



South African Maritime Safety Authority

Ref: SM6/5/2/1

Date: 14 August 2018

Marine Notice No. 28 of 2018

The International Certificate of Competence

TO VESSEL OWNERS, AUTHORISED AGENCIES, YACHT CLUBS, MARINAS, LOCAL AUTHORITIES AND PRINCIPAL OFFICERS

Summary

This marine notice sets out SAMSA's policy for the issuing of the International Certificate of Competence (ICC) and the limitations of the acceptance of the ICC in South African Waters

Background

The International Certificate for Operators of Pleasure Craft – more commonly known as the International Certificate of Competence or ICC – is defined in Resolution 40 of the Working Party on Inland Water Transport of the United Nations Economic Commission for Europe (UNECE). The UNECE should not be confused with the EU. The membership of the UNECE is much broader, including Russia and many other countries in Eastern Europe.

In terms of Resolution 40, countries which accept Resolution 40 are:

1. entitled to issue the ICC subject to the requirements specified in Resolution 40; and
2. required to accept the ICC in their national waters subject to appropriate limitations.

Many charter companies require skippers of recreational vessels to have a Certificate of Competence. (CoC). Increasingly the ICC is the certificate best recognized by charter companies and officials in the Mediterranean. Charter companies and officials in some Mediterranean countries that have not accepted Resolution 40 nevertheless recognize the ICC.

Because many recreational sailors enjoy chartering yachts in the Mediterranean for sailing holidays, South African Sailing began discussions in 2010 with the UNECE Working Party on Inland Water Transport on the possibility of SA signing Resolution 40, notwithstanding the fact that SA was not a member on the UNECE. At that time, only UNECE member states had signed Resolution 40. As a result of these discussions, SAMSA signed Resolution 40 on behalf of South Africa in 2011, and delegated the authority to issue the ICC to South African Sailing. List of competent authorities and approved bodies for issuing ICCs is available on website www.UNECE.org

SAS issues more than 100 ICC's a year. The vast majority of these are for sail and power, and are based on SAS Certificates of Competence. However, SAS does also issue ICC's for power only based on SAMSA national Certificates of Competence.

Coastal and Inland Waters ICC's

Resolution 40 contemplates ICC's for Coastal Waters or Inland Waters or both. The Inland Waters ICC requires an understanding of some quite complex European CEVNI* inland waters regulations. SA does not issue ICC's for Inland Waters.

(* *Européen des Voies de Navigation Intérieure (CEVNI)* is the code governing navigation on the interconnected European inland waterways.)

Requirements for the issue of the ICC.

Countries that have signed Resolution 40 may only issue the ICC "to their own nationals or residents or to the nationals of any North American country or to any country that is not a member of the United Nations Economic Commission for Europe" To avoid offending any of the UNECE countries involved, SAS may only issue the ICC to:

1. SA residents or SA nationals who can prove their status by providing a copy of their South African ID document.
2. Nationals of any North American country or any country that is not a member of the UNECE who can prove their status by providing a current passport.

The minimum Certificate of Competence required for the issue of the ICC are given in the table below.

| South African Certificate of competence | International Certificate of Competence |
|--|---|
| SAS Day Skipper Certificate for sail and power or higher SAS Certificate for sail and power | Power and sailing vessels < 24m in coastal waters |
| SAS Day Skipper Certificate for power only or higher SAS certificate for power only | Power vessels < 24m in coastal waters |
| SAMSA Day Skipper Category C <9m SAMSA Day Skipper Category C <9m SAMSA Day Skipper Category C <9m SAMSA Day Skipper Category C <9m | Power vessels < 9m in coastal waters |
| SAMSA Day Skipper Category C >9m (<100GT) SAMSA Day Skipper Category C >9m (<100GT) SAMSA Day Skipper Category C >9m (<100GT) SAMSA Day Skipper Category C >9m (<100GT) | Power vessels < 24m in coastal waters |

Holders of older styles of certificates such as those issued by Pretoria for category A1(1) or A1(4) do not qualify for an ICC. Holders of these certificates must have them converted by SAMSA to the new format before applying for an ICC.

The certificates in the table above may only be issued to applicants who have reached 16 years of age.

The application forms for an ICC are available on the SAS web site and may be obtained from the SAS offices in Durban or Cape Town.

Contact Details:

SAS National / Western Cape

Tel: (021) 531 1860 / (021) 531 8022 E-mail: leila@sailing.org.za

Physical address: Unit B42 Pinelands Business Park, New Mill Road, Pinelands, 7405.

SAS Kwazulu Natal

Tel: +27 (0)31 301 3078 E-mail: debbieg@sailing.org.za

Physical address: 3 Maritime Place, Point Yacht Club, DURBAN, 4000

Limitations on the Acceptance of the ICC in South African Waters

Unless on innocent passage, Regulation 16(7) of the MERCHANT SHIPPING (NATIONAL SMALL VESSELS SAFETY) REGULATIONS 2007 clearly states the requirements of skipper certificates for foreign nationals operating in South African waters.

“A skipper who is not permanently resident in the Republic who holds or carries a certificate of competence or license issued by a foreign government which, in terms of such government certificate or license authorizes the skipper to operate the type of vessel is deemed to hold a certificate of competence in terms of these Regulations for a period of three months after arrival in the Republic, provided that he or she carries such certificate with him or her.”

Regulation 16.7 applies *“for a period of three months after arrival in the Republic”* without in any way qualifying the nature of that arrival. It therefore applies inter alia to:

1. Foreign nationals who visit SA to charter a vessel for a holiday. That provides the reciprocity envisaged in UNECE Resolution 40.
2. Foreign nationals who move to South Africa. They have three months to obtain a South African Certificate of Competence.
3. The skippers of foreign yachts visiting South Africa. They may pass through South African waters under the right of innocent passage. They may also enjoy sailing in South African waters based on Regulation 16(7), provided they get a CoF for their vessel.
4. In accordance with Regulation 16 (7) of the National Small Vessel Safety Regulations, the recognition of the ICC is subject to the condition that it will only be recognized when held by foreign nationals visiting South Africa, and will only be recognized for three months.

The motivation for this limitation is to ensure that South African nationals and South African residents do not use the ICC to bypass more demanding local qualifications on a permanent basis. This motivation was discussed with the UNECE Working Party for Inland Water Transport before SA accepted resolution 40, and was included in South Africa’s acceptance of Resolution 40.

The format of the South African ICC is given in Annex 1.

14 August 2018

SM6/5/2/1

Issued by and obtainable from:
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E-mail: marinenotices@samsa.org.za

Web Site : www.samsa.org.za

ANNEX 1 SAMPLE ICC CERTIFICATE AS ISSUED BY SOUTH AFRICAN SAILING

The certificate is an A5 sheet of paper printed in colour on both sides and enclosed in a plastic folder.

Front

| INTERNATIONAL CERTIFICATE FOR OPERATORS OF PLEASURE CRAFT | | | |
|---|---|--|---|
|  |  | Certificate number 2018.098 | |
| Name | Laid Back Yachtie | Valid for: | |
| SA ID number | 990401 5001 999 | Coastal Waters | Yes |
| Residential Address | 99 No Such Street No Such Suburb No Such Town 9999 South Africa | Inland Waters | No |
| Country of Birth | South Africa | For use on the following pleasure craft: | |
| Date of Birth | 01 April 1999 | Power vessels up to 9m | Yes |
| Nationality | South Africa | Power vessels up to 24m | Yes |
| Holder's signature | <small>(not valid unless signed by the holder)</small> | Sailing vessels up to 24m | Yes |
| | | Personal Watercraft | Yes |
| | | Date issued | 01 April 2018 |
| | | Date of Expiry | 01 April 2023 |
| | | Issued by | South African Sailing |
| | | Authorised by | <small>For South African Sailing</small> |

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| <p>REPUBLIC OF SOUTH AFRICA</p>  | <p>REPUBLIC OF SOUTH AFRICA</p> <p>Issued by</p>  <p>SOUTH AFRICAN SAILING</p> <p>As authorised by the South African Maritime Safety Authority</p> |
| <p>INTERNATIONAL CERTIFICATE FOR OPERATORS OF PLEASURE CRAFT In conformity with resolution No 40 of the Working Party on Inland Water Transport United Nations Economic Commission for Europe</p> | <p>INTERNATIONAL CERTIFICATE FOR OPERATORS OF PLEASURE CRAFT In conformity with resolution No 40 of the Working Party on Inland Water Transport United Nations Economic Commission for Europe</p> |
| <p>CERTIFICAT INTERNATIONAL DE CONDUCTEUR DE BATEAUX DE PLAISANCE Conformément à la <u>résolution</u> No 40 du Groupe de travail des transports par <u>voie navigable</u> Commission <u>Economique</u> des Nations <u>Unies</u> pour l' Europe</p> | <p>CERTIFICAT INTERNATIONAL DE CONDUCTEUR DE BATEAUX DE PLAISANCE Conformément à la <u>résolution</u> No 40 du Groupe de travail des transports par <u>voie navigable</u> Commission <u>Economique</u> des Nations <u>Unies</u> pour l' Europe</p> |