

## CIRCULAR STCW No.001/2023

The General Direction of the Merchant Marine NOTIFIES: to all National and International Training Centers, maritime users and Legal Representatives the following:

### CONSIDERING:

1. The Constitution of the Republic of Honduras, in Chapter III (Of the Treaties), Article 15. Honduras endorses the principles and practices of international rights that propose human solidarity, regarding the self-determination the people, to the non intervention and consolidation of peace and universal democracy. Article 18. In case of conflict between a Convention and the law, the former shall prevail. Article 321. State servants have no more powers than those expressly conferred by law. Any act that they execute outside the law is null or implies responsibility;

2. Article 94 of the United Nations Convention on the Law of the Sea (UNCLOS) regarding the Duties of the Flag State; It establishes that every State will take, in relation to ships that fly its flag, the necessary measures to guarantee safety at sea in regards, among other issues, to (Navigation Conditions, rescue devices, radio communications, qualified personnel who know the regulations on the safety of life at sea, prevention of collisions and prevention of marine pollution);

3. The International Convention on Standards for Training, Certification and Watchkeeping for Seafarers (STCW 78, as Amended) in Article VI, titles of captain, officer or sailors will be issued to applicants who, according to criteria that the administration deems satisfactory, meet the necessary requirements in terms of seagoing periods, age, physical fitness, training, competence and examinations in accordance with the provisions of the annex of the agreement;

4. Rule 1/6 (Training and Evaluation) of the STCW Convention, as Amended and Section A 1/.6 (Training and Evaluation) of the Training Code and Section B. 1/6 (Guidelines on Training and Evaluation) of the Convention STCW 78 Amended on the use of distance learning and e-learning;

5. Article I of the STCW Convention, as Amended, obliges the Parties to comply with the provisions of the Agreement and its Annexes, which will be an integral part thereof. Any reference to the agreement will also imply a reference to the Annex;

The parties undertake to promulgate all the laws, decrees, orders, and necessary regulations and to take all the necessary measures to give the Convention full effectiveness and thus guarantee that, both from the point of view of the safety of human life and property at sea and for the protection of the marine environment, seafarers enrolled in ships who have the competence and due aptitude to perform their functions;

6. Rule 1/8 of the STCW Convention, in accordance with the provisions of Section A. 1/8, of the Training Code, evaluation of competence, qualification, including medical certificates, endorsements and revalidation, carried out under its authority by non-governmental organizations or entities, which monitor at all times the framework of a system of quality standards, to guarantee the achievement of the defined objectives, including those related

to the qualifications and experiences of the instructors and evaluators and in the cases in which government agencies or entities are in charge of such activities, should have an established system of quality standards;

7. This Maritime Authority has the obligation to guarantee that the seafarers who work on board national and international ships have the necessary skills and aptitudes to perform their duties; that the training is administered, supervised and monitored; and that those responsible for the training of seafarers are duly qualified, for the type and level of training, in accordance with provisions 1/6 of the STCW Convention, as Amended and Section A.1/6 of the Training Code, therefore, it considers feasible to authorize the Maritime Training Centers approved by this Honduran Maritime Authority through the modality of distance education and electronic learning, of the courses that are theoretical and that do not require any practice;

8. Following the principles of continuous improvement, it is important for this Maritime Authority to carry out a constant analysis of the regulations implemented and verify its effectiveness, which makes it necessary to update the regulations that regulate maritime training centers for seafarers;

9. Through Agreement DGMM No. 016-2015, the requirements for the recognition of training centers are established;

10. Through Decree No. 167-94, the Organic Law of the Merchant Navy is created, in its Article 91, it establishes that the administrations, and conditions of all activities related to the Merchant marine and maritime transport, maritime safety, training and certification of seafarers, marine environmental protection and maritime protection will be the responsibility of the General Direction of the Merchant Marine (DGMM), which will function as a decentralized entity of the executive power.

11. Article 92 of the Organic Law of the Merchant Marine establishes that the General Direction of the Merchant Marine will have the following attributions: 1) Comply with and enforce the Constitution of the Republic, the International Maritime Agreements of which Honduras is a party of, 3) Control maritime traffic in coordination with the Honduran Naval Force, a dependency of the Honduran Armed Forces, 8) Advise the Professional Training Institute (INFOP) in the training of seafarers;

12. Decree No. 120-2016, Reforms Article 92, numeral eight (8), where it is clear and it is established that the General Direction of the Merchant Marine (DGMM) is in charge of directing the Training and Certification under the Guidelines established in the STCW 78, as Amended;

13. The Regulations for the Organization, Functioning and Competences of the Executive Power establish that the activity and Functioning of the Public Administration is subject to the principles of legality, responsibility, efficiency, rationalization, coordination and simplification; understanding by legality the subjection to the legal system, observing the normative hierarchy; by virtue of the principle of rationalization, the administrative structures will be reviewed to avoid duplication or interference, defining the attributions of the organs and its hierarchical dependency, for which purpose internal dependencies will be merged, suppressed or reorganized.

**By virtue of the foregoing, it is COMMUNICATED:**

**FIRST:** The General Directorate of the Merchant Marine (DGMM) is promoting the modernization of the State to adapt it to the circumstances that prevail in the international scope to date, an evaluation is being made to specify the training through the use of distance and electronic learning, Therefore, it requires that the authorized and interested training centers must notify this Authority if they have the technological resources to teach certain courses under the modality described above, as well as to provide access to check if the electronic platform meets the teaching standards required in the Training Code;

**SECOND:** It is required that, no later than Wednesday, March 01 of the current year, they deliver the tools to provide this type of electronic and distance learning;

**THIRD:** It is requested that no later than June 1 of the current year, the authorized training centers must have a database for verification of online courses, this measure is adopted in order to provide a better service and speed in the processes;

**FOURTH:** It is authorized that the refresher courses can be taught by the Authorized Training Centers, under the distance and electronic modality, as long as they are theoretical courses, which this Maritime Authority will list, said measure is not applicable to promotions or evaluations;

**FIFTH:** Render void and effect Circulars GM-007-2022 and GM-008-2022;

**SIXTH:** The technical, legal and administrative requirements for the issuance of Certificates of Competence are authorized. (For immediate application for international training centers);

**SEVENTH:** The Bridge Team Management (BTM) and the Engineer Team Management (ETM) courses are mandatory for the operational level (Machines and Deck) and the Bridge Resource Management (BRM), Engineer Resource Management (ERM) course is mandatory for the management level of Engines and Deck (immediate application);

**EIGHTH:** As of April 1, 2023, the High Voltage Course will be required for the Chief Engineers, Officers in charge of the Engine Guard and Electronic Officers;

**NINTH:** As of April 1, 2023, the stowage and cargo handling course will be mandatory for the Captain and First Deck Officer, for which a cost will be established for it.

**TENTH:** As of April 1, 2023, the go fast rescue boat driving course is mandatory for deck personnel at the management and operational levels.

ELEVENTH: The Maritime Authority reserves the right to request any additional information to that already required in Article VI of the STCW Convention, as Amended for the issuance of Certificates of Competence nonetheless, in the future, new technologies will be developed and applied for evaluations and promotions to the next immediate superior rank.



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