



Profiskipper

What is a professional skipper

A professional skipper in the sense of our "professional skipper insurance" is a skipper who owns or chartered a vessel commercially used.

Commercial use exists if:

'if the sports vehicle is hired out with a boatman, or is otherwise used (also by the owner) with the intention of making a profit for training to drive sports vehicles or for similar sports and leisure purposes, then it is a case of commercial use within the meaning of Paragraph 2(6) of the SeespbootV. Anyone who offers services that can typically be purchased for a fee on an external market is acting with the intention of making a profit. An association can therefore also be commercially active in this sense if, for example, it offers training or berth charter at standard market prices. It doesn't matter whether the offer is aimed at everyone or only at club members." (for further information, see BG Verkehr, Ship Safety Department, commercial use).

What needs to be considered in terms of insurance law.

Skippers who take fellow sailors with them for a fee have to observe special regulations. Regulations may vary from country to country.

In general, however, the following should be noted:

1. The ship must be approved for the transport of people and therefore have the appropriate certification of the respective country.
This means, for example, in Germany via a SeeBG certificate.

Boat certificates, as they are required for German charter ships at home and abroad, are therefore not sufficient for training and berth charter trips on chartered ships without a corresponding ship safety certificate!
2. If the vessel used does not have this approval, it must be expected that the authority may prevent the continuation of the voyage and that an administrative penalty is also to be expected.
3. However, the effects on insurance law should not be underestimated.
In the event of damage, there is a risk that the insurer will be exempt from payment because the vessel should not have been used in the first place.
4. This is another aspect that has nothing to do with sea licensing, but is nevertheless important for tour operators who repeatedly employ skippers (albeit freelance).
Depending on the circumstances, it may happen that the social security system sees this as employment within the meaning of the Social Security Code and asks the "employer" to (retrospective) pay the social security contributions, related to Germany for the last 5 years! This is what happened with an organizer of sailing trips with "freelance" skippers.
5. The "professional skipper" who charters a ship should therefore in any case have the charter company confirm that the ship has the maritime approval necessary for commercial use. Ideally, this confirmation should take the form of sending a copy of the relevant document. With this confirmation, the skipper can assume that this is correct, and thus his insurance protection is usually ensured as far as this claim is concerned with regard to the insurance conditions.

Yours sincerely,

Dr. Friedrich Schöchl

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