

PROCEDURE FOR SUSPENSION OR REVOCATION OF THE ENDORSEMENT TO A CERTIFICATE OF COMPETENCY OR A CERTIFICATE OF PROFICIENCY OF SHIP'S OFFICERS

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This Regulation is established on the basis of subsection 21 (10) of the Maritime Safety Act.

§1. Definitions

- (1) Suspension or revocation of the endorsement to a certificate of competency or a certificate of proficiency of a ship's officer is a penalty consisting of temporarily prohibiting the holder of the endorsement from working in the position indicated on the endorsement.
- (2) Suspension of an endorsement means that the term of the penalty does not exceed the period of validity of the endorsement.
- (3) Revocation of an endorsement means that the term of the punishment exceeds the period of validity of the endorsement.
- (4) An act which poses a direct threat to navigation means an act that causes a shipping accident, risks human health and life, or constitutes a severe breach of the provisions of IMO conventions, and other legislation on maritime safety, that the Republic of Estonia has acceded to.

§2. Suspension or revocation of an endorsement

- (1) The basis for suspension or revocation of an endorsement is an act which poses a direct threat to navigation.
- (2) Suspension or revocation of an endorsement shall be formalised by a directive of the Director General of the Estonian Maritime Administration on the proposal of the Head of the Maritime Safety Division.
- (3) A directive of the Director General of the Estonian Maritime Administration about suspending or revoking an endorsement shall be forwarded to the employer of the person on whom the penalty has been imposed. The employer shall be obliged to familiarise the person on whom the penalty has been imposed with the directive. The directive shall be published in the Maritime Administration's gazette *Veeteede Ameti Teataja*.
- (4) In case a person holds several certificates of competency or certificates of proficiency in the same speciality, the endorsements to all those certificates of competency or certificates of proficiency shall be deemed as suspended or revoked.
- (5) The company or the person on whom the penalty has been imposed may submit an application to the Director General of the Estonian Maritime Administration for issuing an endorsement that will allow the person on whom the penalty has been imposed to perform duties in lower capacity.

§3. Returning an endorsement

- (1) If an endorsement has been suspended or revoked, the holder is obligated to return the endorsement to the Estonian Maritime Administration within three working days as of the date of familiarisation with the directive specified in subsection 2 (2) of this Regulation.

(2) If the holder of the endorsement has not returned the endorsement within three working days, it shall be taken by a ship supervision inspector of the Maritime Administration during the inspection of the ship.

§4. Calculation of the term of the penalty

(1) The term of suspension or revocation of an endorsement shall be calculated as of the date the endorsement is returned to the Maritime Administration.

(2) Records of suspension and revocation of endorsements shall be kept at the Estonian Register of Seafarers. The documents about suspension and revocation of endorsements shall be kept on record for ten years.

§5. Reissue of an endorsement

Upon expiry of the term of suspension of endorsements to certificates of competency or certificates of proficiency the endorsement that has been suspended shall be reissued.

§6. Issue of a new endorsement

In case the endorsement to a certificate of competency or a certificate of proficiency is revoked, a new endorsement shall be issued upon expiry of the term of the penalty pursuant to general principles.

§7. Entry into force of Regulation

This Regulation enters into force on 1 January 2003.

Minister Liina TÕNISSON

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