

Ordinance on the International Regulations for Preventing Collisions at Sea, 1972 (SeeStrOV)

**Working Translation
of parts of**

Verordnung zu den Internationalen Regeln von 1972 zur Verhütung von Zusammenstößen auf See (SeeStrOV)

Purpose:

In the following text, some passages have been translated and highlighted in yellow, mainly for the purpose of the course "German Maritime Law".

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Ordinance on the International Regulations for Preventing Collisions at Sea, 1972 (SeeStrOV)

SeeStrOV

Ausfertigungsdatum: 13.06.1977

Vollzitat:

"Verordnung zu den Internationalen Regeln von 1972 zur Verhütung von Zusammenstößen auf See vom 13. Juni 1977 (BGBl. I S. 813), die zuletzt durch Artikel 1 der Verordnung vom 7. Dezember 2021 (BGBl. I S. 5188) geändert worden ist"

Stand: Zuletzt geändert durch Art. 1 V v. 7.12.2021 I 5188

Fußnote

(+++ Textnachweis Geltung ab: 16.4.1987 +++)

Überschrift: IdF d. Art 1 Nr. 1 V v. 14.6.1989 I 1107 mWv 19.11.1989

Eingangsformel

Auf Grund des § 9 Abs. 1 Satz 1 Nr. 1, 2 und 4 des Gesetzes über die Aufgaben des Bundes auf dem Gebiet der Seeschifffahrt vom 24. Mai 1965 (BGBl. II S. 833), geändert durch Artikel 2 des Gesetzes zu dem Übereinkommen vom 20. Oktober 1972 über die Internationalen Regeln zur Verhütung von Zusammenstößen auf See vom 29. Juni 1976 (BGBl. II S. 1017), und des § 36 Abs. 3 des Gesetzes über Ordnungswidrigkeiten, wird verordnet:

Section 1 Application of the International Regulations

The International Regulations for Preventing Collisions at Sea attached to the Convention of 1972 (Federal Law Gazette 1976 II, p. 1023) and most recently amended by decision of the 28th Assembly of the International Maritime Organization (IMO) in London on 4 December 2013, hereinafter referred to as "International Regulations", shall be applied in the German translation indicated in the Annex in accordance with the following provisions.

Section 2 Scope of application

(1) This Ordinance shall apply:

1. on the maritime waterways and in the public, state-owned ports situated on them as well as in the further German territorial sea;
2. to ships entitled to fly the flag of the Federal Republic of Germany, seaward of the boundary of the territorial sea of the Federal Republic of Germany, unless different rules apply in territorial waters of other states.

(2) Within the scope of application of the Ordinance in accordance with subsection 1(1), the German Traffic Regulations for Navigable Maritime Waterways (SeeSchStrO) in the version promulgated on 22 October 1998 (Federal Law Gazette I, p. 3209; 1999 I, p. 193), as most recently amended by Article 4 of the Ordinance of 24 September 2002 (Federal Law Gazette I, p. 3733), and the Ordinance introducing the Code of Shipping for the Ems Estuary (EmsSchEV) of 8 August 1989 (Federal Law Gazette I, p. 1583), as most recently amended by Article 1 of the Ordinance of 13 December 2001 (Federal Law Gazette I, p. 3781), as amended, as well as the Code of Shipping for the Ems Estuary (Annex A to the German-Dutch Treaty of 22 December 1986 on the Code of Shipping for the Ems Estuary, Federal Law Gazette 2001 II, p. 1049) in the version applicable in the Federal Republic of Germany shall also apply. If these contain derogating provisions, the latter shall take precedence over the International Regulations as special rules within the meaning of rule 1(b) of the International Regulations.

(3) By derogation from subsection 1, Section 7 of this Ordinance shall also apply to foreign-flagged ships in the safety zones established in the German Exclusive Economic Zone by the competent approval authority in accordance with section 53 of the Offshore Wind Energy Act (WindSeeG), section 10 of the Offshore Installations Act (SeeAnlG) or section 11 of the Offshore Installations Ordinance (SeeAnlV) of 23 January 1997 (Federal Law Gazette I, p. 57), as most recently amended by Article 55 of the Ordinance of 2 June 2016 (Federal Law Gazette

I, p. 1257).

Section 3 Basic rules for the conduct in traffic

(1) Anyone participating in shipping traffic shall act in such a way as to ensure the safety and efficiency of traffic and not to harm or endanger or, more than is unavoidable in the circumstances, hinder or inconvenience any other person. In particular, he or she shall observe the precautionary measures required in accordance with good seamanship or the special circumstances of the case.

(2) To avert an imminent threat, all necessary measures shall be taken, giving consideration to the special circumstances, even if these measures require a derogation from the provisions of this Ordinance.

(3) No person, when impaired in his or her ability to safely navigate a vessel or safely perform duties on the bridge or in the deck or engine department as a result of physical or mental deficiencies or the intake of alcoholic beverages or other intoxicating substances, shall navigate a vessel nor perform other duties on the bridge or in the deck or engine department as a member of the ship's crew.

(4) No person with a breath alcohol content of 0.25 mg/l or more or a blood alcohol content of 50 mg/100 ml or more or after an intake of an amount of alcohol that leads to such a breath or blood alcohol content shall navigate a vessel nor perform other duties on the bridge or in the deck or engine department as a member of the ship's crew.

(5) The master of a passenger ship or a vessel subject to the bans and restrictions affecting navigation in accordance with section 30(1) of the German Traffic Regulations for Navigable Maritime Waterways (SeeSchStrO) may neither consume alcoholic beverages when working during the journey, nor be under the influence of such beverages at the start of work. During rest periods and other recreational periods on board, the master may consume alcoholic beverages if it can be ensured that he or she is no longer under the influence of such beverages when carrying out safety-critical tasks. The first sentence shall apply mutatis mutandis to crew members performing duties on the bridge.

Section 4 Responsibility

(1) The master of the vessel and any other person responsible for safety shall comply with the provisions of this Ordinance concerning the conduct in traffic and the equipment of vessels with facilities for exhibiting lights and shapes and giving sound signals. On inland waterway vessels, in addition to the master of the vessel, every member of the crew who temporarily sets the course and speed of the vessel independently shall also be responsible for this.

(2) The sea pilot shall also be responsible; he or she shall advise the master of the vessel or his or her representative in such a way that he or she can comply with the provisions of this Ordinance.

(3) In the case of pushing or towing convoys, the master of the convoy is responsible for its safe navigation, notwithstanding the provision set out in subsection 1. The master of the convoy is the master of the tug or pusher; the masters of the vessels involved may, prior to the start of the journey, also designate a different master as the master of the convoy.

(4) If no master has been determined and if multiple persons are entitled to navigate a vessel, they shall determine who is the master in charge prior to the start of the journey.

(5) The responsibility of other persons arising from this Ordinance or other provisions shall remain unaffected.

§ 5 Fahrzeuge des öffentlichen Dienstes

Fahrzeuge des öffentlichen Dienstes sind von den Vorschriften dieser Verordnung befreit, soweit dies zur Erfüllung hoheitlicher Aufgaben unter Berücksichtigung der öffentlichen Sicherheit und Ordnung dringend geboten ist. Satz 1 gilt für Fahrzeuge der Deutschen Gesellschaft zur Rettung Schiffbrüchiger, soweit diese Maßnahmen des Such- und Rettungsdienstes in Seenotfällen nach § 1 Nr. 7 des Seeaufgabengesetzes durchführen, entsprechend.

Section 6 Traffic separation schemes

(1) Traffic separation schemes are waterways that are separated into one-way lanes by dividing lines or dividing zones or in another manner and on which navigation is only permitted in one direction, right of the dividing line or

dividing zone.

(2) Rule 10 of the International Regulations shall apply to traffic separation schemes adopted by the International Maritime Organization (IMO) and published in the Notices to Mariners (official shipping publication of the Federal Maritime and Hydrographic Agency).

Section 7 Safety zones

(1) Safety zones are water areas extending out to a distance of 500 metres, measured from any point of the outer edge, from installations or other facilities for scientific marine research or the exploration or exploitation of natural resources. The safety zones established by the competent approval authority in accordance with section 53 of the Offshore Wind Energy Act (WindSeeG), section 10 of the Offshore Installations Act (SeeAnlG) or section 11 of the Offshore Installations Ordinance (SeeAnlV) shall be considered safety zones within the meaning of this Ordinance.

(2) Safety zones must not be navigated in; this shall not apply to vessels used to supply the installations or facilities and, notwithstanding subsection 3, to vessels whose hull length does not exceed 24 metres or that are exempted from the navigation ban.

(3) The Federal Waterways and Shipping Agency may, by way of general order in accordance with the second sentence of section 35 of the Administrative Procedure Act (VwVfG), or in individual cases, regulate details of the navigation ban and allow, in the case of safety zones in accordance with section 53 of the Offshore Wind Energy Act (WindSeeG), section 10 of the Offshore Installations Act (SeeAnlG) or section 11 of the Offshore Installations Ordinance (SeeAnlV) in consultation with the Federal Maritime and Hydrographic Agency, exemptions from the navigation ban, also with requirements or conditions, provided this is compatible with the requirements regarding safety and efficiency of traffic. It furthermore lays down, in accordance with the prerequisites and procedures mentioned in the first sentence, the conditions for exemptions from the navigation ban for vessels whose hull length does not exceed 24 metres. The general orders issued in this way shall be published in accordance with section 54 of the Offshore Wind Energy Act (WindSeeG) and section 11 of the Offshore Installations Act (SeeAnlG) and published for information via the Electronic Waterway Information Service* by the Federal Waterways and Shipping Agency.

* Official note: <https://www.elwis.de> (in Germany only)

Section 7a Provision of information upon request

(1) If the master of a vessel located within the Exclusive Economic Zone or the territorial sea of another state is requested by the authorities of that state, on the grounds of an alleged violation of applicable international rules and standards for the prevention, reduction and monitoring of pollution from ships, to provide information on the identity and the port of registry as well as on the last and next port of call of his or her vessel and other information that is required to determine whether a violation has been committed, he or she shall comply with that request.

(2) If the master of a vessel within the territorial sea of other states that have decreed common conditions for the prevention, reduction and monitoring of the pollution of the marine environment together with one or more other states for entry into their ports or internal waters or for docking at their offshore transshipment terminals is requested by the authorities of the coastal state to provide information on whether the vessel will proceed to a state of the same region that is party to the common rules and, if applicable, fulfils the conditions laid down by that state for calling at its ports, he or she shall comply with that request.

(3) The Federal Ministry of Transport shall make public the states mentioned in subsection 2 in the Notices to Mariners (official shipping publication of the Federal Maritime and Hydrographic Agency).

§ 8 Überwachung, Befreiung

(1) Für die Überwachung der Vorschriften dieser Verordnung sind die Strom- und Schifffahrtspolizeibehörden nach Maßgabe des § 55 der Seeschiffahrtstraßen-Ordnung zuständig; § 5 Abs. 1 Satz 2 Nr. 1 und § 6 Abs. 1 des Seeaufgabengesetzes bleiben unberührt.

(2) Die Strom- und Schifffahrtspolizeibehörden können von den Vorschriften dieser Verordnung im Einzelfall befreien, soweit dies nach den Internationalen Regeln zulässig ist.

§ 8a Verweisungen

Soweit in anderen Vorschriften auf die "Seestraßenordnung" verwiesen wird, treten an deren Stelle die "Internationalen Regeln von 1972 zur Verhütung von Zusammenstößen auf See".

Section 8b Use of lights, shapes and sound signalling appliances

(1) Vessels entitled to fly the flag of the Federal Republic of Germany may:

1. for exhibiting lights and shapes in accordance with the Regulations for Preventing Collisions at Sea, only use those whose design and placement comply with the requirements of Annex I to the Regulations for Preventing Collisions at Sea and which have been approved by the Federal Maritime and Hydrographic Agency;
2. for giving sound signals in accordance with the Regulations for Preventing Collisions at Sea, only use sound signalling appliances whose design, construction and placement comply with the requirements of Annex III to the Regulations for Preventing Collisions at Sea and which have been approved by the Federal Maritime and Hydrographic Agency.

Section 6(4) of the German Traffic Regulations for Navigable Maritime Waterways (SeeSchStrO) shall apply mutatis mutandis.

(2) If a vessel, prior to acquiring the right to fly the flag of the Federal Republic of Germany, flew another national flag, it shall, by derogation from subsection 1, also be permitted to exhibit lights, shapes and use sound signalling appliances approved by another contracting state of the International Regulations in accordance with these Regulations, provided the requirements of Annexes I and III of the International Regulations are complied with. The first sentence shall not apply to recreational craft within the meaning of section 2(1) of the Ordinance on Recreational Craft (maritime) (SeeSpbootV) of 29 August 2002 (Federal Law Gazette I, p. 3457).

(3) For type approval, effectiveness and repair of the lights, shapes and sound signalling appliances, section D no. 10 of the Annex to the Ship Safety Act (SchSG), as amended, shall apply.

Section 9 Administrative offences

(1) An administrative offence as defined by section 15(1)(2) of the Maritime Shipping Responsibilities Act (SeeAufgG) shall be deemed to have been committed by anyone who, either intentionally or negligently:

1. in contravention of the first sentence of Section 3(1), does not act in such a way as not to harm or endanger, or more than is unavoidable in the circumstances, hinder or inconvenience any other person;
2. in contravention of Section 3(3), navigates a vessel or performs other duties on the bridge or in the deck or engine department although he or she is impaired in his or her ability to safely navigate a vessel or safely perform duties on the bridge or in the deck or engine department as a result of physical or mental deficiencies or the intake of alcoholic beverages or other intoxicating substances;
- 2a. in contravention of Section 3(4), navigates a vessel or performs other duties on the bridge or in the deck or engine department although he or she has a breath alcohol content of 0.25 mg/l or more or a blood alcohol content of 50 mg/100 ml or more or after an intake of an amount of alcohol that leads to such a breath or blood alcohol content;
- 2b. in contravention of Section 3(5), consumes alcoholic beverages during the journey or is under the influence of such beverages at the start of work;
3. in contravention of Section 4(2), fails to advise or fails to adequately advise the master or his or her representative as a sea pilot;
4. in contravention of Section 4(4), does not designate the master responsible for the vessel;
5. in contravention of Section 7(2), navigates in safety zones;
6. in contravention of rule 5 of the International Regulations, does not ensure proper look-out;
7. in contravention of rule 6, does not proceed at a safe speed;
8. violates a provision of rule 7 on the risk of collision, in particular, does not make proper use of radar equipment if fitted and operational;
9. acts in contravention of a provision of rule 8 on action to avoid collision;
10. violates a provision of rule 9 on the conduct in narrow channels;
11. acts in contravention of a provision of rule 10 in conjunction with Section 6 on the conduct in traffic

separation schemes and on navigating in inshore traffic zones;

12. acts in contravention of a provision of rule 12 on sailing vessels keeping out of each other's way;
13. violates a provision of rule 13 on keeping out of a vessel's way when overtaking;
14. in contravention of rule 14, in the case of reciprocal or nearly reciprocal courses, does not alter his or her course to starboard so that each vessel passes on the port side of the other;
15. in contravention of rule 15, does not keep out of the way in a crossing situation;
16. in contravention of rule 16, does not take early and substantial action to keep well clear as the vessel directed to keep out of the way of another vessel;
17. violates a provision of rule 17 on the conduct as the master of the stand-on vessel;
18. acts in contravention of rule 18 on keeping out of the way or the obligation not to impede the safe passage of a vessel constrained by her draught or to navigate with particular caution as a vessel constrained by her draught;
19. violates a provision of rule 19 on the conduct of vessels in restricted visibility;
20. acts in contravention of a provision of rule 20(a) to (d), rules 23 to 27 or rules 29 to 31 on exhibiting lights or shapes or having ready at hand and exhibiting electric torches or lanterns;
21. in contravention of rule 20(e), exhibits lights or shapes that do not comply with the provisions of Annex I;
22. violates a provision of rule 22 on the use of lights having the prescribed minimum visibility ranges;
23. in contravention of rule 33, does not carry the prescribed sound signalling appliances or other means of making a sound signal or carries sound signalling appliances that do not comply with the provisions of Annex III;
24. acts in contravention of a provision of rule 34 or 35 on giving sound and light signals;
25. in contravention of rule 36, makes signals to attract attention that can be mistaken for other signals or shipping signs or directs the beam of the searchlight in the direction of the danger in a way that embarrasses other vessels;
26. in contravention of rule 37, when requiring assistance if in distress, does not use or exhibit the signals described in Annex IV; or
27. in contravention of section 2 of Annex IV of the International Regulations, uses or exhibits distress signals although there is no distress or uses signals which may be confused with the distress signals.

(2) The responsibility for the prosecution and punishment of administrative offences in accordance with subsection 1 shall be transferred to the Federal Waterways and Shipping Agency.

§ 10 Inkrafttreten, Aufhebung von Vorschriften

Die Verordnung tritt am 15. Juli 1977 in Kraft;

Schlußformel

Der Bundesminister für Verkehr