

(Translation: Only the Faroese text has legal validity)

Executive order no. 141 of 21 October 2021 from the Faroese Maritime Authority on construction and equipment, etc. (SOLAS)

Pursuant to section 2 subsection 2, sections 7-11 and 14, section 15 subsection 2, section 18 subsections 2 and 3 and section 49 subsection 2 of the 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 by Parliamentary Act no. 122 of 15 December 2014, the following shall be laid down:

Section 1. Unless otherwise provided in the individual chapters in annex 2, this executive order applies to:

- 1) Passenger ships engaged on international voyages, irrespective of size.
- 2) Merchant vessels with a length of or above 15 metres or with a scantling number of 100 or above, irrespective of whether they are engaged on domestic or international voyages, cf however subsection 2.
- 3) Pleasure vessels of a length of or above 24 metres.

Subsection 2. Merchant vessels with a length of or above 15 metres or with a scantling number of 100 or above, but with a length below 24 metres operating within 100 nautical miles of the nearest land, may as an alternative to these regulations apply the provisions laid down in executive order from the Faroese Maritime Authority on construction and equipment, etc. of small commercial vessels (Notice F).

Subsection 3. Detailed regulations regarding the construction and equipment of the ships mentioned in subsection 1 and 2, are published in annex 2 to this executive order.

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

Section 3. Violation of section 2 and the provisions in annex 2 shall be punished by fine or imprisonment for a term not exceeding 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 4. This executive order shall enter into force on 1 November 2021.

Subsection 2. Unless otherwise provided in this executive order, the requirements in Executive order no. 98 of 23 June 2017 from the Faroese Maritime Authority on construction and equipment, etc. (Notice B from the Faroese Maritime Authority – 1 July 2017) shall continue to apply.

The Faroese Maritime Authority, 21 October 2021

Hans Johannes á Brúgv, Director General

/ Gunnvá S. á Lofti, Head of Department

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 annex 2 to 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 annex 2 to 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 provisions in this executive order with regard to formal internal rights and obligations for an EU member State towards another member state or the obligation to report etc. towards an EU authority, do not apply to Faroe Islands unless this directly has been imposed on third country vessels. Technical requirements arising from EU regulations, and which are laid down in this executive order are, however, applicable to relevant Faroese vessels, covered by this executive order, to the extent the mentioned EU regulations also apply to vessels not flying the EU flag.
- 4) The Faroese Maritime Authority may either in general or in each specific case, deviate from the time limits on fulfilling the requirements mentioned in annex 2, provided that it is not contrary to the Faroe Island’s obligations pursuant to international conventions and possible EU regulations.
- 5) In general, the executive order shall be read and understood with regard to Faroese vessels, Faroese conditions and Faroese jurisdiction.
- 6) 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.
- 7) 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.

Specific Faroese rules on imported vessels below 500 GT and SOLAS ships:

- 1) Passenger ships as well as merchant ships covered by this executive order which pursuant to the provisions in chapter 1, part A-2 (t) are below 500 GT and which are imported/registered on the Faroe Islands after 1 October 2007, will, irrespective of when the keel is laid, be considered as new ships according to the regulation on ships of which the keel is laid on or after 1 January 2002. The Faroese Maritime authority may derogate from the provisions in sentence 1, in case the ship and shipowner comply with certain, detailed regulations laid down by the Faroese Maritime Authority on among others the condition of the ship, sufficient survey and operation of the ship and shipowner.

- 2) After an initial survey of merchant ships below 500 GT, a trading permit shall be issued for the ship. The trading permit shall state the area in which the ship may operate and the terms on which the ship may be used. Furthermore, the maximum number of passengers that the ship may carry with the life-saving appliances on board shall be stated.
- 3) Ships of 500 GT or more (SOLAS-ships) shall generally comply with all the requirements in this executive order as either new or present vessels pursuant to chapter 1, part A-2 (k) and (1). However, the Faroese Maritime Authority may completely or partially exempt these vessels from possible Danish specific requirements in this executive order which do not derive from international conventions which have been ratified in the Faroes Islands. Equally, these vessels may completely or partially be exempted from possible EU requirements, which do not extend to third party states

Authority:

1. The provisions in this executive order are based on the International Convention for the Safety of Life at Sea (SOLAS) 1974 with later amendments and associated protocols.
2. The provisions of chapter XIII in annex 2 implement the IMO Member State Audit Scheme.
3. The provisions of chapter XIV in annex 2 implement the international safety measures for ships navigating polar waters.