



SUB-COMMITTEE ON STANDARDS OF  
TRAINING AND WATCHKEEPING  
31st session  
Agenda item 6

STW 31/6/5  
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## UNLAWFUL PRACTICES ASSOCIATED WITH CERTIFICATES OF COMPETENCY

Submitted by Spain

### SUMMARY

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Executive summary:</i></b>  | This document is presented in accordance with the provisions of paragraph 46.5 of the Guidelines on organization and methods of work of the MSC and MEPC and their auxiliary organs, and includes observations on standardized models to facilitate the application of regulation I/9 of the STCW Convention and prevent the proliferation of fraudulent certificates, in accordance with suggestions presented in document STW 31/6/1. |
| <b><i>Action to be taken:</i></b> | See paragraphs 5 and 6                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b><i>Related documents:</i></b>  | STW 31/6/1                                                                                                                                                                                                                                                                                                                                                                                                                              |

1 Countries have detected the existence of fraudulent certificates mainly in the course of recognition by Administrations in accordance with regulation I/10 of the STCW Convention and in the course of port State control inspections. The International Maritime Organization is concerned at this situation, as evidenced by various documents prepared hitherto, including the draft resolution on unlawful practices associated with certificates of competency which urges States to adopt preventive measures.

2 Although regulation I/9 of the STCW Convention lays down the obligation of States to establish systems for registering certificates and providing information to other States on the authenticity and validity of certificates, the fact is that there are no co-ordinated and standardized procedures.

3 It seems clear that if there is a proliferation of fraudulent certificates, maritime safety could be seriously affected. In addition, the fact must be considered that once an endorsement of a fraudulent certificate has been issued, in a way it legalizes the situation. If the original certificate is not discovered to be fraudulent, it is not therefore cancelled and the measures laid down in regulation I/5 (criminal or disciplinary sanctions) are not implemented.

4 Consequently, it would be advisable to adopt urgent co-ordinating measures at international level to solve these problems, so that that procedures for the effective application of regulation I/9 can be implemented on a voluntary basis by the various Administrations.

**Action requested of the Sub-Committee**

5 The Sub-Committee is invited to examine the forms in annexes I and II below, to standardize information and data exchanged between maritime Administrations who consider it appropriate.

6 The Sub-Committee is further requested to invite the Secretary-General of IMO to update document STCW 95/Circ.1 which contains the report of the Administrations of the States Parties to the STCW Convention responsible for the registration and issue of certificates with the aim of channelling the information stipulated in regulation I/9 in an appropriate manner.

**ANNEX 1 - Model request for information on the authenticity and validity of certificates.**

|                                                                                                                          |  |          |  |
|--------------------------------------------------------------------------------------------------------------------------|--|----------|--|
| State or Administration requesting the information                                                                       |  |          |  |
| Fax or e-mail                                                                                                            |  |          |  |
| Name of certificate holder                                                                                               |  |          |  |
| Family name of certificate holder                                                                                        |  |          |  |
| (the name and family name must correspond to those shown in the passport or identity document of the certificate holder) |  |          |  |
| Name of certificate to be recognized                                                                                     |  | Numbered |  |
| Date of issue of certificate                                                                                             |  |          |  |

**ANNEX II - Model response to the request for information on the authenticity and validity of certificates.**

|                                                                                           |     |                 |                       |
|-------------------------------------------------------------------------------------------|-----|-----------------|-----------------------|
| State or Administration that issued the certificate                                       |     |                 |                       |
| Fax or e-mail                                                                             |     |                 |                       |
| Name of certificate holder                                                                |     |                 |                       |
| Family name of certificate holder                                                         |     |                 |                       |
| Number of passport or identity document of certificate holder                             |     |                 |                       |
| Date of birth of certificate holder                                                       |     |                 |                       |
| Name of certificate                                                                       |     | Numbered        |                       |
| Date of issue of certificate                                                              |     |                 |                       |
| FUNCTIONS COVERED BY THE CERTIFICATE                                                      |     | LEVEL           | RESTRICTIONS (IF ANY) |
| Navigation                                                                                | (1) | (2)             |                       |
| Handling and stowage of cargo                                                             |     |                 |                       |
| Control of operation of the ship and care of persons on board                             |     |                 |                       |
| Naval engineering                                                                         |     |                 |                       |
| Electrical, electronic and control Equipment                                              |     |                 |                       |
| Maintenance and repair                                                                    |     |                 |                       |
| Radiocommunications                                                                       |     |                 |                       |
| (1) Mark the relevant functions with an X                                                 |     |                 |                       |
| (2) Indicate "M" for management level; "O" for operations level; or "S" for support level |     |                 |                       |
| RESPONSIBILITY OR RESPONSIBILITIES COVERED BY THE CERTIFICATE                             |     | STCW REGULATION | RESTRICTIONS (IF ANY) |
|                                                                                           |     |                 |                       |
|                                                                                           |     |                 |                       |
|                                                                                           |     |                 |                       |
| Signature of authorized official                                                          |     |                 |                       |
| Name of authorized official                                                               |     |                 |                       |