

**Ordinance on Environmentally Sustainable Behaviour in
Maritime Shipping
(Maritime Environmental Behaviour Ordinance –
SeeUmwVerhV)**

**Working Translation
of parts of**

**Verordnung über das umweltgerechte Verhalten in der
Seeschifffahrt
(See-Umweltverhaltensverordnung - SeeUmwVerhV)**

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 Environmentally Sustainable Behaviour in Maritime Shipping (Maritime Environmental Behaviour Ordinance – SeeUmwVerhV)

SeeUmwVerhV

Ausfertigungsdatum: 13.08.2014

Vollzitat:

"See-Umweltverhaltensverordnung vom 13. August 2014 (BGBl. I S. 1371), die zuletzt durch Artikel 3 der Verordnung vom 13. Dezember 2019 (BGBl. I S. 2739) geändert worden ist"

Stand: Zuletzt geändert durch Art. 3 V v. 13.12.2019 I 2739

§ 2 Absatz 1 Nummer 6, 13, Absatz 2, § 13 Absatz 3 bis 8, §§ 14, 15 und 23 Absatz 1 Nummer 11 bis 18, Absatz 2 Nummer 26 dieser Verordnung dienen der Umsetzung der Richtlinie 2012/33/EU des Europäischen Parlaments und des Rates vom 21. November 2012 zur Änderung der Richtlinie 1999/32/EG des Rates hinsichtlich des Schwefelgehalts von Schiffskraftstoffen (ABl. L 327 vom 27.11.2012, S. 1).

Fußnote

(+++ Textnachweis ab: 21.8.2014 +++)

(+++ Amtlicher Hinweis des Normgebers auf EG-Recht: Umsetzung der
EURL 33/2012 (CELEX Nr: 32012L0033) +++)

Diese V wurde als Artikel 1 der V v. 13.8.2014 I 1371 vom Bundesministerium für Verkehr und digitale Infrastruktur und vom Bundesministerium für Umwelt, Naturschutz, Bau und Reaktorsicherheit im Einvernehmen mit dem Bundesministerium der Finanzen beschlossen. Sie tritt gem. Art. 5 Abs 1 Satz 1 dieser V am 21.8.2014 in Kraft.

Abschnitt 1

Allgemeine Vorschriften

§ 1 Ziele

Diese Verordnung regelt

1. Anforderungen an das umweltgerechte Verhalten in der Schifffahrt,
2. die Ahndung von Verstößen gegen die in Nummer 1 genannten Anforderungen, insbesondere von Verstößen gegen Vorschriften des
 - a) MARPOL-Übereinkommens,
 - b) AFS-Übereinkommens,
 - c) Ballastwasser-Übereinkommens.

§ 2 Begriffsbestimmungen

(1) Im Sinne dieser Verordnung bedeuten

1. MARPOL-Übereinkommen: das Internationale Übereinkommen von 1973 zur Verhütung der Meeresverschmutzung durch Schiffe und das Protokoll von 1978 zu diesem Übereinkommen (BGBl. 1996 II S. 399, Anlageband), zuletzt geändert durch die in London vom Ausschuss für den Schutz der Meeresumwelt der Internationalen Seeschiffahrts-Organisation (IMO) angenommenen Entschlüsse MEPC.193(61) (BGBl. 2013 II S. 1098, 1099), in seiner jeweils innerstaatlich geltenden Fassung,
2. AFS-Übereinkommen: das Internationale Übereinkommen von 2001 über die Beschränkung des Einsatzes schädlicher Bewuchsschutzsysteme auf Schiffen (BGBl. 2008 II S. 520, 522) in seiner jeweils innerstaatlich geltenden Fassung,
3. Ballastwasser-Übereinkommen: das Internationale Übereinkommen von 2004 zur Kontrolle und Behandlung von Ballastwasser und Sedimenten von Schiffen (BGBl. 2013 II S. 42, 44; 2017 II S. 1239) in seiner jeweils innerstaatlich geltenden Fassung,

- 3a. Übereinkommen von Hongkong: das Internationale Übereinkommen von Hongkong von 2009 über das sichere und umweltgerechte Recycling von Schiffen in seiner jeweils innerstaatlich geltenden Fassung,
4. ein Schiff:
 - a) im Sinne des Abschnitts 2 ein Schiff nach Artikel 2 Nummer 4 des MARPOL-Übereinkommens,
 - b) im Sinne des Abschnitts 3 ein Schiff nach Artikel 2 Nummer 9 des AFS-Übereinkommens,
 - c) im Sinne des Abschnitts 4 ein Schiff nach Artikel 1 Nummer 12 des Ballastwasser-Übereinkommens,
 - d) im Sinne des Abschnitts 4a ein Schiff nach Artikel 3 Absatz 1 Nummer 1 der Verordnung (EU) Nr. 1257/2013 des Europäischen Parlaments und des Rates vom 20. November 2013 über das Recycling von Schiffen und zur Änderung der Verordnung (EG) Nr. 1013/2006 und der Richtlinie 2009/16/EG (ABl. L 330 vom 10.12.2013, S. 1) in der jeweils geltenden Fassung,
 - e) im Sinne des § 3 ein Schiff nach den Buchstaben a bis d,
5. Abfall-Übereinkommen: das Übereinkommen vom 9. September 1996 über die Sammlung, Abgabe und Annahme von Abfällen in der Rhein- und Binnenschifffahrt (BGBl. 2003 II S. 1799, 1800) in seiner jeweils innerstaatlich geltenden Fassung,
6. Schwefelrichtlinie: die Richtlinie 1999/32/EG des Rates vom 26. April 1999 über eine Verringerung des Schwefelgehalts bestimmter flüssiger Kraft- oder Brennstoffe und zur Änderung der Richtlinie 93/12/EWG (ABl. L 121 vom 11.5.1999, S. 13), die zuletzt durch die Richtlinie 2012/33/EU (ABl. L 327 vom 27.11.2012, S. 1) geändert worden ist,
7. TBT-Verordnung: die Verordnung (EG) Nr. 782/2003 des Europäischen Parlaments und des Rates vom 14. April 2003 über das Verbot zinnorganischer Verbindungen auf Schiffen (ABl. L 115 vom 9.5.2003, S. 1), die zuletzt durch die Verordnung (EG) Nr. 219/2009 (ABl. L 87 vom 31.3.2009, S. 109) geändert worden ist,
8. IAFS-Zeugnis: Internationales Zeugnis über ein Bewuchsschutzsystem nach Artikel 6 der TBT-Verordnung oder nach Anlage 4 Regel 2 des AFS-Übereinkommens,
9. IAFS-Erklärung: Erklärung über ein Bewuchsschutzsystem nach Artikel 6 der TBT-Verordnung oder nach Anlage 4 Regel 5 des AFS-Übereinkommens,
10. Binnenschiffsuntersuchungsordnung: die Binnenschiffsuntersuchungsordnung vom 6. Dezember 2008 (BGBl. I S. 2450), die zuletzt durch Artikel 2 der Verordnung vom 16. Juni 2014 (BGBl. I S. 748) geändert worden ist, in der jeweils geltenden Fassung,
11. Wasserstraßen der Zonen 1 und 2: die in Anhang I der Binnenschiffsuntersuchungsordnung genannten Wasserstraßen,
12. Schiffssicherheitsverordnung: die Schiffssicherheitsverordnung vom 18. September 1998 (BGBl. I S. 3013, 3023), die zuletzt durch Artikel 2 der Verordnung vom 23. Januar 2014 (BGBl. I S. 78) geändert worden ist, in der jeweils geltenden Fassung,
13. Schiffskraftstoff: ölhaltiger Brennstoff nach Anlage VI Regel 18 des MARPOL-Übereinkommens und Artikel 2 Nummer 3 der Schwefelrichtlinie.

(2) Als Bunkerlieferbescheinigung nach Anhang V der Anlage VI des MARPOL-Übereinkommens gilt auch der Tanklieferschein im Sinne des Artikels 4a Absatz 6 der Schwefelrichtlinie.

Section 3 Scope of application

(1) This Ordinance shall apply:

1. to ships on the areas of water listed in:
 - a) the third sentence of section 1(1) of the Traffic Ordinance 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 section 3 of Article 2 of the Ordinance of 20 December 2012 (Federal Law Gazette I, p. 2802);
 - b) section 1(1) of the Ordinance introducing the Code of Shipping for the Ems Estuary of 8 August 1989 (Federal Law Gazette I, p. 1583), as most recently amended by section 17 of Article 3 of the Ordinance of 19 December 2008 (Federal Law Gazette I, p. 2868; 2010 I, p. 380);
 as amended;
2. to ships on maritime waterways and in the exclusive economic zone of the Federal Republic of Germany; and
3. to ships flying the flag of the Federal Republic of Germany, including those sailing seaward of the boundary

of the exclusive economic zone of the Federal Republic of Germany, unless different rules apply in territorial waters or exclusive economic zones of other states.

(2) The AFS Convention, the Ballast Water Convention and the MARPOL Convention, with the exception of Annexes III and V to the latter, shall apply *mutatis mutandis* on the water areas referred to in subsection 1(1), unless otherwise provided for below.

(3) As far as ships operated by the Federal Armed Forces are concerned, the Federal Ministry of Defence shall ensure compliance with this Ordinance, to the extent that it is affected by it, through provisions, procedures and organizations of its own. In doing so, it may derogate from the contents of the provisions of this Ordinance if this is necessary for the accomplishment of the special tasks of the Federal Armed Forces, having due regard to the protection of the marine environment. This Ordinance shall not apply to warships of other states.

Abschnitt 2

Ergänzende Bestimmungen zu den Anlagen des MARPOL-Übereinkommens

Unterabschnitt 1 Anlage I

Section 4 Oil Record Book

(1) The master or other person in charge of the ship shall ensure that:

1. the operations described in Appendix III to Annex I are recorded without delay in the Oil Record Book referred to in paragraph 1 of regulation 17 and paragraph 1 of regulation 36 of Annex I to the MARPOL Convention;
2. each entry in the Oil Record Book is signed without delay by the officer responsible for maintaining record books.

(2) The master shall, without delay, sign every page of the Oil Record Book after the last entry on the page in question.

(3) The officer responsible for maintaining record books shall, without delay, sign the entries required by Appendix III to Annex I to the MARPOL Convention.

(4) The second half-sentence of paragraph 2 of regulation 16, paragraphs 1 to 6 of regulation 17, the second sentence of paragraph 3 and the second sentence of paragraph 10.2 of regulation 18 and paragraphs 1 to 6 of regulation 36 of Annex I to the MARPOL Convention shall, in the case of ships flying the flag of a state that is not a Party to Annex I to the MARPOL Convention, be deemed to have been fulfilled if the entries required by the aforementioned regulations are made without delay, in their entirety and truthfully in an Oil Record Book complying with that prescribed by the Convention, and at least for the period from arrival at the previous port of call until the ship leaves the scope of this Ordinance, at the latest when it enters the exclusive economic zone. If the Oil Record Book is maintained as part of the electronic logbook, subsections 1 to 3 shall be deemed to have been fulfilled if the electronic logbook has been approved by the competent entity of the state whose flag the ship is flying and is maintained in compliance therewith.

(5) On Zone 2 waterways in the North and Baltic Seas, the provisions of Annex I to the MARPOL Convention governing the maintenance of an Oil Record Book shall, in the case of vessels that are required to maintain an Oil Control Book under the provisions of the Waste Convention, be deemed to have been fulfilled if the Oil Control Book is maintained in a proper manner.

Section 5 Transfer of oil cargo between oil tankers at sea

(1) The master shall ensure that the information regarding STS operations required by paragraph 2 of regulation 42 of Annex I to the MARPOL Convention is provided in a timely manner to the local Waterways and Shipping Office via its vessel traffic service centre using VHF radio.

(2) The conduct of an STS operation on maritime waterways or the water areas listed in Section 3(1)(1) without the permission of the local Waterways and Shipping Office shall be prohibited. Permission shall be requested in writing in a timely manner and may have conditions or requirements attached to it.

Section 6 Oil, oily mixtures, oil residues

(1) Without prejudice to the provisions of the Waste Convention, the discharge of environmentally harmful oily mixtures on the water areas listed in Section 3(1)(1) shall be prohibited.

(2) A ship discharging oil or oily mixtures into the sea shall not be deemed to be proceeding en route within the meaning of paragraph 2, 3 or 6 of regulation 15 or paragraph 1 of regulation 34 of Annex I to the MARPOL Convention if it is conducting its voyage solely for the purpose of discharging these substances.

(3) The master or other person in charge of the ship shall not allow further connections overboard to be fitted to piping to and from tanks for oil residues as standard discharge connections referred to in regulation 13 of Annex I to the MARPOL Convention. A direct connection overboard shall also be deemed to exist if the oil filtering equipment required by paragraphs 1 and 2 of regulation 14 of Annex I to the MARPOL Convention is bypassed.

Unterabschnitt 2 Anlage II

Section 7 Cargo Record Book

(1) The master or other person in charge of the ship shall ensure that:

1. the operations described in Appendix 2 to Annex II are recorded without delay in the Cargo Record Book referred to in paragraph 1 of regulation 15 of Annex II to the MARPOL Convention;
2. each entry in the Cargo Record Book is signed without delay by the officer responsible for maintaining record books.

(2) The master shall, without delay, sign every page of the Cargo Record Book after the last entry on the page in question.

(3) The officer responsible for maintaining record books shall, without delay, sign the entries required by Appendix 2 to Annex II to the MARPOL Convention.

(4) Regulation 15 of Annex II to the MARPOL Convention shall, in the case of ships flying the flag of a state that is not a Party to Annex II to the MARPOL Convention, be deemed to have been fulfilled if the entries required by regulation 15 are made without delay, in their entirety and truthfully in the logbook or a Cargo Record Book complying with that prescribed by the Convention, and at least for the period from arrival at the previous port of call until the ship leaves the scope of this Ordinance, at the latest when it enters the exclusive economic zone. If the Cargo Record Book is maintained as part of the electronic logbook, subsections 1 to 3 shall be deemed to have been fulfilled if the electronic logbook has been approved by the competent entity of the state whose flag the ship is flying and has been maintained in compliance therewith.

(5) On Zone 2 waterways in the North and Baltic Seas, the provisions of Annex II to the MARPOL Convention governing the maintenance of a Cargo Record Book shall, in the case of vessels that are required to carry on board a discharge form under the provisions of the Waste Convention, be deemed to have been fulfilled if a valid discharge form is carried on board.

§ 8 Einleiten und vorläufige Bewertung von flüssigen Stoffen

(1) Ein Schiff ist bei der Einleitung von Stoffen der Gruppen X, Y oder Z nach Anlage II Regel 6 des MARPOL-Übereinkommens ins Meer nicht in Fahrt im Sinne von Anlage II Regel 13 Absatz 2.1, wenn es die Reise nur zur Einleitung dieser Stoffe durchführt.

(2) Die Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation ist für die vorläufige Bewertung eines für die Beförderung als Massengut noch nicht eingestuften flüssigen Stoffes nach Anlage II Regel 6 Absatz 3 des MARPOL-Übereinkommens zuständig. Sie kann dafür die Unterstützung des Umweltbundesamtes und des Bundesinstituts für Risikobewertung anfordern.

Unterabschnitt 3 Anlage IV

Section 9 Discharge of ship's sewage

(1) The discharge of ship's sewage into the sea in accordance with the clause preceding paragraph 1.1 of paragraph 1 and the clause preceding the second sentence of paragraph 3 of regulation 11 of Annex IV to the MARPOL Convention shall be prohibited:

1. outside the water areas listed in Section 3(1)(1) for ships engaged on a voyage from a German port to a German port:
 - a) for ships on maritime waterways;
 - b) for ships flying the flag of the Federal Republic of Germany, including seaward of the boundary of the maritime waterways;

2. in the Baltic Sea:

- a) for ships not listed in paragraph 1 of regulation 2 of Annex IV to the MARPOL Convention, including pleasure craft, if these ships are equipped with a toilet fitted with a toilet retention system, on maritime waterways;
- b) for ships referred to in para. 1(a) flying the flag of the Federal Republic of Germany, including seaward of the boundary of the maritime waterways.

(2) The master or other person in charge of the ship shall not navigate maritime waterways in the Baltic Sea with a ship, including a pleasure craft, that is equipped with a toilet and, in contravention of section 6b(1) of the Ship Safety Ordinance (SchSV), is not fitted with a sewage holding tank. If a ship is encountered in that region without the necessary equipment, the German Social Accident Insurance Institution for Commercial Transport, Postal Logistics and Telecommunications may, without prejudice to the first sentence:

1. order it to call at the nearest port; or
2. allow it to continue its voyage to leave the maritime waterways or to sail to a facility where retrofitting can be carried out.

To facilitate the staging of watersports events, the Federal Maritime and Hydrographic Agency may, at the request of the organizer, exempt participating vessels from the prohibition set out in the first sentence and attach conditions and (also retroactively) requirements to this decision.

Unterabschnitt 4 Anlage V

Section 10 Garbage Record Book

(1) The master or other person in charge of the ship shall ensure that the operations described in the first sentence of paragraph 3.1 or paragraph 3.4 of regulation 10 of Annex V to the MARPOL Convention are recorded in the Garbage Record Book referred to in the first sentence of paragraph 3 of regulation 10 of Annex V to the MARPOL Convention, with the information required by paragraph 3.2 of regulation 10 of Annex V to the MARPOL Convention.

(2) The master or other person in charge of the ship shall ensure that each entry is signed without delay in the Garbage Record Book by the officer responsible for maintaining record books.

(3) The master shall, without delay, sign every page of the Garbage Record Book after the last entry on the page in question.

(4) The officer responsible for maintaining record books shall, without delay, sign the entries required by the first sentence of paragraph 3.1 and paragraph 3.4 of regulation 10 of Annex V to the MARPOL Convention, at the latest on the day of entry.

(5) Paragraph 3 of regulation 10 of Annex V to the MARPOL Convention shall:

1. in the case of ships that are required to maintain a Garbage Record Book, also apply on the water areas listed in Section 3(1)(1);
2. in the case of ships flying the flag of a state that is not a Party to Annex V to the MARPOL Convention, be deemed to have been fulfilled if the entries required by paragraph 3 of regulation 10 are made without delay, in their entirety and truthfully in the logbook or a Garbage Record Book complying with that prescribed by the Convention, and at least for the period from arrival at the previous port of call until the ship leaves the scope of this Ordinance, at the latest when it enters the exclusive economic zone.

If, in the case referred to in para. 2 of the first sentence, the Garbage Record Book is maintained as part of the electronic logbook, subsections 1 to 4 shall be deemed to have been fulfilled if the electronic logbook has been approved by the competent entity of the state whose flag the ship is flying and is maintained in compliance therewith.

§ 11 Aushänge zur Müllbehandlung

Anlage V Regel 10 Absatz 1 des MARPOL-Übereinkommens über Aushänge zur Müllbehandlung gilt bei Schiffen mit einer Länge von 12 Metern und mehr und einer Bruttoreaumzahl von weniger als 100 oder einer Erlaubnis zur Beförderung von weniger als 15 Personen, die Sportboote oder Traditionsschiffe sind, als erfüllt, wenn

1. sich an Bord ein aktuelles gemeinsames Merkblatt des Bundesamtes für Seeschifffahrt und Hydrographie und von Verbänden des Wassersports über die umweltgerechte Abfallbehandlung und Entsorgung auf Schiffen oder ein solches Merkblatt eines Verbandes befindet, das mit dem Bundesamt für Seeschifffahrt

und Hydrographie oder dem Bundesministerium für Verkehr und digitale Infrastruktur abgestimmt ist, und

2. die an Bord befindlichen Personen darüber vor Antritt der Fahrt informiert worden sind.

§ 12 Fanggerät

Zuständige Behörde für die Meldung nach Anlage V Regel 10 Absatz 6 des MARPOL-Übereinkommens über den Verlust oder das Einbringen von Fanggerät ist das örtlich zuständige Wasserstraßen- und Schifffahrtsamt. Die Meldung hat an die Verkehrszentrale des Wasserstraßen- und Schifffahrtsamtes über UKW-Sprechfunk zu erfolgen.

Unterabschnitt 5 Anlage VI

Section 13 Compliance with the requirements to be met by low-sulphur marine fuel

(1) The master or other person in charge of the ship shall ensure that on the water areas listed in Section 3(1)(1) and within an Emission Control Area, only marine fuel that meets the requirements set out in the first sentence of paragraph 3.1.1.1, paragraph 3.1.1.2, 3.1.1.3 or 3.2.2.1 of regulation 18 in conjunction with paragraph 1.2, 1.3, 4.2 or 4.3 of regulation 14, paragraph 3.2.2.2 or 3.2.2.3 of regulation 18 of Annex VI to the MARPOL Convention is used.

(2) For ships flying the flag of the Federal Republic of Germany, the requirement to make entries in accordance with paragraph 6 of regulation 14 of Annex VI to the MARPOL Convention shall be deemed to have been met through the ship's logbook or engine room logbook referred to in Part B.II of Annex 1 to the Ship Safety Ordinance (SchSV).

(3) The master or other person in charge of the ship shall be required to check that the bunker delivery note is correct. After completion of bunkering operations, the persons referred to in the first sentence may not continue the ship's voyage unless a quantity of marine fuel with a maximum sulphur content in accordance with subsection 1 is on board that is sufficient for the intended voyage on the water areas listed in Section 3(1)(1) and in an Emission Control Area. This shall not apply in the cases referred to in subsection 5 or 6.

(4) River Police officers may, if they have reasonable suspicion, request that the master take samples or have samples taken from the fuel system, if this is feasible, and from sealed containers on board ships in order to determine whether marine fuel with a sulphur content exceeding that stipulated in subsection 1 has been used on the water areas listed in Section 3(1)(1) or within an Emission Control Area. The sample shall be analysed in accordance with DIN EN ISO 8754 (2003) or DIN EN ISO 14596 (2007) standards. The standards referred to in the second sentence have been published by Beuth-Verlag GmbH, Berlin and Cologne, and have been securely deposited in the archives of the German Patent and Trademark Office in Munich.

(5) Any decision on allowing equivalent alternatives within the meaning of regulation 4 of Annex VI to the MARPOL Convention to satisfy the requirements to be met by low-sulphur marine fuel shall be taken by the German Social Accident Insurance Institution for Commercial Transport, Postal Logistics and Telecommunications with regard to ship-related technical measures and by the Federal Maritime and Hydrographic Agency with regard to other, especially organizational, measures, subject to the following provisos:

1. Equivalents shall be allowed upon request as approval of an emission abatement method within the meaning of Article 2(3m) of the Sulphur Directive; approval may only be granted if the requirements set out in Article 4c(2), (3) and (4) of the Sulphur Directive are met.
2. Emission abatement methods approved in the methods described in Article 4d of the Sulphur Directive shall be deemed to have been approved.

(6) The German Social Accident Insurance Institution for Commercial Transport, Postal Logistics and Telecommunications may only issue an exemption in accordance with paragraph 2 of regulation 3 of Annex VI to the MARPOL Convention upon request provided that all of the conditions in Article 4e of the Sulphur Directive are met.

(7) The discharge of washwater from exhaust gas cleaning systems on maritime waterways and in the German exclusive economic zone shall be prohibited unless it can be demonstrated that the discharge of washwater will not have any significant adverse impact on human health and the environment. If the chemical used is sodium hydroxide, it will suffice that the washwater meets the criteria of the 2009 Guidelines for Exhaust Gas Cleaning Systems adopted by the Marine Environment Protection Committee of the International Maritime Organization (MEPC.184(59)) (Federal Ministry of Transport Gazette 2010, p. 341) and that its pH value is not more than 8.0.

(8) Subsections 1 to 4 shall not apply if section 4(5) of the Ordinance on the Quality and Labelling of Fuels

(BlmSchV) of 8 December 2010 (Federal Law Gazette I, p. 1849), as most recently amended by Article 1 of the Ordinance of 13 December 2019 (Federal Law Gazette I, p. 2739), is to be applied.

§ 14 Zuständige Behörde

Das Bundesamt für Seeschifffahrt und Hydrographie ist

1. zuständige Behörde im Sinne der Anlage VI Regel 18, ausgenommen Absatz 9.2 und 9.3, des MARPOL-Übereinkommens,
2. Verwaltung im Sinne der Anlage VI Regel 18 Absatz 2.4 und 8.2 des MARPOL-Übereinkommens.

Das Verzeichnis nach Anlage VI Regel 18 Absatz 9.1 des MARPOL-Übereinkommens wird mit den vom Lieferanten beantragten Angaben auf der Internetseite www.bsh.de geführt.

Section 15 Bunkering operations

(1) The supplier of a marine fuel or the person responsible for its delivery shall be obliged:

1. to take a representative sample of the marine fuel delivered during the bunkering operation;
2. to take the sample in accordance with paragraph 8.1 of regulation 18 of Annex VI to the MARPOL Convention and in accordance with the 2009 Guidelines for the Sampling of Fuel Oil for Determination of Compliance with the Revised MARPOL Annex VI adopted by the Marine Environment Protection Committee of the International Maritime Organization (MEPC.182(59)) (Federal Ministry of Transport Gazette 2010, p. 336);
3. to issue the master, on completion of bunkering operations, a bunker delivery note in accordance with Appendix V to Annex VI to the MARPOL Convention, specifying the marine fuel delivered, and to give him a sample taken during bunkering operations;
4. to retain a copy of the bunker delivery note for at least three years after its issuance;
5. to hand over the copy of the bunker delivery note to officials from the Federal Maritime and Hydrographic Agency and river police for purposes of inspection, if requested to do so;
6. to ensure that only marine fuel meeting the requirements set out in the first sentence of paragraph 3.1.1.1, paragraph 3.1.1.2, 3.1.1.3 or paragraph 3.2.2.1 of regulation 18 in conjunction with paragraph 1.2, 1.3, 4.2 or 4.3 of regulation 14, paragraph 3.2.2.2 or paragraph 3.2.2.3 of regulation 18 of Annex VI to the MARPOL Convention is supplied for use on board ships.

A sample shall be deemed to be representative if it meets the requirements set out in para. 2 of the first sentence or complies with an approved exemption.

(2) The master shall be obliged to ensure that on-board assistance is provided when the sample is being taken.

(3) The Federal Maritime and Hydrographic Agency may allow derogations from application of the guidelines referred to in para. 2 of the first sentence of subsection 1, either in general or on a case-by-case basis upon request, if the taking of the sample would otherwise endanger the ships involved, their crews or other persons.

Abschnitt 3

Ergänzende Bestimmungen zu dem AFS-Übereinkommen und seinen Anlagen

Section 16 Navigating rules

(1) The master or other person in charge of a ship flying the flag of a Member State of the European Union or a Party to the AFS Convention and which:

1. bears organotin compounds acting as biocides in anti-fouling systems on its hull or external parts or surfaces; or
2. does not bear a coating that forms a barrier to such compounds leaching from the underlying anti-fouling systems not complying with the requirements of the AFS Convention;

must not operate said ship in the exclusive economic zone, on the maritime waterways or the water areas listed in Section 3(1)(1). On the maritime waterways and the water areas listed in Section 3(1)(1), this shall also apply to a ship flying the flag of another state that is not a Party to the AFS Convention and that is calling at or leaving a German port. This shall be without prejudice to Article 18 of the United Nations Convention on the Law of the Sea of 10 December 1982 (Federal Law Gazette 1994 II, pp. 1798, 1799) on innocent passage.

(2) Subsection 1 shall not apply to ships engaged on a voyage to a facility to have their anti-fouling system renewed.

Section 17 Documents to be carried on board

The master shall be obliged to carry on board the documents referred to in paras. 1 and 2 and to present them for inspection if requested to do so by the officials of the competent authorities:

1. for ships flying the flag of a Member State of the European Union or a Party to the AFS Convention:
 - a) of 400 gross tonnage or more: an IAFS Certificate;
 - b) of less than 400 gross tonnage and 24 metres or more in length: an IAFS Declaration;
2. for ships flying the flag of another state that is not a Party to the AFS Convention and calling at or leaving a German port: a Statement of Compliance delivered by the Administration of the flag State which must be in accordance with Article 2(4) of Commission Regulation (EC) No 536/2008 of 13 June 2008 giving effect to Article 6(3) and Article 7 of Regulation (EC) No 782/2003 of the European Parliament and of the Council on the prohibition of organotin compounds on ships and amending that Regulation (OJ L 156, 14.6.2008, p. 10).

Abschnitt 4

Ergänzende Bestimmungen zu dem Ballastwasser-Übereinkommen und seiner Anlage

Section 18 Discharge of ballast water

(1) The discharge of ballast water into the sea and the water areas listed in Section 3(1)(1) shall be prohibited unless:

1. ballast water exchange has been performed in accordance with paragraph 1 of regulation D-1 of the Annex to the Ballast Water Convention in conjunction with paragraph 1.2 or 4 of regulation B-3 and paragraph 1 of regulation B-4 of the Annex to the Ballast Water Convention;
2. ballast water management has been conducted in accordance with paragraph 1 of regulation D-2 of the Annex to the Ballast Water Convention in conjunction with paragraph 1.2, 3, 4 or 5 of regulation B-3 of the Annex to the Ballast Water Convention;
3. in the cases referred to in Article 9(3) or Article 10(2) or (3) of the Ballast Water Convention, the Federal Maritime and Hydrographic Agency has granted permission after being requested to do so.

This shall not apply to inland waterway vessels operating on the water areas listed in Section 3(1)(1) or on Zone 1 and 2 water areas listed in Appendix I to the Inland Waterway Vessels (Surveys and Certification) Ordinance (BinnSchUO).

(2) For ships operating exclusively in the North Sea or in the Baltic Sea or between these maritime areas with no opportunity to exchange ballast water in accordance with regulation D-1 of the Annex to the Ballast Water Convention, the Federal Maritime and Hydrographic Agency may allow derogations, either in general or on a case-by-case basis upon request, if the Guidelines establishing Areas for the Exchange of Ballast Water (Federal Ministry of Transport Gazette 2011, p. 236) are complied with.

(3) The Federal Maritime and Hydrographic Agency may, upon request, grant exemptions in accordance with regulation A-4 of the Annex to the Ballast Water Convention if the Guidelines for Risk Assessment (Federal Ministry of Transport Gazette 2011, p. 546) are complied with.

(4) The German Social Accident Insurance Institution for Commercial Transport, Postal Logistics and Telecommunications and the river police forces of the federal states shall inform the Federal Maritime and Hydrographic Agency, providing the data listed in paras. 1, 3, 4 and 6 of the first sentence of section 9e(1) of the Maritime Shipping Responsibilities Act (SeeAufgG), of ships that have been inspected under Article 9 of the Ballast Water Convention or of violations detected within the scope of enforcing Article 10 of the Ballast Water Convention if there are indications that the ship represents a threat of harm to the environment, human health, property or resources.

§ 19 Zulassung des Ballastwasser-Behandlungsplans und von Ballastwasser-Behandlungssystemen

(1) Die Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation lässt den Ballastwasser-Behandlungsplan nach der Anlage Regel B-1 des Ballastwasser-Übereinkommens auf Antrag zu. Dabei beteiligt sie bei Bedarf das Bundesamt für Seeschifffahrt und Hydrographie.

(2) Bei der Zulassung von Ballastwasser-Behandlungssystemen nach der Anlage Regel D-3 oder von Prototypen von Ballastwasser-Aufbereitungstechnologien nach der Anlage Regel D-4 des Ballastwasser-Übereinkommens kann das Bundesamt für Seeschifffahrt und Hydrographie für die Bewertung toxikologischer, ökotoxikologischer und anderer umweltbezogener Risiken anerkannte Einrichtungen oder akkreditierte Labore heranziehen.

(3) Das Bundesamt für Seeschifffahrt und Hydrographie kann auf Antrag das Zulassungszeugnis für ein Ballastwasser-Behandlungssystem ändern, insbesondere die Zulassung auf einen anderen Inhaber übertragen.

Section 20 Documents to be carried on board

The master of a ship flying the flag of a state that is a Party to the Ballast Water Convention shall be obliged to carry the following documents on board and present them for inspection if requested to do so by the officials of the competent authorities:

1. the Ballast Water Management plan required by regulation B-1 of the Annex to the Ballast Water Convention;
2. the Ballast Water record book required by regulation B-2 of the Annex to the Ballast Water Convention.

Section 21 Ballast Water record book

(1) The master or other person in charge of the ship shall ensure that:

1. the operations described in paragraph 3 and the first sentence of paragraph 5 of regulation B-2 and paragraph 5 of regulation B-4 are recorded without delay in the Ballast Water record book required by paragraph 1 of regulation B-2 of the Annex to the Ballast Water Convention;
2. each entry in the Ballast Water record book is signed without delay by the officer responsible for maintaining record books;
3. the Ballast Water record book is kept on board as required by paragraphs 2 and 4 of regulation B-2 of the Annex.

(2) The master shall, without delay, sign every page of the Ballast Water record book after the last entry on the page in question.

(3) The officer responsible for maintaining record books shall, without delay, sign every entry required by the first sentence of paragraph 5 of regulation B-2 of the Annex to the Ballast Water Convention.

(4) Regulation B-2 of the Annex to the Ballast Water Convention shall, in the case of ships flying the flag of a state that is not a Party to the Ballast Water Convention, be deemed to have been fulfilled if the entries required by regulation B-2 are made without delay, in their entirety and truthfully in the ship's logbook or a Ballast Water record book complying with that prescribed by the Convention, and at least for the period from arrival at the previous port of call until the ship leaves the scope of this Ordinance, at the latest when it enters the exclusive economic zone. If the Ballast Water record book is maintained as part of the electronic logbook, subsections 1 to 3 shall be deemed to have been fulfilled if the electronic logbook has been approved by the competent entity of the state whose flag the ship is flying and has been kept in compliance therewith.

§ 22 Ballastwasser-Austauschgebiete

Das Bundesamt für Seeschifffahrt und Hydrographie kann Ballastwasser-Austauschgebiete im Sinne der Anlage Regel B-4 des Ballastwasser-Übereinkommens nach Maßgabe der Richtlinien für die Festlegung von Gebieten für den Ballastwasser-Austausch (VkB. 2011 S. 236) bestimmen. Dabei hört es vor der Konsultation angrenzender Staaten die betroffenen Küstenländer, das Umweltbundesamt und das Bundesinstitut für Risikobewertung an.

Abschnitt 4a

Ergänzende Bestimmungen zur Verordnung (EU) Nr. 1257/2013 und zum Übereinkommen von Hongkong

§ 23 Besichtigungen und Überprüfungen

(1) Die Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation führt die Besichtigungen und Überprüfungen gemäß der Verordnung (EU) Nr. 1257/2013 und gemäß dem Übereinkommen von Hongkong durch oder ermächtigt anerkannte Organisationen, diese Besichtigungen und Überprüfungen durchzuführen.

(2) Ermächtigt die Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation anerkannte Organisationen, Besichtigungen und Überprüfungen gemäß Absatz 1 durchzuführen, so stellt sie sicher, dass diese auch auf Ersuchen der zuständigen Behörde eines Hafenstaats, der Vertragspartei des Übereinkommens von Hongkong ist, oder eines Mitgliedstaates der Europäischen Union durchgeführt werden. In jedem Fall stellt sie sicher, dass Besichtigungen und Überprüfungen unter Berücksichtigung der anwendbaren Richtlinien der Internationalen Seeschifffahrts-Organisation erfolgen.

(3) Erneuerungsbesichtigungen sind alle fünf Jahre durchzuführen.

§ 24 Inventarbescheinigung und Recyclingfähigkeitsbescheinigung

(1) Inventarbescheinigungen und Recyclingfähigkeitsbescheinigungen werden von der Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation ausgestellt. In den Fällen des Artikels 9 Absatz 2 bis 4 der Verordnung (EU) Nr. 1257/2013 bestätigt die Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation oder eine von ihr ermächtigte anerkannte Organisation bestehende Inventarbescheinigungen und Recyclingfähigkeitsbescheinigungen mit einem entsprechenden Sichtvermerk. Die Inventarbescheinigung wird für einen Zeitraum von fünf Jahren ausgestellt.

(2) Die Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation kann die Geltungsdauer der Inventarbescheinigungen und Recyclingfähigkeitsbescheinigungen nach Maßgabe des Artikels 9 Absatz 7 und 8 sowie des Artikels 10 Absatz 5 der Verordnung (EU) Nr. 1257/2013 verlängern.

§ 25 Hafenstaatkontrolle

(1) Die Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation überprüft im Rahmen der Hafenstaatkontrolle nach § 6 Absatz 1 des Seeaufgabengesetzes in Verbindung mit § 12 der Schiffssicherheitsverordnung auch, ob eine der folgenden Bescheinigungen an Bord mitgeführt wird:

1. eine gültige Inventarbescheinigung nach Artikel 9 Absatz 1 der Verordnung (EU) Nr. 1257/2013 oder
2. eine Übereinstimmungsbescheinigung nach Artikel 12 Absatz 6 und 7 der Verordnung (EU) Nr. 1257/2013, sofern es sich um ein Schiff handelt, das die Flagge eines Drittstaates führt.

(2) Sofern im Rahmen der Hafenstaatkontrolle eine gültige Recyclingfähigkeitsbescheinigung vorgelegt werden kann, steht diese der Inventarbescheinigung gleich.

§ 26 Aufgaben des Bundesamts für Seeschifffahrt und Hydrographie

(1) Das Bundesamt für Seeschifffahrt und Hydrographie ist Kontaktstelle für sämtliche Anfragen im Zusammenhang mit in diesem Abschnitt geregelten Angelegenheiten. Sie benennt mindestens eine Kontaktperson, die dafür zuständig ist, natürliche oder juristische Personen, die um Auskunft ersuchen, zu informieren und zu beraten.

(2) Das Bundesamt für Seeschifffahrt und Hydrographie ist außerdem zuständig für die bilaterale und multilaterale Zusammenarbeit nach Maßgabe des Artikels 22 Absatz 2 der Verordnung (EU) Nr. 1257/2013 und für den Austausch von Informationen nach Maßgabe des Artikels 7 des Übereinkommens von Hongkong.

(3) Das Bundesamt für Seeschifffahrt und Hydrographie teilt jeden Wechsel der Kontaktpersonen und jede Änderung der Kontaktinformationen unverzüglich dem Bundesministerium für Verkehr und digitale Infrastruktur mit. Das Bundesministerium für Verkehr und digitale Infrastruktur informiert die Europäische Kommission und die Internationale Seeschifffahrts-Organisation unverzüglich über einen Wechsel der Kontaktpersonen und Änderungen der Kontaktinformationen.

(4) Das Bundesamt für Seeschifffahrt und Hydrographie erstellt die Berichte nach Maßgabe des Artikels 21 Absatz 1 der Verordnung (EU) Nr. 1257/2013 und des Artikels 12 des Übereinkommens von Hongkong für das Bundesministerium für Verkehr und digitale Infrastruktur. Das Bundesministerium für Verkehr und digitale Infrastruktur leitet die jeweiligen Berichte an die Europäische Kommission und die Internationale Seeschifffahrts-Organisation weiter.

§ 27 Aufgaben der Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation

(1) Für die deutsche Flaggenstaatsverwaltung ist die Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation die zuständige Verwaltung,

1. an die der Schiffseigner die Mitteilung nach Artikel 6 Absatz 1 Buchstabe b der Verordnung (EU) Nr. 1257/2013 zu richten hat,
2. der der Betreiber der Abwrackeinrichtung den Schiffsrecyclingplan nach Artikel 13 Absatz 2 Buchstabe a der Verordnung (EU) Nr. 1257/2013 zu übermitteln hat und
3. an die der Betreiber der Abwrackeinrichtung die Meldung nach Artikel 13 Absatz 2 Buchstabe b der Verordnung (EU) Nr. 1257/2013 zu richten hat.

(2) Die Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation übermittelt dem Bundesamt

für Seeschifffahrt und Hydrographie jährlich ein Verzeichnis, das Folgendes enthält:

1. eine Liste der anerkannten Organisationen, die dazu ermächtigt sind, Besichtigungen und Überprüfungen nach § 23 Absatz 1 durchzuführen, einschließlich der genauen Verantwortlichkeiten und Bedingungen, die mit der übertragenen Befugnis verbunden sind,
2. eine Liste der Schiffe, für die eine Recyclingfähigkeitsbescheinigung ausgestellt worden ist, einschließlich des Namens des Recyclingunternehmens und des Standorts der Abwrackeinrichtung entsprechend der Eintragung im Zeugnis, und
3. Informationen über Verstöße gegen die Vorschriften der Verordnung (EU) Nr. 1257/2013 und des Übereinkommens von Hongkong und Informationen über die entsprechend ergriffenen Maßnahmen.

Die Übermittlung des Verzeichnisses erfolgt jeweils zum 31. März des Jahres für das Vorjahr.

(3) Die Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation übermittelt dem Bundesamt für Seeschifffahrt und Hydrographie alle drei Jahre, jeweils bis zum 31. März des nach dem Berichtszeitraums liegenden Jahres, die Informationen, die nach Artikel 21 Absatz 1 Buchstabe a und b der Verordnung (EU) Nr. 1257/2013 erforderlich sind.

Abschnitt 5 Ordnungswidrigkeiten

Section 28 Administrative offences

(1) An administrative offence within the meaning of 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 Section 4(1)(1), Section 7(1)(1), Section 10(1) or Section 21(1)(1), does not ensure that an operation referred to therein is recorded;
2. in contravention of Section 4(1)(2), Section 7(1)(2), Section 10(2) or Section 21(1)(2), does not ensure that an entry is signed;
3. in contravention of Section 4(2), Section 7(2), Section 10(3) or Section 21(2), does not sign a record book page or does not do so in a timely manner;
4. in contravention of Section 4(3), Section 7(3), Section 10(4) or Section 21(3), does not sign an entry or does not do so in a timely manner;
5. in contravention of Section 5(1), does not ensure that a piece of information is provided;
6. conducts an STS operation without having permission under the first sentence of Section 5(2);
7. in contravention of Section 6(1), discharges an oily mixture;
8. in contravention of Section 6(3), allows further connections overboard to be fitted;
9. in contravention of Section 9(1), discharges ship's sewage;
10. in contravention of the first sentence of Section 9(2) or the first sentence of Section 16(1), navigates on a body of water listed therein;
11. in contravention of Section 13(1), does not ensure that only fuel specified therein is used;
12. in contravention of the second sentence of Section 13(3), continues the ship's voyage;
13. in contravention of the first sentence of Section 13(7), discharges washwater;
14. in contravention of para. 3 of the first sentence of Section 15(1), does not issue a bunker delivery note, or issues a bunker note that is incorrect or incomplete, or does not issue a bunker note in a timely manner, or does not provide a sample or does not provide a sample in a timely manner;
15. in contravention of para. 4 of the first sentence of Section 15(1), does not retain a copy of the bunker delivery note or does not retain it for at least three years;
16. in contravention of para. 5 of the first sentence of Section 15(1), does not hand over a copy referred to therein or does not hand it over in a timely manner;
17. in contravention of para. 6 of the first sentence of Section 15(1), does not ensure that only fuel specified therein is delivered;
18. in contravention of Section 15(2), does not ensure that onboard assistance is provided;
19. in contravention of Section 17 or Section 20, does not carry on board a document referred to therein or does not present this document or does not present it in a timely manner;
20. in contravention of Section 18(1), discharges ballast water; or

21. in contravention of section 21(1)(3), does not ensure that the Ballast Water record book is kept on board.

(2) An administrative offence within the meaning of Section 15(1)(5)(a) of the Maritime Shipping Responsibilities Act (SeeAufgG) shall be deemed to have been committed by anyone who violates the International Convention for the Prevention of Pollution from Ships, 1973, and the Protocol of 1978 relating thereto (Federal Law Gazette 1982 II, pp. 2, 4, 24; 1996 II, p. 399, Annexes; 2009 II, pp. 995, 996), as most recently amended by Resolution MEPC.193(61) of 1 October 2010 (Federal Law Gazette 2013 II, pp. 1098, 1099) by, either intentionally or negligently:

1. in contravention of Article 8(1) in conjunction with Article I(1) in conjunction with Article II(1), Article III or Article V(1), in each case also in conjunction with Article I(2), of Protocol I, not reporting the discharge of harmful substances into the sea to the Maritime Emergency Reporting and Assessment Centre of the Central Command for Maritime Emergencies Germany, or reporting it incorrectly or incompletely, or not reporting it in a timely manner;
2. in contravention of the second sentence of paragraph 4.3 of regulation 6 of Annex I, not informing the competent authority of the port State or not informing it in a timely manner;
3. as master or other person in charge of the ship, in contravention of the third sentence of paragraph 3 of regulation 14 of Annex I, not retaining oily bilge water on board;
4. in contravention of paragraph 1, 2, 3, 4 or 6 of regulation 15, paragraph 1 or 3 of regulation 34 or paragraph 2.3 of regulation 39 of Annex I, discharging oil or oily mixture into the sea;
5. as master or other person in charge of the ship, in contravention of paragraph 9 of regulation 15 or paragraph 9 of regulation 34 of Annex I, not retaining oil residues on board;
6. in contravention of paragraph 1 or paragraph 3 of regulation 16 of Annex I, carrying ballast water or oil;
7. as master or other person in charge of the ship, in contravention of the first sentence of paragraph 1 of regulation 17, the first sentence of paragraph 1 of regulation 36 or paragraph 1 of regulation 37, not carrying on board an Oil Record Book or an emergency plan;
8. as master or other person in charge of the ship, in contravention of the first half-sentence of the first sentence or the second sentence of paragraph 6 of regulation 17 or paragraph 7 of regulation 36 of Annex I, not retaining an Oil Record Book, retaining it incorrectly or not retaining it for at least three years;
9. in contravention of the clause preceding paragraph 6.1 of paragraph 6 of regulation 30 of Annex I, discharging ballast water or oil-contaminated water;
10. as master or person otherwise responsible for maintaining record books, in contravention of paragraph 2.2 of regulation 39 of Annex I, not keeping a record of an operation referred to therein;
11. in contravention of the first half-sentence of paragraph 1 of regulation 43 of Annex I, carrying or using a substance referred to therein;
12. in contravention of the second sentence of paragraph 3.3 of regulation 8 of Annex II, not informing the competent authority or not informing it in a timely manner;
13. in contravention of paragraph 1.1 or paragraph 1.3 of regulation 13 of Annex II, discharging into the sea a substance, residues of a substance referred to therein, ballast water, tank washings or any other mixture;
14. as master or other person in charge of the ship, in contravention of the first sentence of paragraph 6.1.1 or the first sentence of paragraph 7.1.2 of regulation 13 of Annex II, not prewashing a tank or not prewashing it in a timely manner;
15. as master or other person in charge of the ship, in contravention of the second or third sentence of paragraph 6.1.1 or the second sentence of paragraph 7.1.2 of regulation 13 of Annex II, not discharging residues or tank washings referred to therein, discharging them incorrectly or not discharging them in a timely manner;
16. as master or other person in charge of the ship, in contravention of paragraph 1 of regulation 15 or paragraph 1 of regulation 17 of Annex II, not carrying on board a Cargo Record Book or an emergency plan;
17. as master or other person in charge of the ship, in contravention of the first half-sentence of the first sentence or the second sentence of paragraph 5 of regulation 15 of Annex II, not retaining a Cargo Record Book, retaining it incorrectly or not retaining it for at least three years;
18. in contravention of the clause preceding paragraph 1.1 of paragraph 1 or the clause preceding the second sentence of paragraph 3 of regulation 11 of Annex IV, discharging sewage into the sea;
19. in contravention of regulation 3 or paragraph 1 of regulation 5 of Annex V, discharging garbage into the sea;

20. as master or other person in charge of the ship, in contravention of paragraph 1.1 in conjunction with paragraph 1.2 of regulation 10 of Annex V, not displaying a placard referred to therein or not displaying it before the start of the voyage;
21. as master or other person in charge of the ship, in contravention of the first sentence in conjunction with the second or third sentence of paragraph 2 of regulation 10 of Annex V, not carrying on board a garbage management plan or carrying a garbage management plan that is incorrect or incomplete;
- 21a. as master or other person in charge of the ship, in contravention of paragraph 3.3 of regulation 10 of Annex V, not retaining a Garbage Record Book, not retaining it correctly or not retaining it for at least three years;
22. as master or other person in charge of the ship, in contravention of paragraph 6 of regulation 10 of Annex V, not submitting a report referred to therein, submitting a report that is incorrect or incomplete, or not submitting a report without delay;
23. as master or officer responsible for maintaining record books, in contravention of the first sentence of paragraph 6 in conjunction with paragraph 7 of regulation 12 of Annex VI, not maintaining a record book or maintaining a record book that is incorrect or incomplete;
24. in contravention of paragraph 3, 4 or 5.1.1 of regulation 13 of Annex VI, operating a marine diesel engine;
25. as master or other person in charge of the ship, in contravention of the first sentence of paragraph 6 of regulation 14 of Annex VI, not carrying a written procedure referred to therein or carrying a written procedures that is incorrect or incomplete;
26. as master or officer responsible for maintaining record books, in contravention of the second sentence of paragraph 6 of regulation 14 of Annex VI, not making an entry, making an entry that is incorrect or incomplete, or not making an entry in a timely manner;
27. as master or other person in charge of the ship, in contravention of the first sentence of paragraph 6 of regulation 15 or the first sentence of paragraph 1 of regulation 22 of Annex VI, not carrying on board a plan referred to therein;
28. in contravention of paragraph 1, 2 or 3 of regulation 16 of Annex VI, incinerating a substance on board a ship;
29. as master or officer responsible for maintaining record books, in contravention of paragraph 5 of regulation 18 of Annex VI, not making a record or making a record that is incorrect or incomplete;
30. as master or other person in charge of the ship, in contravention of paragraph 6 of regulation 18 of Annex VI, not retaining the bunker delivery note, not retaining it correctly or not retaining it for at least three years; or
31. as master or other person in charge of the ship, in contravention of the second sentence of paragraph 8.1 of regulation 18 of Annex VI, not retaining a sample or not retaining it for the prescribed period.

(3) An administrative offence within the meaning of section 15(1)(5)(a) of the Maritime Shipping Responsibilities Act (SeeAufgG) shall be deemed to have been committed by anyone who, as master or other person in charge of the ship, intentionally or negligently and in contravention of paragraph 1 of regulation B-2 of the Annex to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (Federal Law Gazette 2013 II, pp. 42, 44; 2017 II p. 1239), does not carry on board a Ballast Water record book.

(4) Responsibility for the prosecution and punishment of administrative offences is transferred to:

1. the Federal Waterways and Shipping Agency in the cases referred to subsection 1(5) and (6) and subsection 2(1), (2), (12) and (22);
2. the Federal Maritime and Hydrographic Agency in the other cases referred to in subsections 1, 2 and 3.

Abschnitt 6 Schlussbestimmungen

§ 29 Bekanntmachungserlaubnis

Das Bundesministerium für Verkehr und digitale Infrastruktur kann den jeweils geltenden Wortlaut der amtlichen deutschen Fassung des MARPOL-Übereinkommens, des AFS-Übereinkommens und des Ballastwasser-Übereinkommens im Verkehrsblatt bekannt machen.

§ 30 Übergangsvorschrift zur Anwendung der Verordnung (EU) Nr. 1257/2013

(1) Die Vorschriften der Verordnung (EU) Nr. 1257/2013, die sich auf die Zulassung des Recyclings von Schiffen in den in der europäischen Liste aufgeführten Abwrackeinrichtungen beziehen, sind in Verbindung mit den Vorschriften des Abschnitts 4a anzuwenden.

(2) Absatz 1 ist ab dem Tag, der sich gemäß Artikel 32 Absatz 1 in Verbindung mit Absatz 3 der Verordnung (EU) Nr. 1257/2013 ergibt, nicht mehr anzuwenden. Das Bundesministerium für Verkehr und digitale Infrastruktur gibt den Tag nach Satz 1 im Bundesgesetzblatt bekannt.