

Directive 2008/106/EC of the European Parliament and of
the Council of 19 November 2008 on the minimum level
of training of seafarers (recast) (Text with EEA relevance)

Article 23

Port State control procedures

1 Without prejudice to Directive 95/21/EC, port State control pursuant to Article 22 shall be limited to the following:

- a verification that every seafarer serving on board who must be certificated in accordance with the STCW Convention holds an appropriate certificate or a valid dispensation or provides documentary proof that an application for an endorsement attesting recognition has been submitted to the authorities of the flag State;
- b verification that the numbers and certificates of the seafarers serving on board are in accordance with the safe-manning requirements of the authorities of the flag State.

2 The ability of the ship's seafarers to maintain watchkeeping standards as required by the STCW Convention shall be assessed in accordance with Part A of the STCW Code if there are clear grounds for believing that such standards are not being maintained because any of the following has occurred:

- a the ship has been involved in a collision, grounding or stranding;
- b there has been a discharge of substances from the ship when under way, at anchor or at berth which is illegal under an international convention;
- c the ship has been manoeuvred in an erratic or unsafe manner whereby routing measures adopted by the IMO, or safe navigation practices and procedures have not been followed;
- d the ship is otherwise being operated in such a manner as to pose a danger to persons, property or the environment;
- e a certificate has been fraudulently obtained or the holder of a certificate is not the person to whom that certificate was originally issued;
- f the ship is flying the flag of a country which has not ratified the STCW Convention, or has a master, officer or rating holding a certificate issued by a third country which has not ratified the STCW Convention.

3 Notwithstanding verification of the certificate, assessment under paragraph 2 may require the seafarer to demonstrate the relevant competence at the place of duty. Such a demonstration may include verification that operational requirements in respect of watchkeeping standards have been met and that there is a proper response to emergency situations within the seafarer's level of competence.