

(Translation. Only the Faroese version has legal validity)

Executive order No. 90 of 28 August 2024 on accommodation etc. in fishing vessels

Under the provisions in section 7, subsection 2, section 8, section 10 subsection 1, section 15 subsection 2 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:

Scope

Section 1. The executive order shall apply to new fishing vessels with a length L_1 of 15 metres or more and with decks, cf section 2, no. 3.

Subsection 2. For existing fishing vessels pursuant to section 2 no. 4, shipowners may choose to apply this executive order as an alternative to the rules otherwise applicable to their vessels at the entry into force of this executive order.

Definitions

Section 2. For the purposes of this executive order, the following definitions apply:

- 1) Seafarer: Seafarer, master included, comprised by sections 1 and 47 in the Parliamentary Act on Seafarers' Condition of Employment etc.,
- 2) "Fishing vessel": A vessel used for commercial catching of fish, whales, seals, walrus, shellfish or other living resources of the sea, including vessels equipped as fishing vessels and capable of processing their own catch.
- 3) "New fishing vessel": A fishing vessel for which:
 - a) the building or major conversion contract has been placed on or after the date of the entry into force of this executive order,
 - b) the building or major conversion contract has been placed before the date of the entry into force of this executive order, and which is delivered three years or more after that date; or
 - c) in the absence of a building contract, on the date or after the entry into force of this executive order: the keel is laid, or construction identifiable with a specific vessel begins, or assembly has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is less.
- 4) "Existing fishing vessel": A fishing vessel which is not a new fishing vessel.
- 5) Length (L): Shall be taken as 96% of the total length on a waterline at 85% of the least moulded depth measured from the keel line or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake

of keel the waterline on which this length is measured must be parallel to the designed waterline.

6) Length L_1 : 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.

7) "Accommodation": Sleeping rooms, mess rooms, sanitary facilities, hospital accommodation, recreational spaces, offices, etc. as are provided for the use of the seafarers.

Derogations, etc.

Section 3. The Faroese Maritime Authority may, after consultation with the shipowner and seafarer organisations, allow derogations for fishing vessels the daily seagoing service of which does not exceed 24 hours and where the seafarers are not living on board the vessel while in port, on condition that the seafarers concerned have adequate facilities for resting, eating and sanitation purposes.

Subsection 2. The Faroese Maritime Authority may, after consultation with the shipowner and seafarer organisations, allow derogations from the provisions of this executive order to take account, without discrimination, of the interests of seafarers with different distinctive religious and social practices, provided that such derogations do not result in overall conditions less favourable than those which would result from the application of this executive order.

Headroom

Section 4. There shall be adequate headroom in all accommodation.

Subsection 2. The minimum permitted headroom in all accommodation where full and free movement is necessary shall be not less than 200 centimetres.

Openings into and between accommodation spaces

Section 5. There shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms, laundry rooms, communal sanitary areas, storages, rooms for storing paint or similar rooms. That part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or another approved material and shall be watertight and gas tight.

Subsection 2. Common toilet rooms shall, if intended for more than two persons, be separated from sleeping rooms.

Insulation

Section 6. Accommodation shall be adequately insulated, including to prevent condensed water or overheating.

Subsection 2. The materials used to construct internal bulkheads, panelling, sheeting, floors and joinings, shall be suitable for the purpose and conducive to ensuring a healthy working environment.

Mosquito-infested areas

Section 7. In vessels regularly operating in mosquito-infested areas, measures shall be taken to protect accommodation spaces against mosquitoes and other insects.

Subsection 2. Vessels provided with air ventilation meeting the requirements for such systems are considered to meet the requirement stipulated in subsection 1.

Ventilation and heating

Section 8. Accommodation spaces shall be adequately ventilated, and the air ventilation shall constantly supply fresh air in a satisfactory condition whenever seafarers are on board.

Subsection 2. All rooms used for sanitary facilities, cooking, medical treatment, laundry facilities or the like shall have ventilation to the open air, independently of any other part of the accommodation so as to prevent disease, bad smell or air from spreading.

Subsection 3. Adequate heating shall be provided on board the vessel, except in fishing vessels exclusively engaged on voyages in tropical climates.

Subsection 4. For fishing vessels of or above 24 metres in length (L), adequate heating shall be provided through an appropriate heating system, except in fishing vessels operating exclusively in tropical climates. The heating system shall provide heating in all conditions and shall be in operation when seafarers are living or working on board, and when conditions so require.

Subsection 5. For fishing vessels of or above 24 metres in length (L), however, with the exception of fishing vessels regularly engaged in areas with temperate climatic conditions, air ventilation shall be provided.

Subsection 6. The air ventilation shall be provided with appropriate filters at air inlets and shall be designed for the special conditions characteristic of operation at sea and the air ventilation shall not cause annoying noise or vibrations.

Subsection 7. The air ventilation shall be adjustable and shall be designed and dimensioned in accordance with a recognised international, Faroese or Danish standard, so that the air is constantly satisfactory and the circulation of air sufficient under all weather and climatic conditions, including to protect non-smokers from tobacco smoke.

Section 9. For fishing vessels of or above 24 metres in length (L), cf however section 8 subsection 2, air ventilation shall be provided on the bridge, in the radio room and in any centralized machinery control room.

Lighting

Section 10. All accommodation shall be provided with adequate lighting.

Subsection 2. Wherever practicable, accommodation shall be lit by natural light in addition to electric light. However, a means of blocking the light shall be provided in sleeping room.

Subsection 3. Electric light shall be arranged so that it offers the greatest possible benefit to the seafarers in the room.

Subsection 4. In sleeping rooms, a reading lamp with a switch shall be provided for every berth.

Section 11. Recognised international, Faroese or Danish standards may be applied to satisfy requirements for adequate lighting.

Special provisions concerning sleeping rooms

Section 12. The provisions in sections 12-22 apply only when sleeping room on board fishing vessels is required.

Location of sleeping rooms

Section 13. Where the design, dimensions or purpose of the vessel allow it, the sleeping rooms shall be located so as to minimise the effects of motion and acceleration.

Section 14. Sleeping rooms shall in no case be located forward of the collision bulkhead.

Size of sleeping rooms

Section 15. Sleeping rooms shall be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate cleaning.

Floor area of sleeping rooms

Section 16. The minimum floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall be at least as follows:

- 1) In fishing vessels of less than 24 metres in length (L): 0.75 m².
- 2) In fishing vessels of or above 24 metres in length (L), but less than 45 metres: 1.5 m².
- 3) In fishing vessels of or above 45 metres in length (L): 2.0 m².

Number of sleeping rooms

Section 17. In fishing vessels subject to this executive order, a separate sleeping room shall be provided for the master and the ship's officers.

Subsection 2. In fishing vessels of less than 45 metres in length (L), the number of persons allowed to occupy each sleeping room shall not be more than four.

Subsection 3. In fishing vessels of or above 45 metres in length (L), the number of persons allowed to occupy each sleeping room shall not be more than two.

Section 18. The Faroese Maritime Authority may permit exceptions to the requirements of section 17 subsection 1 in particular cases if the size or type or intended service of the fishing vessel makes the requirements unreasonable or impracticable.

Subsection 2. The Faroese Maritime Authority may with the same provisions as mentioned in section 1, permit exceptions from the requirements in section 17 subsection 2 for fishing vessels of or above 24 metres in length (L).

Section 19. The maximum number of persons to be accommodated in any sleeping room shall be legibly and indelibly marked in a place in the room where it can be conveniently seen.

Size of berths

Section 20. A separate berth for each seafarer shall be provided.

Subsection 2. Mattresses shall be of a suitable material.

Subsection 3. In fishing vessels of or above 24 metres in length (L), the minimum inside dimensions of the berths shall not be less than 198 by 80 centimetres.

Subsection 4. In fishing vessels of less than 24 metres in length (L), the minimum inside dimensions of the berths shall not be less than 198 by 58 centimetres.

Subsection 5. Berths shall not be placed immediately next to each other.

Subsection 6. More than two berths shall not be placed on top of each other. An adequate distance shall be provided between the berths, between the bottom of the lower berth and the floor, and between the bottom of the top berth and the ceiling.

Arrangement of sleeping rooms

Section 21. Sleeping rooms shall be so equipped as to ensure reasonable comfort for the seafarers and to facilitate tidiness.

Subsection 2. Inter alia the seafarers shall have an individual locker sufficient for clothing and other personal effects, and a suitable writing surface.

Subsection 3. In fishing vessels subject to this executive order there shall, in addition, be a table or desk and an appropriate number of seats provided. There shall be at least one seat for each person for whom the room is intended. Furthermore, there shall be lockable clothes lockers of sufficient size for clothing and other personal effects.

Section 22. Sleeping rooms shall be situated or equipped, as practicable, so as to provide appropriate levels of privacy for the seafarers.

Special provisions concerning mess rooms

Section 23. Mess rooms shall be located as close as practicable to the galley but shall in no case be located forward of the collision bulkhead.

Subsection 2. In fishing vessels subject to this executive order, mess rooms shall be separate from sleeping rooms.

Section 24. Mess rooms shall be of adequate size and comfort and properly furnished and equipped, taking into account the work on board fishing vessels and the number of seafarers likely to use them at any one time.

Section 25. In fishing vessels of or above 15 metres in length (L), there shall be access to a refrigerator with a capacity corresponding to the number of seafarers.

Subsection 2. Ongoing facilities for refreshment shall be provided, including facilities for getting hot drinks and facilities for getting chilled drinking water.

Special provisions concerning sanitary facilities

Section 26. All seafarers shall have convenient access on the vessel to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort.

Section 27. The sanitary facilities shall to the extent possible allow for reasonable privacy.

Section 28. The sanitary installations shall be such as to eliminate contamination of other spaces.

Section 29. Hot and cold running fresh water shall be available in all wash places in sufficient quantities to allow for proper hygiene for all persons on board.

Section 30. All surfaces in sanitary accommodation shall be such as to facilitate easy and effective cleaning.

Subsection 2. Floors in all sanitary accommodation shall have a non-slip deck covering.

Section 31. In fishing vessels of or above 24 metres in length (L) all seafarers who do not occupy rooms to which sanitary facilities are attached, there shall be provided at least one tub or shower, one toilet, and one washbasin intended for a maximum of four persons.

Section 32. In fishing vessels of or above 45 metres in length (L), there shall be easy access to sanitary facilities from the bridge.

Subsection 2. In fishing vessels of or above 85 metres in length (L), an additional separate toilet shall be provided conveniently close to the engine room.

Laundry facilities

Section 33. There shall be suitable facilities for laundering and drying of clothes on board.

Subsection 2. In fishing vessels of or above 24 metres in length (L), there shall be suitable facilities for laundering, drying and ironing clothes.

Subsection 3. In fishing vessels of or above 45 metres in length (L), adequate facilities for laundering, drying and ironing clothes shall be provided in a compartment separate from sleeping rooms, mess rooms and toilets. The compartment shall be adequately heated, ventilated and equipped with lines or other means for drying clothes.

Special provisions concerning sickbay

Section 34. A room shall be designated on board for sick or injured seafarers whenever necessary.

Section 35. In fishing vessels carrying 15 seafarers or more and engaged on a voyage of more than three days, and in fishing vessels of or above 45 metres in length(L), there shall be a separate sickbay used exclusively for medical purposes.

Subsection 2. It shall be ensured that:

- 1) the sickbay will be easy of access in all weather,
- 2) the sickbay provides comfortable housing for the occupants, and
- 3) the occupants receive prompt and proper attention.

Subsection 3. In vessels where each seafarer has his or her own sleeping room with toilet and bath, a treatment room may be set up instead of the sickbay required under subsection 1, such treatment room to be appropriately fitted out, including a washbasin and an emergency treatment area. One bed in the treatment room shall suffice, irrespective of the size of the vessel.

Subsection 4. It shall be ensured that bed-ridden seafarers have access to call for assistance.

Subsection 5. It shall be ensured that injured seafarers can be transported safely from the accident site to the sickbay or treatment room.

Subsection 6. Appropriate means of communication shall be available in the sickbay, enabling the medical practitioner to communicate with Radio Medical.

Lockers for work clothes

Section 36. A place for hanging foul-weather gear and other personal protective equipment shall be provided outside of, but convenient to, sleeping rooms.

Special provisions on bedding and mess utensils

Section 37. Appropriate eating utensils, and bedding and other linen shall be provided to all seafarers on board.

Recreational facilities, etc.

Section 38. In fishing vessels of or above 24 metres in length (L), appropriate recreational facilities, amenities and services shall be provided for all seafarers on board.

Subsection 2. Mess rooms may also be used for recreational activities.

Communication facilities

Section 39. All seafarers on board shall be given reasonable access to communication facilities, to the extent practicable, at a reasonable cost.

Clean and habitable accommodation,

Section 40. Accommodation spaces shall be kept clean and habitable. Goods, etc. shall not be stored in accommodation spaces, but only personal effects or safety equipment belonging to the seafarers.

Inspections

Section 41. The master, or the person to whom the master has delegated this task, shall ensure by way of regular inspections that seafarers' accommodation is clean, decently habitable and maintained in a good state of repair.

Subsection 2. The results of each such inspection must be recorded and be available for review.

Penalties

Section 42. Unless more severe punishment is otherwise provided in other legislation, violation of the provisions in sections 4-41 shall be punished by fine if the offence is committed intentionally or through gross negligence.

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

Entry into force etc.

Section 43. This executive order comes into force the day after it has been promulgated. At the same time the following executive orders are made void:

- 1) Bekendtgørelse nr. 9 af 24. januar 1953 om skibsmandskabets opholdsrum m.v.
- 2) Bekendtgørelse nr. 11 af 15. januar 1960 om skibsmandskabets opholdsrum m.v. i færøske fiskeskibe.
- 3) Bekendtgørelse nr. 247 af 3. juni 1971 om skibsmandskabets opholdsrum m.v. i fiske skibe.
- 4) Bekendtgørelse nr. 67 af 28. februar 1977 om opholdsrum m.v. i skibe.

Subsection 2. The construction requirements laid down in Executive order no. 95 of 6 July 2018 from the Faroese Maritime Authority on construction and equipment, etc. of fishing vessels (Notice E from the Faroese Maritime Authority) shall continue to apply to existing fishing vessels unless otherwise provided in this executive order.

Ministry of Foreign Affairs, Industry and Trade, 28. August 2024

Høgni Hoydal

Minister

/Anna Borg Dahl