

# **PROCEDURE FOR SUSPENSION OR REVOCATION OF THE ENDORSEMENT TO A CERTIFICATE OF COMPETENCY OR A CERTIFICATE OF PROFICIENCY OF SHIP'S OFFICERS**

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RTL 2002, 138, 2020  
entry into force 01.01.2003

This Regulation is established on the basis of subsection 21 (10) of the Maritime Safety Act.

## **§1. Definitions**

- (1) [Repealed]
- (2) [Repealed]
- (3) [Repealed]
- (4) An act which poses a direct threat to navigation means an act that causes a shipping accident, risks human health and life, or constitutes a severe breach of the provisions of IMO conventions, and other legislation on maritime safety, that the Republic of Estonia has acceded to.

## **§2. Suspension or revocation of an endorsement**

- (1) The basis for suspension or revocation of an endorsement is an act which poses a direct threat to navigation.
- (1<sup>1</sup>) The basis for the suspension of the endorsement is the submission of a document that is forged, fraudulently obtained, or contains false information that is decisive for the issuance of the endorsement.
- (2) Suspension or revocation of an endorsement shall be formalized by the Estonian Transport Administration.
- (2<sup>1</sup>) The decision to suspend or revoke the validity of the endorsement shall state:
  - 1) name of the administrative act – directive;
  - 2) time and place of making the decision;
  - 3) serial number of the endorsement;
  - 4) first and last name of the holder of the certificate of competency or certificate of proficiency;
  - 5) reference to the legal basis for suspending or revoking the validity of the endorsement;
  - 6) the term of suspension of validity of the endorsement or the time of revocation;
  - 7) justification of the decision;
  - 8) name, signature, position, name and address of the authorized official who made the decision.
- (3) A directive of the Estonian Transport Administration about suspending or revoking an endorsement shall be forwarded to the owner of the endorsement immediately after the decision is made. The directive shall be published on the website of the Estonian Transport Administration.
- (3<sup>1</sup>) The Estonian Transport Administration immediately informs the maritime administration of the country that issued the endorsement of the decision to suspend or revoke a foreign endorsement recognized by the Estonian Transport Administration.
- (4) In case a person holds several certificates of competency or certificates of proficiency in the same speciality, the endorsements to all those certificates of competency or certificates of proficiency shall be deemed as suspended or revoked.

(5) The company or the person on whom the penalty has been imposed may submit an application to the Estonian Transport Administration for issuing an endorsement that will allow the person on whom the penalty has been imposed to perform duties in lower capacity.

### **§3. Returning an endorsement**

(1) If an endorsement has been suspended or revoked, the holder is obligated to return the endorsement to the Estonian Transport Administration within three working days as of the date of familiarization with the directive specified in subsection 2 (2) of this Regulation.

(2) If the holder of the endorsement has not returned the endorsement within three working days, it shall be taken by a ship supervision inspector of the Estonian Transport Administration during the inspection of the ship.

### **§4. Calculation of the term of the penalty**

(1) The term of suspension or revocation of an endorsement shall be calculated as of the date the endorsement is returned to the Estonian Transport Administration.

(2) Records of suspension and revocation of endorsements shall be kept at the Estonian Seafarers Information System. The documents about suspension and revocation of endorsements shall be kept on record for ten years.

(3) Upon expiry of the term specified in the decision to suspend the validity of the endorsement, the suspended endorsement will be reissued again.

### **§5. Reissue of an endorsement**

[Repealed]

### **§6. Issue of a new endorsement**

[Repealed]

### **§7. Entry into force of Regulation**

This Regulation enters into force on 1 January 2003.