

# Memorandum of Understanding (MoU) of the Baltic Pilotage Authorities Commission (BPAC) on deep-sea pilotage in the Baltic Sea area

Adopted on 2013-05-30

## THE BALTIC PILOTAGE AUTHORITIES COMMISSION,

**RECALLING** the adoption of the International Maritime Organization (IMO) Resolution A.480(12) on the 19<sup>th</sup> of November 1981 of the “Recommendation on the use of adequately qualified deep-sea pilots in the Baltic”,

**RECALLING ALSO** the adoption of the IMO Res. MSC.138(76) on the 5<sup>th</sup> of December 2002 as amended of the “Recommendation on navigation through the entrances to the Baltic Sea” where certain ships are recommended to use pilotage services locally established by the coastal States,

**HAVING NOTED** the designation by the IMO Marine Environment Protection Committee by resolution MEPC.136(53), of the Baltic Sea area as a Particularly Sensitive Sea Area (PSSA) including the establishment of Associated Protective Measures (APMs),

**BEING MINDFUL** that the Baltic Sea, with the exception of Russian waters and the Russian economic zone, was designated a Particularly Sensitive Sea Area (PSSA) by the International Maritime Organization (IMO). The PSSA status includes special protective measures to control international maritime activities. The Baltic Sea has also been defined as a "special area" according to several annexes to the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), which means stricter requirements for maritime transport in this area,

**BEING CONSCIOUS** of the sensitivity of the marine environment of the Baltic Sea area and the importance it represents to the people living around it for economic, social, recreational and cultural reasons,

**BEING AWARE** of the increase in shipping activities, especially the increase in oil transportation, in the Baltic Sea area in recent years has made the use of qualified deep-sea pilots more important in view of special requirements set for maritime transportation by low temperature and ice conditions in winter,

**RECOGNIZING** the risk of grounding or collision and other hazards associated with navigation in the congested area of the Baltic Sea area,

**RECOGNIZING ALSO** the difficulties the Baltic Sea area presents to navigation due to narrow straits, shallow depths, archipelago areas and also ice cover during the winter period,

**RECOGNIZING FURTHER** that the services of competent and qualified deep-sea pilots can make an important contribution to the safety of navigation and the prevention of pollution in the Baltic Sea area,



## **MoU of the BPAC**

---

**BEING CONVINCED** of the need for additional measures in order to ensure the safety of navigation in the Baltic Sea area,

**HAVING REACHED A COMMON UNDERSTANDING** of the following Memorandum of Understanding (MoU) that sets out the procedure of the work within the Baltic Pilotage Authorities Commission (BPAC) and recommended requirements and licensing standards for Baltic deep-sea pilots.

# 1 General

The Baltic Sea area is a globally unique, sensitive, cold, brackish-water eco-system which is vulnerable to the impact of international shipping and other human activities.

The increase in shipping activities, especially the increase in oil transportation, in the Baltic Sea area in recent years has made the use of licensed Baltic deep-sea pilots more important in view of special requirements set for maritime transportation in narrow and/or shallow waters and by low temperature and ice conditions in winter.

The services of adequately qualified and licensed deep-sea pilots in the Baltic Sea area make an important contribution to the safety of navigation and the prevention of pollution.

Members of the BPAC are the competent pilotage authorities (CPA) of Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Norway, Poland, Russia and Sweden.

Members of the BPAC are encouraged to apply to this MoU but are not/ cannot be legally obliged to do so.

## 1.1 Objectives

The objectives of this MoU are to provide a basis:

- a) for CPA or other relevant authority when setting the requirements for licensing a Baltic deep-sea pilot;
- b) to facilitate that uniform standards for Baltic deep-sea pilots ;
- c) to facilitate that Baltic deep-sea pilots are trained and qualified to enable them to perform the deep-sea pilotage required in the Baltic Sea;
- d) to set recommendations for harmonized training programmes for Baltic deep-sea pilotage courses necessary to be licensed as a Baltic deep-sea pilot;
- e) to establish standardized identity cards to indicate that the card holder is appropriately qualified to act as a Baltic deep-sea pilot; and
- f) for CPA to regularly verify that licensed Baltic deep-sea pilots meet the recommendations.

## 1.2 Definitions

The following abbreviations and definitions are used in this document:

BPAC	Baltic Pilotage Authorities Commission
CPA	Competent pilotage authority. The authority legally responsible for the provision of deep-sea pilotage within each country.
Baltic deep-sea pilot	A nautical advisor to a ship's master outside national pilotage areas under all seasonal conditions and licensed by the competent pilotage authority of BPAC.
The Baltic Sea area	Refers to the Baltic Sea including the Kattegat, the Sound and the Belts.

### **1.3 References to international conventions, resolutions and recommendations**

STCW	International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978 as amended
IMO Res A.480(12)	Recommendation on the use of adequately qualified deep-sea pilots in the Baltic
IMO Res A.601(15)	Provision and display of manoeuvring information on board ships
IMO Res A.893(21)	Guidelines for voyage planning
IMO Res A. 918(22)	IMO Standard Marine Communication Phrases
IMO Res MSC.138(76) as amended	Recommendation on navigation through the entrances to the Baltic Sea
IMO Res MEPC.136(53)	Designation of the Baltic Sea area as a Particularly Sensitive Sea Area (PSSA) including the establishment of Associated Protective Measures (APMs)
HELCOM Recommendation 25/7	Safety of winter navigation in the Baltic Sea area
HELCOM Recommendation 28E/11	Further measures to improve the safety of navigation in ice conditions in the Baltic Sea
EU-directive 2009/16/EC	Directive 2009/16/EC of the European Parliament and of the Council on port State control (regarding Article 23 Reports from pilots and port authorities)

## **2 Terms of reference for the BPAC**

The BPAC is established, composed of representative of each of the CPA.

An advisor from each of the CPA, observers and associates are invited to participate in the work of BPAC and at any other meeting.

The BPAC will meet once a year and at such other times as it may decide. The place of the meeting will circulate between the member countries, and is decided at the meeting one year in advance

The BPAC will:

- a) carry out the objectives specified in this MoU;
- b) be an information forum concerning deep sea pilotage and pilotage in general
- c) develop and approve recommendations for organizing and performing deep-sea pilotage service under the MoU;
- d) keep under review other matters relating to the operation and the effectiveness of the MoU; and
- e) elect the President of the Baltic Pilotage Authorities Commission from the competent pilotage authorities. The President should be elected by majority for a period of 4 years.

## MoU of the BPAC

---

A secretariat, led by a Secretary-General, is set up and acting under the guidance of the BPAC and within the limits of the resources made available to it, will:

- a) prepare meetings, circulate papers and provide such assistance as may be required to enable the BPAC to carry out its functions;
- b) facilitate the exchange of information and prepare reports as may be necessary for the purposes of the MoU;
- c) carry out such other work as may be necessary to ensure the effective operation of the MoU.
- d) be responsible for the BPAC homepage

### **2.1 Decisions**

Any CPA may propose amendments to the MoU. In the case of proposed amendments to sections of the MoU the following procedure will apply:

- a) the proposed amendment will be submitted through the secretariat for consideration by the BPAC and be dealt with at next upcoming meeting;
- b) decisions will be adopted unanimously by the representatives of the CPA present; and
- c) an amendment will take effect 60 days after it has been accepted or at a date determined unanimously by the representatives of the CPA.

## **3 General provisions for Baltic deep-sea pilotage**

### **3.1 Responsibilities**

The CPA or other relevant authority should:

- a) set appropriate training and licensing standards for Baltic deep-sea pilots to meet the recommendations of this MoU;
- b) ensure that the Baltic deep-sea pilots are appropriately trained and licensed; and
- c) ensure that the provisions for the Baltic deep-sea pilots are followed.

### **3.2 Principles**

Deep-sea pilotage in the Baltic Sea area should only be properly undertaken by deep-sea pilots licensed by a CPA.

A person intending to professionally pilot vessels in the Baltic Sea area outside national pilotage areas should hold a Baltic deep-sea pilot licence (Red Card) issued by CPA. The licence should be shown to the master and/or to the appropriate authorities upon request.

Baltic deep-sea pilots, when communicating to parties external to the ship such as vessel traffic services and tugs when not able to communicate in the English language or a language that can be understood on the bridge, should, as soon as practicable, explain what was said to enable the bridge personnel to monitor any subsequent actions taken by those external parties.

### **3.3 Master – deep-sea pilot information exchange**

The CPA should ensure that the master and the Baltic deep-sea pilot exchange information regarding navigational procedures, local conditions and rules and the ship's characteristics. This information exchange should start before the deep-sea pilotage begins and it should be a continuous process that generally continues for the duration of the deep-sea pilotage. This exchange of information should include, but not be limited to:

- Presentation of manoeuvring information<sup>1</sup> (pilot card, wheelhouse posters and manoeuvring booklet);
- discussion of any unusual ship-handling characteristics, machinery difficulties, navigational equipment problems or crew limitations that could affect the operation, , handling or safe manoeuvring of the ship;
- general agreement on plans and procedures, including contingency plans, for the anticipated passage;
- discussion of any special conditions such as weather or ice<sup>2</sup>, depth of water, tidal currents and marine traffic that may be expected during the passage;
- agreement on when or where the Baltic deep-sea pilot may take adequate rest periods;
- confirmation of the language to be used on the bridge and with external parties;
- information on the port of destination (if applicable) and any district pilot arrangements;
- information on embarkation or debarkation arrangements; and
- information on the cargo, especially dangerous or polluting goods.

### **3.4 Reports from deep-sea pilots<sup>3</sup>**

The CPA should ensure that there are appropriate measures for the Baltic deep-sea pilots to report apparent anomalies which may prejudice the safe navigation of the ship, or which may pose a threat of harm to the marine environment.

If a Baltic deep-sea pilot, in the course of the normal duties, learn that a ship has apparent anomalies which may prejudice the safety of the ship or poses an unreasonable threat of harm to the marine environment, this information should immediately be reported to the relevant competent authority of the coastal State.

The report should at least contain the following information:

- ship information (name, IMO identification number, call sign and flag);
- sailing information (last port of call, port of destination); and
- description of apparent anomalies found on board.

The CPA or other relevant authority should harmonise the report in accordance with EU directive 2009/16/EC

---

<sup>1</sup> Refers to IMO Res. A.601(15) *Provision and display of manoeuvring information on board ships*

<sup>2</sup> Refers to HELCOM Recommendation 25/7 *Safety of Winter Navigation in the Baltic Sea*

<sup>3</sup> Refer to Article 23 Directive 2009/16/EC of the European Parliament and of the Council on port State control

## 4 Baltic deep-sea pilot qualifications

The CPA should consider the following qualifications and decide the appropriate requirements and procedures for obtaining a Baltic deep-sea pilot licence.

### 4.1 *Minimum requirements*

The following minimum requirements should be considered for obtaining a Baltic deep-sea pilot licence:

- maritime education, i.e. valid master's certificate according to the STCW<sup>4</sup>;
- previous maritime experience e.g. as a master, chief mate, or licensed pilot, considering appropriate practical experience in the Baltic Sea area, preferably with recent practical experience of navigation in ice as a master, chief mate, or pilot in waters where ice-breaker assistance has been provided;
- appropriate theoretical knowledge of the Baltic Sea area according to the training requirements;
- medical fitness, particularly regarding eyesight; hearing and physical fitness according to STCW;
- any additional requirements or other standards that the competent pilotage authority considers appropriate.

An applicant for a Baltic deep-sea pilot licence should also be able to demonstrate adequate English language skills with reference to IMO Standard Marine Communication Phrases (SMCP)<sup>5</sup>.

### 4.2 *Training and licensing standards*

The CPA or other relevant authority is responsible for setting the requirements for training and licensing standards. The standards should enable Baltic deep-sea pilots to carry out their duties safely and efficiently. The training should include both theoretical knowledge and practical experience.

Each applicant for a Baltic deep-sea pilot licence should demonstrate, as a minimum, the following necessary knowledge:

- the main routes of the Baltic Sea area, including the maximum draught permissible for transit through the Sound and the Belts, other narrow passages, and harbour approaches;
- existing traffic separation schemes and other routing measures;
- existing vessel traffic services and ship reporting systems;
- systems and procedures of navigational warning broadcasts in the Baltic Sea area;
- provisions and traffic restrictions on ice-breaking assistance;
- provisions on protection of the environment in the Baltic Sea area;
- search and rescue (SAR) procedures;
- use and limitation of relevant types of tugs, e.g. escort tugs;

---

<sup>4</sup> Refers to International Convention on Standards of Training, Certification and Watch keeping for Seafarers (STCW), 1978, as amended

<sup>5</sup> Refers to IMO Resolution A.918(22) *IMO Standard Marine Communication Phrases*

## MoU of the BPAC

---

- factors affecting ship performance such as temperature, wind, current, ice, water depth, bottom, bank and ship interaction including squat;
- the national areas of pilotage in the Baltic Sea area, pilot boarding positions and pilot order procedures;
- pilot embarking and disembarking procedures;
- the English language to a standard adequate to enable the pilot to express communication clearly;
- Bridge Resource Management (BRM) and information exchange, e.g. pilot card, between the master and the pilot;
- International Regulations for Preventing Collisions at Sea (COLREG), 1972 as amended; and
- any other relevant knowledge considered necessary by the competent pilotage authority.

The applicant may preferably produce and present a bridge book for the relevant part of the Baltic Sea area which should include passage plans<sup>6</sup> and incorporated sections of charts.

## 5 Providing for Baltic deep-sea pilot training and examination

The CPA should consider setting requirements for the training organisation providing for Baltic deep-sea pilot training and for the examination of deep sea pilots. In the examination, each applicant for a Baltic deep-sea pilot licence should demonstrate the necessary knowledge according to the requirements under 4.2 Training and licensing standards.

The CPA may play an active role in the training and/or the examination or may consider delegating the training and/or examination to the training organisation providing for deep sea pilot training.

If the CPA decides to delegate the Baltic deep-sea pilot training and/or the examination, the CPA should ensure that this is delivered according to this MoU and may consist of but not be limited to;

1. quality management system (QMS);
2. approval of the training course;
3. examination procedures, if applicable, and
4. course certificate procedures.

If the applicant has fulfilled the requirements and passed the examination he or she should be granted a licence entitling him or her to act as a deep-sea pilot in the stated area or areas of the Baltic Sea.

---

<sup>6</sup> Refers to IMO Res.A.893(21) *Guidelines for Voyage Planning*



## **6 Baltic deep-sea pilot identity card (Red Card)**

A Baltic deep-sea pilot should hold an appropriate Baltic deep-sea pilot identity card issued by a CPA. The Baltic deep-sea pilot identity card, also called the Red Card, shows that the holder is licensed to act as a Baltic deep-sea pilot.

### **6.1 Content of the identity card**

The Baltic deep-sea pilot identity card shall include:

- the holder's name and date of birth;
- the holder's signature;
- a photo of the holder;
- ice-competence YES/NO;
- the number of the identity card (national code and specific numbers e.g. SE-123);
- issue and expiry dates;
- name, signature, address and contact information of the CPA
- the flag picture of issuing State; and
- the logo of BPAC.

### **6.2 Format of the identity card**

The identity card should be in the following format:

- a) the text should be in English and may also be in the national language or languages;
- b) the background colour of the card should be white with black printing and, if possible, with a red marking;
- c) the size of the card should be form of an identity card; and
- d) the card should be sealed in plastic.

An example of the Baltic deep-sea pilot identity card is shown in Annex 1.

### **6.3 Validity, renewal of licence/identity card and continued proficiency**

The validity of the Baltic deep-sea pilot licence should be set by the CPA. The licence may be renewed after application to the CPA.

Before the licence can be renewed a Baltic deep-sea pilot should meet the requirements upon the basis of which the licence has been issued. In order to ensure the continued proficiency of Baltic deep-sea pilots the competent pilotage authority should ensure that a Baltic deep-sea pilot in particular should continue to:

- possess recent navigational knowledge;
- meet the medical fitness standards; and
- possess knowledge of the current international, national and local laws, regulations and other requirements and provisions relevant to deep-sea pilotage in the Baltic Sea area.

At any time, the CPA may require that a Baltic deep-sea pilot should undergo a medical fitness test.

The competent pilotage authority should inform the BPAC secretariat of any Baltic deep-sea pilot identity card that has been issued.

#### ***6.4 Withdrawal of licence/identity card***

The CPA should withdraw a Baltic deep-sea pilot licence when

- a) the holder of the licence does not fulfil the requirements set by the CPA;
- b) the Baltic deep-sea pilot concerned has proved, through repeated and/or gross violation of duty, no longer qualified to carry out deep-sea pilotage; or
- c) the licence has been obtained by fraud, blackmail or bribe.

The Baltic deep-sea pilot should submit the licence and the valid identity card to the competent pilotage authority in case of withdrawal.

The competent pilotage authority should inform the BPAC secretariat whenever a Baltic deep-sea pilot identity card has been withdrawn or lost.

## ANNEX 1

### *Example of a Baltic deep-sea pilot identity card*

## **Proposal for a revision of resolution A.480 (XII) on Recommendation on the use of adequately qualified Deep-Sea Pilots in the Baltic**

***Submitted by Denmark, Estonia, Finland, Germany, Latvia, Lithuania, [Norway], Poland and Sweden***

### **SUMMARY**

*Executive summary:* This document contains a proposal for updating of resolution A.480 (XII)

*Strategic direction:* 5.2

*High-level action:* 5.2.4

*Planned output:* No related provisions

*Action to be taken:* Paragraph XX

*Related documents:* Resolution A.480 (XII), MSC 90/25/15 and MSC 90/28

Resolution A.480 (XII), adopted by the twelfth session of the Assembly in 1981, recommends the use of adequately qualified Deep-Sea Pilots in the Baltic Sea. Its annexes provide an example of the Deep-Sea Pilot's card and a list of competent authorities.

At MSC 90 Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden proposed an unplanned output for NAV to revise the Recommendation on the use of adequately qualified Deep-Sea Pilots in the Baltic (resolution A.480 (XII)) by updating its existing annexes and adding a new annex detailing factors to be taken into account when considering the use of a deep-sea pilot.

After discussion, the MSC agreed to exclude the proposal for a new annex from the scope of the work and included, in the 2012-2013 biennial agenda of the NAV Sub-Committee, an unplanned output on "Revision of the information contained in the existing annexes to the Recommendation on the use of adequately qualified deep-sea pilots in the Baltic (resolution A.480(XII))", with a target completion year of 2013, instructing the Sub-Committee to include the output in the provisional agenda for NAV 59.

Noting that NAV 59 was scheduled to take place after MSC 92 but before A 28, the Committee authorized the NAV Sub-Committee to submit the revised Assembly resolution directly to A 28.

After almost 30 years, the information given in resolution A.480 (XII) is out of date. The aims of this proposal is to propose an editorial update of the resolution, withdraw the annex with the list of and addresses to competent authorities and update the annex including an example of a red-card.

## MoU of the BPAC

---

Deep-sea pilotage substantively contributes to the safety of navigation in the Baltic Sea. Therefore, the co-sponsors of this proposal consider it necessary that the Organization reinforces resolution A.480(XII) by updating it.

The Baltic Sea, with the exception of the Russian Federation waters and the Russian Federation economic zone, was designated a Particularly Sensitive Sea Area (PSSA) by the Organization in 2005 (resolution MEPC.136 (53)). The Baltic Sea has also been defined as a "special area" according to several Annexes to the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78, as amended), which means stricter requirements for maritime transport in this area.

In these congested and particularly sensitive waters there are good reasons to recommend the possibility to use the services of a Deep-Sea Pilot. The increase in shipping activities in recent years, especially the increase in oil transportation, has made the use of qualified deep-sea pilots more important in view of the navigational difficulties due to narrow straits, shallow depths, archipelagos and also ice cover during the winter period.

Baltic Pilotage Authority Commission (BPAC) was established in 1979 and is a governmental organisation and a work forum for pilotage authorities of the countries adjacent to the Baltic Sea and Norway. The aim of this work forum is to enhance maritime and shipping safety in the Baltic Sea region, and to share experiences between the pilotage areas. Member states of BPAC have during the years worked for a common understanding of competence level of deep sea pilots in the Baltic Sea.

Currently some 300 licensed Deep-Sea Pilots provide their service to many different vessels in the Baltic Sea. The services of competent and qualified Deep-Sea Pilots make an important contribution to the safety of navigation and the prevention of pollution in the Baltic Sea area. It is, therefore, important that the recommendations in resolution A.480 (XII) are up to date.

A proposed draft text of a revised Assembly resolution, complete with additional annex, is given in the annex to this document.

### **Action requested of the Committee**

The Committee is invited to consider the proposed updated resolution A.480 (XII).

**ANNEX**

**ASSEMBLY RESOLUTION**

**RECOMMENDATION ON THE USE OF ADEQUATELY QUALIFIED DEEP-SEA PILOTS IN THE BALTIC SEA**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization, concerning the functions of the Assembly, in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECOGNIZING that navigational safety plays an important part in reducing the risk of incidents at sea likely to cause loss of life, personal injury, marine pollution or damage to property,

RECOGNIZING that the Baltic Sea, with the exception of the Russian Federation waters and the Russian Federation economic zone, was designated a Particularly Sensitive Sea Area (PSSA) by the Organization in 2005 (resolution MEPC.136(53)).

RECOGNIZING that the Baltic Sea is defined as a "special area" according to several Annexes to the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78, as amended), which means stricter requirements for maritime transport in this area.

RECOGNIZING FURTHER that, in appropriate circumstances, competent Deep-Sea Pilots can make an effective contribution to the safety of navigation in confined and busy waters such as the Baltic Sea,

RECOMMENDS Member Governments to take all necessary and appropriate measures to encourage the Masters and Owners of vessels entitled to fly the flag of their State transiting the Baltic Sea when choosing to avail themselves of a Deep-Sea Pilot to make use of only the services of adequately qualified and licensed Deep-Sea Pilots.

INVITES the Governments of the coastal States of the Baltic Sea:

- to provide information on how to obtain the services of adequately qualified and licensed Deep-Sea Pilots;
- to take all necessary and appropriate measures to ensure that only adequately qualified and licensed pilots are available through the Pilotage Services;
- to take all necessary and appropriate measures to ensure that all adequately qualified Deep-Sea Pilots shall be in possession of a Deep-Sea Pilot's identity card (red card), in the form shown in Annex 1 to the present recommendation.

REVOKES resolution A.480(XII).

**Annex 1**

**Example of the Deep-Sea Pilot's Identity Card for the Baltic Sea**

The Baltic deep-sea pilot identity card shall include:


- the holder's name and date of birth;
- the holder's signature;
- a photo of the holder;
- ice-competence YES/NO;
- the number of the identity card (national code and specific numbers);
- issue and expiry dates;
- name, signature, address and contact information of the issuing CPA
- the flag picture of issuing State; and
- the logo of BPAC.

The identity card should be in the following format:


- the text should be in English and may also be in the national language or languages;
- the background colour of the card should be white with black printing and, if possible, with a red marking;
- the size of the card should be form of an identity card; and
- the card should be sealed in plastic.

## MoU of the BPAC

Front of the card:

<div style="display: flex; justify-content: space-between; align-items: center;"> <span>[Flag]</span> <span><b>BALTIC DEEP-SEA PILOT IDENTITY CARD</b></span>  </div>	
<b>Deep-sea pilot licence no:</b> [XX-123]	Photo of the holder
<b>Name:</b> _____	
<b>Date of birth:</b> [Date Month Year]	
<b>Signature:</b> _____	
<b>Area:</b> [BALTIC SEA]	
<b>Limitations:</b> [None]	
<b>Issued:</b> YYYY-MM-DD <b>Expiry date:</b> YYYY-MM-DD	

Back of the card:

<p>This deep-sea pilot identity card has been issued by [insert issuing CPA] in accordance with agreement of the Baltic Pilotage Authorities Commission (BPAC) to act as an adequately qualified deep-sea pilot in the Baltic Sea. Authorities involved are requested to render the holder aid in the pursuance of pilot duties.</p>	
Logo of issuing CPA	 _____ Signature of the issuing CPA
Name, address and contact information of the issuing Competent Pilotage Authority (CPA)	