

(Translation. Only the Faroese version has legal validity)

Executive order No. 153 of 21 December 2012 on pilotage, payment, etc.

Under the provisions in section 3 subsection 2, section 7 subsection 3 and section 10 subsection 3 in Parliamentary Act No. 21 from 16 March 2012 on harbour pilotage the following shall be laid down:

Chapter 1

Definition

Section 1. In this executive order, the following definitions shall apply:

- 1) *Pilotage position*: Position where the pilotage commences and vessels subject to compulsory pilotage shall await the pilot vessel to come alongside for setting the pilot on board.
- 2) *Notification position*: A position further out than the pilotage position, where vessels subject to compulsory pilotage shall contact the pilot station for receiving the exact sailing direction to the pilotage position itself.
- 3) *Pilot station*: The municipality which is responsible for carrying out piloting when sailing into and out of port or roadstead.
- 4) *ETA*: Estimated Time of Arrival, i.e. the time when the vessel subject to compulsory pilotage is expected to arrive at the pilotage position in question.
- 5) *Roadstead*: Position where the vessel casts anchor outside a certain harbour.
- 6) *Pilotage Act*: Parliamentary Act No. 21 from 16 March 2012 on harbour pilotage.
- 7) *Process agent*: Person or company in the Faroe Islands who represents a vessel subject to compulsory pilotage and who according to this executive order is directly liable to pay for pilotage fees, etc.
- 8) *Shipowner*: Owner of the vessel subject to compulsory pilotage, or other person or company, who on behalf of the shipowner operates the vessel subject to compulsory pilotage and who, according to this executive order, is directly liable to pay for pilotage fees, etc.

Chapter 2

Pilotage position and notification position

Section 2. For ports which expect to receive vessels subject to compulsory pilotage one or more pilotage positions shall be appointed. Furthermore, notification position for certain ports shall be appointed, cf. attachment I in this executive order and the nautical charts in question.

Subsection 2. The pilotage positions are called *pilotage position Alfa*, *pilotage position Bravo*, etc., while the notification positions are called *notification position to pilotage position Alfa*, *notification position to pilotage position Bravo*, etc.

Subsection 3. Pilotage and notification positions may be common for several ports.

Chapter 3

Request for pilotage

Deadlines for arrival

Section 3. Vessels subject to compulsory pilotage arriving at port or roadstead shall submit an order for pilotage from the pilot station in question no later than 18 hours prior to the ETA.

Subsection 2. The vessels subject to compulsory pilotage shall as soon as possible and no later than four hours prior to the ETA inform the pilot station about any changes in the ETA.

Deadlines for departure

Section 4. Vessels subject to compulsory pilotage leaving port or roadstead shall submit an order for pilotage from the pilot station in question no later than six hours prior to the estimated time of departure.

Subsection 2. Changes in the departure shall be submitted to the pilot station as soon as possible and no later than two hours prior to the departure time initially reported.

Information which shall follow the request for pilotage

Section 5. From the vessel entering a port or roadstead, the request for pilotage shall be supplied with the following information:

- 1) name of the vessel subject to compulsory pilotage, call sign and IMO identification number (if available),
- 2) gross tonnage (GT), length, width and draught of the vessel,
- 3) name of the port or roadstead the vessel is to arrive,
- 4) ETA,
- 5) name of the port or roadstead the vessel is to depart,
- 6) type of cargo on board,
- 7) details of the vessel's manoeuvrability, including engine power, bow thrusters and possible limitations and defects in this regard,
- 8) contact information on the person ordering the pilotage and
- 9) exact information on who is liable to pay for the pilotage.

Subsection 2. From the vessel leaving a port or roadstead, the request for pilotage shall contain the information mentioned in subsection 1 item 1, 3, 6, 7, 8 and 9.

Chapter 4

Execution of the pilotage

Piloting from the pilotage position

Section 6. Vessels subject to compulsory pilotage shall be piloted from the pilotage position for the harbour in question stipulated in section 2, cf. however sections 7-10.

Piloting from inner pilotage position

Section 7. If due to weather conditions it is not considered safe to send out the pilot boat to the appointed pilotage position for the harbour in question as stipulated in section 2, the pilot station may in the individual case appoint an inner pilotage position and via radio communication and possible other suitable means advise the vessel how to sail to the inner pilotage position.

Piloting from pilot boat

Section 8. If due to weather conditions or other circumstances it is not considered safe for the pilot to embark the arriving vessel at an inner pilotage position as stipulated in section 7, the pilot may in consultation with the pilot station decide to carry out the piloting from the pilot boat sailing ahead of the vessel.

Piloting via radio communication etc.

Section 9. If weather conditions are considered to be so poor that the pilot station assesses it unsafe to send out the pilot boat to the vessel, or if there are other specific circumstances which prevent the pilotage to be commenced from the pilot boat, then the pilot station may pilot the vessel via radio communication and possible other suitable means. However, this is only possible if it is considered to be safe.

Deferral of the pilotage

Section 10. If the weather or other specific conditions prevent the pilotage from being commenced in a safe way, the pilot station shall point out a safe place for the vessel subject to compulsory pilotage to wait until pilotage can be commenced.

Chapter 5

Pilots' obligation to report

To the vessel subject to compulsory pilotage

Section 11. According to section 10 subsection 1 in Parliamentary Act on harbour pilotage, the pilot is obliged to inform the piloted vessel about the following circumstances:

- 1) information on navigation routes in Faroese domestic waters and prohibited sailing areas,
- 2) relevant IMO recommendations,
- 3) insufficient or incorrect markings in the sailing area and in the respective nautical charts,
- 4) consequences of defects on the piloted vessel or its equipment on board,
- 5) details concerning the navigation,
- 6) information of significance to the protection of the environment according to the marine environmental legislation,
- 7) order for the navigation and
- 8) other information of significance to the safe navigation and pilotage.

Subsection 2. The pilot should inform the shipboard management of the circumstances mentioned in subsection 1 as soon as he arrives on board the vessel, or as soon as he becomes aware of the mentioned circumstances.

To the appropriate authorities

Section 12. According to section 10 subsection 2 in Parliamentary Act on harbour pilotage, the pilot is obliged to inform the appropriate authorities about various circumstances concerning the piloted vessel and the maritime traffic in the area, i.a.:

- 1) failure to comply with IMO recommendations,
- 2) insufficient or incorrect markings in the sailing area and in the respective nautical charts,
- 3) defects and deficiencies on the piloted ship,
- 4) illegal navigation,
- 5) dangerous situations (near miss),
- 6) information of significance for the environment according to the marine environmental legislation, and
- 7) other information of significance for society, the environment or the safety of other vessels.

Subsection 2. The circumstances mentioned in subsection 1 must be provided as soon as the pilot becomes aware of the mentioned circumstances.

Chapter 6

Pilotage fee

Section 13. The pilotage fee is stipulated as an hourly fee based on the size of the piloted vessel:

Size of the vessel in gross tonnage (GT)	Hourly fee
0 up to 3000 GT	DKK 1100 for every commenced clock hour
3001 up to 10000 GT	DKK 1200 for every commenced clock hour
10001 up to 50000 GT	DKK 1400 for every commenced clock hour
50001 GT or above	DKK 1900 for every commenced clock hour

Subsection 2. A pilotage will never be charged for less than 2 hours. If the pilotage continues for more than 2 hours, the fee is DKK 700 per hour irrespective of the vessel's size.

Subsection 3. The fee for use of the pilot boat is not included in the payment according to subsection 1. The vessel's process agent or the shipowner in question must pay directly to the owner of the pilot boat for the use of the pilot boat.

Accrual of payment

Section 14. Payment for pilotage is charged from the time that the pilot boat sets out with the pilot on board and until the pilot has come ashore again.

Subsection 2. If piloted according to section 9, the payment for pilotage is charged from the time that the pilotage commences via radio communication, etc. and until the vessel is made fast alongside the quay or is anchored on the roadstead.

Waiting time payment

Section 15. If pilotage has been requested, but the reported ETA of the vessel is delayed more than one hour without such delay being reported according to the mentioned deadlines in section 3, subsection 2 and section 4, subsection 2, the vessel shall be charged double hourly rate for the time that the pilot has to wait until the pilotage actually commenced, or to the time that the vessel subject to compulsory pilotage finally cancels the pilotage.

Subsection 2. If a pilot has come on board, but is prevented from commencing the pilotage due to circumstances outside the pilot's control, the vessel shall be charged double hourly rate from the time that the pilot came on board and until the pilotage actually commenced, or until the pilot has come ashore again.

Payment obligation

Section 18. The obligation to pay for pilotage, etc., lies at the vessel's process agent, who represents the vessel subject to compulsory pilotage and otherwise with the shipowner.

Subsection 2. The fee for pilotage shall fall due 30 days after the date of invoice. If not paid, interests will accrue on the fee in accordance with the Parliamentary Act on Interests.

Payment for voluntary pilotage

Section 19. Vessels which submit a request for pilotage without being subject to compulsory pilotage shall pay for the pilotage, etc., in accordance with this executive order in the same way as vessels subject to compulsory pilotage.

Chapter 7

Various provisions

Definition of oil, chemicals, etc.

Section 20. According to section 7 subsection 3 in the Parliamentary Act on harbour pilotage the following definitions shall apply:

- 1) *Oil*: Defined as in the international MARPOL regulations; (The International Convention for the Prevention of Pollution From Ships, 1973, as modified by the Protocol of 1978 - MARPOL 73/78 Annex I) with later amendments.
- 2) *Dirty cargo tanks*: Ships in ballast whose tanks (including slop tanks) have not been entirely washed and have not been rendered safe by means of inert air, after having been loaded with oil.
- 3) *Chemicals*: Defined as in United Nations' international regulations; The International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), as amended, for substances in the pollution categories X, Y and Z in chapters 17-19.
- 4) *Gases*: Defined as in the international IGC Code (The International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk) with later amendments.
- 5) *Bunker oil*: Fuel oils and other types of oil products used to operate the ship.
- 6) *Highly radioactive material*: Material covered by the international INF Code (The International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships).

Entry into force

Section 21. This executive order shall enter into force on 1 January 2013

Ministry of Trade and Industry, 21 December, 2012

Johan Dahl

Minister of Trade and Industry

/Björgfríð Ludvig

Permanent Secretary

Attachment I

**Attachment to executive order on pilotage, payment, etc.
Pilotage- and notification position**

<i>Municipality</i>	<i>ISPS harbours</i>	<i>Pilotage position</i>	<i>Notification position</i>	<i>Remarks</i>
<i>Tórshavnar-</i>	<i>Tórshavn, Sund Kollafjørður</i>	62*00' N and 06*43' W	61*55' N and 06*37' W	
<i>Runavíkar-</i>	<i>Runavík, Skála Funningsfj.</i>	62*03' N and 06*43' W	62*03' N and 06*39' W	<i>Pilotage position and notification position are common for Nes-, Sjóvar- and Sunda municipalities (Hósvík, Hvalvík, Oyri)</i>
<i>Nes-</i>	<i>Toftir</i>	62*03' N and 06*43' W	62*03' N and 06*39' W	<i>Pilotage position and notification position are common for Runavíkar- and Sunda municipalities.</i>
<i>Sunda-</i>	<i>Hósvík, Hvalvík, Oyri, Norðskála</i>	The southern: 62*03' N and 06*43' W (Hósvík, Hvalvík, Oyri) The northern: 62*18,66' N and 07*08,53' W (Norðskála)	62*03' N and 06*39' W (To the south) 62*20,00' N and 07*09,00' W (To the north)	<i>The southern pilotage position and notification position are common for Runavíkar-, Nes- and Sjóvar municipalities. The northern pilotage position and notification position are common for Eiði municipality.</i>
<i>Eiðis-</i>	<i>Eiði</i>	62*18,66' N and 07*08,53' W	62*20,00' N and 07*09,00' W	<i>Pilotage position is common for the northern pilotage position for Sunda municipality.</i>
<i>Sjóvar-</i>	<i>Langanes, Hulkur</i>	62*03' N and 06*43' W	62*03' N and 06*39' W	<i>Pilotage position and notification position are common for Runavíkar, - Nes- and Sunda municipalities.</i>
<i>Eystur-</i>	<i>Norðagøta, Leirvík</i>	62*12,7' N and 06*41,16' W	62*08' N and 06*32' W (To the south)	<i>Notification position is common for Fuglafjarðar and Klaksvíkar municipalities.</i>
<i>Klaksvíkar-</i>	<i>Klaksvík</i>	62*13' N and 06*38' W 62*16,33' N and 06*41,00' W	62*08' N and 06*32' W (To the south) 62*22' N and 06*54' W (Djúpini) 62*23' N and 06*45' W (Kalsoyarfjørður)	<i>Notification position is common for Fuglafjarðar and Eystur municipalities.</i>

<i>Fuglafjarðar</i>	<i>Fuglafjörð</i>	62*14' N and 06*45' W	62*08' N and 06*32' W (To the south) 62*22' N and 06*54' W (Djúpini) 62*23' N and 06*45' W (Kalsoyarfj.)	<i>Notification position is common for Klaksvíkar and Eystur municipalities</i>
<i>Vestmanna-</i>	<i>Vestmanna</i>	62*08,335' N and 07*10,045' W	62*10,4' N and 07*17' W (To the north) 62*01,25' N and 07*02,8' W (To the south)	
<i>Vága-</i>	<i>Miðvágur</i>	62*02,233' N and 07*08,462' W	62*01,25' N and 07*02,8' W	<i>Notification position is common for Vestmanna municipality (To the south)</i>
<i>Sørvágs-</i>	<i>Sørvágur</i>	62*06' N and 07*27,5' W	62*03,55' N and 07*32,8' W (To the south) 62*08' N and 07*31' W (To the north)	
<i>Tvøroyrar-</i>	<i>Tvøroyri</i>	61*31,88' N and 06*44' W	None	
<i>Vágs-</i>	<i>Vágur</i>	61*28,2' N and 06*44' W	None	