



## General Provisions for Swiss Seagoing Yachts

### General remarks

The following explanations refer to the most important provisions of the Swiss federal regulations for seagoing yachts (Swiss Yachts Ordinance; SR 747.321.7, ref. as YO) which must be adhered to by all Swiss seagoing yachts, their owners, skippers and crew.

Switzerland is a member of the International Maritime Organization (IMO) and has ratified a substantial number of international treaties on maritime navigation. These constitute a part of Swiss law. Most of these treaties refer only to merchant shipping, however certain international regulations apply also to pleasure craft.

The guidance on the Swiss yacht regulations and the relevant international regulations is for illustrative purposes and reference only, and cannot be considered exhaustive. It is the obligation of all skippers and owners of Swiss pleasure craft to know and adhere to all relevant regulations when navigating, including those of other countries in their respective areas of jurisdiction.

### 1. Display of the Swiss flag at sea, port of registry and name of the craft (Art. 1 para. 3 YO)

The Swiss flag to be displayed at sea is rectangular: Length = 1 1/2 x Width (Art. 3 para. 2 & Annex I of the Federal Act of 23 September 1953 on Navigation under the Swiss Flag (Navigation Act [SR 747.30, ref. as NA]). The name of the port of registry BASEL – in one of the official Swiss languages (Basel, Bâle, Basilea) – and the name of the craft must be labelled as per customary use, clearly visible on the stern of the boat (Art. 1 para. 2 and Art. 9 YO).

### 2. Changes to the certificate of registry (Art. 3 para. 3 YO)

Every change in particulars mentioned in the certificate of registry must be reported and the certificate sent to the SMNO immediately. Amendments may only be made by the SMNO. The certificate cannot be transferred to new owners. In case of change(s) in ownership a new certificate must be applied for.

### 3. Renewal of registration (Art. 12 YO)

The certificate of registry is valid for a maximum period of three years. Applications for a renewal for one, two or three years can be sent to the SMNO. The relevant forms may be downloaded from the SMNO's website. The necessary documentary evidence must be submitted.

Vessels with an expired certificate of registry are no longer entitled to fly the Swiss flag at sea. The period of validity cannot be interrupted, even if the craft is not used and e.g. stored ashore.

### 4. Liability (Art. 15 YO)

Owners of Swiss pleasure craft are subject to the provisions for liability under Articles 48, 49 and 121 NA and Article 41 ff. of the Swiss Code of Obligations [SR 220].

## **5. Operation and command of craft (Art. 16 YO)**

Owners of Swiss pleasure craft must either skipper them themselves or designate a qualified skipper for the task. Clubs/associations must do the latter. The appointment of a non-Swiss citizen for this task is only allowed if the regulations regarding the nationality of owners are not circumvented by this. All regulations of the NA which apply to Swiss pleasure craft apply also to their skippers and owners, unless the latter have designated a skipper on their behalf.

## **6. Skipper (Art. 19 YO)**

Every skipper of a Swiss pleasure craft must be duly qualified. The Swiss certificate of competence for operators of pleasure craft on the high seas can be obtained from the examination bodies authorised by the SMNO. Equivalent foreign certificates are also recognised by the SMNO.

Information on the examination bodies authorised and the foreign certificates of competence recognised by the SMNO is available for download on the SMNO's website.

## **7. Commercial use (Art. 17 YO)**

The commercial transport of persons or goods on Swiss seagoing yachts is prohibited. Within the scope of the Yachts Ordinance, the commercial transport of persons or goods is deemed to occur if any form of remuneration is paid for such transport which is intended to cover more than the proportional ordinary costs of operation during the period of transport. Any kind of compensation, including, but not limited to, a payment in cash or benefit in kind, shall be deemed to be remuneration.

## **8. Use by third parties (Art. 18 YO)**

A Swiss pleasure craft may be lent to foreign users on an occasional basis, as long as the regulations regarding the nationality of owners are not circumvented by this.

Commercial letting is prohibited. Commercial letting is deemed to occur if a payment (rent) is made in any form intended to cover more than the ordinary costs of operation during the period of letting.

Owners remain responsible and liable for all operations. They shall be liable in accordance with the provisions of the Navigation Act and the Yachts Ordinance.

## **9. Documentation to be permanently carried aboard (Art. 20 para. 2 YO)**

- The certificate of registry and these general provisions
- The certificate of competency of the skipper (ref. Pt. 6)
- Proof of third-party liability insurance coverage
- If more than 6 co-owners: the contract / bill of co-ownership (rec. in English language)
- The logbook, which must be duly filled in by and signed by the skipper on a daily basis and on each page whenever navigating, and which must contain at least the following information:
  - Name, number of the certificate of registry, port of registration and if applicable further information on the craft
  - Name, address and nationality of the skipper
  - Type, number, date and place of issuance, and issuing authority of the skipper's certificate of competency
  - Personal details including nationality of all other persons present aboard, their role and duties aboard, place and date of their embarkation and disembarkation
  - Working language aboard
  - Watchkeeping schedule
  - Provisioning and bunkers

- Voyage report (meteorological information, sea state and current, courses, log and depth readings, use of sails and/or engine(s), positions, port entries and departures, anchorages etc.)
- Any particular events and/or observations, such as incidents, groundings etc.

Each page of the logbook must bear the signature of the skipper.

- In case of more than 6 co-owners: contract of co-ownership (recommended in English)

## 10. Hired crew (Art. 21 YO)

If owners of a Swiss pleasure craft **below 300 GT** hire a skipper and/or a crew to operate it or assist in operating it (which also includes services such as catering etc.), the provisions as stipulated in Art. 21 para. 1 YO referring to the NA and the Ordinance from 20 November 1956 implementing the Federal Act on Navigation under the Swiss Flag (Navigation Ordinance [SR 747.301, ref. as NO]) shall apply. In addition, the provisions of the Swiss Code of Obligations (SR 222) relating to contracts of employment also apply.

For pleasure craft of **300 GT and above**, all regulations of the NO and NA regarding employment contracts and maritime labour apply.

## 11. Deletion from registry (Art. 13 YO)

If change(s) in ownership occur, owners immediately have to request the deletion of the craft from the registry respectively the corresponding amendments, by sending the current certificate of registry to the SMNO. The relevant forms can be downloaded from the SMNO's website.

In order to register a pleasure craft previously registered in Switzerland with a foreign registry, often a certificate of deletion will be required. Upon application for deletion this can be requested from the SMNO by ticking the corresponding box in the relevant form.

In case one or several requirements for registration are no longer met, the SMNO will initiate the deletion of the craft from the registry. This namely includes permanent unseaworthiness, non-disposal of the craft by its owners, a long-time expired certificate of registry and severe or repeated violations of applicable provisions of Swiss and international maritime law, such as commercial use, no or insufficient liability insurance, command without due qualification etc.

## 12. Applicable international regulations (Art. 16 YO)

The provisions of all international maritime treaties and customs as ratified and/or declared applicable by Switzerland apply also to the operation of Swiss registered pleasure craft insofar as these are concerned. (Art. 16 para. 3 YO)

### A. COLREG

The Convention on the International Regulations for Preventing Collisions at Sea (COLREG; SR 0.747.363.321) applies to all vessels navigating the high seas and the navigable coastal waters adjoining them, and is consequently to be adhered to by all vessels operating in these areas.

### B. SOLAS

The International Convention for the Safety of Life at Sea (SOLAS, SR 0.747.363.33) stipulates minimum standards to provide for the safety of human life at sea.

SOLAS mainly focuses on commercial navigation, respectively merchant shipping. The fifth chapter (SOLAS V) however contains provisions for the safety of navigation for all seagoing vessels, and consequently also for Swiss registered seagoing pleasure craft.

### **Namely the following rules are to be followed:**

- 29 The watch must dispose of a graphic table showing distress- and emergency signals

- 31/32 Obligation to report dangers to the safety of navigation
- 33 Obligation to assist in cases of distress
- 34 Obligation to duly plan the voyage, safely handle the ship, avoid dangerous situations and to duly protect the environment
- 35 Prohibition to use distress signals unless in an actual situation of distress

Rules 15-28 of SOLAS V do not apply to vessels below 150 GT, only for those of 150 GT and above. **The relevant provisions are mentioned in detail in the SMNO's guidelines for the equipment of Swiss seagoing yachts.** These are available for download on the SMNO's website.

### C. MARPOL

The International Convention for the Prevention of Pollution from Ships of 1973 and its protocol of 1978 (MARPOL; SR 0.814.288.2) applies to all vessels, hence also to pleasure craft.

Annex I (MARPOL I) addresses marine pollution by oil. The applicability of the individual regulations varies widely. Some provisions apply also to smaller craft, e.g. Art. 14 para. 4, Art. 15 para. 6. Most regulations however apply to vessels of **400 GT and above** or only certain types of vessels, such as tankers.

Annex IV (MARPOL IV) regulates the prevention of pollution **waste waters**. The provisions apply to all vessels **of 400 GT and above** or carrying **15 or more persons**.

Annex V (MARPOL V) contains regulations for the **prevention of pollution by garbage from ships**. Some provisions already apply to vessels of all types and sizes (Art. 3 ff.). **Above certain sizes, additional special equipment regulations apply, which are mentioned in detail in the guidelines for the equipment of Swiss seagoing yachts.** These are available for download on the SMNO's website.

Annex VI (MARPOL VI) **contains provisions to prevent air pollution by ships**. These apply also to pleasure craft, particularly regarding ozone-depleting substances, nitrous and sulphuric oxides, particulate matter, volatile organic substances and garbage incineration; vessels of **400 GT and above** must further comply with certain requirements regarding energy efficiency.

### D. Tonnage Convention

The International Convention on Tonnage Measurement of Ships 1969 (SR 747.305.412 [Tonnage Convention]) requires vessels exceeding certain dimensions to be measured according to these rules.

For yachts with an overall length of 24 metres or more, an international tonnage certificate issued in accordance with international rules must be submitted to the SMNO. The overall length is determined according to the definition of the Tonnage Convention (Art. 2 No. 8).

A ship's measurement in accordance with international rules along with issuance of the associated tonnage certificate is provided by all classification societies recognised by the SMNO and by various foreign port and maritime authorities, including the German Federal Maritime and Hydrographic Agency. ([www.bsh.de](http://www.bsh.de))

The list of classification societies recognised by the SMNO can be downloaded from the SMNO's website.

### E. Other potentially applicable international treaties (non-exhaustive list)

- International Convention on the Control of Harmful Anti-Fouling Systems on Ships (SR 0.814.295; AFS Convention)
- Nairobi International Convention on the Removal of Wrecks (SR 0.747.363.5; Nairobi Convention)
- Ballast Water Management Convention (SR 0.814.296; BWB Convention)
- International Convention on Civil Liability for Bunker Oil Pollution Damage (SR 0.814.294; CLC - Bunker Oil Convention)