

Translation: Only the Danish document has legal validity.

*Order no. 1115 of 11 November 2019
issued by the Danish Maritime Authority*

Order on food and drinking water, etc. in fishing vessels¹

In pursuance of section 55(1), section 65(1) and section 75(1) of the Danish Act on Seafarers' Conditions of Employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*), see Consolidated Act no. 1662 of 17 December 2018, section 3(1)(vi), section 4(1), section 5(1) and section 32(9) of the Danish Act on Safety at Sea (*lov om sikkerhed til søs*), see Consolidated Act no. 1629 of 17 December 2018, and section 3(1)(vi), section 4(1), section 5(1) and section 32(2) of the Decree on the entry into force for Greenland of the Act on Safety at Sea, see Consolidated Decree no. 1674 of 16 December 2015, the following provisions are laid down as authorised under section 1(1)(iii) and (vii) of Order no. 744 of 24 June 2013 on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

Part 1

Purpose

Section 1. The purpose of this Order is to ensure that fishers working or living on board fishing vessels, see Part 2, have access to food and drinking water of appropriate quality, nutritional value and quantity that adequately cover the requirements of the fishers on board and which are provided under regulated hygienic conditions.

Subsection 2. This Order contains provisions prepared, *inter alia*, on the basis of the United Nations International Labour Organisation's Work in Fishing Convention and thus does not involve any other existing international, regional or national requirements applicable to food hygiene, etc., such as EU regulations on requirements of food law and on the hygiene of foodstuffs, respectively.

Part 2

Application, definitions and deviations, etc.

Application

Section 2. This Order applies to new fishing vessels, whether publicly or privately owned, however see subsections (3) and (4).

Subsection 2. This Order does not apply to:

- (i) merchant ships;
- (ii) warships;
- (iii) naval auxiliaries; or
- (iv) recreational craft.

¹This Order contains provisions implementing parts of Council Directive 2017/159/EU of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation, concluded on 21 May 2012 between the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises in the European Union (Europêche), Official Journal 2017, no. L 25, page 12.

Subsection 3. Part 4 regarding galleys and provision stores as well as Part 5 on drinking water systems do not apply to existing fishing vessels, but shipowners may choose to apply this Order as an alternative to the rules otherwise applicable to the ship concerned, see section 19(4).

Subsection 4. Part 4 regarding galleys and provision stores as well as Part 5 on drinking water systems do not apply to new fishing vessels without decks.

Definitions

Section 3. For the purposes of this Order, the following definitions apply:

- (i) 'fisher' means any person, including the master, who is employed or engaged or works in any capacity on board a ship;
- (ii) 'fishing vessel' means a vessel the certificate of nationality of which is provided with a port number;
- (iii) 'new fishing vessel' means a fishing vessel for which:
 - (a) the building or major conversion contract is placed on or after the date of entry into force of this Order; or
 - (b) the building or major conversion contract is placed before the date of entry into force of this Order, and which is delivered three years or more after that date; or
 - (c) in the absence of a building contract on or after the date of entry into force of this Order, the keel is laid, or construction identifiable with a specific vessel begins, or assembly has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;
- (iv) 'existing fishing vessel' means a fishing vessel which is not a new fishing vessel;
- (v) '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;

Part 3

Food in fishing vessels

Section 4. The food in fishing vessels must be composed in such a way that the necessary content of proteins, fat and carbohydrates as well as of vitamins, minerals and salts is provided.

Subsection 2. The food must be as diversified as possible and appear appetising.

Subsection 3. The composition of the food must be adjusted according to climatic conditions.

Subsection 4. Fresh food products must be used to the widest possible extent. Frozen food products may in this context be comparable with fresh food products.

Subsection 5. The food must be prepared and served under proper hygienic conditions.

Section 5. The food must consist of three main meals and one or more snack meals. The food must be offered in such amounts that all persons on board have enough to eat.

Section 6. The composition of the food must be adjusted in accordance with the religious beliefs and cultural backgrounds of the fishers.

Drinking water

Section 7. The drinking water must be of satisfactory quality and must be available in sufficient quantities relative to the size of the crew on board.

Part 4

Galleys, galley equipment and provision stores in fishing vessels

Section 8. Cooking equipment must be provided on board and, where practicable, be fitted in a separate galley.

Subsection 2. If a galley or pantry is installed on board, it must be of a suitable size, well lit, well ventilated as well as easy to keep clean. Cooking facilities and utensils must be available as well as a stainless sink and suitable worktop space for preparing food. Furthermore, it must be possible to store provisions nearby in a suitable and cool place.

Subsection 3. Fishing vessels of or above 12 metres in length (L) must have a separate galley.

Subsection 4. The galley must have a suitable size and be well lit and ventilated.

Section 9. The materials used to construct internal bulkheads, panelling and sheeting, floors and joinings in the galley must be suitable for the purpose and conducive to ensuring a healthy working environment.

Subsection 2. Galley rooms must meet the applicable provisions on health and safety protection and accident prevention with respect to preventing the risk of exposure to hazardous levels of noise and vibration and other ambient factors and chemicals on board ships, and to provide a decent working environment and acceptable living conditions for seafarers on board.

Subsection 3. Having regard to the number of seafarers on board and the size of the ship, galley rooms must be provided with appropriate furniture, cupboards, tables and drawers of materials that are easy to clean and hygienic.

Section 10. In the galley, drinking water must be supplied by means of a pipe system. No seawater tap may be located in this room.

Section 11. Suitable and adequate facilities must be provided for the storage of provisions as well as for the refrigeration and freezing of perishable foods.

Subsection 2. In vessels of or above 15 metres in length, refrigerators or other facilities must be used for low-temperature storage of food.

Section 12. Galley equipment must be constructed and designed, including shielded, in such a way that galley activities take place under safe and hygienic conditions and that provisions on health and safety protection and accident prevention are met to ensure a decent working environment and acceptable living conditions for fishers on board.

Subsection 2. Waste must be kept in closed, well-sealed containers and removed from food-handling areas whenever necessary.

Subsection 3. Galley and food storage facilities must be hygienic and in a proper state of repair.

Part 5

Drinking water systems, including drinking water tanks, in fishing vessels

Section 13. When establishing a drinking water system, including a drinking water tank, it must be ensured that the system and tank are constructed, designed and maintained in such a way that the drinking water is at all times of appropriate quality, does not pose a health hazard to the seafarers on board and is available in sufficient quantity taking into consideration, *inter alia*, the number of seafarers on board and the duration of the voyage.

Subsection 2. Before a drinking water system is put to use, a chemical and bacteriological analysis of drinking water samples from the system must be carried out in accordance with recognised standards.

Subsection 3. When a drinking water system has been found to be contaminated, disinfection must be carried out of the system, drinking water tanks and drinking water pipes. Recognised international or Danish guidelines may be applied with a view to meeting disinfection requirements.

Part 6

General provisions

Section 14. Food and drinking water on board must be free of charge to fishers unless otherwise agreed.

Section 15. The master shall ensure that the provisions of this Order are met.

Inspections

Section 16. The master, or the person to whom the master has delegated this task, shall ensure by way of regular inspections that

- (i) stocks of food and drinking water are sufficient,
- (ii) the food and drinking water are stored in such a way as to prevent the occurrence of health hazards to the seafarers on board, and
- (iii) galley rooms, including furniture and equipment for preparing food, are in a condition that does not pose a health hazard to the seafarers on board.

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

Part 7

Penalty provisions

Section 17. Contravention of this Order is punishable with a fine or imprisonment for up to one year.

Subsection 2. The penalty may be increased to imprisonment for up to two years if:

- (i) the contravention, including in connection with a marine accident or navigation in a manner contrary to good seamanship, has caused injury to life or health or a risk thereof;
- (ii) a prohibition notice or an improvement notice has previously been issued for the same or similar matters; or
- (iii) the contravention has resulted in or aimed at a financial benefit for the person committing it or others.

Subsection 3. If the profit gained through the contravention is not confiscated, the amount of such financial gain or intended financial gain must be taken into particular account in the determination of the fine, including any additional fine.

Subsection 4. Criminal liability may be imposed on companies, etc. (legal persons) under the rules of Part 5 of the Danish Criminal Code (*straffeloven*).

Subsection 5. When imposing criminal liability under subsection (4), persons who are hired to perform work on board the ship by others than the shipowner are also considered to be associated with the shipowner. If a document of compliance has been issued in accordance with the International Safety Management Code or if a certificate has been issued in accordance with the Maritime Labour Convention to another organisation or person, the master of the ship and the seafarers are also considered to be associated with the one to whom the document has been issued.

Section 18. If the matter is covered by the Decree on the entry into force for Greenland of the Danish Act on Safety at Sea (*lov om sikkerhed til søs*), instead of measures pursuant to section 17(1), measures may be laid down in accordance with the Penal Code (*kriminalloven*) for Greenland.

Subsection 2. The matters referred to in section 17(2) are considered aggravating circumstances.

Subsection 3. Criminal liability may be imposed on companies, etc. (legal persons) under the rules of Part 5 of the Penal Code for Greenland.

Subsection 4. If the relevant person is not resident in Greenland, or if such person's ties with Greenland society are otherwise so remote that the prerequisites for sanctions to be imposed do not exist, legal proceedings may be instigated or the case may be referred for trial in Denmark, see section 7 of the Penal Code for Greenland.

Part 8

Entry into force, etc.

Section 19. This Order enters into force on 15 November 2019.

Subsection 2. Order no. 1008 of 16 August 2013 on food for fishermen in Danish ships is repealed.

Subsection 3. The provisions on galleys and provision stores and on drinking water laid down in previously issued regulations will henceforth not apply to vessels comprised by this Order, however see section 2(4).

Subsection 4. The construction requirements laid down in previous provisions continue to apply to existing vessels unless otherwise provided in this Order, see section 2(3).

Section 20. Sections 4 to 6, section 14 and section 16(1) do not apply to ships registered in Greenland.

Ministry of Industry, Business and Financial Affairs, 11 November 2019

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