

November 3, 1999

## **FLEET SAFETY LETTER 99046.GEN**

### **RE: FRAUDULENT LICENSES AND OTHER FRAUDULENT SEAFARER DOCUMENTS**

Fleet Safety Letter 98038.GEN dated June 9, 1998, discussed the subject of fraudulent licenses. You will recall from that letter that the screening process which this office undertakes prior to issuing licenses, endorsements, or other seafarer documents is very rigorous. It includes the review of original or certified copies of home country licenses or documents and STCW certificates; the review of documented sea time affidavits or discharge books, training certificates, letters of reference, medical exams; and, where appropriate, confirmation by an applicant's home country of the validity of the license or document issued, amongst other processes.

With such rigorous screening we wonder how applicants would even consider submitting a fraudulent document. But it has happened. In recent months we have identified about 60 fraudulent documents purportedly originating in Colombia, Ecuador, India, Spain, Montenegro, and Honduras.

As we have pointed out, under STCW 95 owners are obligated to:

- Ensure crews have sufficient knowledge of the flag state's maritime legislation
- Ensure ships are manned in accordance with the flag state's requirements
- Verify and document competence of crews they employ
- Arrange for in-service ship specific training and training for certification
- Assess and document acquired competence

Each of these obligations speaks to the issue of competently trained, qualified and documented seafarers and licensed officers. Failure to carefully check the documents seafarers present is an abrogation of those obligations.

The presentation of fraudulent documents, or the attempt to obtain licenses or seafarer documents based on false documents, is a violation of the Vanuatu Maritime Act. For this, significant penalties may be imposed on the individual seafarer, the ship, and the owner. Criminal charges may also be brought against the seafarer under Vanuatu law and under the law of his home country. Should he be found guilty under Vanuatu law, he may be imprisoned for up to a year and fined \$ 10,000.

For the purposes of this letter, a fraudulent or counterfeit document is any license, endorsement, STCW certificate, Continuous Discharge Certificate, training certificate, sea time record book, or any other certificate or document, which improperly, inaccurately or otherwise deceitfully identifies a person as having the knowledge, training, experience, or certification set out in the document.

In view of the recent spate of fraudulent documents, we are taking the following actions, commencing immediately:

- All documents submitted for nationals or residents of India, Honduras, or Montenegro will be verified by the issuing authority. As this will add to processing time, documents should be submitted at the earliest possible opportunity.
- All documents from other countries will be subject to direct verification by the issuing authority when necessary. This may add to the processing time. If counterfeit documents are submitted en masse from any other country, that country will be added to the list above.
- We will continue to accept applications for seafarer documents from owners, operators, technical managers and manning agents, but on each occasion that any submitted document is found to be fraudulent, the processing fees will be forfeited and the applications will be destroyed. Except in cases where the applicant is an unknowing participant, the applicant will no longer be permitted to serve on a Vanuatu flagged vessel.
- On the first submission of fraudulent documents, a warning will be issued to the party submitting the documents with a copy of the warning provided to the owners, where applicable. Owners must take responsibility for the actions of their manning agents and technical managers.
- A second submission of counterfeit documents by any party will result in the party submitting the documents being placed on a probationary list for one year. A fine of up to \$250 per fraudulent document will be imposed on the owner (as permitted by Section 16 (3) of the Maritime Regulations). All submissions from that party for the next year will be subject to direct verification before they are processed.
- Subsequent submissions of counterfeit documents by any party, other than the owner of the vessel, during the year probation, will result in the party submitting the documents being blacklisted for one year. We will accept no applications directly from that party: they must submit their documents to the owner, for additional verification, before submission to this office. For the third occurrence a fine of up to \$500 per fraudulent application will be imposed on the owner (as permitted by Section 16 (3) of the Maritime Regulations). Fines will then double with each subsequent fraudulent submission. All submissions will be subject to direct verification before they are processed.
- In each case when counterfeit documents are identified, owners, operating companies, technical managers, manning agents, etc., will be asked to confiscate all counterfeit original documents for return to this office. Full details will then be supplied to the applicant's home

country administration for penal or administrative action.

- If it is determined that the vessel to which these personnel are assigned is improperly manned a fine of \$750 will be imposed on the vessel, in accordance with the Maritime Act, in addition to any other fines or penalties associated with the fraudulent documents.

These actions may appear draconian but I believe they are now necessary to reverse a disturbing trend. This administration will continue to work with other governmental and non-governmental agencies to root out the criminal activities which provide improperly qualified, trained and certificated seafarers to our vessels.

I am sure that you share my concern about this extremely serious matter and will work with us to stop the proliferation of fraudulent documents.

Lastly, I wish to salute the companies that have assisted us in our efforts to identify and confiscate fraudulent certificates. My gratitude goes to Barber, Colonial, Marbulk, Nico, Seatrading, Tidewater, Trico, and Univan. Thank you for your assistance and cooperation.

Fleet Safety Letter 98038.GEN is hereby withdrawn.

Donald J. Sheetz  
Executive Vice President

# FLEET SAFETY LETTERS

(Issued as of November 3, 1999)

94003.GEN	--	LIFEBOATS, GENERAL, July 29, 1994
94004.FVS	--	FISHERMAN SAFETY, July 29, 1994
94006.FVS	--	REFLEXIONS: TRANSPORTATION SAFETY BOARD, September 7, 1994
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95008.GEN	--	SAFETY ITEMS, January 23, 1995
95009.GEN	--	406 MHZ EPIRB ALERTS, March 16, 1995
95010.BLK	--	MSC/CIRC.690--SHIP/ShORE SAFETY CHECKLIST, August 9, 1995
95013.GEN	--	INTERNATIONAL SAFETY MANAGEMENT CODE, September 1, 1995
95014.GEN	--	CARGO SECURING MANUAL, September 26, 1995
95016.GEN	--	GARBAGE RECORD BOOKS, November 28, 1995
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96020.GEN	--	CARGO SECURING MANUAL, July 16, 1996
96022.GEN	--	IMO RESOLUTION A.718(17): EARLY IMPLEMENTATION OF HSSC
96023.GEN	--	ENCLOSED SPACE ENTRY, August 9, 1996
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97026.FVS	--	NEW FISHING VESSEL SAFETY RULES FOR EU, January 2, 1997
97027.BLK	--	BULK CARRIER TERMINAL REPORTING FORM, February 5, 1997
97028.SEL	--	ISM CODE CERTIFICATION, May 12, 1997
97029.GEN	--	GARBAGE RECORD BOOKS, July 15, 1997
97030.FVS	--	FISHING VESSEL SAFETY, August 1, 1997
97031.FVS	--	VIOLATIONS OF FISHING TREATIES, September 15, 1997
97032.BLK	--	DEVELOPMENTS -- EXISTING BULK CARRIERS, December 17, 1997
97033.FVS	--	DEATHS ABOARD FISHING VESSELS, December 29, 1997
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98035.GEN	-	STCW REST PROVISIONS AND HUMAN FATIGUE ON BOARDS SHIPS, March 10, 1998
98036.FVS	--	SIDE SHELL FAILURE ON A TUNA PURSE SEINE FISHING VESSEL, March 10, 1998
98037.GEN	--	FALSE EPIRB ALERTS, June 9, 1998
98039.GEN	--	PORT STATE CONTROL STATISTICS THROUGH 1997, August 6, 1998
98040.GEN	--	YEAR 2000 (Y2K) PROBLEM - THE MILLENNIUM BUG, December 14, 1998
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99041.GEN	-	ANNUAL FLEET SAFETY LETTER, January 7, 1999
99042.GEN	-	EPIRB TESTING AND INMARSAT BARRING, February 23, 1999
99043.FVS	-	A Best Practices Guide to Vessel Stability-- Guiding Fishermen Safely Into the Future, March 2, 1999
99044.GEN	--	YEAR 2000 (Y2K) PROBLEM, July 15, 1999
99045.FVS	-	MARPOL VIOLATIONS, July 15, 1999
99046.GEN	-	FRAUDULENT LICENSES AND SEAFARER DOCUMENTS, November 3, 1999

Key:

GEN	=	General	FVS	=	Fishing Vessels
BLK	=	Bulk Carriers	TKR	=	Tankers
SEL	=	Selected	OSV	=	Offshore Supply Vessels
SPC	=	Special	PAS	=	Passenger

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