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SEAFARERS' CERTIFICATION IN UKRAINE: TOWARDS AN EFFECTIVE MODEL

ABSTRACT

The article is focused on the issues of administrative and corruption obstacles in the sphere of acknowledgement a qualification of seafarers in Ukraine. The ways and means of sterngtheing institutional capacity and optimizing legal regulation of this sphere are defined. The attention is focused on the modern shortcomings of the organization of certification of seafarers in Ukraine, the insufficient national policies and the significant corruption risks. Current Ukrainian legislation and main trends of institutional developments in the field are reviewed. The emphasis is made on the need of implementation of internationally recognized and best foreign practices to improving the efficiency of the seafarers' certification systems. The EU standards in the sphere of reassessment of third countries are considered, and their application is proposed by Ukraine. Also, the attention is focused on the need to introduce

the new IT-technologies into the certification process of seafarers. In addition, the establishment of an audit mechanism of the national certification procedures and, in the conditions of their proper organization, the concession of the right to their domestic implementation are proposed. Summing up, the author outlines a set of ways and means to improve the procedure of certification of seafarers for seafarers in Ukraine. They include: the strict compliance with the requirements of the international agreements and the approximation of national practices to the EU standards; the ensuring transparency in the process of training and certification of seafarers, the introduction of modern IT-technologies for this purpose; the reform of the control's systems of the educational institutions' activity, the increasing an interest of seafarers in maintaining integrity when obtaining certificates.

The key words: a seafarer, a certification, public administration, training of seafarers, maritime activity.

Introduction

Maritime transport is considered to be a type of activities with the reasonable threats of corruption. This can be explained by the transnational nature of the modern maritime industry, whereas subjects of different nationalities (shipowners, crewing agencies, seafarers, training institutions, flag and port authorities) are involved in providing functioning of every vessel. According to the OECD Foreign Bribery Report (2014) the transport and the storage industries shares 15% of all cases where individuals and companies sanctioned for foreign bribery.

Seafarers' certification procedures belong to the sphere with the highest corruption risks in the maritime industry. For example, the issue of false seafarers' certification procedures was addressed in specific research sponsored by the EU Trans-European Transport Network (TEN-T). Due to adopted project's methodology, it has been described a categorical distinction between obtained certificates in a fraud manner, which consists of follows:

1. A certificate was never issued by an administration and has been compiled by someone not authorized to do so; or

2. Genuine issued certificates that have been altered without authorization (both of these can be described as obtained by forgery).

3. Genuine certificates that should not have been granted, for example, where they were supported by fraudulent evidence. These can be described as faked.

4. Genuine certificates that were issued for cash. There were several allegations that certificates can be easily available for cash and these certificates can be described as obtained by bought (Bennet, 2012).

As we can see, such classification of fraud in obtaining seafarers' certificates covers two possible scenarios of non-sufficient performance of relevant authorities. In the first scenario, the maritime administration fails to provide a proper level of control over certification processes, in the other one – authorities may fail to ensure integrity in its actions becoming actively involved in issuing fake documents. Such “administrative deficiencies may occur as a consequence of the corruption of individual officials... but they may also result from inadequate internal administrative procedures, or the systematic neglect of the procedures that are in place.” (Obando-Rojas et al., 2004, p. 303).

In 2020, there were a series of journalistic investigations that showed a number of flaws in the Ukrainian system of seafarers' certification. Those, in particular, include a network of “convenient training centers” that have established connections with issuing authorities. The another problem consists in “the fact that certificates can be easily purchased without applicants having to actually undergo critical training. Besides the fake practical training, the “all-inclusive” package of services provided by intermediaries includes the renewal of a seafarer's certificate, health certificates, and a diploma confirmation called “an endorsement” (Sokolov, 2020).

It should be noted that The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 (the

STCW Convention) requires from every member state “to ensure the identification of clear-cut education and training objectives and the standard of competencies to be realized, while simultaneously proscribing its levels of know-how, comprehension and skills suitable for testing and grading” (Petrinovic et al., 2016, p. 55). The above-mentioned principles can be critically undermined by any fraud practices in this sphere.

Furthermore, the lack of proper training has been identified as the one of most important problems affecting seafarers today. According to Singh (2020) “shore-based training by conventionally certified masters and chief engineers though good is not enough and even useless if such training is being imparted in an improperly registered college run by those who have never set their feet onboard vessels in last few decades”. Due to the current researches, the issue of proper training proves to be the cornerstone of the maritime transport’s safety and security. For example, the human errors account for the 80% of the accidents across the world and these errors contribute to 84–88% of tanker accidents, 79% of towing vessel groundings, 89–96% of the collisions, and 75% of fires and explosions (Rothblum, 2000).

The Ukrainian national long-term planning documents – the Maritime Doctrine and the National Transport Strategy define the training and certification of seafarers as the leading areas of development of the maritime industry. With this respect, the above-mentioned documents usually refer to the established national traditions of maritime education, and the significant share that domestic seafarers occupy in the world labor market. But, for the countries interested in crew-manning supply, the quality of their MET is one of the main factors affecting the competitiveness of their seafarers in the crew-manning market (Wei, 2002). With respect to the seafarers’ skills and competences it includes not merely quality of education and training, but also the trust of stakeholders to the national certifications system. Such system is supposed to be able to properly evaluate seafarers’ skills. Whilst the system of public

administration of seafarers' certification in Ukraine has a lot of flaws. This causes deep concerns and protests of seafarers, human rights activists and trade unions. The objectives to change negative trends demand studying foreign experience and mechanisms of the seafarers' professional suitability confirmation, considering the possibility of their implementation in Ukrainian practice, counteracting corruption and fraud in the national seafarers' certification system.

Methodology

The article examines the national policy of Ukraine in the sphere of training and certification of seafarers. Based on the analysis of the work of the Ministry of Infrastructure of Ukraine, the Maritime Administration and the Inspectorate for Training and Certification of seafarers, the shortcomings of the public administration system of the industry are determined. The recommendations are provided to improve the certification procedure for seafarers in Ukraine. The practice of confirming the professional knowledge of seafarers in foreign countries is being studied and those that can be introduced in Ukraine in order to overcome the existing corruption scheme and provide Ukrainian seafarers with decent protection of their rights both in Ukraine and abroad are being outlined. The research is based on the approach to reforming the public (state) administration system on the principles of a concept of "good governance" and the ensuring respect for honor and dignity of a person as the highest social value of the modern Ukrainian state.

1. Development of administration of training and certification of seafarers in Ukraine

In large program documents of the maritime industry – the Maritime Doctrine of Ukraine for the period up to 2035 (Postanova pro vnesennia zmin do Morskoï doktryny Ukrainy na period do 2035 roku (2018) and the National Transport Strategy of Ukraine for the period up to 2030 (Rozporiadzhennia pro skhvalennia

Natsionalnoi transportnoi stratehii Ukrainy na period do 2030 roku (2018) – are noted that Ukraine is one of the largest countries that supply highly skilled labor to the world labor market, including seafarers, and also noted the need of “simplifying and improving the effectiveness of the system of certification of Ukrainian specialists, ensuring compliance with the international standards of training and estimation of qualification, in particular by concluding the agreements on the recognition of Ukrainian seafarers’ diplomas with other countries”.

For about thirty years, Ukrainian seafarers have been employed on vessels under foreign flags due to the practical absence of a domestic fleet. And, at the moment, the Ukrainian segment of the maritime labor market is one of the largest in the world (it is known that Ukraine belongs to the five states in the world on the number of sailors working on the so-called “world” fleet) (Yak ukrainskym moriakam ne vtratyty robotu cherez pandemiiu COVID-19: porady ekspertiv morskoi haluzi). The training of seafarers in Ukraine is a long tradition provided by the work of an extensive system of quality marine education. And, if the representatives of the countries of the Southeast Asia are the leaders in the number of rank and file, then Ukraine is preparing, but all, the command staff, whose functions on vessels are much more complicated, is entrusted with a much greater responsibility. Therefore, both knowledge and qualification must be appropriate.

The accession of Ukraine to the international agreements in the sphere of training and certification of seafarers has contributed to the introduction of the world standards of maritime education in the practice of educational institutions and centers for retraining and advanced training of seafarers. And the conclusion of the bilateral memoranda ensures the recognition of their educational documents in more than 50 states of the world.

The formation of modern institutional and legal support for the system of training and certification of seafarers in Ukraine also

began with Ukraine's accession to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW'78) (Zakon pro pryiednannia Ukrainy do Mizhnarodnoi konventsii pro pidhotovku i dyplomuvannia moriakiv ta nesennia vakhty 1978 roku (1996). And in 2002, Ukraine acceded to the Law On Ukraine's Accession to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (2002) to the another international instrument of the sphere, the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995, which entered into force in 2012.

In 1998, in order to exercise managerial and controlling influence on the process of training and certification of seafarers in Ukraine, in accordance with the order of the Ministry of Transport of Ukraine, dated March 6, 1998, № 68 "On the approval of the Regulation on the Agency on Monitoring of Training and Certification of Seafarers", a special unit was established within the State Department of Maritime and River Transport of Ukraine, with the extension of its activity to the whole national system of maritime education, including educational institutions, maritime training centers and other structures providing training, retraining, advanced training and certification of floating personnel. Subsequently, by the order of the State Department of Maritime and River Transport of the Ministry of Transport of Ukraine, dated October 01, 1999, № 31 "On the priority measures to ensure compliance with the requirements of the International Convention STCW 78/95", a new structure was created – the Main Inspectorate for Certification and Registration of floating personnel, and by the order of the Ministry of Transport of Ukraine, dated November 12, 1999 № 546 "On the priority measures to meet the requirements of the International Convention for Training, Certification and Watchkeeping of Seafarers (STCW 78/95) "on the basis of the Agency, a State Enterprise was

created for Certification and Registration of the Ukrainian floating personnel (Averochkina, 2006, p. 10–11). In 2001, in accordance with the Cabinet of Ministers' decision № 83 of 31 January 2001 “On improving the state supervision for the state of training and certification of seafarers”, a state organization was established – the Inspectorate for Training and Certification of Seafarers. Also, by this resolution, the Ministry of Transport was instructed to make proposals for bringing regulatory legal acts into accord with the mentioned Convention, the Merchant Shipping Code of Ukraine and this resolution.

The Ministry of Transport of Ukraine, in turn, issued the order № 292 of 17 May 2001 “On the establishment of the Inspectorate for Training and Certification of Seafarers” and established the Inspectorate in the organizational form of a State organization. In the same year, the regulation on it was approved (by the order on the approving the Regulation on the Inspectorate of Training and Certification of Seafarers, 2001) and determined that the Inspectorate was founded on State form of property and confirmed its belonging to the sphere of government of the Ministry of Transport of Ukraine. Such dynamic changes in the organization of the state government system for training and certification of seafarers in Ukraine testified to the extremely great attention to the sphere, which began to develop rapidly by obtaining a place of employment for Ukrainian seafarers on vessels under foreign flags. And even then, the “mechanism” had been forming, that in 2020, it made go out seafarers to the streets of cities with protests.

After 4 years (in 2005), the first Regulation on the Procedure for Assigning Ranks to Persons in Command of Naval Vessels was approved (Postanova pro zatverdzhennia Polozhennia pro poriadok prysvoiennia zvan osobam komandnoho skladu morskykh suden, 2005), and in 2013 the Regulation on the Rank of Persons in Command of Naval Vessels and the Procedure for Assigning Them was the next and the current (Nakaz pro zatverdzhennia

Polozhennia pro zivannia osib komandnoho skladu morskykh suden ta poriadok yikh prysvoiennia, 2013). In the same year (2013), a gap in Ukrainian legislation was finally overcome by the order of the Ministry of Infrastructure of Ukraine № 813 of 18.10.2013, by which the Procedure for confirming the qualification and certification of persons of the command staff of vessels and a vessel's crews was approved (Nakaz pro zatverdzhennia poriadku pidtverdzhennia kvalifikatsii ta dyplomuvannia osib komandnoho skladu suden ta sudnovoi komandy morskykh suden, 2013). This Act defines the procedure and the requirements for the confirmation of qualifications for the purpose of certifying persons of the command staff of vessels who do not provide for the assignment of ranks, personnel of yachts, who are not engaged in commercial transportation, persons of a vessel's crew of naval vessels, also, the types of compulsory training for persons holding certain positions or performing certain duties on a vessel.

These acts are only a small part of the entire corpus of national legislation devoted to training and certification of seafarers in Ukraine and the implementation of STCW'78 standards. It is supplemented by bilateral memoranda on the recognition of diplomas, by-laws on the functioning of the State Register of Seafarers' Documents, on the powers of the Ministry of Infrastructure of Ukraine, the Maritime Administration, the Inspectorate for Training and Certification of Seafarers and Seaport Captains in this sphere, etc. At a certain stage of implementation work in order to determine the boundaries of responsibility and competence of state bodies to introduce certain documents into Ukrainian legislation in the maritime industry, a draft resolution of the Cabinet of Ministers of Ukraine "On the distribution of responsibilities of central executive authorities regarding the implementation of multilateral agreements of Ukraine on merchant shipping issues" was developed. But this project remained only a project (Averochkina, 2011, p. 151).

Despite the number of regulations governing the training and certification of seafarers in Ukraine, its insufficient (conscious or unknown) work still causes corruption abuses, the presence of falsified documents in the register and finally distorts the goals defined in the Preamble of the STCW'78: to promote safety of life and property at sea and the protection of the marine environment. At the same time, the safety of navigation, in particular through the functioning of the system of training and certification of seafarers, is entrusted, according to the UNCLOS'82, precisely to the states, and just the States have to ensure,

“that each ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation, communications and marine engineering, and that the crew is appropriate in qualification and numbers for the type, size, machinery and equipment of the ship” (Art. 94).

By setting their own standards of qualification, the states are obliged to comply with generally accepted international rules, including in the case of economic mobility of citizens of relevant professions in certain regions (Abramov, Zaplatina, 2017, p. 167). It should also be borne in mind that the training standards defined in the international conventions STCW'78 and the STCW-F are minimum requirements. And states, at their discretion, can supplement them, but not reduce them.

Thus, gradually, to replace the full legal “vacuum” in the sphere of training and certification of seafarers in Ukraine, a certain legislative basis for this system has been formed. But, the application of accepted norms and public administration based on them, does not withstand a verification by practice, creates insurmountable obstacles to the diplomas necessary for employment. The current state of legal support for the system of training and certification of seafarers in Ukraine indicates an attempt to gradually create a mechanism for the proper implementation of the international industry standards, but not all steps are effective and good initiatives often become new obstacles finally.

2. Institutional changes vs crises of trust and integrity: are they sufficient?

The creation (2017) and the beginning of work (2018) of the Maritime Administration in Ukraine did not change the situation in the field of training and certification of seafarers. And even complicated it.

Taking into account the protests of seafarers and the crisis situation formed around their diplomas, in August of this year the Cabinet of Ministers of Ukraine adopted regulation № 739 “Some issues of training and certification of seafarers”. According to this regulation, since November 2020, the Maritime Administration has been entrusted with a number of functions of the Inspectorate for the Training and Certification of Seafarers with:

- training, estimation of competence and certification of seafarers;
- confirmation of the qualifications of seafarers, the validity of diplomas, qualification certificates and other documents of seafarers determined by the Ukrainian legislation;
- issuance of the seafarer’s record books;
- issuance of certificates of recognition in accordance with the requirements of Regulation 1/10 STCW’78;
- ensuring the maintenance of a register of all seafarers’ documents issued on the territory of Ukraine and confirming their validity;
- fulfilment of obligations arising from Ukraine’s membership in the international organizations, in particular the International Maritime Organization (IMO) and the European Maritime Security Agency (EMSA).

In accordance with the order of the Ministry of Infrastructure of Ukraine, dated September 30, 2020 № 591 (Nakaz pro prypynennia shliakhom likvidatsii Inspektsii z pytan pidhotovky ta dyplomuvannia moriakiv, 2020), the process of liquidation of the Inspectorate for Training and Certification of Seafarers was

officially begun. This was the logical result of problems of many years in its activity.

Thus, even at the beginning of the Inspectorate's activity, its orders (with the new legal norms established by them) were sent directly to the executors by mail, without publishing information in publicly available sources, and some of them were canceled due to acceptance with excess of authority. Also, the Inspectorate did not protect the information of the State Register of seafarers' documents, which led to the presence of the information about invalid and falsified diplomas in it.

A few years ago, the traditional practice of confirming the knowledge of graduates of maritime universities was changed during joint meetings of the examination commissions and the State qualification commission of the Inspectorate for Training and Certification of Seafarers. The abolition of the procedure for holding such joint meetings made it possible for the Inspectorate for Training and Certification of Seafarers to change the rules for certification of graduates of maritime educational institutions and to assign the title to graduates at a separate meeting of the State qualification commission of the Inspectorate, and not during certification at a joint meeting (*Sytuatsiia v haluzi pidhotovky ta dyplomuvannia moriakiv ochyma rehioniv*). This directly violates the rules of the current Regulation on the rank of commanders of maritime vessels and the procedure for their assignment. This document provides that "graduates of the approved maritime higher educational institutions have the right to confirm competence and a conferment the first rank of a person of command staff free of charge during certification at a joint meeting of the examination commission of the approved maritime higher educational institution and the SQC. The conferment of the rank to graduate at a joint meeting is carried out on condition the discharge of all requirements for the proper approved mandatory training, sailing experience and practical training by the graduate at the time of the joint meeting".

But, the liquidation of the Inspectorate and the entrusting of its functions to the Maritime Administration in accordance with Resolution № 739 is scarcely save the situation (Sokolova, 2020). After all, most likely, the Inspectorate will become the appropriate unit of the Maritime Administration and will continue the drawn up and worked out “policy”. Therefore, at present, when Ukraine passed (2018) two audits of the international maritime organizations – the IMO and the EMSA – and came to the conclusion on the compliance of the current system of training and certification of seafarers with the international standards, it remains only to simplify the domestic mechanism for obtaining documents as much as possible and exclude the traditional for Ukraine corruption component from this process.

The information technologies currently being introduced for the purpose of submitting documents for seafarers to pass exams, actually conducting exams and obtaining diplomas in Ukraine, unfortunately, are not also without risks and cause indignation. And, the possibility of the existence of these risks is, unfortunately, consolidated in the current legislation. Indeed, in accordance with the Regulation on the maintenance of a single State register of seafarers’ documents (Nakaz pro zatverdzhennia Polozhennia pro vedennia yedynoho Derzhavnoho reiestru dokumentiv moriakiv, 2003), the Register is a collection of data on all diplomas, qualification certificates and other documents issued in Ukraine that certify the qualifications of seafarers in accordance with the requirements of STCW’78, and stored on paper and electronic media. The list of persons, entitled to access the Register and the right to enter data into the Register shall be determined by the Head of the Inspectorate for Training and Certification of Seafarers on the proposal of the Director of the Register. Information for entry in the Register on paper and electronic media is received from port captains, issuing seafarers’ documents in accordance with the requirements of STCW’78 and training centers for seafarers on contractual terms as of the 1st and 15th of each month.

Currently, the possibility of verifying documents has become available only through special agents (intermediaries) (Sokolov, 2020). It is through such agents the documents are uploaded to the personal electronic account of the sailor introduced in Ukraine. At the same time, the sailor cannot independently do this due to “technical errors on the site”. The registration for qualifying exams is also carried out through “agents”. In addition, there is a practice of “legitimacy of training certificates only from “their training centers that are in a corruption scheme” (it is known that certificates are legitimate from only 10% of existing training centers established by “affiliates” persons and which have appropriate access to the register of documents) (Odeski moriaky proty koruptsii: prezydenta zustriv marsh protestu). The approval of such centres by the Maritime Administration is a rather complex process, resulting in a significant increase in the cost of training courses and, as a result, an increase in the prices of the entire necessary package of documents.

And another innovation introduced by the Maritime Administration is the enterprise “Morrichservis”. This service center offers to receive its documents from a captain of a seaport instead of a seafarer at a separate means (Nijakij, 2020a). This creates an additional financial burden on Ukrainian seafarers.

Thus, taking into account the existing legislation, the practice of its application, new and new obstacles that are introduced in order to get as much money as possible from their own citizens for providing an opportunity to get a job, puts on the agenda the need to systematically update industry legislation, introduce strict control over the system of training, retraining and certification of seafarers, reduce the negative impact of the “human factor” in the system of its public administration. To do this in the current Ukrainian realities, unfortunately, is hardly possible...

In our opinion, in the era of the worldwide digitalization, the introduction of electronic services into the document flow of seafarers should finally become transparent, the relevant registries

and databases reliably protected from cyber attacks and secure from the intervention of corrupt officials.

The management of such electronic systems of seafarers' documents should not be carried out by public authorities, which in all possible ways complicate the work of the system, but by a third-party, an independent organization. This organization should be with foreign affiliation, formed and administered by super-state or foreign institutions (probably even with the participation of the IMO). After all, the problems associated with the certification of seafarers in Ukraine cannot be solved for a long time, and the current system of collecting "tribute" for providing the opportunity to work is false and does not withstand any criticism. The functions of such an organization may also include the administration of confirmation of knowledge and sailing experience of seafarers. It should also be completely excluded from biased and national corrupt "influences". In addition, it is possible for such an organization to establish an audit mechanism for national certification procedures and, if properly organized, a concession of the right to their domestic implementation. But, this is a matter of the distant future.

Currently, the attention of the national segment of administration of training, retraining and certification of seafarers in Ukraine should be aimed at the qualitative implementation of the international industry standards, the maintenance of seafarers' training centers, the protection of seafarers' rights and the introduction of the principles of "good governance" into their work. It is such principles that put first respect for honor and dignity, aimed at supporting their own citizens and legal entities, creating high-quality public electronic services and have their motto to truly improve the existing practices.

3. Best practices: do they worth implementing?

The current approaches to seafarers' training are usually described, as "competence-based", which makes the procedures to demonstrate such competence the core of the whole international

system of maritime training and education. The STCW Convention “explicitly indicates expected standards of competence, associated knowledge, understanding, and proficiency required, and importantly the methods for demonstrating competence and criteria for evaluating such demonstration of competence” (Manuel, 2017). This actually places the compliance with respective STCW demands on the first place in maintaining the proper procedures of seafarers’ certification.

However, the STCW Convention in general was not designed to deal with different types of unfair practices. The point, which urges us to look deeper into different national measures and regulations to counteract fraud and promote integrity in seafarers’ certification. As it has been already mentioned, the issues of fraud in seafarers’ certification practices are significantly common for a variety of States. Especially that is true for states with high levels of unemployment and low average income, which makes seafarers jobs attractive for a greater number of candidates. Also, the authorities of such countries typically suffer general issues with lack of good governance principles and practices, which also effects maritime administration. For example, due to information gathered in 13 different countries “fraudulent certification was most common in South and South East Asia, but was widely distributed. Fraud marched hand-in-hand with administrative inefficiency” (Obando-Rojas at al., 2004, p. 308).

However, there are a number of approaches to tackle the flaws in seafarers’ certification, that include successful cases. The main practices to counteract this issue basically vary from strengthening control to encouraging integrity in seafarers’ training.

For example, in one of the recent cases in India “3,762 seafarers were found to obtain fake certificates from five training institutes without completing the necessary training” (The biggest fake certificate scam). To handle this issue, Indian Directorate-General of Shipping granted one-time amnesty for affected seafarers, as well as for any other who wished to surrender his certificate obtained

fraudulently. Before July 31, 2020 such seafarers could repeat respective courses from approved maritime training institutions without any penalty for previous violating rules of certification. At the same time, all training institutes, the promoters, the principals and the course in-charge who were found involved was blacklisted for life from any activities relating shipping. Such measures were focused on enhancing credibility of Indian national training system and were also determined as ones of “humanitarian” nature in order to cope with high level of unemployment.

On the other hand, Georgia, that is Ukraine’s neighbor in the Black Sea region and possesses the same “post-soviet” heritage, focused on enhancing control over training and certification, and on providing transparency in examining and testing. The departure point was the adoption of the Law of Georgia on the Education and Certification of Seafarers, that contained detailed requirements for the certification process itself, and also, the same detailed requirements for every type of seafarers’ certificate.

In addition, the above-mentioned law provided the rules increase transparency in training and examining process. For example, it was made through requirements of publication all related information and criteria.

The Maritime Transport Agency of Georgia is obliged to determine and publish on its official webpage “the content, duration of the examination and grading” (Para 1, Art. 7). In the same manner the training institutions are to “publish on the official web-pages all educational curriculums and training coursed, also to update information according to any amendments to these documents” (Para 7, Art. 48).

As an additional guarantee of the sufficient level of maritime education and training, the Georgian laws establish the involvement of stakeholders in monitoring process. It provides, that “maritime-educational and maritime-training institutions shall be subject to periodic monitoring by those persons who themselves are involved in respective activities” (Para 6, Art. 45)

Finally, to avoid fraud in maritime education and training the Georgian Law of 2011 set demands about prompt disclosure of information of persons admitted and graduated. A maritime-educational and maritime-training institution are supposed to submit to the Maritime Transport Agency “not later than the first day of commencement of each course of training, a list of admitted candidates” (Para 1, Art. 48). Also, such institutions “shall submit to the Agency a list of successful graduates with respective data on scoring immediately after graduation” (Para 2, Art. 48).

Also, the internal management processes of the Maritime Transport Agency of Georgia have undergone essential improvements. Since 2018, the LEPL Maritime Transport Agency is certified by the German International Certification organization TUV SUD with the updated version of ISO 9001:2015 the International Standard requirements and obliges to ensure its effective maintenance (Maritime Transport Agency of Georgia).

All that measures have reasonably improved reputation and trust to the Georgian-issued seafarers’ certificates.

Besides, the approximation to the EU standards may become an important direction of modernization of Ukrainian seafarers’ certification practices. Whilst the fraud and corruption in the sphere are not an issue for the EU member states’ maritime administrations, adherence to the high-level administration standards definitely can improve all aspects of maritime administrative practices in Ukraine.

The EU standards in the field are primarily based on Directive 2008/106/EC on the minimum level of training of seafarers. In particular, Directive 2008/106/EC requires a State should ensure that all training and assessment of seafarers is structured in accordance with the written programs, including such methods and media of delivery, procedures and course material as are necessary to achieve the prescribed standard of competence; and conducted, monitored, evaluated and supported by qualified persons (Para 2,

Art. 17). The combination of transparency of procedures combined with qualified personnel has a potential to remarkably improve integrity and reliability of seafarers' certification process. Also, it should be taken into account the new rules of reassessment of the third countries (Art. 21), that certificates are recognized. The mentioned new rules were introduced by the Directive 2019/1159 and set up priority criteria for such reassessment, including:

- (a) performance data by the port State control;
- (b) the number of endorsements attesting recognition in relation to certificates of competency, or certificates of proficiency issued in accordance with Regulations V/1-1 and V/1-2 of the STCW Convention, issued by a third country;
- (c) the number of maritime education and training institutions accredited by a third country;
- (d) the number of seafarers' training and professional development programmes approved by a third country;
- (e) the date of the Commission's last assessment of a third country and the number of deficiencies in critical processes identified during that assessment;
- (f) any significant change in the maritime training and certification system of a third country;
- (g) the overall numbers of seafarers certified by a third country, serving on ships flying the flags of Member States and the level of training and qualifications of those seafarers;
- (h) information concerning education and training standards in a third country provided by any concerned authorities or other stakeholders, if available.

From our prospect such criteria may be also used for self-assessment by any third country, including Ukraine.

The time and cost effectiveness of the EU standards for seafarers' certification are often highlighted by the Ukrainian crewing agencies. For example, the neighboring Poland provides

for Ukrainian seafarers more transparent and cheaper procedure of certification (Nijakij, 2020b).

Finally, there are certain perspectives based on implementing of the new IT technologies in the seafarers' certification process. For example, the Danish Maritime Authority has completed a pilot project "Digital certificates for seafarers", which is focused on lessen to lessen the administrative burdens of all stakeholders within the maritime sector and more smooth and efficient Port State Controls (Digital certificates for seafarers). The project in particular permits seafarers to use mobile application to share data of their certificates. At the same time, masters have access to such tools as automatic validation of compliance with Minimum Safe Manning and forwarding information to port authorities before arriving. On its turn, a Port State Control has access to verification tools.

Conclusions

It is possible to outline the set of ways and means of improving the seafarers' certification procedure for seafarers in Ukraine. The general measures to grant full compliance with the relevant requirements of the Convention on methods for demonstrating competence and criteria for evaluating such demonstration of competence should be at the first place. In addition, granting the transparency of the training and the certification process also plays a significant role. The reform and control of the system should be carried out with the involvement of all stakeholders. As well as proving effective control over the activities of training institutions should be drafted in the same manner. It is important to increase the interest of seafarers in maintaining integrity in obtaining certificates. Approximation to the EU standards also has significant potential for improving the efficiency of administration in this sphere. Finally, the modern technologies may be utilized for verification of seafarers' certificates.

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Ківалов С. Дипломування моряків в Україні: на шляху до ефективної моделі. – Стаття.

Статтю сфокусовано на питаннях адміністративних та корупційних перешкод у сфері визнання кваліфікації моряків в Україні. Визначено шляхи та засоби укріплення інституційного потенціалу та оптимізації правового регулювання цієї сфери. Увагу акцентовано на сучасних недоліках організації дипломування моряків в Україні, недоліках національної політики та значних корупційних ризиках. Розглядається діюче українське законодавство та основні тенденції інституційного розвитку у цій галузі. Акцент робиться на необхідності впровадження міжнародно визнаних та найкращих зарубіжних практик для підвищення ефективності систем дипломування моряків. Розглядаються стандарти ЄС у сфері переоцінки третіх країн, пропонується їх застосування Україною. Також увагу зосереджено на необхідності впровадження нових ІТ-технологій у процес дипломування моряків. Окрім того, пропонується створення механізму аудиту національних процедур сертифікації та, за умови їх належної організації, надання права на їх застосування. Підводячи підсумок, автор окреслює набір шляхів та засобів вдосконалення процедури дипломування моряків в Україні. Вони включають: суворе дотримання вимог міжнародних угод та наближення національної практики до стандартів ЄС; забезпечення прозорості процесу підготовки та дипломування моряків, впровадження для цього сучасних ІТ-технологій; реформування систем контролю діяльності навчальних закладів, збільшення зацікавленості моряків у збереженні доброчесності при отриманні сертифікатів.

Ключові слова: моряк, дипломування, публічне адміністрування, підготовка моряків, морська діяльність.

Кивалов С. Дипломирование моряков в Украине: на пути к эффективной модели. – Статья.

Статья сфокусирована на вопросах административных и коррупционных препятствий в сфере признания квалификации моряков в Украине. Определены пути и средства укрепления институционального потенциала и оптимизации правового регулирования этой сферы. Внимание акцентировано на современных недостатках организации дипломирования моряков в Украине, недостатках национальной политики и значительных коррупционных рисках. Рассматривается действующее украинское законодательство и основные тенденции институционального развития в этой области. Акцент делается на необходимости внедрения международно признанных и лучших зарубежных практик для повышения эффективности систем дипломирования моряков. Рассматриваются стандарты ЕС в сфере переоценки третьих стран, предлагается их применение в Украине. Также

внимание сосредоточено на необходимости внедрения новых IT-технологий в процесс дипломирования моряков. Кроме того, предлагается создание механизма аудита национальных процедур сертификации и, при условии их надлежащей организации, предоставления права на их применение. Подводя итог, автор определяет набор путей и средств совершенствования процедуры дипломирования моряков в Украине. Они включают: строгое соблюдение требований международных соглашений и сближение национальной практики со стандартами ЕС; обеспечение прозрачности процесса подготовки и дипломирования моряков, использование для этого современных IT-технологий; реформирование систем контроля деятельности учебных заведений, увеличение заинтересованности моряков в сохранении порядочности при получении сертификатов.

Ключевые слова: моряк, дипломирование, публичное администрирование, подготовка моряков, морская деятельность.

