

# **Ordinance on the Transport of Dangerous Goods by Sea (Transport of Dangerous Goods by Sea Ordinance – GGVSee)**

## **Working Translation of**

### **Verordnung über die Beförderung gefährlicher Güter mit Seeschiffen (Gefahrgutverordnung See - GGVSee)**

#### **Purpose:**

The following text has mainly been translated for the purpose of the course "German Maritime Law".

#### **Disclaimer:**

The English translations of the laws and statutory instruments published on this website are made available for the convenience of non-German-speaking readers and are intended solely for information purposes. Unlike their official German versions, the translations are not binding and have no legal effect. Moreover, no liability is assumed for any errors, omissions or ambiguities in the translations provided.

#### **Copyright notice:**

The translations may be used in accordance with the applicable copyright exceptions. In particular, single copies may be made including in the form of downloads or printouts for private, non-commercial use. Any reproduction, processing, distribution or other type of use of these translations that does not fall within the relevant copyright exceptions requires the prior consent of the copyright holder.

Copyright holder is the Federal Ministry for Digital and Transport.

**Promulgation**  
**of the Ordinance on the Transport of Dangerous Goods by Sea (Recast)**  
**of 21 October 2019**  
**(Federal Law Gazette I 1475)**

Auf Grund des Artikels 1 der Verordnung vom 21. Oktober 2019 (BGBl. I S. 1472) wird nachstehend der Wortlaut der Gefahrgutverordnung See in der seit dem 1. November 2019 geltenden Fassung bekannt gemacht. Die Neufassung berücksichtigt:

1. die Fassung der Bekanntmachung der Verordnung vom 7. Dezember 2017 (BGBl. I S. 3862, 2018 S. 131) und
2. den teils am 1. Januar 2019, teils am 1. November 2019 in Kraft getretenen Artikel 1 der eingangs genannten Verordnung.

Berlin, den 21. Oktober 2019

Der Bundesminister  
für Verkehr und digitale Infrastruktur  
Andreas Scheuer

**Ordinance on the Transport of Dangerous Goods by Sea**  
**(Transport of Dangerous Goods by Sea Ordinance – GGVSee)**

**Contents**

Section 1	Scope of application
Section 2	Definitions
Section 3	Acceptance for transport
Section 4	General safety obligations, monitoring, equipment, training
Section 5	Loading of dangerous goods
Section 6	Documentation required for the transport of dangerous goods
Section 7	Exemptions
Section 8	Responsibilities of the Federal Ministry of Transport and Digital Infrastructure
Section 9	Responsibilities of the authorities competent in accordance with Land law
Section 10	Responsibilities of the experts and agencies appointed by the Federal Ministry of Defence
Section 11	Responsibilities of the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support (BAAINBw)
Section 12	Responsibilities of the BAM Federal Institute for Materials Research and Testing
Section 13	Responsibilities of the Federal Office for the Safety of Nuclear Waste Management
Section 14	Responsibilities of the Federal Environment Agency
Section 15	Responsibilities of the federal occupational accident insurance fund competent for safety in maritime transport
Section 16	Responsibilities of the notified bodies
Section 16 a	Responsibilities of the Federal Waterways and Shipping Administration
Section 17	Obligations of the consignor
Section 18	Obligations of the person responsible for the packing or loading of a cargo transport unit
Section 19	Obligations of the client of the carrier
Section 20	Obligations of the persons responsible for transshipment
Section 21	Obligations of the carrier
Section 22	Obligations of the shipowner
Section 23	Obligations of the master

Section 24	Obligations of the person responsible for the planning of the loading
Section 25	Obligations of the consignee
Section 26	Obligations applicable to several parties involved
Section 27	Administrative offences
Section 28	Transitional provisions

## **Section 1**

### **Scope of application**

(1) This Ordinance regulates the transport of dangerous goods by sea. For the transport of dangerous goods in sea-going vessels on navigable inland waters in Germany, with the exception of navigable maritime waterways and adjacent seaports, the provisions of the Ordinance on the Transport of Dangerous Goods by Road, Rail and Inland Waterways shall apply.

(2) The provisions of this Ordinance shall not apply to the transport of dangerous goods intended as ship's stores and equipment.

(3) The provisions of this Ordinance shall not apply to the transport of dangerous goods in sea-going vessels of the Federal Armed Forces or foreign armed forces if so required for defence purposes. Sentence 1 above shall also apply to other vessels employed on behalf of the Federal Armed Forces or foreign armed forces if the loading and transport of the dangerous goods are effected under monitoring in accordance with Section 10 paragraph 1.

(4) This Ordinance shall not apply to transport operations in connection with emergency response measures undertaken by, or under the supervision of, competent authorities and bodies, in particular within the framework of explosive ordnance clearing, accidents and disaster control.

(5) In ports and at other berthing areas, the local safety regulations shall apply additionally for the entry into ports, temporary transit storage and transhipment of dangerous goods.

## **Section 2**

### **Definitions**

- (1) For the purposes of this Ordinance,
1. provisions of “ADR” means the provisions laid down in parts 1 to 9 of Annexes A and B to the European Agreement of 30 September 1957 concerning the International Carriage of Dangerous Goods by Road (ADR) in the revised version of Annexes A and B promulgated on 29 November 2017 (Federal Law Gazette 2017 II p. 1520), as amended by the 27<sup>th</sup> ADR amending regulation of 25 October 2018 (Federal Law Gazette 2018 II p. 443; 219 II p. 316);
  2. “Basel Convention” means the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989 (Federal Law Gazette 1994 II p. 2703), as amended by decisions of 22 September 1995 and 27 February 1998 (Federal Law Gazette 2002 II p. 89), of 9 to 13 December 2003 (Federal Law Gazette 2003 II p. 1626) and of 25 to 29 October 2004 (Federal Law Gazette 2005 II p. 1122);
  3. “carrier” means someone who, on the basis of a contract of carriage by sea, performs the change in location of dangerous goods in a sea-going vessel belonging to him or chartered in whole or in part;
  4. “BCH Code” means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (Federal Gazette No. 146a of 9 August 1983), as amended by Resolutions MEPC.303(72) (Federal Ministry of Transport Gazette 2019 p. 251) and MSC.446(99) (Federal Ministry of Transport Gazette 2019 p. 252);
  5. “CSS Code” means the Code of Safe Practice for Cargo Stowage and Securing in the version promulgated on 13 December 1990 (Federal Gazette No. 8a of 12 January 1991), as amended by the version promulgated on 29 January 2016 (Federal Ministry of Transport Gazette 2016, p. 100);

6. “CTU Code” means the IMO/ILO/UN ECE Code of Practice for Packing of Cargo Transport Units in the official German translation promulgated on 27 April 2015 (Federal Ministry of Transport Gazette 2015 p. 422);
7. “EmS Guide” means the Revised Emergency Response Procedures for Ships Carrying Dangerous Goods in the version promulgated on 30 July 2019 (Federal Ministry of Transport Gazette 2019 p. 594);
8. “GC Code” means the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (Federal Gazette No. 146a of 9 August 1983), as amended by Resolution MSC.447(99) (Federal Ministry of Transport Gazette 2019 p. 267);
9. “IBC Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (Federal Gazette No. 125a of 12 July 1986), revised by Resolution MSC.176(79) (Federal Ministry of Transport Gazette 2007 p. 8), as well as additional substance lists thereto in accordance with MEPC.2 Circular 12 and MEPC.1 Circular 512 (Federal Ministry of Transport Gazette 2007 p. 80; 2007 p. 152), as amended by Resolutions MEPC.302(72) (Federal Ministry of Transport Gazette 2019 p. 248) and MSC.440(99) (Federal Ministry of Transport Gazette 2019 p. 249);
10. “IGC Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (Federal Gazette No. 125a of 12 July 1986), as amended by Resolution MSC.441(99) (Federal Ministry of Transport Gazette 2019 p. 265);
11. “INF-Code” means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Waste (Federal Gazette 2000 p. 23 322), as amended by Resolution MSC.241(83) (Federal Ministry of Transport Gazette 2009 p. 82);
12. “IMDG Code” means the International Maritime Dangerous Goods Code, as amended by Resolution MSC.442(99) in the official German translation promulgated on 13 November 2018 (Federal Ministry of Transport Gazette 2018 p. 847);

13. “IMSBC Code” means the International Maritime Solid Bulk Cargoes Code in the official German translation promulgated on 15 December 2009 (Federal Ministry of Transport Gazette 2009 p. 775), as amended by Resolution MSC.426(98) (Federal Ministry of Transport Gazette 2017 p. 1096);
14. “ISPS Code” means the International Code for the Security of Ships and Port Facilities (Federal Law Gazette 2003 II p. 2018, 2043);
15. ”MARPOL“ means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 thereto (Federal Law Gazette 1982 II p. 2, 1996 II p. 399), as amended by Resolutions MEPC.246(66), MEPC.247(66), MEPC.248(66) and MEPC.251(66) (Federal Law Gazette 2018 II p. 737) adopted on 4 April 2014 in London by the Marine Environment Protection Committee of the International Maritime Organization (IMO);
16. “MFAG” means the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods in the version promulgated on 1 February 2001 (Federal Gazette No. 68a of 6 April 2001);
17. “Ortsbewegliche-Druckgeräte-Verordnung” means the Transportable Pressure Equipment Regulations of 29 November 2011 (Federal Law Gazette I p. 2349), as last amended by Article 491 of the Ordinance of 31 August 2015 (Federal Law Gazette I p. 1474);
18. “transportable pressure equipment” means the receptacles and tanks for gases specified in Section B of Annex 1 of the Ortsbewegliche-Druckgeräte-Verordnung as well as the other receptacles and tanks for gases specified in chapters 6.2 and 6.7 of the IMDG Code;
19. “shipowner” means the owner of a ship operated by him to engage in shipping as a gainful activity or a person who operates a ship he/she does not own to engage in shipping as a gainful activity and has taken over from the owner the responsibility for

the operation of the ship and who, by taking over this responsibility, has agreed to take over all obligations and responsibilities imposed on the owner;

20. provisions of “RID” mean the provisions laid down in parts 1 to 7 of the Annex to the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) - Appendix C of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version promulgated on 16 May 2008 (Federal Law Gazette 2008 II p. 475, 899) as amended by the 21<sup>st</sup> RID amending regulation of 5 November 2018 (Federal Law Gazette 2018 II p. 494);
21. “SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974, in the official German translation promulgated on 21 February 1979 (Federal Law Gazette 1979 II p. 141), as modified by the Protocol of 1988 thereto in the official German translation promulgated on 27 September 1994 (Federal Law Gazette 1994 II p. 2458), as amended in accordance with the 28th SOLAS amending regulation of 20 December 2016 (Federal Law Gazette 2016 II p. 1408);
22. “consignor” means the manufacturer or distributor of dangerous goods or any other person originally arranging for the transport of dangerous goods.

(2) Within the meaning of this Ordinance, dangerous goods are:

1. substances and articles covered by the definitions of classes 1 to 9 of the IMDG Code,
2. substances which, when transported as dangerous goods in solid form in bulk, shall be assigned to Group B in accordance with the provisions of the IMSBC Code, or
3. substances intended for transport in tankers
  - a) with a flash-point of not more than 60 °C,
  - b) which are liquid goods as defined in Annex I to the MARPOL Convention,



- c) which are covered by the definition “noxious liquid substance” in chapter 1 number 1.3.23 of the IBC Code, or
- d) which are listed in chapter 19 of the IGC Code.

### **Section 3**

#### **Acceptance for transport**

(1) Dangerous goods may be offered for transport in sea-going vessels in the area of application of this Ordinance, loaded onto sea-going vessels and transported in sea-going vessels only if the following regulations are complied with as applicable to the individual transport operation:

1. For the transport of dangerous goods in packaged form, the provisions of chapter II-2 regulation 19 and of chapter VII part A of the SOLAS Convention as well as the provisions of the IMDG Code;
2. For the transport of dangerous goods in solid form in bulk:
  - a) for goods classified as "MHB", the provisions of chapter VI of the SOLAS Convention as well as the provisions of the IMSBC Code and
  - b) for goods assigned to an UN number, additionally the provisions of chapter II-2 regulation 19 and of chapter VII part A-1 of the SOLAS Convention;
3. For the transport of dangerous liquids in tankers, the provisions of chapter II-2 regulation 16 paragraph 3 and, if applicable, of chapter VII part B of the SOLAS Convention as well as the provisions of the IBC Code or the BCH Code;
4. For the transport of liquefied gases in tankers, the provisions of chapter II-2 regulation 16 paragraph 3 and of chapter VII part C of the SOLAS Convention as well as the provisions of the IGC Code or the GC Code;
5. For the transport of packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes, in addition to the provisions listed above under number 1, the provisions

of chapter VII part D of the SOLAS Convention as well as the provisions of the INF Code.

(2) Sea-going vessels which transport dangerous goods in packaged form or in solid form in bulk and which are not subject to chapter II-2 regulation 19 of the SOLAS Convention may load or unload dangerous goods in German ports if full body protection equipment against the effects of chemicals for four persons as well as two additional self-contained breathing apparatuses are available. In German ports, these sea-going vessels may load

1. explosive substances and articles (with the exception of Division 1.4S),
2. flammable gases,
3. flammable liquids having a flash-point below 23 °C or
4. toxic liquids

under deck or unload them from there only if the requirements of sentence 3 or 4 are satisfied. It shall be proven by a certificate of the competent authority of the flag state or a recognized classification society that the respective cargo holds comply with the following requirements:

1. For the transport of explosive substances and articles, with the exception of Division 1.4S, flammable gases or flammable liquids having a flash-point below 23 °C, the electrical installations in the cargo hold shall be of an explosion-proof type suitable for use in a hazardous environment; conduit penetrations of decks or bulkheads shall be sealed against the passage of gases and fumes; permanently fitted electric installations and cables in the respective cargo spaces shall be such that they cannot be damaged during transshipment operations;
2. For the transport of toxic liquids or flammable liquids having a flash-point below 23 °C, the bilge-pump system shall be so designed that unintentional pumping of such liquids through pipes or pumps in the machinery space is avoided.

If the certificate required under sentence 3 above is not available, dangerous goods may be unloaded if all electrical installations in the cargo holds are completely disconnected from the source of power.

(3) Dangerous wastes within the meaning of Article 1 paragraph 1 of the Basel Convention may only be loaded onto sea-going vessels in state parties to the Convention, unless there is an agreement in accordance with Article 11 of the Convention.

(4) Dangerous goods of class 1, compatibility group K, of the IMDG Code which are to be transported further by other transport modes may only be unloaded with the prior permission of the competent authorities referred to in Section 9 paragraph 2.

(5) Fireworks of UN nos 0333, 0334, 0335, 0336 and 0337 may only be imported through ports in the area of application of this Ordinance if copies of the following documents are submitted to the authorities referred to in Section 9 paragraph 2 at the latest 72 hours prior to the arrival of the vessel:

1. the transport document in accordance with section 5.4.1 of the IMDG Code,
2. the certificates of the competent authority of the country of manufacture on the approval of the classification of the fireworks under sub-section 2.1.3.2 of the IMDG Code or a certificate of the competent authority of a Contracting Party to ADR or a COTIF Member State on the approval of the use of the specified classification code in accordance with special provision 645 in chapter 3.3 of ADR/RID for transport, and
3. for the transport in cargo transport units, the CTU packing certificate and a respective packing list specifying the loaded packages with the following particulars:
  - a) a detailed description of the fireworks (article group),
  - b) calibre in millimetres or inches,
  - c) net explosive mass per article,

- d) number of articles per package,
- e) type and number of packages per cargo transport unit,
- f) total quantity (rating, net explosive mass), and
- g) name, address, phone number and email address of the consignee of the cargo or, if the consignee has no registered office in Germany, of the authorized representative of the consignee in Germany.

In the case of transport in cargo transport units, the identification number of the respective cargo transport unit shall be noted on all documents to be submitted. If the documents are not in German or English, a German or English translation shall be enclosed.

#### **Section 4**

##### **General safety obligations, monitoring, equipment, training**

(1) Persons involved in the transport of dangerous goods by sea shall take the necessary precautions commensurate with the nature and the extent of foreseeable hazards in order to prevent damage or, if damage occurs, minimize its extent.

(2) On all sea-going ships which transport dangerous goods, except within closed living quarters and workshop spaces, smoking and the use of fire and naked lights shall be prohibited. Notices of this prohibition shall be put up in suitable places.

(3) On board tankers which transport flammable liquids or flammable liquefied gases, or which have not been degassed after the transport of such goods, only stationary explosion-proof devices and installations connected to a source of power and electrical devices with their own source of power being of an explosion-proof type of protection may be used on deck in the cargo area as well as in pump rooms and cofferdams. Sparking and hot surfaces shall be foreclosed by operational measures and measures with regard to technical features.

(4) (deleted)

(5) All members of the crew involved in emergency measures shall be informed that dangerous goods are being transported. In particular, it shall be announced in an appropriate form where they are stowed, what hazards may emanate from them and what to do in the event of irregularities.

(6) The cargo shall be monitored regularly during transport. The nature and the extent of the monitoring measures shall be appropriate to the circumstances of each individual case and shall be entered in the ship's logbook.

(7) If dangerous goods are transported in sea-going vessels, the vessel shall be equipped with the medicines and equipment listed in Appendix 14 of MFAG. If special articles of equipment are required for certain dangerous goods in accordance with chapter II-2 regulations 19-1 and 19-3.6 of the SOLAS Convention, chapter 14 of the IBC Code, sections 3.11 and 3.12 in conjunction with chapter VI and no 4.20.26 of the BCH Code, nos 11.6.1, 13.6.13 or chapter 14 of the IGC Code, chapter XIV or section 11.6 of the GC Code, the respective schedules of the IMSBC Code or the respective emergency schedules of the EmS Guide for the dangerous good, the vessel shall be equipped accordingly. This equipment shall be ready for use at any time. Protective clothing and equipment shall be worn by the members of the crew in the cases provided for.

(8) In the event of an accident that involves dangerous goods and occurs during transport by sea including related loading and unloading

1. the competent authority in accordance with Land law,
2. in federally owned and operated ports and on federal waterways, with the exception of the Elbe to the extent specified in section 19 of the Maritime Shipping (Federal Competences) Act, the river and shipping police authority competent in accordance with federal law

shall be informed without delay.

(9) All parties involved in the transport of dangerous goods shall support the competent agencies if an accident occurs and shall furnish without delay any information that may be necessary for damage control. Anyone who regularly manufactures, distributes or receives dangerous goods shall, if so requested, provide a telephone number to the competent seaport authorities and to the Central Command for Maritime Emergencies Germany, joint authority

of the Federal Government and the Federal Coastal States, Maritime Emergency Response Center, Am Alten Hafen 2, 27472 Cuxhaven; this number can be used to obtain any information available on the properties of the dangerous good and on accident response and damage repair measures.

(10) The competent authority shall inform the Federal Ministry of Transport and Digital Infrastructure about accidents involving dangerous goods as specified in paragraph 8 above if it is apparent that the circumstances surrounding an individual accident will have implications for the safety regulations.

(11) On any sea-going vessel flying the flag of the Federal Republic of Germany and transporting dangerous goods in packaged form or in solid form in bulk, the master and the officer responsible for the cargo shall be trained, commensurate with their obligations and responsibilities, in the regulations governing the transport of dangerous goods. The training shall also cover the potential risks of injury or exposure arising from incidents. The training shall be repeated at intervals of not more than five years. The date and contents of the training shall be recorded immediately after the training, the records shall be kept for five years and shall be made available to the employee and the competent authority upon request. After the expiry of the retention period, the records shall be deleted immediately.

(12) Persons working on shore (shore-based personnel) who carry out tasks in accordance with sub-section 1.3.1.2 of the IMDG Code shall be trained in accordance with the provisions of chapter 1.3 of the IMDG Code before they take on their respective tasks. The training shall be repeated at regular intervals, but at least every five years, to take account of amendments to regulations and changes in practice. The date and contents of the training shall be recorded immediately after the training, the records shall be kept for five years and shall be made available to the employee and the competent authority upon request. After the expiry of the retention period, the records shall be deleted immediately.

## **Section 5**

### **Loading of dangerous goods**

(1) Prior to loading dangerous goods, stowage instructions shall be laid down with due regard to the applicable segregation and stowage requirements in accordance with chapters 7.1, 7.2, 7.4 to 7.7 in conjunction with section 3.1.4 and chapter 3.2 of the IMDG Code

and in accordance with sub-section 9.3 of the IMSBC Code as well as the provisions in chapter II-2 regulation 19 of the SOLAS Convention.

(2) When packaged dangerous goods are transported, the cargo shall be secured, having due regard to the provisions of the CSS Code. The stowage and securing of the cargo shall have been completed before leaving port and shall still be in place when berthing in the port of destination.

## **Section 6**

### **Documentation required for the transport of dangerous goods**

(1) With regard to packaged dangerous goods, the following requirements shall be complied with:

1. Besides the information required in section 5.4.1 of the IMDG Code, the transport document shall also include the name and address of the issuing company as well as the name of the person who, on his/her own responsibility, assumes the obligation of the entrepreneur or company owner as consignor; different dangerous goods of one or more classes may be listed with the required particulars together in one transport document in accordance with section 5.4.1 of the IMDG Code if stowage in one cargo hold or in one cargo transport unit is permitted for these goods in accordance with chapters 3.2, 3.3, 3.4, 3.5 or 7.2 to 7.7 of the IMDG Code;
2. the name and the address of the issuing company as well as the name of the person responsible for preparing the dangerous goods manifest or the stowage plan shall be entered into the dangerous goods manifest or the stowage plan required in accordance with sub-section 5.4.3.1 of the IMDG Code.

(2) Besides the particulars required in section 4.2 of the IMSBC Code, the written cargo information for dangerous goods in solid form in bulk shall also include the name of the issuing company as well as the name of the person who, on his/her own responsibility, assumes the obligations of the entrepreneur or company owner as consignor.

(3) For dangerous goods in liquid or liquefied form in bulk, the following cargo information shall be required:

1. substance name,
2. MARPOL Pollution Category, if applicable,
3. cargo temperature, cargo density and flash-point if it does not exceed 60 °C,
4. emergency measures to be taken in the event of leakage, physical contact and fire, and,
5. if applicable, all other particulars required in accordance with section 16.2 of the IBC Code, section 5.2 of the BCH Code, section 18.1 of the IGC Code, or section 18.1 of the GC Code.

(4) If the information specified in paragraphs 1 to 3 above is transmitted electronically, the signatures required on the documents may be replaced by the name of the person authorized to sign.

(5) On a sea-going vessel carrying dangerous goods, the following documents shall be carried:

1. if the sea-going vessel is flying the flag of the Federal Republic of Germany:
  - a) a copy of this Ordinance and
  - b) the MFAG;
2. when dangerous goods in packaged form are transported:
  - a) the IMDG Code,
  - b) the EmS Guide,
  - c) the documents stipulated in section 5.4.3 of the IMDG Code,



- d) in the case of transboundary transport of dangerous waste, additionally the documents stipulated in paragraph 2.0.5.3.2 of the IMDG Code,
  - e) the Document of Compliance required in accordance with chapter II-2 regulation 19 of the SOLAS Convention, and
  - f) when radioactive materials subject to the INF Code are transported, a certificate in accordance with the INF Code;
3. when dangerous goods in solid form in bulk are transported:
- a) a transport document which meets at least the requirements in accordance with chapter VI part A regulation 2 of the SOLAS Convention,
  - b) the Document of Compliance required in accordance with chapter II-2 regulation 19 of the SOLAS Convention,
  - c) in the case of transboundary transport of dangerous waste, additionally the documents stipulated in section 10 of the IMSBC Code, and
  - d) the IMSBC Code;
4. when liquids subject to the IBC Code or liquefied gases subject to the IGC Code are transported:
- a) the IBC Code or the IGC Code,
  - b) the BCH Code or the GC Code, if applicable and if the vessel flies the flag of the Federal Republic of Germany,
  - c) the documents stipulated in section 16.2 of the IBC Code or section 18.1 of the IGC Code,

- d) the documents stipulated in section 5.2 of the BCH Code or section 18.1 of the GC Code, if applicable and if the vessel flies the flag of the Federal Republic of Germany, and
- e) in the case of transboundary transport of dangerous wastes, additionally the documents stipulated in section 20.5.1 of the IBC Code or section 8.5 of the BCH Code.

(6) In lieu of the regulations referred to in paragraph 5 number 2 a) and b), number 3 d) and number 4 a) and b), the corresponding regulations published by the International Maritime Organisation (IMO) may be carried on board.

(7) On a vessel flying the flag of the Federal Republic of Germany, the documents referred to in paragraph 5 number 2 c) and d) shall be retained on board until the end of the voyage. When data processing systems are used, the information stored by means of these systems shall be retained until the end of the voyage. The documents referred to in the first sentence above and the information stored as referred to in the second sentence shall be retained on the sea-going vessel even after the end of the voyage until the completion of the accident investigation on board the sea-going vessel if accidents have been reported in accordance with Section 4 paragraph 8.

(8) If requested, the documents required in accordance with paragraphs 5 and 6 as well as Section 3 paragraph 5 or the print-out from data processing systems shall be presented to competent persons for inspection.

## **Section 7**

### **Exemptions**

(1) The authorities competent in accordance with Land law within their areas of responsibility and the Federal Waterways and Shipping Agency in federally owned and operated ports may grant exemptions from this Ordinance on application in individual cases or for a group of persons identified or identifiable by general characteristics, or accept exemptions of other states insofar as this is permissible

1. in accordance with section 7.9.1 of the IMDG Code or
2. in accordance with no 1.5.1 and the relevant schedule of the IMSBC Code or
3. in accordance with section 1.4 of the IBC Code or
4. in accordance with section 1.4 of the IGC Code.

(2) The Federal Ministry of Transport and Digital Infrastructure may, after consultation with the competent authorities of the port State of departure, port State of arrival and flag State, grant exemptions from this Ordinance in accordance with section 7.9.1 of the IMDG Code for a group of persons identified or identifiable by general characteristics.

(3) The federal occupational accident insurance fund competent for safety in maritime transport may, on application, grant

1. exemptions in accordance with section 1.5 of the IMSBC Code or under chapter 17 of the IBC Code in conjunction with regulation 6.3 of Annex II to the MARPOL Convention or
2. exemptions in accordance with section 1.3 of the IMSBC Code or chapter 17 of the IBC Code for the transport of substances not listed in the IMSBC Code or the IBC Code.

The federal occupational accident insurance fund competent for safety in maritime transport will consult with the respective competent German port authority before issuing an exemption in accordance with sentence 1 above.

(4) For national transport operations with vessels flying the German flag, the federal occupational accident insurance fund competent for safety in maritime transport may, on application, grant exemptions in accordance with the provisions referred to in paragraph 3 sentence 1 nos 1 and 2 after consultation with the competent port authorities of the port of loading and the port of unloading.

(5) To obtain an exemption in accordance with paragraphs 1, 3 and 4 above, the applicant shall submit an expert opinion on the required safety precautions. This expert opinion shall include in particular a description of the remaining hazards and a justification why the granting of the exemption is considered acceptable despite the remaining hazards. The authority competent in accordance with sentence 1 may require the applicant to have elaborated at his own expense and submit further opinions or may have the opinions elaborated in consultation with the applicant. In justified individual cases, the competent authority may dispense with the submission of an opinion.

(6) If exemptions in accordance with paragraphs 1, 3 and 4 above are granted, these shall be issued in writing or in electronic form and shall be subject to revocation should the imposed safety precautions prove insufficient to limit the hazards emanating from the transport operation. Exemptions may be granted for a maximum period of five years.

(7) A copy or duplicate of the certificate of exemption in accordance with paragraphs 1, 3 and 4 shall be handed over to the carrier along with the consignment and shall be carried on board of the sea-going vessel.

## **Section 8**

### **Responsibilities of the Federal Ministry of Transport and Digital Infrastructure**

The Federal Ministry of Transport and Digital Infrastructure is responsible for the implementation of this Ordinance in all cases where tasks have been delegated to competent authorities in accordance with the regulations referred to in Section 2 paragraph 1 and where no explicit different responsibilities are established below.

## **Section 9**

### **Responsibilities of the authorities competent in accordance with Land law**

(1) The authorities competent in accordance with Land law are responsible for assuring compliance with the provisions on the transport of dangerous goods by companies, at the places of loading and unloading and on sea-going vessels in ports of the Länder or of municipalities that are no federal waterways. They are also responsible for compliance assurance on sea-going vessels in the ports on federal waterways that are not operated by the Federal Government.

- (2) The authorities competent in accordance with Land law in whose area
1. the port of transshipment,
  2. the port of unloading if the dangerous goods have been loaded outside the area of application of this Ordinance, or
  3. the port of registry if the port of unloading is not situated with the area of application of this Ordinance

is situated are responsible for laying down stowage and segregation requirements for dangerous goods in accordance with chapters 7.1 to 7.7 and for laying down stowage requirements in accordance with special provision 76 in chapter 3.3 as well as tasks in accordance with special provision 962.2 in chapter 3.3 of the IMDG Code.

## **Section 10**

### **Responsibilities of the experts and agencies appointed by the Federal Ministry of Defence**

(1) Besides the competent authorities of the Federal Government and the Länder, also agencies appointed by the Federal Ministry of Defence are responsible for the implementation of this Ordinance regarding the monitoring in accordance with Article 9 paragraphs 1 and 2 of the Transport of Dangerous Goods Act during the loading onto sea-going vessels in port facilities on behalf of the Federal Armed Forces or foreign armed forces including the establishment of stowage and segregation requirements.

(2) For the Federal Armed Forces and foreign armed forces, the experts or agencies appointed by the Federal Ministry of Defence are responsible for:

1. the approval, initial and periodic inspection and testing of pressure receptacles in accordance with sub-sections 6.2.1.4 to 6.2.1.6 of the IMDG Code,
2. the inspection and testing of IBCs in accordance with sub-section 6.5.4.4 of the IMDG Code,

3. the type test as well as the initial and periodic and exceptional inspection and testing of portable tanks and multiple-element gas containers (MEGCs) in accordance with sub-sections 6.7.2.19, 6.7.3.15 , 6.7.4.14 and 6.7.5.12 of the IMDG Code and
4. the type test as well as the initial, periodic and exceptional testing of tanks of tank-vehicles in accordance with paragraphs 6.8.2.2.1 and 6.8.2.2.2 and the tests in connection with the issuance of the certificate in accordance with paragraphs 6.8.3.1.3.2, 6.8.3.2.3.2 and 6.8.3.3.3.2 of the IMDG Code.

## **Section 11**

### **Responsibilities of the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support (BAAINBw)**

The Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support is responsible, if the military sector is concerned, for tasks in accordance with:

1. part 2 of the IMDG Code with regard to explosive substances and articles,
2. chapter 3.3 of the IMDG Code with regard to explosive substances and articles and
3. chapter 4.1 of the IMDG Code with regard to explosive substances and articles.

## **Section 12**

### **Responsibilities of the BAM Federal Institute for Materials Research and Testing**

(1) The BAM Federal Institute for Materials Research and Testing is responsible for:

1. tasks in accordance with:
  - a) part 2, with the exception of paragraph 2.6.3.6.1, section 2.9.2 and sub-section 2.10.2.6, of the IMDG Code and the responsibilities assigned to the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support in accordance with Section 11 and to the Federal Office for the Safety of Nuclear Waste Management in accordance with Section 13,

- b) chapter 3.3 of the IMDG Code with the exception of the tasks assigned to the authorities competent in accordance with Land law in accordance with Section 9 and to the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support in accordance with Section 11,
- c) chapter 4.1 of the IMDG Code with the exception of the tasks assigned to the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support in accordance with Section 11,
- d) chapter 4.2, with the exception of sub-sections 4.2.1.8, 4.2.2.5 and 4.2.3.4, of the IMDG Code,
- e) chapter 4.3 of the IMDG Code,
- f) chapter 6.2 of the IMDG Code,
- g) chapter 6.7 of the IMDG Code,
- h) chapter 6.8 of the IMDG Code and
- i) chapter 6.9 of the IMDG Code

if the respective task has not been assigned to an agency in accordance with Section 10 paragraph 2;

2. the testing and approval of designs for special form radioactive material under paragraph 5.1.5.2.1 in conjunction with sub-section 6.4.22.5 sentence 1, the testing and approval of designs for low dispersible radioactive material under paragraph 5.1.5.2.1 in conjunction with sub-section 6.4.22.5 sentence 2, and as regards the approval of package designs for non-fissile or fissile exempted uranium hexafluoride under paragraph 5.1.5.2.1 in conjunction with sub-section 6.4.22.1 of the IMDG Code in agreement with the Federal Office for the Safety of Nuclear Waste Management;

3. the testing, approval of inspection bodies, allocation of the marks and design approval of packagings, IBCs, large packagings, salvage packagings and large salvage packagings in accordance with chapters 6.1, 6.3, 6.5 and 6.6 of the IMDG Code as well as the approval of the repair of flexible IBCs in accordance with section 1.2.1 of the IMDG Code;
4. the approval and supervision of quality assurance programmes for the manufacturing, reconditioning, repair and testing of packagings, IBCs and large packagings as well as the recognition of inspection bodies for testing the performance and efficiency of the quality assurance programmes in accordance with chapters 6.1, 6.3, 6.5 and 6.6, as well as the recognition of inspection bodies for the initial and periodic inspection and testing of IBCs in accordance with sub-section 6.5.4.4 of the IMDG Code;
5. the approval and supervision of management systems for the design, manufacture, testing, documentation, use, maintenance and inspection of packages for radioactive material where a competent authority approval of the package design is not required in accordance with chapter 6.4 in conjunction with section 1.5.3 of the IMDG Code;
6. the testing of package designs for radioactive material where a competent authority approval of the package design is required under chapter 6.4 of the IMDG Code;
7. the supervision of management systems for the design, manufacture, testing, documentation, use, maintenance and inspection of packages for radioactive material where a competent authority approval of the package design is required in accordance with chapter 6.4 in conjunction with section 1.5.3 of the IMDG Code;
8. the approval and monitoring of inspection bodies for
  - a) type tests as well as initial and periodic tests of transportable pressure receptacles in accordance with paragraphs 6.2.1.4.1 and 6.2.2.5.4.9 and sub-sections 6.2.1.5 and 6.2.1.6 as well as the audit of the quality system of the manufacturer in accordance with paragraph 6.2.2.5.3.2 of the IMDG Code,



- b) type tests, initial, periodic and exceptional inspection and testing and for intermediate inspections of portable tanks and multiple-element gas containers (MEGCs) in accordance with sub-sections 6.7.2.19, 6.7.3.15, 6.7.4.14 and 6.7.5.12 of the IMDG Code and
  - c) type tests as well as the initial, periodic and exceptional testing of tanks of tank-vehicles in accordance with paragraphs 6.8.2.2.1 and 6.8.2.2.2 and the tests in connection with the issuance of the certificate in accordance with paragraphs 6.8.3.1.3.2, 6.8.3.2.3.2, 6.8.3.3.3.2 and 6.8.3.4.3.2 of the IMDG Code and
9. the recognition of a standard or a technical code in accordance with paragraph 6.2.1.1.9 and the recognition of technical codes under paragraph 6.2.1.3.6.5.4, sub-section 6.2.3.1, paragraph 6.7.2.2.1 sentence 1, paragraph 6.7.3.2.1 sentence 1, paragraph 6.7.4.2.1 sentence 1 as well as paragraphs 6.7.4.7.4 and 6.7.5.2.9 of the IMDG Code in agreement with the Federal Ministry of Transport and Digital Infrastructure.
- (2) The approvals mentioned in paragraph 1 nos 2 to 5 and 8 may be granted subject to revocation or conditions and for a limited period of time if this is necessary to ensure compliance with the provisions applicable to the transport of dangerous goods.
- (3) The approved inspection bodies in accordance with paragraph 1 no 8 b) and c) above shall participate in the exchange of experience in accordance with section 12 paragraph 2 of GGVSEB.

### **Section 13**

#### **Responsibilities of the Federal Office for the Safety of Nuclear Waste Management**

The Federal Office for the Safety of Nuclear Waste Management is responsible for:

- 1. granting the multilateral approval for the determination of the radionuclide values not listed in table 2.7.2.2.1 and of alternative radionuclide values in accordance with paragraph 2.7.2.2.2 of the IMDG Code;

2. approving shipments of radioactive material in accordance with paragraph 5.1.5.1.2 of the IMDG Code;
3. approving shipments by special arrangement for the carriage of radioactive material under paragraph 5.1.5.1.3 in conjunction with section 1.5.4 of the IMDG Code;
4. receiving the notification in accordance with paragraph 5.1.5.1.4 of the IMDG Code;
5. approving the designs of packages for radioactive material and designs for fissile material excepted under paragraph 2.7.2.3.5.6 in accordance with paragraphs 5.1.5.2.1 and 5.1.5.3.5, sub-sections 6.4.22.2 to 6.4.22.4 and 6.4.22.6 of the IMDG Code and
6. approving a radiation protection programme in accordance with paragraph 5.1.5.1.2 in conjunction with paragraph 7.1.4.5.8 of the IMDG Code.

#### **Section 14**

##### **Responsibilities of the Federal Environment Agency**

The Federal Environment Agency is responsible for the approval in accordance with sub-section 2.10.2.6 of the IMDG Code.

#### **Section 15**

##### **Responsibilities of the federal occupational accident insurance fund competent for safety in maritime transport**

The federal occupational accident insurance fund competent for the safety in maritime transport is responsible for:

1. Certificates of Fitness in accordance with the provisions referred to in Section 3 paragraph 1;
2. exemptions in accordance with Section 7 paragraph 3;
3. exemptions in accordance with Section 7 paragraph 4 and
4. the issuance of certificates in accordance with no 1.3.2 of the IMSBC Code.

## **Section 16**

### **Responsibilities of the notified bodies**

(1) The notified bodies in accordance with section 16 of the Ortsbewegliche-Druckgeräte-Verordnung are responsible for type tests as well as initial and periodic tests of transportable pressure receptacles in accordance with paragraphs 6.2.1.4.1 and 6.2.2.5.4.9 and sub-sections 6.2.1.5 and 6.2.1.6 as well as the audit of the quality system of the manufacturer in accordance with paragraph 6.2.2.5.3.2 of the IMDG Code.

(2) The notified bodies in accordance with Section 16 of the Ortsbewegliche-Druckgeräte-Verordnung, which must be accredited in accordance with standard DIN EN ISO/IEC 17020:2012 for performing the following tasks, are responsible for:

1. type tests, initial, periodic and exceptional inspection and testing and for intermediate inspections of portable tanks and multiple-element gas containers (MEGCs) in accordance with sub-sections 6.7.2.19, 6.7.3.15, 6.7.4.14 and 6.7.5.12 of the IMDG Code and
2. type tests as well as the initial, periodic and exceptional testing of tanks of tank-vehicles in accordance with paragraphs 6.8.2.2.1 and 6.8.2.2.2 and the tests in connection with the issuance of the certificate in accordance with paragraphs 6.8.3.1.3.2, 6.8.3.2.3.2, 6.8.3.3.3.2 and 6.8.3.4.3.2 of the IMDG Code.

(3) The notified bodies in accordance with paragraph 2 above shall participate in the exchange of experience in accordance with section 12 paragraph 2 of the Ordinance on the Transport of Dangerous Goods by Road, Rail and Inland Waterways.

## **Section 16 a**

### **Responsibility of the Federal Waterways and Shipping Administration**

(1) The Waterways and Shipping Offices are responsible for assuring compliance with the provisions on the transport of dangerous goods on federal waterways including federally owned and operated ports. This shall be without prejudice to the responsibilities for port surveillance (port police) in non-federally operated ports on federal waterways.

(2) The Federal Waterways and Shipping Agency is responsible for receiving notifications of infringements in accordance with sub-section 1.1.1.8 of the IMDG Code and for forwarding these notifications to the competent authority of the state where the enterprise which committed the infringement has its headquarters. The Federal Waterways and Shipping Agency and the authorities competent in accordance with Land law may process the data required for these purposes.

## **Section 17**

### **Obligations of the consignor**

The consignor and the agent of the consignor

1. shall, before handing over packaged dangerous goods for transport, ascertain that the dangerous goods are classified in accordance with part 2 of the IMDG Code and that their transport is not prohibited in accordance with section 1.1.3, sub-section 2.1.1.2, section 2.2.4 or 2.3.5, sub-section 2.6.2.5, section 2.8.3, sub-section 3.1.1.4 or special provision 349, 350, 351, 352, 353 or 900 in chapter 3.3 of the IMDG Code;
2. shall, for the transport of packaged dangerous goods, prepare a transport document that includes the information required in section 5.4.1 of the IMDG Code and Section 6 paragraph 1 no 1;
3. shall, for the transport of packaged dangerous goods, enter the particulars required in paragraphs 5.1.5.4.2, 5.5.2.4.1 and 5.5.3.7.1 of the IMDG Code in a bill of lading or a consignment note;
4. shall only use packagings, IBCs, large packagings, portable tanks, multiple-element gas containers (MEGCs) or bulk containers for dangerous goods if these are authorized for the respective goods in accordance with chapter 3.2 in conjunction with chapters 3.3, 3.4, 3.5, 4.1, 4.2, 4.3 and 7.3 of the IMDG Code and bear the approval marks required by the IMDG Code or, for bulk containers which are no freight containers, are approved by the competent authority;
5. shall only fill portable tanks or multiple-element gas containers (MEGCs) if the requirements of chapter 4.2 of the IMDG Code are observed;

6. shall only fill bulk containers if the requirements of chapter 4.3 of the IMDG Code are observed;
7. shall only pack together dangerous goods if this is permitted in accordance with chapter 3.2 in conjunction with chapter 3.3, sub-sections 3.4.4.1, 3.5.8.2 and 4.1.1.6 and chapter 7.2 of the IMDG Code;
8. shall only offer unpackaged articles, packagings, overpacks, IBCs, large packagings, portable tanks, multiple-element gas containers (MEGCs) or bulk containers for transport if they are marked, labelled and placarded in accordance with the requirements of chapter 3.2 in conjunction with chapters 3.3, 3.4, 3.5, sections 5.1.1. to 5.1.4 and 5.1.6 as well as paragraph 5.1.5.4.1 and chapters 5.2 and 5.3 of the IMDG Code;
9. shall only offer fumigated cargo transport units or cargo transport units containing substances used for cooling or conditioning purposes which may present a risk of asphyxiation for transport if they are marked in accordance with the requirements of sub-sections 5.5.2.3 or 5.5.3.6 of the IMDG Code;
10. shall retain a copy of the transport document for a period of three months from the end of the transport operation in accordance with sub-section 5.4.6.1 of the IMDG Code and delete this copy immediately after the expiry of the statutory retention period;
11. shall ensure that the competent authority is notified in accordance with paragraph 5.1.5.1.4 of the IMDG Code;
12. shall only hand over a package for transport if a copy of the instructions in accordance with paragraph 4.1.9.1.9 and a copy of the certificates required in accordance with paragraph 5.1.5.2.2 are available and shall, on request of the competent authority, make available documentary evidence in accordance with paragraph 5.1.5.2.3 of the IMDG Code;

13. shall, before handing over dangerous goods in solid form in bulk for transport, ascertain that these goods are permitted for transport in accordance with the schedules in Appendix 1 of the IMSBC Code;
14. shall, for the transport of dangerous goods in solid form in bulk, prepare a written cargo information that includes the information required in section 4.2 of the IMSBC Code and Section 6 paragraph 2;
15. shall only hand over dangerous goods in solid form in bulk of group B if a certificate required in accordance with the applicable schedule in Appendix 1 of the IMSBC Code is available;
16. shall only hand over dangerous goods in solid form in bulk that are not listed by name in Appendix 1 of the IMSBC Code and are to be assigned to group B for transport if the exemption required in accordance with no 1.3.1.1 of the IMSBC Code applies;
17. shall only offer dangerous goods in liquid or liquefied form in bulk for transport if the goods are permitted for transport in accordance with chapter 17 or 18 of the IBC Code, chapter 19 of the IGC Code or chapter XIX of the GC Code, respectively, and
18. shall, prior to loading, transmit to the master the information required in Section 6 paragraph 3 in writing or in electronic form.

## **Section 18**

### **Obligations of the person responsible for the packing or loading of a cargo transport unit**

The person responsible for the packing or loading of a cargo transport unit

1. shall only stow unpackaged articles, packagings, IBCs and large packagings in cargo transport units or have them stowed if the requirements of chapter 7.3 in conjunction with chapters 7.1 and 7.2 of the IMDG Code have been complied with and chapter 3, sub-section 4.2.3 and chapters 5 to 11 of the CTU Code have been observed;

2. shall only offer cargo transport units for transport if the provisions on marking, labelling and placarding of chapter 3.2 in conjunction with chapter 3.3, chapter 3.4, sections 5.1.1 to 5.1.4 and 5.1.6 as well as chapter 5.3 of the IMDG Code have been observed and
3. shall, prior to handing over the goods for transport, prepare the certificate (CTU packing certificate) required in section 5.4.2 of the IMDG Code or enter the contents of the certificate into the transport document.

## **Section 19**

### **Obligations of the client of the carrier**

Anyone commissioning a carrier with the transport of dangerous goods in packaged form by sea shall hand over or transmit the following documents to the carrier in good time before loading:

1. a transport document that includes the information required in section 5.4.1 of the IMDG Code and Section 6 paragraph 1 no 1;
2. the certificate (CTU packing certificate) required in accordance with section 5.4.2 of the IMDG Code;
3. the documents in accordance with Section 3 paragraph 5 sentence 1 numbers 2 and 3, if applicable, and
4. all other documents required for transport in accordance with paragraph 5.1.5.4.2, section 5.4.4 and sub-sections 5.5.2.4 and 5.5.3.7 of the IMDG Code.

## **Section 20**

### **Obligations of the persons responsible for transshipment**

The person responsible for transshipment

1. shall inform the competent authority in accordance with Section 4 paragraph 8 in the event of accidents;

2. shall stow packaged dangerous goods on a sea-going vessel only in accordance with the stowage instructions in accordance with Section 5 paragraph 1;
3. shall only load unpackaged articles, packagings, overpacks, IBCs, large packagings, bulk containers, portable tanks, multiple-element gas containers (MEGCs) and cargo transport units onto a sea-going vessel if they have no obvious defects or are not damaged in a way that would impair the safe enclosure of the dangerous goods and if there are no externally visible leakages and no dangerous residues adhering to their surface;
4. shall only load dangerous goods in solid form in bulk if the following is available:
  - a) a written cargo information that includes the information required in section 4.2 of the IMSBC Code and Section 6 paragraph 2 and
  - b) for a substance of group B, a special certificate prescribed in accordance with the applicable schedule in Appendix 1 of the IMSBC Code or
  - c) for dangerous goods in solid form in bulk that are not listed by name in the IMSBC Code and are to be assigned to group B, the exception required in accordance with no 1.3.1.1 of the IMSBC Code and
5. shall only load dangerous goods in liquid or liquefied form in bulk if the information required in accordance with Section 6 paragraph 3 is available.

## **Section 21**

### **Obligations of the carrier**

The carrier and the agent of the carrier

1. shall only accept packaged dangerous goods for transport if their transport is not prohibited in accordance with section 1.1.3, sub-section 2.1.1.2, section 2.2.4 or 2.3.5, sub-section 2.6.2.5, section 2.8.3, sub-section 3.1.1.4 or special provision 349, 350, 351, 352, 353 or 900 in chapter 3.3 of the IMDG Code;
2. shall hand over or transmit in electronic form to the master a transport document in accordance with section 5.4.1 of the IMDG Code, the certificate (CTU packing certifi-



cate) required in accordance with section 5.4.2 of the IMDG Code, the documents in accordance with Section 3 paragraph 5 sentence 1 numbers 2 and 3, if applicable, and all other documents required for transport in accordance with paragraph 5.1.5.4.2, section 5.4.4 and sub-sections 5.5.2.4 and 5.5.3.7 of the IMDG Code or a dangerous goods manifest or a stowage plan of all dangerous goods to be loaded;

3. shall retain copies of the transport document in accordance with section 5.4.1 of the IMDG Code, the certificate (CTU packing certificate) required in accordance with section 5.4.2 of the IMDG Code, the documents in accordance with Section 3 paragraph 5 sentence 1 numbers 2 and 3, if applicable, and all other documents required for transport in accordance with paragraph 5.1.5.4.2, section 5.4.4 and sub-sections 5.5.2.4 and 5.5.3.7 of the IMDG Code for a period of three months from the end of the transport operation in accordance with sub-section 5.4.6.1 of the IMDG Code and delete them immediately after the end of the statutory retention period;
4. shall, as soon as possible or immediately in an emergency exposure situation, inform the consignor, consignee and other parties involved in the transport operation in accordance with paragraph 1.5.6.1.1 (i) of the IMDG Code of the non-compliance with any limit applicable to radiation level or contamination;
5. shall ensure that the master carries on his vessel the documents referred to in Section 6 paragraph 5 number 2 c) and d), number 3 a) and c) and number 4 c), d) and e);
6. shall only accept dangerous goods in solid form in bulk if they are permitted for transport in accordance with the schedules in Appendix 1 of the IMSBC Code or, for dangerous goods in solid form in bulk that are not listed by name in Appendix 1 of the IMSBC Code and are to be assigned to group B, for transport if the exception required in accordance with no 1.3.1.1 of the IMSBC Code applies and
7. shall only accept dangerous goods in liquid or liquefied form in bulk for transport if the goods are permitted for transport in accordance with chapter 17 or 18 of the IBC Code, chapter 19 of the IGC Code or chapter XIX of the GC Code, respectively.

## **Section 22**

## **Obligations of the shipowner**

The shipowner

1. shall only operate a sea-going vessel for the transport of dangerous goods if the vessel complies with the requirements in accordance with chapter II-2 regulation 19 of the SOLAS Convention;
2. shall ensure that a sea-going vessel for the transport of dangerous goods is equipped in accordance with Section 4 paragraph 7 sentences 1 and 2;
3. shall ensure that the master carries on this vessel the documents referred to in Section 6 paragraph 5 number 1, number 2 a), b), e) and f), number 3 b) and d) and number 4 a) and b) and
4. shall ensure that the master and the officer responsible for the cargo are trained in accordance with Section 4 paragraph 11 sentences 1 and 2 and that the training records are retained and deleted after the expiry of the retention period in accordance with Section 4 paragraph 11 sentences 4 and 5.

## **Section 23**

### **Obligations of the master**

The master

1. shall ensure that all members of the crew involved in emergency measures are informed in accordance with Section 4 paragraph 5 prior to the loading of dangerous goods or when they enter the vessel;
2. shall ensure that notices in accordance with Section 4 paragraph 2 sentence 2 are put up and that the prohibition referred to in Section 4 paragraph 2 sentence 1 and paragraph 3 sentence 1 is observed;
3. (deleted)
4. shall monitor the cargo during transport in accordance with Section 4 paragraph 6;

5. shall ensure that the equipment in accordance with Section 4 paragraph 7 sentences 3 and 4 is ready for use at any time and that the members of the crew wear protective equipment and protective clothing in the cases provided for;
6. shall inform the competent authority in accordance with Section 4 paragraph 8 in the event of an accident;
7. shall ensure that the cargo is secured in accordance with Section 5 paragraph 2;
8. shall carry on board the documents required in accordance with Section 6 paragraph 5;
9. shall provide and retain the required documents or the information stored in accordance with Section 6 paragraph 7 and present the documents or the print-out from the data processing systems for inspection if requested to do so in accordance with Section 6 paragraph 8;
10. shall ensure that the stowage instructions in accordance with Section 5 paragraph 1 as well as the stowage and segregation requirements in accordance with chapters 7.1, 7.2, 7.4 to 7.7 in conjunction with section 3.1.4 and chapter 3.2 of the IMDG Code or the stowage and segregation requirements in accordance with sub-section 9.3 of the IMSBC Code and the provisions in chapter II-2 regulation 19 of the SOLAS Convention, as applicable, are observed;
11. shall only accept dangerous goods in solid form in bulk of group B of the IMSBC Code for transport if the cargo holds comply with the applicable requirements in accordance with chapter II-2 regulation 19 table 19.2 of the SOLAS Convention and the conditions for carriage listed on the applicable schedules in Appendix 1 of the IMSBC Code are complied with;
12. shall only accept dangerous chemicals which are subject to the provisions of the IBC Code or the BCH Code for transport if the minimum requirements for the respective good referred to in chapter 17 of the IBC Code or chapter IV of the BCH Code are complied with and

13. shall only accept liquefied gases which are subject to the provisions of the IGC Code or the GC Code for transport if the minimum requirements for the respective good referred to in chapter 19 of the IGC Code or chapter XIX of the GC Code are complied with.

## **Section 24**

### **Obligations of the person responsible for the planning of the loading**

The person responsible for the planning of the loading shall ensure that stowage instructions in accordance with Section 5 paragraph 1 are laid down.

## **Section 25**

### **Obligations of the consignee**

The consignee shall, as soon as possible or immediately in an emergency exposure situation, inform the consignor, carrier and other parties involved in the transport operation in accordance with paragraph 1.5.6.1.1 (ii) in conjunction with paragraph 1.5.6.1.3 of the IMDG Code of the non-compliance with any limit applicable to radiation level or contamination.

## **Section 26**

### **Obligations applicable to several parties involved**

(1) The persons involved in the transport of dangerous goods shall observe, commensurate with their responsibilities in the transport of dangerous goods, the security provisions in accordance with chapter 1.4 of the IMDG Code. The manufacturers or distributors of dangerous goods involved in the transport of high consequence dangerous goods, the persons responsible for the packing and loading of cargo transport units and the carriers shall adopt security plans in accordance with paragraph 1.4.3.2.2 of the IMDG Code prior to commencing their activity and implement them during the activity, unless they are subject to the provisions of chapter XI-2 of the SOLAS Convention and the ISPS Code.

(2) The parties involved in the transport of dangerous goods shall, if an accident occurs, immediately support the competent agencies and furnish any information necessary in accordance with Section 4 paragraph 9 sentence 1.

(3) The companies involved in the transport of dangerous goods shall ensure that the personnel

1. are trained in accordance with Section 4 paragraph 12 sentence 1, also in conjunction with sentence 2, and that the training records are retained and deleted after the expiry of the retention period in accordance with Section 4 paragraph 12 sentences 3 and 4 and
2. are trained in accordance with sub-section 5.5.2.2 and paragraph 5.5.3.2.4 of the IMDG Code prior to assuming their obligations.

## **Section 27**

### Administrative offences

(1) An administrative offence under Article 10 paragraph 1 number 1 b of the Transport of Dangerous Goods Act shall be deemed to have been committed by anyone who, either intentionally or negligently,

1. contrary to Section 17:
  - a) no 1 or 13, does not, or not in good time, ascertain that the goods are not prohibited from transport;
  - b) no 2 or 14, does not, or not in good time, prepare a transport document or a cargo information;
  - c) no 3, does not, not correctly or not completely enter the particulars referred to therein into a bill of lading or a consignment note;
  - d) no 4, uses a packaging, an IBC, a large packaging, a portable tank, a multiple-element gas container (MEGC), or a bulk container;
  - e) no 5 or 6, fills a portable tank, a multiple-element gas container (MEGC), or a bulk container;
  - f) no 7, packs together dangerous goods;
  - g) no 8, 9, 15, 16 or 17, offers an unpackaged article, packaging, overpack, IBC, large packaging, portable tank, multiple-element gas container (MEGC), bulk container, cargo transport unit or a good referred to therein for transport;
  - h) no 10, does not retain, or retains for less than three months, a copy of the transport document;

- i) no 11, does not ensure that the competent authority is notified;
  - j) no 12, hands over a package or does not provide documentary evidence or provides documentary evidence that is incomplete or
  - k) no 18, does not, or not in good time, transmit a required information;
- 2. contrary to Section 18:
  - a) no 1, stows an unpackaged article, a packaging, an IBC or a large packaging or has them stowed;
  - b) no 2, offers a cargo transport unit for transport or
  - c) no 3, does not, not correctly, not completely or not in good time prepare the required certificate or does not, or not correctly, enter its contents into the transport document;
- 3. contrary to Section 19, does not, or not in good time, hand over or transmit a document referred to therein;
- 4. contrary to Section 20:
  - a) no 1, does not, or not in good time, inform the competent authority;
  - b) no 2, stows a good referred to therein;
  - c) no 3, loads an unpackaged article, packaging, overpack, IBC, large packaging, bulk container, portable tank, multiple-element gas container (MEGC) or cargo transport unit or
  - d) no 4 or 5, loads a good referred to therein;
- 5. contrary to Section 21:
  - a) no 1, 6 or 7, accepts a good referred to therein for transport;
  - b) no 2, does not, or not in good time, hand over or transmit a document referred to therein;
  - c) no 3, does not retain, or retains for less than three months, a copy of the transport document;
  - d) no 4, does not, not correctly or not in good time inform the consignor, consignee or other parties involved in the transport operation or
  - e) no 5, does not ensure that a document referred to therein is carried on board;

6. contrary to Section 22:
  - a) no 1, operates a sea-going vessel;
  - b) no 2, does not ensure that a sea-going vessel is equipped accordingly;
  - c) no 3, does not ensure that a document referred to therein is carried on board or
  - d) no 4, does not ensure that a person referred to therein is trained or a record is retained for at least five years;
7. 7. contrary to Section 23:
  - a) no 1, does not ensure that a person referred to therein is informed;
  - b) no 2, does not ensure that a notice referred to therein is put up or a prohibition mentioned therein is observed;
  - c) no 4, does not monitor the cargo;
  - d) no 5, does not ensure that the equipment is ready for use or that the protective equipment and the protective clothing are worn;
  - e) no 6, does not, or not in good time, inform the competent authority;
  - f) no 7, does not ensure that the cargo is secured;
  - g) no 8, does not carry on board a document referred to therein;
  - h) no 9, does not, or not for the prescribed period, provide a document or information, does not, or not for the prescribed period, retain a document or information or does not, or not in good time, present a document or information;
  - i) no 10, does not ensure that a stowage or segregation requirement referred to therein is complied with or
  - j) no 11, 12 or 13, accepts a good, chemical or gas referred to therein for transport;
8. contrary to Section 24, does not ensure that a stowage instruction is laid down;
9. contrary to Section 25, does not, not correctly or not in good time inform a person or body referred to therein;
10. contrary to Section 26:
  - a) paragraph 1 sentence 1, does not comply with a provision referred to therein;
  - b) paragraph 1 sentence 2, does not, or not in good time, adopt or does not, or not correctly, implement a security plan;

- c) paragraph 2, does not, not correctly or not in good time support an agency mentioned therein or does not, not correctly, not completely or not in good time furnish a piece of information;
- d) paragraph 3 no 1, does not ensure that a person referred to therein is trained or a record is retained for at least five years or
- e) paragraph 3 no 2, does not ensure that a person referred to therein is trained.

(2) The responsibility for prosecution and punishment of administrative offences as referred to in paragraph 1 above shall be delegated to the Federal Waterways and Shipping Agency for the territory beyond the boundaries of the German territorial sea, the federal waterways and the federally owned and operated ports.

## **Section 28**

### **Transitional provisions**

(1) Until 31 December 2015, dangerous goods may still be transported by sea in accordance with the provisions of the Ordinance on the Transport of Dangerous Goods by Sea in the version promulgated on 26 March 2014 (Federal Law Gazette I p. 301), as amended by Article 5 of the Ordinance of 26 February 2015 (Federal Law Gazette I p. 265) in the version applicable until 31 December 2014.

(2) Section 3 paragraph 1 numbers 1 and 2 shall be applied to vessels constructed before 1 July 2002 subject to the condition that, instead of the provisions of chapter II-2 regulation 19 of the SOLAS Convention, the provision of chapter II-2 regulation 54 of the SOLAS Convention in the version in force on 30 June 2002 are complied with.

(3) Section 3 paragraph 1 numbers 3 and 4 shall be applied to vessels constructed before 1 July 2002 subject to the condition that, instead of the provisions of chapter II-2 regulation 16 paragraph 3 of the SOLAS Convention, the provision of chapter II-2 regulation 59 of the SOLAS Convention in the version in force on 30 June 2002 are complied with.

(4) Section 5 paragraph 1 shall be applied to vessels constructed before 1 July 2002 subject to the condition that, instead of the restrictions regarding the Document of Compliance in accordance with chapter II-2 regulation 19 of the SOLAS Convention, the re-



strictions regarding the Document of Compliance in accordance with chapter II-2 regulation 54 of the SOLAS Convention in the version in force on 30 June 2002 are complied with.

(5) Section 6 paragraph 5 number 2 e) and number 3 b) shall be applied to vessels constructed before 1 July 2002 subject to the condition that for these vessels the Document of Compliance required by chapter II-2 regulation 54 of the SOLAS Convention in the version in force on 30 June 2002 is carried on board.

(6) The inspection bodies approved by the BAM Federal Institute for Materials Research and Testing in accordance with Section 6 paragraph 5 no 2 of the Ordinance on the Transport of Dangerous Goods by Sea in the version promulgated on 26 March 2014 (Federal Law Gazette I p. 301), as amended by Article 5 of the Ordinance of 26 February 2015 (Federal Law Gazette I p. 265) in the version applicable until 15 February 2016 may continue to undertake the tasks for which they are authorized in accordance with Section 6 paragraph 9 of that Ordinance until 31 December 2020.