



IMO

E

SUB-COMMITTEE ON STANDARDS OF
TRAINING AND WATCHKEEPING
38th session
Agenda item 12

STW 38/12/9
16 November 2006
Original: ENGLISH

COMPREHENSIVE REVIEW OF THE STCW CONVENTION AND THE STCW CODE

Submitted by Estonia, France, Germany, Lithuania

SUMMARY

Executive summary: This document contains a proposal for issues to be reviewed in amending the Annex to the STCW Convention and the STCW Code in order to introduce a mandatory alcohol limit, including ancillary measures, and to enhance international exchange of information on alcohol-related incidents on board seagoing vessels

Action to be taken: Paragraph 11

Related documents: MSC 81/23/17, MSC 81/25 and STW 37/18

Introduction

1 The Maritime Safety Committee (MSC), at its eighty-first meeting (10 to 19 May 2006), considered document MSC 81/23/17 (submitted by Belgium, Denmark, Germany, Greece, Ireland, Latvia, Poland, Portugal and Sweden) and endorsed the proposal to amend the STCW Convention and the STCW Code to introduce mandatory alcohol limits on board seagoing ships for all watchkeeping personnel.

2 The Sub-Committee on Standards of Training and Watchkeeping (STW), at its thirty-seventh session (23 to 27 January 2006) considered the need for a comprehensive review of the STCW Convention and the STCW Code and invited the Committee to add a new item on the Sub-Committee's work programme and subsequently to the provisional agenda for STW 38 "Comprehensive review of the STCW Convention and the STCW Code".

3 The Committee endorsed the proposal of STW 37 and instructed the Sub-Committee to define, as a first step, the issues to be reviewed and to advise the Committee accordingly, before embarking on the actual work, for the Committee to endorse the scope of the review of the instruments, and the Sub-Committee to undertake, as the second step, the authorized review in a systematic and organized manner. It was also decided to consider the introduction of mandatory alcohol limits during watchkeeping and other shipboard duties under this agenda item.

4 So far IMO had set up specifications to deal with the problem of alcohol abuse via the non-mandatory part B of the STCW Code, section B-V-VIII/2 - Guidance regarding watchkeeping arrangements and principles to be observed, Part 5 - Guidance on Prevention of Drug and Alcohol Abuse. In particular, according to paragraph 35 administrations should consider developing national legislation prescribing a maximum of 0.08% blood alcohol level (BAC) during watchkeeping duty as a minimum safety standard on their ships.

Policies on alcohol limits

5 On the national level, a number of State Parties have introduced such limits. By way of example, Germany has lowered the general limit to 0.05% BAC for all seafarers on duty. Furthermore, an alcohol prohibition has been imposed for officers in command of a ship and members of the ship's crew serving on both passenger ships and tankers transporting noxious or environmentally hazardous substances in bulk including nuclear materials.

6 Shipping industry has set in place a Safety Management System (SMS) that encompasses alcohol policies. Among a number of shipping companies, operating tankers, ferries, cruise ships and container vessels, a zero tolerance policy is in force.

7 Medical research increasingly proposes a limit of 0.05% BAC (MSC 81/23/17, annex, paragraph 2.6).

Scope of review

8 A mandatory, medically-scientifically well-founded BAC limit of 0.05% for watchkeepers and alcohol prohibition for officers and crew sailing on tankers transporting hazardous substances in bulk and passenger ships should thus be considered. This could be done via a new paragraph to regulation VIII/1 "fitness for duty" to the STCW Convention, and a new paragraph to the respective Section A-VIII/1 of the STCW Code. A uniform maximum BAC limit would establish a globally applicable threshold for flag States and would enhance legal certainty for port State control and penal action. A legal basis would be provided for on-the-spot inspections by authorized institutions such as police or coast guard in case of suspicion, thus strengthening maritime safety.

9 In addition to setting the mandatory BAC maximum level at 0.05%, a review of amendments of the STCW Convention and the STCW Code could, *inter alia*, cover the following aspects:

- .1 fitness for duty could be amended to cover alcohol impairment besides prevention of fatigue;
- .2 a prohibition to consume alcoholic beverages while under way, and to be under the influence of alcoholic beverages when going on duty for all officers in command and members of the crew performing duties on both passenger ships and tankers transporting noxious or environmentally hazardous substances in bulk including nuclear materials;
- .3 control by way of random testing;
- .4 specific education on prevention of alcohol abuse.

10 In the aftermath of ship accidents, an obligation on Contracting Parties of the STCW Convention to exchange information on alcohol-related incidents involving foreign seafarers or ships under foreign flag should be considered. This would facilitate gathering evidence for administrative (e. g. temporary or final withdrawal of a certificate) and penal sanctions under the respective domestic law.

Action requested of the Sub-Committee

11 The Sub-Committee is invited to take note of the proposal and take action as appropriate.