

(Translation. Only the Faroese version has legal validity)

**Executive order No. 106 from 5 August 2013 on the qualifications requirements to cooks serving on board merchant ships registered in the Faroese International Ship Register, and not holding a Faroese certificate of competency as a ship's cook.**

Under the provisions in section 10 subsection 1, section 12 subsections 1 and 4 and section 17 subsection 4 in Act No. 63 from 3 July 1998 on manning of ships, as amended by Act No. 71 from 30 May 2011, and, in consultation with the Minister of Ministry of Education, Research and Culture, section 6 subsection 1 in Act No. 55 from 24th April 2001 on education of manning of ships, etc., the following shall be laid down:

**Chapter 1**

*Qualifications requirements for recognition certificates*

**Section 1.** On board on ships, registered in the Faroese International Ship Register, persons may serve in prescribed positions as ship's cooks without holding a Faroese certificate of competency as a ship's cook if they hold a valid recognition certificate according to this executive order.

**Section 2.** Recognition certificates may be issued to persons who are able to document apprenticeship in the cooking profession for 48 months, of which at least 24 months have been on board seagoing ships, cf. however section 10.

*Subsection 2.* Recognition certificates may also be issued to persons who are able to document:

- 1) satisfactory completion of a cook training programme,
- 2) service as a cook on board a seagoing ship for at least five months following completion of a cook training programme and
- 3) having passed the test described in section 4, cf. however section 4 subsection 2.

*Subsection 3.* Recognition certificates according to subsections 1 and 2, will be issued if the person holds:

- 1) a health certificate valid for the position in which the holder is to serve on board and
- 2) documentation of having passed a course meeting the requirements of regulation VI/1 of the STCW International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and section A-VI/1, paragraph 2 of the STCW code on "Basic Training".

**Section 3.** The cook training programme according to section 2, subsection 2 shall have been completed in a country:

- 1) that has ratified the ILO Convention on seafarers' conditions of employment, the MLC convention, or ILO Convention No. 69 on the issue of certificates of competency to ship's cooks and
- 2) that the IMO Maritime Safety Committee and the European Commission have informed that the certificate issuing country through its informative material has stated that it has fully and completely implemented the STCW Convention.

*Subsection 2.* An overview of the countries mentioned in subsection 1 is available on the Faroese Maritime Authority's homepage.

**Section 4.** The form and contents of the test according to section 2, subsection 2, no 3 shall be approved by the Ministry of Education, Research and Culture. The test shall consist of an operational interview ensuring that the necessary competences as a ship's cook are met within the fields of practical cooking, food hygiene, personal hygiene, storage of food, stores control as well as environmental protection, health, nutrition and food safety.

*Subsection 2.* The Faroese Maritime Authority may grant exemptions from the requirement to complete a test according to section 2, subsection 2, No. 3 when the Faroese Maritime Authority has special, detailed knowledge about the training and certificate issuing system of the certificate issuing country or about the training institution where the holder of the certificate has completed the training programme.

## Chapter 2

### Application and issue

**Section 5.** Application for recognition certificate for foreign ship's cooks shall be submitted to the Faroese Maritime Authority, using the applicable application form available on the Faroese Maritime Authority's homepage. The application shall be filled out in accordance with the guidelines in the application form. The application shall be submitted by the shipping company that would like to engage the person concerned as a ship's cook.

*Subsection 2.* Together with the application, a statement must be enclosed from the shipping company that it will engage the person concerned as a ship's cook on board a ship registered in the Faroese International Ship Register.

**Section 6.** A recognition certificate shall be issued with a validity of no more than five years. However, a period of validity shall not exceed a possible date of expiry of the foreign certificate of competency as a ship's cook or other recognition.

*Subsection 2.* A foreign recognition certificate or endorsement may not be used as basis for issuing a Faroese recognition certificate.

## Chapter 3

### Withdrawal of recognition certificate

**Section 7.** The Faroese Maritime Authority withdraws a recognition certificate if the holder, through the service on board, has presented a direct threat to human lives, or if due to the mental or bodily state of the holder, it is considered reckless to let the person concerned continue to serve in the position for which the recognition entitles him.

*Subsection 2.* The recognition certificate may also be withdrawn if the basis for its issuance has been wrong by the conditions for the recognition not having been present at the time of the issuance and are still not present.

*Subsection 3.* If the holder of a recognition certificate is still employed on board a ship belonging to the shipping company concerned, the shipping company shall be responsible for handing in a withdrawn certificate to the Faroese Maritime Authority.

*Subsection 4.* When it has been decided to withdraw a recognition certificate, the Faroese Maritime Authority shall inform the certificate issuing country about this decision.

## **Chapter 4**

### Service without recognition certificate

**Section 8.** Service in a position for which a certificate of competency as a ship's cook is prescribed shall be permitted without a recognition certificate for a period of no more than three months, however not for longer than the duration of the engagement – if:

- 1) the country in which the cook training programme has been completed is included in the list mentioned in section 3, subsection 2,
- 2) the conditions for the annulment of the test requirements stipulated in section 4, subsection 2 are met, and
- 3) an application for a recognition certificate according to section 2 has been forwarded to the Faroese Maritime Authority in accordance with the guidelines in force, and receipt hereof has been confirmed by the Faroese Maritime Authority before commencing service.

## **Chapter 5**

### Fees

**Section 9.** The Faroese Maritime Authority is entitled to a fee for the issuance of recognition certificates. The fee is stipulated in the executive order on fees for issuance and renewal of certificates of competency and recognition certificates.

*Subsection 2.* Applications shall be considered when the fee according to subsection 1 has been paid to the Faroese Maritime Authority.

*Subsection 3.* According to section 6, subsection 2 in the Act on education of sailing personnel, the Ministry of Education, Research and Culture may require a separate fee for tests taken according to section 2, subsection 2, No. 3.

## **Chapter 6**

### Complaint provisions

**Section 10.** Decisions made by the Faroese Maritime Authority according to section 2, subsections 1 and 2, section 7 and section 8, subsection 4 may be brought before the Ministry of Trade and Industry. The decision may be appealed within 4 weeks from the day that the person concerned has been informed about the decision made by the Faroese Maritime Authority.

## Chapter 7

### Entry into force

**Section 11.** This executive order shall enter into force 20 August 2013.

*Subsection 2.* Persons who have acquired a right to work as a prescribed cook on board Faroese ships according to section 7, subsection 3 in Act on manning of ships before the entry into force of this executive order shall maintain their right.

*Subsection 3.* Persons covered by subsection 2 shall be considered to meet the requirements of the executive order with respect to issuance of a recognition certificate, and shall therefore hold a recognition certificate.

*Subsection 4.* The Faroese Maritime Authority may consider applications, charge fees, etc., and issue recognition certificates in accordance with this executive order from the day of its promulgation.

Vinumálaráðið, 5 August, 2013

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