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SUB-COMMITTEE ON STANDARDS OF
TRAINING AND WATCHKEEPING
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FOLLOW-UP ACTION TO THE 1995 STCW CONFERENCE

Quality Standards Requirements

Submitted by the International Shipping Federation (ISF)

SUMMARY

Executive summary: ISF firmly supports the publication of a list of countries which have demonstrated compliance with the quality standards provisions of the STCW Convention, but respectfully suggests that amendments to the STCW Convention are unnecessary to achieve this

Action to be taken: See paragraph 13

Related documents: MSC 75/24, MSC/Circ.997

1 MSC 75 agreed that a five yearly cycle of updates of the STCW “white list” should be adopted to take account of whether governments have complied with the quality standards requirements of STCW Regulation I/8. The Sub-Committee has therefore been requested to examine the procedures necessary for updating the list, and to consider whether it is necessary for the STCW Convention to be amended in order to adopt these procedures.

2 ISF firmly believes that the “white list” should be regularly updated in order to reflect continuing compliance by governments with STCW requirements. Indeed, evaluation of evidence of compliance with the quality standards provisions will be central to monitoring and ensuring that required standards of training and certification are maintained globally. An immediate issue, however, is whether it is actually necessary for the Convention to be amended in order to achieve this objective.

3 After careful consideration, ISF has concluded that amendments to the existing Convention should **not** be developed for the reasons outlined in paragraphs 4 -11 below, but which can be summarised as follows:

- a) Amendments are not necessary since IMO has already agreed in MSC/Circ.997 to publish a list of those governments that demonstrate compliance with Regulation I/8. Moreover, Section A-I/7, paragraph 4, of the STCW Code already requires the results of the quality standards reports, referred to in Regulation I/8, to be submitted to IMO, and the text of Regulation I/7 as a whole already provides for the evaluation of national quality standards reports to be conducted by “competent persons” and for the results of these evaluations to be published by the MSC.

- b) As a matter of principle, piecemeal changes to the mandatory parts of the Convention are generally undesirable unless absolutely necessary. Apart from adding to the confusion of those still digesting the radical changes made in 1995, there is a danger that unnecessary changes to IMO rules may put them into disrepute.

4 To elaborate in more detail, it will be recalled that STCW Regulation I/7 (and, more particularly, Section A-I/7, paragraph 2, of the STCW Code) concerns the submission of reports, by governments to IMO, providing documentary evidence of the legal and administrative measures taken before August 1998 to comply with the 1995 amendments. The submission of adequate reports led to a place on the so called STCW “white list” following evaluation by the IMO “competent persons”. Officially, of course, there is no reference to any “white list” in STCW. It is simply the name that has been given to the MSC circulars confirming the countries, which have been found to comply fully with the relevant parts of Regulation I/7.

5 However, Section A-I/7, paragraph 4, of the STCW Code also requires that the results of the quality standards reports required by Regulation I/8 are submitted to IMO, and MSC 74 decided that the deadline for the submission of quality standards reports should be February 2004.

6 MSC 74 has already confirmed that the national quality standards reports will be evaluated by panels of “competent persons” in the same way that the original “white list” reports were evaluated after August 1998. Guidance concerning the format and information to be contained in the national quality standards reports that must be submitted to IMO, and the action to be subsequently taken by IMO, is contained in MSC/Circ.997 dated 11 June 2001.

7 MSC.Circ.997 confirms that the MSC will issue a circular naming those countries which have submitted adequate quality standards reports. In strictly legal terms it could be argued that this will not replace the original “white list” issued in 2000 (and subsequently amended as additional countries have been added) since the requirements of STCW Regulation I/7, paragraph 2, specifically relate to the actions taken to comply with the 1995 amendments before August 1998. In practice, however, it is anticipated the circular listing those countries that have also complied with the quality standards requirements will be the list that is used by flag states and port states to assist with decisions concerning continuation of flag state recognition agreements or port state control targeting. It should also become the list that will be of principal interest to employers. In effect, therefore, it will be regarded as an updated “white list”.

8 The “white list”, of course, is simply shorthand for the lists to be published by the MSC in accordance with regulation I/7. The current text of Regulation I/7 states that the MSC shall issue a list of Parties that have demonstrated full and complete effect to the provisions in STCW based on the information required by **the whole** of Section A-I/7, i.e. both the information required in the original submission that had to be made prior to August 1998 (Section A-I/7, paragraph 2) **and** the results of national evaluations required by Regulation I/8 (Section A-I/7, paragraph 4). The additional list relating to compliance with quality standards is therefore already provided for in Regulation I/7. No further amendments to STCW should therefore be necessary.

9 There might be a concern that certain flag states could continue to recognise foreign certificates for service on their ships simply on the basis that the country of issue was on the original “white list”, and that flag states will not take account of whether the country concerned has complied with the quality standards reporting requirements confirming continuing

compliance. However, this is an issue which could be dealt with through clarification and advice in the form of an IMO circular, rather than an amendment to the Convention. In the current Convention there is no specific requirement which prevents flag states from recognising certificates from countries not included on the “white list”. However, the wording of Regulation I/10, concerning recognition of certificates, requires flag states to confirm “though all necessary measures” that the certificate issuing state being recognised complies with STCW. This implies that account should be taken of whether a Party being recognised is on the “white list”. It would also seem to imply that, to comply with regulation I/10, flag states should at least take account of whether a certificate issuing state it recognises has a place on any subsequent list issued by MSC concerning compliance with Regulation I/8.

10 In practice, it is assumed that the majority of Parties will submit their national quality standards reports to IMO at around the same time, i.e. between now and before February 2004, since even those Parties which included quality standards in their original “white list” report (submitted prior to August 1998) will be required to submit another five yearly quality standards report in any case.

11 As was decided with the first “white list”, the new list will presumably not be issued until all of the evaluations of reports submitted before February 2004 have been completed, i.e. a year or so later. Five years subsequently, when the next reports are required to be submitted, the situation will be the same, so that in effect an updated “white list” will indeed be published in five year cycles as requested by the MSC.

Conclusion

12 While some form of updated “white list” published at five year intervals is firmly supported, amendments to the STCW Convention do not seem to be necessary. However, the Sub-Committee might consider producing guidance, perhaps in the form a draft MSC Circular, clarifying the relationship between the new IMO “white list” concerning quality standards and the original “white list” published in 2000.

Action requested of the Sub-Committee

13 The Sub-Committee is invited to concur that:

- In view of the existing text of STCW Section A-I/7, paragraph 4, and the guidance already developed in MSC.Circ.997, there is no need to further amend the STCW Convention in order to permit the publication of a new list confirming compliance by governments with the quality standards provisions.
- A circular might be developed by the Sub-Committee in order to clarify the relationship between the new IMO “white list” and the original “white list” published in 2000. Such a circular might also take into account the comments of ISF contained in paragraphs 4-11 above.