



REPUBLIC OF SAN MARINO

DELEGATED DECREE No. 75 of 3 May 2022

**We Captains Regent
the Most Serene Republic of San Marino**

Having regard to Law No. 120 of 2 August 2019;

Having regard to the Resolution of the Congress of State No. 10 adopted at its meeting of 25 April 2022; Having regard to Article 5, paragraph 3, of Constitutional Law No. 185/2005 and Articles 8 and 10, paragraph 2, of Qualified Law No. 186/2005;

We hereby promulgate and send for publication the following delegated decree:

**PROFESSIONAL MARITIME TITLE OF QUALIFICATION FOR THE
COMMAND OF RECREATIONAL CRAFTS ENGAGED IN COMMERCIAL
ACTIVITIES (COMMERCIAL YACHTS) AND AMENDMENTS TO LAW No. 120
OF 2 AUGUST 2019, “REFORM IN THE FIELD OF MARITIME NAVIGATION”
AND SUBSEQUENT AMENDMENTS**

CHAPTER I

**PROFESSIONAL MARITIME TITLE OF QUALIFICATION FOR THE
COMMAND OF
RECREATIONAL CRAFTS ENGAGED IN COMMERCIAL ACTIVITIES
(COMMERCIAL YACHTS)**

Art. 1
(Purpose)

1. The provisions of this delegated decree govern the issuance of professional titles for the command and control of recreational crafts engaged in commercial activities.

Art. 2
(Definitions)

1. For the purposes of this delegated decree, the below terms shall have the following meaning:
- a) Law: Law No. 120 of 2 August 2019 “Reform in the field of maritime navigation and subsequent amendments”;
 - b) Coastal voyage: a voyage in which the unit does not stray more than 70 miles from a landfall;
 - c) Certificate of Competence (hereinafter also CoC for the sake of brevity): certificate of competence entitled “Commercial Yachts Master”, for coastal voyages;

- d) Commercial yacht master: person licensed to command commercial yachts up to 500 GT (gross tonnage), for coastal voyages;
- e) Authority: The Civil Aviation, Maritime Navigation and Homologation Authority, the Authority for the sake of brevity;
- f) International Convention STCW 78/95 (International Convention on Standards of Training Certification and Watchkeeping for Seafarers): International Convention on Standards of Training and Certification for Seafarers;
- g) IMO: International Maritime Organisation;
- h) Maritime Education and Training Centres: the centres where specialised courses, provided for by the STCW Convention, are held for maritime personnel providing specialised training courses on the basis of the training requirements set out in the STCW Convention and related Code, recognised by the Authority on the basis of the results of an Audit, in accordance with the principles of ISO standardisation rules and with the procedures established by the Authority;
- i) Recreational crafts for commercial use: as defined by the technical reference codes, referred to as “Yacht codes” for crafts shorter than 24 metres and longer than 24 metres;
- j) length: the length of the unit mentioned in this decree is the length as defined by the 1966 International Convention on Load Lines concluded in London on 5 April 1966.

Art.3

(Command and Control of Recreational Crafts for Commercial Use and Certificate of Competence)

1. Recreational crafts used for commercial purposes, up to 500 GT - Gross Tonnage - used for the transport of up to 12 passengers, may be skippered by Masters holding Certificates of Competence in accordance with the requirements set out in the following articles.
2. The Certificate of Competence in Command and Control of Commercial Yachts is issued according to the criteria of the International Convention STCW 78/95 and subsequent amendments, as a Certificate equivalent to the Certificate of Competence for Masters qualified for navigation in coastal voyages in line with the principles of Article IX and Regulation II/3 of the Convention. Such Certificate is issued on the “Form” provided for by the aforesaid Convention by the Authority and is notified to the IMO, pursuant to Article IX, paragraph 2 of the aforesaid STCW Convention.

Art.4

(Requirements for obtaining the Certificate of Competence)

1. Personnel wishing to obtain the Certificate of Competence must meet one of the following requirements:
 - a) have completed 12 months of navigation on merchant ships as an officer qualified to serve as a navigational watchkeeper; or
 - b) have been authorised, without limitation, to command recreational crafts of up to 24 metres in length for at least 5 years; or
 - c) have been qualified to command recreational crafts longer than 24 metres for at least 5 years;
 - d) be at least 20 years old;
 - e) physical fitness, according to the criteria of the international MLC Convention (Maritime Labour Convention, 2006).
2. Personnel interested in obtaining the aforementioned Certificate of Competence (CoC) shall also attend the following training courses, provided for in Chapters II and VI of the STCW Code, at training centres recognised by the Authority:
 - basic and advanced firefighting;
 - survival at sea;
 - GMDSS (restricted operator certificate - ROC);

- radar Base and ARPA;
 - PSSR – Personal safety and social responsibility; □ Ship security Officer.
3. Upon completion of the aforementioned courses, the applicants shall take a theoretical examination in accordance with the examination programme set out in Annex 1 to this decree.

Art.5

(CoC - Certificate of Competence for the Command of Recreational Crafts for commercial use)

1. Personnel meeting the requirements of Article 4, paragraph 1, letter b) may obtain the Certificate of Competence for the command of units of up to 24 metres in length and up to 200 GT.
2. Personnel meeting the requirements of Article 4, paragraph 1, letters a), c), may obtain the Certificate of Competence for the command of units longer than 24 metres and up to the limit of 500 GT.

Art.6

(Licensed Navigation Officer for commercial recreational crafts up to 500 GT - gross tonnage)

1. Personnel holding the title of “Master of Commercial Yachts” for units up to 24 metres in length may embark as navigating officers, on watch duty, on vessels over 24 metres in length, up to 500 GT.

Art.7

(Examinations)

1. The examinations for the above-mentioned Certificates of Competence are taken before an examining board consisting of:
 - a) Director General of the Authority acting as chairman, or another official of the Authority delegated for this purpose;
 - b) an expert examiner appointed by the Authority;
 - c) an official appointed by the Authority to act as secretary of the examination session.
2. Applicants wishing to obtain the professional titles referred to in this decree must submit an application accompanied by a receipt of payment, in accordance with the fee schedule provided for by the Authority.

Art.

8

(Validity of the CoC)

1. The Certificate of Competence will remain valid for 5 years, if during this period at least 1 year of actual navigation has been carried out on board merchant ships or commercial yachts engaged in coastal voyages.
2. The Certificate of Competence will have to be reconfirmed in connection with the periodic validity of the training courses provided for in Article 4, paragraph 2, as stipulated in the STCW International Convention.
3. The CoC Certificate is suspended by the Authority if, during the periodic health assessment provided for in the MLC Convention, the temporary loss of physical and mental fitness is revealed. In that case, the CoC is suspended until the person concerned produces a certification of psychophysical fitness. The CoC may also be suspended by the Authority for up to 12 months in any of the following cases:
 - a) for proven assumption of command, control or nautical direction while intoxicated or under the influence of any other intoxicating or narcotic substance;
 - b) when the qualified person commits acts of imprudence, negligence or inexperience such as to endanger public safety or to cause accidents and damage to persons, properties and port and mooring facilities;
 - c) at the request of the competent Judicial Authority for reasons of public safety.
4. Certificate revocation may occur in the following cases:

- a) loss of physical fitness;
- b) death of the person concerned.

Art.9

(Registration of Certificates)

1. Data on certificates issued and subsequent changes are recorded in a special computerised database maintained by the Authority.

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**AMENDMENTS TO LAW No. 120 OF 2 AUGUST 2019 AND SUBSEQUENT
AMENDMENTS -**

MARITIME NAVIGATION REFORM

Art. 10

(Amendments to paragraph 1, letter a), numbers 1) and 2) of Article 25 of Law No. 120/2019 and subsequent amendments)

1. In paragraph 1, letter a) of Article 25 of Law No. 120/2019 as amended by Article 6 of Delegated Decree No. 144/2021, number 2 bis) was added:
“2 bis) Private Deed, excluding the category “Recreational Boat”.

Art. 11

(Amendments to Article 58 of Law No. 120/2019)

1. Article 58 of Law No. 120/2019 is replaced as follows:

*“Art. 58
(Crew list)*

1. The ship's Master maintains a crew list on board that must be updated whenever there are changes in the crew.
2. The list must include, at least:
 - a. seaman's first and last name;
 - b. place and date of birth;
 - c. place and date of embarkation;
 - d. place and date of disembarkation;
 - e. the references of the employment contract.
 - f. reason for disembarkation (end of contract, transfer to another vessel of the same shipping company, illness, accident or other reasons).Said list must be signed by the Master of the vessel.”.

Issued from Our Residence, this 3rd of May 2022/1721 since the founding of the Republic

THE CAPTAINS REGENT

Oscar Mina - Paolo Rondelli

THE SECRETARY OF STATE
FOR HOME AFFAIRS
Elena Tonnini

**EXAMINATION PROGRAMME FOR THE ATTAINMENT OF THE QUALIFICATIONS
FOR THE COMMAND AND CONTROL OF RECREATIONAL CRAFTS FOR
COMMERCIAL USE:**

1. Theoretical test:

- a) duties and responsibilities of the Master;
- b) preparation of the navigation plan and practical execution of a cruising problem, using the reference nautical chart;
- c) assessment of marine weather conditions, prior to sailing and during the route;
- d) knowledge of nautical publications;
- e) knowledge of how to operate the unit in the event of navigation equipment failure;
- f) knowledge of offshore coastal navigation aids;
- g) knowledge about the dynamic elements of the unit and stability;
- h) knowledge of on-board emergency procedures (fire fighting, abandon ship, man overboard);
- i) knowledge of passenger security information techniques;
- j) knowledge of manoeuvring procedures, during navigation and when entering and leaving ports;
- k) knowledge of the English language, as ascertained during the examination itself, which will also be held in English;
- l) international anti-pollution regulations (Marpol) and procedures for entry into marine protected areas;
- m) principles and role of the unit Master in safety management system (Safety Management system);
- n) Arrangements for relations with foreign maritime Authorities during Port State Control inspections.