

Translation: Only the Danish document has legal validity.

*Order no. 2027 of 14 December 2020 issued by  
the Danish Maritime Authority*

## **Order on seafarers' hours of rest<sup>1)</sup>**

In pursuance of section 4(4), section 57(1), second sentence, section 70(1) and section 71 a(2) of the Danish Act on Seafarers' Conditions of Employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*), see Consolidated Act no. 1662 of 17 December 2018, and section 1(3), first sentence, section 3(1)(vi), section 3(2), section 16(3) and section 32(9) of the Danish Act on Safety at Sea (*lov om sikkerhed til søs*), see Consolidated Act no. 1629 of 17 December 2018, the following provisions are laid down as authorised under section 1(1)(iii) and (vi) of Order no. 261 of 23 March 2020 on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

### *Definitions and application*

**Section 1.** This Order applies to employees on board ships, see section 1(1) and section 49 of the Act on Seafarers' Conditions of Employment, etc., irrespective of the use and trade areas of the ships, except for fishing vessels and recreational craft.

*Subsection 2.* In case of doubt whether the person concerned is to be considered as employed on board, the issue must be decided by the Danish Maritime Authority following prior consultation with the shipowners' and seafarers' organisations which the issue concerns.

**Section 2.** Period of rest means a consecutive period of not less than one hour's duration outside working hours.

*Subsection 2.* Hours of work means time during which an employee is required to do work on account of the ship.

*Subsection 3.* A week means a consecutive seven-day period.

**Section 3.** On foreign merchant ships in Danish territorial waters, work may not be carried out in contravention of the limits concerning hours of work and rest following from the STCW Convention and sections 1-12 of the agreement annexed to Council Directive 1999/63/EC, as amended by Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC.

**Section 4.** A normal working hour standard for an employee is in principle based on an eight-hour day with one day of rest per week and time off on public holidays.

*Subsection 2.* For employees, only the hours of rest are adjusted, see section 57 of the Act on Seafarers' Conditions of Employment, etc.

*Hours of rest, etc.*

**Section 5.** Employees are entitled to regular periods of rest of sufficient length to ensure health and safety.

*Subsection 2.* The hours of rest of employees of 18 years of age or older must be a minimum of 10 hours in any 24-hour period, but see section 6(4). The hours of rest may be divided into no more than two periods, one of which must be at least six hours in length, but see sections 9 and 10. The interval between two consecutive periods of rest may not exceed 14 hours.

*Subsection 3.* The total hours of rest in any week must be at least 77 hours.

*Subsection 4.* On Sundays and public holidays, the shipowner may not order an employee to carry out work that can be postponed.

*Subsection 5.* On Sundays and public holidays, employees who so wish should furthermore be given the opportunity to hold an undisturbed service of worship on board, if possible.

**Section 6.** As regards watchkeeping seafarers or seafarers whose work includes tasks related to safety and pollution prevention or as regards seafarers working on ships engaged on short voyages, section 5(2) and (3) may be derogated from by collective agreements, taking into account more frequent or longer leave periods or the granting of compensatory days off, but see subsection (4).

*Subsection 2.* An agreement under subsection (1) must, at a minimum, fulfil the following requirements, see section A-VIII/1, paragraph 9, of the STCW Convention:

- (i) The requirement of a minimum of 10 hours of rest in any 24-hour period.
- (ii) The requirement of 70 hours of rest in any seven-day period. A reduction of the weekly period of rest to 70 hours is not permitted for more than two consecutive weeks. The interval between two periods of exception on board may not be less than twice the duration of the exception.
- (iii) The requirement that the hours of rest may be divided into no more than three periods, one of which must be at least six hours in length and neither of the other two periods may be less than one hour in length. The interval between consecutive periods of rest may not exceed 14 hours. Exceptions may not extend beyond two 24-hour periods in any seven-day period.
- (iv) Exceptions must, as far as possible, take into account the guidance regarding prevention of fatigue in section B-VIII/1 of the STCW Convention.

*Subsection 3.* Derogations under subsection (1) must be recorded with the Danish Maritime Authority before being applied, and the agreement text recorded must be available on board in Danish and in English in an easily accessible place.

*Subsection 4.* As regards watchkeeping seafarers or seafarers whose work includes tasks related to safety and pollution prevention on board passenger ships in regular service within the area marked in Annex 4, the hours of rest under section 5(2) may be derogated from by collective agreements.

*Subsection 5.* Agreements under subsection (4) are subject to approval by the Danish Maritime Authority. Approval is granted subject to the agreement containing compensatory measures, see Annex 5.

*Subsection 6.* If a collective agreement under subsection (4) expires, is terminated or lapses, the Danish Maritime Authority's approval will cease simultaneously.

*Subsection 7.* The provision does not apply to persons under 18 years of age.

**Section 7.** An employee below the age of 18 must have a total period of rest of at least 12 hours in any 24-hour period.

*Subsection 2.* The period of rest must generally cover the period between 20.00 and 06.00 hours.

*Subsection 3.* As regards watchkeeping employees below the age of 18, the period of rest may be divided into no more than two periods. One of the periods of rest must be at least eight hours in length and be in the period between 20.00 and 06.00 hours.

*Subsection 4.* The interval between two consecutive periods of rest may not exceed 12 hours.

*Subsection 5.* The total hours of rest in any week must be at least 84 hours.

*Subsection 6.* Subsections (2) and (3) do not apply to employees below the age of 18 if it is necessary to place the periods of rest at some other time as part of vocational training, maritime training approved by the Danish Maritime Authority or similar training of at least two years' duration providing professional competences.

*Subsection 7.* Employees below the age of 18 must have two consecutive days off a week. If required, the weekly days off may be postponed if they are replaced by similar time off later.

**Section 8.** Employees on call must have a compensatory period of rest if the normal period of rest is interrupted as a consequence of work and if such an interruption without any compensation for the employee means that the requirement for the hours of rest cannot be met.

*Subsection 2.* The total hours of rest for employees on call must amount to a minimum of 10 hours in any 24-hour period, and one of the periods of rest must be at least six hours in length, but see section 6(4).

*Subsection 3.* As regards employees below the age of 18, the total hours of rest, irrespective of any interruption, must be at least 12 hours in any 24-hour period, and one of the periods of rest must be at least eight hours in length.

**Section 9.** Muster, fire and rescue drills and other prescribed drills must be carried out so that they interfere as little as possible with periods of rest and do not result in fatigue.

*Subsection 2.* As regards employees who have turned 18 years of age and who carry out drills covered by subsection (1), the total hours of rest, irrespective of any interruption, must be a minimum of 10 hours in any 24-hour period, and one of the periods of rest must be at least six hours in length, but see section 6(4).

*Subsection 3.* As regards employees below the age of 18, the total hours of rest, irrespective of any interruption, must be at least 12 hours in any 24-hour period, and one of the periods of rest must be at least eight hours in length.

**Section 10.** The master may require that the seafarer works when it is necessary for the immediate safety of the ship, those on board or the cargo or to assist other ships or persons in distress at sea.

*Subsection 2.* The provisions of sections 5-9 may be derogated from in the situations referred to in subsection (1).

*Subsection 3.* As soon as possible after the re-establishment of a normal situation, the master shall ensure that the seafarer who has carried out work during a scheduled period of rest gets a sufficient period of rest.

#### *Posting and recording*

**Section 11.** In an easily accessible place on board, a table must be posted with information about each position on board, about the employees' schedule of service at sea and in port, including watchkeeping periods for watchkeeping employees.

*Subsection 2.* The table must be in Danish and in English, and the format must be approved by the Danish Maritime Authority. A table approved by the Danish Maritime Authority is reproduced as Annex 1.

*Subsection 3.* For ships comprised by section 6(4) and of which the only working language is Danish, the table may be posted in Danish only.

**Section 12.** The employees' daily periods of rest must be recorded in a special record of hours of rest on an ongoing basis, which must be in Danish and in English, and the format of which must be approved by the Danish Maritime Authority. The record must be kept in duplicate. A record approved by the Danish Maritime Authority is reproduced as Annex 2. Annex 3 contains an overview of the information which the recording of hours of rest must contain for employees on board ships exclusively engaged on voyages between Danish ports and where all the time spent on board is working hours.

*Subsection 2.* For ships comprised by section 6(4) and of which the only working language is Danish, the record of hours of rest may be posted in Danish only.

*Subsection 3.* The master or a person authorised by the master and the employee shall sign the record of hours of rest every month.

*Subsection 4.* At suitable intervals and when the ship service terminates, the employee must be issued with a signed copy of the record of hours of rest.

*Subsection 5.* It must be possible to present a copy of the record of hours of rest on board for six months following the period of service. Subsequently, the shipowner shall keep the record for one year.

*Subsection 6.* A copy of the record of hours of rest referred to in subsection (5) must be submitted to the Danish Maritime Authority when the Authority so requests for control and endorsement.

*Subsection 7.* The Danish Maritime Authority may give permission for information about hours of rest to be recorded and stored on an electronic medium and for the submission of the information on hours of rest to the Danish Maritime Authority to be made electronically. The Danish Maritime Authority may make such a permission conditional upon the recording, storage and submission of the information being made in a special format.

**Section 13.** The shipowner or the employer shall ensure that there is a possibility on board of complying with the obligations following from this Order. In cases where the shipowner is not the employer, the obligation under the first sentence also rests with the shipowner.

**Section 14.** The Danish Maritime Authority shall check compliance with the provisions of this Order.

*Subsection 2.* In case of non-compliance with the provisions of this Order, the Danish Maritime Authority shall, in accordance with binding international conventions, take the necessary measures to prevent fatigue presenting an obvious risk to the health and safety of the employees. Such measures may include prohibitions against the ship leaving port until the employees are sufficiently rested.

*Subsection 3.* The Danish Maritime Authority's decision to detain a ship may be brought before the Danish Shipping Tribunal by the relevant shipowner or operator of a ship or its representative in Denmark. The bringing of a case before the Tribunal has no suspensive effect.

**Section 15.** The Danish Maritime Authority may for the consideration of cases pursuant to this Order require information about the employees' conditions of work from masters and shipowners.

#### *Penalty provisions*

**Section 16.** Contravention of section 5, section 6(3) and (5), section 7(1), (3)-(5) and (7), section 8, section 9, section 10(3), section 11(1) and (2) and section 12(1) and (3)-(6) is punishable with a fine.

*Subsection 2.* Anyone not observing a condition laid down in pursuance of section 12(7) will be liable to punishment by fine.

*Subsection 3.* Contravention of section 13 and section 15 is punishable with a fine or imprisonment for up to one year.

*Subsection 4.* Anyone not observing any prohibition notice or improvement notice pursuant to section 14(2) will be liable to punishment by fine or imprisonment for up to one year.

*Subsection 5.* The penalty pursuant to subsections (3) and (4) may be increased to imprisonment for up to two years if the contravention is committed intentionally or grossly negligently and if:

(i) the contravention has caused injury to life or health or a risk thereof;

(ii) a prohibition notice or an improvement notice has previously been issued for the same or similar matters; or

(iii) the contravention has resulted in or aimed at a financial gain for the person committing it or others.

*Subsection 6.* Any injury to the life or health of young people under the age of 18 or a risk thereof will be considered a particularly aggravating circumstance, see subsection (5)(i) hereof.

*Subsection 7.* If the profit gained through the contravention is not confiscated, the amount of such financial gain or intended financial gain must be taken into particular account in the determination of the fine, including any additional fine.

*Subsection 8.* Criminal liability may be imposed on companies, etc. (legal persons) under the rules of Part 5 of the Danish Criminal Code (*straffeloven*).

*Subsection 9.* When imposing criminal liability under subsection (8), persons who are hired to perform work on board the ship by others than the shipowner are also considered to be associated with the shipowner. If a document of compliance has been issued in accordance with the International Safety Management Code or if a certificate has been issued in accordance with the Maritime Labour Convention to another organisation or person, the master of the ship and the seafarers are also considered to be associated with the one to whom the document has been issued.

#### *Entry into force*

**Section 17.** This Order enters into force on 1 January 2021.

*Subsection 2.* Order no. 676 of 21 May 2015 on seafarers' hours of rest is repealed.

*Subsection 3.* Permissions issued pursuant to section 5(4) of Order no. 676 of 21 May 2015 on seafarers' hours of rest will lapse on 31 December 2021.

Danish Maritime Authority, 14 December 2020

On behalf of the Director General  
Rasmus Høy Thomsen

/ Kristina Ravn

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Annex 1

STANDARDMODEL FOR OVERSIGT OVER TILRETTELÆGGELSE AF ARBEJDET  
OM BORD  
MODEL FORMAT FOR TABLE OF SHIPBOARD WORKING ARRANGEMENTS

Skibets navn: \_\_\_\_\_ Skibets flag: \_\_\_\_\_ IMO-nr. (hvis det findes): \_\_\_\_\_

Name of ship: \_\_\_\_\_ Flag of ship: \_\_\_\_\_ IMO number (if any): \_\_\_\_\_

Seneste ajourføring af oversigten: \_\_\_\_\_ side ( ) af ( ) sider

Latest update of table: \_\_\_\_\_ ( ) of ( ) pages.

Reglerne om søfarendes samlede hviletid findes i § 57 i den danske lov om søfarendes ansættelsesforhold m.v., jf. bekendtgørelsen om søfarendes hviletid m.v., som er udstedt i overensstemmelse med konventionen om søfarendes arbejdsforhold (MLC) og i overensstemmelse med enhver gældende kollektiv overenskomst registreret i henhold til denne konvention og med den internationale konvention om uddannelse af søfarende, om sønæring og om vagthold af 1978, i ændret form (STCW-konventionen)<sup>1</sup>).

The rules on seafarers' total hours of rest are laid down in section 57 of the Danish Act on Seafarers' Conditions of Employment, etc, see the Order on seafarers' hours of rest, issued in conformity with the Maritime Labour Convention (MLC) and with any applicable collective agreement registered in accordance with that Convention and with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, (STCW Convention).

Minimal hviletid

1) For søfarende på danske handelsskibe må hviletiden efter ovennævnte regler ikke være mindre end: i) ti timer i enhver 24-timers periode og ii) 77 timer om ugen.

2) Hviletiden må ikke opdeles i mere end to perioder, hvoraf den ene mindst skal være på seks timer. Tiden mellem to på hinanden følgende hvileperioder må ikke overstige 14 timer.

3) For vagtgående søfarende eller for søfarende, hvis arbejde omfatter opgaver i forbindelse med sikkerhed og forebyggelse af forurening, eller for søfarende, der arbejder på skibe med korte rejser, kan ovennævnte hviletidsregler fraviges ved kollektive aftaler under hensyntagen til hyppigere eller længere fridagsperioder, eller hvor der sker sikring med kompenserende fridag. En aftale skal for vagtgående søfarende eller for søfarende, hvis arbejde omfatter opgaver i forbindelse med sikkerhed og forebyggelse af forurening mindst opfylde den minimumsbeskyttelse, der følger af kravene til hviletid i A-koden, afsnit VIII/1, paragraf 9, i STCW-konventionen. Aftalerne om fravigelser skal være registreret i Søfartsstyrelsen, før de må anvendes.

#### Minimum hours of rest

1) For seafarers serving on Danish merchant ships the hours of rest according to the above-mentioned rules shall not be less than: (i) 10 hours in any 24-hour period, and (ii) 77 hours in a seven-day period.

2) Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

3) By collective agreements the above-mentioned provisions may be departed from for watch-keeping seafarers and for seafarers whose work include tasks related to safety and pollution prevention or for seafarers engaged on ships on short voyages, taking into account more frequent or longer periods of leave or the granting of compensatory days off. An agreement shall at least comply with the minimum protection deriving from the requirements in section A-VIII/1, paragraph 9, of the STCW Convention. Departure from provisions shall be registered in the Danish Maritime Authority before they may be applied.

Andre krav: \_\_\_\_\_

Other requirements: \_\_\_\_\_

1) Se side 2 i bilag 1 vedrørende uddrag af MLC og STCW-konventionen.

See page 2 of Annex 1 for selected extracts from MLC and the STCW Convention.

#### Skema for tilrettelæggelse af arbejdet om bord

#### TABLE OF SHIPBOARD WORKING ARRANGEMENTS

Stilling/rang 2) Position/Rank	Planlagt daglig arbejdstid på søen Scheduled daily work hours at sea		Planlagt daglig arbejdstid i havnen Scheduled daily work hours in port		Komme Comme
	Vagthold (fra-til) Watch-	Ikke vagtholds-tjeneste (fra-til) Non-watch-	Vagthold (fra-til) Watch-	Ikke vagtholds-tjeneste (fra-til) Non-watch-	

	keeping (from-to)	keeping duties (from-to)	keeping (from-to)	keeping duties (from-to)	

Skibsførerens underskrift (signature of the master) \_\_\_\_\_

2) For de stillinger/rang, der også er opført på skibets "safe manning document", anvendes samme terminologi som i dette dokument.

For those positions/ranks that are also listed in the ship's safe manning document, the terminology used should be the same as in that document.

3) Vagtholdspersonalet kan under "Kommentarer" angive det forventede antal timer, der skal anvendes til uplanlagt arbejde.

For watchkeeping personnel, the comment section may be used to indicate the anticipated number of hours to be devoted to unscheduled work.

UDDRAG FRA MLC OG STCW-KONVENTIONEN

MLC

Norm A2. 3, stk. 5, 6, 13 og 14.

5. Begrænsningerne i arbejdstiden eller hviletiden fastsættes som følger: a) den maksimale arbejdstid må ikke overstige: i) 14 timer i enhver 24-timers-periode, og ii) 72 timer i enhver syvdøgnperiode, eller b) minimumsvarigheden af hvileperiode må ikke være mindre end: i) 10 timer i enhver 24-timers-periode, og ii) 77 timer i enhver syvdøgnperiode.

6. Hviletimer må ikke opdeles i mere end to perioder, hvoraf den ene skal være af mindst 6 timers varighed, og tiden mellem to på hinanden følgende hvileperioder må ikke overstige 14 timer.

13. Intet i denne norms stk. 5 og 6 er til hinder for, at en medlemsstat har nationale love eller forskrifter eller en procedure for, at den kompetente myndighed kan tillade eller registrerer kollektive overenskomster, der tillader fravigelser fra de fastsatte begrænsninger. Sådanne afvigelser skal så vidt muligt følge bestemmelserne i denne norm, men kan tage højde for mere hyppige eller længere frihedsperiode eller indrømmelser af kompenserende frihed for vagtgående søfarende eller søfarende, der arbejder om bord på skibe på kort rejse.

14. Intet i denne norm begrænser skibsførerens ret til at kræve, at en søfarende gør tjeneste i det antal timer, der er nødvendige for skibets, de om bordværendes eller lastens umiddelbare sikkerhed, eller med det formål at yde assistance til andre skibe eller personer i nød til søs. Skibsføreren kan derfor suspendere planen for arbejdstid eller hviletid og kræve, at en søfarende udfører arbejde i det antal timer, der er nødvendige, indtil normale forhold er genoprettet. Skibsføreren skal, så hurtigt som muligt efter at normale forhold er blevet genoprettet sikre, at søfarende, der har udført arbejde i en planlagt hvileperiode, gives en passende hvileperiode.

#### STCW-konventionen

Afsnit A-VIII/1, paragraf 2, 3, 8 og 9.

2. Enhver person, der pålægges at arbejde som vagthavende navigatør eller som menig på vagtholdet, eller en person, hvis arbejde omfatter opgaver i forbindelse med sikkerhed, forebyggelse af forurening og sikringsopgaver, skal have en hvileperiode på mindst: 1) ti timer i enhver 24-timersperiode og 2) 77 timer i enhver syvdages periode.

3. Hviletiden kan opdeles i højst to perioder, hvoraf en skal være på mindst seks timer, og tidsrummet mellem på hinanden følgende hvileperioder må ikke overskride 14 timer.

8. Uanset bestemmelserne i dette afsnit har skibsføreren på et skib ret til at kræve, at en søfarende arbejder det antal timer, som er nødvendigt for skibets, ombordværendes eller lastens umiddelbare sikkerhed eller for at bistå andre skibe eller personer i havsnød. I overensstemmelse hermed kan skibsføreren se bort fra hviletid og kræve, at en søfarende arbejder det antal timer, som er nødvendigt, indtil den normale situation er genoprettet. Så snart som muligt efter, at den normale situation er genoprettet, sørger skibsføreren for, at søfarende, som har udført arbejde i en planlagt hvileperiode, får en tilstrækkelige hvileperiode.

9. Parterne kan tillade undtagelser fra de i ovenstående stk. 2.2 og 3 krævede hviletider, forudsat at hvileperioden ikke er mindre end 70 timer i enhver syvdagsperiode. Undtagelser fra de i stk. 2.2 angivne ugentlige hvileperioder tillades ikke i mere end to på hinanden følgende uger. Intervallet mellem de to undtagelsesperioder om bord skal ikke være mindre end to gange undtagelsesperiodens længde. Den i stk. 2.1 angivne hviletid kan inddeles i ikke flere end tre perioder, hvoraf mindst en skal have en længde på 6 timer, og ingen af de to øvrige perioder skal have en længde kortere end 1 time. Intervallet mellem på hinanden følgende hvileperioder må ikke være over 14 timer. Undtagelser må ikke overstige to 24-timersperioder i enhver syvdagesperiode. Undtagelserne skal så vidt muligt tage hensyn til den i afsnit B-VIII/1 anførte vejledning om forebyggelse af træthed (fatigue).

## SELECTED TEXTS FROM MLC AND THE STCW CONVENTIONS

### MLC

Standard A2. 3, paragraphs 5, 6, 13 and 14.

5. The limits on hours of work or rest shall be as follows: (a) maximum hours of work shall not exceed: (i) 14 hours in any 24-hour period; and (ii) 72 hours in any seven-day period, or (b) minimum hours of rest shall not be less than: (i) 10 hours in any 24-hour period, and (ii) 77 hours in any seven-day period.

6. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

13. Nothing in paragraphs 5 and 6 of this Standard shall prevent a Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the provisions of this Standard but may take account of more frequent or longer leave periods or the granting of compensatory leave for watch-keeping seafarers working on board ships on short voyages.

14. Nothing in this Standard shall be deemed to impair the right to the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

### STCW Convention

Section A-VIII/1, paragraphs 2, 3, 8 and 9.

2. All persons who are assigned duty as officer in charge of a watch or as a rating forming part of watch and those whose duties involve designated safety, prevention of pollution and security duties shall be provide with a rest period of not less than: (1) a minimum of 10 hours of rest in any 24-hour period; and (2) 77 hours in any 7-day period.

3. The hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length, and the intervals between consecutive periods of rest shall not exceed 14 hours.

8. Nothing in this section shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of rest and require



Måned:

Month

Dag/Day	Hvileperioder (fra-til) Periods of rest (from-to)			Hviletid i alt Total hours of rest	Kommentarer Comments
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					

19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

Undertegnede erklærer herved, at dette skema præcist viser den pågældende søfarendes hviletid.

I agree that this record is an accurate reflection of the hours of rest of the seafarer concerned.

Navn på skibsfører eller den person, der af skibsføreren

er bemyndiget til at undertegne dette skema: \_\_\_\_\_

Name of master or person authorised by master to sign this record

Skibsførerens eller den bemyndigedes persons underskrift: \_\_\_\_\_

Signature of master or authorised person

Den søfarendes underskrift: \_\_\_\_\_

Signature of seafarer

En genpart af dette skema gives til den søfarende.

A copy of this record is to be given to the seafarer.

Denne formular undersøges og påtegnes i henhold til procedurer fastlagt af:

This form is subject to examination and endorsement under procedures established by the

Søfartsstyrelsen

Danish Maritime Authority

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### Annex 3

#### Conditions for special recording of hours of rest

The recording of hours of rest for seafarers on board merchant ships exclusively engaged on voyages between Danish ports and where the seafarer does not sleep on board so that all the time spent on board is working hours may form part of a record suitable for that purpose containing at least the following information:

- 1) Name of seafarer
- 2) Date of birth (civil registration (CPR) number)
- 3) Position on board
- 4) Name of ship
- 5) Place and duration of work

6) Endorsement by the master or the person so authorised by the master confirming that the rules on hours of rest for seafarers have been complied with as regards the minimum daily hours of rest and the total weekly hours of rest.

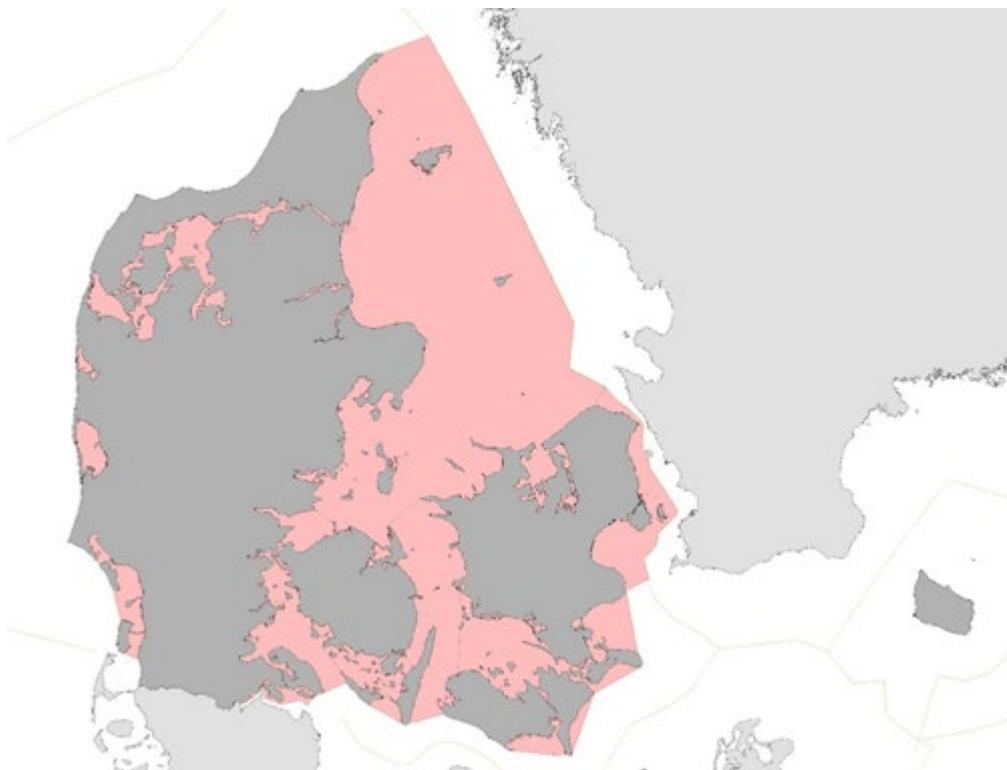
7) Confirmation from the master or the person so authorised by the master that the seafarer has received a copy of the record with the endorsement regarding hours of rest.

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#### Annex 4

##### Sea areas comprised

The defined area referred to in section 6(4) of the Order.



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#### Annex 5

##### Compensatory measures

Agreements on derogation from the rules on hours of rest under section 6(5) are subject to approval by the Danish Maritime Authority. When approving an agreement, the Danish Maritime Authority makes a concrete assessment of the agreement as a whole to ensure that the seafarer gets sufficient rest. The agreement must state the nature of the derogation and how it is compensated for. The watch schedule must be prepared so that the seafarer is not exposed to unnecessary strain.

Where the general provisions on hours of rest are derogated from, compensatory measures must be agreed. In determining compensatory measures, the following elements should be considered:

1. That, in any 24-hour period, the seafarer has at least 10 hours of rest, which may be divided into two periods, however.
2. That the seafarer has one period of rest of at least six consecutive hours on transition from one 24-hour period to the next. For example, if the seafarer's shift ends late in the evening, around midnight or in the middle of the night, the seafarer may not start a new shift until six hours have passed, even if a new 24-hour period has started.
3. That the six hours are actual hours of rest, which means that time must be added for any other activities.
4. That the general rule may only be derogated from twice in a row in any seven-day period. Between the two periods in which the hours of rest are derogated from, the seafarer must have three days either off duty or resting according to the general rule of 10 hours of rest in any 24-hour period.
5. That the seafarer has at least 77 hours of rest in any seven-day period.
6. That facilities allowing the seafarer to spend the night are available on board the ship or in the immediate vicinity, e.g. a resting room with a bed and toilet and bathing facilities. If deemed expedient, the seafarer may spend the night in his or her own home.
7. That the seafarer has suitable breaks and varied duties during the day; for example, if there is more than one navigator on board, the navigators should take turns navigating the ship.
8. That the agreement takes into account the route (crossing) and type of passenger ship concerned as well as peak periods.
9. Any other special compensatory measures adapted to local conditions.

#### Official notes

1) This Order implements parts of Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work, Official Journal 1994, no. L 216, page 12, as amended by Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007, Official Journal 2007, no. L 165, page 21, Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014, Official Journal 2014, no. L 65, page 1, and Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019, Official Journal 2019, no. L 198, page 241, as well as parts of Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST), Official Journal 1999, no. L 167,

page 33, as amended by Council Directive 2009/13/EC of 16 February 2009, Official Journal 2009, no. L 124, page 30, and Council Directive (EU) 2018/131 of 23 January 2018, Official Journal 2018, no. L 22, page 28, as well as Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports, Official Journal 2000, no. L 14, page 29, as well as Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (recast), Official Journal 2008, no. L 323, page 33, as amended by Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012, Official Journal 2012, no. L 343, page 78, and Directive (EU) 2019/1159 of the European Parliament and of the Council of 20 June 2019, Official Journal 2019, no. L 188, page 94.