

Übersetzung durch den Sprachendienst des Bundesministeriums für Arbeit und Soziales.  
Translation provided by the Federal Ministry of Labour and Social Affairs.

Stand: Die Übersetzung berücksichtigt die Änderung(en) der Verordnung durch Artikel 11 des Gesetzes vom 18. Juli 2017 (BGBl. I S. 2745)

Version information: The translation includes the amendment(s) to the Act by Article 11 of the Act of 18 July 2017 (Federal Law Gazette I p. 2745)

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## **Ordinance on the table of shipboard working arrangements and records of hours of work in maritime shipping\***

### **(See-Arbeitszeitznachweisverordnung - See-ArbZNV)<sup>1</sup>**

Ordinance on the table of shipboard arrangements and records of hours of work in maritime shipping of 25 July 2013 (Federal Law Gazette I p. 2795), last amended by Article 11 of the Act of 18 July 2017 (Federal Law Gazette I p. 2745)

**Footnote** \*: 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).

**Footnote 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.

#### **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,
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.

(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 ARRANGEMENTS1)**

Name of Ship:	Flag:	IMO Number. (if any):	Last update of table:	( ) of ( ) pages
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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 <sup>2)</sup>	Scheduled daily work hours at sea		Scheduled daily work hours in port		Comments	Total daily work /rest hours <sup>3)</sup>	
	Watchkeeping (from ... to ...)	Non-watchkeeping duties (from ... to ...) <sup>4)</sup>	Watchkeeping (from ... to ...)	Non-watchkeeping duties (from ... to ...) <sup>4)</sup>		At sea	In port

Signature of Master: \_\_\_\_\_

<sup>1)</sup>The terms used in this model format are to appear in the working languages of the ship and in English.  
<sup>2)</sup>Here the same terms for Position/Rank should be used as in the ship's Safe Manning Document .  
<sup>3)</sup>Delete as applicable  
<sup>4)</sup>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 <sup>1)</sup>**

Name of Ship: \_\_\_\_\_ IMO-Number (if any) \_\_\_\_\_ Flag of Ship: \_\_\_\_\_

Crew member (full name): \_\_\_\_\_ Position/Rank: \_\_\_\_\_

Month and Year: \_\_\_\_\_ Watchkeeper <sup>2)</sup>    yes     no

<sup>1)</sup> The information in this model format table is to appear in the working languages of the ship and in English.  
<sup>2)</sup> Tick as appropriate:

**Record of hours of work/rest<sup>1)</sup>**

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



