

Translation: Only the Danish document has legal validity.

*Order no. 1319 of 9 December 2019  
issued by the Danish Maritime Authority*

## Order on a transit pilotage authorisation scheme

In pursuance of section 13(6) and section 34(4) of the Danish Pilotage Act (*lodsloven*), see Consolidated Act no. 352 of 12 April 2016, the following provisions are laid down:

### *Transit pilotage authorisation*

**Section 1.** Private pilotage providers may be authorised by the Danish Maritime Authority to perform transit pilotage in Danish territorial waters during the period from 1 January 2020 to 31 December 2023.

**Section 2.** A transit pilotage authorisation may not be transferred to other pilotage providers.

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

**Section 3.** The Danish Maritime Authority will grant a transit pilotage authorisation where the pilotage provider applying for authorisation satisfies the following conditions:

- (i) The pilotage provider has been registered according to the Pilotage Act or has, in a written account, rendered it probable that the pilotage provider will be registered before transit pilotage assignments are performed.
- (ii) The pilots employed by the pilotage provider hold all the prescribed certificates and authorisations necessary under pilotage legislation, or the pilotage provider has, in a written account, rendered it probable that it will employ pilots holding the necessary certificates and authorisations before transit pilotage assignments are performed.
- (iii) The pilotage provider provides documentation that procedures have been established which the Danish Maritime Authority deems sufficient to ensure that the pilotage provider will comply with the Pilotage Act and regulations laid down in pursuance of the Pilotage Act.

### *Application for a transit pilotage authorisation*

**Section 4.** Applications for a transit pilotage authorisation must be sent by e-mail to the Danish Maritime Authority.

*Subsection 2.* Applications, including any appendices, must be written in Danish or English.

*Subsection 3.* Pilotage providers established in EU/EEA countries may submit an application as referred to in subsection (1) electronically through Business in Denmark.

**Section 5.** Applications for a transit pilotage authorisation must contain the following information:

- (i) The name, address and contact person of the pilotage provider.
- (ii) The information necessary to satisfy the conditions set out in section 3.

### *Terms of a transit pilotage authorisation*

**Section 6.** A transit pilotage authorisation will contain the following terms with which the pilotage provider concerned must comply:

- (i) Pilotage assignments covered by the authorisation may only be performed by pilots employed by the pilotage provider.

- (ii) The pilotage provider shall comply with the provisions of the Pilotage Act and regulations laid down in pursuance of the Pilotage Act, including, *inter alia*, requirements for pilotage certificates, reporting, payment of any supply contribution and provisions on hours of rest.
- (iii) Any other terms considered important to the relevant pilotage provider's performance of transit pilotage assignments.

#### *Withdrawal*

**Section 7.** The Danish Maritime Authority may withdraw a transit pilotage authorisation if the pilotage provider concerned:

- (i) contravenes section 2 or section 6(1)(i) and (ii),
- (ii) grossly or repeatedly violates the terms of the authorisation stipulated in pursuance of section 6(1)(iii), or
- (iii) fails to observe procedures established to ensure compliance with the Pilotage Act and regulations laid down in pursuance of the Pilotage Act, see section 3(1)(iii) of this Order.

*Subsection 2.* The authorisation may be withdrawn in full or in part.

*Subsection 3.* A company which is the addressee of a decision on withdrawal pursuant to subsection (1) hereof may demand that such decision be brought before the courts of law. A demand to have a decision brought before the courts of law must be submitted to the Danish Maritime Authority not later than four weeks after the decision has been notified to the company concerned.

*Subsection 4.* The Danish Maritime Authority shall, without undue delay, institute legal proceedings against the company referred to in subsection (3) hereof under the rules of civil procedure.

*Subsection 5.* A demand for legal proceedings concerning withdrawals pursuant to subsection (1) hereof will act as a stay of execution. However, the court may order the company concerned to refrain from performing transit pilotage assignments during the consideration of the case.

#### *Penalty provisions*

**Section 8.** Any pilotage provider which contravenes the provisions of section 2, or grossly or repeatedly violates the terms referred to in section 6(1)(i) and (ii) is liable to a fine.

*Subsection 2.* Criminal liability may be imposed on companies (legal persons) under the rules of Part 5 of the Danish Criminal Code (*straffeloven*).

#### *Entry into force and interim provisions*

**Section 9.** This Order enters into force on 1 January 2020.

*Subsection 2.* Pilotage providers which have been granted a transit pilotage authorisation before 1 January 2020 under Order no. 1341 of 11 December 2014 on a transit pilotage authorisation scheme may perform transit pilotage assignments until 31 December 2023 unless the authorisation is withdrawn, see section 7 of this Order.

*Subsection 3.* Order no. 1341 of 11 December 2014 on a transit pilotage authorisation scheme is repealed.

*Subsection 4.* Order no. 1249 of 29 November 2019 on a transit pilotage authorisation scheme is repealed.

*Danish Maritime Authority, 9 December 2019*

Jan Thorn  
On behalf of the Director General

/ Kristina Ravn