

Circular 07/2019 (ISM)

Subject:	Drones – information on unmanned aerial vehicles
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This circular provides information on aspects of safe ship operation in relation to the operation of drones (unmanned aerial vehicles).

The private and commercial operation and control of a drone on board a ship is subject to national and international rules.

In Germany, above all, the Air Traffic Regulation (LuftVO) must be observed. Recalling this order, the operation of a drone might be prohibited or restricted for example in the following areas:

- over and at a lateral distance of 100 meters from all federal waterways in Germany, including the routes along the southern North Sea,
- over national parks, nature reserves and bird sanctuaries,
- over industrial plants.

The Air Traffic Regulation (LuftVO) also regulates identification obligations, permit requirements and proof of knowledge that may be required for operation.

In foreign countries, there may be multiple rules present that vary greatly from country to country, often accompanied by a ban on taking photos and/ or videos. A prohibition on admission does not have to be limited to governmental or industrial facilities or the possibility of espionage: personality, copyright or employee rights also have an effect and must be taken into account.

At sea and in the port area, further restrictions may arise due to the possibility of endangering or obstructing the safe operation of the ship or safe cargo handling.

Shipping companies may prohibit the operation from board their vessels due to any safety concerns or on the basis of the result of their risk assessment.

Security aspects can also have a significant influence and may lead to a rejection of photo and video recordings.

In addition to private operation, drones are increasingly used in the maritime sector, e.g. in the surveillance of coastal and port facilities as well as for monitoring of possible environmental pollution, emission measurements, SAR search and rescue, military and other governmental use. Private drones may not endanger or interfere with the governmental-run drones.

Drones are also used by classification societies, service or shipping companies for inspection purposes or operated by service providers or other persons for photo and advertising purposes.

Applicable in all cases other than governmental related:

- ship, persons, cargo and environment shall not be endangered by the operation of a drone,
- airplanes and helicopters must not be endangered or affected in their safe operation,
- security measures should not be endangered or impeded,
- personal, copyright and employee rights must be respected,
- if rules and prohibitions are not taken into account, severe consequences for the crew, the ship and the shipowners may arise from, especially in foreign countries. In addition to a detention of the vessel such operation may be threatened by criminal or civil prosecutions.

The shipping companies are therefore advised by the Ship Safety Division to take up the topic "operating a drone", bearing in mind:

- to prohibit the private operation of a drone from the ship if there is a risk of damage to the ship, cargo, persons or the environment, or if it can result in violations followed by criminal, civil or economic consequences,
 - to consider hazards arising from the transport of dangerous cargo,
 - to permit the operation in principle to the purpose of the shipping company, e.g. for inspection activities, in particular also outside national waters or on the high seas,
 - to prohibit flying over the ship for purposes other than those required by the shipowner and to demand a safe protection distance of at least 100m from all sides,
 - provide clear instructions to their crew members and passengers and to keep them regularly informed of the rules and restrictions of the company,
 - inform the crew and passengers additionally before approaching particularly sensitive areas and countries,
 - establish a procedure to prevent violations or to obtain an official approval if the operation is planned by the shipping company,
 - to obtain further information from the P & I Club or local correspondents if required,
 - to pay attention to publications of the P&I clubs or any shipping associations,
 - to ensure that the master has the right to prohibit drone operations at any time (overriding authority),
 - to inform the competent authority of the port or coastal state in the case of third parties threats,
- and in addition, to consider the following for external contractors and press inquiries to the extend possible:
- to point out compliance with the shipowners own safety regulations, limiting protection areas and overflight bans,
 - to point out the need to comply with local and national requirements,
 - to pay attention to limitations set by ship-specific security measures and to avoid uncontrolled photo and/ or video recordings,
 - to point out that in principle recordings of crew members at work and in pleasure areas on board should be avoided, that the personal rights of the crew members must be maintained and written pre-consent of each crew member may have to be obtained, if a crew member is a focus of attention or the depth of detail of the recordings are sufficient for personal name mapping,
 - on the basis of the last two paragraphs, to aim to ensure that the sole copyright remains reserved to the shipping company and that the publication or use of photo and video recordings requires the consent of the shipping company or, where appropriate, affected individuals.

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