

(Translation. Only the Faroese version has legal validity)

Executive order No 152 of 18 December 2012 on pilot certificates and pilot exemption certificates, etc as amended by executive order No 26 of 23 April 2013

Chapter 1: Pilot certificate

Chapter 2: Pilot training

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Under the provisions in section 5, section 9 subsection 3, section 12 subsection 2, section 14 subsections 1 and 2, section 16 and section 19 subsection 4 in Parliamentary Act No. 21 of 16 March 2012 on harbour pilotage the following shall be laid down:

**Chapter 1
Pilot certificate**

Section 1. The pilot certificate is issued upon application if the applicant:

- 1) has obtained a certificate of competency as master according to the Parliamentary Act on Manning of Ships,
- 2) has at least two years experience as master or chief mate from relevant voyages,
- 3) holds a valid health certificate without limitations according to the Executive Order on Medical Examination of Seafarers, cf however subsection 4,
- 4) has completed pilotage training, including having passed the practical and the theoretical competency test for pilots, cf chapter 2,
- 5) is associated with a pilot station cf. section 4 in Parliamentary Act on Harbour Pilotage.

Subsection 2. The Faroese Maritime Authority may grant exemption from the conditions specified in subsection 1 no 2.

Subsection 3. The pilot certificate may be restricted to various ship sizes and to specific harbours.

Subsection 4. If there are limitations in the health certificate according to subsection 1 no 3, the Faroese Maritime Authority may request a medical assessment of whether the applicant, in spite of the limitations, is able to fill the position as a pilot.

Section 2. The Faroese Maritime Authority issues the pilot certificates. The format and content of the pilot certificate shall be according to annex 1.

Subsection 2. The pilot certificate shall be issued for a period of five years.

Subsection 3. If the holder of the pilot certificate no longer fulfils the requirements in this executive order, the holder shall be obliged to send the pilot certificate to the Faroese Maritime Authority cf section 9 subsection 4 in the Parliamentary Act on Harbour Pilotage.

Subsection 4. The Faroese Maritime Authority may withdraw a pilot certificate according to section 17 in the Parliamentary Act on Harbour Pilotage.

Section 3. The applicant may not act as a pilot until the Faroese Maritime Authority has issued a pilot certificate to the person in question.

Chapter 2 Pilot training

Courses

Section 4. The theoretical training mentioned in section 1, subsection 1, no 4 includes the following:

- 1) basic safety training course for pilots, and
- 2) course for pilots which among others contents of ship manoeuvring for pilots, current conditions, geographical conditions and pilotage legislation.

Subsection 2. The courses pursuant to subsection 1 shall be completed prior to the application for a pilot certificate.

Subsection 3. The Minister decides the contents of the courses pursuant to subsection 1.

Subsection 4. Pilots shall renew the courses pursuant to subsection 1 at a minimum every five years.

Competency test

Section 5. The competency test consists of a practical and a theoretical part.

Subsection 2. The practical part consists of the applicant's undertaking of a pilotage assignment into the harbour or harbours to which the application for the pilotage certificate relates.

Subsection 3. The theoretical part consist of a test in which the applicant is examined in local knowledge, cf subsection 5.

Subsection 4. Two examiners appointed by the Faroese Maritime Authority shall take part in the competency test.

Subsection 5. The Minister makes decision on the content of the test pursuant to subsection 3.

Subsection 6. The applicant or his employer shall pay all expenses related to the competency test, including preparation, hourly wages and travelling expenses etc. for the examiners.

Renewal

Section 6. Upon application to the Faroese Maritime Authority, a certificate of pilotage is renewed cf section 2 subsection 2, if the pilot documents minimum three pilotage assignments in the relevant harbour within the past five years prior to submitting the application for renewal.

Subsection 2. In addition to fulfil the requirement in subsection 1 on experience in sailing, the pilot shall in connection with the renewal, document that he has completed the courses pursuant to section 4 subsection 4 and section 5 subsection 3.

Chapter 3

Pilot exemption certificate

Section 7. The Faroese Maritime Authority issues the pilot exemption certificates. The format and content of the pilot exemption certificate shall be according to annex 1.

Subsection 2. The pilot exemption certificate shall be issued for a period of five years.

Section 8. Upon application a pilot exemption certificate is issued to a master or officer in charge of navigational watch, valid for a specific harbour, specific type and size of ship, if the applicant documents navigation of a ship of at least three times within the past 12 months in the relevant harbour with the relevant type and size of ships.

Subsection 2. ¹⁾ The Faroese Maritime Authority may grant exemption from the requirements on sailing frequencies in subsection 1 if the applicant documents to have extensive experience in sailing into or out of the relevant harbour with the relevant type and size of ship and thereby is considered to have extensive knowledge to the area.

Subsection 3. ¹⁾ Pilot exemption certificate cannot be used when certain types of ships and ships loaded with dangerous goods sail into or out of Faroese ports, cf annex 2.

Section 9. The holder of a valid pilot exemption certificate shall inform the relevant pilot station that he holds a valid pilot exemption certificate.

Section 10. ¹⁾ Upon application to the Faroese Maritime Authority, a pilot exemption certificate is renewed cf section 7 subsection 2, if the applicant documents navigation of a ship, subject to pilotage exemption, in the relevant harbour at least three times within the past 12 months, prior to submitting the application or documents that the requirement in section 8 subsection 2 is fulfilled.

Section 11. If the holder of a pilot exemption certificate no longer fulfils the requirements in this executive order, the holder shall be obliged to send the pilot exemption certificate to the Faroese Maritime Authority cf section 12 subsection 3 in the Parliamentary Act on Harbour Pilotage.

Subsection 2. The Faroese Maritime Authority may withdraw a pilot exemption certificate according to section 17 in the Parliamentary Act on Harbour Pilotage.

Chapter 4 Insurance

Section 12. Pilot stations shall take out insurance that can cover the liability placed upon the pilot in accordance with section 233 in the Merchant Shipping Act.

Subsection 2. Pilot stations shall take out insurance that can cover the liability placed upon the pilot as an adviser.

Subsection 3. The insurances mentioned in subsection 1 and 2 must each have a minimum of cover of up to DKK 5 million.

Subsection 4. A pilot station is obliged to annually submit a copy of the insurance policies, including conditions and special terms, to the Faroese Maritime Authority.

Subsection 5. It shall appear from the insurance contract that the insurance company shall inform the Faroese Maritime Authority of any changes or discharge of the insurance contract.

Chapter 5 Register, inspection etc

Section 13. The Faroese Maritime Authority keeps a register of approved pilots. The register is available at the Faroese Maritime Authority's homepage.

Subsection 2. Pilots will be deleted from the register if the pilot certificate has expired or has been withdrawn, cf section 14 subsection 3 in the Parliamentary Act on Harbour Pilotage.

Section 14. Pilot stations shall execute internal control with regard to hours of rest, pilot certificates, working environment and experiences and shall upon request provide all registrations with regard to the internal control to the Faroese Maritime Authority.

Section 15. The Faroese Maritime Authority may require that information pursuant to this executive order is forwarded electronically to the Faroese Maritime Authority.

Chapter 6 Fees

Section 16. The fee to the Faroese Maritime Authority for issuing or renew a pilot certificate is DKK 1175.

Subsection 2. The fee to the Faroese Maritime Authority for issuing or renew a pilot exemption certificate is DKK 1175.

Subsection 3. The fee to the Faroese Maritime Authority for inspection of the pilot activity is DKK 470 per hour which is to be paid from the relevant pilot station.

Chapter 7 Complaint

Section 17. Decisions taken by the Faroese Maritime Authority in accordance with this executive order, may be brought before the Trade and Industry Appeals Committee within 4 weeks from the day that the person concerned has been informed about the decision.

Chapter 8 Penalty

Section 18. Violation of section 3 shall be punishable by a fine. The same shall apply to any person who executes pilotage although the person concerned is not authorized to pilot. The same shall apply to any person who fails to deliver his pilot certificate or pilot exemption certificate in accordance with section 2 subsection 3 and section 11 subsection 1.

Subsection 2. A pilot station who grossly or repeatedly contravenes violation of section 12 subsections 1-3 and section 15 shall be punishable by a fine.

Subsection 3. Legal persons shall incur criminal liability under the regulations in chapter 5 of the Faroese Penal Code.

Chapter 9 Entry into force and transitional provisions

Section 19. This executive order shall enter into force on 1 January 2013

Subsection 2. Persons with master mariner's competence and who execute pilotage for the municipalities at the time the executive order comes into force, shall in the transitional period still be entitled to carry out pilotage until 1 January 2014 when the requirements for competencies, pilot certificates etc. pursuant to this executive order shall be met. However, the requirement on passing the competency test pursuant to section 5 is not applicable to these persons. These persons shall during the transitional period be provisionally registered in the register pursuant to section 13.

Ministry of Trade and Industry, 18 December 2012

Johan Dahl

Minister of Trade and Industry

Format and content of the pilot certificate and the pilot exemption certificate

Pilot certificate – format and content

I. Format:

The Faroese Maritime Authority decides the format of the pilot certificates.

II. Content

The pilot certificate shall be in English.

On the front of the certificate the following shall be stated:

- flag of nationality
- name of the certificate
- serial number of the certificate
- photo of the holder of the certificate
- date of issue
- expiry date
- name of the pilot
- pilot's date of birth
- pilot's signature
- pilotage area
- possible limitations e.g. length or draught of ship

On the reverse side of the certificate the following shall be stated:

- reference to the Parliamentary Act on Harbour Pilotage
- signature of the Faroese Maritime Authority
- stamp
- the Faroese Maritime Authority's logo
- the Faroese Maritime Authority's name, address, phone number and email

Pilot exemption certificate – format and content

I. Format:

The Faroese Maritime Authority decides the format of the pilot exemption certificates.

II. Content

The pilot exemption certificate shall be in English.

On the front of the certificate the following shall be stated:

- flag of nationality
- name of the certificate
- serial number of the certificate
- photo of the holder of the certificate
- date of issue
- expiry date
- name of the certificate holder
- certificate holder's date of birth
- certificate holder's signature
- pilot exemption areas
- type and size of ship for which the pilot exemption certificate is applicable
- signature of the Faroese Maritime Authority
- stamp
- reference to the Parliamentary Act on Harbour Pilotage

On the reverse side of the certificate the following shall be stated:

- the Faroese Maritime Authority's logo
- the Faroese Maritime Authority's name, address, phone number and email

Ships which are subject to compulsory pilotage, although the conditions for pilot exemption are present

A pilot exemption certificate cannot be used for below mentioned ships subject to compulsory pilotage during arrival at or departure from a Faroese harbour:

- oil, gas and chemical tankers
- passenger ships above 200 metres
- nuclear-powered ships
- ships loaded with certain dangerous goods. This provision applies to ships loaded with goods regulated by the INF Code, or in connection with below carriage of liquid bulk cargoes:
 1. condensed gas, cf IBC Code, chapter 19.
 2. substances in pollution category X that are regulated by MARPOL Annex II, cf. IBC Code, chapter 17.
 3. substances in pollution category Y that are regulated by MARPOL Annex II, cf. chapter 17, all substances that are regulated by MARPOL Annex I and substances with a flash point lower than 23C, when the ship has a single hull and a length of 70 metres or more.
 4. substances in pollution category Y that are regulated by MARPOL Annex II, cf. IBC Code, chapter 17, all substances that are regulated by MARPOL Annex I and substances with a flash point lower than 23C, when the ship has a double hull and a length of 90 metres or more.

Ships that have been loaded with abovementioned substances are also subject to this provision if the tanks not have been cleaned for these substances.

1) Amended in Parliamentary Act No 26 of 23 April 2013