

South African Maritime Safety Authority



Marine Notice No. 5 of 2010

Recognition of foreign seafarer certificates of competency under the terms of the STCW Convention

TO OWNERS, OPERATORS AND MASTERS OF SOUTH AFRICAN SHIPS (OTHER THAN FISHING VESSELS), FOREIGN CERTIFICATION HOLDERS, MANNING AGENCIES, AND PRINCIPAL OFFICERS

Marine Notice No. 21 of 2006 is cancelled

Summary

This marine notice establishes the conditions and procedure for issuing recognition endorsements to holders of foreign certificates of competency intending to serve on South African merchant ships. These endorsements are issued in accordance with the requirements of regulation 10 of the *Merchant Shipping (Safe Manning) Regulations, 1999*.

1. Introduction

1.1 Regulation I/10 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended ("the STCW Convention"), requires that SAMSA enter into undertakings with maritime administrations whose seafarer certification is to be recognised for service on South African ships. These undertakings typically deal with procedures and arrangements for the recognition of foreign certificates of competency.

1.2 An STCW Regulation I/10 undertaking must be in place before an endorsement in terms of regulation 10 of the *Merchant Shipping (Safe Manning) Regulations, 1999*, can be issued. A list of foreign maritime administrations with which SAMSA has undertakings is published periodically by marine notice.

2 South African requirements relating to the endorsement of foreign certificates

Regulation 10 of the *Merchant Shipping (Safe Manning) Regulations, 1999*, reads as follows:

"10. (1) The holder of a certificate as master or ship's officer, being a certificate issued in terms of the STCW Convention by or on behalf of another party to the Convention may apply to the Authority, in accordance with sub-regulation (2) for the certificate to be recognized as equivalent to a certificate of competency issued under the Act.

(2) An application contemplated in sub-regulation (1) shall be accompanied by—

(a) a letter of motivation requesting the specific equivalency;

(b) a statement by the applicant, confirmed by or on behalf of another party to the STCW Convention, that his or her level of proficiency in the English language meets the relevant requirements of the STCW

Convention.;

(c) a medical certificate, issued by an approved medical practitioner, declaring that the medical fitness of the applicant complies with the medical standards set out in the Merchant Shipping (Eyesight and Medical Examination) Regulations, 2004;

(d) a certified copy of the applicant's original certificate;

(e) two passport-size photographs of the applicant; and

(f) if the applicant is applying for an equivalency as master, chief mate, chief engineer officer or second engineer officer, documentary proof that he or she has attained the level of knowledge of the Republic's maritime legislation required for the equivalent certificate desired. A certificate issued by an accredited institution stating that the applicant has satisfied the institution's examiner that he or she has attained the required level of knowledge shall be accepted as sufficient proof of such knowledge.

(3) The Authority may issue an endorsement recognizing an applicant's certificate, which endorsement shall have effect as an authorization under section 83(1) of the Act, if it is satisfied that—

(a) the certificate is authentic and valid;

(b) the level of competence and knowledge evidenced by the certificate is not inferior to that required for the equivalent certificate issued under the Act;

(c) the applicant, if applying for an equivalency as master, chief mate, chief engineer officer or second engineer officer, has attained the level of knowledge of the Republic's maritime legislation required for the equivalent certificate issued under the Act; and

(d) prompt notification will be given to the Authority of any significant change in the arrangements for training and certification provided in compliance with the STCW Convention.

(4) Every endorsement issued under sub-regulation (3) shall be a separate document and shall state, with reference to the Training and Certification Regulations and the STCW Convention, the capacity in which the holder is entitled to serve.

(5) The Authority may cancel an endorsement issued under sub-regulation (3) if—

(a) the holder shows, through any inability, that he or she does not meet the level competency and knowledge required for the equivalent certificate of competency, or that his or her level of proficiency in the English language does not meet the relevant requirements of the STCW Convention;

(b) the holder's certificate expires or is cancelled or suspended by or on behalf of the government under whose authority the certificate was originally issued;

(c) a court of marine enquiry or a disciplinary hearing recommends the cancellation of the endorsement;
or

(d) the holder is convicted of an offence in terms of the Act or any other law administered by the Authority.

(6) Where the Authority cancels an endorsement under sub-regulation (5), it shall inform the government under whose authority the certificate was originally issued of the cancellation."

3 SAMSA policy on the endorsement of foreign certificates

3.1 SAMSA will recognise certificates issued by foreign maritime administrations for the purpose of endorsement in terms of regulation 10 of the *Merchant Shipping (Safe Manning) Regulations, 1999*, if:

- The State under whose authority the certificate was issued appears on the IMO "white list"; and
- an undertaking for the recognition of seafarer certification between SAMSA and the other administration has been signed; and
- the certificate is valid and has been issued in accordance with the STCW Convention 1978 as amended.

3.2 Annex 1 lists the maritime administrations with whom undertakings for the recognition of seafarer certification exist and whose certificate holders are not required to undergo level 3 assessments. The Annex is expected to expand over time as need and experience result in more foreign maritime training standards being accepted by the Authority as equivalent to South African standards.

3.3 Where the Certificate of Competency has been issued by one of the maritime administrations listed in the “IMO White List” but not in the list appearing in Annex 1 of this Notice, no endorsement may be issued.

4 Further interpretations affecting the implementation of regulation 10 of the *Merchant Shipping (Safe Manning) Regulations, 1999*

4.1 Either the holder of the certificate or his/her employer may make application for the endorsement (see Annex 2—**FOP-517**).

4.2 The application must be made at a SAMSA marine office where one of the senior examiners will consider the application and decide whether it complies with SAMSA requirements (in terms of SAMSA Procedure **POP-517**). If in order, the examiner will issue the holder with an interim endorsement valid for 3 months (**FOP-517.1**).

4.3 Successful applications are forwarded by the relevant examiner to the Registrar of Seafarers at SAMSA's Head Office in Pretoria. All records and details concerning the application and endorsement are retained by SAMSA's Head Office and any enquiries regarding the endorsement should be made to the Registrar of Seafarers at SAMSA's Head Office.

4.4 Reference in regulation 10(2)(c) to an "approved medical practitioner" is generally taken to be a reference to a medical practitioner approved by SAMSA. If a candidate is examined for medical fitness in South Africa, then reference should be made to the list of approved medical practitioners published by marine notice. SAMSA will also recognise eyesight and medical certificates issued by medical practitioners who have been approved by foreign maritime administrations with which SAMSA has reciprocal undertakings in terms of STCW Regulation I/10 (these are published by marine notice). However, SAMSA reserves the right to require eyesight and medical certificates from a SAMSA-approved medical practitioner or another medical practitioner of its choice.

4.5 An applicant for endorsement as master, chief mate or officer in charge of a navigational watch must produce documentary proof of having passed an eyesight test as part of the medical fitness examination. The applicable eyesight standards are set out in the *Merchant Shipping (Eyesight and Medical Examination) Regulations, 2004*.

4.6 An applicant for endorsement as master, mate, chief engineer officer or second engineer officer (i.e. for the certificated capacities contemplated in Regulations II/2, III/2 and III/3 of the STCW Convention '78 as amended) must produce documentary proof of having successfully completed an approved course covering South African maritime legislation. Information about the training institutions accredited to conduct these courses is published periodically in a marine notice entitled "Accredited training institutions and programmes".

4.7 An application for a recognition endorsement should not be accompanied by the original certificate of competency. A legible photocopy of the certificate will suffice. SAMSA will take appropriate steps to confirm the certificate's authenticity and validity.

4.8 The recognition endorsement is issued in the form of a separate document and its validity is linked to the validity of the holder's STCW endorsement. The endorsement must be kept with the certificate and must be produced upon demand during a port state control inspection or an ISM audit, or at any other time when lawfully required to be produced.

4.9 Application for permission to engage a foreign officer without the required endorsement will be considered only in special circumstances, and may be granted only under express authority given by the Executive Head, Centre of Ships or his or her delegate. The permission may not extend for more than

three months (in accordance with Regulation I/10, paragraph 5 of the STCW Convention) and the conditions of the permission will be whatever SAMSA considers appropriate in the circumstances.

5 Persons requiring further information or assistance are invited to contact the Registrar of Seafarers at the contact numbers given below.

30 July 2010

SM6/5/2/1
SM14/2/7/1

Issued by and obtainable from:
The South African Maritime Safety Authority
161 Lynnwood Road
Brooklyn, Pretoria

PO Box 13186
Hatfield 0028

Tel: +27 12 366 2600

Fax: +27 12 366 2601

E-mail: marinenotices@samsa.org.za

Web Site : www.samsa.org.za

ANNEX 1

STCW parties whose certificates of competency for ships' officers have been accepted by SAMSA and who do not require an assessment at level 3 (i.e. oral examination) for the application for endorsement in terms of regulation 10 of the *Merchant Shipping (Safe Manning) Regulations, 1999*.

Maritime Administrations	Recognition arrangements	
	South African certification	Foreign certification
Antigua and Barbuda	✓	✗
Australia	✓	✓
Bahamas	✓	✗
Barbados	✓	✗
Belgium	✓	✓
Belize	✓	✗
Cyprus	✓	✓
Denmark	✓	✓
Dominica	✓	✗
Hong Kong	✓	✓
Iran	✓	✓
Ireland	✓	✓
Isle of Man	✓	✗
Liberia	✓	✗
Malaysia	✓	✓
Marshall Islands	✓	✗
Netherlands	✓	✗
Philippines	✓	✓
Poland		✓
Romania	✓	✓
Singapore	✓	✓
St Vincent and the Grenadines	✓	✗
*Tanzania	✓	✓
United Kingdom	✓	✓
Vanuatu	✓	✗

* Subject to an audit in terms of STCW Regulation I/8