

Translation: Only the Danish document has legal validity.

*Order no. 1075 of 1 of June 2021  
issued by the Danish Maritime Authority*

## Order on the approval and quality assurance of maritime course providers and courses<sup>1)</sup>

Pursuant to Sections 24b, 24f and 25b(2) of the Act on the manning of ships, cf. Consolidated Act No. 74 of 17 January 2014, Section 4(2) and Section 18a(2) of the Act on diving operations and diving equipment, etc, cf. Consolidated Act No. 69 of 17 January 2014, and Section 3(1) of the Safety at Sea Act, cf. Consolidated Act No. 1629 of 17 December 2018, shall be adopted pursuant to the authorisation referred to in Section 1(1), points 2, 3 and 5, of Order No 261 of 23 March 2020 on the delegation of certain powers to the Danish Maritime Authority and on appeal procedures, etc:

### Chapter 1

#### *Scope and purpose*

**Section 1.** The Order shall apply to maritime courses held pursuant to the Act on the manning of ships.

*Subsection 2.* The Order shall also apply to diving training and diving courses pursuant to the Act on diving operations and diving equipment.

*Subsection 3.* In order to provide a course aimed at meeting the training, qualification and certification requirements laid down pursuant to the Act on the manning of ships or the Act on diving operations and diving equipment, the provider must be approved for that purpose.

### Chapter 2

#### *Approval of maritime training providers and courses*

**Section 2.** A company or organisation wishing to be approved as a course provider under this Order must apply to the Danish Maritime Authority. The application must explain the application for a course under Section 3.

*Subsection 2.* The application shall be submitted electronically.

*Subsection 3.* An educational institution approved to offer a course by the Danish Ministry of Higher Education and Science under the Act on maritime education shall only apply to the Danish Maritime Authority for approval in cases where the institution wishes to offer a course that is not part of maritime education courses that the educational institution is approved to offer.

**Section 3.** A course provider wishing to obtain approval for a course covered by this Order must apply to the Danish Maritime Authority. The application must explain how the provider meets:

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- 1) The purpose and objectives and other provisions laid down for the course in question.
- 2) The Danish Maritime Authority's standard for quality assurance of maritime courses according to Annex 1.
- 3) Other provisions laid down for maritime courses, including any provisions for assessment and evaluation.

*Subsection 2.* The application shall be submitted electronically.

*Subsection 3.* An approved course provider may have parts of the course conducted by another provider (outsourced training), provided that the approved course provider ensures that the course is conducted in accordance with Subsection 1.

**Section 4.** Application for approval of a course provider or course shall be submitted to the Danish Maritime Authority. The Danish Maritime Authority sends an acknowledgement to the applicant with information about the processing deadline, appeal possibilities and that the applicant can consider temporary approval to be given if the Danish Maritime Authority does not respond before the deadline expires.

*Subsection 2.* The Danish Maritime Authority shall decide on the temporary approval of a course provider within 3 months of receipt of the application, provided that the necessary information is available. The deadline may be extended once if the application is of such complexity that the Danish Maritime Authority must seek technical assistance. The Danish Maritime Authority shall state the reasons for the deadline and inform the applicant of the duration of the deadline before it expires.

*Subsection 3.* If the Danish Maritime Authority has not replied to the applicant within the deadlines specified in Subsections 1 and 2, the applicant may consider the application provisionally approved (tacit acceptance).

*Subsection 4.* The Danish Maritime Authority may only make a final assessment of compliance with Sections 2 and 3, and approve the provider, after an audit has been carried out to verify the information provided in the application. However, the Danish Maritime Authority may, without conducting an audit, grant temporary approval to providers who are already approved for another maritime education or course activity. This can be done when the Danish Maritime Authority considers that the new course activity is comparable to one already approved and when the application shows that the conditions in Section 3 are met.

*Subsection 5.* The Danish Maritime Authority shall issue a certificate of approval stating the courses the course provider is approved to hold.

**Section 5.** If a course provider no longer wishes to maintain approval as a course provider or approval for a course, this must be notified to the Danish Maritime Authority as soon as possible.

### Chapter 3

#### *Quality assurance and supervision*

**Section 6.** The Danish Maritime Authority shall supervise the course providers' teaching and compliance with this Order.

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*Subsection 2.* The Danish Maritime Authority shall audit or inspect course providers at least every five years and whenever the Danish Maritime Authority considers it necessary.

*Subsection 3.* Supervision of course providers shall take place as far as possible when training is provided for or examinations are held for course participants. The supervision also covers outsourced teaching.

*Subsection 4.* The Danish Maritime Authority may delegate the task of auditing and inspection to external bodies. The Danish Maritime Authority may, based on an audit or inspection carried out by an external body, issue an order to follow up on deviations, observations and recommendations as a condition for maintaining the approval as specified in Section 9.

**Section 7.** The Danish Maritime Authority may recognise certifications according to other quality assurance systems corresponding to Annex 1.

**Section 8.** Ships and vessels used for educational and course purposes shall establish and operate a quality management system in accordance with the ISM Code as laid down in Annex 1(H).

**Section 9.** If deviations from the conditions for approval laid down by the Danish Maritime Authority are found, the Danish Maritime Authority may:

- 1) Impose specific actions and measures on the provider necessary for the fulfilment of the conditions and set a deadline by which the course provider must have carried out these requirements.
- 2) Require the provider to submit an action plan on how the provider will make corrections within a deadline set by the Danish Maritime Authority.
- 3) Decide to carry out one or more follow-up audits or inspections to verify compliance with the conditions of approval.

**Section 10.** The course provider submits documentation of the follow-up to an order under Section 9 to the Danish Maritime Authority within a deadline specified by the Danish Maritime Authority.

**Section 11.** After the audit, the Danish Maritime Authority will notify in writing whether approval as a course provider or approval of a course can be maintained.

*Subsection 2.* If the Danish Maritime Authority assesses that a course provider does not meet the conditions for approval in accordance with Sections 2 and 3 and does not comply with the requirements of the Danish Maritime Authority, cf. Section 9, to rectify irregularities within a set deadline, the approval for the course given or for the course provider shall be revoked.

## Chapter 4

### *Payment for approval and supervision*

**Section 12.** The Danish Maritime Authority requires payment in connection with supervision pursuant to Sections 2 3 and 6. The payment is determined in accordance with

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the Danish Ministry of Finance's rules on pricing for revenue-covered activities and the applicable rates are published on the Danish Maritime Authority's website. Payment for supervision is made after the audit is completed.

## Chapter 5

*Entry into force. etc.*

**Section 13.** The Order shall enter into force on 1 July 2021.

*Subsection 2.* Course providers and courses approved on 31 December 2020 shall maintain their approval until the approval expires.

**Section 14.** The Order shall not apply to the Faroe Islands and Greenland.

*The Danish Maritime Authority, 1 June 2021*

Per Sønnderstrup

/ Peter Mikael Ostenfeld

## Annex 1

### **Requirements for the quality assurance system of maritime course providers**

The course provider shall develop and implement a quality assurance system, including the items listed below, to document that the course is conducted in accordance with the requirements of Danish legislation and the STCW Convention. The quality assurance system can be adapted to the size of the course provider, including the range of courses offered, the number of staff and the number of course participants.

The quality assurance system must be accessible to the course participants and the staff of the course provider.

#### **A. Quality assurance system**

The course provider establishes, implements and maintains a quality assurance system covering the institution's offer of maritime courses.

The quality assurance system shall include the processes necessary to ensure and document that course participants safely acquire the knowledge, skills and competences required by the applicable legislation and are certified accordingly.

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Responsibility for and organisation of quality assurance work and the quality assurance system must be defined and documented.

### **B. Document and data management**

The course provider must determine which documents and data are important for the quality of the course and ensure that they are managed according to an established procedure. Documents and data must be accessible to all relevant persons.

### **C. Process management**

The course provider must have the necessary documented information for the following activities:

- course planning and implementation
- the course provider's internal audit (evaluation) of the quality assurance system and courses
- management evaluation of the quality assurance system and courses
- reporting and management of deviations and improvement proposals, see point D,
- evaluations of the teaching according to the objectives set
- evaluation, tests, marking and any use of examiners
- merit approvals
- the correct and safe use of the equipment included in the courses
- an outline of the equipment required to complete the course and how it should be maintained and, where necessary, calibrated.
- tests of simulator scenarios and quality assurance of simulators
- the course provider's tests and exercises with simulator scenarios included in the courses,

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- relevant safety procedures in relation to training, instruction and exercises in workshops, laboratories, installations, cabins, lifeboats, life rafts, man-overboard boats, fast-going man-overboard boats, fire-fighting training modules, exercises during disease treatment courses, diving, etc.
- registration, certification and attestation, including the duplication of certificates referred to in point E,
- the qualification requirements for teachers, instructors and other staff referred to in point G, and
- national and international regulations relevant to the course, including the implementation of the STCW Convention requirements for the course.

#### **D. Reporting and management of deviations, complaints or suggestions for improvement, corrective and preventive actions**

The training provider shall ensure that deviations, improvement requests, complaints and reporting, as well as the subsequent corrective actions taken, are managed and can be documented.

##### *Deviations*

A deviation is defined as a failure to meet specified requirements, such as an incident contrary to the quality assurance system or an observation contrary to the regulation, course syllabus or course guidelines.

##### *Suggestions for improvement*

A proposal for improvement is defined as a restructuring or adjustment of elements of the course or quality assurance system.

##### *Complaints and complaint handling*

The course provider shall investigate the cause of an internal or external complaint and take the necessary corrective and preventive action.

##### *Reporting*

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All staff and students must be able to report observed deviations and/or improvement proposals, as well as complaints. The course provider is responsible for following up on these observed deviations and/or suggestions for improvement, as well as complaints.

*Corrective and preventive actions*

The training provider shall investigate the cause of the deviation and take the necessary corrective and preventive actions (e.g., change of process for improvement and optimisation of the quality assurance system). The training provider shall also ensure that corrective actions are effectively implemented.

**E. Management of recording and certification**

The course provider shall record information for identification, collection, recording, access to data, archiving, storage, etc., for all records related to the courses and the quality assurance system. The records must include course descriptions, course certificates, and further training for trainers.

**F. Achievement of the objectives of the training programmes under the STCW Convention**

The course provider shall demonstrate the achievement of the training and competence objectives in relation to the STCW Convention for the course concerned.

**G. Staff training**

The course provider must ensure that trainers and instructors are qualified for the training in question.

Documented information must be established, maintained and stored on:

- qualification requirements for trainers and instructors, and
- training or further training of staff (teachers, instructors, examiners and organisers responsible for the course).

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## **H. Safety and environment**

*For ships used for education and course purposes and which can carry 12 or more persons in addition to the crew, the operator shall ensure that a quality management system is established and implemented in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), as adopted by the United Nations Maritime Organization (IMO) through Resolution A. 741(18), as amended. The quality assurance system must also ensure that the ship complies with relevant Danish regulations concerning safety and the working environment at sea.*

The documented procedures or other relevant information should include a cross-reference to any requirements and guidance from the Danish Maritime Authority and, for example, the Danish Working Environment Authority, the Industry Working Environment Council for Transport and Wholesale, the Danish Health Authority, the STCW Convention, the International Diving Schools Association (IDSA), the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA), etc.

### Official notes

<sup>11</sup> The Order contains provisions implementing parts of Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers, Official Journal 2008, No. L 323, p. 33, as amended by Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106/EC on the minimum level of training of seafarers, Official Journal 2012, No. L 343, page 78.