

Translation: Only the Danish document has legal validity.

Executive Order no. 1560 of 09/12/2024

issued by the Danish Maritime Authority

Executive Order on the activities of private recruitment and placement services¹⁾

Pursuant to Sections 8 b(2), 65(3), 66(2)(b), 70(1) and 74a of the Act on Seafarers' Employment, cf. Consolidated Act no. 335 of 9 April 2024 on Seafarers' Employment, etc, and Section 20 a(1) and (3) and Section 20 b of the Act on Safety at Sea, cf. Consolidated Act no. 221 of 11 February 2022, it is stipulated:

Chapter 1

Definitions and scope

Section 1. The Executive Order applies to the activities of private recruitment and placement services in Denmark whose primary purpose is the recruitment or arrangement of work for seafarers on merchant ships or which recruit or arrange work for a significant number of seafarers on merchant ships.

Subsection 2. A merchant ship is any ship with the exception of warships, troop ships, fishing vessels and pleasure craft.

Subsection 3. In case of doubt as to whether a recruitment and placement services is covered by paragraph 1, the matter shall be decided by the Danish Maritime Authority after consultation with the relevant organisations for seafarers and shipowners.

Section 2. For the purposes of this Executive Order:

- 1) Private recruitment and placement services for seafarers: Any private person or company, institution, agency or other organisation, not established under public auspices, engaged in the recruitment of seafarers or the placement of seafarers for work on merchant ships.
- 2) Recruitment of seafarers: Entering into an employment contract with a seafarer as an agent on behalf of another.
- 3) Seafarer placement: Establishing contact between an actual seafarer without a job and an employer who has a vacancy on a merchant ship. Information about job vacancies for seafarers on the websites of shipping companies or professional organisations that have the character of ordinary job advertisements is not considered a placement service.
- 4) Seafarer: Any person employed, engaged or working on board a merchant ship who does not work exclusively on board while the ship is in port.

Chapter 2

Certification and obligations of the recruitment and placement services

Section 3. A recruitment and placement service must have a valid certificate to operate.

Subsection 2. The certificate is issued by the Danish Maritime Authority or any person authorised by the Authority. It is valid for 5 years, unless a shorter validity period is set by the Danish Maritime Authority.

Subsection 3. It is a condition for obtaining a certificate under Subsection 1 that the recruitment and placement service can demonstrate to the Danish Maritime Authority that the service has established procedures to ensure compliance with the obligation's incumbent on recruitment and placement services under Sections 4-8 and Sections 12-14, including procedures to ensure the availability of the necessary

knowledge to fulfil these obligations.

Subsection 4. The certificate lapses in the event of the bankruptcy of the recruitment and placement service. The certificate may be revoked for serious or repeated violations of the rules in Sections 4-8 or Sections 12-14.

Section 4. A recruitment and placement service must ensure that the seafarer who is recruited or placed on a merchant ship

- 1) is qualified and has the documents necessary for the work they will be carrying out on board,
- 2) have the required documentation of medical fitness for the work to be carried out on board, enter into a written employment agreement that complies with the applicable laws and regulations of the country whose flag the ship flies,
- 3) be informed of their rights and obligations under the employment agreement, including the employer's employment policy,
- 4) have the opportunity to review the employment agreement at the latest upon signing,
- 5) receive a signed copy of the employment agreement and of any collective agreements that are part of the employment agreement, and
- 6) be informed of their rights to financial compensation in case of loss if a recruitment and placement service or a shipowner fails to fulfil its obligations, including where and how to make a claim for non-performance of such obligation.

Section 5. The recruitment and placement service shall not directly or indirectly, in whole or in part, require payment from the seafarer, cf. Subsection 2.

Subsection 2. Subsection 1 does not apply to expenses for fulfilment of the flag state's requirements for certificates of competency, other equivalent certificates or a seafarer's logbook, as well as to expenses for passports or other personal travel documents with the exception of expenses for necessary visas.

Section 6. The recruitment and placement service is required to provide financial security to cover the seafarer's financial loss as a result of the service's negligence, as well as for the shipowner's or, to the extent the employer is other than the shipowner, its failure to fulfil its obligations under the seafarer's employment agreement. The financial security can either be a bank guarantee for the company or an insurance policy taken out by the company with an insurance company authorised to carry out this type of insurance business. The financial security must amount to at least DKK 5,000 per recruited or placed seafarer in the calendar year in question.

Subsection 2. If the financial security ceases, the party who has taken out the security is required to notify the Danish Maritime Authority. If no new security is provided to replace it, the financial security shall continue to cover financial losses under Subsection 1. The claim must be raised against the company no later than three months after the Danish Maritime Authority has been notified by the guarantor that the cover will cease or has ceased due to default or termination.

Subsection 3. The provider of the financial security must issue a certificate to prove this and the recruitment and placement service must ensure that the certificate is posted in the company where it is easily accessible and visible to seafarers.

Section 7. The recruitment and placement service is required to handle complaints regarding their activities and must submit the documents in a complaint case at the request of the Danish Maritime Authority.

Section 8. The recruitment and placement service shall keep a register of all seafarers recruited or placed through the service. The register must be available for inspection by the Danish Maritime Authority or others authorised by the Danish Maritime Authority.

Chapter 3

Certification and inspection by the Danish Maritime Authority

Section 9. The Danish Maritime Authority issues certificates for recruitment and placement services in

Denmark, cf. Section 3(2).

Subsection 2. The Danish Maritime Authority may authorise classification companies, other companies or individuals to issue certificates for private recruitment and placement services in Denmark.

Section 10. The Danish Maritime Authority supervises private recruitment and placement services in Denmark that are certified by Authority.

Chapter 4

Complaints policy

Section 11. Complaints about the activities of a certified private recruitment and placement service may be brought before the Danish Maritime Authority.

Chapter 5

Special provisions

Section 12. A recruitment and placement service must ensure that the following are fulfilled:

- 1) The seafarer shall be free to choose the ship during any negotiation for recruitment or placement.
- 2) A shipowner or master must have the right to freely choose its crew.
- 3) That the employment contract ensures that all interested parties are protected.

Section 13. The recruitment and placement service must ensure that the shipowner has provided financial security for the seafarers' return journey.

Section 14. A recruitment and placement service shall not use any means or maintain any lists likely to prevent seafarers from obtaining employment on board.

Section 15. A fee of DKK 21,058 is payable to the Danish Maritime Authority for certification under this Executive Order. The certificate also covers any inspections during the certificate's validity period.

Chapter 6

Penalties

Section 16. Violation of Sections 3(1), 4, 5(1), 6(1) and (3), 13 and 14 is punishable by a fine.

Subsection 2. Criminal liability may be imposed on companies or other legal persons in accordance with the rules laid down in Chapter 5 of the Criminal Code.

Chapter 7

Entry into force provision

Section 17. The Executive Order will enter into force on 23 December 2024.

Subsection 2. Executive Order no. 228 of 7 March 2013 on the activities of private recruitment and placement services is repealed.

The Danish Maritime Authority, 9 December 2024

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¹⁾ The Executive Order contains provisions transposing parts of Council Directive 2009/13/EC of 16 February 2009 giving effect to the Agreement entered into by 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, Official Journal of the European Union 2009, No. L 124, page 30-50.