

Working translation of

Ship Safety Ordinance

of 20 March 2020

Annex 1a

Part 1

Safety requirements for the construction, equipment and operation of passenger ships

(in any case the German text prevails)

1 Scope of application

1.1 This part applies to passenger ships engaged in domestic voyages flying the German flag and which are not subject to Directive 2009/45/EC, including day-trip boats and recreational angling boats. These include

- a) existing class A to D ships as defined in Directive 2009/45/EC with a length of less than 24 m,
- b) ships to which Directive 2009/45/EC does not apply due to the material used,
- c) original historical passenger ships or individual replicas designed before 1965 and built predominantly with the original materials, provided that they are not subject to the safety requirements for traditional ships of Part 3.

1.2 Unless the provisions of the Annex to 2009/45/EC apply, this part also applies to

- a) existing class C and D ships as defined in Article 6(3)(c) of Directive 2009/45/EC,
- b) new ships as defined in Directive 2009/45/EC with a length of less than 24 m.

1.3 This part does not apply to

- a) Federal German Navy ships and German Maritime Search and Rescue Services (DGzRS) ships;
- b) inland ships with technical approval for waterways zones 1 and 2 in accordance with the „Binnenschiffsuntersuchungsordnung“ (inland waterway inspection regulation), appendix 1, of 6 December 2008 ("Bundesgesetzblatt" – Federal Law Gazette I p. 2450), as amended, on voyage on these waterways;
- c) recreational boats, unless they
 - aa) are or will be crewed and
 - bb) carrying more than 12 passengers for commercial purposes.

2 Definitions

For the purposes of this part, the following definitions apply

- 2.1 **passenger ship:** a ship carrying more than 12 passengers or authorised to carry more than 12 passengers;
- 2.2 **new passenger ship:** a ship the keel of which is laid or which is at a similar stage of construction on or after 1 July 1998; a similar stage of construction" means the stage at which construction identifiable with a specific ship or craft begins and assembly of that ship has commenced comprising at least 50 t or 1% of the estimated mass of all structural material, whichever is less;
- 2.3 **existing passenger ship:** a ship which is not a new ship;
- 2.4 **passenger:** any person other than
- a) the master and members of the crew or other persons employed, engaged or in another way working in any capacity on board a ship for the business of that ship, and
 - b) children under one year of age;
- 2.5 **domestic voyage:** voyage in sea areas from a German port to the same or another German port;
- 2.6 **Directive 2009/45/EC:** Council Directive 2009/45/EC of 06 May 2009 on safety rules and standards for passenger ships (Revision) (OJ EC L 163/1 of 25.06.2009), as amended;
- 2.7 **Ship Safety Act:** Ship Safety Act of 9 September 1998 (Bundesgesetzblatt I p. 2860) in its current version;
- 2.8 **SOLAS Convention:** the 1974 International Convention for the Safety of Life at Sea together with the 1978 and 1988 protocols (Bundesgesetzblatt 1979 II p. 141, 1980 II p.525, 1983 II p. 784, 1994 II p. 2458, annex), as amended;
- 2.9 **Convention on Load Lines:** the 1966 International Convention on Load Lines together with the 1988 annex and protocol (LL 66, Bundesgesetzblatt 1969 II p. 249, 1977 II p. 164, 1994 II p. 2457, annex, as amended;
- 2.10 **Code on Intact Stability:** Resolution MSC.267(85) on the 2008 International Code on Intact Stability ("Verkehrsblatt" – Transport Gazette 2009, p. 724), as amended;
- 2.11 **Day-trip boat:** a passenger ship authorised prior to 1 January 2000 to operate as a day-trip boat, carrying more than 12, but not more than 50 passengers or authorised to carry no more than 50 passengers and used for day trips;
- 2.12 **Recreational angling craft:** a passenger ship authorised prior to 1 January 2000 to operate as a recreational angling boat carrying more than 12 but not more than 50 passengers or authorised to carry no more than 50 passengers and used in recreational angling for payment;
- 2.13 **Summer months:** the period from 1 April to 31 October;
- 2.14 **Shallow water trade:** domestic voyage on the tidal flats of the North Sea, on which high seas are impossible, including the following areas:

- a) the Ems to Borkum,
- b) the mud flat between the East Frisian mainland from Knock to Schillighörn and the East Frisian islands,
- c) the Jade to the Minsener Oog–Langwarden connecting line,
- d) the Bay of Meldorf area and the area between Büsum, Blauortsand, Tertiussand, Trischen and the Hohes Ufer of Dieksand,
- e) the mud flat from St. Peter-Ording to Friedrichskoog with the connecting line of the St. Peter-Ording beacon and Blauortsand as the seaward limit,
- f) the mud flat between the west coast of Schleswig-Holstein from Westerhever Sand to Hindenburgdamm and the offshore islands,
- g) the mud flat between the Hindenburgdamm mainland to the Danish border.

2.15 **BG Verkehr:** Ship Safety Division of the German Social Accident Insurance Institution for Commercial Transport, Postal Logistics and Telecommunication (BG Verkehr)

3 Basic safety requirements

3.1 Directive 2009/45/EC applies to passenger ships in accordance with Regulation 1.1 of this part, unless otherwise provided in the following provisions.

3.2 Subject to the following regulations, existing class C and D passenger ships, with the exception of recreational angling boats and day-trip boats, must comply with Chapter II-1 and II-2 of the Annex to the SOLAS Convention in respect of all matters not covered by the specific requirements for classes C and D in accordance with Directive 2009/45/EC. Where there are specific provisions for the conversion of existing ships, by way of derogation from sentence 1, at a minimum, the requirements of Chapter II-1 and II-2 of the Annex to the SOLAS Convention in accordance with the 6th SOLAS amendment ordinance (6. SOLAS-Änderungsverordnung) dated 20 September 1994 (Bundesgesetzblatt II p. 2458) as amended must be met.

3.3 Under section 2(2), it is left to the discretion of the responsible body, in the application of the eligible provisions of this part, to prove, within the scope of their duties pursuant to section 3 of the Ship Safety Act, that they have ensured the safe operation of the ship with regard to the requirements of the flag State, including those departing from this part, in equal measure.

4 Inspection and certification

4.1 The BG Verkehr shall issue a safety certificate for passenger ships if an inspection has found compliance with the applicable regulations of this part. This certificate must be carried on board the ship.

4.2 The following requirements apply to the ship safety certificates to be issued:

- a) the passenger ship must be inspected in accordance with Article 12 of Directive 2009/45/EC;

- b) the certificate shall be marked "Safety certificate for passenger ships";
- c) the certificate must comply with the requirements of Article 13 of Directive 2009/45/EC;
- d) in case of a day-trip boat, the certificate is issued for the summer months only;
- e) in case of a day-trip boat or a recreational angler boat, the certificate cannot be renewed if more than one year has elapsed since the expiry of the last certificate.

5 Navigation permit in specific cases

- 5.1 In the specific case of a ship for which a ship safety certificate has been issued for a purpose other than passenger transportation, the BG Verkehr may on request issue a navigation permit for a passenger ship for one voyage or several voyages due to special reasons, provided that the safety of passengers is ensured at all times. The applicant must provide proof that the safe operation of the ship is ensured in a different way, even where deviating from the requirements of this part, and that the safety level of this part is not lowered overall.
- 5.2 The navigation permit must specify the time and duration of each individual journey as well as at a minimum the required additional equipment, in particular life-saving appliances, and the maximum number of passengers. The navigation permit may also be combined with incidental conditions required to ensure the safe operation of the ship, even on a subsequent basis in the event of restrictions.

6 Navigation restrictions

- 6.1 Day-trip boats may only operate during the summer months. Journeys may not last longer than 2 hours and the distance from the coast at mean high water may not exceed 4 nautical miles. The BG Verkehr may determine other distances from the coast for individual ships pursuant to Directive 2009/45/EC appropriately.
- 6.2 Recreational angling craft may not exceed a distance of 10 nautical miles from the coast at mean high water.
- 6.3 Day-trip boats and recreational angling craft may only operate between sunrise and sunset, but in any case between 8 am and 5 pm.
- 6.4 Day-trip boats and recreational angling craft may not operate during:
 - a) gales (8 or above on the Beaufort scale) or gale warnings,
 - b) high onshore winds (6 and 7 on the Beaufort scale) or
 - c) fog with a visibility of
 - aa) less than 500 m or
 - bb) between 500 and 1,000 m if there is no approved and properly functioning radar as set out in Council Directive 2014/90/EU of the European Parliament and the European Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ 257 of 28 August 2014 p. 146), as amended, or where, apart from the skipper, there is no other person competent to operate the radar equipment on board.

Boats may not leave wind-sheltered coastal areas at times of high offshore winds. Day-trip boats and recreational angling craft located outside wind-sheltered coastal areas must immediately seek the shelter of land in the event of oncoming high winds or gale or high wind warnings. In the event of an oncoming storm these boats must immediately make for the nearest port.

- 6.5 The skipper of a day-trip boat or a recreational angling craft must heed high wind and gale warnings issued by an official meteorological service when deciding whether to cancel a planned journey or to change the course of a journey already started in accordance with this part.

7 Permissible number of passengers

- 7.1 The BG Verkehr shall determine the maximum permissible number of passengers, taking into account certified stability values, escape and emergency routes and deck spaces of seaworthy sheltered areas above and below deck suitable to accommodate passengers.
- 7.2 For craft operating in shallow water trade, open deck areas suitable to accommodate passengers must also be taken into account for the summer months.

8 Load lines (freeboard)

- 8.1. For all passenger ships, an effective, weatherproof closed-down state is a prerequisite to the issuing of load lines.
- 8.2 Article 6(2)(b) of Directive 2009/45/EC applies to existing passenger ships, unless lower requirements are specified below.
- 8.3 The following applies to existing class C and D passenger ships and new class C and D passenger ships with a length of less than 24m.
- 8.3.1 Minimum freeboard
- The minimum bow height may be reduced by no more than 50% if the requirements for intact and damage stability are met.
- 8.3.2 Ventilators
- Ventilator sill heights may be reduced to 760 mm in Area 1 and 450 mm in Area 2. Weatherproof seals for ventilators may be dispensed with if the following requirements are met and the ventilators are not located in the front bulkhead or at the side of superstructures. The minimum sill heights for ventilators without locking devices such as supply and exhaust ventilators for engine rooms and emergency diesel generator spaces may be reduced to 2500 mm in Area 1 and 900 mm in Area 2.
- 8.3.3 Doors
- The sill heights for doors leading to spaces with openings giving access into the ship's hull which are to be protected may be reduced to 380 mm in Area 1 and to 100 mm in Area 2.
- 8.3.4 Windows

Windows in accordance with Regulation 23(3) of Annex 1 to the Convention on Load Lines may be used instead of portholes within the meaning of Regulation 23(2) of Annex 1 to the Convention on Load Lines in the area of the first superstructure deck if a deadlight with mounting accessories is provided in the direct vicinity of each window. Where the window is made of laminated safety glass corresponding to the strength value of the surrounding ship structure, deadlights may be dispensed with. Craft with superstructures or deck houses included in the static stability curves must also have effective weatherproof sealing in this area.

- 8.3.5 Craft with virtual bulkhead decks and flush countersunk lounges may only be used in shallow water trade. A virtual bulkhead deck is a roofed but non-existing deck assumed and considered for the damage stability calculation instead of an actually existent bulkhead deck. A flush countersunk lounge is a passenger space on passenger ships with virtual bulkhead deck that is arranged in the area of the actually missing watertight deck and where the boundary (bottom) of the passenger space is underneath and the upper boundary (ceiling) of the passenger space is above the virtual bulkhead deck.
- 8.3.6 Freeing ports
- Pursuant to the Regulation 24 of Annex 1 to the Convention on Load Lines, the freeing port cross-section may be reduced by a maximum of 50%.
- 8.4 The BG Verkehr may authorise more extensive exemptions for day-trip boats and recreational angling craft.

9 Subdivision and stability

- 9.1 Existing class C and D passenger ships and all passenger ships with a length of less than 24 m must meet the requirements of the intact stability code subject to the following intact stability provisions.
- 9.2 Existing approved stability data shall remain valid provided that the conditions for their approval have not changed.
- 9.2.1 Where a change in light ship weight, longitudinal centre of gravity or vertical centre of gravity is determined, the hitherto valid intact and damage stability criteria must still be met as a minimum.
- 9.2.2 Where major repairs, alterations and conversions have been undertaken, Article 6(2)(e) of Directive 2009/45/EC shall apply. This includes any modification relating to subdivision and stability that affects the degree of ship subdivision or the ship's hydrostatics.
- 9.3 The following shall apply to existing passenger ships in shallow water trade:
- 9.3.1 In the case of flat, wide ships, the BG Verkehr may, in derogation of Chapter 2 Regulation 2.2.3 of the Code on Intact Stability, authorise a reduction of the angle of inclination at which the maximum righting lever arises.
- 9.3.2 Retrofitting of double bottoms is not necessary.
- 9.4 For class C and D passenger ships operating under reduced operating and weather conditions, the BG Verkehr may authorise reduced wind loads for verification of the weather criterion. The weather criterion need not be met, if

- 9.4.1 the range of the lever arm curve is at least 60°, or
- 9.4.2 the stability range is between 50° and 60° and the righting lever required at 30° of inclination is extended such that for each degree of stability range below 60° an additional 0.01 m of the required minimum lever arm is provided.
- 9.5 For existing class C and D ro-ro passenger ships, the provisions of SOLAS Regulation II-1/8 as amended by Resolution MSC.12(56) do not apply. SOLAS Regulation II-1/8-2 as inserted by the conference document of 29 November 1995 (Bundesgesetzblatt II 1995 p. 934) does not apply.
- 9.6 For craft with the engine located aft, the engine room bulkhead can be replaced by an afterpeak bulkhead (stuffing-box bulkhead) extending up to the freeboard deck or up to a watertight platform above the deepest operating waterline.
- 9.7 For day-trip boats and recreational angling craft, the stability data must be submitted to the BG Verkehr for assessment. This includes the lever arm curves of static stability for the most important operating conditions and the evaluation data of the inclining test. Verification of buoyancy in the event of a leak is not necessary.

10 Machinery and electrical installations

10.1 Communication between navigating bridge and engine room

At least one telegraph or communication system shall be provided for communicating engine orders from the bridge to the position in the engine room from which the speed and direction of thrust of the propellers are normally controlled. The communication system may consist of a wired telephone or a wireless telephone with permanently mounted charging station.

10.2 Steering gears

Passenger ships must be fitted with a main steering gear and an auxiliary steering gear with manual hydraulic drive regardless of rudder stock diameter.

10.3 Main power source

On each passenger ship, at least two main generators must be provided to maintain electrical supply to the propulsion and to the necessary auxiliary equipment. One generator may also be a shaft generator or an alternator attached to the propulsion engine.

10.4 Emergency power source

Where the emergency power source is an accumulator battery, operation of all emergency devices including emergency lighting for at least 6 hours must be ensured.

11 Fire protection

For existing class C and D passenger ships exclusively engaged in day excursions, a fire-fighting system for accommodation and service areas, stairway enclosures and alleyways may be retrofitted in a facilitative form using non-automatically operated equipment or mobile fire-fighting units located strategically in fire sections and activated by crew members. Fire-fighting equipment must be designed in such a way that safety equivalent to that of a fixed installation sprinkler system is ensured.

12 Model certificates

The models of the passenger ship safety certificates and the navigation permit in specific cases are published in the German Verkehrsblatt (transport gazette) in accordance with this ordinance.