

## COVID-19 Guidance updated (19.06.2020)

COVID-19, more commonly known as the coronavirus, has developed into a global pandemic. In order for maritime shipping to continue its operations, shipping companies should undertake measures to protect their members of crew and passengers. In the new guidance document "Coronavirus (COVID-19) - Guidance for Ship Operators for the Protection of the Health of Seafarers", the International Chamber of Shipping ICS explains the right protection measures for the novel coronavirus and how to react if a case of illness or a suspect case occurs on board.

In the guidance document, it is explained how seafarers should generally protect themselves preventatively, especially with hygienic preventative measures such as regular hand washing and the right conduct when coughing and sneezing (i.e. with a tissue or into the crook of the arm). Following the recommendation of the World Health Organization (WHO), ICS also assess that wearing masks on board in general should not be mandatory. Where it is not possible to keep the necessary distance, it is recommendatory however. The Guidance introduces different ways to create a mouth-nose cover yourself.

On their website and in Annex A, ICS provides posters that can be put up by ship operators on board their ships for information purposes for crew and passengers. The crew should be informed about how to deal with suspect and confirmed cases. A ship-specific outbreak management plan should be developed for concrete guidance of the crew. In addition, WHO developed a guide directed in particular at authorities dealing with COVID-19 outbreaks.

Additionally, the Guidance provides specific and important advice for persons responsible for medical care on board the ship. Personal protection with suitable protective equipment, effective isolation and disinfection as well as competent care of the patients should all be equally ensured.

The Guidance identifies three groups in relation to containing the outbreak potential: confirmed cases, suspect cases and people who have been in close contact to confirmed or suspect cases. Any suspect case has to be reported by the master to the next port of call. The virus has to be verified by a laboratory. The subsequent measures are given in the Guidance.

Prior to any persons entering the ship, their health condition needs to be checked. The questionnaire in Annex C can be used for this. The Guidance discusses the pros and cons of tests prior to boarding. The so called Shipboard Self-Distancing for the first 14 days on board is recommended and explained.

Despite the current and ongoing precautionary measures, there may be entry restrictions in ports, restrictions on crew changes and cargo operations or general delays. The Guidance also addresses this issue. A link to a regularly updated map on current port restriction is provided. A new Annex outlines under which conditions seafarers can obtain their personal prescriptions in the different countries and what needs to be done in advance to ensure that medication reaches the ship.

Worries about family, other crew members and oneself can have serious affects on the mental health of seafarers. Impeded crew changes and extension of service times on board for several months add to this. Every person deals differently with stress, isolation and emotions like fear, anxiety and worry. The guidance discusses thoroughly what can be done to deal with difficult moments and develop uplifting behaviour.

## Easy regulations for laid-up ships (20.05.2020)

Some flag states have extensive requirements for laid-up ships, e.g. changes of ship registration or extensive lay-up plans. The German Flag, however, has no such bureaucratic obligations.

Neither do laid-up ships under German flag require a separate Safe Manning Certificate. For short-term shifting of a

ship from a port or anchoring place to another location, shipowners can apply for a Safe Manning Certificate that is valid for up to 48 hours with the Ship Safety Division of BG Verkehr. The prerequisites for this are given under our header "Ship`s manning".

## **Database for MED equipment has moved (13.05.2020)**

The approval of marine equipment is subject to a multistage certification process carried out by notified bodies under the EU Marine Equipment Directive. At the end of the certification, a so-called wheelmark is attached to the approved equipment item; it shows that the approval is valid all-over Europe. Equipment requiring approval includes life-saving appliances, equipment for marine pollution prevention, fire protection equipment, navigation and radio-communication equipment, equipment required under COLREG and under SOLAS Chapter II-1.

An updated Implementing Regulation listing all of the approved equipment along with the individual approval requirements supplementing the Marine Equipment Directive is published annually. The approval process is outlined in the Directive itself.

The new MED Database by the EU Commission is maintained by EMSA (European Maritime Safety Agency). It lists in detail the ship's equipment that has been approved. After a registration, the following can be found:

- manufacturer, product information, approval information and approving body,
- the Directive as well as any amendments currently in force.

In comparison to the former database, some changes have been introduced: manufactures can now actively participate in the new system and add information on their product. Adding an e-tag facilitates further functions. In addition, the market surveillance authorities have an extended access to product data.

Now, after some test participants of the different user groups tested the new MED Database with regard to its functionality, it is open to the public with the data sets from the old system as well as all current entries.

The previously used MarED Database remains online on the website of MarED (Group of Notified Bodies for the Implementation of the European Marine Equipment Directive) but is no longer updated.

Further information on the topic approval of marine equipment is given under our heading "Construction - Equipment".

## **Flagging-in ships with asbestos (05.05.2020)**

Those who worked with asbestos in the past often used to breath in the dust and thereby the fine asbestos fibres. A possible result: malignant cancer tumours or changes in the lining of the lung. The employer's liability insurance associations recognize asbestos as a cause of a lung disease known as asbestosis, and as an occupational disease. Asbestosis is the most common cause of death among the terminal occupational diseases. There can be several decades between working with asbestos and the onset of the disease. On average the latency period is 38 years.

Since 1993, asbestos may not be produced or used in Germany, and on a European level since 2005. From 2019 all ships under EU flag from 500 GT must have an inventory of hazardous materials, which must also include asbestos. With the Regulation EU/1257/2013 the EU legally implements the provisions of the Ship Recycling Convention ("Hong Kong Convention").

Globally, however, there is no ban on asbestos. So, there may still be asbestos present on older ships. If such a ship flags-in under the German flag, the shipowner will have to conduct a risk assessment, compile an asbestos cadaster and arrange mandatory medical check-ups for the seafarers. The prevention division at BG Verkehr has developed a compilation of the shipowner's obligations when flagging-in a ship that is contaminated with asbestos (in German only).

In addition to this compilation, ship operators have to comply with the provisions of the international SOLAS

Convention regarding the ban of asbestos on sea-going vessels. The Circular by the Maritime Safety Committee of the IMO MSC.1/Circ.1374 "Information on prohibiting the use of asbestos on board ships" provides more detailed requirements and information on the topic asbestos on sea-going vessels:

- On ships built before 1 July 2002, asbestos containing materials (ACMs) may be installed and approved as long as they do not pose a risk to the crew's health.
- On ships built on or after 1 July 2002 and before 1 January 2011, new installation of ACMs has been allowed only in exceptional cases.
- On ships built on or after 1 January 2011, ACMs have not been allowed to be installed (refer to SOLAS Chapter II-1/3-5).

The Circular was published in the German "Verkehrsblatt" (transport gazette) 19/2013 on 23 September 2013 in the German language and is mandatory for ships flying the German flag.

Specialists discover asbestos on some sea-going vessels during inspections at a later point in time – for example while compiling an Inventory of Hazardous Materials (IHM) in accordance with EU Regulation 1257/2013 and the Hong Kong Convention on the Recycling of Ships. In these cases, a transitional period of three years applies to carry out an asbestos abatement on board or an exchange of all of the ACMs (refer to Circular MSC.1/Circ.1374). This transitional period of not more than three years cannot be extent, not even if:

- during this time period the ship was temporarily flying a different flag or
- asbestos had already been identified three years prior on a ship that was flying a foreign flag and is now about to change to the German flag.

For questions regarding these requirements, the experts of the Machine Department of the Ship Safety Division of BG Verkehr are gladly of assistance (e-mail [maschine@bg-verkehr.de](mailto:maschine@bg-verkehr.de) or contact qualified engineer Holger Steinbock via phone: +49 40 361 37-217).

## **Seamen's Mission offers online counselling (17.04.2020)**

The DSM has a widely spread network with its 16 national and 14 international stations with seamen's clubs, hotels and on-board counsellors. However, the corona pandemic has completely changed the work of the seamen's missions as well. The popular facilities for seafarers had to close and the on-board counselling cannot take place in same manner as it did before either. Long counselling sessions are not possible – because of the fear of infection. Sometimes what remains is a small talk on the gangway so that the connection with the outside world does not completely break off.

In this situation, the DSM has started their chat counselling which can be accessed worldwide via the internet address <https://dsm.care>. Co-initiator Matthias Ristau, seamen's pastor of the German "Nordkirche", explains: "All encoded and safe, available from early in the morning till late at night". Especially now that many seafarers fear for the well-being of their families, such a service is all the more important, he says.

On the chat platform, seafarers meet professional counsellors, experienced social workers and psycho-social experts of the DSM who are most familiar with the special living situation and working environment of seafarers.

DSM.care was developed by a DSM team and is an additional offer for seafarers under these changing conditions of maritime navigation. This way, seafarers can be provided counselling support during straining situations right there and then and no matter where with the click of a mouse or via the smartphone. The DSM affirms: Even if the internet cannot replace personal contact, the members of staff of the German Seamen's Mission are there for the seafarers as contact partner.

## **No EU export stop for medical ship equipment (25.03.2020)**

Due to the current Corona pandemic, the EU Commission has recently enacted to permit the export of medical protective equipment only after an official export authorisation (Implementing Regulation (EU) 2020/402 of 14 March 2020). Subsequently, some pharmacies were not able to supply without impediment the mandatory gloves and face masks as part of the medical equipment on board German-flagged sea-going vessel.

The Directorates-General for Mobility and Transport (DG Move) and Taxation and Customs (DG TAXUD) of the EU Commission have now clarified in a joint communication to the German Shipowners' Association (VDR) of 23 March that medical equipment for sea-going vessels does **not** come under the current export restriction. This is based on a special regulation for ship equipment. According to Article 269 Paragraph 2 letter c of Regulation (EU) No 952/2013 (Union Customs Code): "goods delivered, VAT or excise duty exempted, as [...] ship supplies are not subject to customs formalities in relation to export from the EU customs area - and therefore are also not subject to the current export restrictions for medical protective equipment.

Notwithstanding customs restrictions, pharmacies equipping ships can continue to supply and send medical protective equipment to sea-going ships.

## **Official news on COVID-19 (23.03.2020)**

The German Flag bears its part of the responsibility to contain the Corona pandemic and has now adopted several measures. For instance, ship surveys will be reduced to a minimum and certificates will temporarily be issued without on-site inspections. For seafarers facilitating measures are in place regarding certificates of competency and proficiency as well as medical fitness certificates. If ship certificates expire and a survey by a classification society is not possible either, the Ship Safety Division and the Federal Maritime and Hydrographic Agency (BSH) issue short term certificates that are valid for three months. The most important information about the adopted measures is explained in an official statement by the German Flag.

In our FAQ "Corona Info", we answer all important questions about the implications of COVID-19 for seafarers and shipping companies. If you have any further questions, please mail via Feedback.

## **Annual Report 2019 on the German Maritime Labour Act (24.02.2020)**

Since 2013 the Maritime Labour Act implements the International Maritime Labour Convention (MLC) on ships under German flag. With these provisions, mandatory and comprehensive regulations regarding working and living conditions of seafarers have been established. Important topics like hours of work and rest, food and catering, payment of wages, occupational health on board and many more are now clearly regulated and are verified on a regular basis.

36 MLC surveyors inspect international ships abroad and nationally regarding their compliance with the requirements of the Convention for the Ship Safety Division of BG Verkehr. Maritime Labour Certificates and Fishing Labour Certificates are typically issued as electronic certificates by now.

The employees of the ISM / ILO Department attend to complaints of seafarers about working and living conditions, approve private recruitment agencies and ensure that shipping companies under German flag are informed about current topics of this topic area. The ISM / ILO Department has now published its Annual Report 2019.

In the middle of the year 2018, the fully revised Guidelines on the implementation of the Maritime Labour Act on board of German flagged ships was published. Compared to its previous version, the experts of the Ship Safety Division completely revised the topic area health and safety protection and accident prevention. New information about drinking water on sea-going ships as well as maps of the trading areas for medical equipment were added. For the first time, the Guidelines contain specific information about contracts of employment and hours of work and rest for work on board fishing vessels.

With this QR Code, you can download the MLC Guidelines directly to your phone and have them at the ready whenever you need them:

## Establishment of the association "Friends of WMU Germany e.V." (12.02.2020)

Maritime internationality finds an expression in the World Maritime University. The WMU was founded in 1983 at an Assembly meeting of the International Maritime Organisation IMO as an UN institution. In many countries outside of Europe and North America, appropriate educational facilities to realize the UN's sustainability goals for protection and usage of the seas do not exist.

At three locations over the world – Malmö/Sweden the main location, Shanghai/China and Dalian/China – maritime-related courses of study offer the students to expand their knowledge and further develop their ongoing career in the maritime sector in an international setting. Various Master and PhD programmes as well as programmes for professional development offer the opportunity to influence the future of maritime shipping. Many graduates afterwards take on important positions as maritime executives in industry, politics and administration in their countries. The study contents range from safety, environment protection in shipping, to ocean governance and maritime executive issues. The WMU takes part in a variety of research projects all over the world that help gain new insights into sustainable maritime development.

So far 5 000 students from 165 countries have studied at WMU. The establishment of the association "Friends of WMU Germany e.V." further deepens the partnership between Germany and the WMU. The Federal Republic of Germany has supported the WMU since its foundation. Among other things, it financially supported the studies of Kitack Lim, the current IMO Secretary General.

The association is located in Hamburg, hence why the WMU president Dr. Cleopatra Doumbia-Henry and Prof. Jens-Uwe Schröder-Hinrichs as well as 17 founding members of the German maritime politics, administration, industry and academia met at a legal office in Hamburg for the inaugural meeting. By election, the board is headed by Reinhard Kligen head of the Central Affairs Department at the Ministry for Traffic and Digital Infrastructure and further consists of Frank Leonhardt of the shipping company Leonhardt & Blumberg and Dr. Axel Henriksen, Rechtsanwältin Blaum Dettmers Rabstein.

As the university is mostly financed through fees, non-material and/or financial support are important so that a high-quality education and profound, far-reaching research remain possible. The association extends the German support to the larger maritime sector. The purpose of the association is not just providing financial support but also developing the study contents through cooperation with the university, mediate cooperation for research and field studies as well as, generally, work as a network between the German maritime sector and maritime academia.

## Ship's wastewater in ports (11.02.2020)

The German Flag is strongly involved in further developing environment protection in the Baltic Sea. In doing so, it also supports those involved with its practical implementation. HELCOM together with the BSH has developed a technical guidance for handling ship's wastewater in ports in the Baltic Sea Special Area (in accordance with MARPOL Annex IV). It is aimed at port operators, local administrations as well as communal wastewater companies and shipowners. Further information on the topic can be found at:

- Press release of the BSH
- Interview with Dr. jur. Susanne Heitmüller (BSH)
- Technical guidance for the handling of wastewater in ports

## Maritime Medicine: Coronavirus (31.01.2020)

**The Corona virus has become a maritime issue as well. We give advice to seafarers and shipowners 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 published in November 2019

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 health authorities in German ports are listed on the website of the city of Hamburg.

- Current and detailed **information about the Corona virus** in general are given on the website of the Robert Koch Institute, the central institution in Germany regarding disease control and prevention, as well as on the website of the World Health Organization WHO.

- The **latest travel notices** for the countries where the Corona virus has occurred can be found on the website of the Federal Foreign Office.

## Port State Control verifies compliance with sulphur limits (29.01.2020)

From now on, Port State Control inspections under the Tokyo and Paris Memoranda of Understanding (MoUs) will check for the compliance with the new sulphur limits for sea-going vessels. Since 1<sup>st</sup> January 2020, only ships with Exhaust Gas Cleaning System (EGCS), so called scrubbers, may be operated with high sulphur heavy fuel oil. All other ships have to use fuel with a sulphur content of not more than 0.50 % m/m. In the SECAs, which include the North and Baltic Sea, a sulphur content of not more than 0.1 % m/m has been in place for a while now.

From 1<sup>st</sup> March 2020, the provisions will become even stricter:

Non-compliant fuel may only be carried on board if an EGCS is fitted. In cases where non-compliant fuel cannot be obtained, a Fuel Oil Non-Availability Report (FONAR) has to be submitted to the flag state and the responsible authority at the next port of call.

At its 73<sup>th</sup> session, the Marine Environment Protection Committee (MEPC) agreed that it was not necessary for the Port State Control authorities to take a 'practical and pragmatic' approach, since compliance with the new limits from the date of coming into force was expected. Therefore, ParisMoU and TokyoMoU have agreed that they will enforce the requirements in terms of the application without exception. This also includes the carriage ban of non-compliant fuel from 1st March 2020. More on this in their press release.

## Less pirate attacks (17.12.2019)

From January to September 2019, 95 ships were boarded, ten shot at, ten attacks were successfully warded off and four ships were hijacked according to the IMB. During the same time of the preceding year, shipping companies had reported 156 piracy attacks.

The Gulf of Guinea is rated a high-risk area for piracy and armed raids. According to statements of the IMB, 86 percent of hostage-takings and almost 82 percent of abductions of crew members worldwide occur in this region. The IMB is especially concerned about the rising readiness to apply armed force. More about this on the website of the International Chamber of Shipping.

In its piracy report for the first half of 2019, the Federal Police of Germany elaborates on individual situations in the active zones. The authors of the report describe not only piracy occurrences but also existing protection measures in the areas concerned. During the first half of 2019, six ships of the German merchant fleet, also including ships temporarily flying a foreign flag, were attacked by pirates.

According to the Federal Police, piracy in Latin and South America is on the rise. In this context, the piracy report goes into detail about an attack on a German-flagged container ship in Ecuador in April. Close to the Isla Escalante, the ship was shot at from a speedboat. Another boat tried to attach a grappling hook to the side of the ship but failed. The attack was aborted. The coast guard and port authority were informed. No one was injured, but the ship was slightly damaged.

The German Flag offers seafarers and shipping companies information and support with prevention as well as with coping with stressful piracy experiences:

- At [www.deutsche-flagge.de/en](http://www.deutsche-flagge.de/en) under the heading "Security levels · Warning notes", there is current information about threatened sea areas, notices of security levels and guidance on recommended behaviour.
- In its Piracy Prevention Centre, the maritime department of the Federal Police offers advice to German shipping companies on how to best avert piracy attacks. The police officers offer lectures, seminars and workshops on the topic as well as individual consultation and trainings.
- The BG Verkehr offers their members quick and professional help with its "Trauma-Lotsen" who help to work through incidents of extreme magnitude such as the attack on a ship by pirates. In order to give advice and lend support to persons concerned as well as to their supervisors from member companies, the BG Verkehr has trained its staff as so-called "Trauma-Lotsen" (trauma pilots). These "Trauma-Lotsen" are locally available in the District Councils. They are contact person, can give competent advice, know of treatment options and suitable therapists.

## Brexit and MED certification (13.09.2019)

The United Kingdom left the European Union on the 1<sup>st</sup> of February 2020. Because of the agreed transitional period until the 31<sup>st</sup> of December 2020, for now there will be no legal changes for products that have to comply with the EU Marine Equipment Directive .

The Maritime & Coastguard Agency (MCA) published transitional rules for the conformity assessment as well as recognition of marine equipment on board ships flying a European flag in case of a "No-Deal-Brexit".

Read more on the topic.

## Port State Control Officers as guests in Hamburg (26.06.2019)

The representatives of the PSC authorities of the area covered by the Paris Memorandum of Understanding on Port State Control (Paris MoU), which include the European states as well as Russia and Canada, get together twice a year for working seminars. This year Germany was host of this seminar.

The focus of this train-the-trainer seminar was the upcoming Concentrated Inspection Campaign of the PSC with the topic "Emergency Systems and Procedures" which is planned for September until November 2019. The PSC officers of the Ship Safety Division of BG Verkehr and their foreign colleagues discussed uniform procedures for the campaign.

The three-day session conducted in English was complemented with guest lectures on the tasks of the German Central Command for Maritime Emergencies (Havariekommando), on experiences with hybrid ferries, on rescue of persons over board from the sea and on ballast water management.

## **Surveys of offshore ships from abroad (19.06.2019)**

Every ship without SOLAS certificates for international voyages only operating in German coastal waters requires a Certificate of Equivalence of BG Verkehr. This is supposed to ensure a comparable safety standard to German-flagged ships in coastal shipping. In practice, mostly offshore transfer vessels need a Certificate of Equivalence. The legal basis for the certificate is the Ship Safety Ordinance section 9 paragraph 6.

The BG Verkehr only issues Certificates of Equivalence after a survey on board the respective ship. The amount of surveys has escalated in recent years. In 2015/2016 the surveyors of the BG Verkehr left from Hamburg to 47 equivalence surveys – from January 2017 until June 2019 this number has risen to ten-times as many to 433 surveys.

In view of the unchanged number of surveyors as well as expenditure of travel time to ports abroad, the BG Verkehr will offer equivalence surveys in German ports only from 1 August. This change of survey practice regards both initial as well as renewal surveys.

## **Passenger ships in the Baltic Sea (09.05.2019)**

In our section on "Environmental protection", the current information is given about requirements regarding the discharge of wastewater from passenger ships in the Baltic Sea.

## **Maritime 24/7-hotline (06.10.2016)**

The maritime 24/7 hotline is offered by the Federal Maritime and Hydrographic Agency, BSH. In addition, the stand-by service of the Ship Safety Division of BG Verkehr is also available. More information is given under "Contact Details".