

**Translation: Only the Danish version has legal validity.**

*Guidance no. 9157 of 8 February 2007 issued by the Danish Maritime Authority*

## **Guidance on the handling of stowaways on board Danish ships**

A number of stowaways on board Danish ships in recent years has shown that it is necessary to draw up more detailed procedures for the handling of such cases by the master/shipowner, Danish authorities, local Danish diplomatic representations, the shipowner's local agent and local P&I agent.

Section 4 of the IMO Facilitation Convention (FAL Convention) entitled "Stowaways" contains a number of provisions on the handling of stowaways. The regulations of Section 4 are primarily addressed at the master/shipowner, the first expected port of call after having discovered the stowaway and the flag State. The provisions of the FAL Convention on stowaways have been implemented in Denmark by means of Technical regulation no. 5 of 19 May 2003 issued by the Danish Maritime Authority, which has been printed in Notices from the Danish Maritime Authority no. 5/2007.

If a stowaway states that he wants to seek asylum, special conditions apply, and the master should notify the Danish Ministry of Foreign Affairs immediately.

The Danish Ministry of Foreign Affairs will, in consultation with the Danish Ministry of Integration, provide guidance as regards possible disembarkation and the next step.

Without prejudice to cases where the Danish Ministry of Foreign Affairs has, in consultation with the Danish Ministry of Integration, advised against disembarkation in the ship's next port of call of a stowaway seeking asylum, the master/shipowner, Danish authorities and the local Danish diplomatic/consular representative shall act as follows when a stowaway has been discovered on board a Danish ship while at sea – in accordance with sections 12-15 of the Technical regulation and in order to further a satisfactory solution to incidents with stowaways:

1. The master/shipowner shall – possibly through the shipowner's agent/P&I representative – inform the local public authorities in the first planned port of call about the presence of the stowaway and ask for a disembarkation permit. The master/shipowner shall ask the local authorities to act quickly so that it is, insofar as possible, clarified before the ship's arrival how the master/shipowner is to act as regards the stowaway.
2. In connection with the above information, the master shall fill in and send – possibly through the local agent/P&I representative – the form "Stowaway details" to the local authorities, cf. section 13 and annexes 1 and 2 of the Technical regulation. Further information than what is stipulated in the annex may be included in the annex, if relevant, such as information about the stowaway's locality (for example tribal membership) or other types of information that may help make a correct identification. Where possible, the photo of the stowaway should be taken by means of digital equipment and be forwarded electronically together with the information form. If the stowaway does not hold any identification papers, it is recommended to examine whether such papers are hidden on board the ship.
3. In connection with the handing over of information to the authorities, the master shall be aware that, if a stowaway declares himself a refugee, such information – as well as any information about the reason for seeking asylum or other personal information – shall be treated as confidential and, in general, not be passed on to the authorities mentioned in item 2.

4. Without prejudice to cases where the person seeks asylum and where confidentiality shall be observed in accordance with item 3, the master/shipowner or the local P&I representative shall contact the diplomatic representation in the State of call for the country in which the stowaway is presumed to be a citizen or to be domiciled with the purpose of getting assistance identifying the stowaway and acceptance to return the stowaway to the State in question.
5. The Danish Ministry of Foreign Affairs, the Danish Maritime Authority and – without prejudice to cases where confidentiality is required in accordance with item 3 – the public authorities in the port of embarkation shall be informed at the same time as providing the information under item 1 and shall receive a copy of the form stipulated in item 2.
6. The master/shipowner or the local P&I representative shall, as soon as possible, inform the local authorities that the shipowner is, in accordance with section 4.15 of the FAL Convention, prepared to give security for the costs related to the stowaway's stay in the port of disembarkation and the subsequent sending home.
7. If there is reason to fear that the local authorities will not permit disembarkation of the stowaway, the master/shipowner shall inform the Danish Ministry of Foreign Affairs and the Danish Maritime Authority hereof as soon as possible. The information shall be given to the Danish Ministry of Foreign Affairs by e-mail [um@um.dk](mailto:um@um.dk) or by telephone +45 33 92 00 00 and to the Danish Maritime Authority by e-mail [sfs@dma.dk](mailto:sfs@dma.dk) or by telephone +45 39 17 44 00.
8. Hereafter, the Danish Ministry of Foreign Affairs shall, by means of contacts to the local authorities, relevant international organisations, etc., seek to get permission to disembark the stowaway, including by means of any necessary references to section 4.9 of the FAL Convention.
9. If permission to disembark the stowaway is not granted, the authorities may request a reason for rejecting disembarkation in accordance with section 4.14.3 of the FAL Convention.
10. If it is clear that a permit to disembark the stowaway cannot be expected, the Danish Ministry of Foreign Affairs, the Danish Ministry of Integration and the Danish Maritime Authority shall, in cooperation with the shipowner, discuss any possible solutions.

*Danish Maritime Authority, 8 February 2007*