

## **Order on the activities of pilotage service providers and the obligations of pilots in Greenland**

Pursuant to section 9, section 16(3), section 17(3), section 24(7), section 26a(1) and (2) and section 34(4) of the pilotage act (*lodsloven*), act no. 567 of 9 June 2006, as amended by act no. 478 of 30 May 2012, act no. 1231 of 18 December 2012 and act no. 725 of 25 June 2014, as enacted for Greenland by decree no. 985 of 24 August 2015, by authority and following consultation with the Government of Greenland, the following provisions are laid down:

### **Part 1**

#### *The activities of pilotage service providers*

**Section 1.** Any company meeting the conditions of section 24(4) of the pilotage act (*lodsloven*) shall, irrespective of the type of organisation, be entitled to register as a pilotage service provider.

*Subsection 2.* For companies domiciled in Greenland, section 24(4)(i) of the pilotage act (*lodsloven*) shall not apply.

**Section 2.** A pilotage service provider shall carry out ongoing self-regulatory control of

- 1) hours of rest;
- 2) certification;
- 3) occupational health; and
- 4) experience.

*Subsection 2.* A pilotage service provider shall be obliged to document the self-regulatory control to the Danish Maritime Authority.

**Section 3.** Pilotage service providers shall record incidents that have presented a risk to the environment or to safety of navigation as well as any deviations from the prescribed rules.

**Section 4.** Pilotage service providers shall ensure that, immediately after an order for a pilotage assignment has been received, the Danish Maritime Authority has access to information pertaining to the order.

*Subsection 2.* Pilotage service providers shall ensure that the start and finalisation of each pilotage assignment is, as soon as possible after the finalisation of the pilotage assignment, reported by means of the electronic pilotage reporting system of the Danish Maritime Authority. The report shall contain an indication of which ship has been piloted, where the pilotage assignment has taken place and which pilot has performed the pilotage assignment.

**Section 5.** A pilotage service provider shall ensure that the affiliated pilots at all times observe the provisions on hours of rest.

*Subsection 2.* A pilotage service provider shall be obliged to keep accounts of the pilots' hours of rest.

*Subsection 3.* Within any 24-hour period, a maximum of 12 hours' pilotage shall be planned.

**Section 6.** A pilotage service provider shall at any time be obliged to ensure that the pilots affiliated with the pilotage service provider are qualified for performing the task and that they observe the provisions of the pilotage act (*lodsloven*) and provisions issued pursuant to the pilotage act (*lodsloven*).

Part 2  
*Pilots' obligations*

**Section 7.** The pilot shall be obliged to give advice to the master of a piloted ship or his substitute in accordance with good seamanship and on the basis of the experience and insight that a pilot shall possess:

*Subsection 2.* The advice mentioned in subsection 1 shall include information about the following:

- 1) Safety of navigation, cf. the international regulations for preventing collisions at sea, and national navigational regulations, etc.;
- 2) the IMO recommendations of relevance to the voyage;
- 3) defective buoying in the waters;
- 4) the consequences of defects in the ship and its equipment;
- 5) issues concerning the voyage;
- 6) environmental issues, cf. environmental legislation;
- 7) voyage planning; and
- 8) other information of importance to the ship's voyage.

*Subsection 3.* The information mentioned in subsection 2 shall be provided as soon as the pilot has embarked the ship or as soon as the pilot becomes aware of the condition.

*Subsection 4.* Upon request, the pilot shall be able to account for the fact that the information mentioned in subsection 2 has been provided and has been understood by the relevant crew on board the ship.

**Section 8.** A pilot shall be obliged to notify the relevant authority about relevant information in relation to the voyage concerned, both concerning obvious irregularities, own navigation and other traffic in the area.

*Subsection 2.* Relevant information as mentioned in subsection 1 shall mean:

- 1) non-compliance with IMO recommendations;
- 2) defective buoying in the waters;
- 3) observed defects and obvious irregularities in the ship that may affect the safety of the ship or that present an unreasonable threat of damage to the marine environment;
- 4) illegal navigation;
- 5) hazardous situations (near misses);
- 6) environmental issues, cf. the environmental legislation;
- 7) depth deteriorations; and
- 9) other information of importance to society, the environment and the safety of other ships.

*Subsection 3.* The information mentioned in subsection 2 shall be provided as soon as the pilot becomes aware of the condition and shall, as a minimum, include relevant information about the ship (name, IMO identification number, call sign and flag), navigational information (recent port of call, port of destination) as well as a description of the conditions identified in pursuance of subsection 1 and subsection 2.

*Subsection 4.* A copy of the notification shall be forwarded to the Danish Maritime Authority.

Part 3  
*Withdrawal of rights*

**Section 9.** A pilotage service provider may be deleted from the register mentioned in section 24 of the pilotage act (*lodsloven*) if the pilotage service provider violates sections 2-6.

**Section 10.** A pilot may have his pilot certificate withdrawn if he violates sections 7-8.

Part 4  
*Measures*

**Section 11.** In case of contraventions of sections 2-8, measures may be laid down in accordance with the criminal code (*kriminalloven*) for Greenland.

*Subsection 2.* When meting out penalties, it shall be regarded as aggravating circumstances if:

- 1) the contravention has caused damage to life or health or risk of such damage;
- 2) an injunction or order has previously been issued in connection with the same or equivalent situations;  
or
- 3) the contravention has produced or has been intended to produce financial benefits to the contravener or others.

*Subsection 3.* If the profits gained through the contravention are not confiscated in pursuance of the provisions of the criminal code (*kriminalloven*), particular account shall, when meting out penalties, including additional penalties, be taken of the scale of any economic benefit achieved or sought.

*Subsection 4.* If the contravention has been committed by companies, etc. (legal entities), liability to pay a fine may be incurred by the legal entity as such. If the contravention has been committed by the State, the Government of Greenland, a municipality, a municipal cooperative covered by section 64 of the Landsting act on municipal councils and local authorities, etc. or a local authority, liability to pay a fine may be incurred by the relevant public authority as such.

*Penalty provisions*

**Section 12.** If the relevant party is not resident in Greenland or his connection to Greenland society is otherwise so remote that the prerequisites for measures to be taken do not exist, legal proceedings may be instigated or the case may be referred for trial in Denmark.

*Subsection 2.* In the cases stipulated in subsection 1, contraventions of sections 2-8 may be punishable by fine.

*Subsection 3.* Companies etc. (legal personalities) may be liable to punishment according to the provisions of part 5 of the penal code (*straffeloven*).

Part 5  
*Entry into force*

**Section 13.** This regulation shall enter into force on 1 July 2016.

*Danish Maritime Authority, 11 December 2015*  
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