



Rev. 0

**REPUBLIC of SAN MARINO  
MARITIME AUTHORITY**

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## **San Marino Policy Letter**

**SMPL – 2022-TEC-002**

**21 July 2022**

**San Marino Ship Register SMSR**

**Requirements for Flag State Inspectors**

TO: Recognised Organisations, Shipowners, Managers, Masters, Seafarers, SMSR partners, SMSR brokers, Surveyors, and the general public.

## **1. Introduction**

As per the provisions of IMO Resolution A.1070(28), adopted on 4 December 2013, IMO Instruments Implementation code (III Code), the San Marino Maritime Navigation Authority SM MNA (the Administration) shall establish an audit and inspection programme to verify compliance with the requirements of the applicable international instruments of ships flying the flag of the Republic of San Marino.

The inspection programme shall be carried out independently from administrative bodies issuing statutory certificates and relevant documentation and/or of any entity which has been delegated authority by the Administration to issue statutory certificates and relevant documentation.

Flag State Inspectors shall be appointed and authorised to carry out periodical Flag State Inspections on behalf of the Administration.

## **2. Minimum requirements for Flag State Inspectors**

Personnel responsible for, or performing surveys, inspections, and audits on ships and companies covered by the relevant international mandatory instruments, shall be appointed according to the following minimum requirements.

### 2.1 Qualifications:

- a) appropriate qualifications from a marine or nautical institution and relevant seagoing experience as a certificated ship's officer holding or having held a valid management level certificate of competency and having maintained their technical knowledge of ships and their operation since gaining their certificate of competency; or
- b) a degree or equivalent from a tertiary institution within a relevant field of engineering or science recognised by the Administration; or
- c) accreditation as a surveyor through a formalised training programme that leads to the same standard of surveyor's experience and competency as that required in paragraphs a) and b).

Personnel qualified under paragraph a) shall have served for a period of not less than five years at sea as an officer in the deck or engine department.

Personnel qualified under paragraph b) shall have worked in a relevant capacity for at least five years.

In addition, such personnel must have appropriate practical and theoretical knowledge of ships, their operation, and the provisions of the relevant national and international instruments necessary to perform their duties as Flag State Inspectors, obtained through documented training programmes.

## 2.2 Police Clearance:

Proof of police clearance, criminal record certificate, or background check, issued by the competent authorities or via self-declaration, as applicable, shall be provided to the Administration for verification.

## 2.3 Required skills and competencies:

- i. knowledge of applicable international and national rules and regulations for ships, their companies, their crew, their cargo, and their operation.
- ii. knowledge of the procedures to be applied in survey, certification, control, investigative, and oversight functions.
- iii. understanding of the goals and objectives of the international and national instruments regulating maritime safety, security, and protection of the marine environment.
- iv. possession of professional competencies necessary to perform the given tasks effectively and efficiently.
- v. full safety awareness in all circumstances, also for one's own safety.
- vi. the ability to communicate orally and in writing with seafarers in maritime English.

In order to verify the required professional experience and technical knowledge in the maritime field, prospective inspectors shall submit a copy of their curriculum vitae and any additional documentary evidence to the following email address: [flagstate@smsr.sm](mailto:flagstate@smsr.sm)

Following an evaluation of the aforementioned documentary evidence, the Administration shall proceed to inform the Surveyor and schedule an interview.

The Administration may carry out additional verifications of the above requirements by means of interviews, job shadowing, or other actions it deems appropriate.

## **3. Appointment of Flag State Inspectors**

The Administration shall issue an appointment letter to the newly authorised Flag State Inspector, stating the powers and functions granted to the inspector by San Marino Law n. 120, 2019.

The Administration shall provide the Flag State Inspector with a personal ID badge containing the following information: name, surname, date of birth, nationality, gender, picture, authorisation number as reported in the appointment letter, authorisation date of issue and expiry, reference to the provisions of Law n. 120, 2019.

### 3.1 Flag State Inspector powers and functions

Flag State Inspector powers are as follows.

- a) In accordance with Art. 3 of Law n. 120, 2019, the designated Flag State Inspector shall have the right to access, also through delegated officials or staff, in a reasonable time, any ship, port or other place or document, for the purpose of ensuring safety, pollution prevention, and legality of maritime activities under the San Marino Flag.
- b) In accordance with Art. 3 of Law n. 120, 2019, the designated Flag State Inspector shall have the power to prevent, for the purpose of maritime safety and pollution prevention, the operation of ships flying the San Marino Flag and inform the Administration accordingly. The Inspector shall have the power to require repairs to a ship, if necessary.

In the exercise of such powers, the Inspector may rely on the collaboration of the competent Port State Administration, Coast Guard, Authorities, Police.

Flag State Inspector functions include the following.

- a) Carry out physical inspections to assess a ship's seaworthiness and compliance with applicable international conventions and national rules and regulations, and report to the Administration on any identified non-conformity, as per Ph. 22, IMO Res. A.1070(28).
- b) Investigate any major non-conformities, especially if ground for detention, raised by Port State Control or Recognised Organizations against ships flying the San Marino Flag, report to the Administration and cooperate with the local Port Authorities, as per Ph. 22.1 and 22.6, IMO Res. A.1070(28).

In conducting activities related to maritime security matters, Flag State Inspectors are required to maintain and guarantee a confidential approach when consulting sensitive security documents, for which they remain responsible in the case of any information being improperly shared.

### 3.2 Additional requirements

Each Flag State Inspector shall be provided by the Administration insurance coverage for the following:

- a) Personal Injuries or death during professional activities conducted on board vessels.
- b) Professional liability related to specific activities carried out while conducting the inspection.

The administrative handling fee for the issuance of a San Marino Flag State Inspector appointment letter and ID badge (and following renewals) is 500,00 €.

Unless otherwise revoked, the authorisation shall remain valid whilst the Flag State Inspector meets the training and eligibility requirements of the Administration and Policy Letter SMPL-2022-TEC-02, and in any case for a maximum of five years.

For additional information, please refer to San Marino Ship Register at [flagstate@smsr.sm](mailto:flagstate@smsr.sm)

FSI Terms and conditions are available for consultation in the bulletin section of the SMSR website and at the following link:

<http://www.smsr.sm/wp-content/uploads/2022/07/220721-SMBU-2022-007.pdf>