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Danish Maritime Authority Order no. 1153 of 4 October 2007

**Order on recognition of foreign certificates for service on merchant vessels
(certificates of recognition)¹**

In pursuance of section 20(5) and (6) of Act no. 15 of 13 January 1997 on the Manning of Ships, as amended by Act no. 1261 of 20 December 2000, the following provisions are laid down:

Definitions and purpose

Section 1. This Order lays down detailed provisions on the issuance of Danish STCW Convention endorsements (certificates of recognition) for foreign certificates, cf. subsection 5.

Subsection 2. The STCW Convention shall mean the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers to the extent that it applies to the relevant areas, in consideration of the interim provisions of article VII and regulation I/15 of the Convention and including, where relevant, the provisions of the STCW Code in force in the wording in force.

Subsection 3. The STCW Code shall mean the Seafarer's Training, Certification, and Watchkeeping Code adopted by resolution 2 at the STCW 1995 Conference of Parties in the wording in force.

Subsection 4. A certificate of recognition shall mean a certificate issued by the Danish Maritime Authority provided with a STCW endorsement in accordance with the provisions of the STCW Convention.

Subsection 5. For the purposes of this Order, a foreign certificate shall mean a valid certificate issued by a competent foreign authority in a State Party to the STCW Convention, and

- 1) permitting the holder to serve as an officer on board the relevant State's merchant vessels; and
- 2) issued in accordance with regulations II/1, II/2, II/3, III/3, III/1, III/2, III/3, IV/2, V/1 or VII/1 of the STCW Convention in the wording in force.

Subsection 6. Radio service shall mean service which, according to circumstances, includes watch, technical maintenance and repairs carried out pursuant to the radio regulations, the International Convention for the Safety of Life at Sea (1974) (the SOLAS Convention) and, depending on the requests of each individual member State, relevant recommendations from the International Maritime Organization (IMO) in the wording in force.

Recognition of certificates of competency from EU and EEA member States

Section 2. The provisions of section 3(1), item 2, and section 5(1), item 3, shall not apply to persons complying with the provisions of the Directive of the European Communities on mutual recognition of certificates of competency.

¹ This Order contains provisions implementing Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers (Official Journal 2001, L 136, p. 17), as amended by Directive 2005/45/EC of the European Parliament and of the Council of 7 September 2005 amending Directive on the mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC (Official Journal 2005, L 255, p. 161).

Issuance of certificates of recognition, etc.

Section 3. The recognition of foreign certificates presupposes that:

- 1) The IMO Maritime Safety Committee has reported that the State issuing the certificate has shown, through its information material to the IMO, that it has implemented the STCW Convention fully and completely.
- 2) The European Commission has reported, through the procedure contained in Directive 2001/25/EC of the European Parliament and the Council on the minimum level of training of seafarers, as amended, that the relevant State fully and completely meets the minimum requirements of the STCW Convention for qualifications, issuance of certificates, keeping of records of issued certificates as well as the establishment of systems for quality control of training and issuance of certificates; and
- 3) Denmark has, in accordance with the provisions of the STCW Convention, concluded an agreement on the recognition of certificates with the State in question.

Subsection 2. A list of States covered by subsection 1, item 3, shall be published in Notices from the Danish Maritime Authority.

Subsection 3. Shipping companies planning to hire seafarers holding a foreign certificate issued by a State not included on the list mentioned in subsection 2 may request the Danish Maritime Authority to cause the European Commission to initiate procedures under subsection 1, item 2, with the relevant certificate-issuing State.

Subsection 4. If the European Commission has not, within a period of 3 months from the date when the Danish Maritime Authority submitted a request to initiate procedures, cf. subsection 3, made a decision, the Danish Maritime Authority may decide whether to recognize the relevant State.

Section 4. Applications for issuance of certificates of recognition shall be submitted to the Danish Maritime Authority on a special form available from the Danish Maritime Authority.

Subsection 2. Application forms for persons not covered by section 2 shall be filled in and submitted by the shipping company or its representative in accordance with the guidelines printed on the form.

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

- 1) a declaration is available from the applying shipping company that it intends to hire the relevant seafarer on a ship registered in the Danish International Register of Shipping;
- 2) the applicant has legitimised himself to the Danish Maritime Authority or a company or institution authorised by the Danish Maritime Authority and presented the required documentation, cf. the guidelines;
- 3) the applicant has passed a test the contents and form of which shall be decided by the Danish Maritime Authority, cf. however subsections 2 and 3; and
- 4) knowledge of Danish maritime law by the issuance of a certificate of recognition allowing the holder to serve as a master, chief mate, chief engineer officer or second engineer officer has been documented separately by passing a test of the Danish Maritime Authority or a company or institution authorised by the Danish Maritime Authority or by having passed with a satisfactory result a course approved by the Danish Maritime Authority.

Subsection 2. The requirement to pass a test, cf. subsection 1, item 3, may be exempted from when the Danish Maritime Authority has special, extensive knowledge of the training and certificate issuing system of the certificate-issuing State or of the training institution where the

holder of the certificate has passed his training. It shall be published in Notices from the Danish Maritime Authority in what cases the requirement to pass a test does not apply.

Subsection 3. The requirement to pass a test, cf. subsection 1, item 3, may also be exempted from when a declaration of the applicant's suitability from a master or a chief engineer officer is available, under whom the applicant has served as a supernumerary on board a ship owned by the shipping company mentioned in subsection 1, item 1, on the following conditions.

- 1) Before the service is initiated, an application for a certificate of recognition in accordance with section 4 shall have been submitted through the shipping company. Subsequently, the Danish Maritime Authority will inform the shipping company that it will be possible to issue a certificate of recognition on the basis of the declaration of suitability.
- 2) After at least one month's supernumerary service, the master may issue a declaration of suitability on the basis of an assessment of the relevant person's qualifications for the service for which a certificate of recognition is requested. When applying for a certificate of recognition for an engineer officer, the chief engineer officer may issue the declaration of suitability.

Subsection 4. The requirement to pass a test or course, cf. subsection 1, item 4, may be exempted from in special cases when sufficient knowledge of Danish maritime law is documented in another way.

Subsection 5. In order to be approved to issue declarations of suitability, cf. subsection 3, it is presupposed that the relevant master or chief engineer officer holds a Danish certificate of competency and that the shipping company has ensured that the person in question is qualified to issue declarations of suitability.

Section 6. Certificates of recognition shall be issued with a period of validity of no more than five years. The period of validity shall not be longer than the date of expiry of the foreign certificate recognized.

Subsection 2. Foreign certificates of recognition shall not be used as the basis of issuing a Danish certificate of recognition.

Subsection 3. Certificates of recognition as a master shall be issued only to persons meeting the requirements of the Act on the Manning of Ships and the regulations issued pursuant to this Act. Certificates of recognition may be limited to service as a master for a limited period of time or on one or more ships.

Delegation of authority to a company or institution

Section 7. If the Danish Maritime Authority assesses that there is a special reasoned need for this, the Danish Maritime Authority may authorise a company or an institution to perform the tasks stipulated in section 5(1), item 3, on the condition that the company or institution:

- 1) does not function as an engagement office;
- 2) has extensive knowledge of the Danish shipping business;
- 3) has extensive knowledge of the maritime training and education programmes in the certificate-issuing State;
- 4) is capable of carrying out operational tests in a safe way in accordance with the guidelines of the Danish Maritime Authority; and
- 5) documents the performance of the tasks delegated in an approved quality system complying with the requirements of the Danish Maritime Authority's standard for quality control of the maritime training and education programmes.

Subsection 2. The Danish Maritime Authority shall approve the payment charged for carrying out the tasks delegated.

Subsection 3. In order to maintain the authority delegated, the company or institution shall be audited by the Danish Maritime Authority, during which audit the company or institution shall prove that the conditions pertaining to the authority are still met.

Subsection 4. The Danish Maritime Authority shall determine the extent as well as the date and deadlines of audits.

Subsection 5. The Danish Maritime Authority may impose concrete initiatives and acts necessary to meet the conditions of the authority on the company or institution and decide when they must be met.

Subsection 6. If the Danish Maritime Authority considers, on the basis of an overall assessment, that a company or institution does not meet the conditions of the authority and does not meet demands to rectify this within a stipulated period of time, the approval will be withdrawn.

Subsection 7. The Danish Maritime Authority may obtain information from the company or the institution about the tasks mentioned in section 5(1), item 3, as well as about the qualifications and equipment of the staff for use when carrying out inspections and quality control.

Withdrawal of certificates of recognition

Section 8. The Danish Maritime Authority may withdraw a certificate of recognition if the holder has, through his navigation or other service on board, presented a direct threat against life, property or the environment or if it is assessed, due to the holder's mental or physical condition, as being unjustifiable to let the person in question carry out the activities which the certificate permits him to.

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

Subsection 3. When a decision has been made to withdraw a certificate of recognition, the Danish Maritime Authority shall inform the certificate-issuing State about this.

Subsection 4. The holder of a certificate of recognition may require the Danish Maritime Authority's decision to withdraw a certificate of recognition to be considered by the Danish Shipping Tribunal.

Service without a certificate of recognition

Section 9. Except for the position as a master, service in a position for which a certificate of recognition is prescribed shall be permitted without a certificate of recognition for a period of no more than 3 months if:

- 1) the seafarer in question holds a valid foreign certificate of competency endorsed by the certificate-issuing State to the effect that he is, according to the STCW Convention, qualified for the service carried out;
- 2) the certificate-issuing State is included on the list stipulated in section 3(2);
- 3) the conditions of section 5(2) on exemption from the test requirements are met or if the Danish Maritime Authority has, on the basis of a received declaration of suitability, cf. section 5(3), stated that a certificate of recognition may be issued;

- 4) the shipping company has ensured that the conditions of section 5(1), item 4, are complied with in case of service as chief mate, chief engineer officer or second engineer officer;
- 5) an application for a certificate of recognition has been submitted to the Danish Maritime Authority in accordance with the guidelines in force and the receipt hereof has been confirmed by the Danish Maritime Authority before the service is commenced; and
- 6) the original foreign certificate is available on board together with appropriate documentation that the application has been submitted.

Subsection 2. In order to carry out radio service on board as a radio operator, it is required, in addition to the provisions of subsection 1, that the operator's radio certificate has been approved by the Danish Maritime Authority in accordance with the radio regulations.

Fees

Section 10. The application shall be accompanied by a fee of DKK 500.

Subsection 2. It is not possible to deal with an application until the fee stipulated in subsection 1 has been paid to the Danish Maritime Authority.

Subsection 2. A separate fee, the amount of which shall be determined by the Danish Maritime Authority on the basis of the extent and holding of a test, shall be charged in case of tests passed at the Danish Maritime Authority pursuant to section 5(1), items 3 and 4.

Subsection 4. In connection with requests pursuant to section 3(4), the Danish Maritime Authority may charge a fee to cover its expenses in connection with examinations, including any necessary local inspections, in case of States from which only very few certificates of recognition are requested to be issued.

Entry into force

Section 11. This Order shall enter into force on 20 October 2007.

Subsection 2. Order no. 315 of 4 May 2005 on the recognition of foreign certificates for service on merchant vessels shall be repealed.

The Danish Maritime Authority, 4 October 2007
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