



SUB-COMMITTEE ON STANDARDS OF
TRAINING AND WATCHKEEPING
34th session
Agenda item 5

STW 34/5/5
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UNLAWFUL PRACTICES ASSOCIATED WITH CERTIFICATES OF COMPETENCY

Implementation of quality standards in efforts to reduce unlawful practices

Submitted by the Republic of Croatia

SUMMARY

Executive summary: This document makes proposal for eliminating unlawful practices associated with certificates by corrective actions required by Regulation I/8 of the amended STCW Convention 1978 and the Section A-I/8 of the STCW Code. The paper also provides responses on some of the issues and action points raised at STW 33

Action to be taken: Paragraph 6

Related documents: STW 33/6; STW 33/17, paragraphs 6.23 to 6.25

Introduction

1 The Republic of Croatia considers actions and additional measures that need to be taken to deal with the issue of fraudulent certificates or of equal concern to the issuing of authentic certificates on the basis of forged foreign certificates as a very important issue for an in depth consideration during STW 34. At the same time the potential consequence to safety, environment, and maritime security, posed by the seafarers holding fraudulent certificates should not be underestimated.

Role of the Administrations

2 After comprehensive review of the documents STW 33/6 and STW 33/17 the working group consisting of experts from the Ministry of Maritime Affairs, Transport and Communications of the Republic of Croatia has concluded that that the existing IMO instruments and in particular amended STCW Convention 1978 can ensure measures to facilitate effective enforcement of anti-fraud measures in particularly at the level of the Administration concerned.

Quality Standards

3 Based on our experience gained from the implementation of the Regulation I/8 of the STCW 1978 Convention, as amended and Section A-I/8 of the STCW Code the administration of the certification system, as the field of application of the quality standard prescribed by Paragraph 2 of the Section A-I/8 of the STCW Code, must include measures to prevent unlawful practices associated with certificates. Further more STCW Regulation I/5 prescribes that each

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Party should prescribe penalties and disciplinary measures for cases which include fraud or the use of forged documents. Therefore we believe the existing legal framework already provides instruments for management control and the follow up actions for improvement of the measures against fraud and forgery.

Independent evaluation

4 The independent evaluation and measures of internal management control such as internal quality assurance reviews in relation to the measures to prevent unlawful practices associated with certificates should therefore ensure:

- .1 compliance with planned arrangements and documented procedures in relation to the unlawful practices associated with certificates, including penalties and disciplinary measures of sufficient severity to discourage violations by all involved in fraudulent practices;
- .2 effectiveness of such measures;
- .3 timely follow up action to correct deficiencies.

Action requested of the Sub-Committee

5 The Sub-Committee is invited to consider this document under agenda item 5 as the proposal which should facilitate progress on this important issue and assist the development of guidelines to combat the problem on an international basis.
