

Translation: Only the Danish version has legal validity.

*Act no. 1231 of 18 December 2012
issued by the Ministry of Economic and Business Affairs*

**Act amending various provisions on mandatory digital communication, etc.
(extracts)**

(Mandatory digital communication and adjustments as a consequence of the transfer of power)

We MARGRETHE THE SECOND, by the grace of God Queen of Denmark hereby witness:
Folketinget (the Danish Parliament) has adopted
and We with Our consent hereby enact the following act:

Section 41

In the act on a ship finance institute, cf. consolidated act no. 886 of 8 August 2011, the following amendments shall be made:

1. *Section 5(3)* shall be repealed.
Subsequently, subsection 4 shall become subsection 3.
2. After *section 5*, the following shall be inserted:

"Section 5a. The Minister of Business and Growth may lay down provisions to the effect that written communication to and from the FSA and to and from the Minister of Business and Growth about conditions covered by this act or regulations issued pursuant to this act shall be made digitally.

Subsection 2. The Minister of Business and Growth may lay down more detailed regulations on digital communication, including on the use of specific computer systems, special digital formats and digital signatures or the like.

Subsection 3. A digital message shall be considered to have reached the recipient when it is available to the addressee of the message.

Section 5b. The Minister of Business and Growth may lay down provisions to the effect that the Danish FSA and the Minister of Business and Growth may issue decisions and other documents pursuant to this act or pursuant to regulations issued pursuant to this act without a signature, with a mechanically or similarly reproduced signature or using a technique ensuring unambiguous identification of the one who has issued the decision or the document. Such decisions and documents shall be comparable with decisions and documents with a personal signature.

Subsection 2. The Minister of Business and Growth may lay down regulations to the effect that decisions and other documents that have exclusively been made or issued on the basis of electronic data processing may be issued solely giving the Danish FSA or the Minister of Business and Growth as the sender.

Section 5c. Where it is required in this act or in regulations issued pursuant to this act that a document issued by other than the Danish FSA or the Minister of Business and Growth shall be signed, this requirement may be met by using a technique ensuring unambiguous identification of the one who has issued the document, cf. however subsection 2. Such documents shall be comparable with document with a personal signature.

Subsection 2. The Minister of Business and Growth may lay down more detailed regulations on exemptions from the signature requirement. In this connection, it may be decided that exemptions from the requirement for a personal signature cannot be granted for certain types of documents."

Section 59

In the act on safety at sea, cf. consolidated act no. 654 of 15 June 2010, as amended by section 2 of act no. 251 of 30 March 2011, section 16 of act no. 457 of 18 May 2011, section 5 of act no. 622 of 14 June 2011 and section 2 of act no. 249 of 21 March 2012, the following amendments shall be made:

1. *Section 17(7) and (8)* shall be repealed.
Subsequently, subsections 9 and 10 shall become subsections 7 and 8.
2. After *section 17*, the following shall be inserted:

"Section 17a. The Minister of Business and Growth may lay down provisions to the effect that written communication to and from authorities about conditions covered by this act or regulations issued pursuant to this act shall be made digitally.

Subsection 2. The Minister of Business and Growth may lay down more detailed regulations on digital communication, including on the use of specific computer systems, special digital formats and digital signatures or the like.

Subsection 3. A digital message shall be considered to have reached the recipient when it is available to the addressee of the message.

Section 17b. The Minister of Business and Growth may lay down provisions to the effect that the authorities may issue decisions and other documents pursuant to this act or pursuant to regulations issued pursuant to this act without a signature, with a mechanically or similarly reproduced signature or using a technique ensuring unambiguous identification of the one who has issued the decision or the document. Such decisions and documents shall be comparable with decisions and documents with a personal signature.

Subsection 2. The Minister of Business and Growth may lay down regulations to the effect that decisions and other documents that have exclusively been made or issued on the basis of electronic data processing may be issued solely giving the relevant authority as the sender."

3. *Section 20a* shall be as follows:

"Section 20a. As part of the supervision under this act, the Danish Maritime Authority shall also supervise compliance with the act on smoke-free environments on Danish ships and compliance

with the act on seafarers' conditions of employment, etc., the act on the manning of ships, the act on the tonnage measurement of ships and sections 153, 186, 197 and 198, section 403a(1)-(3), section 403b(1) and section 471 of the merchant shipping act and provisions issued pursuant hereof. The Danish Maritime Authority may order that matters that violate the above-mentioned acts or regulations issued pursuant hereof are rectified immediately or within an established deadline.

Subsection 2. Section 16(2), section 17(7) and (8), and sections 19, 22 and 24 and the provisions issued in accordance therewith and section 25 shall apply equivalently to supervision in accordance with subsection 1.

Subsection 3. The Minister of Business and Growth may establish rules on the supervision carried out pursuant to this act and on the consideration of complaints from seafarers' etc., including that it shall not be revealed that inspections are carried out as a consequence of a complaint. Regulations on the inspection of compliance with the act on smoke-free environments on Danish ships shall be established following negotiations with the Minister of Health and Prevention."

Section 60

In the act on the manning of ships, cf. consolidated act no. 168 of 27 February 2012, as amended by section 3 of act no. 493 of 12 May 2010 and section 1 of act no. 478 of 30 May 2012, the following amendments shall be made:

1. In the headline for *chapter 9*, ", communication" shall be inserted after "Inspection".
2. *Section 25b* shall be repealed and instead the following shall be inserted:

"Section 25b. The Minister of Business and Growth may lay down provisions to the effect that written communication to and from the authorities about conditions covered by this act or regulations issued pursuant to this act shall be made digitally.

Subsection 2. The Minister of Business and Growth may lay down more detailed regulations on digital communication, including on the use of specific computer systems, special digital formats and digital signatures or the like.

Subsection 3. A digital message shall be considered to have reached the recipient when it is available to the addressee of the message.

Section 25c. The Minister of Business and Growth may lay down provisions to the effect that the authorities may issue decisions and other documents pursuant to this act or pursuant to regulations issued pursuant to this act without a signature, with a mechanically or similarly reproduced signature or using a technique ensuring unambiguous identification of the one who has issued the decision or the document. Such decisions and documents shall be comparable with decisions and documents with a personal signature.

Subsection 2. The Minister of Business and Growth may lay down regulations to the effect that decisions and other documents that have exclusively been made or issued on the basis of electronic data processing may be issued solely giving the relevant authority as the sender."

Section 61

In the merchant shipping act, cf. consolidated act no. 856 of 1 July 2010, as amended by inter alia act no. 599 of 24 June 2005 and most recently by section 1 of act no. 249 of 21 March 2012, the following amendments shall be made:

In the act on a ship finance institute, cf. consolidated act no. 886 of 8 August 2011, the following amendments shall be made:

1. After *part 19* the following shall be inserted:

"Part 20 *Communication*

Section 505a. The Minister of Business and Growth may lay down provisions to the effect that written communication to and from other authorities than the Ship Register about conditions covered by this act or regulations issued pursuant to this act shall be made digitally.

Subsection 2. The Minister of Business and Growth may lay down more detailed regulations on digital communication, including on the use of specific computer systems, special digital formats and digital signatures or the like.

Subsection 3. A digital message shall be considered to have reached the recipient when it is available to the addressee of the message.

Section 505b. The Minister of Business and Growth may lay down provisions to the effect that the authorities may issue decisions and other documents pursuant to this act or pursuant to regulations issued pursuant to this act without a signature, with a mechanically or similarly reproduced signature or using a technique ensuring unambiguous identification of the one who has issued the decision or the document. Such decisions and documents shall be comparable with decisions and documents with a personal signature.

Subsection 2. The Minister of Business and Growth may lay down regulations to the effect that decisions and other documents that have exclusively been made or issued on the basis of electronic data processing may be issued solely giving the relevant authority as the sender."

Section 62

In the act on diving operations and diving equipment, etc., cf. consolidated act no. 936 of 20 July 2010, the following amendment shall be made:

1. After *section 18* the following shall be inserted before the headline for section 19:

"*Communication*

Section 18a. The Minister of Business and Growth may lay down provisions to the effect that written communication to and from authorities about conditions covered by this act or regulations issued pursuant to this act shall be made digitally.

Subsection 2. The Minister of Business and Growth may lay down more detailed regulations on digital communication, including on the use of specific computer systems, special digital formats and digital signatures or the like.

Subsection 3. A digital message shall be considered to have reached the recipient when it is available to the addressee of the message.

Section 18b. The Minister of Business and Growth may lay down provisions to the effect that the authorities may issue decisions and other documents pursuant to this act or pursuant to regulations issued pursuant to this act without a signature, with a mechanically or similarly reproduced signature or using a technique ensuring unambiguous identification of the one who has issued the decision or the document. Such decisions and documents shall be comparable with decisions and documents with a personal signature.

Subsection 2. The Minister of Business and Growth may lay down regulations to the effect that decisions and other documents that have exclusively been made or issued on the basis of electronic data processing may be issued solely giving the relevant authority as the sender."

Section 63

In the act on the tonnage measurement of ships, cf. consolidated act no. 43 of 2 February 1993, as amended by section 6 of act no. 1173 of 19 December 2003 and section 4 of act no. 493 of 12 May 2010, the following amendment shall be made:

1. *Section 10b* shall be repealed, and instead the following shall be inserted:

"Section 10b. The Minister of Business and Growth may lay down provisions to the effect that written communication to and from authorities about conditions covered by this act or regulations issued pursuant to this act shall be made digitally.

Subsection 2. The Minister of Business and Growth may lay down more detailed regulations on digital communication, including on the use of specific computer systems, special digital formats and digital signatures or the like.

Subsection 3. A digital message shall be considered to have reached the recipient when it is available to the addressee of the message.

Section 10c. The Minister of Business and Growth may lay down provisions to the effect that the authorities may issue decisions and other documents pursuant to this act or pursuant to regulations issued pursuant to this act without a signature, with a mechanically or similarly reproduced signature or using a technique ensuring unambiguous identification of the one who has issued the decision or the document. Such decisions and documents shall be comparable with decisions and documents with a personal signature.

Subsection 2. The Minister of Business and Growth may lay down regulations to the effect that decisions and other documents that have exclusively been made or issued on the basis of electronic data processing may be issued solely giving the relevant authority as the sender."

Section 64

In the pilotage act, cf. act no. 567 of 9 June 2006, as amended by section 3 of act no. 478 of 30 May 2012, the following amendment shall be made:

1. After *section 26* the following shall be inserted in *part 11*:

"Section 26a. The Minister of Business and Growth may lay down provisions to the effect that written communication to and from the authorities about conditions covered by this act or regulations issued pursuant to this act shall be made digitally.

Subsection 2. The Minister of Business and Growth may lay down more detailed regulations on digital communication, including on the use of specific computer systems, special digital formats and digital signatures or the like.

Subsection 3. A digital message shall be considered to have reached the recipient when it is available to the addressee of the message.

Section 26b. The Minister of Business and Growth may lay down provisions to the effect that the authorities may issue decisions and other documents pursuant to this act or pursuant to regulations issued pursuant to this act without a signature, with a mechanically or similarly reproduced signature or using a technique ensuring unambiguous identification of the one who has issued the decision or the document. Such decisions and documents shall be comparable with decisions and documents with a personal signature.

Subsection 2. The Minister of Business and Growth may lay down regulations to the effect that decisions and other documents that have exclusively been made or issued on the basis of electronic data processing may be issued solely giving the relevant authority as the sender."

Section 65

In the seamen's act, cf. consolidated act no. 742 of 18 July 2005, as amended by inter alia section 2 of act no. 493 of 12 May 2010 and most recently by section 3 of act no. 622 of 14 June 2011, the following amendment shall be made:

1. *Section 71a* shall be repealed and the following shall be inserted instead:

"Section 71a. The Minister of Business and Growth may lay down provisions to the effect that written communication to and from the authorities about conditions covered by this act or regulations issued pursuant to this act shall be made digitally.

Subsection 2. The Minister of Business and Growth may lay down more detailed regulations on digital communication, including on the use of specific computer systems, special digital formats and digital signatures or the like.

Subsection 3. A digital message shall be considered to have reached the recipient when it is available to the addressee of the message.

Section 71b. The Minister of Business and Growth may lay down provisions to the effect that the authorities may issue decisions and other documents pursuant to this act or pursuant to regulations issued pursuant to this act without a signature, with a mechanically or similarly reproduced signature or using a technique ensuring unambiguous identification of the one who has issued the decision or the document. Such decisions and documents shall be comparable with decisions and documents with a personal signature.

Subsection 2. The Minister of Business and Growth may lay down regulations to the effect that decisions and other documents that have exclusively been made or issued on the basis of electronic data processing may be issued solely giving the relevant authority as the sender."

Section 66

In act no. 253 of 25 April 1990 on the Danish Government Seamen's Service, as amended by act no. 212 of 28 March 2001, act no. 304 of 30 April 2003 and section 4 of act no. 622 of 14 June 2011, the following amendment shall be made:

1. After *section 8* the following shall be inserted:

"Section 8a. The Minister of Business and Growth may lay down provisions to the effect that written communication to and from the authorities about conditions covered by this act or regulations issued pursuant to this act shall be made digitally.

Subsection 2. The Minister of Business and Growth may lay down more detailed regulations on digital communication, including on the use of specific computer systems, special digital formats and digital signatures or the like.

Subsection 3. A digital message shall be considered to have reached the recipient when it is available to the addressee of the message.

Section 8b. The Minister of Business and Growth may lay down provisions to the effect that the authorities may issue decisions and other documents pursuant to this act or pursuant to regulations issued pursuant to this act without a signature, with a mechanically or similarly reproduced signature or using a technique ensuring unambiguous identification of the one who has issued the decision or the document. Such decisions and documents shall be comparable with decisions and documents with a personal signature.

Subsection 2. The Minister of Business and Growth may lay down regulations to the effect that decisions and other documents that have exclusively been made or issued on the basis of electronic data processing may be issued solely giving the relevant authority as the sender."

Section 69

Subsection 1. The act shall enter into force on 1 January 2013.

Subsection 2. Administrative regulations issued pursuant to the provisions in force so far shall remain in force until amended or repealed.

Section 70

Subsection 1. Sections 1-39, 41-50 and 53-68 shall not apply to the Faroe Islands and Greenland, cf. however subsections 3 and 4.

Subsection 2. Section 40 shall not apply to the Faroe Islands.

Subsection 3. Sections 18, 32, 35-39, 41, 42, 49, 54 and 61 may by royal decree be put in force partly or in full for the Faroe Islands with the amendments deriving from the special Faroese conditions.

Subsection 4. Sections 1-10, 17, 18, 23, 29, 35-39, 41-44, 49, 50, 54, 58-63, 65 and 66 may by royal decree be put in force partly or in full for Greenland with the amendments deriving from the special Greenland conditions.

Subsection 5. As regards sections 51 and 52 of the act, the Minister of Business and Growth may determine that the act shall enter into force for the Faroe Islands and Greenland on other dates.

Given on Christiansborg Castle, 18 December 2012

Margrethe R. / Annette Vilhelmsen