

Translation*: Only the Danish document has legal validity.

*Order no. 784 of 12 June 2018
issued by the Danish Maritime Authority*

Order on accommodation and recreational facilities in merchant ships¹

In pursuance of section 1(2) and (3), section 3, section 4(1), section 5 and section 32(9) of the Danish Act on Safety at Sea (*lov om sikkerhed til søs*), see Consolidated Act no. 72 of 17 January 2014 as amended by Act no. 618 of 12 June 2013 and Act no. 374 of 1 May 2018, and section 1(2) and (3), section 3, section 4(1), section 5 and section 32(2) of Decree no. 71 of 29 January 2013 on the entry into force for Greenland of acts amending the Act on Safety at Sea, the following provisions are laid down as authorised under section 1(1)(iii) 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.:

Part 1

Purpose

Section 1. The purpose of this Order is to ensure that seafarers working or living on board merchant ships, see Part 2, have decent accommodation and recreational facilities consistent with promoting the seafarers' health and well-being.

Subsection 2. This Order contains provisions on accommodation prepared, *inter alia*, on the basis of the United Nations International Labour Organisation's Maritime Labour Convention (MLC) and thus does not involve any other existing international, regional or national requirements applicable to the arrangement, etc. of accommodation, such as provisions on fire protection, including means of escape, laid down in the United Nations International Maritime Organisation's Convention for the Safety of Life at Sea (SOLAS), EU regulations on requirements laid down in food law and on the hygiene of foodstuffs and the Danish Act on Smoke-free Environments (*lov om røgfri miljøer*).

Part 2

Application, definitions and derogations, etc.

Application

Section 2. This Order applies to merchant ships constructed on or after the date of entry into force of this Order, whether publicly or privately owned, but see subsection (5).

Subsection 2. A ship shall be deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

Subsection 3. Accommodation etc. on mobile offshore units must also comply with the provisions of this Order, taking into consideration the special conditions on board such units.

Subsection 4. Ships constructed before the date of entry into force of this Order may choose to apply this Order as an alternative to the set of rules otherwise applicable to the ship concerned, see section 37(4).

Subsection 5. This Order does not apply to:

- (i) small commercial vessels with a length (L) of less than 15 metres or with a scantling number of less than 100;
- (ii) passenger ships with a length of less than 24 metres solely operating in port areas or lakes, etc.;
- (iii) fishing vessels;

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.

- (iv) ships of a traditional build such as dhows and junks;
- (v) warships;
- (vi) naval auxiliaries; or
- (vii) recreational craft.

Definitions

Section 3. For the purposes of this Order, the following definitions apply:

- (i) 'seafarer' means any person, including the master, who is employed or engaged or works in any capacity on board a ship;
- (ii) 'ship's officer' means stewards, engineer officers, radio operators and mates;
- (iii) 'junior officer' means a ship's officer at the operational level;
- (iv) 'senior officer' means a ship's officer at the management level;
- (v) 'adult' means a person who has turned 18 years of age;
- (vi) 'merchant ship' means any ship, except for fishing vessels and recreational craft;
- (vii) 'passenger ship' means a ship carrying more than 12 passengers;
- (viii) 'cargo ship' means a merchant ship which is not a passenger ship;
- (ix) 'special purpose ship' means a ship which is constructed in accordance with the provisions of the IMO Code of Safety for Special Purpose Ships, 1983, and subsequent versions;
- (x) 'fishing vessel' means a ship the certificate of nationality of which is provided with a port number;
- (xi) 'recreational craft' means a ship which is not used for commercial purposes;
- (xii) 'gross tonnage' means the gross tonnage (GT), rounded to zero decimal places, as stated at any time in the ship's tonnage certificate;
- (xiii) 'length' means the ship's length measured in accordance with the Danish Act on the Tonnage Measurement of Ships (*lov om skibsmåling*) and as stated in the ship's tonnage certificate;
- (xiv) 'length (L)' shall be taken as 96% of the total length on a waterline at 85% of the least moulded depth measured from the keel line, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured must be parallel to the designed waterline;
- (xv) 'coastal trade' means trade in the North Sea east of longitude 3° E and south of latitude 62° N, trade in the Baltic Sea as well as trade along the coasts of Greenland at a distance not exceeding 30 nautical miles from the coast (the baseline);
- (xvi) 'accommodation' means such sleeping rooms, mess rooms, sanitary facilities, hospital accommodation, recreational spaces, offices, etc. as are provided for the use of seafarers.

Derogations, etc.

Section 4. Exemptions from the requirements of this Order can only be granted if expressly permitted in this Order and only in connection with special circumstances where essential conditions justify such exemptions and on the condition that they protect the seafarers' health and safety.

Subsection 2. In the case of ships where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, the Danish Maritime Authority may, after consultation with the shipowners' and seafarers' organisations concerned, permit fairly applied variations in respect of this Part on condition that such variations do not result in overall facilities less favourable than those which would result from the application of this Order.

Subsection 3. The Danish Maritime Authority may, after consultation with the relevant shipowners' and seafarers' organisations, exempt ships of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the ship and the number of persons on board in relation to the requirements of the following provisions:

- (i) section 11(2);
- (ii) section 17(1) and subsections (3)-(7) with respect to the floor area;
- (iii) section 25(2); and
- (iv) section 29.

Part 3

General requirements for accommodation

Section 5. There shall be adequate headroom in all seafarer accommodation.

Subsection 2. The minimum permitted headroom in all seafarer accommodation where full and free movement is necessary shall be not less than 203 centimetres.

Subsection 3. The Danish Maritime Authority may permit some limited reduction in headroom in any space, or part of any space, in such accommodation where it is satisfied that such reduction:

- (i) is reasonable; and
- (ii) will not result in discomfort to the seafarers.

Section 6. Accommodation shall be adequately insulated, including to prevent condensed water or overheating, see also sections 10 and 11.

Section 7. In ships other than passenger ships, sleeping rooms shall be situated above the load line amidships or aft or, in ships which are not provided with load line marks, above the upper load waterline.

Subsection 2. In exceptional cases, where the size, type or intended service of the ship renders any other location impracticable, sleeping rooms may be located in the fore part of the ship, but in no case forward of the collision bulkhead.

Subsection 3. In passenger ships and in special purpose ships, the Danish Maritime Authority may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case shall they be located immediately beneath working alleyways.

Subsection 4. There shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas; that part of a bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and be watertight and gastight.

Section 8. The materials used to construct internal bulkheads, panelling and sheeting, floors and joinings shall be suitable for the purpose and conducive to ensuring a healthy working environment, see section 10.

Section 9. Proper lighting and sufficient drainage shall be provided.

Subsection 2. Accommodation shall be lit by natural light and be provided with electric light arranged so that it offers the greatest possible benefit to the persons in the room.

Subsection 3. Recognised international or Danish standards or the Danish Working Environment Authority Guidelines on artificial lighting may be applied to satisfy requirements for correct lighting.

Section 10. Accommodation and recreational and catering facilities shall meet the applicable requirements on health and safety protection and accident prevention, with respect to preventing the risk of exposure to hazardous levels of noise and vibration and other ambient factors and chemicals on board ships, and to provide an acceptable occupational and onboard living environment for seafarers.

Part 4

Ventilation and heating

Section 11. Sleeping rooms and mess rooms shall be adequately ventilated.

Subsection 2. Ships, except those regularly engaged in trade where temperate climatic conditions do not require this, shall be equipped with air conditioning for seafarer accommodation, for any separate radio room and for any centralised machinery control room.

Subsection 3. All rooms used for sanitary facilities, cooking, medical treatment, washing facilities or the like shall have ventilation to the open air, independently of any other part of the accommodation so as to prevent disease or bad smell or air from spreading.

Subsection 4. Adequate heat through an appropriate air-conditioning system shall be provided, except in ships exclusively engaged on voyages in tropical climates.

Subsection 5. Ventilation and air-conditioning systems shall be provided with appropriate filters at air inlets and shall be designed for the special conditions characteristic of operation at sea and shall not cause annoying noise or vibrations, see also section 10.

Subsection 6. Ventilation and air-conditioning systems shall be adjustable and shall be designed and dimensioned in accordance with a recognised international or Danish standard, see also section 10.

Subsection 7. In the absence of a recognised international or Danish standard, the following minimum

requirements must be met:

- (i) The ventilation of sleeping rooms, mess rooms, recreation rooms, offices and hospital accommodation shall be effected by means of the blowing in of air equivalent to six air changes per hour, and the ventilation of toilet rooms and bathrooms shall be dimensioned for 10 air changes per hour.
- (ii) The air-conditioning system may be a central system or consist of separate units and shall be designed so that, at 35° C and 70 per cent relative humidity outside, it can maintain 29° C and about 50 per cent relative humidity inside. No more than 50 per cent return air may be used. These conditions must be achievable based on the amounts of fresh air referred to in paragraph (i).
- (iii) Furthermore, the cooling machinery and air coolers of the system shall be designed so that, at 28° C and 80 per cent relative humidity outside, they can maintain 24° C and about 50 per cent relative humidity inside. These conditions must be achievable based on the amounts of fresh air referred to in paragraph (i).

Subsection 8. In ships carrying dangerous substances, the ventilation shall be constructed so that air from hospital accommodation and special changing rooms cannot penetrate into other parts of the accommodation. Recirculation of air from hospital accommodation is not permitted. Doors to corridors leading to other parts of the accommodation may not be provided with ventilation openings and any ventilation ducts shall be provided with a non-return flap, or another measure shall have been taken to ensure that the air does not penetrate into the rest of the accommodation.

Part 5

Lighting of sleeping rooms and mess rooms

Section 12. Subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be lit by natural light and provided with adequate artificial light, see section 9.

Part 6

Special provisions concerning sleeping rooms

Section 13. The following provisions apply only when sleeping accommodation on board ships is required.

Number of sleeping rooms

Section 14. In ships other than passenger ships, an individual sleeping room shall be provided for each seafarer, but see subsection (2).

Subsection 2. In the case of ships of less than 3,000 gross tonnage or special purpose ships, the Danish Maritime Authority may grant exemptions from the requirement stipulated in subsection (1) after consultation with the shipowners' and seafarers' organisations concerned, except with respect to sleeping rooms for officers.

Subsection 3. Separate sleeping rooms shall be provided for men and for women.

Size of sleeping rooms

Section 15. Sleeping rooms shall be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate tidiness.

Size of berths

Section 16. A separate berth for each seafarer shall in all circumstances be provided.

Subsection 2. The minimum inside dimensions of a berth shall be at least 198 centimetres by 80 centimetres.

Subsection 3. Berths shall not be placed immediately next to each other.

Subsection 4. More than two berths shall not be placed on top of each other. An adequate distance shall be provided between the bottoms of the berths, between the bottom of the lower berth and the floor, and between the bottom of the top berth and the ceiling.

Floor area of sleeping rooms

Section 17. In single berth seafarers' sleeping rooms the floor area shall not be less than:

- (i) 4.5 square metres in ships of less than 3,000 gross tonnage.
- (ii) 5.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage.
- (iii) 7 square metres in ships of 10,000 gross tonnage or over.

Subsection 2. However, in order to provide single berth sleeping rooms in ships of less than 3,000 gross tonnage, passenger ships and special purpose ships, the Danish Maritime Authority may allow a reduced floor area.

Subsection 3. In ships of less than 3,000 gross tonnage other than passenger ships and special purpose ships, sleeping rooms may be occupied by a maximum of two seafarers. The floor area of such sleeping rooms shall not be less than 7 square metres.

Subsection 4. On passenger ships and special purpose ships the floor area of sleeping rooms for seafarers not performing the duties of ship's officers shall not be less than:

- (i) 7.5 square metres in rooms accommodating two persons.
- (ii) 11.5 square metres in rooms accommodating three persons.
- (iii) 14.5 square metres in rooms accommodating four persons.

Subsection 5. On special purpose ships sleeping rooms may accommodate more than four persons. The floor area of such sleeping rooms shall not be less than 3.6 square metres per person.

Subsection 6. On ships other than passenger ships and special purpose ships, the floor area per person in sleeping rooms for seafarers who perform the duties of ship's officers, where no private sitting room or day room is provided, shall not be less than:

- (i) 7.5 square metres in ships of less than 3,000 gross tonnage.
- (ii) 8.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage.
- (iii) 10 square metres in ships of 10,000 gross tonnage or over.

Subsection 7. On passenger ships and special purpose ships, the floor area per seafarer performing the duties of ship's officers, where no private sitting room or day room is provided, shall not be less than 7.5 square metres for junior officers and not less than 8.5 square metres for senior officers.

Arrangement of sleeping rooms

Section 18. The master, the chief engineer and the chief navigating officer shall have, in addition to their sleeping rooms, an adjoining sitting room, day room or equivalent additional space, but see subsection (2).

Subsection 2. The Danish Maritime Authority may exempt ships of less than 3,000 gross tonnage from this requirement after consultation with the shipowners' and seafarers' organisations concerned.

Section 19. For each occupant, the furniture shall include a clothes locker of ample space (minimum 475 litres) and a drawer or equivalent space of not less than 56 litres. If the drawer is incorporated in the clothes locker then the combined minimum volume of the clothes locker shall be 500 litres. It shall be fitted with a shelf and be able to be locked by the occupant so as to ensure privacy.

Section 20. Each sleeping room shall be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary.

Subsection 2. Furthermore, suitable furniture must be provided to allow seafarers privacy, including a lockable locker or drawer, a bookshelf and window curtains.

Lockers for work clothes

Section 21. One or more well-ventilated lockers of a suitable size and arrangement for work clothes and the like shall be provided outside the sleeping rooms.

Part 7

Special provisions concerning mess rooms

Section 22. Mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley.

Subsection 2. The Danish Maritime Authority may exempt ships of less than 3,000 gross tonnage from this requirement with respect to the location close to the galley after consultation with the shipowners' and seafarers' organisations concerned.

Subsection 3. In ships of less than 500 gross tonnage, a separate mess room is not required, but see subsection (1). Tables and seats shall be located in the galley or in another suitable place where the

seafarers can eat.

Section 23. Mess rooms shall be of adequate size and comfort and properly furnished and equipped, taking account of the number of seafarers likely to use them at any one time.

Subsection 2. Ongoing facilities for refreshment shall be provided, including facilities for getting hot drinks and facilities for getting chilled drinking water.

Subsection 3. Provision shall be made for separate or common mess room facilities as appropriate.

Subsection 4. Mess rooms shall be furnished so that they are easy to clean.

Subsection 5. There shall be access to appropriately placed cooling arrangements with a capacity corresponding to the number of persons using the mess room(s). The capacity shall be at least 10 l per person for up to ten persons, and 5 l per person for each additional person.

Part 8

Special provisions concerning sanitary facilities

Section 24. All seafarers shall have convenient access on the ship to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort.

Subsection 2. Separate sanitary facilities shall be provided for men and for women.

Subsection 3. There shall be sanitary facilities within easy access of the navigating bridge and the machinery space or near the engine room control centre. The Danish Maritime Authority may exempt ships of less than 3,000 gross tonnage from this requirement after consultation with the shipowners' and seafarers' organisations concerned.

Section 25. In all ships a minimum of one toilet, one wash basin and one tub or shower for every six persons or less who do not have personal facilities shall be provided at a convenient location.

Subsection 2. With the exception of passenger ships, each sleeping room shall be provided with a washbasin having hot and cold running fresh water, except where such a washbasin is situated in the private bathroom provided.

Subsection 3. In passenger ships normally engaged on voyages of not more than four hours' duration, consideration may be given by the Danish Maritime Authority to special arrangements or to a reduction in the number of facilities required.

Section 26. Hot and cold running fresh water shall be available in all wash places.

Subsection 2. Common toilet rooms shall, if intended for more than two persons, be separated from sleeping rooms and bathrooms.

Subsection 3. Direct access shall not be provided from sleeping rooms to toilet rooms or bathrooms intended for more than two persons.

Subsection 4. In ships of 3,000 gross tonnage or over, where one-man or two-man bathrooms are not provided, common changing rooms with wash places shall be available.

Section 27. In ships of 3,000 gross tonnage or over, each officer shall have a separate bathroom provided with toilet, shower and washbasin with running hot and cold fresh water adjoining his or her sleeping room.

Part 9

Special provisions concerning hospital accommodation

Section 28. Ships engaged on voyages beyond GMDSS sea area A1 and carrying 15 or more seafarers shall provide separate hospital accommodation to be used exclusively for medical purposes.

Subsection 2. The Danish Maritime Authority may relax this requirement for ships engaged in coastal trade.

Subsection 3. It shall be ensured that the hospital accommodation will, in all weathers:

- (i) be easy of access;
- (ii) provide comfortable housing for the occupants; and
- (iii) be conducive to their receiving prompt and proper attention.

Subsection 4. In ships where each seafarer has his or her own sleeping cabin with toilet and bath, a treatment room (casualty room) may be set up instead of the hospital accommodation required under subsection (1), such treatment room to be appropriately fitted out, including a washbasin and an emergency treatment area. One bed in the treatment room shall suffice, irrespective of the size of the ship.

Subsection 5. It shall be ensured that bed-ridden persons have access to call for assistance.

Subsection 6. It shall be ensured that injured persons can be transported safely from the accident site to the hospital accommodation or a treatment room.

Subsection 7. Appropriate means of communication shall be available in the hospital accommodation, enabling the medical practitioner to communicate with Radio Medical.

Part 10

Recreational and other facilities

Laundry facilities

Section 29. Appropriately situated and furnished laundry facilities shall be available.

Subsection 2. Laundry and drying rooms shall be situated conveniently in relation to the accommodation.

Access to open deck

Section 30. All ships shall have a space or spaces on open deck to which the seafarers can have access when off duty, which are of adequate area having regard to the size of the ship, the number of seafarers on board and the climatic conditions in which the ship is operating.

Subsection 2. Having regard to the size of the ship and the number of seafarers on board, appropriate recreational facilities shall be provided within spaces on open deck, see subsection (1), unless such facilities are available elsewhere on board the ship, see section 33(2).

Offices

Section 31. All ships shall be provided with separate offices or a common ship's office of reasonable size and, if possible, lit by natural light and with appropriate furniture, for use by deck and engine departments.

Subsection 2. The Danish Maritime Authority may exempt ships of less than 3,000 gross tonnage from this requirement after consultation with the shipowners' and seafarers' organisations concerned.

Mosquito-infested areas

Section 32. On ships regularly calling at mosquito-infested ports, measures shall be taken to protect the accommodation against the penetration of mosquitoes by placing suitable nets in front of windows, ventilators and doors to the open air.

Subsection 2. Ships provided with air-conditioning systems meeting the requirements for such systems shall be exempted from meeting the requirement stipulated in subsection (1).

Recreational facilities

Section 33. Appropriate seafarers' recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who must live and work on ships, shall be provided on board for the benefit of all seafarers, taking into account applicable provisions on health and safety protection and accident prevention.

Subsection 2. Having regard to the size of the ship and the number of seafarers on board, the recreational facilities, see subsection (1), shall enable joint activities, including for example fitness activities and watching films or using IT equipment, including Internet access, taking into consideration the actual conditions.

Part 11

Inspections

Section 34. The master, or the person to whom he or she has delegated this task, shall ensure by way of frequent inspections that seafarer accommodation is clean, decently habitable and maintained in a good state of repair.

Subsection 2. The results of each such inspection shall be recorded and be available for review.

Part 12

Penalty provisions

Section 35. Contravention of this Order is punishable with a fine or imprisonment for up to one year.

Subsection 2. The penalty may be increased to imprisonment for up to two years if:

- (i) the contravention, including in connection with a marine accident or navigation in a manner contrary to good seamanship, has caused injury to life or health or a risk thereof;
- (ii) a prohibition notice or an improvement notice has previously been issued for the same or similar matters; or
- (iii) the contravention has resulted in or aimed at a financial benefit for the person committing it or others.

Subsection 3. If the benefit obtained through the contravention is not confiscated, the amount of such financial benefit obtained or sought obtained must be taken into account when determining the fine, including additional fines.

Subsection 4. Criminal liability may be imposed on companies, etc. (legal persons) under the rules of Part 5 of the Danish Criminal Code (*straffeloven*).

Section 36. If the matter is covered by the Decree on the entry into force for Greenland of the Danish Act on Safety at Sea (*lov om sikkerhed til søs*), measures may be laid down in accordance with the Penal Code (*kriminalloven*) for Greenland.

Subsection 2. The matters referred to in section 4(2) are considered aggravating circumstances.

Subsection 3. If the benefit obtained through the contravention is not confiscated, see section 120(1) of the Penal Code, the amount of such financial benefit obtained or sought obtained must be taken into account when determining the fine, including additional fines.

Subsection 4. If the contravention is committed by companies etc. (legal persons), a fine may be imposed on the legal person as such. If the contravention is committed by the State, the Greenland Government, a municipal authority, a municipal cooperative comprised by section 64 of the Landsting Act on municipal councils and local authorities, etc., or a local authority, a fine may be imposed on the relevant public authority as such.

Subsection 5. If the relevant party is not resident in Greenland, or if his or her ties with Greenland society is otherwise so remote that the prerequisites for measures to be taken do not exist, legal proceedings may be instigated or the case may be referred for trial in Denmark.

Part 13

Entry into force, etc.

Section 37. This Order enters into force on 1 July 2018, but see subsections (2) and (3).

Subsection 2. The provisions on accommodation laid down in previously issued regulations will henceforth not apply to ships covered by section 2 of this Order, but see subsection (3).

Subsection 3. The following provisions continue to apply to ships covered by this Order, see section 2:

- (i) Chapter II-3, part II, regulation 11, Galleys and provision stores, regulation 13, Changing rooms in ships carrying dangerous substances, regulation 20, Drinking water, and part III, Passenger accommodation, of Order no. 1512 of 8 December 2016 on Notice B from the Danish Maritime Authority, the construction and equipment, etc. of ships, as amended.
- (ii) Chapter II-3, part II, regulation 18, Galleys and provision stores, regulation 19, Potable water system, and part III, Passenger accommodation, of Order no. 556 of 26 May 2011 on Notice D from the Danish Maritime Authority, technical regulation on the construction and equipment, etc. of passenger ships engaged on domestic voyages, as amended.

Subsection 4. The construction requirements laid down in previous provisions continue to apply to existing ships unless otherwise provided in this Order, see section 2(4).

Danish Maritime Authority, 12 June 2018

MARTIN JOHN

/ Per Sønderstrup

* Note to the translation:

Due to some errors in the Danish version, the following rectifications have been made in the English version:

Section 3(1): "Act" is replaced by "Order";
Section 4(3)(iii): "section 24(5)" is replaced by "section 25(2)";
Section 11(7)(ii): "subsection (5) is replaced by "paragraph (i)";
Section 11(7)(iii): "subsection (5) is replaced by "paragraph (i)";
Section 35(1): "Regulation" is replaced by "Order".