Translation: Only the Danish document has legal validity

*Act no. 139 of 28 February 2018
issued by the Danish Maritime Authority*

# Act amending the Act on Safety at Sea, the Merchant Shipping Act and the Act on the Danish Government Seamen’s Service[[1]](#footnote-1)

(Merger of the Danish Government Seamen’s Service and Danish Maritime Occupational Health Service and adjustment of the annual fee for small commercial vessels)

WE MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, do hereby make known: Folketinget has passed and We have provided the following Act with our Royal Assent:

## Section 1

The Act on Safety at Sea (*lov om sikkerhed til søs*), see Consolidated Act no. 72 of 17 January 2014, as amended most recently by section 2 of Act no. 1546 of 19 December 2017, is amended as follows:

1. In *section 27,* the following is inserted as a new subsection after subsection (2):

*“Subsection 3.* Subsections (1) and (2) do not apply to occupational health boards and occupational health services covered by the Act on the Danish Maritime Occupational Health and Welfare Board (*lov om Handelsflådens Arbejdsmiljø- og Velfærdsråd*).”

Subsections (3) and (4) then become subsections (4) and (5).

## Section 2

The Merchant Shipping Act (*søloven*), see Consolidated Act no. 75 of 17 January 2014, as amended most recently by section 1 of Act no. 1548 of 19 December 2017, is amended as follows:

1. In *section 15a(2) and (3)*, the following is inserted after “DKK 800” and “DKK 1,600”, respectively: “, however, see subsection (10)”.
2. In *section 15a(5)*, the following is inserted after “subsections 2-4”: “and 10”.
3. In *section 15a(7) and (8)*, the following is inserted after “subsections 1-6”: “and 10”.
4. In *section 15a,* the following is inserted as *subsection (10)*:

*“Subsection 10.* For merchant ships and fishing vessels with a gross tonnage below 30, the annual fee shall amount to DKK 300.”

## Section 3

The Act on the Danish Government Seamen’s Service (*lov om Handelsflådens Velfærdsråd*), see Consolidated Act no. 70 of 17 January 2014, is amended as follows:

1. The *title* of the Act is worded as follows:

**“Act on the Danish Maritime Occupational Health and Welfare Board”.**

1. The following is inserted as a *footnote* to the title of the Act:

“1) This Act contains provisions implementing parts of Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded 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 2009, no. L 124, page 30, and parts of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, Official Journal 1989, no. L 183, page 1, as amended by Regulation no. 1882/2003/EC of the European Parliament and of the Council of 29 September 2003, Official Journal 2003, no. L 284, page 1, Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007, Official Journal 2007, no. L 165, page 21, and Regulation no. 1137/2008/EC of the European Parliament and of the Council of 22 October 2008, Official Journal 2008, no. L 311, page 1.”

1. Throughout the Act, “the Danish Government Seamen’s Service” is amended into:

“the Danish Maritime Occupational Health and Welfare Board”.

1. *Section 1(2)* is repealed and replaced by the following:

*“Subsection 2.* The duties of the Danish Maritime Occupational Health and Welfare Board are:

1. to carry out and further activities related to seafarers’ welfare at sea and during stays in ports both in Denmark and abroad, including practical assistance for seafarers left behind on a Danish or foreign ship in a Danish port, see section 10a(1) of the Act on Seafarers’ Conditions of Employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*);
2. to promote the employees’ physical and mental health and safety;
3. to prevent occupational injuries, including occupational accidents, occupational diseases and attrition, among employees on Danish merchant ships;
4. to create and improve the basis on which the ship’s safety organisations are made capable of solving issues of health and safety through organised occupational health work so that a safe and healthy working environment may be maintained which is in accordance with the technical and social developments within the shipping industry and in society at any time;
5. to map and evaluate the occupational health problems of the merchant fleet in cooperation with the shipowner and the safety organisation;
6. to provide information and guidance on the rules and regulations that apply to the shipping sector;
7. to submit requests and proposals to the Danish Maritime Authority for amending the provisions on the conditions of health and safety in merchant ships;
8. to present proposals and to comment on new regulations as well as on individual cases presented to it by the Danish Maritime Authority;
9. to cooperate and participate in the mutual exchange of information with other relevant authorities and agencies; and
10. to assist in the compilation and review of statistical material on the conditions of health and safety in merchant ships.

*Subsection 3.* To undertake the health and safety work for persons working on board, the Danish Maritime Occupational Health and Welfare Board shall establish an occupational health and welfare service within its area. The duties of the occupational health and welfare service are:

1. to identify and evaluate occupational health problems on merchant ships and to assist the shipowner, the ship management and the safety organisation when resolving occupational health issues;
2. to advise the shipowner, the ship management and the safety organisation on the execution and evaluation of occupational hygiene measurements;
3. to advise the shipowner, the ship management and the safety organisation on the purchase, control and use of personal protective equipment;
4. to be in charge of systematic health examinations of especially exposed groups or individuals; and
5. to assist in the teaching of and advising on issues of health and safety and hygiene.”

Subsection (3) then becomes subsection (4).

1. In *section 1,* the following is inserted as *subsection (5)*:

*“Subsection 5.* The Minister for Industry, Business and Financial Affairs may lay down more detailed rules on the structure, duties and functions of the Danish Maritime Occupational Health and Welfare Board, including on documentation and accounting and obtaining an audit opinion. The Minister for Industry, Business and Financial Affairs may also lay down more detailed rules as referred to in the first sentence for the occupational health and welfare service set up by the Danish Maritime Occupational Health and Welfare Board.”

1. In *section 2, second sentence*, the following is inserted after “be”: “equally”.
2. In *section 3,* the following is inserted after “its activities”: “and on the occupational health and welfare service’s structure, duties, functions and funding”.
3. In *section 4(1)*, “of the Service” is amended into: “of the Danish Maritime Occupational Health and Welfare Board”.
4. In *section 4(3), first sentence*, the following is inserted after “section 1(2)”: “and (3)”, and in the second sentence, “the Service” is amended into: “the Danish Maritime Occupational Health and Welfare Board”.
5. In *section 4(3)*, the following is inserted as the *third sentence*:

“Means deriving from seafarers may only be applied to carry out and further activities related to seafarers’ welfare at sea and during stays in ports both in Denmark and abroad.”

1. In *section 4(4)*, “The management of the Danish Government Seamen’s Service” is amended into: “The management of the Danish Maritime Occupational Health and Welfare Board”, and “of the Danish Government Seamen’s Service” is amended into: “of the Danish Maritime Occupational Health and Welfare Board”.
2. *Section 5(1)* is worded as follows:

“The means for the activities of the Danish Maritime Occupational Health and Welfare Board, see section 1(2)-(4), are brought about through a fee to be paid for each seafarer who is engaged on a Danish merchant ship, including masters, and who is insured against the consequences of accidents pursuant to the Act on Industrial Injury Insurance (*lov om arbejdsskadeforsikring*). The fee is DKK 0.70 per day for the seafarer and DKK 4.02 per day for the shipowner; however, the shipowner’s contribution amounts to DKK 0.70 per day for seafarers on ships with a gross tonnage below 20. For seafarers on ships registered in the Danish International Register of Shipping, however, the shipowner shall pay a fee of DKK 5.32 per day.”

1. In *section 5,* the following is inserted as a new subsection after subsection (1):

*“Subsection 2.* The fees are adjusted annually from 2022 according to changes in the price and wage index of the Danish Ministry of Finance.”

Subsection (2) then becomes subsection (3).

1. In *section 5,* the following is inserted as *subsection (4)*:

*“Subsection 4.* The Minister for Industry, Business and Financial Affairs may lay down more detailed rules on the funding of the Danish Maritime Occupational Health and Welfare Board and the occupational health and welfare service established up by the Danish Maritime Occupational Health and Welfare Board”.

## Section 4

*Subsection 1.* This Act enters into force on 1 March 2018, however, see subsection (2).

*Subsection 2.* Sections 1 and 3 will enter into force as determined by the Minister for Industry, Business and Financial Affairs.

*Subsection 3.* The Minister for Industry, Business and Financial Affairs may lay down rules to the effect that the merger takes effect on 1 January 2018.

*Subsection 4.* Rules laid down pursuant to section 27(4) of the Act on safety at sea, see Consolidated Act no. 72 of 17 January 2014, remain in force until they are repealed or replaced by new rules.

## Section 5

This Act does not extend to the Faroe Islands and Greenland, but section 2 of the Act may, by Royal Decree, be extended, wholly or partly, to Greenland, subject to any variations necessitated by the specific conditions prevailing in Greenland.

*Given at Christiansborg Castle on 28 February 2018*

Under Our Royal Hand and Seal
IN THE NAME OF THE QUEEN:

FREDERIK
CROWN PRINCE

/ Brian Mikkelsen

1. This Act contains provisions implementing parts of Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded 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 2009, no. L 124, page 30, and parts of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, Official Journal 1989, no. L 183, page 1, as amended by Regulation no. 1882/2003/EC of the European Parliament and of the Council of 29 September 2003, Official Journal 2003, no. L 284, page 1, Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007, Official Journal 2007, no. L 165, page 21, and Regulation no. 1137/2008/EC of the European Parliament and of the Council of 22 October 2008, Official Journal 2008, no. L 311, page 1. [↑](#footnote-ref-1)