

(Translation: Only the Faroese text has legal validity)

Executive order No. 6 of 7 October 2013 from the Faroese Maritime Authority for Preventing Piracy and Armed Robbery against Faroese Ships

Pursuant to section 2 subsection 2, section 31, section 49 and section 51 of the Parliamentary Act no. 165 of 21 December 2001 on safety at sea as last amended by Parliamentary Act no.61 of 17 May 2013, and by authority, the following provisions are laid down:

Application and definitions

Section 1. This executive order shall apply to merchant vessels flying the Faroese flag, except merchant vessels exclusively operating between Nordic or European ports, and except shipping companies exclusively operating such ships.

Section 2. In this executive order the following terms shall be read as follows:

- a) “Merchant ship”: All Faroese ships except fishing vessels and pleasure vessels
- b) “ISM system”: A safety management system according to the International Safety Management Code (ISM Code)
- c) “ISPS system”: A security plan pursuant to the International Ship and Port Facility Security Code (ISPS Code)

Procedures and measures for preventing piracy and armed robbery

Section 3. Merchant ships shall have procedures for navigation or port calls in areas representing a risk of piracy and armed robbery against ships.

Section 4. As regards merchant ships obliged to have an ISM- or ISPS system, the procedures mentioned in section 3 shall either be contained in the ISM- or the ISPS system. If the procedures are contained in the ISPS system, they shall be made available to the ship’s crew in the same way as the procedures in the ISM system.

Section 5. Shipping companies whose ships are covered by sections 3 and 4 shall, furthermore, in their ISM- or ISPS system have established procedures for assessing whether an area represents a risk of piracy or armed robbery against ships.

Section 6. Merchant ships not obliged to have an ISM- or ISPS system, as well as shipping companies operating such ships, shall have procedures corresponding to those mentioned in sections 4 and 5.

Section 7. The procedures mentioned in sections 3-6 shall contain provisions on the prevention of armed robbery, including:

- 1) an assessment whether a particular area represents a risk of piracy or armed robbery against ships
- 2) seeking information and updates of the situation on relevant websites, such as MSCHOA¹⁾, NATO Shipping Center, ReCAAP ISC²⁾ and through NAVWARNS
- 3) relevant measures for protecting the ship and its crew

4) radar monitoring of the entire horizon and continuous extra watchkeeping 24 hours a day to assist the navigating officer on the watch when navigating areas that the master assesses represent a considerable risk of the ship being exposed to piracy or armed robbery

5) how the crew shall act in case of armed robbery or attempts hereof and on instruction of the crew each and every time the ship is about to enter an area representing a considerable risk of the ship being exposed to piracy or armed robbery

6) reporting to the shipping company, the authorities and other ships in the area in case of armed robbery or attempts hereof.

Subsection 2. The procedures shall be developed in consideration of the recommendations and guidelines issued by the IMO (International Maritime Organization) on navigation in areas representing a risk of piracy and armed robbery. When assessing what measures to take on each individual ship, consideration shall be paid to the current threat etc in the relevant area, the ship's size and speed, the equipment on board as well as any other measures taken outside the ship, such as watchkeeping on the quay.

Subsection 3. The recommendations and guidelines mentioned in subsection 2 are available from the webpage of the Faroese Maritime Authority, www.fma.fo

Section 8. If a master turns off the ship's AIS transmission due to a risk of piracy and armed robbery, it shall be recorded in the ship's log stating the date, time and position, just as the shipping company shall be informed. Subsequently, the shipping company shall regularly be notified about the ship's position until the AIS transmission is resumed, unless the master assesses that such notification could endanger the ship's crew. Similarly, it shall be recorded in the ship's log stating the date, time and position when the AIS transmission is resumed again.

Section 9. As regards ships engaged on voyages in the area defined as the high risk area in the "Best Management Practices for Protection against Somalia Based Piracy" (BMP), the procedures mentioned in sections 3-7 shall, furthermore, to the extent relevant, be made in consideration of the industry's recommendations in the mentioned BMP, which is available from the webpage of the Faroese Maritime Authority, www.fma.fo

Section 10. In the high risk area the reports mentioned in section 7 subsection 1, No. 6 shall also be made to UKMTO³⁾ and MSCHOA.

Section 11. Shipping companies shall monitor their ships when they navigate the high risk area.

Subsection 2. When a ship enters or leaves the high risk area, the master shall notify the shipping company. As long as the ship is in the high risk area, the master shall at least every fourth hour notify the shipping company of the ship's position unless the master assesses that such notification would endanger the crew.

Subsection 3. The shipping company shall designate a contact person to receive the notifications mentioned in subsection 2.

Subsection 4. The on-going notification from the ship to the shipping company mentioned in subsection 2 may be replaced by the shipping company's monitoring of the ship by means of an automatic electronic tracking system at minimum the same frequency.

Section 12. When a ship enters the areas defined as the high risk area and the “UKMTO Voluntary Reporting Area”, respectively, the recommendations in the BMP to register with MSCHOA and to report to UKMTO shall be observed.

Verification of the procedures

Section 13. The procedures required pursuant to this executive order shall form part of the verification made by the Faroese Maritime Authority or an organisation recognized by the Faroese Maritime Authority of the ISM- and ISPS system of the relevant ship and shipping company.

Penalty provisions

Section 14. Contraventions of this executive order shall be liable to punishment by fine or imprisonment for a term not exceeding 2 year.

Subsection 2. Companies, etc. (legal persons) may incur criminal liability according to the regulations in chapter 5 of the penal code.

Entry into force

Section 15. This executive order shall enter into force on 1 November 2013.

Faroese Maritime Authority, 7 October 2013

Hans Johannes á Brúgv, Director

/ Petur Elias Nielsen, legal advisor

- 1) Maritime Security Center Horn of Africa (MSCHOA)
- 2) Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia Information Sharing Center (ReCAAP ISC)
- 3) UK Maritime Trade Operations (UKMTO)