FAQ about the Coronavirus

We as the German Flag also have the responsibility to prevent further spread of the coronavirus. Therefore, we have decided to reduce ship surveys to a minimum and to temporarily issue certificates without on-site inspection. For Seafarers facilitating measures are in place in relation to their certificates of competency and proficiency. The most important information regarding this is given in an official statement by the German Flag.

In the FAQ below, we answer all important questions about the implications of COVID-19 for seafarers and shipping companies. If you have any further questions, please contact us via feedback@deutsche-flagge.de

Maritime Medicine

What advice does the Maritime Medical Service have for seafarers and shipping companies regarding the coronavirus?

The Maritime Medical Service of BG Verkehr gives the following advice to seafarers and shipowners on how to protect oneself from the virus and what to do in the event of suspected cases.

- The "Medizinisches Handbuch See" by the Maritime Medical Service of BG Verkehr contains direct recommendations for hygienic measures to be taken when treating possibly infected persons on board. Which include among others
  - for the person treating the patient:
    - Personal protection by wearing the personal protection equipment (PPE) on board, e.g. examination gloves, face masks covering mouth and nose as well as disposable apron
    - Hand hygiene with virucidal disinfectant (no. 18.01 of the German medicine chest) to avoid transmission of pathogens
  - for the patient:
    - Isolation measures of infected persons or those suspected of being infected and people they have been in contact with
  - for medical rooms on board
    - Hygiene measures in rooms and for facilities used for medical purposes

- The necessary information about the procedure when contacting the radio medical advice service and cooperation with the port health authorities, including the required reporting procedures, are given in the "Medizinische Handbuch See". The "Medizinische Handbuch See" is available at Dingwort Verlag and can be ordered on its website (https://dingwort-verlag.de/medizin/). The English version will be available from spring.

- In the event of suspected cases, contact the radio medical advice service TMAS Cuxhaven as early as possible where you will receive further advice on the treatment of the ill person.
- On a European level, the working group "EU Healthy Gate joint action consortium" has compiled preliminary recommendations for shipping companies when dealing with the Corona virus. Pages 2-8 of the "Interim Advice for ship operators" contain direct recommendations for cruise ships, page 9-11 for cargo ships.
- If there is a suspected case on board a ship that will call on a German port, please contact the port health authorities prior to the arrival. Their experts will inform you about further measures. The contact data for the port
Where do I find concrete advice on dealing with the coronavirus on board sea-going vessels?

Information about the right hygiene and measures in case of a suspect case or a case of illness can be found for example in

- Maritime Medical Handbook of BG Verkehr,
- in the "Interim Advice for ship operators" by the working group "EU Healthy Gateways joint action consortium" (recommendations for operators of cargo ships on page 9-11).

Should all seafarers embarking get tested for COVID-19 prior to starting their service?

The answer to this question depends on the individual situation of the shipping company - for example the area of operation. Our recommendation for seafarers and shipping companies is to clarify this issue with their company physician.

In any case, it is important that seafarers have adhered to the requirements of the Federal Republic of Germany and the Federal States regarding the containment of the Corona Pandemic (rules for keeping distance and hygiene, contact restrictions etc.) prior to embarking.

Do seafarers have to undergo a 14-day quarantine when they return from service time on board a ship on international voyages?

Legally, seafarers are not obligated to undergo a 14-day quarantine after they were working on a ship abroad and do not have any COVID-19 symptoms. This exception is stipulated in Sec. 3 No. 3 of the German "Muster-Verordnung zu Quarantänemaßnahmen für Ein-und Rückkreisende zur Bekämpfung des Coronavirus" ("Mitarbeiter von Schiffsunternehmen oder als Besatzung von Schiffen"). This model ordinance has been implemented in Federal State law by the respective Federal States of Germany. In these ordinances of the individual Federal States regulate the discontinuation of a quarantine obligation when returning from an EU State. These ordinances are continuously adjusted depending on the Corona developments and amended accordingly; the easiest way to find them is via the website of the Federal Government.

As seafarers had contact with other persons apart from the crew while at a port and on their way back home from the ship, a 14-day quarantine at home, as is currently still mandatory for other people entering the country from outside the EU, is also principally sensible for seafarers. Therefore, they should contact the human resources department of their shipping company to find out whether this is feasible in their case.

What happens if a medical certificate expires or has already expired?

Up to the 30 June 2020 the general exception applies that German medical fitness for sea service certificates with a regular validity period of two years (one year for underage crew members), which expired on or after 1st January 2020 or will soon expire, are automatically extended until 30 June 2020.

Medical Fitness Certificates expiring after 30 June 2020 have to be renewed with a medical examination. The list of recognized medical practitioners who currently conduct medical fitness examinations (almost all of them) is given on our website.
The validity of my fitness for sea service was limited to under two years for health reasons – does the extension until 30 June 2020 apply to me as well?

No, you have a health disorder that requires monitoring to avert any risks for you. Please contact your recognized medical practitioner.

Do the medical fitness for sea service examinations take place at the moment?

Yes. Only very few recognized medical practitioner is currently not conduction examinations. You can find the list of recognized medical practitioners who currently conduct examinations on our website.

Do the medical refresher course take place again?

Yes, the courses take place again. The current overview of courses can be found on our website.

Does the on board pharmacy have to be supplemented

No, In the current State of Medical Knowledge the treatment of infectious diseases including those affecting the respiratory system is considered. Special medicine treating a COVID-19 infection does not yet exist.

Is there still an EU export stop of medical protective equipment that applies to deliveries for on-board pharmacies?

No, the temporary Implementing Regulation of the EU was not extended and therefore does not apply anymore. Thus, there are no more European export restrictions for medical protective equipment. Pharmacies can send the required medical products and medicines abroad.

Seafarer's documents (competency)

What happens if my certificate of competency or proficiency expires or has already expired?

German certificates of competency and proficiency and proofs of qualification expiring prior to the 1st September 2020 are granted a general extension of validity by 6 months. This general extension has been announced in the official statement by the German Flag.

What happens if my German endorsement for my foreign certificate of competency expires?

The validity of all endorsements of recognition expiring prior to the 1st September 2020 are granted a general extension of validity of up to 6 months in accordance with the specific COVID-19 related measures taken by the respective issuing Administration of the CoC. This general extension has been announced in the official statement by the German Flag.

Do I have to apply for this extension of validity?

No, the extension of validity is generally applicable, an individual application is not required. This general extension has been announced in the official statement by the German Flag.

Should I still apply for an extension of validity?
Yes, we actually explicitly ask you to apply with the usual relevant application form for an extension of validity for 5 years. The application forms are still accepted and will be processed as far as the current situation allows.

**What happens if a mandatory refresher course does not take place?**

If your certificate of competency or proficiency will soon expire and the refresher course or simplified radio examination you were already registered for does not take place due to COVID-19, you submit your application as usual together with your registration for the refresher course and/or simplified radio examination and the cancellation of the course to the Federal Maritime and Hydrographic Agency (BSH). If all other requirements are fulfilled, your certificate will be regularly extended for 5 years and you will be asked to submit proof of having visited a refresher course and/or the simplified radio examination within 6 months. This general regulation has been announced in the official statement by the German Flag.

Regarding **medical** refresher courses, you can find a question/answer in our FAQ-heading "Maritime Medicine".

**What happens if a mandatory safety course as prerequisite for the initial issuance of a certificate of competency or proficiency does not take place due to COVID-19?**

All mandatory safety courses have to be successfully completed for the initial issuance of a certificate. For safety reasons, no exceptions can be made.

**What happens if another mandatory course as prerequisite for the initial issuance of a certificate of competency or proficiency or proof of qualification does not take place due to COVID-19?**

All mandatory courses (service on tankers, passenger ships, IGF ships, ships in polar waters, security related training SRT, Ship Security Officer SSO) have to be successfully completed for the initial issuance of a certificate of competency or proficiency or proof of qualification for the deployment on board in the relevant service position. No exceptions can be made.

**What happens if the medical examination for fitness for sea service required for the extension of the certificate of competency or proficiency or proof of qualification does not take place due to COVID-19?**

Regarding medical fitness examinations, you can find several questions/answers under our FAQ-heading "Maritime Medicine".

**What happens if the medical examination for fitness for sea service required for the initial issuance of the certificate of competency or proficiency or proof of qualification does not take place due to COVID-19?**

Service on board a ship is not possible without a medical fitness certificate.

**Surveys · Certificates**

**What happens if certificates for sea-going ships under German flag will soon expire or have already become invalid?**

Just like before the outbreak of the Corona Pandemic, an inspection of the ships by surveyors of the recognized classification society or the Ship Safety Division of BG Verkehr is required to issue and renew ship certificates. Surveys to reaffirm a certificate (intermedia surveys) are also necessary again.
Only in exceptional cases - if for example no surveys are possible in a port because of COVID-19 protective measures - the German Flag can on a case-to-case basis and after verification of the following documents forgo a survey:

- Declaration of the shipowner which circumstances / special conditions due to COVID-19 restrictions render a survey impossible.

- Declaration/Recommendation by the responsible classification society of the ship including reference to the last class report

- Evaluation of existing class conditions for the ship by the responsible classification society

- Access to the report of the last bottom inspection indicating either IW (In Water) or Dry-Docking

- Evaluation of the results from the data bases of the respective Port State Control Regime (PSC-MoU's)

- Evaluation of the last ISM Audit Report

- For Non-Convention-Ships (= not subject to international conventions such as SOLAS etc.) and fishing vessels of more than 24 m in length: Evaluation of last Flag State Report.

In these exceptional cases, the German Flag can issue electronic short term certificates up to the time that a survey of the ship is possible. In these exceptional cases, the shipping companies still have to meet all technical and operational requirements on their ships.

Do ship certificates remain valid if intermediate surveys are cancelled due to the coronavirus?

A postponement of the survey is only admissible as exception on a case-to-case basis under particular conditions (compare first questions of “Surveys · Certificates”).

For the Safety Management Certificate (SMC) according to the ISM Code, the following applies: If it is foreseeable that once the entire audit window of one year is up, it will not be possible to conduct an intermediate audit, we ask the shipping companies concerned to direct this issue at the Ship Safety Division of the BG Verkehr via email to: ism@bg-verkehr.de.

What to do if I cannot carry out the internal ISM audit within the specified period?

The Company should carry out internal safety management audits on board (ISM Code 12.1) at intervals not exceeding twelve months. In justified exceptional circumstances this interval may be exceeded by not more than three months. If it is also not possible to conduct it during this extension period due to national and international protective measures against corona, the internal verification can be postponed beyond the final deadline, provided that

- the verification will be conducted at the next reasonable safe occasion,
- the reason for the postponement is duly documented at the ship’s log book.

The German Flag (Ship Safety Division of BG Verkehr) has no objection if the internal verification will be exceptionally conducted internally by vessel’s command in accordance with the internal guidelines of the company.
Maritime Labour Law (MLC)/Crew/Crew change

I am a seafarer - am I entitled to shore leave?

Normally, seafarers are entitled to shore leave during their off-duty time (section 35 of the German Maritime Labour Act) if the safety of the ship and its crew members allow it. The seafarers require individual permission by the master, or in his/her place by the responsible superior officer. The entitlement does not apply if

- health or other authorities of the port State prohibit shore leave as part of their protection measures regarding COVID-19;
- the master sees the safety of his or her ship and his or her crew members at risk due to the coronavirus

How can seafarers currently be granted leave i.e. vacation?

Normally, the seafarer’s wishes regarding leave should be taken under consideration when the shipping company plans vacation times. Moreover, if possible, leave should be taken after six months of consecutive service on board, at the latest by the end of the employment year (the exact regulation of leave time is given in section 58 of the German Maritime Labour Act). However, if a safe relief of the crew member is currently not possible because of the Corona pandemic e.g. due to national or other measures of protection in the individual port, a crew member has to work on board for longer than six months. There may be different bargaining agreements in place regarding situations like these – in this case, a joint solution with the bargaining partners should be sought.

May seafarers stay on board for longer than 12 months as a current exception?

Yes, it is currently admissible that seafarers may stay on board for longer than 12 months as an exception because of the Corona pandemic. According to section 58 of the German Maritime Labour Act shipping companies have to grant seafarers their leave until the end of the employment year. Due to the ongoing travel restrictions, shipping companies cannot always repatriate their seafarers in time before the fixed-term employment agreement expires. Under the following conditions, it is admissible as an exception for seafarers to remain on board for longer than 12 months in order to maintain the safe operation of the ship:

- The crew members concerned must individually agree to remain on board for longer than originally contractually agreed upon.
- The fixed-term employment agreement must be extended or renewed so that the seafarers always have a valid employment agreement.
- The seafarer must have the opportunity to review and seek advice on the terms and conditions in the agreement before signing.
- New requirements of the current bargaining agreement may have to be considered when extending or renewing employment agreements. **If possible, a total time of 14 months on board after the commencement of service should not be exceeded.** The maritime bargaining partners - if possible - should be involved in the process of extending and renewing employment agreements.
- No seafarer shall loose his or her repatriation or annual leave entitlements (including the leave earned during the extended duration of the contract).
- The copies of the individual employment agreements shall be kept on board (compare sec. 29 of the German Maritime Labour Act).
- The ship management and the shipping company must put in place appropriate safeguards to avoid fatigue (e.g. by referring to the MSC.1/Circ.1598 Guidelines on Fatigue, adjustment of the risk assessment).
- The shipping company has to ensure the safe repatriation of the crew members as soon as possible.
- The ship management and shipping company should plausibly document their attempts to organize crew changes (incl. planned but failed attempts and the planning for next opportunities in the following port) as well as plausibly demonstrate the safeguards implemented on board and keep the appropriate records available on board.
- The documentation should clearly show to Port State Control Officers the consensual extension of the employment agreements due to the Corona situation.

What should be done if seafarers are not yet on board for over 12 months and their employment agreements expire, however, they cannot leave the ship due to
Corona restrictions?

Seafarers can extend or renew their employment agreement on board due to Corona under the following conditions:

- The crew members concerned must individually agree to remain on board for longer than originally contractually agreed upon.
- The fixed-term employment agreement must be extended or renewed so that the seafarers always have a valid employment agreement.
- The seafarer must have the opportunity to review and seek advice on the terms and conditions in the agreement before signing.
- New requirements of the current bargaining agreement may have to be considered when extending or renewing employment agreements. **If possible, a total time of 14 months on board after the commencement of service should not be exceeded.** The maritime bargaining partners - if possible - should be involved in the process of extending and renewing employment agreements.
- No seafarer shall lose his or her repatriation or annual leave entitlements (including the leave earned during the extended duration of the contract).
- The copies of the individual employment agreements shall be kept on board (compare sec. 29 of the German Maritime Labour Act).
- The ship management and the shipping company must put in place appropriate safeguards to avoid fatigue (e.g. by referring to the MSC.1/Circ.1598 Guidelines on Fatigue, adjustment of the risk assessment).
- The shipping company has to ensure the safe repatriation of the crew members as soon as possible.
- The ship management and shipping company should plausibly document their attempts to organize crew changes (incl. planned but failed attempts and the planning for next opportunities in the following port) as well as plausibly demonstrate the safeguards implemented on board and keep the appropriate records available on board.
- The documentation should clearly show to Port State Control Officers the consensual extension of the employment agreements due to the Corona situation.

What do I currently have to observe regarding repatriation of a seafarer after an extraordinary notice by the seafarer, e.g. due to an urgent family matter?

A repatriation after an extraordinary notice by a crew member has to be organised by the shipowner and the passport/identity documents must be handed over (German Maritime Labour Act, Sec. 76). Due to the Corona pandemic, delays in the arrangement of the repatriation by the shipowner can occur. The seafarer must accept such delays if they occur due to the protection measures against the virus in the ports.

I am a trainee as ship mechanic. Does my shipowner still have to pay me even if I do not go to vocational school or aboard right now?

Yes, in this case, the shipowner has to continue to pay the remuneration for at least six weeks. This legal right is stipulated in Sec. 85 Para. 2 Sentence 2 of the German Maritime Labour Act which refers to Sec. 19 of the German “Berufsbildungsgesetz” (BBiG). In Sec. 19 Para. 1 of the BBiG both versions are listed that apply exactly to the current situation, namely if a trainee:

- holds him- or herself in readiness for the vocational training, but it is cancelled (currently due to school closure as a consequence of the coronavirus) or
- due to no failure of him- or herself cannot uphold the obligations of the vocational training relationship (currently no service possible on board due to restrictions in the ports as a consequence of the coronavirus).

Should all seafarers embarking get tested for COVID-19 prior to starting their service?

The answer to this question depends on the individual situation of the shipping company - for example the area of operation of the ships. We recommend seafarers and shipping companies to discuss the issue with their company physician.

In any case, it is important that seafarers have adhered to the requirements of the Federal Government and the Federal States regarding the containment of the Corona Pandemic (rules for keeping the distance and hygiene,
contact restrictions etc.) prior to embarking the ship.

Do seafarers have to undergo a 14-day quarantine when they return from service time on board a ship on international voyages?

Legally, seafarers are **not** obligated to undergo a 14-day quarantine after they were working on a ship abroad and do not have any COVID-19 symptoms. This exception is stipulated in Sec. 3 No. 3 of the German "Muster-Verordnung zu Quarantänemaßnahmen für Ein-und Rückreisende zur Bekämpfung des Coronavirus" ("Mitarbeiter von Schiffsunternehmen oder als Besatzung von Schiffen"). This model ordinance has been implemented in Federal State law by the respective Federal States of Germany. In these ordinances of the individual Federal States regulate the discontinuation of a quarantine obligation when returning from an EU State. These ordinances are continuously adjusted depending on the Corona developments and amended accordingly; the easiest way to find them is via the website of the Federal Government.

As seafarers had contact with other persons apart from the crew while at a port and on their way back home from the ship, a 14-day quarantine at home is currently still mandatory for other people entering the country from outside the EU, is also principally sensible for seafarers. Therefore, they should contact the human resources department of their shipping company to find out whether this is feasible in their case.

Can foreign seafarers travel to Germany to change crew?

Yes, seafarers from abroad are free to travel to Germany to commence their service on board a sea-going vessel in a German port. Seafarers do not have to enter into a 14-day quarantine but can travel directly e.g. from the airport to their ship in the port.

For this to run smoothly:

- ship agents or the human resources department of a shipping company should announce to the respective division of the Federal Police that the seafarers will enter the country and
- as the seafarer is entering Germany, he or she should state that the journey will be directly to the ship.

Who can I contact if the crew relief / crew change in a port is prevented or made difficult by local authorities due to protective measures?

Please contact:

- the German missions abroad in the state of the port,
- the locally attending agency,
- if applicable, the local correspondent of the P&I Club,

If local authorities abroad prevent crew relief or crew changes on board sea-going ships under German flag due to the coronavirus. Germany has a network of more than 200 embassies and consulates-general as well as more than 330 unpaid honorary consuls helping Germans abroad. However, this support is limited because the laws of the respective foreign State have to be considered.

Further important information about voyages in times of the coronavirus:
https://www.auswaertiges-amt.de/de/service/buergerservice-faq-kontakt

How can I minimize the risk of infection on board during port calls?

In its Circular Letter N.4204/Add.16, which was published on 6 May 2020, the IMO offers advice and recommendations for ship crews to reduce the risk of infection with the coronavirus during on-board visits while the ship is in the port by people working ashore - for example during controls.
Safety · Security

What to do if I cannot carry out the internal ISM audit (ISM Code 12.1) within the specified period?

The Company should carry out internal safety management audits on board at intervals not exceeding twelve months. In justified exceptional circumstances, this interval may be exceeded by not more than three months. If it is also not possible to conduct it during this extension period due to national and international protective measures, the internal verification can be postponed beyond the final deadline, provided that

- the verification will be conducted at the next reasonable safe occasion,
- the reason for the postponement is duly documented at the ship’s log book.

The Ship Safety Division has got no objection if the internal verification will be exceptionally conducted internally by vessel’s command in accordance with the internal guidelines of the company.

Can I take protective measures when carrying out safety exercises and training on board?

For the time being, deviations from the existing procedures of your own safety management system - and thus also from individual SOLAS requirements - can be made in order to keep the number of crew members taking part in an exercise or training as small as necessary. For this it is necessary that

- an alternative training or further education on the same topic takes place,
- the reasons for the deviations are documented in the ship's logbook or safety management system.

What happens if servicing activities, e.g. on liferafts, are currently not possible?

A shipping company has to apply for an extension of the service term for liferafts at the Ship Safety Division of BG Verkehr (nautik@bg-verkehr.de) if the land-based maintenance cannot be carried out at the moment because of restrictions due to the Corona Pandemic. The shipping company has to present comprehensibly why the maintenance or servicing activities were not possible in this exceptional case.

How do ferry shipping companies in particular have to inform their passengers on international voyages about the coronavirus?

All shipping companies carrying passengers on sea-going ships from abroad to Germany have to handout a guidance document about preventative measures against the coronavirus. The Federal Ministry of Health has stipulated this procedure in these relevant orders.

Port State Control

Are there any port State controls in German ports at the moment?

Yes, since the beginning of June port state control inspections regularly take place in German ports. However, this is done under adherence of special protective measures for officers and crew.

What does currently happen if German port State control officers (PSCO) discover expired certificates on board?
During Port State Control Inspections in German ports, the procedure regarding issues arising from dealing with COVID-19 that was agreed upon by Paris MoU is considered. Detailed information can be found on the website www.parismou.com.

**Flag topics · Flag register**

**What can I do if I cannot submit documents for an application in their original form?**

Until further notice, documents will also be accepted by e-fax.

**How can I submit documents if e-fax is not available to me?**

Until further notice, documents can be submitted as pdf by e-mail. The BSH reserves the right to request the originals at a later date.