

***Translation: Only the Danish text has legal validity.***

*Promulgation Order from the Danish Maritime Authority No. 273 of 11 April 1997 as amended by Act No. 460 of 31 May 2000*

## **Promulgation of Act on the Danish International Shipping Register**

Promulgation of Act on the Danish International Shipping Register, Act No. 408 of 1 July 1988, as amended by Act No. 224 of 6 April 1994, Act No. 464 of 12 June 1996 and Act No.460 of 31 May 2000.

### **Part 1**

#### *Scope*

1.-(1) Entered in the Danish International Shipping Register are Danish ships, see section 1(2) and section 2 of the Danish Merchant Shipping Act, with a gross register tonnage of 20 tons/a gross tonnage of 20 or more.

(2) A ship with a gross register tonnage of 20 tons/a gross tonnage of 20 or more, which has foreign owners, may be entered in the register, provided:

- 1) Danish nationals or companies that are deemed to be Danish, according to the Danish Merchant Shipping Act, are engaged in shipping as a major activity, and have a significant direct or indirect holding in the foreign company and, by reason of that holding, have a significant influence in the form of voting rights or similar, and
- 2) the foreign company has appointed a representative in Denmark, who can accept service of writs on behalf of the owner, is authorised to act on the owner's behalf vis-à-vis the registration authorities, and is responsible for ensuring that the obligations incumbent on the shipping company pursuant to this act are discharged.

(3) Barges, lighters, dredgers, floating cranes and similar shall be deemed to be ships according to this Act. Floating docks, cable drums, floating containers and other similar equipment shall not be deemed to be ships.

(4) In special cases, the registrar of shipping may allow ships which do not meet the nationality criteria set out in section 1(1) to be entered in the Danish International Shipping Register.

2. Warships, fishing vessels, boulder-removal vessels and leisure craft cannot be entered in the Danish International Shipping Register.

3.-(1) A ship which is entered in the Danish International Shipping Register shall be entitled to fly the Danish flag and shall be subject to Danish law.

(2) Section 10 (2) and (3) do not apply to passenger ships that operate primarily between Danish ports and other ports within an area which is delimited, in the North Sea and the Channel, by the meridian 3° west and the parallel of latitude 61° north and,

in the Baltic, by the parallel of latitude 58° north; however, section 10 (2) and (3) shall apply to navigation to and from marine installations in the area mentioned in (1).

**4.**-(1) Ships which are registered in the Danish International Shipping Register are not permitted to carry passengers between Danish ports.

(2) This shall not apply to navigation to and from marine installations.

## **Part 2**

### *Registration*

**5.**-(1) The register shall be kept by a registrar of shipping.

(2) An application for entry of a ship in the Danish International Shipping Register shall relieve the owner of its duty of registration under the Danish Registration of Vessels Act.

**6.** Entry may be by transfer from the Danish Shipping Register with all rights and obligations, by transfer from a foreign register, or as a new entry of a newbuilt ship.

**7.** A ship which is registered in another register may not at the same time be registered in the Danish International Shipping Register.

**8.** A ship which is entered in the Danish International Shipping Register will be allocated new registration letters.

**9.** The owner of a ship which is registered in the Danish International Shipping Register is under obligation to notify changes in matters of relevance to the continued registration.

## **Part 3**

### *Pay and working conditions*

**10.**-(1) Collective agreements on pay and working conditions for crew on ships entered in this register shall expressly state that they apply only to such employment.

(2) Collective agreements as mentioned in section 10(1), which are entered into by a Danish trade union, can only comprise persons who are deemed to be resident in Denmark or who, in pursuance of international obligations entered into, shall be placed on the same footing as Danish nationals.

(3) Collective agreements as mentioned in section 10(1), which are entered into by a foreign trade union, can only comprise persons who are members of the said union or persons who are nationals of the country in which the trade union is registered, provided they are not members of another union with which an agreement as mentioned in section 10(1) has been entered into.

(4) The Danish Industrial Tribunal Act shall also apply to cases in which a foreign trade union is party.

## **Part 4**

### *Deletion*

**11.**-(1) If the conditions for registration, see section 1, are no longer met, the registrar of shipping will delete the ship from the Danish International Shipping Register.

(2) The registrar of shipping may also delete a ship from the Danish International Shipping Register if she has violated section 4.

(3) If the owner is Danish, see section 1(2) of the Danish Merchant Shipping Act, and there are no other grounds for deletion as described in section 26(2) of the Danish Registration of Vessels Act, the registrar of shipping will transfer the ship to the Danish Register of Shipping with all registered rights and obligations and will allocate the ship new registration letters.

## **Part 4 A**

### *Bareboat registration*

**11a.**-(1) Where a ship which is not deemed to be Danish, according to section 1 of the Danish Merchant Shipping Act, is bareboat chartered by a shipping company which can be deemed to be Danish, according to sections 1 or 2 of the Danish Merchant Shipping Act, the charterer can apply for entry of the ship in the Danish International Shipping Register. The ship can be entered for a period of up to five years. The registrar of shipping can extend this period by up to one year at a time on written application from the charterer.

(2) No maritime or other liens may be registered on a ship which is entered pursuant to section 11 a(1).

(3) Entry in the Danish International Shipping Register shall be conditional upon production of a certificate from the foreign registration authority to the effect that the ship is entitled to fly another country's flag during the period of the charter.

**11b.**-(1) A ship shall be deleted from the register in the case of

- 1) the charter-party coming to an end,
- 2) the conditions for registration according to section 11a no longer being met,
- 3) the charterer submitting a written request for this, or
- 4) if, pursuant to the legislation in her country of registration, the ship is no longer entitled to temporarily fly any other flag than the flag of its country of registration.

(2) In addition, a ship shall be deleted from the register if she is scrapped, wrecked, lost, or is declared irreparable by appointed surveyors and valuers, by an approved classification society or by any other equivalent means. If such cause for deletion exists, the charterer shall be under obligation to notify the Danish Shipping Register accordingly in writing not later than thirty days after having become aware of such cause.

**11c.**-(1) A Danish ship which is registered in the Danish International Shipping Register and which is bareboat chartered by a shipping company which cannot be deemed to be Danish, according to sections 1 and 2 of the Danish Merchant Shipping Act, shall not be

deleted from the Danish International Shipping Register, even if the ship is entered in a foreign shipping register on the basis of a charter-party. The ship shall be entitled to provisionally fly the colours of another country than Denmark with the rights and obligations that follow from this. Maritime and other liens can continue to be registered on the ship in the Danish International Shipping Register.

(2) The ship may obtain permission to fly the colours of another country for up to five years from the date of registration. The registrar of shipping may extend this period by up to one year at a time on written application from the shipowner.

(3) Permission for a ship to provisionally fly the colours of another country, cf. section 11c(1), shall be conditional upon all holders of registered liens having given written permission for the ship to change its colours, and upon production of a certificate from the foreign registration authority to the effect that the ship can be entered in the foreign register. If the ship is entered in a register in a country which is not a member of the European Union or is not comprised by the EEA agreement, the change of colours shall be subject to special approval, see section 11c(5).

(4) Permission for a ship to provisionally fly the flag of another country, see section 11c(1), shall also be conditional upon the bareboat charter-party not having been entered into with a foreign company or similar in which the ship's owner has a direct or indirect participating interest of 20 per cent or more and thus has an influence on the company's operation. However, this shall not apply if the Danish Register of Shipping is provided with documentation to substantiate that a change of colours is necessary in order for the ship to comply with a foreign authority's requirements that she must fly a specific flag in order to be allowed to enter the market in question.

(5) Following consultation with the Danish Ships Inspection Council, the Minister of Business and Industry shall lay down rules relating to the colours which Danish ships which are bareboat chartered to non-Danish owners will be permitted to fly.

**11d.**-(1) When the charter-party, see section 11c, comes to an end, the right to fly the flag of another country shall cease. The owner shall notify the Danish Register of Shipping of this within thirty days of the charter-party coming to an end.

(2) In addition, the owner of a Danish ship which has been provisionally permitted to fly another country's flag, see section 11c, shall be under obligation to notify the Danish Register of Shipping in writing within seven days in the event of the owner entering into a time charter under which the owner regains disposal of the ship for a period of time.

(3) In order to avoid abuse, the Danish Register of Shipping can request documentation that the time charter-party is necessary for commercial reasons. If the Danish Register of Shipping considers the documentation to be inadequate, it may refuse the ship the right to continue to fly another flag than the Danish flag.

**11e.** Sections 3, 4, 7 and 10 do not apply to a ship which temporarily flies another flag than the Danish flag.

**11f.** The Minister of Business and Industry may lay down regulations relating to the type of evidence that requires to be produced on bareboat registration of ships.

## Part 5

*Penalty etc.*

**12.** The Minister of Business and Industry can lay down detailed rules:

- 1) on the extent to which the provisions in the Danish Registration of Vessels Act shall apply to ships registered in the Danish International Shipping Register,
- 2) on the layout and keeping of the register,
- 3) on preparation of certificates of nationality,
- 4) on marking of ships,
- 5) on requirements concerning the Danish investment or other influence in the foreign company, see section 1(2), No. 1, which has a ship registered in the Danish International Shipping Register,
- 6) that the registrar of shipping's decisions in pursuance of this Act may not be brought before a higher administrative authority, and
- 7) that the owner shall pay a fee for entry onto and deletion from the register.

**13.-(1)** Violation of sections 4, 9, 11b(2), 11d(1) or 11d(2) shall be punishable by a fine.

(2) In rules and regulations issued by the Minister of Business and Industry in pursuance of this Act, penalty of fining may be fixed for violation of the provisions of such rules and regulations.

(3) Where a violation is committed by a public limited company, a private limited company or similar, penalty of fining may be imposed on the company as such.

**Part 6**

*Entry into effect*

**14.** This Act shall enter into force on promulgation in the Danish Law Gazette<sup>1</sup>.

**15.** This Act shall not extend to the Faroe Islands and Greenland except that the provisions hereof may be brought into force for Greenland by Order in Council subject to such amendments as are necessitated by the specific conditions prevailing in Greenland.

---

Act No. 224 of 6 April 1994 contains the following commencement provision:

**2.** This Act shall enter into effect as specified by the Minister of Business and Industry<sup>2</sup>.

---

Act No. 464 of 12 June 1996 contains the following commencement provision:

---

<sup>1</sup> Act No. 408 of 1 July 1988 was published on 22 July 1988.

<sup>2</sup> Act No. 224 of 6 April 1994 entered into effect on 20 December 1996, cf. Promulgation No. 1045 of 6 December 1996.

3. This Act shall enter into effect on 1 September 1996, although the Minister of Business and Industry shall lay down the date of entry into effect of section 1, No. 1, hereof<sup>3</sup>.

4. This Act shall not extend to ships registered on the Faroe Islands and in Greenland except that its provisions may be brought into force for Greenland by Order of Council subject to such amendments as are necessitated by the specific conditions prevailing in Greenland.

*The Danish Maritime Authority, 11 April 1997*

NIELS J. BAGGE

/Ole Brocks

---

<sup>3</sup> Act No. 464 of 12 June 1996, section 1, No. 1 (cabotage), entered into effect on 1 December 1996, cf. Promulgation No. 1003 of 29 November 1996.