

German flag: New seafarers' identity documents and records of employment will supersede the crew members' seamen's books and signing the ship's articles

The Maritime Labour Act will enter into force on August, 1st 2013. This law supersedes the previous Seamen's Act. As a result, the German seamen's books are abolished. Furthermore, there will be no more signing the ship's articles at the shipping offices (Seemannsämtler). Instead of signing the ship's articles there will be new documents and changed responsibilities from August, 1st 2013.

1. Records of employment are the new verification documents for sea-time (Fahrzeitennachweise) for seafarers

Starting from August, 1st 2013, the shipowners are responsible for issuing a record of employment to every seafarer about his/her sea-time on board the ship.

The record of employment shall include:

1. the forename and surname, date of birth, birthplace and address of the crew member,
2. the name and address of the shipowner; in the case of another employer, the name and address of the employer and of the shipowner,
3. the name of the ship, type of ship, identification number, tonnage, engine capacity and trading area,
4. the time of commencement and termination of the service on board,
5. the nature and duration of the duties performed by the crew member.

Seafarers can extend their certificates of competency and their medical certificates by submitting these records of employment. The record of employment may not contain any assessment of the performance and conduct of the crew member. The (intermediate) employment reference letter (testimonial) is to be used for this purpose.

Every shipowner may decide on his/her own about the layout of the record of employment, so every shipowner can develop and maintain the best solution for himself/herself. The following possibilities are conceivable:

- Electronic form if the crew member has consented thereto, or
- Single sheets, or
- A bound seafarer's book.

To our information, models of bound seafarer's books will be provided on the books and forms market in the near future.

The shipowner has to retain a copy of the crew members' records of employment for at least five years from the date of issuance - as papercopy or in electronic form. This will enable the BG Verkehr to verify the safe manning of the ship later on.

§ 33 German Maritime Labour Act (Seearbeitsgesetz) is the legal basis for the record of employment. In the Maritime Labour Convention (MLC), the record of employment is regulated in guideline B 2.1.

Further information:

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2. New seafarers' identity documents are a voluntary matter

Starting in August 2013 the Federal Maritime and Hydrographic Agency of Germany (BSH) will issue, in coordination with the Federal Ministry of Transport, Building and Urban Development (BMVBS), new seafarers' identity documents. Contrary to the seamen's books the seafarers' identity documents are voluntary.

In the seafarers' identity documents no sea-time (Fahrzeiten) can be registered. It will be valid for 5 years and is neither a passport nor an official proof of identity. It only serves as a proof of occupational activity in seafaring.

All seafarers will receive the confirmation, subject to a fee, if he/she

- a) is a holder of a valid record of employment on board a merchant vessel, or
- b) can substantiate a job as other crew member on a merchant vessel flying the German flag.

The seafarers' identity documents will be issued as a paper document and as a plastic card from the beginning of 2014. Crew members should therefore only request a seafarers' identity document in 2013 if in urgent need.

Application forms and information will be published in the internet (www.deutsche-flagge.de) in the near future.

Further information:

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3. Old Ship's Articles (Musterrollen) should be stored

With the entering into force of the Maritime Labour Act on August, 1st 2013 the legal basis for the ship's articles will be abolished. For ship's articles still existing on board we recommend:

1. The captain should take the ship's articles on file with a note that the ship's articles were replaced by the actual crew list on August 1st, 2013 in accordance with § 22 Maritime Labour Act.
2. The existing ship's articles on board should be stored on board or ashore.

There is no legal requirement whether and how long ship's articles have to be stored. With regard to auditing by the German Federal Pension Insurance, we recommend to store them for 5 years following the duration of storage of the records of employment.