

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4095 of 3 July, 2014

LEGAL NOTICE NO. 112 OF 2014.

GIBRALTAR MERCHANT SHIPPING (SAFETY, ETC.) ACT, 1993

**GIBRALTAR MERCHANT SHIPPING (MANNING, TRAINING AND
CERTIFICATION FOR SEAFARERS) (AMENDMENT)
REGULATIONS 2014**

In exercise of the powers conferred on it by section 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act 1993, and all other enabling powers, and for the purposes of transposing into the law of Gibraltar Directive 2008/106/EC on the minimum level of training of seafarers as amended by Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106/EC on the minimum level of training of seafarers, the Government has made the following Regulations—

Title and commencement.

1.(1) These Regulations may be cited as the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) (Amendment) Regulations 2014.

(2) These Regulations come into operation on 4 July 2014, except for regulation 32(a) which comes into operation on 4 January 2015.

Amendments to the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006.

2. The Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006 (the Principal Regulations) are amended in accordance with the provisions of regulations 3 to 33.

Amendments to regulation 2.

3. Regulation 2 of the Principal Regulations is amended—

- (a) by inserting the following definitions before the definition of “Administration”—

““able seafarer deck” means a rating qualified in accordance with Chapter II of Schedule 1;

“able seafarer engine” means a rating qualified in accordance with Chapter III of Schedule 1;”;

- (b) by inserting the following definitions after the definition of “basic training”–

““BGTW” means British Gibraltar Territorial Waters which is the area of sea, the sea bed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extends to three nautical miles and to the median line in the Bay of Gibraltar;”;

- (c) by substituting the following definitions for the definition of “certificate”–

““certificate of competency” means a certificate issued and endorsed for masters, officers and GMDSS radio operators in accordance with Chapters II, III, IV or VII of Schedule 1, and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein;

“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 sea-going service in these Regulations have been met;”;

- (d) by inserting the following definition after the definition of “Document of Compliance”–

““documentary evidence” means documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements in these Regulations have been met;”;

- (e) by inserting the following definitions after the definition of “ECDIS”–

““electro-technical officer” means an officer qualified in accordance with Chapter III of Schedule 1;

“electro-technical rating” means a rating qualified in accordance with Chapter III of Schedule 1;”;

- (f) by inserting the following definition after the definition of “GMDSS”–

““GMDSS radio operator” means a person qualified in accordance with Chapter IV of Schedule 1;”;

- (g) by inserting the following definition after the definition of “ISM Code”–

““ISPS Code” means the International Ship and Port Facility Security Code adopted on 12 December 2002, by resolution 2 of the Conference of Contracting Governments to the SOLAS Convention, in its up-to-date version;”;

- (h) by inserting the following definition after the definition of “Party” or “part State”–

““passenger ship” means a ship as defined in the International Convention for the Safety of Life at Sea, 1974 (SOLAS Convention), as amended;”

- (i) by substituting the following definition for the definition of “Radio Regulations”–

““Radio Regulations” means the radio regulations annexed to, or regarded as being annexed to, the International Telecommunication Convention, as amended;”;

- (j) by inserting the following definition after the definition of “seafarer”–

““seagoing service” means service on board a ship relevant to the issue or revalidation of a certificate of competency, certificate of proficiency or other qualification;”;

- (k) by inserting the following definitions after the definition of “Second engineering officer”–

““security duties” include all security tasks and duties on board ships as defined by Chapter XI/2 of the SOLAS Convention, as amended, and by the ISPS Code;”;

“ship security officer” means the person on board a 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;”;

- (l) by substituting the following definition for the definition of “STCW Code”-

““STCW Code” means the Seafarers’ Training, Certification and Watchkeeping (STCW) Code as adopted by the 1995 Conference resolution 2, in its up-to-date version”.

Amendment to regulation 6(1).

4. Regulation 6(1) of the Principal Regulations is amended in paragraph (a) by inserting “and in Schedule 1” after “this Part”.

Insertion of new regulations 9A to 9C.

5. The Principal Regulations are amended by inserting the following regulations after regulation 9-

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

9A.(1) No officer or rating shall be assigned specific duties and responsibilities related to cargo or cargo equipment on oil or chemical tankers unless he holds 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-

- (a) 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
- (b) 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—
- (a) meet the requirements for certification in basic training for oil and chemical tanker cargo operations; and
 - (b) while qualified for certification in basic training for oil and chemical tanker cargo operations have—
 - (i) at least three months of approved seagoing service on oil tankers; or
 - (ii) 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 of the STCW Code; and
 - (iii) has 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—
- (a) meet the requirements for certification in basic training for oil and chemical tanker cargo operations; and
 - (b) while qualified for certification in basic training for oil and chemical tanker cargo operations have—
 - (i) at least three months of approved seagoing service on chemical tankers; or
 - (ii) 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 of the STCW Code; and
 - (iii) 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) The Administration shall ensure that a certificate of proficiency is issued to seafarers, who are qualified in accordance with subregulation (2), (4) or (6) as appropriate, or that an existing certificate of competency or certificate of proficiency is duly endorsed.

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

- 9B.(1) No officer or rating shall be assigned specific duties and responsibilities related to cargo or cargo equipment on

liquefied gas tankers unless he holds 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—
 - (a) 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
 - (b) 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—
 - (a) meet the requirements for certification in basic training for liquefied gas tanker cargo operations; and
 - (b) while qualified for certification in basic training for liquefied gas tanker cargo operations have—
 - (i) at least three months of approved seagoing service on liquefied gas tankers; or
 - (ii) 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 of the STCW Code; and

- (iii) 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) The Administration shall ensure that a certificate of proficiency is issued to seafarers, who are qualified in accordance with subregulation (2) or (4) as appropriate, or that an existing certificate of competency or certificate of proficiency is duly endorsed.

Mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on passenger ships engaged on international voyage.

- 9C.(1) This regulation applies to masters, officers, ratings and other personnel serving on board passenger ships engaged on international voyages.
- (2) Prior to being assigned shipboard duties on board passenger ships, seafarers shall have completed the training required by subregulations (4) to (7) below in accordance with their capacities, duties and responsibilities.
 - (3) Seafarers who are required to be trained in accordance with subregulations (4), (6) and (7) 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 mates, chief engineer officers, 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) The Administration 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.”.

Amendment to regulation 13.

6. Regulation 13 of the Principal Regulations is amended—

- (a) in subregulation (1) by substituting “a certificate of competency, certificate of proficiency and documentary evidence as defined in regulation 2” for “an appropriate certificate”;
- (b) in subregulation (2) by substituting “a certificate of competency, certificate of proficiency and documentary evidence as defined in regulation 2” for “an appropriate certificate”; and
- (c) by deleting subregulation (3).

Insertion of new regulations 13A and 13B.

7. The Principal Regulations are amended by inserting the following regulations after regulation 13–

“Certificates of competency, certificates of proficiency and endorsements.

- 13A.(1) The Administration shall ensure that certificates of competency and certificates of proficiency are issued only to candidates who comply with the requirements of this regulation.
- (2) Certificates for masters, officers and radio operators shall be endorsed by the Administration as prescribed in this regulation.
- (3) Certificates of competency and certificates of proficiency shall be issued in accordance with Regulation I/2, paragraph 3 of the Annex to the STCW Convention.
- (4) Certificates of competency shall be issued only by the Administration following verification of the authenticity and validity of any necessary documentary evidence and in accordance with the provisions of this regulation.
- (5) In respect of radio operators, the Administration may–
- (a) include the additional knowledge required by the relevant regulations in the examination for the issue of a certificate complying with the Radio Regulations; or
- (b) issue a separate certificate indicating that the holder has the additional knowledge required by the relevant regulations.
- (6) At the discretion of the Administration endorsements may be incorporated in the format of the certificates being issued as provided for in section A-I/2 of the STCW Code and if so incorporated the form used shall be that set out in section A-I/2, paragraph 1 of the STCW Code.

- (7) If endorsements are issued otherwise than as subregulation (6), the form of endorsements used shall be that set out in paragraph 2 of section A-I/2 of the STCW Code.
- (8) Endorsements shall be issued in accordance with Article VI, paragraph 2, of the STCW Convention.
- (9) Endorsements attesting the issue of a certificate of competency and endorsements attesting a certificate of proficiency issued to masters and officers in accordance with the Regulations V/1-1 and V/1-2 of Schedule 1 shall be issued only if all the requirements of the STCW Convention and these Regulations have been complied with.
- (10) If the Administration recognises a certificate of competency, or a certificate of proficiency, issued to masters and officers in accordance with Regulations V/1-1 and V/1-2 of the Annex to the STCW Convention under the procedure laid down in regulation 30(2) it shall endorse that certificate to attest its recognition only after ensuring the authenticity and validity of the certificate.
- (11) The form of the endorsement under subregulation (10) used shall be that set out in paragraph 3 of Section A-I/2 of the STCW Code.
- (12) The endorsements referred to in subregulations (6) to (11)–
 - (a) may be issued as separate documents;
 - (b) shall be issued by the Administration only;
 - (c) shall each be assigned a unique number, except for endorsements attesting the issue of a certificate of competency, which may be assigned the same number as the certificate of competency concerned, provided that that number is unique; and
 - (d) shall each expire as soon as the endorsed certificate of competency or certificate of proficiency issued to masters and officers in accordance with Regulations V/1-1 and V/1-2 of the Annex to the STCW Convention expires or is withdrawn, suspended or

cancelled by the Administration or third country which issued it and, in any case, within five years of their date of issue.

- (13) The capacity in which the holder of a certificate is authorised 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.
- (14) The Administration may use a format different from the format laid down 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 account of the variations permitted under section A-I/2.
- (15) Subject to Article 19(7) any certificate required by these Regulations shall be kept available in its original form on board the ship on which the holder is serving.
- (16) Candidates for certification shall provide satisfactory proof—
 - (a) of their identity;
 - (b) that their age is not less than that prescribed in the Regulations listed in Schedule 1 relevant to the certificate of competency or certificate of proficiency applied for;
 - (c) that they meet the standards of medical fitness, specified in Section A-I/9 of the STCW Code;
 - (d) that they have completed the seagoing service and any related compulsory training prescribed in the Regulations listed in Schedule 1 for the certificate of competency or certificate of proficiency applied for; and
 - (e) that they meet the standards of competence prescribed in the Regulations listed in Schedule for the capacities, functions and levels that are to be identified in the endorsement of the certificate of competency.

(17) Subregulation (16) shall not apply to recognition of endorsements under Regulation I/10 of the STCW Convention.

(18) The Administration shall undertake—

(a) to maintain a register or registers of all certificates of competency and certificates of proficiency and endorsements for masters and officers and, where applicable, ratings which are issued, have expired or have been revalidated, suspended, cancelled or reported as lost or destroyed, as well as of dispensations issued;

(b) to make available information on the status of certificates of competency, endorsements and dispensations to other Member States or other Parties to the STCW Convention and companies which request verification of the authenticity and validity of certificates of competency and certificates issued to masters and officers in accordance with Regulations V/1-1 and V/1-2 of Annex I produced to them by seafarers seeking recognition, under Regulation I/10 of the STCW Convention, or employment on board ship.

(19) As of 1 January 2017, the information required to be available in accordance with subregulation (18)(b) shall be made available by electronic means.

Information to the Commission.

13B. The Administration shall make available to the Commission on a yearly basis the information indicated in Schedule 2 on certificates of competency, endorsements attesting the recognition of certificates of competency as well as, on a voluntary basis, certificates of proficiency issued to ratings in accordance with Chapters II, III, and VII of the Annex to the STCW Convention, for the purposes of statistical analysis only and exclusively for use by the Administration and the Commission in policy-making.”.

Amendments to regulation 14.

8. Regulation 14 of the Principal Regulations is amended–

- (a) by substituting “a certificate of competency” for “an appropriate certificate” after “shall hold” in subregulation (1);
- (b) by substituting “a certificate of competency” for “an appropriate certificate” after “eligible for” in subregulation (2);
- (c) by substituting a semi-colon for full-stop at the end of paragraph (e) in subregulation (2); and
- (d) by inserting the following paragraph after paragraph (e) in subregulation (2)–
 - “(f) meets 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.”.

Amendments to regulation 15.

9. Regulation 15 of the Principal Regulations is amended–

- (a) by substituting “a certificate of competency” for “an appropriate certificate” after “shall hold” in subregulation (1);
- (b) by substituting “a certificate of competency” for “an appropriate certificate” after “eligible for” in subregulation (2);
- (c) by substituting “a certificate of competency” for “an appropriate certificate” after “shall hold” in subregulation (3);
- (d) by substituting “a certificate of competency” for “an appropriate certificate” after “eligible for” in subregulation (4).

Amendments to regulation 16.

10. Regulation 16 of the Principal Regulations is amended–

- (a) by substituting “a certificate of competency” for “an appropriate certificate” after “shall hold” in subregulation (1);
- (b) by substituting “a certificate of competency” for “an appropriate certificate” after “shall hold” in subregulation (2);
- (c) by substituting “a certificate of competency” for “an appropriate certificate” after “shall hold” in subregulation (3);
- (d) by substituting a semi-colon for full-stop at the end of paragraph (d) in subregulation (4); and
- (e) by inserting the following paragraph after paragraph (d) in subregulation (4)–
 - “(e) meets 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.”;
- (f) by substituting “a certificate of competency” for “an appropriate certificate” after “shall hold” in subregulation (5).

Amendment to regulation 17.

11. Regulation 17 of the Principal Regulations is amended by inserting “of competency” after “a certificate” in subregulation (2).

Amendments to regulation 18.

12. Regulation 18 of the Principal Regulations is amended–

- (a) by substituting “a certificate of competency” for “an appropriate certificate” after “shall hold” in subregulation (1);
- (b) by substituting “a certificate of competency” for “an appropriate certificate” after “eligible for” in subregulation (2).

Amendments to regulation 19.

13. Regulation 19 of the Principal Regulations is amended–

- (a) by substituting “a certificate of competency” for “an appropriate certificate” after “shall hold” in subregulation (1);
- (b) by substituting “a certificate of competency” for “an appropriate certificate” after “eligible for” in subregulation (2).

Insertion of new regulation 19A.

14. The Principal Regulations are amended by inserting the following regulation after regulation 19–

“Certificates for ratings as able seafarer deck.

“19A.(1) Every able seafarer deck serving on a seagoing ship of 500 gross tonnage or more shall be duly certificated.

- (2) A person shall be eligible for a certificate as required by subregulation (1) if that person–
 - (a) is not less than 18 years of age;
 - (b) meets the requirements for certification as a rating forming part of a navigational watch;
 - (c) while qualified to serve as a rating forming part of a navigational watch, have approved seagoing service in the deck department of–
 - (i) not less than 18 months; or
 - (ii) not less than 12 months and have completed approved training; and
 - (d) meets the standard of competence specified in Section A-II/5 of the STCW Code.
- (3) The administration shall–
 - (a) 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

- (b) determine the need, if any, for requiring these personnel to update their qualifications.
- (4) Until 1 January 2017, in the event of extension of the International Labour Organisation Certification of Able Seamen Convention, 1946 (No 74) to Gibraltar, the Administration may continue to renew and revalidate certificates and endorsements in accordance with the provisions of that Convention.
- (5) The Administration may consider the seafarers 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 coming into operation of this regulation.”.

Amendments to regulation 20.

15. Regulation 20 of the Principal Regulations is amended—

- (a) by substituting “a certificate of competency” for “an appropriate certificate” after “shall hold” in subregulation (1);
- (b) by substituting the following subregulation for subregulation (2)—

“(2) A person shall be eligible for a certificate of competency required by subregulation (1) if that person—

- (a) is not less than 18 years of age;
- (b) has completed combined workshop skill training and an approved seagoing service of not less than 12 months as part of an approved training programme which includes on board training which meets the requirements of Section A-III/1 of the STCW Code and is documented in an approved training record book, or otherwise has completed combined workshop skill training and an approved seagoing service of not less than 36

months of which not less than 30 months will be seagoing service in the engine department;

- (c) has 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;
- (d) has completed approved education and training and meet the standards of competence specified in Section A-III/1 of the STCW Code; and
- (e) meets the standards 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.”.

Amendment to regulation 21.

16. Regulation 21 of the Principal Regulations is amended by substituting “a” for “an appropriate” in subregulation (2) after “eligible for”.

Insertion of new regulations 21A to 21C.

17. The Principal Regulations are amended by inserting the following regulations after regulation 21–

“Certification of ratings as able seafarer engine in a manned engine-room or designated to perform duties in a periodically unmanned engine-room.

21A.(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) A person shall be eligible for certification required by subregulation (1) if that person–

- (a) is not less than 18 years of age;

- (b) meets 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;
 - (c) while qualified to serve as a rating forming part of an engineering watch, have approved seagoing service in the engine department of—
 - (i) not less than 12 months; or
 - (ii) not less than six months and have completed approved training; and
 - (d) meets the standard of competence specified in Section A-III/5 of the STCW Code.
- (3) The Administration shall compare the standards 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) The Administration may consider the seafarers 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.
- 21B.(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) A person shall be eligible for a certificate required by subregulation (1) if that person—
- (a) is not less than 18 years of age;
 - (b) has completed not less than 12 months of combined workshop skills training and approved seagoing service of which not less than six months will 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 will be seagoing service in the engine department;

- (c) has completed approved education and training and meet the standards of competence specified in Section A-III/6 of the STCW Code; and
 - (d) meets the standards 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) The Administration shall—
- (a) compare the standards 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
 - (b) determine the need for requiring those personnel to update their qualifications.
- (4) The Administration may consider the seafarers to have met the requirements of this regulation if they—
- (a) 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; and
 - (b) meet the standard of competence specified in Section A-III/6 of the STCW Code.
- (5) Notwithstanding the requirements of subregulation (1) to (4) above, a suitably qualified person may be considered by the

Administration able to perform certain functions of Section A-III/6.

Certification of electro-technical rating.

- 21C.(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) A person shall be eligible for a certificate required by subregulation (1) if that person—
- (a) is not less than 18 years of age;
 - (b) has completed approved seagoing service including not less than 12 months training and experience; or
 - (c) has completed approved training, including an approved period of seagoing service which shall not be less than six months; or
 - (d) has qualifications that meet the technical competences in table A-III/7 of the STCW Code and an approved period of seagoing service, which shall not be less than three months; and
 - (e) meets the standard of competence specified in Section A-III/7 of the STCW Code.
- (3) The Administration shall—
- (a) compare the standards 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
 - (b) determine the need, if any, for requiring these personnel to update their qualifications.
- (4) The Administration may consider the seafarers to have met the requirements of this regulation if they—

- (a) 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; and
 - (b) meet the standard of competence specified in Section A-III/7 of the STCW Code.
- (5) Notwithstanding the requirements of subregulation (1) to (4) above, a suitably qualified person may be considered by a Member State able to perform certain functions of Section A-III/7.”.

Insertion of new regulations 26A to 26B.

18. The Principal Regulations are amended by inserting the following regulations after regulation 26–

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

26A.(1) Every candidate for a certificate of proficiency as ship security officer shall–

- (a) have approved seagoing service of not less than 12 months or appropriate seagoing service and knowledge of ship operations; and
 - (b) 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.
- (2) The Administration shall ensure that every person found qualified under the provisions of this regulation is issued with a certificate of proficiency.

Mandatory minimum requirements for security related training and instruction for all seafarers.

26B. (1) Seafarers shall receive security-related familiarisation 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) The Administration shall—
 - (a) compare the security-related training or instruction it requires of seafarers who hold or can document qualifications before the entry into force of this Directive, with those specified in Section A-VI/6, paragraph 4 of the STCW Code; and
 - (b) determine the need for requiring these seafarers to update their qualifications.
- (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) The Administration shall—
 - (a) 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 directive with those specified in Section A-VI/6, paragraph 8 of the STCW Code; and
 - (b) determine the need for requiring these seafarers to update their qualifications.”.

Amendments to regulation 27.

19. Regulation 27 of the Principal Regulations is amended—

- (a) in subregulation (1) by inserting “and in accordance with Section A-I/8 of the STCW Code” after “by these Regulations”;
- (b) in subregulation (2) by inserting “in accordance with Section A-I/8 of the STCW Code” after “required standard”;
- (c) by inserting the following subregulation after subregulation (2)–
 - “(2A) Every seafarer holding a certificate of competency or a certificate of proficiency, issued under the provisions of the STCW Convention, who is serving at sea shall also hold a valid medical certificate issued in accordance with this regulation and Section A-I/9 of the STCW Code.”;
- (d) in subregulation (3)–
 - (i) by inserting “medical” after “candidate for” in line 2; and
 - (ii) by substituting “16 years of age” for “that prescribed in Part 3 of these Regulations as relevant to the certificate applied for” in paragraph (b); and
- (e) by inserting the following subregulations after subregulation (5)–
 - “(5A) 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.
 - (5B) If the period of validity of a medical certificate expires in the course of a voyage, Regulation I/9 of the Annex to the STCW Convention shall apply.
 - (5C) In urgent cases, the Administration may permit a seafarer to work without a valid medical certificate

and in such cases, Regulation I/9 of the Annex to the STCW Convention shall apply.”.

Substitution of regulation 29.

20. The Principal Regulations is amended by substituting the following regulation for regulation 29—

“Recognition of certificates of competency and certificates of proficiency issued by a Member State.

29. A seafarer who does not possess the certificates of competency or the certificates of proficiency or both issued by a Member State to masters and officers in accordance with Regulations V/1-1 and V/1-2 of the STCW Convention, may be allowed to serve on a Gibraltar ship if a decision on the recognition of his certificates of competency and certificates of proficiency has been adopted through the procedures set out in regulation 30 (2) to (5).

Amendment to regulation 30.

21. Regulation 30 of the Principal Regulations is amended by substituting the following subregulations for subregulations (1) to (5)—

- “(1) A seafarer who is a national of a third country and does not possess certificates referred to in regulation 29 may be allowed to serve in a Gibraltar ship if his certificates of competency and the certificates of proficiency are recognised by the Commission in accordance with this regulation.
- (2) Where the Administration intends to recognise, by endorsement, the certificates of competency or the certificates of proficiency or both as referred to in subregulation (1) issued by a third country to a master, officer or radio operator, for service on ships flying its flag, shall submit a request for recognition of that third country to the Commission, stating its reasons.
- (3) Where the Administration has submitted the request under subregulation (2), it may decide to recognise certificates issued by the third country unilaterally until a decision is taken under this regulation.

- (4) Where the Commission takes a decision granting the recognition of the third country within 18 months from the date of the request for recognition, that recognition shall be valid subject to regulation 31(2).
- (5) Recognition of certificates issued by recognised third countries and published in the Official Journal of the European Union, shall remain valid and such recognition may be used unless the Commission has subsequently withdrawn it.”.

Substitution of regulation 33.

22. The Principal Regulations are amended by substituting the following regulation for regulation 33–

“Revalidation of certificates of competency and certificates of proficiency.

- 33.(1) Every master, officer and radio operator holding a certificate issued or recognised under any chapter of Schedule 1 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–
- (a) to meet the standards of medical fitness prescribed by regulation 27; and
 - (b) to 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 of subregulation (1) and be required, at intervals not exceeding five years, to establish continued professional competence for tankers in accordance with paragraph 3 of Section A-I/11 of the STCW Code.

- (4) The Administration shall—
- (a) compare the standards of competence which are required of candidates for certificates of competency issued until 1 January 2017 with those specified for the relevant certificate of competency in Part A of the STCW Code; and
 - (b) determine the need to require the holders of such certificates of competency to undergo appropriate refresher and updating training or assessment.
- (5) The Administration 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, the 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 Gibraltar ships, while respecting regulations 38(3)(b) and 40.”.

Substitution of regulation 34.

23. The Principal Regulations are amended by substituting the following regulation for regulation 34—

“Principles governing near-coastal voyages.

- 34.(1) When defining near-coastal voyages the Administration shall not impose training, experience or certification requirements on seafarers serving on board ships entitled to fly the flag of another Member State or another Party to the STCW Convention and engaged in such voyages in a manner resulting in more stringent requirements for such seafarers than for seafarers serving on board Gibraltar ships.
- (2) In no case shall the Administration impose requirements in respect of seafarers serving on board ships flying the flag of another Member State or of another Party to the STCW

Convention in excess of those of these Regulations in respect of ships not engaged in near-coastal voyages.

- (3) The Government, for ships afforded the benefits of the near-coastal voyage provisions of the STCW Convention, which includes voyages off the coast of other Member States or of Parties to the STCW Convention within the limits of the near-coastal definition, shall enter into an undertaking with the Member States or Parties concerned specifying both the details of the trading areas involved and other relevant provisions.
- (4) Where a Gibraltar ship is regularly engaged in near-coastal voyages off the coast of another Member State or of another Party to the STCW Convention, the Administration shall prescribe training, experience and certification requirements for seafarers serving on such ships at least equal to those of the Member State or the Party to the STCW Convention off the coast of which the ship is engaged, provided that they do not exceed the requirements of these Regulations in respect of ships not engaged in near-coastal voyages.
- (5) Seafarers serving on a ship which extends its voyage beyond what is defined as a near-coastal voyage by the Administration and enters waters not covered by that definition shall fulfil the appropriate requirements of these Regulations.
- (6) The Administration may afford a Gibraltar ship the benefits of the near-coastal voyage provisions of these Regulations when it is regularly engaged off the coast of a non-Party to the STCW Convention on near-coastal voyages as defined by the Administration.
- (7) The certificates of competency of seafarers issued by a Member State or a Party to the STCW Convention for its defined near-coastal voyage limits may be accepted by the Administration for service within the defined near-coastal voyage limits, provided the Member States or Parties concerned enter into an undertaking specifying the details of the trading areas involved and other relevant conditions thereof.

- (8) The Administration shall, in the case of defining near-coastal voyages, in accordance with the requirements of this regulation—
- (a) meet the principles governing near-coastal voyages specified in Section A-I/3 of the STCW Code; and
 - (b) incorporate the near-coastal voyage limits in the endorsements issued pursuant to regulation 28.
- (9) Upon deciding on the definition of near-coastal voyages and the conditions of education and training required thereof in accordance with the requirements of subregulations (1) to (6), the Administration shall communicate to the Commission the details of the provisions it has adopted.”.

Amendments to regulation 35.

24. Regulation 35 of the Principal Regulations is amended—

- (a) in subregulation (1)—
 - (i) by inserting “ in accordance with Section A-I/8 of the STCW Code” after “instructors and assessors” at the end of paragraph (a);
 - (ii) by inserting “ in accordance with Section A-I/8 of the STCW Code” after “quality-standards system” at the end of paragraph (b);
 - (iii) by substituting the following paragraph for paragraph (c)—

“(c) education and training objectives and related quality standards of competence to be achieved are clearly defined and that the levels of knowledge, understanding and skills appropriate to the examinations and assessments required under the STCW Convention are identified;”;
- (b) in subregulation (2), by substituting a semi-colon for the full-stop at the end of paragraph (c) and inserting the following paragraph—

- “(d) all applicable provisions of the STCW Convention and the STCW Code, including amendments are covered by the quality standards system and the Administration may also include within this system the other applicable provisions of these Regulations.”; and
- (e) in subregulation (3), by inserting by inserting “ in accordance with Section A-I/7 of the STCW Code” after “date of the evaluation” at the end of paragraph (b).

Amendments to regulation 36.

25. Regulation 36 of the Principal Regulations is amended by deleting subregulation (2).

Amendments to regulation 37.

26. Regulation 37(1) of the Principal Regulations is amended in paragraph (c) by substituting “regulation 13A” for “regulation 27”.

Amendments to regulation 38.

27. Regulation 38 of the Principal Regulations is amended—

- (a) by substituting a semi-colon for the full-stop at the end of paragraph (e) in subregulation (1);
- (b) by inserting the following paragraphs after paragraph (e)—
 - “(f) seafarers assigned to any of its ships have received refresher and updating training as required by the STCW Convention;
 - (g) at all times on board its ships there shall be effective oral communication in accordance with paragraphs 3 and 4 of Chapter V of Regulation 14, of the SOLAS Convention, as amended.”; and
- (c) by inserting the following subregulation after subregulation (7)—

- “(8) Every company operating a Gibraltar Ship shall ensure that masters, officers and other personnel assigned specific duties and responsibilities on board its ro-ro passenger ships shall have completed familiarisation training to attain the abilities that are appropriate to the capacity to be filled and duties and responsibilities to be taken up, taking into account the guidance given in Section B-I/14 of the STCW Code.”.

Substitution of regulation 39.

28. The Principal Regulations is amended by substituting the following regulation for regulation 39—

“Fitness for duty.

- 39.(1) For the purpose of preventing fatigue, a company operating a Gibraltar Ship shall ensure that—
- (a) the rest periods for watchkeeping personnel and those whose duties involve designated safety, security and prevention of pollution duties in accordance with subregulations (3) to (16);
 - (b) watch systems are arranged in such a way that the efficiency of watchkeeping personnel is not impaired by fatigue; and
 - (c) duties are organised in such a way that the first watch at the start of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.
- (2) Every company operating a Gibraltar Ship shall, for the purpose of preventing drug and alcohol abuse, ensure that adequate measures are established in accordance with the provisions laid down in this regulation.
- (3) Every company operating a Gibraltar Ship shall take account of the danger posed by fatigue of seafarers, especially those whose duties involve the safe and secure operation of a ship.

- (4) All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch, and those whose duties involve designated safety, prevention of pollution and security duties shall be provided with a rest period of not less than—
 - (a) a minimum of 10 hours of rest in any 24-hour period; and
 - (b) 77 hours in any seven-day period.
- (5) The hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the intervals between consecutive periods of rest shall not exceed 14 hours.
- (6) The requirements for rest periods laid down in subregulations (4) and (5) need not be maintained in the case of an emergency or in other overriding operational conditions and musters, firefighting and lifeboat drills, and drills shall be conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue.
- (7) The master shall ensure that watch schedules are—
 - (a) posted where they are easily accessible; and
 - (b) established in a standardised format in the working language or languages of the ship and in English.
- (8) The master shall ensure that when a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.
- (9) The master shall ensure that records of daily hours of rest of seafarers are maintained in a standardised format, in the working language or languages of the ship and in English, to allow monitoring and verification of compliance with this regulation.
- (10) The master shall provide each seafarer a copy of the records pertaining to him maintained under subregulation (9), which

shall be endorsed by the master, or by a person authorised by the master, and by the seafarer.

- (11) Notwithstanding subregulations (3) to (10), the master of a ship shall be entitled to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.
- (12) Pursuant to subregulation (11), the master may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored and as soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.
- (13) With due regard for the general principles of the protection of the health and safety of workers and in line with the Gibraltar Merchant Shipping (Seafarers' Hours of Work and Medical Examination) Regulations, 2003, the Administration may authorise or register collective agreements permitting exceptions to the required hours of rest set out in subregulations (4)(b) and (5) if the rest period is no less than 70 hours in any seven-day period and respects the limits set out in subregulations (15) and (16).
- (14) Exceptions referred to in subregulation (13) shall, as far as possible—
 - (a) follow the standards set out but may take account of more frequent or longer leave periods, or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages; and
 - (b) take into account the guidance regarding prevention of fatigue laid down in Section B-VIII/1 of the STCW Code,

but, exceptions to the minimum hours of rest provided for in subregulation (4)(b) shall not be allowed.

- (15) Exceptions referred to in subregulation (13) to the weekly rest period provided for in subregulation (4)(b) shall not be allowed for more than two consecutive weeks and the intervals between two periods of exceptions on board shall not be less than twice the duration of the exception.
- (16) In the framework of possible exceptions to subregulation (5) as referred to in subregulation (13), the minimum hours of rest in any 24-hour period provided for in subregulation (4)(b) may be divided into no more than three periods of rest, one of which shall be at least six hours in length and neither of the two other periods shall be less than one hour in length and the intervals between consecutive periods of rest shall not exceed 14 hours. Exceptions shall not extend beyond two 24-hour periods in any seven-day period.
- (17) For the purpose of preventing alcohol abuse, the master, officers and other seafarers while performing designated safety, security and marine environmental duties shall maintain a limit of not greater than 0.05 % blood alcohol level (BAC) or 0,25 mg/l alcohol in the breath or a quantity of alcohol leading to such alcohol concentration.”.

Substitution of regulation 42.

29. The Principal Regulations are amended by substituting the following regulation for regulation 42–

“Inquiry, Investigation and disciplinary measures.

- 42.(1) The master or the company shall notify the Maritime Administrator regarding any incompetence, 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, on the part of the holder of any certificate of competency and certificate of proficiency or endorsement issued by the Administration in connection with the performance of duties relating to that certificate of competency and certificate of proficiency.
- (2) On receipt of the notification under subregulation (1) the Maritime Administrator shall request the Minister to appoint a suitably qualified person to–

- (a) conduct an impartial inquiry into the notified matter;
and
 - (b) make a report to the Maritime Administrator within such time as may be determined by the Minister.
- (3) Where the Maritime Administrator is satisfied that the inquiry report has established that the alleged incompetence, act, omission or compromise to security on the part of the seafarer holding the certificate of competency and certificate of proficiency has posed a direct threat to safety of life or property at sea or to the marine environment, he may withdraw or suspend (for such period as he deems fit) the certificate of competency and certificate of proficiency or the endorsement issued to the seafarer.
- (4) Where an endorsement was issued against a certificate issued abroad, the relevant issuing authority shall be informed of the fact that an inquiry or investigation has been held under this regulation with details thereof.
- (5) The Maritime Administrator shall forward a report including a summary of activities done under this regulation to the IMO.
- (6) It shall be an offence where—
 - (a) a company or a master has engaged a person not holding a certificate as required by these Regulations;
 - (b) a master has allowed any function or service in any capacity which under these Regulations must 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 30(7);
or
 - (c) a person has obtained by fraud or forged documents an engagement to perform any function or serve in any capacity which under these Regulations must be performed or fulfilled by a person holding a certificate or dispensation.”.

Amendments to regulation 43.

30. Regulation 43 of the Principal Regulations is amended—

- (a) in subregulation (1) by substituting “4(1), 5, 6(1), 7(2) and (3), 9A, 9B, 9C, 13, 19A, 21A, 21B, 21C, 26A, 26B, 34 (5) 38 (1), (2), (4) or (8), 39, 42” for “4(1), 5, 6(1), 7(2) or (3), 13, 34(4), 38(1), (2) or (4) or 39(1)”;
- (b) in subregulation (8) by substituting “notify the Maritime Administrator as required by regulation 42(1)” for “inform the Maritime Administrator as required by regulation 42(3)”; and
- (c) by inserting the following subregulation after subregulation (8)—

“(9) Where a person, a company or the master has committed an offence under regulation 42(6), shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.

Amendments to regulation 44.

31. Regulation 44 of the Principal Regulations is amended—

- (a) by substituting the following subregulations for subregulations (1) and (2)—
 - “(1) The Maritime Administrator may arrange for a marine surveyor or inspector to board any ship to which these Regulations apply when that ship is in BGTW to verify, in accordance with the provisions of Merchant Shipping (Port State Control) Regulations 2011, that every seafarer serving on board the ship-
- (b) holds a certificate of competency, a certificate of proficiency or documentary evidence or all of them as required under the STCW Convention; and
- (c) holds such a certificate of competency or valid dispensation or certificate of proficiency or documentary evidence or all of them.

- (2) Without prejudice to Merchant Shipping (Port State Control) Regulations 2011, port State control under subregulation (1) shall be limited to the following—
- (a) verification that every seafarer serving on board who is required to hold a certificate of competency or a certificate of proficiency or both in accordance with the STCW Convention holds such a certificate of competency or valid dispensation or certificate of proficiency, or provides documentary proof that an application for an endorsement attesting recognition of a certificate of competency has been submitted to the competent authority of the flag State; and
 - (b) verification that the numbers and certificates of the seafarers serving on board are in accordance with the safe-manning requirements of the competent authority of the flag State.
- (2A) During port state control under this regulation, the ability of the ship's seafarers to maintain watchkeeping and security standards, as appropriate, as required by the STCW Convention shall also be assessed in accordance with Part A of the STCW Code if there are clear grounds for believing that such standards are not being maintained because any of the following has occurred—
- (a) the ship has been involved in a collision, grounding or stranding;
 - (b) there has been a discharge of substances from the ship when under way, at anchor or at berth which is illegal under an international convention;
 - (c) the ship has been manoeuvred in an erratic or unsafe manner whereby routing measures adopted by the IMO, or safe navigation practices and procedures have not been followed;
 - (d) the ship is otherwise being operated in such a manner as to pose a danger to persons, property or the environment, or to compromise security;

- (e) a certificate has been fraudulently obtained or the holder of a certificate is not the person to whom that certificate was originally issued;
- (f) the ship is flying the flag of a country which has not ratified the STCW Convention, or has a master, officer or rating holding a certificate issued by a third country which has not ratified the STCW Convention.”; and
- (g) by substituting “subregulations (1) to (2A)” for “subregulations (1) and (2)” in subregulation (3).

Insertion of new regulations 44A and 44B.

32. The Principal Regulations are amended—

- (a) by inserting the following regulation after regulation 44—

“Information for statistical purposes.

44A.(1) The Administration shall communicate the information listed in Schedule 2 to the Commission for the purposes of statistical analysis only and such information may not be used for administrative, legal or verification purposes, and is exclusively for use by Member States and the Commission in policy-making.

- (2) The Administration shall—
 - (a) make available the information referred to in subregulation (1) to the Commission on a yearly basis and in electronic format and shall include information registered until 31 December of the previous year;
 - (b) retain all property rights to the information in its raw data format.
 - (c) make publicly available the processed statistics drawn up on the basis of such information in accordance with the provisions on transparency

and protection of information set out in Article 4 of Regulation (EC) No 1406/2002.

- (3) In order to ensure the protection of personal data, the Administration shall anonymise all personal information as indicated in Schedule 2 by using software provided or accepted by the Commission before transmitting it to the Commission.
 - (4) The Administration shall ensure that measures for collecting, submitting, storing, analysing and disseminating information under this regulation are designed in such a way that statistical analysis is made possible.”; and
- (b) by inserting the following regulation after regulation 44A–

“Transitional provisions.

- 44B.(1) 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, the Administration may continue to issue, recognise and endorse, until 1 January 2017, certificates of competency in accordance with the requirements of these Regulations as they were before 3 January 2013.
- (2) Until 1 January 2017, the Administration may continue to renew and revalidate certificates of competency and endorsements in accordance with the requirements of these Regulations as they were before 3 January 2013.”.

Insertion of Schedules.

33. The Principal Regulations are amended by inserting the following Schedules after regulation 48–

“SCHEDULE 1

Regulations 2, 6, 13A and 33

**TRAINING REQUIREMENTS OF THE STCW CONVENTION,
REFERRED TO IN REGULATION 6**

**CHAPTER I
GENERAL PROVISIONS**

1. The Regulations referred to in this Annex are supplemented by the mandatory provisions contained in Part A of the STCW Code with the exception of Chapter VIII, Regulation VIII/2.

Any reference to a requirement in a Regulation also constitutes a reference to the corresponding section of Part A of the STCW Code.

2. Part A of the STCW Code contains standards of competence required to be demonstrated by candidates for the issue, and revalidation of certificates of competency under the provisions of the STCW Convention. To clarify the linkage between the alternative certification provisions of Chapter VII and the certification provisions of Chapters II, III and IV, the abilities specified in the standards of competence are grouped as appropriate under the following seven functions:

- (1) Navigation;
- (2) Cargo handling and stowage;
- (3) Controlling the operation of the ship and care for persons on board;
- (4) Marine engineering;
- (5) Electrical, electronic and control engineering;
- (6) Maintenance and repair;
- (7) Radio communications, at the following levels of responsibility:
 - (1) Management level;

- (2) Operational level;
- (3) Support level.

Functions and levels of responsibility are identified by subtitle in the tables of standards of competence given specified in Chapters II, III and IV of the Part A of the STCW Code.

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:
 - 2.1. be not less than 18 years of age;
 - 2.2. have approved seagoing service of not less than 12 months as part of an approved training programme which includes onboard training which 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;
 - 2.3. 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;
 - 2.4. meet the applicable requirements of the regulations in Chapter IV, as appropriate, for performing designed radio duties in accordance with the Radio Regulations;
 - 2.5. have completed approved education and training and meet the standard of competence specified in Section A-II/1 of the STCW Code; and

- 2.6. 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.

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:

- 2.1. 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:

- 2.1.1. for certification as chief mate, not less than 12 months; and

- 2.1.2. 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

- 2.2. 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:

- 4.1. 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;

- 4.2. 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
- 4.3. 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:

- 4.1. be not less than 18 years of age;

- 4.2. have completed:
 - 4.2.1. special training, including an adequate period of appropriate seagoing service as required by the Administration; or
 - 4.2.2. approved seagoing service in the deck department of not less than 36 months;
- 4.3. meet the applicable requirements of the regulations in Chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations;
- 4.4. 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
- 4.5. 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 a near-coastal voyages shall:
 - 6.1. be not less than 20 years of age;
 - 6.2. have approved seagoing service of not less than 12 months as officer in charge of a navigational watch;
 - 6.3. 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

- 6.4. 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:

2.1. be not less than 16 years of age;

2.2. have completed:

2.2.1. approved seagoing service including not less than six months training and experience; or

2.2.2. 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

2.3. meet the standard of competence specified in Section A-II/4 of the STCW Code.

3. The seagoing service, training and experience required by points 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:

2.1. be not less than 18 years of age;

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

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

2.3.1. not less than 18 months; or

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

2.4. meet the standard of competence specified in Section A-II/5 of the STCW Code.

3. Every Member State 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 2017, a Member State which is also a party to the International Labour Organisation 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.

5. Seafarers may be considered by the Member State 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 the present Directive.

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:

- 2.1. be not less than 18 years of age;
- 2.2. have completed combined workshop skill training and an approved seagoing service of not less than 12 months as part of an approved training programme which includes onboard training which 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 skill training and an approved seagoing service of not less than 36 months of which not less than 30 months will be seagoing service in the engine department;
- 2.3. 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;
- 2.4. have completed approved education and training and meet the standards of competence specified in Section A-III/1 of the STCW Code; and

- 2.5. meet the standards 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:
 - 2.1. 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:
 - 2.1.1. for certification as a second engineer officer, not less than 12 months as qualified engineer officer; and
 - 2.1.2. for certification as chief engineer officer, 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
 - 2.2. 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 and 3,000 kW propulsion power shall hold a certificate of competency.

2. Every candidate for certification shall:

2.1. meet the requirements for certification as an officer in charge of an engineering watch and:

2.1.1. for certification as second engineer officer, shall have not less than 12 months approved seagoing service as assistant engineer officer or engineer officer; and

2.1.2. for certification as chief engineer officer, shall have not less than 24 months approved seagoing service of which not less than 12 months shall be served while qualified to serve as second engineer officer; and

2.2. 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 that 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:

2.1. be not less than 16 years of age;

2.2. have completed:

2.2.1. approved seagoing service including not less than six months training and experience; or

2.2.2. 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

2.3. meet the standard of competence specified in Section A-III/4 of the STCW Code.

3. The seagoing service, training and experience required by points 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:

2.1. be not less than 18 years of age;

- 2.2. 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;
- 2.3. while qualified to serve as a rating forming part of an engineering watch, have approved seagoing service in the engine department of:
 - 2.3.1. not less than 12 months; or
 - 2.3.2. not less than six months and have completed approved training; and
- 2.4. meet the standard of competence specified in Section A-III/5 of the STCW Code.

3. Every Member State shall compare the standards 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 Member State 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 Directive.

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:
 - 2.1. be not less than 18 years of age;
 - 2.2. have completed not less than 12 months of combined workshop skills training and approved seagoing service of which not less

than six months will 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 will be seagoing service in the engine department;

- 2.3. have completed approved education and training and meet the standards of competence specified in Section A-III/6 of the STCW Code; and
- 2.4. meet the standards 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 Member State shall compare the standards 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 Member State 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 Directive and meet the standard of competence specified in Section A-III/6 of the STCW Code.

5. Notwithstanding the above requirements of paragraphs 1 to 4, a suitably qualified person may be considered by a Member State able to perform certain functions of Section A-III/6.

Regulation III/7

Mandatory minimum requirements for certification of electro-technical rating.

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:

- 2.1. be not less than 18 years of age;
 - 2.2. have completed approved seagoing service including not less than 12 months training and experience; or
 - 2.3. have completed approved training, including an approved period of seagoing service which shall not be less than six months; or
 - 2.4. have qualifications that meet the technical competences in table A-III/7 of the STCW Code and an approved period of seagoing service, which shall not be less than three months; and
 - 2.5. meet the standard of competence specified in Section A-III/7 of the STCW Code;
3. Every Member State shall compare the standards 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 Member State 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 Directive 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 Member State able to perform certain functions of Section A-III/7.

CHAPTER IV RADIO COMMUNICATION AND RADIO OPERATORS

Explanatory note

Mandatory provisions relating to radio watchkeeping are set forth in the Radio Regulations and in SOLAS Convention, as amended. Provisions for radio maintenance are set forth in the SOLAS Convention, as amended, and the guidelines adopted by the International Maritime Organisation.

Regulation IV/1

Application.

1. Except as provided in point 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 SOLAS Convention, 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. Member States shall ensure that the appropriate certificates as prescribed by the Radio Regulations are issued to or recognised 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 recognised by the Member State 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 SOLAS Convention, as amended, to have a radio installation shall:
 - 2.1. be not less than 18 years of age; and
 - 2.2. 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:

2.1. 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

2.2. 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:

4.1. meet the requirements for certification in basic training for oil and chemical tanker cargo operations; and

4.2. while qualified for certification in basic training for oil and chemical tanker cargo operations have:

4.2.1. at least three months of approved seagoing service on oil tankers; or

4.2.2. 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 of the STCW Code; and

- 4.3. 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:

- 6.1. meet the requirements for certification in basic training for oil and chemical tanker cargo operations; and
- 6.2. while qualified for certification in basic training for oil and chemical tanker cargo operations have:
 - 6.2.1. at least three months of approved seagoing service on chemical tankers; or
 - 6.2.2. 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 of the STCW Code; and

- 6.3. 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. Member States shall ensure that a certificate of proficiency is issued to seafarers, who are qualified in accordance with paragraph 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:

2.1. 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

2.2. 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:

4.1. meet the requirements for certification in basic training for liquefied gas tanker cargo operations; and

4.2. while qualified for certification in basic training for liquefied gas tanker cargo operations have:

4.2.1. at least three months of approved seagoing service on liquefied gas tankers; or

4.2.2. 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 of the STCW Code; and

4.3. 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. Member States shall ensure that a certificate of proficiency is issued to seafarers, who are qualified in accordance with paragraph 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. Member States 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 capacities, duties and responsibilities.

3. Seafarers who are required to be trained in accordance with paragraphs 4, 6 and 7 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 mates, chief engineer officers, 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. Member States 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 familiarisation, basic training and instruction for all seafarers.

1. Seafarers shall receive familiarisation 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:

- 1.1. be not less than 18 years of age;

- 1.2. 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
 - 1.3. 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:
- 2.1. be the holder of a certificate of proficiency in survival craft and rescue boats other than fast rescue boats;
 - 2.2. have attended an approved training course; and
 - 2.3. 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 firefighting.

1. Seafarers designated to control firefighting operations shall have successfully completed advanced training in techniques for fighting fire with particular emphasis on organisation, 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 firefighting 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 firefighting.

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, 2 and 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, 5 and 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:
 - 1.1. have approved seagoing service of not less than 12 months or appropriate seagoing service and knowledge of ship operations; and
 - 1.2. 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.
2. Member States 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 familiarisation 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 the a course in security awareness training.
3. Every Member State 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 Directive, 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 Member State 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 directive 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, Member States may elect to issue or authorise the issue of certificates other than those mentioned in the regulations of those chapters, provided that:

- 1.1. 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;
- 1.2. 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 on the certificates and in the endorsements;
- 1.3. 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;
- 1.4. 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;

- 1.5. the certificates are issued in accordance with the requirements of Article 5 of this Directive and the provisions set forth in Chapter VII of the STCW Code.
2. No certificate shall be issued under this chapter unless the Member State has communicated the information required by the STCW Convention to the Commission.

Regulation VII/2

Certification of seafarers.

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, or 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. A Member State which elects to issue or authorise the issue of alternative certificates shall ensure that the following principles are observed:
 - 1.1. 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
 - 1.2. any arrangement for alternative certification issued under this chapter shall provide for the interchangeability of certificates with those issued under the other chapters.
2. The principle of interchangeability in point 1 shall ensure that:
 - 2.1. 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 organisation; and

- 2.2. seafarers are not trained for specific shipboard arrangements in such a way as would impair their ability to take their skills elsewhere.
3. In issuing any certificate under the provisions of this chapter the following principles shall be taken into account:
 - 3.1. the issue of alternative certificates shall not be used in itself:
 - 3.1.1. to reduce the number of crew on board;
 - 3.1.2. to lower the integrity of the profession or 'de-skill' seafarers; or
 - 3.1.3. 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
 - 3.2. 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 points 1 and 2 shall ensure that the competency of both deck and engineer officers is maintained.

SCHEDULE 2

Regulation 44A

**TYPE OF INFORMATION TO BE COMMUNICATED TO THE
COMMISSION FOR STATISTICAL PURPOSES**

1. Where reference is made to this Annex, the following information specified in Section A-I/2, paragraph 9 of the STCW Code for all certificates of competency or endorsements attesting their issue, all endorsements attesting the recognition of certificates of competency issued by other countries, shall be provided and where marked (*) this provision shall be in an anonymised form as required by Article 25a(3):

- (a) Certificates of competency (CoC)/Endorsements attesting their issue (EaI):
 - (i) seafarer's unique identifier, if available (*),
 - (ii) seafarer's name (*),
 - (iii) seafarer's date of birth,
 - (iv) seafarer's nationality,
 - (v) seafarer's gender,
 - (vi) CoC endorsed number (*),
 - (vii) EaI number (*),
 - (viii) capacity(ies),
 - (ix) date of issue or the most recent date of revalidation of the document,
 - (x) date of expiry,
 - (xi) status of the certificate,
 - (xii) limitation; and

- (b) Endorsements attesting the recognition of certificates of competency issued by other countries (EaR):
- (i) seafarer's unique identifier, if available (*),
 - (ii) seafarer's name (*),
 - (iii) seafarer's date of birth,
 - (iv) seafarer's nationality,
 - (v) seafarer's gender,
 - (vi) country issuing the original CoC,
 - (vii) original CoC number (*),
 - (viii) EaR number (*),
 - (ix) capacity(ies),
 - (x) date of issue or the most recent date of revalidation of the document,
 - (xi) date of expiry,
 - (xii) status of the endorsement,
 - (xiv) limitations.

2. The Administration may provide, on a voluntary basis, information on the certificates of proficiency (CoP) issued to ratings in accordance with Chapters II, III, and VII of the Annex to the STCW Convention, such as:

- (a) seafarer's unique identifier, if available (*),
- (b) seafarer's name (*),
- (c) seafarer's date of birth,
- (d) seafarer's nationality,
- (e) seafarer's gender,

- (f) CoP number (*),
- (g) capacity(ies),
- (h) date of issue or date of the most recent revalidation of the document,
- (i) date of expiry,
- (j) status of the CoP.”.

Dated 3rd July, 2014.

N F COSTA,
Minister with responsibility for the Port.
For the Government.

EXPLANATORY MEMORANDUM

These Regulations transpose into the law of Gibraltar Directive 2008/106/EC on the minimum level of training of seafarers as amended by Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012.