

Circular № 2-17-21-05

Re: Recommendations to Shipowners regarding pilotage in Denmark

After several approaches from the assureds on different issues regarding passage in the Danish territorial waters, INGOSSTRAKH wishes to draw Owner's attention to the number of practical recommendations, prepared with the assistance of our partners and P&I correspondents – Nordic P&I.

There are a lot of regular basis enquiries concerning use of a pilot when sailing through the Danish territorial waters. This mostly in the light of the IMO Recommendation SN.1/Circ. 263 of 23 October 2007 section 1.9 and 1.14 amendments to the recommendations on navigation. In short, whilst the IMO recommendation has not a direct punitive effect in the Danish law entitling the maritime authority to issue fines to a vessel not following the Recommendation, each violation is reported the vessel's flag state. Due to this, there are indirect ways to ensure that the violation of the IMO Recommendation gets noticed. The Danish Maritime Authority ("DMA") has advised us about flag states issuing fines after they have received a report from DMA about violation of the IMO Recommendation. Also, DMA is acquainted with vessels been subject to flag state inspections due to the report by the DMA about the violation, this having caused delays to the respected vessel. A point Members may wish to bear in mind when chartering their vessels out to trade areas covering/ passage of the Danish Waters and embed the allocation of the costs of the same in the charter-party terms.

The Danish territorial waters include **The Great Belt** (Skaw-Gedser, the passage under the Great Belt Bridge) and **The Sound** (the narrow strait between Zealand, Denmark and Skåne, Sweden "Øresund" connecting Kattegat strait with the Baltic Sea). The following applies:

A. Use of a pilot in Danish Territorial Waters is **compulsory** for ships for:

- carrying oil or if they have un-cleaned cargo holds that are not secured by inactive air;
- loaded with chemicals;
- loaded with gases;
- more than 5,000 tonnes of bunker oil on board; or
- loaded with highly radioactive material.

The Danish Maritime Authority shall determine what is to be understood by the above-mentioned cargoes in accordance with international definitions.

B. If a ship's passage through Danish territorial waters is **innocent**, then pilotage is not compulsory. However, given the navigational difficulties and the congested sea traffic, it is a **Recommendation** of IMO (*SN.1/Circ. 263 of 23 October 2007 section 1.9 and 1.14 amendments to the recommendations on navigation*) to use pilotage services when a ship with a draught of 11 meters or more follows **Route T/Tango (Great Belt)** on its voyage through the entrances to the Baltic Sea.

C. It is a **Recommendation** of IMO that loaded oil tankers with a draught of 7 meters or more, loaded chemical tankers and gas carriers, irrespective of size, and ships carrying a shipment of irradiated nuclear fuel, plutonium, and high-level radioactive wastes (INF-Code materials), use a pilot when navigating **The Sound**.

D. **Violations** of the IMO Recommendation SN.1/Circ.263 are **reported** to the ship's flag state by the Danish Maritime Authority. Some of the flag states have reportedly issued **fin**es to the Owners and the Master of the ship in violation of the said IMO Recommendation. Violations are also reported to the ParisMou Port State Control Database "THETIS", which in some cases have justified the **port state control to enter onboard** the ship in violation causing detention and delays.

E. In addition, the ships transiting the Danish territorial waters need to observe the general obligations on safe navigation as per COLREG rules and not pass the area unless they have a draught with which it is safe to navigate, taking into account draught increasing effects such as squat effect and the effect of a course alteration – as in some areas the maximum obtainable **depth** is to some extent **permanently reduced due to sand migration**.

F. Finally, Order 1697 (by Danish Maritime Authority) for Greenland on the safe navigation provides that it is **compulsory** for ships carrying more than 250 passengers in connection with voyages in the **inner and outer territorial waters around Greenland** (to a distance of 3 nautical miles from the baseline) to use services of a **pilot** certified to perform in this area.

Best regards,  
Ingosstrakh Insurance Company  
P&I Claims Department