



REPUBLIC OF SAN MARINO

REGULATION No. 6 of 16 February 2024

The undersigned Captains Regent of the Most Serene Republic of San Marino

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

Having regard to the resolution of the Congress of State No. 15 adopted during its meeting held on 06 February 2024;

Having regard to Article 5, paragraph 5, of Constitutional Law No. 185/2005 and Article 13 of Qualified Law

No. 186/2005;

Hereby enact the following regulation, ordering its publication:

MINIMUM REQUIREMENTS FOR ENTITIES INTERESTED IN PROVIDING EDUCATION AND PROFESSIONAL TRAINING IN ORDER TO OBTAIN THE CERTIFICATES OF COMPETENCE (CoC) IN COMPLIANCE WITH THE INTERNATIONAL STCW CONVENTION 78/95 AND WITH LAW No. 120 OF 2 AUGUST 2019 AS AMENDED.

Art. 1 *(Purpose)*

1. This regulation sets out and governs the minimum requirements for entities interested in providing education and professional training in order to obtain the Certificates of Competence (CoC), in compliance with the International STCW Convention 78/95, to which the Republic of San Marino acceded with Council Decree No. 41 of 26 February 2021, which sets out the education and training requirements for maritime personnel working on commercial ships, integrated by a technical code divided in two parts: A (mandatory) and B (recommended).
2. The professional maritime titles can be obtained through two training stages, as provided for by the International STCW Convention: school education and training.
3. Each Country that acceded to the STCW Convention is required to ensure that the training and evaluation of the maritime personnel, for the purpose of obtaining the professional certification, is structured in compliance with the study programmes, the provision methods and means, the procedures as well as the course materials necessary to achieve the competence standard required, performed, supervised, evaluated and supported by qualified personnel.
4. Each member State is also required to issue to its seafarers a certificate of Competence with regard to every role to be held onboard the ship (CoC).
5. The professional maritime titles are issued by the maritime authority, after having verified that the course of studies, the training and the embarkation periods comply with the requirements set out by the International STCW Convention.

Art. 2 *(Definitions)*

1. For the purposes of the enforcement of this regulation:
 - a) “Authorities” shall have the meaning defined in Law No. 125 of 29 July 2014 as amended;
 - b) “STCW Convention” (International Convention on Standards of Training, Certification and watchkeeping for Seafarers) shall have the meaning defined in Law No. 120, Article 80, letter q), of 2 August 2019 as amended;
 - c) “Applicant Entity” shall mean the person submitting a project related to the special education and professional training referred to under letter d), aimed at obtaining the Certificates of Competence (CoC). Said project must be submitted through an application as better regulated by the implementing regulations referred to under letter f), issued, for the education part, by the Department of Education and, for the training part, by the Maritime Navigation Authority.
 - d) “Institute” shall mean the legal person providing the education at an authorized facility in the territory of the Department of Education and developing study programmes in compliance with the provisions of Article 8, as well as the entity providing specialized maritime training courses at facilities authorized by the Maritime Navigation Authority, in compliance with the provisions of Article 9;
 - e) “Authorization” shall mean the document referred to in Article 6 and setting out the terms of the authorization granted by the Department of Education to provide the education;
 - f) “Implementing regulation” shall mean the document setting out the study programmes for each subject, the professional skills of trainers, the requirements concerning the logistics facilities where education is provided, the examination methods, the periodic audits and the checks at the facilities providing maritime training (education and training), the costs incurred to grant the authorizations and their related audits/checks, the rules on sanctions that shall be governed by a subsequent delegated decree pursuant to Article 78 of Law No. 120 of 2 August 2019 as amended.

Art. 3

(Minimum professional requirements)

1. The Applicant Entity intending to provide education in the maritime sector must meet the following requirements:
 - a) at the date of submission of the application for participation, it must have been actively operating in the maritime training sector for at least five years;
 - b) it must have a high degree of knowledge about the maritime industry, with special reference to training of maritime personnel working onboard commercial ships. Said requirement must be documented and it must include, in particular, the knowledge of the relevant International regulation and the STCW Convention;
 - c) it must have, within its organisational structure, special figures with proven training experience in the relevant sector;
 - d) it must have an ISO 9001:2015 quality certification issued by a leading accredited body.
2. The Applicant Entity intending to provide maritime training must comply with the following requirements:
 - a) it must have a high degree of knowledge about the maritime industry and, in particular, about training of maritime personnel working onboard commercial ships. Said requirement must be documented and it must include, in particular, the knowledge of the relevant international regulation and, more specifically, the STCW Convention;
 - b) it must have an ISO 9001:2015 quality certification issued by a leading accredited body.

Art. 4

(Insurance requirements)

1. The insurance requirements and obligations are better defined in the authorization document referred to in Article 6.

Art. 5

(Corporate requirements for the Institute intending to provide education)

1. The Institute must not have its registered or administrative office in “High-risk countries” pursuant to Article 16 undecies of Law No. 92 of 17 June 2008 as amended and must have a suitable legal form to ensure the necessary transparency of its ownership structure.
2. The Institute intending to provide education in the territory is subject to the applicable regulations governing companies and licences.

Art. 6

(Authorization granted by the Department of Education)

1. The Authorization granted to the Applicant Entity by the Department of Education defines the terms and conditions of the education services, the conditions of withdrawal as well as the insurance requirements in order to comply in the best way possible with the obligations provided for by the relevant laws, regulations and international conventions.
2. The Authorization also defines the terms, the periodic inspections and the duration, and it may be renewed in compliance with the provisions of this regulation.

Art. 7

(Checks carried out by the Maritime Navigation Authority)

1. The Maritime Navigation Authority may, at any time, carry out checks both concerning the Institute providing training, or concerning the entities providing maritime training activities.
2. The checking methods referred to in paragraph 1 are defined by the regulation of the Maritime Navigation Authority and, for anything else that may be required, by delegated decree pursuant to Article 78 of Law No. 120 of 2 August 2019 as amended.

Art. 8

(Education - Achievement of professional titles)

1. The study programmes, in compliance with Regulations II, III and the related Code, part A, of the STCW Convention, as amended, must focus on the following titles:
 - a) Deck section:
 - 1) Deck officer Regulation II/1;
 - 2) First deck officer on ships having a tonnage of, or exceeding, 3,000 GT, Regulation II/2;
 - 3) First deck officer on ships having a tonnage ranging between 500 and 3,000 GT, Regulation II/2;
 - 4) Master on ships having a tonnage of, or exceeding, 3,000 GT, Regulation II/2;
 - 5) Master on ships having a tonnage ranging between 500 and 3,000 GT, Regulation II/2;
 - 6) Ordinary seafarer deck, Regulation II/4;
 - 7) Able seafarer deck, Regulation II/5;
 - 8) Deck officer on ships having a tonnage lower than 500 GT engaged in coastal voyages, Regulation II/3;
 - 9) Master on ships having a tonnage lower than 500 GT, engaged in coastal voyages, Regulation II/3;
 - b) Engine section:
 - 1) officer in charge of engineering watch, Regulation III/1;
 - 2) chief engineer officer on ships of propulsion power of 3,000 Kw or more, Regulation III/2;
 - 3) chief engineer officer on ships of between 750 Kw and 3,000 Kw propulsion power, Regulation III/3;
 - 4) chief engineer on ships of propulsion power of 3,000 Kw or more, Regulation III/2;
 - 5) chief engineer on ships of between 750 Kw and 3,000 Kw propulsion power, Regulation III/3;
 - 6) electro-technical officer, Regulation III/6;

- 7) ordinary seafarer deck, Regulation III/4; 8) able seafarer deck, Regulation III/5; 9) electro-technical rating, Regulation III/7.
- c) Radio Operators, in compliance with Regulation IV of the STCW Convention, as amended, and with its related Code, part A:
 - 1) GMDSS Radio Operator, unlimited; 2) GMDSS Radio Operator, limited.

Art. 9

(Maritime training - special training courses)

1. In compliance with the provisions of Regulations V and VI of the STCW Convention as amended and of its related Code, part A, the following courses are developed at the training centres authorized by the Maritime Navigation Authority:

- 1) Basic training (PSSR, Personal survival techniques, firefighting basic/advanced, elementary first aid, security awareness);
- 2) PSCRB, FRB - rescue boats;
- 3) Dangerous goods, IMDG code;
- 4) Security;
- 5) Leadership;
- 6) Crowd and Crisis;
- 7) Radar and Arpa Radar;
- 8) Ecdis – electronic charts;
- 9) Polar code training;
- 10) Gmdss – radio communications;
- 11) High voltage – high voltage electric systems;
- 12) Medical aid – Medical intervention course;
- 13) Specialised courses for ships specialised in transporting flammable liquid products, liquefied gas, chemicals;
- 14) Any subsequent specialisation course provided for by the amendments to the STCW Convention and to its related Code and authorized by the Maritime Navigation Authority.

Art. 10

(Supplementary regulations)

1. The examination methods for each Education course, and the related issuance of the professional title, are established through an order issued by the Department of Education.
2. The examination methods for training courses are established through a special implementing regulation issued by the Maritime Navigation Authority.
3. The requirements for the provision of courses of studies, aimed at achieving the professional maritime titles to sail commercial yachts of up to 3,000 GT, in unlimited navigation, are established with a special regulation issued by the Maritime Navigation Authority.

Issued from Our Residence, this 16th of February 2024/1723 since the founding of the Republic.

THE CAPTAINS REGENT
Filippo Tamagnini – Gaetano Troina

THE SECRETARY OF STATE
FOR HOME AFFAIRS
Gian Nicola Berti