

(Translation. Only the Faroese version has legal validity)

Executive order No. 91 of 20 August 2024 on survey and certification of fishing vessels pursuant to ILO 188 Work in Fishing

Under the provisions in section 17 subsection 2, section 18 subsection 3, section 22 subsections 1 and 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, Parliamentary Act No. 61 of 17 May 2013 and Parliamentary Act No. 51 of 7 May 2019, the following shall be laid down:

Scope

Section 1. The executive order shall apply to all commercial fishing vessels with a length L_1 of 15 metres or more.

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 that are able to process 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 of the entry into force of this executive order, but the keel is laid; or construction identifiable with a specific vessel has begun; 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.

Survey

Section 3. All new fishing vessels and fishing vessels which change to Faroese flag shall, prior to the survey is carried out, forward the drawings, information on the vessel's navigation route and information on the manning which is necessary for the approval from the Faroese Maritime Authority.

Subsection 2. The drawings shall indicate the location of the working- and accommodation space, size and furnishing, how the space is utilized, how furniture and fittings are located and how the heating, ventilation and exits etc. are arranged.

Subsection 3. On existing fishing vessels drawings and information pursuant to section 1 shall be forwarded to the Faroese Maritime Authority for approval, before the working- and accommodation spaces are altered or reconstructed.

Deadlines in connection with survey of seafarer's working conditions on fishing vessels with a length L_1 of 15 metres or more, however less than 24 metres

Section 4. Fishing vessels with a L_1 of 15 metres or more, however less than 24 metres, shall be surveyed as below:

- 1) A survey in connection with the initial statutory survey pursuant to the regulation in force before the ship is put in service.
- 2) A survey in connection with the renewal statutory survey pursuant to the regulation in force, but no later than every five years.

Deadlines in connection with survey of seafarer's working conditions on fishing vessels with a length (L) of 24 metres or more

Section 5. Fishing vessels with a length (L) of 24 metres or more shall be surveyed as below:

- 1) A survey in connection with the initial statutory survey pursuant to the regulation in force before the ship is put in service.
- 2) A survey in connection with the intermediate or renewal statutory survey pursuant to the regulation in force, but no later than every five years.

Section 6. The Faroese Maritime Authority may, after a specific assessment, decide that a fishing vessel shall be subject to an extraordinary survey.

Subsection 2. For fishing vessels that are not in use, the Faroese Maritime Authority may permit that periodical surveys are completely or partly omitted in the period where the fishing vessel is not in use and no seafarers are signed on onboard.

The survey covers

Section 7. The surveys mentioned in sections 4 and 5 include survey of seafarer's working conditions, including at least:

- 1) Minimum age.
- 2) Health certificate.
- 3) Seafarers' qualifications.
- 4) Employment contracts.
- 5) Use of any certified recruitment- and placement services.
- 6) Hours of rest.
- 7) Minimum safe manning.
- 8) Accommodation- and recreational facilities.
- 9) On-board recreational facilities.
- 10) Food and drinking water.
- 11) Health- and safety protection and accident prevention.
- 12) On-board medical care.
- 13) Payment of wages.

Subsection 2. Survey of working- and accommodation rooms and recreational facilities onboard pursuant to subsection 1 no. 8-10 shall be carried out pursuant to Executive Order on Accommodation on Fishing Vessels etc. and Executive Order on Food and Drinking Water etc. in fishing vessels, in cases where they can be used for the ship in question.

Subsection 3. Documents pursuant to section 43 in Parliamentary Act on the Management of Marine Resources (Løgtingslóg um sjófeingi) are considered to be sufficient.

Certificates concerning seafarer's working conditions

Section 8. The Faroese Maritime Authority issues certificates concerning seafarer's working conditions pursuant to this executive order, cf however subsection 2.

Subsection 2. The Faroese Maritime Authority may on further detailed conditions authorize recognized organizations, other companies or individuals to carry out surveys or carry out approvals on behalf of the Faroese Maritime Authority.

Section 9. Fishing vessels remaining at sea for more than three days, shall prior to the operation carry a certificate concerning seafarer's working conditions, if the vessel:

- 1) is of a length (L) of 24 metres or more, or
- 2) normally navigates at a distance exceeding 200 nautical miles from the Faroese coastline.

Subsection 2. The certificate is issued on the basis of a survey carried out pursuant to sections 4 and 5 which according to section 7 are subject to seafarer's working conditions.

Subsection 3. The Faroese Maritime Authority carries out a survey and issues certificates upon request from the ship owner.

Validity and period of validity

Section 10. The certificate concerning the seafarer's working conditions is issued for a period not exceeding five years, cf however subsection 2.

Subsection 2. If a renewal survey is carried out within 3 months before the expiry of the existing certificate, the new certificate shall be valid for a period not exceeding 5 years from the date of expiry of the existing certificate.

Subsection 3. If a renewal survey is carried out more than 3 months before the expiry of the existing certificate, the new certificate is valid for a period not exceeding 5 years from the date of completion of the renewal survey.

Section 11. The certificate ceases to be valid when:

- 1) The relevant survey has not been carried out within the period of validity mentioned in sections 4 and 5.
- 2) The vessel no longer flies the Faroese flag.
- 3) The owner ceases to have the responsibility for the operation of the fishing vessel.
- 4) Significant changes are made to the vessel's furnishing or in the working- and accommodation rooms and recreational facilities and information about the changes pursuant to section 3, subsection 3 has not been submitted to the Faroese Maritime Authority.
- 5) The vessel no longer is a fishing vessel.

Subsection 2. In those cases, mentioned in subsection 1, no. 2 - 4, a new certificate shall only be issued if the Faroese Maritime Authority or others pursuant to section 8 subsection 2 estimate that the vessel fulfils the requirements in section 7 subsection 1.

Withdrawal

Section 12. The Faroese Maritime Authority may withdraw a certificate if it is affirmed that the fishing vessel in question does not fulfil the requirements in this Executive Order, and that possible instructions have not been accomplished.

Subsection 2. When assessing the withdrawal of a certificate, the seriousness and frequency of the defect are taken into account.

Form of the certificate

Section 13. The Faroese Maritime Authority decides the content and format of the certificate.

Subsection 2. Vessels which are obliged to hold certificate concerning seafarer's working conditions pursuant to section 9 subsection 1, shall keep the original certificate on board. If the original form is digital, it shall be possible to display the certificate on a digital media.

Subsection 3. The original certificate shall be presented upon request from the authority.

Penalties

Section 14. Unless a more severe punishment is otherwise provided in other legislation, a fine shall be imposed on anyone who intentionally or through gross negligence:

- 1) neglects to provide to the Faroese Maritime Authority or relevant authority information pursuant to section 3, or provides incomplete, incorrect or misleading information or does not mention anything about important matters.
- 2) neglects to have the ship surveyed pursuant to sections 4-6.
- 3) neglects the orders set in accordance with section 8.

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

Section 15. This executive order comes into force the day after it has been promulgated.

Ministry of Foreign Affairs, Industry and Trade, 20 August 2024

Høgni Hoydal

Minister

/Herálvur Joensen