



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

STW 31/INF.3
15 October 1999
ENGLISH ONLY

FOLLOW-UP ACTION TO THE 1995 STCW CONFERENCE

Guidance on arrangements between Parties to implement regulation I/10

Submitted by China

SUMMARY

<i>Executive summary:</i>	This paper contains the suggestions and relevant arrangements made by China in accordance with the regulation I/10 of the Annex to STCW Convention, with respect to the methods, procedures and other related matters in the recognition of certificates issued by other Parties to the Convention.
<i>Action to be taken:</i>	Paragraph 6
<i>Related documents:</i>	MSC/Circ.900, MSC 71/6/3 and MSC 71/6/4

1 Considering that employment of foreign seafarers is very common phenomenon aboard ship, regulation I/10 of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (hereinafter referred to as STCW Convention), has laid down explicit requirements for the recognition of certificates issued by other Parties to the Convention. Furthermore, the Maritime Safety Committee at its seventy-first session and this Sub-Committee at its thirtieth session expressed deep concern over fraudulent certificates of competence.

2 China has a large merchant fleet and at the same time exports seafaring services. Therefore, the Chinese Government attaches great importance to enhancing the quality of the seafarers and has exerted unremitting efforts to fully and effectively implement STCW Convention in China.

3 In order to assure the authenticity and effectiveness of certificates of competence, the Chinese Government holds that, for the purpose of implementing regulation I/10 of the Annex to STCW Convention, agreements should advisably be concluded between the Administrations of the Parties concerned to specify the procedures, communication methods and channels, verification mechanism and items for verification, etc., in respect of mutual recognition of certificates, so as to suppress unlawful practice in certificating seafarers.

4 Being the Administration responsible for the implementation of STCW Convention, the Maritime Safety Administration of the People's Republic of China has drafted a sample agreement (as attached) which could be concluded with other Administrations. This sample agreement has illustrated the items for co-operation between this Administration and its counterparts of other Parties concerned in pursuance of regulation I/10 of the Annex to the STCW Convention and other relevant provisions.

5 The address for communication of the Maritime Safety Administration of the People's Republic of China is as follows:

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Beijing, China
Post Code: 100736
Telephone: +86-10-65292866
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Action requested of the Sub-Committee

6 The Sub-Committee is invited to take note of the information provided.

**Agreement on Training and Certification of Seafarers between
the Maritime Safety Administration of the People's Republic of China
and the Administration of _____
(draft)**

The Maritime Safety Administration of the People's Republic of China (hereinafter referred to as "the Chinese Party"), and the Administration of _____ (hereinafter referred to as "the _____ Party"), for the purpose of implementing the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 by IMO (hereinafter referred to as STCW Convention), reach this agreement with respect to the recognition by the _____ Party of the Certificate of Competence for Seafarers (hereinafter referred to as Certificate of Competence) issued by the Chinese Government in accordance with the said Convention, and co-operation between the two Parties in the training, certification and management of seafarers. Both Parties agreed as follows:

Article 1 Both the Chinese Party and the _____ Party shall undertake to make the STCW Convention implemented fully and effectively within the jurisdiction of each Party.

Article 2 This agreement shall be applicable to the matters relating to the seafarers holding Certificates of Competence issued by the Chinese Party and serving on board ships flying the national flag of the _____ Party.

Article 3 Due to the fact that the Chinese Party provides seafarers to serve on ships flying the national flag of the _____ Party, in accordance with the provisions of regulation I/2 of the Annex to the STCW Convention, the Chinese Party shall be the one whose Certificates of Competence need to be endorsed, while the _____ Party is the one who provides the endorsement attesting the recognition of such Certificates of Competence.

The recognition of the Certificates of Competence as mentioned in this article is only limited to the Certificates of Competence as specified in the regulation I/2 of the Annex to the STCW Convention, and in accordance with the provisions of the first paragraph of regulation I/10 of the Annex, the endorsement is only available to the Certificates of Competence for masters, officers and radio operators.

Article 4 Seafarers, who are provided by the Chinese Party for the ships flying the national flag of the _____ Party, shall hold the Certificates of Competence for the Seafarers of the People's Republic of China in accordance with the STCW Convention and relevant laws, rules and regulations of China.

In addition, Chinese seafarers engaging in international voyages shall also hold Seafarers' Passports of the People's Republic of China, which give proof of their Chinese nationality and identity in accordance with provisions of the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens.

Article 5 In accordance with the provisions of regulation I/7 of the Annex to the STCW Convention and section A-I/7 of the STCW Code, both the Chinese Party and the _____ Party shall submit documents on training, certification and watchkeeping for seafarers of its own country to the International Maritime Organization (IMO), to ensure that all documents provided be in conformity with the requirements of the STCW Convention and confirmed by IMO.

Both Parties shall provide each other with the above-mentioned documentation, and in case of major changes in the relevant standards or arrangements relating to the training and certification of seafarers, both Parties shall communicate it to each other and present the corresponding text to its counterpart within 90 days.

Article 6 Both Parties, under their respective laws, rules and regulations in each country, shall see to it that the education, training, examination and assessment of seafarers shall be supervised and controlled in accordance with the provisions of regulation I/6 of the Annex to the STCW Convention and section A-I/6 of the STCW Code and ensure that the personnel in charge of teaching, training, examination and assessment of seafarers satisfy the requirements of the above-mentioned provisions.

Article 7 The _____ Party, in accordance with the provisions of regulation I/10 of the Annex to the STCW Convention, shall make general evaluation for the Certificates of Competence issued by the Chinese Party and confirm if such Certificates have satisfied the relevant requirements of the STCW Convention.

The _____ Party may carry out an independent evaluation for the system of training and certification established by the Chinese Party, and however, the _____ Party shall set up necessary means of contact with the Chinese Party and inform the Chinese Party of the result of their evaluation in due course.

Article 8 The _____ Party shall, in accordance with the provisions of paragraph 5, regulation I/2 of the Annex to the STCW Convention, issue the recognition endorsement as soon as practicable for the certificate of each seafarer issued by the Chinese Party in accordance with the STCW Convention after receipt of application by such seafarer for the recognition endorsement.

Article 9 In case of necessity, before endorsing the recognition of the Certificates of Competence for the Chinese seafarers, the _____ Party shall allow the seafarers holding effective Certificates of Competence issued by the Chinese Party to serve on board ships flying the national flag of the _____ Party for a period not more than 3 months after the Chinese seafarers have submitted the documentation concerned to the _____ Party to get the recognition in accordance with the provisions of paragraph 5, regulation I/10 of the Annex to the STCW Convention (excluding radio personnel, unless otherwise provided by the "Radio Regulations").

Article 10 The Certificates of Competence issued by the Chinese Party shall be valid on board the ships flying the national flag of the _____ Party only after being endorsed for the recognition by the _____ Party, with the exception of the situation otherwise specified in Article 9 hereof.

When the endorsement issued by the _____ Party becomes invalid due to any reason whatsoever, the corresponding Certificate of Competence recognized shall be deemed null and void and of no effect on board any ships flying the national flag of the _____ Party. When the Certificate of Competence issued by the Chinese Party becomes invalid due to whatever reason, such certificate shall be immediately deemed null and void and of no effect on board any ships flying the national flag of the _____ Party, irrespective of the fact that the corresponding recognition endorsement is during its validity period.

Article 11 The procedure for the _____ Party to issue such endorsement shall at least include:

- (1) The _____ Party shall, through the channel agreed upon, verify the authenticity and validity of each Certificate of Competence issued by the Chinese Party applying for the endorsement attesting the recognition, including name, rank, serial number of Certificate, and date of issue therein;
- (2) The _____ Party shall advise the Chinese Party without delay of any questionable points they have discovered; and
- (3) Both Parties shall communicate, through the agreed channel and within fixed time duration, to each other periodically the main information of endorsement of the Certificates (name, serial number of the Certificate of Competence, serial number of the endorsement, the expiry date of the endorsement and its date of issue).

Article 12 The _____ Party shall undertake not to issue recognition endorsement for the Certificates of Competence to the following seafarers of Chinese nationality:

- (1) The seafarers of Chinese nationality holding the Certificates of Competence which are not applicable to ships sailing on international trade lines in accordance with the relevant regulations of the Chinese Party;
- (2) The seafarers of Chinese nationality holding the Certificates of Competence not in conformity with the specifications as contained in paragraph (1) of Article 11 hereof; or
- (3) The seafarers of Chinese nationality with problem advised by the Chinese Party to the _____ Party in accordance with paragraph (2) of Article 11 hereof.

Article 13 When serving on board the ships flying national flag of the _____ Party, the seafarers shall hold both the Certificates of Competence issued by the Chinese Party and the recognition endorsements of such certificates issued by the _____ Party in accordance with the provisions of section A-I/2 of the STCW Code and shall make the certificates and endorsements available or accessible for inspection.

Article 14 The _____ Party shall undertake to provide masters and officers holding Certificates of Competence of the management level issued by the Chinese Party with adequate knowledge of the national laws, rules and regulations of the _____ Party which are appropriate to their duties.

Seafarers of Chinese nationality shall be properly trained so as to acquire adequate knowledge before they serve on board ships flying the national flag of the _____ Party, and the _____ Party shall ensure that seafarers of Chinese nationality can acquire relevant and updated knowledge and obtain further guidance after they get on board the ships flying the national flag of the _____ Party.

To make this Article feasible, the _____ Party requests the Chinese Party to provide the seafarers of Chinese nationality with adequate training on the national maritime laws, rules and regulations of the _____ Party before their dispatch. Both Parties shall agree upon the training programme through consultation, and the _____ Party is obliged to provide the Chinese Party with the relevant and updated maritime laws, rules and regulations.

Article 15 The _____ Party has the right to suspend, revoke or collect back the recognition endorsement issued on the account of disciplinary offence or other causes as provided for in the national legislation of the _____ Party and shall advise the Chinese Party of such occurrence in time.

Article 16 To facilitate the registration formalities of the seafarers of Chinese nationality to serve on board ships flying the national flag of the _____ Party, the _____ Party may either set up a relevant administrative office within the boundaries of the People's Republic of China or appoint an agency in China, but the _____ Party must consult with the Chinese Party and get the approval of the Chinese Party in advance.

Article 17 Both Parties shall establish communication channels, liaison procedures, contact methods and meeting system so as to co-ordinate and strengthen exchange and co-operation with respect to training of seafarers.

Article 18 This Agreement is not applicable to Hong Kong Special Administrative Region of the People's Republic of China.

Article 19 This Agreement shall be valid for a period of five years, and be extended for another five years in case neither Party fail to submit a written notice for termination thereof to the other Party six months prior to expiration of this Agreement.

This Agreement shall be suspended or terminated from the ninetieth day after receipt by one Party from the other Party of a written notice to require suspension or termination of this Agreement.

Both Parties, if any, shall otherwise negotiate the resumption of validity of the Agreement after certain period of suspension.

Article 20 The proposition to amend this Agreement may be made unilaterally or bilaterally, and with the consent of both Parties about the amendments, this Agreement shall be amended correspondingly. The date on which this amended Agreement becomes effective shall be clearly defined.

With mutual consent, additional clauses or technical specifications and standards can be added in the form of supplement to this Agreement.

Article 21 This Agreement shall come into force from the day of signature by the representatives duly authorized by both Parties, and should be implemented from the date of _____.

Article 22 Done in duplicate in the Chinese language, the _____ language and the English language, three texts being equally authentic. In case there is any divergence of interpretation of this Agreement, the English version shall prevail. This Agreement is signed at _____ on _____.

Signature of the
representative of the
Maritime Safety Administration
of the People's Republic of China

Signature of the
representative of
the Administration
of _____