

Ordinance on the table of shipboard working arrangements and records of hours of work in maritime shipping (See-Arbeitszeitrachweisverordnung - See-ArbZNV) ¹

"Ordinance on the table of shipboard arrangements and records of hours of work in maritime shipping of 25 July 2013 (BGBl. I p. 2795)"

* The ordinance serves to implement Directive 1999/63/EC of the Council of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) (OJ L 167, 2.7.1999, p. 33), last amended by Directive 2009/13/EC (OJ. L 124, 20.5.2009, p. 30).

Opening Clause

Pursuant to section 55 sentence 1 numbers 1 and 2 in conjunction with sentence 2 of the Maritime Labour Act of 20 April 2013 (BGBl. I p. 868), the Federal Ministry of Labour and Social Affairs, in agreement with the Federal Ministry of Transport, Building and Urban Development and the Federal Ministry for Food, Agriculture and Consumer Protection, issues the following ordinance:

Section 1 Scope

The table of shipboard working arrangements and the records of hours of work of the crew members on board merchant vessels flying the German flag shall be kept in accordance with the provisions of this ordinance.

Section 2 Table of shipboard working arrangements

(1) The table of shipboard working arrangements according to section 50 subs. 1 sentence 1 of the Maritime Labour Act shall be kept in accordance with the model format in Annex 1. The table shall be signed by the master prior to displaying it at the easily-accessible place according to section 50 subs. 1 sentence 2 of the Maritime Labour Act.

(2) The table shall contain:

1. the schedule of service at sea and service in port for each crew member employed on board,

2. a) the maximum hours of work and the minimum hours of rest in accordance with section 48 subs. 1 of the Maritime Labour Act,

b) the permissible maximum hours of work and minimum hours of rest derogating from section 48 subs. 1 in accordance with the Maritime Labour Act,

¹ The translation is intended solely as a convenience to the non-German-reading public. Any discrepancies or differences that may arise in the translation are not binding and have no legal effect for compliance or enforcement purposes.

3. the tasks during watchkeeping and every anticipated additional work and
4. the total number of hours of the scheduled hours of work for each crew member.

If, in the case of sentence 1 number 2 letter b, the derogation is based on an ordinance or an agreement, the relevant regulation in the ordinance or the relevant agreement shall be specified in the table of shipboard working arrangements.

(3) On fishing vessels, the table shall be kept in such a way that the master shall enter the watchkeeping duties of the crew members at sea and in port insofar as they rotate according to a recurring regular schedule.

Section 3 Records of hours of work

(1) The records of hours of work according to section 50 subs. 2 of the Maritime Labour Act shall be kept in accordance with the model format in Annex 2 for one month in each case. The records of hours of work may be kept in electronic form if the requirements of sentence 1 and of subs. 2 to 4 are adhered to when doing so.

(2) The hours of work and the hours of rest and rest breaks granted according to section 45 subs. 2 of the Maritime Labour Act must be clearly identifiable from the records of hours of work. Derogations from the hours of work and hours of rest normally applicable, especially extensions of hours of work according to section 47, section 48 subs. 2 and section 49 of the Maritime Labour Act, shall be justified in the records of hours of work in the column 'comments'. The rest breaks shall be stated in the column 'comments'.

(3) The record of hours of work shall be signed by the master or a ship's officer or another superior assigned by him/her and by the crew member at the end of the calendar month in order to confirm that the daily records reflect the hours of work and hours of rest correctly. If the records of hours of work are kept in electronic form, the persons referred to in sentence 1 shall add the respective name to the record of hours of work and shall provide the electronic document with a qualified digital signature according to the Digital Signature Act.

(4) A copy of his/her signed record of hours of work according to subs. 3 shall be handed over or delivered electronically to the crew member without delay.

Section 4 Provision on languages

The table of shipboard working arrangements according to section 2 and the records of hours of work according to section 3 shall be kept in the German and the English language and in the additional working languages of the ship.

Section 5 Keeping of documents

(1) As long as the ship flies the German flag the ship owner shall ensure that

1. in the event of a modification of the table of shipboard working arrangements, the previous version is retained on board the ship for a minimum of three years from the time of the amendment, and

2. the records of hours of work for the crew members are retained on board the ship for a minimum of three years from the time when they were signed in accordance with section 3 subs. 3.

If the ship is decommissioned before the expiry of a retention period or changes its flag, the tables of shipboard working arrangements and the records of hours of work shall be retained at the shipping company for the remaining retention period. Retention in digitised or electronic form is possible.

(2) For ships engaged in the national trade the tables of shipboard working arrangements and the records of hours of work may, by way of derogation from section 1 sentence 1, be retained at the shipping company's registered office in such a way that the Occupational Accident Insurance Fund for Transport and Traffic may review them during normal office hours.

Section 6 Regulatory offences

Anyone who, contrary to section 5 sentence 1 of the Maritime Labour Act, fails to ensure, deliberately or negligently, that the tables of shipboard working arrangements and the records of hours of work are retained for at least three years shall be deemed to have committed a regulatory offence within the meaning of section 145 subs. 1 number 18 of the Maritime Labour Act.

Section 7 Entry into force, abrogation

This ordinance shall enter into force on 1 August 2013. At the same date, the Ordinance on the working organisation and working time records in maritime shipping of 5 July 2002 (BGBl. I p. 2571) shall be abrogated.

Annex 1 (ad section 2 subs . 1)

(Reference: BGBl. I 2013, 2797)

MODEL FORMAT FOR TABLE OF SHIPBOARD WORKING ARRANGEMENTS ²

Name of Ship: _____ Flag: _____ IMO Number. (if any): _____ Last update of table: _____ () of () pages

The maximum hours of work and the minimum hours of rest are applicable in accordance with the Maritime Labour Act issued in conformity with the Maritime Labour Convention, 2006 of the ILO and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended, (STCW Convention)

maximum hours of work and minimum hours of rest:

Other requirements:

Position/Rank ³	Scheduled daily work hours at sea		Scheduled daily work hours in port		Comments	Total daily work /rest hours ⁴	
	Watchkeeping (from ... to ...)	Non-watchkeeping duties (from ... to ...) ⁵	Watchkeeping (from ... to ...)	Non-watchkeeping duties (from ... to ...) ⁴		At sea	In port

Signature of Master: _____

² The terms used in this model format are to appear in the working languages of the ship and in English.

³ Here the same terms for Position/Rank should be used as in the ship's Safe Manning Document.

⁴ Delete as applicable

⁵ For watchkeeping personnel, the comments section may be used to indicate the anticipated number of hours to be devoted to unscheduled work and any such hours should be included in the appropriate total daily work hours column.

Annex 2 (ad section 3 subs. 1)

MODEL FORMAT FOR RECORDS OF HOURS OF WORK AND HOURS OF REST OF CREW MEMBERS ⁶

Name of Ship: _____ IMO-Number (if any) _____ Flag of Ship: _____
Crew member (full name): _____ Position/Rank: _____
Month and Year: _____ Watchkee ye no
Year: _____ per ⁷ s

Record of hours of work/rest ⁸

Please mark the hours of work or the hours of rest with an „X“ if applicable, or use a continuous arrow line.

Complete the table on the reverse side

The following national laws and regulations apply to this ship: _____ sections 42 to 55 Maritime Labour Act

The following collective agreements governing limitations on hours of work or on minimum hours of rest periods apply to this ship: _____

I agree that this record is an accurate reflection of the hours of work and rest of the crew member concerned.

Name of master or of the person assigned by the master for signing this record: _____

Signature of the master or of the person assigned for signing this record: _____ Signature of the crew member: _____

A copy of this record is to be given to the crew member.

This form shall be inspected according to the procedures established by

Berufsgenossenschaft für Transport- und Verkehrswirtschaft

⁶ The information in this model format table is to appear in the working languages of the ship and in English.

⁷ Tick as appropriate:

⁸ Delete as appropriate

Please mark periods of work or rest, as applicable, with an X, or using a continuous arrow line																								Hours of rest in 24-hour period	Comments	Not to be completed by the crew member ⁹	
Stunden	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23			24	Hours of work or rest, as applicable, in any 24- hour period ¹⁰
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Stunden	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24			

⁹ For completion and use in accordance with the procedures established by the Berufsgenossenschaft für Transport und Verkehrswirtschaft

¹⁰ Additional calculations or verifications may be necessary to ensure compliance with the relevant requirements concerning the hours of work or rest of the crew members.