

Translation: Only the Danish document has legal validity

Act no. 478 of 30 May 2012 issued by the Ministry of Business and Growth

**Act amending the act on the manning of ships (*lov om skibes besætning*),
the act on the maritime training programmes (*lov om maritime uddannelser*)
and the pilotage act (*lodsloven*)**

(Adjustments as a consequence of the transfer of responsibilities
in the areas of the maritime training programmes and pilotage)

We MARGRETHE THE SECOND, by the grace of God Queen of Denmark hereby witness: Folketinget
(the Danish Parliament) has adopted and We with Our consent hereby enact the following act:

Section 1

In the act on the manning of ships (*lov om skibes besætning*), cf. consolidated act no. 168 of 27 February 2012, as amended by section 3 of act no. 493 of 12 May 2010, the following amendments shall be made:

1. As a *footnote* to the title of the act, the following shall be inserted:

“1) This act 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, Official Journal 2005, no. L 255, p. 22. Furthermore, the act contains provisions implementing parts of Council directive 2009/16/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, Official Journal 2009, no. L 124, pp. 30-40.”

2. After section 10, the following shall be inserted in *chapter 4*:

“**Section 10a.** The Danish Maritime Authority may lay down regulations on the qualification requirements of yachtsmen as well as on the preparation and registration for and sitting for examinations and tests for yachtsmen as well as on payment for this.”

3. After section 24, the following shall be inserted before chapter 8:

“Chapter 7 a
Approval of training programmes

Section 24a. The Minister for Science, Innovation and Higher Education shall, following negotiations with the Danish Maritime Authority, lay down regulations on the training programmes prescribed by regulations stipulated pursuant to section 18 and section 19, including on quality assurance.

Subsection 2. The Danish Maritime Authority shall ensure that the training programmes meet internationally determined requirements and result in the students acquiring sufficient qualifications.

Chapter 7 b
Approval of courses

Section 24b. The Danish Maritime Authority may lay down regulations on the requirements that the courses prescribed in regulations stipulated pursuant to section 18 and section 19 shall meet, including requirements on approval and quality assurance.

Section 24c. The Danish Maritime Authority may approve or establish special courses for the training of teachers.

Section 24d. The Danish Maritime Authority shall supervise the training offered by the course providers mentioned in section 24 b and ensure that the course providers meet the requirements following from this act and provisions issued pursuant to the act.

Section 24e. The Danish Maritime Authority may lay down regulations on the teaching environment of the course participants.

Chapter 7c
Various provisions concerning training programmes and courses

Section 24f. The Danish Maritime Authority may request payment for the approval and quality assurance of course providers and training institutions.

Subsection 2. The Danish Maritime Authority may lay down regulations on payment for participation in courses covered by this act, including for the sitting for examinations, tests, etc.

Section 24g. The Danish Maritime Authority may request the necessary information from the course providers and training institutions about the training, the course participants, the staff, the economy and equipment, etc. for use when carrying out the responsibilities of the Danish Maritime Authority pursuant to the act, including quality assurance and the drafting of statistics.”

4. In *section 26*, the following shall be inserted as a new subsection before subsection 1:

“The Minister for Business and Growth may, following agreement with the relevant minister, determine that the powers of the Danish Maritime Authority pursuant to the act shall be carried out by other public authorities. The Minister for Business and Growth may, in accordance with more detailed conditions, furthermore authorise companies or individuals to supervise the quality assurance of training programmes and courses on behalf of the Danish Maritime Authority.”

Subsequently, subsection 1 shall become subsection 2.

Section 2

In the act on the maritime training programmes, cf. consolidated act no. 207 of 4 March 2011, as amended by section 1 of act no. 1373 of 28 December 2011, the following amendments shall be made:

1. In *section 1*, “as well as the needs of recreational navigation” shall be left out.

2. In *section 2(1)(iv)*, “catering personnel, etc.” shall be left out.
3. *Section 2(2)* shall be as follows:

Subsection 2. Section 4(1) and (3), section 5(2), sections 5a-7, section 14, section 23a(1), section 23b and section 24 shall also cover supplementary training of maritime personnel for which state subsidies are granted.”
4. In *section 2(4)*, *section 4(2)*, *section 4(3)*, which becomes section 5, *section 4(4)*, the first sentence, which becomes subsection 6, the first sentence, *section 5(1)*, the first sentence, *section 5(2) and (3)*, which becomes subsections 3 and 4, *section 6(1)*, the first sentence, *section 6(2)*, *section 7(3)*, (5) and (6), *section 8(3)*, *section 8a(3)*, *section 9f(1) and (2)*, *section 9g(1)*, *section 9i*, *section 9j(1)*, the first sentence, *section 9j(2)*, the first sentence, *section 9j(3)*, *section 10(6)*, *section 12(1) and (2)*, *section 13(1) and (2)*, *section 14(1) and (2)*, *section 15*, *section 16(1)-(3)*, *sections 17 and 20*, *section 23(1)-(3) and section 23b*, “the Danish Maritime Authority” shall be amended to “the Minister for Science, Innovation and Higher Education”.
5. *Section 3* shall be repealed.
6. In *section 4(1)*, *section 7(1)*, the fourth sentence, *section 8(2)*, *section 9(4)*, the second sentence, *section 9a(1)*, the third sentence, *section 9g(3) and section 10(5)*, “the Danish Maritime Authority” shall be amended to “the Minister for Science, Innovation and Higher Education”.
7. In *section 4*, the following shall be inserted after subsection 2 as new subsections:

“*Subsection 3.* Approved maritime training institutions receiving subsidies pursuant to section 5 or section 6 shall cooperate with the Danish Maritime Authority when offering courses that are mandatory pursuant to the act on the manning of ships (*lov om skibes besætning*).

Subsection 4. The Minister for Science, Innovation and Higher Education may, in special cases, order a training institution receiving subsidies pursuant to section 5 or section 6 to offer courses forming part of an approved maritime training programme.”

Subsequently subsections 3 and 4 shall become subsections 5 and 6.
8. In *section 4(4)*, the second sentence, which shall become subsection 6, the second sentence, two places in *section 9g(2)*, and in *section 9g(2)(i)*, *section 9j(1)*, the second sentence, and *section 9j(2)*, the second sentence, *section 11(2)*, the third sentence, and *section 23a(1)*, the first sentence, “the Danish Maritime Authority” shall be amended to “the minister”.
9. *Section 5(1)*, the first sentence, shall be as follows:

“The Minister for Science, Innovation and Higher Education shall, within an annual framework, subsidize the operation, buildings, management and administration of the training programmes mentioned in section 2(1).”
10. In *section 5(1)*, the first sentence, “the Danish Maritime Authority” shall be amended to “the minister”.
11. In *section 5*, the following shall be inserted after subsection 1 as a new subsection:

“*Subsection 2.* The Minister for Science, Innovation and Higher Education may subsidize supplementary training with a view to meeting qualification requirements stipulated by the Danish Maritime Authority pursuant to the act on the manning of ships (*lov om skibes besætning*).”

Subsequently, subsections 2 and 3 shall become subsections 3 and 4.

12. The following shall be inserted after *section 5*:

“**Section 5a.** Subsidies pursuant to the act shall not be granted for covering the training institutions’ expenses for paying duties pursuant to the act on VAT (*momsloven*), cf. however subsection 4.

Subsection 2. The Minister for Science, Innovation and Higher Education shall compensate the training institutions for expenses for paying duties pursuant to the act on VAT (*momsloven*) that cannot pursuant to the act on VAT be deducted when a company computes its tax liability (non-deductable input VAT) and that the training institutions pay when buying goods and services for which subsidies are granted pursuant to the act.

Subsection 3. The Minister for Science, Innovation and Higher Education shall lay down regulations on compensation pursuant to subsection 2 and may, in this connection, decide to establish an on-account arrangement for VAT compensation for the training institutions.

Subsection 4. Irrespective of subsection 1, the subsidy for training ships may be granted for covering expenses for paying duties pursuant to the act on VAT (*momsloven*).”

13. In *section 8a(2)*, “the Danish Maritime Authority” shall be amended to “the Minister for Science, Innovation and Higher Education”.

14. In *section 9e*, “the Ministry of Finance, the State Employer’s Authority” shall be amended to “the Agency for Modernisation of Public Administration”.

15. In *section 9f(1)* and (2) and *section 9g(3)*, “the Danish Maritime Authority” shall be amended to “the minister”.

16. In *section 11(1)*, the first sentence, “the Danish Agency for Higher Education and Educational Support” shall be inserted after “of”.

17. In *section 18*, “protection against the consequences of industrial injuries” shall be amended to “industrial injury insurance”.

18. *Section 19* shall be as follows:

“**Section 19.** The Minister for Science, Innovation and Higher Education may lay down regulations on the students’ teaching environment.”

19. *Section 22* shall be repealed.

20. In *section 23a(1)*, the third sentence, “the Danish Maritime Authority may exempt” shall be left out, and after “a company” the following shall be inserted: “may be exempted”.

21. In *section 23a(2)*, the first sentence, “that the Danish Maritime Authority may issue” shall be amended to “the issuance of”.

22. In *section 23a(2) the second sentence*, “the Danish Maritime Authority” shall be amended to “the Ministry of Science, Innovation and Higher Education or a government authority under the ministry”.
23. In *section 24*, “about decisions made by the Danish Maritime Authority” shall be left out.

Section 3

In the pilotage act (*lodsloven*), cf. act no. 567 of 9 June 2006, the following amendments shall be made:

1. Throughout the act, “the Danish Pilotage Authority” shall be amended to “the Danish Maritime Authority”.
2. In *section 5(2)*, “, following agreement with the Minister for Business and Growth,” shall be inserted after “In special circumstances, the Minister of Defence may”.
3. In *section 15*, “the Director-General of the Royal Danish Administration of Navigation and Hydrography” shall be amended to “the Danish Maritime Authority”.
4. *Section 19(4)* shall be as follows:
“*Subsection 4*. The Minister for Business and Growth may lay down regulations on the payment for pilotage carried out by the Danish Pilotage Service, including provisions on maximum rates.”
5. In *section 25(1)*, “Employees at the Danish Pilotage Authority” shall be amended to “Employees engaged in the supervision of pilots”.
6. In *section 25(2)*, “employees of the Danish Pilotage Authority” shall be amended to “employees engaged in the supervision of pilots”.
7. *Section 26* shall be as follows:
“**Section 26**. The Danish Maritime Authority shall determine the rates of user payment for inspections, the holding of aptitude tests, the issue of certificates, exemption certificates, renewals, etc. concerning the monitoring of pilots.”
8. *Section 33* shall be repealed.
9. The following shall be inserted before chapter 14:

“Chapter 13 a *Appeal*”

Section 33. The Minister for Business and Growth may lay down regulations on the right of appeal, including that decisions made by the Danish Maritime Authority pursuant to the act cannot be brought before another administrative authority, cf. however subsection 2.

Subsection 2. Decisions made by the Danish Maritime Authority concerning refusal of pilot certificates pursuant to section 12, refusal of pilot exemption certificates pursuant to section 12, refusal to be

registered pursuant to section 24(4)-(5), withdrawal of pilot certificates or pilot exemption certificates or deletion of a registration as a pilot station pursuant to section 27(1) and temporary withdrawal or temporary deletion pursuant to section 32 may be appealed to the Danish Shipping Tribunal mentioned in the act on safety at sea (*lov om sikkerhed til søs*).”

Section 4

In act no. 493 of 12 May 2010 amending the act on safety at sea (*lov om sikkerhed til søs*), the seamen’s act (*sømandsloven*) and various acts and repealing the act on the engagement of ship’s crews (Implementation of the Maritime Labour Convention, modernisation of provisions on inspection, prohibition against drunk sailing in Greenland waters, etc.), as amended by section 4 of act no. 251 of 30 March 2011, the following amendment shall be made:

1. *Section 1(iii)* shall be repealed.

Section 5

Subsection 1. This act shall enter into force on 1 June 2012, cf. however subsection 2.

Subsection 2. The Minister for Science, Innovation and Higher Education shall determine the date for the entry into force of section 2(xii). The Minister for Business and Growth shall determine the date for the entry into force of the second sentence in the footnote to the title of the act, cf. section 1(i).

Subsection 3. Regulations issued pursuant to the act on maritime training programmes (*lov om maritime uddannelser*) shall remain in force for the courses, tests, etc. covered by section 1 of the act until they are repealed or substituted by regulations issued pursuant to the act on the manning of ships (*lov om skibes besætning*).

Section 6

This act shall not apply to the Faroe Islands and to Greenland, but section 1 may be put in force in full or partly for Greenland by royal decree with the amendments following from the Greenland conditions.

Amalienborg, 30 May 2012

Margrethe R. / Ole Sohn