

Draft bill

Federal Ministry for Digital and Transport

Twenty-second Ship Safety Adjustment Ordinance

A. Problem and objective

The Twenty-second Ship Safety Adjustment Ordinance amends the Annexes to the Ship Safety Act (SchSG) and the Federal Maritime Responsibilities Act (SeeAufgG), as well as the Regulation on the Competence of Seafarers in Maritime Transport (See-BV).

The amendments to the Annex in the SchSG transpose the international obligations on the Federal Republic of Germany into national law to further develop the safety of maritime transport and the protection of the marine environment and establish individual duties as justified.

In the area of ship safety, in particular, the resolutions adopted by the Maritime Safety Committee of the International Maritime Organisation (IMO) on the amendment of some codes and guidelines (IMSBC, IGC, HSC, MODU, SPS) associated with the 1974 International Convention for the Safety of Life at Sea (SOLAS) are introduced into German law. Among other things, the International Code for the Transport of Bulk Goods by Sea (IMSBC Code) has been updated to include new definitions, references and requirements for cargoes that may be subject to dynamic separation. The amendments to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) concern the inclusion of watertight doors in the calculations of leak stability. The amendments to the International Code for the Safety of High Speed Vehicles of 1994 and 2000 (HSC Code 1994 and HSC Code 2000), which enter into force on 1 January 2024, refer to rescue equipment and arrangements and radio communications, as well as to the list of equipment for the safety certificate for high-speed vehicles on the modernisation of the global emergency and safety radio system GMDSS. This modernisation also refers to the amendments to the 1989 and 2009 MODU codes for the construction and equipment of movable offshore drilling platforms (MODU Code 1989 and MODU Code 2009) and the 1983 and 2008 Safety Code of Speciality Ships.

In the field of the environment, the resolutions of the Committee on the Protection of the Marine Environment of the IMO amending the MARPOL Convention (International Convention of 1973 for the Prevention of Pollution from Ships) and the Protocols of 1978 and 1997 to that Convention and the 2001 International Convention on the Restriction of the Use of Harmful Anti-fouling Systems on Ships (AFS Convention) should be mentioned. The amendment to the MARPOL Convention added to Annex VI of the Convention the provisions for the introduction and implementation of an Energy Efficiency Indicator for Existing Ships (EEXI) and an Operational Carbon Intensity Indicator (CII) to reduce greenhouse gas emissions from ships.

Furthermore, Annex I to the MARPOL Convention introduced a ban on the use and carry-over for use as fuel of heavy oil on ships in Arctic waters. The amendment of the AFS

Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

Convention adopted uniform measures worldwide to limit the use of the biocide cybutryne in anti-fouling systems.

The amendment to the Annex to the SeeAufgG incorporates in points 1 and 2 of the Annex the amendments to the Conventions that have been introduced nationally.

The amendment to the See-BV serves to correct editorial errors.

B. Solution; benefits

Adoption of a Twenty-second Ship Safety Adjustment Ordinance on the basis of § 15 SchSG and §§ 15 and 9 SeeAufgG.

By the decree of the 22nd Ship Safety Adjustment Ordinance, Germany fulfils its obligation to implement international requirements of the International Maritime Organisation (IMO).

C. Alternatives

None.

D. Budgetary expenditure exclusive of compliance costs

None.

E. Compliance costs

E.1 Compliance costs for citizens

The Regulation does not create a new compliance cost for citizens.

E.2 Compliance costs for businesses

For businesses, there is no compliance cost that goes beyond international obligations.

The draft regulation implements international commitments 1:1. Therefore, no application of the 'one-in, one-out' regulation for new regulatory initiatives by the Federal Government is established.

E.3 Compliance costs for the authorities

The amendments to the international instruments adopted by the Maritime Safety Committee of the IMO are clarifications, amendments or additions to existing obligations, which are taken into account in the existing administrative procedures for certification verification.

The administrative compliance burden for the amendment of the MARPOL Convention in accordance with Annex VI to introduce and implement an Energy Efficiency Indicator for Existing Ships (EEXI) and an Operational Carbon Intensity Indicator (CII) to reduce ships' greenhouse gas emissions are covered by the existing structures of the Ship Safety Service. One-off certification tests for ships subject to the EEXI and in line with the existing

GISIS data transfers (and tests) to the ship fuel oil data collection system (DCS) for the transmission of carbon intensity data once a year for the vessels concerned.

F. Other costs

Cost overflows leading to a non-quantifiable increase in unit prices cannot be excluded. However, direct effects on price levels, in particular on consumer price levels, are not expected.

Draft bill Federal Ministry for Digital and Transport

Twenty-second Ship Safety Adjustment Ordinance

Dated ...

The Federal Ministry for Digital and Transport decrees on the basis of:

— § 15 of the Ship Safety Act of 9 September 1998 (Federal Law Gazette. I, p. 2860), as amended by Article 4 of the Law of 14 March 2023 (Federal Law Gazette. 2023 I No 73),

— § 15(5)(1) of the Federal Maritime Responsibilities Act, in the version published on 17 June 2016 (Federal Law Gazette. I p. 1489), as amended by Article 4(2) of the Law of 14 March 2023 (Federal Law Gazette. 2023 I No 73),

— § 9(1)(5 and 7) of the Federal Maritime Responsibilities Act, in the version published on 17 June 2016 (Federal Law Gazette. I p. 1489), as amended by Article 4(2) of the Law of 14 March 2023 (Federal Law Gazette. 2023 I No 73), and

— § 9(1), first sentence, points 3 a and 3 c, also in conjunction with the third sentence of paragraph 2 of the Federal Maritime Responsibilities Act, in the version published on 17 June 2016 (Federal Law Gazette I p. 1489), as amended by Article 4(2) of the Law of 14 March 2023 (Federal Law Gazette. 2023 I No 73), in agreement with the Federal Ministry of Labour and Social Affairs:

Article 1

Amendment to the Annex to the Ship Safety Act

The Annex to the Ship Safety Act of 9 September 1998 (Federal Law Gazette. I p. 2860), as last amended by Article 4 of the Law of 14 March 2023 (Federal Law Gazette. 2023 I No 73), is amended as follows:

1. Section A is amended as follows:

a) Subsection II is amended as follows:

a%6) In the wording of point I.2/1 to Rule II-1/23-3, after “(VkBl. 2006 p. 520)’ the following words are inserted:

“- 2022 amendment (MSC.188(79)/Rev.1)
Adopted on 28 April 2022
(Transport Gazette(VkBl). 2023 p. #)’.

b%6) In the wording of point I.6 to Rule 1-2, after “(VkBl. 2020 p. 852)” the following words are inserted:

“- 2022 amendment (MSC.500(105))
Adopted on 28 April 2022
(Transport Gazette(VkBl). 2023 p. #)’.

c%6) In the wording of point I.7 to Rule 11, after “(VkBl. 2022 p. 246)” the following words are inserted:

“- October 2021 amendment (MSC.492(104))

Adopted on 08 October 2021
(Transport Gazette(VkBl). 2023 p. #)'.
d%6) Point I.10 is amended as follows:

a%7%7) In the wording of point I.10 a), after "(VkBl. 2020 p. 21)" the following words are inserted:

"- 2022 amendment (MSC.498(105))
Adopted on 28 April 2022
(Transport Gazette(VkBl). 2023 p. #)".

b%7%7) In the wording of point I.10 b), after "(VkBl. 2020 p. 23)" the following words are inserted:

"- 2022 amendment (MSC.499(105))
Adopted on 28 April 2022
(Transport Gazette(VkBl). 2023 p. #)".

e%6) In the wording of point I.12 to Rule 12, after "(VkBl. 2006 p. 520)" the following words are inserted:

"- 2022 amendment (MSC.188(79)/Rev.1)
Adopted on 28 April 2022
(Transport Gazette (VkBl). 2023 p. #)'.
b) Subsection II is amended as follows:

After point II.0.36, the following point II.0.37 is inserted:

"II.0.37. June 2021 amendments (Resolutions MEPC.328(76), MEPC.329(76), MEPC.330(76))
Adopted on 17 June 2021
(Federal Law Gazette. 2023 II No #)".

c) In the wording of subsection VI, after the entry "(Federal Law Gazette. 2018 II p. 514)", the following words are inserted:

"- May 2021 amendment (MSC.486(103))
Adopted on 13 May 2021
(Federal Law Gazette. 2023 II No. 83)".

d) In the wording of section VIII, after the entry "(Federal Law Gazette. 2008 II p. 520)", the following words are inserted:

"- 2021 amendment (MEPC.331(76))
Adopted on 17 June 2021
(Federal Law Gazette. 2023 II No #)".

2. Section C is amended as follows:

a) In point II.1, after the entry "On Appendix I:" the following words are inserted:

"On Rule 3(7) and Rule 9(2):

Directives for the exemption of unmanned barges (UNSP) from certain requirements for inspection and certification under the MARPOL Convention (MEPC Circular MEPC.1/Circ.892)
Adopted on 17 June 2021
(Transport Gazette(VkBl). 2022 p. 594)".

b) In point II.3, after the entry "On Appendix I:" the following words are inserted:

"On Rule 3(2) and Rule 7(2):

Guidelines for the exemption of unmanned barges (UNSP) from certain requirements for inspection and certification under the MARPOL Convention (MEPC Circular MEPC.1/Circ.892)

Adopted on 17 June 2021

(Transport Gazette(VkBl). 2022 p. 594)".

c) Point II.5 is amended as follows:

a%6) After the entry "On Appendix VI" the words

"Directives for exhaust gas purification systems 2015 (Resolution MEPC.259. (68), corrected by MEPC.68/21/Add.1/Corr.2) Adopted on 15 May 2015 (Transport Gazette(VkBl.) 2019 p. 120)"

are replaced by the following words:

"On Rule 3(4):

Directives for the exemption of unmanned barges (UNSP) from certain requirements for inspection and certification under the MARPOL Convention (MEPC Circular MEPC.1/Circ.892)

Adopted on 17 June 2021

(Transport Gazette(VkBl). 2022 p. 594)

On Rule 4:

Directives for exhaust gas purification systems 2015 (Resolution MEPC.259(68), corrected by MEPC.68/21/Add.1/Corr.2)

Adopted on 15 May 2015

(Transport Gazette(VkBl). 2019 p. 120)

2021 Directives for exhaust gas purification systems (Resolution MEPC.340(77))

Adopted on 26 November 2021

(Transport Gazette(VkBl). 2023 p. 194)".

b%6) In the wording of Rule 5(4), after the entry (VkBl. 2020 p. 690), the following words are inserted:

"2022 Directives on visits with regard to the achieved energy efficiency rating for existing ships (EEXI) and the issuance of certificates thereon (Resolution MEPC.351(78))

Adopted on 24 June 2022

(Transport Gazette(VkBl). 2022 p. 902)".

c%6) The Rules 20(2) to Rule 22 are worded as follows:

"On Rule 22(2):

2012 Directives on the Method of Calculation of the Energy Efficiency Design Index (EEDI) for New Ships (Resolution MEPC.212(63))

Adopted on 02 March 2012

(Transport Gazette(VkBl). 2013 p. 128)

- Amendments to the 2012 Directives on the Method of Calculation of the Energy Efficiency Design Index (EEDI) for New Ships (Resolution MEPC.224(64))

Adopted on 05 October 2012

(Transport Gazette(VkBl). 2014 p. 638)

2014 Directives on the Method of Calculation of the Energy Efficiency Design Index for New Ships (Resolution MEPC.245(66))

Adopted on 04 April 2014

(Transport Gazette(VkBl). 2018 p. 771)

- Amendments to the 2014 Directives on the Method of Calculation of the Energy Efficiency Design Index (EEDI) for New Ships (Resolution MEPC.245(66))

Resolution MEPC. 263(68))

Adopted on 15 May 2015

(Transport Gazette(VkBl). 2018 p. 791)

- Amendments to the 2014 Directives on the method of calculation of the Energy Efficiency Design Index (EEDI) for new ships (Resolution MEPC.245(66), as amended by Resolution MEPC.263(68)) (Resolution MEPC.281(70), as corrected by MEPC.70/18/Corr. 1)

Adopted on 28 October 2016

(Transport Gazette(VkBl). 2018 p. 792)

2018 Directives on the Method of Calculation of the Energy Efficiency Design Index (EEDI) for New Ships

(Resolution MEPC.308(73), corrected by MEPC 73/19/Add.1/Corr.1)

Adopted on 26 October 2018

(Transport Gazette(VkBl). 2020 P. 663; 2021 p. 186)

- Amendments to the 2018 Directives on the Method of Calculation of the Energy Efficiency Design Index (EEDI) for New Ships

(Resolution MEPC.308(73)) (MEPC.322(74))

Adopted on 17 May 2019

(Transport Gazette(VkBl). 2020 p. 692)

- Amendments to the 2018 Directives on the Method of Calculation of the Energy Efficiency Design Index (EEDI) for New Ships

(Resolution MEPC.332(76))

Adopted on 17 June 2021

(Transport Gazette(VkBl). 2022 p. 285)

Preliminary directive for the calculation of the coefficient for the decrease of ship speed at representative sea conditions f_w for experimental application

(MEPC.1/Circular 796)

Dated 12 October 2012

(Transport Gazette(VkBl). 2021 p. 114)

2013 guidance on the treatment of innovative energy efficiency technologies in the calculation and verification of the achieved EEDI

(MEPC.1/Circular 815)

Dated 17 June 2013

(Transport Gazette(VkBl). 2021 p. 125)

On Rule 22(3):

2018 Directives on the method of calculation of the Energy Efficiency Design Index (EEDI) for new ships (Resolution MEPC.308(73), corrected by MEPC 73/19/Add.1/Corr.1)

Adopted on 26 October 2018

(Transport Gazette(VkBl). 2020 p. 663, Transport Gazette(VkBl). 2021 p. 186)

- Amendments to the 2018 Directives on the Method of Calculation of the Energy Efficiency Design Index (EEDI) for New Ships (Resolution MEPC.308(73))

(MEPC.322(74))

Adopted on 17 May 2019

(Transport Gazette(VkBl). 2020 p. 692)

- Amendments to the 2018 Directives on the Method of Calculation of the Energy Efficiency Design Index (EEDI) for New Ships (Resolution MEPC.332(76))

Adopted on 17 June 2021

(Transport Gazette(VkBl). 2022 p. 285)

On Rule 23:

2022 Directives on the Method of Calculation of the Achieved Energy Efficiency Rating for Existing Ships (Resolution MEPC.350(78))

Adopted on 24 June 2022

(Transport Gazette(VkBl). 2022 p. 896)

On Rule 24:

a) Directives on the calculation of reference lines for use in conjunction with the Energy Efficiency Design Index (EEDI)

(Resolution MEPC.215(63), corrected by MEPC 63/23/Add.1/Corr.1)

Adopted on 02 March 2012

(Transport Gazette(VkBl). 2013 P. 325; 2020 p. 853)

b) 2013 Directives for the calculation of reference lines for use in conjunction with the Energy Efficiency Design Index (EEDI) (Resolution MEPC.231(65))

Adopted on 17 May 2013

(Transport Gazette(VkBl). 2018 p. 889)

c) 2013 Directives for the calculation of reference lines for use in conjunction with the Energy Efficiency Design Index (EEDI) in non-conventional propulsion passenger ships used for cruises

(Resolution MEPC.233(65))

Adopted on 17 May 2013

(Transport Gazette(VkBl). 2015 p. 182)

On Rule 24(5):

2013 Interim Directives for setting the minimum propulsion power required to maintain the manoeuvrability of ships under unfavourable conditions

(Resolution MEPC.232(65))

Adopted on 17 May 2013

(Transport Gazette(VkBl). 2015 p. 248)

- October 2014 Amendment

MEPC.255(67))

Adopted on 17 October 2014

(Transport Gazette(VkBl). 2018 p. 198)

- May 2015 amendment (MEPC.262(68))

Adopted on 15 May 2015

(Transport Gazette(VkBl). 2018 p. 199)

Directives for setting the minimum propulsion power required to maintain the manoeuvrability of ships under unfavourable conditions (MEPC.1/Circ.850/Rev.3)

Adopted on 17 June 2021

(Transport Gazette(VkBl). 2022 p. 715)

On Rule 25:

2021 Directives on the shaft/engine power throttling system to comply with EEXI requirements and on the use of a power reserve (Resolution MEPC.335(76))

Adopted on 17 June 2021

(Transport Gazette(VkBl). 2022 p. 643)

On Rule 26:

2022 Directives for the preparation of a Marine Energy Performance Management Plan (SEEMP) (Resolution MEPC.346(78))

Adopted on 24 June 2022

(Transport Gazette(VkBl). 2022 p. 857)

Directives for the Management Review of the Company Audit of Part III of the Marine Energy Performance Management Plan (SEEMP) (Resolution MEPC.347(78))

Adopted on 24 June 2022

(Transport Gazette(VkBl). 2022 p. 881)

On Rule 28(1):

2022 Directives on Operational Carbon Intensity Indicators and Calculation Methods (KII Directives, G1) (Resolution MEPC.352(78))

Adopted on 24 June 2022

(Transport Gazette(VkBl). 2022 p. 909)

On Rule 28(4):

2022 Directives on the Reference Lines for Application to Operational Carbon Intensity Indicators (Directives on KII — Reference Lines, G2) (Resolution MEPC.353(78))

Adopted on 24 June 2022

(Transport Gazette(VkBl). 2022 p. 911)

2021 Directives on Operational Carbon Intensity Reduction Factors (Directives on KII Reduction Factors, G3) (Resolution MEPC.338(76))

Adopted on 17 June 2021

(Transport Gazette(VkBl). 2022 p. 605)

Rule 28(6):

2022 Directives on the Operational Carbon Intensity Class of Ships (KII Class Directives, G4) (Resolution MEPC.354(78))

Adopted on 24 June 2022

(Transport Gazette(VkBl). 2022 p. 913)

2022 Preliminary Directives on Correction Factors and Travel Adjustments for the Calculation of KII (KII Directives, G5) (Resolution MEPC.355(78))

Adopted on 24 June 2022

(Transport Gazette(VkBl). 2022 p. 917)“.

- d) In Point VI.2, in the wording of Rule B-1, after the entry “(VkBl. 2010 p. 188)” the following words are inserted:
- “- October 2018 amendment (MEPC.306(73))
Adopted on 26 October 2018
(Transport Gazette(VkBl). 2020 p. 364)”.
3. Section E is amended as follows:
- a) Point 2 is amended as follows:
- a%6) In the wording of item a), after “(VkBl. 2015 p. 472)”, the following words are inserted:
- “- 2022 amendment (MSC.505(105))
Adopted on 28 April 2022
(Transport Gazette(VkBl). 2023 p. #)’.
- b%6) In the wording of item b), after “(VkBl. 2018 p. 193)”, the following words are inserted:
- “- 2022 amendments (MSC.506(105))
Adopted on 28 April 2022
(Transport Gazette(VkBl). 2023 p. #)’.
- b) Point 4 is amended as follows:
- a%6) In the wording of item a), after “(VkBl. 2009 p. 272)”, the following words are inserted:
- “- 2022 amendment (MSC.502(105))
Adopted on 28 April 2022
(Transport Gazette(VkBl). 2023 p. #)’.
- b%6) In the wording of item b), after “(VkBl. 2020 p. 48)”, the following words are inserted:
- “- 2022 amendment (MSC.503(105))
Adopted on 28 April 2022
(Transport Gazette(VkBl). 2023 p. #)’.

Article 2

Amendment to the Annex to the Federal Maritime Responsibilities Act

The Annex to the Federal Maritime Responsibilities Act, as amended by the publication of 17 June 2016 (Federal Law Gazette I p. 1489), as last amended by Article 2 of the Act of 14 March 2023 (Federal Law Gazette I 2023 no 73), is amended as follows:

4. In point 1, the entry “(Federal Law Gazette. 2008 II p. 520, 522)” is replaced by the entry “(Federal Law Gazette. 2023 II no. #)”.
5. In point 2, the word sequence “resolution MEPC.324(75) of 20 November 2020 (Federal Law Gazette. 2022 II p. 155)” is replaced by the word sequence “resolutions MEPC.328(76), MEPC.329(76) and MEPC.330(76) of 17 June 2021 (Federal Law Gazette. 2023 IINo. #)”.

Article 3

Amendment of Seafarers Qualification Regulation

The Seafarers Qualification Regulation of 8 May 2014 (Federal Law Gazette I p. 460), as last amended by Article 1 of the Ordinance of 28 July 2021 (Federal Law Gazette I p. 3236), is amended as follows:

6. In § 6(2) number 5, the point at the end is replaced by a comma.
7. In § 9(2), the entry “(ABl. 2001 C 50, p. 1 ff)” is replaced by the entry “(ABl. C 2002 50, p. 1 ff)”.
8. In § 39(1), second sentence, the letter “c” is replaced by the letter “d”.
9. In § 45(3), the word “SSB” is replaced by the word “SBB”.
10. In § 48(1), first sentence, the words “SRT on the ship” are replaced by the words “on the ship SRT”.
11. In Appendix 1 to § 2, the wording to 1, after the words “NWO 500 Nautical guard officer coastal drive BRZ 500”, the following words are inserted:
“NK 500 Captain's coastal ride BRZ 500”.
12. Annex 6a is amended as follows:
 - a) Under the heading “Metal working in a training workshop or inter-company training centre”, under 11.2, the word “component” is replaced by the word “components”.
 - b) Under heading “Electric production in a training workshop or inter-company training centre” under 4.2, the comma is deleted after the words “Measuring instruments by type”.

Article 4

Entry into force

(2) This regulation shall enter into force, subject to paragraph 2, on the day following its publication.

(3) Article 1(1)(a) double letter dd and Article 1(3) shall enter into force on 1 January 2024.

Explanatory notes

A. General part

I. Objective of and need for the provisions

The Twenty-second Ship Safety Adjustment Ordinance amends the Annex to the Ship Safety Act (SchSG) and the Annex to the Federal Maritime Responsibilities Act (SeeAufgG), as well as the Regulation on the Competence of Seafarers in Maritime Transport (See-BV).

The amendments to the Annex to the SchSG transpose the international obligations on the Federal Republic of Germany into national law to further develop the safety of maritime transport and the protection of the marine environment and establish individual duties as justified.

The purpose of this regulation is to update and adapt the relevant legislation in regards to national transposition of the amendments to the central International Maritime Organization (IMO) conventions and codes relating to ship safety, technical regulations and standards adopted by the IMO, as well as the uniform interpretations of design regulations.

Only editorial corrections are made in the Seafarers Qualification Regulation (See-BV).

II. Main content of the draft

Article 1 of this draft regulation amends the Annex to the SchSG for the transfer of international safety and environmental legislation into German law.

In the area of ship safety, in particular, the resolutions adopted by the Maritime Safety Committee of the International Maritime Organisation (IMO) on the amendment of some codes and directives (IMSBC, IGC, HSC, MODU, SPS) associated with the 1974 International Convention for the Safety of Life at Sea (SOLAS) are introduced into German law. Among other things, the International Code for the Transport of Bulk Goods by Sea (IMSBC Code) has been updated to include new definitions, references and requirements for cargoes that may be subject to dynamic separation. The amendments to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) concern the inclusion of watertight doors in the calculations of leak stability. The amendments to the International Code for the Safety of High Speed Vehicles of 1994 and 2000 (HSC Code 1994 and HSC Code 2000), which enter into force on 1 January 2024, refer to rescue equipment and arrangements and radio communications, as well as to the list of equipment for the safety certificate for high-speed vehicles on the modernisation of the global emergency and safety radio system GMDSS. This modernisation also refers to the amendments to the 1989 and 2009 MODU codes for the construction and equipment of movable offshore drilling platforms (MODU Code 1989 and MODU Code 2009) and the 1983 and 2008 Safety Code of Speciality Ships.

In the field of the environment, the resolutions of the Committee on the Protection of the Marine Environment of the IMO, which amended the MARPOL Convention (International Convention for the Prevention of Pollution from Ships 1973) should also be mentioned.

The amendment to the MARPOL Convention added to Annex VI of the Convention the provisions for the introduction and implementation of an Energy Efficiency Indicator for Ex-

isting Ships (EEXI) and an Operational Carbon Intensity Indicator (CII) to reduce greenhouse gas emissions from ships.

Furthermore, Annex I to the MARPOL Convention introduced a ban on the use and carry-over for use as fuel of heavy oil on ships in Arctic waters. The amendment of the AFS Convention adopted uniform measures worldwide to limit the use of the biocide cybutryne in anti-fouling systems.

Article 2 amends and updates the Annex to the SeeAufgG.

Article 3 only makes editorial corrections to the See-BV.

Article 4 lays down the entry into force of the regulation.

III. Alternatives

None.

The amended and newly introduced tasks are based on Germany's obligations under international law.

IV. Compatibility with European Union law and international treaties

The Regulation is compatible with the law of the European Union and international treaties concluded by the Federal Republic, in particular the 1982 United Nations Convention on the Law of the Sea.

V. Consequences of the Legislation

1. Legal and administrative simplification

Legal and administrative simplifications are not achieved by the regulation.

2. Sustainability aspects

The regulatory initiative has an impact on Objective 8 (Decent Work and Economic Growth) of the Sustainable Development Goals (SDGs) by ensuring safe and state-of-the-art ship operation. Seafarers have a profession that they often pursue under demanding conditions. Their safety is therefore of great importance, and thus the rules of the regulation also serve the protection of workers on board. The regulation also contributes to achieving target 14.1 of SDG 14 (Life below water) to prevent or significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution, by 2025. Finally, the regulatory initiative also complies with the principles of sustainable development. This means preserving natural resources and avoiding threats and unacceptable risks to human health and nature. The above-mentioned is effected by the regulation by transposing international obligations into national law for the further development of maritime safety and marine environmental protection through the amendments to the Annex to the SPA and by establishing individual obligations as justified.

3. Budgetary expenditure exclusive of compliance costs

None.

4. Compliance costs

There is no compensatory obligation due to the implementation of international obligations.

4.1 Compliance costs for citizens

The regulation does not create a new compliance cost for citizens.

4.2 Compliance costs for the economy

The new rules to improve ship safety and marine environmental protection may lead to additional costs for owners and business enterprises, in particular medium-sized enterprises operating seagoing vessels, in new buildings and retrofits; however, these are anti-competitive, as the advances due to their international obligations must also be met for seagoing vessels flying a foreign flag. Without compliance with the standards set by the IMO worldwide, ships cannot call at foreign ports or risk detention there under port state control. On the basis of these requirements, shipowners must comply directly with international standards. These international standards for shipowners and other users of the standard form the basis for the national application standards.

Moreover, there is no compliance cost for businesses that goes beyond international obligations.

The draft regulation implements international rules 1:1. Therefore, no application of the 'one-in, one-out' regulation for new regulatory initiatives by the Federal Government is established.

4.3 Compliance costs for the authorities

The amendments to the international instruments adopted by the Maritime Safety Committee of the IMO are clarifications, amendments or additions to existing obligations, which are taken into account in the existing administrative procedures for certification verification.

The administrative compliance burden for the amendment of the MARPOL Convention in accordance with Annex VI to introduce and implement an Energy Efficiency Indicator for Existing Ships (EEXI) and an Operational Carbon Intensity Indicator (CII) to reduce ships' greenhouse gas emissions are covered by the existing structures of the Ship Safety Service. One-off certification tests for ships subject to the EEXI and in line with the existing GISIS data transfers (and tests) to the ship fuel oil data collection system (DCS) for the transmission of carbon intensity data once a year for the vessels concerned.

5. Other costs

Cost overflows leading to a non-quantifiable increase in unit prices cannot be excluded. Direct effects on price levels, in particular on consumer price levels, are not to be expected.

6. Other consequences of the legislation

Further effects of the Regulation are not to be expected. In particular, no impact on the specific life situation of men and women is to be expected, as the regulations of the Regulation do not concern situations that could influence this.

VI. Time limit; evaluation

The possibility of a time limit for the planned regulations was examined, but is to be negated as far as time limits are not included in the text of the regulations. Amendments that serve the transposition of international law indefinitely and – in so far as it is purely national law – are constantly needed for the performance of tasks by the federal administration, are not to be time-limited.

The regulation does not require the approval of the Bundesrat.

B. Specific Part

Regarding the individual amendments:

Regarding Article 1 (Amendment to the Ship Safety Act)

On Point 1

On Letter a

On Double letter (aa)

As a result of the adoption of the new SOLAS Regulation II-1/25-1 concerning the installation of water level detectors on cargo ships with multiple holds (other than bulk carriers and tankers) by Resolution MSC.482(103), the performance standards for water level detectors are amended accordingly. These are included in Resolution MSC.188(79)/Rev.1.

On Double letter (bb)

The amendment adds the resolution in MSC.500(105) to Annex A of the SchSG.

The amendments relate to an update of the International Code for the Transport of Bulk Goods by Sea (IMSBC Code) to include new definitions, references and requirements for cargoes that may be subject to dynamic separation. Section 7 is amended to cover charges that may be liquefied or subject to dynamic separation. The section aims to draw attention to the risks associated with liquefaction or dynamic separation and the precautions to minimise the risk. Further IMSBC code changes refer to updates of individual sheet pages and the addition of new individual fabric sheet pages. The changes are expected to enter into force internationally on 1 December 2023, but may be applied on a voluntary basis by the administrations as of 1 January 2023.

On Double letter cc

Resolution MSC.492(104) contains amendments to the International Code for the Construction and Equipment of Ships for the Carriage of Liquefied Gases as Bulk (IGC Code) in Chapter 2 (Survival of Ships and Location of Load Tanks) as regards the inclusion of waterproof doors in the calculations of leak stability to harmonise with SOLAS requirements.

On Double letter dd

On Triple letter aaa

The amendment adds Resolution MSC.498(105) to Annex A to the Maritime Safety Act. In the context of the amendments to Resolution MSC.496(105), resolution MSC.498(105), Chapters 8 and 14 of the 1994 HSC Code are amended. These include a complete re-

placement text for Chapter 14 of the HSC Code, and a postponement of the provisions for communication equipment for rescue equipment from Chapter 8 to Chapter 14. These amendments relate to rescue equipment and arrangements and radio communication, as well as to the inventory of equipment for the high-speed vehicle safety certificate on the modernisation of the GMDSS. These amendments shall enter into force on 1 January 2024. The national entry into force of the SOLAS amendments contained in Resolution MSC.496(105) is carried out in a parallel legislative procedure on the 30th SOLAS Amending Regulation.

On Triple letter bbb

The amendments in MSC.499(105) are the same as in point 1(a) double letter dd triple letter aaa, but refer to the 2000 HSC code. These amendments shall also enter into force on 1 January 2024.

On Double letter ee

See point 1(a) double letter aa.

On Letter b

Resolution MEPC.328(76) contains amendments to Annex VI (Regulations on the Prevention of Air Pollution from Ships) to the MARPOL Convention. In addition, Annex VI to the MARPOL Convention is revised.

The present revision takes into account all amendments to Annex VI to the MARPOL Convention adopted and put into effect since 10 October 2008.

It also complements the rules on the introduction and implementation of an energy efficiency indicator for existing ships (EEXI) and an operational carbon intensity indicator (CII) to reduce the greenhouse gas emissions of ships.

Unmanned barges (UNSP barges) without their own drive may in future be exempted from certain requirements for inspection and certification in accordance with Annex VI MARPOL. A new exemption certificate will be introduced for these UNSP barges.

Resolution MEPC.329(76) contains amendments to Annex I (Regulations on the prevention of pollution from oil) to the MARPOL Convention. In the future, a fundamental ban on the use and transport of heavy oil for the purposes of fuel on ships in Arctic waters will apply.

Resolution MEPC.330(76) also contains amendments to Annex I (Rules on the prevention of pollution from oil) and amendments to Annex IV (Regulations on the prevention of pollution from marine waste water) to the MARPOL Convention.

Unmanned barges (UNSP barges) without their own drive may in future thus be exempted from certain requirements for inspection and certification in accordance with Annexes I and IV MARPOL. A new exemption certificate will be introduced for these UNSP barges.

On Letter c

Resolution MSC.486(103) contains amendments to the International Conventions on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention).

MSC.486(103) incorporates a new definition of 'high voltage' in Rule I/1 of the STCW Convention. The amendment entered into force internationally on 1 January 2023.

On Letter d

The amendments to the AFS Convention adopted by Resolution MEPC.331(76) adopted measures to restrict the use of cybutryne in anti-fouling systems and adapted accordingly to the model form of the International Certificate on an anti-fouling system. From 1 January 2023, anti-fouling systems that are newly installed on ships may not contain cybutryne. In the case of ships on which a cybutryne-containing anti-fouling system has been applied prior to that date, it is necessary to remove the anti-fouling system, or a top layer must be applied that acts as a barrier to prevent this substance from escaping from the underlying anti-fouling system that no longer complies with the regulations, at the latest 60 months after the last application.

No later than 24 months after the entry into force of the amendments to the AFS Convention adopted by this resolution, the amended International Certificate on an anti-fouling system must be carried on board on all vessels whose existing anti-fouling system contains cybutryne.

On Point 2

On Letter a

Circular MEPC.1/Circ.892 sets out the directives for the exemption of unmanned barges (UNSP) from certain requirements for inspection and certification under the MARPOL Convention. The guidelines describe the technical conditions for the possibility of exemption from UNSP barges provided for in MARPOL Appendices I, IV and VI and describe the procedure for demonstrating compliance with the conditions, verification and issue of the exemption certificate. The directives are to be used in the examination of exemptions by including Section C of the SchSG Annex.

On Letter b

See point 2(a).

On Letter c

On Double letter (aa)

The 2015 directives for exhaust gas purification systems (resolution MEPC.259(68), as corrected by MEPC.68/21/Add.1/Corr.2), are replaced by Resolution MEPC.340(77) for newly-installed exhaust gas purification systems, thereby updating both directives in the Annex to the section "On Rule 4". (See point 2(c) double letter cc).

In addition, reference must be made to the reasons for points 2(a) and 2(c) double letter aa.

On Double letter bb

Resolution MEPC.351(78) lays down the directives for the inspection and issuance of certificates on the energy efficiency value of an existing ship.

On Double letter cc

Rules 20(2) to 22 are revised.

Rule 20(2) becomes Rule 22(2). Rule 20(3) becomes Rule 22(3).

Rule 23 on MEPC.350(78) is introduced. Resolution MEPC.350(78) sets out the calculation methods to determine the energy efficiency characteristic of an existing ship. The di-

rective is closely based on the concept of the existing directive on the energy efficiency characteristic of new ships.

Rule 21 becomes Rule 24. Rule 21(5) becomes Rule 24(5). MEPC.1/Circ.850/Rev.3 is added to the text of Rule 24(5). Circular MEPC.1/Circ 850/Rev.3 introduces the comprehensively revised directives for determining the minimum propulsion power required to maintain the manoeuvrability of ships in adverse conditions are included in Annex C. The Circular replaces MEPC.1/Circ. 850/Rev.2, which mapped the original interim directives of 2013 and the amendments thereto of October 2014 and 2015 in consolidated versions. In the directives now to be taken into account in the context of the assessment of the EEDI requirement, the seagoing conditions and the second comprehensive evaluation procedure for the determination of the minimum performance in particular have been revised.

Rule 25 on MEPC.335(76) is introduced. Resolution MEPC.335(76) deals with systems for the propeller shaft or engine power constraints that may be necessary to meet the requirements for the energy efficiency characteristic of an existing ship. The general conditions for such systems, the necessary monitoring functions and the handling of power activation in special cases are described.

Rule 22 becomes Rule 26. The wording of Rule 26 is revised.

MEPC.346(78) replaces previous resolution MEPC.282(70) on the preparation of a marine energy efficiency management plan (SEEMP).

MEPC.347(78) concerns guidelines for the review of Part III of the Marine Energy Efficiency Management Plan (SEEMP) to assist administrations in carrying out the audits and corporate audits required by Regulation 26.3.3 of MARPOL Annex VI.

The rules relating to 28(1), rule 28(4) and rule 28(6) are introduced.

The inclusion is intended to implement the resolutions on the management of the Operational Carbon Intensity Indicator (KII).

Resolution MEPC.352(78) — the so-called G1 Directive — deals with the methods of determination and calculation of how the value of the indicator for each vessel is to be calculated once per year on the basis of operational data.

Some correction factors for certain applications or types of vessels still apply to the actual calculation. The application of these correction factors has already been enshrined in Resolution MEPC.338(76) — the so-called G3 Directive.

Resolution MEPC.353(78) — the so-called G2 Directive — defines the respective reference lines for each type of vessel. After that, the individual ships are classified with their achieved operational carbon intensity indicator and are assessed in their position relative to the reference line. This assessment is carried out on the basis of Resolution MEPC.354(78) — the so-called G4 Directive.

On Letter d

Resolution MEPC.306(73) extends Directive MEPC.127(53) “Directives for ballast water treatment and the preparation of ballast water treatment plans (G4)” by the possibility of supplementing the ballast water treatment plan with emergency measures

On Point 3

The amendments to letters (a) to (d) shall all enter into force internationally on 1 January 2024.

On Letter a

On Double letter (aa)

In connection with the amendments to Resolutions MSC.496(105) concerning the modernisation of the GMDSS, Resolution MSC.505(105) amends the 1989 MODU Code.

On Double letter bb

The amendments in MSC.506(105) are the same as in point 3(a), but refer to the 2009 MODU code.

On Letter b

On Double letter (aa)

In connection with the amendments to Resolution MSC.496(105) concerning the modernisation of the GMDSS, Resolution MSC.502(105) amends the 1983 SPS Code.

On Double letter bb

The amendments in MSC.503(105) are the same as in point 3(c), but refer to the 2008 SPS code.

On Article 2 (Amendment to the Annex to the Federal Maritime Responsibilities Act)

On Point 1

The amendments update the Annex to the Federal Maritime Responsibilities Act

On Point 2

The amendments update the Annex to the Federal Maritime Responsibilities Act

On Article 3 (Amendment to the Seafarers Qualification Regulation)

On Point 1

This is an editorial correction.

On Point 2

This is an editorial correction.

On Point 3

This is an editorial correction.

On Point 4

This is an editorial correction.

On Point 5

This is an editorial correction.

On Point 6

This is an editorial correction.

On Point 7

On Letter a

This is an editorial correction.

On Letter b

This is an editorial correction.

On Article 4 (Entry into Force)

The provision governs the entry into force of the Ordinance and corresponds to Article 82(2)(2) of the Basic Law. The provisions not mentioned in paragraph 2 shall therefore enter into force on the day following publication in the Federal Law Gazette.

The provisions referred to in paragraph 2, which contain resolutions MSC.498(105) and MSC.499(105), refer to the SOLAS amendments to MSC.496(105). The national entry into force of MSC.496(105) is the 30th SOLAS amendment regulation, still in progress, which is also to enter into force on 1 January 2024.