

Translation. Only the Danish document has legal validity.

Order no. 1360 of 15 December 2009 issued by the Danish Maritime Authority

Order on diving training programmes¹

In pursuance of section 4(2), section 11, section 20 and section 24(6) of the Act on Diving Operations and Diving equipment, etc., cf. consolidated act no. 18 of 7 January 2000, as amended by section 4 of Act no. 1173 of 19 December 2003 and section 6 of Act no. 364 of 13 May 2009, and by authority, the following provisions are laid down:

Diving schools

Section 1. Schools for the teaching of surface supplied professional divers, scuba divers, closed bell/mixed gas divers and diving assistants shall be approved by the Danish Maritime Authority. The approval shall be made in accordance with the Order on the approval and quality assurance, etc. of maritime training programmes issued by the Danish Maritime Authority.

Subsection 2. The Danish Maritime Authority may withdraw an approval if the conditions or other terms of the approval are no longer met.

Admission requirements

Section 2. Admission for an approved school training for the professional diver test or scuba diver test shall be conditional upon the applicant:

- 1) having turned 18 years of age;
- 2) having completed a recognised first-aid course during the past two years; and
- 3) having completed a fixed medical examination with a satisfactory result.

Section 3. Admission for an approved school teaching cutting/welding, high-pressure jetting, explosions and/or closed bell/mixed gas diving requires that the diver holds a certificate as a surface supplied professional diver.

Section 4. Admission for an approved school teaching the diving assistant syllabus shall be conditional upon the applicant:

- 1) having turned 18 years of age; and
- 2) having completed a recognised first-aid course during the past two years.

Section 5. Admission for an approved school teaching rescue diving requires that the diver holds a certificate as a scuba diver or a surface supplied professional diver.

¹ This Order contains provisions implementing parts of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.

Contents of the training programmes

Section 6. For the certificate as a surface supplied professional diver using atmospheric air as a breathing gas until a depth of water of 50 metres, the teaching and examination shall be carried out in accordance with guidelines issued by the International Diving Schools Association (IDSA), cf. chapter 2 of the Act on Diving Operations.

Section 7. For the certificate as a surface supplied professional diver using atmospheric air as a breathing gas until a depth of water of 30 metres, the teaching and examination shall be carried out in accordance with guidelines issued by IDSA, cf. chapter 2 of the Act on Diving Operations.

Section 8. For the certificate as a scuba diver using atmospheric air as a breathing gas until a depth of water of 30 metres, the teaching and examination shall be carried out in accordance with guidelines issued by IDSA, cf. section 20 of the Act on Diving Operations.

Section 9. For the certificate as a closed bell/mixed gas diver until a depth of water of 100 metres, the teaching and examination shall be carried out in accordance with guidelines issued by IDSA, cf. chapter 2 of the Act on Diving Operations.

Section 10. For the certificate documenting that cutting, welding, high-pressure jetting (30 bar or above), explosions and rescue diving has been completed, the teaching shall be carried out in accordance with guidelines recognised by the Danish Maritime Authority.

Section 11. For the certificate as a professional diver using mixed gas, such as nitrox, etc. as a breathing gas, the teaching shall be carried out in accordance with guidelines recognised by the Danish Maritime Authority.

Section 12. For the certificate as a chamber operator, the teaching shall be carried out in accordance with guidelines recognised by the Danish Maritime Authority.

Section 13. For the certificate as a diving assistant, the teaching shall be carried out in accordance with guidelines recognised by the Danish Maritime Authority.

Section 14. For the certificate documenting that a refresher course in first-aid for divers and diving assistants has been completed, the teaching shall include theory as well as practical exercises in accordance with guidelines recognised by the Danish Maritime Authority.

Section 15. The Danish Maritime Authority may recognise diving training programmes and certificates permitting the use of other diving equipment, including auxiliary equipment, than that covered by this Order.

Examination

Section 16. Examinations shall be carried out in accordance with the provisions stipulated in the Order on the Examination, Testing and Evaluation of Participants in the Maritime Training Programmes issued by the Danish Maritime Authority unless otherwise stipulated in this Order.

Section 17. The marking of written exercises shall, insofar as possible, be made by the teacher who has taught the subject in question and an external examiner.

Subsection 2. Oral examinations shall, insofar as possible, be carried out by the teacher who has taught the subject in question and one external examiner.

Subsection 3. If an examinee has not been able to sit for an examination due to illness, the school shall decide when a postponed examination shall be arranged for the person in question.

Section 18. At the tests for surface supplied professional divers, scuba divers and closed bell divers/mixed gas divers, marks shall be given in three disciplines:

- 1) Practical diving.
- 2) Diving theory (written test).
- 3) Diving equipment and safety (oral test).

Subsection 2. In order to pass the professional diver test, none of the marks may be lower than 02.²

Subsection 3. In order for a school to register a student for a test, the student shall, in the teaching in practical diving, have obtained at least the mark 02, which it shall not be possible to acquire by rounding up.

Section 19. Examination certificates shall be issued by the school free of charge.

External examiners

Section 20. External examiners shall be appointed and authorised by the Danish Maritime Authority. Normally, the authorisation shall be given for a period of 2 years. In connection with the authorisation as an external examiner, it shall be documented that the person in question has detailed knowledge of the diving training programmes and, furthermore, complies with the provisions on external examiners stipulated in the Order on the Examination, Testing and Evaluation of Participants in the Maritime Training Programmes issued by the Danish Maritime Authority.

Certificates

Section 21. The Danish Maritime Authority shall, free of charge, issue certificates to persons who have completed the training programmes mentioned in sections 6, 7, 8, 9 and 10 and who document to have completed an approved first aid course as well as to meet the prescribed age and health requirements.

Subsection 2. The Danish Maritime Authority may authorise training institutions to issue the certificates stipulated in sections 10, 11, 12, 13, 14 and 15 on its behalf.

² Reference is made to the 7-point marking scale described in the Order on marking scales and other evaluations issued by the Ministry of Education.

Foreign professional diving certificates

Section 22. Applications for permission to carry out professional diving operations, cf. the Act on Diving Operations and Diving Equipment, etc., section 11, may be submitted to the Danish Maritime Authority.

Subsection 2. The Danish Maritime Authority shall decide whether the conditions for carrying out a trade in this country are met and shall inform the applicant accordingly.

Information for service recipients

Section 23. If diving is carried out under the title used in the Member State or under the diver's training certificate, the competent authorities of the host Member State may require that the diver, in addition to other information requirements stipulated in Community law, provides the service recipient with any or all of the following information:

- 1) if the diver is registered in a commercial register or similar public register, the name of the register as well as the diver's registration number or equivalent means of identification contained in that register;
- 2) if the activity is subject to an approval scheme in the Member State of establishment, the name and address of the competent supervisory authority;
- 3) any professional association or similar body with which the diver is registered;
- 4) the professional title or, where no such title exists, the training certificate of the diver and the Member State in which it was awarded;
- 5) if the diver performs an activity which is subject to VAT, the VAT identification number referred to in Article 22(1) of the sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes – Common system of value added tax: uniform basis of assessment;³
- 6) any insurance agreement or other means of personal or collective protection with regard to professional liability.

Penalty and entry into force

Section 24. Contraventions of section 1(1) shall be liable to punishment by fine, simple detention or imprisonment for a period not exceeding 1 year.

Subsection 2. Companies etc. (legal personalities) may be liable to punishment according to the provisions of chapter 5 of the Penal Code.

Section 25. This Order shall enter into force on 28 December 2009.

Subsection 2. Order no. 830 of 1 September 2000 on professional diving training programmes shall be repealed.

Danish Maritime Authority, 15 December 2009

Per Sønderstrup / Palle Kristensen

³ Official Journal L 145 of 13 June 1977, p. 1. Most recently amended by Directive 2004/66/EC.