

Subject:

**Knowledge of Portuguese maritime legislation related to
the Recognition of Certificates of Competency**

1. Objective

The purpose of this circular is to inform on the procedure adopted by the Portuguese maritime administration (Administration) to implement the provisions requiring measures to ensure that seafarers applying for recognition of Certificates of Competency, at management level, have appropriate knowledge of the Portuguese maritime legislation.

2. Introduction

The Convention STCW 78, as amended, in regulation I/10, paragraph 2, as well as, the Directive 2008/106/EC, as amended, in Annex II, paragraph 5, requires that Administrations establish measures “to ensure that seafarers who present, for recognition, certificates issued under the provisions of regulations II/2, III/2 or III/3, or issued under regulation VII/1 at management level, as defined in the STCW Code, have an appropriate knowledge of the maritime legislation of the Administration relevant to the functions they are permitted to perform”.

The Portuguese maritime administration has adopted the procedure described bellow to give compliance to that requirement. The procedure features a two-tier aim establishing (1) measures to ensure that the seafarer has knowledge of the Portuguese maritime legislation at the time of the recognition of the certificates and (2) measures to ensure that the seafarer keeps this knowledge updated through the period of time that he performs the functions permitted by the recognized certificates of competence.

3. Procedure

3.1 Administration

The Administration will make available to seafarers, when applying for recognition of Certificates of Competency at management level, copies of the documentation with relevant maritime national legislation.

The Administration will also take measures to make available the above mentioned documentation to companies operating ships flying the Portuguese flag.

The documentation will be sent in an electronic format and/or by means of providing the web address (link) of the relevant files for consultation and download.

The Administration will update the documentation whenever substantial changes on the Portuguese legislation occur.

3.2 Seafarers

Seafarers applying for recognition of Certificates of Competency at management level are required to acquire knowledge of the contents of the Portuguese documentation file that will be made available to him on applying.

Seafarers are also required to follow the company's procedures to keep, update and demonstrate compliance with the requirements established in this document.

3.3 Requirements for companies

Companies which operate vessels under the Portuguese flag are required:

- i) To include in the onboard ship's documentation copies of the Portuguese maritime legislation updated file, including circulars and other documents published by the Administration, relevant to the compliance of that legislation, in the locations where the seafarers at management level can have easy access when performing their functions;
- ii) To include the above documentation under the control and updating procedures applicable to other documentation under the company's safety management system;
- iii) To establish a procedure to ensure that seafarers at management level acquire knowledge of Portuguese maritime legislation when joining a ship and whenever there is a relevant update to the legislation documentation file. Records relevant to the implementation of this procedure shall be made and kept as any other similar records of the ship's safety management system;

3.4 Demonstration of compliance

In order that compliance with the requirement for ensuring knowledge of the national maritime legislation is demonstrated, the company should forward to the Administration a copy of the record produced following the implementation of the procedure mentioned in the paragraph iii) above.

The record should identify the seafarer and state the following:

- i) the seafarer has knowledge of the matters and of the details more relevant for performing his functions on board included in the updated version of the Portuguese maritime legislation documentation made available by the Administration;
- ii) the seafarer has knowledge of the matters and of the details more relevant for performing his functions on board included in circulars and other documents, as published by the Administration, which are relevant to the implementation of the Portuguese maritime legislation;
- iii) the seafarer has prompt access to the Portuguese maritime legislation and other relevant documentation referred above, on their updated versions, when carrying out his functions on board.

The record should be dated and signed by the seafarer and by the master, if the demonstration of compliance was carried out on board, or by a responsible person

appointed by the company, such as the Designated Person or the Crew Manager, if it was carried out ashore.

The record must be sent to the Administration in due time during the period of the validity of the document issued by the Administration as proof of the application (SRA). This is a condition for the recognition of the seafarer's certificates of competency.

3.5 Verification of compliance

The Administration may verify the implementation on board of the procedure above during flag State inspections or, if there are evident grounds to believe that the procedure is not properly implemented, request the Recognized Organization (RO) to verify evidence of that implementation during an ISM audit carried out in the scope of that code relevant certification.

4. Entry in force

This circular will entry in force on 19-02-2014

5. Transitional provisions

Concerning applications for the recognition of certificates of competency made before the date of entry in force of this circular, whose seafarers have not yet provided evidence of compliance with the requirement of knowledge of Portuguese maritime legislation, they are given the choice of providing that evidence either in accordance with the procedure described in this circular or following the procedure formerly in force (exam).

In spite of the choice given above, the applicants are not entitled to the reimbursement of the cost of the book of the Portuguese legislation, which was in force with the former procedure.

5. Further information

Clarifications and additional information on the matter of this circular can be obtained by contacting:

seafarers.certification@dgrm.mamaot.pt