

Translation. Only the Faroese version has legal validity)

Executive order no. 45 of 5 April 2023 from the Faroese Maritime Authority on prevention of pollution from ships (MARPOL)

Under the provisions in section 2 subsection 2, section 7 subsection 2, section 9, section 10 subsection 1, section 11, section 14 subsection 1, section 15, 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, Parliamentary Act No. 61 of 17 May 2013 and Parliamentary Act No. 122 of 15 December 2014, the following shall be laid down:

Section 1. Unless otherwise provided in the annexes, the executive order applies to all vessels in international- and domestic voyages irrespective of size and usage and for pleasure vessels of above 24 metres.

Subsection 2. Detailed regulations regarding the ships mentioned in section 1, are published in annexes 1 and 2 to this executive order.

Section 2. The shipowner shall ensure that the crew is familiar with the parts of this executive order and annex 2 that are of importance to their performance of their work on board.

Section 3. Contraventions of the provisions in section 2 and the provisions in annex 2 shall be punished by fine or imprisonment for a term not exceeding 1 year.

Subsection 2. The penalty may be increased to imprisonment of up to 2 years if the contravention has been committed with intent or by gross negligence and if the contravention has resulted in:

- 1) injury to young persons under the age of 18 or the potential risk thereof or
- 2) an obtained or intended economic advantage for the person concerned or others, including a reduction in costs.

Subsection 3. If the economic profit obtained by the contravention is not confiscated, special account shall be taken of the amount of any obtained or intended economic advantage in connection with the determination of the amount of the fine, pursuant to subsection 2, no. 2.

Subsection 4. Companies and other legal persons shall incur criminal liability under the regulations in chapter 5 of the Faroese penal code.

Section 4. This executive order shall enter into force on 1 May 2023. At the same time, executive order no. 155 of 23 December 2019 from the Faroese Maritime Authority on prevention of pollution from ships is made void.

Subsection 2. Unless otherwise provided in this executive order, the construction requirements of the previous provisions regarding pollution by oil from ships shall continue to apply to existing ships.

Subsection 3. Unless otherwise provided in this executive order, the construction requirements of the previous provisions on control on carriage of noxious liquid substances in bulk shall continue to apply to existing ships.

Subsection 4. Unless otherwise provided in this executive order, the construction requirements of the previous provisions on prevention of pollution by harmful substances shall continue to apply to existing ships.

Subsection 5. Unless otherwise provided in this executive order, the construction requirements of the previous provisions on prevention of pollution by sewage from ships shall continue to apply to existing ships.

Subsection 6. Unless otherwise provided in this executive order, the construction requirements of the previous provisions on prevention of pollution by garbage from ships shall continue to apply to existing ships.

Subsection 7. Unless otherwise provided in this executive order, the construction requirements of the previous provisions on prevention of air pollution from ships shall continue to apply to existing ships.

The Faroese Maritime Authority, 5 April 2023

Hans Johannes á Brúgv

/Gunnvá S. á Lofti

The executive order in general:

The provisions of this executive order shall be read, understood and interpreted with regard to below mentioned amendments and adjustments to Faroese conditions:

1. Everywhere where “the Danish Maritime Authority” or other Danish authority is stated in this executive order, it shall, when it concerns Faroese jurisdiction, be understood as “the Faroese Maritime Authority” or other possible authorized Faroese authority.
2. Everywhere where the wordings “Denmark/Danish”, “Greenland/Greenlandic” or “Danish vessel/Greenlandic vessel” are stated in this executive order, they shall be understood as “the Faroe Islands/Faroese” or “Faroese vessels” unless the provisions concern circumstances outside Faroese jurisdiction.
3. Since the Faroe Islands is not an EU member State, the references to requirements and legislation in EU directives and EU regulations, are not applicable to Faroese vessels, unless mentioned legislation have been brought into force with Faroese legislation, or directly have been imposed on vessels which do not fly the EU flag (third country vessels) as a condition to continue to operate in EU waters or to enter an EU port. However, the relevant EU legislation may, if necessary, be used as guidelines for Faroese vessels.
4. The dates mentioned in the annexes to this executive order, and which are connected to the entry into force of the relevant Danish regulations, shall, in Faroese context, be understood as applicable from the date this executive order on Notice from the Faroese Maritime Authority enters into force.
5. The guidelines in force at any time from the Danish Maritime Authority, and which relate to this executive order, shall also with necessary adjustments be applicable for the Faroese Maritime Authority.

Authority

1. Annex I, II, III, IV, V and VI are based on the International Convention for the Prevention of Pollution from Ships (MARPOL) with later amendments and protocols as well as annex IV, regulations 4 and 5 in the Helsinki Convention.
2. Annex I, II, III, IV, V and VI contain provisions implementing those parts of the International Convention MARPOL 73/78 and its associated Protocol of 1997, which fall within the scope of the Parliamentary Act on safety at sea. In the executive order these provisions are marked with an “S”. In addition, the annexes also contain provisions which fall within the scope of the Parliamentary Act on protection of the marine environment. These provisions are marked with an “M”. These provisions are only included for informative purposes.

3. The MARPOL Convention regards provisions which fall within the scope of the Parliamentary Act on safety at sea as well as the Parliamentary Act on protection of the marine environment. Those provisions in the annexes which fall within both scopes are marked with “S/M”.
4. Provisions in this executive order which are subject to construction of small cargo ships and pleasure vessels are in italics.