

Translation: Only the Danish document has legal validity.

*Order no. 1654 of 20 December 2017
issued by the Danish Maritime Authority*

Order on the registration of merchant ships whose owner is not considered to be Danish

Pursuant to section 2(1) and (2) of the merchant shipping act (*søloven*), cf. consolidated act no. 75 of 17 January 2014, as amended by act no. 1548 of 19 December 2017, section 12(i) of the act on the Danish International Register of Shipping (*lov om Dansk Internationalt Skibsregister*), cf. consolidated act no. 68 of 17 January 2014, and section 2(1) and (3) of act no. 963 of 9 December 1992 on Denmark's accession to the Agreement on the European Economic Area (the EEA Agreement) (*lov om Danmarks tiltrædelse af aftale om Det Europæiske Økonomiske Samarbejdsområde (EØS-aftalen)*), as amended by act no. 264 of 20 April 2004, the following shall be laid down following authority under section 1(1)(x) 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.:

Section 1. This order concerns registration in the Register of Shipping, the Danish International Register of Shipping or the Boat Register of merchant ships owned by natural persons, legal persons and part-owner companies not considered Danish pursuant to section 1 of the merchant shipping act (*søloven*).

Subsection 2. The provisions of this order on natural persons, legal persons and part-owner companies covered by the provisions of the European Union on the right of establishment and the freedom to provide services shall also apply to natural persons, legal persons and part-owner companies from countries covered by the Agreement on the European Economic Area (the EEA Agreement).

Subsection 3. Unless otherwise stipulated, the provisions of other legislation on the application for registration and on registration of ships in the Register of Shipping, the Danish International Register of Shipping or the Boat Register shall also apply to ships covered by subsection 1.

Section 2. All owners of ships registered pursuant to section 1 shall, according to the provisions of this order, appoint a natural or legal person in Denmark whom it is possible to contact for control and similar purposes and whom it is possible to take out a summons against on behalf of the owner or the shipowner.

Subsection 2. As regards part-owner companies, the managing owner elected shall be either a citizen of or a legal person in Denmark or a country that is a member of the European Union.

Section 3. Registration pursuant to section 1 shall be conditional upon it being documented to the Registrar of Shipping that economic activities in relation to the ship are performed in Denmark in at least one of the following ways:

- 1) The technical or commercial operation of the ship is performed from Denmark.
- 2) The entity performing the operation of the ship meets the requirements for being covering by the tonnage taxation act.
- 3) The shipowner, the organisation or the person that has or has applied for the ship's document of compliance pursuant to the Code on the Safe Operation of Ships is established in Denmark.

Subsection 2. In addition, the Registrar of Shipping may, following a specific estimate, make an overall assessment that a plurality of activities and measures are considered to constitute such an economic activity in Denmark that the registration requirements under section 1 can be considered to be met.

Section 4. Application for registration pursuant to section 1 shall be made on separate forms available from the website of the Danish Maritime Authority, www.soefartsstyrelsen.dk, or from virk.dk.

Subsection 2. Applications for registration shall contain information about the owner/group of owners as well as about the person meeting the activity requirement pursuant to section 3.

Subsection 3. If non-Danish legal persons apply for registration, documentation of compliance with the requirements made to establish and register companies, etc. in the country where the legal person has its statutory domicile, head office or principal place of business shall be enclosed.

Subsection 4. Application for registration and registration pursuant to the provisions of this order shall not exempt the applicant from application for registration pursuant to other legislation.

Section 5. For the registration of ships pursuant to section 1, documents and items of evidence made in Danish, Swedish, Norwegian and English shall be accepted, cf. however subsection 2. As regards documents and items of evidence in other languages, an authorised and certified translation into either Danish or English shall normally be required.

Subsection 2. If the understanding of a document or any other item of evidence made in a foreign language gives rise to doubt, the Registrar of Shipping may require an authorised translation into Danish.

Section 6. Changes to the information reported, cf. section 4(2) on the owner/group of owners as well as on the person meeting the activity requirement shall by the owner of the ship or the person that meets the activity requirement be reported to the Danish Register of Shipping, the Danish International Register of Shipping or the Boat Register with a view to assessing whether the requirements for being registered are still met when the changes have been implemented.

Section 9. This order shall enter into force on 1 January 2018.

Subsection 2. Order no. 1132 of 25 September 2013 on the registration of ships that are not considered to have a Danish owner shall be repealed.

Section 10. This order shall not apply to ships registered in Greenland.

Danish Maritime Authority, 20 December 2017
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