

**on the approval of the minimum criteria of training and retraining of the maritime and maritime-port navigating personnel not under STCW provisions**

By virtue of the provisions of art. 12 paragraph f) of the Government Ordinance no. 19/1997 regarding transports, republished, with further amendments and additions, and of the art. 63 of the Government Ordinance no. 42/1997 regarding maritime and inland waterways transports, republished with further amendments and additions,

By virtue of the provisions of art. 5 paragraph (4) of the Government Decision no. 412/2004 regarding the organization and functioning of the Ministry of Transports, Constructions and Tourism, with further amendments and additions,  
the minister of transports, constructions and tourism issues the following

**ORDER:**

**Art. 1.** - The present order establishes the minimum criteria of training and retraining of the Romanian seafarers not under STCW provisions and which effectuates services on board of maritime and maritime-port vessels, flying Romanian flag.

**Art. 2.** - The terms used in the present order have the following meaning:

a) Romanian Naval Authority - technical specialized body subordinated to the Ministry of Transports, Constructions and Tourism to which the ministry has delegated its competencies in order to accomplish the provisions of the present order, further on referred to as RNA;

b) the competent authority in the radio field – the General Inspectorate for Communications and Information Technology, public autonomous body in the radio and information technology field, subordinated to the Government, further on referred to as GICIT;

c) certificate – a valid document issued by RNA in accordance with the provisions of the present order or issued by GICIT in conformity with legal provisions in force and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein.

d) STCW Convention – the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, adopted at London on 7 July 1978 (STCW 1978), to which Romania has adhered by Law no. 107/1992, in its up-to-date version;

e) approved form of training – all the courses organized by a specialized educational, professional training or retraining entity approved by RNA which entitle their graduates to participate at the examination for obtaining the certificates;

f) month – a calendar month or a 30 days period made up of more periods of less than one month;

g) *maritime-port vessel* – a ship which navigates exclusively in inland navigable waterways or inside or closely adjacent to sheltered waters or in areas where port regulations apply;

h) seagoing ship – a ship other than the one which navigates exclusively in inland navigable waterways or inside or closely adjacent to sheltered waters or in areas where port regulations apply;

i) seafarer – a person trained and certified at least in accordance with the provisions laid down in Annex no. 1 of the present order;

j) seagoing service – service on board a ship relevant to the issue of a certificate.

**Art. 2. – (1)** RNA shall monitor that the Romanian seafarers and seafarers serving on board ships mentioned in art. 1 are trained as a minimum as laid down in Annex no.1 of the present order and they hold certificates.

**(2)** Certificates issued by RNA to romanian sefarers mentioned in art.1 are:

(i) license - the document through which the competence of master or officer is recognized;

(ii) certificate of capacity - the document through which the competence, other than that of master or officer, is recognized.

**(3)** Licenses and certificates of competency are issued on behalf of Romanian Government by Ministry of Transports, Constructions and Tourism through out RNA and are mentioned in Annex 2.

**(4)** The certificate of GMDSS (Global Maritime Distress and Safety System) radio operator is issued by GICIT as a distinct document through which the competence for operating in the radio system is recognized.

**Art. 3. -** The medical fitness standards, which shall be achieved by the seafarers in particularly regarding eyesight and hearing, are established by specific regulations related to psychological and medical standards for the naval transports safety personnel, approved by the ministry.

**Art. 4. - (1)** The training required for obtaining certificates shall be developed only through an approved training form, appropriate to the theoretical knowledge and practical skills.

**(2)** The approval procedure of the training forms laid down in paragraph (1) is established by order of the minister of transports, constructions and tourism.

**(3)** The mandatory courses necessary for certificates issuing, mentioned in annex 3, have a validity of 5 years from the graduation date. The evidence of taking the mandatory courses is provided by graduation certificates.

**(4)** The graduation certificates for qualifications courses effectuated for professional formation in occupations specific for maritime transportation have an unlimited validity.

**Art. 5. - (1)** For issuing of a certificate, the candidates shall :

a) fulfill the conditions of relevant compulsory training forms for the required certificate, standards of competency, service on board and age conditions mentioned in annex 1 for functions and level identified to the certificate applied for

b) fulfill medical standards mentioned in art. 3;

c) hold valid certificates attesting the graduation of the mandatory retraining courses as referred to in Annex no. 3.

**(2)** For extension of validity of these documents, the candidates shall fulfill the following conditions:

a) fulfill medical standards mentioned in art. 3;

b) proof of the continuous professional competency, meaning seagoing service of 12 months in the last five years performed in function for which is certified.

(3) In situation in which the condition from paragraph (2) letter b) can not be fulfilled, the extension of validity of the document will be made through out an exam.

(4) The validity of the certificates is five years.

(5) The certificates shall be kept in original form on board the ship on which the holder is serving.

**Art. 6. - (1)** The checking methods and competency assessment criteria for each issued certificate shall be approved by RNA by “*The methodology of organizing and developing the competency assessment examinations in order to issue licenses/certificates of competency to the seafarers, marine waterside and inland waterways*”.

(2) For seafarers which have graduate an approved training form, in conformity with art. 4 paragraph (1) for functions of Ordinary Seaman and Ship Electrician can obtain certificates for maritime vessels or certificates for inland navigation, after complying with legal conditions in force.

(3) Licenses for maritime dredgeman captain issued before entering onto force of the present order will be turn to license for maritime-port captain, with fulfilling of presently order provisions.

(4) Licenses for maritime chief dredgeman and maritime dredgeman are abrogating. Documents issued before entering into force of the presently order shall remain valid until their expiration.

(5) The holder of a valid certificate is considered legally holder of all inferior certificates, included on direct line of promotion.

**Art. 7. –** Contraventions to provisions of present order are established by government agreement, in conditions of the law.

**Art. 8. -** The Annex nos. 1- 3 are an integrant part of the present order..

**Art. 9. -** Romanian Naval Authority will carry out the provisions of the present order.

**Art. 10. -** The present order shall be published in Romanian Official Journal, Part I.

**THE MINISTER**

**RADU MIRCEA BERCEANU**