



SUB-COMMITTEE ON STANDARDS OF
TRAINING AND WATCHKEEPING
33rd session
Agenda item 5

STW 33/5/4
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FOLLOW-UP ACTION TO THE 1995 STCW CONFERENCE

Procedures for updating the so-called white list

Submitted by Denmark

SUMMARY

Executive summary: This note proposes updating of procedures established in MSC/Circ 997 for dealing with reports submitted by Parties in accordance with section A-I/7 of the STCW Code and comments on STW 33/5 from the Secretariat.

Action to be taken: Paragraph 16

Related documents: MSC 74/24, MSC/Circ.997, MSC/Circ.796/Rev.1, STW 33/5

1 At MSC 74 the new MSC/Circ.997 on Guidance on the Preparation and Review of Independent Evaluations Required by Regulation I/8 and Section A-I/7 of the STCW Code was adopted.

2 The Danish delegation at MSC 74 expressed the view (MSC 74/24, paragraph 7.7) that procedures established by the circular to update the white list particularly in cases where a Party failed to comply with reporting requirements would not be adequate to take care of all situations which could arise in particular regarding actions to be taken by the Secretary-General and the MSC. The delegation, however, was of the opinion that the guidance circular was urgently needed to guide Parties when drawing up the required reports on independent evaluations in accordance with section A-I/7, paragraph 4, of the STCW Code, and that amendments covering such actions by the Secretary-General and the MSC could be worked out later.

3 MSC 74 invited Parties to submit proposals at STW 33 (MSC 74/24, paragraph 7.8).

4 MSC/Circ.997 lays down procedures by which the Maritime Safety Committee at the earliest possible time shall identify those Parties which have satisfied the requirements of Regulation I/8 of the STCW Convention and Section A-I/7, paragraph 4, of the STCW Code for reporting on independent evaluations of training, assessment and certification activities. Such action of the Committee is to be based on reports from the Secretary-General following evaluations by panels of competent persons.

5 This procedure will result in a list of Parties having demonstrated compliance with the requirements of the Convention regarding independent evaluations of training and certification. Such new list may be expected a considerable time after 1 February 2004 which is the agreed deadline for submission of reports on independent evaluations in accordance with section A-I/7, paragraph 4, of the STCW Code for Parties with an entry into force date of the Convention on 1 February 1997. For Parties with an entry into force date after 1 February 1997, the deadline is 6 years and 6 months from that date.

6 Paragraph 4 of MSC/Circ.997 deals with action to be taken by the Secretary-General before 1 February 2004 in respect of Parties not submitting reports as required or submitting reports which are not complete, and in respect of Parties having become Parties to the Convention after 1 February 1997. This paragraph, in the opinion of Denmark, needs to be amended, because the Secretary-General could not know before the deadline of 1 February 2004 whether Parties will comply with reporting requirements.

7 Should a list of Parties having demonstrated compliance with the requirements of the Convention regarding independent evaluations of training and certification be adopted by MSC, a problem seems to be that an existing white list may contain Parties not appearing on such new "white list". This could be because some Parties having been Parties to the Convention after 1 February 1997 may not be required to have submitted reports on independent evaluations at the date the list is adopted.

8 Regulation I/7, paragraph 3, requires MSC to identify Parties having demonstrated full and complete effect given to the provisions of the Convention. This list of Parties is what is commonly called "the white list". The Convention does not know of a list of Parties complying with requirements for reporting on independent evaluations.

9 If the concept of a white list is to have any meaning, and bearing in mind that the Secretary-General can only report positively to MSC on Parties having demonstrated compliance with the requirements of the Convention, it seems inevitable that a completely new white list will have to be adopted at fixed intervals. The intervals should be of a length of 5 years, considering that evaluation reports are to be submitted at intervals of not more than 5 years.

10 This will imply that a Party having been initially admitted to the white list may not be on the new white list adopted after such 5-year period because required reporting on independent evaluations has not been made or is considered in accordance with established procedures to be inadequate. Theoretically the reason may also be non-compliance with other reporting requirements. In essence this new list will supersede any earlier white list.

11 It is important to reach an understanding of the consequences for seafarers holding certificates of competency issued by a Party on the white list if that Party should later be removed from the list. In the opinion of Denmark this should not influence the right of another Party to recognise certificates issued to seafarers from such Party, and port state control officers should accept such recognition certificate issued by a Party on the white list. In this regard one should bear in mind that such seafarer may have served well on ships of the recognising Party, and that the Convention does not require a Party to be on the white list as a condition for recognising certificates issued by it.

12 It seems to be necessary or at least preferable to establish fixed sessions for MSC at which such refreshment of the white list by which Parties may be removed from the list is to be made. Assuming that deadlines for submission of reports on independent evaluations for the majority of Parties are to be 1 February 2004 and all following 1 February at five years intervals, and considering earlier experience the autumn session in the year 2006 and each consecutive autumn session at five years interval may be a possibility. This would not prevent a Party from being added to the list at any other session of MSC, thus making re-entry to the list possible for a Party much sooner than after five years. Placing such refreshment of the white list midway between two major deadlines for submission of reports on independent evaluations would give ample time to clear up any needs for clarifications between the Party whose report is under evaluation and the panel of competent persons doing the evaluation.

13 Considering that there are other reporting requirements than those on independent evaluations and since Regulation I/7, paragraph 3, is about identification of Parties having demonstrated full and complete effect given to all provisions of the Convention, it seems that the operative way to proceed is to expand MSC/Circ.997 to cover all other reporting than the initial reports covered by MSC/Circ.796/Rev.1 and to establish procedures in the circular for identification of Parties which continue to demonstrate full and complete effect given to the provisions of the Convention.

14 STW 33/5 proposes a pragmatic approach regarding reports submitted in accordance with paragraph 3 of Section A-I/7 of the STCW Code. Denmark could support such pragmatic approach in order not to unnecessarily complicate matters.

15 Denmark proposes, in the light of the observations above, to:

- .1 adopt the principle of a completely refreshed white list at fixed five-year intervals on which a Party being on an existing white list may not appear because of failure to demonstrate compliance during the preceding five-year period;
- .2 amend MSC/Circ.997 to include procedures for dealing with all other reporting than the initial reports covered by MSC/Circ.796/Rev.1 and to provide guidance to implement the principle proposed in .1 above with a target completion date of 2004; and
- .3 recommend Parties to submit proposals for such guidelines for the next session of STW.

Action requested of the Sub-Committee

16 The Sub-Committee is invited to consider the proposals above and decide as appropriate.