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COMPREHENSIVE REVIEW OF THE STCW CONVENTION AND THE STCW CODE

Submitted by Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom and the European Commission

SUMMARY

Executive summary: MSC 81 instructed the STW Sub-Committee to define the issues to be reviewed before embarking on the actual revision of the STCW Convention and STCW Code. The above States, members and future members of the European Union, and the European Commission, put forward certain areas that should be considered for inclusion, in due course, in the comprehensive review of the STCW Convention and the STCW Code, as appropriate. This document is submitted in accordance with the Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies (MSC/Circ.1099-MEPC/Circ.405).

Action to be taken: Paragraph 6

Related documents: STW 37/18, STW 38/6 and MSC 81/25

Background

1 The Maritime Safety Committee (MSC), at its eighty-first session, decided to include in the work programme of the Sub-Committee on Standards of Training and Watchkeeping (STW) and the provisional agenda for STW 38 a high priority item on a "Comprehensive review of the STCW Convention and the STCW Code", with target completion date of 2008. The Committee instructed the Sub-Committee to define, as a first step and before embarking on the actual revision of the Convention and Code, the issues to be reviewed and advise it accordingly, for the Committee to endorse subsequently the scope of the revision.

2 As a second step and following the Committee's endorsement, the Sub-Committee will undertake, in due time, the authorized review of the STCW Convention and Code.

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3 The co-sponsors reiterate their support for a comprehensive review of the STCW Convention¹ and Code and consider the review as a good opportunity to redress any inherent inconsistencies, clarify potential interpretation problems and upgrade seafarers' competences to adapt them to the prerequisites of modern technologies and the needs of the shipping industry.

4 The co-sponsors reviewed therefore the STCW Convention and Code and identified a number of areas that would need revision in order to assist the Sub-Committee in an in-depth discussion aimed to define in the end the scope of the review of these instruments.

Scope of the proposal

5 The co-sponsors concur with the illustrative list of issues to be reviewed in the Convention and Code, as identified during STW 37 and specified in annex 7 to document STW 37/18, while they put forward and emphasize in particular the following issues to be included in the scope of the current review:

- .1 **Certificates, endorsements and prevention of fraud:** In view of the proliferation of fraudulent practices associated with certificates of competency, it is essential to enhance prevention of such practices to combat any malpractices or fraud. These goals could be achieved by including in the Convention and Code a provision requiring that certificates of competency are to be issued exclusively by the Administration. An issuing Administration should ensure that certificates of competency are issued only after verification of the authenticity and validity of documentary proof. In this respect, the incorporation of a definition of certificates of competency should be also considered in order to distinguish such certificates from the ones issued on the various professional subjects. Besides, an Administration, which recognizes a certificate under Regulation I/10 should verify it before issuing an endorsement to attest its recognition;
- .2 **Near-coastal voyages:** Current discrepancies in the definition of near-coastal voyages may result in unfair competition between operators and problems in relation to Port State Control. Clarification is therefore required to ensure in particular that administrations do not achieve an unfair commercial advantage by adjusting coastal limits with commercial advantage in mind. Hence, the introduction of an explicit definition of near-coastal voyages and common principles governing these voyages should be considered, taking into account other relevant parts of the Convention, while Section B-I/3 could be transferred to the mandatory part of the Code;
- .3 **Control of compliance with the provisions of the Convention:** Competence of seafarers is undoubtedly a crucial factor for safeguarding safety and security at sea and preserving the marine environment. Bearing in mind that human error is considered to be a contributory factor in the occurrence of numerous maritime accidents, it is necessary to ensure that the existing requirements are effectively applied and that Parties comply with all relevant provisions of the Convention and Code and enforce them as appropriate.

¹ The Articles of the Convention should be excluded from the revision process unless there is an overriding need.

Hence, it is essential to provide for a specific mechanism for monitoring the effective application of these requirements. Besides, a procedure for ensuring an appropriate follow-up to the “White list” of complying countries is critical in this respect. This process could be accomplished by means of a more rigorous independent evaluation procedure prescribed by Regulation I/8, as well as the relevant provisions of Regulation I/7 and Section A-I/7;

- .4 **Basic training – Marine environment awareness:** The importance of human factor and of the protection of the marine environment has gained widespread recognition and acceptance internationally in recent years. The marine environment can be better protected if seafarers are better educated in marine environment matters within their basic training;
- .5 **Medical fitness standards:** The overall medical fitness of seafarers is essential for a sustained performance and thus crucial for ensuring safety at sea and the protection of the marine environment. Existing discrepancies in medical standards stemming from the lack of mandatory common medical standards may be detrimental in this respect, while they may obstruct recognition of certificates.

It is important therefore to consider, in line with Resolution 9 of the STCW Convention, the development of international standards of medical fitness for all seafarers, associated with their responsibilities on board, as well as the inclusion of a standard on a common medical certificate. This endeavour should be done in cooperation with the International Labour Organisation (ILO), the World Health Organisation and the International Maritime Health Association and any relevant texts;

- .6 **Responsibilities of companies:** Considering the wide range of professional subjects and the associated required skills, as well as the sophistication and rapid evolution of marine equipment, re-training of seafarers on all related professional subjects is absolutely crucial for maintaining competency and adequate performance. In view of recent STW and MSC circulars on strengthening the effectiveness of both on-board and on-shore familiarisation training, it is necessary to define the responsibilities of shipping companies in this respect.

Responsibilities of companies should therefore encompass continuous and familiarisation training on all professional subjects, involving both onboard and shore based training. Specific reference should be made in this respect to the possibility to use innovative training methodologies, especially as regards theoretical training, by means of distance learning methods (such as e-learning, on-line learning, computer based training, correspondence courses), bearing in mind the growing importance and acceptability of such methods. Besides, companies should be made liable for ensuring that all seafarers onboard a ship are duly qualified. These responsibilities could be defined taking due account in particular of the requirements of the International Safety Management (ISM) Code, as well as Resolution 8 of the STCW Conference, and implemented as part of the Safety Management System (SMS) according to the International Safety Management (ISM) Code;

- .7 **Competency on electrical engineering and electronics:** The increasing involvement of electronics in the operation of ships and the rapid technological developments call for specific knowledge and abilities. In order to attain a consistent level of training and minimum standards of competency across the industry, it is necessary to ensure that the relevant competencies can be gained by the development of specific training and certification requirements as regards this important branch of the engineering department;
- .8 **Communication on board:** The relevant existing requirements should be reviewed to ensure efficient communication on board all ships as regards safety and in particular on board passenger ships and ro-ro passenger ships, as well as between the ship and the shore-based authorities;
- .9 **Alternative certification:** At present the existence of dual purpose officers and general purpose ratings allow for horizontal flexibility in the manning of ships and the way the work is organised on board. However there is also a need to consider the possibility of vertical flexibility, where specialist and other functions can be more evenly distributed among the crew. Therefore, the relevant provisions of the STCW Convention and Code should be examined in order to assess the need for adapting the pertinent provisions;
- .10 **Fitness for duty:** Human factors seem to be increasingly involved in maritime accidents and identified as a root cause in incidents jeopardising safety at sea. Among these factors, fatigue is perceived as one of the main contributing factors to the occurrence of maritime accidents. The consequences of fatigue are impaired performance and reduced alertness, abilities that indeed are vital for an industry that requires constant alertness and intense concentration from seafarers. The current provisions of the STCW Convention and Code are restricted to watchkeeping personnel. Besides, they differ in some respects from the requirements of the Convention C 180 on Seafarers' Hours of Work and the Manning of Ships, 1996 of the International Labour Organisation (ILO), as regards in particular the obligation to maintain a record of hours of work or rest and the minimum hours of rest;

For these reasons and in order to eliminate any discrepancies with existing international requirements, the relevant provisions of the STCW Code and of ILO Convention C 180 should be examined;

- .11 **Maritime Security:** Bearing in mind that work on the review of the Convention and Code in respect of security provisions is further advanced in that MSC 81 has already authorised STW to start developing appropriate amendments, as recorded in document STW 38/6, security related provisions may be ready prior to completion of the review of the Convention and Code as a whole. In these circumstances, it would be wise to give consideration to the way forward. It would in the view of the co-sponsors be preferable to limit security related amendments to the Code and the Annexes of the Convention, thereby avoiding a lengthy process of revision of the Articles of the Convention themselves. STW is requested to clarify its views on this issue and make a recommendation to MSC to specify relevant instructions to the Sub-Committee in this respect;

As regards the security provisions themselves, the co-sponsors consider that for shipboard personnel without specific security tasks the requirements should remain at the level of familiarisation training on security concerns and awareness and not be extended to detailed training and skills including specific security knowledge and capacities;

- .12 **Pleasure Yachts and commercially operated yachts:** Pleasure Yachts are specifically excluded from the STCW Convention. Since the development of the 1995 Amendments to the Convention there has been a marked growth in the large yacht market encompassing both commercial and private yachts. It is therefore necessary to examine the question of qualifications and training of crew operating such yachts;

Besides, a number of administrations have also concluded that although commercial yachts are not excluded from the Convention, it is unreasonable to expect the owners/operators of such vessels to comply fully with the STCW requirements. As such, a number of Codes of Practice have been developed as an acceptable alternative to the Convention. As such Codes are becoming more common (e.g. Italy, New Zealand and the United Kingdom have similar Codes of Practice) and as these vessels become more common, the inclusion of such training within the Convention as a separate chapter would be an obvious and useful development to ensure harmonised international standards in this field;

Such new requirements should not undermine existing standards applying to passenger ships. Besides the distinction between yachts and passenger ships should be clarified;

- .13 **Communication of information:** Regulation I/7 and the related Sections of the Code should be amended in order to clearly indicate that amendments to the STCW Convention and the STCW Code are not subject to the provisions of this Regulation (This was the decision of the MSC). However, the implementation of amendments to the STCW Convention and the STCW Code should be examined under Regulation I/8 regarding Quality standards;
- .14 **Registration of certificates:** Regulation I/9 and the related Sections of the Code should be amended to require Parties to the STCW Convention to maintain as well a register for certificates issued to ratings;
- .15 **Recognition of certificates:** Regulation I/10 and the related Sections of the Code should be amended in order to allow for the issue of "Proof of application for the issue of an endorsement" to radio Officers;
- .16 **Minimum standards of competence for the management level as regards tankers:** Regulation V/1 and the related Sections of the Code should be divided into different parts corresponding to the different types of tankers in order to include standards for training and qualifications for the management level on Oil tankers, Chemical tankers, Liquefied Natural Gas tankers and Liquefied Propane Gas tankers. Certificates issued under this Regulation should not require an endorsement;

- .17 Finally, **consequential adjustments** stemming from the introduction of amendments and the work of the STW Sub-Committee within its current work programme should be introduced in the Convention and Code. The requirements related to security, definitions and clarifications (such as with regard to the meaning of “crew”, or omissions such as definition of “passenger ship”), the quality standards system, demonstration of competence in Chapter VI and standards of competence for ratings are of particular relevance in this respect. Lastly, any potential inconsistencies between the different sections of the text should also be redressed.

Action requested of the Sub-Committee

6 The Sub-Committee is invited to consider the inclusion of the above issues in the review of the SCTW Convention and STCW Code and take action as appropriate.
