

Unofficial translation

Executive Order on the activities of pilotage service providers and the obligations of pilots

EXECUTIVE ORDER no. 1199 of 01/12/2006 (In force)

Legislation affected by the regulation

ACT No. 567 of 09/06/2006

Subsequent amendments to the regulation

Summary (Table of Contents)

| | |
|---------------|---|
| <u>Part 1</u> | Activities of pilotage service providers |
| <u>Part 2</u> | Obligations of pilots |
| <u>Part 3</u> | Revocation of rights and penal provisions |
| <u>Part 4</u> | Entry into force |

Annex 1

Full text of the regulation

Executive Order on the activities of pilotage service providers and the obligations of pilots

In pursuance of section 16, subsection 3, section 17, subsection 3, section 23, subsection 3, section 24, subsection 6, and section 34, subsections 4 and 5 of the Danish Pilotage Act, cf. Act no. 567 of 9 June 2006, the following is laid down:

Part 1

Activities of pilotage service providers

Section 1. Any company domiciled in an EU/EEA country that satisfies the conditions of section 24, subsection 4 of the Danish Pilotage Act is entitled, regardless of its organisation form, to be registered as a pilotage service provider.

Section 2. A pilotage service provider must, upon request, deliver its accounts to the Danish Pilotage Authority.

Section 3. A pilotage service provider must arrange and maintain an insurance policy that can cover the liability placed upon the pilot in accordance with section 151 of the Danish Merchant Shipping Act.

Subsection 2. A pilotage service provider must arrange and maintain an insurance policy that can cover the liability placed upon the pilot as an advisor.

Subsection 3. The insurance policies described in subsections 1 and 2 must each have minimum cover of DKK 5.0 million.

Subsection 4. A pilotage service provider is obliged to annually submit a copy of the insurance policies, including conditions and special terms, to the Danish Pilotage Authority. The Danish Pilotage Authority may at any time request the submittal of the insurance policies, including conditions and special terms.

Unofficial translation

Subsection 5. The insurance policies must state clearly that the insurance company must notify the Danish Pilotage Authority in the event of any changes to or the cessation of the insurance arrangement.

Section 4. A pilotage service provider must perform ongoing internal control of

- 1) rest periods,
- 2) certification,
- 3) working environment and
- 4) experience.

Subsection 2. A pilotage service provider is obliged to document the internal control to the Danish Pilotage Authority.

Subsection 3. A pilotage service provider must, before the end of January and without being prompted, submit documentation of the previous year's internal control to the Danish Pilotage Authority for evaluation and approval.

Subsection 4. The receipt and approval of documentation by the Danish Pilotage Authority is a prerequisite for the maintenance of the pilotage service provider's registration in the register described in section 24 of the Danish Pilotage Act.

Section 5. A pilotage service provider is responsible for ensuring that its pilots

- 1) deliver to the masters of ships that they are piloting a copy of Annex 1 of HELCOM's recommendation no. 23/3 of 6 March 2002 on enhancing the use of pilots in Route T and the Sound by notification to departing ships and establishment of an early warning system, as revised on 2 March 2004,
- 2) attach Annex 1 of HELCOM's recommendation on correspondence about pilotage services, whether relating to a confirmation of the ordering of a pilot or a reply to an enquiry, when the correspondence takes place by letter, email, fax or other written form,
- 3) request from any ship that they are piloting into a Danish port the information about the ship's future departure from the port that is necessary for completion of the form included in Annex 2 of HELCOM's recommendation, and then forward the completed form to the Admiral Danish Fleet, and
- 4) request from any ship that they are going to pilot from a Danish port, and for which they are not aware of the form described under no. 3 having been submitted, the necessary information and arrange for the form to be submitted.

HELCOM's recommendation no. 23/3 of 6 March 2002 on enhancing the use of pilots in Route T and the Sound by notification to departing ships and establishment of an early warning system, as revised on 2 March 2004, is attached as an Annex.

Subsection 2. The conditions described in subsection 1 must only be observed for ships covered by the International Maritime Organisation's resolution MSC.138(76).

Unofficial translation

Section 6. A pilotage service provider must ensure that associated pilots do at all times comply with the provisions of the Danish Ministry of Employment's Executive Order on rest periods and days off.

Subsection 2. A pilotage service provider is obliged to maintain records of rest time and working time.

Section 7. A pilotage service provider is obliged at all times to make sure that the pilots associated with the pilotage service provider are qualified to perform their assignments.

Part 2

Obligations of pilots

Section 8. A pilot is obliged to notify a ship being piloted of relevant information in relation to the passage in question.

Subsection 2. "Relevant information" is understood to include

- 1) HELCOM's recommendation no. 23/3 of 6 March 2002 (Early Warning Scheme), cf. section 5, subsection 1, no. 1,
- 2) navigational safety, cf. special Danish rules on navigation and local Danish rules of the road at sea,
- 3) IMO recommendations,
- 4) inoperative markings (lights and buoys) in the area,
- 5) consequences of deficiencies in the ship and its equipment,
- 6) conditions relating to the passage,
- 7) environmental conditions, cf. environmental legislation,
- 8) passage planning and
- 9) other information of significance to the ship's passage.

Subsection 3. The information must be provided as soon as the pilot embarks, or as soon as the pilot becomes aware of the situation.

Subsection 4. When requested, the pilot must be able to confirm that the information has been given to and understood by relevant crew members on the ship.

Section 9. A pilot is obliged to submit a report to the relevant authority about relevant information in relation to the passage in question, with regard to both the passage itself and other traffic in the area.

Subsection 2. "Relevant information" is understood to include

Unofficial translation

- 1) HELCOM's recommendation no. 23/3 of 6 March 2002 (Early Warning Scheme), cf. section 5, subsection 1, nos. 3 and 4,
- 2) any failure to comply with IMO recommendations,
- 3) inoperative markings (lights and buoys) in the area,
- 4) any deficiencies observed on the ship,
- 5) illegal navigation,
- 6) dangerous situations (near miss),
- 7) environmental conditions, cf. environmental legislation,
- 8) deteriorations in depth and
- 9) any other information of significance for society, the environment or the safety of other ships.

Subsection 3. The information must be provided as soon as the pilot becomes aware of the circumstance.

Subsection 4. A copy of the report must be sent to the Danish Pilotage Authority.

Part 3

Revocation of rights and penal provisions

Section 10. A pilotage service provider may be deleted from the register described in section 24 of the Danish Pilotage Act if the pilotage service provider is in breach of the provisions defined in this Executive Order, cf. section 30 of the Danish Pilotage Act.

Section 11. A pilot may have his pilot certificate revoked if the pilot is in serious or repeated breach of the provisions in section 8 or section 9.

Section 12. Any pilotage service provider that is in serious or repeated breach of the provisions in section 2, section 3, subsections 1-4, section 4, subsections 1-3 to sections 5-7 is punished by a fine.

Subsection 2. Companies (legal persons) may be subject to criminal liability under the rules in Part 5 of the Penal Code.

Section 13. Any pilot who is in serious or repeated breach of the provisions in section 8 or section 9 is punished by a fine.

Part 4

Entry into force

Unofficial translation

Section 14. This Executive Order enters into force on 3 December 2006.

Danish Pilotage Authority, 1 December 2006

FRANK ADLER GOTTLIEB



HELSINKI COMMISSION
Baltic Marine Environment
Protection Commission

HELCOM RECOMMENDATION 23/3

Adopted 6 March 2002.
having regard to Article 20, Paragraph 1 b)
of the Helsinki Convention

Revised 2 March 2004 at the 25th Meeting of the Helsinki
Commission, taking into account IMO resolution MSC. 138(76)
superseding IMO resolutions A.579(14) and A.620(15)

**ENHANCING THE USE OF PILOTS IN ROUTE T AND THE SOUND BY
NOTIFICATION TO DEPARTING SHIPS AND ESTABLISHMENT OF AN EARLY
WARNING SYSTEM**

THE COMMISSION,

RECALLING the adoption by the HELCOM Extraordinary Ministerial
Meeting on 10 September 2001 of the "Declaration on the safety
of navigation and emergency capacity in the Baltic Sea Area"
(HELCOM Copenhagen Declaration), in particular Paragraph II
"To enhance the use of pilotage in Route T and the Sound",

MINDFUL that the Baltic Sea Area has been designated as a
special area under Annexes I (oil), II (noxious liquid
substances carried in bulk) and V (garbage) and as a SO_x
emission control area under Annex VI (air pollution) of the
International Convention for the Prevention of Pollution from
Ships, 1973, as modified by the Protocol of 1978 relating
hereto,

CONSCIOUS of the sensitivity of the marine environment of the
Baltic Sea Area and of the importance it represents to the
people living around it, for economic, social, recreational
and cultural reasons,

AWARE of the need to protect this shared resource for the
benefit of present and future generations through the

implementation of an integrated approach as envisaged in the concept of sustainability,

RECOGNIZING that if harmful substances are introduced to this vulnerable sea they will remain there for a long time,

NOTING with satisfaction the joint endeavours of the Baltic Sea States already undertaken as well as the work carried out within the International Maritime Organisation and the European Community,

EXPRESSING concern as to the growing density of maritime traffic in the Baltic Sea area and the accidents which have taken place,

ACKNOWLEDGING the difficulties the Baltic Sea area presents to navigation due to narrow straits, shallow depths, archipelago areas and ice cover during the winter period,

WITHOUT PREJUDICE TO international agreements and legislation of the European Community,

BEING CONVINCED of the need for additional measures in order to ensure the safety of navigation in the Baltic Sea Area,

RECOMMENDS that the Governments of the Contracting Parties establish a system whereby ships covered by IMO resolution MSC.138(76), upon departure from a port in the Baltic region are reminded that they are recommended to use a pilot, by use of the form attached as **Annex 1**.

RECOMMENDS ALSO that the corresponding Baltic port state in question informs the Danish Ministry of Defence/Admiral Danish Fleet of such ships leaving a port in the Baltic region and bound for Route T or the Sound, by using the form attached as **Annex 2**.

RECOMMENDS FURTHER that the Governments of the Contracting Parties implements the above mentioned measures as soon as possible, but no later than 1 January 2003 and report on the implementation of this Recommendation in accordance with Article 16, Paragraph 1 of the Helsinki Convention.

HELCOM RECOMMENDATION 23/3
Annex 1

NOTIFICATION TO SHIPS LEAVING PORTS IN THE BALTIC SEA AREA IN
ORDER TO CALL AT PORTS OUTSIDE THE AREA

About

**The IMO Resolutions recommending certain ships to use pilots
while navigating through the entrances to the Baltic Sea**

The International Maritime Organisation (IMO) has acknowledged that the entrances to the Baltic Sea are difficult to navigate, and that large ships and ships carrying dangerous goods constitute a potential danger of pollution of the entrances and the entire Baltic Sea Area. Consequently, the IMO has in December 2003 approved resolution¹¹ MSC.138(76) calling upon masters of certain ships to make use of the pilot services provided when navigating through the entrances to the Baltic Sea.

In September 2001, the Ministers responsible for maritime shipping and the environment in the Baltic Sea States ' and a representative of the European Community agreed during a HELCOM Extraordinary Ministerial Meeting that the masters of ships covered by the abovementioned IMO resolutions should be informed of these recommendations.

In this respect:

Resolution MSC.138(76), Annex 2, recommends that while navigating through the Sound,

- loaded oil tankers with a draft of 7 metres or more,
- loaded chemical tankers and gas carriers irrespective of size, and
- ships carrying a shipment of irradiated nuclear fuel, plutonium and high-level radio active wastes (INFcargoes)

make use of the pilot services provided.

Resolution MSC.138(76), Annex 1, recommends that ships navigating through route T,

- with a draft of 11 m and more, and

¹¹ The resolution supersedes former IMO resolutions A.579/14 and A.620(15)

- ships carrying a shipment of irradiated nuclear fuel, plutonium and high-level radio active wastes (INFcargoes)

make use of the pilot services provided.

Simultaneously, a corresponding EARLY WARNING SCHEME of such ships bound for Route T or the Sound will be forwarded by the Baltic port state in question to an appropriate body in Denmark, in order that ships not complying with these IMO Resolutions will be requested to do so.

**INFORMATION TO AN APPROPRIATE BODY IN DENMARK ABOUT SHIPS
BOUND FOR ROUTE T OR THE SOUND AND COVERED BY IMO RESOLUTION
MSC.138(76) (EARLY WARNING SCHEME)**

In September 2001 the Ministers responsible for maritime shipping and the environment in the Baltic Sea States` and a representative of the European Community agreed during a HELCOM Extraordinary Ministerial Meeting that the masters of ships covered by IMO Resolution MSC.138(76) should, on departure, be informed of the recommendations for certain ships to use pilots while navigating through the entrances to the Baltic Sea.

Simultaneously a corresponding EARLY WARNING SCHEME of such ships bound for Route T or the Sound should be filled in by the master and forwarded by the Baltic port state in question, to an appropriate body in Denmark, in order that ships not complying with these IMO recommendations will be requested to do so.

| EARLY WARNING SCHEME | |
|--|--|
| Submitted by the competent Authority of: | |
| Ships Name | |
| Departing from | |
| Date and time (UTC) | |
| Port of destination | |
| Draft | |
| Loaded tanker (Yes/No) | |
| Loaded chemical tanker (Yes/No) | |
| Gas carrier (Yes/No) | |
| INF Cargo (Yes/No) | |
| Expected route (Route T/the Sound) | |
| ETA Reporting line Moen SE/Drogden lighthouse (SHIPPOS-reporting system) | |
| Planning to use pilot (Yes/No) | |
| Is the ship planning to use pilot if/when re- entering the Baltic Sea (Yes/no) | |
| ANNEX 1 handed over to master (Yes/No) | |
| Name and signature of master | |
| Comments | |

This early warning scheme should, on departure of the corresponding ship be forwarded to the Danish Ministry of Defence/Admiral Danish Fleet by:

E-mail: eu-celle@sok.dk or

Fax: +45 89 43 32 83