

ON THE EDUCATION AND CERTIFICATION OF SEA-FISHERMEN

This Law establishes a unified system of education and certification of sea-fishermen in Georgia in accordance with the legislation of Georgia and the international standards of certification, training and watchkeeping for sea-fishermen.

Chapter I - General Provisions

Article 1 - Definitions of terms

1. The terms used in this Law have the following meanings:

- a) sea-fishermen - all members of seafarers' staff and personnel on a fishing vessel;
- b) Agency - a legal entity under public law called the Maritime Transport Agency within the system of the Ministry of Economy and Sustainable Development of Georgia;
- c) certificate of competence - a certificate confirmed and issued to a skipper, an officer and a GMDSS radio operator, which allows the holder of the certificate to serve in the respective position and fulfil the functions necessary for this level of responsibility;
- d) certificate - a document which confirms that a sea-fisherman has completed a special course of training;
- e) diploma of education - a document that certifies education and is issued in accordance with the Law of Georgia on Higher Education or the Law of Georgia on Vocational Education and Training;
- f) maritime training course - a programme of a respective maritime training institution, which is necessary to complete for sea-fishermen in order to acquire appropriate competences and which is recognised by the Agency;
- g) management level - a responsibility level, which is related to the fulfilment of appropriate official functions by a skipper, a chief officer, a chief engineer or the second engineer of a fishing vessel;
- h) operating level - a responsibility level, which is related to the fulfilment of appropriate official functions by an officer in charge of a navigational watch, an officer in charge of an engineering watch, an electro-technical officer or a GMDSS radio operator, under the supervision of a management level officer;
- i) assistant level - a responsibility level, which is related to the fulfilment of appropriate official functions by ratings of a fishing vessel, under the supervision of a person working at an operating or a management level;
- j) staff of seafarers of a fishing vessel ('crew') - the staff of seafarers including a skipper, officers and ratings;
- k) personnel of a fishing vessel - all persons, except members of the crew, who are employed on the fishing vessel, who perform certain duties assigned by a skipper and who have completed a maritime training course determined by this Law;
- l) cabotage - coastwise navigation, during which the vessel does not travel farther than 50 nautical miles from the coastline of Georgia;
- m) international navigation - any type of navigation which is not cabotage;
- n) international standards - the standards established by the International Maritime Organisation ('IMO'), including the requirements of training and certification established for seafarers working on fishing vessels, which are binding for Georgia;
- o) GMDSS - a global system of maritime communication, which is used for search and rescue operations and in cases of distress;
- p) superintendent - an official of a shipowner with maritime experience, who is directly responsible for the technical operation and/or safe navigation of the vessel;
- q) skipper - a captain of a fishing vessel;
- r) chief engineer of a fishing vessel - the highest rank officer of an engine room of a fishing vessel, who is responsible for the machinery of a vessel and for the operation and maintenance of mechanical and electrical equipment;
- s) second engineer of a fishing vessel - an officer of an engine room of the second highest rank after a chief engineer of a fishing vessel, who is responsible for the machinery of a vessel and for the operation and maintenance of mechanical and electrical equipment, if the chief engineer of a fishing vessel is unable to perform his/her duties;
- t) experienced fisherman - a member of a fishing vessel crew, who has proper qualifications and meets the competency requirements in order to operate equipment on a fishing vessel safely;
- u) fisherman - a person participating in the process of catching fish with a fishing vessel;



v) fishing vessel - any vessel used for fishing and other types of marine activities, an integral part of which is a tool for fishing activity;

w) personnel of a fishing vessel's engine room - all persons working in the engine room, except the officer of the engine room, who have proper competences to use the equipment and electrical devices of the fishing vessel's engine room;

x) personnel of a fishing vessel's deck department - all persons working in a deck department, except an officer of a deck department, who have proper competences to use the deck equipment;

y) STCW Convention - the Code of Training, Certification and Watchkeeping for Seafarers, the revised version of which was adopted by the Member States of the Convention in the 1995 conference with the second resolution;

z) SOLAS Convention - the revised version of the International Convention for the Safety of Life at Sea adopted in 1974 (which includes the protocols of 1978 and 1988);

z¹) candidate - any person seeking a certificate;

z²) shipowner - a company, an organisation or a person (an operator or a charterer of vessels without a crew), who is responsible for the operation of fishing vessels and for the fulfilment of obligations established by the relevant international standards for fishing vessels sailing under the national flag of Georgia.

2. The terms that are not defined in this Law shall be defined in accordance with the Law of Georgia on the Education and Certification of Seafarers.

Article 2 - Scope of the Law

1. This Law shall apply to sea-fishermen being both citizens of Georgia and aliens, who apply to the Agency in order to receive a certificate of competence, as well as to those persons who are employed on fishing vessels sailing under the national flag of Georgia.

2. This Law shall not apply to vessels with a length of less than 7 metres. The Agency shall establish the minimum requirements for the certification and training of the personnel of both fishing motor vessels and row boats with a length of 7 metres and less.

Article 3 - Competence of the Agency

For the purposes of this Law, the functions of the Agency shall be to:

a) issue and confirm certificates of competence and other certificates provided for by this Law;

b) monitor the system of education and training of sea-fishermen;

c) recognise and systematically monitor maritime training institutions;

d) recognise the compliance of maritime training courses with the requirements of the certification and training of seafarers as provided for by international standards and the legislation of Georgia, including this Law;

e) approve the form of and the procedure for the issuance of certificates of competence and other certificates, as well as the procedure for maintaining a register of issued certificates;

f) verify the authenticity of certificates and take measures for preventing their falsification;

g) determine the procedure for the conduct of examinations for obtaining certificates of competence and other certificates, and organise and conduct examinations;

h) draft and issue the normative acts that are necessary for executing this Law;

i) draw up administrative offence reports in accordance with procedures established by law for violations of this Law;

j) perform functions assigned to the Agency by this Law and other normative acts of Georgia.

Article 4 - System of training for sea-fishermen

1. The system of training for sea-fishermen includes vocational and higher maritime education, as well as specialised maritime training.

2. The certificate of competence and other certificates issued by the Agency shall entitle the person, who wants to work on a fishing vessel, to hold a position at any level of responsibility on the fishing vessel and to be transferred to or rotated between other positions. The procedure and the conditions for issuing certificates of competence shall be regulated by this Law.

3. Sea-fishermen shall take retraining courses at a respective maritime training institution once in every five years. These courses shall be financed by a shipowner and/or sea-fishermen themselves.

4. A shipowner shall ensure the training of sea-fishermen on a vessel in accordance with this Law and the Law of Georgia on the Education and Certification of Seafarers.



Article 5 - Recognition of a maritime training institution for sea-fishermen by the Agency

1. A maritime training institution, which conducts training for sea-fishermen, shall be recognised or monitored, or a respective maritime training course shall be recognised, in accordance with the Law of Georgia on the Education and Certification of Seafarers.
2. If a maritime training institution is recognised in accordance with the Law of Georgia on the Education and Certification of Seafarers, it shall be entitled to conduct training for sea-fishermen after the respective maritime training course has been recognised.
3. The Agency shall recognise certificates of competence or other certificates issued by maritime administrations of other states, if the system of training and certification of sea-fishermen in those states is recognised by the International Maritime Organization or if there is a respective agreement with Georgia.

Article 6 - Certificates

1. The list of certificates for the crew and personnel of a fishing vessel shall be established by the Agency.
2. The procedure for issuing certificates shall be determined by the Agency.

Article 7 - Compliance of certificates

The procedure and the conditions for ensuring compliance between the certificates issued in accordance with the Law of Georgia on the Education and Certification of Seafarers and the certificates issued in accordance with this Law shall be established by a normative act of the Agency's director.

Article 8 - Confirming certificates of competence issued by other states

Certificates of competence issued by other states shall be confirmed in accordance with the Law of Georgia on the Education and Certification of Seafarers.

Article 9 - Examination for sea-fishermen

The procedure for passing the examination by sea-fishermen in order to obtain a certificate of competence shall be determined by the Law of Georgia on the Education and Certification of Seafarers.

Article 10 - Qualification of a supervisor, an evaluator, academic personnel and an instructor

1. Supervisors, evaluators, academic personnel and instructors, who are engaged in training at maritime training institutions, shall have an appropriate higher and/or vocational education, as well as at least three years of working experience as a member of the commanding staff of a fishing vessel or at least two years of working experience as a superintendent or hold a scientific degree in the respective speciality.
2. Additional requirements for supervisors, evaluators, academic personnel and instructors shall be determined by the Agency.

Article 11 - General requirements for candidates

1. The Agency shall grant the rank of commanding staff member of a fishing vessel to a citizen of Georgia and an alien if:
 - a) he/she is at least 18 years old;
 - b) his/her health condition meets the requirements established by the legislation of Georgia;
 - c) he/she has a higher or a vocational maritime education which qualifies him/her to hold a position appropriate for the management level;
 - d) he/she has a higher or a vocational maritime education which qualifies him/her to hold a position appropriate for the operating level;
 - e) he/she holds respective certificates;
 - f) he/she has confirmed sailing experience.
2. Sea-fishermen, who are engaged in international navigation, shall know the English language within the requirements of their official duties.
3. The provision of paragraph 1(a) of this article shall not apply to skippers and chief engineers of a fishing vessel, who shall be at least 20 years old.
4. Persons with responsibilities at management and operating levels, who work on fishing vessels with a length of 24 metres and less, shall not be required to have a higher maritime education.



5. A candidate, who holds a valid certificate of competence issued based on this Law and has appropriate sailing experience, shall not be required to retake the examination in order to have the certificate renewed, if the valid certificate of competence has a higher or equivalent level to the certificate that is to be obtained after the examination.

6. Additional requirements for candidates shall be determined by the Agency.

Article 12 - Condition of health required for sea-fishermen

In order to gain the right to work as a sea-fisherman, all candidates shall take a medical examination in accordance with the Law of Georgia on the Education and Certification of Seafarers.

Article 13 - Registering and recording sea-fishermen

1. The Agency shall record all certificates of competence of skippers, officers and ratings, including issued, expired, extended, suspended, cancelled, lost and destroyed certificates, with the indication of limitation stated in the certificate.

2. Information regarding the certificates that are issued in accordance with this Law shall be accessible to any interested person in accordance with procedures established by the legislation of Georgia.

3. Shipowners shall be obliged to record and store the data and documents of sea-fishermen and, upon an official request, submit them to the Agency.

Article 14 - Responsibility of shipowners

1. Hiring a sea-fisherman who does not hold an appropriate certificate of competence or other certificates shall result in administrative liability for the shipowner under Article 66 of the Law of Georgia on the Education and Certification of Seafarers.

2. A shipowner shall assign a person responsible for the training of sea-fishermen on the fishing vessel from among the commanding staff of the fishing vessel.

3. A shipowner shall staff the crew of the fishing vessel with a safe amount of sea-fishermen, which is determined by an order of the Agency's director.

Article 15 - Making exceptions

1. In the case of the death, illness and/or injury of a sea-fisherman, or in the case of other unforeseen circumstances, the Agency may, for a specific period of time, grant the right to perform his/her duties to a seafarer who does not hold an appropriate certificate, if his/her competence is one rank lower than the rank of the position to be occupied.

2. Based on the right provided for in paragraph 1 of this article, the period of work shall not exceed two months.

3. The Agency may grant the right to a seafarer, who does not have appropriate competence, to work in the position of a skipper or a chief engineer of a fishing vessel for a period of not more than one month only in the case of the death, illness and/or injury of a skipper or a chief engineer of a fishing vessel, as well as in the case of other unforeseen circumstances.

4. The Agency shall grant the right, provided for in paragraph 1 of this article, to hold the position of a radio officer or a radiotelephone operator only in the cases provided for by the Radio Regulations.

5. Shipowners shall, within the shortest possible time, replace sea-fishermen who do not hold an appropriate certificate of competence with specialists who hold the required certificate of competence.

Article 16 - Granting access to a fishing vessel to persons who are not members of the crew or personnel

1. In exceptional cases, other persons, who do not meet the requirements of this Law and are not members of the crew and personnel, may access a fishing vessel under the responsibility of the skipper.

2. The procedure and the conditions for accessing a fishing vessel by persons provided for in paragraph 1 of this article shall be determined by an order of the Agency's director.

Article 17 - Ensuring the existence of normative acts in relation to fishing vessels

A shipowner shall ensure that a fishing vessel which is engaged in international navigation operates in accordance with the international maritime conventions and normative acts effective in Georgia in the maritime field.



Article 18 - Distribution of positions on a fishing vessel according to the levels of responsibility

1. The chief commanding staff of the management level of a fishing vessel includes:

- a) a skipper;
- b) a chief officer;
- c) a chief engineer of a fishing vessel;
- d) the second engineer of a fishing vessel;
- e) a superintendent.

2. The middle commanding staff of the operating level of a fishing vessel includes:

- a) an officer in charge of a navigational watch;
- b) an officer in charge of an engineering watch;
- c) an electro-technical officer;
- d) a GMDSS radio operator.

3. Members of the crew of a fishing vessel, who are not listed in paragraphs 1 and 2 of this article, are ratings.

4. The requirements for the assistant level shall be determined by the Agency.

Article 19 - Ranks of navigators on a fishing vessel

The navigators of fishing vessels are granted the following ranks:

- a) a skipper of a fishing vessel which is less than 12 metres in length;
- b) a skipper of a fishing vessel which is 12 to 24 metres in length;
- c) a skipper of a fishing vessel which is 24 metres or more in length;
- d) an officer in charge of a navigational watch of a fishing vessel which is 12 to 24 metres in length;
- e) an officer in charge of a navigational watch of a fishing vessel which is 24 metres or more in length.

Article 20 - Ranks of engineers on a fishing vessel

The engineers of fishing vessels are granted the following ranks:

- a) a chief engineer of a fishing vessel which has main propulsion machinery with propulsive power of 750 kilowatts or more;
- b) the second engineer of a fishing vessel which has main propulsion machinery with propulsive power of 750 kilowatts or more;
- c) an officer in charge of an engineering watch on a fishing vessel which has main propulsion machinery with propulsive power of 750 kilowatts or more;
- d) a chief engineer of a fishing vessel which has main propulsion machinery with propulsive power of 750 kilowatts or less;
- e) the second engineer of a fishing vessel which has main propulsion machinery with propulsive power of 750 kilowatts or less;
- f) an officer in charge of an engineering watch on a fishing vessel which has main propulsion machinery with propulsive power of 750 kilowatts or less.

Article 21 - Ranks of electro-technical officers on a fishing vessel

1. The electro-technical officers of fishing vessels are granted the following ranks:

- a) an electro-technical officer of the first class of a fishing vessel;
- b) an electro-technical officer of the second class of a fishing vessel.



2. An engineer may perform the functions of an electro-technical officer on a fishing vessel if the organisation of technical supervision gives approval.

Article 22 - Ranks of radio officers on a fishing vessel

1. The radio officers of fishing vessels are granted the following ranks:

- a) a GOC GMDSS operator;
- b) a ROC GMDSS operator;
- c) an operator of the first class of radio equipment;
- d) an operator of the second class of radio equipment.

2. A skipper or an officer in charge of a navigational watch may perform the functions of a radio officer on a fishing vessel if the organisation of technical supervision gives approval.

Chapter III - Requirements Established for the Commanding Staff of a Fishing Vessel

Article 23 - Training of sea-fishermen on a fishing vessel

- 1. A skipper shall develop a plan of training for the crew and personnel of a fishing vessel and agree it with the shipowner.
- 2. A skipper shall control the process of the training of the crew of a fishing vessel and inform the shipowner regarding the completion of training plans once every three months.
- 3. A skipper shall submit to the shipowner an annual written report regarding the training of the crew of a fishing vessel. The report shall include the training plans, the programmes of lessons and the list of sea-fishermen, with the evaluation of their knowledge.
- 4. A person responsible for the training of sea-fishermen, assigned by the shipowner on the fishing vessel, shall submit a complete report regarding the training of sea-fishermen to the shipowner and indicate existing problems and ways for their solution.

Article 24 - Skipper of a fishing vessel of 24 metres or more in length, which is engaged in international navigation

- 1. Besides meeting the general requirements referred to in Article 11 of this Law, all candidates shall hold the certificate of competence of an officer in charge of a navigational watch of a fishing vessel of 24 metres or more in length, which is engaged in international navigation, as well as at least 12 months of confirmed sailing experience as a skipper or an officer in charge of a navigational watch on a fishing vessel of 12 metres or more in length, and shall pass the examinations in accordance with the requirements of the legislation of Georgia.
- 2. The Agency may replace a period of not more than six months of the confirmed sailing experience referred to in paragraph 1 of this article with the same length of confirmed sailing experience as an officer in charge of a navigation watch gained in accordance with the STCW Convention.

Article 25 - Officer in charge of a navigational watch of a fishing vessel of 24 metres or more, which is engaged in international navigation

- 1. Besides meeting the general requirements referred to in Article 11 of this Law, all candidates shall have at least 24 months of confirmed sailing experience in a deck department of a fishing vessel of 12 metres or more in length, and shall pass the examinations in accordance with the requirements of the legislation of Georgia.
- 2. The Agency may replace a period of not more than 12 months of the confirmed sailing experience referred to in paragraph 1 of this article with a special maritime training programme, the duration of which is equal to the length of obligatory sailing experience, or with the same length of confirmed sailing experience gained in accordance with the STCW Convention.

Article 26 - Skipper of a fishing vessel of 24 metres or more in length, which is engaged in cabotage

- 1. Besides meeting the general requirements referred to in Article 11 of this Law, all candidates shall hold the certificate of competence of an officer in charge of a navigational watch of a fishing vessel of 24 metres or more in length, which is engaged in international navigation or cabotage, as well as at least 12 months of confirmed sailing experience as a skipper or an officer in charge of a navigational watch on a fishing vessel of 12 metres or more in length, and shall pass the examinations in accordance with the requirements of the legislation of Georgia.
- 2. The Agency may replace a period of not more than six months of the confirmed sailing experience referred to in paragraph 1 of this article with the same length of confirmed sailing experience as an officer in charge of a navigation watch gained in accordance with the STCW Convention.

Article 27 - Officer in charge of a navigational watch of a fishing vessel of 24 metres or more, which is engaged in cabotage



2. Besides meeting the general requirements referred to in Article 11 of this Law, all candidates shall have at least 24 months of confirmed sailing experience in a deck department of a fishing vessel of 12 metres or more in length, and shall pass the examinations in accordance with the requirements of the legislation of Georgia.

2. The Agency may replace a period of not more than 12 months of the confirmed sailing experience referred to in paragraph 1 of this article with a special maritime training programme, the duration of which is equal to the length of obligatory sailing experience, or with the same length of confirmed sailing experience gained in accordance with the STCW Convention.

Article 28 - Skipper of a fishing vessel of 12 to 24 metres in length, which is engaged in international navigation

1. Besides meeting the general requirements referred to in Article 11 of this Law, all candidates shall have at least 12 months of confirmed sailing experience as an officer in charge of a navigational watch of a fishing vessel of 12 metres or more in length, as well as a certificate of officer in charge of a navigational watch of a fishing vessel of 12 to 24 metres in length, and shall pass the examinations in accordance with requirements of the legislation of Georgia.

2. The Agency may replace a period of not more than six months of the confirmed sailing experience referred to in paragraph 1 of this article with the same length of confirmed sailing experience gained in accordance with the STCW Convention.

Article 29 - Officer in charge of a navigational watch of a fishing vessel of 12 to 24 metres in length, which is engaged in international navigation

1. Besides meeting the general requirements referred to in Article 11 of this Law, all candidates shall have at least 24 months of confirmed sailing experience in a deck department of a fishing vessel of 12 metres or more in length, and shall pass the examinations in accordance with the requirements of the legislation of Georgia.

2. The Agency may replace a period of not more than 12 months of the confirmed sailing experience referred to in paragraph 1 of this article with a special maritime training programme, the duration of which is equal to the length of obligatory sailing experience, or with the same length of confirmed sailing experience gained in accordance with the STCW Convention.

Article 30 - Skipper of a fishing vessel of 12 to 24 metres in length, which is engaged in cabotage

1. Besides meeting the general requirements referred to in Article 11 of this Law, all candidates shall have at least 12 months of confirmed sailing experience as a skipper or an officer in charge of a navigational watch of a fishing vessel of 12 metres or more in length, as well as a certificate of officer in charge of a navigational watch of a fishing vessel of 12 to 24 metres in length, which is engaged in international navigation or cabotage, and shall pass the examinations in accordance with the requirements of the legislation of Georgia.

2. The Agency may replace a period of not more than six months of the confirmed sailing experience referred to in paragraph 1 of this article with the same length of confirmed sailing experience gained in accordance with the STCW Convention.

Article 31 - Officer in charge of a navigational watch of a fishing vessel of 12 to 24 metres in length, which is engaged in cabotage

1. Besides meeting the general requirements referred to in Article 11 of this Law, all candidates shall have at least 24 months of confirmed sailing experience in a deck department of a fishing vessel of 12 metres or more in length, and shall pass the examinations in accordance with the requirements of the legislation of Georgia.

2. The Agency may replace a period of not more than 12 months of the confirmed sailing experience referred to in paragraph 1 of this article with a special maritime training programme, the duration of which is equal to the length of obligatory sailing experience, or with the same length of confirmed sailing experience gained in accordance with the STCW Convention.

Article 32 - Skipper of a fishing vessel which is less than 12 metres in length

1. Besides meeting the general requirements referred to in Article 11 of this Law, all candidates shall have at least 12 months of confirmed sailing experience on a fishing vessel of 12 metres or less in length and shall pass the examinations in accordance with the requirements of the legislation of Georgia.

2. The Agency may replace a period of not more than six months of the confirmed sailing experience referred to in paragraph 1 of this article with the same length of confirmed sailing experience gained on a merchant vessel.

Article 33 - Chief engineer and the second engineer of a fishing vessel, which has main propulsion machinery with propulsive power of 750 kilowatts or more

1. Besides meeting the requirements referred to in Article 11 of this Law, in order to obtain a certificate of the second engineer of a fishing vessel, all candidates shall have at least 12 months of confirmed sailing experience in an engine room of a fishing vessel, which has main propulsion machinery with propulsive power of 750 kilowatts or more, and shall hold a document confirming that he/she has completed a fire-fighting practical course and shall pass the examinations in accordance with the requirements of the legislation of Georgia.



2. The Agency may replace a period of not more than six months of the confirmed sailing experience referred to in paragraph 1 of this article with a special maritime training programme, the duration of which is equal to the length of obligatory sailing experience.

3. Besides meeting the requirements referred to in Article 11 of this Law, in order to obtain a certificate of chief engineer of a fishing vessel, all candidates shall have at least 24 months of confirmed sailing experience in an engine room of a fishing vessel, 12 months out of which shall be confirmed sailing experience as the second engineer on a fishing vessel, which has main propulsion machinery with propulsive power of 750 kilowatts or more. The candidate shall also hold a document confirming the completion of a fire-fighting practical course.

4. The Agency may change the examination programme for engineers of fishing vessels engaged in cabotage. This examination programme shall include rules related to the power of main propulsion machinery and general safety of a fishing vessel.

Article 34 - Chief engineer and the second engineer of a fishing vessel, which has main propulsion machinery with propulsive power of 750 kilowatts or less

1. Besides meeting the requirements referred to in Article 11 of this Law, in order to obtain a certificate of second engineer of a fishing vessel, all candidates shall have at least 12 months of confirmed sailing experience in an engine room of a fishing vessel which has main propulsion machinery with propulsive power of 750 kilowatts or less, and shall pass the examinations in accordance with the requirements of the legislation of Georgia.

2. The Agency may replace a period of not more than six months of the confirmed sailing experience referred to in paragraph 1 of this article with a special maritime training programme, the duration of which is equal to the length of obligatory sailing experience.

3. Besides meeting the requirements referred to in Article 11 of this Law, in order to obtain a certificate of chief engineer of a fishing vessel, all candidates shall have at least 24 months of confirmed sailing experience as the second engineer in an engine room of a fishing vessel, 12 months out of which shall be confirmed sailing experience on a fishing vessel, which has main propulsion machinery with propulsive power of 750 kilowatts or less. The candidate shall also hold a document confirming the completion of a fire-fighting practical course.

4. The Agency may change the examination programme for engineers of fishing vessels engaged in cabotage. This examination programme shall include rules related to the power of main propulsion machinery and general safety of a fishing vessel.

Article 35 - Electro-technical officer of the first class of a fishing vessel

Besides meeting the general requirements referred to in Article 11 of this Law, all candidates shall have a higher maritime education and hold a certificate of competence of an electro-technical officer of the second class. If the power of electrical equipment on the vessel is at least 1500 kilowatts, the candidate is also required to have at least 16 months of confirmed sailing experience as an electro-technical officer.

Article 36 - Electro-technical officer of a fishing vessel

1. Besides meeting the general requirements referred to in Article 11 of this Law, all candidates shall have a higher education.

2. If the power of electrical equipment on the fishing vessel is 600 kilowatts or more, besides meeting the requirements referred to in paragraph 1 of this article, candidates are required to have at least 12 months of confirmed sailing experience as an electro-technical officer.

3. The candidate may hold the position of an electro-technical officer, including the position of a chief electro-technical officer, on a vessel which has a propelling engine with total power of less than 3000 kilowatts.

4. The candidate may hold the position of an electro-technical officer, including the position of a chief electro-technical officer, on a fishing vessel, which does not have a propelling engine and the power of its electrical equipment (excluding the power of electrical equipment for fishing, processing fish and maritime activities) is at least 5000 kilowatts.

5. The candidate may hold the position of an electro-technical officer, including the position of an electro-technical officer of the second class, on any vessel.

Article 37 - GMDSS radio operator

1. The provisions of this article shall apply to operators ensuring radio communication on GMDSS-equipped vessels, in accordance with the SOLAS convention.

2. A person who is obliged or is performing functions for radio communication on a GMDSS-equipped vessel or a person who wants to obtain a certificate of competence of an officer in charge of a navigational watch of a fishing vessel, shall obtain a certificate of competence of a GMDSS radio operator, which is issued or confirmed by the Agency in accordance with the Radio Regulations.

3. According to this Law and in compliance with the SOLAS convention, in order to obtain a certificate of competence of a GMDSS radio operator, the candidate shall:

a) be a capable person who has attained the age of 18;

b) have completed recognised education and training;

c) meet the standards of qualification determined by the STCW convention.



Chapter IV - Testing the Knowledge of Candidates for Obtaining and Confirming the Period of Validity of Certificates of Competence

Article 38 - Confirming the period of validity of certificates of competence

1. The period of validity of a certificate of competence is five years.
2. Sea-fishermen shall have their certificates of competence renewed once every five years.
3. The professional competence of a candidate shall be confirmed by at least 12 months of confirmed sailing experience within the previous 5 years or by performing those functions which are equal to this length of working experience on a fishing vessel, or by completing a respective update course successfully or by having at least 3 months of confirmed sailing experience as an intern for the redundant position on a fishing vessel.

Article 39 - Testing the knowledge of candidates for obtaining certificates of competence

1. In order to obtain a certificate of competence, the knowledge of a candidate shall be tested by passing the examinations in accordance with the legislation of Georgia.
2. The knowledge of a candidate shall be tested by a permanent state maritime qualification commission, which is appointed by the director of the Agency.
3. Members of the state maritime qualification commission may attend the examinations at maritime educational and maritime training institutions.
4. The knowledge of the candidate shall be tested once in every five years.

Article 40 - Revocation and temporary suspension of the validity of certificates of competence or other certificates

1. A certificate of competence shall be revoked in the cases established by the legislation of Georgia, on the basis of a court's decision.
2. The validity of certificates of competence or other certificates may be temporarily suspended in accordance with the Maritime Disciplinary Regulations by:
 - a) the Agency;
 - b) the skipper;
 - c) the harbour master in agreement with the Agency.
3. The validity of certificates of competence or other certificates shall be temporarily suspended during the investigation of maritime incidents, whereas the further decision regarding the temporary suspension of the validity of certificates of competence or other certificates shall be made based on the results of the investigation. The term of the temporary suspension of the validity of certificates of competence or other certificates shall not exceed one year.
4. During the examination of any kind of disciplinary misconduct, the Agency shall be guided by the Maritime Code of Georgia, the Procedure for the Official Investigation of Maritime Incidents, the Maritime Disciplinary Regulations, the Law of Georgia on the Education and Certification of Seafarers, this Law and other legal acts.
5. Before the validity of a certificate of competence is renewed, the knowledge of the candidate shall be tested in accordance with this Law.

Chapter V - Transitional and Final Provisions

Article 41 - Transitional and final provisions

1. The Agency shall prepare the normative acts necessary for executing this Law within six months after it enters into force.
2. From 1 June 2013, this Law shall apply to sea-fishermen employed on vessels sailing under foreign flags, who are engaged in fishery in the territorial sea of Georgia and within the exclusive economic zone.
3. If, before the entry of this Law into force, a person has obtained a certificate of competence to hold a position appropriate for management or operating levels, and his/her qualification does not meet the requirements established by this Law, the Agency may renew the certificate of competence or issue a new certificate of competence if the knowledge and competence of this person meet other requirements established by this Law, including those regarding training and confirmed sailing experience.
4. From 1 February 2013, the Agency shall start creating an electronic data base of sea-fishermen.



5. This Law shall enter into force on 1 February 2013.

President of Georgia

M. Saakashvili

Tbilisi

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