

Translation: Only the Danish document has legal validity

Act no. 622 of 14 June 2011 issued by the Danish Maritime Authority

**Act amending the act on manning of ships (*lov om skibes besætning*),
the seafarers taxation act (*lov om beskatning af søfolk*),
the seamen's act (*sømandsloven*), the act on the Danish Government Seamen's
Service (*lov om Handelsflådens Velfærdsråd*)
and the act on safety at sea (*lov om sikkerhed til søs*)**

(adjustment of the possibility to permit ships registered in the Danish International Ship Register to be mastered by a person who is not a Danish citizen or covered by the EU/EEA regulations on the mobility of labour, the establishment of a foreign deduction for certain Danish seafarers, economic protection of seafarers left behind, the implementation of the amending protocol to the SUA Convention, etc.)

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 1

In act no. 15 of 13 January 1997 on the manning of ships (*lov om skibes besætning*), as amended by, among other things, section 2 of act no. 902 of 16 December 1998 and section 2 of act no. 1462 of 22 December 2004, and most recently by section 3 of act no. 493 of 12 May 2010, the following amendment shall be made:

1. Section 19(2), second sentence, shall be as follows

“The Danish Maritime Authority may, however, permit deviations from the requirement of the act on citizenship.”

Section 2

In act no. 386 of 27 May 2005 on the taxation of seafarers (*sømandsbeskatningsloven*), as amended most recently by section 12 of act no. 521 of 12 June 2009, the following amendments shall be made:

1. Section 3 shall be as follows:

“**Section 3.** Persons who outside limited trade earn income from working on board Danish or foreign ships may, in determining their income liable for taxation, deduct an amount of DKK 56,900. If the ship has a gross tonnage of or above 500 t, the deduction pursuant to the first sentence shall amount to DKK 105,000 unless the ship is used for regular passenger voyages between ports in EU member States.

Subsection 2. Persons who outside limited trade earn income from working on board boulder fishing vessels, including dredgers, with their own means of propulsion and their own cargo hold

for carrying material extracted from the seabed and of or above 200 t may, in determining their income liable for taxation, deduct an amount of DKK 56,900.

Subsection 3. If a person has the wage income mentioned in subsection 1 or subsection 2 only during part of the year, or in case of part-time employment, the deduction shall be reduced proportionally. It shall be a condition for deduction that the engagement conditions of the person in question corresponds to what usually applies to seafarers.

Subsection 4. Subsections 1-3 shall apply correspondingly to income earned from work carried out on board ships and installations used in connection with the exploration and extraction of hydrocarbons outside Danish territorial seas and the Danish continental shelf area, and for work on board school and training ships, cf. the act on the maritime training programmes (*lov om maritime uddannelser*).

2. In *section 15*, “section 3(1)” shall be amended to: “section 3(1)-(3)” in two places.

Section 3

In the seamen’s act (*sømandsloven*), cf. consolidated act no. 742 of 18 July 2005, as amended most recently by section 3 of act no. 251 of 30 March 2011, the following amendments shall be made:

1. In the headline before section 9, “and economic protection of seafarers left behind” shall be inserted after “discharge”.

2. After *section 10* the following shall be inserted:

“Section 10a. In order to increase the protection of persons who have, as a consequence of the shipowner’s substantial breach of the employment contract, been left on a Danish ship or on a foreign ship in a Danish port, the Danish Maritime Authority may contribute to the coverage of expenses for:

- 1) maintenance on board, including food, the procuring of heat, electricity, communication, hygiene, etc. until the home journey takes place; and
- 2) a home journey with maintenance to the extent that this does not follow from other provisions of the act.

Subsection 2. A special pool of subsidies shall be allocated, the size of which shall be determined on the annual Finance and Appropriation Act (*finanslov*).

Subsection 3. The Minister of Economic and Business Affairs may decide that the pool mentioned in subsection 2 shall form financial security for coverage of the expenses for the home journey, etc. covered by the provisions of section 6(5), section 8(1), section 10(3), sections 11-14, section 18(2), sections 18b, 19 and 30, section 48(2) and section 49.”

Subsection 4. Companies, etc. (legal entities) shall be liable to punishment according to the provisions of chapter 5 of the penal code.

Subsection 5. When determining liability to punishment under subsection 4, persons who are hired to carry out work on board the ship by others than the shipowner shall also be considered to be affiliated with the shipowner. If a document of compliance has been issued pursuant to the International Safety Management Code or a certificate pursuant to the Maritime Labour Convention to another organisation or person, the master and the seafarers shall also be considered affiliated with the one to whom the certificate has been issued.”

3. Section 63(2), the third sentence, shall be as follows:

“If the crime committed is an act which falls under article 3, 3bis, 3ter or 3quater of the IMO Convention for the Suppression of Unlawful Act against the Safety of Maritime Navigation (SUA), 1988, as amended and inserted, respectively, by the Protocol of 1 November 2005 to this Convention, the master may surrender the suspect to the proper authority outside the country.”

Section 4

In act no. 253 of 25 April 1990 on the Danish Government Seamen’s Service (*lov om Handelsflådens Velfærdsråd*), as amended by act no. 212 of 28 March 2001 and act no. 304 of 30 April 2003, the following amendments shall be made:

1. In *section 1(2)*, “, including practical assistance for persons left behind on ships, cf. section 10a(1), of the seamen’s act (*sømandsloven*)” shall be inserted after: “in Denmark and abroad”.

2. *Section 2, the third and fourth sentences*, shall be repealed.

3. *Section 4(5)* shall be as follows:

“*Subsection 5.* The Danish Government Seamen’s Service shall present its accounts according to the Danish Financial Statements Act (*årsregnskabsloven*).”

4. In *section 5(1), the first sentence*, “through a fee of 140 ører a day” shall be amended to “through a fee to be paid”.

5. *Section 5(1), the second sentence*, shall be repealed and instead the following shall be inserted:

“The fee shall rest with the shipowner and the seafarer with each 70 ører a day. For seafarers on ships registered on the Danish International Ship Register, the shipowner shall, however, pay a fee of 200 ører a day.”

6. *Section 5(2)* shall be repealed.

Subsequently, subsection 3 becomes subsection 2.

Section 5

In the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 654 of 15 June 2010, as amended by section 1 of act no. 493 of 12 May 2010 and section 2 of act no. 251 of 30 March 2011, the following amendment shall be made:

1. *Section 27(3)* shall be as follows:

“*Subsection 3.* The Minister of Economic and Business Affairs may provide funding for the Danish Fishermen’s Occupational Health Service’s work with consultancy, guidance, information analyses, measurements and other preventive activities. The size of the amount shall be determined on the annual finance and appropriation act (*finanslov*).”

Section 6

Subsection 1. This act shall enter into force on 1 July 2011, cf. however subsection 2.

Subsection 2. The Minister of Taxation shall determine the date of the entry into force of section 2.

Section 7

This act shall not apply to the Faroe Islands and to Greenland, but sections 1, 3 and 5 may be put in force for Greenland in full or partially by royal decree with the amendments deriving from the Greenland conditions.

Christiansborg Castle, 14 June 2011

Margrethe R. / Brian Mikkelsen