

(Translation. Only the Faroese version has legal validity)

**Executive Order no. 104 of 9 July 2019 on small vessels carrying a maximum of up to 12 passengers**

Under the provisions in section 1 subsection 2, sections 7-10, section 15 subsection 2, section 18 subsection 2 and 3 and section 49 subsection 2 in Parliamentary Act no. 165 of 21 December 2001 on Safety at Sea as amended by Parliamentary Act no. 71 of 30 May 2011 and Parliamentary Act no. 61 of 17 May 2013, the following shall be laid down:

**Section 1.** The executive order applies to commercial voyages with up to 12 passengers by vessels with a length L below 15 metres and scantlings below 100.

*Subsection 2.* The executive order shall also apply to wooden vessels of primitive build, and vessels not propelled by mechanical means.

*Subsection 3.* Voyages organized by schools, training institutions, treatment centres, day-care centres, after-school centres etc. with pupils and other persons associated with the institutions shall be considered voyages carried out as commercial activity.

*Subsection 4.* In case of doubt, the Faroese Maritime Authority shall decide the matter.

**Section 2.** In the annexes to this executive order, the following definitions shall apply:

- 1) Breadth B: The greatest breadth of the vessel.
- 2) Scantling: The length L1 multiplied by the breadth B.
- 3) Scantling for fishing vessels: The vessel's Loa multiplied by the vessel's breadth: (Loa x B).
- 4) Length L1: The length measured from the foreside of the intersection of the plating with the topside of the deck at the stem to the after side of the intersection of the plating with the deck at the stern. On open vessels, the length shall be measured at the topside of the gunwale.
- 5) Professional training in navigation: Navigation where one person on board is trained with a view to passing a test in navigation or completing a relevant training period with a view to training in navigation in the relevant type of vessel.

**Section 3.** The shipowner shall ensure that the vessel is used in accordance with good seamanship and that human lives at sea are secured in a fully satisfactory way, and that the vessel is manned, constructed, equipped and maintained so that it is suitable for its purpose.

**Section 4.** The shipowner shall lay down written safety instructions for safe use of the vessel that:

- 1) identify the company or person responsible for passenger voyages,
- 2) describe the navigational activities for which the vessel is used,

- 3) describe the risk factors associated with the navigational activities,
- 4) describe the measures taken to reduce the risks with the navigational activities,
- 5) describe the vessel, including its technical specifications, the equipment that shall be available on board as well as its maintenance,
- 6) determine the number of crewmembers and describe the training to be had by the vessel's master, crew and instructors at any time,
- 7) determine the navigational restrictions to the vessel that the master shall observe in order that the voyages are safe, including among others limitation on waters, seasons, weather conditions, sea temperatures and the maximum number of persons on board,
- 8) determine the measures that shall have been taken on board and ashore so that it is, insofar as altogether possible, ensured in case of fire, capsizing, collision and similar accidents that all those on board can be saved and kept alive until assistance arrives, also if the persons are lying in the water,
- 9) ensure that it is always possible to call assistance in case of accidents.
- 10) ensure that information about the number of persons on board always is known and kept ashore and is easily accessible in case of a rescue operation,
- 11) ensure that safety instructions are always given to new persons on board before the start of the voyage, and
- 12) describe how to prevent that unintended incidents or accidents recur.

*Subsection 2.* The shipowner shall ensure that the one drawing up the safety instructions has the relevant maritime knowledge, skills and competences for navigating the vessels concerned, including the following:

- 1) has thorough knowledge of maritime safety, good seamanship and rescue at sea,
- 2) has knowledge of the use of maritime radio systems,
- 3) has an understanding of communication at sea, and
- 4) has thorough knowledge of assessing the importance of the weather conditions to the voyage.

*Subsection 3.* The safety instructions shall be drawn up in accordance with the provisions in annex 4.

*Subsection 4.* The shipowner shall ensure that the safety instructions are always true in relation to the current navigational activities.

*Subsection 5.* The safety instructions shall be known by the vessel's master and be accessible to the master in connection with the use of the vessel.

*Subsection 6.* Passengers shall have a possibility of familiarising themselves with the safety instructions before the start of the voyage.

*Subsection 7.* The safety instructions shall be forwarded to the Faroese Maritime Authority upon request.

*Subsection 8.* The Faroese Maritime Authority may control whether the safety instructions pursuant to section 4 are adequate in relation to the current navigational activities carried out in practice and whether the safety level is in accordance with the guidelines in annex 4.

**Section 5.** The master of a vessel covered by this executive order shall ensure that the vessel is navigated in accordance with good seamanship and that human lives at sea are secured in a fully satisfactory way and that the vessel is navigated in accordance with the safety instructions in annex 4.

**Section 6.** Vessels with scantlings below 20 shall, in addition to what is stipulated in this executive order, meet the requirements for construction, equipment, surveys, registration and certificates shown in annex 1.

**Section 7.** Vessels with scantlings of or above 20 shall, in addition to what is stipulated in this executive order, also meet the requirements in annex 2 as well as the requirements in executive order from the Faroese Maritime Authority on construction and equipment, etc. of small commercial vessels (Notice F).

**Section 8.** Vessels exclusively used for professional training in navigation shall, instead of what is stipulated in sections 7 and 8, meet the requirements for construction and equipment shown in annex 3.

*Subsection 2.* The Faroese Maritime Authority may permit that other similar voyages with up to 12 passengers are carried out by vessels meeting the requirements for construction and equipment shown in annex 3.

**Section 9.** Where this executive order and the associated annexes require that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made, the Faroese Maritime Authority may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that vessel, if it is satisfied by trial thereof or otherwise that such fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by this executive order.

*Subsection 2.* The Faroese Maritime Authority accepts tests carried out by recognised test institutes, including test institutes in EU member States or in countries covered by the EEA agreement providing appropriate guarantees of a technical, professional and impartial quality assurance.

**Section 10.** Violation of sections 3-5 shall be punished by fine or imprisonment for up to 2 years.

*Subsection 2.* Companies and other legal persons shall incur criminal liability under the regulations in chapter 5 of the Faroese Penal Code.

**Section 11.** This executive order comes into force 15 July 2019. At the same time Technical Regulation no. 10004 of 6 February 1992 on cargo- and fishing vessels carrying a maximum of 12 passengers, shall be repealed.

*Subsection 2.* Vessels that have been approved by the Faroese Maritime Authority and which hold a valid permit to carry passengers shall have a right to continue carrying passengers for as long as the permit is valid, or the permit is made void due to other reasons. New approval is granted in accordance with the provisions in this executive order.

*Subsection 3.* The safety instructions, cf. section 4, shall, irrespective of the provisions in subsection 2, be established for all vessels no later than three months after the entry into force of this executive order.

Ministry of Foreign Affairs, Industry and Trade, 9 July 2019

Poul Michelsen

Minister

/Herálvur Joensen

**Vessels with scantlings below 20**

**Regulation 1 – Survey, approval and registration of vessels with a propelling power below 100 kW**

1. The Faroese Maritime Authority surveys vessels with scantlings below 20 and with a propelling power below 100 kW. The survey may include compliance with the safety provisions of the regulation, including whether the shipowner's safety instructions pursuant to section 4 are adequate in relation to the actual navigational activities.

**Regulation 2 – Survey, approval and registration of vessels with a propelling power of or above 100 kW**

1. Vessels with a propelling power of or above 100 kW shall, at the shipowner's request, be reported to the Faroese Maritime Authority. These vessels shall be surveyed pursuant to 1.1-1.4

1.1 An initial survey before the vessel is put in service.

1.2 A renewal survey once every 48 months.

1.3 An intermediate survey within 21 and 27 months before the deadline of the next renewal survey.

1.4. Additional surveys according to the Faroese Maritime Authority's assessment in case of major repairs, renewals or where the vessel's use is changed considerably in relation to the shipowner's safety instructions previously in force pursuant to section 4, additional surveys than those mentioned in item 1.1-1.3 may be required.

2. The surveys referred to above shall be carried out as follows:

2.1 The initial survey shall include an inspection of the vessel's structure, machinery and equipment, and of whether it is suitable for the trade for which it is intended. In addition, the initial survey shall include a control of compliance with the safety instructions of this executive order, including whether the shipowner's safety instructions are adequate in relation to the actual navigational activities. Furthermore, it shall be controlled whether the shipowner's established navigational restrictions for the vessel follow the principles of indicating trade areas stipulated in executive order from the Faroese Maritime Authority on construction and equipment, etc. of small commercial vessels (Notice F).

2.2 The renewal survey shall include an inspection of the structure, machinery and equipment in order to ensure that they meet the requirements of the executive order, are in satisfactory order and suitable for the trade for which the vessel is intended. In addition, the inspection shall include a control of compliance with the safety instructions of this executive order. It shall especially be assessed whether the shipowner's safety instructions continue to be adequate in relation to the actual navigational activities.

2.3 Intermediate surveys shall be carried out by the shipowner as a self-regulatory control by forwarding the shipowner's safety instructions, pursuant to section 4, to the Faroese Maritime Authority with a declaration that the instructions are still adequate, that the structure, equipment and machinery have been controlled and maintained and that the vessel is still suitable for the trade for which it is intended.

### **Regulation 3 – Certificates and documentation for vessels with a propelling power of or above 100 kW**

1. A passenger permit shall be issued by the Faroese Maritime Authority after a completed initial or renewal survey for a period not exceeding 48 months. After a completed intermediate survey pursuant to regulation 2.3, the date of this survey shall be endorsed on the passenger permit by the shipowner. The passenger permit shall contain information about the vessel's trade area, the maximum number of persons permitted on board, maximum number of passengers as well as the date of the next intermediate survey and the latest date of the renewal survey. The validity of the passenger permit shall cease if surveys have not been held within the dates stipulated.
2. When a renewal survey is completed within three months before the expiry date, the new passenger permit shall be valid to a date not exceeding 48 months from the date of expiry of the existing passenger permit.
3. When a renewal survey is completed more than three months before the expiry date, the new passenger permit shall be valid to a date not exceeding 48 months from the date of completion of the renewal survey.
4. When a renewal survey is completed after the date of expiry of the existing passenger permit, the new passenger permit shall be valid to a date not exceeding 48 months from the date of expiry of the existing permit.
5. If, at the date of expiry of an existing passenger permit, the Faroese Maritime Authority is informed that a vessel is laid up, the new passenger permit shall be valid until a date not exceeding 48 months from the date of the renewal survey.
6. The passenger permit shall be issued in duplicate. One of them shall be located in a place on board that is conspicuous to the passengers, while the other shall be kept together with the shipowner's safety instructions that shall be accessible to the vessel's master in connection with the use of the vessel.
7. No vessel shall be engaged in service with passengers without the passenger permit mentioned in no. 1 or outside the trade area mentioned in the permit or with more passengers than mentioned therein.

### **Regulation 4 – Documentation**

1. The vessel's master shall be familiar with and have access to the shipowner's safety instructions in connection with the use of the vessel.

## **Regulation 5 – Construction**

1. The vessel shall be constructed so that is fit for the use given in the shipowner's safety instructions in terms of strength, buoyancy, stability and the ability to resist weather and the sea.

## **Regulation 6 – Fire protection**

1. Where there is a risk of fire on board, appropriate measures shall have been taken to prevent this.

2. Measures shall have been taken against the spread of fire on board. This may have the form of suitable fire-extinguishing means on board or procedures ensuring that there is no risk to the persons on board in case of a fire.

## **Regulation 7 – Equipment**

1. Where it has been considered relevant according to the shipowner's safety instructions, the vessel shall be arranged and fitted with means for the following:

- 1.1 Retrieval from the water of persons who have fallen overboard.
  - 1.2 Discharge.
  - 1.3 First-aid treatment.
  - 1.4 Anchoring and mooring.
  - 1.5 Emergency propulsion.
  - 1.6 Navigation.
  - 1.7 Communication with other vessels or the shore.
  - 1.8 To attract attention with a view to being assisted in emergencies.
  - 1.9 Thermal protection of the crew and passengers.
  - 1.10 Spare parts and tools.
  - 1.11 Additional equipment for ensuring the health and safety of those on board.
  - 1.12 Prevention of pollution of the marine environment.
  - 1.13 Deck shelter or other protection against the weather.
  - 1.14 Shielding of propellers, motors, rotating parts and hot surfaces.
  - 1.15 Instruction in the operation of equipment, motors and the vessel in general.
2. The vessel shall be fitted with light, sound and signalling equipment in accordance with international regulations for preventing collision at sea and local navigational regulations.

3. The vessel shall be equipped with life jackets that fit all those on board in terms of size and buoyancy.

3.1 Life jackets shall be CE-marked.

3.2 Life jackets used in combination with immersion suits shall have a buoyancy of at least 275 Newton.

3.3 On the condition that the persons on board can swim and that there is an immediate possibility of being retrieved from the water by an accompanying vessel nearby, the required life jackets may be replaced by CE-marked buoyancy aids provided that they are fitted with reflexes.

3.4 Where buoyancy aids are being used, pursuant to 3.3, persons shall wear supplementary clothing in signalling colours to increase the visibility when lying in the water. If the buoyancy aids are made of signalling colours, the requirement for supplementary clothing in signalling colours is not considered to be necessary.

4. The vessel shall be equipped with one or more approved SOLAS life rafts or approved four-person life rafts capable of retrieving all those on board. If not, other measures shall have been taken to ensure a similar safety level.

#### **Regulation 8 – Special requirements for fast-going vessels**

1. When drawing up the safety instructions, pursuant to section 4, a special assessment of the presence of the following risk factors shall be included for fast-going vessels (RIBs, speedboats, etc.) as well as a description of the measures taken to reduce these. These risks and measures may inter alia be:

1.1 Protection of those on board against the effect of excessive acceleration and braking forces.

1.2 Prevention of back injuries and the like in connection with heavy effects during navigation in waves.

1.3 Ensure falls overboard or injury as a consequence of falls or blows. Presence of personal protective aids for preventing falls overboard or injury as a consequence of falls or blows.

1.4 Prevention against being exposed to hypothermia as a consequence of the effects of the wind and sea.

1.5 The effect of high speed on an increased risk of collision or grounding.

#### **Regulation 9 – Conditions which require special cautions**

1. When drawing up the safety instructions, pursuant to section 4, a special assessment of the presence of the following risk factors shall be included as well as a description of the measures taken to reduce these. These risks and measures may be:



1.1 Reduced geographical coverage by using means of communication such as e.g. mobile telephones, VHF and other means of communication and emergency signalling.

1.2 Reduced possibility of assistance reaching the place of the accident.

1.3 Quickly changing weather conditions.

1.4 Special risk of hypothermia as a consequence of low water and air temperatures.

#### **Regulation 10 – Use of CE-marked vessels**

1. Vessels that are CE-marked and comply with the recreational craft directive<sup>1)</sup> shall be considered to meet the requirements for the vessel's design and construction following from regulations 5 and 6.

## **Vessels with scantlings of or above 20**

### **Regulation 1 – Survey, approval and registration**

1. Vessels covered by this annex shall, at the shipowner's request, be reported to the Faroese Maritime Authority. These vessels shall be surveyed pursuant to 1.1-1.4

1.1 An initial survey before the vessel is put in service.

1.2 A renewal survey once every 48 months.

1.3 An intermediate survey within 21-27 months before the deadline of the next renewal survey.

1.4 Additional surveys according to the Faroese Maritime Authority's assessment in case of major repairs, renewals or where the vessel's use is changed considerably in relation to the shipowner's safety instructions previously in force pursuant to section 4, additional surveys than those mentioned in item 1.1-1.3 may be required.

2. The surveys referred to above shall be carried out as follows:

2.1 The initial survey shall include an inspection of the vessel's structure, machinery and equipment, and of whether it is suitable for the trade for which it is intended. In addition, the initial survey shall include a control of compliance with the safety instructions of this executive order, including whether the shipowner's safety instructions are adequate in relation to the actual navigational activities. Furthermore, it shall be controlled whether the shipowner's established navigational restrictions for the vessel follow the principles of indicating trade areas stipulated in executive order from the Faroese Maritime Authority on construction and equipment, etc. of small commercial vessels (Notice F).

2.2 The renewal survey shall include an inspection of the structure, machinery and equipment in order to ensure that they meet the requirements of the executive order, are in satisfactory order and suitable for the trade for which the vessel is intended. In addition, the inspection shall include a control of compliance with the safety instructions of this executive order. It shall especially be assessed whether the shipowner's safety instructions continue to be adequate in relation to the actual navigational activities.

2.3 Intermediate surveys shall be carried out by the shipowner as a self-regulatory control by forwarding the shipowner's safety instructions, pursuant to section 4, to the Faroese Maritime Authority with a declaration that the instructions are still adequate, that the structure, equipment and machinery have been controlled and maintained and that the vessel is still suitable for the trade for which it is intended.

### **Regulation 2. Certificates and documentation**

1. A passenger permit shall be issued by the Faroese Maritime Authority after a completed initial or renewal survey for a period not exceeding 48 months. After a completed intermediate survey pursuant to regulation 1.2.3, the date of this survey shall be endorsed on the passenger permit by the shipowner. The passenger permit shall contain information about the vessel's trade area, the maximum number of persons permitted on board, maximum number of passengers as well as the date of the next intermediate survey and the latest date of the renewal survey. The validity of the passenger permit shall cease if surveys have not been held within the dates stipulated.
2. When a renewal survey is completed within three months before the expiry date, the new passenger permit shall be valid to a date not exceeding 48 months from the date of expiry of the existing passenger permit.
3. When a renewal survey is completed more than three months before the expiry date, the new passenger permit shall be valid to a date not exceeding 48 months from the date of completion of the renewal survey.
4. When a renewal survey is completed after the date of expiry of the existing passenger permit, the new passenger permit shall be valid to a date not exceeding 48 months from the date of expiry of the existing permit.
5. If, at the date of expiry of an existing passenger permit, the Faroese Maritime Authority is informed that a vessel is laid up, the new passenger permit shall be valid until a date not exceeding 48 months from the date of the renewal survey.
6. The passenger permit shall be issued in duplicate. One of them shall be located in a place on board that is conspicuous to the passengers, while the other shall be kept together with the shipowner's safety instructions that shall be accessible to the vessel's master in connection with the use of the vessel.
7. No vessel shall be engaged in service with passengers without the passenger permit mentioned in no. 1 or outside the trade area mentioned in the permit or with more passengers than mentioned therein.

### **Regulation 3 – Construction**

1. The vessel shall be constructed in accordance with executive order from the Faroese Maritime Authority on construction and equipment, etc. of small commercial vessels (Notice F).
2. The vessel shall, irrespective of its age and size, meet the requirements for commercial vessels with a length L of or above 12 metres constructed on or after 1 October 2007.

### **Regulation 4 – Stability**

1. For vessels where there is no requirement for approved stability information, the vessel's heel shall not be greater than 10 degrees when a weight corresponding to the greatest number of persons

that the vessel is permitted to carry is placed as far in the side as possible. The weight corresponding to a person shall be established as 75 kg.

2. Vessels arranged for all sails set shall be especially assessed by the Faroese Maritime Authority.

### **Regulation 5 – Freeboard conditions**

1. Decked vessels shall have a freeboard that is at least 5% of the vessel's breadth, however never smaller than 0.30 metres, or the minimum freeboard determined by the stability information.

### **Regulation 6 – Fire protection, fire detection and fire-fighting**

1. Outboard motors using petrol shall be fitted with a suitable fire-extinguishing system.

### **Regulation 7 – Accommodation areas and accommodation spaces for passengers**

1. The accommodation on vessels regularly carrying overnight passengers on voyages, shall be fitted with berths for all those on board.

2. There shall be a toilet with a washbasin.

3. The seats and floor area in the accommodation shall be reasonable in consideration of the passengers' normal clothes and need for bringing along luggage.

### **Regulation 8 – Equipment**

1. For everybody on board, a life jacket of an approved type with an approved light shall be available. In addition, unless these life jackets can also be used by children or special conditions apply, life jackets suitable for children shall be available in a number corresponding to 10% of the greatest number of passengers permitted. The number of life jackets suitable for children shall, however, never be lower than the actual number of children on board.

### **Regulation 9 – Radio equipment**

1. Vessels shall as a minimum be fitted with an approved VHF-DSC radio system as well as an AIS-SART.

### **Regulation 10 – Special requirements for fast-going vessels**

1. When drawing up the safety instructions, pursuant to section 4, a special assessment of the presence of the following risk factors shall be included for fast-going vessels (RIBs, speedboats, etc.) as well as a description of the measures taken to reduce these. These risks and measures may inter alia be:

1.1 Protection of those on board against the effect of excessive acceleration and braking forces.

1.2 Prevention of back injuries and the like in connection with heavy effects during navigation in waves.

1.3 Ensure falls overboard or injury as a consequence of falls or blows. Presence of personal protective aids for preventing falls overboard or injury as a consequence of falls or blows.

1.4 Prevention against being exposed to hypothermia as a consequence of the effects of the wind and sea.

1.5 The effect of high speed on an increased risk of collision or grounding.

### **Regulation 11 – Conditions which require special cautions**

1. When drawing up the safety instructions, pursuant to section 4, a special assessment of the presence of the following risk factors shall be included as well as a description of the measures taken to reduce these. These risks and measures may be:

1.1 Reduced geographical coverage by using means of communication such as e.g. mobile telephones, VHF and other means of communication and emergency signalling.

1.2 Reduced possibility of assistance reaching the place of the accident.

1.3 Quickly changing weather conditions.

1.4 Special risk of hypothermia as a consequence of low water and air temperatures.

2. Vessels shall be fitted with a “float-free” 406 MHz EPIRB, VHF radio and a MF-DSC radio.

### **Regulation 12 – Equivalents**

1. Vessels covered by this regulation may, instead of what is contained in regulations 3-9, be constructed or equipped in another way or according to other standards if it is demonstrated in the shipowner’s safety instructions that measures have been taken that provide an equivalent safety level. However, this requires that the vessel is suitable for the use for which it is intended.

**Vessels used for professional training in navigation**

**Regulation 1 – Survey, approval and registration**

1. The Faroese Maritime Authority surveys compliance with the safety provisions of the regulation, including whether the shipowner's safety instructions pursuant to section 4 are adequate in relation to the actual navigational activities.

**Regulation 2 – Documentation**

1. The shipowner shall document the training period by means of teaching plans, course material and a description of the final test.

**Regulation 3 – Construction**

1. The vessel shall be constructed so that is fit for the use given in the shipowner's safety instructions in terms of strength, buoyancy, stability and the ability to resist weather and the sea.

2. The vessel shall comply with the requirements and guidelines laid down by the company or organisation responsible for the test in which it is being taught.

**Regulation 4 – Fire protection**

1. Where there is a risk of fire on board, appropriate measures shall have been taken to prevent this.

2. Measures shall have been taken against the spread of fire on board. This may have the form of suitable fire-extinguishing means on board or procedures ensuring that there is no risk to the persons on board in case of a fire.

**Regulation 5 – Equipment**

1. Where it has been considered relevant according to the shipowner's safety instructions, the vessel shall be arranged and fitted with means for the following:

1.1 Retrieval from the water of persons who have fallen overboard.

1.2 Discharge.

1.3 First-aid treatment.

1.4 Anchoring and mooring.

1.5 Emergency propulsion.

1.6 Navigation.

1.7 Communication with other vessels or the shore.

1.8 To attract attention with a view to being assisted in emergencies.

1.9 Thermal protection of the crew and passengers.

1.10 Spare parts and tools.

1.11 Additional equipment for ensuring the health and safety of those on board.

1.12 Prevention of pollution of the marine environment.

1.13 Deck shelter or other protection against the weather.

1.14 Shielding of propellers, motors, rotating parts and hot surfaces.

1.15 Instruction in the operation of equipment, motors and the vessel in general.

2. The vessel shall be fitted with light, sound and signalling equipment in accordance with international regulations for preventing collision at sea and local navigational regulations.

3. The vessel shall be equipped with life jackets that fit all those on board in terms of size and buoyancy.

3.1 Life jackets shall be CE-marked.

3.2 Life jackets used in combination with immersion suits shall have a buoyancy of at least 275 Newton.

3.3 On the condition that the persons on board can swim and that there is an immediate possibility of being retrieved from the water by an accompanying vessel nearby, the required life jackets may be replaced by CE-marked buoyancy aids provided that they are fitted with reflexes.

3.4 Where buoyancy aids are being used, pursuant to 3.3, persons shall wear supplementary clothing in signalling colours to increase the visibility when lying in the water. If the buoyancy aids are made of signalling colours, the requirement for supplementary clothing in signalling colours is not considered to be necessary.

4. The vessel shall be equipped with one or more approved SOLAS life rafts or approved four-person life rafts capable of retrieving all those on board. If not, other measures shall have been taken to ensure a similar safety level.

## **Regulation 6 – Special requirements for fast-going vessels**

1. When drawing up the safety instructions, pursuant to section 4, a special assessment of the presence of the following risk factors shall be included for fast-going vessels (RIBs, speedboats, etc.) as well as a description of the measures taken to reduce these. These risks and measures may inter alia be:

1.1 Protection of those on board against the effect of excessive acceleration and braking forces.

1.2 Prevention of back injuries and the like in connection with heavy effects during navigation in waves.

1.3 Ensure falls overboard or injury as a consequence of falls or blows. Presence of personal protective aids for preventing falls overboard or injury as a consequence of falls or blows.

1.4 Prevention against being exposed to hypothermia as a consequence of the effects of the wind and sea.

1.5 The effect of high speed on an increased risk of collision or grounding.

#### **Regulation 7 – Conditions which require special cautions**

1. When drawing up the safety instructions, pursuant to section 4, a special assessment of the presence of the following risk factors shall be included as well as a description of the measures taken to reduce these. These risks and measures may be:

1.1 Reduced geographical coverage by using means of communication such as e.g. mobile telephones, VHF and other means of communication and emergency signalling.

1.2 Reduced possibility of assistance reaching the place of the accident.

1.3 Quickly changing weather conditions.

1.4 Special risk of hypothermia as a consequence of low water and air temperatures.

#### **Regulation 8 – Use of CE-marked vessels**

1. Vessels that are CE-marked and comply with the recreational craft directive<sup>2)</sup> shall be considered to meet the requirements for the vessel's design and construction following from regulations 5 and 6.



## **Guidelines for drawing up safety instructions**

### **Purpose**

To ensure navigation pursuant to the requirements in this executive order, the shipowner shall develop safety instructions for safe navigation by the vessel(s) that the shipowner is responsible for. The purpose with the safety instruction is that the shipowner:

- 1) identifies himself as the one who has the overall responsibility for the navigational activities,
- 2) establishes the navigational activities concerned,
- 3) identifies the risks associated with the navigational activities,
- 4) takes technical and operational measures that effectively counter the risks,
- 5) ensures that the vessel is suitable for the navigational activity and is fitted with the necessary equipment,
- 6) ensures that the crew is sufficient and competent,
- 7) describes the operational measures to be observed by the crew and the passengers,
- 8) ensures that it is possible to save everyone in case of an accident,
- 9) ensures the calling of assistance in case of an accident,
- 10) ensures that information about the number of persons on board is known and kept ashore and is easily accessible in case of a rescue operation,
- 11) ensures that safety instructions are always given to new crew and passengers on board before the start of the voyage, and
- 12) ensures the collection of knowledge and experience with a view to improving safety on an ongoing basis.

### **Who draws up the safety instructions?**

It is the shipowner's responsibility that the safety instructions are drawn up by persons with necessary knowledge, competences and experiences within the specific vessels and navigational activities.

### **Form**

The safety instructions should be brief and easy to read to all users, i.e. the master, the crew and the passengers.

## Contents

The safety instructions shall contain the following:

### 1) Identification of the shipowner and his legal responsibility

“The shipowner” is the person or the company that has ownership of the navigational activities. Consequently, the shipowner is responsible for the choice of navigational activities as well as for how they are planned and carried out. The shipowner may navigate the vessel but does not need to be so. The voyages may be carried out in hired or borrowed vessels. What is decisive is whether the shipowner has ownership of the navigational activities. In the safety instructions, the shipowner’s name and address shall be given.

### 2) Navigational activities

The navigational activities concerned shall briefly be stated as well as where and when they are permitted to take place:

Example 1: Canoeing during the period from [date1] to [date 2] with school classes on Leynavatni or Leitisvatni.

Example 2: Canoeing during the period from [date1] to [date 2] with school classes by Skálafjørð.

Example 3: Speedboat voyages in Sundalagnum and on Vágfirði in favourable conditions of weather (water temperatures min. X° C, air temperatures min. Y° C as well as max. wind speed Z m/s). – Short trips, water ski as well as training with a view to acquiring a certificate of proficiency.

Example 4: Events and voyages with workplaces during the period from [date 1] to [date 2] with a 42’ sailboat to outlying islands and to Suðuroyar in the following conditions of weather: [water- and air temperature, wind speed, wave height, etc.].

Example 5: Short trips in Hestfirði with 30’ motorboat, [date 1] to [date 2], and in the following conditions of weather: [water- and air temperature, wind speed, wave height, etc.].

Example 6: Voyages in the waters immediately off the pier in Tórshavn and on Skálafjørð all year round at max. wind speed X m/s.

Example 7: Short trips with max six passengers to Suðuroyar and outlying islands in a 37’ motorboat, [date 1] to [date 2], only in favourable weather conditions.

Example 8: Occasional passenger transportation by a fishing vessel of up to 12 metres to Suðuroyar, max. four passengers, in favourable weather conditions.

### 3) Identification of risks

The safety risks related to navigation vary considerably depending on the navigational activities and the circumstances.

It shall be the responsibility of the shipowner that the specific navigational activities are carefully examined in the specific circumstances with a view to identifying any considerable risks before the start of the navigational activities. All considerable risks identified shall be listed in the safety

instructions. When additional considerable risks are identified on an ongoing basis, they shall be added to the list as soon as they are identified. Examples of considerable risks are listed in table 1.

When carrying children and young persons, the following risks shall be especially considered:

1. Do those on board know how to swim?
2. Have the parents/guardians consented to the voyage?

When navigating fast-going vessels, the following circumstances shall be especially considered:

1. Risk of collision or grounding (increased risks as a consequence of high speed).
2. Protection of those on board against the effect of excessive acceleration and braking forces.
3. Prevention of back injuries and the like in connection with heavy effects during navigation in waves.
4. Ensure falls overboard or injury as a consequence of falls or blows. Presence of personal protective aids for preventing falls overboard or injury as a consequence of falls or blows.
5. Prevention against being exposed to hyperthermia.

#### **4) Measures to prevent risks**

For each of the considerable risks identified, the shipowner shall ensure that measures are taken that will reduce the risk effectively. They may be technical measures (the vessel's construction and equipment) or operational measures (restrictions in use, etc.).

Examples of considerable risks in connection with a number of navigational activities and measures to prevent these are shown in table 1. The examples illustrate the systematics behind the drawing up of the safety instructions. The risks and measures have not been described exhaustively for the illustrated areas, and in all the examples, there will in reality be far more considerable risks than those shown. It is the shipowner's responsibility that all the considerable risks are identified in connection with the specific navigational activities and to decide on what measures are necessary to prevent them. All risks should be described exhaustively so that the shipowner's considerations are reflected in the safety instructions.

**Table 1: Examples of risks and measures in connection with various navigational activities**

<b>Navigational activity</b>	<b>Risks</b>	<b>Measures</b>
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Canoeing during the period from [date1] to [date 2] with school classes on Leynavatni or Leitisvatni	<p>Hypothermia during voyages</p> <p>Falling overboard</p> <p>Capsizing (especially on large lakes)</p> <p>Risk of drifting away from the shore (in case of currents or offshore wind)</p>	<p>Warm clothing/cancellation (Establishing criteria for this)</p> <p>Use of life jacket (Establish requirements for the properties of the life jackets)</p> <p>Navigational procedures for crossing lakes (for example by following the shore rather than crossing the lake)</p>
Speedboat voyages in Sundalagnum and on Vágssfirði in favourable conditions of weather (water temperatures min. X° C, air temperatures min. Y° C as well as max. wind speed Z m/s) – Short trips, water ski as well as training with a view to acquiring a certificate of proficiency	<p>Falling overboard</p> <p>Flooding</p> <p>Capsizing (especially in high waves)</p> <p>Engine fire</p> <p>Collision and grounding (high speed)</p> <p>Risks of water skiing</p>	<p>Use of life jacket (Establish requirements for the properties of the life jackets)</p> <p>Reduced speed, changing the course, cancelling the voyage. Cancelling the voyage at expected wave heights &gt; xx m and wind speed &gt; xx m/s</p> <p>Fixed fire-extinguishing system for engines</p> <p>Establishing procedures for navigation at high speed</p> <p>Procedures for navigation in connection with water skiing</p>

<p>Events and voyages with workplaces during the period from [date 1] to [date 2] with a 42' sailboat to outlying islands and to Suðuroyar in the following conditions of weather: [water- and air temperature, wind speed, wave height, etc.]</p>	<p>Capsizing (navigation in heavy weather)</p> <p>Collision (especially at trafficked channels)</p> <p>Grounding (especially in connection with navigation during the night)</p> <p>Fire (e.g. in engine room or pantry)</p> <p>Water ingress through seawater intakes</p> <p>Rescue in case of loss</p>	<p>Weather criteria, incl. in connection with the use of spinnakers</p> <p>Navigational planning and especially vigilance</p> <p>Navigation during the night only in open waters, special vigilance</p> <p>Fixed fire-extinguishing system in engine rooms, portable extinguisher and fire blanket in pantry</p> <p>Maintenance of sea valves</p> <p>Life raft and possibility for calling assistance (radio installation, VHF-DSC)</p>
<p>Voyages in the waters immediately off the pier in Tórshavn and on Skálafjørðinum all year round at max. wind speed X m/s</p>	<p>Flooding</p> <p>Risk of capsizing</p> <p>Hypothermia during voyages</p>	<p>Training in capsizing and righting</p> <p>Ensuring immediate assistance from an accompanying boat</p> <p>Insulating clothing</p> <p>Dry suit/wet suit</p>

Short trips with max six passengers to Suðuroyar and outlying islands in a 37' motorboat, [date 1] to [date 2], only in favourable weather conditions	<p>Engine fire</p> <p>Engine stop</p> <p>Grounding</p> <p>Collision</p> <p>Fast change of weather with strong wind and sea</p> <p>Rescue in case of loss</p> <p>Hypothermia during voyages</p>	<p>Installation of fixed fire-extinguishing system in engine room</p> <p>Anchoring, assistance from ashore</p> <p>Navigational planning and especially vigilance</p> <p>Navigational planning, possibility of seeking shelter</p> <p>Life raft, calling assistance (radio installations, VHF-DSC)</p> <p>Thermal protection, immersion suits</p>
Occasional passenger transportation by a fishing vessel of up to 12 metres to Suðuroyar, max. four passengers, in favourable weather conditions [water- and air temperature, wind speed, wave height, etc.]	<p>(In principle, as in the above example)</p> <p>Impaired possibility of calling assistance when navigating areas with lacking radio coverage (VHF/medium wave)</p> <p>Risks associated with passengers on fishing vessels (gear, lack of room, etc.)</p>	<p>Measures as mentioned above. Examine the possibility that iridium telephony may function in combination with other measures as an alternative to VHF-DSC</p> <p>Measures limiting the passengers' access to areas with fishing gear as well as the securing of room for all the passengers on board in accommodation spaces</p>

## 5) Description of the vessel and equipment

The shipowner shall ensure that the vessel is suitable for the specific navigational activity and that it is fitted with the necessary equipment for countering the considerable risks. The vessel, its technical specifications and the equipment that shall be available on board shall be listed. It shall be clearly stated according to which standards the vessel is built and for which use it is intended.

[The technical specifications of the vessel and the list of equipment are annexed].

Examples:

1. Pleasure vessel, CE-marked according to “the recreational craft directive”, intended for navigation in sea area B.

2. Offshore vessels: Constructed for offshore navigation, max. wind speed 8, significant wave height max. 4 metres. Max six persons on board.

It is the responsibility of the shipowner that the vessel and the equipment are at any time maintained and that it is described how this is ensured. This may for example be through the use of checklists of equipment, periodic inspection of the vessel and equipment or control during voyages.

In addition, it is the responsibility of the shipowner that requirements are stipulated for the passengers or pupils’ behaviour, obligations and competences. For example, it may be a requirement that the pupils know how to swim, that they have previous experience prior to taking part in kayaking activities.

## **6) The crew and its competences**

On the basis of the navigational activities, the shipowner shall be obliged to ensure that the vessel’s crew is sufficient in number and competent to navigate the vessel safely. The requirements for the crew competences will vary in accordance with the specific vessels and navigational activities. The requirements will increase the larger the vessels and the greater the risks. The minimum requirements for the crew are stipulated in executive order on safe manning document for vessels carrying up to 12 passengers.

Example:

Canoeing with pupils on lakes during the summer.

The vessels are small and easy to operate and the risks are limited. The shipowner assesses that there shall be at least one teacher per X children and that all the teachers shall have experience in navigation and safety. At least one teacher shall have passed a relevant course in navigation and safety. In order to counter the risks associated with capsizing and falls overboard, all the teachers shall be able to swim X metres and be capable of rescuing an unconscious person X metres, provide first aid, operate communication equipment, etc.

The risks are increased if canoeing voyages are carried out at sea. The shipowner shall take account of this, which can for example involve increasing the requirements for the teachers’ competences.

Example:

Navigation with pupils in one-man dinghies with teachers in accompanying boats.

The shipowner shall be responsible for ensuring that the teachers are competent for navigating accompanying boats. In this connection, a certificate of proficiency offered by the Kvøldskúlanum may be relevant training. Furthermore, the shipowner of such vessels should consider whether there

is a need for other competences. For example, knowledge of navigation in connection with water skiing, navigation with fast-going vessels or others.

#### **7) Operational measures to be observed by the crew and passengers**

If the shipowner has identified any risks that are countered by operational restrictions, they shall be stated in the safety instructions. They may have the form of geographical restrictions to the use, the time of the year and the time of day during which the voyages can take place as well as any restrictions to the number of persons on board.

#### **8) Measures ensuring that everyone can be rescued in case of an accident**

The shipowner shall be responsible for ensuring that account is taken of the safety in case of the worst possible accident, i.e. in cases where those on board have to desert the vessel due to loss, capsizing, fire or the like. It shall be ensured that measures have been taken to rescue everyone on board even if the vessel is lost. This may be countered in a number of ways, among other things with possibility of being rescued by means of a life raft and thermal protection, possibility of being rescued by means of an accompanying boat and by a stand-by emergency preparedness being established ashore.

All possible scenarios are not included in this list, and the shipowner himself determines the procedure for his safety instructions. What is decisive is that the shipowner has ensured beforehand that all the worst scenarios have been considered and that measures have been established to effectively ensure in these cases that everyone is rescued and kept alive until assistance gets there. The shipowner shall ensure that these situations are described together with effective measures.

#### **9) Measures ensuring that it is always possible to call for assistance in case of accidents**

In case of an accident, it is decisive that it is possible to call for assistance as soon as possible. Depending on the area, the traffic density, the weather conditions and the distance to the shore, it should be considered what means would be effective for calling assistance, examples hereof may be by means of radio equipment, mobile or iridium telephony. Furthermore, indirect means should be available, such as e.g. distress signal rockets, foghorns or other means of signalling.

#### **10) Measures ensuring that information about the number of persons on board is known and kept ashore and is easily accessible in case of a rescue operation**

Before the voyage, it should be ensured that persons who do not take part in the voyage as such are informed about the planned duration of the voyage, the number of persons on board as well as the planned route. Furthermore, fixed agreements about the times of contact should be available and about alarming if persons ashore realize that the voyage deviates from what has been agreed without any report about any changes having been made.

#### **11) Measures ensuring that safety instructions are always given to new crew and passengers on board before the start of the voyage**



Special account should be taken of the fact that there may be persons on board who cannot be presupposed to have any previous navigational or maritime safety related experience. Consequently, it is of the utmost importance that all persons are, before the voyage is initiated, informed about, for example, the use of lifesaving appliances, how the planned voyage is expected to be, and what should be done in an emergency.

## **12) Measures describing how it is ensured that a follow-up is made on unintended incidents and accidents**

It is essential to the shipowner's work with safety that a follow-up is continuously made on unintended incidents, accidents and other conditions related to safety on board. Consequently, the shipowner shall in the safety instructions indicate how a follow-up is made on these conditions.

1) Council Directive 94/25/EC of 16 June 1994

2) Council Directive 94/25/EC of 16 June 1994