions may be imposed upon companies and similar bodies (legal persons) pursuant to the rules laid down in part 5 of the Danish penal code (*straffeloven*).

Subsection 2. In case of liability to punishment under subsection 1, persons hired to carry out work on board the ship by others than the shipowner shall also be considered as being affiliated with the shipowner. If a document of compliance pursuant to the International Safety Management Code or a certificate pursuant to the Maritime Labour Convention has been issued to another organisation or person than the shipowner, the shipowner and the seafarers shall also be considered as being affiliated with the one to whom the document has been issued.

Part 11

Entry into force and transitional provisions, etc.

Section 30. This act shall enter into force on 1 February 1997.

Subsection 2. The act on the manning of ships (*lov om skibes besætning*), cf. consolidated act no. 105 of 7 February 1994, and the certificates of competency act (*søværingslov*), cf. consolidated act no. 372 of 31 May 1990, shall be repealed.

Subsection 3. The rules issued pursuant to the act on the manning of ships (*lov om skibes besætning*), cf. consolidated act no. 105 of 7 February 1994, and the certificates of competency act (*søværingslov*), cf. consolidated act no. 372 of 31 May 1990, shall remain in force until they are repealed or replaced by rules issued pursuant to this act.

Section 31. Certificates of competency obtained before 1 February 1997 shall give the holders the same rights as before. Certificates qualifying for service as navigator, engineer officer or radio operator in merchant ships shall, however, only be valid until 1 February 2002.

Subsection 2. Persons who do not hold a certificate of competency and who, on the entry into force date of this act, have served as master or mate on ships of less than 20 gross register tonnes may continue to perform such service, cf. however section 18(2).

Subsection 3. As regards ships with a length of less than 24 m, measured solely in accordance with the previously applying tonnage measurement rules, the gross register tonnage (GRT) indicated in the tonnage certificate of the ship, rounded down without decimals, shall continue to apply instead of the gross tonnage (GT) specified in this act.

Section 32. This act shall not apply to the Faroe Islands and Greenland, but may by royal decree be given effect in Greenland with the amendments deriving from the special Greenland conditions.

Act no. 493 of 12 May 2010 contains the following entry into force provisions:

Section 7

Subsection 1. The Minister of Business and Growth shall determine the date of the entry into force of this act. In this connection, the Minister may determine that the provisions of the act shall enter into force on different dates.²

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

Section 8

Subsection 1. (Left out).³

Section 9

Subsection 1. The act shall not apply to the Faroe Islands and Greenland, cf. however subsections 2 and 3.

Subsection 2. (Left out).⁴

Subsection 3. Sections 1, 3, 4 and 5 may be put into force in full or partly for Greenland by royal decree with the amendments deriving from the special Greenland conditions.

Act no. 478 of 30 May 2012 contains the following entry into force provisions:

Section 5

Subsection 1. This act shall enter into force on 1 June 2012, cf. however subsection 2.

Subsection 2. (The 1st clause is left out).⁵ The Minister of Business and Growth shall determine the date of the entry into force of the 2nd clause in the footnote to the title of the act, cf. section 1(vi).⁶

² Section 3(2) and (3) of act no. 493 of 12 May 2010 entered into force on 20 August 2013, cf. section 1 of order no. 6 of 9 January 2013.

³ Section 3 concerns the repeal of the act on the engagement of ship's crews (*lov om forhyring af skibsmandskab*).

⁴ Subsection 2 concerns the merchant shipping act (*søloven*).

⁵ Subsection 2, the first clause, concerns the act on maritime training programmes (*lov om maritime uddannelser*).

Subsection 3. Provisions issued pursuant to the act on maritime training programmes (*lov om maritime uddannelser*) shall remain in force for the courses, tests, etc. covered by section 1 of the act until they are repealed or replaced by provisions issued pursuant to the act on the manning of ships (*lov om skibes besætning*).

Section 6

Subsection 1. The act shall not apply to the Faroe Islands and Greenland, but may be put into force in full or partly for Greenland by royal decree with the amendments deriving from the special Greenland conditions.

Act no. 1231 of 18 December 2012 contains the following entry into force 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.

Section 70

Subsection 1. Sections 1-39, 41-50 and 53-64 shall not apply to the Faroe Islands and Greenland, cf. however subsections 3 and 4.

Subsection 2. (Left out).⁷

Subsection 3. (Left out).⁸

Subsection 4. Sections 1-10, 17, 18, 23, 29, 35-39, 41-44, 49, 50, 54, 58-63, 65 and 66 may be put into force in full or partly for Greenland by royal decree with the amendments deriving from the special Greenland conditions.

Subsection 5. (Left out).⁹

⁶ Subsection 2, the second clause, entered into force on 11 September 2013, cf. order no. 1085 of 9 September 2013.

⁷ Subsection 2 concerns the act on mortgage loans and mortgage bonds, etc. (*lov om realkreditlån og realkreditobligationer m.v.*), cf. order no. 1085 of 9 September 2013.

⁸ Subsection 3 concerns various other acts.

Act no. 1384 of 23 December 2012 contains the following entry into force provisions:

Section 9

Subsection 1. The act shall enter into force on 15 February 2013, cf. however subsections 3 and 4.

Subsection 2. (Left out).¹⁰

Subsection 3. (Left out).¹¹

Subsection 4. (Left out).¹²

Section 10

Subsection 1. The act shall not apply to the Faroe Islands and to Greenland, cf. however subsections 2-4.

Subsection 2. The Minister of Business and Growth may put the act into force in full or partly for Greenland by royal decree with the amendments deriving from the special Greenland conditions.

Subsection 3. (Left out).¹³

Subsection 4. Ships registered in Greenland shall be covered by section 1(ii) and section 3 if the ship is owned by persons not domiciled in Greenland or by companies or the like not domiciled in Greenland.

Danish Maritime Authority
Christian Breinholt / Alexander Milan

⁹ Subsection 5 concerns the act on financial stability (*lov om finansiel stabilitet*) and the act on the Government injection of capital in credit institutions (*lov om statsligt kapitalindskud i kreditinstitutter*).

¹⁰ Subsection 2 concerns the repeal of the act on a registration fee for pleasure craft (*lov om registreringsafgift for fritidsfartøjer*).

¹¹ Subsection 3 concerns the merchant shipping act (*søloven*).

¹² Subsection 4 concerns the merchant shipping act (*søloven*), the act on additions to the stranding act of 10 April 1895 (*lov om tillæg til strandingsloven af 10. april 1895*), the act on safety at sea (*lov om sikkerhed til søs*) and various amending acts.

¹³ Subsection 3 concerns the merchant shipping act (*søloven*).