

Consolidated act on the Danish International Register of Shipping

The act on the Danish International Register of Shipping is hereby promulgated, cf. consolidated act no. 273 of 11 April, with the amendments following from section 1 of act no. 460 of 31 May 2000, section 2 of act no. 526 of 7 June 2006, act no. 214 of 24 March 2009 and section 3 of act no. 1384 of 23 December 2012.

Part 1

Scope

Section 1. Danish ships with a gross register tonnage of or above 20 shall be admitted to the Danish International Register of Shipping, cf. section 1(2) and section 2 of the merchant shipping act (*søloven*).

Subsection 2. A ship with a gross register tonnage of 20 tonnes/a gross tonnage of or above 20 which has foreign owners can be entered in the register if

- 1) Danish nationals or companies that are deemed to be Danish according to the merchant shipping act (*søloven*) are engaged in shipping as a major activity and have a significant direct or indirect holding in the foreign company and, by reason of that holding, have a significant influence in the form of voting rights or similar, and
- 2) the foreign company has appointed a representative in Denmark, who can accept service of writs on behalf of the owner, is authorised to act on the owner's behalf vis-à-vis the registration authorities, and is responsible for ensuring that the obligations incumbent on the shipping company pursuant to this act are discharged.

Subsection 3. Barges, lighters, dredgers, floating cranes and similar shall be considered ships according to this act. Floating docks, cable drums, floating containers and other similar equipment shall not be considered ships.

Subsection 4. In special cases, the Registrar of Shipping may admit ships to the Danish International Register of Shipping though they do not meet the nationality criteria set out in subsection 1

Section 2. Warships, fishing vessels, boulder fishing vessels and recreational craft cannot be admitted to the Danish International Register of Shipping.

Section 3. A ship which is admitted to the Danish International Register of Shipping shall be entitled to fly the Danish flag and shall be subject to Danish law.

Subsection 2. For passenger ships primarily engaged in trade between Danish ports and other ports within an area which is delimited, in the North Sea and the English Channel, by the meridian 3° west and the parallel of latitude 61° north and, in the Baltic, by the parallel of latitude 58° north section 10(2) and (3) shall not apply. However, section 10(2) and (3) shall apply to trade to and from marine installations in the area mentioned in the first clause.

Section 4. Ships registered in the Danish International Register of Shipping shall not be permitted to carry passengers between Danish ports. However, this shall not apply in case of trade to and from marine installations.

Part 2
Registration

Section 5. The register shall be kept by the Registrar of Shipping.

Subsection 2. A request to admit a ship to the Danish International Register of Shipping shall relieve the owner of its duty of registration pursuant to the act on ship registration (*lov om skibsregistrering*).

Section 6. Admission may be by transfer from the Danish Register of Shipping with all rights and obligations, by transfer from a foreign register, or as a new admission of a new-built ship.

Section 7. A ship registered in another register shall not at the same time be registered in the Danish International Register of Shipping.

Section 8. A ship admitted to the Danish International Register of Shipping shall be allocated new registration letters.

Section 8a. The provisions on annual fees for registered ships stipulated in sections 15a and 15b of the merchant shipping act (*søloven*) shall also apply to ships registered in the Danish International Register of Shipping.

Section 9. The owner of a ship registered in the Danish International Register of Shipping shall notify changes in matters that may be of relevance to the continued registration.

Part 3
Pay and working conditions

Section 10. Collective agreements on pay and working conditions for crew on ships entered in this register shall expressly state that they apply only to such employment.

Subsection 2. Collective agreements as mentioned in subsection 1 which are entered into by a Danish trade union shall only comprise persons who are residents in Denmark or who, in pursuance of EU law or other international obligations entered into, shall be placed on the same footing as persons who are considered to be residents in Denmark.

Subsection 3. Collective agreements as mentioned in subsection 1 which are entered into by a foreign trade union shall only comprise persons who are members of the said union or persons who are nationals of the country in which the trade union is registered, provided they are not members of another union with which an agreement as mentioned in subsection 1 has been entered into.

Subsection 4. The Danish Industrial Tribunal act (*lov om arbejdsretten*) shall also apply to cases in which a foreign trade union is party.

Part 4
Deletion

Section 11. If the conditions for registration, cf. section 1, are no longer met, the Registrar of Shipping will delete the ship from the Danish International Register of Shipping.

Subsection 2. The Registrar of Shipping may also delete a ship from the Danish International Register of Shipping in case of violations of section 4.

Subsection 3. If the owner is Danish, cf. section 1(2) of the merchant shipping act (*søloven*), and there are no other grounds for deletion as described in section 26(2) of the act on ship registration (*lov om skibsregistrering*), the Registrar of Shipping will transfer the ship to the Danish Register of Shipping with all registered rights and obligations and will allocate the ship new registration letters.

Part 4 A
Bareboat registration

Section 11a. Where a ship which is not considered Danish according to section 1 of the merchant shipping act (*søloven*) is bareboat chartered by a shipowner which can be considered Danish according to section 1 or 2 of the merchant shipping act (*søloven*), the charterer may apply for admission of the ship to the Danish International Register of Shipping. The ship may be entered for a period of up to five years. The Registrar of Shipping may extend this period by up to one year at a time on written application from the charterer.

Subsection 2. No mortgages or other rights shall be registered in a ship which is admitted pursuant to subsection 1.

Subsection 3. Admission to the Danish International Register of Shipping shall be conditional upon production of a certificate from the foreign registration authority to the effect that the ship is entitled to fly another country's flag during the period of the charter.

Section 11b. A ship shall be deleted from the register when

- 1) the charter-party comes to an end,
- 2) the conditions for registration under section 11a are no longer met,
- 3) the charterer submits a written request for this, or
- 4) the ship is no longer entitled to temporarily fly any other flag than the flag of its country of registration pursuant to the legislation in the ship's country of registration.

Subsection 2. In addition, a ship shall be deleted from the register when it is scrapped, wrecked, lost, or is declared irreparable by appointed surveyors and valuers, by an approved classification society or by any other equivalent means. When such cause for deletion exists, the charterer shall be under obligation to

notify the Danish Register of Shipping accordingly in writing not later than thirty days after having become aware of such cause.

Section 11c. A Danish ship registered in the Danish International Register of Shipping and bareboat chartered by a shipowner which cannot be considered Danish according to sections 1 and 2 of the merchant shipping act (*søloven*) shall not be deleted from the Danish International Register of Shipping even if the ship is admitted to a foreign register of shipping on the basis of a charter-party. The ship shall be entitled to provisionally fly the colours of another country than Denmark with the rights and obligations that follow from this. Maritime and other liens may continue to be registered on the ship in the Danish International Register of Shipping.

Subsection 2. The ship may obtain permission to fly the colours of another country for up to five years from the date of registration. The Registrar of Shipping may extend this period by up to one year at a time on written application from the shipowner.

Subsection 3. Permission for a ship to provisionally fly the colours of another country, cf. subsection 1, shall be conditional upon all holders of registered liens having given written permission for the ship to change its colours, and upon production of a certificate from the foreign registration authority to the effect that the ship can be admitted to the foreign register. If the ship is admitted to a register in a country which is not a member of the European Union or is not comprised by the EEA agreement, the change of colours shall be subject to special approval, cf. subsection 5.

Subsection 4. Permission for a ship to provisionally fly the flag of another country, cf. subsection 1, shall also be conditional upon the bareboat charter-party not having been entered into with a foreign company or similar in which the ship's owner has a direct or indirect participating interest of 20 per cent or more and thus has an influence on the company's operation. However, this shall not apply if the Danish Register of Shipping is provided with documentation to substantiate that a change of colours is necessary in order for the ship to comply with a foreign authority's requirements that it must fly a specific flag in order to be allowed to enter the market in question.

Subsection 5. Following consultation with the Danish Ships Inspection Council, the Minister of Business and Growth shall lay down provisions relating to the colours which Danish ships which are bareboat chartered to non-Danish owners will be permitted to fly.

Section 11d. When the charter-party, cf. section 11c, comes to an end, the right to fly the flag of another country shall cease. The owner shall notify the Danish Register of Shipping of this within thirty days of the charter-party coming to an end.

Subsection 2. In addition, the owner of a Danish ship which has been provisionally permitted to fly another country's flag, cf. section 11c, shall be under obligation to notify the Danish Register of Shipping in writing within seven days in the event of the owner entering into a time charter under which the owner regains disposal of the ship for a period of time.

Subsection 3. In order to avoid abuse, the Danish Register of Shipping may request documentation that the time charter-party is necessary for commercial reasons. If the Danish Register of Shipping considers the documentation to be inadequate, it may refuse the ship the right to continue to fly another flag than the Danish flag.

Section 11e. Sections 3, 4, 7 and 10 do not apply to a ship which temporarily flies another flag than the Danish flag.

Section 11f. The Minister of Business and Growth may lay down regulations relating to the type of evidence that requires to be produced on bareboat registration of ships.

Part 5

Penalty provisions, etc.

Section 12. The Minister of Business and Growth may lay down detailed provisions

- 1) on the extent to which the provisions of the merchant shipping act (*søloven*) on registration of ships and the provisions laid down pursuant to these shall apply to ships registered in the Danish International Register of Shipping,
- 2) on the layout and keeping of the register,
- 3) on preparation of certificates of nationality,
- 4) on marking of ships,
- 5) on requirements concerning the Danish investment or other influence in the foreign company, cf. section 1(2)(i), which has a ship registered in the Danish International Register of Shipping,
- 6) that the Registrar of Shipping's decisions in pursuance of this act shall not be brought before a higher administrative authority, and
- 7) that the owner shall pay a fee for admission to and deletion from the register.

Section 13. Violations of section 4, section 9, section 11b(2), section 11d(1) or section 11d(2) shall be punishable by a fine.

Subsection 2. In regulations issued by the Minister of Business and Growth in pursuance of this act, penalty of fining may be determined for violation of the provisions of such regulations.

Subsection 3. Where a violation is committed by a public limited company, a private limited company or similar, penalty of fining may be imposed on the company as such.

Part 6

Entry into force

Section 14. This act shall enter into force on promulgation in the Danish Law Gazette.¹

Section 15. This act shall not apply to the Faroe Islands and Greenland, but may be put into force for Greenland by royal decree with the amendments deriving from the special Greenland conditions.

¹ Act no. 408 of 1 July 1988 was promulgated on the Danish Law Gazette on 22 July 1988.

Act no. 460 of 31 May 2000 contains the following entry into force provisions:

Section 8

Subsection 1. The Minister of Business and Growth shall determine the date of entry into force of section 1.²

Subsection 2. (Left out).³

Act no. 526 of 7 June 2006 contains the following entry into force provisions:

Subsection 1. The Minister of Business and Growth shall determine the date of the entry into force of the act, cf. however subsection 2. The Minister may determine that parts of the act shall enter into force at a later date.⁴

Subsection 2. (Left out).⁵

Subsection 3. (Left out).⁶

Subsection 4. (Left out).⁷

Subsection 5. (Left out).⁸

Subsection 6. (Left out).⁹

Section 6

Subsection 1. The act shall not apply to the Faroe Islands and Greenland.

Subsection 2. Section 1 and section 2 of the act may be put into force for Greenland by royal decree with the amendments deriving from the special Greenland conditions. (the second clause has been left out).¹⁰

Act no. 214 of 24 March 2009 contains the following entry into force provisions:

² Section 1 entered into force on 23 August 2000, cf. order no. 762 of 14 August 2000.

³ Subsection 2 concerns various tax acts.

⁴ Section 2 entered into force on 30 March 2007, cf. order no. 245 of 21 March 2007.

⁵ Subsection 2 concerns the merchant shipping act (*søloven*) and the act on the judicial system (*retsplejeloven*).

⁶ Subsection 3 concerns the merchant shipping act (*søloven*).

⁷ Subsection 4 concerns the merchant shipping act (*søloven*).

⁸ Subsection 5 concerns the merchant shipping act (*søloven*).

⁹ Subsection 6 concerns the act on the judicial system (*retsplejeloven*).

¹⁰ Subsection 2, the second clause, concerns the merchant shipping act (*søloven*).

Section 2

The act shall enter into force on 1 April 2009.

Section 3

The act shall not apply to the Faroe Islands and Greenland, but may be put into force for Greenland by royal decree with the amendments deriving from the special Greenland conditions.

Act no. 1384 of 23 December 2012 contains the following entry into force provisions:

Section 9

Subsection 1. The act shall enter into force on 15 February 2013, cf. however subsections 3 and 4.

Subsection 2. (Left out).¹¹

Subsection 3. (Left out).¹²

Subsection 4. (Left out).¹³

Section 10

Subsection 1. The act shall not apply to the Faroe Islands and Greenland, cf. however subsections 2-4.

Subsection 2. The Minister of Business and Growth may put the act into force in full or partly for Greenland by royal decree with the amendments deriving from the special Greenland conditions.

Subsection 3. (Left out).¹⁴

Subsection 4. Ships registered in Greenland shall be covered by section 1(ii) and section 3 if the ship is owned by persons not domiciled in Greenland or by companies or the like not domiciled in Greenland.

Danish Maritime Authority
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¹¹ Subsection 2 concerns the repeal of the act on a registration fee for recreational craft (*lov om registreringsafgift for fritidsfartøjer*).

¹² Subsection 3 concerns the merchant shipping act (*søloven*).

¹³ Subsection 4 concerns the merchant shipping act (*søloven*), the act on additions to the stranding act of 10 April 1895 (*lov om tillæg til strandingsloven af 10. april 1895*), the act on safety at sea (*lov om sikkerhed til søs*) and various amending acts.

¹⁴ Subsection 3 concerns the merchant shipping act (*søloven*).