

**Ordinance on the Transport of Dangerous Goods by Sea
(Transport of Dangerous Goods by Sea Ordinance – GGVSee) ¹**

**Section 1
Scope of Application**

(1) This Ordinance regulates the transport of dangerous goods by sea. As regards the transport of dangerous goods in sea-going vessels on navigable inland waters in Germany, the provisions of the Ordinance on the Transport of Dangerous Goods by Road, Rail and Inland Waterways shall not be affected.

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

(3) The provisions of this Ordinance shall not apply to the transport of dangerous goods in sea-going vessels of the Federal Armed Forces or foreign armed forces if so required for defence purposes. Sentence 1 above shall also apply to other vessels employed on behalf of the Federal Armed Forces or foreign armed forces if the loading of the dangerous goods is effected under monitoring in accordance with Section 6 paragraph 3.

**Section 2
Definitions**

(1) Within the meaning of this Ordinance,

1. "SOLAS Convention" means the International Convention for the Safety of Life at Sea, 1974, (Federal Law Gazette 1979 II p. 141), as amended in accordance with the 24th SOLAS amending regulation of 23 July 2012 (Federal Law Gazette 2012 II p. 690);
2. "IMDG Code" means the International Maritime Dangerous Goods Code as amended by Resolution MSC.328(90) in the official German translation promulgated on 12 November 2012 (Federal Ministry of Transport Gazette 2012 p. 922);

3. "IMSBC Code" means the International Maritime Solid Bulk Cargoes Code in the official German translation promulgated on 15 December 2009 (Federal Ministry of Transport Gazette 2009 p. 775), as amended by Resolution MSC.354(92) (Federal Ministry of Transport Gazette 2013 p. 1015);
4. "IBC Code" means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (Federal Gazette No. 125a of 12 July 1986), revised by Resolution MSC.176(79) (Federal Ministry of Transport Gazette 2007 p. 8), as well as additional substance lists thereto in accordance with MEPC.2 Circular 12 and MEPC.1 Circular 512 (Federal Ministry of Transport Gazette 2007 p. 80 and 2007 p. 152) as amended by Resolution MEPC.340(91) (Federal Ministry of Transport Gazette 2013 p. 1033);
5. "BCH Code" means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (Federal Gazette No. 146a of 9 August 1983) as amended by Resolution MSC.212(81) (Federal Ministry of Transport Gazette 2010 p. 653);
6. "IGC Code" means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (Federal Gazette No. 125a of 12 July 1986) as amended by Resolution MSC.220(82) (Federal Ministry of Transport Gazette 2009 p. 758) and MSC.225(82) (Federal Ministry of Transport Gazette 2009 p. 760);
7. "GC Code" means the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (Federal Gazette No. 146a of 9 August 1983) as amended by Resolution MSC.182(79) (Federal Ministry of Transport Gazette 2009 p. 652);
8. "CTU Packing Guidelines" mean the IMO/ILO/UN ECE Guidelines for the Packing of Cargo Transport Units in the version promulgated on 17 February 1999 (Federal Ministry of Transport Gazette 1999 p. 164);
9. "EmS Guideline" means the Guideline for Emergency Procedures for Ships Carrying Dangerous Goods in the version promulgated on 19 August 2013 (Federal Ministry of Transport Gazette 2013 p. 850);

*) This Ordinance serves to transpose Article 12 of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and infor-

10. "MFAG" means the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods in the version promulgated on 1 February 2001 (Federal Gazette No. 68a of 6 April 2001);
11. "INF-Code" means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Waste (Federal Gazette 2000 p. 23 322) as amended by Resolution MSC.241(83) (Federal Ministry of Transport Gazette 2009 p. 82);
12. "Basel Convention" means the Basel Convention of 22 March 1989 on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Federal Law Gazette 1994 II p. 2703);
13. "MARPOL" means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 thereto (Federal Law Gazette 1982 II p. 2, 1996 II p. 399) as amended by Resolution MEPC.193(61) (Federal Law Gazette 2013 II p. 1098, 1099) adopted in London by the Marine Environment Protection Committee of the International Maritime Organization (IMO).
14. provisions of "ADR" mean the provisions laid down in parts 1 to 9 of Annexes A and B to the European Agreement of 30 September 1957 concerning the International Carriage of Dangerous Goods by Road (ADR) in the revised version of Annexes A and B promulgated on 3 June 2013 (Federal Law Gazette 2013 II p. 648);
15. provisions of "RID" mean the provisions laid down in parts 1 to 7 of the Annex to the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) - Appendix C of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version promulgated on 16 May 2008 (Federal Law Gazette 2008 II p. 475, 899) as amended by the 18th RID amending regulation of 25 May 2013 (Federal Law Gazette 2013 II p. 562);
16. "transportable pressure equipment" means the receptacles and tanks for gases specified in Article 2(1) of Directive 2010/35/EU as well as the other receptacles and tanks for gases specified in chapters 6.2 and 6.7 of the IMDG Code;

17. "ODV" means the Ortsbewegliche-Druckgeräte-Verordnung (Transportable Pressure Equipment Regulations) of 29 November 2011 (Federal Law Gazette I p. 2349) as last amended by Article 2 of the Ordinance of 19 December 2012 (Federal Law Gazette I p. 2715);

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

1. substances and articles covered by the definitions of classes 1 to 9 of the IMDG Code,
2. substances which, when transported as dangerous goods in solid form in bulk, shall be assigned to Group B in accordance with the provisions of the IMSBC Code, or
3. substances intended for transport in tankers
 - a) with a flash-point of not more than 60 °C, or
 - b) which are liquid goods as defined in Annex I to the International Convention for the Protection of Pollution from Ships, 1973, as modified by the Protocol of 1978 thereto, or
 - c) which are covered by the definition "noxious liquid substance" in chapter 1 number 1.3.23 of the IBC Code, or
 - d) which are listed in chapter 19 of the IGC Code.

(3) Within the meaning of this Ordinance,

1. carrier means someone who, on the basis of a contract of carriage by sea, performs the change in location of dangerous goods in a sea-going vessel belonging to him or chartered by him in whole or in part;
2. ship owner means the owner of a ship or a person who has taken over from the owner the responsibility for the operation of the ship and who, by taking over this responsibility, has agreed to take over all obligations and responsibilities imposed on the owner;
3. consignor means the manufacturer or distributor of dangerous goods or any other person originally arranging for the transport of dangerous goods.

Section 3

Acceptance for transport

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

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

(2) Sea-going vessels which transport dangerous goods in packaged form or in solid form in bulk and which are not subject to chapter II-2 regulation 19 of the SOLAS Convention may load or unload dangerous goods in German ports if full body protection equipment against the effects of chemicals for four persons as well as two additional self-contained breathing apparatuses are available. In German ports, these sea-going vessels may load explosive substances and articles (with the exception of Division 1.4S), flammable gases, flammable

liquids having a flashpoint below 23 °C and toxic liquids under deck or unload them from there only if it is proven by a certificate of the competent authority of the flag state or a recognized classification society that the respective cargo holds comply with the following requirements:

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

If the certificate required under sentence 2 above is not available, dangerous goods may be unloaded if all electrical installations in the cargo holds are completely disconnected from the source of power.

(3) Dangerous wastes within the meaning of Article 2 of the Basel Convention may only be loaded onto sea-going vessels in state parties to this Convention. They may only be transported across borders if the requirements in accordance with section 2.0.5 of the IMDG Code or in accordance with section 10 of the IMSBC Code or of chapter 20 of the IBC Code are met.

(4) Cargo transport units in accordance with chapter 1.2 of the IMDG Code containing packaged dangerous goods may only be offered for transport if the CTU Packing Guidelines have been met.

(5) Dangerous goods of class 1, compatibility group K, of the IMDG Code which are to be transported further by other transport modes may only be unloaded with the prior permission of the competent authorities referred to in Section 5 paragraph 1 or Section 6 paragraphs 1 and 2.

(6) Fireworks of UN Nos. 0333, 0334, 0335, 0336, and 0337 may only be imported through ports in the area of application of this Ordinance if copies of the following documents are submitted to the authorities referred to in Section 6 paragraph 2 at the latest 72 hours prior to the arrival of the vessel:

1. the transport document in accordance with Section 8 paragraph 1 number 1,
2. the certificates of the competent authority of the country of manufacture on the approval of the classification of the fireworks under sub-section 2.1.3.2 of the IMDG Code or a certificate of the competent authority of a Contracting Party to ADR or a COTIF Member State on the approval of the use of the specified classification code in accordance with the provisions of ADR or RID for transport, and
3. for the transport in cargo transport units, the CTU packing certificate and a respective packing list specifying the loaded packages with the following particulars:
 - a) a detailed description of the fireworks (article group),
 - b) calibre in millimetres or inches,
 - c) net explosive mass per article,
 - d) number of vehicles per package,
 - e) type and number of packages per container,
 - f) total quantity (rating, net explosive mass),
 - g) name, address, phone number and email address of the consignee of the cargo or, if the consignee has no registered office in Germany, of the authorized representative of the consignee in Germany.

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

Section 4

General Safety Obligations, Monitoring, Equipment, Training

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

(2) On all sea-going ships which transport dangerous goods, smoking, the use of fire and naked lights is prohibited on deck in the area where such goods are stowed, in the cargo holds and in pump rooms and cofferdams. Notices of this provision shall be put up in suitable places.

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

(4) While sailing on navigable maritime waterways, gas carriers are not permitted to release cargo vapours for pressure and temperature control purposes.

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

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

(7) If dangerous goods are transported in sea-going vessels, the vessel shall be equipped with the medicines and equipment listed in Appendix 14 of MFAG. If special articles of equipment are required for certain dangerous goods by the regulations referred to in Section 3 paragraph 1 or the respective EmS specifications for the dangerous good, the ship shall be equipped accordingly. This equipment shall be ready for use at any time. Protective clothing and equipment shall be worn by the members of the crew in the cases provided for.

(8) In the event of an accident involving dangerous goods which occurs during transport by sea including related loading and unloading, the competent authorities in accordance with Land law shall be informed without delay; in federally owned and operated ports or on federal waterways, the river and shipping police authorities competent in accordance with federal law shall be informed without delay.

(9) All parties involved in the transport of dangerous goods shall support the competent agencies if an accident occurs and shall furnish without delay any information that may be necessary for damage control. Anyone who regularly manufactures, distributes or receives dangerous goods shall, if so requested, provide a telephone number to the competent sea-port authorities and to the Central Command for Maritime Emergencies Germany, joint authority of the Federal Government and the Federal Coastal States, Maritime Emergency Response Center, Am Alten Hafen 2, 27472 Cuxhaven; this number can be used to obtain any information available on the properties of the dangerous good and on accident response and damage repair measures.

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

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

(12) Shore-based personnel who carry out tasks in accordance with sub-section 1.3.1.2 of the IMDG Code shall be trained in accordance with the provisions of chapter 1.3 of the IMDG Code before they take on the respective tasks. The training shall be repeated at intervals of not more than five years. The date and contents of the training shall be recorded immediately after the training, the records shall be kept for five years and shall be made avail-

able to the employee and the competent authority upon request. After the expiry of the retention period, the records shall be deleted immediately.

(13) The local safety regulations applicable to any given port or other berthing areas governing the entry into ports, offer and transshipment of dangerous goods shall remain unaffected.

Section 5

Exemptions

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

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

On principle, the applicant shall furnish proof by an expert opinion that the exemption applied for is at least as effective and safe as the provisions of the codes mentioned in the first sentence above.

(2) If exemptions are granted, these shall be in writing and subject to revocation should the safety precautions imposed prove insufficient to limit the hazards presented by the transport operation. Exemptions may be granted for a maximum period of five years.

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

(4) The Federal Ministry of Transport and Digital Infrastructure may conclude bilateral or multilateral agreements with other states on exemptions in accordance with section 7.9.1 of the IMDG Code.

(5) The federal occupational accident insurance fund competent for safety in maritime transport may conclude tripartite agreements with the competent authorities of other states on

a) exemptions under section 1.5 of the IMSBC Code or under chapter 17 of the IBC Code in conjunction with regulation 6.3 of Annex II to the MARPOL Convention or

b) the transport of substances not listed in the IMSBC Code or the IBC Code in accordance with section 1.3 of the IMSBC Code or chapter 17 of the IBC Code.

As regards the classification of substances and the establishment of the conditions for carriage in accordance with the IMSBC Code, the requirements under number 1.3.3 of the IMSBC Code shall be observed. Tripartite agreements are concluded between the competent authorities of the states in which the port of loading and the port of unloading are situated as well as the respective administration of the flag state. The federal occupational accident insurance fund competent for safety in maritime transport achieves agreement with the respective competent German port authority before concluding an agreement in accordance with sentence 1 above.

(6) For national transport operations with vessels flying the German flag, the federal occupational accident insurance fund competent for safety in maritime transport may grant an exemption under paragraph 5 sentence 1 (a) or an approval under paragraph 5 sentence 1 (b) if the competent port authorities of the port of loading and the port of unloading give their consent.

Section 6

Responsibilities

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

(2) The authority competent in accordance with Land law in whose area a company involved in the transport of dangerous goods has its registered office is responsible for monitoring the

training of personnel in accordance with Section 4 paragraphs 11 and 12. The authorities competent in accordance with Land law in whose area

1. the port of transshipment,
2. the port of unloading if the dangerous goods have been loaded outside the area of application of this Ordinance, or
3. the port of registry if the port of unloading is not situated within the area of application of this Ordinance

is situated are responsible for putting into force the local safety regulations in the ports in accordance with Section 4 paragraph 13 and for establishing stowage and segregation requirements for dangerous goods in all cases where the IMDG Code assigns these tasks to a competent authority.

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

(4) The Federal Office of Defense Technology and Procurement is responsible for the implementation of this Ordinance where, in accordance with the provisions of the IMDG Code, a competent authority has to take action with respect to dangerous goods of class 1 which are intended for military purposes.

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

1. the type approval of packagings, IBCs, large packagings and transportable pressure equipment and for the design approval of other portable tanks and multi-element gas containers (MEGC) as well as for the approval of bulk containers which are not freight containers, as well as for the approval of inspection bodies for tests on IBCs and in all cases where tasks have been assigned to a competent authority by the provisions of the IMDG Code with regard to packagings, IBCs, large packagings, transportable pressure equipment and other portable tanks, and also in all cases where, in accordance with the

provisions of the IMDG Code, a competent authority has to take action with respect to dangerous goods of class 1 - with the exception of goods used for military purposes -, of classes 2, 3, 4.1, 4.2, 4.3, 5.1, 5.2, 7 - with regard to the testing and approval of radioactive material, the testing of packages subject to approval and the quality assurance and control of packages -, and of class 9 – except marine pollutants – and also in accordance with the EmS Guideline;

2. the approval and monitoring of inspection bodies for initial and periodic inspections, exceptional checks, and for intermediate inspections of transportable pressure equipment; if an inspection body is also designated for initial and periodic inspections and exceptional checks of transportable pressure equipment in accordance with section 16 ODV, the Federal Institute for Materials Research and Testing undertakes its tasks in consultation with the Designating Authority in accordance with section 2 number 9 of ODV in application of the provisions in accordance with sub-section 1.8.6.6 of ADR/RID.

(6) The Federal Office for Radiation Protection is responsible for the implementation of this Ordinance where, in accordance with the provisions of the IMDG Code, a competent authority has to take action with respect to dangerous goods of class 7 – with the exception of the cases referred to in paragraph 5.

(7) The Federal Environment Agency is responsible for the implementation of this Ordinance where, in accordance with the provisions of the IMDG Code or the IMSBC Code, a competent authority has to take action with respect to marine pollutants.

(8) The federal occupational accident insurance fund competent for the safety in maritime transport is responsible for

1. Certificates of Fitness in accordance with the provisions referred to in Section 3 paragraph 1,
2. the conclusion of tripartite agreements in accordance with Section 5 paragraph 5,
3. the derogation under Section 5 paragraph 6 and
4. the issuance of certificates in accordance with number 1.3.2 of the IMSBC Code.

(9) The inspection bodies recognized by the Federal Institute for Materials Research and Testing in accordance with paragraph 5 number 2 are responsible for

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

(10) For the Federal Armed Forces and the foreign armed forces, the experts or agencies appointed by the Federal Ministry of Defence are the competent authority for

1. the approval, initial and periodic inspection and test of pressure receptacle in accordance with sub-sections 6.2.1.4 to 6.2.1.6 of the IMDG Code,
2. the inspection and testing of IBCs in accordance with sub-section 6.5.4.4 of the IMDG Code,
3. the type test as well as the initial and periodic and exceptional inspection and testing of portable tanks and multiple-element gas containers (MEGCs) in accordance with sub-section 6.7.2.19, 6.7.3.15 , 6.7.4.14 and 6.7.5.12 of the IMDG Code and
4. the type test as well as the initial, periodic and exceptional testing of tanks of tank-vehicles in accordance with paragraphs 6.8.2.2.1 and 6.8.2.2.2 and the tests in connection with the issuance of the certificate in accordance with paragraphs 6.8.3.1.3.2, 6.8.3.2.3.2 and 6.8.3.3.3.2 of the IMDG Code.

Section 7

Loading of dangerous goods

(1) Prior to loading packaged dangerous goods, the master or the officer responsible for the planning of the loading shall establish stowage instructions. In this context, the master and

the responsible officer shall observe the stowage and segregation requirements of the IMDG Code as well as the provisions of chapter II-2 regulation 19 of the SOLAS Convention.

(2) Dangerous goods may be stowed on a sea-going vessel by the persons responsible for transshipment only in accordance with written stowage instructions. The master shall ensure that the stowage instructions and the stowage and segregation requirements of the IMDG Code, or, if applicable, the stowage and segregation requirements of the IMSBC Code and, when applicable, the provisions of chapter II-2 regulation 19 of the SOLAS Convention are complied with. Before the sea-going vessel leaves port, the stowage location of the dangerous goods shall be entered in the transport document or in a special list (dangerous goods manifest), unless these particulars are included in a stowage plan carried on board.

(3) The master shall ensure that the cargo is secured taking into account the Code of Safe Practice for Cargo Stowage and Securing in the version promulgated on 13 December 1990 (Federal Gazette No. 8a of 12 January 1991), as amended by the version promulgated on 7 February 2011 (Federal Ministry of Transport Gazette 2011, p. 119). The master shall ensure that the stowage and securing of the cargo have been completed before leaving port and are still in place when berthing in the port of destination.

(4) Packagings, overpacks, IBCs, large packagings, bulk containers, transportable pressure equipment, other portable tanks and cargo transport units containing dangerous goods which are not in a condition allowing for safe transport shall not be loaded onto sea-going vessels.

(5) The master may accept dangerous chemicals which are subject to the provisions of the IBC Code or the BCH Code for transport only if the minimum requirements for the respective good referred to in chapter 17 of the IBC Code or chapter IV of the BCH Code are complied with.

(6) The master may accept liquefied gases which are subject to the provisions of the IGC Code or the GC Code for transport only if the minimum requirements for the respective good referred to in chapter 19 of the IGC Code or chapter XIX of the GC Code are complied with.

(7) The master may accept dangerous goods in solid form in bulk of group B of the IMSBC Code for transport only if the cargo holds comply with the applicable requirements in accordance with chapter II-2 regulation 19 table 19.2 of the SOLAS Convention and the conditions for carriage listed on the relevant individual schedules in the IMSBC Code are complied with.

Section 8

Documentation required for the Transport of Dangerous Goods by Sea

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

1. The consignor shall prepare a transport document for the transport operation. The transport document shall include the particulars stipulated in section 5.4.1 of the IMDG Code, the name and address of the issuing company as well as the name of the person who, on his/her own responsibility, assumes the obligations of the entrepreneur or company owner as consignor.
2. Different dangerous goods of one or more classes may be listed with the required particulars together in one transport document if stowage in one cargo hold or in one cargo transport unit is permitted for these goods in accordance with chapters 3.2, 3.3, 3.4, 3.5 or 7.2 to 7.7 of the IMDG Code.
3. When packaged dangerous goods are packed or loaded into cargo transport units, those responsible for the packing and loading shall prepare the certificate stipulated in section 5.4.2 of the IMDG Code (CTU packing certificate), or the contents of the certificate shall be included in the transport document.
4. Anyone commissioning a carrier with the transport of dangerous goods by sea shall hand over or transmit the following documents to the carrier in good time before loading:
 - a) the transport document in accordance with number 1,
 - b) the certificate in accordance with number 3,
 - c) the documents in accordance with Section 3 paragraph 6 sentence 1 numbers 2 and 3, if applicable, and
 - d) all other documents required for transport in accordance with paragraph 5.1.5.4.2, section 5.4.4 and sub-sections 5.5.2.4 and 5.5.3.7 of the IMDG Code.

5. Prior to the loading of dangerous goods, the carrier or his agent shall hand over to the master or transmit to him via data transmission the documents mentioned under number 4 or a dangerous goods manifest or a stowage plan of all dangerous goods to be loaded. When a dangerous goods manifest or a stowage plan is handed over or transmitted, the particulars in accordance with sub-sections 5.4.1.4 and 5.4.1.5 of the IMDG Code shall be transferred completely and correctly from the transport document to the dangerous goods manifest or the stowage plan. The name and the address of the issuing company as well as the name of the persons responsible for preparing the dangerous goods manifest or the stowage plan shall be entered into the dangerous goods manifest or the stowage plan. When the documents referred to under number 4 are not enclosed, the carrier or his agent shall keep these documents available at any time until the dates set out in paragraph 7 and present them to competent persons for inspection if requested to do so.
6. The consignor shall retain a copy of the transport document in accordance with number 1 and the carrier or his agent shall retain a copy of the documents specified under number 4 or a copy of the dangerous goods manifest or the stowage plan for a period of three months from the end of the transport operation in accordance with sub-section 5.4.6.1 of the IMDG Code and shall delete these copies immediately after the expiry of the retention period, unless their deletion conflicts with statutory retention periods.
7. The consignor shall ensure that a bill of lading or consignment note contains the information in accordance with paragraphs 5.1.5.4.2, 5.5.2.4.1 and 5.5.3.7.1 of the IMDG Code.

(2) With regard to dangerous goods in solid form in bulk, the following requirements have to be complied with:

1. The consignor shall prepare a written cargo information. The cargo information shall include the particulars stipulated in section 4.2 of the IMSBC Code, the name of the issuing company as well as the name of the person who, on his/her own responsibility, assumes the obligations of the entrepreneur or company owner as consignor. If the information is transmitted by way of data transmission, the required signature may be replaced by the name of the person authorized to sign.

2. If a special certificate is required in the applicable individual schedule for dangerous goods in solid form in bulk assigned to group B, the consignor shall ensure that this certificate is furnished.
3. For dangerous goods in solid form in bulk which are not mentioned by name in the IMSBC Code and are to be assigned to group B, the consignor shall ensure that the certificate of the competent authority required in accordance with section 1.3 of the IMSBC Code is furnished.
4. Anyone who loads dangerous goods in solid form in bulk onto a sea-going vessel shall ensure, prior to loading, that the cargo information in accordance with number 1 and, if applicable, a special certificate in accordance with number 2 and the certificate in accordance with number 3 are handed over to the master.

(3) Anyone who loads dangerous goods in liquid or liquefied form in bulk in a sea-going vessel shall ensure, prior to loading, that the following information is provided in writing or via data transfer to the master:

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

(4) The master of a sea-going vessel which transports dangerous goods shall carry the following documents on his vessel:

1. If the sea-going vessel is flying the flag of the Federal Republic of Germany:
 - a) a copy of this Ordinance,

- b) the MFAG;
2. When dangerous goods in packaged form are transported:
- a) the IMDG Code,
 - b) the EmS Guideline,
 - c) the documents stipulated in section 5.4.3 of the IMDG Code,
 - d) in the case of transboundary transport of dangerous waste, additionally the documents stipulated in sub-section 2.0.5.3.2 of the IMDG Code,
 - e) the Document of Compliance required in accordance with chapter II-2 regulation 19 of the SOLAS Convention,
 - f) when radioactive materials subject to the INF Code are transported, a certificate in accordance with the INF Code;
3. When dangerous goods in solid form in bulk are transported:
- a) a transport document which meets at least the requirements in accordance with chapter VI part A regulation 2 of the SOLAS Convention,
 - b) the Document of Compliance required in accordance with chapter II-2 regulation 19 of the SOLAS Convention,
 - c) in the case of transboundary transport of dangerous waste, additionally the movement document required by the Basel Convention,
 - d) the IMSBC Code;
4. When liquids subject to the IBC Code or liquefied gases subject to the IGC Code are transported:
- a) the IBC Code or the IGC Code,

- b) the BCH Code or the GC Code, if applicable and if the vessel flies the flag of the Federal Republic of Germany,
- c) the documents stipulated in section 16.2 of the IBC Code or section 18.1 of the IGC Code,
- d) the documents stipulated in chapter V section 5.2 of the BCH Code or chapter XVIII section 18.1 of the GC Code, if applicable and if the vessel flies the flag of the Federal Republic of Germany,
- e) in the case of transboundary transport of dangerous wastes, additionally the documents stipulated in chapter 20 number 20.5.1 of the IBC Code or chapter VIII number 8.5 of the BCH Code.

(5) The carrier shall ensure that the master carries on his vessel the documents referred to in paragraph 4 number 2 c) and d), number 3 a) and c) and number 4 c), d) and e). The ship owner shall ensure that the master carries on this vessel the documents referred to in paragraph 4 number 1, number 2 a), b), e) and f), number 3 b) and d) and number 4 a) and b).

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

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

(8) The master shall present the documents stipulated in paragraphs 4, 6, and 7 as well as Section 3 paragraph 6 or the print-out from data processing systems to competent persons for inspection if requested to do so.

Section 9
Obligations

(1) The consignor and the agent of the consignor

1. may offer packaged dangerous goods for transport only if these goods are permitted for transport in accordance with the IMDG Code,
2. may offer packaged dangerous goods for transport only if a transport document in accordance with Section 8 paragraph 1 number 1 has been prepared or if the information in accordance with Section 8 paragraph 1 number 7 has been entered in another document in connection with the transport operation,
3. may use packagings, IBCs, large packagings, portable tanks, multiple-element gas containers (MEGCs) or bulk containers for dangerous goods only if these are authorized for the respective goods in accordance with chapter 3.2 in conjunction with chapters 3.3, 3.4, 3.5, 4.1, 4.2, 4.3 and 7.3 of the IMDG Code and bear the approval markings required by the IMDG Code or, for bulk containers which are no freight containers, are approved by the competent authority,
4. may fill portable tanks or MEGCs only if the requirements of chapter 4.2 of the IMDG Code are observed,
5. may fill bulk containers only if the requirements of chapter 4.3 of the IMDG Code are observed,
6. may pack together dangerous goods only if this is permitted in accordance with chapter 3.2 in conjunction with chapter 3.3, sub-sections 3.4.4.1 and 3.5.8.2 and chapter 7.2 of the IMDG Code,
7. may offer packagings, overpacks, IBCs, large packagings, portable tanks, MEGCs or bulk containers for transport only if they are marked, placarded and labelled in accordance with the requirements of chapter 3.2 in conjunction with chapters 3.3, 3.4, 3.5, sections 5.1.1. to 5.1.4 and 5.1.6 as well as paragraph 5.1.5.4.1 and chapters 5.2 and 5.3, and paragraph 5.5.2.3.2 of the IMDG Code,

8. may offer fumigated cargo transport units or cargo transport units containing substances used for cooling or conditioning purposes which may present a risk of asphyxiation for transport only if they are marked in accordance with the requirements of sub-sections 5.5.2.3 or 5.5.3.6 of the IMDG Code,
9. may forward the transport document only if Section 8 paragraph 1 number 1 has been complied with,
10. shall comply with the obligation to retain a copy of the transport document and to delete this copy after the expiry of the retention period in accordance with Section 8 paragraph 1 number 6,
11. may offer dangerous goods in solid form in bulk for transport only if the goods are permitted for transport in accordance with the IMSBC Code,
12. may offer dangerous goods in solid form in bulk for transport only if the documents stipulated in Section 8 paragraph 2 have been prepared,
13. may offer dangerous goods in liquid or liquefied form in bulk for transport only if the goods are permitted for transport in accordance with the IBC Code, BCH Code, IGC Code or GC Code, respectively,
14. may offer dangerous goods in liquid or liquefied form in bulk for transport only if the information required in accordance with Section 8 paragraph 3 has been transmitted.

(2) The persons responsible for the packing or loading of a cargo transport unit may

1. stow packagings, IBCs and large packagings in cargo transport units or have them stowed only if the requirements of chapters 7.1, 7.2 and 7.3 of the IMDG Code have been complied with and sections 2, 3, and 4 of the CTU Packing Guidelines have been observed,
2. offer cargo transport units for transport only if they are marked, labelled, and placarded in accordance with chapter 3.2 in conjunction with chapter 3.3, chapter 3.4, sections 5.1.1 to 5.1.4 and 5.1.6 as well as chapter 5.3 of the IMDG Code,

3. offer cargo transport units for transport only if the CTU Packing Certificate conforming to section 5.4.2 of the IMDG Code has been prepared or its contents have been entered into the transport document.

(3) Anyone commissioning a carrier with the transport of dangerous goods may only deliver the dangerous goods for loading or have them delivered if Section 8 paragraph 1 number 4 has been complied with.

(4) The person responsible for transshipment shall inform the competent authorities conforming to Section 4 paragraph 8 in the event of an accident. He may

1. stow packaged dangerous goods on a sea-going vessel only if Section 7 paragraph 2 sentence 1 has been complied with,
2. load packagings, overpacks, IBCs, bulk containers, portable tanks, MEGCs or cargo transport units only if Section 7 paragraph 4 has been complied with,
3. load dangerous goods in solid form in bulk only if the required documentation in accordance with Section 8 paragraph 2 is available,
4. load dangerous goods in liquid or liquefied form in bulk only if the required information in accordance with Section 8 paragraph 3 is available.

(5) The carrier and the agent of the carrier

1. may accept dangerous goods for transport only if the applicable provisions in Section 3 paragraphs 1, 2, and 3 have been complied with,
2. may have packaged dangerous goods loaded only if Section 8 paragraph 1 number 5 and paragraph 5 have been complied with,
3. shall comply with the obligation to retain copies of the documents and to delete these copies after the expiry of the retention period in accordance with Section 8 paragraph 1 number 6.

(6) The shipowner

1. may operate a sea-going vessel for the transport of dangerous goods only if Section 4 paragraph 7 sentences 1 and 2 as well as Section 8 paragraph 5 second sentence have been complied with,
2. shall ensure that the master and the officer responsible for the cargo are trained in accordance with Section 4 paragraph 11 sentences 1 and 2 and that the training records are retained and deleted after the expiry of the retention period in accordance with Section 4 paragraph 11 sentences 4 and 5.

(7) The master shall

1. ensure that all members of the crew involved in emergency measures are informed in accordance with Section 4 paragraph 5 prior to the loading of dangerous goods or when they enter the vessel,
2. ensure that notices in accordance with Section 4 paragraph 2 second sentence are put up and that the prohibition referred to in Section 4 paragraph 2 first sentence and paragraph 3 first sentence is observed,
3. monitor the cargo conforming to Section 4 paragraph 6,
4. ensure that the equipment in accordance with Section 4 paragraph 7 is ready for use at any time and that the members of the crew wear protective equipment and protective clothing in the cases provided for,
5. inform the competent authority in accordance with Section 4 paragraph 8 in the event of an accident,
6. provide and retain the required documents or the information stored in accordance with Section 8 paragraph 7 and present the documents or the print-out from the data processing systems for inspection if requested to do so in accordance with Section 8 paragraph 8.

He

1. may accept packaged dangerous goods and dangerous goods in solid form in bulk for transport only if Section 7 paragraph 2 second sentence and paragraph 7 have been complied with,
2. may accept dangerous goods in liquid or liquefied form in bulk for transport only if Section 7 paragraph 5 or 6 has been complied with, if applicable,
3. may leave port with a sea-going vessel transporting packaged dangerous goods only if Section 7 paragraph 3 has been complied with,
4. shall not release cargo vapours for pressure and temperature control purposes in accordance with Section 4 paragraph 4,
5. may transport dangerous goods only if
 - a) the equipment referred to in Section 4 paragraph 7 third sentence is ready for use,
 - b) the required documents are carried on board in accordance with Section 8 paragraph 4.

(8) The person responsible for the planning of the loading in accordance with Section 7 paragraph 1 first sentence may lay down stowage instructions only if he complies with Section 7 paragraph 1 second sentence.

(9) The persons involved in the transport of dangerous goods shall observe, commensurate with their responsibilities, the security provisions in accordance with chapter 1.4 of the IMDG Code. The manufacturers or distributors of dangerous goods involved in the transport of high consequence dangerous goods, the persons responsible for the packing and loading of cargo transport units and the carriers shall adopt and implement security plans in accordance with paragraph 1.4.3.2.2 of the IMDG Code, unless they are subject to the provisions of chapter XI-2 of the Annex to the SOLAS Convention and the International Code for the Security of Ships and Port Facilities (Federal Law Gazette 2003 II p. 2018, 2043).

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

1. are trained in accordance with Section 4 paragraph 12 first sentence and that the training records are retained and deleted after the expiry of the retention period in accordance with Section 4 paragraph 12 sentences 3 and 4 and
2. are trained in accordance with sub-section 5.5.2.2 and paragraph 5.5.3.2.4 of the IMDG Code.

Section 10

Administrative offences

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

1. as a consignor or agent of a consignor:
 - a) offers dangerous goods for transport which are not permitted for transport contrary to Section 9 paragraph 1 numbers 1, 11 or 13,
 - b) offers dangerous goods for transport contrary to Section 9 paragraph 1 numbers 2, 12 or 14,
 - c) uses packagings, IBCs, large packagings, portable tanks, MEGCs or bulk containers for dangerous goods contrary to Section 9 paragraph 1 number 3,
 - d) fills portable tanks or MEGCs contrary to Section 9 paragraph 1 number 4,
 - e) fills bulk containers contrary to Section 9 paragraph 1 number 5,
 - f) packs dangerous goods together contrary to Section 9 paragraph 1 number 6,
 - g) offers packagings, overpacks, IBCs, large packagings, portable tanks, MEGCs or bulk containers for transport contrary to Section 9 paragraph 1 number 7,
 - h) offers cargo transport units for transport contrary to Section 9 paragraph 1 number 8,
 - i) forwards the transport document contrary to Section 9 paragraph 1 number 9, or

- j) does not or not for at least three months retain a copy contrary to Section 9 paragraph 1 number 10;
2. as a person responsible for the packing or loading of a cargo transport unit:
 - a) stows packagings, IBCs or large packagings in cargo transport units or has them stowed contrary to Section 9 paragraph 2 number 1, or
 - b) offers cargo transport units for transport contrary to Section 9 paragraph 2 number 2 or 3;
 3. as a person commissioning a carrier with the transport of dangerous goods, delivers dangerous goods or has them delivered for loading contrary to Section 9 paragraph 3;
 4. as a person responsible for transshipment:
 - a) does not or not in good time inform the competent authorities contrary to Section 9 paragraph 4 first sentence,
 - b) stows packaged dangerous goods on a sea-going vessel contrary to Section 9 paragraph 4 second sentence number 1,
 - c) loads packagings, overpacks, IBCs, bulk containers, portable tanks, MEGCs or cargo transport units contrary to Section 9 paragraph 4 second sentence number 2,
 - d) loads dangerous goods in solid form in bulk contrary to Section 9 paragraph 4 second sentence number 3, or
 - e) loads dangerous goods in liquid or liquefied form in bulk contrary to Section 9 paragraph 4 second sentence number 4;
 5. as a carrier or agent of a carrier:
 - a) accepts dangerous goods for transport contrary to Section 9 paragraph 5 number 1,
 - b) has dangerous goods loaded contrary to Section 9 paragraph 5 number 2,

- c) does not or not for at least three months retain a copy contrary to Section 9 paragraph 5 number 3;
6. as a shipowner:
- a) operates a sea-going vessel contrary to Section 9 paragraph 6 number 1, or
 - b) contrary to Section 9 paragraph 6 number 2 does not ensure that
 - aa) a person specified therein receives training, or
 - bb) a record is retained for at least five years;
7. as a master:
- a) does not or not in good time ensure that the members of the crew involved in emergency measures are informed contrary to Section 9 paragraph 7 first sentence number 1,
 - b) does not ensure that the prohibition referred to in Section 9 paragraph 7 first sentence number 2 is complied with contrary to this provision,
 - c) does not monitor the cargo contrary to Section 9 paragraph 7 first sentence number 3,
 - d) does not ensure that the equipment is ready for use or that the protective equipment and the protective clothing is worn by the members of the crew contrary to Section 9 paragraph 7 first sentence number 4,
 - e) does not or not in good time inform the competent authorities contrary to Section 9 paragraph 7 first sentence number 5,
 - f) does not provide a document or information or does not present a document or a print-out in good time contrary to Section 9 paragraph 7 first sentence number 6,

- g) accepts dangerous goods for transport contrary to Section 9 paragraph 7 second sentence number 1 or 2,
 - h) leaves port with a sea-going vessel contrary to Section 9 paragraph 7 second sentence number 3,
 - i) releases cargo vapours contrary to Section 9 paragraph 7 second sentence number 4,
 - j) transports dangerous goods contrary to Section 9 paragraph 7 second sentence No. 5,
8. as a person responsible for the planning of the loading, lays down stowage instructions contrary to Section 9 paragraph 8, or
9. as an entrepreneur, does not ensure contrary to Section 9 paragraph 10 number 1 that:
- a) an employee receives training or
 - b) a record is retained for at least five years.

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

Section 11

(Amendment of other regulations)

Section 12

Transitional provisions

(1) Until 31 December 2013, dangerous goods may be transported by sea in accordance with the provisions of this Ordinance in the version in force until 31 December 2012.

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

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

(4) (repealed)

(5) Section 7 paragraph 1 second sentence shall be applied to vessels constructed before 1 July 2002 subject to the condition that instead of the restrictions regarding the Document of Compliance in accordance with chapter II-2 regulation 19 of the SOLAS Convention the restrictions regarding the Document of Compliance in accordance with chapter II-2 regulation 54 of the SOLAS Convention in the version in force on 30 June 2002 are to be complied with.

(6) Section 8 paragraph 4 number 2 e) and number 3 b) shall be applied to vessels constructed before 1 July 2002 subject to the condition that for these vessels the Document of Compliance required by chapter II-2 regulation 54 of the SOLAS Convention in the version in force on 30 June 2002 shall be carried on board.

(7) The experts recognized by the Federal Institute for Materials Research and Testing in accordance with Section 6 paragraph 5 of the Transport of Dangerous Goods by Sea Ordinance in the version applicable until 3 December 2011 may continue to undertake the tasks for which they are authorized in accordance with Section 6 paragraph 9 of that Ordinance until 31 December 2014.

Section 13

(Entry into force, repeal)

