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PREDSJEDNIKU HRVATSKOGA SABORA

Predmet: Prijedlog zakona o potvrđivanju Konvencije kojom se mijenja Konvencija o identifikacijskim ispravama pomoraca iz 1958. godine, s Konačnim prijedlogom zakona

Na temelju članka 84. Ustava Republike Hrvatske (Narodne novine, br. 56/90, 135/97, 8/98 – pročišćeni tekst, 113/2000, 124/2000 – pročišćeni tekst, 28/2001, 41/2001 – pročišćeni tekst, 55/2001 – ispravak, 76/2010 i 85/2010 – pročišćeni tekst) i članaka 129. i 159. Poslovnika Hrvatskoga sabora (Narodne novine, br. 71/2000, 129/2000, 117/2001, 6/2002 – pročišćeni tekst, 41/2002, 91/2003, 58/2004, 69/2007, 39/2008 i 86/2008), Vlada Republike Hrvatske podnosi Prijedlog zakona o potvrđivanju Konvencije kojom se mijenja Konvencija o identifikacijskim ispravama pomoraca iz 1958. godine, s Konačnim prijedlogom zakona za hitni postupak.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila Božidara Kalmetu, ministra mora, prometa i infrastrukture, te Marija Babića, Željka Tufekčića i Ivicu Perovića, državne tajnike u Ministarstvu mora, prometa i infrastrukture.

PREDSJEDNICA

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**PRIJEDLOG ZAKONA O POTVRĐIVANJU
KONVENCIJE KOJOM SE MIJENJA KONVENCIJA O IDENTIFIKACIJSKIM
ISPRAVAMA POMORACA IZ 1958. GODINE,
S KONAČNIM PRIJEDLOGOM ZAKONA**

**PRIJEDLOG ZAKONA O POTVRĐIVANJU
KONVENCIJE KOJOM SE MIJENJA KONVENCIJA O IDENTIFIKACIJSKIM
ISPRAVAMA POMORACA IZ 1958. GODINE**

I. USTAVNA OSNOVA ZA DONOŠENJE ZAKONA

Ustavna osnova za donošenje Zakona o potvrđivanju Konvencije kojom se mijenja Konvencija o identifikacijskim ispravama pomoraca iz 1958. godine sadržana je u članku 139. stavku 1. Ustava Republike Hrvatske (Narodne novine, br. 56/90, 135/97, 8/98 – pročišćeni tekst, 113/2000, 124/2000 – pročišćeni tekst, 28/2001, 41/2001 – pročišćeni tekst, 55/2001 – ispravak, 76/2010 i 85/2010 – pročišćeni tekst).

II. OCJENA STANJA I CILJ KOJI SE DONOŠENJEM ZAKONA ŽELI POSTIĆI

U Ženevi je s početkom 3. lipnja 2003. godine održana 91. sjednica Međunarodne organizacije rada (ILO) na kojoj je 19. lipnja 2003. godine usvojena Konvencija kojom se mijenja Konvencija o identifikacijskim ispravama pomoraca iz 1958. godine, koja je registrirana pri Međunarodnoj organizaciji rada kao Konvencija broj 185.

Konvencija predstavlja međunarodni instrument kojim se na globalnoj razini uspostavlja obvezujući sustav identifikacije pomoraca.

Ujedno, u svrhu zaštite putnika i posade, te očuvanja sigurnosti brodova uspostavlja se sveobuhvatni sustav koji se temelji na biometrijskoj identifikaciji pomoraca koji imaju odgovarajuće pomorske knjižice izdane sukladno zahtjevima Konvencije.

Osim strožih mjera sigurnosne zaštite Konvencija pomorcima osigurava određena prava i olakšava njihovo putovanje u druge države u svrhu ukrcaja na brod, prekrcaja na drugi brod ili repatrijacije, kao i njihov iskrcaj na obalu i kratkotrajan boravak u granicama grada u kojem je smještena luka pristajanja.

Konvencijom se uređuje izdavanje identifikacijskih isprava pomoraca, sadržaj i oblik tih isprava, uspostavljanje nacionalne baze podataka, prava i olakšice pomoraca vezano za putovanje radi ukrcaja na brod, prebacivanja na drugi brod ili repatrijacije, te iskrcaj na obalu (shore leave).

Konvencija je na snazi od 09. veljače 2005. godine, a do danas ju je ratificiralo 18 država dok je jedna proglasila njezinu primjenu.

Stupanjem na snagu ove Konvencije nije više moguća ratifikacija Konvencije Međunarodne organizacije rada broj 108 iz 1958. godine, koju ova Konvencija mijenja, a koje Republika Hrvatska nije stranka.

Slijedom činjenice da će nakon donošenja ovog Zakona, odnosno šest mjeseci od polaganja odgovarajuće isprave kod depozitara Konvencija obvezivati Republiku Hrvatsku potrebno je osigurati sve preduvjete za odgovarajuću provedbu odredbi Konvencije od strane Republike Hrvatske što će između ostalog zahtijevati i donošenje tj. izmjenu nekih postupaka i podzakonskih propisa.

Ministarstvo mora prometa i infrastrukture će u suradnji s Ministarstvom unutarnjih poslova dogovoriti način i postupak za uzimanje, pohranu, čuvanje i korištenje potrebnih biometrijskih podataka te odgovarajuće izmjene u podzakonskim propisima.

III. OSNOVNA PITANJA KOJA SE PREDLAŽU UREDITI ZAKONOM

Ovim Zakonom potvrđuje se Konvencije kojom se mijenja Konvencija o identifikacijskim ispravama pomoraca iz 1958. godine, kako bi njezine odredbe, u smislu članka 140. Ustava Republike Hrvatske (Narodne novine, br. 56/90, 135/97, 8/98 – pročišćeni tekst, 113/2000, 124/2000 – pročišćeni tekst, 28/2001, 41/2001 – pročišćeni tekst, 55/2001 – ispravak, 76/2010 i 85/2010 – pročišćeni tekst), postale dio unutarnjeg pravnog poretka Republike Hrvatske, objavljuje se tekst Konvencije, u izvorniku na engleskom i u prijevodu na hrvatski jezik, i ne stavljaju se nikakve rezerve, te se određuje način objave i stupanje na snagu Konvencije u odnosu na Republiku Hrvatsku.

IV. OCJENA I IZVORI SREDSTAVA ZA PROVOĐENJE ZAKONA

Provođenjem ovoga Zakona nastaju posebne financijske obveze za koje bi trebalo osigurati dodatna sredstva u državnom proračunu Republike Hrvatske.

Uzimajući u obzir potrebnu nadogradnju informatičkog sustava za izdavanje biometrijskih pomorskih knjižica, kao i troškove izdavanja pomorskih knjižica, procjenjuju se rashodi od oko 350.000,00 kuna u ovoj godini, za koje su sredstva u cijelosti osigurana na pozicijama Ministarstva mora, prometa i infrastrukture, te oko 200.000,00 kuna u svakoj slijedećoj godini.

Ujedno, nastaju i dodatni prihodi državnog proračuna Republike Hrvatske koji su veći od povećanja rashoda, a odnose se na prihode od izdavanja biometrijskih pomorskih knjižica.

V. PRIJEDLOG ZA DONOŠENJE ZAKONA PO HITNOM POSTUPKU

Temelj za donošenje ovoga Zakona po hitnom postupku nalazi se u članku 159. Poslovnika Hrvatskoga sabora (Narodne novine, br. 71/2000, 129/2000, 117/2001, 6/2002 – pročišćeni tekst, 41/2002, 91/2003, 58/2004, 69/2007, 39/2008 i 86/2008) i drugim osobito opravdanim razlozima.

Naime, u praksi su se javili problemi koje hrvatski pomorci imaju u pojedinim državama (na primjer u Brazilu), a koji će se riješiti potvrđivanjem ove Konvencije koja pomorcima olakšava njihovo putovanje u druge države u svrhu ukrcanja na brod, prekrcanja na drugi brod ili repatrijacije, kao i njihov iskrcaj na obalu i kratkotrajan boravak u granicama grada u kojem je smještena luka pristajanja.

S obzirom na prirodu postupka potvrđivanja međunarodnih ugovora, kojim država i formalno izražava spremnost da bude vezana već potpisanim međunarodnim ugovorom, kao i na činjenicu da se u ovoj fazi ne mogu vršiti izmjene i dopune teksta međunarodnog ugovora, predlaže se donošenje Zakona po hitnom postupku, objedinjavajući prvo i drugo čitanje.

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Članak 1.

Potvrđuje se Konvencija kojom se mijenja Konvencija o identifikacijskim ispravama pomoraca iz 1958. godine sastavljena u Ženevi 19. lipnja 2003. godine, u izvorniku na engleskom i francuskom jeziku.

Članak 2.

Tekst Konvencije iz članka 1. ovoga Zakona, u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik, glasi:

KONVENCIJA KOJOM SE MIJENJA KONVENCIJA O IDENTIFIKACIJSKIM ISPRAVAMA POMORACA IZ 1958. GODINE

Opća Konferencija Međunarodne organizacije rada,

koju je u Ženevi sazvalo Upravno vijeće Međunarodnog ureda rada, i koja se sastala na svom 91. zasjedanju dana 3. lipnja 2003. godine, i

svjesna trajne prijetnje sigurnosti putnika i posada te sigurnost brodova, za nacionalne interese država i pojedinaca, i

svjesna također temeljne zadaće Organizacije, koja je promicanje dostojnih uvjeta rada, i

smatrajući da, zbog globalne naravi broderske industrije, pomorci trebaju posebnu zaštitu, i

priznajući načela sadržana u Konvenciji o identifikacijskim ispravama pomoraca iz 1958. godine, glede olakšavanja uvjeta ulaska pomoraca na državno područje članica, u svrhe kratkotrajnog boravka na kopnu, tranzita, prekcaja ili repatrijacije, i

uzimajući u obzir Konvenciju o olakšicama u međunarodnom pomorskom prometu iz 1965. godine, kako je izmijenjena i dopunjena, Međunarodne pomorske organizacije, posebno Standarde 3.44. i 3.45, i

uzimajući nadalje u obzir da Rezolucija Opće skupštine Ujedinjenih naroda A/RES/57/219 (Zaštita ljudskih prava i temeljnih sloboda pri suzbijanju terorizma) potvrđuje da države moraju osigurati da je svaka mjera poduzeta radi borbe protiv terorizma u skladu s njihovim obvezama prema međunarodnom pravu, posebno u pogledu međunarodnih ljudskih prava, prava izbjeglica i humanitarnog prava, i

svjesni da pomorci rade i žive na brodovima koji sudjeluju u međunarodnoj trgovini i da je pristup objektima i kratak boravak na kopnu vitalan element opće dobrobiti pomoraca, a time i postizanja sigurnijeg brodarstva i čistih oceana, i

svjesni također da je mogućnost izlaska na kopno neophodna za ukrcaj na brod i iskrcaj s broda nakon proteka ugovorenog razdoblja službe, i

uzimajući u obzir izmjene i dopune Međunarodne konvencije o zaštiti ljudskog života na moru iz 1974. godine, kako je izmijenjena i dopunjena, glede posebnih mjera

za unapređenje pomorske sigurnosti i sigurnosne zaštite, koje su usvojene na Diplomatskoj konferenciji Međunarodne pomorske organizacije 12. prosinca 2002. godine, i

odlučivši o usvajanju određenih prijedloga u svezi poboljšanja sigurnosne zaštite identifikacije pomoraca, što je sedma točka dnevnog reda zasjedanja, i

odlučivši da će ti prijedlozi imati oblik međunarodne Konvencije kojom se mijenja Konvencija o identifikacijskim ispravama pomoraca iz 1958. godine,

usvaja ovog devetnaestog dana lipnja godine dvijetisućitreće, sljedeću Konvenciju, koja se može navoditi kao Konvencija o identifikacijskim ispravama pomoraca (izmijenjena) iz 2003. godine.

Članak 1.

PODRUČJE PRIMJENE

1. Za potrebe ove Konvencije, pojam „pomorac“ znači svaka osoba koja je zaposlena ili na drugi način angažirana u bilo kojem svojstvu na plovilu, osim ratnog broda, koje plovilo redovno sudjeluje u pomorskoj plovidbi.

2. U slučaju bilo kakve sumnje o tome treba li se neka kategorija osoba smatrati pomorcima za potrebe ove Konvencije, pitanje se rješava sukladno odredbama ove Konvencije od strane nadležnog tijela države državljanstva ili stalnog boravka tih osoba nakon savjetovanja sa organizacijama brodovlasnika i pomoraca.

3. Nakon savjetovanja sa reprezentativnim organizacijama vlasnika ribarskih plovila i osoba koje rade na ribarskim plovilima, nadležno tijelo može primijeniti odredbe ove Konvencije na komercijalni pomorski ribolov.

Članak 2.

IZDAVANJE IDENTIFIKACIJSKIH ISPRAVA POMORACA

1. Svaka članica za koju je ova Konvencija na snazi izdaje svakom svom državljaninu koji je pomorac i koji u tu svrhu podnese odgovarajući zahtjev identifikacijsku ispravu pomoraca sukladno odredbama članka 3. ove Konvencije.

2. Osim ako ovom Konvencijom nije drukčije određeno, izdavanje identifikacijskih isprava pomoraca može podlijegati istim uvjetima propisanim nacionalnim zakonima i propisima za izdavanje putnih isprava.

3. Svaka članica može također izdati identifikacijsku ispravu pomoraca navedenu u stavku 1. pomorcima kojima je odobren stalni boravak na njenom državnom području.

Osobe sa stalnim boravkom će u svakom slučaju putovati u skladu s odredbama članka 6. stavka 7.

4. Svaka članica osigurava da se identifikacijske isprave pomoraca izdaju bez neprimjerenog kašnjenja.

5. Pomorci imaju pravo žalbe u upravnom postupku u slučaju odbijanja njihovog zahtjeva.

6. Ova Konvencija ne utječe na obveze svake članice prema međunarodnim sporazumima koji se odnose na izbjeglice i osobe bez državljanstva.

Članak 3.

SADRŽAJ I OBLIK

1. Identifikacijska isprava pomoraca na koju se odnosi ova Konvencija mora biti u skladu - prema svom sadržaju - modelu utvrđenom u Dodatku I Oblik dokumenta i materijali korišteni u njemu moraju biti u skladu sa općim specifikacijama utvrđenima u modelu, koji se temelji na kriterijima navedenim u nastavku. Pod uvjetom da svaka izmjena i dopuna bude u skladu sa sljedećim stavcima, Dodatak I se može, kada je to potrebno, izmijeniti i dopuniti sukladno donjem članku 8., posebice vodeći računa o tehnološkom razvoju. Odluka o usvajanju izmjena i dopuna određuje kada izmjene i dopune stupaju na snagu, vodeći računa o potrebi davanja članicama dovoljno vremena da provedu potrebne izmjene njihovih nacionalnih identifikacijskih isprava pomoraca i postupaka.

2. Identifikacijska isprava pomoraca mora biti oblikovana na jednostavan način, od trajnog materijala, uzimajući posebno u obzir uvjete na moru i biti strojno čitljiva. Korišteni materijali moraju:

(a) spriječiti neovlašteno mijenjanje ili krivotvorenje, koliko je to moguće, te omogućiti jednostavno otkrivanje preinaka; i

(b) biti opće dostupni vladama uz najniže troškove kojima se pouzdano postiže svrha utvrđena u gornjoj točki (a).

3. Članice uzimaju u obzir sve dostupne smjernice koje razvije Međunarodna organizacija rada o standardima tehnologije koja treba biti korištena, a koja će olakšati uporabu zajedničkog međunarodnog standarda.

4. Identifikacijska isprava pomoraca ne smije biti veća od uobičajene putovnice.

5. Identifikacijska isprava pomoraca sadrži naziv tijela koje ju izdaje, naznake koje omogućavaju brz kontakt s tim tijelom, datum i mjesto izdavanja isprave, te sljedeće navode:

- (a) ova isprava je identifikacijska isprava pomoraca za potrebe Konvencije o identifikacijskim ispravama pomoraca (izmijenjena) iz 2003. godine, Međunarodne organizacije rada; i
- (b) ova isprava je samostalna isprava i nije putovnica.

6. Maksimalno vrijeme valjanosti identifikacijske isprave pomoraca utvrđuje se sukladno zakonima i propisima države koja ju izdaje, a ni u kojem slučaju ono ne može biti dulje od deset godina, uz obnovu nakon prvih pet godina.

7. Pojediniosti o nositelju uključene u identifikacijsku ispravu pomoraca ograničavaju se na sljedeće:

- (a) puno ime (ime i prezime gdje je primjenjivo);
- (b) spol;
- (c) datum i mjesto rođenja;
- (d) državljanstvo;
- (e) bilo koje posebne fizičke karakteristike koje mogu pomoći identifikaciji;
- (f) digitalna ili izvorna fotografija; i
- (g) potpis.

8. Bez obzira na gornji stavak 7., obrazac ili drugi prikaz biometrije nositelja koji udovoljava karakteristikama predviđenim u Dodatku I također će biti uključen u identifikacijsku ispravu pomoraca, ako je udovoljeno sljedećim preduvjetima:

- (a) biometrija može biti uzeta bez ikakve povrede privatnosti odnosnih osoba, njihovog izlaganja neugodi, riziku za zdravlje ili povredi njihovog dostojanstva;
- (b) biometrija sama mora biti vidljiva na ispravi i ne smije biti moguće rekonstruirati je iz obrasca ili drugog prikaza;
- (c) oprema potrebna za pribavljanje i provjeru biometrije je laka za upotrebu i opće dostupna vladama uz niske troškove;
- (d) oprema za provjeru biometrije može se prikladno i pouzdano koristiti u lukama i drugim mjestima, uključujući na brodovima, gdje se provjera identifikacije uobičajeno provodi od strane nadležnih tijela; i

- (e) sustav u kojem se koristi biometrija (uključujući opremu, tehnologije i postupke upotrebe) osigurava rezultate koji su jednaki i pouzdani za vjerodostojnu potvrdu identiteta.

9. Svi podaci o pomorcu koji su zabilježeni na ispravi moraju biti vidljivi. Pomorci će imati prikladan pristup uređajima koji im omogućavaju pregled bilo kojih podataka koji ih se tiču, a koji nisu čitljivi okom. Takav pristup mora se osigurati od strane ili u ime tijela nadležnog za izdavanje.

10. Sadržaj i oblik identifikacijske isprave pomoraca mora voditi računa o relevantnim međunarodnim standardima navedenim u Dodatku I.

Članak 4.

NACIONALNA ELEKTRONIČKA BAZA PODATAKA

1. Svaka članica osigurava da su zapisi o svakoj identifikacijskoj ispravi pomoraca koju je članica izdala, ukinula ili oduzela, pohranjeni u elektroničkoj bazi podataka. Moraju se poduzeti potrebne mjere radi osiguranja baza podataka od utjecaja ili neovlaštenog pristupa.

2. Informacije sadržane u bazi podataka moraju biti ograničene na podatke bitne za potrebe provjere identifikacijske isprave pomoraca ili statusa pomorca i koji su u skladu s pravom pomoraca na privatnost i koji udovoljavaju svim primjenjivim zahtjevima za zaštitu podataka. Pojediniosti su utvrđene u Dodatku II ovoj Konvenciji, koji se može izmijeniti i dopuniti na način predviđen donjim člankom 8., vodeći računa o potrebi da se članicama ostavi dovoljno vremena za provođenje potrebnih izmjena njihovih nacionalnih sustava baza podataka.

3. Svaka članica mora uspostaviti postupke koji omogućavaju svakom pomorcu kojem je izdala identifikacijsku ispravu pomoraca, pregled i provjeru svih podataka prikupljenih i pohranjenih u elektroničkoj bazi podataka koji se odnose na tu osobu, te mu po potrebi omogućiti ispravak, bez troškova za odnosnog pomorca.

4. Svaka članica određuje stalnu informacijsku točku radi odgovora na upite, od imigracijskih ili drugih nadležnih tijela svih članica Organizacije, glede izvornosti i valjanosti identifikacijske isprave pomoraca koje je izdala njeno tijelo. Podaci o stalnoj informacijskoj točki dostavljaju se Međunarodnom uredu rada, a Ured vodi popis koji će se dostavlja svim članicama Organizacije.

5. Podaci navedeni u gornjem stavku 2. moraju u svako doba biti izravno dostupni imigracijskim ili drugim nadležnim tijelima u državi članici Organizacije, elektroničkim putem ili putem informacijske točke navedene u gornjem stavku 4.

6. Za potrebe ove Konvencije, uspostavljaju se odgovarajuća ograničenja radi osiguranja da se nikakvi podaci - posebno fotografije - ne razmjenjuju, ako nisu uspostavljeni mehanizmi kojima se osigurava pridržavanje primjenjivih standarda zaštite podataka i privatnosti.

7. Članice osiguravaju da se osobni podaci u elektroničkoj bazi podataka ne koriste u bilo koje druge svrhe osim provjere identifikacijske isprave pomoraca.

Članak 5.

KONTROLA KVALITETE I PROSUDBE

1. Minimalni zahtjevi glede procesa i postupaka izdavanja identifikacijskih isprava pomoraca, uključujući i postupke kontrole kvalitete, utvrđeni su u Dodatku III ovoj Konvenciji. Ti minimalni zahtjevi predstavljaju obvezan rezultat koji mora postići svaka članica u upravljanju svojim sustavom izdavanja identifikacijskih isprava pomoraca.

2. Bit će uspostavljeni procesi i postupci radi osiguranja potrebne sigurnosti za:

- (a) proizvodnju i isporuku neispunjenih obrazaca identifikacijskih isprava pomoraca;
- (b) čuvanje, rukovanje i odgovornost za neispunjene i ispunjene obrasce identifikacijskih isprava pomoraca;
- (c) rješavanje zahtjeva, ispunjavanje neispunjenih obrazaca identifikacijskih isprava pomoraca u osobne identifikacijske isprave pomoraca od strane tijela i jedinica odgovornih za njihovo izdavanje te dostave identifikacijskih isprava pomoraca;
- (d) upravljanje i održavanje baze podataka; i
- (e) kontrolu kvalitete postupaka i periodične prosudbe.

3. Pridržavajući se stavka 2., Dodatak III može se izmijeniti i dopuniti na način predviđen člankom 8. vodeći računa o potrebi da se članicama ostavi dovoljno vremena za provedbu potrebnih izmjena njihovih procesa i postupaka.

4. Svaka članica provodi neovisnu prosudbu upravljanja svojim sustavom za izdavanje identifikacijskih isprava pomoraca, uključujući i postupke kontrole kvalitete, najmanje svakih pet godina. Izviješća o takvim prosudbama se, uz uvjet uklanjanja svih povjerljivih materijala, dostavljaju glavnom direktoru Međunarodnog ureda rada, a preslike se dostavljaju predstavnicima reprezentativnih organizacija brodovlasnika i pomoraca odnosno članice. Ovi zahtjevi glede izvještavanja ne utječu na obveze članica prema članku 22. Statuta Međunarodne organizacije rada.

5. Međunarodni ured rada će ta izvješća o prosudbi učiniti dostupnim članicama. Svako objavljivanje, osim onog na koje ovlašćuje ova Konvencija, zahtjeva pristanak članice koja izvještava.

6. Upravno vijeće Međunarodnog ureda rada, djelujući na temelju svih relevantnih informacija u skladu sa sporazumima koje je sačinilo, odobrava popis članica koje u cijelosti udovoljavaju minimalnim zahtjevima navedenim u gornjem stavku 1.

7. Popis mora biti dostupan članicama Organizacije u svako doba, te se obnavlja kada se zaprine odgovarajuće informacije. Posebno, članice će biti odmah obaviještene kada je uključivanje bilo koje članice na popis osporeno na čvrstoj osnovi u okviru postupaka navedenih u stavku 8.

8. U skladu s postupcima koje je uspostavilo Upravno vijeće, osigurava se da članice koje su ili mogu biti isključene s popisa, kao i zainteresirane vlade članica koje su ratificirale Konvenciju i reprezentativne organizacije brodovlasnika i pomoraca, mogu iskazati svoja stajališta Upravnom vijeću, sukladno gore navedenim postupcima, te da se svako neslaganje pošteno i nepristrano razmotri u razumnom vremenu.

9. Priznanje identifikacijskih isprava pomoraca izdanih od strane članica ovisi o njihovom udovoljavanju minimalnim zahtjevima navedenim u stavku 1.

Članak 6.

OLAKŠICE ZA KRATKI BORAVAK NA KOPNU, TE TRANZIT I PREKRCAJ POMORACA

1. Svaki pomorac koji ima valjanu identifikacijsku ispravu pomoraca izdanu sukladno odredbama ove Konvencije od strane članica za koje je Konvencija na snazi će biti priznat kao pomorac u smislu Konvencije, osim ako postoji osnovana sumnja u vjerodostojnost identifikacijske isprave pomoraca.

2. Provjera i svaka s tim povezana istraga i postupci potrebni kako bi se utvrdilo da je pomorac za kojeg se traži ulazak sukladno dolje navedenim stavicima 3. do 6. i 7. do 9. nositelj identifikacijske isprave pomoraca izdane sukladno zahtjevima ove Konvencije provodi se bez troškova za pomorce ili brodovlasnike.

Kratki boravak na kopnu

3. Provjera i sve s tim povezane istrage i postupci navedeni u stavku 2. provode se u najkraćem mogućem vremenu pod uvjetom da su obrazloženu najavu dolaska nositelja nadležna tijela unaprijed primila. Najava dolaska nositelja uključuje podatke navedene u dijelu 1. Dodatka II.

4. Svaka članica za koju je ova Konvencija na snazi, u najkraćem mogućem vremenu i ako ne postoji osnovana sumnja u vjerodostojnost identifikacijske isprave

pomoraca, dopušta ulazak na svoje državno područje pomorcu koji je nositelj valjane identifikacijske isprave pomoraca, kada je ulazak zatražen radi kratkog boravka na kopnu za vrijeme boravka broda u luci.

5. Takav ulazak će biti dozvoljen pod uvjetom da su ispunjene formalnosti glede dolaska broda i da nadležne vlasti nemaju razloga za odbijanje dozvole za izlazak na kopno iz razloga javnog zdravlja, javne sigurnosti, javnog reda ili nacionalne sigurnosti.

6. U svrhu kratkog izlaska na kopno od pomoraca se neće zahtijevati posjedovanje vize. Svaka članica koja nije u položaju da u cijelosti primjeni ovaj zahtjev osigurati će da njeni zakoni i propisi ili praksa sadržavaju mehanizme koji u bitnome odgovaraju ispunjavanju tog zahtjeva.

Tranzit i prekrcaj

7. Svaka članica za koju je ova Konvencija na snazi, u najkraćem mogućem vremenu, također dozvoljava ulazak na svoje državno područje pomoraca koji su nositelji valjane identifikacijske isprave pomoraca uz putovnicu, kada je ulazak zatražen u svrhu:

- (a) ukrcaja na svoj brod ili prekrcaja na drugi brod;
- (b) prolaska u tranzitu radi ukrcaja na svoj brod u drugoj zemlji ili radi repatrijacije; ili u bilo koju drugu svrhu odobrenu od strane tijela odnosne članice.

8. Takav ulazak dozvoljava se osim ako postoji osnovana sumnja u vjerodostojnost identifikacijske isprave pomoraca, pod uvjetom da nadležna tijela nemaju razloga za odbijanje ulaska iz razloga javnog zdravlja, javne sigurnosti, javnog reda ili nacionalne sigurnosti.

9. Svaka članica može, prije odobrenja ulaska na svoje državno područje u neku od svrha navedenih u stavku 7., zatražiti zadovoljavajuće dokaze, uključujući dokaze u obliku pisanih isprava o namjeri pomorca i mogućnosti da provede tu namjeru. Članica može također ograničiti ostanak pomorca na razdoblje koje smatra razumnim za svrhu koja je u pitanju.

Članak 7.

TRAJNO POSJEDOVANJE I ODUZIMANJE

1. Identifikacijska isprava pomoraca će biti u posjedu pomorca u svako doba, osim kada je na čuvanju kod zapovjednika odnosnog broda, uz pisani pristanak pomorca.

2. Identifikacijska isprava pomoraca se bez odgode oduzima od strane države koja ju je izdala ako se utvrdi da pomorac više ne udovoljava uvjetima za njezino izdavanje sukladno ovoj Konvenciji. Postupke za suspendiranje ili oduzimanje identifikacijskih

isprava pomoraca utvrđuju se uz savjetovanje sa reprezentativnim organizacijama brodovlasnika i pomoraca i oni uključuju postupke po žalbi u upravnom postupku.

Članak 8.

IZMJENA I DOPUNA DODATAKA

1. Ovisno o mjerodavnim odredbama ove Konvencije, izmjene i dopune Dodataka može donijeti Međunarodna konferencija rada, djelujući prema savjetu valjano sastavljenog tripartitnog pomorskog tijela Međunarodne organizacije rada. Odluka zahtjeva dvotrećinsku većinu glasova izaslanika na Konferenciji, uključujući najmanje polovinu članica koje su ratificirale ovu Konvenciju.

2. Svaka članica koja je ratificirala ovu Konvenciju može dati pisanu obavijest glavnom direktoru u roku od šest mjeseci od datuma usvajanja te izmjene i dopune, da ista neće stupiti na snagu za tu stranku, ili će samo stupiti na snagu kasnije po naknadnoj pisanoj obavijesti.

Članak 9.

PRIJELAZNE ODREDBE

Svaka članica koja je stranka Konvencije o identifikacijskim ispravama pomoraca iz 1958. godine, i koja poduzima mjere, sukladno članku 19. Statuta Međunarodne organizacije rada, u cilju ratifikacije ove Konvencije može izvijestiti glavnog direktora o svojoj namjeri da privremeno primjenjuje ovu Konvenciju. Identifikacijska isprava pomoraca izdana od strane takve članice smatra se, u svrhu ove Konvencije kao identifikacijska isprava pomoraca izdana sukladno Konvenciji, pod uvjetom da su ispunjeni zahtjevi članaka 2. do 5. ove Konvencije i da odnosna članica prihvaća identifikacijske isprave pomoraca izdane sukladno ovoj Konvenciji.

ZAVRŠNE ODREDBE

Članak 10.

Ova Konvencija mijenja Konvenciju o identifikacijskim ispravama pomoraca iz 1958. godine.

Članak 11.

Formalne ratifikacije ove Konvencije priopćavaju se glavnom direktoru Međunarodnog ureda rada radi registracije.

Članak 12.

1. Ova Konvencija obvezuje samo one članice Međunarodne organizacije rada čije su ratifikacije registrirane kod glavnog direktora.

2. Ona stupa na snagu šest mjeseci nakon datuma na koji su kod glavnog direktora registrirane ratifikacije dviju članica.

3. Nakon toga, ova Konvencija stupa na snagu za svaku članicu šest mjeseci nakon datuma na koji je njezina ratifikacija registrirana.

Članak 13.

1. Članica koja je ratificirala ovu Konvenciju može je otkazati nakon isteka deset godina od datuma na koji je Konvencija prvo stupila na snagu, aktom koji dostavlja glavnom direktoru radi registracije. Takav otkaz proizvodi učinak dvanaest mjeseci nakon datuma na koji je registriran.

2. Svaka članica koja je ratificirala ovu Konvenciju, i koja u roku od godine dana nakon isteka razdoblja od deset godina spomenutog u prethodnom stavku, ne ostvari pravo otkaza predviđeno ovim člankom, bit će vezana za još jedno razdoblje od deset godina, a nakon toga može otkazati Konvenciju po isteku svakog razdoblja od deset godina pod uvjetima predviđenim u ovom članku.

Članak 14.

1. Glavni direktor obavještava sve članice o registraciji svih ratifikacija, izjava i akata o otkazivanju koji su mu priopćile članice.

2. Prilikom obavještavanja članica o registraciji druge ratifikacije ove Konvencije, glavni direktor skreće pozornost članicama na datum kada Konvencija stupa na snagu.

3. Glavni direktor obavještava sve članice o registraciji svih izmjena i dopuna Dodataka donesenih sukladno članku 8., kao i obavijestima u vezi s njima.

Članak 15.

Glavni direktor Međunarodnog ureda rada priopćava glavnom tajniku Ujedinjenih naroda, radi registracije sukladno članku 102. Povelje Ujedinjenih naroda, potpune podatke o svim ratifikacijama, izjavama i aktima o otkazivanju koji su registrirani kod glavnog direktora sukladno odredbama prethodnih članaka.

Članak 16.

Kada to smatra nužnim, Upravno vijeće Međunarodnog ureda rada podnosi Općoj konferenciji izvješće o primjeni ove Konvencije, te razmatra potrebu uvrštavanja na

dnevni red Konferencije pitanje njene potpune ili djelomične izmjene, uzimajući u obzir i odredbe članka 8.

Članak 17.

1. Ako Konferencija usvoji novu Konvenciju koja mijenja ovu Konvenciju u cijelosti ili djelomično, tada, ako novom Konvencijom nije drukčije određeno:

- (a) ratifikacija nove izmijenjene Konvencije od strane članice ipso iure uključuje trenutni otkaz ove Konvencije, bez obzira na odredbu članka 13., ako i kada nova izmijenjena Konvencija stupi na snagu;
- (b) od datuma kada nova izmijenjena Konvencija stupi na snagu, ova Konvencija prestaje biti otvorena za ratifikaciju članicama.

2. Ova Konvencija u svakom slučaju ostaje na snazi u sadašnjem obliku i sadržaju za one članice koje su je ratificirale, ali nisu ratificirale Konvenciju koja ju mijenja.

Članak 18.

Engleska i francuska inačica teksta ove Konvencije jednako su vjerodostojne.

Dodatak I

Model identifikacijske isprave pomoraca

Identifikacijska isprava pomoraca, čiji se obrazac i sadržaj određuju u nastavku, biti će izrađena od kvalitetnih materijala koji, u mjeri u kojoj je to izvedivo, a imajući u vidu cijenu, nisu lako dostupni širem pučanstvu. Isprava neće imati više mjesta od onog koliko je neophodno kako bi sadržavala podatke predviđene Konvencijom.

Sadržavati će ime države koja ispravu izdaje i sljedeću izjavu:

"Ova isprava je identifikacijska isprava pomoraca za potrebe Konvencije o identifikacijskim ispravama pomoraca (izmijenjena) iz 2003. godine, Međunarodne organizacije rada. Ova isprava je samostalna isprava i nije putovnica."

Stranica(ce) s podacima isprave u nastavku označene **podebljanim** slovima, biti će zaštićena(e) folijom, zaštitnim slojem ili će biti izrađena(e) primjenom tehnologije za obradu slike i materijala podloge koji osiguravaju odgovarajuću zaštitu protiv zamjene osobne fotografije i ostalih osobnih podataka.

Upotrijebljeni materijali, dimenzije i raspored podataka biti će usklađeni sa zahtjevima Dokumenta 9303 Dio 3 (drugo izdanje, 2002) ili Dokumenta 9303 Dio 1 (peto izdanje, 2003) Međunarodne organizacije civilnog zrakoplovstva (ICAO).

Druge sigurnosne karakteristike obuhvaćat će najmanje jednu od sljedećih mogućnosti:

Vodene žigove, ultra-ljubičaste sigurnosne zaštite, uporabu posebne tinte, posebnih šara u boji, perforiranih prikaza, holograma, laserskih gravura, mikro ispisa i toplo-zapečaćene folije.

Podaci koji se unose na stranicu(ce) s podacima identifikacijske isprave pomoraca bit će ograničeni na sljedeće:

- I. Tijelo nadležno za izdavanje**
- II. Telefonski broj(evi), adresa elektroničke pošte i internetske stranice tijela:**
- III. Datum i mjesto izdavanja:**

Digitalna ili izvorna fotografija pomorca

- (a) Puno ime pomorca: _____
 - (b) Spol: _____
 - (c) Datum i mjesto rođenja: _____
 - (d) Državljanstvo: _____
 - (e) **Bilo koje posebne fizičke identifikacijske karakteristike pomorca koje mogu pomoći identifikaciji:** _____
 - (f) Potpis: _____
 - (g) Datum isteka valjanosti: _____
 - (h) Znak ili oznaka isprave: _____
 - (i) Jedinstveni broj isprave: _____
 - (j) **Osobni identifikacijski broj (neobvezno):** _____
 - (k) **Biometrijski predložak na osnovu otiska prstiju ispisan u formi broja na bar kodu prema standardu koji će se razviti:** _____
 - (l) **Strojno čitljivo područje u skladu sa specifikacijama ICAO Dokumenta 9303.**
- IV. Službeni pečat ili žig tijela nadležnog za izdavanje.**

Obrazloženje podataka

Gore navedeni naslovi na poljima stranice(ca) s podacima mogu biti prevedeni na jezik odnosno jezike države koja izdaje ispravu. Ukoliko jezik države koja izdaje ispravu nije engleski, francuski ili španjolski, naslovi polja stranice s podacima bit će navedeni i na jednom od tih jezika.

Svi podaci trebali bi se unositi u ispravu latiničnim pismom.

Gore navedeni podaci imat će sljedeće karakteristike:

- I. Tijelo nadležno za izdavanje: ISO kod za državu koja izdaje ispravu i puni naziv ureda koji izdaje identifikacijsku ispravu pomoraca, kao i ime i položaj osobe koja ovjerava izdavanje.
- II. Telefonski broj, adresa elektronske pošte i internetska stranica će se podudarati s podacima o informacijskoj točki navedenoj u Konvenciji.
- III. Datum i mjesto izdavanja: datum će se pisati dvoznamenkastim arapskim brojevima u formatu dan/mjesec/godina - npr. 31/12/03; mjesto izdavanja pisat će se na isti način kao i u nacionalnoj putovnici.

Veličina osobne fotografije: kao u ICAO Dokumentu 9303 gore specificiran

- (a) Puno ime pomorca: gdje je primjenjivo, prezime se piše na prvom mjestu, a slijede ostala imena pomorca;
- (b) Spol: navesti "M" za muškarca, odnosno "F" za ženu;
- (c) Datum i mjesto rođenja: datum će se pisati dvoznamenkastim arapskim brojevima u formatu dan/mjesec/godina - npr. 31/12/03; mjesto izdavanja pisat će se na isti način kao i u putovnici.
- (d) Državljanstvo: navodi se državljanstvo;
- (e) Posebne fizičke karakteristike: bilo koje očite karakteristike koje pomažu pri identifikaciji;
- (f) Potpis pomorca;

- (g) Datum isteka valjanosti: dvoznamenkastim arapskim brojevima u formatu dan/mjesec/godina;
- (h) Znak ili oznaka isprave: znakovni kod s obzirom na vrstu dokumenta pisan velikim tiskanim slovima latiničnim pismom (S);
- (i) Jedinstveni broj isprave: ISO kod države (vidi pod I.) iza kojeg se navodi slovno-brojčana administrativna oznaka koja sadrži ne više od devet znakova;
- (j) Osobni identifikacijski broj: unošenje ovog broja proizvoljno je; osobni identifikacijski broj ne prelazi više od 14 slovno-brojčanih znakova;
- (k) Biometrijski predložak: detaljna specifikacija biti će izrađena;
- (l) Strojno čitljivo područje u skladu s gore navedenim specifikacijama ICAO Dokumenta 9303.

Dodatak II***Elektronička baza podataka***

Podaci za svaki unos u elektroničku bazu podataka koju članica mora voditi u skladu s člankom 4. stavcima 1., 2., 6. i 7. ove Konvencije bit će ograničeni na sljedeće:

Dio 1

1. Tijelo nadležno za izdavanje navedeno u identifikacijskoj ispravi.
2. Puno ime pomorca kako je napisano u identifikacijskoj ispravi.
3. Jedinstveni broj identifikacijske isprave.
4. Datum isteka valjanosti ili suspendiranja ili oduzimanja identifikacijske isprave.

Dio 2

5. Biometrijski predložak kako se pojavljuje u identifikacijskoj ispravi.
6. Fotografija.
7. Podaci o svim zaprimljenim upitima u svezi identifikacijske isprave pomorca.

Dodatak III

Zahtjevi i preporučeni postupci i prakse vezano za izdavanje identifikacijskih isprava pomoraca

Ovaj Dodatak utvrđuje minimalne zahtjeve u svezi postupaka za izdavanje identifikacijskih isprava pomoraca (u daljnjem tekstu «IIP») koje svaka članica mora usvojiti u skladu s člankom 5. ove Konvencije uključujući i postupke kontrole kvalitete.

U Dijelu A popisuju se obvezni rezultati koje, kao minimalne, svaka članica mora postići pri primjeni sustava izdavanja IIP-a.

U Dijelu B preporučuju se postupci i prakse za postizanje tih rezultata. Dio B su članice dužne uzeti u potpunosti u obzir, ali nije obvezujući.

Dio A. Obvezujući zahtjevi

1. Proizvodnja i dostava neispunjenih obrazaca IIP-a

Uspostavljeni su postupci i procedure kako bi se zajamčila nužna sigurnost proizvodnje i dostave neispunjenih obrazaca IIP-a, uključujući sljedeće:

- (a) da su svi neispunjeni obrazaca IIP-a jednake kvalitete i ispunjavaju uvjete po sadržaju i obliku kako je predviđeno u Dodatku I;*
- (b) da su materijali koji se koriste u proizvodnji zaštićeni i kontrolirani;*
- (c) da su neispunjeni obrasci IIP-a zaštićeni, kontrolirani, identificirani i praćeni tijekom postupaka proizvodnje i dostave;*
- (d) da proizvođači posjeduju sredstva kako bi ispunili svoje obveze u pogledu proizvodnje i dostave neispunjenih obrazaca IIP-a;*
- (e) da je prijevoz neispunjenih obrazaca IIP-a od proizvođača do tijela nadležnog za izdavanje siguran.*

2. Čuvanje, rukovanje i odgovornost za neispunjene i ispunjene obrasce IIP-a

Uspostavljeni su postupci i procedure kako bi se zajamčila obvezna sigurnost čuvanja, rukovanja i odgovornosti za neispunjene i ispunjene obrasce IIP-a uključujući sljedeće:

- (a) *da je čuvanje i rukovanje ispunjenim i neispunjenim obrascima IIP-a pod nadzorom tijela nadležnog za izdavanje;*
- (b) *da su neispunjeni, ispunjeni i poništeni obrasci IIP-a, uključujući i one koji se koriste kao uzorci, zaštićeni, nadzirani, identificirani i praćeni;*
- (c) *da osoblje uključeno u postupak udovoljava standardima pouzdanosti, povjerljivosti i lojalnosti, u skladu sa svojim položajem, te da je na odgovarajući način educirano;*
- (d) *da je podjela odgovornosti između ovlaštenih službenih osoba uspostavljena na način da se spriječi neovlašteno izdavanje IIP-a.*

3. *Obrada zahtjeva; suspendiranje ili oduzimanje IIP-a; žalbeni postupak*

Uspostavljeni su postupci i procedure kako bi se zajamčila obvezna sigurnost u obradi zahtjeva, ispunjavanju neispunjenih obrazaca IIP-a od strane tijela i jedinice zaduženih za izdavanje, kao i dostavu IIP-a, uključujući:

- (a) *postupke provjere i odobravanja kojima se osigurava da se prilikom prvog izdavanja ili obnove IIP izdaju isključivo temeljem:*
 - (i) *zahtjeva koji sadrži sve podatke iz Dodatka I,*
 - (ii) *dokaza o identitetu podnositelja zahtjeva u skladu s propisima države izdavatelja,*
 - (iii) *dokaza o državljanstvu ili stalnom boravištu,*
 - (iv) *dokaza da je podnositelj zahtjeva pomorac, u smislu članka 1.,*
 - (v) *uvjerenja da podnositelju zahtjeva, posebice podnositelju s više državljanstava ili podnositelju sa statusom stalnog boravka, nije izdano više od jedne IIP,*
 - (vi) *potvrde da podnositelj zahtjeva ne predstavlja sigurnosni rizik uz dužno poštivanje temeljnih prava i sloboda zajamčenih međunarodnim instrumentima.*
- (b) *da postupci jamče:*
 - (i) *da se podaci za svaku stavku iz Dodatka II unose u bazu podataka istodobno s izdavanjem IIP-a,*
 - (ii) *da podaci, fotografija, potpis i biometrija zaprimljeni od podnositelja zahtjeva odgovaraju podnositelju zahtjeva, i*

- (iii) *da su podaci, fotografija, potpis i biometrija zaprimljeni od podnositelja zahtjeva povezani sa zahtjevom kroz cijeli postupak obrade, izdavanja i dostave IIP-a.*
- (c) *da se u slučaju suspendiranja ili oduzimanja IIP-a podaci o tome odmah unesu u bazu podataka;*
- (d) *da se uspostavi sustav produljenja valjanosti i/ili obnove IIP-a u slučajevima kada je pomorcu potrebno produljenje ili obnova njegovog ili njezinog IIP-a i kada je došlo do gubitka IIP-a;*
- (e) *da se okolnosti u kojima je moguće suspendiranje ili oduzimanje IIP-a utvrde u suradnji s udrugama brodara i pomoraca;*
- (f) *da je uspostavljen djelotvoran i transparentan postupak žalbe.*

4. *Upravljanje, zaštita i održavanje baze podataka*

Uspostavljaju se postupci i procedure kako bi se zajamčila nužna sigurnost upravljanja, zaštite i održavanja baze podataka, uključujući sljedeće:

- (a) *da je baza podataka zaštićena od neovlaštenih izmjena i neovlaštenog pristupa;*
- (b) *da su podaci ažurni, zaštićeni od gubitka i dostupni za upite putem informacijske točke;*
- (c) *da baze podataka nisu pridodane, kopirane, povezane s drugim bazama podataka niti da se podaci iz baza podataka upisuju u druge baze podataka, te da se podaci iz baza podataka ne koriste za druge svrhe pored provjere identiteta pomoraca;*
- (d) *da se poštuju prava pojedinca, uključujući:*
 - (i) *pravo na privatnost kod prikupljanja, pohranjivanja, priopćavanja i postupanja s osobnim podacima; i*
 - (ii) *pravo na pristup vlastitim osobnim podacima i na pravodobno ispravljanje netočnosti.*

5. *Kontrola kvalitete postupaka i periodičke prosudbe*

- (a) *Uspostavljeni su postupci i procedure kako bi se zajamčila nužna sigurnost kroz kontrolu kvalitete postupaka i periodičke prosudbe uključujući nadzor postupaka, kako bi se osiguralo zadovoljavanje zahtijevanih izvedbenih standarda za:*

- (i) *izradu i dostavu neispunjenih obrazaca IIP-a,*
 - (ii) *čuvanje, rukovanje i odgovornost za neispunjene obrasce IIP, ispunjene i poništene IIP,*
 - (iii) *obradu zahtjeva za izdavanje IIP-a, ispunjavanje neispunjenih obrazaca IIP od strane tijela i jedinice zaduženih za izdavanje i dostavu IIP-a,*
 - (iv) *upravljanje, zaštita i održavanje baze podataka.*
- (b) *Periodičke prosudbe se provode kako bi se osigurala pouzdanost sustava izdavanja i postupaka i njihova usklađenost sa zahtjevima ove Konvencije*
 - (c) *Uspostavljeni su postupci kako bi se zaštitila povjerljivost podataka sadržanih u izvješćima periodičkih prosudbi primljenih od strane drugih članica koje su ratificirale Konvenciju.*

Dio B. Preporučeni postupci i procedure

1. Proizvodnja i dostava neispunjenih obrazaca IIP-a
 - 1.1. U interesu sigurnosti i ujednačenosti IIP, nadležno tijelo treba odabrati djelotvoran izvor za izradu neispunjenih obrazaca IIP-a koje izdaje članica.
 - 1.2. Ako se neispunjeni obrasci IIP-a proizvode u prostorijama tijela odgovornog za izdavanje IIP-a (“tijelo nadležno za izdavanje”), primjenjuje se donji odjeljak 2.2.
 - 1.3. Ako je odabrano vanjsko poduzeće, nadležno tijelo treba:
 - 1.3.1. provjeriti je li poduzeće od neospornog integriteta, financijski stabilno i pouzdano;
 - 1.3.2. tražiti od poduzeća da odredi i imenuje zaposlenike koji će obavljati poslove izrade neispunjenih obrazaca IIP-a;
 - 1.3.3. tražiti od poduzeća da nadležnom tijelu predoči dokaze koji potvrđuju da je uspostavljen odgovarajući sustav kojim se osigurava pouzdanost, povjerljivost i lojalnost imenovanih zaposlenika, te da su svakom takvom zaposleniku osigurana odgovarajuća sredstva za život i sigurnost zaposlenja;

- 1.3.4. sklopili pisani ugovor s poduzećem kojim se treba, bez obzira na odgovornost nadležnog tijela za IIP, urediti odredbe i upute navedene u odjeljku 1.5 i zahtijevati od poduzeća da:
 - 1.3.4.1. osigura da isključivo imenovani zaposlenici koji su preuzeli strogu obvezu povjerljivosti rade na poslovima izrade neispunjenih obrazaca IIP-a;
 - 1.3.4.2. poduzme sve potrebne sigurnosne mjere za prijevoz neispunjenih obrazaca IIP-a od svojih prostorija do tijela nadležnog za izdavanje IIP-a. Zastupnici izdavatelja ne mogu biti oslobođeni od odgovornosti iz razloga što po ovom pitanju nisu postupali s nepažnjom;
 - 1.3.4.3. svaka pošiljka bude upućena s preciznom izjavom o njenom sadržaju; u izjavi trebaju posebice biti navedeni referentni brojevi IIP-a u svakom paketu.
 - 1.3.5. osigurati da ugovor uključuje odredbu kojom se omogućava dovršetak proizvodnje u slučaju da poduzeće s kojim se ugovor sklapa nije u mogućnosti dovršiti ugovorenu proizvodnju;
 - 1.3.6. prije potpisivanja ugovora utvrditi da je poduzeće u mogućnosti ispuniti sve gore navedene obveze.
- 1.4. Ako neispunjene obrasce IIP-a dostavlja tijelo ili poduzeće smješteno izvan državnog područja članice, nadležno tijelo članice može ovlastiti odgovarajuće tijelo u stranoj državi kako bi se osiguralo ispunjavanje uvjeta koji su preporučeni u ovom odjeljku.
- 1.5. Nadležno tijelo može između ostalog:
 - 1.5.1. utvrditi detaljne specifikacije za sve materijale koji se koriste u proizvodnji neispunjenih obrazaca IIP-a; materijali trebaju biti u skladu s općim karakteristikama kako su utvrđene u Dodatku I ove Konvencije;
 - 1.5.2. utvrditi detaljne specifikacije u svezi oblika i sadržaja neispunjenih obrasca IIP-a kako su utvrđene u Dodatku I;
 - 1.5.3. osigurati da navedene specifikacije omogućavaju ujednačenost pri ispunjavanju neispunjenih obrazaca IIP ukoliko se naknadno koriste različiti pisači;

- 1.5.4. dati jasne upute za generiranje jedinstvenog broja dokumenta koji se u slijedu tiska na svaki neispunjeni obrazac IIP-a u skladu s Dodatkom I; i
 - 1.5.5. propisati detaljne specifikacije u svezi čuvanja i upravljanja materijalima u postupku proizvodnje.
2. Čuvanje, rukovanje i odgovornost za neispunjene i ispunjene obrasce IIP-a
- 2.1. Sve radnje u postupku izdavanja (uključujući čuvanje neispunjenih, poništenih i ispunjenih obrazaca IIP-a, dijelova i materijala za njihovo ispunjavanje, rješavanje zahtjeva za izdavanje, izdavanje IIP-a, održavanje i zaštitu baza podataka) trebaju se obavljati pod izravnim nadzorom tijela nadležnog za izdavanje.
 - 2.2. Tijelo nadležno za izdavanje treba izraditi procjenu svih službenika uključenih u postupak izdavanja, te za svakog pojedinog službenika voditi zapis o pouzdanosti, povjerljivosti i lojalnosti.
 - 2.3. Tijelo nadležno za izdavanje treba osigurati da niti jedna službena osoba uključena u postupak izdavanja nije u izravnom srodstvu s bilo kojim drugim službenikom uključenim u taj postupak.
 - 2.4. Tijelo nadležno za izdavanje treba na odgovarajući način definirati pojedinačne dužnosti svakog službenika uključenog u postupak izdavanja.
 - 2.5. Sve radnje u postupku obrade zahtjeva za izdavanje i izrade IIP-a ne bi trebao obavljati isti službenik. Službenik koji dodjeljuje u rad zahtjeve službeniku zaduženom za izdavanje IIP-a ne bi trebao biti uključen u postupak izdavanja. Treba se uspostaviti kružna izmjena službenika na različitim dužnostima u postupcima obrade zahtjeva i izdavanja IIP-a.
 - 2.6. Tijelo nadležno za izdavanje treba izraditi unutarnja pravila kako bi se osiguralo:
 - 2.6.1. da se neispunjeni obrasci IIP-a sigurno čuvaju, da se dostavljaju službenim osobama zaduženim za ispisivanje IIP-a ili za to posebno ovlaštenim službenim osobama samo u količinama koje zadovoljavaju pretpostavljene dnevne potrebe, te da se višak neispunjenih obrazaca vraća na kraju svakog radnog dana; mjere sigurnosti IIP-a trebaju uključivati i upotrebu uređaja za zaštitu od neovlaštenog pristupa i za otkrivanje osoba koje neovlašteno pristupaju;

- 2.6.2. da se neispunjeni obrasci IIP-a koji se koriste kao uzorci na odgovarajući način izmijene i označe kao takvi;
 - 2.6.3. da se svakodnevno vodi evidencija, koja se čuva na sigurnom mjestu, o lokaciji svakog pojedinog neispunjenog obrasca IIP-a i svakog IIP-a koji još nije izdan, ujedno razlikujući one koje su na sigurnom mjestu i one koje su u posjedu određene službene osobe ili osoba; evidenciju treba voditi službena osoba koja nije uključena u postupke rukovanja neispunjenim obrascima IIP-a ili IIP-a koje još nisu izdane;
 - 2.6.4. da niti jedna osoba nema pristup neispunjenim obrascima IIP-a i dijelovima i materijalima za njihovo ispunjavanje osim službenih osoba koje su odgovorne za ispunjavanje neispunjenih obrazaca IIP-a ili posebno ovlaštenih službenih osoba;
 - 2.6.5. da se svaka ispunjena IIP čuva na za to predviđenom sigurnom mjestu, te da se može dati samo službenoj osobi koja je odgovorna za izdavanje IIP-a ili posebno ovlaštenoj službenoj osobi;
 - 2.6.5.1. posebno ovlaštene službene osobe trebaju biti ograničene samo na:
 - (a) osobe koje djeluju temeljem pisanog ovlaštenja izvršnog dužnosnika tijela ili druge osobe koja službeno zastupa izvršnog dužnosnika, i
 - (b) nadglednika koji je naznačen u nižem odjeljku 5 i osobe imenovane za obavljanje prosudbe ili drugog nadzora;
 - 2.6.6. da se službenicima strogo zabrani svako uplitanje u postupak izdavanja IIP-a po zahtjevu člana njihove obitelji ili bliskog prijatelja;
 - 2.6.7. da se svako otuđenje ili pokušaj otuđenja IIP-a, dijelova ili materijala za ispunjavanje treba bez odgode dojaviti policijskim tijelima radi provođenja istrage.
 - 2.7. Greške u postupku izdavanja čine nevažećom tu IIP, koja se ne može ispraviti i izdati.
3. Obrada zahtjeva za izdavanje, poništenje ili povlačenje IIP-a, žalbeni postupak

- 3.1. Nadležno tijelo treba osigurati da su svi službenici odgovorni za razmatranje zahtjeva za izdavanje IIP završili odgovarajuću izobrazbu iz otkrivanja prevara i upotrebe računalnih tehnologija.
- 3.2. Tijelo nadležno za izdavanje treba donijeti pravila kojima se osigurava izdavanje IIP-a isključivo temeljem: zahtjeva ispunjenog i potpisanog od strane odnosnog pomorca; dokaza o identitetu; dokaza o državljanstvu ili stalnom mjestu boravka; te dokaza da je podnositelja zahtjeva pomorac.
- 3.3. Zahtjev treba sadržavati sve podatke navedene kao obvezne u Dodatku I ove Konvencije. U obrascu zahtjeva potrebno je upozoriti podnositelje da su podložni progonu i kaznenim sankcijama ako daju podatke za koje znaju da su pogrešni.
- 3.4. Kada se prvi put podnosi zahtjev za izdavanje IIP-a, te kada se naknadno smatra potrebnim u postupku obnove IIP-a:
 - 3.4.1. podnositelj zahtjeva ispunjeni zahtjev izuzev potpisa osobno predaje službeniku kojeg odredi tijelo nadležno za izdavanje IIP-a;
 - 3.4.2. digitalna ili izvorna fotografija i biometrijski podaci preuzimaju se pod nadzorom imenovanog službenika;
 - 3.4.3. zahtjev treba biti potpisan u nazočnosti imenovanog službenika;
 - 3.4.4. imenovani službenik potom dostavlja zahtjev izravno tijelu nadležnom za izdavanje IIP-a na daljnje postupanje.
- 3.5. Tijelo nadležno za izdavanje IIP-a treba usvojiti odgovarajuće mjere kako bi se osigurala povjerljivost digitalne ili izvorne fotografije i biometrijskih podataka.
- 3.6. Dokaz o identitetu podnositelja zahtjeva treba biti u skladu sa zakonodavstvom i praksom države koja izdaje IIP. Dokaz o identitetu može sadržati nedavnu fotografiju podnositelja zahtjeva s potvrdom stvarne sličnosti izdane od strane brodovlasnika, zapovjednika broda ili drugog poslodavca podnositelja zahtjeva ili ravnatelja ustanove za izobrazbu koju je podnositelj pohađao ili pohađa.
- 3.7. Dokaz o državljanstvu ili stalnom boravku u pravilu će biti putna isprava podnositelja zahtjeva ili potvrda o odobrenju stalnog boravka.

- 3.8. Podnositelj zahtjeva treba biti upitan da iskaže sva druga državljanstva koja možebitno posjeduje, te da posvjedoči kako nije podnio zahtjev za izdavanje IIP-a kod druge članice niti mu je IIP izdana od druge članice.
- 3.9. Podnositelju zahtjeva neće se izdati IIP sve dok on ili ona posjeduje drugu IIP.
 - 3.9.1. Mogućnost ranije obnove može se primijeniti u slučajevima kada je pomorac unaprijed svjestan da mu ili joj je razdoblje službe takvo da on ili ona neće moći podnijeti zahtjev na datum isteka valjanosti ili roka za obnovu;
 - 3.9.2. Mogućnost produljenja treba se odnositi na slučajeve kada je produljenje nužno zbog nepredviđenog produljenja razdoblja službe;
 - 3.9.3. Mogućnost zamjene treba se odnositi na slučajeve kada je IIP izgubljena. Odgovarajuća privremena isprava može se izdati.
- 3.10. Dokaz da je podnositelj zahtjeva pomorac, u smislu članka 1. ove Konvencije treba se sastojati najmanje od:
 - 3.10.1. prethodne IIP ili iskrcajne knjižice pomoraca; ili
 - 3.10.2. svjedodžbe o osposobljenosti, kvalifikaciji ili drugoj odgovarajućoj izobrazbi; ili
 - 3.10.3. jednako snažnog dokaza.
- 3.11. Dodatni dokazi trebaju se tražiti kada se to smatra prikladnim.
- 3.12. Svi zahtjevi trebaju biti podvrgnuti najmanje sljedećim provjerama odgovornih službenih osoba tijela nadležnog za izdavanje IIP-a:
 - 3.12.1. provjera da je zahtjev ispunjen, te da ne sadrži nedosljednosti koje bi davale razloga za sumnju u istinitost;
 - 3.12.2. provjera da podaci i potpis odgovaraju onima u putnoj ispravi podnositelja zahtjeva ili drugoj vjerodostojnoj ispravi;
 - 3.12.3. provjera, kod tijela nadležnog za putovnice odnosno drugog nadležnog tijela, je li putovnica ili druga predočena isprava vjerodostojna; kada postoje razlozi za sumnju u vjerodostojnost putovnice izvornik se dostavlja na provjeru

nadležnom tijelu; u drugim slučajevima može se dostaviti preslika relevantnih stranica;

- 3.12.4. usporedba priložene fotografije s digitalnom fotografijom iz odjeljka 3.4.2 kada je to primjereno;
 - 3.12.5. provjera očite vjerodostojnosti isprava iz odjeljka 3.6;
 - 3.12.6. provjera da dokaz iz odjeljka 3.10 potvrđuje činjenicu da je podnositelj zahtjeva zaista pomorac;
 - 3.12.7. provjera u bazi podataka iz članka 4. Konvencije kako bi se utvrdilo da osobi koja odgovara podnositelju zahtjeva IIP nije već izdana; ukoliko podnositelj zahtjeva posjeduje ili bi mogao posjedovati više državljanstava ili stalnih boravišta izvan zemlje državljanstva, potrebne provjere trebaju biti izvršene s nadležnim tijelima odnosno druge zemlje ili drugih zemalja;
 - 3.12.8. provjera u svim relevantnim nacionalnim i međunarodnim bazama podataka koje bi mogle biti dostupne tijelu nadležnom za izdavanje kako bi se osiguralo da osoba koja odgovara podnositelju zahtjeva ne predstavlja moguću sigurnosnu prijetnju.
- 3.13. Službenik iz odjeljka 3.12 treba pripremiti sažetu službenu bilješku naznačujući ishode svake od navedenih provjera, te navodeći činjenice koje potvrđuju da je podnositelj zahtjeva pomorac.
 - 3.14. Jednom kada je detaljno provjeren, zahtjev s priloženim ispravama i službenim bilješkama u spisu prosljeđuje se službeniku ovlaštenom za ispunjavanje IIP-a.
 - 3.15. Ispunjena IIP, zajedno sa spisom predmeta u tijelu nadležnom za izdavanje, treba biti prosljeđena na odobrenje višoj službenoj osobi tog tijela.
 - 3.16. Viša službena osoba odobrit će izdavanje IIP-a samo ako nakon razmatranja kojim su najmanje obuhvaćene službene bilješke u spisu, utvrdi da je postupak ispravno proveden, te da je izdavanje IIP-a podnositelju zahtjeva opravdano.
 - 3.17. Odobrenje se daje u pisanom obliku i treba biti popraćeno pojašnjenjima u vezi onih sastavnica zahtjeva koje zahtjevaju posebno razmatranje.

- 3.18. IIP (zajedno s putovnicom ili sličnom priloženom ispravom) treba predati podnositelju zahtjeva izravno uz potvrdu o primitku, ili poslati podnositelju, ili na poseban zahtjev podnositelja, poslati zapovjedniku broda ili poslodavcu, u oba slučaja pouzdanom poštanskom službom uz potvrdu o primitku.
 - 3.19. Kada se IIP izdaje podnositelju zahtjeva, pojedinosti iz Dodatka II Konvencije unose se u elektroničku bazu podataka iz članka 4. Konvencije.
 - 3.20. Pravila tijela nadležnog za izdavanje trebaju odrediti maksimalno razdoblje od otpreme do primitka IIP-a. Ako potvrda primitka nije zaprimljena u tom razdoblju i nakon posebne obavijesti pomorcu, unosi se odgovarajuća napomena u bazu podataka, IIP se proglašava izgubljenom te se o tome obavještava pomorac.
 - 3.21. Sve bilješke, kao što su posebno sažete službene bilješke (vidi odjeljak 3.13.) i obrazloženja iz odjeljka 3.17., čuvaju se na sigurnom mjestu tijekom razdoblja valjanosti IIP-a, kao i za daljnje tri godine. Bilješke i obrazloženja iz odjeljka 3.17. trebaju biti zabilježene u zasebnoj internoj bazi podataka, te trebaju biti dostupna: (a) osobama odgovornim za nadzorne postupke; (b) službenicima koji obavljaju poslove iz žalbenog postupka i (c) u svrhu izobrazbe.
 - 3.22. U slučaju zaprimanja dojave kojom se navodi da je IIP pogrešno izdana ili da uvjeti za njezino izdavanje više nisu primjenjivi, o tome se bez odgode obavještava tijelo nadležno za izdavanje u cilju njenog žurnog oduzimanja.
 - 3.23. Kada se IIP suspendira ili oduzme, tijelo nadležno za izdavanje treba bez odgode ažurirati bazu podataka kako bi bilo vidljivo da se isprava u ovom trenutku ne priznaje.
 - 3.24. Ukoliko je zahtjev za izdavanje IIP-a odbijen ili je donesena odluka o suspendiranju ili oduzimanju isprave, podnositelj zahtjeva treba biti službeno obaviješten o njegovom ili njezinom pravu na žalbu i biti potpuno obaviješten o razlozima za takvu odluku.
 - 3.25. Žalbeni postupak treba se voditi što je brže moguće, a u skladu s potrebom za pravednim i potpunim razmatranjem.
4. Upravljanje, zaštita i održavanje baze podataka
 - 4.1. Tijelo nadležno za izdavanje treba donijeti potrebne mjere i pravila za provedbu članka 4. ove Konvencije posebice osiguravajući:

- 4.1.1. dostupnost informacijske točke ili elektronički pristup tijekom 24 sata dnevno, sedam dana u tjednu, kako je predviđeno člankom 4. stavcima 4., 5. i 6. Konvencije;
- 4.1.2. sigurnosnu zaštitu elektroničke baze podataka;
- 4.1.3. poštivanje osobnih prava kod pohrane, rukovanja i distribucije podataka;
- 4.1.4. poštivanje prava pomorca na provjeru točnosti podataka koji se odnose na nju ili njega, te pravodobno ispravljanje uočenih netočnosti.
- 4.2. Tijelo nadležno za izdavanje treba izraditi odgovarajuće postupke za zaštitu baze podataka koji uključuju:
 - 4.2.1. zahtjeve za redovitu izradu pričuvnih kopija baze podataka na nosačima podataka koji se čuvaju na sigurnom mjestu izvan prostorija tijela nadležnog za izdavanje;
 - 4.2.2. ograničenje pristupa bazi podataka i ograničenje mogućnosti izmjene unosa u bazi nakon što su isti potvrđeni od strane službenika koji ih je upisao isključivo na za to posebno ovlaštene službenike.
- 5. Kontrola kvalitete postupaka i periodičke prosudbe
 - 5.1. Tijelo nadležno za izdavanje treba imenovati višu službenu osobu priznatu po svojem poštenju, lojalnosti i pouzdanosti, koja ne obavlja poslove čuvanja i rukovanja ispravama, kako bi djelovala kao nadzornik:
 - 5.1.1. radi kontinuiranog praćenja primjene ovih minimalnih zahtjeva;
 - 5.1.2. radi trenutnog ukazivanja na bilo kakve nedostatke u provedbi;
 - 5.1.3. radi pružanja izvršnom dužnosniku i odnosnim službenim osobama savjeta radi poboljšanja postupaka za izdavanje IIP-a; i
 - 5.1.4. radi podnošenja izvješća o kontroli kvalitete upravi o gornjem. Nadzornik treba, ukoliko je to moguće, biti upoznat s konkretnim postupcima koje nadzire.

- 5.2. Nadzornik izvješće izravno podnosi izvršnom dužnosniku tijela nadležnog za izdavanje.
- 5.3. Svi službenici tijela nadležnog za izdavanje, uključujući izvršnog dužnosnika dužni su omogućiti nadzorniku pristup svim dokumentima i podacima koje on ili ona smatra bitnim za obavljanje svojih zadaća.
- 5.4. Tijelo nadležno za izdavanje treba osigurati da se službenici mogu otvoreno i slobodno obraćati nadzorniku bez bojazni od viktimizacije.
- 5.5. Radnim uputama nadzornika treba predvidjeti da se posebna pozornost daje sljedećim poslovima:
 - 5.5.1. provjeri da su sredstava, prostorije, oprema i osoblje dovoljni za učinkovito obavljanje poslova tijela nadležnog za izdavanje;
 - 5.5.2. osiguravanju prikladnosti mjera predviđenih za sigurno čuvanje neispunjenih i ispunjenih obrazaca IIP-a;
 - 5.5.3. osiguravanju da su odgovarajuća pravila, mjere i postupci uspostavljeni u skladu s gornjim odjeljcima 2.6., 3.2., 4. i 5.4.;
 - 5.5.4. osiguravanju da su službenici upoznati s tim pravilima i postupcima, kao i mjerama, te da ih razumiju;
 - 5.5.5. nasumičnom detaljnom nadzoru svake aktivnosti u konkretnim postupcima, uključujući s tim u vezi sastavljene bilješke i druge zapise, od zaprimanja zahtjeva za izdavanje IIP do okončanja postupka izdavanja IIP;
 - 5.5.6. provjeravanju djelotvornosti sigurnosnih mjera za čuvanje neispunjenih obrazaca IIP-a, dijelova i materijala;
 - 5.5.7. provjeravanju, ukoliko je potrebno u suradnji sa stručnjacima od povjerenja, sigurnosti i istinitosti podataka pohranjenih u elektronskom obliku i mogućnosti pristupa podacima 24 sata dnevno, sedam dana u tjednu;
 - 5.5.8. istraživanju svake vjerodostojne dojave kojom se navodi da je IIP pogrešno izdana ili krivotvorena ili stečena prijevaram sa svrhom utvrđivanja unutarnje zlouporabe položaja ili drugih slabosti sustava koje su rezultirale ili bi mogle

rezultirati pogrešnim izdavanjem ili krivotvorenjem ili stjecanja IIP-a prijevaram;

- 5.5.9. istraživanju pritužbi kojima se navodi neprikladan pristup osobnim podacima u bazi podataka s obzirom na članak 4. stavke 2., 3. i 5. Konvencije ili netočnosti u tim podacima;
 - 5.5.10. osiguravanju da izvršni dužnosnik nadležnog tijela pravodobno i djelotvorno provodi odgovarajuće aktivnosti temeljem izvješća kojima su utvrđena potrebna poboljšanja postupaka i slabe točke sustava;
 - 5.5.11. održavanju zapisa o obavljenim prosudbama kontrole kvalitete;
 - 5.5.12. osiguravanju da se obavljaju upravine ocjene, te da se zapisi o takvim ocjenama održavaju.
- 5.6. Izvršni dužnosnik nadležnog tijela treba osigurati periodičke procjene pouzdanosti sustava, postupaka izdavanja i usklađenosti istih sa zahtjevima ove Konvencije. Takve procjene trebaju uzimati u obzir sljedeće:
- 5.6.1. nalaze svih obavljenih prosudbi sustava i postupaka izdavanja;
 - 5.6.2. izvješća i nalaze istraga relevantnih za djelotvornost poduzetih korektivnih radnji kao rezultata ustanovljenih slabosti ili povreda sigurnosti;
 - 5.6.3. zapise o izdanim, izgubljenim, poništenim ili uništenim IIP;
 - 5.6.4. zapise u svezi sustava kontrole kvalitete;
 - 5.6.5. zapise o problemima u svezi pouzdanosti i sigurnosti elektroničke baze podataka, uključujući upite upućene prema bazi;
 - 5.6.6. učinke izmjena u sustavu i postupcima izdavanja kao rezultate tehnoloških poboljšanja ili inovacija u postupcima izdavanja IIP-a;
 - 5.6.7. zaključke upravine ocjene;

- 5.6.8. reviziju postupaka kako bi se osiguralo da je njihova primjena usklađena s temeljnim načelima i pravima na radu utjelovljenim u relevantnim instrumentima MOR-a.
- 5.7. Trebaju se odrediti postupci i procesi kako bi se spriječilo neovlašteno odavanje izvješća koje podnose druge članice.
- 5.8. Svi postupci i procesi prosudbe trebaju osigurati da proizvodne tehnike i sigurnosni postupci, uključujući postupke nadzora zaliha, dostatno ispunjavaju uvjete ovog Dodatka.

**CONVENTION REVISING THE SEAFARERS' IDENTITY DOCUMENTS
CONVENTION, 1958**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-first Session on 3 June 2003, and

Mindful of the continuing threat to the security of passengers and crews and the safety of ships, to the national interest of States and to individuals, and

Mindful also of the core mandate of the Organization, which is to promote decent conditions of work, and

Considering that, given the global nature of the shipping industry, seafarers need special protection, and

Recognizing the principles embodied in the Seafarers' Identity Documents Convention, 1958, concerning the facilitation of entry by seafarers into the territory of Members, for the purposes of shore leave, transit, transfer or repatriation, and

Noting the Convention on the Facilitation of International Maritime Traffic, 1965, as amended, of the International Maritime Organization, in particular, Standards 3.44 and 3.45, and

Noting further that United Nations General Assembly Resolution A/RES/57/219 (Protection of human rights and fundamental freedoms while countering terrorism) affirms that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law, and

Being aware that seafarers work and live on ships involved in international trade and that access to shore facilities and shore leave are vital elements of seafarers' general well-being and, therefore, to the achievement of safer shipping and cleaner oceans, and

Being aware also that the ability to go ashore is essential for joining a ship and leaving after the agreed period of service, and

Noting the amendments to the International Convention for the Safety of Life at Sea, 1974, as amended, concerning special measures to enhance maritime safety and security, that were adopted by the International Maritime Organization Diplomatic Conference on 12 December 2002, and

Having decided upon the adoption of certain proposals with regard to the improved security of seafarers' identification, which is the seventh item on the agenda of the session, and

Having decided that these proposals shall take the form of an international Convention revising the Seafarers' Identity Documents Convention, 1958,

adopts this nineteenth day of June of the year two thousand and three, the following Convention, which may be cited as the Seafarers' Identity Documents Convention (Revised), 2003.

Article 1

SCOPE

1. For the purposes of this Convention, the term “seafarer” means any person who is employed or is engaged or works in any capacity on board a vessel, other than a ship of war, ordinarily engaged in maritime navigation.

2. In the event of any doubt whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined in accordance with the provisions of this Convention by the competent authority of the State of nationality or permanent residence of such persons after consulting with the shipowners' and seafarers' organizations concerned.

3. After consulting the representative organizations of fishing-vessel owners and persons working on board fishing vessels, the competent authority may apply the provisions of this Convention to commercial maritime fishing.

Article 2

ISSUANCE OF SEAFARERS' IDENTITY DOCUMENTS

1. Each Member for which this Convention is in force shall issue to each of its nationals who is a seafarer and makes an application to that effect a seafarers' identity document conforming to the provisions of Article 3 of this Convention.

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

3. Each Member may also issue seafarers' identity documents referred to in paragraph 1 to seafarers who have been granted the status of permanent resident in its territory. Permanent residents shall in all cases travel in conformity with the provisions of Article 6, paragraph 7.

4. Each Member shall ensure that seafarers' identity documents are issued without undue delay.

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

6. This Convention shall be without prejudice to the obligations of each Member under international arrangements relating to refugees and stateless persons.

Article 3

CONTENT AND FORM

1. The seafarers' identity document covered by this Convention shall conform - in its content - to the model set out in Annex I hereto. 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. Provided that any amendment is consistent with the following paragraphs, Annex I may, where necessary, be amended in accordance with Article 8 below, in particular to take account of technological developments. The decision to adopt the amendment shall specify when the amendment will enter into effect, taking account of the need to give Members sufficient time to make any necessary revisions of their national seafarers' identity documents and procedures.

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. Members shall take into account any available guidelines developed by the International Labour 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 issuing 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 be determined in accordance with the laws and regulations of the issuing State and shall in no case exceed ten years, subject to renewal after the first 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 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.

Article 4

NATIONAL ELECTRONIC DATABASE

1. Each Member 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 hereto, which may be amended in the manner provided for in Article 8 below, taking account of the need to give Members sufficient time to make any necessary revisions of their national database systems.

3. Each Member 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. Each Member 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, and the Office shall maintain a list which shall be communicated to all Members of the Organization.

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 Convention, 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. Members 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 5

QUALITY CONTROL AND EVALUATIONS

1. Minimum requirements concerning processes and procedures for the issue of seafarers' identity documents, including quality-control procedures, are set out in Annex III to this Convention. These minimum requirements establish mandatory results that must be achieved by each Member in the administration of its system for issuance of seafarers' identity documents.

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 authority and unit responsible for issuing them and the delivery of the seafarers' identity documents;
- (d) the operation and maintenance of the database; and
- (e) the quality control of procedures and periodic evaluations.

3. Subject to paragraph 2 above, Annex III may be amended in the manner provided for in Article 8, taking account of the need to give Members sufficient time to make any necessary revisions to their processes and procedures.

4. Each Member 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 Member concerned. This reporting requirement shall be without prejudice to the obligations of Members under article 22 of the Constitution of the International Labour Organisation.

5. The International Labour Office shall make these evaluation reports available to Members. Any disclosure, other than those authorized by this Convention, shall require the consent of the reporting Member.

6. The Governing Body of the International Labour Office, acting on the basis of all relevant information in accordance with arrangements made by it, shall approve a list of Members which fully meet the minimum requirements referred to in paragraph 1 above.

7. The list must be available to Members of the Organization at all times and be updated as appropriate information is received. In particular, Members shall be promptly notified where the inclusion of any Member on the list is contested on solid grounds in the framework of the procedures referred to in paragraph 8.

8. In accordance with procedures established by the Governing Body, provision shall be made for Members which have been or may be excluded from the list, as well as interested governments of ratifying Members and representative shipowners' and seafarers' organizations, to make their views known to the Governing Body, in accordance with the arrangements referred to above and to have any disagreements fairly and impartially settled in a timely manner.

9. The recognition of seafarers' identity documents issued by a Member is subject to its compliance with the minimum requirements referred to in paragraph 1 above.

Article 6

FACILITATION OF SHORE LEAVE AND TRANSIT AND TRANSFER OF SEAFARERS

1. Any seafarer who holds a valid seafarers' identity document issued in accordance with the provisions of this Convention by a Member for which the Convention is in force shall be recognized as a seafarer within the meaning of the Convention unless clear grounds exist for doubting the authenticity of the seafarers' identity document.

2. The verification and any related inquiries and formalities needed to ensure that the seafarer for whom entry is requested pursuant to paragraphs 3 to 6 or 7 to 9 below is the holder of a seafarers' identity document issued in accordance with the requirements of this Convention shall be at no cost to the seafarers or shipowners.

Shore leave

3. Verification and any related inquiries and formalities referred to in paragraph 2 above shall be carried out in the shortest possible time provided that reasonable advance notice of the holder's arrival was received by the competent authorities. The notice of the holder's arrival shall include the details specified in section 1 of Annex II.

4. Each Member for which this Convention is in force shall, in the shortest possible time, and unless clear grounds exist for doubting the authenticity of the seafarers' identity document, permit the entry into its territory of a seafarer holding a

valid seafarer's identity document, when entry is requested for temporary shore leave while the ship is in port.

5. Such entry shall be allowed provided that the formalities on arrival of the ship have been fulfilled and the competent authorities have no reason to refuse permission to come ashore on grounds of public health, public safety, public order or national security.

6. For the purpose of shore leave seafarers shall not be required to hold a visa. Any Member which is not in a position to fully implement this requirement shall ensure that its laws and regulations or practice provide arrangements that are substantially equivalent.

Transit and transfer

7. Each Member for which this Convention is in force 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:

- (a) joining their ship or transferring to another ship;
- (b) passing in transit to join their ship in another country or for repatriation; or any other purpose approved by the authorities of the Member concerned.

8. 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.

9. Any Member may, before permitting entry into its territory for one of the purposes specified in paragraph 7 above, require satisfactory evidence, including documentary evidence of a seafarer's intention and ability to carry out that intention. The Member may also limit the seafarer's stay to a period considered reasonable for the purpose in question.

Article 7

CONTINUOUS POSSESSION AND WITHDRAWAL

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 issuing State if it is ascertained that the seafarer no longer meets the conditions for its issue under this Convention. 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 8

AMENDMENT OF THE ANNEXES

1. Subject to the relevant provisions of this Convention, amendments to the Annexes may be made by the International Labour Conference, acting on the advice of a duly constituted tripartite maritime body of the International Labour Organization. The decision shall require a majority of two-thirds of the votes cast by the delegates present at the Conference, including at least half the Members that have ratified this Convention.

2. Any Member that has ratified this Convention may give written notice to the Director-General within six months of the date of the adoption of such an amendment that it shall not enter into force for that Member, or shall only enter into force at a later date upon subsequent written notification.

Article 9

TRANSITIONAL PROVISION

Any Member which is a party to the Seafarers' Identity Documents Convention, 1958, and which is taking measures, in accordance with article 19 of the Constitution of the International Labour Organisation, with a view to ratification of this Convention may notify the Director-General of its intention to apply the present Convention provisionally. A seafarers' identity document issued by such a Member shall be treated for the purposes of this Convention as a seafarers' identity document issued under it provided that the requirements of Articles 2 to 5 of this Convention are fulfilled and that the Member concerned accepts seafarers' identity documents issued under this Convention.

FINAL PROVISIONS

Article 10

This Convention revises the Seafarers' Identity Documents Convention, 1958.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General for registration. Such denunciation shall take effect twelve months after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, shall be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director-General shall notify all Members of the registration of all ratifications, declarations and acts of denunciation communicated by the Members.

2. When notifying the Members of the registration of the second ratification of this Convention, the Director-General shall draw the attention of the Members to the date upon which the Convention shall come into force.

3. The Director-General shall notify all Members of the registration of any amendments made to the Annexes in accordance with Article 8, as well as of notifications relating thereto.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications, declarations and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 16

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of

the Conference the question of its revision in whole or in part, taking account also of the provisions of Article 8.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

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 issuing State 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:**

<p>Digital or original photograph of seafarer</p>
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- (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 captions on fields on the data page(s) above may be translated into the language(s) of the issuing State. If the national language is other than English, French or Spanish, the captions shall also be entered in one of these languages.

The Roman alphabet should be used for all entries in this document.

The information listed above shall have the following characteristics:

- I. Issuing authority: ISO code for the issuing State 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 to 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
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- (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 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 each Member in accordance with Article 4, paragraphs 1, 2, 6 and 7 of this Convention shall be restricted to:

Section 1

1. Issuing 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.

Annex III

Requirements and recommended procedures and practices concerning the issuance of seafarers' identity documents

This Annex sets out minimum requirements relating to procedures to be adopted by each Member in accordance with Article 5 of this Convention, with respect to the issuance of seafarers' identity documents (referred to below as "SIDs"), including quality-control procedures.

Part A lists the mandatory results that must be achieved, as a minimum, by each Member, in implementing a system of issuance of SIDs.

Part B recommends procedures and practices for achieving those results. Part B is to be given full consideration by Members, but is not mandatory.

Part A. Mandatory results

1. Production and delivery of blank SIDs

Processes and procedures are in place to ensure the necessary security for the production and delivery of blank SIDs, including the following:

- (a) all blank SIDs are of uniform quality and meet the specifications in content and form as contained in Annex I;
- (b) the materials used for production are protected and controlled;
- (c) blank SIDs are protected, controlled, identified and tracked during the production and delivery processes;
- (d) producers have the means of properly meeting their obligations in relation to the production and delivery of blank SIDs;
- (e) the transport of the blank SIDs from the producer to the issuing authority is secure.

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

Processes and procedures are in place to ensure the necessary security for the custody, handling and accountability for blank and completed SIDs, including the following:

- (a) the custody and handling of blank and completed SIDs is controlled by the issuing authority;
- (b) blank, completed and voided SIDs, including those used as specimens, are protected, controlled, identified and tracked;
- (c) personnel involved with the process meet standards of reliability, trustworthiness and loyalty required by their positions and have appropriate training;
- (d) the division of responsibilities among authorized officials is designed to prevent the issuance of unauthorized SIDs.

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

Processes and procedures are in place to ensure the necessary security for the processing of applications, the completion of the blank SIDs into personalized SIDs by the authority and unit responsible for issuing them, and the delivery of the SIDs, including:

- (a) processes for verification and approval ensuring that SIDs, when first applied for and when renewed, are issued only on the basis of:
 - (i) applications completed with all information required by Annex I,
 - (ii) proof of identity of the applicant in accordance with the law and practice of the issuing State,
 - (iii) proof of nationality or permanent residence,
 - (iv) proof that the applicant is a seafarer within the meaning of Article 1,
 - (v) assurance that applicants, especially those with more than one nationality or having the status of permanent residents, are not issued with more than one SID,
 - (vi) verification that the applicant does not constitute a risk to security, with proper respect for the fundamental rights and freedoms set out in international instruments.
- (b) the processes ensure that:
 - (i) the particulars of each item contained in Annex II are entered in the database simultaneously with issuance of the SID,

- (ii) the data, photograph, signature and biometric gathered from the applicant correspond to the applicant, and
 - (iii) the data, photograph, signature and biometric gathered from the applicant are linked to the application throughout the processing, issuance and delivery of the SID.
- (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 to be issued by the Member.
 - 1.2. If the blanks are to be produced on the premises of the authority responsible for the issuance 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 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 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 the Member's territory, the competent authority of the Member 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 issuing authority.
 - 2.2. The issuing 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 issuing 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 issuing 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 issuing 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 issuing 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 issuing 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 issuing 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 issuing State. 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 Article 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 issuing authority of SIDs:
 - 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 Article 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 issuing 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 Article 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 issuing authority with a view to its rapid withdrawal.
- 3.23. When a SID is suspended or withdrawn the issuing 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 issuing authority should make the necessary arrangements and rules to implement Article 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 the Convention;
 - 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 issuing 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 issuing 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 issuing 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 issuing authority.
 - 5.3. All officials of the issuing 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 issuing 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 issuing 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 issuing authority should ensure a periodic evaluation of the reliability of the issuance system and procedures, and of their conformity with the requirements of this Convention. 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.

Članak 3.

Provedba ovoga Zakona u djelokrugu je središnjih tijela državne uprave nadležnih za poslove pomorstva i za unutarnje poslove.

Članak 4.

Na dan stupanja na snagu ovoga Zakona, Konvencija iz članka 1. ovoga Zakona nije na snazi u odnosu na Republiku Hrvatsku te će se podaci o njezinom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

Članak 5.

Ovaj Zakon stupa na snagu osmoga dana od dana objave u Narodnim novinama.

O B R A Z L O Ž E N J E

Člankom 1. Konačnog prijedloga zakona o potvrđivanju potvrđuje se Konvencija kojom se mijenja Konvencija o identifikacijskim ispravama pomoraca iz 1958. godine temeljem odredbi članka 140. Ustava Republike Hrvatske, te sukladno člancima 18. Zakona o sklapanju i izvršavanju međunarodnih ugovora (Narodne novine, broj 28/96), iskazuje se formalni pristanak Republike Hrvatske da bude vezana Konvencijom, na temelju čega će ovaj pristanak biti iskazan i na međunarodnoj razini.

U članku 2. Konačnog prijedloga zakona o potvrđivanju Konvencije sadržan je tekst Konvencije u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik.

U članku 3. Konačnog prijedloga zakona o potvrđivanju Konvencije propisuje se da je provedba ovoga Zakona u djelokrugu središnjeg tijela državne uprave nadležnog za poslove pomorstva i središnjeg tijela državne uprave nadležnog za unutarnje poslove.

U članku 4. Konačnog prijedloga zakona o potvrđivanju Konvencije navodi se da na dan stupanja na snagu ovoga Zakona, Konvencija nije na snazi u odnosu na Republiku Hrvatsku te će se podaci o njezinom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

U članku 5. Konačnog prijedloga zakona o potvrđivanju Konvencije utvrđuje se stupanje na snagu ovoga Zakona.

Prilog - preslika teksta Konvencije kojom se mijenja Konvencija o identifikacijskim ispravama pomoraca iz 1958. godine, u izvorniku na engleskom jeziku

International Labour Conference Conférence internationale du Travail

CONVENTION 185

CONVENTION REVISING
THE SEAFARERS' IDENTITY DOCUMENTS CONVENTION, 1958,
ADOPTED BY THE CONFERENCE AT ITS NINETY-FIRST SESSION,
GENEVA, 19 JUNE 2003

CONVENTION 185

CONVENTION RÉVISANT LA CONVENTION
SUR LES PIÈCES D'IDENTITÉ DES GENS DE MER, 1958,
ADOPTÉE PAR LA CONFÉRENCE À SA
QUATRE-VINGT-ONZIÈME SESSION,
GENÈVE, 19 JUIN 2003

Convention 185

**CONVENTION REVISING THE SEAFARERS' IDENTITY
DOCUMENTS CONVENTION, 1958**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its Ninety-first
Session on 3 June 2003, and

Mindful of the continuing threat to the security of passengers and crews
and the safety of ships, to the national interest of States and to
individuals, and

Mindful also of the core mandate of the Organization, which is to
promote decent conditions of work, and

Considering that, given the global nature of the shipping industry,
seafarers need special protection, and

Recognizing the principles embodied in the Seafarers' Identity
Documents Convention, 1958, concerning the facilitation of entry
by seafarers into the territory of Members, for the purposes of
shore leave, transit, transfer or repatriation, and

Noting the Convention on the Facilitation of International Maritime
Traffic, 1965, as amended, of the International Maritime
Organization, in particular, Standards 3.44 and 3.45, and

Noting further that United Nations General Assembly Resolution
A/RES/57/219 (Protection of human rights and fundamental
freedoms while countering terrorism) affirms that States must
ensure that any measure taken to combat terrorism complies
with their obligations under international law, in particular
international human rights, refugee and humanitarian law, and

Being aware that seafarers work and live on ships involved in
international trade and that access to shore facilities and shore
leave are vital elements of seafarers' general well-being and,
therefore, to the achievement of safer shipping and cleaner
oceans, and

Being aware also that the ability to go ashore is essential for joining a
ship and leaving after the agreed period of service, and

Noting the amendments to the International Convention for the Safety
of Life at Sea, 1974, as amended, concerning special measures to
enhance maritime safety and security, that were adopted by the
International Maritime Organization Diplomatic Conference on
12 December 2002, and

Having decided upon the adoption of certain proposals with regard to the improved security of seafarers' identification, which is the seventh item on the agenda of the session, and

Having decided that these proposals shall take the form of an international Convention revising the Seafarers' Identity Documents Convention, 1958,

adopts this nineteenth day of June of the year two thousand and three, the following Convention, which may be cited as the Seafarers' Identity Documents Convention (Revised), 2003.

Article 1

SCOPE

1. For the purposes of this Convention, the term "seafarer" means any person who is employed or is engaged or works in any capacity on board a vessel, other than a ship of war, ordinarily engaged in maritime navigation.

2. In the event of any doubt whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined in accordance with the provisions of this Convention by the competent authority of the State of nationality or permanent residence of such persons after consulting with the shipowners' and seafarers' organizations concerned.

3. After consulting the representative organizations of fishing-vessel owners and persons working on board fishing vessels, the competent authority may apply the provisions of this Convention to commercial maritime fishing.

Article 2

ISSUANCE OF SEAFARERS' IDENTITY DOCUMENTS

1. Each Member for which this Convention is in force shall issue to each of its nationals who is a seafarer and makes an application to that effect a seafarers' identity document conforming to the provisions of Article 3 of this Convention.

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

3. Each Member may also issue seafarers' identity documents referred to in paragraph 1 to seafarers who have been granted the status of permanent resident in its territory. Permanent residents shall in all cases travel in conformity with the provisions of Article 6, paragraph 7.

4. Each Member shall ensure that seafarers' identity documents are issued without undue delay.

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

6. This Convention shall be without prejudice to the obligations of each Member under international arrangements relating to refugees and stateless persons.

Article 3

CONTENT AND FORM

1. The seafarers' identity document covered by this Convention shall conform – in its content – to the model set out in Annex I hereto. 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. Provided that any amendment is consistent with the following paragraphs, Annex I may, where necessary, be amended in accordance with Article 8 below, in particular to take account of technological developments. The decision to adopt the amendment shall specify when the amendment will enter into effect, taking account of the need to give Members sufficient time to make any necessary revisions of their national seafarers' identity documents and procedures.

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. Members shall take into account any available guidelines developed by the International Labour 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 issuing 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 be determined in accordance with the laws and regulations of the issuing State and shall in no case exceed ten years, subject to renewal after the first 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 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.

Article 4

NATIONAL ELECTRONIC DATABASE

1. Each Member 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 hereto, which may be amended in the manner provided for in Article 8 below, taking account of the need to give Members sufficient time to make any necessary revisions of their national database systems.

3. Each Member 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. Each Member 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, and the Office shall maintain a list which shall be communicated to all Members of the Organization.

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 Convention, 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. Members 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 5

QUALITY CONTROL AND EVALUATIONS

1. Minimum requirements concerning processes and procedures for the issue of seafarers' identity documents, including quality-control procedures, are set out in Annex III to this Convention. These minimum requirements establish mandatory results that must be achieved by each Member in the administration of its system for issuance of seafarers' identity documents.

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 authority and unit responsible for issuing them and the delivery of the seafarers' identity documents;
- (d) the operation and maintenance of the database; and
- (e) the quality control of procedures and periodic evaluations.

3. Subject to paragraph 2 above, Annex III may be amended in the manner provided for in Article 8, taking account of the need to give Members sufficient time to make any necessary revisions to their processes and procedures.

4. Each Member 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 Member concerned. This reporting requirement shall be without prejudice to the obligations of Members under article 22 of the Constitution of the International Labour Organisation.

5. The International Labour Office shall make these evaluation reports available to Members. Any disclosure, other than those authorized by this Convention, shall require the consent of the reporting Member.

6. The Governing Body of the International Labour Office, acting on the basis of all relevant information in accordance with arrangements made by it, shall approve a list of Members which fully meet the minimum requirements referred to in paragraph 1 above.

7. The list must be available to Members of the Organization at all times and be updated as appropriate information is received. In particular, Members shall be promptly notified where the inclusion of any Member on the list is contested on solid grounds in the framework of the procedures referred to in paragraph 8.

8. In accordance with procedures established by the Governing Body, provision shall be made for Members which have been or may be excluded from the list, as well as interested governments of ratifying Members and representative shipowners' and seafarers' organizations, to make their views known to the Governing Body, in accordance with the arrangements referred to above and to have any disagreements fairly and impartially settled in a timely manner.

9. The recognition of seafarers' identity documents issued by a Member is subject to its compliance with the minimum requirements referred to in paragraph 1 above.

Article 6

FACILITATION OF SHORE LEAVE AND TRANSIT AND TRANSFER OF SEAFARERS

1. Any seafarer who holds a valid seafarers' identity document issued in accordance with the provisions of this Convention by a Member for which the Convention is in force shall be recognized as a seafarer within the meaning of the Convention unless clear grounds exist for doubting the authenticity of the seafarers' identity document.

2. The verification and any related inquiries and formalities needed to ensure that the seafarer for whom entry is requested pursuant to paragraphs 3 to 6 or 7 to 9 below is the holder of a seafarers' identity document issued in accordance with the requirements of this Convention shall be at no cost to the seafarers or shipowners.

Shore leave

3. Verification and any related inquiries and formalities referred to in paragraph 2 above shall be carried out in the shortest possible time provided that reasonable advance notice of the holder's arrival was received by the competent authorities. The notice of the holder's arrival shall include the details specified in section 1 of Annex II.

4. Each Member for which this Convention is in force shall, in the shortest possible time, and unless clear grounds exist for doubting the authenticity of the seafarers' identity document, permit the entry into its territory of a seafarer holding a valid seafarer's identity document, when entry is requested for temporary shore leave while the ship is in port.

5. Such entry shall be allowed provided that the formalities on arrival of the ship have been fulfilled and the competent authorities have no reason to refuse permission to come ashore on grounds of public health, public safety, public order or national security.

6. For the purpose of shore leave seafarers shall not be required to hold a visa. Any Member which is not in a position to fully implement this requirement shall ensure that its laws and regulations or practice provide arrangements that are substantially equivalent.

Transit and transfer

7. Each Member for which this Convention is in force 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:

- (a) joining their ship or transferring to another ship;
- (b) passing in transit to join their ship in another country or for repatriation; or any other purpose approved by the authorities of the Member concerned.

8. 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.

9. Any Member may, before permitting entry into its territory for one of the purposes specified in paragraph 7 above, require satisfactory evidence, including documentary evidence of a seafarer's intention and ability to carry out that intention. The Member may also limit the seafarer's stay to a period considered reasonable for the purpose in question.

Article 7

CONTINUOUS POSSESSION AND WITHDRAWAL

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 issuing State if it is ascertained that the seafarer no longer meets the conditions for its issue under this Convention. 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 8

AMENDMENT OF THE ANNEXES

1. Subject to the relevant provisions of this Convention, amendments to the Annexes may be made by the International Labour Conference, acting on the advice of a duly constituted tripartite maritime body of the International Labour Organization. The decision shall require a majority of two-thirds of the votes cast by the delegates present at the Conference, including at least half the Members that have ratified this Convention.

2. Any Member that has ratified this Convention may give written notice to the Director-General within six months of the date of the adoption of such an amendment that it shall not enter into force for that Member, or shall only enter into force at a later date upon subsequent written notification.

Article 9

TRANSITIONAL PROVISION

Any Member which is a party to the Seafarers' Identity Documents Convention, 1958, and which is taking measures, in accordance with article 19 of the Constitution of the International Labour Organisation, with a view to ratification of this Convention may notify the Director-General of its intention to apply the present Convention provisionally. A seafarers' identity document issued by such a Member shall be treated for the purposes of this Convention as a seafarers' identity document issued under it provided that the requirements of Articles 2 to 5 of this Convention are fulfilled and that the Member concerned accepts seafarers' identity documents issued under this Convention.

FINAL PROVISIONS

Article 10

This Convention revises the Seafarers' Identity Documents Convention, 1958.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General for registration. Such denunciation shall take effect twelve months after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, shall be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director-General shall notify all Members of the registration of all ratifications, declarations and acts of denunciation communicated by the Members.

2. When notifying the Members of the registration of the second ratification of this Convention, the Director-General shall draw the attention of the Members to the date upon which the Convention shall come into force.

3. The Director-General shall notify all Members of the registration of any amendments made to the Annexes in accordance with Article 8, as well as of notifications relating thereto.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications, declarations and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 16

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part, taking account also of the provisions of Article 8.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

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 issuing State 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 captions on fields on the data page(s) above may be translated into the language(s) of the issuing State. If the national language is other than English, French or Spanish, the captions shall also be entered in one of these languages.

The Roman alphabet should be used for all entries in this document.

The information listed above shall have the following characteristics:

- I. Issuing authority: ISO code for the issuing State 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 to 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 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 each Member in accordance with Article 4, paragraphs 1, 2, 6 and 7 of this Convention shall be restricted to:

Section 1

1. Issuing 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.

Annex III

Requirements and recommended procedures and practices concerning the issuance of seafarers' identity documents

This Annex sets out minimum requirements relating to procedures to be adopted by each Member in accordance with Article 5 of this Convention, with respect to the issuance of seafarers' identity documents (referred to below as "SIDs"), including quality-control procedures.

Part A lists the mandatory results that must be achieved, as a minimum, by each Member, in implementing a system of issuance of SIDs.

Part B recommends procedures and practices for achieving those results. Part B is to be given full consideration by Members, but is not mandatory.

Part A. Mandatory results

1. Production and delivery of blank SIDs

Processes and procedures are in place to ensure the necessary security for the production and delivery of blank SIDs, including the following:

- (a) all blank SIDs are of uniform quality and meet the specifications in content and form as contained in Annex I;*
- (b) the materials used for production are protected and controlled;*
- (c) blank SIDs are protected, controlled, identified and tracked during the production and delivery processes;*
- (d) producers have the means of properly meeting their obligations in relation to the production and delivery of blank SIDs;*
- (e) the transport of the blank SIDs from the producer to the issuing authority is secure.*

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

Processes and procedures are in place to ensure the necessary security for the custody, handling and accountability for blank and completed SIDs, including the following:

- (a) the custody and handling of blank and completed SIDs is controlled by the issuing authority;*
- (b) blank, completed and voided SIDs, including those used as specimens, are protected, controlled, identified and tracked;*
- (c) personnel involved with the process meet standards of reliability, trustworthiness and loyalty required by their positions and have appropriate training;*
- (d) the division of responsibilities among authorized officials is designed to prevent the issuance of unauthorized SIDs.*

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

Processes and procedures are in place to ensure the necessary security for the processing of applications, the completion of the blank SIDs into personalized SIDs by the authority and unit responsible for issuing them, and the delivery of the SIDs, including:

- (a) processes for verification and approval ensuring that SIDs, when first applied for and when renewed, are issued only on the basis of:
 - (i) applications completed with all information required by Annex I,
 - (ii) proof of identity of the applicant in accordance with the law and practice of the issuing State,
 - (iii) proof of nationality or permanent residence,
 - (iv) proof that the applicant is a seafarer within the meaning of Article 1,
 - (v) assurance that applicants, especially those with more than one nationality or having the status of permanent residents, are not issued with more than one SID,
 - (vi) verification that the applicant does not constitute a risk to security, with proper respect for the fundamental rights and freedoms set out in international instruments.
- (b) the processes ensure that:
 - (i) the particulars of each item contained in Annex II are entered in the database simultaneously with issuance of the SID,
 - (ii) the data, photograph, signature and biometric gathered from the applicant correspond to the applicant, and
 - (iii) the data, photograph, signature and biometric gathered from the applicant are linked to the application throughout the processing, issuance and delivery of the SID.
- (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 to be issued by the Member.
 - 1.2. If the blanks are to be produced on the premises of the authority responsible for the issuance 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 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 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 the Member's territory, the competent authority of the Member 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 issuing authority.
 - 2.2. The issuing 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 issuing 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 issuing 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 issuing 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 issuing 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 issuing 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 issuing 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 issuing State. 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 Article 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 issuing authority of SIDs:
- 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 Article 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 issuing 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 Article 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 issuing authority with a view to its rapid withdrawal.
 - 3.23. When a SID is suspended or withdrawn the issuing 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 issuing authority should make the necessary arrangements and rules to implement Article 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 the Convention;
 - 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 issuing 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 issuing 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 issuing 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 issuing authority.
 - 5.3. All officials of the issuing 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 issuing 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 issuing 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 issuing authority should ensure a periodic evaluation of the reliability of the issuance system and procedures, and of their conformity with the requirements of this Convention. 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.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organization during its Ninety-first Session which was held at Geneva and declared closed the nineteenth day of June 2003.

IN FAITH WHEREOF we have appended our signatures this *twentieth* day of June 2003.