

Order no. 12 of 9 January 2002

## Order on Holidays for Seafarers <sup>1)</sup>

The following shall be laid down pursuant to section 3(1) and (2) of Act no. 396 of 31 May 2000, the Holiday Act (*ferieloven*) and according to authorisation in Executive Order no. 541 of 29 June 1999 on delegation of certain powers to the Danish Maritime Authority:

1. This Executive Order shall apply to seafarers, including masters, employed on Danish ships unless they only work on board the ship when berthed, cf. however section 2 of the Holiday Act (*ferieloven*)
2. For seafarers, the relevant Holiday Act (*ferieloven*) and the regulations stipulated pursuant to this Act shall apply correspondingly unless otherwise stated in sections 3-6 of this Executive Order.
3. For seafarers, the Danish Maritime Authority shall exercise the powers authorised to the Minister for Employment or the chief executive of the Unemployment Insurance Fund by the Holiday Act (*ferieloven*) except for the powers mentioned in sections 32, 34, 42, 45(3) and 46.
- 4.-(1) In connection with a collective agreement it may be agreed that the holiday is taken in the calendar year following the qualifying year. At the same time the collective agreement shall derogate from the regulation in section 28(1) on payment of holiday allowances to the Danish FerieKonto.  
  
(2) Unless otherwise agreed, cargo ships shall be covered by section 14(1) of the Holiday Act regarding when to take the main holiday.  
  
(3) Where operational reasons make it preferable, it may be agreed in the collective agreements that other holidays be given as individual days.
5. For seafarers resident outside the EU and EEA countries, holiday allowance shall be paid by the employer, the Danish Feriekonto or by the administrator of the holiday allowance for previous and current qualifying years.
6. Where it has been agreed in connection with collective agreements that seafarers may derogate from the regulation on payment of holiday allowance to the Danish Feriekonto, cf. section 31(1) of the Holiday Act, (*ferieloven*) the parties to the agreement may use the amount which has not been withdrawn or paid, which pursuant to section 36(2) of the Holiday Act shall accrue to the Labour Market Holiday Fund, for special holiday purposes for seafarers. The Danish Maritime Authority may lay down guidelines for and supervise the use of such funds.
- 7.-(1) This Executive Order shall enter into force on 1 February 2002.  
  
(2) Executive Order no. 306 of 27 April 1992 on Holidays for Seafarers shall be repealed. The provisions of sections 6(1) and 7(1) shall not be repealed, however, until 30 April 2002 and shall apply to holiday earned before 1 January 2002. The provision of section 5 shall be repealed on 30 April 2002.

Translation: Only the Danish document has legal validity.

(3) Disputes regarding holiday earned before 1 February 2002 shall be settled pursuant to previous regulations.

*The Danish Maritime Authority, 9 January 2002*

Niels J. Bagge

/Frantz Miller

#### Official notes

<sup>11</sup> This Executive Order contains provisions implementing parts of Council Directive 1999/63/EC of 21 June 1999 on the implementation of the Agreement on organisation of seafarers' working time concluded by the European Community Shipowners Association (ECSA) and the Federation of Transport Workers Unions in the European Union (FST), Official Journal no. L 167/33.