

(Translation. Only the Faroese version has legal validity)

Executive Order No. 5 of 30 January 2002 on recognition of foreign certificates of competency for service on merchant vessels as amended in Executive Order No. 39 of 1 May 2012

Under the provisions in section 12 subsection 4 in Parliamentary Act No. 63 of 3 July 1998 on Manning of Ships, the following shall be laid down:

Definition and purpose

Section 1. This executive order lays down further provisions on the issuance of Faroese STCW endorsement on foreign certificates of competency (recognition certificates), which after 1 February 2002 are required for service as bridge officers, engine officers or radio operators on vessels registered in the Faroese International Register of Shipping (FAS).

Subsection 2. A “foreign certificate of competency” pursuant to these provisions shall mean a valid certificate of competency issued by an authorized foreign authority in a country which has implemented the STCW Convention, and

- 1) permits the holder to serve as officer on board the relevant states merchant vessels, and
- 2) issued in accordance with regulations II/1, II/2, II/3, III/1, III/2, III/3, IV/2, V/1 or VII/I of the STCW Convention (1978), as amended in 1995.

Issuance of recognition certificates, etc.

Section 2. Recognition of foreign certificates of competency is on the condition that:

- 1) the IMO Maritime Safety Committee has reported that the relevant Member State issuing the certificate has shown, through its information material to the IMO, that it has implemented the STCW Convention (1978) amended in 1995, fully and completely.
- 2) the Faroese Maritime Authority in consultation with the Danish Maritime Authority has ensured, and if necessary with inspection at the location, that the Member State fully and completely meets the requirements for qualifications, issuance of certificates of competency, keeping of records of issued certificates as well as the establishment of systems for quality control of training and issuance of certificates of competency, and
- 3) it in accordance with the provisions of the STCW Convention, has been concluded an agreement on the recognition of certificates of competency with the state in question.

Subsection 2. In special cases the Faroese Maritime Authority may, once the matter has been consulted by the Seafarer- and Shipowner organisation, recognize foreign certificates of competency from an issuing country despite the requirement in subsection 1, item 1 has not been met.

Subsection 3. The Faroese Maritime Authority keeps a list of the countries covered by subsection 1, item 3.

Subsection 4. Shipowners planning to hire seafarers holding foreign certificates of competency issued by a state not included in the list mentioned in subsection 3, may apply to the Faroese Maritime Authority or the Danish Maritime Authority to initiate procedures in accordance with subsection 1, item 2, with the relevant issuing State.

Section 3. Application for issuance of a certificate of recognition shall be submitted to the Faroese Maritime Authority on a special form available from the Faroese Maritime Authority.

Subsection 2. The application form shall be filled in and submitted to the Faroese Maritime Authority in accordance with the guidelines printed on the application form.

Section 4. Issuance of a certificate of recognition is on the condition that:

- 1) the applicant holds a foreign certificate of competency which does not expire within the next 6 months,
- 2) the applicant has proved his identity to the Faroese Maritime Authority or an approved institution or person, and has presented the required documentation, cf the guideline, and has passed a test of which the form and content is decided by the Ministry of Education, Research and Culture, cf however subsections 2 and 3 and section 6,
- 3) ¹⁾ knowledge of Faroese maritime legislation by the issuance of a certificate of recognition allowing the holder to serve as master, chief mate, chief engineer officer or second engineer officer has been documented separately by passing an approved test or by having passed with a satisfactory result a course approved by the Ministry of Education, Research and Culture, and
- 4) a declaration is available from the shipowner that the person concerned is to serve on a vessel registered in the Faroe Islands.

Subsection 2. The requirement to pass a test pursuant to subsection 1, item 2, may be exempted from when the Faroese Maritime Authority has special knowledge of the training and certificate issuing system of the issuing country or of the training institution where the holder of the certificate has passed his training.

Subsection 3. The requirement to pass a test pursuant to subsection 1, item 2 may also be exempted from if a declaration of the applicant's suitability is available from an approved master or chief engineer officer, under whom the applicant has served in a supernumerary capacity on board a ship owned by the shipowner mentioned in subsection 1, item 4 on the following conditions:

- 1) Before the service initiates, the shipowner has to submit an application for a certificate of recognition in accordance with section 3. Subsequently, the Faroese Maritime Authority will,

as soon as possible, inform the shipowner if it is possible to issue a certificate of recognition based on the declaration of suitability.

2) After at least 1 month's supernumerary service, a declaration of suitability written on an approved application form, is issued by the master, or the chief engineer officer if applying for a certificate as engineer officer.

Subsection 4. The requirement to pass a test or complete a course pursuant to subsection 1 item 3, may be exempted from in special cases, when knowledge of Faroese maritime legislation may be documented in another way.

Subsection 5. Approval to issue a declaration of suitability pursuant to subsection 3, is on the condition that the relevant master or chief engineer officer holds a Faroese certificate of competency and has attended a course for this purpose that is established and approved by the Ministry of Education, Research and Culture.

Section 5. A certificate of recognition shall be issued with a period of validity of no more than five years. The period of validity shall not be longer than the date of expiry of the foreign certificate of competency recognized.

Subsection 2. A foreign certificate of recognition may not be used as the basis for issuing a Faroese certificate of recognition.

Certificate of recognition for seafarers who prior to the application have completed seagoing service on Faroese vessels

Section 6. For those bridge- or engineer officers who can document at least one year of approved service on Faroese vessels within the last three years prior to the application, the requirement on test pursuant to section 4 subsection 1, item 2 lapses, on the condition that:

- 1) the seafarer in question holds a foreign certificate of competency issued by a country included in the list stipulated in section 2 subsection 3, and
- 2) the application is accompanied by a declaration of suitability.

Subsection 2. The declaration of suitability mentioned in subsection 1, item 2 shall be issued by a master or, in the case of an engineer officer, with the exemption of the chief engineer officer, by the chief engineer officer. The master respectively the chief officer shall have been on service together with the person in question so that the declaration of suitability can be issued on a true basis.

Subsection 3. On the declaration it has to appear,

- 1) on which Faroese vessel the person in question has served within the three last years and in which position,
- 2) in which periods the person in question has served in these positions (date for signing on- and off),

3) on which vessel or vessels the master respectively the chief engineer officer issuing the declaration has served together with the person in question, besides the period for this service, and

4) an assessment from the master respectively the chief officer of how qualified the person in question is for the position for which the application for the certificate of recognition concerns.

Withdrawal of a certificate of recognition

Section 7. The Faroese Maritime Authority may withdraw a certificate of recognition if the holder thereof by his navigation or other service on board has represented direct threat to life, property or the environment, or if it is deemed irresponsible due to the holder's mental or physical condition to let the holder continue to perform the functions for which the certificate of recognition qualifies.

Subsection 2. The shipowner is responsible for submitting the withdrawn certificate of recognition to the Faroese Maritime Authority.

Subsection 3. When a decision has been made to withdraw a certificate of recognition, the certificate issuing country shall be informed about this.

Service without a certificate of recognition

Section 8. Service in a position for which a certificate of recognition is required is permitted without a certificate of recognition for a period of no more than three months, if

1) the seafarer in question holds a valid foreign certificate of competency endorsed by the certificate-issuing State to the effect that he is, according to the STCW Convention, qualified for the service carried out.

2) the certificate issuing country is included in the list stipulated in section 2 subsection 3,

3) the requirement in section 4 subsection 2 on exemption from the test requirement is met, or if the Faroese Maritime Authority has, on the basis of a received declaration of suitability cf. section 4 subsection 3, stated that a certificate of recognition may be issued.

4) the requirement in section 4 subsection 1, item 3 is met in case of service as chief mate, chief engineer officer or second engineer officer,

5) an application for a certificate of recognition, in accordance with the guidelines in force, has been submitted to the Faroese Maritime Authority before the service is commenced, and

6) the original certificate of competency is available on board together with appropriate documentation that the application has been submitted to the Faroese Maritime Authority.

Subsection 2. In order to carry out service as radio operator, it is required, in addition to the provisions in subsection 1, that the radio certificate meets the requirements in the radio regulation.

Entry into force

Section 9. This executive order comes into force the day after it has been promulgated.

Fiskimálastýrið, 30 January 2002

Jørgen Niclasen

Minister of Fisheries

/Kaj P. Mortensen

¹⁾ Amended in Executive Order No. 39 of 1 May 2012