

Translation: Only the Danish document has legal validity.

*Order no. 1315 of 21 of November 2023  
issued by the Danish Maritime Authority*

## **Order on Executive Order on the authorisation scheme for transit pilotage**

Pursuant to Sections 13(6) and 34(4) of the Pilotage Act, cf. Consolidation Act no. 346 of 29 March 2023, the following is laid down:

### *Authorisation for transit pilotage*

**Section 1.** Private pilotage companies can obtain permission from the Danish Maritime Authority to carry out transit pilotage in Danish territorial waters from 1 January 2024 to 31 December 2027.

**Section 2.** Authorisation to carry out transit pilotage cannot be transferred to other pilotage companies.

### *Conditions for granting a transit pilotage authorisation*

**Section 3.** The Danish Maritime Authority grants authorisation to carry out transit pilotage if the applicant pilotage company meets the following conditions:

- 1) The pilotage company is registered in accordance with the Pilotage Act or has made it likely in a written statement that the pilotage company will be registered before transit pilotage is to be carried out.
- 2) The pilots employed by the pilotage company have all the prescribed certificates and authorisations required by the pilotage legislation or the pilotage company has demonstrated in a written statement that it will have pilots with the necessary certificates and authorisations before the transit pilotage is carried out.
- 3) The pilotage company documents the establishment of procedures that, in the opinion of the Danish Maritime Authority, are sufficient to ensure that the pilotage company will comply with the Pilotage Act and rules laid down pursuant to the Pilotage Act.

### *Application for authorisation for transit pilotage*

**Section 4.** An application for authorisation to carry out transit pilotage must be sent by email to the Danish Maritime Authority.

*Subsection 2.* The application including appendices must be written in Danish or English.

*Subsection 3.* Pilotage companies established in EU/EEA countries can submit an application as mentioned in Subsection 1 electronically via Business in Denmark.

**Section 5.** An application for authorisation to carry out transit pilotage must contain the following information:

- 1) The name, address and contact person at the pilotage company.
- 2) The information necessary to fulfil the conditions in Section 3.

### *Conditions for a transit pilotage authorisation*

**Section 6.** An authorisation to carry out transit pilotage will contain the following conditions that the pilotage company in question must comply with:

- 1) Pilotage covered by the authorisation may only be carried out by pilots employed by the pilotage company.
- 2) The pilotage company must comply with the Pilotage Act and rules laid down pursuant to the Pilotage Act, including requirements for pilotage certificates, reporting, payment of any supply fee and provisions on rest periods.
- 3) Other conditions that are deemed essential for the pilotage services of the pilotage company in question.

### *Revocation*

**Section 7.** The Danish Maritime Authority may revoke authorisation to carry out transit pilotage if the pilotage company in question

- 1) violates Section 2 or Section 6(1) and (2),
- 2) has grossly or repeatedly violated the terms of the authorisation laid down pursuant to Section 6(3), or does not follow procedures to ensure compliance with the Pilotage Act and rules laid down pursuant to the Pilotage Act, cf. Section 3(3) of the Executive Order.

*Subsection 2.* The authorisation can be revoked in whole or in part.

*Subsection 3.* A decision on revocation pursuant to Subsection 1 may be challenged before the courts by the undertaking to which the decision is addressed. A request for referral to the courts must be submitted to the Danish Maritime Authority no later than 4 weeks after the decision has been notified to the company in question.

*Subsection 4.* The Danish Maritime Authority shall without undue delay bring an action against the company as mentioned in Subsection 3 in the civil procedure.

*Subsection 5.* Requests for legal action regarding revocation pursuant to Subsection 1 shall have suspensive effect. However, the court may, by order, decide that the company concerned may not carry out transit pilotage during the proceedings.

### *Penalties*

**Section 8.** The pilotage company that violates Section 2 or grossly or repeatedly violates the conditions mentioned in Section 6(1) and (2) shall be liable to a fine.

*Subsection 2.* Companies (legal entities) can be held criminally liable according to the rules in the Criminal Code, Chapter 5.

### *Entry into force and transitional provisions*

**Section 9.** This Executive Order shall enter into force on 1 January 2024.

*Subsection 2.* Executive Order no. 1319 of 9 December 2019 on the authorisation scheme for transit pilotage is repealed.

*Subsection 3.* Pilotage companies that have obtained authorisation to carry out transit pilotage before 1 January 2020 under Executive Order no. 1341 of 11 December 2014 on an authorisation scheme for transit pilotage and in the period 1 January 2020 to 31 December 2023 in accordance with Executive Order no. 1319 of 9 December 2019 on the authorisation scheme for transit pilotage, the holder of authorisation for transit pilotage may carry out transit pilotage until 31 December 2027, unless authorisation is revoked, cf. Section 7 of this Executive Order.

*Danish Maritime Authority, 21 November 2023*

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