

Regulation of the Minister of Economic Affairs and Communications No. 36 of 12.12.2002

Entry into force 1 January 2003

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**REQUIREMENTS FOR DETERMINATION OF THE MINIMUM CREW FOR
PASSENGER SHIPS AND FOR SHIPS OF GROSS TONNAGE 20 OR MORE**

The Regulation has been adopted on the basis of subsection (5) of § 21 of the Maritime Safety Act of the Republic of Estonia.

Chapter 1 GENERAL

§ 1. The principles of determination of minimum crew for ships

- (1) The requirements for determination of the minimum crew shall be established to apply to all passenger ships and other types of ships of gross tonnage 20 or more.
- (2) In determining the minimum crew of a ship, it shall be noted that the minimum crew should be capable of:
 - 1) maintaining safe navigational, engineering and radio watches in accordance with Regulation VIII/2 of the STCW Convention 1978, as amended, and with other legislation, and ensuring the safety of the ship;
 - 2) operating the main propulsion and auxiliary machinery of the ship and maintaining them in working order to enable the ship to overcome the foreseeable perils of the voyage;
 - 3) mooring and unmooring the ship safely;
 - 4) preventing damage to the marine environment;
 - 5) implementing safety measures and keeping all accessible spaces clean to minimize the risk of fire;
 - 6) providing medical care on board;
 - 7) ensuring safe carriage of cargo during transit;
 - 8) inspecting and maintaining, as appropriate, the structural integrity of the ship;
 - 9) operating all watertight closing arrangements and maintaining the corresponding equipment in working condition, and also fulfilling the duties specified in the muster list;
 - 10) operating all on-board fire-fighting and emergency equipment and life-saving appliances, carrying out the required maintenance of this equipment, and ensuring the gathering of all persons on board at muster stations and their disembarkation;
 - 11) operating according to the ship security plan.

§ 2. Implementation of international and national requirements

In determining the minimum crew of a ship, the following principles of international conventions and national legislation shall be taken into account:

- 1) watchkeeping;
- 2) hours of work and rest;
- 3) the International Safety Management Code (ISM Code);
- 4) certification of seafarers;
- 5) training and qualification of seafarers;
- 6) health protection and hygiene on board;
- 7) provision of food and drinking water;
- 8) crew accommodation;
- 9) ship security.

§ 3. Ensuring shipboard functions

In ensuring shipboard functions, the following factors shall be taken into account:

- 1) preparation of all personnel on board for using fire protection and emergency equipment, life-saving appliances and watertight closing arrangements;
- 2) specialized training requirements for particular types of ships;
- 3) the need to undertake emergency duties and responsibilities;
- 4) the need to provide training opportunities for entrant seafarers to allow them to gain the training and experience needed;
- 5) security requirements.

Chapter 2 DETERMINATION OF MINIMUM CREW

§ 4. The purpose of determining the minimum crew

The purpose of determining the minimum crew of a ship is to ensure that its complement includes the capacities and number of persons required for the safe operation and security of the ship, and the protection of the marine environment.

§ 5. General requirements

In determining the minimum crew of a ship, the following factors shall be taken into account:

- 1) size and type of ship;
- 2) number, size and type of main propulsion units and auxiliaries;
- 3) extent of automatic performance of the ship;
- 4) construction and equipment of the ship;
- 5) method of maintenance used;
- 6) cargo to be carried;
- 7) frequency of port calls, length and nature of voyages to be undertaken;
- 8) navigational area(s);
- 9) extent to which training activities are conducted on board;
- 10) applicable work hour limits and/or rest requirements;
- 11) ship security.

§ 6. Determining the minimum crew

- (1) Determination of the minimum crew of a ship is based on performance of the functions at the management and operational level.
- (2) Navigation:
 - 1) plan and conduct safe navigation, maintain a safe navigational watch in accordance with the requirements of the STCW Code, and manoeuvre and handle the ship in all conditions;
 - 2) moor and unmoor the ship safely.
- (3) Cargo handling:
 - 1) cargo loading, unloading, stowage and securing;
 - 2) check the cargo to be carried on board and ensure its safety.
- (4) Operation of the ship:
 - 1) maintain the safety and security of all persons on board and keep life-saving, fire-fighting and other safety systems in operational condition;
 - 2) operate and maintain all watertight closing arrangements;
 - 3) perform operations, as appropriate, to muster and disembark all persons on board;
 - 4) prevent marine pollution;
 - 5) ensure provision of medical care on board the ship;
 - 6) undertake administrative tasks required for the safe operation of the ship.
- (5) Marine engineering:

- 1) operate and monitor the ship's main propulsion and auxiliary machinery and evaluate the performance of such machinery and maintain a safe engineering watch in accordance with the requirements of the STCW Code;
 - 2) manage and perform fuel and ballast operations;
 - 3) maintain safety of the ship's engine equipment, systems and services;
 - 4) operate the ship's electrical and electronic equipment and systems, and maintain their safety.
- (6) Radiocommunications:
- 1) transmit and receive information using the radio equipment of the ship;
 - 2) maintain a safe radio watch in accordance with the requirements of the ITU Radio Regulations and the 1974 SOLAS Convention, as amended;
 - 3) provide radio services in emergencies.
- (7) Maintenance and repair:
carry out maintenance and repair work to the ship and its machinery, equipment and systems, as appropriate to the method of maintenance and repair used by the shipowner.

§ 7. Additional factors for determination of minimum crew

- (1) On a ship that has adopted a three-watch system, it is not necessary for the master to keep regular watches.
- (2) On a ship with a periodically unmanned engine room or on a ship that has adopted a three-watch system, it is not necessary for the chief engineer to keep regular watches.
- (3) The number of qualified and other personnel required to meet peak workload situations and conditions, with due regard to the number of hours of shipboard duties and rest periods assigned to seafarers.
- (4) The capability of the master and the crew members to co-ordinate the activities necessary for the safe operation of the ship, ensuring security and the protection of the marine environment.
- (5) Provision of food and drinking water for all persons on board.

Chapter 3 OBLIGATIONS OF THE COMPANY

§ 8. Obligations of the company

- (1) The company shall submit a proposal for the minimum crew of a ship according to the form of the minimum safe manning document.
- (2) In preparing a proposal for the minimum crew of a ship, the company shall apply the principles of this Regulation and shall:
 - 1) consider the functions of crew members for safe and secure operation of the ship, for protection of the marine environment, and for dealing with emergency situations and evacuation of passengers;
 - 2) consider the number and posts of crew members to fulfil their duties;
 - 3) ensure that the minimum crew is adequate at all times and in all respects, including meeting peak workload situations, conditions and requirements, and is in accordance with the principles of the this Regulation.
- (3) The company shall ensure that the master, officers and other crew members are not required to work overtime. Also, the master shall ensure that crew members are not required to work overtime.

§ 9. Change of the minimum crew of a ship

The company shall prepare and submit to the Administration a new proposal for the minimum crew of a ship in the case of changes which may affect the safe manning level, and in the case of changes in:

- 1) navigational area(s);
- 2) construction, machinery or equipment;
- 3) the method of operation and maintenance of the ship.

Chapter 4 ISSUE OF THE MINIMUM SAFE MANNING DOCUMENT

§ 10. Obligations of the Estonian Maritime Administration

- (1) The Estonian Maritime Administration shall evaluate a proposal for the minimum crew of a ship submitted by a company to ensure that:
 - 1) the proposed ship's complement contains the number and grades/capacities of personnel to fulfil the tasks, duties and responsibilities required for the safe and secure operation of the ship, for protection of the marine environment and for dealing with emergency situations;
 - 2) the established requirements for work and rest hours of the master, officers and other crew members can be complied with.
- (2) The Administration shall require a company to amend a proposal for the minimum crew of a ship if the proposal fails to comply with the requirements of Chapter 2.

§ 11. Issue of the minimum safe manning document

- (1) The Administration shall issue a minimum safe manning document if the proposed ship's complement is established in accordance with the principles of this Regulation and is adequate in all respects for the safe operation of the ship and for the protection of the marine environment.
- (2) [Repealed.]
- (3) When issuing the minimum safe manning document to non-propelled ships, including floating docks, their standing and towing conditions shall be taken into consideration.

§ 12. Validity of the minimum safe manning document

- (1) A minimum safe manning document shall be issued for up to five years.
- (2) [Repealed.]
- (3) The certificates issued on the basis of Regulation no. 5 of the Minister of Transport and Communications of 29 January 1998 "Guide for Minimum Safe Manning" shall be valid until their expiry date.

§ 13. Revocation of the minimum safe manning document

The Estonian Maritime Administration shall revoke a ship's minimum safe manning document if:

- 1) changes in navigational area(s), construction, machinery, equipment or operation and maintenance of the ship have taken place which affect the minimum safe manning level;
- 2) the company fails to submit a new proposal for the minimum crew of a ship as required in § 9 of this Regulation;
- 3) requirements for work and rest hours have been seriously violated.

§ 14. Entry into force

This Regulation enters into force on 1 January 2003.