

Reply by the German Maritime Law Association

Covid-19 Questionnaire of 8 April 2020

“Court Procedures in your Jurisdictions and Flag Administration”

1. Are the Courts in your jurisdiction open and functioning as per normal?

The Courts in Germany are not affected by nationwide closures at present, but the judges decide when court hearings take place within the framework of their judicial independence. The decision as to whether a hearing date should be cancelled or postponed is made solely by the competent Court. There are, however, recommendations of the competent Ministry of Justice in each Federal State to set priorities and reduce public hearings to the bare minimum in order to protect health.

2. If not, are there any exceptions to the arrest of ships and/or are other injunctive or enforcement procedures available?

Arrest procedures and injunctions remain available. These are usually ex parte-procedures and therefore do not require personal attendance in Court. They are considered as urgent matters and the enforcement of the arrest is carried out by the local bailiff.

3. Can Judicial Sale of Ships still take place?

Judicial Sales of Ships can still take place in Germany as part of the enforcement procedures. They are carried out by a public auction and the health protection measures imposed by the local government have to be complied with.

4. Do you know how long the Courts in your jurisdiction will be closed for?

Courts are not closed in Germany. There are neither indications that this will happen, nor does this seem to be likely, because the operation of the Courts and public prosecutors' officers are required to maintain the rule of law, internal order and legal peace.

5. Is the flag registry in your jurisdiction (if applicable) operating as per normal in terms of the registration of ships and registration of mortgages and deletion of same?

Germany has several ship registries (in total 17 at the moment, a list can be found under www.deutsche-flagge.de/en/german-flag/registration/ships-register/), which are located in different Federal States. The biggest ship registry by number of registered vessels is located in Hamburg and operates as per normal terms of the registration of ships and registration of mortgages and deletion of same. There could be a slight delay because the staff is operating in different shifts to avoid that all have to travel to the registry at the same time.

6. Has your flag administration issued any special exemptions for the period of the Pandemic?

The German Flag Administration “BG-Verkehr” has issued on its website specific guidelines and information with regard to Covid-19. Details can be found under www.deutsche-flagge.de under the headline “Latest Information”. The measures taken by the German flag due to the Covid-19-Pandemic cover procedures concerning ships’ statutory certificates, seafarers’ certificates, security inspections in accordance with ISPS-Code, MARPOL, ballast-water inspections and a port state control. Germany for instance has suspended all regular PSC-inspection of foreign-flagged vessels from 16 March 2020. They are carried out only in case of emergencies (e.g. collisions or grounding). Due to Covid-19-countermeasures Germany currently accepts until 30 June 2020 all ships’ certificates and seafarers’ certificates that expired after 1 January 2020.