

**Translation: Only the Danish document has legal validity.**

*Order no. 1655 of 20 December 2017  
issued by the Danish Maritime Authority*

## **Order on the registration of fishing vessels and recreational craft whose owner is not considered to be Danish**

Pursuant to section 2(1) and (2) of the merchant shipping act (*søloven*), cf. consolidated act no. 75 of 17 January 2014, as amended by act no. 1548 of 19 December 2017, section 12(i) of the act on the Danish International Register of Shipping (*lov om Dansk Internationalt Skibsregister*), cf. consolidated act no. 68 of 17 January 2014, and section 2(1) and (3) of act no. 963 of 9 December 1992 on Denmark's accession to the Agreement on the European Economic Area (the EEA Agreement) (*lov om Danmarks tiltrædelse af aftale om Det Europæiske Økonomiske Samarbejdsområde (EØS-aftalen)*), as amended by act no. 264 of 20 April 2004, the following shall be laid down following authority under section 1(1)(x) of order no. 744 of 24 June 2013 on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

### *Scope of application*

**Section 1.** This order concerns registration in the Register of Shipping or in the Boat Register of fishing vessels and recreational craft owned by natural persons, legal persons and part-owner companies not considered Danish pursuant to section 1 of the merchant shipping act (*søloven*).

*Subsection 2.* The provisions of this order on natural persons, legal persons and part-owner companies covered by the provisions of the European Union on the right of establishment and the freedom to provide services shall also apply to natural persons, legal persons and part-owner companies from countries covered by the Agreement on the European Economic Area (the EEA Agreement).

*Subsection 3.* Unless otherwise stipulated, the provisions of other legislation on the application for registration and on registration of ships in the Register of Shipping or the Boat Register shall also apply to ships covered by subsection 1.

### *Fishing vessels*

**Section 2.** Owners of fishing vessels registered pursuant to the provisions of this order shall be connected to Denmark in one or more of the following ways:

- 1) For natural persons: Primary establishment from where the person concerned exerts its economic activities from a fixed place of business in Denmark or in a country which is a member of the European Union.
- 2) For legal persons:
  - a) Primary establishment through the placing of the owner's domicile, head office or principal place of business in Denmark.
  - b) Secondary establishment through the establishment of either a subsidiary undertaking or a branch in Denmark or of an agency in this country staffed with personnel with permanent authorisation to act on behalf of the owner.
- 3) For part-owner companies: The election of a managing shipowner which is either a citizen from or a legal person in Denmark or in a country which is a member of the European Union.

**Section 3.** It is a condition for being registered pursuant to section 1 that it is documented to the Registrar of Shipping that the fishing vessel is effectively administered, controlled and directed from Denmark.

*Subsection 2.* In order for a fishing vessel to be admitted to the Register of Shipping or the Boat Register pursuant to this order, a permit shall be available from the Fisheries Board to register the vessel.

#### *Recreational craft*

**Section 4.** Recreational craft owned by natural persons, legal persons and part-owner companies not covered by the provisions of the European Union on the right of establishment and the freedom to provide services cannot be registered in the Register of Shipping or the Boat Register.

**Section 5.** Recreational craft may be registered in the Register of Shipping if the owner

- 1) is a wage-earner who either works in or is domiciled in Denmark, or
- 2) is established in Denmark, cf. article 45, respectively article 49 of the Treaty on the Functioning of the European Union.

*Subsection 2.* Furthermore, the right to be registered pursuant to subsection 1 also includes an owner who has previously been a wage-earner or been established in Denmark and who is domiciled in Denmark.

#### *Common administrative provisions*

**Section 6.** Application for registration pursuant to this order shall be made on separate forms available from the website of the Danish Maritime Authority, [www.soefartsstyrelsen.dk](http://www.soefartsstyrelsen.dk), or from [virk.dk](http://virk.dk).

*Subsection 2.* Applications for registration shall contain information about the owner/group of owners as well as about the person meeting the activity requirement pursuant to section 3.

*Subsection 3.* If non-Danish legal persons apply for registration, documentation of compliance with the requirements made to establish and register companies, etc. in the country where the legal person has its statutory domicile, head office or principal place of business shall be enclosed.

*Subsection 4.* Application for registration and registration pursuant to the provisions of this order shall not exempt the applicant from application for registration pursuant to other legislation.

**Section 7.** For the registration of ships pursuant to this order, documents and items of evidence made in Danish, Swedish, Norwegian and English shall be accepted, cf. however subsection 2. As regards documents and items of evidence in other languages, an authorised and certified translation into either Danish or English shall normally be required.

*Subsection 2.* If the understanding of a document or any other item of evidence made in a foreign language gives rise to doubt, the Registrar of Shipping may require an authorised translation into Danish.

**Section 8.** Changes to the information reported, cf. section 6(2), on the owner/group of owners as well as on the person meeting the activity requirement shall by the owner of the ship or the person that meets the activity requirement be reported to the Danish Register of Shipping or the Boat Register with a view to assessing whether the requirements for being registered are still met when the changes have been implemented.

**Section 9.** This order shall enter into force on 1 January 2018.

**Section 10.** This order shall not apply to ships registered in Greenland.

*Danish Maritime Authority, 20 December 2017*  
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