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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 regular updating of the list of confirmed STCW Parties

Note by the Secretariat

SUMMARY

- Executive summary:** This document reports on discussions at MSC 75 with respect to updating of the list of confirmed STCW Parties (the so-called 'white list') and makes proposals for procedures to regularly update the list
- Action to be taken:** Paragraph 11
- Related documents:** MSC 75/24; MSC 74/24; MSC 75/9/3; STW 33/17; MSC/Circ.796/Rev.1; MSC/Circ.997

Background

1 The Committee, at its seventy-fifth session (15 to 24 May 2002), noted the Sub-Committee's consideration of a proposal to review and update the list of confirmed STCW Parties at five-yearly intervals (STW 33/17, paragraphs 5.8 to 5.12) and the views expressed by Denmark (MSC 75/9/3) reiterating the view it had expressed at MSC 74 (MSC 74/24, paragraph 7.7) that, for the concept of a list of confirmed STCW Parties to have any meaning, a completely new list should be adopted at fixed intervals.

2 The Committee agreed that a 5-yearly cycle of updates of the list of confirmed STCW Parties should be adopted and instructed the Sub-Committee (MSC 75/24, paragraph 9.11) to:

- .1 prepare the procedures necessary for regular updating of the list; and
- .2 consider whether it was necessary for the STCW Convention or STCW Code to be amended to adopt these procedures.

The Committee also agreed that the work should be completed within two sessions of the Sub-Committee. In order to assist the Sub-Committee in its work in developing procedures, the Secretariat has prepared preliminary draft procedures in paragraphs 6 to 9 below for its consideration.

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Current procedures

3 The procedures for the Maritime Safety Committee to comply with STCW regulation I/7, paragraph 3 are set out at annex to MSC/Circ.796/Rev.1. In summary, on receiving reports submitted by the Secretary-General, the Committee considers the reports and takes the following action:

- .1 identifies the scope of information evaluated by the panels;
- .2 reviews the Procedures Report to identify any entries requiring clarification;
- .3 reviews the information presented in comparison table format to ensure that it is consistent with the Secretary-General's report; and
- .4 confirms that each report reflects that the procedures for the assessment of the information provided by the Parties concerned have been correctly followed.

Following confirmation by the Committee, the practice adopted has been to issue an MSC Circular immediately after the relevant meeting of the Committee listing at annex those Parties that have been confirmed by the Committee, to date, as having been found to be giving the Convention full and complete effect.

Reports of independent evaluations required by regulation I/8

4 The Committee, at its seventy-fourth session (30 May to 8 June 2001), in order to facilitate the review of independent evaluations required by regulation I/8 of the STCW Convention and section A-I/7, paragraph 4 of the STCW Code, agreed the procedures as set out in MSC/Circ.997. These procedures follow closely those set out at annex to MSC/Circ.796/Rev.1 as summarised above.

5 The Committee also agreed that, in respect of Parties that had not submitted reports of independent evaluations at the same time as the information communicated in accordance with section A-I/7 of the STCW Code, the 'deadline' for their submission was 1 February 2004 or, for those Parties that became STCW Parties after 1 February 1997, within 6 years and 6 months of that date. Parties will therefore not all communicate information on reports of independent evaluations at the same time due, amongst other things, to the differing dates of original implementation of quality standards systems by Parties and various dates of entry into force of the Convention for Parties.

Preliminary proposal

6 The Committee has agreed that a 5-yearly cycle of updates of the list of confirmed STCW Parties should be adopted. Some delegations have also proposed that any revision of the list be undertaken in conjunction with the reports of independent evaluations required by section A-I/8 of the STCW Code. As noted in paragraph 3 above, the MSC Circular listing at annex those Parties found to be giving the Convention full and complete effect is the outcome of the communication of information process. The outcome from the evaluation of reports of independent evaluations process is yet to be agreed but it can be anticipated that any information promulgated at the end of the process will be in the form of an MSC Circular. If this is the case, an opportunity appears to exist to combine the outcomes from the two processes in one MSC Circular. One possible way forward is as follows.

7 After confirmation by the Committee that the Secretary-General's reports on independent evaluations demonstrate that a Party on the list is also giving full and complete effect to the provisions of regulation I/8 of the STCW Convention, that situation is indicated in an expanded list.

As a Party may communicate its report on time but, due to the speed of work of the competent persons the Secretary-General may not be in a position to report to the next MSC meeting, the date on which the report is due to be communicated and an indication that it has been communicated on time, is also proposed for inclusion in any expanded list of confirmed STCW Parties. An example of how such information could be presented is given at annex.

8 As can be seen from the shaded cells in Table 2 of the annex, Parties C and G have fulfilled their obligations to communicate information on reports of independent evaluations but the Secretary-General has yet to make a report to the Committee. The delay may be due to the time taken for the competent persons to complete their evaluation (due to such factors as awaiting clarifications from the Party concerned) or a late communication of the information to the Secretary-General. Party F has yet to fulfil its Convention obligation to communicate a report of independent evaluation.

9 From the information contained in the table and, assuming a revised expanded list is issued after every meeting of the Committee, Member Governments can readily identify those STCW Convention Parties that have demonstrated that they have been found to be giving the Convention full and complete effect and that have met or are meeting their continuing obligations under regulation I/8. Administrations, port State control authorities, shipowners and others may then, based on the information in the expanded list, decide to take any action they consider appropriate when recognizing certificates under regulation I/10; conducting port State control inspections or engaging seafarers for service on their ships.

Summary

10 The preliminary draft procedures proposed by the Secretariat combine the outcomes from the procedures agreed by the Committee in MSC Circulars 796/Rev.1 and 997, slightly expanded to indicate the status of progress with respect to reports of independent evaluations. The Sub-Committee may wish to consider this way forward for regular updating of the list and, in the light of this preliminary proposal, consider whether it is necessary for the STCW Convention or STCW Code to be amended.

Action requested of the Sub-Committee

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

ANNEX

Table 1Possible situation **before** the deadline of 1 February 2004

MSC Circular issued on 1 June 2003				
STCW Party	Date of initial report of independent evaluation* (a)	Report communicated	Confirmed by MSC	Date next report due to be communicated (a) + 5 years
A	1 August 1998	X	X	1 August 2003
B	-	-	-	1 February 2004
C	1 December 1997	X	X	1 December 2002
D	1 October 2002	X	-	1 October 2007
E	1 May 2003	X	-	1 May 2008
F	-	-	-	1 February 2004
G	-	-	-	1 February 2005**

* Dates only included for those Parties which communicated reports before 1 February 2004

** Party with entry into force date after 1 February 1997

Table 2Possible situation **after** the first deadline of 1 February 2004

MSC Circular issued on 1 June 2005				
STCW Party	Date of last report of independent evaluation (b)	Report communicated	Confirmed by MSC	Date next report due to be communicated (b) + 5 years
A	1 August 2003	X	X	1 August 2008
B	1 February 2004	X	X	1 February 2009
C	1 December 2002	X		1 December 2007
D	1 October 2002	X	X	1 October 2007
E	1 May 2003	X	X	1 May 2008
F	1 February 2004			
G	1 February 2005	X		1 February 2010