

## **Order on recognition of foreign certificates of competency for service on fishing vessels**

In pursuance of section 9(6), section 20(4) and (5), section 24f(2), section 25b(1) and (2), section 25c and section 27(3) of the act on the manning of ships (*lov om skibes besætning*), cf. consolidated act no. 74 of 17 January 2014, the following provisions are laid down:

### *Definitions and purpose*

**Section 1.** This order lays down detailed provisions on the issue of Danish STCW-F Convention endorsements (certificates of recognition) for foreign certificates of competency.

*Subsection 2.* The STCW-F Convention means the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995.

*Subsection 3.* A certificate of recognition means a certificate issued by the Danish Maritime Authority provided with an STCW-F Convention endorsement in accordance with the provisions of the STCW-F Convention.

*Subsection 4.* For the purposes of this order, a foreign certificate means a valid certificate issued by a competent foreign authority in a State Party to the STCW-F Convention entitling the holder to serve as an officer on board the relevant State's fishing vessels. The certificate shall have been issued in accordance with regulation II/1, II/2, II/3, II/4, II/5 or II/6 of the STCW-F Convention in the wording in force.

### *Possession of a certificate of recognition*

**Section 2.** In fishing vessels with a length of or above 24 metres, the master of the fishing vessel, officer, engineer officer and radio operator not holding a Danish certificate of competency shall have a valid foreign certificate of competency accompanied by an STCW-F Convention endorsement made by the Danish Maritime Authority, cf. however section 3.

### *Recognition of certificates of competency from EU and EEA member States*

**Section 3.** As regards persons holding a valid foreign certificate of competency issued by an EU or an EEA country entitling the holder to serve as a master of a fishing vessel, officer, engineer officer or radio operator on board fishing vessels, the provisions of the directive of the European Parliament and of the Council on the recognition of professional qualifications shall apply.

### *Issue of certificates of recognition, etc.*

**Section 4.** Requests to be issued with a certificate of recognition shall be made by using the Danish Maritime Authority's system for digital application for being issued with a certificate of recognition.

*Subsection 2.* Requests for the issue of certificates of recognition to persons not covered by section 3 shall be made by the ship owner.

**Section 5.** The issue of certificates of recognition presupposes that the following criteria are met, as a minimum:

- 1) It is documented that the certificate issuing country has fully and wholly implemented the STCW-F Convention.
- 2) A declaration is available from the applying ship owner confirming the intention to employ the relevant seafarer on board a fishing vessel registered on a Danish register of shipping.
- 3) The seafarer holds a Danish health certificate for seafarers and fishermen valid for the service on board.
- 4) The seafarer has duly legitimised himself to the Danish Maritime Authority and has presented documentation of holding a valid foreign certificate of competency.
- 5) Upon the issue of a certificate of recognition entitling the holder to serve as a master of a fishing vessel, officer, engineer officer or radio operator, knowledge about Danish maritime law is separately documented through sitting for a test before the Danish Maritime Authority or a company or institution authorised for this by the Danish Maritime Authority or through the completion with a satisfactory result of a course approved by the Danish Maritime Authority.

*Subsection 2.* In special cases, the Danish Maritime Authority may lay down additional requirements on the seafarer with a view to ensuring that he meets the educational/training and competence requirements laid down.

*Subsection 3.* In special cases, exemptions may be granted from the requirement for a test or completed course stipulated in subsection 1(v) when sufficient knowledge about Danish maritime law is documented in some other manner.

**Section 6.** Certificates of recognition shall be issued with a period of validity of no more than five years. However, the period of validity shall not be longer than the date of expiry of the foreign certificate recognized.

*Subsection 2.* Foreign certificates of recognition shall not be used as the basis of issuing a Danish certificate of recognition.

*Subsection 3.* Certificates of recognition may be issued for a limited period or be limited to service on board one or more specific vessels.

*Subsection 4.* The Danish Maritime Authority may sign certificates of recognition in accordance with this order by means of an electronically inserted facsimile signature.

#### *Withdrawal of certificates of recognition*

**Section 7.** The Danish Maritime Authority may withdraw a certificate of recognition if the holder has, through his navigation or other service on board, presented a direct threat against life, property or the environment, including through violations of the act on safety at sea (*lov om sikkerhed til søs*), or if it is assessed, due to the holder's mental or physical condition, as being unjustifiable to let the person in question carry out the activities which the certificate entitles him to.

*Subsection 2.* The ship owner shall be obliged to check the validity of the seafarer's certificate of recognition upon hiring him and, subsequently, upon signing him on.

*Subsection 3.* When a decision has been made to withdraw a certificate of recognition, the Danish Maritime Authority shall inform the certificate issuing country about this decision.

*Subsection 4.* The holder of a certificate of recognition may appeal the decision made by the Danish Maritime Authority to withdraw the certificate of recognition to the Danish Shipping Tribunal no later than four weeks after the decision was made. The Danish Shipping Tribunal may disregard a deadline when there are special reasons for this.

#### *Penalty provisions*

**Section 8.** Violations of section 2 and section 7(2) this order shall be liable to punishment by fine.

*Subsection 2.* Companies, etc. (legal personalities) may be liable to punishment in accordance with the provisions of part 5 of the penal code (*straffeloven*).

*Subsection 3.* When imposing criminal liability under subsection 2, persons who have been hired to perform work on board the ship by others than the ship owner shall also be considered as being affiliated with the ship owner.

#### *Payment*

**Section 9.** When applying for a Danish certificate of recognition in accordance with this order, a fee shall be paid of DKK 500.

*Subsection 2.* Applications will not be considered until payment has been made to the Danish Maritime Authority in accordance with subsection 1.

*Subsection 2.* The Danish Maritime Authority may require a separate fee for the Danish Maritime Authority's holding of tests in accordance with section 5(1)(v) and section 5(2). The size of the fee shall be determined by the Danish Maritime Authority on the basis of the scope of the test.

#### *Entry into force*

**Section 10.** The order shall enter into force on 15 September 2014.

*Danish Maritime Authority, 11 September 2014*  
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