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By e-mail only

Generaldirektion Wasserstraßen und Schifffahrt
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For information:

Bundesverband der Deutschen Binnenschifffahrt (Federal German
Inland Navigation Association)

Bundesverband der Selbstständigen Abteilung Binnenschifffahrt (Fed-
eral German Self-Employed Association Inland Navigation Depart-
ment)

Subject: Non prosecution of Corona virus-related offences

File reference: WS 25/6263.2/1 und WS 25/6264.1/1

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Given the possible impact of the COVID 19 pandemic, including in-
land navigation, I am requesting you under section 47 OWiG (Admin-
istrative Offences Act) not to prosecute the following as being an of-
fence:

1. **Infringement of crew requirements**

If as a result of the COVID 19 pandemic, the crew requirements as per
Annex VI of the BinSchUO (Inland waterway inspection regulations)
or RPN cannot be complied with (e.g. as a result of infection with
SARS-CoV-2, quarantine, entry bans or inability to travel from
abroad, outbound travel bans, confinement), such instances of non-
compliance are not to be prosecuted as an offence. This shall only
apply if the prescribed number of crew members is aboard the vessel
and one crew member is replaced by someone with a lesser qualifica-
tion. This qualification may only be one grade lower. However, this
will not apply to the boatmaster prescribed by the crew requirements.

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Within the jurisdiction of national crew requirements set out in annex VI of the BinSchUO the following substitutions are permitted:

- The helmsman by an engine minder,
- The engine minder by a sailor with the requisite knowledge of operating the machinery,
- The sailor by an apprentice sailor or deckhand with a minimum of 360 days navigation time,
- The apprentice sailor by a deck hand,
- The engine minder by a deckhand aged at least 18 and who has the requisite knowledge of operating the machinery, and
- The ferry mate by a ferry apprentice.

If technical requirements necessitate an increase in the number of crew members, the following substitutions are permitted:

- The apprentice sailor with a travel time and minimum age requirement by a deckhand with the appropriate travel time requirement,
- The sailor by a deckhand with a minimum of 360 days navigation time,
- The ferry mate by a ferry apprentice and
- The engine minder by a sailor with the requisite knowledge of operating the machinery.

For travel on the German part of the Rhine as construed by the RPN the following substitutions are permitted:

- The helmsman by a boatman; this does not apply to vessels as construed by section 3.15 in operating mode B standard S1 level 3 and, for vessels as construed by section 3.16 in operating mode B standard S1 levels 3-5 and S2 levels 4 and 5,
- the boatman by a sailor
- The sailor by an apprentice sailor or deckhand with a minimum of 360 days navigation time,
- The apprentice sailor by a deck hand.

On both national waterways and the German part of the Rhine:

Trainee inland navigation personnel who are due to sit their final examination in summer 2020 may stand in for both a boatman and a sailor.

2. Infringement of technical regulations

Vessels or floating objects in possession of a navigation certificate or calibration certificate issued in the Federal Republic of Germany, which expires after 15 March 2020 and which cannot be renewed or extended owing to the current COVID 19 pandemic, may continue to be operated beyond the expiry date.

Given that certificates of navigation can be extended upon application for up to one year without inspection (section 19, para 5 BinSchUO),





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in light of the current extraordinary circumstances it shall be assumed that this poses no risk to safe and easy navigation.

The GDWS (General Waterways and Shipping Directorate) is requested to inform the river police forces appropriately.

This degree shall apply until further notice.

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Barbara Schäfer