

**Translation. Only the Danish version has legal validity.**

*Order no. 9 of 10 January 2013 issued by the Danish Maritime Authority*

## **Order on certificates of confirmation of insurance or other security in respect of liability relating to accidents during the carriage of passengers by sea**

In pursuance of section 403b(2), section 403c and section 514a of the merchant shipping act (*søloven*), cf. consolidated act no. 856 of 1 July 2010, as amended by act no. 249 of 21 March 2012, the following provisions are laid down:

### *Obligation to take out insurance*

**Section 1.** Owners of Danish passenger ships engaged in international voyages shall take out insurance or any other financial security in respect of liability pursuant to Regulation (EC) of the European Parliament and of the Council no. 392/2009 of 23 April 2009 (the Athens Regulation) relating to accidents during commercial carriage of passengers. The liability includes partly war/terror liability partly non-war liability.

*Subsection 2.* Owners of Danish passenger ships of classes A and B, cf. the division of passenger ships into classes in article 4 of Council Directive 98/18/EC, engaged in domestic voyages shall take out insurance or other financial security in respect of liability mentioned in subsection 1. Owners of foreign passenger ships of the same classes shall take out similar insurance or other financial security in respect of the liability mentioned in subsection 1 if the ships intend to call at Danish ports or any other place of loading or unloading in Denmark or in the Danish continental shelf area or to carry out tasks in Danish territorial seas.

*Subsection 3.* Owners of Danish passenger ships of classes C and D, cf. the division of passenger ships into classes mentioned in subsection 2, engaged in international voyages shall take out liability insurance in respect of the liability mentioned in subsection 1, cf. however subsection 5. Owners of foreign passenger ships of the same classes shall take out similar liability insurance in respect of the liability mentioned in subsection 1 if the ships intend to call at a Danish port or any other place of loading or unloading in Denmark or in the Danish continental shelf area or to carry out tasks in Danish territorial seas.

*Subsection 4.* Owners of Danish ships carrying up to 12 passengers on domestic or international voyages, including ships covered by the order on small vessels carrying up to 12 passengers and carrying out commercial passenger transport, shall take out liability insurance in respect of the liability mentioned in subsection 1, cf. however subsection 5. In case of doubt whether a Danish ship is covered, the Danish Maritime Authority shall take a decision hereon. Owners of foreign passenger ships carrying up to 12 passengers carrying out commercial passenger transport and intending to call at Danish ports or any other place of loading or unloading in Denmark or in the continental shelf area or to carry out tasks in Danish territorial waters shall take out similar liability insurance in respect of the liability mentioned in subsection 1, cf. however subsection 5. In case of doubt whether a foreign ship is covered, the Danish Maritime Authority shall take a decision hereon.

*Subsection 5.* The insurance obligation pursuant to subsections 3 and 4 shall not cover liability in respect of passenger injuries as a consequence of terror or liability in respect of compensation for aids to disabled persons, advance payment and the obligation to provide information.

*Subsection 6.* Danish Government ships used for commercial passenger transport on domestic and international voyages shall not be obliged to take out insurance or other financial security in respect of the liability mentioned in subsection 1.

*Issue of certificate of confirmation of insurance or other security in respect of liability relating to accidents during the carriage of passengers by sea*

**Section 2.** Owners of ships as mentioned in section 1(1), (2) and (6) shall apply the Danish Maritime Authority for a certificate of confirmation that insurance or other financial security in respect of the liability mentioned in section 1(1) has been taken out. These ships shall not be permitted to engage in trade without holding a certificate. Owners of foreign ships as mentioned in section 1(2) shall, however, not apply the Danish Maritime Authority for a certificate if they already hold a certificate that it is possible to recognise pursuant to section 4.

*Subsection 2.* Ships as mentioned in section 1(3) and (4) are not covered by the requirement for a certificate. These ships shall have an insurance policy or other proof that liability insurance has been taken out. The police or other proof of having taken out liability insurance shall be kept on board and shall be presented to the authorities upon request, cf. however subsection 3.

*Subsection 3.* The requirement to keep an insurance policy or other proof of liability insurance on board shall not apply if the ship is constructed such that the keeping on board of the documents mentioned above is not possible.

**Section 3.** Applications for the issue of certificates pursuant to section 2(1) shall be forwarded to the Danish Maritime Authority. It shall be possible to apply electronically. Applications shall be accompanied by declarations of insurers or guarantors.

*Subsection 2.* It shall appear from the declarations that the owner of the ship has taken out insurance or other security in respect of war/terror liability and non-war liability, respectively, as a consequence of the Athens Regulations and within the liability limits of the regulation, cf. however subsection 7. In addition, it shall appear that the insurers or guarantors confirm that the insurances or securities cover the liability mentioned and, in case of securities, what form the securities have.

*Subsection 3.* The declarations mentioned in subsection 2 shall contain the following information:

- 1) The name, distinctive number or letters and port of registry of the ship;
- 2) the name and principal place of business of the registered owner;
- 3) the IMO identification number of the ship;
- 4) the nature and validity of the security;
- 5) the name and registered office of the insurance company or the guarantor; and
- 6) the validity of the insurance or the security.

*Subsection 4.* The Danish Maritime Authority may require documentation that the insurers are entitled to operate an insurance business and are approved by the controlling authority in the country where the company has its business address or head office. In special cases, the Danish Maritime Authority may require that it is also documented that the companies concerned are solvent and capable

of meeting their obligations. Similar requirements may be made of companies wanting to provide security. The Danish Maritime Authority may require that the applicant procures documentation hereof and may reject to issue a certificate in case of non-compliance. The Danish Maritime Authority may also reject to issue a certificate if it gets possession of information making it probable that the companies concerned cannot meet their obligations.

*Subsection 5.* In order for the insurance or security to be approved, the insurers or guarantors shall also take the responsibility for compensating anyone who has a legitimate claim against the owner of the vessel in respect of damages due to accidents during the carriage by sea of passengers. The obligation to pay compensation shall apply for a period of up to 3 months after the date on which the Danish Maritime Authority was informed about the expiry of the insurance or security. This shall not apply to accidents occurring after the expiry of the period of validity given in the certificate or if the certificate has previously been returned to the Danish Maritime Authority or if a new certificate has been issued.

*Subsection 6.* If the Danish Maritime Authority considers the insurances or securities sufficient, a certificate shall be issued to the ship. The certificate shall be in accordance with the format found in annex II to the Athens Regulation, cf. annex 1 to this order.

*Subsection 7.* The Danish Maritime Authority may, without any declarations from insurers or guarantors as mentioned in subsection 2, issue a certificate to a ship owned by a Danish Government institution confirming that the ship is Government-owned and covered for liability as mentioned in subsection 2.

#### *Foreign ships' certificates*

**Section 4.** For a foreign ship registered in an EU/EEA State – or when the Athens Convention has entered into force in a State that has acceded to the Convention – a certificate issued by the competent authority in the state concerned shall be recognised. The certificate shall have the format shown in annex II of the Athens Regulation, cf. annex I to this order.

**Section 5.** For a foreign ship as mentioned in section 1(2) without a foreign certificate capable of being recognised pursuant to section 4, the application shall be sent and payment in accordance with section 10 shall be made no later than 14 days before the date when the ship calls at a Danish port or any other place of loading or unloading in Denmark or in the Danish continental shelf area or starts to carry out tasks in Danish territorial waters.

**Section 6.** In special circumstances, it is possible to issue the certificate to a foreign ship without a valid certificate pursuant to section 4 though it does not call at a Danish port or any other place of loading or unloading in Denmark or in the Danish continental shelf area or operates in Danish territorial waters on a permanent basis. Applications shall be forwarded to the Danish Maritime Authority. Applications may be made electronically and shall be accompanied by declarations from insurers or guarantors. Section 3(2)-(6) shall apply similarly.

#### *Bareboat registered ships*

**Section 7.** The Danish Maritime Authority may issue a certificate in accordance with the requirements of section 3(2)-(6) to a ship that is owner registered in Denmark, but bareboat registered in the register of a foreign State.

*Subsection 2.* If the ship is bareboat registered in an EU/EEA State, a certificate issued by a competent authority in this State shall be recognised. The certificate shall have the format shown in annex II of the Athens Regulation, cf. annex I to this order.

*Subsection 3.* If the ship is not bareboat registered in an EU/EEA State, a certificate issued by a competent authority in an EU/EEA State shall be recognised.

**Section 8.** The Danish Maritime Authority may issue a certificate in accordance with the requirements of section 3(2)-(6) to a ship that is owner registered in the register of a foreign State, but bareboat registered in Denmark.

*Subsection 2.* If the ship already has a valid certificate, a copy shall be forwarded to the Danish Maritime Authority. Subsequently, the Danish Maritime Authority shall contact the issuing authority in the country where the ship is owner registered and request to be kept informed about any amendments to the validity of the certificate.

#### *Other provisions*

**Section 9.** For the purpose of this order, "owner" shall mean the ship's owner, shipowner or bareboat charterer or others who take care of the ship's operation on behalf of the owner.

**Section 10.** A fee of DKK 900.00 shall be paid for issuing a certificate of valid insurance or security. The Danish Maritime Authority shall determine the amount of the fee in accordance with the regulations in force hereon. The amount of the fee shall be published on the webpages of the Danish Maritime Authority, soefartsstyrelsen.dk and dma.dk.

**Section 11.** A certificate shall be issued for a specific period, however not for longer than the period of validity of the insurance or the security. The certificate shall not be issued until payment pursuant to section 10 has been recorded.

*Subsection 2.* A certificate issued pursuant to section 5 shall be issued with a period of validity of no more than 3 months. For ships operating on a permanent basis in Danish territorial waters, a certificate may be issued with a longer period of validity, however not for longer than the period of validity of the insurance or the security.

**Section 12.** The Danish Maritime Authority shall forward a copy of a certificate issued to a ship to its owner or to the one who has applied for the issue of the certificate on behalf of the ship. For a foreign ship, a copy shall in addition be forwarded to the ship register of the relevant country.

*Subsection 2.* The owner of a ship with a certificate issued by the Danish Maritime Authority shall be obliged to immediately return the certificate to the Danish Maritime Authority at the expiry of the insurance or the security as well as at the expiry of the period of validity of the certificate.

*Subsection 3.* The owner shall be obliged to immediately inform the Danish Maritime Authority when becoming aware of changes to the insurance or the security of importance to the validity of a certificate issued by the Danish Maritime Authority.

**Section 13.** The Danish Maritime Authority may withdraw a certificate if it becomes aware of changes to the insurance or the security of importance to the validity of the certificate.

**Section 14.** The police, customs or port authorities finding contraventions of this order while on duty shall immediately inform the Danish Maritime Authority of this contravention.

*Subsection 2.* The Danish Maritime Authority may, upon the ship's arrival, check whether it carries the certificate required. In case of doubt whether the ship has sufficient insurance coverage, it may be detained until this has been remedied.

**Section 15.** Contraventions of section 2(1) and (2) and section 12(2) and (3) shall be liable to punishment by fine.

*Subsection 2.* Companies etc. (legal personalities) may be liable to punishment according to the provisions of chapter 5 of the penal code (*straffeloven*).

**Section 16.** This order shall enter into force on 15 January 2013, cf. however subsections 2 and 3.

*Subsection 2.* The Danish Maritime Authority may consider applications and issue certificates pursuant to this order from 14 December 2012.

*Subsection 2.* Section 2(2) shall enter into force on 1 April 2013.

**Section 17.** This order shall not apply to the Faroe Islands and to Greenland.

*Danish Maritime Authority, 10 January 2013*  
Birgit Sølling Olsen / Henriette Bytoft Flügge

## Certificate

**CERTIFIKAT FOR FORSIKRING ELLER ANDEN ØKONOMISK SIKKERHED  
FOR  
ERSTATNINGSANSVAR VED PASSAGERERS DØD OG TILSKADEKOMST**

*CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY  
IN RESPECT OF  
LIABILITY FOR THE DEATH OF AND PERSONAL INJURY TO PASSENGERS*

Udstedt i overensstemmelse med artikel 4a i Athenkonventionen af 2002 angående transport af passagerer og deres bagage til søs.

*Issued in accordance with the provisions of Article 4bis of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002.*

Skibets navn <i>Name of ship</i>	Kendings- bogstaver <i>Distinctive number or letters</i>	Skibets IMO- identifikations- nummer <i>IMO ship identification number</i>	Skibets hjemsted <i>Port of registry</i>	Navn og fuldstændig adresse på hjemsted for den transportør, der faktisk udfører transporten <i>Name and full address of the principal place of business of the carrier who actually performs the carriage</i>

Det attesteres herved, at der for ovennævnte skib foreligger en gyldig forsikringspolice eller anden økonomisk sikkerhed, som opfylder kravene i artikel 4a i Athenkonventionen af 2002 angående transport af passagerer og deres bagage til søs.

*This is to certify that there is in force in respect of the abovementioned ship a policy of insurance or other financial security satisfying the requirements of Article 4bis of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002.*

Sikkerhedens art

*Type of Security* \_\_\_\_\_

Sikkerhedens gyldighedsperiode

*Duration of Security* \_\_\_\_\_

Navn på forsikringselskabet (- selskaberne) og/eller sikkerhedsstilleren (- stillerne)  
*Name and Address of the Insurer(s) and/or Guarantor(s)*

Navn

*Name*

Adresse

*Address*

Den ved dette certifikat attesterede forsikringsdækning er delt i en krigsforsikring og en ikke-krigsforsikring i henhold til de retningslinjer for gennemførelsen som Den Internationale Søfartsorganisations Juridiske Komité fastlagde i oktober 2006. Begge forsikringsdækninger er underlagt alle de undtagelser og begrænsninger, der gælder i henhold til konventionen og retningslinjerne for gennemførelse heraf. Forsikringselskaberne hæfter ikke solidarisk. Forsikringselskaberne er:

*The insurance cover hereby certified is split in one war insurance part and one non-war insurance part, pursuant to the implementation guidelines adopted by the Legal committee of the International Maritime Organization in October 2006. Each of these parts of the insurance cover is subject to all exceptions and limitations allowed under the Convention and the implementation guidelines. The insurers are not jointly and severally liable. The insurers are:*

For så vidt angår risici i forbindelse med krigshandlinger

*For war risks*

For så vidt angår risici, der ikke omfatter krigshandlinger

*For non-war risk*

Dette certifikat er gyldig indtil

*This certificate is valid until*

Udstedt eller påtegnet af regeringen i

*Issued or certified by the Government of*

The Kingdom of Denmark by the Danish Maritime Authority  
*Statens fuldstændige navn, (Full designation of the State)*

i

*at*

Sted (Place)

den

*on*

Dato (Date)

Den udstedende eller bekræftende embedsmands underskrift og titel  
*Signature and title of issuing or certifying official*

Dato formatet på dette certifikat er: dd-mm-åååå (The date formatting used on this certificate is: dd-mm-yyyy)

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