



SUB-COMMITTEE ON STANDARDS OF
TRAINING AND WATCHKEEPING
34th session
Agenda item 4

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FOLLOW-UP ACTION TO THE 1995 STCW CONFERENCE

Procedures for updating of so-called "white list"

Submitted by the Russian Federation

SUMMARY

Executive summary: This paper is submitted in accordance with the provisions of paragraph 46.5 of Guidelines on the Organization and Method of Work of the MSC and the MEPC and their subsidiary bodies .
The note proposes procedures for updating the so-called "white list" and deals with reports submitted by Parties in accordance with section A-I/7 of STCW Code.

Action to be taken: Paragraph 3

Related documents: MSC 74/24, MSC/Circ.997, MSC/Circ/796/Rev.1, STW 33/5, STW 33/5/4, MSC 75/24

1 The Russian Federation supports the document in which Denmark (STW 33/5/4) has paid attention, that after 1 February 2004 the formal force of the so-called "white list" will be lost and it is necessary to work out the concept of its full updating. The interval of updating of the "white list" in 5 years is offered, believing, that independent evaluation will be submitted by the Parties through an interval which is not exceeding 5 years. The offer of Denmark actually stimulates development of explanations to existing procedures (MSC/Circ.796/Rev.1 and MSC/Circ.997), and also the development of amendments to the STCW 78/95 and STCW Code according to which the Party included in current "white list" may not appear in its following version because of non-observance of requirements of the Convention.

2 Nowadays due to the aggravating shortage of qualified officers in the shipping industry, the solution of task on updating the "white list" of STCW Convention, not provided in the Convention itself and highlighted by Denmark at MSC and STW, is of a great importance for the supply and demand countries.

3 If the "white list" will not be updated in intervals of 5 years the ideology and main principles of the Convention will be disturbed. Legal levers of it will be lost. The Convention will not work in full force that is extremely dangerous especially at deficiency of the officer staff. The demand can generate the poor-quality offer which will lower a level of safety and protection of environment.

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4 If the “white list” will be updated, there may occur the burden of economic and political problems connected with possible exception of some Parties from it. The majority of the supply-countries are developing countries, and deprivation of the population of these countries of very important clause of income can turn back economy, make social and political disasters, that hardly may be considered as a positive solution for the shipping industry. The market, naturally, will react to a situation earlier. So, the compromise solution should be developed.

5 The dropping out the Party from the “white list” after 1 February 2004 for non-compliance with the requirements of the Convention should not be a simple procedure and does not mean the instant non-recognition of it’s certificates of competency. The dropping out should be arranged by a "soft" algorithm. It is necessary to give the Party some “special period for rectification of errors” during the next 5 years when certificates of competency still can be recognized. In principle, the so-called “grey list”, including such Parties should be generated.

Action requested of the Sub-Committee

6 The Sub-Committee is invited to consider the procedures at annex and decide as appropriate.

ANNEX

PROCEDURES FOR UPDATING OF SO-CALLED “WHITE LIST”

1. The Party included in “white list” of STCW Conventions may be excluded from it under the MSC decision if this Party does not carry out the requirements of Regulation I/8 of the Convention.

2. If the panel of competent persons submits negative results on the report communicated by the Party on independent evaluation required by paragraph 3 Regulation I/8 or this report is not communicated to the Secretary general, the Party is admitted by MSC as not complying with requirements of the Convention. In this case MSC should request the Party to communicate the additional information within **three months** from the date of the request and include:

- .1 brief explanations of reasons of default of Convention positions;
- .2 the detailed information for last 5 years (from the date of request) about detention of own ships by FSC for infringement of requirements of the Convention, (infringements to specify);
- .3 the detailed information for last 5 years (from the date of request) about detention of Party flagged ships by PSC for infringement of requirements of the Convention, (infringements to specify);
- .4 the information on accidents and incidents which have taken place owing to infringement of requirements of the Convention with the indication of these infringements;
- .5 the list of national STCW 95 working documents with the indication of dates of their entering into force, and the sections of the Convention they cover;
- .6 the list of Parties recognizing the certificates of the given Party;
- .7 the list of Parties, which certificates are recognized by the given Party;
- .8 quantity of the national forged diplomas and the certificates which have been found out by the Party for last 5 years.

3. The package of the additional information is analyzed by the same panel of competent persons within period of **two months**, and the conclusion is sent to the Secretary-General for preparation the appropriate report on the given Party to the regular MSC session.

3.1 If in view of additional information MSC changes the point of view and accepts the positive decision, the given Party remains in the “white list”. In this case MSC requests the Party to rectify the deficiencies fixed on the initial report within 1 year and communicate the appropriate information to the Secretary-General in writing, or to present the new information according to Regulation I/8.

3.2 If in view of new information MSC does not change the point of view the Party is confirmed as not complying with the STCW requirements and **conditionally excluded** from the “white list” and transferred to so called “Grey list”.

4. During the 5-years period of time which is admitted as *special period* for the given Party, since date of its inclusion into the “Grey list “:

- .1 all certificates and endorsements are issued to seafarers within time when the Party was in the “white list” irrespective of date of their delivery are considered valid;
- .2 seafarers to whom the certificates are issued within the *special period* can make individual contracts on a recognition of their certificates and endorsements;
- .3 the Party should take the obligation to rectify the available deficiencies and submit the written report to the Secretary general about their rectification;
- .4 the report of the Party should be subjected to analysis by the panel of competent persons. In case of the positive decision the simplified procedure to return of the Party into the “white list” is required.
- .5 for rectification of deficiencies the Party ,if it is necessary, may request the technical assistance from IMO.
- .6 for rectification of deficiencies the Party may request the technical assistance from the Parties recognizing it’s certificates.

5. Within the special period MSC can recommend:

- .1 Administrations to take all necessary measures on rectification of the found out deficiencies and to ensure the careful control of performance of the Convention requirements by all structures involved in MET and certification;
- .2 to ensure more the strict control of the personnel of ships having certificates, issued by the given Party within fixed intervals under Article X of Convention.

6. If on the basis of MSC conclusion the Party after termination of 5-years of the special period has not been transferred into the “white list”:

- .1 the Parties having undertakings on recognition of certificates with the given Party according to Regulation I/10, are obliged to cancel these undertakings;
- .2 recognition of certificates by other Parties may be arranged only on a personal basis, and the seafarer/student should be informed by Administration that his/her certificates now are not admitted at the international level.
- .3 nothing under the Convention prevents to employ seafarers for the national fleet.

7. For re-inclusion of the dropped out Party from the “Grey list” into “white list” it is necessary to execute all the procedures according to Article IV and Regulation I/7 of the Convention.
