

**Ordinance on the Licensing of
Security Companies on Ocean-Going Vessels
(Seeschiffbewachungsverordnung – SeeBewachV)**

of 11 June 2013

(Federal Law Gazette I p. 1562)

Based on Section 31 (4) first, second and third sentence of the Trade Regulation Code (Gewerbeordnung – GewO), which was inserted through Article 1 Number 4 of the Act dated 4 March 2013 (Federal Law Gazette I p. 362), the Federal Ministry of Economics and Technology promulgates the following, in consultation with the Federal Ministry of the Interior and the Federal Ministry of Transport, Building and Urban Development, while respecting the rights of the Bundestag:

**Section 1
Competent authority**

The Federal Office of Economics and Export Control issues the licence, upon application, for maritime security services provided on board ocean-going vessels, under Section 31(1) of the Trade Regulation Code, in the version published on 22 February 1999 (Federal Law Gazette I p. 202), which was last amended by Article 1 of the Act dated 4 March 2013 (Federal Law Gazette I p. 362). The licence is issued in consultation with the agency of the Federal Police specified under Section 58 (1) of the Federal Police Act (Bundespolizeigesetz) of 19 October 1994 (Federal Law Gazette I p. 2978, 2979), which was last amended through article 4 of the Act of 21 July 2012 (Federal Law Gazette I p. 1566), in conjunction with Section 1 (3) number 3 of the Ordinance on Jurisdiction of the Federal Police Agencies (Verordnung über die Zuständigkeit der Bundespolizeibehörden) of 22 February 2008 (Federal Law Gazette I p. 250), last amended through article 12 (3) of the Act of 22 November 2011 (Federal Law Gazette I p. 2258).

**Section 2
Eligibility and application**

(1) Applications for the licence under Section 31 (1) of the Trade Regulation Code may be submitted by natural and artificial persons who wish to perform security functions on ocean-going vessels seaward of the boundary of the German exclusive economic zone (security companies).

(2) Applications must be accompanied by the following documentary evidence:

1. documentation on the operational framework under Section 4 (1),
2. the process manual on procedures under Section 5 (1),

3. standing orders under Section 5 (2),
4. list of equipment used by the security company under Section 6 (1) first sentence,
5. records under Section 11 (2) to (4) for the designated executive under Section 4 (1) second sentence, number 1,
6. proof of liability insurance under Section 12.

Applications shall also be accompanied by a company profile that describes the market position of the security company in the maritime security sector.

(3) Applications shall be submitted through an electronic portal of the Federal Office of Economics and Export Control (BAFA). Licences are issued electronically.

Section 3 Licence duration

The licence is issued for a period of two years.

Section 4 Operational framework; transfer of authority to promulgate ordinances

(1) The security company must set up and document a proper operational framework that ensures compliance with legal requirements, particularly the requirements of this ordinance, and maintain this framework during the term of the licence. The proper operational framework must include the following:

1. the appointment of a senior executive as a designated executive who is responsible for the following tasks:
 - a) to ensure that the security company maintains a process manual in line with number 2,
 - b) to supervise the recruitment, testing and training of the deployed security operatives in line with number 3,
 - c) to introduce measures to remedy any deficiencies identified in the control and verification processes, in line with number 5,
 - d) to facilitate internal communication in accordance with Number 7, and also communicate with the Federal Office of Economics and Export Control,
 - e) to implement and monitor procedures and standing orders, under Section 5 (1) and (2),
2. an organizational structure and process framework including a process manual on procedures under Section 5 (1),
3. processes for recruiting, testing and training of the deployed security operatives, which ensure compliance with the requirements of Sections 7 through 10,
4. a guarantee of legal advice for the security operatives,
5. control and verification processes,
6. a system of documentation and

7. an internal communication system.

(2) The details of the substantive requirements for the proper operational framework shall be established by ordinance through the Federal Office of Economics and Export Control in consultation with the Federal Police Headquarters and the Federal Maritime and Hydrographic Agency pursuant to Section 31 (4) second, third and fourth sentence in conjunction with (4) first sentence, number 2 of the Trade Regulation Code.

Section 5
Requirements for planning and conducting operations at sea
(Procedures and standing orders); transfer of authority to promulgate
ordinances

(1) Before commencing the security activities concerned by the licence application, the security company shall define and document appropriate procedures for planning and conducting operations at sea, and continually update these during the term of the licence. The procedures must include:

1. composition and qualification of the security personnel and allocation of responsibilities among the security personnel making up the security team on board, with a defined team leader and deputy (operations planning), whereby for the roles of team leader and deputy, there is a minimum requirement of one year's professional experience as a security operative for a security company providing services on board ocean-going vessels. Communication and decision channels between the security team and the designated executive must be clearly defined.
2. definition of the interaction between the team leader and the captain when identifying an attack and of conduct in the event of attack, without prejudicing the captain's right to decide on defensive measures,
3. procedural rules on the use of force and weapons,
4. definition of the communication channels between security operatives and the captain,
5. monitoring of the security operatives on board,
6. completion of reports and safeguarding of evidence pertaining to operations in which weapons are used,
7. procurement, transport, loading onto the vessel and unloading, storage and protection against loss, use and disposal of the equipment under Section 6.

(2) The security company shall regulate the guard duty of its security operatives through a general standing order, operations-specific standing orders and shift scheduling. The security company shall deliver a copy of the standing orders to the security operatives in return for a written acknowledgement of receipt and also provide them with a copy of the shift schedule.

(3) The details of the requirements for the procedures and standing orders shall be established by ordinance through the Federal Office of Economics and Export Control in consultation with the Federal Police Headquarters and the Federal

Maritime and Hydrographic Agency pursuant to Section 31 (4) second, third and fourth sentence in conjunction with (4) first sentence, number 2 of the Trade Regulation Code.

(4) The security company shall ensure that the following documents are on hand for the deployed security operatives no later than their embarkation:

1. in the case of deployment on an ocean-going vessel flying the federal flag, evidence of having satisfied the conditions associated with the firearms certificate under Section 28a (1) of the Weapons Act, as amended on 11 October 2002 (Federal Law Gazette I p. 3970, 4592; 2003 I p. 1957), which was last amended through Article 2 of the Act dated 4 March 2013 (Federal Law Gazette I p. 362),
2. proof of accident and health insurance for security operatives,
3. travel documents and visa, if visas are to be issued by the relevant country before entry,
4. identity passes bearing the following information:
 - a) surnames and first names of the security operatives,
 - b) name and address of the security company,
 - c) photographs of the security operatives and
 - d) signatures of the security operatives and of a person under Section 11 (1) or (2).

The identity passes under first sentence, number 4 must plainly differ from official identification cards. The security company shall number the identity passes consecutively and record them in a register.

Section 6

Equipment; transfer of authority to promulgate ordinances

(1) The security company must ensure that the security operatives are equipped with appropriate, serviceable equipment for carrying out their security function. The requirements relating to the suitability and operability of the equipment shall be established by ordinance through the Federal Office of Economics and Export Control in consultation with the Federal Police Headquarters and the Federal Maritime and Hydrographic Agency pursuant to Section 31 (4) second, third and fourth sentence in conjunction with (4) first sentence, number 2 of the Trade Regulation Code.

(2) The security company may provide its security operatives with a uniform. If uniforms are worn by the security operatives, the security company must ensure that these uniforms do not resemble uniforms worn by members of the armed services or official law enforcement agencies and that no insignia are used that are similar to or could be confused with official insignia.

Section 7

Requirements for the deployed persons

The security company may only deploy persons for security functions who

1. are reliable (Section 8),
2. are at least 18 years old,
3. have the necessary personal aptitude (Section 9) and
4. possess the necessary competence (Section 10).

Section 8

Reliability; documents to be presented to the security company

(1) Persons are unreliable if

1. they have been convicted and received a final sentence
 - a) for committing an unlawful act that is punishable with minimum imprisonment of one year or more or
 - b) for committing other intentional criminal offences that are punishable with imprisonment of at least one year,unless ten years have passed since the most recent conviction became final.
2. facts justify the assumption that these persons
 - a) misuse or carelessly use weapons or ammunition,
 - b) use weapons and ammunition inattentively or improperly or fail to stow them diligently, or
 - c) loan them to persons who are not authorized to exercise actual control over these objects, or
3. prohibitions on supplying these persons have been imposed within the context of directly applicable legislation published within an official journal of the European Community or European Union; or if the funds and economic resources of these persons have been frozen and this legislation is used to implement economic sanctions agreed by the Council of the European Union in the area of common foreign and security policy.

(2) Persons are normally unreliable if

1. they have been convicted and sentenced to imprisonment, juvenile detention, a fine of at least 60 daily rates or to a lesser fine at least twice, unless five years have passed since the most recent conviction became final
 - a) due to committing an intentionally unlawful act, or
 - b) due to committing a negligently unlawful act in association with handling weapons, ammunition or explosive substances or
 - c) due to committing a negligent criminal act that poses a danger to the general public,

2. they, individually or as a member of an association, make or support, or, in the last five years have made or have supported, efforts that
 - a) are directed against the constitutional order of the Federal Republic of Germany,
 - b) are directed against the concept of international understanding, especially against the peaceful coexistence of nations, or
 - c) jeopardize the foreign interests of the Federal Republic of Germany through the use of force or preparatory acts thereto
3. were taken into preventive custody by the police with leave of the court for violence more than once within the last five years or
4. have repeatedly or grossly violated the provisions of the following laws:
 - a) the Weapons Act,
 - b) the War Weapons Control Act in the version published on 22 November 1990 (Federal Law Gazette I p. 2506), which was last amended through Article 4 of the Act dated 27 July 2011 (Federal Law Gazette I, p. 1595),
 - c) the Explosives Act in the version published on 10 September 2002 (Federal Law Gazette I p. 3518), which was last amended through Article 2 (64) of the Act dated 22 December 2011 (Federal Law Gazette I p. 3044), or
 - d) the Federal Hunting Act in the version published on 29 September 1976 (Federal Law Gazette I p. 2849), which was last amended through Article 3 of the Act dated 6 December 2011 (Federal Law Gazette I p. 2557), or

(3) The periods under paragraph (1) number 1 or paragraph (2) number 1 do not include time during which the person concerned has been held in an institution by agency or judicial order. If a proceeding on criminal acts within the meaning of paragraph (1) number 1 or paragraph (2) number 1 has not yet been concluded, the Federal Office of Economics and Export Control may suspend the decision on licensing the security company until the conclusion of the criminal proceeding.

(4) As part of the vetting process for reliability, the security company shall require the security operatives being deployed to submit the following documents:

1. an overview of employers to date,
2. an explanatory statement on whether either criminal proceedings or a preliminary investigation by the public prosecutor are pending against the individual, and
3. a certificate of good conduct under Section 30 or 30b of the Central Criminal Register Act and the Juvenile Delinquency Register (Bundeszentralregistergesetz) as published on 21 September 1984 (Federal Law Gazette I p. 1229), 1985 I p. 195), which was last amended through Article 1 of the Act dated 15 December 2011 (Federal Law Gazette I p. 2714), which must be issued no earlier than 3 months before submission, or a comparable foreign document. The foreign document, if not in German, must be submitted in the form of a certified translation.

Section 9

Personal aptitude

(1) Persons possess no personal aptitude if they

1. lack legal capacity,
2. are addicted to alcohol or other intoxicants or
3. are mentally ill or mentally deficient or, due to personal circumstances, do not handle weapons or ammunition carefully or properly or are unable to keep safe custody of such objects.

(2) If facts are known that give reason to doubt personal aptitude under paragraph (1), the security company shall require the relevant persons to submit (at their own cost) a certificate from a medical officer, specialist or psychologist on their mental and physical fitness.

(3) For their first deployment as a security operative on an ocean-going vessel, persons who are not yet 25 years of age require a certificate from a medical officer, specialist or psychologist concerning their mental fitness.

Section 10

Competence

(1) The security company must ensure that the security operatives possess knowledge of the following subject areas and legal fields listed in more detail in the annex:

1. Law of public safety and order as well as the relevant provisions of mercantile law, the German Civil Code, criminal law and code of criminal procedure, accident prevention and maritime statutes,
2. Behaviour in dangerous situations and de-escalation techniques in conflict situations,
3. International Ship and Port Facility Security Code (ISPS Code) pursuant to Regulation 1 Number 1.12 chapter XI-2 of the International Convention for the Safety of Life at Sea (SOLAS) of 1 November 1974 in the version of the re-promulgation of 18 September 1998 (Federal Law Gazette 1998 II p. 2579, volume of annexes); 2003 II p. 2018, 2028, 2029, 2043), last amended by the ordinance of 15 April 2011 (Federal Law Gazette 2011 II p. 506, 507, 518) as amended for the Federal Republic of Germany, Regulation (EC) No. 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129/6 of 29 April 2004, p. 6) as amended and of the International Management Code for the Safe Operation of Ships and for Pollution Prevention ("ISM Code") pursuant to Chapter IX of the SOLAS convention, in the consolidated version with consideration given to resolutions MSC.104(73), MSC.179(79), MSC.195(80) and MSC.273(85) (German Transport Gazette 2012 p. 230) as amended for the Federal Republic of Germany.
4. Conduct on board and basic maritime knowledge,

5. Technical knowledge with reference to ocean-going vessels and equipment,
6. Weapons knowledge in terms of safe handling of the provided weaponry and equipment,
7. Weapons law and the applicable foreign trade legislation of the Federal Republic of Germany and of the relevant port and coastal states to the extent that such law pertains to the acquisition, loading and unloading from ship, storage and protection against loss, carrying and use of weapons and the corresponding ammunition and other security equipment,
8. First aid and lifesaving at sea,
9. The threat level in high risk areas, particularly strategies and weaponry of specific criminal groups and the targets of attacks,
10. Military operations in high risk areas, particularly reporting procedures and possible intervention measures by deployed armed forces,
11. The interim guidelines of the International Maritime Organization (IMO) "Revised Interim Guidance to Shipowners, Ship Operators and Shipmasters on the Use of Privately Contracted Armed Security Personnel On Board Ships in the High Risk Area" in the version published by the Federal Ministry of Transport, Building and Urban Development dated 15 May 2013 (IMO guidelines for private maritime security companies; German Transport Gazette 2013 p. 640) and the "Best Management Practices for Protection against Somalia Based Piracy" in the version published by the Federal Ministry for Transport, Building and Urban Development on 22 May 2013 (BMP; German Transport Gazette 2013 p. 655),
12. Standing orders under Section 5 (2),
13. Specific tactical procedures for operations at sea,
14. English language skills.

(2) The knowledge of weapons, ammunition and other security equipment mentioned under paragraph (1), numbers 6 and 7 need only be demonstrated for the relevant weapon types, ammunition types and pieces of equipment that are carried aboard and only for the purpose of providing security for ocean-going vessels.

Section 11

Requirements for company management as well as for persons charged with management of a business or branch office

(1) Section 7 numbers 1, 2 and 3 apply accordingly to company management as well as to persons charged with management of the business or a branch office.

(2) Sections 7 through 10 also apply to the designated executive.

(3) The following documents must be submitted by the designated executive to the Federal Office of Economics and Export Control as the evidence of reliability required by Section 7 Number 1 in conjunction with Section 8 (1) through (3):

1. a list of former employers,

2. a statement on whether either criminal proceedings or a preliminary investigation by the public prosecutor are pending against the individual, and
3. a certificate of good conduct for submission to an authority under Section 30 (5) of the Federal Central Criminal Register Act (Bundeszentralregistergesetz) or a comparable foreign document. If not already in German, the foreign document must be submitted in the form of a certified translation.

(4) If the designated executive has acquired the competence under (2) in conjunction with Section 10 (1) through police or military training, he may furnish evidence of this through a certification from the former employer.

Section 12

Public and employers' liability insurance

(1) Security companies are obliged to procure public and employers' liability insurance for themselves and the deployed security operatives, in accordance with paragraph (2), to cover the losses that the principals or third parties sustain in the course of performance of the security contract, and to maintain this insurance for the duration of their activities.

(2) The minimum coverage for an insured event is 5 million euros for personal injury and damage to property and 500,000 euros for financial losses. Payments made by the insurer for all damages occurring within a particular insurance period can be limited to twice the minimum coverage.

(3) Liability for compensation claims due to wilful breach of duty can be excluded from the insurance cover. Other exclusions are permissible, provided that they are customary in the market and do not contravene the purpose of public and employers' liability insurance.

(4) The responsible office for the purpose of Section 117 (2) of the Insurance Policies Act, in the version promulgated on 23 November (Federal Law Gazette I p. 2631), which was last amended through Article 2 (79) of the Act dated 22 December 2011 (Federal Law Gazette I p. 3044), is the Federal Office of Economics and Export Control.

Section 13

Recordkeeping and retention obligations

(1) The security company is obliged to keep continuous records on its dealings and operations and also to maintain a clear overview of documents and evidence. The records must be compiled without delay. The following records must be completed and the documents and evidence below compiled:

1. security contract with name and address of the principal, content and nature of the assignment as well as the date of contract conclusion
2. documentation of each deployment upon termination of the deployment with the following details:

- a) name and IMO ship identification number of the ocean-going vessel,
 - b) itinerary and travel period through the high risk area,
 - c) names of the deployed security operatives together with the documents required under Section 5 (4),
 - d) list of weapons, ammunition and other equipment under Section 6 (1) first sentence that were carried aboard, together with any export, transit or trade permits as well as documentation on losses, replacements or use.
- 3. name, address and birth date of the security operatives, indicating the date of contract conclusion,
 - 4. evidence concerning the reliability, aptitude and competence of the security operatives and concerning their familiarization and basic training in accordance with Sections 7 through 10,
 - 5. the standing orders under Section 5 (2) first sentence and acknowledgments of receipt under Section 5 (2) second sentence,
 - 6. insurance policy under Section 12 (1),
 - 7. notifications under Section 14 and
 - 8. results of the verifications conducted as part of the control and verification processes under Section 4 (1) second sentence, number 5.

(2) In the event that weapons are used, the following shall also be documented immediately after termination of the deployment:

- 1. time, location and duration of the deployment,
- 2. course of events leading up to the use of weapons,
- 3. in the event of an attack: number and weaponry of the attackers,
- 4. in the event of an attack: boats and weapons used by the attackers in the attack,
- 5. in the event of an attack: course of the defensive measures,
- 6. weapons used and ammunition consumed,
- 7. identity of wounded and dead,
- 8. written witness statements and available records on the use of weapons as well as
- 9. target practice.

(3) The records under paragraph (1) and the documentation under paragraph (2) shall be retained for three years. The retention period begins at the close of the calendar year in which the record or documentation was produced.

(4) Other provisions on recordkeeping and retention obligations remain unaffected.

Section 14

Notification, reporting and submission obligations

(1) The security company is obliged to immediately notify the Federal Office of Economics and Export Control of a security deployment on ocean-going vessels, but no later than 24 hours after embarkation of the security operatives. For this purpose, documents shall be submitted with the following information:

1. name and IMO ship identification number of the ocean-going vessel,
2. planned itinerary,
3. planned travel period and
4. a copy of the weapons permit under Section 28a of the Weapons Act.

(2) If a security operative has used weapons, the security company shall report this immediately to the Federal Office of Economics and Export Control and the agency of the Federal Police named in Section 1.

(3) The security company shall immediately notify the Federal Office of Economics and Export Control of a change in the designated executive, changes in company management and material changes in the operational framework according to Section 4 and in procedures according to Section 5. In the case of a change in the designated executive, the evidence required under Section 11 (3) and (4) second sentence for the new designated executive must be submitted immediately. In other matters Section 11 (2) shall apply.

(3a) The person liable to provide information may refuse to answer questions if answering said questions would subject the particular person or relatives referred to in Section 383 (1) Nos. 1 through 3 of the Code of Civil Procedure to criminal proceedings or proceedings under the Administrative Offences Act.

(4) The loss or replacement of weapons or ammunition for which a permit has been issued must be immediately reported to the Federal Office of Economics and Export Control.

(5) Notifications and reports shall be submitted through an electronic portal of the Federal Office of Economics and Export Control.

Section 15

Recognition of foreign licences and certifications

(1) Government licences and State-recognized certifications for security functions on ocean-going vessels that are issued in another member state of the European Union or in a contracting state to the Agreement on the European Economic Area shall be accorded equal treatment with licences issued under Section 31 (1) of the Trade Regulation Code, provided that the requirements for such foreign licences or certifications are materially equivalent to the requirements under this ordinance.

(2) Government licences and State-recognized certifications for security functions on ocean-going vessels that were issued in a non-member, non-contracting state may

be accorded equal treatment with licences issued under Section 31 (1) of the Trade Regulation Code, provided that the requirements of paragraph (1) are present.

(3) Equal treatment is accorded through an official notification from the Federal Office of Economics and Export Control upon application by the security company. The notification shall be for a term of two years. Section 2 (3) shall be used accordingly for the application process.

(4) Section 14 (1), (2), (4) and (5) shall be applied accordingly to security companies that hold a foreign government licence or State-recognized certification which has been accorded equal treatment.

Section 16

Administrative Offences

A person commits an administrative offence in terms of Section 144 (2) number 1 of the Trade Regulation Code when such person, intentionally or negligently,

1. contrary to Section 4 (1) first sentence, second clause and second sentence in conjunction with an ordinance under Section 4 (2), fails to maintain the operational framework mentioned there,
2. contrary to Section 5 (1) in conjunction with an ordinance under Section 5 (3), fails to define a procedure mentioned there, or to do so on time, or fails to document the procedure, or documents it incorrectly, incompletely, not in the prescribed manner or not on time,
3. contrary to Section 5 (2) first sentence, fails to regulate the guard duty
4. contrary to Section 5 (4) first sentence, fails to ensure that the documents mentioned there are on hand,
5. contrary to Section 6 (1) first sentence, fails to ensure that the security operatives are provided with the equipment mentioned there,
6. contrary to Section (2), prescribes a uniform for security operatives that may be confused with the uniforms mentioned there and/or allows the use of insignias that resemble and may be confused with official insignia,
7. deploys a person contrary to requirements in Section 7,
8. contrary to Section 8 (4), fails to have a document that is mentioned there submitted or submitted on time,
9. contrary to Section 12 (1) through (3), fails to maintain public and employers' liability insurance,
10. contrary to Section 13 (1) and (2), fails to keep a record or does so incorrectly or incompletely,
11. contrary to Section 13 (3) first sentence, fails to retain a record or fails to do so for at least three years,
12. contrary to Section 14 (1) first sentence or paragraph (3) first sentence, fails to provide a notification or does so incorrectly, incompletely or not on time,

13. contrary to Section 14 (2), fails to make a report or does so incorrectly, incompletely or not on time,
14. contrary to Section 14 (3) second sentence in conjunction with Section 11 (3), fails to submit evidence mentioned there or does so incorrectly, incompletely or not on time, or
15. contrary to Section 14 (4), fails to report the loss of weapons or ammunition or fails to do so on time.

Section 17

Entry into force

This ordinance shall enter into force on the day after its promulgation.

Annex

(to Section 10 (1))

Competence

1. Knowledge of the main principles of the law of public safety and order as well as the relevant provisions of mercantile law, the German Civil Code, criminal and procedural law, accident prevention and maritime law

The instruction shall consist of not less than 24 hours.

This qualification Section is comprised of the following key areas:

1.1 Law of public safety and order

- a) functions and powers of security companies,
- b) differentiation from functions of police and regulatory agencies and
- c) significant police acts and other statutes, civil rights.

1.2 Mercantile law

- a) Sections 14 and 31 of the Trade Regulation Code – rights and duties of the security company, as well as
- b) this ordinance – requirements for contractors and personnel, liability insurance.

1.3 German Civil Code (BGB):

- a) Section 226 – Prohibition of chicanery – requirements and legal consequences,
- b) Section 227 – Self-defence – requirements and limits,
- c) Sections 228 and 904 – Necessity – distinction between defensive and aggressive necessity,
- d) Sections 229 through 231 and 859 – Self-help,
- e) Sections 903 and 854 – Ownership and possession – distinguishing the two legal terms,
- f) Section 855 – Agent in possession – status of agent in possession,
- g) Section 859 – Unlawful interference with possession, and
- h) Sections 823 through 853 – Law of torts.

1.4 Criminal law:

1.4.1 German Criminal Code, in particular

- a) Section 13 – Omissions and affirmative obligation to act in the protection of others (*Garantenstellung*),

- b) Section 32 – Self-defence/emergency assistance – requirements, limits, legal consequences,
- c) Section 33 – Excessive self-defence,
- d) Sections 34 and 35 – Necessity and duress,
- e) Section 132 – Arrogation of public office – requirements and limits for intervention,
- f) Section 138 – Omission to bring planned offences to the attention of the authorities,
- g) Section 145 – Abuse of emergency calls; tampering with means of accident prevention and first aid,
- h) Section 211 – Murder under specific aggravating circumstances,
- i) Sections 212 and 213 – Murder and Murder under mitigating circumstances,
- j) Sections 223 through 231 – Offences against the person,
- k) Section 239 – Unlawful imprisonment, Section 239a – Abduction for the purpose of blackmail, Section 239b – Taking hostages,
- l) Section 240 – Using threats or force to cause a person to do, suffer or omit an act,
- m) Section 241 – Threatening the commission of a felony,
- n) Section 303 – Criminal damage,
- o) Section 308 – Causing an explosion,
- p) Section 310 – Acts preparatory to causing an explosion or radiation offence,
- q) Section 315 – Dangerous disruption of rail, ship and air traffic, and also
- r) Section 323c – Omission to effect an easy rescue.

1.4.2 German Code of Criminal Procedure (StPO) and criminal law provisions outside the Criminal Code (StGB), in particular:

- a) Section 127 of the German Code of Criminal Procedure (StPO) – Provisional arrest,
- b) Sections 51, 52, 52a and 53 of the Weapons Act – Provisions on fines and penalties,
- c) Sections 33 and 34 of the Foreign Trade and Payment Act in the version published on 27 May 2009 (Federal Law Gazette I p. 1150), which was last amended through Article 1 of the ordinance dated 12 December 2012 (Federal Gazette AT 28 December 2012 V1), as well as
- d) Sections 22a and 22b of the War Weapons Control Act.

1.5 Rules of the trade association (BGV)

- a) BGV A1 Principles of Prevention, as well as

b) BGV C7 Guard and Security Duty.

1.6 Maritime law

Falling under this are the relevant provisions of the following legal regulations, as amended, for the performance of security functions on ocean-going vessels:

1.6.1 United Nations Convention on the Law of the Sea of 10 December 1982 (Federal Law Gazette 1994 II p. 1799)

- a) Articles 2 and 3 – Legal status and breadth of the territorial sea,
- b) Articles 17 through 19, 21 – Right of innocent passage,
- c) Articles 24 and 25 – Duties and rights of protection of the coastal State,
- d) Article 27 – Criminal jurisdiction on board a foreign ship,
- e) Article 33 – Contiguous zone; rights of the coastal State,
- f) Articles 55 – 57 – Exclusive economic zone, rights of the coastal State, breadth of the exclusive economic zone,
- g) Articles 86, 87 – Freedom of the high seas,
- h) Article 90 – Right of navigation,
- i) Article 91 – Nationality of ships,
- j) Article 92 – Status of ships,
- k) Article 94 – Duties of the flag State,
- l) Article 95 – Immunity of warships on the high seas,
- m) Article 98 – Duty to render assistance,
- n) Articles 100 – 105 Piracy,
- o) Article 108 – Illicit traffic in narcotic drugs or psychotropic substances, as well as
- p) Article 145 – Protection of the marine environment.

1.6.2 SOLAS convention

Key principles, in particular:

- a) Chapter I – General provisions, ship types,
- b) Chapter II-2 – Provisions on fire protection/fire detections and fire extinction,
- c) Chapter III – Requirements for life-saving appliances and arrangements,
- d) Chapter V – Safety of navigation,
- e) Chapter VI – Carriage of cargoes, as well as
- f) Chapter XI-2 – Special measures to enhance maritime security.

1.6.3. Ordinance on Maritime Security Measures on Board Ships (See-*Eigensicherungsverordnung*), as published on 19 September 2005 (Federal Law

Gazette I p. 2787), last amended by article 516 of the ordinance of 31 October 2006 (Federal Law Gazette I p. 2407).

1.6.4 International Convention of 7 July 1978 on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention; Federal Law Gazette 1982 II p. 297), last amended by the ordinance of 26 August 2008 (Federal Law Gazette 2008 II p. 870): general overview of the convention and its integration with maritime law requirements. The specific contents of the convention are not covered.

1.6.5 Seafarers' Act (*Seearbeitsgesetz*) from 20 April 2013 (Federal Law Gazette I p. 868), in particular:

The security operatives must be familiar with the legal occupational health and safety requirements for seafarers and the provisions in part 7 subsection 1, Sections 120 through 126 on maintaining order on board. They must also have completed the prescribed safety training in accordance with Section 3 (4) fifth sentence.

2. Behaviour in dangerous situations and de-escalation techniques in conflict situations

The instruction shall consist of not less than eight hours.

This qualification Section comprises the following key areas:

1. human behaviour in normal cases and in special situations,
2. key motivators of human behaviour,
3. conflict as dispute resolution,
4. stress as a trigger for conflicts and behaviour in situations of stress,
5. relevant for the team leader and the team leader's deputy: Dealing with people - avoiding sources of mistakes with respect to members of various groups of persons and in special situations,
6. correctly addressing and conversing with others,
7. relevant for the team leader and the team leader's deputy: Human resource management,
8. assessment of the necessity, advisability and proportionality of delay tactics in various situations (risk management).

3. Knowledge of the provisions of the ISPS Code and the ISM Code as well as handling the transport of hazardous materials

The instruction shall consist of not less than two hours.

The security company shall instruct the security operatives on the ISPS Code and the ISM Code. The main features of the provisions, their origin and purpose shall be imparted to the security operatives in basic training. The instruction shall be limited to

subject areas that are relevant to the possible deployment. Basic instruction in handling the transport of hazardous materials must be provided.

4. Conduct on board and basic maritime knowledge

The instruction shall consist of not less than twelve hours.

The qualification section "Conduct on Board and Basic Maritime Knowledge" comprises the following key areas:

4.1 Conduct on board

There must be basic knowledge of conduct on board to the extent that the security operatives can move safely and without personal endangerment on board an ocean-going vessel and be able to assess and evaluate the maritime traffic around the ocean-going vessel of their deployment.

4.2 Basic maritime knowledge

Basic maritime knowledge covers the different types of ships and superstructures, the functions of the crew members and their working environment, life on board, conduct during sea emergencies, sea damage, disasters and storms, as described, for example, in tables A-VI/1-1, A-VI/1-2 and A-VI/1-4 of the annex to the STCW convention. Basic maritime knowledge also includes the regulations of environmental protection at sea.

5. Technical knowledge with reference to ocean-going vessels and equipment

The instruction shall consist of not less than six hours.

The qualification section "Technical Knowledge" comprises the following key areas:

5.1 Main features of safety technology

The main features of safety technology include the mechanical safety devices on board, alarm systems, communication tools, alarm response, fire prevention and fire fighting.

5.2 Handling of life-saving equipment

The security operatives must be acquainted with life-saving appliances, signalling devices and maritime distress signals and be able to correlate them with the maritime emergency. They must have knowledge of the proper conduct in a maritime emergency and be capable of using the life-saving appliances safely. Furthermore, the security operatives must be trained in the special conditions of rescue at sea.

5.3 Basic knowledge of dealing with radar, automatic identification system (AIS)

5.4. The security operatives employed by the security company meet the requirements mentioned under 5.1 and 5.2 if they possess evidence of safety familiarization and basic training in accordance with Part A-VI/1 of the annex to the STCW Convention.

6. Technical knowledge of weapons

The instruction shall consist of not less than 18 hours.

6.1 Classification of weapons – technical weapons terminology

- a) firearm components and their function, as well as
- b) appropriate ammunition

6.2 The handling of weapons

- a) basic rules for handling weapons,
- b) unloading the weapon,
- c) engaging and releasing the safety of the weapon, as well as
- d) reaction in the event of firearm malfunction.

6.3 Ballistics

- a) bullet range,
- b) bullet dispersion,
- c) rifling and
- d) interior ballistics/external ballistics/terminal ballistics.

6.4 Types of long firearms

6.5 Types of short firearms

6.6 Ammunition

- a) descriptions,
- b) detonator types and
- c) types of single bullets.

6.7 Practical target practice

7. Weapons law and foreign trade legislation of the Federal Republic of Germany and of the relevant port and coastal states

The instruction shall consist of not less than six hours.

7.1 Knowledge of weapons law in terms of the Weapons Act

- a) general weapons law terminology,
- b) identification of weapons and ammunition,
- c) acquisition and provision of weapons and ammunition,
- d) carrying of weapons,
- e) shooting,

- f) non-commercial manufacturing and machining of weapons and ammunition,
- g) protection against loss of weapons and ammunition and other duties of the person in possession of weapons and ammunition, as well as
- h) prohibited weapons and objects and prohibited ammunition.

7.2 Foreign trade regulations regarding weapons

Relevant standards from the Foreign Trade and Payments Act and from the Foreign Trade and Payments Ordinance, as published on 22 November 1993 (Federal Law Gazette I p. 1934, 2493), which was last amended through Article 1 of the ordinance dated 21 January 2013 (Federal Gazette AT 29 January 2013 V1).

7.3 The law of the relevant coastal and port states on the transit, storage and export of weapons

The security company must instruct the security operatives on the statutory provisions to be followed in the possible countries of deployment. The security operatives must receive instruction on how to act within the framework of the permits that have been issued. Since deployment scenarios are often unpredictable, the instruction must be individually tailored to the circumstances of the deployment. A briefing must also be held before the deployment.

8. Knowledge of first aid and lifesaving at sea

8.1. Knowledge of first aid

The instruction shall consist of not less than twelve hours.

All security operatives must complete a first aid course.

The security operatives employed by the security company meet this requirement if they possess evidence of safety familiarization and basic training in accordance with Part A-VI/1, table A-VI/1-3 of the annex to the STCW Convention. This evidence must not be more than one year old.

8.2 Paramedics

The instruction shall consist of not less than 32 hours.

The security operative employed as a paramedic satisfies the requirements if he has taken the "paramedics" course of a recognized relief organization. Other comparable or superior medical qualifications may also be recognized. In such case, the security company must provide evidence that the contents of the "paramedics" course were communicated. The special requirements of seafaring are satisfied through the knowledge described in numbers 4 and 5 of this annex. Advanced education in the medical care of bullet wounds, burns and injuries through explosions is also required, unless already covered by the paramedics course mentioned above.

9. Knowledge of the threat level in high risk areas, particularly strategies and weaponry of specific criminal groups and the objectives of attacks

The instruction shall consist of not less than eight hours.

The security company shall instruct all its security operatives in basic training concerning the general and specific threat level in the potential areas of deployment. Knowledge concerning the criminal groups, their strategies and weaponry shall be communicated.

10. Knowledge of military operations in high risk areas, particularly reporting procedures and possible intervention measures by deployed armed forces

The instruction shall consist of not less than three hours.

The security company shall acquaint itself, from freely available sources, about military operations that are taking place in the area of operations. The objective is for security operatives to be familiar with the various military operations, be able to classify them and be informed about how to use them to provide assistance.

The security company must also ensure that the security operatives are acquainted with the various reporting procedures in high risk areas and also that the team leader is capable of assisting the captain with reporting.

11. Knowledge of relevant guidelines of the International Maritime Organization

The instruction shall consist of not less than eight hours.

The security company shall provide basic training to the security operatives on the IMO guidelines for private maritime security companies (PMSCs) and on the Best Management Practices for Protection against Somalia Based Piracy (BMP). The security operatives shall be familiar with and be able to apply the corresponding regulations. The security operatives shall be capable of assisting the ship's crew in implementing the currently applicable Best Management Practice.

12. Knowledge of standing orders under Section 5 (2) of the ordinance

13. Knowledge of the specific tactical procedures for operations at sea

Familiarity with the latest safety equipment that can be used on board ocean-going vessels and its effectiveness is required.

The security operatives should be familiar with and able to use the capabilities for technically protecting an ocean-going vessel against attacks. The security company shall ensure that instruction is provided on the various technical defensive capabilities as part of the basic training under number 11 of this annex. This training should be based on current international recommendations on protection against piracy on the high seas and on conduct in the event of attacks. The security operatives must be instructed on the correct operation and installation of technical

protective measures. They must be familiar with the modes of operation, possibilities for use and limitations of available measures, in order to develop an effective protection strategy for an ocean-going vessel and be capable of assisting the captain in meeting his responsibilities.

14. Knowledge of English

The security operatives must possess sufficient English languages skills to allow them to communicate clearly on board an ocean-going vessel and with the ship's command in particular. The English language skills of the team leader and his deputy should be of a standard to allow them to communicate with military control centres and local authorities.

The English language skills possessed by the security operatives are sufficient to meet requirements if:

- they can understand the main thrust of communication when clear, standard English is used and references are to the familiar working environment
- they can manage most situations encountered during a deployment
- they can express themselves simply and coherently about familiar topics and personal interests
- they can report on experiences and events, describe their own intentions and personal impressions and also give reasons or explanations for particular plans or views