

EXCERPTS FROM THE ACT of 18 September 2001 – the Polish Maritime Code. (Official
Journal of Laws dated 4 December 2001)

PILOTAGE SERVICES

Art. 220. Pilotage service consists in providing the shipmaster with information and advice in navigating the vessel with respect to navigational conditions on waters on which the pilot performs his service.

Art. 221. § 1. The pilot, while piloting the vessel, remains under the command of the master of the piloted vessel.

§ 2. The shipmaster is obliged to furnish the pilot with all information relevant to the navigational characteristics of the piloted vessel.

§ 3. The employment of pilot does not relieve the master of responsibility for the navigation of the vessel.

Art. 222. § 1. Pilotage services are rendered either as non-compulsory (optional) or compulsory pilotage.

§ 2. Whenever maritime safety reasons require, the compulsory pilotage shall be implemented on terms and conditions specified in separate provisions.

Art. 223. § 1. Non-compulsory (optional) or compulsory pilotage shall be rendered upon conclusion of pilotage agreement between the shipowner and the entity rendering pilotage services.

§ 2. The remuneration for both non-compulsory (optional) and compulsory pilotage services shall be specified by the parties in the pilotage agreement. However, the maximum applicable fees for compulsory pilotage are determined by tariff.

§ 3. When required by circumstances, the pilot while on board of the piloted vessel shall be provided with appropriate accommodation and food.

Art. 224. The shipowner is liable to third parties for damages done by the pilot while carrying out his services as for those done by a member of the vessel's crew.

Art. 225. § 1. The pilot is liable toward the shipowner for damages caused through his own fault while carrying out his services.

§ 2. Pilot's liability toward the shipowner for damages done while performing services under the pilotage agreement is limited to the twentyfold amount of the pilotage fee payable for pilotage services during which the damage was caused.

§ 3. If damages done by the pilot have been caused deliberately or as a result of culpable negligence, the pilot shall not be subject to limitation of liability pursuant to § 2.

§ 4. In case of a foreign creditor for which the state has established lower pilot's liability limit as opposed to the one specified in § 2, the pilot shall be held liable only to the amount of this lower liability limit.

Art. 226. Claims resulting from the pilotage agreement shall lapse 2 years after the date on which the pilotage service was completed.

Art. 227. Pilotage service may be provided only by pilots entered in the list of pilots. Lists of pilots are maintained by directors of maritime offices.

Art. 228. § 1. An applicant may be entered in the list of pilots at his own request, provided he meets qualification requirements as specified in separate provisions.

§ 2. Director of maritime office may remove pilot's name from the pilot's list if one of the following occurs:

1. death of the pilot,
2. removal at pilot's request,
3. loss/non-fulfillment of the qualification requirements,
4. loss of right to perform the profession of a pilot under final and binding decision of maritime chamber, court or other competent body,
5. pilot exceeds 65 years of age.

§ 3. If actions taken by the pilot pose risk to maritime safety, the director of maritime office is entitled, when required for preventative reasons, to limit or suspend pilot's license to provide pilotage services for a period of time not longer than 3 months. When making decision in respective case, the director of maritime office may send the pilot to participate in additional training course.

Art. 229. § 1. Rendering pilotage services of compulsory pilotage and training of candidates for pilots/training of pilots shall be organised and coordinated through pilot stations established by director of maritime office in territorial charge of a specific pilotage area.

§ 2. While establishing pilot station referred to in § 1, director of maritime office shall issue regulations concerning its operation upon consultation with the social and professional organisation associating pilots.

Art. 230. § 1. Maintenance costs and expenses of pilot stations shall be borne by entity referred to in Art. 223 § 1.

§ 2. Minister competent for maritime economy shall determine by means of regulation and upon consultation with social and professional organisation associating pilots, tariff of maximum fees for pilotage services of compulsory pilotage rendered in certain ports and the methods of payment. The pilotage tariff shall include conditions of rendering pilotage service in ports.