

CONFERENCE OF PARTIES TO THE
INTERNATIONAL CONVENTION ON
STANDARDS OF TRAINING,
CERTIFICATION AND WATCHKEEPING
FOR SEAFARERS, 1978
Agenda item 6

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**CONSIDERATION OF THE DRAFT AMENDMENTS TO THE INTERNATIONAL
CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND
WATCHKEEPING FOR SEAFARERS, 1978**

Proposed additional text in paragraph 4 of section I/7 of the STCW Code

Submitted by China

SUMMARY

Executive summary:	This document proposes deletion of the proposed additional the clause “[The report is made available by the Organization to the Parties upon request]” to paragraph 4 of section A-I/7 of the STCW Code
Strategic direction:	5
High-level action:	5.2
Planned output:	5.2.2.1
Action to be taken:	Paragraph 8
Related documents:	STW 41/16, STW 41/7/18; MSC.1/Circ.797/Rev.15 and STCW/CONF.2/3

Background

1 The Sub-Committee on Standards of Training and Watchkeeping (STW), at its forty-first session in January 2010, completed the comprehensive review of the STCW Convention and Code and formulated the draft amendments 2010 to the STCW Convention and Code, which are to be considered with a view to adoption at the Conference of Parties to the STCW Convention, 1978 to be held in Manila, the Philippines from 21 to 25 June 2010. In addition, STW 41 also decided what was to be submitted for discussion at the Conference in Manila.

2 The proposed additional clause “[The report is made available by the Organization to the Parties upon request]” in paragraph 4 of section A-I/7 of the STCW Code was placed in square brackets for a final decision by the Conference.

3 In document STW 41/7/18, the IMO Secretariat expressed its view that while it does not see any legal obstacle or implication to introduce the new text “[The report is made available by the Organization to the Parties upon request]” in paragraph 4 of section A-I/7, but does see a number of practical and hypothetical implications which might tend to undermine the oversight system currently in place without appearing to add any elements to strengthen that system.

4 At STW 41, some delegates agreed to keep this clause for the purpose of transparency and improving the current evaluation system of IMO, while other delegates disagreed in that it would cause repeated evaluation or two parallel evaluation systems.

5 The audit mechanism and the quality control system established according to regulations I/7 and I/8 of STCW 78/95 have been proved effective in practice. Meanwhile, the draft amendments 2010 formulated at STW 41 further improved the content of regulations I/7 and I/8 as well as the related audit mechanism and quality control system.

6 According to the provisions in paragraph 3, regulation I/7, the fact that an independent evaluation report submitted by a contracting party is confirmed by the Maritime Safety Committee according to the procedures, demonstrates that the contracting party already has “given full and complete effect to the Convention”. Thus there is no obvious need to provide the report to other contracting parties upon request. Besides, a contracting party, according to regulation I/10, when necessary, may obtain the independent evaluation report of another contracting party through bilateral arrangements.

Proposal

7 Accordingly, China proposes that the text “[The report is made available by the Organization to the Parties upon request]” along with the square brackets is deleted.

Action requested of the Conference

8 The Conference is invited to consider the above proposal and take action as appropriate.
