



Številka 5611-278/2012/3 (7/12)

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EVA 2012-1811-0144

GENERALNI SEKRETARIAT VLADE  
REPUBLIKE SLOVENIJE

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**ZADEVA: Zakon o ratifikaciji Manilskih sprememb, 2010, k Mednarodni konvenciji o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov (STCW), 1978 – predlog za obravnavo**

**1. Predlog sklepov vlade:**

Na podlagi tretjega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 - uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) in drugega odstavka 2. člena Zakona o Vladi Republike Slovenije (Uradni list RS, št. 24/05 - uradno prečiščeno besedilo, 109/08, 38/10 – ZUKN in 8/12) je Vlada Republike Slovenije na ..... seji dne ..... sprejela naslednji sklep:

Vlada Republike Slovenije je določila besedilo Predloga zakona o ratifikaciji Manilskih sprememb, 2010, k Mednarodni konvenciji o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov (STCW), 1978,

sklenjenih v Manili dne 25. junija 2010, in ga predloži Državnemu zboru Republike Slovenije.

Sklep prejmejo:

- Ministrstvo za zunanje zadeve,
- Ministrstvo za infrastrukturo in prostor

Priloga: predlog zakona z obrazložitvijo.

**2.a Osebe, odgovorne za strokovno pripravo in usklajenost gradiva:**

- Borut Mahnič, generalni direktor Direktorata za mednarodno pravo in zaščito interesov Ministrstva za zunanje zadeve;
- Mihael Zupančič, vodja Sektorja za mednarodno pravo Ministrstva za zunanje zadeve.

**2.b Predstavniki vlade, ki bodo sodelovali pri delu Državnega zbora:**

- Karl Erjavec, minister za zunanje zadeve;
- Zvone Černač, minister za infrastrukturo in prostor;

<ul style="list-style-type: none"> <li>- dr. Božo Cerar, državni sekretar Ministrstva za zunanje zadeve;</li> <li>- mag. Bojan Žlender, po pooblastilu št. 020-1/2012/27-00621157 z dne 27. 9. 2012;</li> <li>- Borut Mahnič, generalni direktor Direktorata za mednarodno pravo in zaščito interesov Ministrstva za zunanje zadeve;</li> <li>- Dr. Janez Požar, vodja Oddelka za pomorstvo v Ministrstvu za infrastrukturo in prostor;</li> <li>- Mihael Zupančič, vodja Sektorja za mednarodno pravo Ministrstva za zunanje zadeve.</li> </ul>		
<b>3. Gradivo se sme objaviti na svetovnem spletu:</b>		DA
<b>4.a Predlog za obravnavo predloga zakona po nujnem oziroma skrajšanem postopku v Državnem zboru RS z obrazložitvijo razlogov:</b>		
/		
<b>4.b Predlog za skrajšanje poslovniških rokov z obrazložitvijo razlogov:</b>		
/		
<b>5. Kratek povzetek gradiva</b>		
<p>Pomorski promet ima mednarodni značaj kar pomeni, da na isti ladji delajo člani posadke, ki so se usposabljali v različnih državah z različnimi sistemi. Ključnega pomena je, da so vsi člani posadke usposobljeni za varno opravljanje svojih nalog, kar ima pomembno vlogo pri varnosti v pomorskem prometu.</p> <p>Konvencija STCW predpisuje minimalne standarde, ki jih morajo pogodbenice obvezno izpolnjevati ali presegati. Konvencija je bila že večkrat spremenjena, nazadnje v Manili junija 2010. Najpomembnejše novosti iz leta 2010 so:</p> <ul style="list-style-type: none"> <li>- učinkovitejše določbe glede izobraževanja in ocenjevanja, izdajanja pooblastil o usposobljenosti ter preprečevanje goljufij povezanih s pooblastili;</li> <li>- posodobljeni standardi glede zdravstvenega stanja, delovne sposobnosti in zlorabe alkohola;</li> <li>- nove zahteve v zvezi z izdajanjem pooblastil za usposabljanje pomorščakov in častnikov elektrotehniko ter usposabljanjem s področja varnosti za vse pomorščake;</li> <li>- posodobljene zahteve za osebje na nekaterih vrstah ladij (tankerji in ladje, ki prevažajo utekočinjene pline);</li> <li>-pojasnitev in poenostavitve opredelitve 'pooblastila'.</li> </ul>		
<b>6. Presoja posledic</b>		
a)	na javnofinančna sredstva v višini, večji od 40 000 EUR v tekočem in naslednjih treh letih	NE
b)	na usklajenost slovenskega pravnega reda s pravnim redom Evropske unije	NE
c)	administrativne posledice	NE
č)	na gospodarstvo, posebej na mala in srednja podjetja ter konkurenčnost podjetij	NE
d)	na okolje, kar vključuje tudi prostorske in varstvene vidike	NE
e)	na socialno področje	NE
f)	na dokumenta razvojnega načrtovanja: <ul style="list-style-type: none"> <li>- na nacionalne dokumente razvojnega načrtovanja,</li> <li>- na razvojne politike na ravni programov po strukturi razvojne klasifikacije programskega proračuna</li> <li>- na razvojne dokumente Evropske unije in</li> </ul>	NE

	mednarodnih organizacij	
<b>7.a Predstavitev ocene finančnih posledic, višjih od 40 000 EUR</b>		
/		

<b>I. Ocena finančnih posledic, ki niso načrtovane v sprejetem proračunu</b>				
	Tekoče leto (t)	t+1	t+2	t+3
Predvideno povečanje (+) ali zmanjšanje (-) prihodkov državnega proračuna				
Predvideno povečanje (+) ali zmanjšanje (-) prihodkov občinskih proračunov				
Predvideno povečanje (+) ali zmanjšanje (-) odhodkov državnega proračuna				
Predvideno povečanje (+) ali zmanjšanje (-) odhodkov občinskih proračunov				
Predvideno povečanje (+) ali zmanjšanje (-) obveznosti za druga javna finančna sredstva				
<b>II. Finančne posledice za državni proračun</b>				
<b>II.a. Pravice porabe za izvedbo predlaganih rešitev so zagotovljene:</b>				
Ime proračunskega uporabnika	Šifra ukrepa, projekta/Naziv ukrepa, projekta	Šifra PP /Naziv PP	Znesek za tekoče leto (t)	Znesek za t+1
<b>SKUPAJ:</b>				
<b>II.b. Manjkajoče pravice porabe se bodo zagotovile s prerazporeditvijo iz:</b>				
Ime proračunskega uporabnika	Šifra ukrepa, projekta/Naziv ukrepa, projekta	Šifra PP /Naziv PP	Znesek za tekoče leto (t)	Znesek za t+1
<b>SKUPAJ:</b>				
<b>II.c. Načrtovana nadomestitev zmanjšanih prihodkov oz. povečanih odhodkov proračuna:</b>				
Novi prihodki	Znesek za tekoče leto (t)		Znesek za t+1	

<b>SKUPAJ:</b>		
<b>7.b Predstavitev ocene finančnih posledic, nižjih od 40 000 EUR</b>		
Gradivo nima nikakršnih učinkov na področjih iz tretje alineje tretjega odstavka 8. člena Poslovnika Vlade RS, oziroma ima zanemarljive finančne učinke (pod 40 000 € v tekočem in naslednjih treh letih).		
<b>8. Predstavitev sodelovanja javnosti</b>		
Gradivo je bilo predhodno objavljeno na spletni strani predlagatelja		NE
<b>9. Predstavitev medresorskega usklajevanja</b>		
Gradivo je bilo poslano v medresorsko usklajevanje:		
- Službi Vlade RS za zakonodajo.		
Datum pošiljanja:		
Gradivo je usklajeno:	v celoti	
	Priložiti mnenja organov, s katerimi gradivo ni usklajeno/	
<b>10. Gradivo je lektorirano</b>		DA
<b>11. Zahteva predlagatelja za</b>		
a)	obravnavo neusklajenega gradiva	NE
b)	za nujnost obravnave	NE
c)	obravnavo gradiva brez sodelovanja javnosti	NE
<b>12. Pri pripravi gradiva so bile upoštevane zahteve iz Resolucije o normativni dejavnosti</b>		DA
<b>13. Gradivo je uvrščeno v delovni program vlade</b>		NE
Ena od nalog Ministrstva za zunanje zadeve, ki je navedena v točki 2.11 2. poglavja koalicijske pogodbe, je tudi sklepanje mednarodnih pogodb. Zaradi same narave postopka sklepanja mednarodnih pogodb te niso poimensko navedene v koalicijski pogodbi. Potreba za ratifikacijo Manilskih sprememb izhaja iz dejstva, da je potrebno čim prej tudi v slovenski zakonodaji uveljaviti nove standarde za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov.		
<b>14. Gradivo je pripravljeno na podlagi sklepa vlade št. ... z dne ...</b>		
<b>Karl Erjavec MINISTER</b>		

**ZAKON O RATIFIKACIJI  
MANILSKIH SPREMEMB, 2010, PRILOGE K MEDNARODNI KONVENCIJI O  
STANDARDIH ZA USPOSABLJANJE, IZDAJANJE SPRIČEVAL IN LADIJSKO  
STRAŽARJENJE POMORŠČAKOV (STCW), 1978**

1. člen

Ratificirajo se Manilske spremembe, 2010, priloge k Mednarodni Konvenciji o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov (STCW), 1978, sprejete v Manili 25. junija 2012.

2. člen

Besedilo sprememb se v izvorniku v angleškem jeziku in prevodu v slovenskem jeziku glasi:

**2010 MANILA AMENDMENTS TO THE ANNEX TO THE INTERNATIONAL  
CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND  
WATCHKEEPING FOR SEAFARERS (STCW), 1978**

**(Resolution 1 of the Conference of Parties to the International Convention on  
Standards of Training, Certification and Watchkeeping for Seafarers, 1978)**

## **RESOLUTION 1**

### **THE MANILA AMENDMENTS TO THE ANNEX TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978**

THE 2010 MANILA CONFERENCE,

RECALLING Article XII(1)(b) of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (hereinafter referred to as “the Convention”), concerning the procedure for amendment by a Conference of Parties,

HAVING CONSIDERED the Manila amendments to the annex to the Convention proposed and circulated to the Members of the Organization and to all Parties to the Convention,

1. ADOPTS, in accordance with article XII(1)(b)(ii) of the Convention, amendments to the annex to the Convention, the text of which is set out in the annex to the present resolution;
2. DETERMINES, in accordance with article XII(1)(a)(vii) of the Convention, that the amendments annexed hereto shall be deemed to have been accepted on 1 July 2011, unless, prior to that date, more than one third of Parties to the Convention or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world’s merchant shipping of ships of 100 gross register tons or more have notified the Secretary-General that they object to the amendments;
3. INVITES Parties to note that, in accordance with article XII(1)(a)(ix) of the Convention, the amendments annexed hereto shall enter into force on 1 January 2012 upon being deemed to have been accepted in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General of the Organization to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the Convention;
5. FURTHER REQUESTS the Secretary-General to transmit copies of this resolution and its annex to all Members of the Organization which are not Parties to the Convention.



**ANNEX**  
**THE MANILA AMENDMENTS TO THE ANNEX TO THE INTERNATIONAL**  
**CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND**  
**WATCHKEEPING FOR SEAFARERS, 1978**

The annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, is replaced by the following:

“ANNEX

**CHAPTER I**

**General provisions**

**Regulation I/1**

*Definitions and clarifications*

- 1 For the purpose of the Convention, unless expressly provided otherwise:
  - .1 *Regulations* means regulations contained in the annex to the Convention;
  - .2 *Approved* means approved by the Party in accordance with these regulations;
  - .3 *Master* means the person having command of a ship;
  - .4 *Officer* means a member of the crew, other than the master, designated as such by national law or regulations or, in the absence of such designation, by collective agreement or custom;
  - .5 *Deck officer* means an officer qualified in accordance with the provisions of chapter II of the Convention;
  - .6 *Chief mate* means the officer next in rank to the master and upon whom the command of the ship will fall in the event of the incapacity of the master;
  - .7 *Engineer officer* means an officer qualified in accordance with the provisions of regulation III/1, III/2 or III/3 of the Convention;
  - .8 *Chief engineer officer* means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship;
  - .9 *Second engineer officer* means the engineer officer next in rank to the chief engineer officer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the chief engineer officer;

- .10 *Assistant engineer officer* means a person under training to become an engineer officer and designated as such by national law or regulations;
- .11 *Radio operator* means a person holding an appropriate certificate issued or recognized by the Administration under the provisions of the Radio Regulations;
- .12 *GMDSS radio operator* means a person who is qualified in accordance with the provisions of chapter IV of the Convention;
- .13 *Rating* means a member of the ship's crew other than the master or an officer;
- .14 *Near-coastal voyages* means voyages in the vicinity of a Party as defined by that Party;
- .15 *Propulsion power* means the total maximum continuous rated output power, in kilowatts, of all the ship's main propulsion machinery which appears on the ship's certificate of registry or other official document;
- .16 *Radio duties* include, as appropriate, watchkeeping and technical maintenance and repairs conducted in accordance with the Radio Regulations, the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended and, at the discretion of each Administration, the relevant recommendations of the Organization;
- .17 *Oil tanker* means a ship constructed and used for the carriage of petroleum and petroleum products in bulk;
- .18 *Chemical tanker* means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the International Bulk Chemical Code;
- .19 *Liquefied gas tanker* means a ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the International Gas Carrier Code;
- .20 *Passenger ship* means a ship as defined in the International Convention for the Safety of Life at Sea, 1974, as amended;
- .21 *Ro-ro passenger ship* means a passenger ship with ro-ro spaces or special category spaces as defined in the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended;
- .22 *Month* means a calendar month or 30 days made up of periods of less than one month;
- .23 *STCW Code* means the Seafarers' Training, Certification and Watchkeeping (STCW) Code as adopted by the 1995 Conference resolution 2, as it may be amended by the Organization;

- .24 *Function* means a group of tasks, duties and responsibilities, as specified in the STCW Code, necessary for ship operation, safety of life at sea or protection of the marine environment;
- .25 *Company* means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the company by these regulations;
- .26 *Seagoing service* means service on board a ship relevant to the issue or revalidation of a certificate or other qualification;
- .27 *ISPS Code* means the International Ship and Port Facility Security (ISPS) Code adopted on 12 December 2002, by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, as may be amended by the Organization;
- .28 *Ship security officer* means the person on board the ship, accountable to the master, designated by the Company as responsible for the security of the ship including implementation and maintenance of the ship security plan and liaison with the company security officer and port facility security officers;
- .29 *Security duties* include all security tasks and duties on board ships as defined by chapter XI-2 of the International Convention for the Safety of Life at Sea (SOLAS 1974, as amended) and the International Ship and Port Facility Security (ISPS) Code;
- .30 *Certificate of competency* means a certificate issued and endorsed for masters, officers and GMDSS radio operators in accordance with the provisions of chapters II, III, IV or VII of this annex and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein;
- .31 *Certificate of proficiency* means a certificate, other than a certificate of competency issued to a seafarer, stating that the relevant requirements of training, competencies or seagoing service in the Convention have been met;
- .32 *Documentary evidence* means documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements of the Convention have been met;
- .33 *Electro-technical officer* means an officer qualified in accordance with the provisions of regulation III/6 of the Convention;
- .34 *Able seafarer deck* means a rating qualified in accordance with the provisions of regulation II/5 of the Convention;

.35 *Able seafarer engine* means a rating qualified in accordance with the provisions of regulation III/5 of the Convention; and

.36 *Electro-technical rating* means a rating qualified in accordance with the provisions of regulation III/7 of the Convention.

2 These regulations are supplemented by the mandatory provisions contained in part A of the STCW Code and:

.1 any reference to a requirement in a regulation also constitutes a reference to the corresponding section of part A of the STCW Code;

.2 in applying these regulations, the related guidance and explanatory material contained in part B of the STCW Code should be taken into account to the greatest degree possible in order to achieve a more uniform implementation of the Convention provisions on a global basis;

.3 amendments to part A of the STCW Code shall be adopted, brought into force and take effect in accordance with the provisions of article XII of the Convention concerning the amendment procedure applicable to the annex; and

.4 part B of the STCW Code shall be amended by the Maritime Safety Committee in accordance with its rules of procedure.

3 The references made in article VI of the Convention to “the Administration” and “the issuing Administration” shall not be construed as preventing any Party from issuing and endorsing certificates under the provisions of these regulations.

### **Regulation I/2**

#### *Certificates and endorsements*

1 Certificates of competency shall be issued only by the Administration, following verification of the authenticity and validity of any necessary documentary evidence.

2 Certificates issued in accordance with the provisions of regulations V/1-1 and V/1-2 to masters and officers shall only be issued by an Administration.

3 Certificates shall be in the official language or languages of the issuing country. If the language used is not English, the text shall include a translation into that language.

4 In respect of radio operators, Parties may:

.1 include the additional knowledge required by the relevant regulations in the examination for the issue of a certificate complying with the Radio Regulations; or

.2 issue a separate certificate indicating that the holder has the additional knowledge required by the relevant regulations.

5 The endorsement required by article VI of the Convention to attest the issue of a

certificate shall only be issued if all the requirements of the Convention have been complied with.

6 At the discretion of a Party, endorsements may be incorporated in the format of the certificates being issued as provided for in section A-I/2 of the STCW Code. If so incorporated, the form used shall be that set forth in section A-I/2, paragraph 1. If issued otherwise, the form of endorsements used shall be that set forth in paragraph 2 of that section.

7 An Administration which recognizes under regulation I/10:

- .1 a certificate of competency; or
- .2 a certificate of proficiency issued to masters and officers in accordance with the provisions of regulations V/1-1 and V/1-2 shall endorse such certificate to attest its recognition only after ensuring the authenticity and validity of the certificate.

The endorsement shall only be issued if all requirements of the Convention have been complied with. The form of the endorsement used shall be that set forth in paragraph 3 of section A-I/2 of the STCW Code.

8 The endorsements referred to in paragraphs 5, 6 and 7:

- .1 may be issued as separate documents;
- .2 shall be issued by the Administration only;
- .3 shall each be assigned a unique number, except that endorsements attesting the issue of a certificate may be assigned the same number as the certificate concerned, provided that number is unique; and
- .4 shall expire as soon as the certificate endorsed expires or is withdrawn, suspended or cancelled by the Party which issued it and, in any case, not more than five years after their date of issue.

9 The capacity in which the holder of a certificate is authorized to serve shall be identified in the form of endorsement in terms identical to those used in the applicable safe manning requirements of the Administration.

10 Administrations may use a format different from the format given in section A-I/2 of the STCW Code, provided that, as a minimum, the required information is provided in Roman characters and Arabic figures, taking into account the variations permitted under section A-I/2.

11 Subject to the provisions of regulation I/10, paragraph 5, any certificate required by the Convention must be kept available in its original form on board the ship on which the holder is serving.

12 Each Party shall ensure that certificates are issued only to candidates who comply with the requirements of this regulation.

13 Candidates for certification shall provide satisfactory proof:

- .1 of their identity;
- .2 that their age is not less than that prescribed in the regulation relevant to the certificate applied for;
- .3 that they meet the standards of medical fitness specified in section A-I/9 of the STCW Code;
- .4 of having completed the seagoing service and any related compulsory training required by these regulations for the certificate applied for; and
- .5 that they meet the standards of competence prescribed by these regulations for the capacities, functions and levels that are to be identified in the endorsement to the certificate.

14 Each Party undertakes to maintain a register or registers of all certificates and endorsements for masters, officers, and, as applicable, ratings which are issued, have expired or have been revalidated, suspended, cancelled or reported lost or destroyed and of dispensations issued.

15 Each Party undertakes to make available information on the status of such certificates of competency, endorsements and dispensations to other Parties and companies which request verification of the authenticity and validity of certificates produced to them by seafarers seeking recognition of their certificates under regulation I/10 or employment on board ship.

16 As of 1 January 2017, the information on the status of information required to be available in accordance with paragraph 15 of this regulation shall be made available, in the English language, through electronic means.

### **Regulation I/3**

#### *Principles governing near-coastal voyages*

1 Any Party defining near-coastal voyages for the purpose of the Convention shall not impose training, experience or certification requirements on the seafarers serving on board the ships entitled to fly the flag of another Party and engaged on such voyages in a manner resulting in more stringent requirements for such seafarers than for seafarers serving on board ships entitled to fly its own flag. In no case shall any such Party impose requirements in respect of seafarers serving on board ships entitled to fly the flag of another Party in excess of those of the Convention in respect of ships not engaged on near-coastal voyages.

2 A Party that, for ships afforded the benefits of the near-coastal voyage provisions of the Convention, which includes voyages off the coast of other Parties within the limits of their near-coastal definition, shall enter into an undertaking with the Parties concerned specifying the details of both involved trading areas and other relevant conditions.

3 With respect to ships entitled to fly the flag of a Party regularly engaged on near-coastal voyages off the coast of another Party, the Party whose flag the ship is entitled to fly shall prescribe training, experience and certification requirements for seafarers serving on such ships at least equal to those of the Party off whose coast the ship is engaged, provided that they do not exceed the requirements of the Convention in respect of ships not engaged on near-coastal voyages. Seafarers serving on a ship which extends its voyage beyond what is defined as a near-coastal voyage by a Party and enters waters not covered by that definition shall fulfil the appropriate competency requirements of the Convention.

4 A Party may afford a ship which is entitled to fly its flag the benefits of the near-coastal voyage provisions of the Convention when it is regularly engaged off the coast of a non-Party on near-coastal voyages as defined by the Party.

5 The certificates of seafarers issued by a Party for its defined near-coastal voyages limits may be accepted by other Parties for service in their defined near-coastal voyages limits, provided the Parties concerned enter into an undertaking specifying the details of involved trading areas and other relevant conditions thereof.

6 Parties defining near-coastal voyages, in accordance with the requirements of this regulation, shall:

- .1 meet the principles governing near-coastal voyages specified in section A-I/3;
- .2 communicate to the Secretary-General, in conformity with the requirements of regulation I/7, the details of the provisions adopted; and
- .3 incorporate the near-coastal voyages limits in the endorsements issued pursuant to regulation I/2, paragraphs 5, 6 or 7.

7 Nothing in this regulation shall, in any way, limit the jurisdiction of any State, whether or not a Party to the Convention.

#### **Regulation I/4**

##### *Control procedures*

1 Control exercised by a duly authorized control officer under article X shall be limited to the following:

- .1 verification in accordance with article X(1) that all seafarers serving on board who are required to be certificated in accordance with the Convention hold an appropriate certificate or a valid dispensation, or provide documentary proof that an application for an endorsement has been submitted to the Administration in accordance with regulation I/10, paragraph 5;
- .2 verification that the numbers and certificates of the seafarers serving on board are in conformity with the applicable safe manning requirements of the Administration; and
- .3 assessment, in accordance with section A-I/4 of the STCW Code, of the ability of the seafarers of the ship to maintain watchkeeping and security standards, as

appropriate, as required by the Convention if there are clear grounds for believing that such standards are not being maintained because any of the following have occurred:

- .3.1 the ship has been involved in a collision, grounding or stranding, or
- .3.2 there has been a discharge of substances from the ship when under way, at anchor or at berth which is illegal under any international convention, or
- .3.3 the ship has been manoeuvred in an erratic or unsafe manner whereby routing measures adopted by the Organization or safe navigation practices and procedures have not been followed, or
- .3.4 the ship is otherwise being operated in such a manner as to pose a danger to persons, property, the environment, or a compromise to security.

2 Deficiencies which may be deemed to pose a danger to persons, property or the environment include the following:

- .1 failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the Administration in accordance with regulation I/10, paragraph 5;
- .2 failure to comply with the applicable safe manning requirements of the Administration;
- .3 failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the Administration;
- .4 absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radiocommunications or the prevention of marine pollution; and
- .5 inability to provide, for the first watch at the commencement of a voyage and for subsequent relieving watches, persons who are sufficiently rested and otherwise fit for duty.

3 Failure to correct any of the deficiencies referred to in paragraph 2, in so far as it has been determined by the Party carrying out the control that they pose a danger to persons, property or the environment, shall be the only grounds under article X on which a Party may detain a ship.



## **Regulation I/5**

### *National provisions*

1 Each Party shall establish processes and procedures for the impartial investigation of any reported incompetency, act, omission or compromise to security that may pose a direct threat to safety of life or property at sea or to the marine environment by the holders of certificates or endorsements issued by that Party in connection with their performance of duties related to their certificates and for the withdrawal, suspension and cancellation of such certificates for such cause and for the prevention of fraud.

2 Each Party shall take and enforce appropriate measures to prevent fraud and other unlawful practices involving certificates and endorsements issued.

3 Each Party shall prescribe penalties or disciplinary measures for cases in which the provisions of its national legislation giving effect to the Convention are not complied with in respect of ships entitled to fly its flag or of seafarers duly certificated by that Party.

4 In particular, such penalties or disciplinary measures shall be prescribed and enforced in cases in which:

- .1 a company or a master has engaged a person not holding a certificate as required by the Convention;
- .2 a master has allowed any function or service in any capacity required by these regulations to be performed by a person holding an appropriate certificate to be performed by a person not holding the required certificate, a valid dispensation or having the documentary proof required by regulation I/10, paragraph 5; or
- .3 a person has obtained by fraud or forged documents an engagement to perform any function or serve in any capacity required by these regulations to be performed or filled by a person holding a certificate or dispensation.

5 A Party, within whose jurisdiction there is located any company which, or any person who, is believed on clear grounds to have been responsible for, or to have knowledge of, any apparent non-compliance with the Convention specified in paragraph 4, shall extend all co-operation possible to any Party which advises it of its intention to initiate proceedings under its jurisdiction.

## **Regulation I/6**

### *Training and assessment*

Each Party shall ensure that:

- .1 the training and assessment of seafarers, as required under the Convention, are administered, supervised and monitored in accordance with the provisions of section A-I/6 of the STCW Code; and
- .2 those responsible for the training and assessment of competence of seafarers, as required under the Convention, are appropriately qualified in accordance

with the provisions of section A-I/6 of the STCW Code for the type and level of training or assessment involved.

### **Regulation I/7**

#### *Communication of information*

1 In addition to the information required to be communicated by article IV, each Party shall provide to the Secretary-General, within the time periods prescribed and in the format specified in section A-I/7 of the STCW Code, such other information as may be required by the Code on other steps taken by the Party to give the Convention full and complete effect.

2 When complete information as prescribed in article IV and section A-I/7 of the STCW Code has been received and such information confirms that full and complete effect is given to the provisions of the Convention, the Secretary-General shall submit a report to this effect to the Maritime Safety Committee.

3 Following subsequent confirmation by the Maritime Safety Committee, in accordance with procedures adopted by the Committee, that the information which has been provided demonstrates that full and complete effect is given to the provisions of the Convention:

- .1 the Maritime Safety Committee shall identify the Parties so concerned;
- .2 shall review the list of Parties which communicated information that demonstrated that they give full and complete effect to the relevant provisions of the Convention, to retain in this list only the Parties so concerned; and
- .3 other Parties shall be entitled, subject to the provisions of regulations I/4 and I/10, to accept, in principle, that certificates issued by or on behalf of the Parties identified in paragraph 3.1 are in compliance with the Convention.

4 Amendments to the Convention and STCW Code, with dates of entry into force later than the date information has been, or will be, communicated to the Secretary-General in accordance with the provisions of paragraph 1, are not subject to the provisions of section A-I/7, paragraphs 1 and 2.

### **Regulation I/8**

#### *Quality standards*

1 Each Party shall ensure that:

- .1 in accordance with the provisions of section A-I/8 of the STCW Code, all training, assessment of competence, certification, including medical certification, endorsement and revalidation activities carried out by non-governmental agencies or entities under its authority are continuously monitored through a quality standards system to ensure achievement of defined objectives, including those concerning the qualifications and experience of instructors and assessors; and

.2 where governmental agencies or entities perform such activities, there shall be a quality standards system.

2 Each Party shall also ensure that an evaluation is periodically undertaken, in accordance with the provisions of section A-I/8 of the STCW Code, by qualified persons who are not themselves involved in the activities concerned. This evaluation shall include all changes to national regulations and procedures in compliance with the amendments to the Convention and STCW Code, with dates of entry into force later than the date information was communicated to the Secretary-General.

3 A report containing the results of the evaluation required by paragraph 2 shall be communicated to the Secretary-General in accordance with the format specified in section A-I/7 of the STCW Code.

### **Regulation I/9**

#### *Medical standards*

1 Each Party shall establish standards of medical fitness for seafarers and procedures for the issue of a medical certificate in accordance with the provisions of this regulation and of section A-I/9 of the STCW Code.

2 Each Party shall ensure that those responsible for assessing the medical fitness of seafarers are medical practitioners recognized by the Party for the purpose of seafarer medical examinations, in accordance with the provisions of section A-I/9 of the STCW Code.

3 Every seafarer holding a certificate issued under the provisions of the Convention, who is serving at sea, shall also hold a valid medical certificate issued in accordance with the provisions of this regulation and of section A-I/9 of the STCW Code.

4 Every candidate for certification shall:

- .1 be not less than 16 years of age;
- .2 provide satisfactory proof of his/her identity; and
- .3 meet the applicable medical fitness standards established by the Party.

5 Medical certificates shall remain valid for a maximum period of two years unless the seafarer is under the age of 18, in which case the maximum period of validity shall be one year.

6 If the period of validity of a medical certificate expires in the course of a voyage, then the medical certificate shall continue in force until the next port of call where a medical practitioner recognized by the Party is available, provided that the period shall not exceed three months.

7 In urgent cases the Administration may permit a seafarer to work without a valid medical certificate until the next port of call where a medical practitioner recognized by the Party is available, provided that:

- .1 the period of such permission does not exceed three months; and
- .2 the seafarer concerned is in possession of an expired medical certificate of recent date.

## **Regulation I/10**

### *Recognition of certificates*

1 Each Administration shall ensure that the provisions of this regulation are complied with, in order to recognize, by endorsement in accordance with regulation I/2, paragraph 7, a certificate issued by or under the authority of another Party to a master, officer or radio operator and that:

- .1 the Administration has confirmed, through an evaluation of that Party, which may include inspection of facilities and procedures, that the requirements of the Convention regarding standards of competence, training and certification and quality standards are fully complied with; and
- .2 an undertaking is agreed with the Party concerned that prompt notification will be given of any significant change in the arrangements for training and certification provided in compliance with the Convention.

2 Measures shall be established to ensure that seafarers who present, for recognition, certificates issued under the provisions of regulations II/2, III/2 or III/3, or issued under regulation VII/1 at the management level, as defined in the STCW Code, have an appropriate knowledge of the maritime legislation of the Administration relevant to the functions they are permitted to perform.

3 Information provided and measures agreed upon under this regulation shall be communicated to the Secretary-General in conformity with the requirements of regulation I/7.

4 Certificates issued by or under the authority of a non-Party shall not be recognized.

5 Notwithstanding the requirement of regulation I/2, paragraph 7, an Administration may, if circumstances require, subject to the provisions of paragraph 1, allow a seafarer to serve for a period not exceeding three months on board a ship entitled to fly its flag, while holding an appropriate and valid certificate issued and endorsed as required by another Party for use on board that Party's ships but which has not yet been endorsed so as to render it appropriate for service on board ships entitled to fly the flag of the Administration. Documentary proof shall be readily available that application for an endorsement has been submitted to the Administration.

6 Certificates and endorsements issued by an Administration under the provisions of this regulation in recognition of, or attesting the recognition of, a certificate issued by another Party shall not be used as the basis for further recognition by another Administration.

## **Regulation I/11**

### *Revalidation of certificates*

1 Every master, officer and radio operator holding a certificate issued or recognized under any chapter of the Convention other than chapter VI, who is serving at sea or intends to return to sea after a period ashore, shall, in order to continue to qualify for seagoing service, be required, at intervals not exceeding five years, to:

- .1 meet the standards of medical fitness prescribed by regulation I/9; and
- .2 establish continued professional competence in accordance with section A-I/11 of the STCW Code.

2 Every master, officer and radio operator shall, for continuing seagoing service on board ships for which special training requirements have been internationally agreed upon, successfully complete approved relevant training.

3 Every master and officer shall, for continuing seagoing service on board tankers, meet the requirements in paragraph 1 of this regulation and be required, at intervals not exceeding five years, to establish continued professional competence for tankers in accordance with section A-I/11, paragraph 3 of the STCW Code.

4 Each Party shall compare the standards of competence which it required of candidates for certificates issued before 1 January 2017 with those specified for the appropriate certificate in part A of the STCW Code, and shall determine the need for requiring the holders of such certificates to undergo appropriate refresher and updating training or assessment.

5 The Party shall, in consultation with those concerned, formulate or promote the formulation of a structure of refresher and updating courses as provided for in section A-I/11 of the STCW Code.

6 For the purpose of updating the knowledge of masters, officers and radio operators, each Administration shall ensure that the texts of recent changes in national and international regulations concerning the safety of life at sea, security and the protection of the marine environment are made available to ships entitled to fly its flag.

## **Regulation I/12**

### *Use of simulators*

1 The performance standards and other provisions set forth in section A-I/12 and such other requirements as are prescribed in part A of the STCW Code for any certificate concerned shall be complied with in respect of:

- .1 all mandatory simulator-based training;
- .2 any assessment of competency required by part A of the STCW Code which is carried out by means of a simulator; and
- .3 any demonstration, by means of a simulator, of continued proficiency required by part A of the STCW Code.

## **Regulation I/13**

### *Conduct of trials*

1 These regulations shall not prevent an Administration from authorizing ships entitled to fly its flag to participate in trials.

2 For the purposes of this regulation, the term *trial* means an experiment or series of experiments, conducted over a limited period, which may involve the use of automated or integrated systems in order to evaluate alternative methods of performing specific duties or satisfying particular arrangements prescribed by the Convention, which would provide at least the same degree of safety, security and pollution prevention as provided by these regulations.

3 The Administration authorizing ships to participate in trials shall be satisfied that such trials are conducted in a manner that provides at least the same degree of safety, security and pollution prevention as provided by these regulations. Such trials shall be conducted in accordance with guidelines adopted by the Organization.

4 Details of such trials shall be reported to the Organization as early as practicable but not less than six months before the date on which the trials are scheduled to commence. The Organization shall circulate such particulars to all Parties.

5 The results of trials authorized under paragraph 1, and any recommendations the Administration may have regarding those results, shall be reported to the Organization, which shall circulate such results and recommendations to all Parties.

6 Any Party having any objection to particular trials authorized in accordance with this regulation should communicate such objection to the Organization as early as practicable. The Organization shall circulate details of the objection to all Parties.

7 An Administration which has authorized a trial shall respect objections received from other Parties relating to such trial by directing ships entitled to fly its flag not to engage in a trial while navigating in the waters of a coastal State which has communicated its objection to the Organization.

8 An Administration which concludes, on the basis of a trial, that a particular system will provide at least the same degree of safety, security and pollution prevention as provided by these regulations may authorize ships entitled to fly its flag to continue to operate with such a system indefinitely, subject to the following requirements:

- .1 the Administration shall, after results of the trial have been submitted in accordance with paragraph 5, provide details of any such authorization, including identification of the specific ships which may be subject to the authorization, to the Organization, which will circulate this information to all Parties;

- .2 any operations authorized under this paragraph shall be conducted in accordance with any guidelines developed by the Organization, to the same extent as they apply during a trial;
- .3 such operations shall respect any objections received from other Parties in accordance with paragraph 7, to the extent such objections have not been withdrawn; and
- .4 an operation authorized under this paragraph shall only be permitted pending a determination by the Maritime Safety Committee as to whether an amendment to the Convention would be appropriate, and, if so, whether the operation should be suspended or permitted to continue before the amendment enters into force.

9 At the request of any Party, the Maritime Safety Committee shall establish a date for the consideration of the trial results and for the appropriate determinations.

#### **Regulation I/14**

##### *Responsibilities of companies*

1 Each Administration shall, in accordance with the provisions of section A-I/14, hold companies responsible for the assignment of seafarers for service on their ships in accordance with the provisions of the present Convention, and shall require every such company to ensure that:

- .1 each seafarer assigned to any of its ships holds an appropriate certificate in accordance with the provisions of the Convention and as established by the Administration;
- .2 its ships are manned in compliance with the applicable safe manning requirements of the Administration;
- .3 seafarers assigned to any of its ships have received refresher and updating training as required by the Convention;
- .4 documentation and data relevant to all seafarers employed on its ships are maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties;
- .5 seafarers, on being assigned to any of its ships, are familiarized with their specific duties and with all ship arrangements, installations, equipment, procedures and ship characteristics that are relevant to their routine or emergency duties;
- .6 the ship's complement can effectively coordinate their activities in an emergency situation and in performing functions vital to safety, security and to the prevention or mitigation of pollution; and

- .7 at all times on board its ships there shall be effective oral communication in accordance with chapter V, regulation 14, paragraphs 3 and 4 of the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended.

**Regulation I/15**

*Transitional provisions*

1 Until 1 January 2017, a Party may continue to issue, recognize and endorse certificates in accordance with the provisions of the Convention which applied immediately prior to 1 January 2012 in respect of those seafarers who commenced approved seagoing service, an approved education and training programme or an approved training course before 1 July 2013.

2 Until 1 January 2017, a Party may continue to renew and revalidate certificates and endorsements in accordance with the provisions of the Convention which applied immediately prior to 1 January 2012.



## CHAPTER II

### Master and deck department

#### **Regulation II/1**

*Mandatory minimum requirements for certification of officers in charge of a navigational watch on ships of 500 gross tonnage or more*

- 1 Every officer in charge of a navigational watch serving on a seagoing ship of 500 gross tonnage or more shall hold a certificate of competency.
- 2 Every candidate for certification shall:
  - .1 be not less than 18 years of age;
  - .2 have approved seagoing service of not less than 12 months as part of an approved training programme which includes onboard training that meets the requirements of section A-II/1 of the STCW Code and is documented in an approved training record book, or otherwise have approved seagoing service of not less than 36 months;
  - .3 have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of the master or a qualified officer for a period of not less than six months;
  - .4 meet the applicable requirements of the regulations in chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations;
  - .5 have completed approved education and training and meet the standard of competence specified in section A-II/1 of the STCW Code; and
  - .6 meet the standard of competence specified in section A-VI/1, paragraph 2, section A-VI/2, paragraphs 1 to 4, section A-VI/3, paragraphs 1 to 4 and section A-VI/4, paragraphs 1 to 3 of the STCW Code.

#### **Regulation II/2**

*Mandatory minimum requirements for certification of masters and chief mates on ships of 500 gross tonnage or more*

#### **Master and chief mate on ships of 3,000 gross tonnage or more**

- 1 Every master and chief mate on a seagoing ship of 3,000 gross tonnage or more shall hold a certificate of competency.
- 2 Every candidate for certification shall:
  - .1 meet the requirements for certification as an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service in that capacity:

- .1.1 for certification as chief mate, not less than 12 months, and
- .1.2 for certification as master, not less than 36 months; however, this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as chief mate; and
- .2 have completed approved education and training and meet the standard of competence specified in section A-II/2 of the STCW Code for masters and chief mates on ships of 3,000 gross tonnage or more.

### **Master and chief mate on ships of between 500 and 3,000 gross tonnage**

3 Every master and chief mate on a seagoing ship of between 500 and 3,000 gross tonnage shall hold a certificate of competency.

4 Every candidate for certification shall:

- .1 for certification as chief mate, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more;
- .2 for certification as master, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service of not less than 36 months in that capacity; however, this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as chief mate; and
- .3 have completed approved training and meet the standard of competence specified in section A-II/2 of the STCW Code for masters and chief mates on ships of between 500 and 3,000 gross tonnage.

### **Regulation II/3**

*Mandatory minimum requirements for certification of officers in charge of a navigational watch and of masters on ships of less than 500 gross tonnage*

### **Ships not engaged on near-coastal voyages**

1 Every officer in charge of a navigational watch serving on a seagoing ship of less than 500 gross tonnage not engaged on near-coastal voyages shall hold a certificate of competency for ships of 500 gross tonnage or more.

2 Every master serving on a seagoing ship of less than 500 gross tonnage not engaged on near-coastal voyages shall hold a certificate of competency for service as master on ships of between 500 and 3,000 gross tonnage.

### **Ships engaged on near-coastal voyages**

*Officer in charge of a navigational watch*

3 Every officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall hold a certificate of competency.

4 Every candidate for certification as officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall:

- .1 be not less than 18 years of age;
- .2 have completed:
  - .2.1 special training, including an adequate period of appropriate seagoing service as required by the Administration, or
  - .2.2 approved seagoing service in the deck department of not less than 36 months;
- .3 meet the applicable requirements of the regulations in chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations;
- .4 have completed approved education and training and meet the standard of competence specified in section A-II/3 of the STCW Code for officers in charge of a navigational watch on ships of less than 500 gross tonnage engaged on near-coastal voyages; and
- .5 meet the standard of competence specified in section A-VI/1, paragraph 2, section A-VI/2, paragraphs 1 to 4, section A-VI/3, paragraphs 1 to 4 and section A-VI/4, paragraphs 1 to 3 of the STCW Code.

#### *Master*

5 Every master serving on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall hold a certificate of competency.

6 Every candidate for certification as master on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall:

- .1 be not less than 20 years of age;
- .2 have approved seagoing service of not less than 12 months as officer in charge of a navigational watch;
- .3 have completed approved education and training and meet the standard of competence specified in section A-II/3 of the STCW Code for masters on ships of less than 500 gross tonnage engaged on near-coastal voyages; and
- .4 meet the standard of competence specified in section A-VI/1, paragraph 2, section A-VI/2, paragraphs 1 to 4, section A-VI/3, paragraphs 1 to 4 and section A-VI/4, paragraphs 1 to 3 of the STCW Code.

#### **Exemptions**

7 The Administration, if it considers that a ship's size and the conditions of its voyage are such as to render the application of the full requirements of this regulation and section A-

II/3 of the STCW Code unreasonable or impracticable, may to that extent exempt the master and the officer in charge of a navigational watch on such a ship or class of ships from some of the requirements, bearing in mind the safety of all ships which may be operating in the same waters.

#### **Regulation II/4**

*Mandatory minimum requirements for certification of ratings forming part of a navigational watch*

1 Every rating forming part of a navigational watch on a seagoing ship of 500 gross tonnage or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall be duly certificated to perform such duties.

2 Every candidate for certification shall:

.1 be not less than 16 years of age;

.2 have completed:

.2.1 approved seagoing service including not less than six months of training and experience, or

.2.2 special training, either pre-sea or on board ship, including an approved period of seagoing service which shall not be less than two months; and

.3 meet the standard of competence specified in section A-II/4 of the STCW Code.

3 The seagoing service, training and experience required by subparagraphs 2.2.1 and 2.2.2 shall be associated with navigational watchkeeping functions and involve the performance of duties carried out under the direct supervision of the master, the officer in charge of the navigational watch or a qualified rating.

#### **Regulation II/5**

*Mandatory minimum requirements for certification of ratings as able seafarer deck*

1 Every able seafarer deck serving on a seagoing ship of 500 gross tonnage or more shall be duly certificated.

2 Every candidate for certification shall:

.1 be not less than 18 years of age;

.2 meet the requirements for certification as a rating forming part of a navigational watch;

.3 while qualified to serve as a rating forming part of a navigational watch, have approved seagoing service in the deck department of:

.3.1 not less than 18 months, or

.3.2 not less than 12 months and have completed approved training; and

.4 meet the standard of competence specified in section A-II/5 of the STCW Code.

3 Every Party shall compare the standards of competence which it required of Able Seamen for certificates issued before 1 January 2012 with those specified for the certificate in section A-II/5 of the STCW Code, and shall determine the need, if any, for requiring these personnel to update their qualifications.

4 Until 1 January 2012, a Party which is also a Party to the International Labour Organization Certification of Able Seamen Convention, 1946 (No. 74) may continue to issue, recognize and endorse certificates in accordance with the provisions of the aforesaid convention.

5 Until 1 January 2017, a Party which is also a Party to the International Labour Organization Certification of Able Seamen Convention, 1946 (No. 74) may continue to renew and revalidate certificates and endorsements in accordance with the provisions of the aforesaid convention.

6 Seafarers may be considered by the Party to have met the requirements of this regulation if they have served in a relevant capacity in the deck department for a period of not less than 12 months within the last 60 months preceding the entry into force of this regulation for that Party.

## CHAPTER III

### Engine department

#### **Regulation III/1**

*Mandatory minimum requirements for certification of officers in charge of an engineering watch in a manned engine-room or designated duty engineers in a periodically unmanned engine-room*

1 Every officer in charge of an engineering watch in a manned engine-room or designated duty engineer officer in a periodically unmanned engine-room on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall hold a certificate of competency.

2 Every candidate for certification shall:

- .1 be not less than 18 years of age;
- .2 have completed combined workshop skills training and an approved seagoing service of not less than 12 months as part of an approved training programme which includes onboard training that meets the requirements of section A-III/1 of the STCW Code and is documented in an approved training record book, or otherwise have completed combined workshop skills training and an approved seagoing service of not less than 36 months of which not less than 30 months shall be seagoing service in the engine department;
- .3 have performed, during the required seagoing service, engine-room watchkeeping duties under the supervision of the chief engineer officer or a qualified engineer officer for a period of not less than six months;
- .4 have completed approved education and training and meet the standard of competence specified in section A-III/1 of the STCW Code; and
- .5 meet the standard of competence specified in section A-VI/1, paragraph 2, section A-VI/2, paragraphs 1 to 4, section A-VI/3, paragraphs 1 to 4 and section A-VI/4, paragraphs 1 to 3 of the STCW Code.

#### **Regulation III/2**

*Mandatory minimum requirements for certification of chief engineer officers and second engineer officers on ships powered by main propulsion machinery of 3,000 kW propulsion power or more*

1 Every chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000 kW propulsion power or more shall hold a certificate of competency.

2 Every candidate for certification shall:

- .1 meet the requirements for certification as an officer in charge of an engineering watch on seagoing ships powered by main propulsion machinery of 750 kW propulsion power or more and have approved seagoing service in that capacity:
  - .1.1 for certification as second engineer officer, have not less than 12 months as qualified engineer officer, and
  - .1.2 for certification as chief engineer officer, have not less than 36 months; however, this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as second engineer officer; and
- .2 have completed approved education and training and meet the standard of competence specified in section A-III/2 of the STCW Code.

### **Regulation III/3**

*Mandatory minimum requirements for certification of chief engineer officers and second engineer officers on ships powered by main propulsion machinery of between 750 kW and 3,000 kW propulsion power*

- 1 Every chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of between 750 kW and 3,000 kW propulsion power shall hold a certificate of competency.
- 2 Every candidate for certification shall:
  - .1 meet the requirements for certification as an officer in charge of an engineering watch and:
    - .1.1 for certification as second engineer officer, have not less than 12 months of approved seagoing service as assistant engineer officer or engineer officer, and
    - .1.2 for certification as chief engineer officer, have not less than 24 months of approved seagoing service of which not less than 12 months shall be served while qualified to serve as second engineer officer; and
  - .2 have completed approved education and training and meet the standard of competence specified in section A-III/3 of the STCW Code.
- 3 Every engineer officer who is qualified to serve as second engineer officer on ships powered by main propulsion machinery of 3,000 kW propulsion power or more, may serve as chief engineer officer on ships powered by main propulsion machinery of less than 3,000 kW propulsion power, provided the certificate is so endorsed.

### **Regulation III/4**

*Mandatory minimum requirements for certification of ratings forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room*

1 Every rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more, other than ratings under training and ratings whose duties are of an unskilled nature, shall be duly certificated to perform such duties.

2 Every candidate for certification shall:

.1 be not less than 16 years of age;

.2 have completed:

.2.1 approved seagoing service including not less than six months of training and experience, or

.2.2 special training, either pre-sea or on board ship, including an approved period of seagoing service which shall not be less than two months; and

.3 meet the standard of competence specified in section A-III/4 of the STCW Code.

3 The seagoing service, training and experience required by subparagraphs 2.2.1 and 2.2.2 shall be associated with engine-room watchkeeping functions and involve the performance of duties carried out under the direct supervision of a qualified engineer officer or a qualified rating.

**Regulation III/5**

*Mandatory minimum requirements for certification of ratings as able seafarer engine in a manned engine-room or designated to perform duties in a periodically unmanned engine-room*

1 Every able seafarer engine serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall be duly certificated.

2 Every candidate for certification shall:

.1 be not less than 18 years of age;

.2 meet the requirements for certification as a rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room;

.3 while qualified to serve as a rating forming part of an engineering watch, have approved seagoing service in the engine department of:

.3.1 not less than 12 months, or

.3.2 not less than 6 months and have completed approved training; and

.4 meet the standard of competence specified in section A-III/5 of the STCW Code.



3 Every Party shall compare the standard of competence which it required of ratings in the engine department for certificates issued before 1 January 2012 with those specified for the certificate in section A-III/5 of the STCW Code, and shall determine the need, if any, for requiring these personnel to update their qualifications.

4 Seafarers may be considered by the Party to have met the requirements of this regulation if they have served in a relevant capacity in the engine department for a period of not less than 12 months within the last 60 months preceding the entry into force of this regulation for that Party.

### **Regulation III/6**

#### *Mandatory minimum requirements for certification of electro-technical officers*

1 Every electro-technical officer serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall hold a certificate of competency.

2 Every candidate for certification shall:

- .1 be not less than 18 years of age;
- .2 have completed not less than 12 months of combined workshop skills training and approved seagoing service of which not less than 6 months shall be seagoing service as part of an approved training programme which meets the requirements of section A-III/6 of the STCW Code and is documented in an approved training record book, or otherwise not less than 36 months of combined workshop skills training and approved seagoing service of which not less than 30 months shall be seagoing service in the engine department;
- .3 have completed approved education and training and meet the standard of competence specified in section A-III/6 of the STCW Code; and
- .4 meet the standard of competence specified in section A-VI/1, paragraph 2, section A-VI/2, paragraphs 1 to 4, section A-VI/3, paragraphs 1 to 4 and section A-VI/4, paragraphs 1 to 3 of the STCW Code.

3 Every Party shall compare the standard of competence which it required of electro-technical officers for certificates issued before 1 January 2012 with those specified for the certificate in section A-III/6 of the STCW Code, and shall determine the need for requiring those personnel to update their qualifications.

4 Seafarers may be considered by the Party to have met the requirements of this regulation if they have served in a relevant capacity on board a ship for a period of not less than 12 months within the last 60 months preceding the entry into force of this regulation for that Party and meet the standard of competence specified in section A-III/6 of the STCW Code.

5 Notwithstanding the above requirements of paragraph 1 to 4, a suitably qualified person may be considered by a Party to be able to perform certain functions of section A-

III/6.

6

**Regulation III/7**

*Mandatory minimum requirements for certification of electro-technical ratings*

1 Every electro-technical rating serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall be duly certificated.

2 Every candidate for certification shall:

.1 be not less than 18 years of age;

.2 have:

.2.1 completed approved seagoing service including not less than 12 months training and experience, or

.2.2 completed approved training, including an approved period of seagoing service which shall not be less than 6 months, or

.2.3 qualifications that meet the technical competences in table A-III/7 and an approved period of seagoing service, which shall not be less than 3 months; and

.3 meet the standard of competence specified in section A-III/7 of the STCW Code.

3 Every Party shall compare the standard of competence which it required of electro-technical ratings for certificates issued before 1 January 2012 with those specified for the certificate in section A-III/7 of the STCW Code, and shall determine the need, if any, for requiring these personnel to update their qualifications.

4 Seafarers may be considered by the Party to have met the requirements of this regulation if they have served in a relevant capacity on board a ship for a period of not less than 12 months within the last 60 months preceding the entry into force of this regulation for that Party and meet the standard of competence specified in section A-III/7 of the STCW Code.

5 Notwithstanding the above requirements of paragraphs 1 to 4, a suitably qualified person may be considered by a Party to be able to perform certain functions of section A-III/7.

## CHAPTER IV

### Radiocommunication and radio operators

#### Explanatory note

Mandatory provisions relating to radio watchkeeping are set forth in the Radio Regulations and in the International Convention for the Safety of Life at Sea, 1974, as amended. Provisions for radio maintenance are set forth in the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended, and the guidelines adopted by the Organization.

#### Regulation IV/1

##### *Application*

1 Except as provided in paragraph 2, the provisions of this chapter apply to radio operators on ships operating in the global maritime distress and safety system (GMDSS) as prescribed by the International Convention for the Safety of Life at Sea, 1974, as amended.

2 Radio operators on ships not required to comply with the provisions of the GMDSS in chapter IV of the SOLAS Convention are not required to meet the provisions of this chapter. Radio operators on these ships are, nevertheless, required to comply with the Radio Regulations. The Administration shall ensure that the appropriate certificates as prescribed by the Radio Regulations are issued to or recognized in respect of such radio operators.

#### Regulation IV/2

##### *Mandatory minimum requirements for certification of GMDSS radio operators*

1 Every person in charge of or performing radio duties on a ship required to participate in the GMDSS shall hold an appropriate certificate related to the GMDSS, issued or recognized by the Administration under the provisions of the Radio Regulations.

2 In addition, every candidate for certification of competency under this regulation for service on a ship, which is required by the International Convention for the Safety of Life at Sea, 1974, as amended, to have a radio installation, shall:

- .1 be not less than 18 years of age; and
- .2 have completed approved education and training and meet the standard of competence specified in section A-IV/2 of the STCW Code.

## CHAPTER V

### Special training requirements for personnel on certain types of ships

#### Regulation V/1-1

*Mandatory minimum requirements for the training and qualifications of masters, officers and ratings on oil and chemical tankers*

1 Officers and ratings assigned specific duties and responsibilities related to cargo or cargo equipment on oil or chemical tankers shall hold a certificate in basic training for oil and chemical tanker cargo operations.

2 Every candidate for a certificate in basic training for oil and chemical tanker cargo operations shall have completed basic training in accordance with provisions of section A-VI/1 of the STCW Code and shall have completed:

- .1 at least three months of approved seagoing service on oil or chemical tankers and meet the standard of competence specified in section A-V/1-1, paragraph 1 of the STCW Code; or
- .2 an approved basic training for oil and chemical tanker cargo operations and meet the standard of competence specified in section A-V/1-1, paragraph 1 of the STCW Code.

3 Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on oil tankers shall hold a certificate in advanced training for oil tanker cargo operations.

4 Every candidate for a certificate in advanced training for oil tanker cargo operations shall:

- .1 meet the requirements for certification in basic training for oil and chemical tanker cargo operations; and
- .2 while qualified for certification in basic training for oil and chemical tanker cargo operations, have:
  - .2.1 at least three months of approved seagoing service on oil tankers, or
  - .2.2 at least one month of approved onboard training on oil tankers, in a supernumerary capacity, which includes at least three loading and three unloading operations and is documented in an approved training record book taking into account guidance in section B-V/1; and
- .3 have completed approved advanced training for oil tanker cargo operations and meet the standard of competence specified in section A-V/1-1, paragraph 2 of the STCW Code.

5 Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on chemical tankers shall hold a certificate in advanced training for chemical tanker cargo operations.

6 Every candidate for a certificate in advanced training for chemical tanker cargo operations shall:

- .1 meet the requirements for certification in basic training for oil and chemical tanker cargo operations; and
- .2 while qualified for certification in basic training for oil and chemical tanker cargo operations, have:
  - .2.1 at least three months of approved seagoing service on chemical tankers, or
  - .2.2 at least one month of approved onboard training on chemical tankers, in a supernumerary capacity, which includes at least three loading and three unloading operations and is documented in an approved training record book taking into account guidance in section B-V/1; and
- .3 have completed approved advanced training for chemical tanker cargo operations and meet the standard of competence specified in section A-V/1-1, paragraph 3 of the STCW Code.

7 Administrations shall ensure that a certificate of proficiency is issued to seafarers, who are qualified in accordance with paragraphs 2, 4 or 6 as appropriate, or that an existing certificate of competency or certificate of proficiency is duly endorsed.

#### **Regulation V/1-2**

*Mandatory minimum requirements for the training and qualifications of masters, officers and ratings on liquefied gas tankers*

1 Officers and ratings assigned specific duties and responsibilities related to cargo or cargo equipment on liquefied gas tankers shall hold a certificate in basic training for liquefied gas tanker cargo operations.

2 Every candidate for a certificate in basic training for liquefied gas tanker cargo operations shall have completed basic training in accordance with provisions of section A-VI/1 of the STCW Code and shall have completed:

- .1 at least three months of approved seagoing service on liquefied gas tankers and meet the standard of competence specified in section A-V/1-2, paragraph 1 of the STCW Code; or
- .2 an approved basic training for liquefied gas tanker cargo operations and meet the standard of competence specified in section A-V/1-2, paragraph 1 of the STCW Code.

3 Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on liquefied gas tankers shall hold a certificate in advanced training for liquefied gas tanker cargo operations.

4 Every candidate for a certificate in advanced training for liquefied gas tanker cargo operations shall:

- .1 meet the requirements for certification in basic training for liquefied gas tanker cargo operations; and
- .2 while qualified for certification in basic training for liquefied gas tanker cargo operations, have:
  - .2.1 at least three months of approved seagoing service on liquefied gas tankers, or
  - .2.2 at least one month of approved onboard training on liquefied gas tankers, in a supernumerary capacity, which includes at least three loading and three unloading operations and is documented in an approved training record book taking into account guidance in section B-V/1; and
- .3 have completed approved advanced training for liquefied gas tanker cargo operations and meet the standard of competence specified in section A-V/1-2, paragraph 2 of the STCW Code.

5 Administrations shall ensure that a certificate of proficiency is issued to seafarers, who are qualified in accordance with paragraphs 2 or 4 as appropriate, or that an existing certificate of competency or certificate of proficiency is duly endorsed.

### **Regulation V/2**

*Mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on passenger ships*

1 This regulation applies to masters, officers, ratings and other personnel serving on board passenger ships engaged on international voyages. Administrations shall determine the applicability of these requirements to personnel serving on passenger ships engaged on domestic voyages.

2 Prior to being assigned shipboard duties on board passenger ships, seafarers shall have completed the training required by paragraphs 4 to 7 below in accordance with their capacity, duties and responsibilities.

3 Seafarers who are required to be trained in accordance with paragraphs 4, 6 and 7 below shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.

4 Masters, officers and other personnel designated on muster lists to assist passengers in emergency situations on board passenger ships shall have completed training in crowd management as specified in section A-V/2, paragraph 1 of the STCW Code.

5 Personnel providing direct service to passengers in passenger spaces on board passenger ships shall have completed the safety training specified in section A-V/2, paragraph 2 of the STCW Code.

6 Masters, chief engineer officers, chief mates, second engineer officers and any person designated on muster lists of having responsibility for the safety of passengers in emergency situations on board passenger ships shall have completed approved training in crisis management and human behaviour as specified in section A-V/2, paragraph 3 of the STCW Code.

7 Masters, chief engineer officers, chief mates, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board ro-ro passenger ships shall have completed approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 4 of the STCW Code.

8 Administrations shall ensure that documentary evidence of the training which has been completed is issued to every person found qualified under the provisions of this regulation.

## CHAPTER VI

### Emergency, occupational safety, security, medical care and survival functions

#### **Regulation VI/1**

*Mandatory minimum requirements for safety familiarization, basic training and instruction for all seafarers*

1 Seafarers shall receive safety familiarization and basic training or instruction in accordance with section A-VI/1 of the STCW Code and shall meet the appropriate standard of competence specified therein.

2 Where basic training is not included in the qualification for the certificate to be issued, a certificate of proficiency shall be issued, indicating that the holder has attended the course in basic training.

#### **Regulation VI/2**

*Mandatory minimum requirements for the issue of certificates of proficiency in survival craft, rescue boats and fast rescue boats*

1 Every candidate for a certificate of proficiency in survival craft and rescue boats other than fast rescue boats shall:

- .1 be not less than 18 years of age;
- .2 have approved seagoing service of not less than 12 months or have attended an approved training course and have approved seagoing service of not less than six months; and
- .3 meet the standard of competence for certificates of proficiency in survival craft and rescue boats, set out in section A-VI/2, paragraphs 1 to 4 of the STCW Code.

2 Every candidate for a certificate of proficiency in fast rescue boats shall:

- .1 be the holder of a certificate of proficiency in survival craft and rescue boats other than fast rescue boats;
- .2 have attended an approved training course; and
- .3 meet the standard of competence for certificates of proficiency in fast rescue boats, set out in section A-VI/2, paragraphs 7 to 10 of the STCW Code.

#### **Regulation VI/3**

*Mandatory minimum requirements for training in advanced fire fighting*

1 Seafarers designated to control fire-fighting operations shall have successfully completed advanced training in techniques for fighting fire, with particular emphasis on organization, tactics and command, in accordance with the provisions of section A-VI/3, paragraphs 1 to 4 of the STCW Code and shall meet the standard of competence specified



therein.

2 Where training in advanced fire fighting is not included in the qualifications for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course of training in advanced fire fighting.

#### **Regulation VI/4**

*Mandatory minimum requirements relating to medical first aid and medical care*

1 Seafarers designated to provide medical first aid on board ship shall meet the standard of competence in medical first aid specified in section A-VI/4, paragraphs 1 to 3 of the STCW Code.

2 Seafarers designated to take charge of medical care on board ship shall meet the standard of competence in medical care on board ships specified in section A-VI/4, paragraphs 4 to 6 of the STCW Code.

3 Where training in medical first aid or medical care is not included in the qualifications for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course of training in medical first aid or in medical care.

#### **Regulation VI/5**

*Mandatory minimum requirements for the issue of certificates of proficiency for ship security officers*

1 Every candidate for a certificate of proficiency as ship security officer shall:

- .1 have approved seagoing service of not less than 12 months or appropriate seagoing service and knowledge of ship operations; and
- .2 meet the standard of competence for certification of proficiency as ship security officer, set out in section A-VI/5, paragraphs 1 to 4 of the STCW Code.

3 Administrations shall ensure that every person found qualified under the provisions of this regulation is issued with a certificate of proficiency.

#### **Regulation VI/6**

*Mandatory minimum requirements for security-related training and instruction for all seafarers*

1 Seafarers shall receive security-related familiarization and security-awareness training or instruction in accordance with section A-VI/6, paragraphs 1 to 4 of the STCW Code and shall meet the appropriate standard of competence specified therein.

2 Where security awareness is not included in the qualification for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course in security awareness training.

3 Every Party shall compare the security-related training or instruction it requires of seafarers who hold or can document qualifications before the entry into force of this regulation with those specified in section A-VI/6, paragraph 4 of the STCW Code, and shall determine the need for requiring these seafarers to update their qualifications.

#### **Seafarers with designated security duties**

4 Seafarers with designated security duties shall meet the standard of competence specified in section A-VI/6, paragraphs 6 to 8 of the STCW Code.

5 Where training in designated security duties is not included in the qualifications for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course of training for designated security duties.

6 Every Party shall compare the security training standards required of seafarers with designated security duties who hold or can document qualifications before the entry into force of this regulation with those specified in section A-VI/6, paragraph 8 of the STCW Code, and shall determine the need for requiring these seafarers to update their qualifications.

## CHAPTER VII

### Alternative certification

#### Regulation VII/1

##### *Issue of alternative certificates*

1 Notwithstanding the requirements for certification laid down in chapters II and III of this annex, Parties may elect to issue or authorize the issue of certificates other than those mentioned in the regulations of those chapters, provided that:

- .1 the associated functions and levels of responsibility to be stated on the certificates and in the endorsements are selected from and identical to those appearing in sections A-II/1, A-II/2, A-II/3, A-II/4, A-II/5, A-III/1, A-III/2, A-III/3, A-III/4, A-III/5 and A-IV/2 of the STCW Code;
- .2 the candidates have completed approved education and training and meet the requirements for standards of competence, prescribed in the relevant sections of the STCW Code and as set forth in section A-VII/1 of this Code, for the functions and levels that are to be stated in the certificates and in the endorsements;
- .3 the candidates have completed approved seagoing service appropriate to the performance of the functions and levels that are to be stated on the certificate. The minimum duration of seagoing service shall be equivalent to the duration of seagoing service prescribed in chapters II and III of this annex. However, the minimum duration of seagoing service shall be not less than as prescribed in section A-VII/2 of the STCW Code;
- .4 the candidates for certification who are to perform the function of navigation at the operational level shall meet the applicable requirements of the regulations in chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations; and
- .5 the certificates are issued in accordance with the requirements of regulation I/2 and the provisions set forth in chapter VII of the STCW Code.

3 No certificate shall be issued under this chapter unless the Party has communicated information to the Organization in accordance with article IV and regulation I/7.

#### Regulation VII/2

##### *Certification of seafarers*

1 Every seafarer who performs any function or group of functions specified in tables A-II/1, A-II/2, A-II/3, A-II/4 or A-II/5 of chapter II or in tables A-III/1, A-III/2, A-III/3, A-III/4 or A-III/5 of chapter III or A-IV/2 of chapter IV of the STCW Code shall hold a certificate of competency or certificate of proficiency, as applicable.

#### Regulation VII/3

*Principles governing the issue of alternative certificates*

1 Any Party which elects to issue or authorize the issue of alternative certificates shall ensure that the following principles are observed:

- .1 no alternative certification system shall be implemented unless it ensures a degree of safety at sea and has a preventive effect as regards pollution at least equivalent to that provided by the other chapters; and
- .2 any arrangement for alternative certification issued under this chapter shall provide for the interchangeability of certificates with those issued under the other chapters.

3 The principle of interchangeability in paragraph 1 shall ensure that:

- .1 seafarers certificated under the arrangements of chapters II and/or III and those certificated under chapter VII are able to serve on ships which have either traditional or other forms of shipboard organization; and
- .2 seafarers are not trained for specific shipboard arrangements in such a way as would impair their ability to take their skills elsewhere.

4 In issuing any certificate under the provisions of this chapter, the following principles shall be taken into account:

- .1 the issue of alternative certificates shall not be used in itself:
  - .1.1 to reduce the number of crew on board,
  - .1.2 to lower the integrity of the profession or “de-skill” seafarers, or
  - .1.3 to justify the assignment of the combined duties of the engine and deck watchkeeping officers to a single certificate holder during any particular watch; and
- .2 the person in command shall be designated as the master; and the legal position and authority of the master and others shall not be adversely affected by the implementation of any arrangement for alternative certification.

4 The principles contained in paragraphs 1 and 2 of this regulation shall ensure that the competency of both deck and engineer officers is maintained.

## CHAPTER VIII

### Watchkeeping

#### **Regulation VIII/1**

##### *Fitness for duty*

- 1 Each Administration shall, for the purpose of preventing fatigue:
  - .1 establish and enforce rest periods for watchkeeping personnel and those whose duties involve designated safety, security and prevention of pollution duties in accordance with the provisions of section A-VIII/1 of the STCW Code; and
  - .2 require that watch systems are so arranged that the efficiency of all watchkeeping personnel is not impaired by fatigue and that duties are so organized that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.
- 2 Each Administration shall, for the purpose of preventing drug and alcohol abuse, ensure that adequate measures are established in accordance with the provisions of section A-VIII/1 while taking into account the guidance given in section B-VIII/1 of the STCW Code.

#### **Regulation VIII/2**

##### *Watchkeeping arrangements and principles to be observed*

- 1 Administrations shall direct the attention of companies, masters, chief engineer officers and all watchkeeping personnel to the requirements, principles and guidance set out in the STCW Code which shall be observed to ensure that a safe continuous watch or watches appropriate to the prevailing circumstances and conditions are maintained on all seagoing ships at all times.
- 2 Administrations shall require the master of every ship to ensure that watchkeeping arrangements are adequate for maintaining a safe watch or watches, taking into account the prevailing circumstances and conditions and that, under the master's general direction:
  - .1 officers in charge of the navigational watch are responsible for navigating the ship safely during their periods of duty, when they shall be physically present on the navigating bridge or in a directly associated location such as the chartroom or bridge control room at all times;
  - .2 radio operators are responsible for maintaining a continuous radio watch on appropriate frequencies during their periods of duty;
  - .3 officers in charge of an engineering watch, as defined in the STCW Code, under the direction of the chief engineer officer, shall be immediately available and on call to attend the machinery spaces and, when required, shall be physically present in the machinery space during their periods of responsibility;

- .4 an appropriate and effective watch or watches are maintained for the purpose of safety at all times, while the ship is at anchor or moored and, if the ship is carrying hazardous cargo, the organization of such watch or watches takes full account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions prevailing on board, afloat or ashore; and
- .5 as applicable, an appropriate and effective watch or watches are maintained for the purposes of security.”

**MANILSKE SPREMEMBE, 2010, PRILOGE K MEDNARODNI  
KONVENCIJI O STANDARDIH ZA USPOSABLJANJE, IZDAJANJE SPRIČEVAL  
IN LADIJSKO STRAŽARJENJE  
POMORŠČAKOV (STCW), 1978**

**(1. sklep konference pogodbenic Mednarodne konvencije o standardih za  
usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov, 1978)**

## **1. sklep**

### **MANILSKE SPREMEMBE PRILOGE K MEDNARODNI KONVENCIJI O STANDARDIH ZA USPOSABLJANJE, IZDAJANJE SPRIČEVAL IN LADIJSKO STRAŽARJENJE POMORŠČAKOV (STCW), 1978**

MANILSKA KONFERENCA, 2010,

OB SKLICEVANJU na pododstavek b prvega odstavka XII. člena Mednarodne konvencije o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov, 1978 (v nadaljnjem besedilu: konvencija), postopkih za spremembe konvencije,

OB UPOŠTEVANJU manilskih sprememb priloge h konvenciji, predlaganih in razposlanih članicam organizacije in vsem pogodbenicam konvencije,

1. **SPREJME** v skladu s točko ii pododstavka b prvega odstavka XII. člena konvencije spremembe priloge konvencije, katerih besedilo je v prilogi tega sklepa;
2. **DOLOČI**, da v skladu s točko vii pododstavka a XII. člena konvencije velja, da so spremembe sprejete 1. julija 2011, razen če do tega dne več kot ena tretjina pogodbenic konvencije ali pogodbenic, katerih skupna tonaža trgovskega ladjevja znaša vsaj 50 % bruto tonaže svetovnega trgovskega ladjevja s 100 ali več bruto registrske tonaže, uradno ne obvesti generalnega sekretarja, da nasprotujejo spremembam;
3. **OPOZORI** pogodbenice, da v skladu s točko ix pododstavka a prvega odstavka XII. člena konvencije spremembe začnejo veljati 1. januarja 2012, potem ko v skladu z drugim odstavkom veljajo za sprejete;
4. **PROSI** generalnega sekretarja organizacije, da pošlje overjene kopije tega sklepa in besedilo sprememb iz priloge vsem pogodbenicam konvencije;
5. **NADALJE PROSI** generalnega sekretarja, da pošlje izvode tega sklepa in njegovo prilogo vsem članicam organizacije, ki niso pogodbenice konvencije.



**MANILSKE SPREMEMBE PRILOGE K  
MEDNARODNI KONVENCIJI O STANDARDIH ZA USPOSABLJANJE,  
IZDAJANJE SPRIČEVAL IN  
LADIJSKO STRAŽARJENJE POMORŠČAKOV (STCW), 1978**

Priloga k Mednarodni konvenciji o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov, 1978, se nadomesti s tem besedilom:

»PRILOGA

**I. POGLAVJE**

**Splošne določbe**

**Pravilo I/1**

*Pomen izrazov in pojasnila*

- 1 Če ni izrecno drugače določeno, izrazi v tej konvenciji pomenijo:
  - 1.1 *pravila* so pravila iz priloge te konvencije;
  - 1.2 *priznan* pomeni, da ga prizna pogodbenica v skladu s temi pravili;
  - 1.3 *poveljnik* je oseba, ki poveljuje ladji;
  - 1.4 *častnik* je član ladijske posadke, razen poveljnika, kot je opredeljen v notranji zakonodaji, če pa v njih ni opredeljen, je opredeljen v kolektivni pogodbi ali drugih aktih;
  - 1.5 *častnik krova* je častnik, ki je usposobljen v skladu z določbami II. poglavja konvencije;
  - 1.6 *prvi častnik* je častnik, ki je po stopnji najvišji za poveljnikom in prevzame poveljstvo ladje ob poveljnikovi onesposobljenosti;
  - 1.7 *častnik stroja* je *častnik*, ki je usposobljen v skladu s 1., 2. in 3. pravilom III. poglavja konvencije;
  - 1.8 *upravitelj stroja* je najvišji častnik stroja, ki je odgovoren za mehanski ladijski pogon ter delovanje in vzdrževanje mehanskih in električnih naprav na ladji;
  - 1.9 *drugi častnik stroja* je častnik stroja, ki je po stopnji za upraviteljem stroja in prevzema odgovornost za mehanski ladijski pogon ter delovanje in vzdrževanje mehanskih in električnih naprav na ladji ob onesposobljenosti upravitelja stroja;
  - 1.10 *pripravnik za častnika stroja* je oseba, ki se usposablja za častnika stroja, kot je opredeljen v notranji zakonodaji;

- 1.11 *radijski operater* je oseba, ki ima pooblastilo, ki ga je izdala ali priznala uprava v skladu s pravili o radijski službi;
- 1.12 *radijski operater GMDSS* je oseba, ki je usposobljena v skladu z določbami IV. poglavja konvencije;
- 1.13 *član posadke* je član ladijske posadke, ki ni poveljnik ali častnik;
- 1.14 *obalna plovba* je plovba v bližini pogodbenice, kot jo je opredelila;
- 1.15 *pogonska moč* je največja skupna neprekinjena izhodna moč v kilovatih vseh glavnih ladijskih pogonskih strojev, navedena v ladijskem vpisnem listu ali drugi uradni listini;
- 1.16 *radijske naloge* so radijska straža in tehnično vzdrževanje ter popravila v skladu s pravili o radijski službi, Mednarodno konvencijo o varstvu človeškega življenja na morju (SOLAS), 1974, s spremembami in ustreznimi priporočili organizacije, če posamezna uprava tako določi;
- 1.17 *tanker za prevoz nafte* je ladja, ki je zgrajena in se uporablja za prevoz nafte in naftnih derivatov v razlitem stanju;
- 1.18 *tanker za prevoz kemikalij* je ladja, ki je zgrajena ali prirejena in se uporablja za prevoz tekočin v razlitem stanju iz 17. poglavja Mednarodnega kodeksa za prevoz kemikalij v razlitem stanju;
- 1.19 *tanker za prevoz kapljivo tekočih zemeljskih plinov* je ladja, ki je zgrajena ali prirejena in se uporablja za prevoz utekočinjenega plina ali drugih proizvodov v razlitem stanju iz 19. poglavja Mednarodnega kodeksa o prevozu plinov;
- 1.20 *potniška ladja* je ladja, opredeljena v Mednarodni konvenciji o varstvu človeškega življenja na morju (SOLAS), 1974, s spremembami;
- 1.21 *ro-ro potniška ladja* je potniška ladja z ro-ro prostorom ali prostori posebnih kategorij, opredeljenih v Mednarodni konvenciji o varstvu človeškega življenja na morju (SOLAS), 1974, s spremembami;
- 1.22 *mesec* je koledarski mesec ali 30 dni, sestavljen iz obdobj, krajših od enega meseca;
- 1.23 *kodeks STCW* je Kodeks o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov (STCW), sprejet z 2. sklepom na konferenci leta 1995, z mogočimi spremembami;
- 1.24 *naloge* so skupina nalog, dolžnosti in odgovornosti, kot so določene v kodeksu STCW, ki so nujne za delovanje ladje, varstvo človeškega življenja na morju ali zaščito morskega okolja;

- 1.25 *družba* je lastnik ladje ali katera koli druga organizacija ali oseba, kot je upravitelj ali zakupnik ladje brez posadke, ki je od lastnika ladje prevzela odgovornost za delovanje ladje in ob tem hkrati soglaša, da prevzema vse naloge in odgovornosti, ki jih ima družba po teh pravilih;
- 1.26 *plovbna doba* je doba na ladji, potrebna za izdajo ali obnovitev pooblastil ali drugih dokazil o usposobljenosti;
- 1.27 *Kodeks ISPS* je Mednarodni kodeks o zaščiti na ladjah in v pristaniščih (ISPS), sprejet 12. decembra 2002 z 2. sklepom na konferenci pogodbenic Mednarodne konvencije o varstvu človeškega življenja na morju (SOLAS), 1974, z mogočimi spremembami;
- 1.28 *ladijski častnik za zaščito* je pomorščak, neposredno odgovoren poveljniku, ki ga družba določi za odgovornega za zaščito ladje, izvajanje in vzdrževanje varnostnega načrta ladje in povezavo s častnikom za zaščito družbe in pristaniškimi častniki za zaščito;
- 1.29 *naloge zaščite* so vse naloge in dolžnosti zaščite na ladji, kakor so opredeljene v 2. pravilu XI. poglavja Mednarodne konvencije o varstvu človeškega življenja na morju (SOLAS), 1974, s spremembami ter v Mednarodnem kodeksu o zaščiti na ladjah in v pristaniščih (ISPS);
- 1.30 *pooblastilo o nazivu* je pooblastilo, izdano in overjeno poveljniku, častniku in radijskemu operaterju GMDSS v skladu z določbami II., III., IV. ali VII. poglavja te priloge in ki zakonitemu imetniku daje pravico, da je zaposlen in opravlja naloge na ravni odgovornosti, navedene v pooblastilu;
- 1.31 *posebno pooblastilo* je pooblastilo, ki ni pooblastilo o nazivu, ki se izda pomorščaku, in potrjuje, da so izpolnjene ustrezne zahteve konvencije glede usposabljanja, usposobljenosti ali plovbne dobe;
- 1.32 *listinski dokazi* so listine, ki niso pooblastilo o nazivu ali posebno pooblastilo in se uporabljajo za ugotavljanje, ali so izpolnjene ustrezne zahteve konvencije;
- 1.33 *častnik elektrotehnik* je častnik, ki je usposobljen v skladu s pravilom III/6 konvencije;
- 1.34 *usposobljeni pomorščak krova* je član posadke, ki je usposobljen v skladu s pravilom II/5 konvencije;
- 1.35 *usposobljeni pomorščak stroja* je član posadke, ki je usposobljen v skladu s pravilom III/5 konvencije;
- 1.36 *član posadke elektrotehnik* je član posadke, ki je usposobljen v skladu s pravilom III/7 konvencije.

2 Ta pravila so dopolnjena z obveznimi določbami iz dela A kodeksa STCW in:

- 2.1 sklicevanje na zahteve v pravilu je hkrati sklicevanje na ustrezen oddelek dela A kodeksa STCW;
  - 2.2 pri uporabi teh pravil se morajo čim bolj upoštevati sorodna navodila in pojasnila iz dela B kodeksa STCW, da se zagotovi čim enotnejše izvajanje določb te konvencije na svetovni ravni;
  - 2.3 spremembe dela A kodeksa STCW se sprejmejo, začnejo veljati in se izvajajo v skladu z določbami XII. člena konvencije, ki se nanašajo na postopek sprejemanja sprememb, ki se uporablja za prilogo, in
  - 2.4 del B kodeksa STCW spremeni odbor za pomorsko varnost v skladu s svojim poslovníkom.
- 3 Navajanje izraza "uprava" in "uprava, ki je izdala" v VI. členu konvencije se ne razlaga kot preprečevanje pogodbenici, da izdaja in overja pooblastila po teh pravilih.

### **Pravilo I/2**

#### *Pooblastila in overitve*

- 1 Pooblastila o nazivu izdaja izključno uprava po preveritvi verodostojnosti in veljavnosti vseh potrebnih listinskih dokazov.
- 2 Pooblastila za poveljnike in častnike v skladu s praviloma V/1-1 in V/1-2 izdaja samo uprava.
- 3 Pooblastila so v uradnem jeziku ali jezikih države, ki je pooblastilo izdala. Če besedilo ni v angleškem jeziku, mora biti prevedeno tudi v angleški jezik.
- 4 Pogodbenice lahko za radijske operaterje:
  - 4.1 v izpit za izdajo pooblastila v skladu s pravili o radijski službi vključijo dodatno znanje, predpisano z ustreznimi pravili, ali
  - 4.2 izdajo ločeno pooblastilo z navedbo, da ima njegov imetnik dodatno znanje, predpisano z ustreznimi pravili.
- 5 Overitev iz VI. člena konvencije za potrditev izdaje pooblastila se izda samo, če so izpolnjene vse zahteve konvencije.
- 6 Pogodbenica lahko po lastni presoji vključi overitve v obrazec izdanih pooblastil iz oddelka A-I/2 kodeksa STCW. Če je overitev vključena, je treba uporabiti obrazec iz prvega odstavka oddelka A-I/2. Če se izda ločeno, se uporabi obrazec za overitev iz drugega odstavka istega oddelka.
- 7 Uprava, ki prizna po pravilu I/10:
  - 7.1 pooblastilo o nazivu ali

- 7.2 posebno pooblastilo, izdano poveljnikom in častnikom v skladu s praviloma V/1-1 in V/1-2, izda overitev za potrditev pooblastila po preveritvi njegove verodostojnosti in veljavnosti.

Overitev se lahko izda samo, če so izpolnjene vse zahteve iz konvencije. Uporabi se obrazec za overitev iz tretjega odstavka oddelka A-I/2 kodeksa STCW.

8 Overitve iz petega, šestega in sedmega odstavka:

- 8.1 se lahko izdajo kot ločeni dokumenti;
- 8.2 izda le uprava;
- 8.3 vsaka ima svojo številko, s tem da ima lahko overitev izdaje pooblastila isto številko kot pooblastilo, če ima vsaka overitev svojo številko, in
- 8.4 potečejo takrat, ko poteče overjeno pooblastilo ali ko ga pogodbenica, ki ga je izdala, odvzame, začasno prekliče ali razveljavi, vendar ne pozneje kot pet let po dnevu izdaje.

9 Imetnik pooblastila lahko opravlja delo, za katero je usposobljen in je navedeno v obrazcu za overitev z enakimi izrazi kot v veljavnih zahtevah uprave o najmanjšem številu članov posadke.

10 Uprava lahko uporabi obrazec, ki se razlikuje od obrazca iz oddelka A-I/2 kodeksa STCW, če so zahtevani podatki napisani v latinici in z arabskimi številkami ter upoštevajo različice, dovoljene v oddelku A-I/2.

11 V skladu s petim odstavkom pravila I/10 mora biti izvirnik pooblastila, ki ga zahteva konvencija, na voljo na ladji, na kateri dela imetnik pooblastila .

12 Pogodbenica zagotovi, da se pooblastila izdajo samo kandidatom, ki izpolnjujejo zahteve iz tega pravila.

13 Kandidat za pooblastilo mora predložiti ustrezna dokazila o:

- 13.1 istovetnosti;
- 13.2 tem, da ni mlajši, kakor predpisuje pravilo, ki velja za pooblastilo, za katero je zaprosil;
- 13.3 tem, da izpolnjuje zahteve za zdravstveno sposobnost iz oddelka A-I/9 kodeksa STCW;
- 13.4 tem, da je opravil plovno dobo in drugo obvezno usposabljanje, ki ga določajo pravila za izdajo pooblastila, za katero je zaprosil, in
- 13.5 tem, da izpolnjuje zahteve, predpisane s temi pravili, glede usposobljenosti, nalog in ravni, ki morajo biti navedene na overitvi pooblastila.

14 Pogodbenica se zaveže, da bo vodila seznam ali sezname vseh pooblastil in overitev za poveljnike, častnike in člane posadke, ki so bila izdana, so potekla ali so bila obnovljena, začasno preklicana, razveljavljena ali za katera je bilo javljeno, da so izgubljena ali uničena, in o izdanih oprostitev.

15 Pogodbenica se zaveže, da bo zagotovila podatke o stanju pooblastil o nazivu, overitvah in oprostitev drugim pogodbenicam in družbam, ki zaprosijo za potrditev verodostojnosti in veljavnosti pooblastil pomorščakov, ki so zaprosili, da se jim priznajo pooblastila v skladu s pravilom I/10, ali zaprosijo za zaposlitev na ladji.

16 Od 1. januarja 2017 bodo podatki o stanju zahtevanih podatkov, ki morajo biti na razpolago po petnajstem odstavku tega pravila, na voljo v elektronski obliki v angleškem jeziku.

### **Pravilo I/3**

#### *Načela, ki urejajo obalno plovbo*

1 Pogodbenice pri določanju območja obalne plovbe za namen konvencije ne postavljajo strožjih zahtev za usposabljanje, izkušnje ali izdajanje pooblastil za pomorščake na ladjah, ki plovejo v območju obalne plovbe pod zastavo druge pogodbenice, kakor jih postavljajo za pomorščake na ladjah, ki plovejo pod njihovo zastavo. Pogodbenica ne sme v nobenem primeru postavljati za pomorščake, ki delajo na ladjah, ki plovejo pod zastavo druge pogodbenice, strožjih zahtev od zahtev v konvenciji, ki se nanašajo na ladje, ki plovejo zunaj območja obalne plovbe.

2 Pogodbenica ladje, ki plovejo v območju obalne plovbe v skladu z določbami konvencije, kar vključuje plovbo ob obali drugih pogodbenic v območju obalne plovbe, kot so ga določile te pogodbenice, mora s temi pogodbenicami skleniti pogodbo, v kateri opredeli podrobnosti o kategoriji plovbe in druge zahteve.

3 Za ladje, ki plovejo pod zastavo posamezne pogodbenice in redno plovejo v območju obalne plovbe obale druge pogodbenice, pogodbenica, pod katere zastavo plove ladja, predpiše zahteve za usposabljanje, izkušnje in izdajanje pooblastil za pomorščake, ki delajo na teh ladjah, ki so vsaj enake tistim, ki jih predpiše pogodbenica, ob obali katere plove ladja, če niso strožje od zahtev v konvenciji za ladje, ki plovejo zunaj območja obalne plovbe. Pomorščaki na ladji, ki zapusti območje obalne plovbe, ki ga je določila pogodbenica, in vplove v vode, ki jih ta opredelitev ne zajema, morajo izpolnjevati ustrezne zahteve o usposobljenosti iz konvencije.

4 Pogodbenica lahko ladji, ki ima pravico pluti pod njeno zastavo, ki redno plove v območju obalne plovbe nepogodbenice, odobri ugodnosti iz konvencije, ki se nanašajo na obalno plovbo, kot jo je opredelila ta pogodbenica.

5 Pooblastila pomorščakov, ki jih je pogodbenica izdala za svoje območje obalne plovbe, lahko sprejmejo druge pogodbenice za plovbo v svojih območjih obalne plovbe, če pogodbenice sklenejo dogovor, v katerem opredelijo podrobnosti o kategoriji plovbe in drugih zahtevah.

- 6 Pogodbenice, ki opredelijo obalno plovbo v skladu s tem pravilom:
- 6.1 upoštevajo načela iz oddelka A-I/3, ki urejajo obalno plovbo;
  - 6.2 v skladu s pravilom I/7 obvestijo generalnega sekretarja o podrobnostih sprejetih določb in
  - 6.3 vključijo območje obalne plovbe v overitve, izdane v skladu s petim, šestim ali sedmim odstavkom pravila I/2.
- 7 Nobena določba tega pravila ne posega v jurisdikcijo nobene države, ne glede na to, ali je pogodbenica konvencije ali ne.

## **Pravilo I/4**

### *Nadzorni postopki*

- 1 Nadzor, ki ga opravlja pravilno pooblaščen oseb v skladu z X. členom, je omejen na:
- 1.1 preverjanje v skladu s prvim odstavkom X. člena, da imajo vsi na ladji zaposleni pomorščaki, ki morajo po konvenciji imeti pooblastilo, ustrezno pooblastilo ali veljavno potrdilo o oprostitvi ali dokazilo, da je bila pri upravi vložena prošnja za overitev v skladu s petim odstavkom pravila I/10;
  - 1.2 preverjanje, da so število in pooblastila pomorščakov, zaposlenih na ladji, usklajena z zahtevami uprave o najmanjšem številu članov posadke, in
  - 1.3 v skladu z oddelkom A-I/4 kodeksa STCW oceno sposobnosti pomorščakov na ladji za izpolnjevanje standardov za ladijsko stražo in zaščito po tej konvenciji, če so jasni razlogi za sum, da ti standardi niso izpolnjeni, ker:
    - 1.3.1 je ladja trčila, nasedla ali namerno nasedla ali
    - 1.3.2 so bile z ladje izpuščene snovi med plovbo, medtem ko je bila zasidrana ali privezana, kar je po mednarodnih konvencijah nezakonito, ali
    - 1.3.3 so ladjo upravljali nepazljivo in nevarno, pri čemer niso bili upoštevani ukrepi za ohranjanje smeri plovbe, ki jih je sprejela organizacija, ali veljajo za varno navigacijsko prakso in postopke ali
    - 1.3.4 tudi drugače ladjo vodijo tako, da je nevarno za ljudi, premoženje, okolje ali je ogrožena zaščita.
- 2 Pomanjkljivosti, ki lahko pomenijo nevarnost za ljudi, premoženje ali okolje, so:
- 2.1 pomorščaki nimajo pooblastila, ustreznega pooblastila, veljavne oprostite ali dokazila, da je bila vloga za overitev predložena upravi v skladu s petim odstavkom pravila I/10;

- 2.2 neizpolnjevanje zahtev uprave o najmanjšem številu članov posadke;
- 2.3 organizacija krovne ali strojne straže ni v skladu z zahtevami, ki jih za ladjo določi uprava;
- 2.4 v sestavi straže ni osebe, usposobljene za ravnanje z opremo, ki je nujno potrebna za varno plovbo, radijsko zvezo v stiski ali preprečevanje onesnaževanja morja, in
- 2.5 nezmožnost, da se za prvo stražo na začetku plovbe in vse naslednje straže za zamenjavo zagotovijo osebe, ki so dovolj spočite ter tudi drugače sposobne opravljati naloge.

4 Če niso odpravljene pomanjkljivosti iz drugega odstavka, za katere je pogodbenica, ki opravlja nadzor, ugotovila, da so nevarne za ljudi, premoženje ali okolje, je to edini razlog iz X. člena, zaradi katerega sme pogodbenica zadržati ladjo.

### **Pravilo I/5**

#### *Notranji predpisi*

1 Pogodbenica vzpostavi postopke za nepristransko preiskavo vsake prijavljene neusposobljenosti, storjenega ali opuščenega dejanja ali grožnje za zaščito, ki lahko na morju pomeni neposredno nevarnost za življenje, premoženje ali morsko okolje in so ga storili imetniki pooblastil ali overitev, ki jih je izdala ta pogodbenica, pri opravljanju nalog v zvezi s svojimi pooblastili, in postopke za odvzem, začasni preklic ali razveljavitev pooblastil v takih primerih ter za preprečevanje goljufij.

2 Pogodbenica sprejme in izvaja ustrezne ukrepe za preprečevanje goljufij in drugih nezakonitih dejanj v zvezi z izdanimi pooblastili in overitvami.

3 Pogodbenica predpiše kazni ali disciplinske ukrepe, kadar niso izpolnjene določbe njene notranje zakonodaje za izvajanje te konvencije, za ladje, ki plovejo pod njeno zastavo, ali pomorščake, katerih pooblastila je izdala ta pogodbenica.

4 Take kazni ali disciplinski ukrepi se predpišejo in izvajajo, zlasti ko:

- 4.1 družba ali poveljnik zaposli osebo, ki nima pooblastila po tej konvenciji;
- 4.2 poveljnik dovoli, da naloge ali dela, za katera pravila zahtevajo, da jih opravlja oseba z ustreznim pooblastilom, opravlja oseba, ki nima zahtevanega pooblastila, veljavne oprostitev ali dokazila, kot ga zahteva peti odstavek pravila I/10, ali
- 4.3 je oseba z goljufijo ali lažnimi dokumenti dobila zaposlitev za opravljanje nalog ali del za katero koli usposobljenost, za katero ta pravila zahtevajo, da jih opravlja oseba, ki ima pooblastilo ali oprostitev.



5 Pogodbenica, pod jurisdikcijo katere je družba ali posameznik, za katerega se utemeljeno sumi, da je odgovoren za očitno kršitev konvencije iz četrtega odstavka ali seznanjen z njo, mora v celoti sodelovati z drugo pogodbenico, ki jo je obvestila o svoji nameri, da začne postopek v skladu s svojo pristojnostjo.

#### **Pravilo I/6**

##### *Usposabljanje in ocenjevanje*

Pogodbenica zagotovi, da:

1. se usposabljanje in ocenjevanje pomorščakov po konvenciji izvaja, nadzoruje in spremlja v skladu s pravili oddelka A-I/6 kodeksa STCW in
2. so tisti, ki so odgovorni za usposabljanje in ocenjevanje sposobnosti pomorščakov po konvenciji ustrezno usposobljeni skladno z določbami oddelka A-I/6 kodeksa STCW za vrsto in stopnjo tega usposabljanja ali ocenjevanja.

#### **Pravilo I/7**

##### *Sporočanje podatkov*

1 Poleg podatkov, ki morajo biti sporočeni po IV. členu, pogodbenica v rokih in na obrazcih, predpisanih v oddelku A-I/7 kodeksa STCW, pošlje generalnemu sekretarju vse podatke v skladu s kodeksom o vseh ukrepih, ki jih je pogodbenica sprejela, da konvencija začne v celoti veljati.

2 Ko generalni sekretar prejme vse podatke iz IV. člena in oddelka A-I/7 kodeksa STCW, ki potrjujejo, da določbe konvencije v celoti veljajo, pošlje o tem poročilo odboru za pomorsko varnost.

3 Ko odbor za pomorsko varnost v skladu s postopki, ki jih je sprejel, potrdi, da je prejel podatke o tem, da določbe konvencije v celoti veljajo:

- 3.1 naredi seznam pogodbenic;
- 3.2 pregleda seznam pogodbenic, ki so sporočile podatke, da zanje v celoti veljajo določbe konvencije, in na seznamu ohrani le pogodbenice, za katere to velja, in
- 3.3 druge pogodbenice se lahko v skladu s praviloma I/4 in I/10 načeloma strinjajo, da so pooblastila, ki so jih izdale pogodbenice iz prvega pododstavka tretjega odstavka ali so bila izdana v njihovem imenu, skladna s konvencijo.

4 Določbe prvega in drugega odstavka oddelka A-I/7 ne veljajo za spremembe konvencije in kodeksa STCW, ki so začele veljati po dnevu, ko so bili ali bodo podatki sporočeni generalnemu sekretarju v skladu z določbami prvega odstavka.

#### **Pravilo I/8**

##### *Standardi kakovosti*

- 1 Pogodbenica zagotovi, da:
  - 1.1 se v skladu z določbami oddelka A-I/8 kodeksa STCW usposabljanje, ocenjevanje usposobljenosti, izdajanje pooblastil, vključno z izdajo zdravniških spričeval, overitvami in podaljšanjem veljavnosti, kar opravljajo nevladni organi ali subjekti v njihovi pristojnosti, stalno nadzira s sistemom kakovosti, da se zagotovi uresničevanje zastavljenih ciljev skupaj s tistimi, ki se nanašajo na usposobljenost in izkušnost inštruktorjev in ocenjevalcev, in
  - 1.2 obstaja sistem kakovosti, če te dejavnosti opravljajo vladni organi ali subjekti.
- 2 Pogodbenica tudi zagotovi, da v skladu z določbami oddelka A-I/8 kodeksa STCW presojo v rednih presledkih izvajajo za to usposobljene osebe, ki same ne sodelujejo pri teh dejavnostih. Presoja upošteva vse spremembe notranjih predpisov in postopkov v skladu s spremembami konvencije in kodeksa STCW, ki so začele veljati po dnevu, ko so bili podatki sporočeni generalnemu sekretarju.
- 3 Poročilo z izsledki presoje iz drugega odstavka je treba poslati generalnemu sekretarju na obrazcu iz oddelka A-I/7 kodeksa STCW.

### **Pravilo I/9**

#### *Zdravstveni standardi*

- 1 Pogodbenica predpiše standarde za zdravstveno zmožnost pomorščakov in postopke za izdajanje zdravniških spričeval v skladu z določbami tega pravila in oddelka A-I/9 kodeksa STCW.
- 2 Pogodbenica zagotovi, da so osebe, odgovorne za oceno zdravstvene zmožnosti pomorščakov, zdravniki, ki jih pogodbenica pooblasti za opravljanje zdravstvenih pregledov pomorščakov v skladu z določbami oddelka A-I/9 kodeksa STCW.
- 3 Pomorščak, ki ima pooblastilo, izdano v skladu z določbami konvencije, in dela na ladji, mora imeti tudi veljavno zdravniško spričevalo, izdano v skladu z določbami tega pravila in oddelka A-I/9 kodeksa STCW.
- 4 Kandidat mora za pridobitev zdravniškega spričevala:
  - 4.1 imeti najmanj 16 let;
  - 4.2 dokazati svojo istovetnost in
  - 4.3 izpolnjevati standarde zdravstvene zmožnosti, ki jih je določila pogodbenica.
- 5 Zdravniško spričevalo velja največ dve leti; če je pomorščak mlajši od 18 let, pa največ eno leto.
- 6 Če zdravniško spričevalo preneha veljati med plovbo, velja do naslednjega pristanišča postanka, v katerem je na voljo zdravnik, ki ga je pooblastila pogodbenica, če to obdobje ni daljše od treh mesecev.

7 Uprava lahko v nujnih primerih pomorščaku dovoli delati brez veljavnega zdravniškega spričevala do naslednjega pristanišča postanka, v katerem je na voljo zdravnik, ki ga je pooblastila pogodbenica, če:

7.1 tako dovoljenje velja največ tri mesece in

7.2 je pomorščaku zdravniško spričevalo poteklo pred kratkim.

### **Pravilo I/10**

#### *Priznavanje pooblastil*

1 Preden uprava z overitvijo po sedmem odstavku pravila I/2 prizna pooblastilo, ki ga je izdala druga pogodbenica ali je bilo izdano v njenem imenu poveljniku, častniku ali radijskemu operaterju, mora preveriti, ali so bile upoštevane določbe tega pravila in da:

1.1 je uprava s presojo pogodbenice, ki lahko zajema inšpekcijski pregled objektov in postopkov, potrdila, da so vse zahteve konvencije glede standardov usposobljenosti, usposabljanja in izdajanja pooblastil ter standardov kakovosti v celoti izpolnjene, in

1.2 se zaveže, da takoj sporoči vsako pomembno spremembo pri organizaciji usposabljanja in izdajanja pooblastil, ki jih zagotavlja v skladu s konvencijo.

2 Zagotovijo se ukrepi, s katerimi se doseže, da pomorščaki, ki zaprosijo za priznanje pooblastila, izdanega v skladu s pravili II/2, III/2 ali III/3 ali pravilom VII/1 kodeksa STCW za vodstvene delavce, ustrezno poznajo pomorsko zakonodajo uprave, ki se nanaša na naloge, ki jih lahko opravljajo.

3 Podatki in ukrepi iz tega pravila se v skladu z zahtevami pravila I/7 sporočijo generalnemu sekretarju.

4 Pooblastila, ki jih izda nepogodbenica ali so izdana v njenem imenu, se ne priznajo.

5 Ne glede na zahteve iz sedmega odstavka pravila I/2 lahko uprava, če tako zahtevajo okoliščine, v skladu s prvim odstavkom dovoli pomorščaku, da največ tri mesece opravlja dela na ladji, ki plove pod njeno zastavo in ima ustrezno veljavno pooblastilo, izdano in overjeno v skladu z zahtevami druge pogodbenice za delo na ladji te pogodbenice, ki še ni ustrezno overjeno za zaposlitev na ladji, ki ima pravico pluti pod zastavo te države. Dokazilo, da je pri upravi vložena prošnja za overitev, mora biti vedno dostopno.

5 Pooblastil in overitev, ki jih je uprava v skladu z določbami tega pravila izdala za priznanje ali potrditev priznanja pooblastil, druga uprava ne sme uporabljati kot podlago za nadaljnje priznanje.

### **Pravilo I/11**

#### *Obnovitev pooblastil*

1 Poveljnik, častnik in radijski operater, ki so imetniki pooblastila, izdanega ali priznanega po katerem koli poglavju konvencije razen po VI. poglavju, ki delajo na ladji ali

se nameravajo vrniti nanjo po obdobju na kopnem, morajo, da bi izpolnjevali pogoje za opravljanje dela na ladji, vsaj vsakih pet let dokazati:

- 1.1 svojo zdravstveno zmožnost iz pravila I/9 in
- 1.2 poklicno usposobljenost v skladu z oddelkom A-I/11 kodeksa STCW.

2 Za nadaljevanje opravljanja dela na ladji morajo poveljnik, častnik in radijski operater na ladjah, za katere je mednarodno predpisano posebno usposabljanje, uspešno končati tako usposabljanje.

3 Poveljnik in častnik morata za nadaljevanje opravljanja dela na tankerjih izpolnjevati zahteve iz prvega odstavka tega pravila in vsaj vsakih pet let dokazati strokovno usposobljenost za tankerje v skladu s tretjim odstavkom oddelka A-I/11 kodeksa STCW.

4 Pogodbenica primerja standarde usposobljenosti, ki jih je zahtevala od kandidatov za pooblastila, izdana pred 1. januarjem 2017, s tistimi iz dela A kodeksa STCW, in se odloči, ali je treba od imetnikov takih pooblastil zahtevati ustrezno osvežitveno in dopolnilno usposabljanje ali preverjanje usposobljenosti.

5 Pogodbenica v posvetovanju s tistimi, ki jih to zadeva, oblikuje ali spodbuja oblikovanje programov, osvežitvenih in dopolnilnih tečajev iz oddelka A-I/11 kodeksa STCW.

6 Za dopolnjevanje znanja poveljnikov, častnikov in radijskih operaterjev vsaka uprava zagotovi, da so besedila najnovejših sprememb notranjih in mednarodnih predpisov o varnosti človeškega življenja na morju, zaščiti in varovanju morskega okolja na razpolago ladjam, ki plovejo pod njeno zastavo.

## **Pravilo I/12**

### *Uporaba simulatorjev*

1. Standardi delovanja in druge določbe iz oddelka A-I/12 ter druge zahteve, ki jih predpisuje del A kodeksa STCW za vsa pooblastila, morajo biti izpolnjeni za:

- 1.1 obvezno usposabljanje na simulatorju;
- 1.2 oceno usposobljenosti na simulatorju v skladu z delom A kodeksa STCW in
- 1.3 dokazovanje strokovne usposobljenosti na simulatorju, zahtevane v skladu z delom A kodeksa STCW.

## **Pravilo I/13**

### *Izvajanje preizkusov*

1 Ta pravila upravi ne preprečujejo, da ladjam, ki plovejo pod njeno zastavo, dovoli sodelovanje pri preizkusih.

2 V tem pravilu izraz *preizkus* pomeni poskus ali vrsto poskusov, izvedenih v omejenem

obdobju, ki lahko zajemajo uporabo samodejnih ali povezanih sistemov, da se ovrednotijo druge metode za opravljanje posebnih nalog ali določenih ureditev po konvenciji, ki zagotavljajo vsaj enako raven varnosti, zaščite in preprečevanja onesnaževanja, kakršno zagotavljajo ta pravila.

3 Uprava, ki dovoli ladjam sodelovanje pri preizkusih, se mora prepričati, da so preizkusi izvedeni tako, da zagotavljajo vsaj enako raven varnosti, zaščite in preprečevanja onesnaževanja, kakor jo zagotavljajo ta pravila. Preizkusi se delajo v skladu s smernicami, ki jih sprejme organizacija.

4 Organizaciji je treba sporočiti podrobnosti o preizkusu čim prej, a ne pozneje kot šest mesecev pred dnevom načrtovanega začetka preizkusa. Organizacija te podatke pošlje vsem pogodbenicam.

5 Izsledke preizkusov iz prvega odstavka in vsa priporočila, ki jih lahko ima uprava glede teh izsledkov, je treba sporočiti organizaciji, ki te izsledke in priporočila pošlje vsem pogodbenicam.

6 Pogodbenica, ki ugovarja posameznemu preizkusu, za katerega je bilo izdano dovoljenje v skladu s tem pravilom, mora ugovor čim prej sporočiti organizaciji. Ta vse pogodbenice obvesti o podrobnostih ugovora.

7 Uprava, ki je dala dovoljenje za preizkus, upošteva ugovore v zvezi s preizkusom, ki jih prejme od drugih pogodbenic, tako da ladji, ki plove pod njeno zastavo, ukaže, naj ne opravi preizkusa med plovbo v vodah obalne države, ki je obvestila organizacijo o svojem ugovoru.

8 Uprava, ki na podlagi preizkusa ugotovi, da posamezen sistem zagotavlja vsaj enako raven varnosti, zaščite in preprečevanja onesnaževanja kakor ta pravila, lahko dovoli ladjam, ki plovejo pod njeno zastavo, da ga uporabljajo še naprej, če so izpolnjene te zahteve:

- 8.1 potem ko so v skladu s petim odstavkom predloženi izsledki preizkusa, uprava pošlje podatke o vseh dovoljenjih in podatke o ladji, na katero se dovoljenja nanašajo, organizaciji, ki jih nato pošlje vsem pogodbenicam;
- 8.2 vsi postopki, ki so dovoljeni po tem odstavku, morajo biti izpeljani v skladu z vsemi smernicami organizacije tako kot med preizkusom;
- 8.3 pri teh postopkih je treba upoštevati vse ugovore, ki jih v skladu s sedmim odstavkom pošljejo druge pogodbenice, če niso bili umaknjeni, in
- 8.4 postopki, ki so dovoljeni po tem odstavku, se lahko izpeljejo, dokler se odbor za pomorsko varnost ne odloči, da je treba spremeniti konvencijo, in če se tako odloči, mora odločiti, ali naj se postopki začasno prekinijo ali so dovoljeni, dokler ne začne veljati sprememba.

9 Na zahtevo katere koli pogodbenice odbor za pomorsko varnost določi datum za odločanje o izsledkih preizkusa in sprejetje ustreznih odločitev.

#### **Pravilo I/14**

##### *Odgovornost družb*

1 Uprave v skladu z določbami oddelka A-I/14 od družb zahtevajo, da razporejajo pomorščake na delo na svojih ladjah v skladu s to konvencijo in da zagotovijo, da:

- 1.1 ima pomorščak, dodeljen na katero koli njihovo ladjo, ustrezno pooblastilo v skladu s konvencijo in kakor zahteva uprava;
- 1.2 število osebja na njihovih ladjah ustreza zahtevam uprave o najmanjšem številu članov posadke;
- 1.3 ima pomorščak, ki je dodeljen na katero koli njihovo ladjo, opravljeno osvežitveno in dopolnilno usposabljanje v skladu z zahtevami konvencije;
- 1.4 so dokumenti in podatki, ki se nanašajo na vse pomorščake, ki so zaposleni na njihovih ladjah, posodobljeni in dostopni ter med drugim vključujejo dokumente in podatke o njihovih izkušnjah, usposabljanju, zdravstveni zmožnosti in usposobljenosti za dodeljene naloge;
- 1.5 je pomorščak, dodeljen na katero koli njihovo ladjo, seznanjen s svojimi nalogami in ureditvijo na njej, napeljavo, opremo, postopki in značilnostmi, ki so nujni za opravljanje njegovih vsakodnevnih nalog ali nalog v izrednih razmerah;
- 1.6 je posadka sposobna učinkovito usklajevati dejavnosti v izrednih razmerah in opravljati naloge, ki so življenjskega pomena za varnost, zaščito in preprečevanje ali zmanjšanje onesnaževanja, in
- 1.7 je ob vsakem času na ladji vzpostavljeno učinkovito ustno sporočanje v skladu s tretjim in četrtem odstavkom pravila 14 V. poglavja Mednarodne konvencije o varstvu človeškega življenja na morju (SOLAS), 1974, s spremembami.

#### **Pravilo I/15**

##### *Prehodne določbe*

1 Do 1. januarja 2017 lahko pogodbenica v skladu z določbami konvencije, ki so veljale neposredno pred 1. januarjem 2012, še naprej izdaja, priznava ali overja pooblastila za tiste pomorščake, ki imajo potrjeno plovno dobo, potrjeno izobraževanje in usposabljanje ali potrjen tečaj usposabljanja pred 1. julijem 2013.

2 Do 1. januarja 2017 lahko pogodbenica v skladu z določbami konvencije, ki so veljale neposredno pred 1. januarjem 2012, še naprej obnavlja ali podaljšuje veljavnost pooblastil in overitev.

## II. POGLAVJE

### Poveljnik in krovni oddelek

#### **Pravilo II/1**

*Obvezne najmanjše zahteve za izdajo pooblastila častniku, odgovornemu za krovno stražo na ladji z bruto tonažo 500 ali več*

- 1 Častnik, odgovoren za krovno stražo na ladji z bruto tonažo 500 ali več, mora imeti pooblastilo o nazivu.
- 2 Kandidat mora za pridobitev pooblastila:
  - 2.1 imeti najmanj 18 let;
  - 2.2 imeti najmanj 12 mesecev potrjene plovne dobe kot del potrjenega programa usposabljanja, ki vključuje usposabljanje na ladji v skladu z zahtevami oddelka A-II/1 kodeksa STCW in je vpisano v potrjen pripravniški dnevnik, ali najmanj 36 mesecev potrjene plovne dobe;
  - 2.3 med zahtevano plovno dobo najmanj šest mesecev opravljati naloge krovne straže na mostu pod nadzorom poveljnika ali usposobljenega častnika;
  - 2.4 po potrebi izpolnjevati veljavne zahteve pravil iz IV. poglavja za opravljanje dodeljenih nalog radijskega operaterja v skladu s pravili o radijski službi;
  - 2.5 dokončati potrjeno izobraževanje in usposabljanje ter izpolnjevati standard usposobljenosti iz oddelka A-II/1 kodeksa STCW in
  - 2.6 izpolnjevati standard usposobljenosti iz drugega odstavka oddelka A-VI/1, prvega do četrtega odstavka oddelka A-VI/2, prvega do četrtega odstavka oddelka A-VI/3 in prvega do tretjega odstavka oddelka A-VI/4 kodeksa STCW.

#### **Pravilo II/2**

*Obvezne najmanjše zahteve za izdajo pooblastila poveljniku in prvemu častniku na ladji z bruto tonažo 500 ali več*

### Poveljnik in prvi častnik na ladji z bruto tonažo 3000 ali več

- 1 Poveljnik in prvi častnik na ladji z bruto tonažo 3000 ali več morata imeti pooblastilo o nazivu.
- 2 Kandidat mora za pridobitev pooblastila:
  - 2.1 izpolnjevati zahteve za pridobitev pooblastila za častnika, odgovornega za krovno stražo na ladjah z bruto tonažo 500 ali več, in imeti potrjeno plovno dobo v tej službi:
    - 2.1.1 za pridobitev pooblastila za prvega častnika najmanj 12 mesecev in

- 2.1.2 za pridobitev pooblastila za poveljnika najmanj 36 mesecev; to obdobje se lahko skrajša na najmanj 24 mesecev, če je od tega vsaj 12 mesecev opravljal delo prvega častnika, in
- 2.2 dokončati potrjeno izobraževanje in usposabljanje ter izpolnjevati standard usposobljenosti iz oddelka A-II/2 kodeksa STCW za poveljnika in prvega častnika na ladji z bruto tonažo 3000 ali več.

### **Poveljnik in prvi častnik na ladji z bruto tonažo med 500 in 3000**

- 3 1 Poveljnik in prvi častnik na ladji z bruto tonažo med 500 in 3000 morata imeti pooblastilo o nazivu.
- 4 Kandidat mora za pridobitev pooblastila:
  - 4.1 za pridobitev pooblastila za prvega častnika izpolnjevati zahteve za častnika, odgovornega za krovno stražo na ladji z bruto tonažo 500 ali več;
  - 4.2 za pridobitev pooblastila za poveljnika izpolnjevati pogoje za častnika, odgovornega za krovno stražo na ladji z bruto tonažo 500 ali več, in imeti najmanj 36 mesecev potrjene plovne dobe v tej službi; to obdobje se lahko skrajša na najmanj 24 mesecev, če je od tega vsaj 12 mesecev opravljal delo prvega častnika, in
  - 4.3 dokončati potrjeno usposabljanje in izpolnjevati standard usposobljenosti iz oddelka A-II/2 kodeksa STCW za poveljnika in prvega častnika na ladji z bruto tonažo med 500 in 3000.

### **Pravilo II/3**

*Obvezne najmanjše zahteve za pridobitev pooblastila za častnika, odgovornega za krovno stražo, in poveljnika na ladji z bruto tonažo do 500*

#### **Ladje, ki ne plovejo v območju obalne plovbe**

- 1 Častnik, odgovoren za krovno stražo, ki dela na ladji z bruto tonažo do 500, ki ne plove v območju obalne plovbe, mora imeti pooblastilo o nazivu za ladje z bruto tonažo 500 ali več.
- 2 Poveljnik, ki dela na ladji z bruto tonažo do 500, ki ne plove v obalni plovbi, mora imeti pooblastilo o nazivu za poveljnika na ladji z bruto tonažo med 500 in 3000.

#### **Ladje, ki plovejo v območju obalne plovbe**

*Častnik, odgovoren za krovno stražo*

- 3 Častnik, odgovoren za krovno stražo na ladji z bruto tonažo do 500, ki plove v območju obalne plovbe, mora imeti pooblastilo o nazivu.
- 4 Kandidat mora za pridobitev pooblastila za častnika, odgovornega za krovno stražo na ladji z bruto tonažo do 500, ki plove v območju obalne plovbe:
  - 4.1 imeti najmanj 18 let;



- 4.2 dokončati:
  - 4.2.1 posebno usposabljanje, vključno z ustrežno plovno dobo v skladu z zahtevami uprave, ali
  - 4.2.2 najmanj 36 mesecev potrjene plovne dobe v krovni službi;
- 4.3 po potrebi izpolnjevati veljavne zahteve pravil iz IV. poglavja za opravljanje dodeljenih nalog radijskega operaterja v skladu s pravili o radijski službi;
- 4.4 dokončati potrjeno izobraževanje in usposabljanje ter izpolnjevati standard usposobljenosti iz oddelka A-II/3 kodeksa STCW za častnike, odgovorne za krovno stražo na ladjah z bruto tonažo do 500, ki plovejo v obalni plovbi, in
- 4.5 izpolnjevati standard usposobljenosti iz drugega odstavka oddelka A-VI/1, prvega do četrtega odstavka oddelka A-VI/2, prvega do četrtega odstavka oddelka A-VI/3 in prvega do tretjega odstavka oddelka A-VI/4 kodeksa STCW.

#### *Poveljnik*

5 Poveljnik na ladji z bruto tonažo do 500, ki plove v območju obalne plovbe, mora imeti pooblastilo o nazivu.

6 Kandidat mora za pridobitev pooblastila za poveljnika na ladji z bruto tonažo do 500, ki plove v območju obalne plovbe:

- 6.1 imeti najmanj 20 let;
- 6.2 imeti najmanj 12 mesecev potrjene plovne dobe kot častnik, odgovoren za krovno stražo;
- 6.3 dokončati potrjeno izobraževanje in usposabljanje ter izpolnjevati standard usposobljenosti iz oddelka A-II/3 kodeksa STCW za poveljnika na ladji z bruto tonažo do 500, ki plove v območju obalne plovbe, in
- 6.4 izpolnjevati standard usposobljenosti iz drugega odstavka oddelka A-VI/1, prvega do četrtega odstavka oddelka A-VI/2, prvega do četrtega odstavka oddelka A-VI/3 in prvega do tretjega odstavka oddelka A-VI/4 kodeksa STCW.

#### **Izjeme**

7 Če uprava meni, da so velikost ladje in razmere za plovbo take, da bi bila uporaba vseh zahtev tega pravila in oddelka A-II/3 kodeksa STCW nerazumna ali neizvedljiva, sta lahko poveljnik in častnik, odgovoren za krovno stražo na taki ladji ali vrsti ladje, oproščena izpolnjevanja nekaterih zahtev, pri čemer je treba upoštevati varnost vseh ladij, ki lahko plovejo v istih vodah.

## **Pravilo II/4**

*Obvezne najmanjše zahteve za pridobitev pooblastila za člana posadke v sestavi krovne straže*

1 Član posadke v sestavi krovne straže na ladji z bruto tonažo 500 ali več, razen člana posadke, ki se usposablja, in člana posadke, ki na straži opravlja delo, ki ne zahteva posebnega znanja, mora imeti za opravljanje takih nalog ustrezno pooblastilo.

2 Kandidat mora za pridobitev pooblastila:

2.1 imeti najmanj 16 let;

2.2 imeti:

2.2.1 potrjeno plovno dobo, ki vključuje najmanj šest mesecev usposabljanja in izkušenj, ali

2.2.2 dokončano posebno usposabljanje pred začetkom dela na ladji ali na ladji, vključno z najmanj dvomesečno potrjeno plovno dobo, in

2.3 izpolnjevati standard usposobljenosti iz oddelka A-II/4 kodeksa STCW.

3 Plovna doba, usposabljanje in izkušnje, ki se zahtevajo v točkah 2.2.1 in 2.2.2, se morajo nanašati na naloge, povezane s stražo, in vključevati opravljanje nalog pod neposrednim nadzorom poveljnika, častnika, odgovornega za krovno stražo, ali usposobljenega člana posadke.

## **Pravilo II/5**

*Obvezne najmanjše zahteve za pridobitev pooblastila za usposobljenega pomorščaka krova*

1 Usposobljeni pomorščak krova, ki dela na ladji z bruto tonažo 500 ali več, mora imeti ustrezno pooblastilo.

2 Kandidat mora za pridobitev pooblastila:

2.1 imeti najmanj 18 let;

2.2 izpolnjevati zahteve za pridobitev pooblastila za člana posadke v sestavi krovne straže;

2.3 ko je usposobljen za člana posadke v sestavi krovne straže, imeti potrjeno plovno dobo v krovni službi:

2.3.1 najmanj 18 mesecev ali

2.3.2 najmanj 12 mesecev in dokončati potrjeno usposabljanje ter

2.4 izpolnjevati standard usposobljenosti iz oddelka A-II/5 kodeksa STCW.

3 Pogodbenica primerja standarde usposobljenosti, ki jih je zahtevala od kandidatov za

pridobitev pooblastila, izdana pred 1. januarjem 2012, s standardi za pridobitev ustreznega pooblastila iz oddelka A-II/5 kodeksa STCW, in se odloči, ali je treba zahtevati posodobitev njihove usposobljenosti.

4 Pogodbenica, ki je tudi pogodbenica Konvencije Mednarodne organizacije dela o potrdilih o izobrazbi kvalificiranega mornarja, 1946 (št. 74), lahko do 1. januarja 2012 še naprej izdaja, priznava ali overja pooblastila v skladu z navedeno konvencijo.

5 Pogodbenica, ki je tudi pogodbenica Konvencije Mednarodne organizacije dela o potrdilih o izobrazbi kvalificiranega mornarja (št. 74), 1946, lahko do 1. januarja 2017 podaljšuje in ponovno potrjuje veljavnost pooblastil in overitev v skladu z navedeno konvencijo.

6 Pogodbenica lahko šteje, da zahteve tega pravila izpolnjujejo tisti pomorščaki, ki so opravljali ustrezno službo v krovni službi najmanj 12 mesecev v zadnjih 60 mesecih pred začetkom veljavnosti tega pravila za to pogodbenico.

### III. POGLAVJE

#### Strojni oddelek

##### **Pravilo III/1**

*Obvezne najmanjše zahteve za pridobitev pooblastila za častnika, odgovornega za stražo v nadzorovani strojnici, ali dežurnega strojnika v občasno nenadzorovani strojnici*

- 1 Častnik, odgovoren za stražo v nadzorovani strojnici ali dežurni častnik stroja v občasno nenadzorovani strojnici na ladji z glavnim pogonskim strojem z močjo 750 kW ali več, mora imeti pooblastilo o nazivu.
- 2 Kandidat mora za pridobitev pooblastila:
  - 2.1 imeti najmanj 18 let;
  - 2.2 opraviti praktično usposabljanje in imeti najmanj 12 mesecev potrjene plovne dobe kot del potrjenega programa usposabljanja, ki vključuje usposabljanje na ladji v skladu z zahtevami iz oddelka A-III/1 kodeksa STCW in je vpisano v potrjenem pripravniškem dnevniku, ali opraviti praktično usposabljanje in imeti najmanj 36 mesecev potrjene plovne dobe, od tega najmanj 30 mesecev v strojnem oddelku;
  - 2.3 med zahtevano plovno dobo najmanj šest mesecev opravljati naloge strojne straže v strojnici pod nadzorom upravitelja stroja ali usposobljenega častnika stroja;
  - 2.4 opraviti potrjeno izobraževanje in usposabljanje ter izpolnjevati standard usposobljenosti iz oddelka A-III/1 kodeksa STCW in
  - 2.5 izpolnjevati standard usposobljenosti, opredeljen v drugem odstavku oddelka A-VI/1, prvem do četrtem odstavku oddelka A-VI/2, prvem do četrtem odstavku oddelka A-VI/3 in prvem do tretjem odstavku oddelka A-VI/4 kodeksa STCW.

##### **Pravilo III/2**

*Obvezne najmanjše zahteve za pridobitev pooblastila za upravitelja stroja in drugega častnika stroja na ladji s pogonsko močjo 3000 kW ali več*

- 1 Upravitelj stroja in drugi častnik stroja na ladji z glavnim pogonskim strojem z močjo 3000 kW ali več mora imeti pooblastilo o nazivu.
- 2 Kandidat mora za pridobitev pooblastila:
  - 2.1 izpolnjevati zahteve za pridobitev pooblastila častnika, odgovornega za strojno stražo na ladji s pogonsko močjo 750 kW ali več, in imeti potrjeno plovno dobo v tej službi:

- 2.1.1 za pridobitev pooblastila za drugega častnika stroja najmanj 12 mesecev kot usposobljeni častnik stroja, in
  - 2.1.2 za pridobitev pooblastila za upravitelja stroja najmanj 36 mesecev; to obdobje se lahko skrajša na 24 mesecev, če je od tega vsaj 12 mesecev na ladji opravljal delo drugega častnika stroja, in
- 2.2 opraviti potrjeno izobraževanje in usposabljanje ter izpolnjevati standard usposobljenosti iz oddelka A-III/2 kodeksa STCW.

### **Pravilo III/3**

*Obvezne najmanjše zahteve za pridobitev pooblastila za upravitelja stroja in drugega častnika stroja na ladjah s pogonsko močjo med 750 kW in 3000 kW*

1 Upravitelj stroja in drugi častnik stroja na ladji s pogonsko močjo med 750 kW in 3000 kW mora imeti pooblastilo o nazivu.

2 Kandidat mora za pridobitev pooblastila:

2.1 izpolnjevati zahteve za pridobitev pooblastila za častnika, odgovornega za strojno stražo, in mora:

2.1.1 imeti za pridobitev pooblastila za drugega častnika stroja najmanj 12 mesecev potrjene plovne dobe kot pomočnik častnika stroja ali kot častnik stroja in

2.1.2 imeti za pridobitev pooblastila za upravitelja stroja najmanj 24 mesecev potrjene plovne dobe, od tega najmanj 12 mesecev potrjene plovne dobe kot drugi častnik stroja ter

2.2 dokončati potrjeno izobraževanje in usposabljanje ter izpolnjevati standard usposobljenosti iz oddelka A-III/3 kodeksa STCW.

3 Častnik stroja, ki je usposobljen za delo drugega častnika stroja na ladji s pogonsko močjo 3000 kW ali več, lahko dela kot upravitelj stroja na ladji s pogonsko močjo manj kot 3000 kW, če je pooblastilo tako overjeno.

### **Pravilo III/4**

*Najmanjše zahteve za pridobitev pooblastila za člana posadke v sestavi straže v nadzorovani strojnici ali člana posadke, določenega, da opravlja naloge v občasno nenadzorovani strojnici*

1 Član posadke v sestavi strojne straže ali določen, da opravlja naloge v občasno nenadzorovani strojnici, na ladji s pogonskim strojem z močjo 750 kW ali več, razen člana posadke na usposabljanju in tistega, ki opravlja nekvalificirano delo, mora imeti za opravljanje takih nalog ustrezno pooblastilo.

- 2 Kandidat mora za pridobitev pooblastila:
  - 2.1 imeti najmanj 16 let;
  - 2.2 imeti:
    - 2.2.1 potrjeno plovno dobo, ki vključuje najmanj šest mesecev usposabljanja in delovnih izkušenj, ali
    - 2.2.2 dokončano posebno usposabljanje pred začetkom dela na ladji ali na ladji, ki zajema najmanj dva meseca potrjene plovne dobe, in
  - 2.3 izpolnjevati standard usposobljenosti iz oddelka A-III/4 kodeksa STCW.
- 3 Plovna doba, usposabljanje in delovne izkušnje iz točk 2.2.1 in 2.2.2 morajo biti povezani z nalogami stražarjenja v strojnici in vključevati opravljanje nalog pod neposrednim nadzorom usposobljenega častnika stroja ali usposobljenega člana posadke.

#### **Pravilo III/5**

*Najmanjše zahteve za pridobitev pooblastila za usposobljenega strojnega pomorščaka v nadzorovani strojnici ali določenega, da opravlja naloge v občasno nenadzorovani strojnici*

- 1 Usposobljeni strojni pomorščak, ki dela na ladji z glavnim pogonskim strojem z močjo 750 kW ali več, mora imeti ustrezno pooblastilo.
- 2 Kandidat mora za pridobitev pooblastila:
  - 2.1 imeti najmanj 18 let;
  - 2.2 izpolnjevati zahteve za pridobitev pooblastila člana posadke v sestavi strojne straže v nadzorovani strojnici ali določenega, da opravlja naloge v občasno nenadzorovani strojnici;
  - 2.3 ko je usposobljen za člana posadke v sestavi strojne straže, imeti potrjeno plovno dobo v strojni službi:
    - 2.3.1 najmanj 12 mesecev ali
    - 2.3.2 najmanj šest mesecev in dokončano potrjeno usposabljanje in
  - 2.4 izpolnjevati standard usposobljenosti iz oddelka A-III/5 kodeksa STCW.
- 3 Pogodbenica primerja standarde usposobljenosti, ki jih je zahtevala od članov posadke v strojnem oddelku za pooblastila, izdana pred 1. januarjem 2012, s standardi za ustrezna pooblastila v oddelku A-III/5 kodeksa STCW, in se odloči, ali je treba zahtevati posodobitev njihovih usposobljenosti.
- 4 Pogodbenica lahko šteje, da zahteve tega pravila izpolnjujejo tisti pomorščaki, ki so opravljali ustrezno delo v strojnem oddelku najmanj 12 mesecev v zadnjih 60 mesecih pred začetkom veljavnosti tega pravila za to pogodbenico.

### **Pravilo III/6**

#### Najmanjše zahteve za pridobitev pooblastila za častnika elektrotehnika

- 1 Častnik elektrotehnik, ki dela na ladji z glavnim pogonskim strojem z močjo 750 kW ali več, mora imeti pooblastilo o nazivu.
- 2 Kandidat mora za pridobitev pooblastila:
  - 2.1 imeti najmanj 18 let;
  - 2.2 dokončati najmanj 12 mesecev praktičnega usposabljanja in imeti potrjeno plovno dobo, od tega najmanj 6 mesecev kot del potrjenega programa usposabljanja, ki izpolnjuje zahteve iz oddelka A-III/6 kodeksa STCW in je vpisano v potrjenem pripravniškem dnevniku, ali najmanj 36 mesecev praktičnega usposabljanja in potrjene plovne dobe, od tega najmanj 30 mesecev plovne dobe v strojni službi;
  - 2.3 dokončati potrjeno izobraževanje in usposabljanje ter izpolnjevati standard usposobljenosti iz oddelka A-III/6 kodeksa STCW in
  - 2.4 izpolnjevati standard usposobljenosti iz drugega odstavka oddelka A-VI/1, prvega do četrtega odstavka oddelka A-VI/2, prvega do četrtega odstavka oddelka A-VI/3 in prvega do tretjega odstavka oddelka A-VI/4 kodeksa STCW.
- 3 Pogodbenica primerja standarde usposobljenosti, ki jih je zahtevala od častnikov elektrotehnikov za pooblastila, izdana pred 1. januarjem 2012, s standardi za pridobitev ustreznega pooblastila iz oddelka A-III/6 kodeksa STCW, in odloči, ali je treba zanje zahtevati posodobitev njihove usposobljenosti.
- 4 Pogodbenica lahko šteje, da zahteve tega pravila izpolnjujejo tisti pomorščaki, ki so opravljali ustrezno službo na ladji najmanj 12 mesecev v zadnjih 60 mesecih pred začetkom veljavnosti tega pravila za to pogodbenico in izpolnjujejo standard usposobljenosti iz oddelka A-III/6 kodeksa STCW.
- 5 Ne glede na zahteve iz prvega do četrtega odstavka tega pravila lahko pogodbenica presodi, da je ustrezno usposobljena oseba sposobna za opravljanje nekaterih nalog iz oddelka A-III/6.

### **Pravilo III/7**

#### Najmanjše zahteve za pridobitev pooblastila za člana posadke elektrotehnika

- 1 Član posadke elektrotehnik, ki dela na ladji s pogonskim strojem z močjo 750 kW ali več, mora imeti ustrezno pooblastilo.
- 2 Kandidat mora za pridobitev pooblastila:
  - 2.1 imeti najmanj 18 let;

2.2 imeti:

2.2.1 dokončano priznано plovno dobo, ki vključuje najmanj 12 mesecev usposabljanja in delovnih izkušenj, ali

2.2.2 dokončano priznано usposabljanje, ki vključuje najmanj 6 mesecev potrjene plovne dobe, ali

2.2.3 usposobljenost, ki ustreza tehničnemu znanju iz preglednice A-III/7 kodeksa STCW, in najmanj tri mesece potrjene plovne dobe ter

2.3 izpolnjevati standard usposobljenosti iz oddelka A-III/7 kodeksa STCW.

3 Pogodbenica primerja standarde usposobljenosti, ki jih je zahtevala od članov posadke elektrotehnikov za pooblastila, izdana pred 1. januarjem 2012, s standardi za pridobitev ustreznega pooblastila iz oddelka A-III/7 kodeksa STCW, in odloči, ali je treba zanje zahtevati posodobitev njihove usposobljenosti.

4 Pogodbenica lahko šteje, da zahteve tega pravila izpolnjujejo tisti pomorščaki, ki so opravljali ustrezno službo na ladji najmanj 12 mesecev v zadnjih 60 mesecih pred začetkom veljavnosti tega pravila za to pogodbenico in izpolnjujejo standard usposobljenosti iz oddelka A-III/7 kodeksa STCW.

5 Ne glede na zahteve iz prvega do četrtega odstavka tega pravila lahko pogodbenica presodi, da je ustrezno usposobljena oseba sposobna za opravljanje nekaterih nalog iz oddelka A-III/7.



## IV. POGLAVJE

### Radijske zveze in radijski operaterji

#### Pojasnilo

Obvezne določbe, ki se nanašajo na radijsko stražo, so določene s pravili o radijski službi in v Mednarodni konvenciji o varstvu človeškega življenja na morju, 1974, s spremembami. Določbe o vzdrževanju opreme za radijske zveze so v Mednarodni konvenciji o varstvu človeškega življenja na morju (SOLAS), 1974, s spremembami in smernicami, ki jih je sprejela organizacija.

#### Pravilo IV/1

##### *Uporaba*

1 Določbe tega poglavja, razen določb iz drugega odstavka, se uporabljajo za radijske operaterje na ladjah v univerzalnem pomorskem sistemu za stisko in varnost na morju (GMDSS), predpisanem v Mednarodni konvenciji o varstvu človeškega življenja na morju, 1974, s spremembami.

2 Radijskim operaterjem na ladjah, ki jim ni treba izpolnjevati določb o sistemu GMDSS iz IV. poglavja konvencije SOLAS, ni treba izpolnjevati določb tega poglavja. Radijski operaterji na teh ladjah pa morajo ne glede na to izpolnjevati zahteve iz pravil o radijski službi. Uprava mora zagotoviti, da se tem radijskim operaterjem izdajo ali priznajo ustrezna pooblastila, ki jih predpisujejo pravila o radijski službi.

#### Pravilo IV/2

##### *Najmanjše zahteve za pridobitev pooblastila za GMDSS radijskega operaterja*

1 Oseba, odgovorna za opravljanje, ali tista, ki opravlja naloge radijskih zvez na ladji in mora sodelovati v sistemu GMDSS, ima ustrezno pooblastilo, ki se nanaša na GMDSS in ga je izdala ali priznala uprava na podlagi določb pravil o radijski službi.

2 Kandidat mora za pridobitev pooblastila o nazivu po tem pravilu za delo na ladji, ki mora biti v skladu z Mednarodno konvencijo o varstvu človeškega življenja na morju, 1974, s spremembami opremljena z napravami za radijske zveze:

2.1 imeti najmanj 18 let in

2.2 opraviti potrjeno izobraževanje in usposabljanje ter izpolnjevati standard usposobljenosti iz oddelka A-IV/2 kodeksa STCW.

## V. POGLAVJE

### **Posebno usposabljanje za osebje na posameznih vrstah ladij**

#### **Pravilo V/1-1**

*Najmanjše zahteve za usposabljanje in kvalifikacijo poveljnikov, častnikov in članov posadke na tankerjih za prevoz nafte in kemikalij*

1 Častnik in član posadke, ki so jima dodeljene posebne naloge in odgovornosti v zvezi s tovorom ali njegovo opremo na tankerjih za prevoz nafte ali kemikalij, morata imeti pooblastilo o osnovni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz nafte in kemikalij.

2 Kandidat mora za pridobitev pooblastila o osnovni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz nafte in kemikalij dokončati osnovno usposabljanje v skladu z določbami oddelka A-VI/1 kodeksa STCW in:

2.1 imeti najmanj tri mesece potrjene plovne dobe na tankerjih za prevoz nafte ali kemikalij ter izpolnjevati standard usposobljenosti iz prvega odstavka oddelka A-V/1-1 kodeksa STCW ali

2.2 opraviti potrjeno osnovno usposabljanje za ravnanje s tovorom na tankerjih za prevoz nafte in kemikalij ter izpolnjevati standard usposobljenosti iz prvega odstavka oddelka A-V/1-1 kodeksa STCW.

3 Poveljnik, upravitelj stroja, prvi častnik, drugi častnik stroja in oseba, ki je neposredno odgovorna za natovarjanje, raztovarjanje, skrb med prevozom, ravnanje s tovorom, čiščenje tankov ali druga opravila, povezana s tovorom na tankerjih za prevoz nafte, mora imeti pooblastilo o dodatni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz nafte.

4 Kandidat mora za pridobitev pooblastila o dodatni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz nafte:

4.1 izpolnjevati zahteve za pridobitev pooblastila o osnovni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz nafte in kemikalij ter

4.2 ko je usposobljen za pridobitev pooblastila o osnovni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz nafte in kemikalij, imeti:

4.2.1 najmanj tri mesece potrjene plovne dobe na tankerjih za prevoz nafte ali

4.2.2 najmanj en mesec potrjenega usposabljanja na tankerjih za prevoz nafte kot dodatni član posadke, ki vključuje najmanj tri natovarjanja in tri raztovarjanja in morajo biti vpisana v predpisani pripravniški dnevnik ob upoštevanju navodil iz oddelka B-V/1 kodeksa STCW, in

4.3 imeti potrjeno dodatno usposabljanje za ravnanje s tovorom na tankerjih za prevoz nafte ter izpolnjevati standard usposobljenosti iz drugega odstavka oddelka A-V/1-1 kodeksa STCW.

5 Poveljnik, upravitelj stroja, prvi častnik, drugi častnik stroja in oseba, ki je neposredno odgovorna za natovarjanje, raztovarjanje, skrb med prevozom, ravnanje s tovorom, čiščenje tankov ali druga opravila, povezana s tovorom na tankerjih za prevoz kemikalij, morajo imeti pooblastilo o dodatni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz kemikalij.

6 Kandidat mora za pridobitev pooblastila o dodatni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz kemikalij:

6.1 izpolnjevati zahteve za pridobitev pooblastila o osnovni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz nafte in kemikalij ter

6.2 ko je usposobljen za pridobitev pooblastila o osnovni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz nafte in kemikalij, imeti:

6.2.1 najmanj tri mesece potrjene plovne dobe na tankerjih za prevoz kemikalij ali

6.2.2 najmanj en mesec potrjenega usposabljanja na tankerjih za prevoz kemikalij kot dodatni član posadke, ki vključuje najmanj tri natovarjanja in tri raztovarjanja in morajo biti vpisana v predpisani pripravniški dnevnik ob upoštevanju navodil iz oddelka B-V/1 kodeksa STCW, ter

6.3 imeti dokončano potrjeno dodatno usposabljanje za ravnanje s tovorom na tankerjih za prevoz kemikalij ter izpolnjevati standard usposobljenosti iz tretjega odstavka oddelka A-V/1-1 kodeksa STCW.

7 Uprave zagotovijo, da so posebna pooblastila izdana pomorščakom, ki so usposobljeni v skladu z drugim, četrtem ali šestim odstavkom tega pravila, ali da je obstoječe pooblastilo o nazivu ali posebno pooblastilo pravilno overjeno.

### **Pravilo V/1-2**

*Najmanjše zahteve za usposabljanje in kvalifikacijo poveljnika, častnika in člana posadke na tankerjih za prevoz utekočinjenega plina*

1 Častnik in član posadke s posebnimi nalogami ter odgovornostmi v zvezi s tovorom ali opremo za ravnanje s tovorom na tankerjih za prevoz utekočinjenega plina mora imeti pooblastilo o osnovni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz utekočinjenega plina.

2 Kandidat mora za pridobitev pooblastila o osnovni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz utekočinjenega plina opraviti osnovno usposabljanje v skladu z določbami oddelka A-VI/1 kodeksa STCW in:

- 2.1 imeti najmanj tri mesece predpisane plovne dobe na tankerjih za prevoz utekočinjenega plina ter izpolnjevati standard usposobljenosti iz prvega odstavka oddelka A-V/1-2 kodeksa STCW ali
  - 2.2 opraviti potrjeno osnovno usposabljanje za ravnanje s tovorom na tankerjih za prevoz utekočinjenega plina ter izpolnjevati standard usposobljenosti iz prvega odstavka oddelka A-V/1-2 kodeksa STCW.
- 3 Poveljnik, upravitelj stroja, prvi častnik, drugi častnik stroja in oseba, ki je neposredno odgovorna za natovarjanje, raztovarjanje, skrb med prevozom, ravnanje s tovorom, čiščenje tankov ali druga opravila, povezana s tovorom na tankerjih za prevoz utekočinjenega plina, mora imeti pooblastilo o dodatni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz utekočinjenega plina.
- 4 Kandidat mora za pridobitev pooblastila o dodatni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz utekočinjenega plina:
- 4.1 izpolnjevati zahteve za pridobitev pooblastila o osnovni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz utekočinjenega plina in
  - 4.2 ko je usposobljen za pridobitev pooblastila o osnovni usposobljenosti za ravnanje s tovorom na tankerjih za prevoz utekočinjenega plina, imeti:
    - 4.2.1 najmanj tri mesece potrjene plovne dobe na tankerjih za prevoz utekočinjenega plina ali
    - 4.2.2 najmanj en mesec potrjenega usposabljanja na tankerjih za prevoz utekočinjenega plina kot dodatni član posadke, ki vključuje najmanj tri natovarjanja in tri raztovarjanja ter morajo biti vpisana v predpisani pripravniški dnevnik ob upoštevanju navodil iz oddelka B-V/1 kodeksa STCW, in
  - 4.3 opraviti potrjeno dodatno usposabljanje za ravnanje s tovorom na tankerjih za prevoz utekočinjenega plina ter izpolnjevati standard usposobljenosti iz drugega odstavka oddelka A-V/1-2 kodeksa STCW.
- 5 Uprave zagotovijo, da so posebna pooblastila izdana pomorščakom, ki so usposobljeni v skladu z drugim ali četrtem odstavkom tega pravila, ali da je obstoječe pooblastilo o nazivu ali posebno pooblastilo pravilno overjeno.

## **Pravilo V/2**

*Najmanjše zahteve za usposabljanje in kvalifikacije poveljnikov, ladijskih častnikov, članov posadke in drugega osebja na potniških ladjah*

- 1 To pravilo se uporablja za poveljnike, ladijske častnike, člane posadke in drugo osebje, ki delajo na potniških ladjah v mednarodni plovbi. Uprave odločijo glede uporabe teh zahtev za osebje, ki dela na potniških ladjah v notranji plovbi.
- 2 Pomorščaki morajo, preden začnejo opravljati naloge na potniških ladjah, opraviti

usposabljanje iz četrtega do sedmega odstavka v skladu s svojo usposobljenostjo, nalogami in odgovornostjo.

3 Pomorščaki, ki morajo v skladu s četrtrim, šestim in sedmim odstavkom opraviti usposabljanje, morajo opraviti ustrezno osvežitveno usposabljanje najmanj vsakih pet let ali dokazati, da so v zadnjih petih letih dosegli zahtevane standarde usposobljenosti.

4 Poveljniki, častniki in drugo osebje, ki so po seznamu razporeditve ob alarmu določeni za pomoč potnikom na potniških ladjah v izrednih razmerah, morajo imeti opravljeno usposabljanje za obvladovanje množic iz prvega odstavka oddelka A-V/2 kodeksa STCW.

5 Osebje, ki na potniških ladjah zagotavlja storitve potnikom v prostorih za potnike, mora dokončati usposabljanje za zaščito iz drugega odstavka oddelka A-V/2 kodeksa STCW.

6 Poveljniki, upravitelji stroja, prvi častniki, drugi častniki stroja in osebe, ki so na potniških ladjah po seznamu razporeditve ob alarmu odgovorne za varnost potnikov v izrednih razmerah na potniških ladjah, morajo imeti opravljeno potrjeno usposabljanje o obvladovanju izrednih razmer in vedenju ljudi iz tretjega odstavka oddelka A-V/2 kodeksa STCW.

7 Poveljniki, upravitelji stroja, prvi častniki, drugi častniki stroja in osebe, ki so neposredno odgovorne za vkrcavanje in izkrcavanje potnikov, natovarjanje, raztovarjanje in zavarovanje tovora ali za zapiranje odprtih na trupu ro-ro potniških ladij, morajo imeti opravljeno potrjeno usposabljanje o varnosti potnikov, varnosti tovora in celovitosti ladijskega trupa iz četrtega odstavka oddelka A-V/2 kodeksa STCW.

8 Uprava zagotovi, da se osebi, ki izpolnjuje pogoje iz tega pravila, izdajo listinska dokazila o opravljenem usposabljanju.

## VI. POGlavJE

### Izredne razmere, varstvo pri delu, zaščita, zdravstvena oskrba in tehnike preživetja

#### **Pravilo VI/1**

*Najmanjše zahteve za seznanitev z osnovami varnosti, osnovno usposabljanje in navodila za vse pomorščake*

1 Pomorščaki morajo biti seznanjeni z osnovami varnosti in opraviti osnovno usposabljanje ali prejeti navodila iz oddelka A-VI/1 kodeksa STCW in izpolnjevati ustrezeni standard usposobljenosti, opredeljen v kodeksu.

2 Če osnovno usposabljanje ni vključeno v zahteve za izdajo pooblastila, se izda posebno pooblastilo, ki potrjuje, da je imetnik obiskoval tečaj osnovnega usposabljanja.

#### **Pravilo VI/2**

*Najmanjše zahteve za izdajo posebnih pooblastil za ravnanje z rešilnimi in reševalnimi čolni ter hitrimi reševalnimi čolni*

1 Kandidat mora za pridobitev posebnega pooblastila za ravnanje z rešilnim in reševalnim čolnom razen s hitrim reševalnim čolnom:

- 1.1 imeti najmanj 18 let;
- 1.2 imeti najmanj 12 mesecev predpisane plovne dobe ali opraviti predpisani tečaj usposabljanja in imeti najmanj šest mesecev predpisane plovne dobe in
- 1.3 izpolnjevati standard usposobljenosti za pridobitev posebnega pooblastila za ravnanje z rešilnim in reševalnim čolnom iz prvega do četrtega odstavka oddelka A-VI/2 kodeksa STCW.

2 Kandidat mora za pridobitev posebnega pooblastila za ravnanje s hitrim reševalnim čolnom:

- 2.1 imeti posebno pooblastilo za ravnanje z rešilnim in reševalnim čolnom razen s hitrim reševalnim čolnom;
- 2.2 opraviti predpisani tečaj usposabljanja in
- 2.3 izpolnjevati standard usposobljenosti za pridobitev posebnega pooblastila za ravnanje s hitrim reševalnim čolnom iz sedmega do desetega odstavka A-VI/2 kodeksa STCW.

#### **Pravilo VI/3**

*Najmanjše zahteve za usposabljanje za požarno varnost*

1 Pomorščaki, določeni za nadzor izvajanja protipožarnih ukrepov, morajo uspešno opraviti dodatno usposabljanje o načinih gašenja požarov s posebnim poudarkom na

organizaciji, načinu in poveljevanju v skladu s prvim do četrnim odstavkom oddelka A-VI/3 kodeksa STCW in izpolnjevati standard usposobljenosti, opredeljen v kodeksu.

2 Če dodatno usposabljanje za požarno varnost ni vključeno v zahtevah za izdajo pooblastila, se izda posebno pooblastilo, ki potrjuje, da je imetnik opravil dodatni tečaj za požarno varnost.

#### **Pravilo VI/4**

*Najmanjše zahteve za prvo pomoč in zdravstveno oskrbo*

1 Pomorščaki, določeni za prvo pomoč na ladjah, morajo izpolnjevati standarde usposobljenosti za prvo pomoč iz prvega do tretjega odstavka oddelka A-VI/4 kodeksa STCW.

2 Pomorščaki, določeni za zdravstveno oskrbo na ladjah, morajo izpolnjevati standarde usposobljenosti za zdravstveno oskrbo na ladjah iz četrtega do šestega odstavka oddelka A-VI/4 kodeksa STCW.

3 Če usposabljanje za prvo pomoč ali zdravstveno oskrbo ni vključeno v zahtevah za izdajo pooblastila, se izda posebno pooblastilo, ki potrjuje, da je imetnik opravil tečaj za usposabljanje za prvo pomoč ali zdravstveno oskrbo.

#### **Pravilo VI/5**

*Najmanjše zahteve za izdajo posebnega pooblastila za ladijske častnike za zaščito*

1 Kandidat mora za pridobitev posebnega pooblastila za ladijskega častnika za zaščito:

1.1 imeti najmanj 12 mesecev predpisane plovne dobe ali ustrezne plovne dobe in poznati delovanje ladje ter

1.2 izpolnjevati standard usposobljenosti za pridobitev posebnega pooblastila za ladijskega častnika za zaščito iz prvega do četrtega odstavka oddelka A-VI/5 kodeksa STCW.

2 Uprave vsem, ki izpolnjujejo pogoje iz tega pravila, izdajo posebno pooblastilo.

#### **Pravilo VI/6**

*Najmanjše zahteve za usposabljanje in navodila v zvezi z zaščito za vse pomorščake*

1 Pomorščaki morajo biti seznanjeni z zaščito in opraviti usposabljanje ozaveščanja o zaščiti ali prejeti navodila v skladu s prvim do četrnim odstavkom oddelka A-VI/6 kodeksa STCW ter izpolnjevati ustrezn standard usposobljenosti, opredeljen v kodeksu.

2 Če ozaveščanje o zaščiti ni vključeno v zahtevah za izdajo pooblastila, se izda posebno pooblastilo, ki dokazuje, da je njegov imetnik opravil tečaj ozaveščanja o zaščiti.

3 Pogodbena primerja usposabljanje o zaščiti ali navodila, ki jih zahteva od pomorščakov, ki imajo kvalifikacije ali lahko predložijo dokazilo o njih pred začetkom veljavnosti tega pravila s tistim iz četrtega odstavka oddelka A-VI/6 kodeksa STCW in se odloči, ali je treba zahtevati posodobitev njihovih kvalifikacij.

## **Pomorščaki z določenimi nalogami zaščite**

4 Pomorščaki z določenimi nalogami zaščite morajo izpolnjevati standard usposobljenosti iz šestega do osmega odstavka oddelka A-VI/6 kodeksa STCW.

5 Če usposabljanje za določene naloge zaščite ni vključeno v zahtevah za izdajo pooblastila, se izda posebno pooblastilo, ki dokazuje, da je njegov imetnik opravil tečaj usposabljanja za določene naloge zaščite.

6 Pogodbenica primerja standarde za usposabljanje za zaščito, ki jih zahteva od pomorščakov z določenimi nalogami zaščite, ki imajo kvalifikacije ali lahko predložijo dokazilo o njih pred začetkom veljavnosti tega pravila s tistimi iz osmega odstavka oddelka A-VI/6 kodeksa STCW in se odloči, ali je treba zahtevati posodobitev njihovih kvalifikacij.



## VII. POGLAVJE

### Nadomestna pooblastila

#### **Pravilo VII/1**

##### *Izdaja nadomestnih pooblastil*

1 Ne glede na zahteve za izdajo pooblastil iz II. in III. poglavja te priloge se lahko pogodbenice odločijo za izdajo ali dovolijo izdajo drugih pooblastil, ki jih pravila iz teh poglavij ne navajajo, če:

- 1.1 so naloge in ravni odgovornosti, navedene v pooblastilih in overitvah, izbrane med nalogami iz oddelkov A-II/1, A-II/2, A-II/3, A-II/4, A-II/5, A-III/1, A-III/2, A-III/3, A-III/4, AIII/5 in A-IV/2 kodeksa STCW in so enake kot te;
- 1.2 so kandidati za naloge in ravni odgovornosti, navedene v pooblastilih in overitvah, dokončali potrjeno izobraževanje in usposabljanje ter izpolnjujejo zahteve standardov usposobljenosti iz ustreznih oddelkov kodeksa STCW in oddelka A-VII/1 tega kodeksa;
- 1.3 imajo kandidati potrjeno plovno dobo za opravljanje nalog in za ravni, ki se navedejo v pooblastilu. Plovna doba na ladji mora trajati najmanj toliko časa kot plovna doba iz II. in III. poglavja te priloge. Najkrajša plovna doba pa ne sme biti krajša od dobe iz oddelka A-VII/2 kodeksa STCW;
- 1.4 kandidati za pridobitev pooblastila, ki bodo opravljali naloge navigacije, morajo izpolnjevati ustrezne zahteve pravil iz IV. poglavja za opravljanje posebej določenih radijskih nalog v skladu s pravili o radijski službi in
- 1.5 so pooblastila izdana v skladu z zahtevami pravila I/2 in iz VII. poglavja kodeksa STCW.

2 Pooblastilo sme biti izdano na podlagi tega poglavja samo, če je pogodbenica obvestila organizacijo v skladu s IV. členom in pravilom I/7.

#### **Pravilo VII/2**

##### *Izdaja pooblastil pomorščakom*

1 Pomorščak, ki opravlja naloge ali skupino nalog iz preglednic A-II/1, A-II/2, A-II/3, A-II/4 ali A-II/5 v II. poglavju ali preglednic A-III/1, A-III/2, A-III/3, A-III/4 ali A-III/5 v III. poglavju ali A-IV/2 v IV. poglavju kodeksa STCW, mora imeti pooblastilo o nazivu ali posebno pooblastilo.

#### **Pravilo VII/3**

##### *Načela, ki urejajo izdajanje nadomestnih pooblastil*

1 Pogodbenica, ki se odloči za izdajo ali odobritev izdaje nadomestnih pooblastil, zagotovi, da se spoštujejo ta načela:

- 1.1 nadomestna pooblastila se ne smejo izdajati, če ni zagotovljena vsaj enaka raven varnosti na morju in preprečevanja onesnaževanja, kot je določeno v drugih poglavjih, ter
  - 1.2 vsaka ureditev izdajanja nadomestnih pooblastil na podlagi tega poglavja mora zagotavljati njihovo zamenljivost s pooblastili, izdanimi po drugih poglavjih.
- 2 Načelo zamenljivosti iz prvega odstavka mora zagotavljati, da:
- 2.1 so pomorščaki, ki so pridobili pooblastilo na podlagi ureditve iz II. poglavja in/ali III. poglavja, in tisti, ki so ga pridobili v skladu s VII. poglavjem, sposobni delati na ladjah tradicionalno ali z drugimi oblikami organizacije na ladji ter
  - 2.2 usposobljenost pomorščakov za delo na ladji s posebno organizacijo ne pomeni, da niso usposobljeni za delo na drugih vrstah ladij.
- 3 Pri izdaji pooblastil po tem poglavju je treba upoštevati ta načela:
- 3.1 nadomestna pooblastila se ne smejo uporabiti:
    - 3.1.1 da bi se zmanjšalo število članov posadke na ladji,
    - 3.1.2 da bi se razvrednotil poklic ali znižale zahteve usposobljenosti pomorščakov ali
    - 3.1.3 kot opravičilo, da se za posamezno stražo združijo naloge častnikov strojne in krovne straže in dodelijo enemu imetniku pooblastila;
  - 3.2 oseba, ki poveljuje, je poveljnik; ureditev izdajanja nadomestnih pooblastil ne sme vplivati na pravni status in pristojnosti poveljnika ladje in drugih oseb.
- 4 Načela iz prvega in drugega odstavka tega pravila zagotavljajo, da se ohranjajo usposobljenosti častnika krova in častnika stroja.

## VIII. POGLAVJE

### Ladijsko stražarjenje

#### **Pravilo VIII/1**

##### *Sposobnost za opravljanje nalog*

- 1 Da se prepreči utrujenost, uprava:
  - 1.1 določi čas počitka za osebje na straži in osebje, ki opravlja posebej določene naloge varnosti, zaščite in preprečevanja onesnaževanja iz oddelka A-VIII/1 kodeksa STCW, ter skrbi, da se to upošteva, in
  - 1.2 zahteva, da je sistem straže organiziran tako, da učinkovitost osebja, ki straži, ni zmanjšana zaradi utrujenosti in da so naloge organizirane tako, da so prva straža na začetku plovbe ter vse naslednje zamenjave dovolj spočite in tudi drugače sposobne opravljati naloge.
- 2 Pogodbenica zaradi preprečevanja zlorabe alkohola in drog zagotovi uvedbo ustreznih ukrepov v skladu z oddelkom A-VIII/1 ob upoštevanju navodil iz oddelka B-VIII/1 kodeksa STCW.

#### **Pravilo VIII/2**

##### *Ureditev ladijskega stražarjenja in obvezna načela*

- 1 Uprave morajo družbe, poveljnike, upravitelje stroja in vse osebje, ki straži, opozoriti na zahteve, načela in navodila iz kodeksa STCW, ki jih je treba na vseh ladjah ob vsakem času upoštevati za zagotovitev varne, neprekinjene straže, ki ustreza prevladujočim razmeram in okoliščinam.
- 2 Uprava od poveljnika vsake ladje zahteva, da zagotovi, da je ladijska straža ustrezno organizirana za varno stražo, upoštevajoč prevladujoče razmere in okoliščine, ter da so pod njegovim poveljstvom:
  - 2.1 častniki krovne straže, odgovorni za varno plovbo med svojo izmeno, med katero morajo biti stalno fizično prisotni na navigacijskem mostu ali v neposredno povezanem prostoru, kot je prostor s pomorskimi kartami ali kontrolna kabina mosta;
  - 2.2 radijski operaterji med svojo izmeno odgovorni za neprekinjeno radijsko stražo na ustreznih frekvencah;
  - 2.3 častniki strojne straže, kot je določeno v kodeksu STCW, pod vodstvom upravitelja stroja takoj dosegljivi in pripravljeni priti v strojnico in so po potrebi fizično prisotni v strojnici med svojo izmeno;
  - 2.4 straže ustrezne in učinkovite, da je vedno zagotovljena varnost, kadar je ladja zasidrana ali privezana, če pa ladja prevažata nevaren tovor, se organizirajo tako,

2.5 da upoštevajo njegovo naravo, količino in način pakiranja in razporeditve ter vse posebne okoliščine na ladji, med plovbo ali v pristanišču ter zaradi zaščite zagotovljene ustrezne in učinkovite straže

### 3. člen

Za izvajanje Manilskih sprememb skrbi ministrstvo, pristojno za infrastrukturo in prostor.

### 4. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

## OBRAZLOŽITEV

Pomorski promet ima mednarodni značaj kar pomeni, da na isti ladji delajo člani posadke, ki so se usposabljali v različnih državah z različnimi sistemi. Ključnega pomena je, da so vsi člani posadke usposobljeni za varno opravljanje svojih nalog, kar ima pomembno vlogo pri varnosti v pomorskem prometu.

Konvencija STCW predpisuje minimalne standarde, ki jih morajo pogodbenice obvezno izpolnjevati ali presegati. Konvencija je bila že večkrat spremenjena, nazadnje v Manili junija 2010. Najpomembnejše novosti iz leta 2010 so:

- učinkovitejše določbe glede izobraževanja in ocenjevanja, izdajanja pooblastil o usposobljenosti ter preprečevanje goljufij povezanih s pooblastili;
- posodobljeni standardi glede zdravstvenega stanja, delovne sposobnosti in zlorabe alkohola;
- nove zahteve v zvezi z izdajanjem pooblastil za usposabljanje pomorščakov in častnikov elektrotehnike ter usposabljanjem s področja varnosti za vse pomorščake;
- posodobljene zahteve za osebje na nekaterih vrstah ladij (tankerji in ladje, ki prevažajo utekočinjene pline);
- pojasnitev in poenostavitve opredelitve 'pooblastila'.

Manilske spremembe, 2010, Priloge k Mednarodni konvenciji o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov (STCW). 1978 ratificira Državni zbor Republike Slovenije.

Ratifikacija Manilskih sprememb ne zahteva spreminjanja obstoječe zakonodaje Republike Slovenije.

Ratifikacija Manilskih sprememb nima neposrednih finančnih posledic za proračun Republike Slovenije.

Ratifikacija Manilskih sprememb ne zahteva usklajevanja s pravom EU.