

澳門特別行政區

REGIÃO ADMINISTRATIVA ESPECIAL
DE MACAU

行政長官辦公室

GABINETE DO CHEFE DO EXECUTIVO

第 10/2018 號行政長官公告

Aviso do Chefe do Executivo n.º 10/2018

國際海事組織海上安全委員會於二零一四年五月二十二日在其第九十三屆會議上，透過第MSC.374 (93) 號決議通過了《海員培訓、發證和值班規則》（《培訓規則》）修正案，該修正案於二零一六年一月一日在國際法律秩序上生效，包括對中華人民共和國及澳門特別行政區生效；

基於此，行政長官根據第3/1999號法律《法規的公佈與格式》第五條（一）項和第六條第一款的規定，命令公佈包含上指修正案的MSC.374 (93) 號決議的中文及英文正式文本。

上指《培訓規則》已透過第45/98號共和國議會決議公佈於一九九九年十二月十七日第五十期《澳門政府公報》第一組第三副刊。

二零一零年六月二十五日《1978年海員培訓、發證和值班標準國際公約》締約國大會通過的《培訓規則》馬尼拉修正案取代了早前的所有版本，該修正案已透過第39/2013號行政長官公告公佈於二零一三年十一月十五日第四十六期《澳門特別行政區公報》第二組副刊。

二零一八年三月二日發佈。

行政長官 崔世安

Considerando que, em 22 de Maio de 2014, na sua 93.ª sessão, o Comité de Segurança Marítima da Organização Marítima Internacional, através da sua resolução MSC.374(93), adoptou emendas ao Código de Formação, de Certificação e de Serviço de Quartos para os Marítimos (daqui em diante designado por «Código STCW»), e que tais emendas entraram em vigor na ordem jurídica internacional, incluindo a República Popular da China e a sua Região Administrativa Especial de Macau, em 1 de Janeiro de 2016;

O Chefe do Executivo manda publicar, nos termos da alínea 1) do artigo 5.º e do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), a resolução MSC.374(93) que contém as referidas emendas, nos seus textos autênticos em línguas chinesa e inglesa.

O *supra* mencionado Código STCW encontra-se publicado, através da Resolução da Assembleia da República n.º 45/98, no *Boletim Oficial de Macau* n.º 50, I Série, 3.º Suplemento, de 17 de Dezembro de 1999.

As Emendas de Manila ao Código STCW, adoptadas pela Conferência das Partes na Convenção Internacional sobre Normas de Formação, de Certificação e de Serviços de Quartos para os Marítimos em 25 de Junho de 2010, que substituem as versões anteriores do Código STCW, encontram-se publicadas através do Aviso do Chefe do Executivo n.º 39/2013 no *Boletim Oficial da Região Administrativa Especial de Macau* n.º 46, II Série, Suplemento, de 15 de Novembro de 2013.

Promulgado em 2 de Março de 2018.

O Chefe do Executivo, *Chui Sai On*.

第 MSC.374 (93) 號決議
(2014 年 5 月 22 日通過)
《海員培訓、發證和值班規則》
(《培訓規則》) 修正案

海上安全委員會，

憶及《國際海事組織公約》關於本委員會職能的第二十八條第(二)款，

還憶及《1978 年海員培訓、發證和值班標準國際公約》(《培訓公約》)(以下稱“該公約”)關於修正《海員培訓、發證和值班規則》(《培訓規則》)A 部分的程序的第 XII 和 I/1.2.3 條，

在其第九十三屆會議上，審議了按照該公約第 XII (1) (a) (i) 條提出和分發的《培訓規則》A 部分的修正案，

1. 按照該公約第 XII (1) (a) (iv) 條，通過《培訓規則》修正案，其文本載於本決議之附件；
2. 按照該公約第 XII (1) (a) (vii) (2) 條，決定所述《培訓規則》修正案將在 2015 年 7 月 1 日視為被接受，除非在此日期之前，有三分之一以上的該公約締約國或其合計商船隊佔 100 總登記噸或以上船舶的世界商船總噸位不少於 50% 的締約國表示反對該修正案；
3. 請該公約締約國注意，按照該公約第 XII (1) (a) (ix) 條，所附《培訓規則》修正案在按照上述第 2 段被接受後，將於 2016 年 1

月 1 日生效；

4. 要求秘書長遵照該公約第 XII (1) (a) (v) 條，將本決議及其附件中的修正案文本的核證無誤副本分發給該公約的所有締約國；
5. 還要求秘書長將本決議及其附件的副本分發給非該公約締約國的本組織會員國。

附件

《海員培訓、發證和值班規則》（《培訓規則》）

A 部分修正案

第 I 章 – 總則

1 在現有第 A-I/15 節之後，增加新的第 A-I/16 節如下：

“第 A-I/16 節

符合性驗證

1 就第 A-I/16 節而言，須審核的領域如下所示：

須審核的領域		
參考條目	區域	備註與概述

初始資料交流

第 IV 條、第 I/7 條和第 A-I/7 節第 2 款	初始資料交流	該締約國已按照第 IV 條和第 I/7 條交流資料了嗎？ 如果是，海安會已確定了所提供的資料示明《培訓公約》規定得以“充分和完全實施”了嗎？
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後續報告

第 IX 條和第 A-I/7 條第 3.1 款	等效	該主管機關在按照第 I/7 條交流資料後已保留/採用了任何等效教育和培訓安排嗎？ 如果是，已將此安排詳情報告秘書長了嗎？
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須審核的領域		
參考條目	區域	備註與概述
第 I/10 條和第 A-I/7 節第 3.2 款	證書的承認	該主管機關承認其他締約國按照第 I/10 條簽發的證書嗎？ 如果是，該締約國提供關於採取措施以確保遵守第 I/10 條的報告了嗎？
第 VII/1 條、第 A-I/7 節第 3.3 款	可供選擇的證書	該主管機關允許在有權懸掛其船旗的船舶上僱用持有根據第 VII/1 條簽發的可供選擇證書的船員嗎？ 如果是，已將簽發給此類船舶的該類最低安全配員證書的副本提供給秘書長了嗎？
第 I/8.3 條和第 A-I/7 節第 4 款	有關定期獨立評價的資料交流	該締約國已按照第 I/8 條交流獨立評價報告了嗎？
第 I/7.4 條和第 A-I/7 節第 5 和 6 款	關於《培訓公約》修正案的資料交流	締約國已交流關於實施《培訓公約》和《培訓規則》的後續強制性修正案的報告了嗎？
第 I/13 條第 4 和 5 款	開展試驗	該主管機關已批准有權懸掛其船旗的船舶參加試驗了嗎？ 如果是，已將此類試驗的詳情報告秘書長了嗎（第 4 款）？及 已將試驗結果的詳情報告秘書長了嗎（第 5 款）？

須審核的領域		
參考條目	區域	備註與概述
第 VIII 條	特免	該主管機關簽發了任何特免證明嗎？ 如果是，與每年簽發的特免證明有關的報告送交給秘書長了嗎？

監督

第 X 條和第 I/4 條	港口國監督	該締約國執行港口國監督了嗎？ 如果是，已制定第 X 條所要求的監督措施了嗎？
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適合上崗和值班安排

第 VIII/1 條第 1 款和第 A-VIII/1 節	防止疲勞	該主管機關已制定措施以執行《培訓公約》和《培訓規則》有關防止疲勞的要求了嗎？
第 VIII/1 條第 2 款和第 A-VIII/1 節第 10 款	防止吸毒和酗酒	該主管機關已制定措施以執行《培訓公約》和《培訓規則》防止吸毒和酗酒的要求了嗎？
第 VIII/2 條	值班安排和應遵循的原則	該主管機關已使各公司、船長、輪機長和全體值班人員注意到《培訓規則》所列的要求、原則和指導，以確保在所有海船上始終保持適合當時環境和條件的安全連續值班了嗎？

2 在表 A-I/9 的現有註 6 和 7 末尾，加上以下新的文字：

“目前業經主管機關認可的其他等效的確認試驗方法可繼續使用。”

RESOLUTION MSC.374(93)
(adopted on 22 May 2014)

**AMENDMENTS TO THE SEAFARERS' TRAINING,
CERTIFICATION AND WATCHKEEPING (STCW) CODE**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO article XII and regulation I/1.2.3 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, hereinafter referred to as "the Convention", concerning the procedures for amending part A of the Seafarers' Training, Certification and Watchkeeping (STCW) Code,

HAVING CONSIDERED, at its ninety-third session, amendments to part A of the STCW Code, proposed and circulated in accordance with article XII(1)(a)(i) of the Convention,

1 ADOPTS, in accordance with article XII(1)(a)(iv) of the Convention, amendments to the STCW Code, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article XII(1)(a)(vii)(2) of the Convention, that the said amendments to the STCW Code shall be deemed to have been accepted on 1 July 2015 unless, prior to that date, more than one third of Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tonnes or more, have notified their objections to the amendments;

3 INVITES Parties to the Convention to note that, in accordance with article XII(1)(a)(ix) of the Convention, the annexed amendments to the STCW Code shall enter into force on 1 January 2016 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, in conformity with article XII(1)(a)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the Convention;

5 ALSO REQUESTS the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization, which are not Parties to the Convention.

ANNEX

**AMENDMENTS TO PART A OF THE SEAFARERS' TRAINING,
CERTIFICATION AND WATCHKEEPING (STCW) CODE**

CHAPTER I – GENERAL PROVISIONS

1 A new section A-I/16 is added after the existing section A-I/15 that reads as follows:

"Section A-I/16

Verification of compliance

1 For the purpose of regulation I/16 the areas that shall be subject to audit are indicated in the table below:

AREAS SUBJECT TO BE AUDITED		
REFERENCE	AREA	REMARKS AND SUMMARY DESCRIPTION

INITIAL COMMUNICATION OF INFORMATION

Article IV, regulation I/7, and section A-I/7, paragraph 2	Initial communication of information	Has the Party communicated information pursuant to article IV and regulation I/7? If yes, has the Maritime Safety Committee confirmed that the information provided demonstrates that "full and complete effect" is given to the provisions of the STCW Convention?
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SUBSEQUENT REPORTS

Article IX and section A-I/7, paragraph 3.1	Equivalentents	Has the Administration retained/adopted any equivalent educational and training arrangements since communicating information pursuant to regulation I/7? If yes, have the details of such arrangements been reported to the Secretary-General?
Regulation I/10 and section A-I/7, paragraph 3.2	Recognition of certificates	Does the Administration recognize certificates issued by other Party in accordance with regulation I/10? If yes, has the Party submitted reports on the measures taken to ensure compliance with regulation I/10?
Regulation VII/1, section A-I/7, paragraph 3.3	Alternative certification	Does the Party authorize employment of seafarers holding alternative certificates issued under regulation VII/1 on ships entitled to fly its flag? If yes, has a copy of the type of minimum safe manning document issued to such ships been provided to the Secretary-General?

AREAS SUBJECT TO BE AUDITED		
REFERENCE	AREA	REMARKS AND SUMMARY DESCRIPTION
Regulation I/8.3 and section A-I/7, paragraph 4	Communication of information concerning the periodic independent evaluation	Has the Party communicated its report of independent evaluation pursuant to regulation I/8?
Regulation I/7.4, and section A-I/7 paragraphs 5 and 6	Communication of information concerning STCW amendments	Has the Party communicated a report concerning implementation of subsequent mandatory amendments to the STCW Convention and Code?
Regulation I/13, paragraphs 4 and 5	Conduct of trials	Has the Administration authorized ships entitle to fly its flag to participate in trials? If yes, have the details of such trials been reported to the Secretary-General (paragraph 4)?, and Have the details of results of the trials been reported to the Secretary-General (paragraph 5)?
Article VIII	Dispensations	Has the Administration issued any dispensation? If yes, are reports related to dispensations issued during each year sent to the Secretary-General?

CONTROL

Article X and regulation I/4	Port State control	Has the Party exercised port State control? If yes, have control measures as required under article X been established?
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FITNESS FOR DUTY AND WATCHKEEPING ARRANGEMENTS

Regulation VIII/1, paragraph 1 and section A-VIII/1	Fatigue prevention	Has the Administration established measures to enforce the STCW Convention and Code requirements in respect of fatigue prevention?
Regulation VIII/ 1, paragraph 2 and section A-VIII/1, paragraph 10	Prevention of drug and alcohol abuse	Has the Administration established measures to enforce STCW Convention and Code requirements for the purpose of preventing drug and alcohol abuse?
Regulation VIII/2	Watchkeeping arrangements and principles to be observed	Has the Administration directed the attention of companies, masters, chief engineer officers and all watchkeeping personnel to the requirements, principles and guidance set out in the STCW Code to ensure that safe continuous watches appropriate to prevailing circumstances and conditions are maintained in all seagoing ships at all times?

2 The following new text is inserted at the end of the existing notes 6 and 7 of table A-I/9 as follows:

"Other equivalent confirmatory test methods currently recognized by the Administration may continue to be used."