



GERMAN MARITIME PILOTAGE ACT

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PART I

GENERAL PROVISIONS

§ 1 Definition of the Maritime Pilot

A maritime pilot is an officially licensed professional adviser with the necessary local and nautical skills to guide ships outside ports on the maritime waterways and over the sea. The maritime pilot does not belong to the ship's crew.

§ 1a Exclusion of Electronic Form

Wherever this act requires written form or provides for licenses, certificates or other documents to be handed out, to be carried or to be submitted, electronic form is excluded unless explicitly stated otherwise by this act or any regulation enacted for the purpose of executing this act.

§ 2 Definition of Maritime Pilot Districts

Maritime pilot districts are navigational routes and waterways which for safety of navigation are governed by permanent and standardised pilotage services.

§ 3 Federal Competences and Administration

(1) Pilotage services are implemented, maintained and supervised by the Federal Government.

(2) The maritime pilot districts are self-administered by the Brotherhoods of Pilots (Lotsenbrüderschaft § 27) and the Federal Chamber of Pilots (Bundeslotsenkammer § 34 [1]).

(3) The Federal Ministry of Transport, Construction and Urban Development is authorised to appoint by legal order authorities of the Federal Water and Shipping Administration as supervisory boards.

§ 4 Governmental Authorisations concerning Maritime Pilots

The Federal Ministry of Transport, Construction and Urban Development is authorised to determine by legal edict



1. the issuance of pilot licenses;
2. the physical and mental qualification requirements for maritime pilots and to determine the intervals of the medical survey ("seeärztliche Untersuchungen") of these requirements;
3. the extent of compulsory training and examination as well as exam procedures;
4. the nature and extent of enhanced training of maritime pilots to safeguard the continuous maintenance of the necessary skills for professional pilotage;
5. procedures as to how the master of a ship may request pilotage services.

PART II

PILOTAGE AND PILOT DISTRICTS

Section 1. Organisation of Pilot Districts

§ 5 Governmental Authorisation Concerning Pilot Districts

(1) The Federal Ministry of Transport, Construction and Urban Development, following consultation of the federal coastal states (Länder) and the Federal Chamber of Pilots, is authorised to regulate by means of legal edict (Pilot Order)

1. the availability of permanent and standardised pilotage services and to determine pilot districts as well as their boundaries,
2. the dissolution, unification or extension of pilot districts and the details of the dissolution, unification and extension of the Brotherhoods of Pilots,
3. the legal order and administration of pilot districts,
4. the permission for maritime pilots to extend services beyond their district's boundaries,
5. the conditions under which pilotage shall be compulsory for ships navigating in a certain pilot district.

(2) The Federal Ministry of Transport, Construction and Urban Development may transfer the authorisation granted by subsection (1) to the supervisory boards.

§ 6 Availability, Maintenance and Organisation of Pilotage Facilities

(1) The facilities and equipment required for the provision of pilot services (shore and water based pilot stations, pilot and commuting boats) are to be provided, maintained and operated by the supervisory boards.

(2) As to further details of the Pilot Order (§ 5 [1]) the provision, maintenance and operation of pilot facilities and equipment may be transferred with their respective consent to the Brotherhoods of Pilots or the Federal Chamber of Pilots or committed to individuals



or legal bodies. The Brotherhoods of Pilots and the Federal Chamber of Pilots may with the consent of the supervisory boards instruct individuals and legal bodies governed by private law.

(3) If the provision, maintenance and operation of pilot facilities have been transferred to the Brotherhoods of Pilots or the Federal Chamber of Pilots they are under the supervision of the supervisory boards. The supervision extends to individuals and legal bodies instructed to exercise these functions.

Section 2. Appointment of Maritime Pilots

§ 7 Appointment

Any person intending to exercise the profession of a maritime pilot within a pilot district needs an appointment.

§ 8 Official Requirements for the Admission as Apprentice Maritime Pilot

(1) Applications for the admission as apprentice maritime pilot are to be addressed to the supervisory boards.

(2) The supervisory boards in consultation with the Brotherhoods of Pilots and under consideration of traffic volume and personnel structure shall at the least annually admit the necessary number of apprentice maritime pilots.

§ 9 Personal Requirements for the Admission as Apprentice Maritime Pilot

(1) Only such persons may be admitted as apprentice maritime pilot who are suitably skilled in respect of qualification and experience, who possess the required physical and mental fitness and who are sufficiently reliable. Reliable is, whose personal prospects warrant that he will be complying with the duties of a maritime pilot.

(2) The applicant at the time of admission must

1. hold a valid and unrestricted Master's license for vessels other than fishing craft according to the laws of Germany or an equivalent and acknowledged license of one of the member states of the European Union or a member state of the Agreement of the European Economic Area;
2. show evidence by his seaman's book or by an equivalent official document that after having acquired the unrestricted Master's licence, within the last five years he has spent at the least two years at sea in a nautical rank reflecting his Master Mariner's qualification;
3. submit a certificate of the medical service of the Association for Transport and Traffic, evidencing his physical and mental fitness for the profession of maritime pilot;
4. be in command of the German language both spoken and written, and possess good English language skills.



(3) The Federal Ministry of Transport, Construction and Urban Development is authorised to provide by regulation for a certain pilot district upon request of the respective Brotherhood of Pilots, that the time spent at sea according to subsection (2) Nr. 2, may be replaced by a specific and practice orientated maritime pilot training programme. The admission to the training programme is to be effected by a tendering procedure. The applicant's unrestricted Master's license, at the time the tendering procedure is announced, must not be older than three years. The training programme must be based on a specific training curriculum that has been authorised by the Federal Chamber of Pilots and is in accordance with the Chamber's general training curriculum, that again has been authorised by the supervisory boards. The details of the admission procedure, the accomplishment and duration of the programme and the final examinations are regulated by an order according to sentence 1.

§ 10 Training and Examination of the Apprentice Maritime Pilots

The apprentice maritime pilot has to undergo the training required in the respective pilot district and subsequently be examined by the supervisory boards.

§ 11 Appointment Procedure

Having successfully passed the examination the apprentice maritime pilot is to be appointed as maritime pilot by official certificate. At his appointment the maritime pilot is to be committed to the diligent and faithful execution of his profession. § 3a of the Administrative Procedures Act does not apply.

§ 12 Limitation of Pilot's Service following Admission

The pilot regulation may provide that a maritime pilot for a transitional period following his admission may pilot only ships of certain type and size.

§ 13 Medical Survey

The maritime pilot, upon request of the supervisory boards, is obliged to undergo medical survey by the medical service of the Association for Transport and Traffic and to submit the findings to the supervisory boards.

§ 14 Withdrawal of Appointment

The appointment as maritime pilot after a hearing of the Federal Chamber of Pilots is to be withdrawn,

1. if the maritime pilot's unrestricted Master's license, which was a requirement for the admission, is withdrawn,
2. if by certification of the medical service of the Association for Transport and Traffic the maritime pilot is declared physically or mentally permanently unfit to perform his profession; or
3. if the maritime pilot has repeatedly and seriously breached the duties of the profession and is subsequently regarded do be unsuitable to perform his profession.



§ 15 Preliminary Prohibition of Professional Service

In the case of serious reasons for the assumption that the maritime pilot's appointment will be withdrawn, the maritime pilot may preliminarily be suspended, if navigational safety so requires.

§ 16 Temporary Prohibition of Professional Service

(1) If a Maritime Inquiry Board (Seeamt) prohibits a maritime pilot to exercise his competence under a license required by § 9 Nr. 1, the bearer of the license after consulting the Federal Chamber of Pilots is to be suspended from the maritime pilot's professional service; the duration of the suspension is to comply with the duration determined by the Maritime Inquiry Board.

(2) If the medical service of the Association of Transport and Traffic by certificate declares a maritime pilot physically and mentally temporarily unfit to perform the profession, the maritime pilot is to be temporarily suspended. The suspension is to be lifted as soon as by certificate of the medical service of the Association of Transport and Traffic the pilot's fitness to perform his profession is evidenced.

§ 17 New Appointment

In the case of withdrawal of appointment under § 14 the supervisory board may after a period of at least one year appoint the maritime pilot anew if there are good reasons to assume that he will henceforth comply with the requirements of the profession.

§ 18 Expiry of Appointment

The appointment expires the day the maritime pilot receives retirement pensions, at the latest with the end of the month the maritime pilot completes his sixty-fifth year of age.

§ 19 Consequences of Alterations of Pilot Districts

(1) In the case of dissolution of a pilot district, the appointments for this district are to be withdrawn and permits according to § 42 to be granted upon request.

(2) The appointments granted for certain pilot districts remain in force after the unification with other districts.

§ 20 Waiver of Appointment

(1) A maritime pilot may waive his appointment.

(2) The waiver is to be submitted in writing to the supervisory board. It comes into effect with the end of the third month after the submission. The supervisory board may agree to accept an earlier point of time.

Section 3. Rights and Obligations of Maritime Pilots

§ 21 Legal Nature of the Maritime Pilot Profession; Limitation of Liability

(1) The maritime pilot appointed for a pilotage district acts as a non-commercial independent professional.



(2) The maritime pilot exercises pilotage in his own responsibility. He is subject to the supervision specified within the provisions of this act.

(3) The maritime pilot's liability for any loss of or damage to the owner of the piloted vessel or any other customer caused by an act or omission in the course of the pilotage shall be limited to intentional and gross negligent acts and omissions. Loss or damage caused by the maritime pilot in the course of the pilotage to third parties for which the shipowner or other customer is liable jointly with the pilot shall remain the liability of the shipowner or other customer as long as the maritime pilot cannot be charged for intentional or gross negligent act or omission.

§ 22 General Conduct

The maritime pilot, at all times whilst on or off duty shall conduct himself to honour the trust and respect his profession requires.

§ 23 Advisory Duties

(1) The maritime pilot shall advise the master in respect of the vessel's navigation. The advice may also be rendered from another ship or from shore.

(2) The master remains responsible for the vessel's navigation even if he allows direct orders of the maritime pilot in respect of the vessel's navigation.

(3) In the case of more than one maritime pilot assisting only one of them shall advise the master. The others shall assist the advising pilot. The master shall be informed prior to the pilotage, who will act as advising pilot.

(4) The maritime pilot must not exercise any pilotage service if on account of physical or mental deficiencies or alcohol or drug consumption he is unable to safely exercise pilotage services.

(5) The maritime pilot must neither consume nor be affected by alcohol during any pilotage service.

§ 24 Time/Continuance of the Pilotage

(1) The maritime pilot shall exercise the pilotage until relieved or dismissed by the master or vessel's arrival at her destination or the boundaries of the pilot district.

(2) The master of a vessel under compulsory pilot assistance must not dismiss the maritime pilot before the vessel has reached the boundaries of the pilot district.

(3) A maritime pilot who cannot be disembarked upon leaving the pilot district is not obliged to offer further pilotage services, however, may continue pilotage if the master so requires.

§ 25 Continuous Training/Use of Technical Device

(1) The maritime pilot shall continuously update his knowledge necessary for his pilotage service.

(2) The maritime pilot during pilotage service shall make proper use of all technical devices required by good seamanship, the instructions of the supervisory board or the particular circumstances of the pilotage. He has to treat all pilotage equipment with due diligence.



§ 26 Reporting Duties

(1) The maritime pilot shall report to the stations so determined by the supervisory board and to the Pilots Brotherhood without any delay of any observation that might endanger the safety of navigation, in particular all changes or malfunctions of navigational signals and contamination of waterways. The maritime pilot shall notify the supervisory board of any accident of the vessel under his pilotage and to provide further information, if so required.

(2) Whenever a vessel under pilotage is within territorial waters of a member state of the European Union and in the approach to or the departure from a port, the maritime pilot exercising pilotage under this act, shall inform the respective authorities of any defects of the vessel that come to his knowledge during the pilotage and that might endanger the secure navigation of the ship or the environment. The maritime pilot shall provide the respective authorities with the ship's identity and port of registry.

Section 4. Pilots Brotherhoods (Lotsenbrüderschaften)

§ 27 General Provisions

(1) The maritime pilots appointed for a particular pilot district constitute a Pilot Brotherhood. Such Pilot Brotherhood is a public legal body.

(2) The Pilots Brotherhood shall duly exercise the directions given by act or regulation. It shall within its autonomy protect and facilitate the necessities of the pilot district.

(3) The Pilots Brotherhood's expenses shall be borne pro rata by its members.

§ 28 Tasks of the Pilot Brotherhood

(1) The Pilot Brotherhood is particularly obliged to

1. supervise compliance with the duties of maritime pilotage and within the limits of §§ 22 to 26 determine further professional duties in its statutes (§ 29);
2. facilitate the training and enhanced training of maritime pilots;
3. determine the availability of pilotage service by way of an order of sequence of duty (Börtordnung);
4. determine its internal service operations;
5. mediate disputes between its members upon request;
6. provide adequate compensation schemes for the maritime pilots and their dependants in the case of retirement, professional disability or death and to supervise such schemes;
7. consult the supervisory board on the performance of pilotage services and to assist by all necessary reporting;
8. collect the pilot fees for account of the maritime pilots;



9. deduct from the pilot fees the amounts necessary to cover the expenses according to § 27 (3) and § 35 (2) Nr. 6 and for the compensation scheme of maritime pilots and subsistence allowances for the apprentice maritime pilots, pay all due amounts to the respective bodies and the apprentice maritime pilots and to distribute the remainder of the pilotage fees to the maritime pilot according to the distribution order.

(2) The order of sequence of duty requires the approval by the supervisory board.

(3) The distribution order shall determine the drawings of the maritime pilot in case of disease or temporary suspension from service. In this respect it may differ from the otherwise regularly budgeted distribution.

(4) The Pilots Brotherhoods may assign obligations under (1) Nr. 6 to the Federal Chamber of Pilots with the latter's consent.

§ 29 Statutes

(1) The Pilot Brotherhood's statutes determine its residence and constitution. They are subject to the following provisions.

(2) The Pilot Brotherhood's statutes are to be endorsed by oral or written vote of its members. The endorsement requires a majority of two thirds of the members. It must be approved by the supervisory board. It is to be published in the German transport gazette.

(3) In case approvable statutes do not become effective, the supervisory board may set a deadline and after its expiration enact provisional statutes.

§ 30 Legal Bodies of the Pilot Brotherhood

(1) The Pilot Brotherhood's bodies are the elderman and the members congregation.

(2) The statutes may provide that next to the elderman designated members may be appointed for particular areas of responsibility.

§ 31 Elderman, Deputy Elderman

(1) The elderman represents the Pilot Brotherhood in and out of courts. His power of authority may be limited in relation to third parties by the statutes. In case of need he will be represented by his deputies.

(2) The elderman and his deputies are elected by the members congregation for a period of five years.

(3) The election requires the confirmation of the supervisory board. The confirmation must be withheld only for significant reasons.

(4) If an elderman is not yet elected, the supervisory board in case of urgency may appoint an elderman for the time until the deficiency is completed.

(5) The supervisory board and the members congregation in mutual agreement may for significant reasons dismiss the elderman or his deputies. In case no agreement can be achieved the Ministry of Traffic, Construction and Urban Development will decide following consultation of the Federal Chamber of Pilots.



§ 32 Members Congregation

The Pilot Brotherhood's affairs are to be determined by resolution of the members congregation if not administered by the elderman or his statutory deputies.

§ 33 Exclusion from Voting

A member is excluded from voting in case the resolution is related to any legal agreement or the start or termination of legal procedures between himself and the Pilot Brotherhood.

5. Federal Chamber of Pilots (Bundeslotsenkammer)

§ 34 Constitution and Supervision

(1) The Pilot Brotherhoods constitute the Federal Chamber of Pilots. It is a public body; its residence shall be determined by the members congregation.

(2) The Federal Chamber of Pilots is supervised by the Federal Ministry of Transport, Construction and Urban Development. The general supervision of the supervisory boards according to § 6 (3) remains unaffected.

§ 35 Tasks of the Federal Chamber of Pilots

(1) The Federal Chamber of Pilots shall fulfil its obligations according to the Law and administrative order.

(2) The Federal Chamber of Pilots is particularly obliged to

1. inquire the Pilot Brotherhoods' opinions on issues concerning the entirety of the Pilot Brotherhoods;
2. represent the entirety of the Pilot Brotherhoods vis-à-vis administrative boards and organisations;
3. mediate disputes between Pilot Brotherhoods or between members of different Pilot Brotherhoods upon request;
4. submit expert opinions in matters concerning pilotage, if so requested by an administrative board or by court;
5. assist as expert advisor in matters of pilotage legislation;
6. adjust a shortfall in the minimum pilotage tariff revenues of a particular pilot district between the Pilot Brotherhoods if so requested by a Pilot Brotherhood;
7. fulfil the obligations that it accepted to be assigned to under § 28 (4).

§ 36 Statutes

The Federal Chamber of Pilots' statutes shall determine its constitution within the limits of the subsequent provisions. The provisions of § 29 (2) and (3) are to be applied correspondingly.



§ 37 Legal Bodies of the Federal Chamber of Pilots

(1) The Federal Chamber of Pilots' bodies are the chairman and the members congregation.

(2) The Pilot Brotherhoods shall be represented in the members congregation by their eldersmen. Each Pilot Brotherhood has at least one vote; Pilot Brotherhoods with more than one-hundred members have two votes and Pilot Brotherhoods with more than three-hundred members have three votes.

(3) The statutes may provide that next to the chairman additional members may be appointed for particular areas of responsibility.

§ 38 Chairman and Deputy Chairman

(1) The chairman and his deputy are elected by the members congregation out of the ranks of the maritime pilots and for a period of five years. The election requires the approval by the Federal Ministry of Transport, Construction and Urban Development. The approval can be withheld only for significant reasons.

(2) The chairman or his deputy may be dismissed by the members congregation or the Federal Ministry of Transport, Construction and Urban Development for significant reasons.

(3) The provisions in § 31 (1) and (4) are applicable to the Federal Chamber of Pilots provided that "supervisory boards" is replaced by "Federal Ministry of Transport, Construction and Urban Development".

§ 39 Members Congregation

(1) The Federal Chamber of Pilots' affairs are to be determined by resolution of the members congregation if not administered by the chairman or his statutory deputies.

(2) The chairman is entitled to vote in the members congregation. In the event of a draw his vote is decisive.

(3) The provisions of § 33 are applicable to the Federal Chamber of Pilots.

§ 40 Contributions

The members congregation determines the amount required to cover the personal and material demands. The Pilot Brotherhoods have to contribute to this amount in proportion to their number of members.

6. Supervisory Authorities

§ 41 Power of the Supervisory Board

(1) The supervisory board may urge a Pilot Brotherhood to comply with its obligations within a certain time limit. After expiry of the time limit the supervisory board may exercise such obligations at the cost of the Pilot Brotherhood. It may also appoint a third party for this purpose.



(2) The order for any action required must be justified (in writing) and served on the Pilot Brotherhood.

(3) Subsections (1) and (2) also apply to the supervision of the Federal Chamber of Pilots.

PART III

MARITIME PILOTAGE OUTSIDE THE PILOT DISTRICTS

§ 42 Permission

(1) Any person intending to serve as a maritime pilot outside the pilot districts requires permission.

(2) The supervisory board will grant such permission, if the applicant meets the requirements of § 9, has not completed his sixtieth year of age, has sufficient practical experience as well as theoretical knowledge in respect of the relevant sailing area and has passed an examination.

(3) The permission is subject to the provisions of § 11 as well as §§ 13 to 17 and § 20 (1) and (2) sentence 1. The maritime pilot's duties are ruled by the provisions of §§ 25 and 26. § 8 (2) applies subject to any admission to deep sea pilotage being granted with the consent of the respective regional deep sea pilotage association that has entered into an agreement according to the provisions of § 44.

(4) The permission expires at the end of the month the maritime pilot completes his sixty-fifth year of age.

(5) The permission granted for a certain sailing area shall remain effective, if that sailing area is declared to become a pilot district or incorporated into an existing pilot district.

§ 43 Regulatory Authority

The Federal Ministry of Transport, Construction and Urban Development is authorised to determine by regulation,

1. to lower the degree of qualifying certification for certain sailing areas,
2. to limit a permission to certain sailing areas,
3. provisions that govern the time limit of a permission, grant permission only under certain conditions and specify the requirements for the extension of a permission, in order to safeguard that the maritime pilot continuously updates his theoretical knowledge and maintains the necessary practical experience by accomplishing a sufficient number of pilotages,
4. the requirements in terms of practical experience and theoretical knowledge,
5. the quantity of rest hours to be observed by the maritime pilot in between pilotages and whilst on long distance pilotages,
6. the assignment of tasks to the Federal Chamber of Pilots with its consent in respect of pilotage outside pilot districts and for the admission of maritime pilots holding a



permission (for deep sea pilotage) to participate in the consultations of the Federal Chamber of Pilots concerning pilotage outside the pilot district.

§ 44 Special Agreement

Agreements of maritime pilots that organize pilotage within a certain sailing area must be authorised by the supervisory board.

PART IV

PILOTAGE TARIFFS

§ 45 Pilotage Dues, Pilot Fees, Collecting, Pilotage Tariff Regulation

(1) A ship navigating in a pilot district has to pay dues for the provision of pilot facilities (Pilotage Dues). A fee is to be paid for pilot services and related disbursements (Pilot Fee). The pilot fee includes subsistence allowances for the training of apprentice maritime pilots. The owner of a vessel is liable for the payment as is any person making use or requesting on behalf of another party to make use of pilot facilities or pilot services. Several debtors are liable as joint debtors.

(2) The Federal Ministry of Transport, Construction and Urban Development after consulting the federal coastal states and the Federal Chamber of Pilots is authorised to determine by regulation (Pilotage Tariff Regulation),

1. the conditions triggering the obligations to pay pilotage dues and pilot fees,
2. the amount of pilotage dues and pilot fees,
3. the due date, the obligation of advanced payment or security, the time limit and the collecting procedures,
4. exemptions from payment obligation,
5. the bodies responsible for collecting pilotage dues and pilot fees subject to subsection (4). In respect of pilotage dues the Federal Ministry of Transport, Construction and Urban Development shall seek the consent of the Federal Ministry of Finance.

(3) The revenues from pilotage dues shall not exceed the public expenses for the purposes of maritime pilotage; the public interest in promoting transport services shall be taken into consideration. The pilot fees shall be adjusted to the result that regularly employed maritime pilots are provided with an income and social security reflecting their qualification and responsibility and that subsistence allowances can be paid to apprentice maritime pilots. Expenditures may be levied according to the actual costs.

(4) Pilotage dues and the pilot fees shall be raised by the supervisory boards or the Federal Chamber of Pilots. They shall be enforced according to the Administrative Enforcement Act in its revised edition, published in the Federal Gazette Part III, Nos. 201-4, last amended by Art. 40 of the act of 14 December 1976 (BGB. I p. 3341). The Pilotage Tariff Regulation may determine that maritime pilots outside pilot districts may collect



pilot fees on their own behalf; the Administrative Enforcement Act shall not be applicable in these cases.

(5) The maritime pilot must neither demand nor be promised nor accept any other pilot fee than determined by the Pilotage Tariff Regulation.

PART V

COSTS

§ 46 Dues and Expenses, Costs Regulations

(1) Costs (dues and expenses) shall be charged for

1. official acts under § 8 (2) sentence 1, §§ 10, 11, 14, 16, 17 and 42 (1) and (3) as well as under the regulations enacted under § 4 Nr. 1 and 2, § 5 (1) Nr. 3 and 5 and § 43 Nr. 3,
2. the withdrawal of an appointment or permission.

(2) The Federal Ministry of Transport, Construction and Urban Development in mutual agreement with the Federal Ministry of Finance is authorised to determine by regulation the dues for specific official acts in terms of fixed and framework rates. The dues shall be calculated to cover the administrative expenses; wherever the official act is beneficiary to the debtor, the significance, economic value and other benefits of the act may be adequately accounted for.

PART VI

ADMINISTRATIVE OFFENCES

§ 47 Public Offences

(1) Any person who intentionally or negligently

1. exercises pilotage without appointment under § 7 or permission under § 42 (1),
2. contrary to § 23 (1) sentence 1, fails to advise the master of a ship,
- 2a. contrary to § 23 (4) exercises pilotage in a state where in the consequence of physical or mental deficiencies or alcohol or drug consumption he is unable to safely exercise the professional service,
- 2b. contrary to § 23 (5) whilst on pilotage consumes or is affected by alcohol,



3. contrary to § 24 (1) fails to exercise pilotage in the compulsory period,
4. contrary to § 25 (2) sentence 1 fails to make use of the required technical devices,
5. fails to comply with the duty of information or reporting as provided in § 26 (1) or (2),
6. contrary to § 45 (5) demands, agrees or accepts pilot fees other than determined in the Pilotage Tariff Regulation,
7. contravenes a regulation under § 4 Nr. 4 or 5, § 5 (1) Nr. 3 or 5, § 43 Nr. 3 or 5 or contravenes an enforceable order under a regulation under § 43 Nr. 3, if that regulation for certain facts refers to that order,

is guilty of a public offence.

(2) Subsection (1) Nr. 2 to 5 shall subject to § 42 (3) be applicable to maritime pilots outside a pilot district.

(3) Any public offence may be charged with a fine of up to EUR 5000.

PART VII

TRANSITIONAL AND FINAL PROVISIONS

§ 48 Deleted

§ 49 Remaining in Force of Previous Permissions

A maritime pilot whom permission to exercise pilotage in a certain area was granted under the regulations preceding this act, shall be deemed to be appointed if this act declares that area to be a pilot district. In all other cases the permissions shall remain in effect according to Part III.

§ 50 Deleted