

Order on recognition of foreign certificates for service in merchant ships

Pursuant to Section 20 (5) and (6) in Act no. 15 of 13 January 1997 on the crew of ships as amended by Act no. 1173 of 19 December 2003, the following provisions are laid down:

Definitions and objectives

Section 1. This Order lays down the specific rules for the issuance of Danish STCW Convention endorsement (Recognition of Certificates) for foreign certificates, which are required in order to serve as deck officer, marine engineer or radio operator on board ships registered in the Danish International Register of Shipping.

Subsection 2. "The STCW Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers to the extent the Convention applies to the areas in question, under consideration of the temporary provisions in Article VII and Regulation I/15 in the Convention and including, where relevant, the current provisions in the STCW Code, in the current version.

Subsection 3. "The STCW Code" means the Seafarers' Training, Certification, and Watchkeeping Code, in the current version adopted by the STCW 1995 Conference resolution no. 2.

Subsection 4. "Recognition of Certificates" means recognition issued by the Danish Maritime Authority endorsed by the STCW Convention in accordance with the provisions in the STCW Convention.

Subsection 5. "Foreign certificate" means a valid certificate issued by a competent foreign authority in a State that is party to the STCW Convention and which

- 1) entitles the holder to serve as an officer on the merchant ships of the State in question, and
- 2) is issued in accordance with Regulation II/1, II/2, II/3, III/1, III/2, III/3, IV/2, V/1 or VII/1 in the STCW Convention in the current version.

Subsection 6. "Radio service" means service which, depending on the circumstances, includes watchkeeping and technical maintenance and repairs carried out in accordance with radio regulations, the International Convention for the Safety of Life at Sea (1974) (SOLAS) and, if requested by the individual Member State, relevant recommendations from the International Maritime Organisation (IMO) in the current version.

Recognition of Certificates of Competency from EU and EEA member states

Section 2. For persons, who meet the requirements in the directives of the European Community on the introduction of general agreements for mutual recognition of diplomas for vocational training, the provisions in Section 3 (1), no. 2 and Section 5 (1), no. 2 and no. 3, last part, do not apply.

Issuance of Recognition Certificates etc.

Section 3. Recognition of foreign certificates provides that:

- 1) IMO's Maritime Safety Committee (MSC) has announced that the State which issues the certificate, by its information material submitted to IMO, has shown that it has implemented the STCW Convention completely,
- 2) in accordance with the procedure contained in the European Parliament and the Council's Directive 2001/25/EF on the minimum training level for shipping with amendments, the European Commission shall announce that the State in question fully complies with the STCW Convention's minimum requirements of qualifications, issuance of certificates, maintenance of regis-

ters of issued certificates and establishment of systems for quality assurance of training and issuance of certificates, and

- 3) with reference to the provisions contained in the STCW Convention, Denmark has entered into an agreement on recognition of certificates with the State in question.

Subsection 2. A list of the States which are subject to (1), no. 3. shall be published in "Notice from the Danish Maritime Authority".

Subsection 3. Shipping companies, who contemplate hiring seafarers holding a foreign certificate issued by a State which is not on the list mentioned in (2), may request the Danish Maritime Authority to invite the European Commission to begin procedures in accordance with (1), no. 2 in relation to the issuing State concerned.

Subsection 4. If the European Commission does not arrive at a decision within a period of three months counting from the time the Danish Maritime Authority requested Commission to begin the procedure mentioned in (3), the Danish Maritime Authority may decide whether to recognize the State concerned or not.

Section 4. Application of the issuance of a recognition certificate shall be submitted to the Danish Maritime Authority on a special form, which is requisitioned from the Danish Maritime Authority.

Subsection 2. For persons not included in Section 2, application forms shall be filled in and submitted by the shipping company or by its representative in accordance with the guidance printed on the form.

Section 5. The issuance of a recognition certificate provides that:

- 1) the person is holding a foreign certificate with a remaining valid period of at least 6 months
- 2) a declaration exists, which is issued by the applying shipping company, stating the occupation of the seafarer in question on a ship registered in the Danish International Register of Shipping
- 3) the applicant, before the Danish Maritime Authority or an authorized company or institution has properly established his identity and presented the required documentation in accordance with the guidance, and has taken a test, which form and content is laid down by the Danish Maritime Authority, cf. however (2) and (3), and
- 4) familiarity with Danish shipping legislation, at the time of the issuance of recognition certificate which entitles the holder to serve as chief officer, chief engineer or second engine officer, is documented separately by participating in an examination held by the Danish Maritime Authority or an authorized company or institution, or by having completed a course approved by the Danish Maritime Authority with a satisfactory result.

Subsection 2. The requirement for examination cf. (1), no. 3 may be disregarded when the Danish Maritime Authority has thorough knowledge of the certificate issuing State's training and certificate issuing system or of the training institution where the holder of the certificate has completed the training. "Notice from the Danish Maritime Authority" publishes the cases in which the requirement for examination lapses.

Subsection 3. Requirement for examination cf. (1), no. 3 may furthermore be disregarded if the applicant has a qualification statement from a shipmaster or a chief engineer with whom the applicant has served in a supernumerary position on a ship belonging to the shipping company mentioned in (1), no. 2, under following conditions:

- 1) An application of issue of recognition certificate shall be submitted through the shipping company in accordance with Section 4 before the service begins. The Danish Maritime Authority will as soon as possible hereafter notify the shipping company of whether a recognition certificate can be issued based on of the qualification statement.
- 2) After at least one month of supernumerary service, the shipmaster may issue a qualification statement based on an evaluation of the qualification of the person in question regarding the

service for which a recognition certificate is applied. On application for recognition certificate for a marine engineer, a chief engineer may issue the qualification statement.

Subsection 4. Requirement for test or completion of a course cf. (1), no. 4, may under special conditions be disregarded when satisfactory knowledge of Danish shipping legislation is otherwise documented.

Subsection 5. To be validated for issuance of a qualification statement, cf. (3), it is provided that the shipmaster or chief engineer of the person in question holds a Danish Certificate of Competency and that the shipping company has made certain that the officer in question is qualified to issue qualification statements.

Section 6. A recognition certificate is issued with a validity of a maximum of five years. The validity period shall not exceed the expiration date of the foreign certificate that is recognized.

Subsection 2. A foreign recognition certificate shall not be used as basis for issuance of a Danish recognition certificate.

Subsection 3. Recognition certificate as shipmaster shall only be issued to persons who comply with the provisions in the Act on the Manning of Ships and the regulations issued in pursuance hereof. Certificates of recognition shall be restricted to service as shipmaster for a limited period on one or more ships.

Delegation of authority to a shipping company or institution

Section 7. The Danish Maritime Authority may authorize a company or institution to maintain the tasks mentioned in section 5 (1) no. 3 if it assesses that there is a specifically reasoned need hereof, provided that the company or institution:

- 1) does not conduct placement recruitment services
- 2) has thorough knowledge of Danish shipping business
- 3) has thorough knowledge of the maritime education in the State issuing the certificate
- 4) can complete operational tests in a satisfactory manner in accordance with the guidelines of the Danish Maritime Authority, and
- 5) can document the handling of delegated tasks in a approved quality system that complies with the conditions in the Danish Maritime Authority's standard for quality control of maritime educations.

Subsection 2. The Danish Maritime Authority shall authorize the payment collected for the maintenance of the delegated tasks.

Subsection 3. To uphold the authorization, the Danish Maritime Authority shall audit the company or institution where the company or institution establishes that the conditions for the authorization are fulfilled.

Subsection 4. The Danish Maritime Authority shall determine the scope as well as the time and due date for the audits.

Subsection 5. The Danish Maritime Authority may impose on a company or institution specific initiatives and actions necessary for the compliance with the conditions for the authorization and determine when these shall be carried out.

Subsection 6. Provided that the Danish Maritime Authority assesses that a company or institution does not comply with the conditions for the authorization and does not comply with instructions of correction within a fixed time limit, the delegation of authority shall be withdrawn.

Subsection 7. The Danish Maritime Authority may obtain information from the company or the institution on the tasks mentioned in section 5 (1) no. 3, and on the qualifications of the staff and equipment used for the completion of supervision and quality control.

Withdrawal of a recognition certificate

Section 8. The Danish Maritime Authority may revoke a recognition certificate if the holder by his navigation or other service on board has posed a direct threat to life, property or environment or if it is assessed, due to the mental or physical condition of the holder, to be irresponsible for the person in question to continue in the service warranted by the certificate.

Subsection 2. If a holder of a recognition certificate is still employed on board a ship belonging to the shipping company in question, the shipping company shall be responsible for submitting the revoked certificate to the Danish Maritime Authority.

Subsection 3. When a decision has been made to revoke a recognition certificate, the State issuing the certificate shall be informed of the decision by the Danish Maritime Authority.

Subsection 4. The holder of a recognition certificate may require that the decision of the Danish Maritime Authority to revoke a recognition certificate is appealed to the Shipping (Appeal) Tribunal.

Section 9. Service in a position where recognition certificate is prescribed is allowed without recognition certificate for a period of three months at the most, provided that:

- 1) the seafarer in question holds of a valid foreign Certificate of Competency, by which the issuing State certifies that the person in question is qualified for the service that is performed in accordance with the STCW Convention,
- 2) the issuing State is listed on the list mentioned in section 3 (2),
- 3) the conditions in section 5 (2) regarding the lapse of test requirements are complied with or that the Danish Maritime Authority has announced that recognition certificate may be issued on the basis of a received statement of qualifications cf. section 5 (3),
- 4) the shipping company has ascertained that the conditions in section 5, (1) no. 4 are complied with, with regard to service as chief officer, chief engineer or second engine officer,
- 5) application for recognition certificate is submitted to the Danish Maritime Authority with reference to the current guidance and the reception of the application is confirmed by the Danish Maritime Authority before the service has begun, and
- 6) the foreign certificate, in the original form, is to be found on board with appropriate documentation that the application has been submitted.

Subsection 2. For performance of radio service as radio operator it is required that the Danish Maritime Authority approves the person's radio certificate in accordance with the Radio Regulations in addition to the provisions in (1).

Fees

Section 10. A fee of DKK 500 shall be paid when the application is submitted.

Subsection 2. An application cannot be processed until the fee mentioned in (1) has been paid to the Danish Maritime Authority.

Subsection 3. A separate fee is charged for tests taken for the Danish Maritime Authority with reference to section 5 (1) no. 3 and 4. The amount of the fee is determined by the Danish Maritime Authority based on the scope and execution of the test.

Subsection 4. In connection with request in accordance with section 3 (4), the Danish Maritime Authority may charge payment in order to cover expenses for examinations, including any necessary local inspections with regard to a State from where the issuance of only very few recognition certificate is requested.

Entry into force

Section 11. This order enters into force on 14 May 2005.