



MARITIME INDUSTRY AUTHORITY

IMPLEMENTING RULES AND REGULATIONS OF EXECUTIVE ORDER NO. 75 ENTITLED, "DESIGNATING THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS (DOTC), THROUGH THE MARITIME INDUSTRY AUTHORITY (MARINA), AS THE SINGLE ADMINISTRATION IN THE PHILIPPINES RESPONSIBLE FOR OVERSIGHT IN THE IMPLEMENTATION OF THE 1978 INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, AS AMENDED"

Pursuant to Section 6 of Executive Order No. 75 (E.O. 75), this Implementing Rules and Regulations (IRR), is hereby promulgated:

GENERAL PROVISIONS

Section 1. Objectives.

- 1.1. To implement the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended and its associated Code (STCW Convention);
- 1.2. To harmonize all legal and administrative measures taken and provided by other government regulatory agencies and ensure its compliance and consistency with the STCW Convention;
- 1.3. To oversee and supervise compliance with all qualification requirements and conditions under the STCW Convention relating to maritime education, training, assessment and certification.

Section 2. Coverage. This IRR shall apply to all concerned government agencies and non-governmental organizations, all seafarers, and duly accredited or recognized maritime institutions and training centers.

Section 3. Definitions.

- 3.1. Certificate of Competency (COC) shall refer to a certificate issued and endorsed for masters, officers and the Global Maritime Distress and Safety System (GMDSS) radio operators in accordance with the provisions of Chapters II, III, IV or VII of the STCW Convention and, entitling the lawful holder to serve in the capacity and perform the functions involved at the level of responsibility specified therein;

pu

- 3.2. Certificate of Endorsement (COE) shall refer to a certificate issued to masters and officers stating that the issuance of the relevant certificate is in accordance with the requirements of the STCW Convention and that the STCW Administration attests to its authenticity and validity;
- 3.3. Certificate of Proficiency (COP) shall refer to a certificate, other than a COC issued to a seafarer, stating that the relevant requirements of training, competencies or seagoing service in the STCW Convention have been met;
- 3.4. Maritime Education and Training Institutions (METIs) shall refer to the duly approved and recognized maritime institutions and training centers conducting education and training for seafarers in accordance with the relevant provisions of the STCW Convention;
- 3.5. STCW Administration shall refer to the Department of Transportation and Communications (DOTC), through the Maritime Industry Authority (MARINA), as the single government agency mandated to implement and enforce the STCW Convention;
- 3.6. STCW Office is the office within MARINA responsible for the day-to-day management and operations relating to the implementation of the STCW Convention;
- 3.7. STCW Convention shall refer to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers 1978, its subsequent amendments and its associated Code;
- 3.8. Medical Centers shall refer to approved and recognized entities that conduct examinations and evaluations of fitness of seafarers for sea duties in accordance with the requirements of the STCW Convention.

RULE I

THE STCW ADMINISTRATION OF THE PHILIPPINES

Section 1. STCW Administration. The DOTC, through the MARINA, shall be the STCW Administration of the Philippines which shall exercise oversight and supervisory functions over the different agencies involved in the implementation and enforcement of the STCW Convention.

Section 2. Powers and Functions. The STCW Administration shall have the following powers and functions:

- 2.1 Prescribe policies and guidelines, issue appropriate orders, circulars, rules and regulations setting forth the standards of training, assessment and certification in order to give the STCW Convention full and complete effect;
- 2.2 Ensure that all legal and administrative measures taken and provided by the concerned government agencies and instrumentalities comply with the requirements of the STCW Convention;
- 2.3 Review existing laws, rules and regulations and undertake appropriate action to recommend to Congress the enactment of measures to revise or amend any and all existing laws, whenever warranted;
- 2.4 Recognize and approve maritime education and training programs and ensure compliance with the requirements of the STCW Convention;
- 2.5 Represent the Government in entering into bilateral agreements with other Parties for the effective implementation of the relevant provisions of the STCW Convention;
- 2.6 Communicate to the International Maritime Organization (IMO) and other Parties concerned, through the Department of Foreign Affairs, any supplemental information, including subsequent amendments to its rules and regulations relative to the Philippine compliance to the requirements of the STCW Convention;
- 2.7 Take the lead in coordinating the Philippine position to relevant IMO meetings pertaining to the implementation of the STCW Convention;
- 2.8 Recommend panel of competent persons to IMO based on the qualifications required under the STCW Convention;
- 2.9 Request and coordinate with IMO for the provisions of technical assistance for the proper and effective implementation of STCW Convention;
- 2.10 Facilitate requests from other maritime administrations, in coordination with concerned government agencies, regarding verification of compliance to the STCW Convention;
- 2.11 Prescribe rules and regulations on the recognition of certificates issued by or under the authority of another member state Party to the STCW Convention;
- 2.12 Establish and maintain an electronic database available to the public to ensure transparency, showing the status of inspections, assessments and certification of METIs and to facilitate verification of the authenticity and validity of certificates issued under the STCW Convention;

- 2.13 Enter into contracts with any internationally recognized certifying or classification body or a domestic independent entity, formed for the purpose of offering professional inspections, assessments and certification consistent with the STCW Convention, as may be necessary;
- 2.14 Prescribe, collect and regulate the administrative fees and charges relative to the implementation of the STCW Convention;
- 2.15 Coordinate with the concerned agencies with regard to the implementation of control procedures and issuance of COC and COE to seafarers in accordance with the requirements of STCW Convention;
- 2.16 Issue certificate of dispensation in accordance with the provisions of the STCW Convention;
- 2.17 Prescribe and impose sanctions and administrative fines and penalties, after due notice and hearing, for any violation of the rules, regulations and other issuances of the STCW Administration; and
- 2.18 Conduct consultations with authorized representatives from the seafaring, manning, shipowning and maritime education and training sectors on any regulations that will be adopted;
- 2.19 Formulate policies, guidelines and procedures for the development of new curricula, review of maritime education curricula, revalidation of certificates and updating and refresher courses under the relevant provisions of the STCW Convention;

Section 3. STCW Office. The STCW Office is hereby established and organized with personnel from the Maritime Training Council (MTC) Secretariat and any additional personnel, as may be authorized.

Section 4. Powers and Functions of the STCW Office. The STCW Office shall be the sole implementing arm of the STCW Administration in carrying out its functions as mandated under the E.O. 75 and shall exercise the following powers and functions:

- 4.1 Issue COP, documentary evidence and other relevant certificates to all seafarers in accordance with the relevant provisions of the STCW Convention;
- 4.2 Investigate non-compliance of METIs with the requirements of the STCW Convention and recommend to the STCW Administration the suspension or revocation of registration, permit, accreditation, or recognition of its training programs;


- 4.3 Rationalize maritime education and training programs to ensure that the training courses being required from all seafarers by different agencies are in accordance with the requirements of the STCW Convention;
- 4.4 In coordination with concerned agencies, conduct periodic evaluation of maritime programs carried out by METIs to monitor their continued compliance with the relevant provisions of the STCW Convention;
- 4.5 Ensure that the minimum standards of competence in the education, training and assessment of seafarers are in accordance with the Tables of Competency under the STCW Convention and implement a competency-based training and assessment;
- 4.6 Establish and maintain a National Quality Standard System (NQSS) that will ensure that all maritime education and training, assessment of competence, certification, including medical certification, endorsement and revalidation activities carried out by government agencies and non-governmental organizations are continuously monitored including those concerning the qualifications and experience of instructors and assessors;
- 4.7 Establish standards of medical fitness for seafarers and procedures for the issuance of a medical certificate in accordance with the provisions of the STCW Convention and ensure that the Medical Centers and medical practitioners are approved and recognized by the STCW Administration;
- 4.8 Ensure that all simulator-based education and training conducted by METIs are structured, monitored, evaluated and supported by qualified personnel and that the person conducting such education and training has received training in instructional technique using simulators;
- 4.9 Establish and train a pool of competent assessors and evaluators for the assessment of seafarer's competency and evaluation of maritime education and training programs;
- 4.10 Recognize on-board training and/or certificates issued onboard ships as equivalent to education and training ashore subject to the relevant provisions of the STCW Convention;
- 4.11 Formulate policies, guidelines and procedures for the provision of training record books to document onboard training and allow for its equivalency in accordance with the requirements of the STCW Convention;

ps

- 4.12 Ensure that competency-based assessment is conducted and that the assessments of seafarers for the issue of relevant certificates under the STCW Convention are independent of any agencies conducting such training;
- 4.13 Require other agencies to report on the status of any certificates issued, revoked, cancelled, withheld by or in behalf of the STCW Administration in accordance with the requirements of the STCW Convention;
- 4.14 Investigate any reported incompetency, 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 by the holders of the certificates or endorsements issued under the STCW Convention, in connection with their performance of duties related to their certificates and recommend to the STCW Administration the withdrawal, suspension and cancellation of such certificates;
- 4.15 Develop and enforce appropriate measures to prevent fraudulent acts and other unlawful practices involving the issuance of any certificates and endorsements in accordance with the requirements of the STCW Convention;
- 4.16 Ensure that shipping companies observe watchkeeping arrangements under the STCW Convention and require said companies to allow only appropriately qualified and competent seafarers fit for duty to board their ships;
- 4.17 Monitor and verify compliance of other concerned government agencies and non-governmental organizations with the STCW Convention;
- 4.18 Implement this IRR and all orders and circulars, rules and regulations, standards, guidelines and procedures and other issuances of the STCW Administration; and
- 4.19 Perform such other functions as may be necessary to implement the STCW Convention and E.O. 75 as may be directed by the STCW Administration.

RULE II INSTITUTIONAL ARRANGMENTS

Section 1. Lead Agency. The DOTC, through the MARINA, as the single and central maritime administration of the Philippines, shall take the lead in ensuring that all legal and administrative measures taken and provided by concerned government agencies and non-governmental organizations are appropriate and compliant with the requirements of the STCW Convention.



Section 2. Institutional Mechanisms. The MARINA, Professional Regulation Commission (PRC), Commission on Higher Education (CHED) and Technical Education and Skills Development Authority (TESDA) shall jointly institute specific mechanisms, such as through Memoranda of Agreement (MOA), to effectively implement the provisions of E.O. 75 and this IRR, to wit;

- 2.1 The MARINA and PRC shall formulate policies, guidelines and procedures relative to the qualification standards and the issuance of the COC and COE for merchant marine officers;
- 2.2 The MARINA and CHED shall formulate policies, guidelines and procedures such as but not limited to the review and implementation of maritime education curriculum; inspection and evaluation of maritime institutions; shipboard training of maritime students; development and implementation of training record books; qualification standards for faculty; utilization of facilities, laboratory equipment and simulators by the students; and training of faculty in the instructional technique using simulators;
- 2.3 The MARINA and TESDA shall formulate policies, guidelines and procedures such as but not limited to the conduct and assessment of training courses for ratings, qualification standards for faculty teaching maritime courses, review and implementation of short-term courses curriculum, utilization of facilities, laboratory and equipment by the students.

RULE III

TRANSFER OF FUNCTIONS FROM MTC AND TESDA


Section 1. Transfer of Functions. All regulatory, administrative and supervisory functions of MTC are hereby transferred and assumed by the STCW Administration.

Section 2. Assumption of Functions. STCW Administration shall assume the function of TESDA in the issuance of the COC for Ratings pursuant to the 1978 STCW Convention, as amended.

RULE IV

ROLE OF OTHER DEPARTMENTS, BUREAUS, OFFICES AND AGENCIES OF THE GOVERNMENT

Section 1. Role of the NTC. The National Telecommunications Commission shall continue to assess, revalidate and issue GMDSS radio operator's certificate under the STCW Convention consistent with the provisions of this IRR until assumed by the STCW Administration.



Section 2. Role of the DOH. The Department of Health shall continue to issue, recognize, approve and implement medical standards for seafarers under the STCW Convention consistent with the provisions of this IRR.

Section 3. Role of the PCG. The Philippine Coast Guard shall continue to exercise Port State Control under relevant provisions of the STCW Convention and the national laws consistent with all the provisions of this IRR.

RULE V FUNDING AND PERSONNEL

Section 1. Funding Requirement. The amount necessary to carry out the implementation of E.O. 75 and this IRR shall be chargeable against such funds as may be identified by the Office of the President and the DOTC. Thereafter, appropriations for the STCW implementation shall be included in the budget of the DOTC, through the MARINA.

Section 2. Personnel Requirements.

- 2.1 The plantilla positions, incumbent personnel of the MTC and those whose applications or appointment that are in process are hereby transferred to MARINA;
- 2.2 The creation of additional plantilla positions and hiring of additional personnel to carry out the functions enumerated herein shall be in coordination with the Department of Budget and Management (DBM).

RULE VI TRANSITORY PROVISIONS

Section 1. Certificates Issued before January 01, 2012. All certificates under the STCW Convention issued prior to January 1, 2012 shall remain valid until their expiration dates, unless otherwise required to be revalidated.

Section 2. Certificates Issued after January 01, 2012. All certificates under the STCW Convention issued after January 1, 2012 shall remain valid and should expire on December 31, 2016, unless the certificate is compliant to the Manila amendments to the STCW Convention 1978.

Section 3. Certificates Issued after January 01, 2017. All certificates under the STCW Convention issued after January 1, 2017 should fully comply with all the requirements of the Manila Amendments to the STCW Convention 1978.

Section 4. Validity of Accreditation Certificates. All accreditation certificates of METIs' training programs, assessment centers, assessors and faculty shall remain valid until its expiration or until suspended or revoked. Subsequent renewal and issuance of the same will be carried out by STCW Administration in accordance with existing rules and regulations.

**RULE VII
REPEALING CLAUSE**

All rules and regulations or parts thereof inconsistent with the provisions of this IRR are hereby repealed or modified accordingly.

**RULE VIII
SEPARABILITY CLAUSE**

If any provision of this IRR is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

**RULE IX
EFFECTIVITY**

This IRR shall take effect after fifteen (15) days following its publication in a newspaper of general circulation.

DONE in the City of Manila, this 28 day of September in the year of Our Lord Two Thousand and Twelve.



MAR ROXAS

Secretary

Department of Transportation and Communications



DOTC-OSEC OUTGOING

12-00700