

Translation: Only the Danish document has legal validity.

*Order no. 783 of 12 June 2018  
issued by the Danish Maritime Authority*

## Order on the recognition of foreign certificates for service on merchant ships and training in Danish maritime legislation (certificates of recognition)<sup>1)</sup>

In pursuance of section 18(1)(i), section 20(4) and (5), section 24b, section 25(4), section 25b(1) and (2), and section 26(1), second sentence, of the Danish Act on the manning of ships (*lov om skibes besætning*), see Consolidated Act no. 74 of 17 January 2014, the following provisions are laid down as authorised under section 1(1)(ii) of Order no. 744 of 24 June 2013 on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

### **Definitions and purpose**

**Section 1.** (1) This Order lays down detailed provisions on the issue of a Danish STCW Convention endorsement (certificate of recognition) for foreign certificates, see subsection (4).

(2) The ‘STCW Convention’ means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as it applies to the matters concerned taking into account the transitional provisions of Article VII and Regulation I/15 of the Convention and including, where appropriate, the applicable provisions of the STCW Code, all being applied in their up-to-date versions.

(3) ‘Certificate of recognition’ means a certificate issued by the Danish Maritime Authority and carrying an STCW Convention endorsement in accordance with the provisions of the STCW Convention.

(4) ‘Foreign certificate’ means a valid certificate which is issued by a competent foreign authority of a State Party to the STCW Convention, and:

(i) which entitles the holder to serve as officer on the merchant ships of that State, and

(ii) which can be recognised under Regulation I/10 of the STCW Convention in its up-to-date version.

(5) 'Radio duties' includes, as appropriate, watchkeeping and technical maintenance and repairs conducted in accordance with the Radio Regulations, the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74) and, at the discretion of each Member State, the relevant recommendations of the International Maritime Organisation (IMO), in their up-to-date versions.

### **Recognition of certificates from EU and EEA member states**

**Section 2.** The provisions of section 3(1)(ii) and section 5(1)(i) and (iii) do not apply to persons who satisfy the provisions of the Directive of the European Communities on the mutual recognition of seafarers' certificates.

### **Issue of certificates of recognition, etc.**

**Section 3.** (1) Recognition of foreign certificates presupposes that:

(i) the Maritime Safety Committee of the IMO has reported that the certificate-issuing country has demonstrated, through information material provided to the IMO, that the STCW Convention has been fully implemented;

(ii) the European Commission has reported, in accordance with the procedures laid down in Directive 2008/106/EC of the European Parliament and of the Council on the minimum level of training of seafarers, as amended, that the country concerned fully complies with the minimum requirements of the STCW Convention for qualifications, issue of certificates, record keeping of issued certificates as well as establishment of systems for quality assurance of training and certification; and

(iii) Denmark has entered into an undertaking on recognition of certificates with the country concerned in accordance with the provisions of the STCW Convention.

(2) A list of countries falling within subsection (1)(iii) will be published on the website of the Danish Maritime Authority.

(3) Shipowners contemplating to employ seafarers who are in possession of a foreign certificate issued by a country which is not included on the list referred to in subsection (2) may request the Danish Maritime Authority to cause the European Commission to initiate procedures under subsection (1)(ii) in relation to the certificate-issuing country.

(4) If the European Commission has not made a decision within three months from the date of the Danish Maritime Authority's request to initiate procedures, see subsection (3), the Danish Maritime Authority may decide on the recognition of the country concerned.

**Section 4.** (1) Applications for the issue of certificates of recognition must be submitted using the Danish Maritime Authority's system for online application for the issue of certificates of recognition.

(2) Applications for the issue of certificates of recognition for persons not falling within section 2 must be submitted by the shipowner.

**Section 5.** (1) Issue of a certificate of recognition presupposes that:

(i) the shipowner submitting the application has declared that it will engage the seafarer concerned on a ship registered in the Danish International Register of Shipping;

(ii) the applicant has duly identified himself and produced the documentation required to the Danish Maritime Authority or a company or an institution authorised by the Danish Maritime Authority;

(iii) the applicant has passed an examination the form and contents of which are to be determined by the Danish Maritime Authority, but see subsections (2) and (3); and

(iv) the applicant is familiar with Danish maritime legislation in force at the time of issue of a certificate of recognition entitling the holder to serve as master, chief mate, chief engineer officer or second engineer officer.

(2) The Danish Maritime Authority shall publish on its website a list of countries and training institutions where examination is required.

(3) The examination requirement, see subsection (1)(iii), may be derogated from in case of extensive knowledge of the training and certification system of the certificate-issuing country or of the training institution where the certificate holder completed the training, or where inspections carried out by the EU according to the Directive on the minimum level of training of seafarers of the training and certification system of the certificate-issuing country have confirmed the implementation of the STCW Convention.

(4) The examination requirement, see subsection (1)(iii), may be derogated from upon receipt of a declaration of suitability from a master or a chief engineer officer under whom the applicant has served in a supernumerary capacity on a ship belonging to the shipowner referred to in subsection (1)(i) on the following terms:

(i) Before commencement of service, an application for the issue of a certificate of recognition must have been submitted through the shipowner in accordance with section 4. The Danish Maritime Authority shall then notify the shipowner whether a certificate of recognition can be issued on the basis of the declaration of suitability.

(ii) After at least one month's supernumerary service, the master may issue a declaration of suitability on the basis of an assessment of the qualifications of the person concerned for the service for which a certificate of recognition is requested. When applying for a certificate of recognition for an engineer officer, the chief engineer officer may issue the declaration of suitability.

(5) Requirements of examination or completed training, see subsection (1)(iv), may be derogated from in special cases where sufficient knowledge of Danish maritime legislation has been documented in another way.

(6) In order to be approved for issue of a declaration of suitability, see subsection (4), it is presupposed that the shipowner has verified that the person concerned is the master or chief engineer officer on board and has been instructed in conducting a suitability assessment.

**Section 6.** (1) Senior officers shall have sufficient knowledge of the part of Danish maritime legislation which is relevant to their duties on board.

(2) Knowledge of Danish maritime legislation may be obtained through training or an examination arranged by a provider approved by the Danish Maritime Authority.

(3) Knowledge of Danish maritime legislation must include at least the following:

(i) Knowledge of relevant Danish acts, executive orders, rules and regulations to the extent that they do not implement international legislation.

(ii) Safeguarding of the interests of the crew, the ship and the shipowner in accordance with administrative obligations.

(iii) Sufficient knowledge of the special Danish rules on occupational health, safety work and industrial injury insurance.

(iv) The ability to apply the provisions of the Danish Seamen's Act (*sømandsloven*) on service agreements and ship service.

(v) An understanding of the master's role and authority, enabling him to apply this knowledge and carry out tasks in this connection on a legal basis.

(vi) Knowledge of Danish acts on election for the Danish parliament (*Folketinget*), on local and regional government elections and on election of members of the European Parliament as well as knowledge of the guidance on postal voting on Danish ships engaged in international voyages and at Danish port facilities.

(vii) The ability to identify any need for a maritime inquiry and knowledge of how to submit a request for a maritime inquiry.

**Section 7.** (1) A certificate of recognition is issued for a maximum period of validity of five years. The period of validity cannot exceed the date of expiry of the foreign certificate recognised.

(2) A foreign certificate of recognition may not be applied as the basis of issuing a Danish certificate of recognition.

(3) A certificate of recognition as master may only be issued to persons satisfying the requirements laid down in the Danish Act on the manning of ships (*lov om skibes besætning*) and rules issued in pursuance thereof. Certificates of recognition may be restricted to service as master for a limited period or on one or more ships.

#### **Delegation of authority to a company or an institution**

**Section 8.** (1) If the Danish Maritime Authority finds that there are particular reasons therefor, the Danish Maritime Authority may authorise a company or an institution to perform the tasks set out in section 5(1)(iii) on the condition that the company or institution:

(i) does not operate an engagement office;

(ii) has extensive knowledge of the Danish shipping industry;

(iii) has extensive knowledge of the maritime training programmes in the certificate-issuing country;

(iv) is capable of carrying out adequate operational tests in accordance with the guidelines of the Danish Maritime Authority; and

(v) documents the performance of the delegated tasks in an approved quality system complying with the requirements of the Danish Maritime Authority's standard for quality control of the maritime training programmes.

(2) The Danish Maritime Authority must approve the payment charged for carrying out the delegated tasks.

(3) In order to maintain the authority delegated, the company or institution must be audited by the Danish Maritime Authority, during which audit the company or institution shall demonstrate that the conditions pertaining to the authority are still satisfied.

(4) The Danish Maritime Authority determines the scope as well as the dates and deadlines of audits.

(5) The Danish Maritime Authority may order the company or institution to undertake specific initiatives and acts necessary to satisfy the conditions of the authority, and decide when they must be completed.

(6) If the Danish Maritime Authority finds, on the basis of an overall assessment, that a company or an institution does not satisfy the conditions of the authority and does not meet demands to rectify this within a stipulated period of time, the approval will be withdrawn.

(7) The Danish Maritime Authority may obtain information from the company or the institution about the tasks mentioned in section 5(1)(iii) as well as about the qualifications and equipment of the staff for use when carrying out inspections and quality assurance.

#### **Withdrawal of certificates of recognition**

**Section 9.** (1) The Danish Maritime Authority may withdraw a certificate of recognition if the holder has, through his navigation or other service on board, posed a direct threat to life, property or the environment or if, due to the holder's mental or physical condition, it is considered unsafe to allow the person concerned to carry on the activities related to the certificate.

(2) If the holder of the certificate of recognition remains employed on board a ship owned by the shipowner in question, the shipowner is responsible for submitting the withdrawn certificate to the Danish Maritime Authority.

(3) When a decision has been made to withdraw a certificate of recognition, the Danish Maritime Authority shall inform the certificate-issuing country thereof.

(4) The holder of a certificate of recognition may demand that the Danish Maritime Authority's decision to withdraw a certificate of recognition be brought before the Danish Shipping Tribunal.

#### **Service without a certificate of recognition**

**Section 10.** (1) Except for the position as a master, service in a position for which a certificate of recognition is prescribed is permitted without a certificate of recognition for a maximum period of three months, if:

(i) the seafarer concerned holds a valid foreign certificate of competency endorsed by the certificate-issuing country to the effect that he is, according to the STCW Convention, qualified for the service carried out;

- (ii) the certificate-issuing country is included on the list referred to in section 3(2);
- (iii) the conditions of section 5(2) on exemption from the examination requirements are satisfied or if the Danish Maritime Authority has stated, on the basis of a received declaration of suitability, see section 5(4), that a certificate of recognition may be issued;
- (iv) the shipowner has ensured that the conditions of section 5(1)(iv) will be complied with before the end of the period;
- (v) an application for a certificate of recognition has been submitted to the Danish Maritime Authority and the receipt hereof has been acknowledged by the Danish Maritime Authority before the service is commenced; and
- (vi) the original foreign certificate is available on board together with appropriate documentation that the application has been submitted.

**Section 11.** In order to carry out radio service on board as a radio operator, it is required in addition to the provisions of section 10(1) that the operator's radio certificate is approved by the Danish Maritime Authority in accordance with the Radio Regulations.

### **Fees**

**Section 12.** (1) A fee is payable for the issue of certificates pursuant to this Order. The amount of the fee is available on the website of the Danish Maritime Authority. Payment must be made when the application is submitted.

(2) A separate fee, the amount of which is determined by the Danish Maritime Authority, is charged for examinations completed as required by the Danish Maritime Authority pursuant to section 5(1)(iii) and (iv).

(3) In connection with requests pursuant to section 3(4), the Danish Maritime Authority may charge a fee to cover its expenses in connection with investigations, including any necessary local inspections, in the case of a country from which very few certificates of recognition are requested to be issued.

### **Training and examinations in Danish maritime legislation, etc.**

**Section 13.** (1) Providers of training and examinations in Danish maritime legislation must be approved in accordance with the Order on approval and quality assurance, etc. of maritime training programmes.

(2) Providers shall ensure that the training and examinations have a scope and contents which allow for the objectives set out in section 6(3) to be satisfied.

(3) Providers may assign the same status to similar training or reduce the duration of the training for participants having relevant knowledge of Danish maritime legislation.

**Section 14.** Providers shall ensure that teachers and examiners have a relevant educational background and professional skills, including:

(i) Relevant business and labour market knowledge as well as work experience.

(ii) Practical and theoretical skills in teaching Danish maritime legislation.

(iii) Educational skills.

**Section 15.** Training programmes and examinations may be organised to include the use of digital media.

**Section 16.** (1) On completion of a training programme or an examination, the provider shall issue a certificate.

(2) Training providers shall report completed courses to the Danish Maritime Authority using its digital reporting system.

(3) Certificates issued in accordance with subsection (1) may be issued electronically.

**Section 17.** Providers may demand payment for examinations held.

**Section 18.** (1) Training institutions approved for the provision of maritime training programmes pursuant to the Order on approval and quality assurance, etc. of maritime training programmes, and where Danish maritime legislation is included in a maritime training programme, rank alongside approved providers.

(2) Training institutions shall ensure that the teachers have the requisite skills to undertake the teaching corresponding to the skills set out in section 14.

### **Entry into force**

**Section 19.** (1) This Order enters into force on 1 July 2018.

(2) Order no. 1153 of 4 October 2007 on recognition of foreign certificates for service on merchant vessels (certificates of recognition) is repealed.

Danish Maritime Authority, 12 June 2018

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