

**Translation. Only the Danish document has legal validity.**

*Act no. 226 of 22 April 2002 issued by the Danish Maritime Authority*

## **Act on maritime training programmes**

WE, MARGRETHE THE SECOND, by God's grace Queen of Denmark, hereby announce that:  
The Danish Parliament has passed the following Act, which We have ratified by giving Our assent:

### Chapter 1

#### *Scope and Application*

**Section 1.** The Minister of Economic and Business Affairs shall arrange a co-ordinated system of training programmes with a view to the various occupations within the shipping and fishing industries as well as the needs of recreational navigation.

**Section 2.** The Act covers the training of:

- 1) general purpose officers, masters, mates and skippers;
- 2) engineer officers and mechanists;
- 3) ship's assistants;
- 4) ship's cooks, catering personnel, etc.; and
- 5) fishermen.

*Subsection 2.* The Act also covers supplementary training of maritime personnel, including courses that are mandatory according to the legislation in force in the field of the shipping and fishing industries.

**Section 3.** The Minister of Economic and Business Affairs may lay down regulations on training requirements for yachtsmen.

### Chapter 2

#### *Approval of training institutions, state subsidies, etc.*

**Section 4.** The training programmes shall take place at training institutions and courses approved by the Danish Maritime Authority (DMA).

*Subsection 2.* The DMA may establish and run training institutions, schools, training ships, school ships and courses for completion of the training programmes covered by this Act.

*Subsection 3.* The DMA may revoke an approval granted in accordance with subsection 1 if the training institution, etc. disregards regulations laid down pursuant to sections 12, 13, 14 and 19.

*Subsection 4.* The DMA may, upon request, approve training programmes from foreign schools and courses if the DMA's expenses related to such approval are paid by the person or institution, etc. requesting the approval.

**Section 5.** The DMA shall, within an annual framework, subsidize the operation, buildings, management and administration, etc. of the training institutions and courses mentioned in section 4(1). The receipt of subsidies shall be conditional upon an assessment made by the DMA that there is a need for the teaching offered. The amount of each individual subsidy shall be determined in the annual budgets.

*Subsection 2.* The DMA may subsidize developmental and experimental activities or other educational purposes.

**Section 6.** The DMA may, if it is assessed that there is a need for such a training programme, subsidize half of the operational expenditure for training institutions approved pursuant to section 4(1), but which do not follow the rules stipulated in section 8(1) and section 9. The amount of such subsidies shall be determined in the annual budgets.

**Section 7.** The DMA may retain subsidies or let them discontinue wholly or partly if the conditions or terms of the granting of them are not met. Subsidies that have been received unlawfully may be required repaid.

**Section 8.** The DMA may lay down provisions on the rules and budgetary and granting systems of the training institutions, on the payment of subsidies, on the insurance conditions of the training institutions and on their use of administrative systems.

*Subsection 2.* The DMA may require information from the training institutions on the training programmes, the students, the staff, equipment, tenancy agreements, agreements on the purchase of property and other agreements on the operation of the training institutions for determining subsidies, scrutinizing annual accounts, carrying out inspections and quality assurance as well as for drawing up statistics.

*Subsection 3.* The DMA may order the governing body of a training institution entitled to receive subsidies to institute proceedings against members of the governing body, managers, accountants or others on the occasion of losses inflicted on the training institution.

**Section 9.** The DMA may, when subsidizing training institutions and courses, make requirements furthering the purpose of the Act on an active social policy (social clauses). The DMA may lay down regulations on this.

### Chapter 3 *Accounts and auditing*

**Section 10.** The accounting year of the training institution is the financial year. At the end of the accounting year, an annual account shall be drawn up. The accounts shall be signed by the governing body and the headmaster.

*Subsection 2.* The DMA may lay down regulations on the presentation of the accounts.

*Subsection 3.* In accordance with section 2 of the Act on the auditing of the state accounts, etc., the Audit of the State Accounts shall carry out the audit of the training institutions receiving subsidies under section 5 of this Act.

### Chapter 4 *Educational council*

**Section 11.** The Minister of Economic and Business Affairs shall establish the Educational Council for the Maritime Training Programmes. The Council shall consist of a Chairman appointed by the Minister as well as a number of members, including representatives of shipping industry organisations, fishing industry organisations and other relevant trade organisations. The Minister of

Economic and Business Affairs shall appoint the members of the Council on the recommendation of the said organisations. In addition, the Minister may appoint representatives of the DMA as well as managers, teachers and students at the training institutions, etc. covered by the Act.

*Subsection 2.* The Educational Council shall express opinions on issues related to the maritime training programmes that are presented to the Council by the Minister. An opinion from the Council shall be requested on issues concerning considerable changes in the maritime training programmes. The Council may, on its own initiative, take up training issues for consideration and submit a recommendation on this to the DMA.

*Subsection 3.* The Minister of Economic and Business Affairs shall lay down the rules of procedure of the Council.

## Chapter 5

### *Structure, contents and quality of the training programmes*

**Section 12.** The DMA may, in accordance with binding international requirements, lay down regulations on:

- 1) Admission to the training programmes mentioned in section 2;
- 2) the arrangement, contents and extent of the training programmes, including teaching facilities and teaching equipment, as well as the subject areas to be taught;
- 3) the duration and structure of each individual training programme, including the distribution between the practical and theoretical part of the training programme;
- 4) examination and test arrangements, including the appointment of external examiners, as well as the conditions for considering the individual training programmes completed with a satisfactory result.

*Subsection 2.* The DMA may lay down regulations according to which students with special educational or occupational competences are exempted from parts of a training programme and may lay down special regulations on the duration and structure of the training programmes for this group of students.

**Section 13.** The DMA may lay down regulations on the qualification requirements of teachers at the training programmes, etc. covered by this Act.

*Subsection 2.* The DMA may approve or establish special courses on the training of teachers.

**Section 14.** The DMA shall monitor the teaching offered at the training institutions, etc. mentioned in section 4(1).

*Subsection 2.* The DMA may lay down regulations on the quality assurance, quality documentation and quality control of the training programmes under this Act, including regulations on the qualifications of the persons carrying out the quality control.

## Chapter 6

### *Work-experience companies*

**Section 15.** The DMA may lay down regulations on training-related conditions in work-experience companies and on the approval and presentation of work-experience places.

Chapter 7  
*Students' legal conditions, etc.*

**Section 16.** The DMA may lay down regulations on state grants to students at training institutions, courses, etc. covered by this Act.

*Subsection 2.* The DMA may lay down regulations stipulating that it is a condition for being enrolled at one or more of the training programmes covered by this Act that a training agreement has been concluded between the student and a shipping company or another company, which shall cover all the work-experience periods and school periods of the training programme.

*Subsection 3.* The DMA may lay down regulations on the contents of the training agreements.

**Section 17.** The DMA may lay down regulations on full or partial reimbursement of shipowners' expenses for wages, board and travels in connection with the employment of persons completing a training programme covered by this Act.

**Section 18.** If students suffer an accident on school ships or courses carried out under conditions similar to those of a workplace as part of basic training, compensation may be paid in accordance with the provisions of the Act on protection against the consequences of industrial injuries.

**Section 19.** The DMA may lay down regulations on students' teaching environment and may determine that equipment approved for use on board ships may be approved by the DMA for use as teaching material. The DMA shall supervise such teaching material.

**Section 20.** The DMA may lay down regulations on payment for stays at schools, school ships, etc.

Chapter 8  
*Miscellaneous*

**Section 21.** Public servants employed at state schools becoming private foundations may choose either to maintain their conditions of employment as state public servants and let themselves be seconded for work at the private foundation or to be employed by the private foundation for a period of up to 2 years from the entry into force of this Act. Until such employment has been established and the employment as a public servant has been terminated, or if employment at the private foundation is not established, the persons in question shall maintain their previous employment status as state civil servants.

*Subsection 2.* The public servant shall not be entitled to compensation during the temporary employment, redundancy payment or pension as a consequence of the institution's transition into a private foundation and shall be obliged to accept the changes in the extent and character of his or her functions that are a consequence of this transition.

*Subsection 3.* The private foundation shall be obliged to employ the public servants and to pay the wage expenses and pay pension contributions to the state for public servants that have been seconded and carry out work at the private foundation. Any expenses for compensation during the temporary employment, redundancy payment and wage payment delays shall be paid by the private foundation. The state public servant pension contribution shall be determined by the Minister of Finance. Expenses for the current pension shall be paid by the state. In case the private foundation

ceases to exist, any expenses for compensation during the temporary employment or redundancy payment or wage payment delays shall also be paid by the state if the institution ceasing to exist does not have the means necessary to pay the expenses.

**Section 22.** The DMA may lay down regulations on the preparation for, presentation of candidates for and carrying out of examinations and tests for yachtsmen as well as on the payment hereof.

**Section 23.** The DMA may lay down regulations on experimental teaching as well as further and supplementary training for the shipping and fishing fields.

*Subsection 2.* The DMA may request payment for the approval, quality assurance and quality control of training institutions and courses as well as for external examiner activities.

*Subsection 3.* The DMA may lay down regulations on payment for participation in the courses mentioned in section 2(2), including for the taking of an examination.

**Section 24.** The Minister of Economic and Business Affairs may lay down regulations on the right to complain, including the requirement that complaints about decisions made by the DMA cannot be brought before a higher administrative authority.

## Chapter 9

### *Entry into force and temporary provisions*

**Section 25.** This Act shall enter into force on 1 May 2002.

*Subsection 2.* Act no. 16 of 13 January 1997 on the maritime training programmes, Act no. 350 of 1 July 1988 on the training of engineer officers and Act no. 351 of 1 July 1998 on state subsidies for approved schools of marine engineering and workshop training schools shall be repealed.

*Subsection 3.* Regulations issued in pursuance of the Acts mentioned in subsection 2 shall remain in force until they are repealed or replaced by new ones in pursuance of this Act.

**Section 26.** This Act shall not apply to the Faroe Islands and Greenland.

*Given at Amalienborg Castle, 22 April 2002*

Under Our Royal Hand and Seal

Margrethe R.