

Deutscher Verein für Internationales Seerecht

Deutsche Landesgruppe des Comité Maritime International

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Reply by the German Maritime Law Association to the CMI Questionnaire of 30 September 2015

“– Pandemic Response – The Effect on Seafarers and Passengers at Sea”

1. Is your jurisdiction a member of the World Health Organisation?

Yes.

2. Has your jurisdiction given effect under its domestic law to the International Health Regulations (2005)?

Yes.

3. Has your jurisdiction ratified the IMO-MLC 2006 Convention?

Yes.

4. What steps have been taken within your jurisdiction to give effect to the IMO-MLC 2006 Convention?

MLC 2006 has been implemented into German law by the **German Maritime Labour Act** (Seearbeitsgesetz - SeeArbG) of 20 April 2013, which has been published as Article 1 of the German “*Gesetz zur Umsetzung des Seearbeitsübereinkommens 2006 der Internationalen Arbeitsorganisation*” in the Federal Law Gazette (Bundesgesetzblatt, Teil I, 2013, S. 868). The German Maritime Labour Act entered into force on 1 August 2013 (together with several related regulations; a preliminary English version of the German Maritime Labour Act is published on the ILO Website).

5. Has your jurisdiction ratified the IMO Facilitation of Maritime Traffic Convention 1965 (FAL Convention)?

Yes.

6. What steps have been taken within you jurisdiction to give effect to the FAL-Convention?

The FAL-Convention has been given effect with the publication in the German Federal Law Gazette (Übereinkommen zur Erleichterung des internationalen Seeverkehrs) (Bundesgesetzblatt, Teil II, 1967, S. 2434). The amendments of the FAL-Convention are regularly published and thereby given effect by the German authorities.

7. Are you aware if your jurisdiction has denied free pratique to a vessel during any of the following pandemics: Avian flu; SARS; Chikungunya or MERS?

No, we are not aware of any such cases / incidents in Germany.

8. Are you aware if your jurisdiction has taken any steps to establish the core capacities identified in Sections A and B of Annex 1 of the International Health Regulations, and in particular a “national public health emergency response plan” in compliance with the International Health Regulations?

Yes. There are specific recommendations issued by a German institute (Robert Koch Institut – RKI) for implementing the core capacities at airports and ports. The RKI also co-coordinates the national public health emergency response plan and the national communication between different levels of authorities involved. The RKI Department of Infectious Disease Epidemiology is responsible for the collection analysis and epidemiological assessment of data communicated to the RKI according to infection protection act (Infektionsschutzgesetz, IfSG). It further conducts research in infectious disease epidemiology as well as sentinel surveillance projects and supports the German Federal States in the investigation and management of outbreaks. The Department of Infectious Disease Epidemiology also represents the RKI in networks of the EU and WHO and maintains an information exchange with international partners (e.g. public health institutions within the EU, CDC).

9. (a) What measures were taken by your jurisdiction during the recent Ebola outbreak?

Special inspections of ships arriving from Ebola affected areas / ports. Good information policy about measures to implement for vessels trading in Ebola affected areas. The Maritime Medical Service of the German Social Accident Insurance Institution for Commercial Transport, Postal Logistics and Telecommunication (BG Verkehr) has published a leaflet for seafarers and shipowners with information about prevention and the symptoms of the Ebola Virus Disease.

(b) Which Department of State or organization in your jurisdiction was responsible for implementing those measures during the recent Ebola outbreak?

The responsible German Federal Port Health Authorities / Services which are part of the German Federal Health Authorities.

(c) Were maritime administrations within your jurisdiction consulted in relation to decisions taken within your jurisdiction during the Ebola outbreak?

Yes, the German Federal Port Health Authorities / Services which were involved as well as the relevant department of the German Flag State Authority (Maritime Medical Service, Ship Safety Division, BG Verkehr) were aware of the relevant legal instruments (see below) and took action swiftly.

(d) Were those who took decisions in your jurisdiction during the Ebola outbreak aware of the requirements of:

(i) International Health Regulations 2005; and

In Germany the Federal Port Health Services are responsible for the execution of ship sanitation inspections and infection protection. The coastal states of the port health service work together as “Arbeitskreis der Küstenländer für Schiffshygiene” (AkKü, working group of the coastal states for ship sanitation) to co-ordinate their work.

(II) The FAL Convention 1965 (as amended); and

Yes.

(III) The ILO MLC 2006 Convention?

Yes.

- (e) Were those making the decisions in your jurisdiction in relation to the Ebola outbreak aware of the potential conflict in the requirements between those Regulations and Conventions?**

Which potential conflicts?