

Translation: Only the Danish document has legal validity

Act no. 1462 of 22 December 2004 issued by the Danish Maritime Authority

**Act amending the seamen's act (*sømandsloven*)
and the act on manning of ships (*lov om skibes besætning*)¹**

(adjustment of the provisions on time-limited employment of seafarers and adjustment of the nationality requirements for masters of merchant ships and fishing vessels)

We Margrethe the second, by the grace of God Queen of Denmark, hereby witness: Folketinget (the Danish Parliament) has adopted and We with Our consent hereby enact the following Act:

Section 1

In the seamen's act (*sømandsloven*), cf. consolidated act no. 766 of 19 September 1995, as amended most recently by section 2 of act no. 1231 of 27 December 2003, the following amendments shall be made:

1. In *section 1*, the following shall be inserted as subsection 2:

“*Subsection 2.* ”Time limited service agreements” are 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.”

2. In *section 2(1)(i)*, the following shall be inserted after “section 3(1)”: “and (3)”.

3. In *section 3*, the following shall be inserted as subsection 3:

“*Subsection 3.* Renewal of several successive time limited service agreements may occur only if the conditions in section 5(1) in Act on time limited employment have been met.”

4. *Section 6(3)* and *(4)* shall be as follows:

“*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 seaman 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.”

¹ This act contains provisions implementing parts of Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (Official Journal 1999 L 175, p. 43) and parts of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (Official Journal 2000 L 303, p. 16).

5. In *section 18c(3)*, “If the seafarer is employed either for a specific voyage or for a specific period of time” to: “If the seafarer’s service agreement is time limited”.

6. In *section 37(1)*, the following shall be inserted as the second and third sentences:

“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.”

7. *Section 37(2)*, *the second sentence*, shall be as follows:

“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.”

8. In *section 43(1)*, “has turned 18 years of age and who” shall be left out.

9. *Section 44(2)* shall be repealed.

10. In *section 45* “or *section 44(2)*” shall be left out.

Section 2

In act no. 15 of 13 January 1997 on the manning of ships (*lov om skibes besætning*), as amended most recently by section 2 of act no. 1173 of 19 December 2003, the following amendments shall be made:

1. In *section 13(1)*, “act no. 291 of 8 May 1991 on the right to exercise certain occupational activities in Denmark for citizens of the European Communities” shall be amended to: “act no. 476 of 9 June 2004 on the right to exercise certain occupational activities in Denmark.”

2. *Section 13(2)* shall be as follows:

“*Subsection 2.* The application for access to exercise professional activities shall be sent to the Ministry of Teaching or the public institution that the Ministry of Teaching has authorised for this purpose if the application is to be considered according to the EU’s directives on the introduction of general schemes for recognising occupational qualifications.”

3. *Section 13(3)* shall be as follows:

“*Subsection 3.* Applicants not covered by subsection 2 shall be sent to the Danish Maritime Authority.”

4. In *section 13*, the following shall be inserted as subsection 4:

“*Subsection 4.* The Danish Maritime Authority may, after having consulted the organisations affected, lay down regulations granting exemptions from the requirement for Danish citizenship in section 6(4), section 13(1), section 19(2) and section 24 for persons covered by the European

Communities' or the EEA's regulations on the right to establish, the mobility of labour or the right to exchange services."

Section 3

Section 1 of the act shall enter into force on 1 January 2005. The Minister of Economic and Business Affairs shall determine the date of the entry into force of section 2 of the act.

Section 4

This act shall not apply to the Faroe Islands and to Greenland, but may be put into force for Greenland in part or fully with the amendments deriving from the special Greenland conditions.

Christiansborg Castle, 22 December 2004

Margrethe R. / Bendt Bendtsen