

Übersetzung durch die Berufsgenossenschaft für Transport und Verkehrswirtschaft,
Dienststelle Schiffssicherheit
Translation provided by the BG for transport and traffic, Ship Safety Division
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Gazette [BGBl.] Part I p. 2800)

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Ordinance on verification of compliance of working and living conditions on board ships¹⁾

(Maritime Working Verification Ordinance - MaritimeWorkO)

Maritime Working Verification Ordinance of 25 July 2013 (Federal Law Gazette [BGBl.] Part I
p. 2800)

Footnote 1) This ordinance has the purpose of implementing the Directive 2009/13/EC of 16
February 2009 implementing the Agreement concluded by the European Community
Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF)
on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC (Official
Journal of the EU L 124 of 20 May 2009, page 30)

The Federal Ministry of Transport, Building and Urban Development decrees by reason of

section 136 subsection 1 of the Maritime Labour Act of 20 April 2013 (Federal
Law Gazette I page 868) in agreement with the Federal Ministry of Labour and Social
Affairs and

section 136 subsection 2 of the Maritime Labour Act of 20 April 2013 (Federal
Law Gazette I, page 868):

§ 1

Objective and scope of application

This Ordinance governs:

1. the verification of the compliance of the working and living conditions on board
ships with the legal provisions that have been enacted for the protection against dangers
to safety and health or for other protection of crew members (flag state control),
2. the specified procedure for the issue, validity and form of the maritime labour
certificate, the interim maritime labour certificate, the declaration of maritime labour
compliance, the fishing labour certificate as well as the inspection reports,
3. the monitoring of recognized organizations regarding their inspection activities
according to the Maritime Labour Act and according to ordinances that have been
enacted on the basis of this act.

§ 2

Personnel

The Occupational Accident Insurance Fund for Transport and Traffic (Occupational Accident
Insurance Fund) and the recognized organizations shall have a sufficient number of

inspectors available for carrying out their duties and activities, and shall ensure that they have the necessary training, qualification and equipment.

§ 3

Responsibility of the shipowner

- (1) Where the owner of a ship is the shipowner (section 4 subsection 1 number 1 of the Maritime Labour Act), that owner shall submit an abstract of the register for sea-going ships to the Occupational Accident Insurance Fund.
- (2) Where the owner of a ship is not the shipowner but another natural or legal person assumes responsibility for the ship operations (section 4 subsection 1 number 2 of the Maritime Labour Act), that person shall declare this in writing stating his/her name and address to the Occupational Accident Insurance Fund. The declaration can also be made electronically.
- (3) In case the Occupational Accident Insurance Fund has reasonable doubt thereto that the owner has delegated the responsibility according to section 4 subsection 1 number 2 of the Maritime Labour Act completely to a natural or legal person, it may request all necessary information for clarification as well as necessary information on the contract indicated in section 4 subsection 1 number 2 of the Maritime Labour Act from the owner of the ship.

§ 4

Monitoring of recognized organizations

- (1) The Occupational Accident Insurance Fund shall review the performance of activities carried out by the recognized organizations regularly, but at least every two years, with regard to the verification of the proper execution of their tasks by the recognized organizations.
- (2) The Occupational Accident Insurance Fund is authorized, beyond section 143 of the Maritime Labour Act, particularly:
 1. to review the activities of the recognized organization within its offices,
 2. to carry out inspections of ships, independently of and based on an incident, in order to review the execution of its tasks by the recognized organization,
 3. to attend inspections of ships carried out by a recognized organization,
 4. to attend audits of the recognized organization carried out by the European Maritime Safety Agency (EMSA),
 5. to review inspection reports of the recognized organizations regarding the proper execution of ship's inspections, breaches ascertained thereby as well as their rectification (plausibility review),
 6. to evaluate all sources of information available, particularly databases on detentions of ships within the scope of port state control and reports of member states of the European Union on the activities of recognized organizations in each case to the extent to which the legal provisions in force for sources of information are admissible.

§ 5

Intermediate and renewal inspections

- (1) If the maritime labour certificate is issued for a period of five years, the shipowner shall ensure that between the second and third anniversary date of the issue of the maritime labour certificate an inspection on board will take place in accordance with section 130 subsection 2 of the Maritime Labour Act for verification whether the prerequisites for the issue of the maritime labour certificate are still met (intermediate inspection). Anniversary date means the day and month of each year which will correspond to the date of expiry of the maritime labour certificate. The shipowner shall notify the due date of an inspection to

the Occupational Accident Insurance Fund at the latest three weeks before that due date. The intermediate inspection will be noted in the maritime labour certificate.

(2) The Occupational Accident Insurance Fund will issue a new maritime labour certificate only if, previously, an inspection of the ship has been carried out by the Occupational Accident Insurance Fund in accordance with section 130 subsection 2 of the Maritime Labour Act (renewal inspection). In that case, the period of time for the five-year validity period of the maritime labour certificate begins to run:

1. from the date of expiry of the previously existing maritime labour certificate if the renewal inspection has been carried out within a three-month period prior to the expiration of validity,
2. from the date of completion of the renewal inspection if the inspection has been completed more than three months prior to the expiration of validity of the maritime labour certificate.

(3) Subsection 2 is applicable to the periods of time for the renewal inspection for a fishing labour certificate accordingly.

§ 6

Inspections for the issue of the interim maritime labour certificate

(1) The Occupational Accident Insurance Fund will issue the interim maritime labour certificate according to section 131 subsection 1 of the Maritime Labour Act if:

1. the shipowner demonstrated understandably that he/she has provided adequate procedures in order to satisfy requirements for working and living conditions on board ships in accordance with legal provisions which have been enacted for protection against danger to safety and health or for the protection of the crew members in other respects,
2. the master of the ship demonstrated understandably that he/she familiarized him/herself with the requirements for working and living conditions according to number 1 and knows the obligations arising from them,
3. the shipowner provided the necessary information for the issue of a declaration of maritime labour compliance to the Occupational Accident Insurance Fund,
4. the existence of the prerequisites of numbers 1 to 3 has been verified by the Occupational Accident Insurance Fund and the ship has been inspected with regard to meeting the requirements of section 129 subsection 1 of the Maritime Labour Act.

(2) Subparagraph 1 is applicable for the issue of an officially recognized interim maritime labour certificate in accordance with section 131 subsection 3 of the Maritime Labour Act by a recognized organization accordingly.

(3) A declaration of maritime labour compliances will not be issued for the validity period of an interim maritime labour certificate.

(4) The shipowner shall ensure that an inspection of the ship will be carried out for the subsequent issue of a maritime labour certificate in due time prior to the date of expiry of the interim maritime labour certificate.

§ 7

Records of inspections, obligations to preserve records

(1) Inspectors designated in § 2 shall record the results of all inspections on board a ship in an inspection report and shall hand over two copies to the master without delay.

(2) Where, in case of an inspection, a breach has been ascertained, this shall be recorded in the inspection report indicating the following items:

1. measures proposed by the shipowner for rectification of that breach,
2. date up to which the breach should be rectified,

3. date on which the breach has been rectified verifiably.

The inspection report in which these details have been incorporated shall be annexed to the declaration of maritime labour compliance. The second copy shall be displayed at a position on board clearly visible and accessible for the crew members.

(3) If a recognized organization is active, this organization is obliged to transmit the inspection report immediately, but within a week after completion of the ship's inspection at the latest, to the Occupational Accident Insurance Fund.

(4) The recognized organizations are obliged to keep on file their inspections reports for at least five years from the date of issue.

(5) The Occupational Accident Insurance Fund shall prepare and publish a report on its inspection activities every year. The report shall not contain any personal data.

§ 8

Standard forms

(1) The Occupational Accident Insurance Fund shall publish the forms of the maritime labour certificate, the interim maritime labour certificate, the fishing labour certificate, the declaration of maritime labour compliance, inspection reports used by it, and the declaration according to § 3 in the Transport Gazette or the Federal Gazette.

(2) A recognized organization may use its own forms which differ from those mentioned in subparagraph 1 for its inspection reports provided that the following minimum contents are included:

1. name of recognized organization and inspector,
2. name and IMO number of the ship,
3. completion date and place of the ship's inspection,
4. scope and result of the ship's inspection,
5. ascertained breaches and statement whether the breaches have been rectified prior to the departure of the ship,
6. in case of ascertainment of breaches, deadlines and a plan of action for the rectification of breaches, and
7. a statement whether the requirements according to section 131 subsection 1 sentence 1 of the Maritime Labour Act are met on the ship in the case of an initial inspection, intermediate inspection or renewal inspection.

§ 9

Coming into effect

This ordinance enters into force on 1 August 2013.

Berlin, dated 25 July 2013

Federal Minister
of Transport, Building and Urban Development
per pro
Rainer Bomba