



SUB-COMMITTEE ON STANDARDS OF
TRAINING AND WATCHKEEPING
31st session
Agenda item 5

STW 31/5/4
12 November 1999
Original: ENGLISH

FOLLOW-UP ACTION TO THE 1995 STCW CONFERENCE

Guidance on arrangements between Parties to implement regulation I/10

Submitted by the Government of the United States

SUMMARY

Executive summary: This document is submitted in accordance with the provisions of paragraph 46.5 of the Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies. It comments on the arrangements to be made in accordance with regulation I/10 as suggested by China in STW 31/INF.3.

Action to be taken: Paragraph 6

Related documents: STW 30/13, paragraph 5.12.

1 In document STW 31/INF.3, China invites the Sub-Committee to take note of the “sample agreement” attached to the note which has been drafted by the Maritime Safety Administration of China to identify the items that might be included in a co-operation arrangement between Parties to implement STCW regulation I/10. Although that note was not submitted as a formal proposal, the United States anticipates that reference will be made to the sample agreement as one possible form of guidance to be developed under this agenda item. Therefore, the United States is offering comments for the Sub-Committee’s consideration.

2 We agree with China that carefully worded agreements are needed to assure the effective implementation of STCW regulation I/10, and we appreciate the contribution China has made to the discussion. Guidance which takes into account China’s suggested agreement and the observations in our paper would, we believe, be very useful for all those who are affected by the application of regulation I/10.

3 Paragraph 1 of STCW regulation I/10 provides that, in order to recognize a certificate issued by or under the authority of another Party, an Administration is required to (a) confirm “through all necessary measures” that STCW requirements concerning standards of competence, issue and endorsement of certificates, and record keeping are fully complied with, and (b) reach an agreement which obligates the Party concerned to notify the recognizing Administration promptly of any “significant change in the arrangements for training and certification provided in compliance with the Convention.” Neither section A-I/10 nor B-I/10 of the STCW Code contains guidance on the specific arrangements which should be agreed upon to ensure compliance with regulation I/10. Uniform and efficient application of regulation I/10 would no doubt be aided by having guidance in section B-I/10 of the STCW code.

4 Since 1 February 1997, the United States has been approached by a number of countries which would like to establish an arrangement for recognizing certificates and endorsements issued by the United States, for service on ships flying their flag. We welcome the opportunity to establish such arrangements. However, each country has asked for a different kind of arrangement with its own level of complexity; and we suggest it would be administratively more convenient and efficient for all those concerned if we could work within the same framework of procedures.

5 Based on our understanding of the wording of STCW regulation I/10, and the intent behind the introduction of a recognition system in the 1995 STCW amendments, we have identified a list of elements which should be included in any agreement which will serve as the basis for recognition of certificates under this regulation. We are not convinced that such arrangements need to be set out in formal, legal, treaty- or contract-like agreements between STCW Parties. Other administrative arrangements should also be acceptable provided they address the key elements needed to meet the intent of STCW regulation I/10. The Sub-Committee is invited to consider the list of elements as set out in the annex.

Action requested of the Sub-Committee

6 The United States invites the Sub-Committee to consider the comments offered in this paper in response to China's suggested agreement as presented in document STW 31/INF.3. The United States supports development of guidance on the arrangements to be included in agreements reached between parties to allow for recognition of certificates under STCW regulation I/10, along the lines presented in the Annex, to be included in section B-I/10 of the STCW Code.

ANNEX

**SUGGESTED GUIDANCE ON THE ARRANGEMENTS TO BE INCLUDED IN
AGREEMENTS REACHED BETWEEN PARTIES TO ALLOW FOR
RECOGNITION OF CERTIFICATES UNDER
STCW REGULATION I/10**

(This draft text might be included in section B-I/10 of the STCW Code.)

“Arrangements for recognition of certifications under regulation I/10

1 In establishing arrangements for the recognition of certificates under regulation I/10, a written agreement should be concluded between the Party which is to recognize the certificates (i.e., the Administration), and the Party which is issuing the certificates to be recognized (i.e., the Issuing Authority), and the agreement should, at a minimum, contain the following elements:

- .1 Identification of the Administration and the Issuing Authority;
- .2 Position, address and access information for the official in the Administration and for the official in the Issuing Authority who are designated to be directly responsible for implementing the agreement;
- .3 Procedures to be followed by the Administration, subject to the consent of the Issuing Authority, when requesting an opportunity to visit the facilities, observe the procedures, or review the policies which have been approved or employed by the Issuing Authority for meeting the requirements of the STCW Convention concerning:
 - .1 Standards of competence;
 - .2 The issue, endorsement, revalidation and revocation of certificates; and
 - .3 Record keeping.
- .4 Procedures to be followed by the Administration when verifying the validity or contents of a certificate issued by the Issuing Authority, and to resolve questions which may arise;
- .5 Procedures to be followed by the Administration in notifying the Issuing Authority when it has withdrawn or revoked its endorsement of recognition for disciplinary or other reasons; and
- .6 Procedures to be followed by the Issuing Authority in promptly notifying the Administration of any significant changes in the arrangements for training and certification provided in compliance with the Convention, and the criteria to be used in determining what changes are to be considered “significant” for this purpose. At a minimum, significant changes should be understood to include:
 - .1 Changes in the position, address or access information for the official responsible for implementing the agreement;
 - .2 Changes affecting the procedures set forth in the agreement; and

- .3 Changes which amount to substantial differences from the information communicated to the Secretary-General pursuant to section A-I/7 of the STCW Code.

2 The agreement should be signed by, or acknowledged and confirmed in writing by, an authorized official from the Administration and from the Issuing Authority.

3 This guidance is focussed on bilateral arrangements but may also be reflected in a multilateral agreement.”
