



# South African Maritime Safety Authority

Ref: SM6/5/2/1  
SM 14/2/7/1  
SM 9/2/2

Date: 8 December 2014

## Marine Notice No. 32 of 2014

### Recognition of Foreign Seafarer Certificates of Competency and Proficiency (for revalidation purposes only) in Terms of the STCW Convention

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

*Marine Notice No. 34 of 2013 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 and acceptance of foreign certificates of proficiency for revalidating South African certificates of competency. These endorsements are issued in accordance with the requirements of regulation 98 of the *Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013*.

#### **Introduction**

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 SAMS 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 and proficiency (for revalidation purposes only).
2. An STCW Regulation I/10 undertaking must be in place before an endorsement in terms of regulation 98 of the *Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013*, can be issued. A list of foreign maritime administrations with which SAMS has undertakings (appended in Annex 1) is published periodically by Marine Notice.

#### **South African requirements relating to the endorsement of foreign certificates**

3. Regulation 98 of the *Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013*, reads as follows:

“(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 subregulation (2), for the certificate to be recognised under these regulations.*

(2) *An application contemplated in subregulation (1) shall be accompanied by:*

(a) *a letter of motivation requesting recognition;*

- (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 English meets the relevant requirements of these regulations;*
  - (c) *a medical certificate issued by an approved medical practitioner or recognized by that party declaring that the medical fitness of the applicant complies with the medical standards set out in the Maritime Medical Standards Code;*
  - (d) *a certified copy of the applicant's original certificate;*
  - (e) *two passport-size colour photographs of the applicant; and*
  - (f) *documentary evidence that he or she has attained the level of knowledge of the Republic's maritime legislation as specified in the Code if the applicant is applying for recognition as master, chief mate, chief engineer officer or second engineer officer. The assessment for documentary evidence may be written through the Authority or an accredited institution.*
- (3) *The Authority may issue an endorsement recognising an applicant's certificate, which endorsement shall have effect as an authorisation 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 subregulation (3) shall be a separate document and shall state, with reference to these regulations and the STCW Convention, the capacity in which the holder is entitled to serve.*
- (5) *For the purposes of this regulation, the Authority shall—*
- (a) *not recognise by endorsement the certificate issued by or under the authority of another Party to the STCW Convention to a master, officer or radio operator unless the Authority:*
    - (i) *has confirmed, through an evaluation of that Party, which may include inspection of facilities and procedures that the requirements of the STCW Convention are fully complied with; and*
    - (ii) *has agreed an undertaking with the Party concerned that prompt notification will be given of any significant change in the arrangements for training and certification provided in compliance with the STCW Convention;*
  - (b) *not recognise certificates issued by or under the authority of a non- Party to the STCW Convention.*
  - (c) *not use as the basis for recognition by the Authority the certificates and endorsements issued under the administration of another Party to the STCW Convention.*
- (6) *The Authority may cancel an endorsement issued under subregulation (3) if:*
- (a) *the holder shows, through any inability, that he or she does not meet the level of competency or 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.*

*(7) Where the Authority cancels an endorsement under subregulation (6), it shall inform the government under whose authority the certificate was originally issued of the cancellation.”*

#### **SAMSA policy on the endorsement of foreign certificates of competency and acceptance of foreign certificates of proficiency (for revalidation purposes only)**

4. SAMSA will recognise certificates of competency and proficiency (for revalidation purposes only) issued by foreign maritime administrations for the purpose of endorsement in terms of regulation 98 of the *Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013*, 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 entered into; and
- the certificate/s is/are valid and has/have been issued in accordance with the STCW Convention 1978 as amended.

5. Annex 1 lists the maritime administrations with which undertakings for the recognition of seafarer certification exist and whose certificate holders are not required to undergo level 3 assessments for the issue of an endorsement and whose certificates of proficiency may be accepted for revalidation purposes only.

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.

6. 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 nor any certificate of proficiency recognized for revalidation purposes.

**NOTE:** Certificates of proficiency issued by training institutions not accredited by SAMSA but by another administration appearing in the list found in Annex 1 shall not be accepted for the 1<sup>st</sup> issue of a South African Certificate of Competency but can be used for revalidation purposes only.

#### **Further interpretations affecting the implementation of regulation 98 of the *Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013***

7. Either the holder of the certificate or his/her employer shall make application for the endorsement using form **FOP-517**.

8. 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**).

9. Reference in regulation 98(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 a recognition agreement in place (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.

10. An applicant for endorsement as master, chief mate, chief engineer, 2<sup>nd</sup> engineer or officer in charge of a navigational or engineering 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 *Maritime Medical Standards Code (GOP-538.01)*.
11. 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'78 Convention 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".
12. 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.
13. 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.
14. 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 Seafarers or his/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.
15. Persons requiring further information or assistance are invited to contact the Registrar of Seafarers at the contact numbers given below.

**8 December 2014**

**SM 6/5/2/1**  
**SM 14/2/7/1**  
**SM 9/2/2**

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## ANNEX 1

STCW parties whose certificates of competency for ships' officers have been accepted by SAMSA, who do not require an assessment at level 3 (i.e. oral examination) for the application for endorsement in terms of regulation 98 of the *Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013*, and whose certificates of proficiency can be used for revalidation purposes only.

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	✓	✗
Jordan	✓	✓
Kuwait	✓	✗
Liberia	✓	✗
Luxembourg	✓	✗
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