

We as the German Flag also have the responsibility to prevent further spread of the coronavirus. Therefore, we continuously adapt our procedures for safety certificates and ship surveys to the current situation. 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 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.

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,
- the guidance document of the International Chamber of Shipping "Coronavirus (COVID-19) - Guidance for Ship Operators for the Protection of the Health of Seafarers",
- 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).

How do I correctly put on and take off medical protective equipment (e.g. surgical masks) on board?

The Maritime Medical Service of the BG Verkehr explains in a video the right way to put on and take off medical personal protective equipment? This way, the navigational officers responsible for the medical care on board can effectively protect themselves from infectious diseases. The video is available via https://www.medizinisches-handbuch-see.de/Schutztausruestung_en.html in English and <https://www.medizinisches-handbuch-see.de/Schutztausruestung.html> in German.

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 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, 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?

Expired Medical Fitness Certificates 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 conducting examinations. You can find the list of recognized medical practitioners who currently conduct examinations under the heading "Fitness for sea-service".

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.

Do Corona rapid test make sense for maritime shipping?

Rapid tests for Corona antigen detection can only be used in a very limited fashion in maritime shipping. A negative antigen test result does not exclude a Corona infection according to the Robert Koch Institute, especially during the early incubation phase. Moreover, positive antigen tests have to be confirmed with the so called PCR test. For the PCR test, the samples have to be stored at 4° C and transported cooled, if possible, to the laboratory within 72 hours. Further information is available at the website of the Robert Koch Institute.

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 that expired prior to the 1st September 2020 are granted a general extension of validity by 6 months; no application by the individual seafarer is needed for this purpose. This general extension has been announced in the official statement by the German Flag.

German certificates of competency and proficiency and proofs of qualification expiring after 1st September 2020 have to be revalidated as usual.

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

The validity of all endorsements of recognition issued by the German shipping administration is extended by up to 6 months. The extension of the validity of the endorsements of recognition is in line with the measures taken in the context of the corona crisis by the relevant certificate-issuing administrations. This general extension has been announced in the official statement by the German Flag.

Surveys - Certificates

Under which conditions does the BG Verkehr conduct surveys on ships flying the German flag?

Whether or not the BG Verkehr conducts flag state ship surveys in a certain port depends on its status as corona risk area. The Robert Koch Institute (RKI) will declare areas with more than 50 infection cases per 100,000 inhabitants in 7 days as a risk area within Germany (current overview of the RKI as a map).

In **German ports**, ship surveys are carried out if they **do not** lie in a risk area. The BG Verkehr will only conduct ship surveys in a port within a risk area in exceptional cases, including passenger ships, fishing vessels, small craft and traditional ships that are laid up, in a shipyard or only staffed with a very small crew. These surveys are divided up in one nautical and one technical survey. However, bottom surveys and inclining tests are possible. Passenger ships are currently only surveyed if there are no passengers on board and it is not a ro-pax-ship.

In **foreign ports**, surveyors of BG Verkehr will only conduct ship surveys if

- the corona infections are below 50 cases/100,000 inhabitants (7 day incidence rate) and
- there is no general mandatory quarantine upon return to Germany from these foreign states.

Ship surveys abroad where the Foreign Office or the Robert Koch Institute only declared some regions as risk areas are reduced to the absolute minimum.

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

Do seafarers violate quarantine provisions if they go on shore leave in a German port?

No, seafarers do not have to quarantine if they go on shore leave during a stay in Germany of 3 days at the most. This exception is stipulated under the Federal "Muster-Verordnung zu Quarantänemaßnahmen für Ein- und Rückreisende zur Bekämpfung des Coronavirus" of 14. October 2020, Sec. 2 Para. 2 No. 2c. It states that people do not need to quarantine

- who workwise transport persons, products or goods by ship;
- who do not stay or have stayed in Germany or a risk area abroad for more than 72 hours; and
- abide to the appropriate protective and hygiene concepts (which must be attested by the employer).

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 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 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.

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.

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 quarantine but can travel directly e.g. from the airport to their ship in the port.

This exception is stipulated under the Federal "Muster-Verordnung zu Quarantänemaßnahmen für Ein-und Rückreisende zur Bekämpfung des Coronavirus" of 14. October 2020, Sec. 2 Para. 1 and 2 No. 2c. This model ordinance has been implemented in the state law of the competent federal states. These ordinances are continuously adapted and amended according to the current Corona situation; you can find them on the website of the Federal government.

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.

May seafarers leave the ship in a German port and travel to their home country (third country)?

Yes, seafarers may leave the ships and travel to their place of residence abroad without having to quarantine. This transit is admissible if seafarers

- leave the country at the latest the day after they disembark the ship, and
- if they have not contracted COVID-19 and did not have contact with COVID-19 patients.

This exception is stipulated under the Federal "Muster-Verordnung zu Quarantänemaßnahmen für Ein-und Rückreisende zur Bekämpfung des Coronavirus" of 14. October 2020, Sec. 2 Para. 1. This model ordinance has been implemented in the state law of the competent federal states. These ordinances are continuously adapted and amended according to the current Corona situation; you can find them on the website of the Federal government.

Do seafarers with their residence in Germany have to quarantine at their place of residence after they finished their service period on board?

Seafarers with their residence in Germany have to quarantine after their return home if their ship called on ports in Corona risk areas while they were on it (current overview of the RKI as a map). The same rules apply to seafarers just like they do to any other person traveling to Germany. This also includes contacting the local health authority as soon as possible.

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.

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).

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 I 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 an order.

Port State Control

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

Whether or not port state control inspections take place in Germany depends on two conditions

- if the German port in which the inspection is supposed to take place and
- if the last foreign departure port of the ship to be inspected

is in a Corona risk area. The Robert Koch Institute (RKI) will declare areas with more than 50 infection cases per 100,000 inhabitants in 7 days as a risk area:

- risk areas in Germany: current overview of the RKI as a map
- risk area abroad: List by RKI

Port state control inspections in ports **within a Corona risk area** are only carried out in special circumstances (e.g. collisions, groundings, overloading, serious MARPOL violations, MLC complaints).

If a port is **not** in a Corona risk area, surveyors of BG Verkehr conduct port state control inspections, but under special protective measures for the PSCOs and the 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.