



MARINA CIRCULAR NO. 2013-09
Series of 2013

TO : ALL SEAFARERS EMPLOYED OR TO BE EMPLOYED ON SEAGOING SHIPS, MARITIME TRAINING INSTITUTIONS (MTIs), MANNING/CREWING AGENCIES, MARITIME ASSESSMENT CENTERS, SHIPPING COMPANIES AND ALL OTHERS CONCERNED

SUBJECT : RULES IN THE ISSUANCE/REVALIDATION OF CERTIFICATES OF PROFICIENCY (COPs) IN ACCORDANCE WITH CHAPTERS V AND VI OF THE 1978 INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING AND CERTIFICATION AND WATCHKEEPING, AS AMENDED

Pursuant to Executive Order No. 75 issued on 30 April 2012 and its Implementing Rules and Regulations, the following rules are hereby adopted:

I. OBJECTIVE

To provide the rules in the issuance/revalidation of COP in accordance with Chapter V (Special Training requirements for personnel on certain types of ships) and Chapter VI (Emergency, occupational safety, security, medical care and survival functions) of the Convention.

II. COVERAGE

All seafarers serving or intending to serve onboard seagoing ships required to be certificated in accordance with Chapters V and VI of the Convention.

III. DEFINITION OF TERMS

For purposes of this Circular, the following terms shall be defined as follows:

1. Certificate of Proficiency (COP) refers to a certificate, other than a certificate of competency issued to a seafarer, stating that the relevant requirements of training, competencies or seagoing service in the Convention have been met.
2. Chemical Tanker refers to a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Bulk Chemical Code.

3. Competency refers to the possession and demonstration/application of the knowledge, understanding and proficiency required of seafarers under the Convention.
4. Convention refers to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended;
5. Documentary Evidence refers to the documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements of the Convention have been met.
6. Enrolment Report refers to the list of trainees officially enrolled to attend a particular training course in an accredited maritime training institution and duly signed by the training director of said institution.
7. Liaison Officer (LO) refers to a regular or organic employee of a shipping company/agency, manning/crewing agency, accredited maritime professional organization and maritime training institutions, authorized and designated through a duly notarized Special Power of Attorney or a Board Resolution, who shall represent or act for and in their behalf in the filing of application/s for the issuance of COP/s and other STCW-related certificates of its seafarers.
8. Liquefied Gas Tanker refers to a ship constructed or adopted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the International Gas Carrier Code.
9. Oil Tanker refers to a ship constructed and adapted and used for the carriage of petroleum and petroleum products in bulk.
10. Party refers to a State for which the Convention has entered into force.
11. Passenger ship other than Ro-Ro ship refers to a passenger ship other than Ro-Ro as defined in the International Convention for the Safety of Life at Sea, 1974, as amended.
12. Rating refers to a member of the ship's crew other than the Master or an officer.
13. Refresher training refers to the training and assessment for certain modules of Basic Training to establish continuous demonstration of competence for certain elements required by Tables A-VI/1-1 and A-VI/1-2 of the STCW Code.
14. Revalidation of Certificate refers to the act of establishing continued professional competence in accordance with Regulation I/11 or maintaining the required standards of competence in accordance with Sections A-VI/1 to A-VI/3, as applicable.

15. Ro-Ro Passenger Ship refers to a passenger ship with Ro-Ro spaces or special category spaces as defined in the International Convention for the Safety of Life and Property at Sea, 1974, as amended.
16. Seagoing Ship refers to a ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply, except the following: (a) warships, naval auxiliaries or other ships owned or operated by a State and engaged only in governmental/non-commercial service; (b) fishing vessels; (c) pleasure yachts not engaged in trade; or, (d) wooden ships of primitive built.
17. Seagoing service refers to a service on board a ship of 500 GT or more or with engine propulsion power of 750kW or more.
18. Training Completion and Record of Assessment (TCROA) refers to the report where the names of trainees who have completed the training program are listed and the outcome of their assessment are recorded and certified by the qualified assessor and training director of an accredited maritime training institution.
19. Updating training refers to the training and assessment conducted for the revised PSSR module in order to align the Basic Safety Training in accordance with the 1978 STCW Convention, as amended in 2010.

GENERAL PROVISIONS

1. All seafarers serving or intending to serve onboard seagoing ships required to be certificated in accordance with Chapters V and VI of the Convention must secure COPs pursuant to the rules prescribed under this Circular.
2. The MARINA shall issue the COP to seafarers under Regulations V/1-1, V/1-2, VI/1, VI/2, VI/3, VI/4, VI/5, and VI/6 of the Convention.
3. Masters and Officers who are holders of valid COPs under Table A-V/1-1-2 of Regulation V/1-1 and Table A-V/1-2-2 of Regulation V/1-2, shall be required, every five(5) years, to provide evidence of having maintained the required standard of competence to undertake the tasks, duties and responsibilities listed in Column 1 of the Table of Competence.
4. All seafarers who are holders of valid COPs under Tables A-VI/1-1, A-VI/1-2 of Regulation VI/1, Table A-VI/2-1, Table A-VI/2-2 of Regulation VI/2 and Table A-VI/3 of Regulation VI/3, shall be required, every five(5) years, to provide evidence of having maintained the required standard of competence to undertake the tasks, duties and responsibilities listed in Column 1 of the Table of Competence.

5. Documentary Evidence of having maintained the required standard of competence to undertake the tasks, duties and responsibilities listed in Column 1 of Table of Competence shall be as follows:
 - 5.1 Certification and records of drills/trainings conducted on board issued by the Master that the seafarer has maintained the required standards of competence under Tables A-VI/1-1, A-VI/1-2, A-VI/2-1, A-VI/2-2 and A-VI/3; or,
 - 5.2 Certificate of Attendance to a duly approved shorebased refresher training course.
6. Refresher training course shall be required of seafarers who have not undergone training on board under Tables A-VI/1-1, VI/1-2, A-VI/2-1, A-VI/2-2 and A-VI/3.
7. Updating training shall be required of all seafarers to undertake the revised Personal Safety and Social Responsibility (PSSR) module in order to align the Basic Safety Training in accordance with the Convention.
8. Retraining shall be required of a holder of any training certificate who has not served on board for at least a year within five (5) years from the date of issuance of said certificate.
9. Training certificates issued by or under the authority of a Party shall be recognized by MARINA for purposes of issuance of COP, provided that the MARINA has ensured that the training was undertaken in compliance with the Convention. On the other hand, training certificates issued by or under the authority of a non-Party to the Convention shall not be recognized.
10. Pursuant to Section A-VI/6, paragraphs 5 and 9 under the Transitional Provisions of the Convention, the following shall be adopted in the issuance of COP.
 - 10.1 Until 01 January 2014, seafarers applying for issuance of COP for Security Awareness Training who commenced an approved seagoing service prior to January 1, 2012 shall be able to establish that they meet the requirements of paragraph 4 of Section A-VI/6 of the 1978 STCW Convention, as amended, by having an approved seagoing service as shipboard personnel for a period of at least six (6) months in total during the preceding three (3) years.
 - 10.2 Until 01 January 2014, seafarers applying for issuance of COP for Seafarers with Designated Security Duties who commenced an approved seagoing service prior to January 1, 2012 shall be able to establish that they meet the requirements of paragraphs 6 and 8 of Section A-VI/6 of the 1978 STCW Convention, as amended, by having an approved seagoing service as shipboard personnel with designated

security duties, for a period of at least six (6) months in total during the preceding three (3) years.

11. Those seafarers who have taken the Ship Security Officer (SSO) training course under the 1978 STCW, as amended in 2008 and have taken the mandatory "Anti-Piracy Awareness Training" as per POEA MC No. 02 series of 2010 and POEA Advisory No. 12 series of 2012 shall be considered compliant for the issuance of Certificate of Proficiency (COP) for SSO under the 1978 STCW Convention, as amended in 2010.
12. Holders of COP in SSO under the 2010 Manila Amendments are exempted from undertaking the training on Security Awareness Training and Seafarer with Designated Security Duties.

IV. SPECIFIC PROVISIONS

1. Applications for issuance of COP under this Circular may be filed at the STCW Office, MARINA Central Office or at any of the MARINA Regional Offices (MROs).
2. Applications for issuance of COP under this Circular may be filed by the seafarer or by Liaison Officer/s (LO/s) as defined under the relevant MARINA Circular.
3. All seafarer-applicants must comply with the Qualification and Documentary Requirements stated under "Annex A" of this Circular.
4. Expedite applications for the issuance of COP may be filed at the STCW Office, MARINA Central Office or at any of the MARINA Regional Offices upon presentation of the following additional requirements:
 - 4.1 Letter request from the shipping company/agency, manning/crewing agency, accredited maritime professional organization and maritime training institutions signed by at least the Chief Operating Officer or Operations Manager thereof or their equivalent;
 - 4.2 Electronic ticket to prove that the seafarer is scheduled to leave or join the ship within five (5) days from filing;
 - 4.3 Copy of valid Overseas Employment Certificate (OEC) from the Philippine Overseas Employment Administration (POEA); and,
 - 4.4 Copy of valid Contract of Employment from the POEA.
5. Applications for issuance of COP for seafarers on board ships may be allowed in cases of promotion, revalidation/renewal, replacement of lost/damaged COP, or correction of entry/ies in the COP, upon submission of the following:

5.1 Letter request from the shipping company/agency or manning/crewing agency; and

5.2 Certification from the shipping company/agency or manning/crewing agency, in case of promotion of seafarer/s on board; or,

5.3 Duly Notarized Affidavit of Loss, in case of lost COP.

V. SCHEDULE OF FEES AND CHARGES

1. Issuance/Revalidation of COP

Regular Processing - P200.00 / issuance

Expedite Processing - P400.00/ issuance

2. Replacement/Re-Printing of Lost/
Damaged Certificate - P200.00/issuance

3. Certified True Copy of COP - P100.00 /certificate

VI. VALIDITY OF CERTIFICATES

1. COPs issued pursuant to Regulations V & VI of the 1995 STCW Convention shall be valid until 01 January 2017.

2. COPs issued pursuant to Regulations V & VI of the Convention shall be valid at intervals not exceeding five (5) years except those certificates not required to be revalidated.

VII. ADMINISTRATIVE SANCTIONS AND PENALTIES

1. Any shipping company or manning agency shall be liable for false statement or misrepresentation, fraudulent or spurious or tampered licenses, documents, certificates submitted, or where said shipping company or manning agency or any of its MARINA accredited LO/s have consented or participated in the tampering/misrepresentation or in securing the questioned licenses, documents, and/or certificates from any source:

1.1 First Violation - P25,000.00

1.2 Second Violation - P50,000.00, without prejudice to the suspension for one (1) month of the accreditation of the shipping company or manning agency.

1.3 Third & Succeeding Violation - P100, 000.00, without prejudice to the cancellation and / or revocation of the accreditation of the shipping company or manning agency.

2. Any seafarer who shall submit to the MARINA, through the company, any fraudulent or tampered or irregularly issued licenses, certificates or documents shall be liable to pay the following fines:

	First Offense	Second Offense	Third Offense
Master Mariner	P15,000.00	P25,000.00	P30,000.00
Chief Engineer	P15,000.00	P20,000.00	P25,000.00
Chief Mate/Second Engineer	P10,000.00	P15,000.00	P20,000.00
Second Mate/Third Engineer	P8,000.00	P10,000.00	P18,000.00
Third Mate/Fourth Engineer	P6,000.00	P12,000.00	P15,000.00
Ratings and Others	P5,000.00	P8,000.00	P12,000.00

The above penalties are without prejudice to any criminal liability under the Revised Penal Code.

IX. REPEALING CLAUSE

Any rules or regulations which are inconsistent with this Circular are hereby repealed.

X. EFFECTIVITY

This MARINA Circular shall take effect immediately upon its publication once in a newspaper of general circulation.

Manila, Philippines, 30 August 2013.

BY AUTHORITY OF THE BOARD

(SGD) **MAXIMO Q MEJIA JR, PhD**
Administrator

SECRETARY'S CERTIFICATE

This is to certify that MARINA Circular No. 2013-09 was approved by the MARINA Board of Directors pursuant to Board Resolution 2013-01 dated 30 August 2013.

(SGD) ATTY. VIRGILIO B. CALAG
Acting Corporate Board Secretary