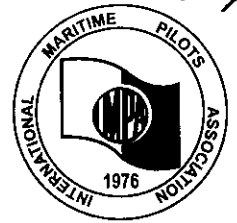




SINDICATO NACIONAL DE PILOTOS DE PUERTO
Comité Ejecutivo Nacional
R.F.C. SNP 390620-6F5



México, D.F. Junio 26 de 2009
OFICIO CEN-SG-MEX-193/09

Asunto: Anteproyecto de Requisitos Médicos
relativos al Personal de Transporte Marítimo

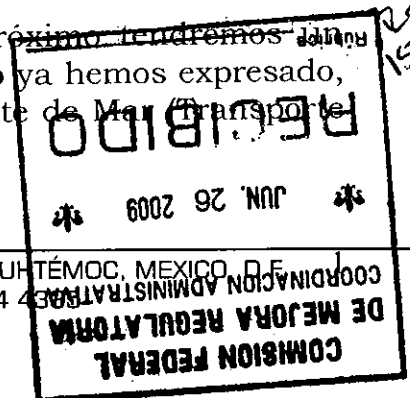
Titular de la Comisión Federal de Mejora Regulatoria
P r e s e n t e

En alcance a mis similares oficios CEN-SG-MEX-183/09 y CEN-SG-MEX-189/09, mediante los cuales expresamos diversos comentarios en relación a la "Respuesta al oficio N.-COFEME/08/3672, de fecha 05 de diciembre de 2008, referente al Anteproyecto de Requisitos Médicos relativos al Personal de Transporte Marítimo" (en lo sucesivo "Anteproyecto"), así como a su respectiva manifestación de impacto regulatorio, que elaboró la Dirección General de Protección y Medicina Preventiva en el Transporte de la Secretaría de Comunicaciones y Transportes, me permito añadir lo siguiente:

Del 27 de mayo al 5 de junio de 2009, se llevó a cabo la 86ª sesión del Comité de Seguridad Marítima de la Organización Marítima Internacional (OMI), en la cual se aprobó, en principio, el texto preliminar revisado del Convenio y el Código Internacional sobre Normas de Formación, Entrenamiento y Guardia para la Gente de Mar (STCW) 1978, en su forma enmendada, texto que fue preparado por el Subcomité Sobre Normas de Entrenamiento y Guardia (ver página 2 del ANEXO 1).

Conforme a lo anterior, el mencionado Comité autorizó que se lleve a cabo una reunión *Ad Hoc* intermedia de un grupo de trabajo del Subcomité de Normas de Entrenamiento y Guardia (STW), del 7 al 11 de septiembre de 2009, para que se avance en los trabajos respectivos, con miras a finalizarlos en la sesión 41 de dicho Subcomité, que se llevará a cabo en enero de 2010 y, de esta manera, concluir el texto de enmiendas del Convenio y Código STCW, a fin de que sea circulado para su consideración en la conferencia diplomática programada para mediados de 2010, a la que deberá asistir el representante de los Estados Unidos Mexicanos.

De lo anterior se desprende que a mediados del año próximo tendremos un nuevo texto del Convenio y Código STCW, en el cual, como ya hemos expresado, se establecerán los requisitos médicos aplicables a la Gente de Mar (Transporte).





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Marítimo), de ahí que resulte inconveniente expedir una regulación (el Anteproyecto) que será superada en breve por un tratado internacional vinculante para nuestro país.

Adicionalmente, me permito exhibir copia del certificado médico del Capitán ESPEN BEEN, de nacionalidad Noruega, expedido por la "Norwegian Maritime Directorate" (Directorio Marítimo de Noruega), así como del certificado médico del Cap. GIUSEPPE BONACCORSI, de nacionalidad Italiana, expedido por el "MINISTERO DELLA SALUTE - SERVIZI ASSISTENZA SANITARIA AL NAVIGANTI" (Ministerio de la Salud - Servicio de Asistencia Sanitaria al Navegante), en los cuales se advierte que su vigencia es de 2 años, por lo que insistimos que es una COSTUMBRE INTERNACIONAL el que los certificados médicos para la Gente de Mar, aquí denominados "Constancia de Aptitud Psicofísica", tengan dicha vigencia, de manera que sería inequitativo para los Marineros Mercantes Mexicanos que en nuestro país se redujera la mencionada vigencia de 2 años a sólo 6 meses.

Por lo anteriormente expuesto;

A esa Comisión Federal de Mejora Regulatoria, atentamente solicitamos:

Único.- Tenerme por presentado en los términos de este escrito realizando manifestaciones y exhibiendo los documentos indicados, en alcance a mis similares oficios CEN-SG-MEX 183/09 y CEN-SG-MEX-183/09.

A T E N T A M E N T E
ORDEN LEY Y TRABAJO
POR LA EMANCIPACIÓN DE MÉXICO
POR EL COMITÉ EJECUTIVO NACIONAL


CAP. ALT. FERNANDO RAMÍREZ MARTÍNEZ
SECRETARIO GENERAL

copias: Senador Sebastián Calderón Centeno.
Presidente de la Comisión de Marina de la Cámara de Senadores.
Dip. Fed. Elías Cárdenas Márquez.
Presidente de la Comisión de Marina de la Cámara de Diputados.
Lic. Alejandro Chacón Domínguez. Coordinador General de Puertos y Marina Mercante.
International Transport Federation.
Archivo CEN - SNPP

FRM/MACV/JFM/mmj*

Maritime Safety Committee (MSC), 86th session:
27 May - 5 June 2009

**Revised guidance on combating piracy agreed by IMO
Maritime Safety Committee**

Revised guidance on combating piracy and armed robbery against ships was agreed by IMO's Maritime Safety Committee (MSC) when it met at the Organization's London Headquarters for its 86th session from 27 May to 5 June. Specific guidance relating to the continued attacks on ships off the coast of Somalia and in the Gulf of Aden was also agreed.

The packed agenda also covered the adoption of amendments to the International Convention for the Safety of Life at Sea (SOLAS), including a new regulation to make the carriage of electronic charts mandatory, and the approval of goal-based standards for new oil tankers and bulk carriers, for future adoption.

Piracy and armed robbery against ships

The MSC reviewed the latest statistics on piracy and armed robbery against ships, in particular off the coast of Somalia and in the Gulf of Aden, where ships continue to be attacked and hijacked, despite the concerted efforts of the international community, spearheaded by IMO, navies and the industry, to protect shipping. The number of acts of piracy and armed robbery against ships reported to the Organization to have occurred in 2008 was 306, against 282 during 2007, representing an increase of 8.5 per cent. In the first four months of 2009, 157 incidents were reported to IMO.

The MSC agreed updated *Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships; and Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships*. The guidance to shipmasters and crew includes a new annex aimed at seafarers, fishermen and other mariners who may be kidnapped or held hostage for ransom, based on the current United Nations guidance on "surviving as a hostage".

An MSC circular on *Piracy and armed robbery against ships in waters off the coast of Somalia* was agreed, to include *Best Management Practices to Deter Piracy in the Gulf of Aden and off the Coast of Somalia*, which have been developed by industry organizations, and additional guidance to vessels engaged in fishing, identified as being particularly vulnerable to attack.

The MSC agreed that flag States should strongly discourage the carrying and use of firearms by seafarers for personal protection or for the protection of a ship. Seafarers, it was agreed, are civilians and the use of firearms requires special training and aptitudes and the risk of accidents with firearms carried on board ship is great. Carriage of arms on board ship may encourage attackers to carry firearms or even more dangerous weapons, thereby escalating an already dangerous situation. Any firearm on board may itself become an attractive target for an attacker. Carriage of firearms may pose an even greater danger if the ship is carrying flammable cargo or similar types of dangerous goods.

It was agreed that the use of unarmed security personnel is a matter for individual shipowners, companies, and ship operators to decide. The carriage of armed security personnel, or the use of military or law-enforcement officers (duly authorized by the Government of the flag State to carry firearms for the security of the ship) should be subject to flag State legislation and policies and is a matter for the flag State to authorize, in consultation with ship owners, companies and ship operators.

The MSC also agreed proposed amendments to the *Code of practice for the investigation of the crimes of piracy and armed robbery against ships* (resolution A.922(22)), for consideration by the IMO Assembly later this year.

ECDIS and BNWAS to be made mandatory under SOLAS

Amendments to SOLAS regulation V/19, to make mandatory the carriage of Electronic Chart Display and Information Systems (ECDIS) and Bridge Navigational Watch Alarm Systems (BNWAS), under SOLAS chapter V, *Safety of Navigation*, were adopted, with an expected entry into force date of 1 January 2011. The requirements will be mandatory for new ships and phased-in for existing ships.

Other SOLAS amendments adopted

Other SOLAS amendments adopted, with an expected entry force date of 1 January 2011, include:

- an amendment to SOLAS regulation II-1/3-5.2, to prohibit all new installations of asbestos on board ships, without exceptions; and
- amendments to the title of Chapter VI to read, *Carriage of Cargoes "and Oil Fuels"* and to Regulation VI/5-1 on *Material safety data sheets (MSDS)* to require MSDS to be provided for ships carrying oil or oil fuel, prior to the loading of such oil as cargo in bulk or bunkering of oil fuel. The MSC also approved *Recommendations for material safety data sheets (MSDS) for MARPOL Annex I type cargoes and oil fuels*.

Goal-based new ship construction standards

The MSC approved international goal-based ship construction standards for bulk carriers and oil tankers, together with proposed amendments to SOLAS Chapter II-1 making their application mandatory, for consideration at MSC 87 with a view to adoption.

The proposed SOLAS regulation II-1/3-10 on *Goal-based ship construction standards for bulk carriers and oil tankers* would apply to oil tankers and bulk carriers of 150 m in length and above. It would require new ships to be designed and constructed for a specified design life and to be safe and environmentally friendly, in intact and specified damage conditions, throughout their life. The ship should have adequate strength, integrity and stability to minimize the risk of loss of the ship or pollution to the marine environment due to structural failure, including collapse, resulting in flooding or loss of watertight integrity.

The MSC also approved, in principle, *Guidelines for verification of conformity with goal-based ship construction standards for bulk carriers and oil tankers*, for adoption at MSC 87. Draft *Guidelines for the information to be included in a Ship Construction File* were considered and will be further developed at the next MSC session.

The goal-based standards have been developed on the basis of a five-tier system, consisting of goals (Tier I), functional requirements (Tier II), verification of conformity (Tier III), rules and regulations for ship design and construction (Tier IV) and industry practices and standards (Tier V). The proposed goal-based standards reflect tiers I to III.

Long-Range Identification and Tracking (LRIT)

The MSC was updated on the implementation status of the LRIT system and considered the outcome of the seventh session of the *Ad Hoc* LRIT Group, which met in March. The LRIT system, as from 1 January 2009, is in production and is being implemented by all SOLAS Parties. Some LRIT Data Centres are still undergoing testing and they are expected to complete the full integration into the LRIT system before 30 September 2009. In the meantime, contractual arrangements between LRIT Data Centres are under consideration for receiving and providing LRIT information.

The MSC agreed Guidance on the survey and certification of compliance of ships with the requirement to transmit LRIT information; Guidance to search and rescue services in relation to requesting and receiving LRIT information; and an MSC circular on information communicated to the Organization in relation to the establishment of LRIT Data Centres and their position in relation to developmental testing in the production of the LRIT system. The latter instructs the IMO Secretariat to make available a list showing the SOLAS Contracting Governments, which have established LRIT Data Centres that have been integrated into, and are operating in, the LRIT system and the status of LRIT arrangements within other Contracting Governments.

Comprehensive review of the STCW Convention and Code

The MSC approved, in principle, the preliminary draft revised text of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended, and the STCW Code, prepared by the Sub-Committee on Standards of Training and Watchkeeping (STW).

The Committee authorized the holding of an *ad hoc* intersessional meeting of an STW working group, from 7 to 11 September 2009, to progress the work, with a view to finalization at STW 41 in January 2010. STW 41 would then finalize the draft text of amendments to the STCW Convention and Code, with a view to their circulation for consideration by a Diplomatic Conference, scheduled for mid-2010.

Implementation of the revised STCW Convention

The list of Parties deemed to be giving full and complete effect to the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended, was updated in the light of the report on those countries of which independent evaluations have been completed since the previous MSC meeting.

MODU Code 2009 approved for adoption by the Assembly

The draft *Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009*, which revises and updates the MODU Code adopted in 1989 (resolution A.649(16)), was approved, prior to submission to the IMO Assembly for adoption.

The MODU Code provides an international standard for mobile offshore drilling units of new construction, to facilitate the international movement and operation of these units and ensure a level of safety equivalent to that required by the SOLAS Convention and the 1988 Protocol to the Load Lines Convention for conventional ships engaged on international voyages.

Code on Alerts and Indicators to be approved for adoption by the Assembly

The draft *Code on Alerts and Indicators, 2009* was approved by the MSC. It is also being submitted to the Marine Environment Protection Committee (MEPC), in July, for concurrent approval and submission to the IMO Assembly for adoption.

The Code is intended to provide general design guidance and to promote uniformity of type, location and priority for alerts and indicators required by the SOLAS Convention, including relevant performance standards, and by the MARPOL Convention, as well as by other associated instruments and codes. The Code, when adopted, will update, revise and replace the *Code on Alarms and Indicators, 1995* (resolution A.830(19)).

FSA Experts Group established to review studies

A Formal Safety Assessment (FSA) Experts Group was established to review FSA studies on cruise ships, ro-ro passenger ferries, liquefied natural gas carriers and containerships, which had been carried out within the 'SAFEDOR' research project and previously submitted to the MSC.

The MSC agreed to hold an intersessional meeting of the FSA Experts Group to finalize the review and report to MSC 87, to include any recommendations from each FSA study that may require action by the Committee or Sub-Committees.

Maritime security - voluntary self-assessment scheme reviewed

The MSC reviewed Member States' experience with implementing MSC.1/Circ.1192 *Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities* and MSC.1/Circ.1194, which includes *Guidance on basic elements of national oversight programmes for SOLAS chapter XI-2 and the ISPS Code*. Governments, non-governmental organizations and inter-governmental organizations were invited to submit the results of their experiences to the next session.

The MSC agreed *Revised guidance to masters, companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port* (updating MSC/Circ.1130).

Other issues

The MSC considered other issues arising from the reports of Sub-Committees and other bodies, adopted a number of resolutions and approved other circulars and draft amendments, including:

- the revised *Joint IMO/IHO/WMO Manual on Maritime Safety Information (MSI)*;
- *Guidelines for the drainage of fire-fighting water from closed vehicle and ro-ro spaces and special category spaces for passenger and cargo ships*;
- *Interim Guidelines on safety for gas-fuelled engine installations in ships*;
- amendments to the *International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual*;

- revised *Guidelines for ships operating in polar waters*, for concurrent approval by MEPC 59 and subsequent adoption by the Assembly;
- draft amendments to the *Survey Guidelines under the Harmonized System of Survey and Certification*, for concurrent approval by MEPC 59 and subsequent adoption by the Assembly; and
- draft amendments to the *Code for the Implementation of Mandatory IMO Instruments, 2007*, for concurrent approval by MEPC 59 and subsequent adoption by the Assembly.



Sjøfartsdirektoratet
Norwegian Maritime Directorate

ANEXO 2

Vellegg: 4

Helseerklæring / Health certificate

Serienummer / Serial no.: **H - 02617**

Passnummer, sjøfartsbok eller annet identitetsbevis angi type dokument og ID-nummer / Passport number, sea service book or other type of document and ID number

Fødselsdato (dag/måned/år) / Date of birth (day/month/year)

03 10 31 67

Kjønn / Sex Mann / Male ☒ Kvinne / Female ☐

SKRIV MED BLOKKBOKSTAVER / USE BLOCK LETTERS

Etternavn / Family name

B E E N

Fornavn / First name

E S P E N

Mellomnavn / Middle name

Bostedsadresse / Home address

Nasjonalitet / Nationality

NORWEGIAN

Stilling om bord / Position on board

STAFF CAPTAIN

Engelsk betegnelse / In English

Ovennevnte sjemann er i dag (dag/måned/år / day/month/year): **19 02 07** undersøkt av meg i henhold til bestemmelserne i forskrift 19. oktober 2001 om helseundersøkelse av arbeidstakere på skip med vedlegg. / The above-mentioned seafarer has today (see above) been examined by me in accordance with the provisions of Regulation of 19 October 2001 concerning the medical examination of employees on ships and the appurtenant appendix.

På grunnlag av helseundersøkelsene, herunder undersøkelse av syn- og hørsel, har jeg funnet at ovennevnte er / On the basis of the medical examination, including examination of sight and hearing, I declare the above-mentioned person to be:

Skikket til brovaktfunksjon / Fit for navigational watch function

☒ Ikke skikket til brovaktfunksjon / Not fit for navigational watch function

Skikket til sikkerhetsfunksjon / Fit for safety function(s)

☒ Ikke skikket til sikkerhetsfunksjon / Not fit for safety function(s)

Skikket til annet arbeid om bord / Fit for other work on board

☒

Begrensninger mht helseerklæringens gyldighet vedtatt av sjemannslegen eller fagnemnda / Limitations decided by the seaman's doctor or appellate body concerning the validity of the health certificate:

☐ Tjeneste / Service

Hvilken? / Specify

Engelsk betegnelse / In english

☐ Fartsområde / Trade area

Hvilken? / Specify

Engelsk betegnelse / In english

Begrensninger mht helseerklæringens gyldighet vedtatt av fagnemnda / Limitations decided by the appellate body concerning the validity of the health certificate:

☐ Andre begrensninger (vedtatt av fagnemnda) / Other limitations (decided by the appellate body)

Engelsk betegnelse / In English:

Gyldig til / Valid until (dag/måned/år) / (day/month/year)

19 02 09

Sted og dato (dag/måned/år) / place and date (day/month/year)

Arbeidstakers underskrift / Employees Signature

Jeg, som underskrivende lege, er kjent med regelverket og har undersøkt i henhold til forskrift 1. januar 2002 om helseundersøkelse av arbeidstakere på skip med vedlegg / I, the doctor signing this document, am familiar with the applicable rules and regulations and have performed the examination in accordance with the provisions of Regulation of 19 October 2001 concerning the medical examination of employees on board ships and the appurtenant appendix

Pu 1902-07 V. W. White - Petre Bach

Godkjent sjemannsleges underskrift og stempel / Signature and stamp of approved seamen's doctor

SKRIV MED BLOKKBOKSTAVER / USE BLOCK LETTERS

Legens navn / Doctor's name

TECHNIKKI WATE - PETRE BACH

Legens adresse / Doctor's address

TREHÄLSÖNK. 9 20100 TURKU FINLAND

Telefonnummer / Telephone number

02-26161

Telefaksnummer / Fax number

02-2616313

E-mail

Denne helseerklæringen skal medbringes til sjemannslegen ved neste undersøkelse / This health certificate must be shown to the seamen's doctor at the next examination.
(serienummeret på helseerklæringen her skal samsvare med serienummeret på skjema for helseundersøkelse / the serial number of this health certificate must correspond to the number on the medical examination form)

- ☐ Ambulatorio di CATANIA
Outpatient facility of
☐ Medico fiduciario di
Fiduciary physician of

CERTIFICATO DI VISITA BIENNALE
TWO-YEAR EXAMINATION CERTIFICATE

(art. 3 della Legge 28-10-1962, n. 1602)
art. 3 of law no. 1602 of 28 October 1962

Il marittimo Sig. BONACCORSI. GIUSEPPE.
The sailor Mr

nato a GIARRE (CT) il 30/09/1963
born in on

C.F. BNCGPP63P30E017M iscritto al n. 15273 . . .
tax code no entered under no

delle matricole della gente di mare della Capitaneria di porto/ Ufficio circondariale marittimo
in the register of seafarers of the port capitaney/maritime district office

di CATANIA tessera n.
of card no

in possesso della qualifica di COMANDANTE IN 2'.
possessing the qualification of

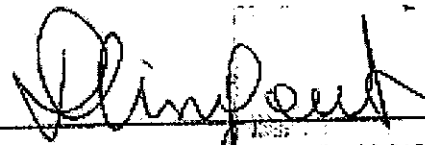
è stato sottoposto alla visita biennale ai sensi dell'art. 3 della Legge 28 ottobre 1962 n. 1602 in relazione al
was given the two-year examination pursuant to art. 3 of Law no. 1602 of 28 October 1962, with respect to

R.D.L. 14 dicembre 1933 n. 1773 ed è stato giudicato:
R.D.L. no. 1773 of 14 December 1933, and was found:

☒ **IDONEO ALLA NAVIGAZIONE SINO AL 28/05/2011**
SUITABLE FOR NAVIGATION UNTIL 28/05/2011

☐ **NON IDONEO ALLA NAVIGAZIONE**
UNSUITABLE FOR NAVIGATION DUE TO

Pertanto, ai sensi e per gli effetti dell'art. 8 della Legge n. 1602/1962 è da sottoporre a visita da parte della
Commissione Medica Permanente di 1° grado per il giudizio di competenza.
Therefore, pursuant to and to the effects of art. 8 of law no. 1602/1962, is to be examined by the Level I Permanent Medical
Commission for the appropriate opinion.



Timbro e firma del medico del SASN
Seal and signature of SASN physician
(SPINA ANTONIO)

Luogo e data... CATANIA 29/05/2009
on