

Translation: Only the Danish document has legal validity.

*Order no. 1519 of 13 December 2019
issued by the Danish Maritime Authority*

Order on food and drinking water, etc. in merchant ships¹

In pursuance of section 55(1) and section 70(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., and section 1(1)(ii) of Order no. 211 of 29 March 2005 for Greenland 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 seafarers working or living on board merchant ships, see Part 2, have access to food and drinking water of appropriate quality, nutritional value and quantity that adequately cover the requirements of the seafarers 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 Maritime Labour Convention (MLC) and 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

Scope of application, definitions and deviations, etc.

Scope of application

Section 2. This Order applies to Danish merchant ships, whether publicly or privately owned, however see subsections (3) to (6).

Subsection 2. This Order does not apply to:

- (i) fishing vessels;
- (ii) ships of a traditional build such as dhows and junks;
- (iii) warships;
- (iv) naval auxiliaries; or
- (v) pleasure craft.

Subsection 3. Part 4 regarding galleys and provision stores as well as Part 5 regarding drinking water systems do not apply to merchant ships built before 1 January 2020. However, shipowners may choose to apply this Order as an alternative to the rules otherwise applicable to the ship concerned.

Subsection 4. A ship is deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

Subsection 5. Food and drinking water on mobile offshore units must also comply with the provisions of this Order, taking into consideration the special conditions on board such units, however.

Subsection 6. Part 4 regarding galleys and provision stores as well as Part 5 on drinking water systems do not apply to:

- (i) small commercial vessels with a length (L) of less than 15 metres or with a scantling number of less than 100; and
- (ii) passenger ships with a length of less than 24 metres solely operating in port areas or lakes, etc.

Definitions

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

- (i) 'seafarer' means any person, including the master, who is employed or engaged or works in any capacity on board a ship;
- (ii) 'merchant ship' means any ship, except for fishing vessels and pleasure craft;
- (iii) 'drinking water' means all types of water, in its original state or after treatment, intended for drinking, cooking, preparing food or other domestic purposes, regardless of its origin and whether it is supplied through a mains supply, a tanker, bottles or other containers.

Part 3

Food and drinking water in merchant ships

Food

Section 4. The food in merchant ships 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 seafarers on board have enough to eat.

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

Drinking water

Section 7. The drinking water must be of such quality that it does not constitute a health hazard to the seafarers on board and must be available in sufficient quantities relative to the size of the crew on board and the duration and nature of the voyage.

Subsection 2. The quality of the drinking water must be documented by means of regular analyses measured against international standards.

Subsection 3. Subsections (1) and (2) are considered to be met where the most recent version of the drinking water guidelines issued by the Danish Maritime Occupational Health and Welfare Board (SEA HEALTH & WELFARE) "Drinking Water – Ships" is complied with.

Part 4

Galleys, galley equipment, provision stores and drinking water systems in merchant ships

Galleys

Section 8. The galley must be well lit and ventilated and have a suitable size taking into consideration the size of the crew and the duration and nature of the voyage.

Subsection 2. In the galley, drinking water must be supplied by means of a pipe system. The galley must furthermore be provided with the necessary sinks

with drainage as well as drainage in the floor.

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 healthy 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, including appropriate equipment for preparing food, cupboards, tables and drawers of materials that are easy to clean and hygienic.

Galley equipment

Section 10. 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 healthy working environment and acceptable living conditions for seafarers on board.

Provision stores

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.

Drinking water systems, etc.

Section 12. Drinking water systems, including drinking water tanks, must be constructed, designed and maintained in such a way as to prevent the risk of contamination. The drinking water must at all times be of a satisfactory quality, must not pose a health hazard to the seafarers on board and must be 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. Subsection (2) is considered to be met where the most recent version of the drinking water guidelines issued by the Danish Maritime Occupational Health and Welfare Board (SEA HEALTH & WELFARE) "Drinking Water – Ships" is complied with.

Subsection 4. 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 or the guidelines issued by the Danish Maritime Occupational Health and Welfare Board (SEA HEALTH & WELFARE) "Drinking Water – Ships" may be applied with a view to meeting disinfection requirements.

Part 5

General provisions

Section 13. Food and drinking water on board must be free of charge to seafarers during their service period.

Subsection 2. The parties may agree that the right to free food can be met through the payment of compensatory board wages.

Section 14. The master shall ensure that the provisions of this Order are met.

Inspections

Section 15. The master, or the person to whom the master has delegated this task, shall ensure by way of frequent 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 6

Penalty provisions

Section 16. 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 benefit obtained through the contravention is not confiscated, the amount of such financial benefit obtained or sought obtained must be taken into particular account in the determination of the fine, including additional fines.

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 17. 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 16(1), measures may be laid down in accordance with the Penal Code (*kriminalloven*) for Greenland.

Subsection 2. The matters referred to in section 16(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 7

Entry into force, etc.

Section 18. This Order enters into force on 1 January 2020, however see subsection (3).

Subsection 2. Order no. 133 of 11 February 2013 on food in Danish ships is repealed.

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

Section 19. Sections 4-6 and section 13 do not apply to ships registered in Greenland.

Danish Maritime Authority, 13 December 2019

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/ Per Sønderstrup

¹¹ This Order contains provisions implementing parts of Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC, Official Journal 2009, no. L 124, pages 30-50.