

Consolidated act on seafarers' conditions of employment, etc.¹⁾

The act on seafarers' conditions of employment etc. is hereby promulgated, cf. consolidated act no. 73 of 17 January 2014 with the amendments following from section 4 of act no. 724 of 25 June 2014, section 4 of act no. 740 of 1 June 2015 and section 1 of act no. 400 of 2 May 2016.

The amendment following from section 3(iv) of act no. 251 of 30 March 2011 has not been incorporated into this consolidated act since the amendment will enter into force on a date determined by the Minister for Industry, Business and Financial Affairs, cf. section 5(1) of act no. 251 of 30 March 2011.

The amendment following from section 3(ii) of act no. 251 of 30 March 2011 has not been incorporated into this consolidated act since the amendment has subsequently been repealed, cf. section 7 of act no. 618 of 12 June 2013.

Part 1 *Introduction*

Section 1. For the purposes of this act, the term "seafarer" shall apply to all persons, apart from the master, employed, engaged or working on board a Danish ship who does not exclusively work on board while the ship is in port. For the master, section 49 shall apply.

Subsection 2. In case of doubt whether a category of persons is to be considered a seafarer pursuant to the act, the issue shall be settled by the Danish Maritime Authority following consultation of the shipowner and seafarer organisations that the issue concerns. The decision of the Danish Maritime Authority may be brought before the courts.

Subsection 3. "Time limited service agreements" shall mean agreements in which the time of termination of employment is determined on the basis of objective criteria such as a particular date, completion of a specific assignment, including a particular voyage, or occurrence of a certain event.

Section 1a. The shipowner shall ensure that the provisions of this act and regulations issued pursuant to this act, including regulations on the conditions of employment, are complied with. The shipowner shall also ensure that the seafarer's rights according to the employment contract are complied with. The shipowner shall also ensure that the master has a possibility of complying with the obligations that rest with him. The obligations

¹ This act 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 no. L 124 of 20 May 2009, pp. 30-50), and parts of directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006, Official Journal 2013, no. L 329, pp. 1.

pursuant to the first-third sentences shall rest with the shipowner irrespective of whether other organisations, companies or persons perform some of these tasks or obligations on behalf of the shipowner.

Subsection 2. Subsection 1 shall apply though another person than the shipowner is the employer. In such cases, the obligations according to the employment contract, cf. section 3, and the provisions of the act regulating the conditions of employment shall also rest with the employer.

Subsection 3. If the shipowner has fully or partly left his obligations and areas of responsibility pursuant to this act or the employment contract to another person or organisation, subsection 1 shall also apply to the relevant persons or organisation insofar as regards the obligations and areas of responsibility assumed.

Subsection 4. The Minister for Industry, Business and Financial Affairs may lay down more detailed regulations on the obligations pursuant to subsections 1-3.

Section 2. (Repealed)

Part 2 *The agreement, etc.*

1. Conclusion and termination of the agreement

Section 3. The Minister for Industry, Business and Financial Affairs may lay down provisions stipulating the shipowner's or employer's duty to conclude a written agreement with the employee, among these provisions stipulating the terms of engagement and the shipowner's or employer's duty to inform the employee of the conditions of the agreement and of the working conditions. The form and contents of the agreements shall be stipulated after consultation with the Ships Inspection Council.

Subsection 2. The master may engage the necessary crew on behalf of the shipowner. The master shall with regard to the engagement of engine room staff consult the chief engineer, if practicable. He should also consult the first mate about the engagement of deck hands and the chief steward about the engagement of catering staff.

Subsection 3. The seafarer shall, before signing an employment contract, have a possibility of going through it and seeking advice about its terms and conditions.

Subsection 4. Renewal of several successive time limited service agreements shall occur only if the conditions in section 5(1) in the act on time limited employment (*lov om tidsbegrænset ansættelse*) have been met.

Section 4. No person under the age of 16 years shall be employed on board.

Subsection 2. No one may take up service or serve on board until he has been subjected to the medical examination prescribed for such duty with a satisfactory result. The employer shall pay the expenses for such a medical examination. The employer shall also pay the expenses for medical examinations of students who have entered into a training agreement with a recognised shipping company, while the Treasury shall pay expenses for medical examinations of other students at the approved maritime training institutions where it is required that the student has been subjected to an approved medical examination.

Subsection 3. The Minister for Industry, Business and Financial Affairs shall lay down provisions on medical examinations, including on the payment for the examination.

Subsection 4. For the purpose of protecting seafarers below the age of 20 years, the Minister for Industry, Business and Financial Affairs may deviate from the provisions of sections 5, 6, 7, 11, 19, 20, 27, 57 and 58.

Section 5. Either party may, unless otherwise agreed in the agreement, terminate the agreement by giving 7 days' notice, cf. however section 19a of this act and section 9 of the act on equal treatment of men and women as regards access to employment and maternity/paternity leave, etc. (*lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse og barselsorlov m.v.*). No arrangements shall be made to allow the shipowner a shorter term of notice than that to which the seafarer is entitled.

Section 6. Unless otherwise agreed in respect of place of discharge, the agreement shall only be terminable to expire in a Danish port of call. Unless otherwise agreed, the agreement shall only be terminated to expire in a port in the Faroe Islands or Greenland provided that the seafarer is domiciled in the Faroe Islands or Greenland, respectively.

Subsection 2. Where a seafarer is not domiciled in Denmark or was not engaged in Denmark, the agreement may also be terminated to expire in a foreign port of call unless that port is entered only for a short call for bunkering or landing of sick or injured persons or for any other reasons to safeguard those on board, the vessel, or the cargo.

Subsection 3. If a time limited service agreement expires while the ship is at sea, the agreement shall remain in force until the ship arrives at a port. The service agreement does, however, not expire in foreign ports entered for short calls, cf. subsection 2.

Subsection 4. If a seafarer with a time limited service agreement continues to serve after the termination of the service agreement and a new agreement concerning port of discharge is not concluded, subsections 1 and 2 shall apply.

Subsection 5. If the seafarer terminates his service following the shipowner's dismissal or at the expiry of a time limited service agreement in a port that the ship calls at outside the seafarer's country of residence, the seafarer shall be entitled to a journey with subsistence to his domicile at the shipowner's expense.

Section 7. Where a seafarer, who has served on board the same ship or on board ships belonging to the same shipowner for 6 months or on board a ship registered in the Danish International Register of Shipping for 12 months and has given 1 month's notice or such shorter notice as may have been agreed upon, he may notwithstanding any agreement to the contrary terminate the agreement to expire in any port of call. However, he shall not be entitled to be discharged in a foreign port during a short call, cf. section 6(2).

Subsection 2. Subject to the written approval of the seafarer, further periods of up to 6 months at a time may commence to run, always provided that such approval shall not be given earlier than 1 month prior to the expiry of any period. The seafarer may, however, serve for a consecutive period on the same ship or on ships belonging to the same shipowner for a maximum of 12 months.

Section 8. A seafarer who is domiciled in Denmark and who has not during the past 3 months had an opportunity of obtaining his discharge in a Danish port shall be entitled to free passage to his domicile provided that he has served on board the same ship or on board ships belonging to the same shipowner for a continuous period of 6 months. The expenses incidental to the passage with subsistence shall be defrayed by the Treasury and the shipowner in equal shares. The right to free passage home shall not be affected by any opportunities the seafarer may have had during the past 3 months of obtaining his discharge in a port in the Faroe Islands or in Greenland unless he is domiciled in the Faroe Islands or in Greenland.

Subsection 2. The seafarer shall, however, be bound to continue the service for up to 1 month if it is to be expected that the ship within that period will arrive at a port from which the arrangements for the passage home will be essentially cheaper or easier.

Subsection 3. If a seafarer gives notice of termination or hands in his resignation, any claim for free passage home shall be made simultaneously with the notice or resignation, at the latest.

Subsection 4. The passage home shall be arranged by the consul or, if there is not a Danish consul on the spot, by the master. If the passage home is arranged by the consul, the master shall on demand provide security for the shipowner's share of the expenses.

1a. Recruitment and placement of seafarers

Section 8a. Private recruitment and placement services for seafarers the primary purpose of which is to recruit or place seafarers or which recruit or place a considerable number of seafarers shall be run within the borders of Denmark only if they are certified for this by the Danish Maritime Authority.

Subsection 2. A shipowner using a Danish private recruitment and placement service for seafarers shall ensure that the service concerned has a valid certificate pursuant to subsection 1.

Section 8b. In connection with the recruitment and placement of seafarers in Denmark, the following shall apply:

- 1) that the certification is granted for a time-limited period and may be withdrawn in case of violations of the terms of the certification or of regulations laid down pursuant to this act;
- 2) that the seafarer, in connection with any recruitment negotiation, shall have the right to freely choose ship, just as a shipowner or a master shall have the right to freely choose his crew; and
- 3) that it shall be evident from the recruitment and placement contract that security has been provided that all interested parties are protected and that the seafarer is given sufficient opportunity to acquaint himself with the agreement.

Subsection 2. The Danish Maritime Authority may lay down more detailed regulations on the recruitment and placement of seafarers in Denmark.

Section 8c. Shipowners using private recruitment and placement services for seafarers in countries that have ratified the ILO Maritime Labour Convention or ILO Convention no. 179, the Recruitment and Placement of Seafarers Convention (1996), shall ensure that the services concerned have a certificate or a license documenting that they are operated in accordance with the requirements of the convention concerned. If the country in question does not issue such certificates or licenses to private recruitment and placement services, the shipowner shall ensure another type of official confirmation that the relevant services are operated in accordance with the requirements of one of the conventions mentioned.

Subsection 2. Shipowners using private recruitment and placement services for seafarers in countries that have not ratified the ILO Maritime Labour Convention or ILO Convention no. 179, the Recruitment and Placement of Seafarers Convention (1996), shall be able to prove that the services concerned meet the requirements for recruitment and placement services resulting from the conventions concerned.

Subsection 3. The Danish Maritime Authority may approve that a shipowner uses a private recruitment and placement service for seafarers in countries that have not ratified the ILO Maritime Labour Convention or ILO Convention no. 179, the Recruitment and Placement of Seafarers Convention (1996) and require payment for covering the expenses in connection with the approval. The approval shall be given for a timelimited period and may be withdrawn.

Subsection 4. The Danish Maritime Authority may prohibit the use of recruitment and placement services in specific countries if the recruitment and placement services of the countries concerned do not, in important respects, meet the requirements of the ILO Maritime Labour Convention or of ILO Convention no.

179, the Recruitment and Placement of Seafarers Convention (1996).

Section 8d. Complaints about Danish private recruitment and placement services or private recruitment and placement services approved pursuant to section 8c(3) may be brought before the Danish Maritime Authority.

Section 8e. Any shipowner may freely procure crew for his ship through the ship's officers or the standing office staff serving the company permanently, paying due consideration to regulations issued pursuant to section 8b, but no requirement for the seafarer to pay a fee for such a service shall be made.

Section 8f. The Danish Maritime Authority may place students at the maritime training programmes in work-experience placements.

2. A Seafarer's right to demand discharge and economic protection of seafarers left behind

Section 9. In case of pregnancy, the seafarer shall be entitled to demand discharge if it is considered expedient to herself, to the impending childbirth, or to the child. The Minister for Industry, Business and Financial Affairs may lay down provisions governing the right to obtain discharge and the right to free passage with maintenance to the domicile in Denmark at the expense of the Treasury.

Section 10. A seafarer shall be entitled to demand discharge if, after his engagement, he is informed that in another ship he can obtain a position of a higher grade than the one he holds or another position of considerable importance to him, or if he is informed of any other circumstances which render it essential to his interests to be able to obtain his discharge. If the ship is thus made unseaworthy, the seafarer may demand his discharge in pursuance of the first sentence of this subsection only if a competent substitute can be procured.

Subsection 2. The seafarer shall compensate the shipowner for any expenses incidental to the engagement of a substitute in pursuance of subsection 1. The amount claimed in compensation may be remitted in full or in part in consideration of the remaining period of service of the seafarer and the circumstances in general.

Subsection 3. A seafarer shall be entitled to demand discharge in the case of an employment situation attributable to the regulation stipulated in section 1(1) of the act on the Employees' Guarantee Fund (*lov om Lønmodtagerens Garantifond*) or when the shipowner has fundamentally violated the seafarers' employment contract and the seafarer has no right to demand discharge under other provisions of the act. Subsequently, the shipowner shall pay the seafarer's journey with subsistence to his domicile.

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

Subsection 2. If a seafarer is taken hostage in connection with piracy, the Danish Maritime Authority may, for as long as the seafarer is kept hostage, provide reasonable financial aid to the seafarer's spouse and children below the age of 18 whom the seafarer has a duty to support if they do not have or get any means for their support.

Subsection 3. A special pool shall be allocated for the subsidies mentioned in subsection 1 and 2, the size of which shall be determined on the annual finance and appropriation act (*finansloven*).

Section 11. The seafarer shall be entitled to demand to be discharged if:

- 1) the ship is unseaworthy or the crew accommodation unhealthy and the master neglects to remedy the defects;
- 2) the master neglects to have the ship surveyed in contravention of section 56; or
- 3) the seafarer has been ill-treated on board the ship and the master, although aware of such ill-treatment, has failed to render him protection.

Subsection 2. A seafarer obtaining his discharge under subsection 1 shall be entitled to compensation and free passage with subsistence under the provisions of section 18(1) and (2).

Section 12. The seafarer shall be entitled to demand discharge if, after his engagement, it turns out that a malignant epidemic disease is prevailing in a port for which the ship is bound.

Subsection 2. It is the duty of the master by posting or in some other manner to notify the crew of the itinerary of the ship and any changes therein.

Subsection 3. Demands for discharge shall be made as soon as possible after the seafarer has become aware of the circumstances. If the voyage has not been commenced, the seafarer shall be entitled to discharge at once or otherwise in the first port or roads the ship is to call. If the ship is not to call any port or roads before it is expected to pass through areas where circumstances prevail as mentioned in subsection 1, the master shall on request of the seafarer give him access to sign off if an opportunity occurs to send him ashore.

Subsection 4. If the seafarer obtains discharge, the shipowner shall pay the expenses for the seafarer's journey and maintenance to his domicile or, according to the directions of the shipowner, to the place of engagement, and the Treasury shall reimburse the shipowner 25 per cent of his expenses.

Subsection 5. Subsection 4 shall not apply if a similar engagement can be obtained on another Danish ship at the place of discharge.

Section 13. If a seafarer is engaged for a definite voyage and the voyage is materially altered, he may demand discharge. The provisions of section 12(3), the first and second sentences shall apply by analogy.

Subsection 2. If the seafarer obtains discharge, he shall be entitled to wages for one month after the termination of the employment. He shall moreover be entitled to free passage with subsistence to the place of engagement if he is discharged before the voyage is commenced and otherwise to the agreed place of discharge.

Section 14. If the ship loses the right to fly the Danish flag, the seafarer may demand discharge unless otherwise provided in the agreement.

Subsection 2. The same shall apply if the ship is taken over by another Danish shipowner and the seafarer on being asked by the master announces as soon as possible that he does not wish to continue the service with the new shipowner.

Subsection 3. If the seafarer's agreement is terminated under the provisions of subsection 1, he shall be entitled to compensation and free passage with subsistence in pursuance of section 18(1) and (2).

Section 15. A seafarer who, according to the agreement or to the provisions of this part, is entitled to obtain discharge shall continue to serve on board in order to assist in the work which must necessarily be carried out when the ship enters a port, but not for more than 48 hours after the arrival at the port. This shall not apply in case of leave of service pursuant to section 18e(1).

Subsection 2. If evidence is to be given before a maritime court, he shall remain on the spot against wages and subsistence until such evidence has been given.

3. The master's right to dismiss a seafarer

Section 16. The master may dismiss a seafarer who is unfit to perform his duties for a considerable time by reason of illness or injury, cf. however section 9 of the act on equal treatment of men and women as regards access to employment and maternity/paternity leave, etc. (*lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse og barselsorlov m.v.*), or is suffering from an illness which involves danger to those on board. Sections 29 and 30 about the right to wages, etc. shall apply.

Section 17. The master may dismiss a seafarer if

- 1) he is found incompetent to perform his duties;
- 2) he fails to join the ship in due time and the ship is to depart or a substitute must be engaged in his place;
- 3) he is guilty of gross breach of duty such as repeated disobedience, violent behaviour towards other persons on board, or drunkenness;
- 4) he is guilty of theft or any other serious crime;
- 5) he lays the ship open to serious difficulties by concealing persons on board;
- 6) he conceals goods on board the ship which are liable to customs duty or the exportation of which from the port of departure or the importation to the port of destination is prohibited; or
- 7) he, in contravention of section 64, lays a dispute about the employment before a foreign court.

Subsection 2. If the master intends to dismiss a seafarer in pursuance of subsection 1(iii)-(vii), he shall inform the seafarer of his intention as soon as possible, and not later than 7 days after learning of the situation resulting in the dismissal unless special reasons require that this time limit be exceeded.

Subsection 3. If a seafarer is dismissed in pursuance of subsection 1, he shall not be entitled to wages for a longer period than he has served. If on dismissal in pursuance of subsection 1(ii) it appears that the seafarer cannot be blamed and that he is incapable of performing his duties by reason of illness or injury, he shall, however, be entitled to wages under the provisions of section 29(2).

Section 18. Where a seafarer is dismissed on grounds other than those mentioned in section 16 or 17, he shall be entitled to two months' wages after the termination of the employment unless general rules of compensation entitle him to a larger amount.

Subsection 2. In addition, the seafarer shall be entitled to free passage with subsistence to his place of residence or any other place of discharge agreed upon at the shipowner's expense.

Subsection 3. Subsections 1 and 2 shall not apply where a seafarer is dismissed by notice in a place of discharge agreed upon or provided by section 6 according to the decision of the master before the expiry of the time-limit with wages and subsistence till the expiry of that limit.

3 a. The seafarer's right to leave service in case of danger of war, etc. and the shipowner's obligation to take care of the seafarers in case of a risk of piracy

Section 18a. The seafarer shall be entitled to leave service on board immediately and otherwise in the first port or roads on which the ship is to call if the ship before leaving port receives instructions to sail to another area where

- 1) there is danger of the ship being seized by belligerents or being exposed to war damage or a similar dangerous situation, or
- 2) such danger has increased materially.

Subsection 2. If the ship after leaving port gets instruction to sail to an area as mentioned in subsection 1(i), the seafarer shall always be entitled to leave service on board.

Subsection 3. If after the ship's leaving from the last port of call a situation occurs as mentioned in subsection 1(ii), the seafarer shall be entitled to leave service on board if for some other reason connection is established with land.

Subsection 4. It is the duty of the master by posting or in any other manner to notify the crew of the itinerary of the ship and any changes therein.

Subsection 5. Demands for discharge shall be made as soon as possible after the seafarer has become aware of the circumstances.

Section 18b. If the seafarer signs off according to the provisions of section 18a, either party may irrespective of the provisions of section 6 concerning port of discharge terminate service subject to the agreed notice or the notice of termination mentioned in section 5 or section 37.

Subsection 2. If notice of termination of service is given according to subsection 1, the shipowner shall pay 75 per cent and the Treasury 25 per cent of the expenses incidental to passage and subsistence to the seafarer's domicile or according to the directions of the shipowner, to the place of engagement. The shipowner shall advance the share of the Treasury which will be refunded by the Danish Maritime Authority. *Subsection 3.* Subsection 2 shall not apply if a similar engagement can be obtained for the seafarer on board another Danish ship at the place of discharge.

Subsection 4. The shipowner shall defray expenses for the subsistence of the seafarer while staying at the place of discharge.

Subsection 5. As long as the engagement exists, section 35 shall apply correspondingly to employees of the ship.

Section 18c. If a ship enters waters or ports presenting a risk of piracy, the shipowner shall be obliged to take care of the seafarers. The shipowner shall, in accordance with what is considered sound company practice, take measures to prepare the ship and the crew for any attacks, prevent attacks and handle cases where the ship is attacked, including if crewmembers are taken hostage.

3 b. Seafarers' exemption from service, etc. in connection with pregnancy and childbirth

Section 18d. The Minister for Industry, Business and Financial Affairs shall lay down more detailed regulations on seafarers' exemption from service on board due to pregnancy and maternity/paternity leave.

Subsection 2. A seafarer who is given notice due to pregnancy or who gives notice pursuant to section 9 shall be entitled to pregnancy/maternity pay. This applies only for as long as she does not have any other work and for a maximum of two months from the date of resignation.

Subsection 3. If the seafarer's employment agreement is limited in time, the shipowner's obligation to pay wages pursuant to subsection 2 cannot, however, be extended beyond the date when the employment ceases according to the agreement.

3 c. Seafarers' right to leave for compelling family reasons

Section 18e. A seafarer shall be entitled to leave without pay when compelling family reasons apply in case of illness or accidents making the seafarer's immediate presence urgently necessary in the home (force majeure).

Subsection 2. During the leave, the seafarer may, irrespective of the provisions of section 6 on the port of resignation, give notice with the term of notice given in section 5 or section 37.

4. Termination of agreement in case of loss of ship

Section 19. If the ship is lost through a marine casualty or if it is considered to be beyond repair after such casualty, a seafarer's agreement shall terminate unless otherwise provided in the agreement. He shall, however, in return for wages and subsistence participate in the salvage and remain on the spot for the purpose of giving evidence before a maritime court.

Subsection 2. If the service is terminated in the aforesaid manner, the seafarer shall be entitled to the necessary clothes and free passage with subsistence to his domicile at the expense of the shipowner. *Subsection 3.* During the passage home mentioned in subsection 2, the seafarer shall be entitled to wages. In addition, he shall be entitled to wages during the period in which he is unemployed by reason of the loss of the ship, but not for more than two months over and above the period during which he is paid wages under subsection 1 of this section.

Section 19a. It shall not be possible to dismiss seafarers held hostage in connection with piracy. The employment shall not terminate though the ship is lost in connection with piracy or the shipowner is no longer able to have it at his disposal.

Subsection 2. When released, the hostages shall be entitled to a free journey home with subsistence to their own domicile at the shipowner's expense.

5. Some general provisions in relation to discharge

Section 20. If the authorities in a foreign port where a seafarer is to be discharged will not allow him to enter the country or make his entry conditional upon a security which he cannot find, he shall continue to serve on board until the ship arrives at a port where his discharge may be effected. He shall also be entitled to remain in the service provided this would not be held to be unreasonable.

6. Calculation and payment of wages

Section 21. Wages shall run on and from the day on which the seafarer commences his service on board. If on demand of the shipowner he surrenders his discharge book or passport before the service is commenced or if he must undertake a journey from the place of engagement in order to join the ship, wages shall, however, run on and from the day on which the surrender takes place or the journey is commenced.

Subsection 2. Wages shall run up to and including the day on which his service terminates, or, if he is to be discharged after the said day, up to and including the day of discharge.

Subsection 3. Wages shall not accrue for any time during which the seafarer unlawfully evades service.

Section 22. For the purpose of calculating wages for part of a month, the daily wage shall be reckoned as one thirtieth part of the monthly wages.

Subsection 2. If wages are fixed at a definite amount for the voyage, the entry in the agreement about the estimated duration of the voyage shall apply to cases where wages are to be calculated according to time.

Subsection 3. Should the voyage prove to be of shorter duration than anticipated at the time of engagement, the seafarer shall be entitled to the full amount of wages agreed upon. Should the voyage prove to be of longer duration than anticipated, he shall be entitled to a proportionate addition unless otherwise agreed upon.

Section 23. In case a whole voyage or part of a voyage is performed with less crew than anticipated at the time of engagement or in case the able-bodied crew is reduced during the voyage, wages saved for the time the ship is at sea shall be divided equally among the seafarers belonging to the group of crew which has been reduced in numbers unless it is shown that the group has not had to perform additional work by reason of such reduction.

Subsection 2. From the wages saved deduction shall be made of any amount by which the expenses in connection with overtime pay may be increased by reason of such reduction of the crew.

Subsection 3. The right of a seafarer to a share in the saved wages shall not exceed the amount of the wages accruing to him.

Subsection 4. If there is only one mate left on board, any mate's wages saved shall be divided equally between that mate and the master.

Section 24. Wages shall be paid at a maximum of one month's interval.

Subsection 2. A seafarer shall only demand payment of wages when the ship is in port and in the same country only once every seventh day.

Subsection 3. Wages shall be paid in cash unless the seafarer demands a draft on the shipowner. Payment may be demanded in local currency at the current rate of exchange.

Subsection 4. A seafarer may require that wages be paid by means of monthly allotments in favour of a specified person. He may, however, not require payments to be made under more than three concurrent allotment notes.

Subsection 5. A seafarer may require parts of or his entire wages transferred to one or more banks.

Section 25. Without the consent of the seafarer, deduction from wages may, apart from such amount as the shipowner shall be bound by statutory provisions to withhold, only be made as regards amount to meet compensation claims which he has incurred during his service. Deduction shall be made from wages paid to the seafarer in preference to wages paid by way of allotment unless the seafarer should decide otherwise.

Subsection 2. A shipowner shall not require that the seafarer, when concluding the employment contract or in connection with his signing on, pays an advance payment to cover the expenses for his home journey.

Subsection 3. The shipowner shall deduct from the seafarer's wages, etc. expenses for his journey home pursuant to section 17 only if the shipowner has found that the seafarer has substantially violated his obligations under the conditions of employment.

Section 26. The seafarer shall be given a monthly account of wages earned as well as additional payments, wages paid, and the rate of exchange in case payment has been made in any other currency than the one agreed upon.

7. Nursing and sickness pay, etc.

Section 27. A seafarer shall submit himself to an examination by a medical practitioner upon demand of the master.

Subsection 2. If there is reason to believe that a seafarer is suffering from an illness, the master shall, if practicable, have him examined by a medical practitioner.

Subsection 3. Medical examinations made in pursuance of subsections 1 and 2 shall be free of expense to the seafarer.

Subsection 4. If a seafarer suffers from an illness or has been injured, the master shall see to it that he receives proper care and attendance on board or ashore, including subsistence, medical assistance, and medicine.

Subsection 5. If there is reason to believe that a seafarer is suffering from an illness which involves danger to those on board, the master shall have him brought ashore provided satisfactory precautions against the danger cannot be taken on board.

Subsection 6. In case a seafarer who is ill or injured cannot take care of his personal belongings, the master shall take charge of them and forward them to the seafarer or the seafarer's next of kin.

Subsection 7. Where a seafarer who is ill or injured is left behind abroad, the master shall leave him in the care of the local consul, or if there is not a Danish consul on the spot, ensure him proper care and attendance otherwise and notify the nearest Danish consul. Upon request of the seafarer, the master shall inform his next of kin.

Section 28. Where the master in a foreign country leaves a sick or injured seafarer in the care of the Danish consul, the consul may demand security for the expenses to be defrayed by the shipowner in pursuance of sections 30 and 34 incidental to the care and burial of a seafarer.

Subsection 2. The master shall deliver to the consul any amount to which the seafarer is entitled or to which he may be entitled under the provisions of section 29.

Subsection 3. The seafarer may require wages to which he is entitled to be handed over to him unless such wages shall be anticipated to be applied towards the payment of expenses incurred on behalf of the seafarer or if he is in a condition which makes him unfit to take care of his own affairs.

Section 29. During the service, the seafarer shall be entitled to wages even though he is unfit to perform his duties by reason of illness or injury.

Subsection 2. For a seafarer who is ill or injured at the time of termination of the ship service, the following shall apply:

- 1) The sickness pay shall continue for as long as the person concerned is incapacitated, however for a maximum of 16 weeks, irrespective of whether the seafarer's conditions of employment terminate before the expiry of 16 weeks calculated from the termination of the ship service.
- 2) In case the conditions of employment terminate after the expiry of more than 16 weeks calculated from the termination of the ship service, the sickness pay shall continue until the termination of the employment.
- 3) If the employed seafarer has become incapacitated at a time when he did not serve on one of the company's ships, the 16 weeks shall be calculated from the time when the incapacity occurred.

Subsection 3. If specific signs of illness or bodily injury have not been demonstrated, the seafarer shall, however, not be entitled to wages for more days than he has served. If the incapacity is due to a venereal disease, the wages shall be paid by the Treasury.

Subsection 4. Wages shall not accrue under subsection 1 or 2 for any time during which the seafarer is unfit to perform his duties by reason of illness or injury which he fraudulently suppressed at the time of his engagement. The same shall apply if the seafarer receives an injury or contracts an illness, apart from venereal disease, after his engagement as a result of his own wilful act or gross negligence.

Section 30. During the course of the service, the shipowner shall defray all expenses incidental to the care and attendance of a seafarer subject to the exceptions mentioned in subsections 4-6.

Subsection 2. In case a seafarer is suffering from illness or injury at the time of termination of the employment, he shall, except as provided in subsections 4-6, be entitled to care and attendance for the account of the shipowner for up to 16 weeks, not exceeding, however, 2 weeks after the arrival in the country in which he is domiciled. This period shall be reckoned from the date of discharge or, if he is not discharged, from the date on which the ship departs.

Subsection 3. If a seafarer is discharged on account of illness or injury or if at the time of leaving the ship he is suffering from such illness or injury as may cause discharge, he shall also be entitled to free passage and subsistence to his domicile at the expense of the shipowner. If the seafarer is not domiciled in

Denmark, the shipowner may, however, choose to provide free passage with subsistence to the place where the seafarer was staying at the time of the engagement, unless the authorities at that place will not allow the seafarer to enter the country or make his entry conditional upon a security which he cannot find.

Subsection 4. The seafarer shall not be entitled to care and attendance or free passage as provided in subsections 1-3 if he fraudulently suppressed the illness or injury at the time of his engagement. The same shall apply if after his engagement he contracts an injury or an illness, apart from venereal disease, through his own wilful act or gross negligence.

Subsection 5. If a seafarer who is domiciled in Denmark is suffering from venereal disease or from tuberculosis, the Treasury shall defray the expenses incidental to the care and attendance and free passage home provided for in subsections 2 and 3, cf. subsection 4.

Subsection 6. The shipowner or the Treasury shall not be bound to defray the expenses pursuant to subsections 2 and 3, cf. subsection 4, insofar as the seafarer is insured in a foreign sickness benefit society or association, in a private insurance company or under any social insurance scheme.

Section 31. Where, after the discharge in a foreign country of an ill or injured seafarer, the master has had to make outlays for the purpose of sending home or care and attendance of a seafarer or in respect of any other assistance under social security provisions, which are not chargeable to the shipowner to pay under Danish law, and which could not have been avoided through the intermediary of a Danish consul, such outlays may be recovered from the Treasury.

8. Death and burial

Section 32. If a seafarer dies, the master shall inform his next of kin and arrange for his burial or cremation. Where the death occurs abroad, also the nearest Danish consul shall be informed of the death. If cremation takes place, the master shall provide for the sending home of the ashes.

Subsection 2. The master shall as soon as possible cause an inventory to be made of the effects left on board the ship by the deceased seafarer. The correctness of such inventory shall be certified by two persons.

The master shall send the inventory and the effects left on board to the deceased seafarer's next of kin.

Section 33. If a seafarer dies, the wages due to him shall run up to and including the date of death provided they have not previously ceased to run under the provisions of this part.

Subsection 2. If the ship is missing and it is impossible to ascertain when the casualty occurred, wages shall run up to the end of the period of time usually required for a ship such as the lost one for a voyage in the same season from the position where she was last heard of to the destination.

Subsection 3. If a seafarer dies during the course of his service, the surviving spouse or any children under the age of 18 years for whose subsistence the seafarer was liable shall be entitled to 1 month's wages. If, at the time of death, the seafarer had been employed continuously by the shipowner for 2 or 3 years respectively, wages shall be payable for 2 or 3 months respectively. The same shall apply where a seafarer dies while he is still entitled to wages under the provisions of section 29(2). In that case the shipowner may deduct wages paid or payable under the said provisions.

Section 34. The shipowner shall defray the expenses of a seafarer's burial or cremation and the sending home and entombment of his ashes provided the seafarer dies during the course of the service or while he is still entitled to care and attendance as provided in section 30(2).

Subsection 2. The Treasury shall defray the expenses mentioned in subsection 1 provided the seafarer dies while he is still entitled to care and attendance in pursuance of section 30(5).

Subsection 3. Section 30(6) and section 31 exempting the shipowner or the Treasury from certain expenses incidental to the care and attendance of a seafarer suffering from illness or injury shall apply by analogy to expenses incidental to the death of a seafarer.

9. Special provisions relating to company employment

Section 35. Where it has been agreed that the employment of the seafarer has been attached to the shipping company, so that the employment shall continue after the termination of the service on board the individual vessel, section 18e regarding leave of service without pay, and the provisions regarding payment in section 18d(2) and (3), section 29 and section 33(3) shall apply although the seafarer is not employed on board one of the company's ships at the time where the leave of service begins or the time where the disability or death occurs. Sections 30 and 34 shall by analogy apply provided the illness, the injury or the death occurs during a stay outside the country of domicile of the seafarer ordered by the shipowner.

Subsection 2. The right to care and attendance shall, however, only apply to care and attendance outside the country of domicile for a period of up to 16 weeks after the occurrence of the illness or the injury. The provisions of section 29 shall not apply in case the illness occurs while on pregnancy and/or maternity/paternity leave.

10. Special provisions relating to agreements concluded with ships officers

Section 36. The aforesaid provisions shall apply to ship's officers' agreements subject to the modifications and additions contained in sections 37-45.

Subsection 2. Ship's officers are chief stewards, engineers, radio officers, and mates. Subsection 1 and sections 37-45 shall also apply to other staff members employed by the shipowner to serve on board the ship and who hold corresponding, leading positions.

Section 37. Either party may unless otherwise agreed upon terminate the agreement by giving 3 months' notice, however, cf. section 19 of this act and section 9 of the act on equal treatment of men and women as regards to employment and maternity leave, etc. (*lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse og barselsorlov m.v.*). Service agreements limited to a certain period of time may be terminated with 1 month's notice within the first 6 months of the start of the service agreement unless the agreement states

otherwise. Service agreements of a strictly temporary nature which are time limited may, however, be terminated with 7 days notice unless the agreement states otherwise.

Subsection 2. The minimum term of notice that may be agreed upon on the part of the shipowner shall be 1 month for the first year of service, and 3 months for the subsequent years. This shall not apply, however, if the shipowner shows that an agreement of a strictly temporary nature has been entered into and that the service agreement does not exceed 1 month.

Section 38. If a ship's officer is unfit to perform his duties for a considerable time by reason of illness or injury, or if he is suffering from an illness which involves danger to those on board, he may be dismissed notwithstanding the provisions laid down in the agreement in respect of port of discharge.

Section 39. The ship's officer's right to demand discharge under section 7 shall be subject to not less than 3 months' notice of termination of the contract or the specified notice where a shorter term of notice has been agreed upon.

Section 40. If the contract had been terminated to expire when the ship's officer became unfit to perform his duties, or if it is terminated thereafter, section 29(2) and (3), cf. section 35, about the right to sickness payment shall also apply, cf. however section 44.

Section 41. Section 35, cf. section 40, about the right to sickness pay etc. shall apply regardless of whether the officer's employment is connected with the shipping company so that his employment with the shipowner continues even if the employment on board the individual ship is terminated.

Section 42. If a ship's officer who has been employed continuously with the same shipping company for 12 or 17 years is dismissed, the shipowner shall pay an amount equalling 1 and 3 months' wages, respectively, when the officer is discharged.

Subsection 2. Subsection 1 shall also apply where the officer is unfairly dismissed.

Section 43. If no satisfactory reasons can be advanced in support of the dismissal of an officer who had been in the continuous employment of the shipping company for not less than 12 months preceding the dismissal, either in the circumstances relating to the officer or to the shipping company, the company shall be liable to pay compensation, the assessment of which shall be based on the duration of the officer's employment and on other facts relating to the matter, always provided that the amount of compensation shall not exceed 3 months' wages.

Subsection 2. Provided that a ship's officer has been continuously employed by the shipping company for not less than 10 years preceding the dismissal, the compensation referred to in subsection 1 may amount to up to 4 months' wages. After 15 years' continuous employment the compensation may amount to up to 6 months' wages.

Subsection 3. Subsections 1 and 2 shall also apply where the officer is unfairly dismissed.

Section 44. If a ship's officer is unfit to perform his duties by reason of illness or injury, this shall be considered lawful absence unless he fraudulently suppressed such illness or injury at the time of his engagement, or if he contracted the illness or injury through his own wilful act or gross negligence after the engagement.

Section 45. Where a ship's officer is dismissed on grounds other than those mentioned in section 17, he shall be entitled to wages for 3 months after the termination of the agreement unless the general rules of compensation entitle him to a larger amount. Moreover, section 18 about the right to free passage and about discharge before the expiry of the notice of termination shall apply.

11. Agreement with the master

Section 46. The shipowner shall arrange for the conclusion of a written agreement with the master setting out the terms of his engagement. The provision in section 3(1) shall apply by analogy.

Section 47. The shipowner may at any time be entitled to dismiss the master, cf. however section 19a of this act and section 9 of the act on equal treatment of men and women as regards access to employment and maternity leave, etc. (*lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse og barselsorlov m.v.*).

Subsection 2. If the master is dismissed on account of incompetence, dishonesty, or gross or frequently occurring error, or negligence committed in the course of his service, he shall be entitled to wages only for the time during which he has served.

Subsection 3. Otherwise sections 37-38 about termination of the agreement by notice, and also sections 40-45 about the right to wages etc. shall apply.

Section 48. If the ship is lost through a marine casualty or if it is considered to be beyond repair after such casualty, the master's agreement shall terminate unless otherwise provided in the agreement. He shall, however, in return for wages and subsistence be bound to remain at his post and look after the settlement of matters relating to the ship, to those on board, and to the cargo.

Subsection 2. The provisions of section 19(2) and (3) shall apply by analogy.

Section 49. The following provisions shall also apply to the master:

- 1) Section 1(3);
- 2) Section 3(3) and (4);
- 3) Section 4(2);
- 4) Section 6;
- 5) Section 7(1), cf. section 39;
- 6) Section 7(2), third sentence;
- 7) Section 8;
- 8) Sections 8a-8e;
- 9) Section 10(3);
- 10) Section 10a(1) and (2);
- 11) Section 14(1), cf. subsection 3;
- 12) Section 15;
- 13) Section 18a(1) and section 18b;
- 14) Section 18c;
- 15) Section 18d;
- 16) Section 18e;
- 17) Section 19a(2);

- 18) Sections 21, 22 and 24-26;
- 19) Sections 27-30, cf. sections 35, 40 and 41;
- 20) Section 31;
- 21) Section 32 and 34;
- 22) Section 33, cf. sections 35 and 41;
- 23) Section 55(1) and (2);
- 24) Section 57;
- 25) Section 61,
- 26) Section 73a and
- 27) Section 73c.

Section 50. Where it is agreed that the master shall be entitled to a share in the ship's freight earnings (primage) or in any other earnings of the voyage, including allowance for demurrage, or a share in the shipowner's profit (commission on profit), the shipowner shall pay a proportionate part of the aforesaid income if the agreement is terminated before the completion of the voyage or before the end of the fiscal year.

Subsection 2. If the master is entitled to wages for a longer period than the period of his service, the income referred to in subsection 1 shall for the period after the termination of the employment be the amount by which twice the amount of the first mate's wages exceeds the regular wages of the master.

Part 3

Onboard service

1. Direction of onboard work

Section 51. The master shall have the highest authority on board the ship.

Section 52. The duties shall be assigned with due regard to the rating of each person on board and if practicable to the promotion of their professional proficiency.

2. General duties in the service

Section 53. A seafarer shall obey the orders he receives in the service and shall by a distinct reply show that he has understood them. Moreover he shall observe the regulations for the maintenance of order on board the ship.

Subsection 2. If a seafarer is prevented from coming on board in due time, he shall without delay inform the master thereof.

Subsection 3. The seafarer shall make good any damage caused by errors or by neglect of duty.

3. Precautions against accidents and health risks

Section 54. (Repealed).

4. Food and health conditions

Section 55. The master shall ensure that the crew is furnished with proper and sufficient food. The food on board shall be free of charge for the seafarer during the period signed on. The Minister for Industry, Business and Financial Affairs may lay down provisions on the first and second sentences.

Subsection 2. If the master considers it necessary to reduce food during the voyage, the crew shall be entitled to claim compensation.

Subsection 3. The master shall not personally contract for the catering of the crew.

Subsection 4. The master shall supervise the health conditions and the cleanliness on board. The Minister for Industry, Business and Financial Affairs may lay down provisions to that effect.

5. Considerations of seaworthiness

Section 56. Whenever more than half of the crew complain about the seaworthiness of the ship for the purpose of the contemplated voyage, the master shall be bound to cause a control survey to be held in accordance with the provisions laid down in the act on ships inspections (*lov om tilsyn med skibe*)².

Subsection 2. The same shall apply if the chief engineer or the chief mate makes a similar complaint as regards the parts of the ship, her appurtenances or equipment which are under his supervision.

Subsection 3. If it appears at the survey that the complaint was unfounded, the loss shall be made good in pursuance of section 53(3).

Subsection 4. In case surveys are held in a foreign country in pursuance of subsections 1 and 2, the local Danish consul, if the matter has been laid before him, and otherwise the master shall forthwith send a report to the Danish Maritime Authority.

6. Hours of rest, etc.

Section 57. Seafarers shall have regular, undisturbed periods of rest, adequate to ensure health and safety. The Minister for Industry, Business and Financial Affairs shall lay down provisions on seafarers' hours of rest and hours of work. The provisions on hours of work shall not apply to merchant ships.

7. The seafarer's right to go ashore during his spare time

Section 58. During the ship's stay in port or in a safe anchorage, a seafarer shall be entitled to go ashore during his spare time provided his remaining on board is required for the purpose of the safety of the ship, the other persons on board or the cargo, the performance of necessary ship's work or the impending departure or shifting of the ship.

Subsection 2. The master shall free of charge to the crew arrange for communication with land by boat, always provided that such arrangement may reasonably be made, having regard to the expenses and other circumstances incidental thereto.

8. The seafarer's personal effects, etc.

² Now, the act on safety at sea (*lov om sikkerhed til søs*).

Section 59. A seafarer may for his own personal use bring on board things in reasonable quantity provided that this may not cause inconvenience to ship or cargo or involve risk of disorder on board. He shall not bring on board goods for sale for his own account or for the account of any other person except with the master's permission.

Subsection 2. The seafarer shall be liable to pay freight on goods unlawfully brought on board. The provisions of section 53(3) shall apply where the goods cause damage.

Subsection 3. It shall not be allowed to bring on board narcotics or other dangerous drugs; nor shall it be allowed to bring on board arms or ammunition except with the master's permission.

Subsection 4. If the master has reason to suspect that goods have unlawfully been brought on board, he may have the seafarer's quarters searched. The seafarer concerned shall be entitled to be present at the search.

Subsection 5. The master may take into custody, cause to be landed or if necessary destroy any goods unlawfully brought on board.

Section 60. Effects left on board by a seafarer on the termination of his service shall be taken into custody at his expense. The master shall as soon as possible cause an inventory of the effects to be made. The correctness of the inventory shall be certified by two persons.

Subsection 2. Where the effects cannot reasonably be held in custody out of regard to their nature, the expenses or other circumstances, they may be sold in a warrantable manner. The same shall apply if the seafarer has not within 12 months applied to the shipowner to obtain delivery of the effects belonging to him.

Section 61. Where the effects belonging to a seafarer on board the ship have been damaged or lost on account of the loss of the ship, by reason of piracy, fire, or other average, the shipowner shall be liable to pay compensation. The Minister for Industry, Business and Financial Affairs shall lay down specific provisions to that effect. Deduction may be made for clothing with which the seafarer has been supplied in pursuance of section 19(2).

9. Order on board ship

Section 62. The master shall be empowered to take the necessary steps to maintain order on board the ship.

Subsection 2. If the ship is in danger or mutiny breaks out among the crew or in other cases of emergency, the master may take any measures necessary and warrantable to secure order. Every member of the crew shall be bound to render assistance even without special order.

Subsection 3. If the person who refuses to assist in the maintenance of order on board the ship is injured, he shall be entitled to claim damages provided harsher measures were taken than those required by the circumstances.

Section 63. If a serious crime is committed on board the ship at a time when the ship is not in a Danish port, the master shall as soon as possible take a preliminary statement which shall be entered in the log book. This shall not apply, however, if the crime is committed on foreign territory and is prosecuted by the local authorities.

Subsection 2. The master shall take all possible care that a suspect does not escape pending the reference of the matter to a Danish consul or the police in Denmark. The master may for this purpose take the required measures provided that such measures are not harsher than those called for by the circumstances. If the crime committed is an act which falls under article 3, 3bis, 3ter or 3quater in the IMO Convention for the Suppression

of Unlawful Act against the Safety of Maritime Navigation (SUA) of 10 March 1988, as amended and inserted, respectively, by the Protocol of 1 November 2005 to this Convention, the master may, however, surrender the suspect to the proper authority outside the country.

Subsection 3. The master shall as soon as practicable and before entering territorial waters of a state where he intends to surrender a suspect inform the authorities of the state concerned of his intention to surrender such a person and the reasons for this.

Subsection 4. Objects assumed to be of importance as evidence shall be taken into custody by the master. The master shall give the necessary information to the authority where the suspect is surrendered, and hand over the objects taken into custody.

Part 4

Disputes concerning the employment and the consideration of complaints on board

Section 64. A seafarer has a right to complain to the shipowner about the account of wages, the ship service, the conditions of employment or the conditions on board. The shipowner has an obligation to ensure that complaints are sufficiently examined and to develop and implement procedures on board for a just, efficient and fast consideration of complaints. The Minister for Industry, Business and Financial Affairs may lay down more detailed regulations on complaints, etc.

Subsection 2. Disputes about the account of wages, the ship service, the conditions of employment or the conditions on board shall not be brought before a foreign court. If the seafarer does not have any other venue in Denmark, a case against the seafarer may be brought before the court in whose district the ship is registered.

Subsection 3. Subsection 2 shall not apply if anything else follows from the Brussels I Directive or from regulations issued pursuant to this act.

Part 4a

Signing on and off

Section 64 a. The Minister for Industry, Business and Financial Affairs shall lay down provisions in relation to signing on and off as well as provisions in regard to the master's assignment to service on board.

Subsection 2. When signing on crew, the master shall ensure that the regulations laid down by the legislation regarding the seafarer in question are complied with, including especially the requirements of age, health, education and training.

Subsection 3. The Minister for Industry, Business and Financial Affairs may decide, following agreement with the relevant minister, that the powers of the Danish Maritime Authority under subsection 2 shall be carried out by other public authorities and may lay down regulations hereon.

Section 64 b. The Danish Maritime Authority may require the information from the shipowner or the master as to the ship and the crew which is necessary in regard to inspection of the ship's compliance with legislation in relation to ship's crew. Furthermore, the Danish Maritime Authority is entitled to make investigations which are necessary in regard of the inspection.

Subsection 2. The Minister for Industry, Business and Financial Affairs shall lay down provisions on the proof of the signing on and discharging and crew-schedules as well as provisions on the issue, use and registration of ID of seafarers, including the rejection of an application to be issued with an ID or the revocation

of ID already issued, if the person in question is thought to pose a risk to security. The Minister shall also lay down provisions on the payment of the issue of such certificates, etc.

Part 5
Penalty provisions

Section 65.³ If the shipowner fails to fulfil his obligations in pursuance of section 55 or section 73a or his obligation in pursuance of section 1a to ensure compliance with section 12(2) and (3), section 18a(1)-(4), section 18b(4) and (5), section 27, section 49(xiii) insofar as regards section 18a(1), section 49(ix) insofar as regards section 27, section 49(xxiii) or (xxvi), section 55, section 74b(1) or (3) or section 74c(2), he shall be liable to punishment by fine or imprisonment for a term of up to one year. If the shipowner fails to fulfil his obligations under section 4(1) and (2), section 8a(2), section 8c(1) and (2), section 8e, section 46, section 49(iii) or (xxiv), section 57 or section 64b(1), he shall be liable to punishment by fine.

Subsection 2. Anyone who otherwise fails to fulfil his obligation in pursuance of section 1a to ensure compliance with section 12(2) and (3), section 18a(1)-(4), section 18b(4) and (5), section 27, section 55, section 74b(1) or (3) or section 74c(2) shall be liable to punishment by fine or imprisonment for a term of up to one year, while anyone who otherwise fails to fulfil his obligation in pursuance of section 1a to ensure compliance with section 4(1) and (2), section 8a(2), section 8c(1) and (2), section 8e, section 32, section 56(1), (2) and (4), section 57, section 60, section 64a(2), section 64b(1), section 74 or similar provisions laid down in pursuance of section 73 shall be liable to punishment by fine. In the same way, anyone who fails to fulfil his obligations in pursuance of section 1a to ensure that the master has a possibility of meeting the obligations resting with him shall be punishable.

Subsection 3. Anyone who carries out private recruitment or placement for seafarers in Denmark without a valid certificate or who requires a fee from the seafarers for such services may be liable to punishment by fine.

Subsection 4. Companies, etc. (legal entities) are punishable according to the provisions of part 5 of the penal code (*straffeloven*).

Subsection 5. When imposing liability to punishment under subsection 4, persons hired to perform work on board the ship by others than the shipowner shall also be considered associated with the shipowner. If a Document of Compliance has been issued pursuant to the Code for the Safe Operation of Ships or a certificate pursuant to the Maritime Labour Convention to another organisation or person, the master and the seafarers shall also be considered as being associated with those to whom the document is issued.

Section 66. Unless more severe punishment is otherwise provided by law, the master or the person who is acting in his place

- 1) shall be liable to a fine or imprisonment for up to 4 months if he
 - a) intentionally or through gross negligence takes more severe enforcement measures than prescribed by section 62 and section 63(2); or
 - b) disregards his duties provided by section 12(2) and (3), section 18a(1)-(4), section 18b(4) and(5), sections 27 and 55.
- 2) shall be liable to a fine if he
 - a) employs anybody for work in contravention of section 4 or 57; or

³ Reference is made to section 65(1) and (2), to section 74c(2) of the act. Section 74c is inserted in the act by section 3(iv) of act no. 251 of 30 March 2011, which has not entered into force yet and which has consequently not been incorporated into this consolidated act.

- b) disregards his duties prescribed in section 8a(2), section 8c(1) and (2), section 8e, section 32, section 56(1), (2) and (4), section 60, section 63(3) and (4), section 64a(2), section 64b(1), section 74, or regulations laid down pursuant to section 73.

Section 67. Unless more severe punishment is otherwise provided by law, the seafarer shall be liable to a fine if he

- 1) disregards his duties prescribed in section 53(1), and section 62(2), second sentence;
- 2) against his better judgement puts forward or is a party to a complaint as dealt with in section 56 and a control survey is thereby caused to be held.

Subsection 2. In case of contravention of subsection 1, proceedings shall be instituted only upon request of the shipowner or the master.

Section 68. (Repealed).

Section 69. (Repealed).

Section 70. Regulations laid down in pursuance of the act may provide for the imposition of a fine.

Subsection 2. Companies, etc. (legal entities) are punishable according to the provisions of part 5 of the penal code (*straffeloven*).

Section 71. If a master is found guilty of contravention of section 66(i)(a) or (b), the court may in aggravating circumstances suspend his certificate of competency as a master, mate or engineer officer for a definite period of time of up to 5 years or cancel the said certificate. In that case, the public prosecutor shall send his certificate and transcript of the judgement to the Ministry of Industry, Business and Financial Affairs. When 5 years have elapsed since the passing of final sentence, the Minister for Industry, Business and Financial Affairs may restore the certificate.

Subsection 2. If the certificate of competency of a master, mate or engineer is suspended or cancelled under subsection 1, the court shall decide whether the master may serve as a mate and whether the mate or the engineer may serve in a lower grade. If so, the Minister for Industry, Business and Financial Affairs shall provide him with the appropriate certificate of competency.

Part 6

Special provisions

Section 71a. The Minister for Industry, Business and Financial Affairs 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 for Industry, Business and Financial Affairs 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 2. 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 for Industry, Business and Financial Affairs 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 for Industry, Business and Financial Affairs 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 72. The Minister for Industry, Business and Financial Affairs may lay down provisions to the effect that section 8 about free passage home with subsistence after a certain period of service, section 9 about the right to free passage home at the expense of the Treasury in case of pregnancy, and section 30 about the right of a sick seafarer to free passage shall extend to seafarers who are not domiciled in Denmark.

Section 73. The Minister for Industry, Business and Financial Affairs may lay down more detailed provisions relating to such right to care and attendance in case of illness or injury and to such duty to arrange for burial or cremation as prescribed by this act.

Section 73a. The shipowner has an obligation to take out an insurance approved by the Danish Maritime Authority or to provide financial security for covering expenses for claims towards the shipping company or the employer, when this is not the same person, in cases where the seafarer are abandoned.

Subsection 2. A seafarer shall be deemed to have been abandoned where, in violation of his obligations under the applicable employment agreement, including the collective agreement, or this act, the shipowner

- 1) fails to cover the cost of the seafarer's repatriation,
- 2) has left the seafarer without the necessary maintenance or economic support, or
- 3) has otherwise unilaterally and groundlessly severed the ties with the seafarer, including if the seafarer has not received wages for a period of at least two months.

Subsection 3. The financial security, cf. subsection 1, shall cover

- 1) the essential needs of the seafarer until the seafarer's arrival at home, including food, securing of heat, electricity, communication, hygiene and any necessary medical treatment, etc., cost of repatriation as well as any other reasonable expenses that arise because the seafarer has been abandoned, and
- 2) four months' outstanding wages and other entitlements, etc. due to the seafarer as a consequence of the employment to the extent that these claims are not covered by the coverage from the Employees' Guarantee Fund (*Lønmodtagernes Garantifond*).

Subsection 4. The Danish Maritime Authority may lay down regulations on the financial security, cf. subsection 1, including on limits of coverage, documentation of claims made, the possibility of forwarding claims directly to the provider of the financial security, and stipulating that the security is not to cover claims covered by public social security schemes covering the seafarers and schemes implementing directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on protection of employees in the event of the insolvency of their employer.

Subsection 5. The Minister for Industry, Business and Financial Affairs may lay down regulations stipulating that the pool mentioned in section 10a(3) shall constitute financial security for covering expenses covered by subsection 3(i).

Subsection 6. The Danish Maritime Authority may lay down regulations on the drafting of certificates or any other documentation of financial security, cf. subsection 1, and on their posting on board the ship.

Section 73b. The Danish Maritime Authority shall ensure free telemedico consultancy for merchant ships.

Section 73c. The Minister for Industry, Business and Financial Affairs may lay down more detailed regulations on a free voyage home with subsistence pursuant to 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.

Section 73d. The Danish Maritime Authority may, following negotiation with the National Board of Industrial Injuries in Denmark, lay down regulations on certification or any other documentation for protection of seafarers pursuant to the act on industrial injuries (*arbejdsskadeloven*) and on the posting of documentation and certificates, etc. on board the ship.

Section 74. The master shall ensure that a copy of the Maritime Labour Convention, of this act, of any rules and regulations issued in pursuance of the act and of the agreement concluded between the European Community Shipowners' Association (ECSA) and the European Transport Workers' Federation (EFT) on the Maritime Labour Convention, 2006 are kept on board accessible to the crew.

Subsection 2. Where engagement takes place according to a wage agreement, he shall further ensure that a copy of such agreement shall be kept on board accessible to the crew.

Section 74a. The Danish Maritime Authority may, pursuant to section 20a of the act on safety at sea (*lov om sikkerhed til søs*), monitor compliance with this act and the regulations issued pursuant hereto.

Subsection 2. The Danish Maritime Authority attends to the issuance of the necessary certificates and other documentation under this act pursuant to section 20b of the act on safety at sea (*lov om sikkerhed til søs*).

Section 74b. Ships used commercially and admitted to a Danish register of shipping with a gross tonnage of or above 500 shall not be engaged in international trade unless they hold a certificate and a Declaration of Maritime Labour Compliance. The Danish Maritime Authority may lay down regulations on the conditions that the certificate and the declaration of compliance are to cover.

Subsection 2. If the ship is certified pursuant to the International Safety Management Code drawn up by the United Nations' International Maritime Organization, the certificate mentioned in subsection 1 and the declaration of compliance mentioned in subsection 1 shall be issued only to the person to whom the document of compliance under the International Safety Management Code has been issued. In special circumstances, the Danish Maritime Authority may grant exemptions from the first sentence.

Subsection 3. The certificate and the Declaration of Maritime Labour Compliance must be kept on board and shall on demand be presented to the relevant authorities.

Subsection 4. Subsection 1-3 are not applicable to fishing vessels.

Section 75. The Minister for Industry, Business and Financial Affairs may lay down rules dispensing with the provisions of this act in respect of ships which are not liable to registration and of ships for fishing or any other specific purpose.

Subsection 2. The Minister for Industry, Business and Financial Affairs may lay down rules that parts of this act shall apply to categories of persons carrying out activities on board Danish ships that do not fall under section 1(1). The rules are laid down after hearing of the relevant shipowner and seafarer organizations concerned with the question.

Subsection 3. The Minister for Industry, Business and Financial Affairs may lay down rules that parts of this act shall apply to categories of persons that do not carry out work of significance for the service of the ship in a broad sense, if they by virtue of employment are entitled to the same level of protection.

The rules are laid down after hearing of the relevant shipowner and seafarer organizations concerned with the question.

Section 75 a. The Minister for Industry, Business and Financial Affairs may lay down rules about the access to lodge complaints, including that complaints on the decisions of the Danish Maritime Authority cannot be brought before any higher administrative authority.

Section 76. The date of the entry into force of this act shall be determined by The Minister for Industry, Business and Financial Affairs.⁴⁾

Subsection 2. The merchant shipping (master's and seamen's) act (*sømandsloven*), no. 229 of 7 June 1952, shall be repealed.

Subsection 3. Section 4(1) shall not apply to men having attained the age of 15 years at the coming into force of this act, and who are serving or have served on board a ship.

Section 77. This act shall not extend to the Faroe Islands and Greenland, but may by royal decree be put into force for Greenland with the amendments deriving from the special Greenland conditions.

Act no. 251 of 30 March 2011 (Obligation to take out insurance against maritime claims, implementation of the work in fishing convention, etc.), in which section 3 has reference to section 18(2), section 65⁵⁾, section 74(1) and section 74c, contains the following provisions of entry into force:

Section 5

Subsection 1. The Minister for Industry, Business and Financial Affairs shall determine the date of the entry into force of section 1, section 2(ii) and (iv), section 3 and section 4. In this connection, the Minister may determine that the provisions shall enter into force on different dates⁶⁾.

Subsection 2. (Left out)

Act no. 724 of 25 June 2014 (Stricter penalty level when causing marine accidents or navigation contrary to good seamanship, etc. and investigation of diving accidents), in which section 4 has reference to section 49(i), contains the following provisions of entry into force:

Section 5

Subsection 1. The act shall enter into force on 1 July 2014, cf. however subsection 2.

Subsection 2. (Left out)

⁴ The act was put into force on 1 February 1974, cf. order no. 607 of 29 November 1973.

⁵ Section 3(ii) in act no. 251 of 30 March 2011, which has reference to section 65, was repealed by section 7 in act no. 618 of 12 June 2013. The repealed entered into force on 20 August 2013, cf. order no. 988 of 6 August 2013.

⁶ Section 3(i) and (iii) in act no. 251 of 30 March 2011, which has reference to section 18(2) and 74(1), was put into force on 20 August 2013, cf. order no. 7 of 9. January 2013.

Act no. 740 of 1 June 2015 (Relaxation of requirements for dispensation for retail sale on holydays, repeal of maximum prices in the Agreement on House Inspection, minimum protection for some categories of persons on board ships, repeal of the obligation for the municipality and regions to report participation in companies and repeal of the Agreement on Appointment of Translators and Interpreters and Average Adjusters etc.), in which section 4 has reference to sections 75(2) and (3), contains the following provisions of entry into force:

Section 9

Subsection 1. The act shall enter into force the day after consolidation in the Danish Official te, cf. however subsection 2 and 3.

Subsection 2. Sections 2 and 6 enters into force on 1 July 2015.

Subsection 3. (Left out)

Act no. 400 of 2 May 2016 (Securing seafarers' economic situation in case of the shipowner's breach of contract, enhanced safety in connection with major maritime construction projects, insurance in connection with wreck removal, effectivisation of survey activities in the diving area, etc.), in which section 1 has reference to the footnote of the act and section 10 a(1)(i), section 10 a(4), section 42(1), sections 42(2)-(4), section 49(xxv)-(xxvi), section 73 a, 73 c, 73 d and section 74(1), contains the following provisions of entry into force:

Section 6

Subsection 1. The act shall enter into force on 1 July 2016, cf. however subsection 2.

Subsection 2. Section 1 shall enter into force on 1 January 2017.

Danish Maritime Authority, 17 December 2018
Kristina Ravn / Kristian Bruun Sørensen