

# Working translation of

## Ship Safety Ordinance

of 20 March 2020

### Part 5 of Annex 1a

#### Safety requirements for fishing vessels of less than 24 m in length

(in any case the German original shall prevail)

#### 1. Area of application

- 1.1 This part applies to fishing vessels of less than 24 m in length flying the German Federal flag.
- 1.2 This part substantiates the requirements regarding ship safety of fishing vessels of less than 24 m in length as defined by the German "Schiffssicherheitsgesetz" (Ship Safety Act) sections 3 and 7 to 9 and serves as a basis for ship safety certificates according to section 9 para. 3 no. 2 of this ordinance.

#### 2. Definitions

The definitions of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (Cape Town Agreement, "Bundesgesetzblatt" 2016 II p. 175, 176), are applied unless provided otherwise in the following.

For the purpose of this part:

- a) **fishing vessel** means a vessel used for catching fish or other living resources of the sea or for other means of extracting and processing them;
- b) **decked fishing vessel** means a fishing vessel with a continuous watertight weather deck positioned above the waterline during all loading conditions;
- c) **open or partly decked fishing vessel** means a fishing vessel which is not a decked fishing vessel and where water shipped on board may enter the bilge; and
- d) **BG Verkehr** means the Ship Safety Division (Dienststelle Schiffssicherheit) of the German Social Accident Insurance Institution for Commercial Transport, Postal Logistics and Telecommunication (Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation, BG Verkehr).

#### 3. Basic principle

- 3.1 Unless provided otherwise in the following provisions, the requirements of the Cape Town Agreement with the exception of chapter I regulations 3(4), 4(2), 12, 13, 14 and chapter IX regulation 3(3) of the Annex apply for vessels in accordance with regulation 1 independent of the date on which their keel was laid.
- 3.2 The required life-saving appliances and equipment for fire safety, radio and navigation shall be approved in accordance with 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, as amended, unless provided otherwise in the following regulations. Equipment not subject to Directive 2014/90/EU must be approved by the BG Verkehr or a recognized organization in accordance with Regulation (EC) No. 391/2009 with which a working relationship has been established according to article 5 paragraph 2 of Directive 2009/15/EC of the European Parliament and the European

Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (new version) (Official Journal L 131 of 28 May 2009, p. 47), as amended.

- 3.3 Required equipment lawfully manufactured or distributed in another member state of the European Union, Turkey or an EFTA State that is a party to the EEA Agreement is recognized as being equivalent.
- 3.4 For fishing vessels with a gross tonnage of less than 150, the regulations V/15, 17, 20 and 26 of the Annex to the International Convention for the Safety of Life at Sea, 1974 (SOLAS Convention, "Bundesgesetzblatt" 1998 II p. 2579; 2001 II p.58) do not apply. Regulation 18 is not applicable for vessels with a length of less than 15 m.

#### **4. Survey and certification**

- 4.1 Fishing vessels shall comply with the requirements of this part. If the survey verifies the compliance with the applicable provisions of this part, the BG Verkehr will issue a Fishing Vessel Safety Certificate with the required incidental provisions for a period of five years at most, calculated from the last day of the survey.
- 4.2 An intermediate survey is to be conducted between the second and third year if the certificate has been issued for a longer period than three years.
- 4.3 The radio equipment in accordance with regulation 10 is subject to an annual survey.

#### **5. Restrictions of the trading area**

The fishing vessel shall have an adequate structural condition for the trading area applied for and be equipped appropriately. Depending on the proven structural condition, the BG Verkehr may restrict the trading area

#### **6. Freeboard, subdivision and stability**

- 6.1 The type of ship, the material and the strength of hull shall meet the requirements of the intended deployment and trading area as well as fulfil the generally recognized rules of naval architecture. Doors, manholes, ventilation ducts or other openings in the collision bulkhead below the working deck require permission by the BG Verkehr.
- 6.2 Cargo room, fish room, equipment stores and access hatchways on the weather deck shall have hatch coamings of at least 0.80 m. For hatches with a free diameter of up to 1.00 x 1.00 m hatch coamings of 0.60 m are sufficient. For hatches of equipment stores outside the main area deck, the BG Verkehr may permit deviations from these hatch coamings. The lower edge of the hatch coaming shall be rounded. Installation of flush deck hatches requires the permission of the BG Verkehr.
- 6.3 Doors leading directly off the weather deck into the main and auxiliary engine rooms are not permissible.
- 6.4 By way of derogation from chapter III regulation 2 in conjunction with regulations 1 and 7 of the Cape Town Agreement, the following stability criteria may be applied for decked fishing vessels:

Righting lever at 30° inclined	≥ 0.20 m
Initial stability, corrected for free surfaces (GM')	≥ 0.35 m
Area under the righting lever curve up to 30° inclined	≥ 0.055 meter-radians
Area under the righting lever curve up to 40° inclined	≥ 0.090 meter-radians
Area under the righting lever curve up to 30° and 40° inclined	≥ 0.030 meter-radians
Range of stability	≥ 60°

The righting lever curves are to be calculated and depicted with a centre of mass above keel (KG') which is increased by the free surface effect. Fishing vessels with a complete superstructure may have a lower initial stability than 0.35 m. However, it may not be below 0.15 m. Important operating conditions are:

1. departure for the fishing grounds with full fuel, stores, ice, fishing gear etc.;
2. departure from fishing grounds with full catch and 50 percent stores, fuel, etc.;
3. arrival at port of destination with full catch and 10 percent stores, fuel, etc.; and
4. arrival at port of destination with 20 percent of the full catch and 10 percent stores, fuel, etc. (erroneous voyage);
5. adverse operating conditions, in case these occur.

Here the following factors shall be considered:

1. allowance for the weight of wet fishing nets, tackles, etc.;
2. allowance for the approximate ice accretion anticipated;
3. homogeneous distribution of the catch in the fish room if this is feasible in practice;
4. catch on deck in operating conditions referred to above;
5. water ballast if tanks are provided for this purpose; and
6. allowance for the free surface effect of liquids and, if applicable, catch carried.

6.5 The lightship data as basis for the stability of the craft shall be verified every ten years with an inclining test. Upon application, the BG Verkehr may desist from the requirement of a new inclining test if

- a) the last inclining test was done no longer than ten years ago and
- b) the applicant credibly shows that no measures altering the stability have been carried out on the vessel.

6.6 For fishing vessels fishing with twin-boom fishing gear, a righting lever of at least 0.25 m at 30° inclined is to be proven if no automatic device for the rapid release of the trawl warp is in place in case the fishing gear gets snapped.

6.7 The minimum freeboard of open or partly decked fishing vessels is 6 percent of the overall length or 40 percent of the moulded depth measured from the top edge of the rabbet to the top edge of the gunwale at its lowest point over the waterline. If the top edge of a fish bin or the lower edge of another opening in the hull structure through which water may ingress lies lower over the waterline than the lowest edge of the gunwale, the moulded depth is to be measured to the top edge of the coaming of the fish bin or to the lower edge of the lowest opening.

6.8 For decked fishing vessels, the minimum freeboard is generally 5 percent of the ship's width but at least 0.20 m; provided that sufficient hull strength for this floating position and compliance with the stability criteria according to 6.4 was proven. If the stability or the hull strength or other conditions necessitate a larger freeboard, then this one is decisive.

6.9 The minimum freeboard is stated in the Fishing Vessel Safety Certificate. It shall be marked with a load line in a contrasting colour to the hull on both sides of the vessel halfway of the vessel's length.

6.10 The required minimum measurements for open and partly decked fishing vessels are:

Length	3.60 m
Breadth	1.60 m
Moulded depth	0.60 m

## **7. Machinery and electrical systems**

- 7.1 A permanently installed communication system between engine room and wheelhouse is not required.
- 7.2 Installed main engines shall be diesel engines. Petrol engines are only permissible as outboard engines.
- 7.3.1 The bilge system of decked fishing vessels is to be designed in such a way that every section of the ship is equipped with a bilge filter which can be easily cleaned.
- 7.3.2 The bilge system of undecked fishing vessels is to be equipped with a manual bilge pump.
- 7.3.3 All decked vessels are to be equipped with a manual bilge pump and vessels with a permanently installed engine are to be equipped with a machine-driven pump. The bilge system is to be designed in such a way that no seawater can get into the main bilge.
- 7.3.4 Vessels of less than 6 m in length shall be equipped with a manual bilge pump with a capacity of at least 70 l/min; vessels of more than 6 m in length with a manual pump of 70 l/min as well as a machine-driven pump of 70 l/min.
- 7.4 For fishing vessels of 18 m in length, a generator attached to the main engine as main power source suffices.
- 7.5 The devices to operate the shut-offs of main seawater cooling pipes shall be positioned above the floor plates.

## **8. Fire safety**

- 8.1 A fire control and safety plan authorized by the BG Verkehr shall be carried on board in a watertight container. For fishing vessels of less than 12 m in length, the BG Verkehr may waive this plan on the basis of a risk evaluation.
- 8.2 On the basis of a risk evaluation, the BG Verkehr may waive a second emergency escape. Fishing vessels of more than 12 m in length which engine is only accessible via a ladder are to be provided with a personal protective spray nozzle at the end of the access ladder, if possible.
- 8.3 For fishing vessels of less than 12 m in length with two or less persons on board, the BG Verkehr may dispense with fire fighter's outfits. For open or partly decked fishing vessels of less than 12 m in length with more than two persons on board, the BG Verkehr may reduce the amount of fire fighter's outfits on the basis of a risk evaluation.
- 8.4 For open or partly decked fishing vessels, the BG Verkehr may require only one approved fire extinguisher of at least 6 kg powder or 9 l foam for extinguishing a machine fire.
- 8.5 For vessels with closed engine room, a fire extinguishing system is required. For engine rooms of less than 4 m<sup>3</sup>, an approved 5 kg CO<sub>2</sub> extinguisher permanently installed outside of the engine room and from which a fixed pipe runs to the engine room suffices.
- 8.6 On fishing vessels of more than 18 m in length, at least one fire pump which is independent of the main engine and which is capable of delivering a jet of water with a minimum pressure of 0.25 N/mm<sup>2</sup> and a capacity of
$$Q = (0.15 \sqrt{L(B + D)} + 2.25) \text{ m}^3/\text{h}$$
to any place on the vessel is to be provided.
- 8.7 The BG Verkehr may waive the requirement of a detection and fire alarm system for fishing vessels of less than 18 m in length on the basis of a risk evaluation.

## **9. Life-saving appliances**

### **9.1 Equipment with liferafts**

- 9.1.1 Fishing vessels of up to 24 m in length shall at least carry one liferaft with an aggregate capacity of all persons on board.
- 9.1.2 For fishing vessels with a length of up to 12 m, type I inflatable liferafts in accordance with ISO 9650-1 (Small craft – Inflatable liferafts – ) not certified in accordance with EU Directive 2014/90/EU (Marine Equipment Directive, MED) with an aggregate capacity of all persons on board may be accepted as equivalents. These liferafts shall have at least an aggregate capacity of four persons and are to be serviced annually by a servicing station in accordance with the manufacturer's manual.
- 9.1.3 The liferafts may not be positioned in such a way that they obstruct the vision over the complete horizon from the bridge.
- 9.1.4 Fishing vessels deployed during very limited sea conditions may be exempted from the equipment requirement regarding liferafts.
- 9.2 On the basis of a risk evaluation, the number of life buoys may be reduced depending on the number of persons on board.
- 9.3 For every person on board, a working vest shall be carried in addition to a lifejacket.
- 9.4 The BG Verkehr may determine deviating safety equipment for open and partly decked fishing vessels.
- 9.5 Carriage of a line-throwing appliance may be dispensed with.

## **10. Radio equipment**

- 10.1.1 All fishing vessels shall carry the following radio life-saving appliances:
    - a) VHF radiotelephone apparatus for use in maritime mobile service,
    - b) SAT-EPIRB with integrated GPS receiver.

The BG Verkehr may permit equipment deviating from sentence 1 for open or partly decked fishing vessels.
  - 10.1.2 Fishing vessels from 15 m in length shall additionally carry a radar transponder as radio life-saving appliance.
  - 10.2.1 Fishing vessels from 15 m in length shall be equipped with a GMDSS VHF radio apparatus in accordance with EU Directive 2014/90/EU (Marine Equipment Directive).
  - 10.2.2 Vessels of a length between 8 and 15 m shall at least be equipped with GMDSS VHF radio apparatus with DSC-D designed in such a way that all GMDSS requirements are met under emergency conditions and marketed in accordance with Directive 1999/5/EC (R&TTE Directive).
  - 10.2.3 In case the area covered by VHF coast stations is transcended, a GMDSS intermediate waves radio apparatus with DSC or a GMDSS satellite radio apparatus shall be carried on board of fishing vessels.
- 11.** A model Fishing Vessel Safety Certificate will be publicly announced in the German "Verkehrsblatt" (transport gazette) in accordance with this ordinance.