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Poland

Pilotage Act

A drafting project submitted in partial fulfilment of the requirements for the award of the degree of Master of Law (LL.M.) at the IMO International Maritime Institute, Malta.

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“Pilotage is a unique service based upon local knowledge and special conditions prevailing in the pilotage area; (...) its prime goal being the safe and efficient moving of shipping whilst assuring the protection of the marine environment.”

International Maritime Pilots’ Association

EXPLANATORY NOTES

1. Regulation of pilotage by an Act.

Currently, pilotage in Poland is regulated by seven provisions of the Polish Maritime Code (Dz.U.1998, nr10, poz.36) which define what a pilot service is, regulate the relation between pilot and master, the pilot’s liability, and include a delegation of powers to the Minister of Transport to regulate by way of decree other items concerning pilotage, that is the organization of pilotage, qualifications and licensing of pilots and division of pilotage. Moreover provisions dealing with pilotage are contained in Ports Regulations (safety of pilots, compulsory pilotage) and in the Rules of Pilot Stations.

The Polish Maritime Code is being presently modified. The proposed new articles concerning pilotage surprisingly remove the concept of limitation of liability for pilots and provide for the return of pilotage under the port authority structure. The organization of pilotage, the qualifications and licensing of pilots are again to be regulated by a Decree. There is also a proposed Maritime Safety Act that contains some provisions dealing with pilotage.

One has to bear in mind some facts from the history of pilotage regulations in Poland. Namely when in 1988 the Commercial Activity Act came into force it became clear to pilots that pilotage could be organized in different ways and in accordance with European standards. To fulfill this aim it was necessary to modify current decrees¹ on pilotage providing that pilotage services are rendered by Governing Boards of Ports. The amendment of decrees enabled pilots to create private companies and it could be considered as the first step towards privatization, the second one was to be the drafting

¹ Decree of the Shipping Minister dated 20th August 1969 on maritime pilotage (Dz.U.1969, nr 25 poz. 192); Decree of the Minister of Maritime Commerce dated 27th December 1984 on maritime pilotage (Dz.U.1985 nr 61 poz. 370).

of the Pilotage Act. A few drafting projects were prepared, but they have never been submitted to Parliament.

In the meantime the decree was amended once more.

To sum up, presently the main issues concerning pilotage are regulated by a decree that, in the hierarchy of legal acts, is lower than Acts/Statutes and can be changed by every subsequent Minister of Transport. In fact the present decree is the decree of 1984 that was modified, so its text contains some gaps and some provisions are inconsistent. The planned changes stating that pilotage services are to be organized by entities governing ports do not seem to be in accordance with European standards and tendencies. That is why the author decided to regulate pilotage by drafting a new Pilotage Act that would deal with pilotage as a whole and would organize pilotage according to EU standards and recommendations and recommendations of pilots' association.

There was an argument that there are only about 100 pilots so to regulate pilotage which involves an expensive and time-consuming procedure would make no sense. However this cannot be defended any longer.

First, one can compare the regulation of pilotage in Europe, as appears from the following table.

Country	Number of pilots	Regulation
Denmark	150	Pilotage Act + orders
Finland	230	Pilotage Act 1991
France	353	Laws of 28 th March 1928 and 19 th May 1969 +decree
Germany	940	Pilotage Act 1984,1986, 1994
Greece	63	Pilotage Act
Ireland	52	Pilotage Act
Italy	226	Code of Navigation 1942, Regulations1952
Norway	284	Pilotage Act 1989+regulations
Russia	373	Maritime Code 1999
Spain	178	Ley de puertos del Estado y de la Marina Mercante
Sweden	290	Pilotage Ordinance 1989, Pilotage Announcement 1996
The Netherlands	600	Pilots Act, 1988 and Maritime Traffic Act
United Kingdom	800	Pilotage Act 1987

Source: EMPA: Status of pilots, EU Maritime Pilotage Study

As one can notice from the above data it is not the number of pilots that determines the extent of regulation of pilotage by an Act, as pilotage in countries with even a smaller number of pilots as Greece or Ireland is regulated by an Act. Usually the Acts deal with the most important issues of pilotage whereas decrees or orders tackle more specific areas such as the delimitation of borders of pilotage districts, the safety of boarding of pilots etc.

The second argument for proper regulation of pilotage should be that pilotage is deemed to be a statutory service regulated by the State for the safety of maritime traffic and the protection of the environment in the approaches and access channels to ports and harbours, and within the ports, harbours, rivers and canals. One has to recall that pilotage plays an important role in the flow of traffic and in the communication between vessel and shore, that the safety of maritime traffic and the protection of the environment are complementary and must be reinforced, and finally that the pilotage service plays a primary role not only in the safety but also in the efficiency and economy of maritime traffic and ports.²

Proper regulation of pilotage is one way by which a state can fulfill its obligation to ensure safety of navigation and would fulfill IMO Recommendation on pilotage (A.158 (ES.IV)) which states that governments should organize pilotage services in those areas where such services would contribute to the safety of navigation in a more effective way than other possible measures and should, where applicable, define the ships or classes of ships for which employment of a pilot would be mandatory.

2. Private pilotage.

This drafting project opts for private organization of pilotage, whereby pilots are subjects to the Commercial Activity Act for the following reasons.

First, pilotage in Poland has been private for the past 11 years. Secondly, this type of organization seems to be most recommended. Pilotage services play an important role in the economy of maritime transport and in competition between ports. An efficient pilotage service is essential to the safety, efficiency, commercial competitiveness and general image of a port. The need for efficient pilotage services implies that pilots should be fully involved in the management of the service, so in other words autonomy in the management of the pilotage service by pilots should lead to efficient pilotage through the involvement of the pilots' own interest in financial results.³ Recommendation No. 5 for EU member States provides that pilotage should be organized as an independent economic activity and that member States shall be encouraged to ensure that pilotage services are maintained and organized where relevant as independent entities.⁴

² EMPA, Charter on pilotage, 23rd March 1995.

³ *ibidem*

⁴ EU Maritime Pilotage Study, Report 1995, Commission of the European Communities, Directorate-General for Transport DG VII/D3

However, according to Recommendation No.4 a competent pilotage authority should maintain a proper level of control. That is why the draft provides competence for the Minister of Transport as the highest supervisory power and for the Director of Maritime Authority Offices. The competence concerns mainly the issue of pilots' documents and the promulgation of regulations concerning pilotage.

3. Polish Federation of Maritime Pilots.

The draft Act in art. 6 and more specifically in chapter V provides for a self-governed body representing pilots to enable them to take part in the development of legislation dealing with pilotage and to create one common representative power that would bring together all pilots. This solution is based on the German Federation of Pilots and brings pilots within the so-called liberal professions.

4. Pilotage service and pilot service.

The draft distinguishes between pilotage services that is the organization of the work of pilots through Pilot Stations and their status (regulated by chapter II), and pilot service that is the service of piloting a vessel on the basis of a concluded contract. Pilot service is regulated by chapter IV which deals with the pilotage contract, the applicable tariff, and the pilot's liability.

5. Deep-Sea Pilotage and Shore-Based Pilotage.

Several provisions of the Act are devoted to deep-sea pilotage. According to IMO Resolution A.480 (XII) services of qualified deep-sea pilots in the Baltic make an important contribution to the safety of navigation and the prevention of pollution.⁵

The draft introduces in special circumstances the possibility of shore-based pilotage.

The service called shore based pilotage (SBP) is an extension of a pilot's task to improve the safety and efficiency of maritime traffic, but its limitations should be understood, namely that it cannot be a substitute for pilotage performed by a pilot on board. The European Maritime Pilots' Association (EMPA) and International Maritime Pilots' Association (IMPA) definition of SBP states that it is an act of pilotage carried out in a designated area by a pilot licensed for that area from a position other than on board the vessel concerned to conduct the safe navigation of the vessel.

6. Qualifications and licensing of pilots.

⁵ The relevant EEC Directive 79/115/EEC and IMO Resolution A.486 (XII) for North Sea and English Channel

According to EMPA recommendations, a pilot's skill is based on the level of initial training on board vessels. The initial training period should be followed by pilotage of vessels commencing with vessels of smaller size and draught and progressing by stages of increasing size and draught. These rules have been included in chapter III.

The licensing of deep-sea pilots is regulated in accordance with IMO Resolution A.480 (XIII).

Materials used:

1. Draft Pilotage Act, May 1991, collective work conducted by Dr. Zbigniew Godecki.
2. Draft Pilotage Act, November 1991, collective work conducted by Dr. Zbigniew Godecki.
3. Draft Act on the Self-government of Pilots- project of Polish Maritime Pilots' Association.
4. Polish Maritime Code, 1961
5. Pilotage Act, UK 1987.
6. Pilotage Act, Germany, 1986.
7. Pilotage Act, The Netherlands, 1988.
8. Pilotage Act, Denmark, 1989.

Act of the Republic of Poland

dated.....

on maritime pilotage

CHAPTER I

General provisions

Art. 1 §1 This Act shall govern the organisation of pilotage services, which shall include assistance rendered by Pilot Stations in performing pilot services, establishment of qualifications for the licensing of maritime pilots, regulations for the rendering of pilot services, and the activity of the Polish Federation of Maritime Pilots.

§2 This Act shall be applicable within the territory under of the Republic of Poland.

Art.2 A pilot service shall consist in the rendering to the master of a vessel of assistance and advice in conducting the vessel in respect of navigational conditions on waters in which the pilot service is performed.

Art.3 Maritime pilotage shall be divided into:

1) pure maritime pilotage, which shall include:

a) port pilotage, which shall include:

i) pilotage of vessels in marine ports and harbours and their roadsteads; and in respect of ports and harbours that do not have delimited roadsteads, pilotage of vessels in marine ports and harbours and their anchorage; and between ports and harbours, and anchorage; and

ii) pilotage of vessels in the waters of shipyards used by vessels and the areas adjacent to ports and harbours, designated by the Harbour Master; and

b) route pilotage, which shall include:

- i) pilotage of vessels in marine internal waters, and in the territorial sea beyond areas covered by port pilotage; and
 - ii) pilotage of vessels on anchorage beyond marine internal waters and the territorial sea; and
 - iii) pilotage of vessels on fairways joining anchorages with marine internal waters and the territorial sea; and
- 2) deep-sea pilotage which shall include pilotage of vessels in all other maritime areas of the Baltic Sea, and in other maritime areas where the right to render pilot services is based upon international agreements.

Art. 4 The rendering of a pilot service shall be a commercial activity regulated by the Commercial Activity Act, and performed by maritime pilots.

Art. 5 A person can render a pilot service if he or she fulfils all the requirements imposed by the applicable regulations.

Art.6 This Act shall establish the Polish Federation of Maritime Pilots, hereinafter referred to as the Federation.

CHAPTER II

Organisation of pilotage services

Art.7 §1 Waters of ports and harbours, fairways and other maritime areas within the territory of the Republic of Poland on which ships are obliged, or are allowed to use pilot services, shall be divided into pilotage regions.

§2 The provisions of §1 hereof shall not exclude the possibility of pilot services by Polish pilotage companies on the high seas (deep-sea pilotage).

Art.8 The Director of the Maritime Authority Office shall, by order, determine which regions shall be pilotage regions from time to time.

Art.9 The Director of the Maritime Authority Office, after consultation with the

Federation, may, by order, introduce compulsory pilotage in a region or in any part thereof, in view of the navigational conditions of such region.

Art.10 §1 Pilot Stations shall be the centres for the rendering of pilotage services in pilotage regions.

§2 A Pilot Station shall be a person or a group of persons, and shall include all corporeal and incorporeal things necessary for the rendering of pilotage services.

§3 The purpose of Pilot Stations shall be to enable the employment of pilots and the rendering of pilot services.

Art 11 §1 The Director of the Maritime Authority Office shall establish, direct, finance and liquidate Pilot Stations.

§2 The Director of the Maritime Authority Office may commission a pilotage company, which possesses adequate financial resources, organization and staff to perform pilotage services and to establish, direct, and finance a Pilot Station.

Art.12 The Chief Pilot shall direct a Pilot Station, according to the Rules established by the Director of the Maritime Authority Office.

Art.13 §1 Only one Pilot Station can be established in each pilotage region.

§2 A Pilot Station in a given pilotage region can render pilotage services in another region where no Pilot Station is established in the latter region.

§3 The Director of the Maritime Authority Office can authorise certain Pilot Stations to render deep-sea pilotage services, or shall establish separate Pilot Stations for that purpose.

CHAPTER III

Qualifications of pilots

Art.14 The Director of the Maritime Authority Office shall issue a Diploma of Maritime Pilot to a person who:

1. has a rank of Master Mariner or Master Mariner in Marine Fishery,
2. has been a shipmaster of a vessel for at least twenty-four months,
3. has served for at least six months under the supervision of other pilots designated by a Chief Pilot in consultation with the Harbour Master,
4. has passed the qualification examination set by the Director of the Maritime Authority Office.

Art.15 §1 A person shall be qualified to render pilot services in pure maritime pilotage in respect of one or more specified pilotage regions and for vessels of a certain size and purpose, by virtue of a licence attached to his Diploma.

§2 The detailed rules for the licensing of pilots shall be prescribed by the Director of the Maritime Authority Office after consultation with the Federation.

§3 The licenses referred to in §1 and §2 shall be issued by the respective Harbour Master upon the application of a Chief Pilot.

Art.16 §1 A person shall be qualified to render pilot services in deep-sea pilotage by virtue of an identity card attached to his Diploma.

§2 The detailed rules for the obtaining of an identity card shall be prescribed by the Director of the Maritime Authority Office after consultation with the Federation.

§3 The identity card referred to in §1 and 2 shall be issued by the Director of the Maritime Authority Office.

Art.17 The Administrative Procedure Code shall apply in relation to the procedures for the issuing of licenses in terms of arts. 14-15 hereof.

Art.18 A pilot shall have the right to render pilot services, in accordance with his qualifications, from the moment of enrolling on a pilot list.

Art.19 There shall be separate lists of pilots for pure maritime and deep-sea pilotage.

Art.20 The Director of the Maritime Authority Office shall draw up and maintain lists of pilots for the respective pilotage regions.

Art.21 §1 An entry in a pilot list shall be made upon an application by a pilot who wishes to be enrolled.

§2 A removal from the list shall be made upon an application by the affected pilot or *ex officio* in the cases referred to in art.23 §§2-6.

Art.22 There shall be enrolled on the pilot list a person who:

1. has submitted a proper application,
2. has submitted the relevant qualification and licensing documents,
3. has not attained 60 years of age,
4. has full public rights,
5. has full capacity to enter into legal relations, and
6. is a member of the Federation.

Art.23 A pilot shall be removed from the pilot list in any of the following cases:

1. if the pilot applies to be so removed,
2. if he is interdicted or incapacitated from entering into legal relations,
3. if he loses his public rights,
4. if he loses the right to perform the profession of a pilot in respect of proper maritime act,
5. if he is no longer a member of the Federation, or
6. if he has attained 65 years of age.

Art.24 §1 The Administrative Procedure Code shall apply in respect of entries in and removals from pilot lists.

§2 The Federation may appeal on behalf of an interested pilot with his consent.

Art.25 §1 A pilotage company rendering pilot services covered by art.31 and art.32 shall enable pilot trainees to undertake traineeship as laid down in art.14.3.

§2 Pilot practice shall be undertaken on the basis of a contract of service between a trainee pilot and a pilotage company.

§3 The Minister of Transport shall by decree prescribe rules concerning the organisation, undertaking and rendering of pilot practice.

CHAPTER IV

Pilot service

Art.26 A pilot service shall be rendered in accordance with the provisions of this Act, of the Commercial Activity Act and the provisions of other Acts.

Art.27 §1 A pilot service can be rendered only by a commercial entity established in terms of the Commercial Activity Act, whose objects include the rendering of pilot service.

§2 Such entity shall, for the purposes of this Act, be designated a pilotage company.

Art.28 The Minister of Transport shall by decree determine the rules concerning the rendering of pilot services by the respective Maritime Authority Office in case of total or partial lack of pilotage companies authorised to render pilot services in certain pilotage regions.

Art.29 The provisions of art.28 shall also apply in respect of deep-sea pilotage.

Art.30 A pilot service shall be rendered exclusively through Pilot Stations.

Art.31 §1 A Pilot Station shall be deemed to be the agent of a pilotage company in the performance of a pilot service on the basis of a contract between that company and the Director of Maritime Authority Office, responsible for a Pilot Station.

§2 The provisions of §1 shall not apply if a pilotage company is responsible for the direction of a Pilot Station according to art.11§2.

Art.32 In the cases referred to in art.11§2, pilotage companies other than those responsible for the direction of a Pilot Station may render pilot services exclusively through that Station on the basis of a contract with the pilotage company responsible for the direction of the Pilot Station.

Art.33 §1 A pilot service shall be rendered on the basis of a contract, hereinafter referred to as a “pilotage contract”.

§2 A pilotage contract shall be concluded between a pilotage company chosen by a Pilot Station and the piloted ship’s operator.

Art.34 A pilotage receipt shall be adequate evidence of a concluded pilotage contract.

Art.35 §1 A pilot shall render assistance and advice to the master in the navigation of the vessel.

§2 If it is not possible for a pilot to be on board the vessel, assistance and advice can be rendered, with the permission of the master, from another vessel, aircraft, or land.

§3 If pilotage is compulsory, permission of the master as aforesaid shall not be necessary.

Art.36 §1 The master shall be obliged to secure the pilot’s safety in boarding and unboarding the vessel.

§2 The master shall be obliged to furnish the pilot with all information concerning the navigational properties of the vessel, and to enable him the use of all the vessel's equipment necessary to render the contracted pilot service.

§3 The pilot, while piloting the vessel, shall remain under the command of the master of the piloted vessel, but shall not be considered a part of the crew.

§4 The master may permit the pilot to carry out direct manoeuvres in the conduct of the vessel.

§5 The employment of a pilot shall not relieve the master of his responsibility for the navigation of the vessel, including in the case referred to in §4 hereof.

§6 The provisions of §1 shall be applicable in respect of a trainee pilot undertaking practice according to art.25.

Art.37 While on board the piloted vessel, the pilot shall be entitled to accommodation and maintenance if required, suitable to the circumstances.

Art.38 §1 Pilotage dues shall be entirely recoverable by pilotage companies.

§2 Pilotage dues shall consist of fees for a pilot services rendered by the pilotage company and fees for pilotage services rendered by the Pilot Station.

§2 Pilotage dues shall be determined by the applicable tariff.

§3 The tariff shall be determined by the Federation, and for services referred to in art.28 –by the Minister of Transport.

§4 Only one tariff shall be applicable in each pilotage region.

§5 Pilotage dues in respect of deep-sea pilotage shall be fixed by a deep-sea pilotage contract.

Art.39 §1 Pilotage companies shall pay the applicable fees to the respective Maritime Authority Office for the use of the services of Pilot Stations.

§2 The Minister of Transport, in consultation with the Minister of Finance, shall by decree prescribe the rules for determining such fees under the agreements referred to in art.31.

Art.40 The vessel's operator shall be liable for damage caused by the pilot during the rendering of a pilot service, in the same way as for damage caused by a member of the vessel's crew.

Art.41 §1 A pilotage company shall be liable to the vessel's operator for damage caused through the pilot's fault while carrying out pilot services, unless it has not been at fault in the choice of the pilot.

§2 A pilotage company may limit its liability, as arising under §1 hereof, up to an amount equivalent to twenty times the pilotage dues for the pilot service during which the damage arose.

§3 The Minister of Transport, may by decree, prescribe changes in limits of liability.

Art.42 Claims arising from pilot services shall be barred by the lapse of two years from the day of the termination of such services.

CHAPTER V

Polish Federation of Maritime Pilots

Art.43 Pilots shall be organized within the Polish Federation of Maritime Pilots, which shall be governed by its members

Art.44 §1. The Federation shall be independent in fulfilling its aims and ruled only by law.

§2 The Minister of Transport and The Director of the Maritime Authority Office shall be obliged to consult the Federation prior to issuing any decrees or orders in furtherance of this Act.

Art.45 §1 The Federation shall be a legal entity.

§2 The seat of the Federation shall be in a town determined by resolution of the General Assembly of the Federation.

§3 Pilots' Brotherhoods shall be organization units of the Federation.

§4 The organs of the Federation shall be: the General Assembly, the Executive Committee, the Revisory Committee, and the organs of the Brotherhoods.

§5 The Federation shall be allowed to use a seal with its name and seat, and an emblem with a pattern as adopted by the General Assembly.

Art.46 The Federation can become a member of Polish, foreign or international organizations with similar aims.

Art.47 The aims of the Federation shall be:

1. to represent collective interests of pilots in relation to governmental authorities and to protect such interests,
2. to furnish opinions in public matters directly or indirectly related to pilotage,
3. to assist in solving organisational, legal, economic and technical problems relating to pilotage, and other problems particularly safety at sea, labour conditions and protection of the marine environment,

4. to attend in preparing projects of training and improving skills of trainee pilots and pilots,
5. to create and develop the rules of professional ethics of pilots,
6. to exchange professional experience with Polish, foreign and international pilots' organizations,
7. to fulfil its obligations as required by law.

Art.48 §1 The Federation shall be authorized to draw up opinions about proposed Acts concerning maritime pilotage. In order to fulfil such aim the Federation may, upon an invitation by the appropriate authorities, delegate its members to participate in such works.

§2 The Federation may draw up opinions dealing with the enforcement of legal provisions relating to maritime pilotage.

§3 The appropriate authorities shall, upon the Federation's request, furnish information necessary for fulfilling its aims.

§4 The Federation may carry out any economic activity according to the Commercial Activity Act. Any profit derived from such activity shall be used for the purposes of the Federation and cannot be distributed among its members.

Art.49 Maritime pilots are members of the Federation.

Art.50 §1 A pilot shall be granted membership in the Federation by resolution of the Executive Committee upon his written application.

§2 A pilot may appeal to the General Assembly in the event of a negative resolution of the Executive Committee. The resolution of the General Assembly shall be final and binding.

Art.51 §1 A pilot shall lose his membership in the Federation in any of the following cases:

1. when he is no longer entitled to act as a pilot,

2. upon his voluntary cessation of membership,
3. upon his expulsion from the Federation.

§2. A pilot may be expelled from the Federation in any of the following cases:

1. if he does not fulfil his obligations as member of the Federation,
2. if his activity hinders the fulfilment of the Federation's aims, or disgraces the Federation.

§3 The Executive Committee may, by resolution, expel any of its members. It may also suspend membership for a certain period of time.

§4 The General Assembly may revoke or vary the resolution mentioned in §3, upon the application of the pilot whose membership has been suspended or who has been expelled from the Federation.

§5 A Pilot Brotherhood may submit the application referred to in §4 with the consent of the interested pilot.

Art.52 The members of the Federation shall have the right:

1. to participate and to vote in the General Assembly,
2. to be elected to the Federation's organs,
3. to use the premises, equipment, collections and other belongings of the Federation for the fulfilment of its aims,
4. to withdraw their membership from the Federation.

Art.53 The members shall be obliged:

1. to fulfil the obligations provided by legal provisions and by resolution of the Federation's organs,
2. to comply with the applicable rules of professional ethics,
3. to promote the Federation's aims,
4. to participate in the meetings of the General Assembly and in the work of Pilots' Brotherhoods,
5. to pay membership subscription within the time and in the amount prescribed from time to time.

Art.54 §1 A Pilot Brotherhood shall be created by resolution of the Executive Committee, upon the application of at least half the pilots qualified to perform the profession of pilot in pilotage region. A separate brotherhood of deep-sea pilots may be created.

§2 If a Pilot Brotherhood is created, membership therein of all pilots of the relative pilotage region is mandatory.

§3 A Pilot Brotherhood is entitled to furnish opinions concerning its members in matters referred to in arts.46-48.

§4 The organization of Pilot Brotherhoods shall be determined by resolution of the Executive Committee.

§5 A Pilot Brotherhood shall be dissolved by its own resolution.

Art.55 §1 The General Assembly shall be the supreme authority of the Federation.

§2 The General Assembly shall be entitled to adopt resolutions in matters relating to the affairs of the Federation unless reserved to other organs by provisions of this Act or by resolution of the General Assembly.

§3 The General Assembly shall hold ordinary and extraordinary meetings.

§4 Ordinary meetings of the General Assembly shall be held within the period of time determined by the resolution of the General Assembly, and if the Federation carries out a commercial activity, annually.

§5 The ordinary meetings of the General Assembly shall be convened by the Executive Committee, and if the Executive Committee does not do so within the determined period, the meeting can be convened by the Revisory Committee, or by a Pilot Brotherhood.

§6 An extraordinary meeting of the General Assembly shall be convened by the Executive Committee in cases where it is deemed to be necessary.

§7 The Executive Committee shall convene an extraordinary meeting of the General Assembly upon a demand of at least one-tenth of the members of the Federation, within the determined time and with the agenda established in the

demand. If the Executive Committee does not convene the meeting within the determined time, it can be convened by the group of members who submitted the demand.

§8 The provisions of §7 shall be applicable mutatis mutandis to the meetings of Pilot Brotherhoods.

§9 The detailed rules for convening and conducting the meetings shall be determined by resolution of the General Assembly.

Art.56 §1 The Executive Committee shall:

1. conduct the day to day administration of the Federation,
2. represent the Federation in its relations with third parties,
3. contract financial obligations on behalf of the Federation,
4. conduct other matters of the Federation, according to the law and resolutions of the General Assembly.

§2 A resolution of the General Assembly shall determine the composition, organisation and rules for the performance of the tasks of the Executive Committee.

Art.57 §1 The Revisory Committee shall be competent to supervise the activity of the Executive Committee with regard to its compliance with the law and resolutions of the General Assembly, and if the Federation is involved in commercial activity, to examine the balance sheet, and the profit and loss account for every year of the Federation's activity, and shall present a detailed written report thereon to the General Assembly.

§2 The provisions of art.56§2 shall be mutatis mutandis applicable to the Revisory Committee.

Art.58 The assets of the Federation shall include members' subscriptions, donations, legacies, the income from commercial activity, and the income earned by the assets of the Federation.

Art.59 §1 A resolution of the General Assembly shall determine the amount and the method of payment of members' subscriptions.

§2 Unpaid subscriptions shall be recovered according to the provisions of the Executive Procedure in Administration Act.

Art.60 The Minister of Finance shall by decree determine the part of donations made by pilotage companies to the Federation, which will be allowed as a deduction on the taxable income of such companies.

Art.61 §1 The Minister of Transport shall act as a supervisory authority over the Federation.

§2 The Minister of Transport may, inter alia:

1. annul any resolution of the Federation's organs and ask it to determine the matter again,
2. take legal proceeding against a resolution of the Federation's organs before the competent court.

§3 In case referred to in §2.2, the court can either annul the resolution or reject the Minister's plaint.

§4 The Federation shall inform the Minister of Transport about meetings of its organs in which resolutions are to be made, and upon his demand, to furnish him the text of such resolutions.

Art.62 In the cases referred to in art.55§5, the Minister of Transport may convene the ordinary meeting of the General Assembly of the Federation.

CHAPTER VI

Final, penal and transitory provisions

Art.63 §1 A Person who renders a pilot service in breach of the provisions of this Act is liable to a pecuniary penalty or to a limited detention penalty.

§2 A person who acts in the way referred to in §1 on behalf of a legal entity is liable to the same penalties.

Art.64 A person who before the entry into force of this Act has obtained the right to perform the profession of maritime pilot, in terms of hitherto existing provisions, shall be enrolled on the pilots' list upon an application to that effect.

Art.65 Maritime pilots and pilotage companies rendering pilot services at the time of the entry into force of this Act shall be obliged to fulfil the requirements of this Act within a month from the date the Act comes into force.

Art.66 A pilot who is duly qualified and licensed to render a pilot service on the basis of hitherto existing provisions, shall become a member of the Federation, upon his application, from the date of the lodging of the application.

Art.67 Existing subordinate legislation shall remain applicable unless at variance with this Act, until such time, that the Minister of Transport and The Director of the Maritime Authority Office issue decrees and orders in furtherance of this Act.

Art.69 This Act shall repeal Title IV, section IV, entire Chapter IV-Pilotage in the Act dated 1st December 1961- Maritime Code (Dz. U.RP, 1998, nr 10, poz.38).

Art.70 §1 The Minister of Transport in consultation with the Federation shall appoint the Organization Committee.

§2 The aims of the Organization Committee shall be:

1. to prepare rules for the first meeting of the General Assembly,
2. to make up a list of members,
3. to convene the first meeting of the General Assembly within a period of three months from the date the Act comes into force.

Art.71 The Organization Committee shall carry out the duties of the Executive Committee of the Federation, until it shall be appointed.

Art.72 The Minister of Transport shall, until the Federation obtains its own premises, make available to the Federation premises at the seat of the Maritime Authority Office for carrying out its activity.

Art.73 This Act shall come into the force on the.....provisions arts.70-72 shall come into the force on the date of their publication.
