

(Translation. Only the Faroese version has legal validity)

Executive order No. 92 of 2 June 2021 on seafarers' hours of rest employed on fishing vessels

Under the provisions in section 55, subsection 1 and section 68 in Parliamentary Act No. 4 of 15 January 1988 on seafarers' condition of employment etc, as amended by Parliamentary Act No. 71 of 30 May 2011, the following shall be laid down:

Section 1. This executive order shall apply to seafarers who serve on fishing vessels cf. section 1 subsection 1 and section 47 in the Parliamentary Act.

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

- 1) Period of rest: A consecutive period of no less than one hour and which is not working hours.
- 2) Working day: A 24-hour period commencing the first time a seafarer starts working on a calendar day.
- 3) Week: A period of seven consecutive days.

Section 3. Seafarers shall have regular periods of rest of sufficient length to ensure health and safety.

Subsection 2. Within each working day seafarers of 18 years of age or more shall be entitled to a minimum hour of rest of 10 hours. The hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length. The interval between two consecutive rest periods shall not exceed 14 hours.

Subsection 3. The total hours of rest during a week shall be no less than 77 hours.

Section 4. Subject to health and safety for the seafarers on board, it might be derogated from the provision in section 3 subsection 2 and 3 when necessary for the catch or for handling of the catch.

Subsection 2. Seafarers who are required to work during a planned period of rest pursuant to subsection 1, shall have a rest period as soon as possible upon restoration of normal conditions.

Section 5. Seafarers under 18 years of age shall altogether be entitled to a minimum rest period of no less than 12 hours within each working day.

Subsection 2. In general, the rest period shall be in the interval between 12 am and 05 am.

Subsection 3. For watchkeeping seafarers under 18 years of age, the hour of rest may be divided into no more than two rest periods, one of which shall be at least 9 hours in length, and in the interval between 12 am and 5 am.

Subsection 4. The interval between two consecutive rest periods shall not exceed 12 hours.

Subsection 5. The total hours of rest during a week shall be no less than 84 hours.

Subsection 6. Subsections 2 and 3 shall not apply to seafarers under 18 years of age if another agreement of rest periods is necessary as part of professional training approved by the Ministry of Education, Research and Culture.

Section 6. The master shall have the right to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board, catch, or for the giving of assistance to other ships or persons in distress at sea.

Subsection 2. The provisions in sections 3 to 5 may be derogated from in the situations mentioned in subsection 1.

Section 7. Violation of sections 3,4, or section 5 subsection 1 and 3-5 shall be punished by fine.

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

Subsection 3. When determining criminal liability according to subsection 2, persons employed to carry out work on board the ship by others than the shipowner shall also be considered as being associated with the shipowner. If a document of compliance has been issued pursuant to the International Safety Management Code or a certificate pursuant to the Maritime Labour Convention or the ILO Convention 188 Work in Fishing has been issued to another company or person, the master of the vessel as well as the seafarers shall be considered to be associated with the person to whom the document has been issued.

Section 8. This executive order comes into force the day after it has been promulgated.

Ministry of Environment, Industry and Trade, 2 June 2021

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