

**Translation: Only the Danish document has legal validity**

*Act no. 249 of 21 March 2012 issued by the Ministry of Business and Growth*

**Act amending the merchant shipping act (*søloven*)  
and the act on safety at sea (*lov om sikkerhed til søs*)**

(Adjustments as a consequence of the Athens Regulation, implementation of the 2002 Athens Convention, and registration of ships with a time-limit)

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 act no. 599 of 24 June 2005, section 1 of act no. 526 of 7 June 2006, section 13 of act no. 1563 of 20 December 2006, section 1 of act no. 251 of 30 March 2011 and section 17 of act no. 457 of 18 May 2011, the following amendments shall be made:

1. In *section 12(4), 1<sup>st</sup> sentence*, “section 15(2)” shall be amended to “section 15(3)”.
2. In *section 15*, the following shall be inserted as a new subsection after subsection 1:  
“*Subsection 2.* The Minister for Business and Growth may lay down more detailed regulations on registration with a time-limit on the basis of a copy of the certificate mentioned in subsection 1. In such cases, the document applied for registration on ownership, mortgages, etc. shall be preliminarily recorded on the register. The document registered on the basis of a copy as well as any subsequent registrations made on the basis hereof shall be deleted from the register if the original certificate is not presented at the expiry of the time-limit.”  
Subsections 2 and 3 shall subsequently become subsections 3 and 4.
3. In *section 36(3)*, “section 15(3)” shall be amended to “section 15(4).”
4. In *section 37(3)*, “section 15(3)” shall be amended to “section 15(4).”
5. In *section 175(1)*, “175,000 SDR” shall be amended to “400,000 SDR”.
6. In *section 322(2), 2<sup>nd</sup> sentence*, “section 501(1)(vii)” shall be amended to “section 501(1)(vi).”
7. In *section 401(3), 1<sup>st</sup> sentence*, “as well as valuables as mentioned in section 419(2)” shall be deleted.
8. In *section 402*, “consequential upon sections 403 a and 403 b” shall be inserted after “if otherwise is not”.
9. After *section 403*, the following shall be inserted:

“**Section 403 a.** The provisions of Regulation (EC) no. 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents (the Athens Regulation) shall also apply to agreements on the carriage of passengers on domestic voyages by classes C and D passenger ships and ships carrying no more than 12 passengers, cf. however subsection 2.

*Subsection 2.* Classes C and D passenger ships and ships carrying no more than 12 passengers on domestic voyages shall not be liable for passenger injuries as a consequence of terror or passenger injuries covered by the requirements on compensation for disability aids, advance payment and the obligation to inform stipulated in the regulation mentioned in subsection 1. Such ships shall not be covered by the requirements for a certificate of insurance.

*Subsection 3.* The Athens Regulation mentioned in subsection 1 shall also apply to agreements on the carriage of passengers on domestic and international voyages not covered by the regulation.

*Subsection 4.* The Athens regulation mentioned in subsection 1 shall also apply to agreements on the carriage of passengers by a ship calling at or departing from a Danish port or any other place of loading or unloading in Denmark or in the Danish continental shelf area or carrying out activities in Danish territorial waters where the damage covered by the Athens Convention of 1974 relating to the carriage of passengers and their luggage by sea, as amended by the Protocol of 2002 (the 2002 Athens Convention), occurs in one of these places.

**Section 403 b.** The owner of classes C and D passenger ships and ships carrying no more than 12 passengers engaged on domestic voyages shall take out liability insurance.

*Subsection 2.* The Danish Maritime Authority may lay down regulations on what ships shall be considered as carrying out transport with a maximum of 12 passengers, on the liability insurance requirements, etc. and to the effect that proof of the insurance shall be carried on board and be presented to the authorities upon request.

**Section 403 c.** The Danish Maritime Authority may lay down regulations on the issuance of insurance certificates and on fees for issuing certificates. The certificate shall be kept on board and be presented to the authorities upon request.”

10. *Section 418* shall be as follows:

“**Section 418.** The carrier shall be liable to compensate losses or damages resulting from delay in connection with the carriage of passengers if the delay has been caused by fault or neglect by the carrier himself or any person for whom he is responsible.”

11. *Section 419* shall be as follows:

“**Section 419.** The carrier shall be liable to compensate losses or damages resulting from delay in connection with the carriage or delivery of luggage if the delay has been caused by fault or neglect by the carrier himself or any person for whom he is responsible.”

12. *Section 421* shall be as follows:

“**Section 421.** In case of loss caused by delay, the carrier shall have the burden of proving that the loss was not caused by fault or neglect by himself or any person for whom he is responsible.”

12. *Section 422(1) and (2)* shall be as follows:

“The liability of the carrier for loss caused by delay in connection with the carriage of the passenger shall not exceed 4,150 SDR.

*Subsection 2.* The liability of the carrier for loss caused by luggage being delayed shall not exceed:

- 1) 1,800 SDR per passenger for hand luggage;
- 2) 10,000 SDR per vehicle; and
- 3) 2,700 SDR per passenger for other luggage.”

14. *Section 422(6)* shall be as follows:

“*Subsection 6.* A higher limit of liability than the one stipulated in subsections 1 and 2 may be determined through a written and express agreement between the passenger and the carrier.”

15. *Section 423* shall be as follows:

“**Section 423.** The carrier may from the loss arisen deduct amounts of no more than 20 SDR per passenger for loss resulting from delay.”

16. *Section 428(2)* shall be repealed.

17. *Section 429(1)* shall be as follows:

“Actions on loss resulting from delay in the carriage by sea of passengers and luggage may only be brought before:

- 1) the court in the place of the defendant’s permanent address or principal place of business;
- 2) the court at the place of departure or at the place of destination in accordance with the transport agreement.

18. After *section 429*, the following shall be inserted:

“**Section 429 a.** In cases covered by the 2002 Athens Convention relating to the carriage of passengers and their luggage by sea, the venue rules of article 17 in the Convention shall be applied.

**Section 429 b.** In case of actions on the carriage by sea of passengers and luggage not covered by section 429 or 429 a, chapter 22 of the administration of justice act (*retsplejeloven*) shall apply.

**Section 429 c.** A binding and enforceable judgment passed in a State Party to the 2002 Athens Convention relating to the carriage of passengers and their luggage by sea shall – in accordance with article 17 of the Convention – be binding and may be carried out in the Kingdom of Denmark when the judgment is passed by a court competent pursuant to article 17 of the Convention.

*Subsection 2.* Subsection 1 shall, however, not apply if otherwise follows from the act on the Brussels I Regulation, etc. (*lov om Bruxelles I-forordningen m.v.*) or from the act on the EC Judgments Convention, etc. (*lov om EF-domskonventionen m.v.*), including orders issued pursuant to these acts.”

19. In *section 430*, “section 501(1)(iii)-(v)” shall be amended to “section 501(1)(iii) and (iv)”.

20. In *section 431(1)* and (2), “in connection with delay” shall be inserted after “the right to be exempt from liability”.

21. *Section 431(3)* shall be repealed.

Subsequently, subsection 4 shall become subsection 3.

22. *Section 501(1)(iii)* shall be repealed.

Subsequently, paragraphs (iv)-(x) shall become paragraphs (iii)-(ix).

23. *Section 501(1)(iv)*, which shall become paragraph (iii), shall be as follows:  
 “3) for claims for compensation under section 419, two years from the day on which the luggage was disembarked,”
24. In *section 501(1)(v)*, which shall become paragraph (iv), “, 2<sup>nd</sup> clause” shall be deleted.
25. In *section 501(2)*, 1<sup>st</sup> clause, “subsection 1(ii), (vi) and (vii)” shall be amended to “subsection 1(ii), (v) and (vi)”.
26. In *section 501(5)*, “subsection 1(iii), (iv) and (v)” shall be amended to “subsection 1(iii) and (iv)”.
27. In *section 514(1)*, “or section 197” shall be amended to “section 197, section 403 b(1), or section 403 c”.
28. In *section 514 a*, the following shall be inserted as the *second sentence*:  
 “In such regulations, similar punishment may be determined for violating regulations laid down in the European Union’s regulations on conditions covered by the act.”
29. In *section 515 b*, “, 403 a, 403 b, 403 c” shall be inserted after “198”.

## Section 2

In the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 654 of 15 June 2010, as amended by section 1 of act no. 493 of 12 May 2010, section 2 of act no. 251 of 30 March 2011, section 16 of act no. 457 of 18 May 2011 and section 5 of act no. 622 of 14 June 2011, the following amendments shall be made:

1. *Section 20 a* shall be as follows:

“**Section 20 a.** As part of the supervision under this act, the Danish Maritime Authority may also supervise compliance with the act on smoke-free environments on Danish ships (*lov om røgfrie miljøer på danske skibe*) and compliance with the act on seafarers’ conditions of employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*), the act on the manning of ships (*lov om skibes besætning*), the act on tonnage measurements of ships (*lov om skibsmåling*) and sections 153, 186, 197 and 198, section 403 a(1)-(3), section 403 b(1) and section 471 of the merchant shipping act (*søloven*) and regulations issued pursuant hereto. The Danish Maritime Authority may order that conditions violating the acts or regulations issued pursuant hereto be rectified immediately or within an established time-limit.

*Subsection 2.* Section 16(2), section 17(9) and (10), section 19, section 22 and section 24 and regulations issued pursuant hereto as well as section 25 shall also apply to the inspection activities pursuant to subsection 1.

*Subsection 3.* The Minister for Business and Growth may lay down regulations on the inspection activities carried out pursuant to this act and on the consideration of complaints by seafarers and others, including that it may not be mentioned that inspections are made as a consequence of a complaint. Regulations on the inspection of compliance with the act on smoke-free environments on Danish ships (*lov om røgfri miljøer på danske skibe*) shall be laid down following negotiations with the Minister for Health and Prevention.”

### **Section 3**

In act no. 251 of 30 March 2011 amending the merchant shipping act, (*søloven*), the act on safety at sea (*lov om sikkerhed til søs*) and the seamen's act (*sømandsloven*) (obligation to take out insurance against maritime claims, implementation of the work in fishing convention, etc.), the following amendment shall be made:

1. *Section 2(4)* shall be repealed.

### **Section 4**

*Subsection 1.* This act shall enter into force on 31 December 2012, cf. however subsections 2 and 3.

*Subsection 2.* Section 1(i)-(iv) shall enter into force on 1 April 2012.

*Subsection 3.* The Minister for Business and Growth shall determine the date of the entry into force of section 1(v), (ix), (xvii) and (xviii) and sections 2 and 3. In this connection, the Minister may determine that the provisions shall enter into force on different dates.

### **Section 5**

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

*Subsection 2.* The act may by royal decree be put into force in full or partly for Greenland with the amendments deriving from the special Greenland conditions.

*Subsection 3.* Section 1(v)-(xxix) may by royal decree be put into force in full or partly for the Faroe Islands with the amendments deriving from the special Faroese conditions.

*Christiansborg Castle, 21 March 2012*

Margrethe R. / Ole Sohn