

Order on compensation for seafarers for belongings lost in connection with ship's loss or other damage¹

In pursuance of section 61, the second sentence, of the act on seafarers' conditions of employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*), cf. consolidated act no. 73 of 17 January 2014, the following provisions are laid down by authority pursuant to section 1(1)(vii) of order no. 744 of 24 June 2013 on the transfer of certain powers to the Danish Maritime Authority and to the right of appeal, etc.:

Section 1. This order shall apply to employees on board ships, cf. section 1(1) as well as section 49 of the act on seafarers' conditions of employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*), irrespective of the ships' type and trade areas, except for fishing vessels and recreational craft.

Subsection 2. In case of doubt whether the person concerned shall be considered as employed on board, the issue shall be decided by the Danish Maritime Authority following previous consultation of the shipowner and seafarer organisations that the issue concerns.

Section 2. The shipowner or the employer shall pay sufficient compensation to employees for the loss of or damage to their belongings on board. In cases where the shipowner is a person other than the employer, the obligation to pay sufficient compensation shall also rest with the shipowner. The damage to the belongings shall be a consequence of the ship's loss, piracy, fire or other damage affecting the ship.

Subsection 2. If the employee is deceased when the compensation is paid, the amount shall be paid to the estate or the heirs.

Section 3. If, in connection with a ship's loss or condemnation, a shipowner has provided an employee with the necessary clothing pursuant to section 19(2) of the act, a deduction shall be made for these expenses in the compensation owing to the employee in accordance with the above provisions, cf. section 61(1), the third sentence, of the act.

Section 4. If it can be proven that an employee has lost books, a laptop, tools or the like which he has taken along for use in the service, he shall be entitled to special compensation. If nothing else has been agreed, the compensation amount shall be calculated as the actual cost of the object at the time when the compensation is paid.

Section 5. This order shall enter into force on 1 January 2018 and shall take effect for the calculation of compensation for employees for belongings that have been lost on or after 1 January 2018.

Subsection 2. Order no. 130 of 6 February 2013 on compensation for seafarers for belongings lost in connection with ship's loss or other damage shall be repealed.

*Danish Maritime Authority, 30 November 2017
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¹ This order 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.