

Executive order on complaints on board Danish fishing vessels¹⁾

Pursuant to section 64(1) of the Act on Seafarers' Employment Conditions, etc, cf. Consolidation Act no. 1662 of 17 December 2018, as amended by Act no. 501 of 16 May 2023, the following is laid down by authority pursuant to section 1(1)(6) of Executive Order no. 261 of 23 March 2020 on the transfer of certain powers to the Danish Maritime Authority and on the right to complain, etc.:

Section 1. This Executive Order applies to complaints from employees on board Danish fishing vessels.

Subsection 2. The Executive Order also applies to complaints from employees on board foreign fishing vessels in Danish harbours.

Subsection 3. In case of doubt as to whether the person in question is to be regarded as an employee on board, the matter shall be decided by the Danish Maritime Authority after prior consultation with the employees' and employers' organisations to which the question relates.

Section 2. The purpose of this Order is to ensure that fishermen working on fishing vessels have access to complain about matters relating to minimum age, health certificates, fishermen's qualifications, employment agreements, use of authorised, certified or regulated employment contracts, use of authorised, certified or regulated recruitment and brokerage services, hours of rest, manning of the vessel, working and living quarters, recreational facilities on board, food and catering, health and safety protection and accident prevention, treatment of illness on board and payment of wages.

Section 3. The complaint may be brought before the Danish Maritime Authority.

Subsection 2. Unless the complaint is deemed unfounded, the Danish Maritime Authority will carry out the necessary investigations to ensure that conditions are in accordance with the relevant legislation.

Subsection 3. If the complaint concerns a foreign fishing vessel in a Danish harbour, the Danish Maritime Authority shall, in addition to the investigation as stated in subsection 2, inform the flag state administration of the matter.

Subsection 4. Questions concerning the working environment, including health and safety, on fishing vessels may also be addressed to representatives of the health and safety organisation for the fishing vessel in question in accordance with the Executive Order on Health and Safety on Fishing Vessels in force at any time.

Section 4. The Executive Order enters into force on 1 July 2023.

Subsection 2. Executive Order no. 144 of 1 February 2021 on complaints under ILO Convention no. 188 on board fishing vessels is repealed.

Section 5. The Order shall not apply to Greenland.

The Danish Maritime Authority, 25 May 2023

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¹⁴ The Executive Order contains provisions transposing parts of Directive 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union, Official Journal of the European Union 2019, no. L 186, page 105.