

Translation: Only the Danish document has legal validity.

*Order no. 1436 of 30 of November 2023
issued by the Danish Maritime Authority*

Order on seafarers' rest periods [1](#)

Pursuant to Section 4(4), Section 57, second sentence, Section 70(1) and Section 71a(2) of the Act on Danish Seafarers' Employment Conditions, etc., cf. Consolidation Act no. 1662 of 17 December 2018, and Section 1(3), first sentence, Section 3(1)(6) and (2), Section 16(3) and Section 32(9) of the Danish Maritime Safety Act, cf. Consolidation Act no. 221 of 11 February 2022, shall be determined by authorisation pursuant to Section 1(1)(3) and (6), in Executive Order no. 261 of 23 March 2020 on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

Definitions and scope

Section 1. This Executive Order applies to complaints from employees on board ships, cf. Section 1(1) and Section 49 of the Act on Seafarers' Employment Conditions, etc., irrespective of the use and trade area of the ships, with the exception of fishing vessels and recreational craft.

Subsection 2. In case of doubt as to whether the person in question is to be regarded as an employee on board, the question shall be decided by the Danish Maritime Authority after prior consultation with the organisations of shipowners and seafarers to which the question relates.

Section 2. A rest period means a continuous period of not less than one hour's duration outside working hours.

Subsection 2. Working hours shall mean the period during which an employee is required to work on account of the ship.

Subsection 3. A week is defined as a continuous seven-day period.

Section 3. No work on foreign merchant ships in Danish territorial waters shall be carried out in contravention of the framework concerning hours of work and rest under the STCW Convention, and Sections 1-12 of the Agreement annexed to Council Directive 1999/63/EC, as amended by Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement entered into between 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.

Section 4. A normal working time standard for an employee is in principle based on an eight-hour day with one day of rest per week and time off on public holidays.

Subsection 2. For employees, only the rest time is adjusted, cf. Section 57 of the Danish Act on Seafarers' Employment Conditions, etc.

Rest time, etc.

Section 5. Employees must have regular rest periods of sufficient length to ensure health and safety.

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Subsection 2. For employees aged 18 years or over, the rest period shall be at least 10 hours in any 24-hour period, cf. Section 6(4). The rest period may be divided into a maximum of two periods, one of which must be at least six hours, cf. Sections 9 and 10. The time between two consecutive rest periods must not exceed 14 hours.

Subsection 3. The total rest period for a week must be at least 77 hours.

Subsection 4. On Sundays and public holidays, the shipowner may not impose work on an employee that can be postponed.

Subsection 5. On Sundays and public holidays, employees who so wish should also, as far as possible, be given the opportunity to hold an undisturbed religious service on board.

Section 6. For seafarers on watchkeeping duty or for seafarers whose work includes tasks related to safety and prevention of pollution or for seafarers working on ships on short voyages, Section 5(2) and (3) may be deviated from by collective agreements taking into account more frequent or longer periods of time off or where compensatory time off is provided, cf., however, Subsection 4.

Subsection 2. An agreement pursuant to Subsection 1 shall at least fulfil the following, cf. STCW Convention Section A-VIII/1, paragraph 9:

- 1) The requirement for ten hours of rest in any 24-hour period.
- 2) The requirement of 70 hours of rest in any seven-day period. The reduction of the weekly rest period to 70 hours is not permitted for more than two consecutive weeks. The interval between the two on-board exemption periods must not be less than twice the length of the exemption period.
- 3) The requirement that the rest period may not be divided into more than three periods, at least one of which must be six hours in length and none of the other two periods must be less than one hour in length. The interval between consecutive rest periods must not exceed 14 hours. Exceptions may not exceed two 24-hour periods in any seven-day period.
- 4) The exemptions shall, as far as possible, take into account the guidance on the prevention of fatigue set out in Section B-VIII/1 of the STCW Convention.

Subsection 3. Agreements on deviations under Subsection 1 shall be presented at the request of the Danish Maritime Authority. The text of the agreement referred to in Subsection 1 shall be available on board in the ship's working language and English in an easily accessible place. For passenger ships on domestic voyages where the working language is Danish, the text of the agreement, cf. Subsection 1, may only be in Danish and must be available on board in an easily accessible place.

Subsection 4. For seafarers on watchkeeping duty or for seafarers whose work includes tasks related to safety and pollution prevention on passenger ships on regular scheduled services within the area marked in Appendix 4, the hours of rest in accordance with Section 5(2) may be deviated from by collective agreements.

Subsection 5. Agreements under Subsection 4 must be approved by the Danish Maritime Authority. Approval is subject to the agreement containing compensatory measures, cf. Appendix 5.

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Subsection 6. If the collective agreement referred to in Subsection 4 expires, is terminated or lapses, the Danish Maritime Authority's authorisation shall cease at the same time as the termination of the agreement.

Subsection 7. This provision does not apply to persons under the age of 18.

Section 7. A seafarer under 18 years of age must have a rest period of at least 12 hours within any 24-hour period.

Subsection 2. The rest period shall generally cover the period between 20:00 and 06:00.

Subsection 3. For employees under the age of 18 who are on duty, the rest period may be divided into a maximum of TWO periods. One of the rest periods must be at least eight hours and must be between 20:00 and 06:00.

Subsection 4. The time between two consecutive rest periods shall not exceed 12 hours.

Subsection 5. The total rest period for a week must be at least 84 hours.

Subsection 6. Subsections 2 and 3 do not apply to employees under 18 years of age if a different placement of rest periods is necessary as part of a vocational training programme, a maritime education and training programme approved by the Danish Maritime Authority or a similar programme of at least two year's duration that provides professional competence.

Subsection 7. Employees under the age of 18 must have two consecutive days off per week. If required, weekly days off can be postponed in exchange for equivalent time off at a later date.

Section 8. Employees on duty shall have a compensatory rest period if the normal rest period is interrupted as a result of work and such interruption without such compensation for the employee means that the rest period requirement cannot be met.

Subsection 2. The total rest period for employees on duty must be at least 10 hours in any 24-hour period and one of the rest periods must be at least six hours, cf. Section 6(4).

Subsection 3. For employees under 18 years of age, the total rest period, regardless of interruption, shall be at least 12 hours in any 24-hour period, and one of the rest periods shall be at least eight hours.

Section 9. Drills, fire and rescue drills and other prescribed drills shall be conducted in such a way that they interfere as little as possible with rest periods and do not cause fatigue.

Subsection 2. For employees who have reached the age of 18 and who perform exercises covered by Subsection 1, the total rest period, regardless of interruptions, must be at least 10 hours in any 24-hour period and one of the rest periods must be at least six hours, cf. Section 6(4).

Subsection 3. For employees under 18 years of age, the total rest period, regardless of interruption, shall be at least 12 hours in any 24-hour period, and one of the rest periods shall be at least eight hours.

Section 10. The master may require the seafarer to work when necessary for the immediate safety of the ship, persons on board or cargo or to assist other ships or persons in distress at sea.

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Subsection 2. The provisions of Sections 5-9 may be deviated from in the situations mentioned in Subsection 1.

Subsection 3. As soon as practicable after the normal situation has been restored, the master shall ensure that a seafarer who has performed work during a scheduled rest period is provided with an adequate period of rest.

Lookup and registration

Section 11. A table shall be posted in an easily accessible place on board with information for each function on board about the employees' working periods at sea and in port, including duty periods for employees on duty.

Subsection 2. The form must be in the ship's working language and English, and the format must be approved by the Danish Maritime Authority. Appendix 1 contains a form approved by the Danish Maritime Authority.

Subsection 3. For ships covered by Section 6(4) and where the working language is exclusively Danish, the form shall only be published in Danish.

Section 12. Employees' daily rest periods shall be continuously recorded in a special rest period schedule, which shall be in the ship's working language and English, and the format of which shall be approved by the Danish Maritime Authority. The form must be kept in two copies. Appendix 2 contains a form approved by the Danish Maritime Authority. Appendix 3 contains an overview of the information that the rest time registration must contain for employees on ships travelling exclusively between Danish ports and where all time on board is working time.

Subsection 2. For ships covered by Section 6(4) and where the working language is exclusively Danish, the hours of rest schedule shall be in Danish only.

Subsection 3. The master or a person authorised by the master and the employee shall sign the hours of rest form each month.

Subsection 4. The employee shall at appropriate intervals and at the end of the ship's service be given a signed copy of the hours of rest schedule.

Subsection 5. A copy of the hours of rest schedule must be available on board for six months after the date of service. The shipowner must then keep the form for one year.

Subsection 6. A copy of the rest period schedule referred to in Subsection 5 shall be submitted to the Danish Maritime Authority when requested by the Authority for inspection and endorsement.

Subsection 7. The Danish Maritime Authority may authorise that the information on hours of rest is recorded and stored on electronic media and that the submission of the information on hours of rest to the Danish Maritime Authority is done electronically. The Danish Maritime Authority may make the authorisation conditional on the registration, storage and submission of the information in a special format.

Section 13. The shipowner or employer shall ensure that it is possible to fulfil the obligations arising from the Executive Order on board. In cases where the shipowner is not the employer, the obligation under the first sentence is also incumbent on the shipowner.

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Section 14. The Danish Maritime Authority supervises compliance with the provisions of this Executive Order.

Subsection 2. In the event of non-compliance with the provisions of this Executive Order, the Danish Maritime Authority shall, in compliance with binding international conventions, take the necessary measures to prevent fatigue which constitutes a clear danger to the health or safety of employees. Such measures may include prohibiting the ship from leaving the port until the employees are sufficiently rested.

Subsection 3. The Danish Maritime Authority's decision to detain a ship may be brought before the Danish Maritime Appeals Board by the shipowner or operator of a ship or the representative in Denmark. Referring a case to the Board does not have a suspensive effect.

Section 15. The Danish Maritime Authority may require information on the employees' working conditions from masters and shipowners for the processing of cases under this Executive Order.

Penalties

Section 16. Contravention of Section 5, Section 6(3) and (5), Section 7(1), (3-5) and (7), Section 8, Section 9, Section 10(3), Section 11(1) and (2) and Section 12(1) and (3-6) is punishable by a fine.

Subsection 2. Anyone who fails to comply with a condition laid down pursuant to Section 12(7) shall be liable to a fine.

Subsection 3. Violation of Sections 13 and 15 is punishable by a fine or imprisonment for up to one year.

Subsection 4. Anyone who fails to comply with a prohibition or order under Section 14(2) shall be liable to a fine or imprisonment for up to one year.

Subsection 5. The penalty under Subsections 3 and 4 may be increased to imprisonment for up to two years if the offence is committed intentionally or through gross negligence and if

- 1) The infringement has caused damage to life or health or has created a danger thereof,
- 2) A prohibition or an order has previously been issued in respect of the same or a similar matter; or
- 3) The infringement has resulted in or is intended to result in a financial benefit for the person concerned or for others.

Subsection 6. It shall be regarded as a particularly aggravating circumstance that, in the case of a young person under 18 years of age, harm to life or health has occurred or danger thereof has been caused, cf. Subsection 5(1).

Subsection 7. Where no confiscation of the proceeds of the infringement is ordered, the amount of any financial advantage obtained or intended shall be taken into account, in particular, in the assessment of any fine, including any additional fine.

Subsection 8. Criminal liability may be imposed on companies, etc., (legal persons) in accordance with the provisions of Chapter 5 of the Criminal Code.

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Subsection 9. For the purpose of imposing criminal liability under Subsection 8, persons employed to perform work on board the ship by persons other than the shipowner shall also be deemed to be associated with the shipowner. Where a document of compliance under the Safety Management Code or a certificate under the Seafarers' Employment Convention has been issued to another organisation or person, the master and seafarers shall also be deemed to be associated with the person to whom the document has been issued.

Entry into force provision

Section 17. This Executive Order shall enter into force on 1 January 2024.

Subsection 2. Executive Order no. 2027 of 14 December 2020 on seafarers' rest periods is repealed.

The Danish Maritime Authority, 30 November 2023

Rasmus Høy Thomsen

/ Kristina Ravn

Appendix 1

STANDARD MODEL FOR THE OVERVIEW OF THE ORGANISATION OF WORK ON BOARD

Name of ship: _____ Flag of ship _____ IMO number (if any): _____

Latest update of table: _____ Page () of () pages

The minimum hours of rest are applicable in accordance with article 57, cf. the Order on seafarers hours of rest issued in conformity with the Maritime Labour Convention (MLC) and with any applicable collective agreement registered in accordance with that Convention and with the International Convention on standards of training, certification and watch-keeping for seafarers, 1978, as amended, (STCW Convention).

Minimum hours of rest

1) For seafarers serving on Danish merchant ships the hours of rest according to the above mentioned rules shall not be less than : (i) 10 hours in any 24-hour period, and (ii) 77 hours in a seven-day period.

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2) Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

3) By collective agreements the above-mentioned provisions may be departed from for watch-keeping seafarers and for seafarers whose work include tasks related to safety and pollution prevention or for seafarers engaged on ships on short voyages, taking into account more frequent or longer periods of leave or the granting of compensatory days off. An agreement shall at least comply with the minimum protection deriving from the requirements in section VIII/1 of the A Code of the STCW Convention. Departure from provisions shall be presented at the request of the Danish Maritime Authority.

Other requirements: _____

See page 2 for selected extracts from MLC and the STCW-Convention.

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TABLE OF SHIPBOARD WORKING ARRANGEMENTS

2) Position/Rank	Scheduled daily work hours at sea		Scheduled daily work hours in port		3) Comments	Total daily hours of rest	
	Watch-keeping (from-to)	Non-watch-keeping duties (from-to)	Watch-keeping (from-to)	Non-watch-keeping duties (from-to)		At sea	In ports
(signature of the master) _____							

2) For those positions/ranks that are also listed in the ship's safe manning document, the terminology used should be the same as in that document.

3) For watchkeeping personnel, the comment section may be used to indicate the anticipated number of hours to be devoted to unscheduled work.

SELECTED TEXTS FROM MLC AND THE STCW CONVENTIONS

MLC

Standard A2. 3, paragraph 5, 6, 13 and 14.

5. The limits on hours of work or rest shall be as follows: (a) maximum hours of work shall not exceed: (i) 14 hours in any 24-hour period; and (ii) 72 hours in any seven-day period, or (b) minimum hours of rest shall not be less than: (i) 10 hours in any 24-hour period, and (ii) 77 hours in any seven-day period.

6. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

13. Nothing in paragraphs 5 and 6 of this Standard shall prevent a Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions

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shall, as far as possible, follow the provisions of this Standard but may take account of more frequent or longer leave periods or the granting of compensatory leave for watch-keeping seafarers working on board ships on short voyages.

14. Nothing in this Standard shall be deemed to impair the right to the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in an scheduled rest period are provided with an adequate period of rest.

STCW Convention

Section A-VIII/1, paragraph 2, 3, 8 and 9.

2. All persons who are assigned duty as officer in charge of a watch or as a rating forming part of watch and those whose duties involve designated safety, prevention of pollution and security duties shall be provide with a rest period of not less than: (1) a minimum of 10 hours of rest in any 24-hour period; and (2) 77 hours in any 7-day period.

3. The hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length, and the intervals between consecutive periods of rest shall not exceed 14 hours.

8. Nothing in this section shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon a practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

9. Parties may allow exceptions from the required hours of rest in paragraphs 2.2 and 3 above provided that the rest period is not less than 70 hours in any 7-day period. Exceptions from the weekly rest period provided for in paragraph 2.2 shall not be allowed for more than two consecutive weeks. The intervals between two periods of exceptions on board shall not be less than twice the duration of the exception. The hours of rest provided for in paragraph 2.1 may be divided into no more than three periods, one of which shall be at least 6 hours in length and neither of the other two periods shall be less than one hour in length. The intervals between consecutive periods of rest shall not exceed 14 hours. Exceptions shall

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not extend beyond two 24-hour periods in any 7-day period. Exceptions shall, as far as possible, take into account the guidance regarding prevention of fatigue in section B-VIII/1.

Annex 2

Record of hours of rest of seafarers in Danish ships

Seafarer (full name) _____ Birthday _____ Year: _____

Position/Rank _____ Watchkeeper yes no Name of ship _____

1)(Delete as appropriate).

The following national laws, regulations and/or collective agreements governing limitations on minimum rest periods apply to this ship:

<i>Month</i>					
<i>Day</i>	<i>Periods of rest (from-to)</i>			<i>Hours of rest totally</i>	<i>Comments</i>
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					

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15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

I agree that this record is an accurate reflection of the hours of rest of the seafarer concerned.

Name of master or person authorized by master to sign this record

Signature of master or authorized person

Signature of seafarer: _____

A copy of this record is to be given to the seafarer.

This form is subject to examination and endorsement under procedures established by the

Danish Maritime Authority

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Conditions for special rest time recording

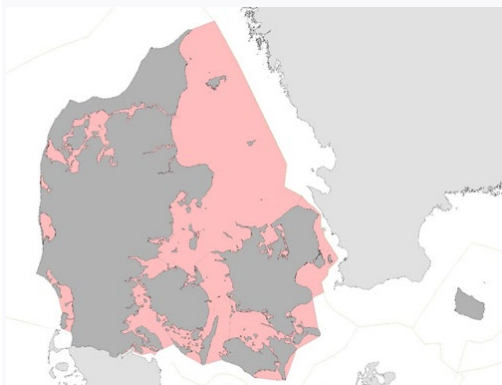
The recording of rest time for seafarers on merchant ships sailing exclusively between Danish ports, and where the seafarer does not sleep on board, so that all time on board is working time, can take place as part of a suitable form containing at least the following information:

- 1) The seafarer's name.
- 2) Date of birth (social security number).
- 3) Position on board.
- 4) Name of the ship.
- 5) The location and length of working hours.
- 6) Certification by the master or the person authorised by the master that the regulations on hours of rest for seafarers have been complied with in respect of the minimum daily hours of rest and the total weekly hours of rest.
- 7) Confirmation from the master or the person authorised by the master that the seafarer has been provided with a copy of the form with the hours of rest endorsement.

Appendix 4

The waters covered

The delimited area as referred to in Section 6(4) of the Executive Order.



Appendix 5

Compensatory measures

An agreement to deviate from the rest period rules in accordance with Section 6(5) must be approved by the Danish Maritime Authority. When the Danish Maritime Authority approves an agreement, it makes a specific assessment of the agreement in its entirety to ensure that the seafarer receives sufficient rest. The agreement must state how deviations are made and how they are compensated for. The duty roster must be organised in such a way that the seafarer is not subjected to unnecessary strain.

When the regular rest period regulations are deviated from, compensatory measures must be agreed upon. When determining compensatory measures, the following elements should be considered:

1. That the seafarer has a minimum of 10 hours rest in any calendar day, which may be divided into two periods.
2. That the seafarer has one rest period of at least six consecutive hours in connection with the transition from one calendar day to another. For example, if the seafarer ends their shift in the late evening, around midnight or in the middle of the night, the seafarer cannot start a new shift until six hours have passed, even if a new calendar day has started.
3. That the six hours are real rest hours, i.e. time must be added for any other tasks.
4. That the main rule may only be deviated from twice in a row in one seven-day period. Between the two periods in which the rest period is waived, there must be three days on which the seafarer is either off duty or resting in accordance with the general rule of 10 hours rest in any 24-hour period.
5. That the seafarer is ensured a minimum of 77 hours rest in any seven-day period.
6. That there are facilities on the ship or in the immediate vicinity of the ship so that the seafarer can spend the night, e.g. a rest room with a bed and toilet and shower facilities. The seafarer may, if deemed appropriate, stay overnight in their own home.
7. That the seafarer is provided with adequate breaks and variety of duties throughout the day, including if there is more than one navigator on board, the navigators should take turns navigating the ship.
8. That the agreement takes into account the route (crossing), type of passenger vessel and peak periods.
9. Other special compensatory measures adapted to local conditions.

Official notes

¹ The Executive Order contains provisions implementing parts of Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work, Official Journal 1994, No. L 216, p. 12, as amended by Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007, Official Journal of the European Union 2007, Official Journal of the European Communities No. L 165, p. 21, Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014, Official Journal of the European Union 2014, No. L 65, p. 1, parts of Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the

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organisation of working time of seafarers entered into by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST), Official Journal 1999, No. L 167, p. 33, as amended by Council Directive 2009/13/EC of 16 February 2009, Official Journal 2009, No. L 124, page 30 and Council Directive (EU) 2018/131 of 23 January 2018, Official Journal 2018, No. L 22, p. 28, Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports, Official Journal 2000, No. L 14, page 29, and Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (recast), 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, Official Journal 2012, No. L 343, page 78, and Directive (EU) 2019/1159 of the European Parliament and of the Council of 20 June 2019, Official Journal 2019, No. L 188, page 94. The Executive Order incorporates certain provisions from Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019, Official Journal 2019, No. L 198, page 241. According to Article 288 of the TFEU, a regulation is directly applicable in each Member State. The reproduction of these provisions in the Executive Order is thus solely motivated by practical considerations and does not affect the direct validity of the Regulation in Denmark.