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A specialized agency of the United Nations



**A LAW TO AMEND THE MARITIME NAVIGATION
LAW TO INCORPORATE THE SEAFARERS'
IDENTITY DOCUMENT CONVENTION 2003**

**A Legislation Drafting Project submitted in partial fulfilment of the
requirements for the award of the Degree of Master of Laws (LL.M.) in
International Maritime Law at the IMO International Maritime Law
Institute**

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Introduction

This project deals with the Seafarers Identity Document Convention and its implementation in Serbian law in accordance with current international regulations.

The International Labour Organisation (ILO) adopted at its 91 session in June 2003 the Seafarers Identity Documents Convention (revisited) (No185). The Convention provides a uniform and global document for seafarers which enables their positive and verifiable identification which is crucial for facilitating their movement and for improving maritime security. There was another instrument, —namely Seafarers' Identity Document Convention of 1958¹ which dealt with the same issue. However it proved to be inadequate in view of the unfortunate events of 11th September 2001. A few important decisions and amendments were made at the time, beginning with the International Maritime Organisation (IMO) 2002 amendments to the International Convention for the Safety of Life at Sea² (SOLAS), aimed to enhance maritime security on board ships and at ship/ports interface areas, where special importance was given to the International Ship and Port Facility Security Code (ISPS Code). At the same time IMO had also requested from ILO to update its Convention (No 108) originating from 1958, which, although widely ratified, was outdated with respect to its security measures. These developments led to the adoption of Convention No.185 in June 2003.

The Convention entered into force on the 9 February 2005 and so far has now been ratified by 28 countries namely: Albania, Azerbaijan, the Bahamas, Bangladesh, Bosnia and Herzegovina, Brazil, Congo, Croatia, France, Hungary, Indonesia, Jordan, Kazakhstan, Kiribati, the Republic of Korea, Lithuania, Luxembourg, Madagascar, Marshall Islands, the Republic of Moldova, Nigeria, Pakistan, the Philippines, the Russian Federation, Spain, Turkmenistan, Vanuatu and Yemen.

The European Union Council has recommended its ratification by all EU members by its Decision 2005/367/EC and the United Nations General Assembly on 28 December 2008 invited all States to ratify the Convention.

¹ Seafarers Identity Document Convention (No 108) was adopted in Geneva during the 41st ILO session on 13 May 1958, entry in force on 19 February 1961, it has been ratified by 64 States.

² SOLAS Convention was adopted on 1 November 1974, entry into force on 25 May 1980, it has been amended many times to keep it up to date.

The Seafarers' Identity Document Convention 2003

The main objective of the ILO's Convention No 185 is to ensure maritime security by providing positive identification for seafarers which will facilitate the granting of shore leave and which is beneficial both for ship's crew and for boarding authorities at all ports of call.

The Convention provides a definition for seafarer as "any person who is employed or engaged or works in any capacity on board a vessel, other than a war ship, ordinarily engaged in maritime navigation."³ The Serbian Maritime Navigation Law deals with persons engaged in duties on board a ship without offering a more precise definition of who is considered as a seafarer. In order to properly implement the Convention, the Maritime Navigation Law would need to be amended. Therefore, it should contain explicit definition of a seafarer as it is given in the Convention.

The Convention has introduced several requirements for a secure and reliable issuance of identification document system for ratifying States.⁴ One significant improvement of the Convention over the former Convention 108 is to restrict issuance of Seafarer's Identity Document (SID) by each member State only to its own nationals or permanent residents, as explained in article 2. The purpose of this requirement is to eliminate practices of flag States to issue SIDs to all crew members (including foreign seafarers) serving on the ship.

Still, the most important innovation in Convention No185, relates to the introduction of modern security features in materials used for the document and its biometric features -the fingerprint template stored in a bar code and the digital photograph, which is set out in Annex I. As stated in article 3: "The SID shall be designed in a simple manner, be made of durable material, with special regard to conditions at sea and be machine readable. The materials used shall prevent tampering with the document or falsification and enable easy detection of alterations". Annex I requests that the materials, dimensions and placement of data in SID must conform to International Civil Aviation Organisation (ICAO) specifications as contained in document 9303 standards. The same Annex states that other security features shall include at least one of the following features:

³ Article 1

⁴ Article 2

watermarks, ultraviolet security features, use of special ink, special colour designs, perforated images, holograms, laser engraving, micro-printing and heat-sealed lamination.

In 2004, ILO introduced the first international interoperable biometrics system. This means that every ratifying country which issues SiD is able to use the same template derived from fingerprints and to incorporate it in a bar code, whilst at the same time every country which the seafarer is visiting is in position to read the bar code and verify the seafarer as a holder of a SID.

In that respect the national electronic database shall record issuance of each SID as well as its suspension and withdrawal and each ratifying country shall determine permanently available national focal points to provide information to immigration authorities as it is prescribed in article 4.

Unlike the former Convention No 108, Convention No 185 however does not consider SID as travel document and it prescribes that SID is a stand-alone document and it can not replace the passport.

Minimum requirements concerning processes and procedures for issuance of SID, including quality control procedures, are set out in Annex III of the Convention. These minimum requirements establish mandatory results which must be achieved by each member are laid down in part A and recommendations for achieving these results in part B.

Mandatory requirements set out in part A are: production and delivery of blank SIDs, custody, handling and accountability for blank and completed SIDs, processing of applications, suspension or withdrawal of SIDs, appeal procedures, operation, security and maintenance of the database.

Recommended procedures and practices consist of the same elements as in part A, expanded and more detailed set up, which relate to the procedure of production and delivery of blank SIDs (production process, specifications for materials, obligations of employees who work on production), custody, handling and accountability for blank and completed SIDs, internal rules of the issuing authority, processing of applications, operation, security and maintenance of the database, quality control of procedures and periodic evaluations.

Finally, article 5 set out very important security features that relate to a system of international audit to ensure that ratifying countries follow requested standards. Every member State needs to conduct independent evaluation of its SID's issuance system every five years and submit a report to the ILO

Office. The Governing Body of the ILO accordingly makes its decision, based on independent evaluation, whether a member State fully meets the minimum requirements or not. The list must be available to all ILO members, not only to ratifying members.

A valid SID gives a seafarer the ability to enjoy shore leave when the vessel on which he is employed is in port and visa shall not be required, as defined by Article 6. This is however to facilitate seafarers movements across international borders for the purposes of transit, transfer or repatriation. This means that each ratifying member State shall in the shortest possible time, permit entry into its territory of a seafarer holding a valid SID, when entry is requested for shore leave or any other professional purposes.

Reasons for Serbia to accede to the Convention

There are many reasons for Serbia to accede to the current Seafarers' Identity Document Convention, of which the most important are related to security issues, seafarers benefits and rights, as well as the Countries aspirations.

Although a landlocked country, Serbia has currently between 1500-2000 registered seafarers serving on board of foreign vessels and hence a great interest in the welfare of its seafarers. Currently Serbian seafarers are facing various problems while entering the territory of States that request seafarers' identity document aiming to take shore leave, or for transit, transfer or repatriation. Hence, an up to date SID should resolve this problems. In addition it would simplify movement for foreign seafarers who use Serbian territory for transit in order to reach their ship or to repatriate.

Moreover, the Country has always shown high level of interest in maritime security issues and the implementation of this Convention in national law would facilitate this.

Lastly, the European Union has recommended the ratification of the Convention to all EU members. Since Serbia wishes to become an EU member state, it needs to adjust its legislative framework to that of other Member States, and therefore implement the Convention.

Implementation of the Convention No185 in Serbian Maritime Navigation Law

In Serbian constitutional system, its Parliament is empowered to ratify or accede to international conventions. Very importantly, according to Article 16 of the Serbian Constitution, generally accepted rules of international law and ratified international treaties are accepted as an integral part of the legal system in the Republic of Serbia and they apply directly. However, ratified international treaties must be in accordance with the Constitution.

The ratification of / accession to international conventions is regulated by the Conclusion and Execution of International Agreements Act. The procedure is straight forward and implies that Ministry for Foreign Affairs indicates the need and initiates a procedure for ratification / accession of a treaty by proposing a draft law in that respect, to the Government. It is on the Government to verify the proposal and the Law, and submit such verified draft Law to the Parliament for approval, which is empowered to approve the ratification and accession of any military, political and economic treaties, as well treaties that create financial obligations and treaties requesting enacting or amending of existing acts according to article 14. Following the approval, the instrument of ratification/accession is issued under the signature of Minister for Foreign Affairs according to article 15. Finally, in terms of article 16 the newly accepted Law which approves the ratification/ accession to treaty with the complete text of the Treaty, is published in national gazette 30 days upon the day of proclamation of that Law. The Ministry of Foreign Affairs shall publish by notice the date on which the treaty enters into force for Serbia in national gazette.

Serbia is not a party to the Convention and therefore the above explained procedures will be followed to accede to the treaty.

Although the Maritime Navigation Law was adopted in 2011 it has not reflected the provisions of 2003 Convention. Even though Serbia never become party to the 1958 Convention it did include provision related to seamen's book, complying very much with the 1958 Convention. In view of this, the Maritime Navigation Law will be amended by replacing the text of article 84, which deals with the seamen's book, with relevant provisions in order to comply with the 2003 Convention.

Additionally, in line with the drafting technique of Serbia, articles 84a-84f will be added in order to ensure proper implementation of the Convention. Lastly, article 4 which deals with definitions will be amended to add definitions of the seafarer, International Labour Organisation and the Convention 2003.

LAW

No XXXXXXXX

Date XXXXXXXX 2015

ON ACCESSION OF THE REPUBLIC OF SERBIA TO THE INTERNATIONAL
CONVENTION ON

“SEAFARERS’ IDENTITY DOCUMENT” 2003

In accordance with articles 99 and 123 of the Constitution, based on proposal of the Government,

THE PARLIAMENT
OF
THE REPUBLIC OF SERBIA
DECIDES:

Article 1

The Republic of Serbia accedes to the International Convention on Seafarers’ Identity Document 2003

Article 2

The present Law enters into force 8 days after publication in the Official Gazette

Published under the Decree No xxxxxx date xxxxx 2015 of the President of Republic of Serbia,
Tomislav Nikolic

The Convention is translated to Serbian language and is attached to the above Law

**A LAW TO AMEND THE MARITIME NAVIGATION LAW TO INCORPORATE
THE SEAFARER'S IDENTITY DOCUMENT CONVENTION 2003**

In accordance with articles 99 and 123 of the Constitution, based on the proposal of the Government

THE PARLIAMENT
OF
THE REPUBLIC OF SERBIA
DECIDED:

Article 1

The following text is added as article 4 paragraph 64, 65, 66:

- 64. Seafarer means any person who is employed or is engaged or works in any capacity on board of a ship.
- 65. Organisation means International Labour Organisation
- 66. 2003 Convention means Seafarers Identity Document Convention (No 185), 2003

Article 2

Article 84 paragraph 3 is replaced by the following text:

- 1. The Seafarer's book is a document which verifies qualification for working on a board ship, seafarer's health condition, duration and capacity according to current employment on a ship.

Article 84 paragraph 4 is replaced by following text:

- 2. The Seafarer's book, issued by Belgrade Port Authority, gives right to its owner to be a member of a crew in a ship which sails in international navigation, as well as to travel abroad for boarding on such a ship, or to return to Republic of Serbia after disembarking abroad.

Article 84 paragraph 5 is replaced by following text:

3. The Seafarer's book is a document which can be issued only to persons which have Serbian nationality or residence on territory of Republic of Serbia.

Article 3

The following text is added as article 84a:

1. The Belgrade Port Authority shall issue to each Serbian who is seafarer and makes an application to that effect a seafarers' identity document conforming to the provisions of article 84b of Navigation Law.

2. Unless otherwise provided for in this Law, the issuance of seafarers' identity documents may be subject to the same conditions as those prescribed by national laws and regulations in the Republic of Serbia for the issuance of travel documents.

3. The Belgrade Port Authority shall issue seafarers' identity document referred to in paragraph 1 to seafarers who have been granted the status of permanent resident in the Republic of Serbia. Permanent residents shall in all cases travel in conformity with the provisions of Article 84 e paragraph 3.

4. The Belgrade Port Authority shall ensure that seafarers' identity documents are issued without undue delay.

5. Seafarers shall have the right to an administrative appeal to with Ministry of Transport in the case of a rejection of their application.

Article 4

The following text is added as article 84b:

1. The seafarers' identity document covered by this Law shall conform - in its content - to the model set out in Annex I of 2003 Convention or any amendments thereto. The form of the document and the materials used in it shall be consistent with the general specifications set out in the model, which shall be based on the criteria set out below.

2. The seafarers' identity document shall be designed in a simple manner, be made of durable material, with special regard to conditions at sea and be machine-readable. The materials used shall:

- (a) prevent tampering with the document or falsification, as far as possible, and enable easy detection of alterations; and
- (b) be generally accessible to governments at the lowest cost consistent with reliably achieving the purpose set out in (a) above.

3. The Belgrade Port Authority shall take into account any available guidelines developed by the Organization on standards of the technology to be used which will facilitate the use of a common international standard.

4. The seafarers' identity document shall be no larger than a normal passport.

5. The seafarers' identity document shall contain the name of the Belgrade Port Authority, indications enabling rapid contact with that authority, the date and place of issue of the document, and the following statements:

- (a) this document is a seafarers' identity document for the purpose of the Seafarers' Identity Documents Convention (Revised), 2003, of the International Labour Organization; and
- (b) this document is a stand-alone document and not a passport.

6. The maximum validity of a seafarers' identity document shall in no case exceed 10(ten) years, subject to renewal after the first 5 (five) years.

7. Particulars about the holder included in the seafarer's identity document shall be restricted to the following:

- (a) full name (first and last names where applicable);
- (b) sex;
- (c) date and place of birth;
- (d) nationality;
- (e) any special physical characteristics that may assist identification;
- (f) digital or original photograph; and
- (g) signature.

8. Notwithstanding paragraph 7 above, a template or other representation of a biometric of the holder which meets the specification provided for in Annex I of the 2003 Convention shall also be

required for inclusion in the seafarers' identity document, provided that the following preconditions are satisfied:

- (a) the biometric can be captured without any invasion of privacy of the persons concerned, discomfort to them, risk to their health or offence against their dignity
- (b) the biometric shall itself be visible on the document and it shall not be possible to reconstitute it from the template or other representation;
- (c) the equipment needed for the provision and verification of the biometric is user-friendly and is generally accessible to governments at low cost;
- (d) the equipment for the verification of the biometric can be conveniently and reliably operated in ports and in other places, including on board ship, where verification of identity is normally carried out by the competent authorities; and
- (e) the system in which the biometric is to be used (including the equipment, technologies and procedures for use) provides results that are uniform and reliable for the authentication of identity.

9. All data concerning the seafarer that are recorded on the document shall be visible. Seafarers shall have convenient access to machines enabling them to inspect any data concerning them that is not eye-readable. Such access shall be provided by or on behalf of the issuing authority.

10. The content and form of the seafarers' identity document shall take into account the relevant international standards cited in Annex I of the 2003 Convention.

Article 5:

The following text is added as article 84c :

1. The Belgrade Port Authority shall ensure that a record of each seafarers' identity document issued, suspended or withdrawn by it is stored in an electronic database. The necessary measures shall be taken to secure the database from interference or unauthorized access.

2. The information contained in the record shall be restricted to details which are essential for the purposes of verifying a seafarers' identity document or the status of a seafarer and which are consistent with the seafarer's right to privacy and which meet all applicable data protection requirements. The details are set out in Annex II of the 2003 Convention.

3. The Belgrade Port Authority shall put in place procedures which will enable any seafarer to whom it has issued a seafarers' identity document to examine and check the validity of all the data held or stored in the electronic database which relate to that individual and to provide for correction if necessary, at no cost to the seafarer concerned.

4. The Belgrade Port Authority shall designate a permanent focal point for responding to inquiries, from the immigration or other competent authorities of all Members of the Organization, concerning the authenticity and validity of the seafarers' identity document issued by its authority. Details of the permanent focal point shall be communicated to the International Labour Office.

5. The details referred to in paragraph 2 above shall at all times be immediately accessible to the immigration or other competent authorities in member States of the Organization, either electronically or through the focal point referred to in paragraph 4 above.

6. For the purposes of this Law, appropriate restrictions shall be established to ensure that no data in particular, photographs - are exchanged, unless a mechanism is in place to ensure that applicable data protection and privacy standards are adhered to.

7. The Belgrade Port Authority shall ensure that the personal data on the electronic database shall not be used for any purpose other than verification of the seafarers' identity document.

Article 6

The following text is added as a article 84d

1. Minimum requirements concerning processes and procedures for the issue of seafarers' identity documents, including quality-control procedures, are set out in Annex III of the 2003 Convention.

2. Processes and procedures shall be in place to ensure the necessary security for:

- (a) the production and delivery of blank seafarers' identity documents;
- (b) the custody, handling and accountability for blank and completed seafarers' identity documents;
- (c) the processing of applications, the completion of the blank seafarers' identity documents into personalized seafarers' identity documents by the Belgrade Port Authority and the delivery of seafarers' identity documents;

- (d) the operation and maintenance of the database; and
- (e) the quality control of procedures and periodic evaluations.

3. The Belgrade Port Authority shall carry out an independent evaluation of the administration of its system for issuing seafarers' identity documents, including quality-control procedures, at least every five years. Reports on such evaluations, subject to the removal of any confidential material, shall be provided to the Director-General of the International Labour Office with a copy to the representative organizations of shipowners and seafarers in the Republic of Serbia. This reporting requirement shall be without prejudice to the obligations of Republic of Serbia under article 22 of the Constitution of the Organisation.

Article 7

The following text is added as a article 84c:

1. The Republic of Serbia shall in the shortest possible time, also permit the entry into its territory of seafarers holding a valid seafarers' identity document supplemented by a passport, when entry is requested for the purpose of passing in transit to join their ship in another country or for repatriation; or any other purpose approved by the authorities of The Republic of Serbia.

2. Such entry shall be allowed unless clear grounds exist for doubting the authenticity of the seafarers' identity document, provided that the competent authorities have no reason to refuse entry on grounds of public health, public safety, public order or national security.

3. The Republic of Serbia shall, before permitting entry into its territory for one of the purposes specified in paragraph 1 above, require satisfactory evidence, including documentary evidence of a seafarer's intention and ability to carry out that intention. The Republic of Serbia may also limit the seafarer's stay to a period considered reasonable for the purpose in question.

Article 8

The following text is added as a article 84f:

1. The seafarers' identity document shall remain in the seafarer's possession at all times, except when it is held for safekeeping by the master of the ship concerned, with the seafarer's written consent.

2. The seafarers' identity document shall be promptly withdrawn by the Belgrade Port Authority if it is ascertained that the seafarer no longer meets the conditions for its issue under this Law. Procedures for suspending or withdrawing seafarers' identity documents shall be drawn up in consultation with the representative shipowners' and seafarers' organizations and shall include procedures for administrative appeal.

Article 9

This Law enters into force 8 days after its publication in the Official Gazette.

ANNEX I

Model for Seafarers' Identity Document

The seafarers' identity document, whose form and content are set out below, shall consist of good-quality materials which, as far as practicable, having regard to considerations such as cost, are not easily accessible to the general public. The document shall have no more space than is necessary to contain the information provided for by the Convention.

It shall contain the name of the Belgrade Port Authority and the following statement: "This document is a seafarers' identity document for the purpose of the Seafarers' Identity Documents Convention (Revised), 2003, of the International Labour Organization. This document is a stand-alone document and not a passport."

The data page(s) of the document indicated in bold below shall be protected by a laminate or overlay, or by applying an imaging technology and substrate material that provide an equivalent resistance to substitution of the portrait and other biographical data.

The materials used, dimensions and placement of data shall conform to the International Civil Aviation Organization (ICAO) specifications as contained in Document 9303 Part 3 (2nd edition, 2002) or Document 9303 Part 1 (5th edition, 2003).

Other security features shall include at least one of the following features: Watermarks, ultraviolet security features, use of special inks, special colour designs, perforated images, holograms, laser engraving, micro-printing, and heat-sealed lamination.

Data to be entered on the data page(s) of the seafarers' identity document shall be restricted to:

I. Issuing authority:

II. Telephone number(s), email and web site of the authority:

III. Date and place of issue:

----- Digital or original photograph of seafarer -----

(a) Full name of seafarer:

(b) Sex:

(c) Date and place of birth:

(d) Nationality:

(e) Any special physical characteristics of seafarer that may assist identification:

(f) Signature:

(g) Date of expiry:

(h) Type or designation of document:

(i) Unique document number:

(j) Personal identification number (optional):

(k) Biometric template based on a fingerprint printed as numbers in a bar code conforming to a standard to be developed:

(l) A machine-readable zone conforming to ICAO specifications in Document 9303 specified above.

IV. Official seal or stamp of the issuing authority.

Explanation of data

The official alphabet with translation into English language should be used for this document

The information listed above shall have the following characteristics:

I. Issuing authority: ISO code for the Republic of Serbia and the name and full address of the office issuing the seafarers' identity document as well as the name and position of the person authorizing the issue.

II. The telephone number, email and web site shall correspond to the links of the focal point referred to in the Convention.

III. Date and place of issue: the date shall be written in two-digit Arabic numerals in the form day/month/year - e.g. 31/12/03; the place shall be written in the same way as on the national passport.

----- Size of the portrait photograph: as in ICAO Document 9303 specified above -----

(a) Full name of seafarer: where applicable, family name shall be written first, followed by the seafarer's other names;

(b) Sex: specify "M" for male or "F" for female;

(c) Date and place of birth: the date shall be written in two-digit Arabic numerals in the form day/month/year; the place shall be written in the same way as on the national passport;

(d) Statement of nationality: specify nationality;

(e) Special physical characteristics: any evident characteristics assisting identification;

(f) Signature of seafarer;

(g) Date of expiry: in two-digit Arabic numerals in the form day/month/year;

(h) Type or designation of document: character code for document type, written in capitals in the Roman alphabet (S);

(i) Unique document number: country code (see I above) followed by an alphanumeric book

(ii) inventory number of no more than nine characters;

(j) Personal identification number: optional personal identification number of the seafarer; identification number of no more than 14 alphanumeric characters;

(k) Biometric template: precise specification to be developed;

(l) Machine-readable zone: according to ICAO Document 9303 specified above

ANNEX II

Electronic database

The details to be provided for each record in the electronic database to be maintained by the Belgrade Port Authority in accordance with Article 84c, paragraphs 1, 2, 6 and 7 of this Law shall be restricted to:

Section 1

1. Competent Authority named on the identity document.
2. Full name of seafarer as written on the identity document.
3. Unique document number of the identity document.
4. Date of expiry or suspension or withdrawal of the identity document.

Section 2

5. Biometric template appearing on the identity document.
6. Photograph.
7. Details of all inquiries made concerning the seafarers' identity document

(c) prompt action is taken to update the database when an issued SID is suspended or withdrawn;

(d) an extension and/or renewal system has been established to provide for circumstances where a seafarer is in need of extension or renewal of his or her SID and in circumstances where the SID is lost;

(e) the circumstances in which SIDs may be suspended or withdrawn are established in consultation with shipowners' and seafarers' organizations;

(f) effective and transparent appeal procedures are in place.

4. Operation, security and maintenance of the database

Processes and procedures are in place to ensure the necessary security for the operation and maintenance of the database, including the following:

(a) the database is secure from tampering and from unauthorized access;

(b) data are current, protected against loss of information and available for query at all times through the focal point;

(c) databases are not appended, copied, linked or written to other databases; information from the database is not used for purposes other than authenticating the seafarers' identity;

(d) the individual's rights are respected, including:

(i) the right to privacy in the collection, storage, handling and communication of personal data; and

(ii) the right of access to data concerning him or her and to have any inaccuracies corrected in a timely manner.

5. Quality control of procedures and periodic evaluations

(a) Processes and procedures are in place to ensure the necessary security through the quality control of procedures and periodic evaluations, including the monitoring of processes, to ensure that required performance standards are met, for:

(i) production and delivery of blank SIDs,

(ii) custody, handling and accountability for blank, voided and personalized SIDs,

(iii) processing of applications, completion of blank SIDs into personalized SIDs by the authority and unit responsible for issuance and delivery,

(iv) operation, security and maintenance of the database.

(b) Periodic reviews are carried out to ensure the reliability of the issuance system and of the procedures and their conformity with the requirements of this Convention.

(c) Procedures are in place to protect the confidentiality of information contained in reports on periodic evaluations provided by other ratifying Members.

Part B. Recommended procedures and practices

1. Production and delivery of blank SIDs

1.1. In the interest of security and uniformity of SIDs, The Competent Authority should select an effective source for the production of blank SIDs.

1.2. If the blanks are to be produced on the premises of the Competent Authority of SIDs ("the issuing authority"), section 2.2 below applies.

1.3. If an outside enterprise is selected, the Competent Authority should:

1.3.1. check that the enterprise is of undisputed integrity, financial stability and reliability;

1.3.2. require the enterprise to designate all the employees who will be engaged in the production of blank SIDs;

1.3.3. require the enterprise to furnish the Competent Authority with proof that demonstrates that there are adequate systems in place to ensure the reliability, trustworthiness and loyalty of designated employees and to satisfy the authority that it provides each such employee with adequate means of subsistence and adequate job security;

1.3.4. conclude a written agreement with the enterprise which, without prejudice to the Competent Authority's own responsibility for SIDs, should, in particular, establish the specifications and directions referred to under section 1.5 below and require the enterprise:

1.3.4.1. to ensure that only the designated employees, who must have assumed strict obligations of confidentiality, are engaged in the production of the blank SIDs;

1.3.4.2. to take all necessary security measures for the transport of the blank SIDs from its premises to the premises of the issuing authority. Issuing agents cannot be absolved from the liability on the grounds that they are not negligent in this regard;

1.3.4.3. to accompany each consignment with a precise statement of its contents; this statement should, in particular, specify the reference numbers of the SIDs in each package.

1.3.5. ensure that the agreement includes a provision to allow for completion if the original contractor is unable to continue;

1.3.6. satisfy itself, before signing the agreement, that the enterprise has the means of properly performing all the above obligations.

1.4. If the blank SIDs are to be supplied by an authority or enterprise outside of territory of Republic of Serbia, the Competent Authority of the Republic of Serbia may mandate an appropriate authority in the foreign country to ensure that the requirements recommended in this section are met.

1.5. The Competent Authority should inter alia:

1.5.1. establish detailed specifications for all materials to be used in the production of the blank SIDs; these materials should conform to the general specifications set out in Annex I to this Convention;

1.5.2. establish precise specifications relating to the form and content of the blank SIDs as set out in Annex I;

1.5.3. ensure that the specifications enable uniformity in the printing of blank SIDs if different printers are subsequently used;

1.5.4. provide clear directions for the generation of a unique document number to be printed on each blank SID in a sequential manner in accordance with Annex I; and

1.5.5. establish precise specifications governing the custody of all materials during the production process.

2. Custody, handling and accountability for blank and completed SIDs

2.1. All operations relating to the issuance process (including the custody of blank, voided and completed SIDs, the implements and materials for completing them, the processing of applications, the issuance of SIDs, the maintenance and the security of databases) should be carried out under the direct control of the Competent Authority

2.2. The Competent Authority should prepare an appraisal of all officials involved in the issuance process establishing, in the case of each of them, a record of reliability, trustworthiness and loyalty.

2.3. The Competent Authority should ensure that no officials involved in the issuance process are members of the same immediate family.

2.4. The individual responsibilities of the officials involved in the issuance process should be adequately defined by the Competent Authority.

2.5. No single official should be responsible for carrying out all the operations required in the processing of an application for a SID and the preparation of the corresponding SID. The official who assigns applications to an official responsible for issuing SIDs should not be involved in the issuance process. There should be a rotation in the officials assigned to the different duties related to the processing of applications and the issuance of SIDs.

2.6. The Competent Authority should draw up internal rules ensuring:

2.6.1. that the blank SIDs are kept secured and released only to the extent necessary to meet expected day-to-day operations and only to the officials responsible for completing them into personalized SIDs or to any specially authorized official, and that surplus blank SIDs are returned at

the end of each day; measures to secure SIDs should be understood as including the use of devices for the prevention of unauthorized access and detection of intruders;

2.6.2. that any blank SIDs used as specimens are defaced and marked as such;

2.6.3. that each day a record, to be stored in a safe place, is maintained of the whereabouts of each blank SID and of each personalized SID that has not yet been issued, also identifying those that are secured and those that are in the possession of a specified official or officials; the record should be maintained by an official who is not involved in the handling of the blank SIDs or SIDs that have not yet been issued;

2.6.4. that no person should have access to the blank SIDs and to the implements and materials for completing them other than the officials responsible for completing the blank SIDs or any specially authorized official;

2.6.5. that each personalized SID is kept secured and released only to the official responsible for issuing the SID or to any specially authorized official;

2.6.5.1. the specially authorized officials should be limited to:

- (a) persons acting under the written authorization of the executive head of the authority or of any person officially representing the executive head, and
- (b) the controller referred to in section 5 below and persons appointed to carry out an audit or other control;

2.6.6. that officials are strictly prohibited from any involvement in the issuance process for a SID applied for by a member of their family or a close friend;

2.6.7. that any theft or attempted theft of SIDs or of implements or materials for personalizing them should be promptly reported to the police authorities for investigation.

2.7. Errors in the issuance process should invalidate the SID concerned, which may not be corrected and issued.

3. Processing of applications; suspension or withdrawal of SIDs; appeal procedures

3.1. The Competent Authority should ensure that all officials with responsibility concerning the review of applications for SIDs have received relevant training in fraud detection and in the use of computer technology.

3.2. The Competent Authority should draw up rules ensuring that SIDs are issued only on the basis of: an application completed and signed by the seafarer concerned; proof of identity; proof of nationality or permanent residence; and proof that the applicant is a seafarer.

3.3. The application should contain all the information specified as mandatory in Annex I to this Convention. The application form should require applicants to note that they will be liable to prosecution and penal sanctions if they make any statement that they know to be false.

3.4. When a SID is first applied for, and whenever subsequently considered necessary on the occasion of a renewal:

3.4.1. the application, completed except for the signature, should be presented by the applicant in person, to an official designated by the issuing authority;

3.4.2. a digital or original photograph and the biometric of the applicant should be taken under the control of the designated official;

3.4.3. the application should be signed in the presence of the designated official;

3.4.4. the application should then be transmitted by the designated official directly to the issuing authority for processing.

3.5. Adequate measures should be adopted by the Competent Authority to ensure the security and the confidentiality of the digital or original photograph and the biometric.

3.6. The proof of identity provided by the applicant should be in accordance with the laws and practice of the Republic of Serbia. It may consist of a recent photograph of the applicant, certified

as being a true likeness of him or her by the shipowner or shipmaster or other employer of the applicant or the director of the applicant's training establishment.

3.7. The proof of nationality or permanent residence will normally consist of the applicant's passport or certificate of admission as a permanent resident.

3.8. Applicants should be asked to declare all other nationalities that they may possess and affirm that they have not been issued with and have not applied for a SID from any other Member.

3.9. The applicant should not be issued with a SID for so long as he or she possesses another SID.

3.9.1. An early renewal system should apply in circumstances where a seafarer is aware in advance that the period of service is such that he or she will be unable to make his or her application at the date of expiry or renewal;

3.9.2. An extension system should apply in circumstances where an extension of a SID is required due to an unforeseen extension of the period of service;

3.9.3. A replacement system should apply in circumstances where a SID is lost. A suitable temporary document can be issued.

3.10. The proof that the applicant is a seafarer, within the meaning of Part 1 of this Convention should at least consist of:

3.10.1. a previous SID, or a seafarers' discharge book; or

3.10.2. a certificate of competency, qualification or other relevant training; or

3.10.3. equally cogent evidence.

3.11. Supplementary proof should be sought where deemed appropriate.

3.12. All applications should be subject to at least the following verifications by a competent official of the Competent Authority

3.12.1. verification that the application is complete and shows no inconsistency raising doubts as to the truth of the statements made;

3.12.2. verification that the details given and the signature correspond to those on the applicant's passport or other reliable document;

3.12.3. verification, with the passport authority or other competent authority, of the genuineness of the passport or other document produced; where there is reason to doubt the genuineness of the passport, the original should be sent to the authority concerned; otherwise, a copy of the relevant pages may be sent;

3.12.4. comparison of the photograph provided, where appropriate, with the digital photograph referred to in section 3.4.2 above;

3.12.5. verification of the apparent genuineness of the certification referred to in section 3.6 above;

3.12.6. verification that the proof referred to in section 3.10 substantiates that the applicant is indeed a seafarer;

3.12.7. verification, in the database referred to in Part 4 of the Convention, to ensure that a person corresponding to the applicant has not already been issued with a SID; if the applicant has or may have more than one nationality or any permanent residence outside the country of nationality, the necessary inquiries should also be made with the Competent Authorities of the other country or countries concerned;

3.12.8. verification, in any relevant national or international database that may be accessible to the Competent Authority, to ensure that a person corresponding to the applicant does not constitute a possible security risk.

3.13. The official referred to in section 3.12 above should prepare brief notes for the record indicating the results of each of the above verifications, and drawing attention to the facts that justify the conclusion that the applicant is a seafarer.

3.14. Once fully checked, the application, accompanied by the supporting documents and the notes for the record, should be forwarded to the official responsible for completion of the SID to be issued to the applicant.

3.15. The completed SID, accompanied by the related file in the issuing authority, should then be forwarded to a senior official of that authority for approval.

3.16. The senior official should give such approval only if satisfied, after review of at least the notes for the record, that the procedures have been properly followed and that the issuance of the SID to the applicant is justified.

3.17. This approval should be given in writing and be accompanied by explanations concerning any features of the application that need special consideration.

3.18. The SID (together with the passport or similar document provided) should be handed to the applicant directly against receipt, or sent to the applicant or, if the latter has so requested, to his or her shipmaster or employer in both cases by reliable postal communication requiring advice of receipt.

3.19. When the SID is issued to the applicant, the particulars specified in Annex II to the Convention should be entered in the database referred to in Part 4 of the Convention.

3.20. The rules of the issuing authority should specify a maximum period for receipt after dispatch. If advice of receipt is not received within that period and after due notification of the seafarer, an appropriate annotation should be made in the database and the SID should be officially reported as lost and the seafarer informed.

3.21. All annotations to be made, such as, in particular, the brief notes for the record (see section 3.13 above) and the explanations referred to in section 3.17, should be kept in a safe place during the period of validity of the SID and for three years afterwards. Those annotations and explanations required by section 3.17 should be recorded in a separate internal database, and rendered accessible: (a) to persons responsible for monitoring operations; (b) to officials involved in the review of applications for SIDs; and (c) for training purposes.

3.22. When information is received suggesting that a SID was wrongly issued or that the conditions for its issue are no longer applicable, the matter should be promptly notified to the Competent Authority with a view to its rapid withdrawal.

3.23. When a SID is suspended or withdrawn the Competent Authority should immediately update its database to indicate that this SID is not currently recognized.

3.24. If an application for a SID is refused or a decision is taken to suspend or withdraw a SID, the applicant should be officially informed of his or her right of appeal and fully informed of the reasons for the decision.

3.25. The procedures for appeal should be as rapid as possible and consistent with the need for fair and complete consideration.

4. Operation, security and maintenance of the database

4.1. The Competent Authority should make the necessary arrangements and rules to implement Part 4 of this Convention, ensuring in particular:

4.1.1. the availability of a focal point or electronic access over 24 hours a day, seven days a week, as required under paragraphs 4, 5 and 6 of Article 4 of this Act;

4.1.2. the security of the database;

4.1.3. the respect for individual rights in the storage, handling and communication of data;

4.1.4. the respect for the seafarer's right to verify the accuracy of data relating to him or her and to have corrected, in a timely manner, any inaccuracies found.

4.2. The Competent Authority should draw up adequate procedures for protecting the database, including:

4.2.1. a requirement for the regular creation of back-up copies of the database, to be stored on media held in a safe location away from the premises of the Competent Authority;

4.2.2. the restriction to specially authorized officials of permission to access or make changes to an entry in the database once the entry has been confirmed by the official making it.

5. Quality control of procedures and periodic evaluations

5.1. The Competent Authority should appoint a senior official of recognized integrity, loyalty and reliability, who is not involved in the custody or handling of SIDs, to act as controller:

5.1.1. to monitor on a continuous basis the implementation of these minimum requirements;

5.1.2. to draw immediate attention to any shortcomings in the implementation;

5.1.3. to provide the executive head and the concerned officials with advice on improvements to the procedures for the issuance of SIDs; and

5.1.4. to submit a quality-control report to management on the above. The controller should, if possible, be familiar with all the operations to be monitored.

5.2. The controller should report directly to the executive head of the Competent Authority.

5.3. All officials of the Competent Authority, including the executive head, should be placed under a duty to provide the controller with all documentation or information that the controller considers relevant to the performance of his or her tasks.

5.4. The Competent Authority should make appropriate arrangements to ensure that officials can speak freely to the controller without fear of victimization.

5.5. The terms of reference of the controller should require that particular attention be given to the following tasks:

5.5.1. verifying that the resources, premises, equipment and staff are sufficient for the efficient performance of the functions of the Competent Authority;

5.5.2. ensuring that the arrangements for the safe custody of the blank and completed SIDs are adequate;

5.5.3. ensuring that adequate rules, arrangements or procedures are in place in accordance with sections 2.6, 3.2, 4 and 5.4 above.

5.5.4. ensuring that those rules and procedures, as well as arrangements, are well known and understood by the officials concerned;

5.5.5. detailed monitoring on a random basis of each action carried out, including the related annotations and other records, in processing particular cases, from the receipt of the application for a SID to the end of the procedure for its issuance;

5.5.6. verification of the efficacy of the security measures used for the custody of blank SIDs, implements and materials;

5.5.7. verification, if necessary with the aid of a trusted expert, of the security and veracity of the information stored electronically and that the requirement for 24 hours a day, seven days a week access is maintained;

5.5.8. investigating any reliable report of a possible wrongful issuance of a SID or of a possible falsification or fraudulent obtention of a SID, in order to identify any internal malpractice or weakness in systems that could have resulted in or assisted the wrongful issuance or falsification or fraud;

5.5.9. investigating complaints alleging inadequate access to the details in the database given the requirements of paragraphs 2, 3 and 5 of Article 4 of the Convention, or inaccuracies in those details;

5.5.10. ensuring that reports identifying improvements to the issuance procedures and areas of weakness have been acted upon in a timely and effective manner by the executive head of the issuing authority;

5.5.11. maintaining records of quality-control checks that have been carried out;

5.5.12. ensuring that management reviews of quality-control checks have been performed and that records of such reviews are maintained.

5.6. The executive head of the Competent Authority should ensure a periodic evaluation of the reliability of the issuance system and procedures, and of their conformity with the requirements of this Act. Such evaluation should take into account the following:

5.6.1. findings of any audits of the issuance system and procedures;

5.6.2. reports and findings of investigations and of other indications relevant to the effectiveness of corrective action taken as a result of reported weaknesses or breaches of security;

5.6.3. records of SIDs issued, lost, voided or spoiled;

5.6.4. records relating to the functioning of quality control;

5.6.5. records of problems with respect to the reliability or security of the electronic database, including inquiries made to the database;

5.6.6. effects of changes to the issuance system and procedures resulting from technological improvements or innovations in the SID issuance procedures;

5.6.7. conclusions of management reviews;

5.6.8. audit of procedures to ensure that they are applied in a manner consistent with respect for fundamental principles and rights at work embodied in relevant ILO instruments.

5.7. Procedures and processes should be put in place to prevent unauthorized disclosure of reports provided by other Members.

5.8. All audit procedures and processes should ensure that the production techniques and security practices, including the stock control procedures, are sufficient to meet the requirements of this Annex.