

საქართველოს  
ეკონომიკისა და მდგრადი  
ბანვითარების სამინისტრო

საზღვაო ტრანსპორტის  
სააგენტო



MINISTRY OF ECONOMY  
AND SUSTAINABLE  
DEVELOPMENT OF GEORGIA

MARITIME TRANSPORT  
AGENCY

Circ № 001/FST-001

„ 09 “ 03 2012წ.

To: all Owners, Managers and Representatives of Ships flying Georgian Flag

**Subject: Dispensations on Ships Flying Georgian Flag**

On January 9, 2012 new Law on Education and Certification of Seafarers entered into force that regulates training and certification of seafarers in full compliance with STCW 1978 Convention, as amended, including Manila Amendments. The Law also provides basic requirements for shipowners responsibility for manning of ships in accordance with national minimum safe manning requirements and sets administrative fines in case the minimum safe manning requirements are not complied with (Art. 66 of the Law).

The minimum safe manning of ships flying Georgian flag are defined by the Order of Head of United Transport Administration dated June 28, 2009 in accordance IMO resolutions and best seamanship practices. However, we understand that in practice a situation may arise when the shipowner cannot reasonably comply with the minimum safe manning requirements as provided in Art. VIII of the STCW Convention. Art. 59 of the Law of Georgia on Education and Certification of Seafarers specifies the provisions of the STCW 1978 Convention, as amended and provides as follows:

***“Article 59. Dispensation.***

1. In circumstances of death, illness and/or injury of a seafarer, as well as in cases of exceptional necessity when the services of a duly qualified officer are not available, Agency may issue a dispensation giving the right to a seafarer to fill in a vacant position temporarily without an appropriate certificate temporarily if Agency is satisfied that the seafarer is adequately qualified.
2. Dispensation may be issued only for two months.
3. The Agency shall issue dispensation giving the right to fill in vacancy of a Master or Chief Engineer only for 1 month in circumstances of death, illness and/or injury of a seafarer, as well as in cases of exceptional necessity
4. Agency shall issue dispensations for radio officer or radiotelephone operator, except as provided by the relevant Radio Regulations.

5. Any dispensation granted for a position shall be granted only to a person properly certified to fill the vacant position immediately.

6. Shipowner shall replace a seafarer without an appropriate certificate and having received dispensation with a duly certified seafarer in the shortest period of time."


In order to ensure the thorough implementation of provisions on STCW 1978 Convention, as amended and the Law of Georgia on Education and Certification of Seafarers the shipowners should take into consideration the following:

1) Except in cases of "force-majeure", Agency shall not grant dispensations for seafarers serving on the following types of ships, taking into consideration the risks involved and the seriousness of the consequences in the case of a casualty:

- Roll on/Roll off passenger ferries;
- Passenger ships;
- Chemical tankers;
- L.P.G./L.N.G. Carriers.

2) Cases of "exceptional necessity" shall be construed as natural disasters or other "Acts of God", war, epidemic, fire, serious maritime accident or any other circumstance when it is reasonable impossible to man the ship in accordance with minimum safe manning requirements.

3) The Agency shall construe the term "the shortest period" in case of granting dispensation as the period necessary to reach the next convenient port of call. However, shipowner shall make all efforts to man the ship in accordance with minimum safe manning requirements in the next port of call.

  
Teimuraz Iobidze  
Agency Director

