

Translation: Only the Danish version has legal validity.

*Order no. 1343 of 11 December 2014
issued by the Danish Maritime Authority*

Order on the activities of pilotage service providers and the obligations of pilots¹

Pursuant to section 9, section 16(3), section 17(3), section 23(3), section 24(7), section 26a(1)-(2), section 28(1)(i), section 30(1) 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 of act no. 725 of 25 June 2014, and by authority granted by the Minister of Business and Growth, the following provisions are laid down:

Part 1

The activities of pilotage service providers

Section 1. Any company domiciled in an EU/EEA country 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.

Section 2. A pilotage service provider shall take out and keep an insurance covering the liability incurred by the pilot either pursuant to section 151 of the merchant shipping act (*sømandsloven*) or as a consultant.

Subsection 2. The insurance mentioned in subsection 1 shall have a coverage minimum of at least DKK 5.0 million.

Subsection 3. A pilotage service provider shall be obliged to forward a declaration from the insurance company stating that the pilotage service provider has taken out insurance in accordance with subsections 1 and 2 by means of the electronic pilotage reporting system of the Danish Maritime Authority.

Subsection 4. It shall be stipulated in the declaration mentioned in subsection 3 that the insurance company shall inform the Danish Maritime Authority in case changes are made to the insurance that may reduce the insurance coverage or if it is discontinued before the change takes effect.

Section 3. 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 4. Pilotage service providers shall record all incidents that have presented a risk to the environment or to safety of navigation as well as all deviations from the prescribed rules.

¹ The order contains provisions implementing Directive of the European Parliament and of the Council 2009/16/EC of 23 April 2009 on port State control, Official Journal 2009, no. L 131, page 57.

Section 5. Pilotage service providers shall ensure that, immediately after an order for a transit pilotage assignment has been received, the Danish Maritime Authority and the Naval Staff have access to information pertaining to the order.

Subsection 2. If a pilotage service provider receives an order for a passage pilotage assignment that is not in accordance with the IMO recommendations on the use of pilots, the pilotage service provider shall inform the requesting party about this when receiving the order.

Subsection 3. 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 6. A pilotage service provider shall ensure that the affiliated pilots at any time observe the provisions of the order on hours of rest and days off, etc. issued by the Ministry of Employment.

Subsection 2. A pilotage service provider shall be obliged to keep accounts of hours of rest and working hours.

Section 7. 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 comply with the provisions of the pilotage act (*lodsloven*) and provisions issued pursuant to the pilotage act (*lodsloven*).

Part 2

Pilots' obligations

Section 8. 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, Danish special regulations of navigation and local Danish regulations for preventing collisions at sea;
- 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 9. 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 and penalty provisions

Section 10. 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 2-10.

Section 11. A pilot may have his pilot certificate withdrawn if he violates sections 8-9.

Section 12. Anyone violating sections 2-9 shall be liable to punishment by fine.

Subsection 2. Companies (legal personalities) may be liable to punishment pursuant to the provisions of part 5 of the penal code (*straffeloven*).

Part 4

Entry into force

Section 13. The order shall enter into force on 1 January 2015.

Subsection 2. At the same time, order no. 1199 of 1 December 2006 on the activities of pilotage service providers and the obligations of pilots and order no. 1142 of 18 December 2006 on the requesting of pilots shall be repealed.

Danish Maritime Authority, 11 December 2014

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