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Lettre circulaire No 4235/Add.3
25 juin 2020

Destinataires : Tous les Membres de l'OMI
Organisations intergouvernementales
Organisations non gouvernementales bénéficiant du statut consultatif

Objet : **Communication du Gouvernement de la République fédérale d'Allemagne**

Le Gouvernement de la République fédérale d'Allemagne a envoyé la communication ci-jointe*, datée du 22 juin 2020, en demandant qu'elle soit diffusée par l'Organisation.

* En anglais seulement.



Bundesministerium für Verkehr und digitale Infrastruktur • Postfach 20 01 00, 53170 Bonn

Mr
Kitack Lim
Secretary-General
International Maritime Organization
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London SE1 7SR
United Kingdom of Great Britain and Northern
Ireland

Subject: Update on German measures concerning COVID-19

Reference to: IMO Circular letter No. 4235 and IMO Circular letter
No. 4235/Add.2
Our reference: WS20/6278.4/6
Datum: Bonn, 22 June 2020
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Dear Secretary-General,

With reference to Circular letters No. 4235 and No. 4235/Add.2 I
would like to inform you about updated German measures concerning
the COVID-19 pandemic which are included in the annex.

I would kindly ask you to forward the information to the other IMO
Member States.

Once again, I would like to thank you and your staff for supporting the
international shipping industry in coping with the COVID-19 crisis.

Yours sincerely,

Dr. Norbert Salomon
Director-General for Waterways and Shipping
Federal Ministry of Transport and Digital Infrastructure

Dr. Norbert Salomon
Director-General
Waterways, Shipping

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Federal Republic of Germany



Recent measures of the German maritime administration as a consequence of the COVID-19 pandemic

As at: 9 June 2020

Since March 2020, ship surveys have not or only rarely been conducted due to the worldwide corona pandemic. For this reason, the German flag has temporarily issued or prolonged certificates even without surveys. This general exemption regulation will be effective until 30 June 2020.

As ship surveys are now being conducted again, it is no longer necessary to extend this general exemption beyond 30 June 2020. Thus, the German flag follows the recommendations which IMO issued to the flag states in its Circular Letter No. 420/Add.19 of 2 June 2020, i.e. to only waive surveys in exceptional circumstances.

Irrespective of this, we, the German flag, will continue to support seafarers and shipping companies in all respects in order to ensure that they hold valid certificates.

Port state control inspections were at first also suspended due to the COVID-19 pandemic. These inspections are carried out again - at least in a restricted manner.

The measures mentioned below will be applicable as from 1 July 2020.

Ship's statutory certificates

The following applies to German-flagged ships:

- As had been the case before the outbreak of the corona pandemic, the issuance and renewal of ship's certificates requires the prior inspection of the ships by surveyors of the recognised classification society or the Ship Safety Division of the BG Verkehr and/or the Federal Maritime and Hydrographic Agency (BHS) (for the scope of ISPS). It is again necessary to conduct surveys (intermediate surveys) for the endorsement of certificates.
- Only in exceptional circumstances - for example if a survey cannot be conducted in a port due to COVID-19 safeguard measures - can the German flag waive the survey on a case-by-case basis and after assessment of the following documents.

ISM scope of application:

Declaration of the shipowner setting forth the circumstances/special conditions in connection with COVID-19 restrictions which do not make it possible to conduct a survey

Declaration/recommendation of the classification society which is responsible for the ship, including consultation of the latest class status records

Evaluation of existing conditions of the classification society responsible for the ship (class conditions)

Insight into the report of the last inspection of the ship's bottom, indicating IW (In Water) or dry docking

Evaluation of the results from the databases of the respective port state control regime (PSC MoUs)

Evaluation of the latest ISM audit report

For non-convention ships, (which are not subject to the international conventions such as SOLAS and others) and fishing vessels with a length of more than 24 metres: evaluation of the latest flag state reports

ISPS scope of application:

- 1 Declaration of the shipowner setting forth the circumstances/special conditions in connection with COVID-19 restrictions which do not make it possible to conduct a survey
Declaration/recommendation of the classification society which is responsible for the ship (as RSO)
3. Evaluation of the results from the databases of the respective port state control regime (PSC MoUs, Thetis-EU MarSec)
4. Evaluation of the latest ISPS audit report

In such exceptional circumstances, the German flag can issue electronic short-term certificates until the date when the survey of the ship is possible. Even in these exceptional circumstances, the shipping companies must comply with all technical and operational provisions as well as with the requirements for maritime security on their ships.

Seafarers' certificates

Due to COVID-19 mitigation measures, the following rules with regard to seafarers' certificates apply with immediate effect:

- The validity of all seafarers' certificates (certificates of competency, certificates of professional competence and evidence of qualification) issued by the German shipping administration or by certified course providers and that will expire before 1 September 2020 is extended by 6 months; no application by the individual seafarer is needed for this purpose.
- Certificates of fitness for service at sea that expire after 30 June 2020 must be renewed by a medical examination. A list of the physicians approved by the BG Verkehr which currently carry out examinations of fitness for service at sea (that are almost 100 per cent of the approved physicians) can be found on the website of the BG Verkehr:
- The validity of endorsements of recognition issued by the German shipping administration that will expire before 1 September 2020 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 competent administration that issues certificates.
- The German shipping administration continues to accept applications for the issuance of certificates, will process them as far as possible under the current circumstances and recommends that seafarers file the applications as usual.

- For the time being, the following rules apply: seafarers whose certificates of competency and certificates of professional competence (documents) will expire in the near future and who are registered for a refresher course that will not take place due to the spread of COVID-19 can submit the application form as usual. Seafarers will get their documents renewed for the usual period of 5 years if all other requirements are met and proof of registration for the refresher course, including the cancellation, is attached to the application. The notice issued together with the documents will include an obligation to submit documentary evidence of refresher training within six months from the date of the issuance of the documents. For safety reasons, this rule does not apply to the participation in courses cancelled due to COVID-19 if these are required for the first qualification.

Port State Control

Germany has suspended all regular port state control inspections of foreign-flagged ships as a precaution in relation to the spread of COVID-19. These measures entered into force on 16 March 2020. Since then, inspections have only been carried out in specific situations such as collisions, grounding or other serious ship accidents. Starting on 2 June 2020, regular inspections will be carried out again in a restricted manner, but in compliance with special safeguard measures for the inspecting officers and crews.

For port state control inspections in German ports, the procedures agreed on in the Paris MoU for handling problems caused by COVID-19 are taken into account. Detailed information in this respect can be found on the web page www.parismou.org.

4. Security inspections

As from 1 July 2020, the following measures will be carried out again:

- inspections by the flag state in accordance with Section 19 of Part A of the ISPS Code (see 1. "Ship's statutory certificates"),
- inspections by the flag state in accordance with Section 4.4 of Part A of the ISPS Code; in individual cases, remote inspections are also possible,
- inspections in accordance with SOLAS XI-2 Regulation 9 paragraph 1 as well as Regulation 9.2.5.3 on board foreign-flagged ships in German ports.

Ship's statutory certificates required under the provisions of the German Maritime Labour Act

In the case of a maritime labour or fishing labour certificate expiring after 30 June 2020, the same principles as described in item 1 ("ship's certificates") apply.

MARPOL and ballast water inspections, inspections in accordance with the Sulphur Directive

The frequency of ship inspections in accordance with MARPOL, the Ballast Water Convention and/or the Sulphur Directive (EU) 2016/802 as carried out by the German police have been reduced due to staff shortages and police forces being deployed to deal with priority tasks related to the containment of the virus. The number of inspections is currently being gradually increased to normal levels.

Further information on these issues can be found at:

<https://www.deutsche-flagge.de/de/coronavirus>