

Regulation on Medical Fitness for Service at Sea

of 19th August 1970 (BGBl. I p. 1241), last amended 5th May 2004 (BGBl. I S. 718).

Based on § 142 sub. 1 sent. 1 no. 2 as well as § 143 sub. 1 no. 2, 312 and 13 of the German Seaman's Act (Seemannsgesetz) of 26th July 1957 (BGBl. II p. 713), latest amendment by article 26 of the Cost Authorization Amendment Act (Kostenermächtigungsgesetz) of 23rd June 1970 (BGBl. I p. 805), the following regulation is issued conjointly with the Federal Ministry of Food, Agriculture and Forestry and the Federal Ministry of Posts and Telecommunications with consent of the Federal Council:

§ 1

Requirements for fitness for sea service

Fitness for sea service requires a suitable physical condition and sufficient robustness to be employed on merchant vessels as master or crewmember or to perform such duty as owner of a vessel and to fulfil the specific requirements with respect to ship safety in the particular department on board.

§ 2

Reasons which rule out fitness for sea service

- (1) Unfit for sea service is, who is shorter than 150 cm or lighter than 45 kg. Unfit for sea service is as well, regardless of sub. 2, who is not able to cope with the specific requirements of his particular department on board or who imposes a threat to other persons on board, because one of the illnesses, physical damages or weaknesses listed in Annex I.
- (2) Should the official physician observe any physical damages or weaknesses of the kind listed in annex I of masters or experienced crew members, nevertheless fitness for sea service should be confirmed, if under consideration of age, professional experience and particular task, the examined individual is not likely to impose any danger to himself or other persons on board or to ship safety.

§ 3

Capability of hearing

- (1) Crew members serving on deck and radio officers have to be capable to make out whispered words over a distance of 5 meters with each ear in direction to the examiner. In follow-up examinations crew members serving on deck have to be capable to make out whispered words with each ear in direction to the examiner over a distance of 3 meters or over a distance of 1 meter with the weaker ear and over a distance of 5 meters with the better ear. Voice of normal volume must be understood over a distance of 5 meters with each ear in direction to the examiner.
- (2) Crew members of any other department have to be capable to make out voice of normal volume over a distance of 5 meters with each ear in direction to the examiner. In follow-up examinations it is sufficient to make out voice of normal volume over a distance of 3 meters with both ears at a time with the face turned away from the examiner.

- (3) Regardless of the requirements of sub. 2, crewmembers serving in engine department have at their initial fitness for sea service examination to be capable to make out whispered words over a distance of 5 Meters with each ear in direction to the examiner. Otherwise they will only be fit for sea service in engine department, if an ear specialist's audiometry examination proves that the organ of hearing will not be seriously jeopardized by engine noise. Should a follow-up examination show any deterioration of capability of hearing, fitness for sea service in engine department will only continue, if an ear specialist's audiometry examination proves that the organ of hearing is not expected to be seriously jeopardized by engine noise.
- (4) Masters and crew members, which have been ear examined before enforcement of this regulation and have been declared sufficiently capable of hearing, but do not comply with the requirement of this regulation any more, will continue to be fit for sea service, as long as the capability of hearing still complies with the requirements of the initial examination.

§ 4

Capability of sight and acuity of colour perception

- (1) Eyes have to be examined individually with regard to long distance visual acuity by 5-meter distance tests, masters and crewmembers serving on deck have to be examined with regard to close quarter visual acuity by additional reading tests in.
- (2) Masters and crewmembers serving on deck must have visual acuity and acuity of colour perception according to no. 1 and 2. Night blindness is unacceptable. Only insignificant reduction of visual field is acceptable.
1. Visual acuity without correction glasses must have at least 1,0 with one eye and 0,5 with the other or 0,7 with each eye. Long-sightedness may not exceed plus 5,0 diopter spherical or plus 3,0 diopter cylindrical.
Follow-up examinations must show with or without glasses at least 0,7 with one eye and 0,5 with the other, but added visual acuity of both eyes must at least have 0,25 while the weaker eye must show sufficient sense of direction.
 2. Acuity of colour perception is proved by correctly and quickly determining colour perception tables of two recognized systems (e.g. colour perception tables after Stilling/Velhagen, Ishihara or Boström). In cases of doubt an ophthalmologist's examination with colour perception tables and anomaloscope must show a normal trichromatism with an anomaly quotient of 0,7 to 1,4.
Crewmembers, who do not fulfil the requirements of no. 1 and 2 in a follow-up examination but do have visual acuity as stated in sub. 3, will continue to be fit for service on deck with the restriction not to be employed as helmsman or lookout.
- (3) Crew members of any other department must have visual acuity with glasses of 0,5 with one eye and 0,3 with the other and both eyes must show sufficient sense of direction without correction glasses. Should visual acuity of the weaker eye be less than 0,3 with sufficient sense of direction and no improvement by glasses could be achieved, the other eye must have visual acuity without correction glass of at least 0,7.
- (4) Master or crew members whose sight and acuity of colour perception have been examined and declared sufficient before entry into force of this regulation, but do not comply with the requirement of this regulation any more, will continue to be fit for sea service, as long as their sight and acuity of colour perception still comply with the requirements of their initial examination.

- (5) If the required visual acuity can only be achieved with glasses, it has to be imposed on the examined to wear glasses during his service permanently and to have spare glasses at hand.

§ 5

Authorization of doctors

The See-Berufsgenossenschaft will only authorize such doctors as official physicians, who have specific knowledge of the physical requirement of sea service.

§ 6

Details of examination

- (1) The physician has to examine each applicant individually. During the examination other applicants must not be present.
- (2) The physician has to interview the applicant concerning previous illnesses and bodily afflictions. The general physical examination has to be completed by X-ray exposures of lungs and examination of urine with respect to protein and sugar. Height, weight and blood pressure have to be measured.
- (3) The physician may, should it be necessary for assessment of fitness for sea service, consult another specialist doctor and arrange for supplementary examinations.

§ 7

Examination results Certificate of Fitness for Sea Service

- (1) For applicants who are fit for sea service, the authorized official physician will issue a Certificate of Fitness for Sea Service as published in annex 2. The essential results of the examination will be inserted in writing into the Certificate of Fitness for Sea Service as published in annex 3. The Certificate of Fitness for Sea Service has to be sealed as published in annex 4. For applicants who are not fit for sea service, the physician will issue a certificate as published in annex 5.
- (2) The physician has to hand over the Certificate of Fitness for Sea Service as mentioned in sub. 1 sent. 1 or the certificate as mentioned in sub. 1 sent. 4 to the applicant and, if so demanded, a transcript of the essential results of the examination in writing.
- (3) The Certificate of Fitness for Sea Service may only be opened by a physician authorized for fitness for sea service examinations.
- (4) The physician reports to the See-Berufsgenossenschaft about the Examinations carried out by him. Examination findings have to be kept for at least five years.

§ 8

Period of validity of the Certificate of Fitness for Sea Service

- (1) The Certificate of Fitness for Sea Service is valid for a period of 2 years. For young persons and persons under 21 years of age serving on fishing vessels and persons of 65 years of age and older and persons employed for preparation of food and Beverages, the Certificate of Fitness for Sea Service is valid for one year. The period commences with the date of issue of the Certificate of Fitness for Sea Service.
- (2) The authorized physician may set a shorter period of validity for the Certificate of Fitness for Sea Service, if the examination results do not allow to foresee for sea service for longer than that period.
- (3) If a period of validity as started in sub. 1 and 2 expires during a vessel's passage, the period of validity of the Certificate of Fitness for Sea Service is extended until the end of the Sixth day after return to the territory of the Federal Republic of Germany. Should such an extension of validity exceed a period of six month, the master has to arrange for an examination including X-ray examination of lungs by a physician abroad and to hand in a certificate within one month at the See-Berufsgenossenschaft, which says that no reservations exist against employment in sea service. The follow-up examination has to be carried out by an authorized official physician at the next opportunity. Should that be impossible within one year after expiry of the period stated in sub. 1 and 2, examination has to be repeated abroad. With respect to handing in the certificate and the follow-up examination, sent. 2 and 3 apply accordingly.
- (4) If ground exist which hint on an unfitness for sea service, the See-Berufsgenossenschaft may withdraw the Certificate of Fitness for Sea Service. The same applies if facts arise which would have ruled out issue of a Certificate of Fitness for Sea Service.

§ 9

Follow-up examination

Follow-up examinations after the expiry of period of validity of the Certificate of Fitness for Sea Service should only comprise capability of hearing and sight and acuity of colour perception:

1. in the initial examination after completion of 22nd, 25th, 28th, 34th, 40th, 45th, 50th, 55th, 60th, or 65th year of age and then in many further examination;
2. in the examination of masters and crew members, who have not served on board of a vessel for more than two years;
3. if the See-Berufsgenossenschaft so demands.

§ 10

Board of appeal

- (1) The See-Berufsgenossenschaft nominates the chairman of the board of appeal, a physician as board member, a substitute for each of them and the board members from the particular occupational group concerned for a period of 4 years.

The board members from the occupational group concerned have, in reasonable ratio to and under due consideration of minorities, to be selected from the nomination lists, which have been handed in for vessel owning masters by the employer's association, for all others by the unions and the independent employees' association with defined social and labour policy background. They must be German nationals, must have completed the 25th year of age and have at least 3 years professional experience in their particular field of employment.

- (2) At the beginning of his term of office and at the beginning of each calendar year the chairman draws up a list for each of the following occupational groups:
1. vessels owning masters,
 2. masters and ship's officers of deck department,
 3. Crew members of deck department,
 4. crewmembers of engine department,
 5. ship's officers of engine department,
 6. radio officers,
 7. staff of other departments, particularly catering, service, nursing, laundry, printery and administration.

The chairman will call in a board member from the particular occupational group concerned in turn from the particular list.

- (3) The examination results which the appeal is directed against, must not have been produced by the medical board member in personam.
- (4) The board member from the occupational group concerned receives compensation in accordance with the Honorary Judges Compensation Act (*Gesetz über die Entschädigung der ehrenamtlichen Richter*) as published on 1st October 1969 (BGBl. I p. 1756).
- (5) The members of the board of appeal are not permitted to make any personal circumstances of the concerned available to the public, which they learned about during their board membership, not before and not after leaving the board.

§ 11

Procedure of the board of appeal

- (1) The chairman is the head of the procedure of the board of appeal. The applicant has to be given the opportunity to give his views concerning all aspects of his case, in particular with respect to the results of a repeated medical examination as ordered by the See-Berufsgenossenschaft in accordance with § 82 sub. 1 of the Seaman's Act (*Seemannsgesetz*) and to the opinion expressed by the authorities in charge of safety working standards. The chairman fixes the date of the hearing. He is bound to procedural decisions of the board of appeal. Decisions of the board of appeal are taken by the majority of votes.
- (2) No fees are charged for the appeal procedure before the board of appeal. Fees have to be charged, if they are attributable to gross fault of the applicant. The board of appeal decides *ex aequo et bono*, whether the See-Berufsgenossenschaft has to compensate loss of earnings and costs which the applicant incurred because of the procedure.

§ 12

Keeping of the Certificate of Fitness for Sea Service

The Certificate of Fitness for Sea Service has to be kept by the master during the time of employment on a vessel and has to be presented to the See-Berufsgenossenschaft or the authorities in charge of safety working standards or to be sent to the See-Berufsgenossenschaft if so demanded.

§ 13

Presentation of the Certificate of Fitness for Sea Service

(1) The Certificate of Fitness for Sea Service has to be presented to the Seaman's Administrative Board (*Seemannsamt*)

1. by the masters before his entry into the muster roll,
2. by other applicants before issue of the seamen's book and at any signing up engagement.

The Seaman's Administrative Board may only carry out the official actions stated in sent. 1 if a valid Certificate of Fitness for Sea Service is presented. A Seaman's Administrative Board outside the territory of application of the German Basic Constitutional Law (*Grundgesetz*) may in particular cases dispense from the presentation of a Certificate of Fitness for Sea Service and muster an applicant, if an examination including X-ray examination of lungs has been carried out and a medical certificate is presented, which says that no reservations exist against employment in sea service. An examination by an official physician authorized according to § 5 has to be arranged for at the next opportunity.

(2) The Certificate of Fitness for Sea Service has to be presented when a course is taken at a seaman's school.

§ 14

Examination of applicants for certificates of competency

(1) Applicants for certificates of competency to perform duties on seagoing merchant vessels, which fly the flag of the Federal Republic of Germany under the Right of Flag Act (*Flaggenrechtsgesetz*) of 8th February 1951 (BGBl. I p. 79), have to prove that they have been found fit for sea service within the last year before date of application. If they apply directly following a course, it is sufficient if an examination has been carried out before the beginning of the course.

(2) §§ 2, 3, 4 sub. 1-3 and § 6 apply accordingly to the examination.

(3) The See-Berufsgenossenschaft has to issue an certificate to the applicant as published in annex 6, if he fulfils the requirements. The certificate must state pre-and surname, date and place of birth of the applicant, date and results of the examination as well as the results of the examination of each ear and each eye. If the issue of certificate is denied, § 83 of the Seaman's Act (*Seemannsgesetz*) and §§ 10 and 11 of this regulation apply.

- (4) Subsection 1 to 3 apply with applications for certificates of conformity and certificates of validity in accordance to the Schiffsoffizier-Ausbildungsverordnung, the Schiffsbetriebsmeister-Verordnung and the Schiffsmechaniker-Ausbildungsverordnung. Certificates of physical and mental health of other EU-Member states will be admitted in accordance to Article 6 (2) and (3) of Directive 89/48/EEC and Article 10 sub. 2 and 3 of Directive 92/51/EEC.
- (5) Subsection 4 apply with citizens of contracting state of Treaty on European Economic Area.

§ 15

Transitional provisions

Health cards issued by the See-Berufsgenossenschaft before entry into force of this regulation stay valid as Certificates of Fitness for Sea service in the sense of this regulation until their period of validity expires.

§ 16

Repeal of enactments

The following enactments are repealed with entry into force of this regulation:

1. Announcement concerning the examination of ship's crews fitness for service on ships of 1st July 1905 (RGBl. p. 561) in the wording of the regulation of 8th May 1929 (RGBl. II p. 387),

§ 17

As far as for this ordinance the written form including controls is compulsory, a second version, original version, copy or written down version has to be made or testimonials, certificates or other documents are issued, whose issue has to be proposed in written, as they are to be delivered, submitted or carried with, the electronical form is excluded.

§ 18

Entry into force

This regulation shall enter into force on 1st September 1970

Diseases, health disorders and infirmities disqualifying from marine service:

1. General bodily weakness,
2. transmissible diseases as well as constant or temporary secretion of the pathogens of infectious enteritis (e.g. salmonellosis), paratyphoid fever A, B, dysentery, or typhus abdominalis,
3. obeseness which interferes with performance of duties,
4. speech disorders of a higher degree, disturbances of consciousness or of the sense of balance as well as attacks due to any cause whatsoever,
5. chronic abuse of alcohol, passion to narcotics, or other forms of passion,
6. metabolic diseases, esp. diabetes,
7. disturbances of the endocrine glands, esp. the thyroid, the parathyroid, or the adrenal glands,
8. skin diseases which necessitate the constant treatment by or control of a physician or which are nauseating, the tendency toward special hypersensitivity reactions of the skin (allergy) which necessitate constant or periodic treatment by a physician,
9. malignant tumours, until safely healed,
10. diseases or changes in the eyes which impair their function to a higher degree or have a tendency toward recurrence or complications, monophthalmia, also functional monophthalmia,
11. diseases or change in the ears which impair their function to a higher degree or have a tendency toward recurrence or complications,
12. chronic diseases of the nose or the paranasal sinuses, chronic laryngitis, a cleft jaw or a cleft palate,
13. tooth decay or absence of teeth with considerable impairment of chewing ability (until therapy is completed or a denture has been made),
14. diseases or changes of the respiratory organs, esp. bronchial asthma, pulmonary emphysema, dilation of a bronchus, extensive pleural callosity, pulmonary tuberculosis requiring medical treatment and convalescence. The condition after partial removal of the lungs with rather large functional impairment, honeycomb lung, cysts in the lung,
15. diseases or changes of the heart or the circulatory system which impair the efficiency or regulatory capacity, changes in the blood pressure of a higher degree, the condition after a cardiac infarction,
16. diseases of the blood or the haematogenic organs including lymphatic systems, the condition after removal of the spleen unless it was the consequence of an accident and two years have elapsed since the surgery,
17. diseases or changes in the digestive organs, esp. of the stomach or the intestines (excepting ulcers which have been completely healed without any after-effects for at least two years), of the liver, the gallbladder, or the pancreas, the condition after large operations on these organs, preternatural anus,
18. hernias,
19. diseases or changes in the kidneys or the efferent urinary tract as well as the prostate gland, nephrolithiasis or cystolithiasis, the absence or functional incapability of one kidney, deformity of the urinary organs or the efferent urinary tract with functional impairment,

20. diseases or changes in the locomotor system or the supporting apparatus with quite large functional impairment, esp. changes in the structure or form of the spine, deformities of the thorax, diseases altering the form of the bones or the major joints as well as the resulting conditions, deformations of the limbs, absence of limbs, rheumatic diseases,
21. more serious varicosis, thromboses and their consequences, varicose ulcers, tendency toward varicose ulcers, arterial or venous circulatory disturbances of a considerable degree,
22. diseases of or damage to the central or the peripheral nervous system, esp. organic diseases of the brain or the spinal cord or the resulting conditions, functional disturbances following skull or brain injury, disturbances of the cerebral blood circulation,
23. emotional disturbances or mental disorders even if they have subsided, if a relapse cannot be excluded with sufficient certainty, abnormal personality or abnormal behaviour of a considerable degree, mental deficiency to a rather large degree.

Female applicants are furthermore unqualified for maritime service in case of:

24. considerable prolaps of the uterus,
25. benign tumours of the genital organs if it seems likely that complications requiring medical treatment may suddenly arise,
26. pregnancy,
27. the condition after delivery or larger abdominal operations unless at least three months have elapsed and a pathological diagnosis can no longer be established, the condition after stillbirth or miscarriage as well as after minor gynaecological operations as long as their after-effects have not subsided,
28. inflammatory diseases of the genital organs which are chronic or tend to recur.