

Act amending the merchant shipping act and various other acts

(Modernisation of the ship registration provisions)

We MARGRETHE THE SECOND, by the grace of God Queen of Denmark hereby witness:
Folketinget (the Danish Parliament) has adopted
and We with Our consent hereby enact the following act:

Section 1

In the merchant shipping act (*søloven*), cf. consolidated act no. 856 of 1 July 2010, as amended by inter alia act no. 599 of 24 June 2005, section 13 of act no. 1563 of 20 December 2006 and section 1 of act no. 249 of 21 March 2012 and most recently by section 1 of act no. 1384 of 23 December 2012, the following amendments shall be made:

1. *Section 1(3)* shall be as follows:

“(3) Part-owner shipping undertakings shall be considered Danish if at least half of them is owned by physical or legal personalities covered by subsection 2 and the managing owner meets the conditions stipulated in subsection 2.”

2. *Section 2* shall be as follows:

“2.-(1) With regard to merchant ships which cannot be considered Danish, cf. section 1, the Minister for Business and Growth may lay down provisions on the conditions for registration as a Danish ship, including requirements that the ship shall be administered, controlled and directed from Denmark. With regard to merchant ships belonging to legal persons not covered by the provisions of the European Union on the right of establishment and exchange of services, the Minister for Business and Growth may lay down provisions stipulating that the company shall make a secondary establishment in Denmark through the creation of a subsidiary company, a branch office or an agency. With regard to merchant ships belonging to persons, companies or the like covered by the provisions of the European Union on the right of establishment, free movement of labour and exchange of services, the Minister for Business and Growth may provisions stipulating that the owner shall designate an entity in Denmark which may be contacted for control purposes and the like and which it is possible to sue on behalf of the owner or the shipowner.

Subsection 2. With regard to ships other than merchant ships that cannot be considered Danish, cf. section 1, but which belong to persons, companies or the like covered by the provisions of the European Union on the right of establishment, free movement of labour and exchange of services, the Minister for Business and Growth may lay down provisions on the conditions for being registered as a Danish ship, including requirements that the ship shall be administered, controlled and directed from Denmark.

Subsection 3. Ships registered on the ship register pursuant to subsections 1 and 2 shall in every respect be considered equal to Danish ships and shall be entitled to fly the Danish flag.”

Section 2

This act shall enter into force on 1 October 2013.

Section 3

This act shall not apply to the Faroe Islands and to Greenland, but may by royal decree be put into force wholly or in part for Greenland with the amendments deriving from the special Greenland conditions.

Christiansborg Castle, 12 June 2013

Margrethe R. / Annette Vilhelmsen